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BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

REGULAR MEETING

JANUARY 12, 1999

**Paul Duran, Chairman
Richard Anaya, Commissioner
Javier Gonzales, Commissioner
Joe Griñé, Commissioner
Marcos Trujillo, Commissioner**

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January 12, 1999

This regular meeting of the Santa Fe Board of County Commissioners was called to order at 5:05 p.m. by Chairman Paul Duran in the Santa Fe County Commission Chambers.

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

Members Present

Commissioner Paul Duran, Chairman
Commissioner Joe Griñé
Commissioner Richard Anaya
Commissioner Marcos Trujillo
Commissioner Javier Gonzales [late appearance]

Members Absent

IV. INVOCATION

Pastor Jimmy Sandoval from Grace Community Church gave the invocation.

V. APPROVAL OF AGENDA

CHAIRMAN DURAN: Are there any changes to the agenda?

DAVID WOLF (County Manager): Yes, Mr. Chairman, Commissioners, there's a couple of changes. Item VII. E. 1. Part a, Pending or threatened litigation. We need to be more specific and add update on Santa Fe County vs. PNM. And on item VII. E. 1.b., under Purchase or acquisition of water rights, again to be more specific, add discussion or possible purchase of the Hagerman well and water rights and discussion of possible purchase of real property for replacement of public housing.

And then there is under item VIII. E. 11, I believe has been requested to be tabled, CDRC Case #V 98-5580.

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CHAIRMAN DURAN: David, I have a little concern on this particular item. It's been tabled for about three or four meetings now and I'm worried that when it finally does come before us that all those people that might want to voice their opinion on it don't come to the meeting because every time it's been up here we've tabled it. So I'm wondering if it's a possibility to just remove it from the agenda until the applicant is able to fulfill the requirements of the Land Use Department and then go through the formal process of notifying the public.

MR. WOLF: Mr. Chairman, I don't see a problem with that. So it wouldn't be tabled; it would actually be deleted from the agenda and then brought back formally when it's ready to go forward.

CHAIRMAN DURAN: And it's mainly just because it really needs -- they're asking for a variance and I think that because the property is in the highway corridor that it's a very sensitive issue and I'm just afraid that those people that are concerned with the height of the tower aren't here at the meeting to voice their opinion. So why don't you check that out with Rudy and see what we can do about that. As long as the public is given adequate notice that this is going to be before us that might work. But my only concern again is that we've tabled it four times already and they might be getting a little tired of coming before us.

MR. WOLF: Sure. I understand.

CHAIRMAN DURAN: Are there any other changes to the agenda?

MR. WOLF: No, Mr. Chairman.

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

VI. APPROVAL OF MINUTES: December 29, 1998

Commissioner Trujillo moved to approve the minutes as presented and Commissioner Grifé seconded his motion. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

VII. STAFF AND ELECTED OFFICIALS

A. County Clerk

1. **Resolution No. 1999-1. A resolution calling for an election for the purpose of electing municipal officers for the town of Edgewood**

BECKY BUSTAMANTE (County Clerk): Mr. Chairman, members of the

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last year. I think there was a minor change to what notice is required for an emergency meeting and Denice can explain that further if you have any question on that.

Commissioner Griñé moved to approve Resolution No. 1999-2 and Commissioner Trujillo seconded the motion. The resolution was approved by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

VII. B. 2. Request authorization to enter into a collective bargaining agreement with AFSCME

MR. WOLF: Mr. Chairman, Commissioners, our personnel director, Arturo Rodriguez will pass out the contract that has been ratified by AFSCME, which is the American Federation of State, County and Municipal Employees. Negotiations have been completed between Santa Fe County and AFSCME. It's New Mexico Council, 1780-2. AFL-CIO regarding the new contract for the union, the collective bargaining employees.

I'll go over just a few items which are the significant components of the contract. They are first of all, a 4% across the board increase. Second, the salary schedule will be adjusted to reflect that 4% increase. Implementation of a new classification and salary schedule. One-half percent per year in class salary adjustment up to the mid-point of that range. Holiday pay at double time-and-a-half, and shift differential of 6% and 12% for swing and graveyard shifts respectively. The agreement will become effective on January 12, 1999.

And, Mr. Chairman, I was just notified that the union would like to say a couple words if that would be okay.

CHAIRMAN DURAN: So let the record show that Commissioner Anaya has joined us. Please state your name and address for the record please.

JOE ALVAREZ: My name is Joe Alvarez and I thought negotiations went real well and I'd like to see the contract ratified by the Commission. Thank you.

CHAIRMAN DURAN: Thank you, Joe. Are there any questions of David. If not, what's the pleasure of the board?

Commissioner Trujillo moved to approve the bargaining unit agreement between AFSCME and Santa Fe County. Commissioner Griñé seconded the motion which passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

CHAIRMAN DURAN: The motion carries. Congratulations, everybody.

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VII. C. MATTERS OF PUBLIC CONCERN - NON-ACTION ITEMS

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

RITA HORTON: I am Rita Horton, 294 Broken Arrow Trail, Edgewood, New Mexico. Do I say anything other than that?

CHAIRMAN DURAN: No.

MS. HORTON: Mr. Chairman, Paul Duran, I have delivered to you the Estancia Basin Water Plan. When you read it you will find that by the year, I believe, 2020, depletion is going to have to be limited to 10,000 acre-feet for the entire basin. That's a very comprehensive study. Now what I'm going to read to you is in the hands of the Lieutenant Governor and he has read it. Is Mr. Gonzales here? No. Mr. Trujillo, Mr. Anaya, and our own Joe Griñé, I have consecutively presented to each of you the hydrologic map, 93416, by the USGS of the 360 square miles of the Estancia underground basin in southern Santa Fe County, showing the areas of the draining of the tremendous volume of fossil waters during the past 50 years. The fossil waters are almost gone. And with those waters goes the extinguished rights to those waters. When the mother lode is gone the people move on. You cannot pump fossil waters twice.

You have a small map of the hydrographs. The hydrographs show the desert hydrologic cycle recharge to the aquifer from 1948 to 1965 as well as establishing the use of the fossil waters. As Governor Bruce King appointed his own State Engineer with a directive to establish the administrative criteria for controlled for water mining of the Estancia underground water basin in 1965 you see little recharge in the hydrologic cycle. The hydrographs plummeted with accelerated draw-down. You do see the droughts. You have the Mustafa Chudnoff depositions that the Kings have the rights to totally and legally dewater the basin in southern Santa Fe County and export that water to wherever they wish. The King family still claims the rights to the water which is gone.

The Office of the State Engineer has set a precedent in approving Solana Subdivision for service of water based upon a 1988 publication of change of use and change of place of use for approval of subdivisions, 100-year or 70-year water availability. You have the two letters, one from Ed Ytuarte, Subdivision Review Department -- I believe he's the director - - of the Office of the State Engineer, which establishes that Jeffrey Peterson, Geohydrologist of Bernalillo County, questioned Ytuarte's approval of Solana Subdivision based upon an advertisement of 1988 and not on any hydrologic studies and which urges Peterson to approve Solana, and approve the portion of water from the damaged basin with no need for the geohydrology studies documenting water availability for 100 years in Santa Fe County and 70 years in Bernalillo County.

The second letter shows Peterson acted according to the demands of the Subdivision Review Department of the Office of the State Engineer. The pipeline is already constructed for the exportation of 8,000 to 10,000 acre-feet of water annually from this badly damaged

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and dewatered basin. The contracts are already in hand for the exportation of that water, but the hydrographs prove the damage to the basin. The comparison between Entranosa well log and the nearest hydrograph to that well established a loss to the aquifer of 45 feet, averaged over the past eight years, projecting a life of less than 25 years left in basin fill storage. The landowners and residents of southern Santa Fe County are dependent upon basin fill storage for water for their private wells. The endangered public welfare has been denied the protection which was granted by statute in 1985.

I am requesting a court injunction against Kings' Pine Canyon Ranch to prevent pumping of the wells for delivery of water to Entranosa Water Cooperative, as well as a tabling of the Entranosa request for approval of the pump station and tank until those geohydrology studies, based upon the lowering of the wells to 800 feet establishing the zones of water availability and proving 100-year water availability from the Kings' Pine Canyon Ranch. I have researched the library of the State Engineer. I can find no studies there. We have to have those studies. We can already see by the actions in the State Subdivision Review Board that they aren't interested in any geohydrology studies of the Pine Canyon Ranch.

Irrigated agriculture, as you can see by the map, has never been sustainable in the Estancia Valley. For the past 50 years the Kings have been dewatering 360 square miles of irreplaceable fossil water. When the basin fill storage is dry, you will have only the desert hydrologic cycle. Study the droughts and recharge. Hydrographs all over the basin show the regional dewatering as shown from old data, 1985 to 1989. There are no known static water levels from Kings' Pine Canyon Ranch. They cannot be found in the library of the State Engineer any geohydrology study by Kings' Pine Canyon Ranch. There is a twelve-inch pipeline capable of exporting between 8,000 and 10,000 acre-feet of water annually from this badly damaged and dewatered basin ready for shipment to Entranosa Cooperative, Paako, Solana, Vista del [inaudible] or the new Deming Buena Vista Land Corporation with 25 acre-feet of water rights to service 23 square miles in Bernalillo County plus [inaudible] Santa Fe --

Each of these corporations will have to prove 70-year water availability for Bernalillo County. Documentation in hand shows less than 25 years of life left in basin fill storage. I request a tabling. I have appealed to Lt. Governor Walter Bradley for help. We need help to have to face a future of only 10,000 acre-feet per year depletion from the entire basin is not a good sight. Bernalillo County has not done its studies. Santa Fe County has not done its studies. I believe there is more water available from the Sandias.

CHAIRMAN DURAN: Excuse me, Ms. Horton, are you here at this point in time addressing CDRC Case Z 98-5600?

MS. HORTON: I am. I want the pump station and tank tabled.

CHAIRMAN DURAN: Is there any particular reason -- why did you not wait until we got to it?

MS. HORTON: Because it says Public Concern and I can't see any place in

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here other for me to speak.

CHAIRMAN DURAN: Well, when we start discussing the issue --

MS. HORTON: May I speak then?

CHAIRMAN DURAN: Yes, there's public comment available.

MS. HORTON: Thank you. I'll say it all over again.

CHAIRMAN DURAN: Well, we're not going to let you say it all over again, but we will let you address your concerns a little bit further. I won't let you read the letter again. So why don't you just come up when we're dealing with that issue? I think that's the most appropriate time.

MS. HORTON: Thank you.

CHAIRMAN DURAN: Thank you very much.

JOSE VILLEGAS: Good evening. Mr. Chairman, My name is Jose Villegas, 10 Camino Torcido Loop, La Cieneguilla. A public concern that I have is I'm working real closely with the school district as well as the law enforcement agencies in our community over the issue of the lasers. I don't know if you've heard of it in the news recently. These things here are a danger to our kids. I wanted to see if you guys would support the community, maybe at your next board of County Commission meeting maybe with a resolution supporting my efforts in -- I'm going to the City Council tomorrow with a proposed ordinance banning the sale of these items to kids under the age of eighteen.

It is a fact that these things have been used by children and by even adults. There are incidents where these laser pens or whatever you want to call them, have actually blinded children as well as adults. Another problem that we're having with these lasers is that police officers when they're going to police calls, including sheriff's deputies anywhere in the state. These things are being pointed right on their foreheads, right on the back of their heads and right at the center mass of their chest. The officers are looking at these things like as if it was actually a handgun equipped with a laser being pointed at them.

This proposed ordinance that I'm going to be giving tomorrow at the City Council meeting is real short. It's an ordinance prohibiting and banning laser pointers for sale by persons, firms or corporations to children under the age of eighteen. It's just one of those issues that a dire need in this community. I think a lot of people think that they're little toys, but I think the public needs to understand that these things will eventually hurt somebody. It's already hurt people to begin with in terms of the blindness, but it's just a matter of time before we have a police officer shoot a kid thinking that the kid has a gun because a laser's being pointed at the center of mass at their chest. So if you can consider that, I would appreciate the time to help you guys out with the facts.

CHAIRMAN DURAN: Thank you, Jose.

COMMISSIONER TRUJILLO: Mr. Chairman, I'd like to give guidance to staff to go ahead and draft a resolution. It's a nuisance. It's a health and safety issue and I think we need to take control of our community and make sure that we do things to ensure these things are not sold to youth under eighteen.

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COMMISSIONER ANAYA: Mr. Chairman, I kind of want to echo what Commissioner Trujillo's concern is. This is comparable, perhaps to the selling of spray paint to minors for graffiti purposes and all this. It's definitely becoming, has the potential of becoming a hazard and I definitely would support a resolution.

MR. WOLF: Mr. Chairman, Commissioner Trujillo, Commissioner Anaya, we will put together a resolution then to bring forward and maybe we could coordinate with you, Mr. Villegas.

CHAIRMAN DURAN: Thank you, Jose, for bringing that forward. I think it's a good idea.

DENICE BROWN (County Attorney): Mr. Chairman, if I could, I'm not clear if we're asking for a resolution asking the City to impose an ordinance banning them, or who our resolution is directed to. If we want to ban them within the County itself we would need to do it in the form of an ordinance.

COMMISSIONER ANAYA: Mr. Chairman, I think it should be directed mostly towards the legislature, particularly now that they're coming into session and take it in that direction. In order to enforce this we definitely would need some support from the legislature as far as putting into statutes. I think that's the direction that the resolution should be drafted.

CHAIRMAN DURAN: How about a joint City/County resolution that we would take to the legislature? We've done that before.

MS. BROWN: A joint City/County resolution asking the legislature to adopt state legislation prohibiting the sale to minors?

COMMISSIONER TRUJILLO: Right.

COMMISSIONER ANAYA: Then you're going to be introducing this to the City Councilors tomorrow, if you can relay that County Commission intention to them I think it would help you along over there.

CHAIRMAN DURAN: Thanks again, Jose.

GLORIA MENDOZA: Good evening, gentlemen. It's been a long time.

CHAIRMAN DURAN: Where've you been?

MS. MENDOZA: Oh, I've been taking care of city matters. But I'm here, of course on another matter. I'm here on the La Cienega issue. You should bring up more issues about La Cienega, I'd come over more often. I do want to ask you a question. About two years ago I came forward at a meeting and I asked this County Commission to look into a park out on Highway 14. I know that you own some property out there. As a matter of fact, you have it designated as a park. You keep putting the parks out all over the county except at that end of Santa Fe County. We have a lot of children out in that area, a lot of new families moving out there. And I would really like to petition this Commission to looking into doing something about a park out there. I think it's desperately needed. And that's all I have right now until La Cienega comes up.

CHAIRMAN DURAN: David, maybe you could find some property in our

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business park. I think it would be nice to have some open space that the community could use. How many acres do we have optioned off or leased out there?

MR. WOLF: Mr. Chairman, Commissioners, on the business park we have 60 acres identified for that. It's been master planned for the economic development.

CHAIRMAN DURAN: Is there any open space?

MR. WOLF: I don't know what property we own in that area. I can coordinate with the General Services Department and see if there's any other property besides the business park that would be an appropriate use for a park. We'll look into that.

COMMISSIONER TRUJILLO: Mr. Chairman, the only park that I'm familiar with in Santa Fe County is the Agua Fria Park. Are there any others?

CHAIRMAN DURAN: Lamy. We're doing one in Lamy now.

COMMISSIONER TRUJILLO: Oh we are? There's none in my district.

VINCENT OJINAGA (CIP Director): Mr. Chairman, Commissioners, I know we are aware of a park but I don't recall the size of the park. It's right across from Pablo's restaurant on Highway 14 that we could do some work and get to that park. That's the only one I'm aware of at this time.

COMMISSIONER TRUJILLO: Who owns that park presently?

MR. OJINAGA: The County owns that.

CHAIRMAN DURAN: Gloria, we've talked about getting together with the schools and sharing in the facilities. Could the playgrounds out at the schools work? I guess you'd probably want it available full time.

MS. MENDOZA: Well, the thing about it is because of the liability. The schools don't really allow anybody going on their property on say weekends or anything like that. That's not the only thing that is lacking out there. I think on that part of town, which is the southern part of town, of the county, we need things like some kind of a recreation center or something for our teenagers. There are a lot of teenagers out in that area too. I think the County really needs to start looking at offering these kinds of things for our youth. Our youth, they're always complaining they don't have anything to do. But we don't have anything really available for them. I don't know, out in the north part, out in Commissioner Trujillo's area, do you have a recreation center where they can go and lift weights, where they can go play basketball or where they can go and maybe shoot some pool or anything like that.

I think this Commission could really get a lot of credit, just start thinking about putting those things out in the county. You spend a lot of your time dealing with development and everything but I'd like to see this Commission really start working into giving to our youth here in Santa Fe County. Because our youth, most of them do live outside of the city limits. And they do need those things, I think in order to build real stable communities out there. I know a lot of the kids from out in the county are having to travel all the way into town for facilities and things like that in order to keep them busy. I really think you should start looking into that. Beside senior centers, I know you guys spend a lot

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of money and a lot of -- you do a lot for your senior centers, but let's start giving to our youth.

CHAIRMAN DURAN: Well, if you can come up with some ideas please let David know and David --

MS. MENDOZA: Who's that?

CHAIRMAN DURAN: David, the County Manager, David Wolf.

MS. MENDOZA: I sure will. I think I'll send you a letter and give you some ideas of things you could look into.

CHAIRMAN DURAN: So David, you can put that on our rotating list of things that we talk about in future meetings.

MR. WOLF: Okay. Mr. Chairman, also just as a reminder, the applicant that the Commission chose for the CDBG grant program was for a youth program in the northern part of the county and the Commission also agreed to provide the matching funds for that. That's a step in that direction in the northern part of the county but we realize that the needs are county-wide and I think we need to focus on that.

COMMISSIONER TRUJILLO: Excuse me, Mr. Chairman, that's the teen center in northern Santa Fe County, Gloria, and I understand that they went before the state legislature to support funding for that project as part of HUD monies and they did a really great job. We can use this as a model and we can implement something like that in the southern part of the county.

CHAIRMAN DURAN: Send us a letter. It seems to me that there is some consensus among us to work on that project. Are there any other matters of public concern.

VII. MATTERS FROM THE COMMISSION

CHAIRMAN DURAN: I'd just like to ask Denice to give us a little report on the Matters from the Commission on how we now have to give 24-hour notice for any issue that we want to bring up. Do you want to tell us a little about that?

MS. BROWN: Mr. Chairman, Commissioners, there is an attorney general opinion that was brought to my attention by Councilor Martinez and the attorney general opinion takes a pretty narrow reading of the Open Meetings Act as far as noticing our meetings and requiring us to discuss items only on our agenda. I will be giving you a copy of the opinion and a brief memo asking you to read it. The Open Meetings Act, it's not always black and white; there is room for interpretation.

The way the AG's Office has interpreted it is that even under items for executive session, they have to be specifically enumerated as for what pending or threatened litigation you're discussing, what type of personnel matters, the different exceptions that we're all used to dealing with. So you'll see we did an amendment to state fairly specifically what we will be discussing in executive session. I believe that you need to read that opinion as well.

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That opinion also says not only with respect to executive session but also with respect to the matters that you all want to bring up, that they need to be on the agenda.

Our agenda has to be finalized 24 hours in advance. So we would need to make every effort to make sure that the topics you want to discuss under Matters from the Commission, are specified at least 24 hours in advance. I know that can be difficult sometimes. Certainly, if it's an emergency item then there are exemptions to those requirements. But other than emergencies I think we're going to have to be careful to make sure that those items are specified on our agendas from here on out.

It has not been prior County Attorneys' opinions, nor has it been mine that we need to be that specific on our agendas but there's a contrary AG opinion. So if you would read that and I'd be happy to discuss it with any of you if you have any questions.

COMMISSIONER GRINÉ: Mr. Chairman, Denice, this is also an opinion from the previous Attorney General, too, right?

MS. BROWN: That's correct. It's actually an opinion written by Assistant Attorney General Betsy Glenn under Tom Udall's office.

COMMISSIONER GRINÉ: So can you reissue another request for a new opinion under the new Attorney General?

MS. BROWN: Yes we could.

COMMISSIONER GRINÉ: I would like to see that.

MS. BROWN: I could send a request to them and ask specifically, give them a sample agenda and say, "Do you think we're in compliance?" I'd be happy to do that. I think it's an overly narrow reading, personally.

CHAIRMAN DURAN: Yes, because Matters of Public Concern, how do you get that on the agenda?

MS. BROWN: That's right. How do you do that? Does that mean members of the public have to call us up 24 hours in advance and say I want to be discussing water in the Estancia Basin or whatever? It doesn't seem to make sense to read it that stringently. And I would be happy to send an opinion request on your behalf.

CHAIRMAN DURAN: Any other questions?

COMMISSIONER TRUJILLO: Mr. Chairman, Denice, what's our status of our research on the Joyce survey. We talked about the Joyce survey a couple months ago. Denice, you said you were going to find out what exists and what it stipulates so we can start interpreting it if it's available.

MS. BROWN: Mr. Chairman, Commissioner Trujillo, I have to apologize, I don't know the answer to that. Either Robert Kidd or Rosanna was working on that and I'll have to find which one of those two had that issue.

CHAIRMAN DURAN: What is it?

MS. BROWN: The Joyce survey, it was a survey that affected, I believe, San Ildefonso Pueblo --

COMMISSIONER TRUJILLO: No, it's a 1933 US patent that delineates or

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separated Indian and non-Indian land in the Pojoaque Valley and northern Santa Fe County.

MS. BROWN: I'll look into that and I'll report back to you at the next meeting. I'll find out who had that file. Neither of them is here now. It may take a little bit of digging but I'll try to find that for you.

CHAIRMAN DURAN: And don't forget to put it on the agenda.

VII. E. MATTERS FROM THE COUNTY ATTORNEY

1. Executive Session

- a. Update on Santa Fe County vs. PNM**
- b. Discussion of possible purchase of Hagerman Well and water right, Discussion of possible purchase of real property for replacement public housing**

Commissioner Anaya moved to go into executive session to discuss the issues that are on the agenda. Commissioner Griñé seconded. Upon roll call vote, Commissioner Anaya, Commissioner Griñé, Commissioner Trujillo and Chairman Duran all voted in favor of going into executive session. [Commissioner Gonzales was not present for this vote.]

[The Commission met in executive session at 5:45 and reconvened at 6:30 with all five Commissioners in attendance.]

Commissioner Trujillo moved to come out of executive session having discussed an update of Santa Fe County v. PNM litigation, and possible purchase of the Hagerman well and water rights and purchase or acquisition of property for replacement public housing. Commissioner Anaya seconded and the motion passed by unanimous voice vote.

VIII. PUBLIC HEARINGS

- A. Resolution No. 1999-3. A resolution designating San Pedro as a contemporary community and authorizing San Pedro to begin a community plan as outlined under the Community Planning Ordinance No. 1998-5**

ALINA BOKDE (Planner): Mr. Chairman, Commissioners, the community of San Pedro is located north of Edgewood on State Highway 344 east of State Highway 14. The community is interested in developing a community plan to address issues such as recent growth, potential development from large landowners and loss of open space that defines

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much of their rural character. The attached application from the planning committee sets forth the documentation to support their request to be designated as a contemporary community and to begin community planning. The proposed contemporary community for San Pedro meets the criteria set forth in Article XIII of the Code.

The planning committee has worked diligently to identify persons that are representative of the area and in contacting landowners both large and small that could potentially impact the planning area. The committee has mailed a survey to all landowners in the proposed planning area to notify them of the planning process and to identify issues that should be addressed in the plan. The mailing list to landowners was developed using the County Assessor's information that we had available up to date.

The committee has also worked hard to create a public plan that takes includes the current residents of the area but takes into account the large number of out of state landowners. I'll give you just a really brief result of the survey. There were 225 surveys mailed out, so that's the number of landowners that are in the proposed planning area for San Pedro and 93 were returned. Out of the ones that were returned, 92% of the respondents said that they supported the community to go forward with the community plan or could live with it.

CHAIRMAN DURAN: I'm sorry, Alina, what was that last? 220 were mailed out, 93 were returned?

MS. BOKDE: Ninety-three were returned, which is about 42% of the surveys that were mailed out were returned to the Land Office. And 92% of the respondents said that they supported the community going forward with the community plan.

CHAIRMAN DURAN: Ninety-two of the respondents?

MS. BOKDE: Yes, of the respondents. And 59%, almost 60% of the respondents were non-residents. So we did get a pretty large response from people that are currently not living in San Pedro but do own land in the proposed planning area.

CHAIRMAN DURAN: Was there any attempt, Alina, to further notify the 42% that were not properly notified, or did not receive notice, I should say?

MS. BOKDE: Everyone, all the landowners that we had that we have in our records for the County Assessor's Department were notified of the intent for the community to go forward with the community plan and a survey. So we received 92 of those surveys back. Our assumption is that the surveys and the letter did reach all of the landowners. I received probably about a dozen letters back that did not have a forwarding address or not a correct address, but the majority, over 200 of the letters did go out and were received by the landowners.

CHAIRMAN DURAN: So it's basically 42% that didn't respond?

MS. BOKDE: Yes, that did not send a survey back. Excuse me, 58% did not send a survey; we got 42% of the surveys back.

Commissioner Griñé moved to approve Resolution No. 1999-3 and was seconded by

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Commissioner Anaya. The motion passed by unanimous voice vote.

VIII. B. Ordinance No. 1999-__. An ordinance placing a moratorium on the regulatory approval of an acceptance of new applications for master plans, development plans, subdivisions of five or more lots and all non-residential uses in the La Cienega proposed planning boundary; and providing for an expiration date of six months from the time of adoption (second hearing)

KEN PIN (Planner): Mr. Chairman, Commissioners, on behalf of the La Cienega Valley Association, residents of upper and lower Cienega and La Cieneguilla, they have asked staff to get involved in working through this proposed moratorium for this planning area. This is the second public hearing. There has been testimony at the first public hearing. The board should review the proposed ordinance, take additional public comment tonight. Staff recommends adoption of the ordinance, thereby placing a moratorium on the proposed planning area for six months.

This six-month time frame is just to allow the Valley Association and all the planning commission members from Cieneguilla and upper and lower La Cienega to work on their plan and bring language and proposed ordinances regarding land use, growth, density issues, traffic, water, before the board sometime later this year. This is one of the policies of the General Plan, which is to allow communities to do more planning for themselves and to have more empowerment as to what their community is going to look like fifteen to twenty years from now.

At the end of the proposed six-month time period, staff and community residents would like to revisit with the Commissioners to give an update on the status of their planning efforts. So at this time, I would assume that the Commission would like to hear from the public.

COMMISSIONER GONZALES: Just a couple of questions. Kenny, and I don't know if we've really dealt with this. I know that the areas of the boundaries include areas that are currently being planned for by the Highway Corridor Task Force. Is that correct?

MR. PIN: That's correct.

COMMISSIONER GONZALES: I guess I would ask Chairman Duran, I apologize, what the status of the Highway Corridor Task Force is and maybe if you could map out, Kenny, probably for the chairman, what those areas are specifically because I think there's an issue here tonight where I have concerns about duplication or duplicate planning that's going to be going on within these boundaries, one from the Highway Task Force and one from the La Cienega Community Valley Association.

CHAIRMAN DURAN: Well, the Highway Corridor Committee is going to be bringing our recommendations forward I believe, sometime in April for us to review.

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And basically what we've come up with are guidelines, not so much on land use, although we're going to be talking about that at the next meeting, but it's design standards. It's architectural guidelines, it's planning. But it really only deals with that corridor. Alina, do you remember how wide that corridor is? Isn't it like 2000 feet? On each side of the highway. Again, those recommendations are forthcoming and should be here sometime in April.

COMMISSIONER GONZALES: It was my understanding, being the sponsor of the resolution that created the Highway Corridor Committee that in addition to design standards that there would be discussion of underlining zoning that would occur along the corridors.

CHAIRMAN DURAN: You're right.

COMMISSIONER GONZALES: So when the corridor plans come forward there's already going to be some underlying zoning that's going to occur, or some underlying zoning that's going to be recommended to the Commission and I assume the EZA.

CHAIRMAN DURAN: Basically, what we've done is there is some concern about approving more commercial nodes along 599 and to limit the type of commercial use that takes place within the existing nodes on 599. And the Airport Road node actually has been designated, is recommended to be designated a redevelopment district so that all the industrial use that occurs now is relocated to another designated area that is more suitable to that type of use. And then the balance of the property is what we're trying to deal with, we're struggling with right now. Some people are concerned about the residential character, or the residential requirement of the properties outside the node. But again, there is some consensus in the committee that they don't want a proliferation of commercial use up and down those scenic corridors.

COMMISSIONER GONZALES: So in looking at these boundaries as it relates to the Highway Corridor Committee's authority to create the underlying zoning, it would be I-25 and 599 is that correct?

MR. PIN: The proposed moratorium area, it would run up and be contiguous to the highway corridor -- well, essentially it's a district, just as rural residential is a district and the Estancia Basin is a proposed district. The highway corridor is a district in which there will be underlying zoning with design standards and architectural standards. The moratorium area --

COMMISSIONER GONZALES: It overlaps it.

MR. PIN: It won't overlap it. It runs up to that 2,000-foot line. It would not include it. It would not overlap.

COMMISSIONER GONZALES: The moratorium, you're saying does not include the highway corridor district?

MR. PIN: No. Because we wanted to keep the two areas very distinct. Other than that, the grey area swath is the 2,000 feet on either side of I-25 and then going up 599. So the highway district would include this area. The moratorium area would run

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up into the pink line, which is the proposed moratorium area. It's the same boundary as the highway corridor so they would run up smack into each other, contiguous to each other. They would not overlap. We would not want to -- the proposed moratorium is not going to do any of the work that is going to be done by the Highway Corridor Committee for that district.

COMMISSIONER GONZALES: Okay, the next question relates to the success that we've had because we have been very proactive in encouraging areas to develop community plans and how this is somehow related or different. I'm thinking of Cañada de los Alamos and Tesuque and area-wise and is this plan or request for boundaries similar to those boundaries. I know that we've included a lot of federal and it looks like a lot of state land in these boundaries and I don't remember seeing that in Tesuque or in Cañada de los Alamos.

MR. PIN: It does include federal and state land and I think the concern of the citizens is that because they're not very sure what the State Land Office is going to do with their land, whether they're going to develop or lease out the land and the same for the BLM, whether they're going to continue to lease out or sell the land for development. And I think Robby Romero can probably address that as to why they encouraged so much public land.

COMMISSIONER GONZALES: I mean as far as the area size goes, we're seeing a large land area that's going to be planned by the community. Did we see that in Cañada -- and the reason I'm asking this is because I know we had some issues in Cañada de los Alamos which were very divisive and I don't know if that had to do with the community or had to deal with the size of the boundaries. In Tesuque it seems like that's gone through fairly smoothly. Is that right, Commissioner Trujillo? So I'm sure it depends on the community and the people that are working on the plan, but is this a similar size community plan as the other two?

MR. PIN: Area-wise, I'm not sure how big Cañada is but judging by the number of sections on the map it's probably larger. I think the people in the community feel that because there is a proliferation of development all around them and there's potential for development all around them that they do want to have some say as to what goes on. There are some large landowners and they have been contacted and they have been invited to all the meetings and the people in the community do want them to be part of the planning process.

I think because the moratorium area is large does not mean that they shouldn't be part of the planning process. And when I think when it comes down to final adoption of the plan, while the Commission feels at that time that the boundary may be too large, that's open for negotiation. But as far as right now, the moratorium area, the development is all around them and they're saying, this is the area that affects us. There's development over here, near Airport Road, the proposed Alley development. There's potential development near the airport. There's potential development near the interchange and then maybe further down

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where some of the ranch areas are. So their concern is being able to have some say in the large area. But also by inviting a lot of the large landowners to be involved in the planning it's not meant to be exclusive in any way.

COMMISSIONER GONZALES: Let me ask you another question. I'm just reading here your summary where you're talking about placing a moratorium for approval on new master plans and I know that the Thompson Ranch has received master plan approval. Is that correct?

MR. PIN: It has received master plan approval and they have until April in the year 2000 to submit a development plan.

COMMISSIONER GONZALES: The boundaries include the Thompson Ranch, it looks like.

MR. PIN: That's correct.

COMMISSIONER GONZALES: So being that that approval has already existed, would that property be subject to the planning area, because it seems to be inconsistent with the boundaries that you've drawn and the proposed language that you have.

MR. PIN: Let me put it this way. They're subject to the proposed moratorium but they will not be affected by the proposed moratorium because their master plan has already been submitted. They have until the year 2000.

COMMISSIONER GONZALES: So if at their option they wanted to -- or any other master plan and they have 5,000 acres and that's a large chunk of --

MR. PIN: The only thing that would stop the development of their property is if they, if the sunshine law kicks in and they don't submit a development plan by April 2000.

COMMISSIONER GONZALES: I guess what I want to ask Denise and I know that we have this question continuing about master plans is, with the approval of master plans, does that give them, the property owners the inherent right to just continue forward and be granted the conceptual approval if they've met all the conditions that the master plan asked of them. Or is it not until they go to preliminary or final that they receive that right?

MS. BROWN: Mr. Chairman, Commissioner Gonzales, there isn't any case law in New Mexico that I am aware of that specifically addressed that although it has been our position that until you get final approval of your zoning you do not have vested rights. Certainly it would not be good policy for us for us to not keep people apprised of planning changes that we're proposing but I'm not aware of any cases that say you get vested rights prior to the time you get final approval because if you don't have final approval your proposal may not be approved.

COMMISSIONER GONZALES: Thank you. I appreciate it.

COMMISSIONER ANAYA: Mr. Chairman, I missed the last meeting due to illness and it's unfortunate that I did so I'm kind of up in the air as far as some of the proposals before us tonight. I guess the question I have of Ken, well, let me ask this. How

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far along is the community plan to completion?

MR. PIN: I'd say anywhere from 1/3 to 1/2. There's a lot of drafted language in certain sections. Staff still needs to do some work as far as some mapping. We have 5 1/2 months worth of meetings scheduled for specific topics. We're meeting next week and all of February to discuss land use and then March is for water and then infrastructure and then roads.

COMMISSIONER ANAYA: The main thing that what you're telling me then is it's mostly language, a language challenge right now, that most of the topics have been organized, that the thought has been organized and a direction as to where you're going to take the language has already been set.

MR. PIN: We have a basic blueprint and some sections have substantial language already in there. Some of the sections need to be tweaked a little bit. Some of the other sections need complete language because there has not been any language drafted for those smaller sections. But the basic larger sections like land use and water have been addressed already. It's draft language. It's on paper. It's not final yet.

COMMISSIONER ANAYA: Land use and water is on paper and the draft is already in potential.

MR. PIN: Right. But there are other smaller sections that have some language down that still need to be worked on but there are some small sections that don't have any language yet.

COMMISSIONER ANAYA: But you feel it's mostly a language problem to put into a specific plan?

MR. PIN: Yes.

COMMISSIONER ANAYA: Thank you, Mr. Chairman.

CHAIRMAN DURAN: Kenny, these individuals that have taken this task on, have we been giving them professional advice? Have we been working with them? Has the County been actively involved in the process?

MR. PIN: I have been in constant contact with members of the board and members who have volunteered to be on the writing committee. I've been at every meeting that they've had. I think starting in January or February of 1997. GIS has been working, doing some maps for us.

CHAIRMAN DURAN: I guess my concern is that the planning process I think is something that takes, I think you have to be an expert at it and I just want to make sure that the professional ideas, that the professionalism we have here at the County are made available to the communities so that they don't come up with a plan that doesn't go along with our general plan, number one and that will actually work.

MR. PIN: Well, we're trying to guide them as best we can but also understand that once the plan is drafted or a version of it is submitted to staff it will go under scrutiny of the entire planning staff and also legal staff to make sure that it is coherent and that it is compatible with the language of the general plan and also language of the

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highway corridor district which is right next to it.

COMMISSIONER GONZALES: Mr. Chairman, I'd just add also, I think we as a body purposely in the Community Planning Ordinance tried to create flexibility for communities to decide the level of involvement that the staff would have in their planning process because there are certain communities in the county that feel that they wanted to take it on on their own, hire their own planners, and go through that process and then submit it to the land use staff for compliance issues with our overall general plan and our code. But there are also other communities that don't have access to funds to hire planners and maybe they might make requests of County staff to go in and participate with them.

So I think you're right in that there needs to be some professional guidance but we purposely on that community ordinance left it up to communities to decide what level of participation they wanted County staff and something in the ordinance specifically says that they have to ask for County staff's participation in the plan before we go forward so it doesn't appear like the County's trying to exert our own will over the community plans by sending in our staff people who may not have the same ideological views about what should happen in communities and what shouldn't. I thought that was a good part of the community ordinance and something that leaves us some element of independence to these communities as they do their own planning.

MR. PIN: I guess I want to add at this point is that one of the things that we have done was to hire a facilitator for the five and a half months worth of scheduled meetings and what that does is it frees me up to be just as a resource as the County staff instead of trying to run the meetings and trying to give technical information at the same time. Trying to facilitate and being a resource was a bit of a problem because trying to run the meetings takes a little bit of time and takes your attention away from the content or the subject that is being discussed because I was so focused on making sure the meetings were run right and fairly but now that task is being taken away from me so I can just be more of a resource person and devote more time to providing technical and resource advice to the community.

CHAIRMAN DURAN: What I was really trying to get to is I just want the community to know that we have experts and planners here that are available to them whenever they need them. I don't know if you wake up some morning and become a planner. I think it takes a little bit more than that. Anymore questions of Kenny?

Thank you, Kenny. So I guess if there are representatives from the La Cienega community that want to address this issue.

ROBERT ROMERO: Good afternoon. I'm Robert Romero. I'm president of the La Cienega Valley Association. We're here for the second hearing on this matter. We've been moving forward on this. The one thing I think that we are lacking as far as the resources from the County is possibly financial, some financial assistance. With the County's General Plan, which relates to the community planning, it says the County will make such resources, not exactly, it doesn't say financial, but it says resources available.

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We do have a community newsletter that we do send out periodically and that's solely generated by donations and funds generated by the La Cienega Valley Association and that funding is sometimes limited as to what our expenditures are and I would like to request that the County help us out on some of these financial matters in getting this information circulated on a more regular basis to the community.

Our hope is, we had a plan to have these newsletter go out on a monthly basis. Right now if we did that it would deplete our funding quite rapidly in that regard. I ask for some of that assistance from the County as well as the resources. Kenny has been a fairly valuable resource to us. He's remained objective and some of his opinions, although he does work for the County as he has said himself. But we do appreciate your help, Kenny, and I'd like to say thank you at this time.

The other thing is as far as some of these resources go, our community center lacks quite a few things, I believe. One thing is I've noticed when I come into our meetings, our tables tend to be a little rickety and coming apart at the seems. It wouldn't hurt for the County to send some funding down to our community facility in regards to making some tables and maybe some more chairs available. I brought in a copier that was donated from my work, which needed some repair, but apparently it was unreparable and maybe some additional equipment of that nature may be afforded to us through the County's assistance, a copier, maybe. I don't know if it's even to much to ask for a computer so we can get information from our community center relayed back and forth to the County.

I'm not sure if these are out of the question. I'm merely suggesting that these would help us in our process and I believe community planning is a process that's never going to end. We may get this plan done and we may say it's completed but the process will continue as long as La Cienega exists. There may be some concern about the size of our boundaries which was brought up at the last hearing and I think I addressed a lot of those at the last meeting although some of the Commissioners weren't present at the time. It's my feeling that if we change our boundaries or alter them, we'll be defeating our purpose, although there's been a fair few comments saying that, well, it's the lot splits that are doing the damage and the variance, but these initial lot splits came from large landowners which chose to develop their land and systematically it gets smaller and smaller and smaller.

By including such large areas we're able to address them before these areas become the same problem as we're experiencing right now. I believe that by including these areas and including the large property owners in the planning area, which I think we've made an effort to do so in the past couple of months, although a few of them felt they have been excluded from the process. I myself have made an extra effort to contact these individuals and they can feel part of the process. I hope that in that regard they're willing to sit down and at least discuss some of these issues and work with us.

CHAIRMAN DURAN: Robert, I have a concern that the moratorium goes on and on and on and on. And I would just like to say that I hope that your group and the community can work hard to try to come up with some ideas and a plan in that six months.

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Some of these moratoriums just keep on going on.

MR. ROMERO: I agree with you. In fact I would like to see this plan done at which point this moratorium expires. I think the moratorium, even the idea of the moratorium has expedited the planning process. The attention that is drawn from members of the community and the interest of the development community has generated, if anything it's done, it's generated that interest to the point where we're actually, we've got a pretty good forum where people can attend the meetings and are attending the meetings. The meetings are, I think, twice a month which make it available for if someone misses one they can make the next one and the minutes are, I would have to say exceptional. I just read over the last copy of the minutes and they're in fairly good detail to where is somebody does miss a meeting, the minutes will be made available to them. In fact I'd like to go ahead and supply you with a copy of those at this time, along with some letters supporting the moratorium and the planning process. Also, we did do a survey this summer which people sent back and we kind of compiled some of that information in here and we're going to be addressing some of the concerns that were brought up in the coming months.

CHAIRMAN DURAN: Robert, could you do us a favor and when you do have the minutes available at your meetings, provide us copies of them as the process continues or progresses?

MR. ROMERO: I'd be happy to do that and any other information that you may require.

CHAIRMAN DURAN: Why don't you give this to David Wolf so he can make copies and distribute them to us please. Commissioner Anaya, you had a question?

COMMISSIONER ANAYA: Just a question, I guess. The minutes perhaps might have answered some of them, Mr. Chairman, but I guess my question was Robert, you answered part of it when you said you meet at least two times a month, which is good. What's the average attendance at these meetings from the constituency?

MR. ROMERO: I would say at the last meeting we had approximately 25, 30 individuals, possibly. I may be exaggerating. Twenty-five?

COMMISSIONER ANAYA: Twenty-five? And that's pretty consistent --

MR. ROMERO: And there also is a difference in the individuals that show up from meeting to meeting. Not everyone can make it to every meeting. But I did notice there was different people coming in and showing up at the different meetings. So we're getting more involvement in that respect.

COMMISSIONER ANAYA: I guess the reason that I asked that is to show, find a basis of concern out there. What amount of the population out there is really gung-ho on this issues and trying to find some justification in our judgement tonight to find what direction we should go. If 25 is a consistent type of attendance with some showing up sometimes, others not, but you're always having the minutes available that occur while the 25 people are there. That to me I think is very important. Thank you, Mr. Chairman.

COMMISSIONER GONZALES: Mr. Chairman, Robert, I support you

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including the BLM and the state lands. I think it's important the community makes some statements to BLM and to the state as to what your requests are for their stewardship of that land. It's ever-changing in the federal and state government and you can never tell and you would hope that they would listen to local communities and with the plan I think that really just makes it a little bit more official, if you will.

A couple of issues concern me. One is the issue of water in La Cienega, and it obviously concerns you in the fact that you have two ditch associations with two different sets of residents that sometimes --

MR. ROMERO: Three.

COMMISSIONER GONZALES: Okay, thank you. The two that I know, that I speak of most, are La Cienega Ditch and Guique and the third one is --

MR. ROMERO: Capilla Ditch, along Camino San Jose.

COMMISSIONER GONZALES: I guess my question to you, Robert, is how you're going to deal with the different organizations that comprise these ditch associations and their views on water management in the La Cienega area and are they actively participating in the plan?

MR. ROMERO: This area, in fact I'd like to come back to and address that with Mr. Anaya's concern about the people involved. There is a core group as Vioma kind of reminded me here that are assigned to this particular task and we have people that are alternating their responsibilities in that also. If they can't make it they'll call one another. We make sure that those people in the core group are keeping everybody else informed.

No matter what we tend to do, we tend to miss a few along the way and I think that by asking for some of this assistance that I mentioned earlier in our newsletter it would help us in generating, getting that information out. Because there's a lot of people out there that I wouldn't say that they're not concerned about this planning process but I feel they may feel a little intimidated by it, by coming to meetings. A lot of people don't like to come to meetings. They're not used to being in public and there's a lot of elderly residents in La Cienega and I make it a point to go out and talk to some of these individuals and get their viewpoints as well. I think their opinions matter as well as the people that are actively attending meetings on a constant basis, and almost sometimes more so, because they're the people that need to be heard but are seldom heard.

COMMISSIONER GONZALES: My question mostly relates also to the --

MR. ROMERO: The government lands in the state?

COMMISSIONER GONZALES: No. I think one of the big reasons why I'm supporting the moratorium is that hopefully a land use plan will come forward that will address the concerns the community has had concerning the depletion of the aquifer, the contamination of the waters. And knowing that there are three different ditch associations with three different ideas, and I've talked to two of them, Ray Romero and Charlie --

MR. ROMERO: They are on the planning --

COMMISSIONER GONZALES: My question is you can talk to them

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individually and they have their own ideas on water management in the La Cienega area. So how are you going to deal with that conflict, is my question, that could potentially arise if there's disagreement on the water management in the La Cienega area?

MR. ROMERO: That was one of our reasons for hiring on a facilitator. That way we would get somebody that is neutral. And we set up some ground rules within this process to where all questions will be answered and addressed through the facilitator in case there is a conflict of interest. Granted, there are going to be those instances where there is disagreement and where we are going to have differences of opinion on how things should happen.

We did have one recently and I think we've had these problems in the past as to where -- they've escalated to the point where people don't speak to each other any more and they land up disassociating themselves with each other which is totally detrimental to the community. And I see this plan as a healing process, where we can all get back together and address those issues that concern the community and work towards their betterment and if we come to a point where we just can't get past that issue, I think we need to put it aside and go forward and work on the issues we can and if it comes down to it we need to set those aside and get what we can get done first and then come back to those and address them at that point in time.

COMMISSIONER GONZALES: I'm glad to hear it, because it addresses one concern I've had. The other one, I've spoken to several property owners in La Cieneguilla, which you guys, I understand, I know I've talked to you about how you've had segment representatives throughout the whole area that would be a part of the board, but a few people have talked about their concern about La Cieneguilla having a separate identity from La Cienega and by being included in one plan, you kind of deter that from happening and differences in opinion. Granted that there are people from La Cieneguilla that are represented, I believe, on your board. There are still some concerns that I've heard about them being part of the La Cienega plan. I guess my question to you as the president of the board, is how are you going to address those concerns of people who don't want to be a part, necessarily of the La Cienega plan, who want to maintain some independence and identity from La Cienega and view them as having their own community other than La Cienega.

MR. ROMERO: I believe there will always be those differences in opinions. But I think that from my experiences is that the majority tends to go along with the planning process and I'm not so certain as to -- I don't know what you're asking, is if we should divide La Cieneguilla up, or --

COMMISSIONER GONZALES: I'm asking how you're going to deal with people who are concerned, or people who are opposed to being part of the La Cienega plan but are in La Cieneguilla. Granted, yes, they're opposed to it, but is it just be a part of it or not be a part of it at all. I mean, how are you going to deal with the conflict that can exist between these two communities. You can't just simply say, well, the majority is going

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to dictate what happens. You have people that live there. They've invested in the area. They have their concerns about being part of the La Cienega plan. I want to know what your board is going to do to address divisions that occur by communities or people in communities that don't necessarily want to be a part of the plan.

MR. ROMERO: There is some concerns that have been brought up, and I haven't really been made aware of all of them possibly. But hopefully, within this next six months we can maybe address some of those and work on them. That's pretty much all I can really say at this point in time. A major concern I've heard, for example, from the residents of Vistaland. They have covenants that are restrictive on their particular subdivision and some of them are concerned about those being altered or whatever. I don't actually see covenants as being part of the planning process because it contradicts what the rule of the County is, stating here, or the criteria as per the County's General Plan as it relates to the community planning.

It would be one thing -- Kenny is actually going to get some of that information together for us, but I think as we get more of this information and people become more educated about what the purpose of this planning is, it isn't so much to dictate, but to plan.

COMMISSIONER GONZALES: I guess my reason for bringing this up, and I'll conclude is that, granted, I think that conflict and division can be healthy if you learn from it and you work towards compromise and I would just ask you, being the leader out there if this moratorium, being the leader of the board, if this moratorium does pass tonight, which I'm hopeful that it does, that you will understand where those conflicts occur where people are concerned and really try and do some reach out efforts so it's not just be a part of it or don't be a part of it at all. Being a community isn't just about those who want to get involved, it's about people who live and work and are raising their families and don't necessarily have the time, or they have their own opinions and they don't want to go and express them to you.

But that you really take an active role and not just sitting around the table with the people that are taking the time. I feel good because you grew up in that community and you understand what's going on around there. That you really look to those areas of division and conflict that can occur and really try and overcome it by doing what you've talked about tonight in creating this plan to be a healing process and bringing the community together.

The last thing that we want is six months you bring the plan forward where you have segments in your community that are opposed to it, not so much because they disagree with the land use but because they weren't included or they didn't want to be a part of it from the beginning. They don't feel a part of the community, things of that nature. That's the whole idea of community planning. And if we approve it tonight to include La Cieneguilla, I hope when we come back we'll have representatives from La Cienega and La Cieneguilla that are saying this is good for our whole area.

MR. ROMERO: I agree with, and I'm telling you it's a tough situation. I was told once that everything is hard before it gets easy. And I think as we go along some

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of these issues will become easier and easier to address. Unless they get harder, but then they're going to get easier after that as far as I can see. That's how I look at things in that prospective. I've put myself in a position, I've put myself here because I was elected into it. And I put myself here because I accepted it and I'm here because I want to be here. And I hope that people that are coming to the planning are there also for the same reason, because they want to be there to see their community develop and grow in a positive fashion. And I've made every effort also to include individuals, not every effort, maybe I should go that extra mile to include more individuals. But I have gone out of my way to include even those people that feel otherwise excluded such as large-scale developers and large property owners that have kind of felt that they were being scrutinized by our planning process and I'd like to make them feel welcome and part of it as well without compromising myself to my community. Because my heart is where my home is and when people come in and threaten it, I feel threatened.

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

CHAIRMAN DURAN: Robert, I'd just like to comment on a couple of concerns that I have. I know that there are several large property owners out there that have made application for consideration for different developments. I know that Richard Cook has a project out there having to deal with affordable lots and affordable housing. I know that Jim Alley is doing something on a property he owns. And I know the Tierra Contenta project actually owns property within the designated area. My concern is that we pass the moratorium and that essentially stops any review, any work that these people may like to pursue until the moratorium has ended.

I wonder if there's a way to allow these individuals to make presentations, come before the board on a non-action type scenario, but at least while you're going through your process, we can also scrutinize and consider their proposals and how we might be able to mesh their concerns and desires along with the community's. And maybe not even make any decisions, but at least become aware of what their projects represent, what their plans are. I say that only because it seems fairer that both processes have the ability to work. We're not putting a halt to the actual plans that these people are proposing. And again, I'd like to say that it would be a non-action item. Only an informational basis. I'd like to know what Jim Alley is proposing. I'd like to know what Richard Cook has proposed, because all I know is that it's an affordable lot subdivision.

And I don't know how the Tierra Contenta property actually affects -- how this moratorium is going to affect their project. My question, and I guess it's to Denise and maybe to Rudy and the Commissioners, is is there a way that those plans can be brought forward on an informational basis. And if that's even something the board would consider. I'm throwing this out actually for some discussion.

MR. PIN: Mr. Chairman, you mentioned specific projects. Mr. Alley's project has been tabled twice before the EZC because his submittal is not final. Mr. Cook's

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project still needs -- he still needs to be submitted. He can't submit until he gets hooked up to the County water system, and until that time, no consideration should be made for it.

CHAIRMAN DURAN: I'm not suggesting any consideration. All I'm suggesting is on an informational basis.

MR. ROMERO: That isn't out of the question. Which board are you referring to when you say "board."

CHAIRMAN DURAN: I'd like for this board to know, because you're going to be coming before this committee or this board, making recommendations on -- I'm not real clear. Let me ask Denise this question. So, how does the community planning process work? Once they come up with their plan it goes to CDRC, and then to the Board of County Commissioners?

MS. BROWN: Mr. Chairman, that's correct.

CHAIRMAN DURAN: Then I guess the same kind of process could be -- let's say these landowners wanted to make a presentation, again, on a non-action basis, just to make a presentation to the CDRC and at the next meeting maybe make a presentation to us. It would be at least fair for us to at least be able to listen to us. Again, it's a non-action item. And I don't think -- maybe I'm wrong -- but I don't see how it could jeopardize your process, as long as you were here to listen to it and comment on it also.

MR. ROMERO: Well sir, this kind of goes back to -- I would see it as defeating the purpose. Because Commissioner Gonzales made an effort to send all the developers down to our community association board for review and we've spent countless hours reviewing developments and not working on a community plan. It tends to get people up in the air when they see proposed developments and working on a plan at the same time. I wouldn't have a problem looking at having the developments come into the community and having them reviewed by the community and possibly areas designated that developable and non-developable and look for alternatives or acceptance within the community as the planning goes along.

Just for an example, I've used this example, if you look at Jim Alley's property, it lies within a floodplain, not to mention the cultural and historical areas that surround it, the Santa Fe River which runs through it. The riparian area, the wildlife that surrounds that whole area. As to where Mr. Cook's property, although I don't agree with the densities that he's proposing may be suited for some development, considering its proximity -- there's an arroyo that runs through it that poses some concern to the community. It doesn't mean I agree with what he's proposing either, but I wouldn't say that area would be out of the question as to where I would say Jim Alley's proposal is out of the question in regards to that.

I think in addressing issues like that we can look at those and look for alternatives and possibly look for some sort of agreement or consensus within the community and relating to those issues as they evolve.

CHAIRMAN DURAN: Thank you, Robert. I just wanted to throw that out

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for you to consider. Are there any other questions of Robert?

COMMISSIONER ANAYA: Not at this time.

CHAIRMAN DURAN: Thank you, Robert. Is there any one out there that would like to address this ordinance?

CAMILLE BUSTAMANTE: Hi, I'm Camille Bustamante and I'm the Secretary-Treasurer of the Valley Association and I just need to express to you what the planning process is about with regard to the facilitation. You've brought up concerns with regard to the boundaries and the size of our planning area, various concerns from La Cieneguilla as well as property owners who all come from a very diverse community. And we see this all very much as a large but diverse community with a lot of different opinions. So I want to speak to what the planning process is going to be within the realm of our facilitator.

Basically, we know that this facilitator exists but we do have a few ground rules right up front to assist in making things more inclusive and getting more information from people within the community and from without the community if they have concerns. Basically, these meetings are going to happen twice a month, the first and third Tuesday of every month. On the final Sunday of every month there will be an open-door forum at the community center where we will provide notes, minutes, whatever anyone wants to talk about of those things that had been addressed during the course of that month.

As Robert expressed, the facilitation seminars, if you will, have alternates. Each area has people who are representatives for that area, so if people are not able to make it -- you had some concerns with regard to the commitment of the people in the community with recognition that everyone has their lives that they're going on with as well and trying to put this in a tight amount of time and get things done. We have acknowledged that people are going to have alternates to come and that was already mentioned, and sit in their place.

This is also advertised, each meeting is advertised in the newspaper, as well as we're taking advantage of posting in areas around the community. We have set up various locations throughout the La Cienega boundary area that we can put postings when these meetings will occur. We have posted the large maps at those areas before and we're informing the community that way. The facilitation process is going to be by consensus. Everyone has a right to bring their concerns and their unique ideas to the table, and everyone has a right to be heard, which is part of the ground rules that we have for this particular process.

When we look at the diversity of this community, the diversity of concerns, people coming from a lot of different areas, this particular process is trying to address that right up front with a professional facilitator. And we're hoping that because of what Commissioner Gonzales mentioned it is that way that we will learn from each other because of the diverse opinions that will come in this process, that we will come up with one consolidated idea that will be more of a community plan, not just a unilateral, this small group's special interest plan. It is open and advertised to the community on a regular basis and will continue to be

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so as we go through this process. I'll just have to thank Robert publicly for his compliments on the minutes. The purpose of those minutes is to make sure that each time that a new member decides, if it's publicized we're talking now about water issues and maybe I haven't been going to these meetings, but I see, wait a minute, water is a huge concern for me. I will be there that day and so that I know what was discussed the previous meeting, those meeting minutes are made available to anyone who's going to show up to that meeting and that person will be briefed prior to that next meeting. So everyone will be very well informed; minutes will be made available to you and the community as requested.

So that's just some basics on the process and if you have any questions about the facilitation process, I can answer those. But that's basically what I'm here to address.

COMMISSIONER GONZALES: Yes, I was going to ask you, looking towards the end of this process, what is your goal? What is your vision of the board as you see the end product being? Not so much in details, but --

MS. BUSTAMANTE: To have an all inclusive community plan that does not provide for divisiveness but more of the community that we actually are. That's really what I think the board sees. That's what I think that most people want. People recognize that we have our own unique concerns and ideas and I think it's really the concern of the Valley Association board members to see a large community plan that's all inclusive and still respectful for the different issues within each segment of the community. That's it I think, in a nutshell.

COMMISSIONER GONZALES: So when it's all inclusive, you're talking about creating a land use plan is really where our jurisdiction comes in in other areas. A land use plan that has a sense of community or preserves a sense of community.

MS. BUSTAMANTE: That preserves a sense of community and recognizes the diversity in the area. And I think we can have diversity as well as a sense of community. I believe that that's something that we need to strive for. I think that's something that this whole area has to work towards and I think that this process can achieve that.

CHAIRMAN DURAN: Next speaker, please. Please try to keep your comments new and fresh. We don't want to have any redundancy. We have a long night ahead of us. I appreciate your consideration in that matter.

VIOMA TRUJILLO: Good evening, Mr. Chairman, Commissioners. My name is Vioma A. Trujillo. I live at number 61 Camino Torcido Loop in La Cieneguilla. My mailing address is Route 14, Box 707, Santa Fe. My comments are going to be broader than that because I have been -- I consider myself a very affluent resident that has come to this board on many occasions to discuss infrastructures that have occurred out within our area from a very long time ago through now. And I've come on several instances requesting a moratorium and been denied.

Any structure without a foundation, any structure meaning a boundary without a foundation cannot stand alone. An environmentally sound infrastructure cohesively managed,

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cohesively managed by highly affluent residents and governments can only be beneficial to both entities. In the past, the highly affluent residents of the La Cienega Valley, inclusive La Cieneguilla or any other area, upper La Cienega, wherever you want to reflect on. The highly affluent residents as opposed to the self-interest folks have been infringed upon, mocked, and significantly disregarded by complacent people, i.e., some Commissions, developers and ambulance chasers.

The affluent residents should not be made to feel held down by Hitler, Stalin, or Saddam Hussein tactics. We are not to be used as a testing ground anymore. We cannot afford to allow this mentality to escalate to that level. Blessed and mocked by special interest groups who remind me of McScrooge Duck, when the dollar sign appears in their eyes, are not acceptable anymore. As a resident and landowner in the community, I readily recognize those affluent residents who can build a foundation to hold our environment in an infrastructure that's culturally and valuably sound and effective with the historical nature that it was built upon initially.

We know density too, and do not need denseness. We need support. I ask the Commission to support our request for the moratorium, nothing more and nothing less. Thank you.

CHAIRMAN DURAN: Thank you. Next speaker, please. State your name and address for the record.

GLORIA MENDOZA: My name is Gloria Mendoza. I live at 2912 Pueblo Tsankawi. Let's see if they know how to spell that. I am a property owner out in Cieneguilla. I heard your concern about the boundaries. I don't have a problem with the boundaries. I think, and I'd like to congratulate this Board of Commissioners that you have finally, finally, acknowledged the people of La Cienega area and are our need for a community plan. Community plans are wonderful and they're great and they can be used as a healing process if it is inclusive. If they are informing every single person within that boundary. I haven't been. I haven't gotten any survey. I haven't gotten newsletters. I haven't been told that I can pick up the minutes of their meetings. I haven't been told any of that.

Although it sounded good tonight, I would just like this Commission to get a guarantee from your La Cienega Valley Association that they are going to inform every person within that boundary and I mean every person without skipping one, about what their plans are. I'm very concerned and I'm not going to go back into the past on some of the things that have happened, the divisiveness that has taken place. I know that I've been disrespected, but even at being disrespected I can still agree on a community plan for La Cienega.

I do, however, believe that Cieneguilla made it very clear at a meeting that we wanted to come up with our own community plan to be merged with the one in La Cienega. And if any of you want to know why you can give me a call at home and I'll explain it to you because I don't want to go into the negative right now. But the boundaries, if you cut

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those boundaries -- and Chairman Duran, I appreciate you wondering what is the process for the developers and stuff like that.

Me, myself, I don't respect developers in that area because I've seen developers come in and cut roads without permits from the County at night, while everybody was sleeping. Most of you know who I'm talking about. So that's why we don't respect them. That's why we don't care if they have a process or not because they don't care about processes. They're going to do what they're going to do. Some developers.

It's okay for you to think about them, but let's talk about the majority. Let's talk about when they develop, who do they impact, who do they really impact? We're going to impact everything, every infrastructure that there is out in that end. I do hope that you -- and I think a six-month moratorium is not enough. How much time did you give Cañada de los Alamos and Tesuque?

CHAIRMAN DURAN: They're still working on it, as far as I'm concerned.

COMMISSIONER ANAYA: But there's not a moratorium.

COMMISSIONER GONZALES: Gloria, Tesuque never had a moratorium. Cañada de los Alamos, I believe went for two years.

COMMISSIONER ANAYA: Something like that, Mr. Chairman.

COMMISSIONER GONZALES: And then it went away, and they're continuing from what I understand, the planning process.

MS. MENDOZA: So to put the pressure on us and say, wow, we hope you can come up with your community plan in six months. Give me a break. That's discriminating against our area if we're not given the right time to come up with the right community plan. Or do you want something thrown out there in six months so that everyone can come and oppose it. Is that where we're leading? Because a community plan takes a lot. And what was the first process that was given to developers to come to the La Cienega Valley Association, that didn't work out. But maybe it will work out within time, until they realize that they have to respect what the people want in that area.

And it can be done, I've seen it done over years as an activist and working out there on certain issues. It can be done. But six months is not giving us a whole lot. I say that within six months if the developers or people who are out there developing and subdividing and doing all this stuff, if they don't like the community plan then our moratorium should be extended until they do like it. Until there's a consensus that a community plan can work both ways. It can. It's been proven.

My other concern is about once a community plan is done, is there like a resolution or something that says that the County Commission must, absolutely must, take that community plan and use that community plan? Is there such

COMMISSIONER GONZALES: Mr. Chairman, Gloria, the Community Planning Ordinance calls for the plan to come forward and once it's adopted by the Commission then it moves into, they write the Land Use Code that supports the plan. So it's not just a resolution that says we support this community plan. So if La Cienega comes

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forward and they say, they're going to change the density size and for whatever reason the Commission supports that as part of their community plan, the step after that would be to rewrite the Code that pertains to La Cienega so that there is an enforcement mechanism in place to support the plan. So it moves from the plan to the Land Use Code.

MS. MENDOZA: And will the community plans also be inclusive of your General Plan?

COMMISSIONER GONZALES: Absolutely. The General Plan calls for the community plans to be created.

MS. MENDOZA: The other thing about it is, because I don't want it to be like -- where you're in a subdivision, you have all these --

COMMISSIONER GONZALES: Covenants.

MS. MENDOZA: For me covenants, Commission after Commission after Commission has asked for covenants from subdivisions, yet when the people come up here and try to get those covenants that they should stand, they don't have a leg to stand on. We sent out to the court system. So I just really want to make sure. I think La Cienega, Cieneguilla, upper La Cienega, all the way to the frontage road, the area that you have shown there, I think needs this community plan and for one reason only, and that's for our water, because that is the life of our community. I wish it would have gone further. I wish it would have covered -- since we have a General Plan for the county, this community could have taken over the whole county of the south sector, but that's asking for a lot. Anyway, I thank you very much and I ask for your passage of this and hope that they can all work together. I know that Cieneguilla is going to start working on their own community plan and we're going to have to figure out how to do that and how to merge them together. Thank you.

CHAIRMAN DURAN: Thank you, Gloria, I think Commissioner Anaya had a comment.

COMMISSIONER ANAYA: Not really, Mr. Chairman. I'll save it for later.

CHAIRMAN DURAN: Next speaker. Please try to --

GREY HOWELL: I'll make it short. My name is Grey Howell and I'm a commissioner on the La Cienega Ditch, and my address is 440 Los Pinos Rd. All I have to say is that I think we all know that something is going to happen with that land up above La Cienega and the surrounding area, and it's all going to affect us in La Cienega in the form of either light pollution, traffic density, noise, water, water run-off, on and on down the line and all we want is a say-so to protect our way of life there.

I think we all -- that's a reasonable request. And that's all I'm going to say tonight except I have a very positive outlook on our community plan and the way it's coming along. I've lived there for ten years now and I've seen fights and I've seen the good times and the bad and I'm very positive about this. Thank you very much.

CHAIRMAN DURAN: Thank you, sir. I'm going to have start limiting the time for those people that are in favor of the moratorium so that I can have some time left

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for those people that would like to speak against it. So please, again, bear in mind that we have limited time here.

DANIEL C DE BACA: Mr. Chairman, Commissioners, I was born and raised in La Cienega. Last meeting, Mr. Cook wanted his property excluded from the moratorium. Every time you pick up the newspaper you see something messing up like Velarde and everywhere he goes and I don't see why he should be excluded. He's talking about low income homes. There's no such thing as low income homes. The small lots in La Cienega there, 2 1/2 acres are selling for \$65,000 and anybody that's built a home, I built my own home, and there's no way you can have a low income home there. You're talking about for example 1,000 square foot home is going to cost you \$60, \$70 a foot so by the time you buy a lot and all that, I think Mr. Cook should be included in that. He wanted to be excluded from that moratorium. That's all I have to say.

CHAIRMAN DURAN: Thank you, sir. Next speaker, please.

MR. VILLEGAS: My name is Jose Villegas, 10 Camino Torcido Loop. Real short and sweet. I support this moratorium. It's a good thing. It's the right thing to do. The developers and the people that have come to these communities of La Cieneguilla and La Cienega, whatever happens in this community, it's always going to be a cultural issue. People don't like to talk about racism, people don't want to talk about -- I won't say it then in that sense, but when you talk when you go in the northern part of our state, in these small, little communities like in Tierra Amarilla and Chupadero and Chimayo and San Ignacio, Tecolote, San Jose, La Puebla, all these little, small little communities which are basically Chicano, Mexicano, Mestizo, nobody wants to talk about that.

La Cienega is no different. La Cienega and Cieneguilla is part of our local culture. The majority is basically mexicano, chicano, indio, and I support the moratorium but I just want to make sure that developers realize that when you see these beautiful [inaudible] right behind you, there's history behind there. And that's being ignored. Ya me cansé. Yo me cansé. Every time that we're up here, we're the ones that are the bad people. But you know what? Esta bandera mexicana is going to be waving, people, and it's not over.

So this moratorium is a beginning of a good thing, but we just need to work on the community plan with those issues we have to deal, we have to divert, we have to talk to each other and all this kind of stuff. But please, developers, I want to [inaudible] This bandera is [inaudible] and it's just a matter of time. It's time for us to do something about our communities and help us with this moratorium and let us go forward. Muchas gracias. Thank you.

COMMISSIONER ANAYA: Jose, do you still live in that area?

MR. VILLEGAS: I have my home there. My mom died last year. We moved in with my dad. We're taking care of my dad now. But I tend to go back to my community, back to my home. It's my home. I'm going to die there.

WARREN THOMPSON: Good evening. My name is Warren Thompson.

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My mailing address is P.O. Box 236, Santa Fe, New Mexico. Chairman Duran, Commissioners, I came in this evening to talk about the moratorium. I have several concerns in regard to it. I have been involved in the meetings with the La Cienega group and then watching them move forward. It is my understanding that so far, people in the community have worked on this project for two years and the majority of the topics they've discussed relate to water. Land use issues haven't even been addressed yet. And we're looking at a six-month moratorium with the resources that the community has, I don't believe that's being realistic in terms of being able to accomplish an overall, thoughtful process in developing a plan for the community.

I feel that it is essential that the County staff, that the planning staff get involved in order to help with this process or I feel that it will just die or extend the moratorium one more time and one more time. The area that the moratorium is covering and the planning process is covering a tremendous area and as a result, covers a diverse group of people. It's not just the Cienega Village where there's some commonality. We have a whole variety of land use issues and different thought processes. So I think that it's a very difficult process to try and bring this group together.

I am affected by the moratorium. I have a master plan approval which you were told expires in 2000 and I don't necessarily object to the moratorium or the planning process. I think there's a need for this. But I would request that my approvals get extended for any period of moratorium or any extension you have of the moratorium. That's all I have.

CHAIRMAN DURAN: Thank you. Warren, are you going to make that in the form of a request?

MR. THOMPSON: I'm making that request here at this time. Do I need to put it in writing?

CHAIRMAN DURAN: Yes, in order for us to act on it, you would need to make that request in writing.

MR. THOMPSON: I think that if you're going to -- well, that's what I'll do.

CHAIRMAN DURAN: Make your request and that way we can have a public hearing about it and have some discussion. We really couldn't act on it this evening, but I understand how you might feel that that would be the fair thing to do.

MR. THOMPSON: I'm all for this group. I think they're working hard and I'm going to work with them, and I'm for the process. But I have not a clue in terms of what the agenda really is, and there spreading their arms out awfully wide.

CHAIRMAN DURAN: Thank you.

MR. THOMPSON: Thank you.

IKE PINO: Thank you, Mr. Chairman. My name is Ike Pino, 1660 Old Pecos Trail. I'd like to hand out this little map just so you'll have a frame of reference for the comments I need to make. [Exhibit not made available for this record]

Mr. Chairman, I am the engineer for a project that we've been working on for about three years for Richard Cook. It's a project consisting of about 400 acres that shows on

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your map and is labeled as "site." The project, two years ago was actually submitted for application for consideration by CDRC under the old provisions of the affordable housing that you had. Subsequent to the application, there were changes made in the affordable housing ordinance which did not allow this application to go forward, so essentially, it's been in limbo.

The owner of the property supports the moratorium because the moratorium provides for a planning process that ultimately provides for everybody understanding what can be done and under what circumstances, which would be a refreshing thing to be able to do under any circumstance when doing the development. We have, however, as I want to illustrate on this map, a peculiar situation to this property and that is that it's covered by two planning jurisdictions, if you will. If you look at the blue one, the blue one is the current highway corridor study area and the pink one is the La Cienega planning moratorium boundary at its eastern most end. So essentially what we have is we have approximately 200 acres of this particular proposal in one planning jurisdiction and 200 that could be in another.

The problem that arises from this is whatever comes out of the highway corridor study area is going to have an effect on what can be done on that 200 acres that abuts State Road 599. And it could be that the project will have to be adjusted to make accommodations for whatever comes out of that. At the same time, the La Cienega Planning area will be making their recommendations for land use on the pink side of the project. So we're put in a position then, under any type of application, of trying to serve two masters with a property that large.

Mr. Chairman, Commissioners, what we're here to do this evening is ask that the Commission consider situations such as this and perhaps relegate those properties to one planning jurisdiction or the other, but not to both, simply because it can cause a type of conflict that could occur if one set of regulations comes out contrary to the other. I would like to finish, Mr. Chairman, by saying that under any circumstance, whether there's a moratorium, a community plan or not a community plan, for a project of this size, it will never go forward without significant community input and interactions. I can't believe that anybody would think that we would sit up here 599, and try to do a project that nobody's going to notice or that we're not going to interact with the people that are down in the lower areas.

We think that there's some common ground for water supply issues. We think there's common ground for wastewater treatment issues and we plan to work with the community in that respect. However, we would respectfully ask you this evening to consider those properties which are covered by two jurisdictions and perhaps relegate them to one or the other. Thank you, Mr. Chairman.

JIM SIEBERT: Mr. Chairman, Commissioners, my name's Jim Siebert and I have two issues tonight. One is a clarification issue. As you recall, I was representing Megan Hill on the Sunrise Springs development that came before you on the last meeting and there was an understanding that she would not proceed forward with the overall development

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plan but would restrict is simply to the arts building. We have not received final development plan but are proceeding forward and we'll have an application probably within the next week for that. So I just wanted an understanding, because we presented that at the meeting, that the arts building would be exempt from the moratorium process.

And I think the other issue is just to endorse or support Robert Romero and the association. I've worked with both Robert and the association for years and I guessed I've found nothing but courtesy and nothing but respect and they've always acted in a very professional matter. I know that you put Robert on the hot seat here and I'm sure that he can live up to it. We've had a lot of experience and there is going to be some give and take and I've always seen that the association is more and more willing to listen to all sides of a matter. Thank you.

CHAIRMAN DURAN: Thank you, Jim. Is there anyone else out there that would like to address the board on this matter? Robert, you've already had your -- we need to move on. I'm sorry. There's going to be plenty of time to do all this. The public hearing is over. Is there any discussion?

COMMISSIONER ANAYA: I have some discussion. I'll yield to Commissioner Gonzales.

COMMISSIONER GONZALES: Sorry, Mr. Pino, I missed your discussion but I did receive your letter and I wanted to ask you, you're asking to be excluded from the planning area. Would the area that would be excluded that's not subject to the highway corridor committee, would that area, would Mr. Cook agree to have that area included in the highway corridor committee plan? Does that make sense? You have half the property that's sitting in the La Cienega moratorium and half that's sitting in the highway corridor. So it was excluded. Because I know that he was excluded, or you guys have participated in the planning of the highway corridor. Would all the property be subject to the highway corridor recommendations?

MR. PINO: Mr. Chairman, Commissioner Gonzales, the highway corridor is rather wide, as you know, along 599, and does take up about 200 acres of the site. We suspect that there'll be a lot of open space issues in particular with that that's going to require a lot of any kind of development to be pushed farther back from 599. And so I think the preference would be to try and keep it to the width that it is at this point. To press it further to the west, which is what would have to happen, takes it out another 3/4 mile away from its present western boundary.

COMMISSIONER GONZALES: Are you talking about the highway corridor?

MR. PINO: Yes.

COMMISSIONER GONZALES: I understand the concern that you have that if one property is subject to two different plans that it's hard to come up with a good plan that would meet the needs of the highway corridor committee and meet the needs of the La Cienega Valley Association's requirements. So I think the dilemma that I have that I'm trying to get over is that, granted, this property's already subject to whatever the underlying

zoning that's going to occur out of the Highway Corridor Committee, or at least half of it or more than half of it is. And so the question is the other 200 acres and being that if it's excluded from the La Cienega moratorium area, I'm assuming that Mr. Cook, in his intentions to develop the property is going to develop it as a whole and not separately.

MR. PINO: That's correct.

COMMISSIONER GONZALES: So then the question is, being that part of the property that's going to be excluded is under the highway corridor plan, will fall subject to the highway corridor plan, I guess my question is when you come in to submit the plan, is part of it going to be under the highway corridor guidelines and the other part of it, 200 under other existing County guidelines that weren't reviewed under the La Cienega moratorium, or are you planning on bringing in some type of consistent plan that would meet the objectives of the highway corridor. That's why I asked if all the property would fall under the plan, as opposed to having one property that falls under two separate plans when that one property is going to come in under one development plan. I don't know if that makes sense.

MR. PINO: It makes sense, Mr. Chairman, Commissioner Gonzales. And my response to that is our understanding of what has been discussed up to date, and we understand that nothing's been adopted yet within the highway corridor study area, is going to make the highway corridor look significantly different than what one might have expected had that not been one in terms of density and the types of uses that will be allowed there. I think it wouldn't be prudent at this point to say that we would subject the whole site to highway corridor, that would be a little bit like Russian roulette because we don't know what you're going to come out with. And if we stand here tonight and say, well, we'll go with that and it wound up saying it's all got to be 90% open space, we'll wind up with a big giant park, which might not be bad, but nevertheless.

The second scenario that you describe then would be that in which the 200 acres that's within the corridor would have to conform to whatever gets adopted there and the balance would be with whatever land use requirements exist at that time for that piece. If there were requirements that were put on the property by the La Cienega planning area, that might want us to force densities or development back toward the highway corridor. We kind of wind up right in the middle with huge buffers either way. We don't know what the La Cienega planning is going to yield either.

But we do have a reasonable expectation as to what the County requirements are at this time and frankly, we're very much aware that there is nothing in the County Code that allows for the types of densities that would provide the affordability that we're looking for at this point. So we're not really pointed in any one direction because of the lack of that. But I would have to say that for us to out of hand accept the highway corridor application across the entire site probably is not a prudent thing to do at this point.

COMMISSIONER TRUJILLO: I have a question, Mr. Pino. So that means that you're looking at the Cook property as having two distinct planning areas, a corridor

and the La Cienega?

MR. PINO: Yes. Mr. Chairman, Commissioner Trujillo, the La Cienega planning boundary, the moratorium boundary is that pink line on the map and it takes in the western 200 acres of the site. And the blue, of course is the highway corridor. So the entire site is covered by one planning process or the other.

COMMISSIONER TRUJILLO: My conjecture was that you were concerned that you would have to comply with two sets of regulations. But what I'm understanding is that you see the property divided into two distinct planning areas and I would say then you could comply with whatever La Cienega comes up with and whatever the corridor committee would come up with.

MR. PINO: Conceivably, Mr. Chairman and Commissioner Trujillo, that is possible. We don't know though. We have a little bit more of what's going on in the corridor because that's been around for some time. The planning effort on La Cienega has also been around for some time but they're going to be making a more concerted effort to come up with whatever they think the community needs to look like. Our goal ultimately is to come up with the kind of density that allows for affordability and that's going to rely on a lot of things, such as County Code, such as the availability of water and water system. It's also going to rely on our ability to treat wastewater. So there are a lot of questions still unanswered. The point we're trying to make those is that under two planning jurisdictions, the density allowances that ultimately arise out of the land use plans could be such that it totally eliminates even the possibility of proceeding with the application that we attempted to submit two years ago. That's what our concern is.

COMMISSIONER TRUJILLO: And you would not be receptive to including the whole area in the La Cienega master planning area?

MR. PINO: Mr. Chairman, I'm not sure whether that would be a possibility now that the corridor, that there's been all the work that's been done so far on the corridor and the plans that have started to be formulated down 599. Because we're talking about nearly a half mile of 599 right up against 599 and also at an area of an interchange. And so that could pose a problem for whatever the corridor was wanting to look like, versus whatever Cienega might come up with if we extended the boundary more to the east.

Then the discussion gets convoluted when you're talking about two different potential planning districts.

CHAIRMAN DURAN: I'd like to say something. I think that approving a moratorium in a community plan, where a community is planning their -- trying to develop a community plan sets a bad precedent. The area, Cañada de los Alamos had a moratorium in their area while they were doing their plan and it took them two years and they still don't have a plan. I think that a moratorium is a poor tool for planning and I think that the community of La Cienega, although I understand we adopted this community plan process through our general plan, but I believe that if the moratorium is not passed this evening it doesn't mean that the community won't still have the ability to come before this board or to

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oppose any project that's out there, whether it's Richard Cook or if it's anyone.

This board has always been sensitive to the concerns of all the communities out there and a moratorium, in my opinion is just a poor tool for planning. I think we have a General Plan. We know where we want to go. I think the community of La Cienega knows where they want to go and I think that we can deal with the issues when they come up for us to make a decision on.

COMMISSIONER GONZALES: Mr. Chairman, I respectfully disagree with the chairman as much as I respect the chairman in these views in that a moratorium allows for a temporary stay and opportunity for the community to take a break from having to continuously look over their back to see the kinds of development that's coming forward and hopefully move into a more proactive position and opposed to a reactive position when dealing with development in their community. I think we've seen in La Cienega a community that's committed to working in a very timely and expeditious manner, that wants to be fair in the process, inclusive, as they've indicated tonight of both small and large property owners and I see this as an opportunity to show the Commission's support of allowing communities to have time to properly plan for their area.

But one of the questions that I had for Kenny was, the planning area is not the same as the moratorium area. Is that right? The planning area extends to 599 and to I-25?

MR. PIN: No, the planning area and moratorium is the same. The planning area cannot include the highway corridor district.

COMMISSIONER GONZALES: So you've already adopted the planning boundaries. Or is this what's happening tonight in addition to the moratorium.

MR. PIN: Well, tonight is to consider the boundaries for the moratorium. You would adopt the planning boundaries with the adoption of their plan.

COMMISSIONER GONZALES: Okay. I see what you mean.
[Away from the microphone, Land Use Administrator Rudy Garcia stated that the approved planning area went all the way to 599.]

COMMISSIONER GONZALES: That's my question. So the planning boundary that was adopted, did it include areas up to 599 and to I-25? And I suspect that it did and listening to what the chairman was talking about planning, and I don't know what's going to happen tonight. I hope that this moratorium goes through, but the fact that those planning boundaries exist, the community plan would still be done in accordance with the boundaries that have already been adopted as we go forward past tonight. I mean the community plan is still going to go forward whether there's a moratorium or not and it's going to be subject to the planning boundary that was already adopted. Is that correct?

MR. PIN: That's correct.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I guess first of all I'm trying to find some justification for a moratorium and I just fail to find a basis for a moratorium as far as my thinking is concerned and perhaps based on my experience here on

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this Commission and all the moratoriums that I've gone through. Mr. Chairman, you mentioned first of all, the moratorium in Cañada de los Alamos which lasted two years in moratorium and to this day we have still not developed a plan that has been accepted by the community itself. I've seen the experience of the Agua Fria venture where there was so much diversity. I've never seen my own Hispanics so divided as that one particular moratorium intent.

Also, on the Mountain Ordinance itself, on the EZA, and this goes back many years, and the accomplishments that we were supposed to accomplish from that moratorium and as I look up those mountains I still see developments coming up on the ridgetops and so forth through litigation and everything that went forth, that surfaced from the moratorium.

I heard somebody use the term association and that's precisely what happened in the Agua Fria moratorium and the Cañada de los Alamos moratorium, and to a certain degree, even in the mountain ordinance, Mr. Chairman. Also, I heard the term used by the proponents of this on diversity, on them wishing to expand on diversity in the area. For heaven's sakes, I've seen the developments that are being proposed aren't diversity right now and addressing that particular concern. I don't know what could be and what could come from adopting the ordinance on a moratorium. I just fail, Mr. Chairman, to find a basis for a justification on this moratorium, and I will vote against this proposal. And I will move to deny this.

COMMISSIONER GRIÑÉ: I second for discussion.

CHAIRMAN DURAN: There's a motion and a second by Commissioner Griñé for discussion.

COMMISSIONER GRIÑÉ: I want to echo what Chairman Duran and also Commissioner Anaya have added on to this that I don't believe that a moratorium is a basis to go forward. Still, what is stopped, is new subdivisions of five or more lots, no commercial development. But what it still allows is family transfers, five or less lots, land divisions of five or less lots, existing zone parcels to proceed forward. So how many large developers do you have in this area that want five or more that still are going to have their stringent requirements to come before this governing body and still proponents and those against can still come and voice their opinions. The plans can go forward as they have as always throughout the county.

I think we said here that the Cañada de los Alamos was more of a way to creating problems in the community, just like it happened in the Agua Fria situation. And I think that the people are sincere about coming, and strong enough in creating this community plan so you can still continue. It does not stop any one of you to still organize and meet and come together and try to come with a plan. It doesn't mean that whatever plan you adopt for that community, it doesn't mean that this Commission is going to adopt it. We're still going to have the pros and cons as the plan comes before us. But it's an opportunity that gives the direction to our policies that was already adopted through the General Plan. So I'm strongly opposed to this and I think it still allows for the plan to go forward.

COMMISSIONER GONZALES: Mr. Chairman, as a sponsor of this moratorium, I'm disappointed tonight in that I felt that this Commission could go the extra distance in what we began with the General Plan when we called for community planning and then followed up with a community planning ordinance. It was my hopes that we would be able tonight -- I hope that I'm wrong in this and would urge the Commission to support this moratorium, but it's my hopes that tonight would have brought about another level of commitment to communities that we would provide them with the tools to more effectively plan for their communities.

And while I'm optimistic that La Cienega will move forward tonight despite what happens and that they'll come forward with a community plan that will meet the goals and the objectives that they talked about tonight, it would have been my hopes that we would have had a moratorium to allow for a temporary stay so that they would have ample opportunity without having to continuously come to this Commission and fight developments in their area, to have the opportunity to develop a plan that would create a good quality of life and certainly a plan that would show a level of commitment by the community to its own future.

I would hope and ask this Commission if this is the night tonight that we truly act on our commitment to community planning that we continue to provide the resources to the community of La Cienega through staff and if financial is available that we would do that as well, and that we would encourage them to come back as quickly as possible with this plan so that we can begin to debate it and hopefully move it into our County Land Use Code. Mr. Chairman, I ask that the Commission reconsider its decision and approve the moratorium as presented if it so fails.

COMMISSIONER ANAYA: Mr. Chairman, I just want a final note of submittal that this area is in the planning area and availability for whatever future that is existing there, the potential is still there, so I submit that to the Commission.

CHAIRMAN DURAN: Okay, I'm going to close this discussion.

The motion to deny the ordinance passed by majority roll call vote as follows: Commissioner Anaya and Commissioner Grifé voted for denial of the ordinance. Commissioner Gonzales, Commissioner Trujillo and Chairman Duran voted against denial.

CHAIRMAN DURAN: I would like to say that I still believe that -- I'm going to vote here in a second -- I believe that the moratorium is another level of bureaucracy that really isn't necessary at this point. I believe that the community of La Cienega still has the ability and has the power and has the commitment from this Commission to deal with your concerns and make sure that we have managed and positive growth and that the historic qualities of your community are preserved. I vote yes.

MS. BUSTAMANTE: Mr. Chairman, three to two, the motion to deny the

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moratorium has been approved.

CHAIRMAN DURAN: Thank you.

- VIII. C. Ordinance 1999: Ordinance Establishing the Santa Fe County Water Resources Management Plan**
D. Ordinance 1999: Ordinance Amending the Santa Fe county Land Development Code: re nitrate removal

COMMISSIONER GONZALES: Mr. Chairman, can I ask you if there are individuals here that are here to address items C and D, and I don't know if those are tabled. I wasn't here. Were they tabled or are they still on the docket? Are there any individuals here that are wanting to address the County Resource Plan or the Liquid Waste? The only reason, Mr. Chairman, I know in the interest of time, possibly tabling, but I know people are waiting and we've got a long evening ahead of us.

And as the sponsor of the ordinance, I wouldn't mind, Mr. Chairman, tabling the water plan because of the interests of time and keeping people out late, I do apologize if it does pass because I know you've waited but we have a long evening.

COMMISSIONER GRINÉ: You want to table C and D?

COMMISSIONER GONZALES: I would move to request tabling C and D until our administrative meeting rather than our one month meeting.

COMMISSIONER GRINÉ: Second, Mr. Chairman.

The motion to table VIII. C. and D. passed by unanimous voice vote.

CHAIRMAN DURAN: The two items that we tabled will be heard at the next administrative Board of County Commission meeting which is scheduled on January 26. I apologize for you having to wait so long for us to make that decision but things took a little bit longer than we thought. It's also been requested by Commissioner Griné to bring item 10 as number one on the Land Use issues, only because we have some state officials here. What state officials are here? Well, I think in all fairness we should just stay with the agenda. We're all here tonight.

VIII. E. LAND USE ITEMS

- 1. EZ Case #MIS 98-4042. Harry's Roadhouse. HSS, Inc. (Harry Shapiro) applicant, is requesting approval of a liquor license for an existing restaurant along Old Las Vegas Highway north of County Road 36 intersection, Section 7, Township 16 North, Range 10 East**

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ROMAN ABEYTA (Development Review Specialist): Thank you, Mr. Chairman, Commissioners. The requested liquor license would be transferred from Las Cruces to the existing Harry's Roadhouse Restaurant. A liquor license has never been utilized at this site. Recommended action: The property is within the established local commercial district designated at the intersection of the Old Las Vegas Highway and County Road 36, which does include restaurants within the guidelines for permitted uses. Thank you, Mr. Chairman.

CHAIRMAN DURAN: Are there any questions of Roman? Is the applicant here?

[Duly sworn, Karl Sommer testified as follows:]

KARL SOMMER: My name is Karl Sommer. My mailing address is Post Office Box 1984, Santa Fe, New Mexico, 87504. Chairman Duran, members of the Commission, I represent HSS, Inc., which is a closely held family corporation of Peyton Young and Harry Shapiro who are here with me tonight. They are the owners of the property known as Harry's Roadhouse and they own it through this entity.

We are prepared to make a short presentation and answer any questions you might have. Basically, we wanted to go over the nature of the license, the fact that selling approvals are in place and request that -- there's some question with respect to the state. They haven't made a determination of whether or not under their interpretation this is within 300 feet of a school, but we can clear that up by asking you all to say if it is required, that a variance is granted.

The issue is primarily this: Under state law, the County has the ability to decide whether a liquor license can be transferred to a site which is within 300 feet of a school. What does that mean? The way that's been interpreted by the courts is you have to be within 300 feet of a facility that is in use by the school, not just the property boundary. We're not within 300 feet of the school buildings; they are far off. We are adjacent to one of their pieces of property, Dr. Multedo's property, that comes all the way to the highway there.

What we would ask is, if the Commission is inclined after hearing everything, to grant it that the motion state that in the event is a variance is required, it's hereby granted to the 300-foot requirement. I would add that Dr. Multedo, who is the director and owner of that school has absolutely no objection to this application, has agreed in writing that this is not a problem, as well as all other adjoining property owners. So they all are aware of this and there isn't any issue with respect to that.

I would just like to state that Harry and Peyton have really greatly improved this property. They are putting in a fire sprinkler system which was requested by the County Fire Marshal. They are improving the parking along the highway there by moving a good deal of the parking onto property that they bought for that purpose from Dr. Multedo. The restaurant will now be accessible for persons with disabilities if it isn't right now, it will be

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in the future. The County now has in place a result of what they're doing, a mechanism to control the water use on this property and monitor water use in the area in a better fashion.

The other thing is that this facility, which is basically a family restaurant and employs anywhere between 35 and 50 people throughout the year will now be a more stable place of employment for people because they will not be under the threat of having to move this restaurant. It will become a great deal more stable in its economics. The other thing I would point out is next door is the Steaksmyth. They serve liquor under a dispensers' license. Down the way about a quarter of a mile, a third of a mile is the Sunset Liquor. They sell package liquor. This is a dispensers' license. It's intended so people can have a drink with dinner if they desire. Right now, you can't.

We would answer any questions you have. I think that this is, in my experience in the last twelve years, a laudable success story from a citizen's point of view as well as from a County staff point of view. It's been a pleasure to work with Mr. Garcia's office, particularly Mr. Abeyta and Oralynn Guerrerortiz have helped us along in the process in getting the upgrades made in a fashion that were acceptable and livable to the property owner but were also stringent in the sense that they met County concerns and requirements.

Specifically I would say that Oralynn had the idea to come in and rezone the property. We initially came in for an expansion of a non-conforming use. And I think that that was the thing that made this thing work. So, I'd like to say thank you to staff on behalf of my clients and myself because it's been a pleasure. This is a success story. This is a way that this can be done, and done in a way that everybody wins. This liquor license is a way that will help Mr. Shapiro and Peyton Young pay for it, because it's going to be difficult. But we would answer any questions you might have of either of them, but just as a reminder, if you could include the variance that is required. And I don't think it is, but we would like that so we don't have to come back here.

CHAIRMAN DURAN: Are there any questions of Karl? Is there anyone out in the public that would like to address this issue? What the pleasure of the board?

Commissioner Griñé moved to approve EZ Case #MIS 98-4042 with the variance as needed. Commissioner Gonzales seconded, and the motion passed by unanimous voice vote.

- VIII. E. 2. CDRC Case #Z 98-5600. Entranosa Water Tank. Entranosa Water & Wastewater Cooperative, applicant, requests master plan zoning with preliminary and final development plan approval for 250,000-gallon water storage tank and pump station. The property is located west of State Road 344, south of Frost Road, within Section 33, Township 11 North, Range 7 East [Entire report on file with Land Use Department]**

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PENNY ELLIS-GREEN (Development Review Specialist): Mr. Chairman, Commissioners, on December 8, 1998, the BCC tabled this case with direction to staff to identify the capability of the water system and improvements which are necessary. On December 16, staff met with Entranosa Water and their engineer to discuss these issues. The staff memo is attached in Exhibit A and concludes that a second pump station is needed to provide back-up for the entire Entranosa service area.

The applicant states that this project will provide a second pumping facility for the Entranosa water system and also will increase the capability of the system and reduce the load at the current location. It will also improve system pressure.

Recommendation: Staff's recommendation and the decision of the CDRC was to recommend master plan zoning with preliminary and final development plan approval subject to the twelve conditions listed. And Mr. Chairman, may I enter the conditions into the record?

CHAIRMAN DURAN: Please.

MS. ELLIS-GREEN: Thank you.

[The conditions below are as listed in the staff report:]

1. The applicant will install a fire hydrant on Frost Road near the entrance to this project.
2. Access to the project will be via the platted access easement at the west of this property. The proposed fence will be relocated to the east boundary of the access easement. The access road must be paved to the edge of County road right-of-way.
3. The underground storage tank must have a child-proof locked riser.
4. All lighting on the property will be shielded. Type of lighting is to be approved by staff prior to building permit issuance.
5. All parking spaces will be defined.
6. The tank will be painted a tan earthtone color, to be approved by staff.
7. The master plan/development plan will be recorded with the County Clerk.
8. The applicant will submit drainage calculations prepared by a professional engineer to size the detention pond, to be approved by the Subdivision Engineer.
9. All Subdivision Engineer redlines will be addressed. Original redlines will be returned with final plans.
10. A financial guarantee will be required for all improvements, including parking areas, access road, landscaping and retention ponding prior to building permit issuance.
11. A landscaping plan be submitted by the applicant meeting code requirements and be approved by staff prior to obtaining a building permit.
12. The height of the tank will not exceed 20 feet.

CHAIRMAN DURAN: Are there any questions of Penny? Is the applicant here?

[Duly sworn, John Jones testified as follows:]

JOHN JONES: My name is John Jones, mailing address P.O. Box 2380,

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Tijeras, 87059. If I might, I'd like to put up a chart.

CHAIRMAN DURAN: I do have a question. Penny, didn't staff go visit the site?

MS. ELLIS-GREEN: Mr. Chairman, yes, staff has visited the site.

CHAIRMAN DURAN: Did you come up with a recommendation on this?

MS. ELLIS-GREEN: As to the location of it?

CHAIRMAN DURAN: Actually, whether or not the additional tank was needed.

RUDY GARCIA (Land Use Administrator): Mr. Chairman, Commissioners, this was tabled at the last BCC meeting to send staff out there to determine if the second pump station was needed. Staff's recommendation was that the second pump station was needed.

MS. ELLIS-GREEN: Mr. Chairman, there is a memo in Exhibit A.

CHAIRMAN DURAN: Okay. Thank you.

MR. JONES: Mr. Chairman and Commissioners, my name is John Jones. I'm the chief operating officer for Entramosa, the general manager. The cooperative is a private, non-profit association created to provide a reliable source of drinking water to our membership and to function as a wastewater authority in the east mountain area, principally by managed, constructed wetlands.

We're here tonight to obtain a zoning approval and authorization to construct a pumping station and tank to the west of State Road 344 and Frost Road. If I might -- Edgewood is around here. This is Cedar Grove. This is 344. This is Frost Road and 344. This goes over towards Stanley. The location were talking about is where the "x" is. I'll be discussing our current tank and pumping station, which is on Nugent Road right here and our main set of tankage, which is at Crestview, two miles distant.

[inaudible] our sole water supplier at approximately seventy square miles in both the Bernalillo and Santa Fe County. We serve approximately 1950 households with a population of about 6,700 people. Thus we carry a considerable, large responsibility for the welfare of several thousand people. Currently every drop of water that we buy from the Horton family goes through one single facility, but [inaudible] with the circle around it. The well water is disinfected in that facility and pumped up to our main tanks on Crestview Ridge, two miles distant to the west, which allows an elevation of about 450 feet.

From Crestview we feed additional tanks throughout the system, which in turn provide distribution pressures to our membership. Our selection of the location was not accomplished haphazardly. It's a mile distant from our current facility which is enough separation in case of natural disaster or vandalism to keep one or the other safe. It's in the same section as the wellfields of our current supplier and it sits on the lot so that we can receive water from the basin to the east.

The Entramosa Board of Directors has had a concern for several years about the strategic vulnerability of that single facility. If something should happen to that facility --

again, natural disaster, mechanical failure, vandalism -- or to the lines feeding that Crestview tank, the entire system is in jeopardy. Our engineer Jim Thomte has made this a number one recommendation to my board a year ago in January. When I joined the cooperative last year, I identified it as the major shortcoming of the entire system. The board has decided that now is the time to build it.

We have demonstrated the back-up that will be provided by this facility. The issue is when, not if, that Nugent booster fails and if we'll be ready to provide a sustaining source of water to the entire community. Again, we're requesting zoning approval for the construction of that pumping station and tank. That concludes my presentation, if there are any questions from the members of the Commission?

COMMISSIONER GRINÉ: Are there any questions from the Commission? Is there anybody else that would like to speak on this issue, for or against? Ms. Horton. And again, I'd like to echo what our chairman has said earlier that you have already read the letter and we can also give it to the recorder here so she can make sure she has it verbatim. But if you have any additional comments please feel free but don't read your letter again.

[Duly sworn, Rita Horton testified as follows:]

MS. HORTON: That tank, 250,000-gallon tank has been necessary on Section 33 in the Horton Wellfield and has been recognized since 1985. As restated by Thomte in 1995. Yes, we are having to pump from the cavernous limestone aquifer. There is insufficient storage in that wellfield. When it comes to the location on Frost Road, that water is to be exported to Bernalillo County.

Yes, the Kings have 1700 acre-feet approved for Bernalillo County. Yes, the Kings have the right to totally dewater the basin. I would like and am requesting an injunction to stop any and all pumping from the Pine Canyon Ranch wellfield until that entire wellfield has undergone a thorough geohydrology study. It has not been accomplished. The State Engineer is approving water in Bernalillo County based on the Pine Canyon Ranch. There's some squirrely murlies around. Thank you.

[Duly sworn, Eric Thompson testified as follows:]

ERIC THOMPSON: My name is Eric Thompson. I live at 37 Medole, Edgewood. First off I want to say that I'm a member of the Entramosa Water System. I'm also on the board of directors. I just want to say a few quick remarks. Number one, our pumping capacities in the Edgewood area are getting kind of tight, not only with us. With all the water suppliers, there's several companies there. Edgewood has been incorporated as you no doubt realize and talked about earlier tonight.

I was talking to some of the folks who helped get that incorporation done. Water's a big deal down there, and it's going to be a problem. Not the amount of water in the ground, but the amount of water we can push through pipes down there and we're going to have to address that as a community. This booster station's a good start to that though. It's vital. The law of probabilities say that if we wait too much longer we're going to have a

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problem eventually, whether it's whatever Mr. Jones said, vandalism, whatever. Something's going to happen to that booster station eventually. Or not the booster station, to the pump station that we have now eventually, and we need to do something about that.

The water cooperative, Entramosa is ready to do something about it now. We've been planning on it. We've been working towards it. We'd like to get that problem solved at this time instead of waiting until our only pump station goes down and it's too late. I respectfully ask you to approve our booster station. We really need it. It's an important issue for the Edgewood area and for our southern part of Santa Fe County, irrespective of Bernalillo County or whatever. I'm worried about Santa Fe County and we really need it. Thank you.

CHAIRMAN DURAN: Thank you, sir. Anyone else out there that would like to address the Commission? If not, what's the pleasure of the board?

Commissioner Anaya moved to approve CDRC Case #Z 98-5600 subject to staff's condition. Commissioner Gonzales seconded and the motion passed by unanimous voice vote.

VIII. E. 3. EZ Case #S 98-4340. La Mirada Subdivision. Jim Siebert, agent for Michael Hurlocker, requests final plat and development plan approval for a 50-lot residential subdivision on 78.84 acres with a variance for the disturbance of 30% slopes, which exceeds 1,000 square feet, and a variance for the length of cul-de-sac. The property is located off La Vida Trail within Section 19, Township 17 North, Range 8 East [Final conditions on file with the Land Use Department]

MR. ABEYTA: Thank you, Mr. Chairman, Commissioners. On July 28, 1998 and August 11, 1998, the Extraterritorial Zoning Authority and Board of County Commissioners granted master plan and preliminary development plan approval for La Mirada. On September 8, an application for final approval was submitted. The application was reviewed for density, access, water supply, liquid waste, terrain management, fire protection, archaeological and environmental reviews.

Required action: The BCC must review and consider the findings of the report. Action must be taken to approve with conditions, deny, or table for further analysis. The BCC must review and make a finding of a fact of the variance criteria listed in the staff report, items a through g. Action must be taken to approve, deny or table for further analysis of this request.

Recommendation: The applicant has satisfied all the conditions of master plan and development plan approval. Staff finds that the application meets Section 3.5.5c of the Extraterritorial Subdivision Regulations for final plat approval. On November 12, 1998, the

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EZC recommended final approval be granted to include the requested variances for road length and slope disturbances subject to conditions one through fifteen as listed in the staff report. And Mr. Chairman, I would just like to add that the City of Santa Fe is recommending that the \$50,000 contribution that the applicant has agreed to make to the Santa Fe County affordable housing fund, the City is requesting that that \$50,000 contribution be given to the Santa Fe Affordable Housing Roundtable, of which half would be spent on affordable housing projects in the county.

CHAIRMAN DURAN: Why don't you say that one more time, Roman.

MR. ABEYTA: Mr. Chairman, Commissioners, the developer has agreed to make a \$50,000 contribution to Santa Fe County for our affordable housing fund. But since the City of Santa Fe is providing water service to this project, they have asked that that money be put in a different fund which is called the Santa Fe Affordable Housing Roundtable, and they say that half of that money would be spent on projects in the county, outside of the city limits.

CHAIRMAN DURAN: I'd just like to comment a little bit on that. I think that what the City has done by granting the water extension to this subdivision has really benefitted the County. It has released water rights that we have allocated towards this subdivision. It also relieves the pressure of having to go to court to discuss the contract that we have with the subdivider, and I also think that by sharing that \$50,000 it shows the City - it's a good faith effort to work with the City on affordable housing. So I see that as a win-win situation all around and I commend the City for taking this project on.

COMMISSIONER GRINÉ: Mr. Chairman, why can't they be split between the City and the County, \$25,000 each.

CHAIRMAN DURAN: That's what it is.

COMMISSIONER ANAYA: That's the proposal.

COMMISSIONER GRINÉ: But it's going to the roundtable, where they control how it's going to be used the other way around. If the \$25,000 comes to us then we can designate it to our affordable housing.

CHAIRMAN DURAN: Do we have a fund that could accept those funds?

COMMISSIONER GRINÉ: That's what I would like to request, that it be split equally to both the City and the County, but not to the roundtable.

CHAIRMAN DURAN: Any other comments? Okay, thank you, Roman. Is the applicant here?

[Duly sworn, Jim Siebert testified as follows:]

MR. SIEBERT: My name is Jim Siebert. My address is 915 Mercer, Santa Fe. Mr. Chairman, Commissioners, issue of the \$50,000 is still outstanding. I think one of the -- the only difference between how it's apportioned is that initially the entire \$50,000 would go to the Affordable Housing Roundtable and then half of which would be disbursed to the County and half would be disbursed to the City.

There are no administrative costs associated with it, so any money that comes in,

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every dollar that comes in, a dollar comes back out for affordable housing. I don't think the developer has a particular preference one way or another, we're just simply trying to be consistent with the negotiations we had regarding the water extension, water service to the area by the City Council.

CHAIRMAN DURAN: Jim, I have a question. Was this arrangement a condition of approval for the water extension?

MR. SIEBERT: No, the actual condition of approval from the City Council was that the staff would negotiate with the developer regarding the affordable housing fee. They didn't have any direction one way or another to the staff, just simply that the two enter into a negotiation process. So it's basically --

CHAIRMAN DURAN: Six of one, half a dozen of another, right?

MR. SIEBERT: It seems like the same thing. It still ends up back serving -
- \$25,000 serving the City and \$25,000 serving the County.

COMMISSIONER ANAYA: Jim, could you comment on Commissioner Griñé's concern, I guess if it would go to the roundtable, I imagine that the County Commission would still have some input into it, some direction we could give the roundtable and perhaps have our priority list sent to them as far as affordable housing is concerned.

MR. SIEBERT: I don't know what the process is by the affordable housing in terms of who they receive their direction from. It's my understanding that they allocate monies both to the City and the County, and then I think a letter reinforcing that fact to the roundtable should be sufficient to guarantee that allocation.

COMMISSIONER ANAYA: Thank you, Jim.

CHAIRMAN DURAN: Any other questions of Jim? Do you have any other comments, Jim?

MR. SIEBERT: No.

CHAIRMAN DURAN: This is a public hearing. Is there anyone out there that would like to address the board concerning this issue? Okay, if not, what's the pleasure of the board?

Commissioner Griñé moved to approve EZ Case #S 98-4340 with staff recommendations, stipulating that the \$50,000 be split between the City and the County as opposed to being given to the roundtable, and accepting the variance criteria as outlined. Commissioner Anaya seconded.

CHAIRMAN DURAN: Does the finding of fact that we need to make, has that been covered, Denise? I'm just wondering the motion was made by Commissioner Griñé and the statement is made that that motion includes the findings of fact that are required for the variance. Does that cover it?

MS. BROWN: Yes, that's fine, Mr. Chairman.

CHAIRMAN DURAN: That's the abbreviated method.

MS. BROWN: All of the findings that are listed there in the packet.

COMMISSIONER ANAYA: Just one final comment, Mr. Chairman. The disbursement of the affordable housing funds, we've discussed it as far as our needs for affordable housing and it will definitely be utilized and we are now in need of even this small amount of money to proceed with some of the projects that we have going forth, Mr. Hurlocker, so we are honorable in the way we will be utilizing that money.

CHAIRMAN DURAN: Again, I can't imagine that they would have a problem with that. It really is the same thing.

COMMISSIONER ANAYA: To my understanding it's still going to be split both to the County and the City.

Upon calling for the question, the motion passed by unanimous voice vote.
[Commissioner Gonzales was not present for this vote.]

CHAIRMAN DURAN: Congratulations, Mr. Hurlocker, it's been a long road.

VIII. E. 4. CDRC Case #A/V 98-5341. Gonzalez Appeal/Variance. Jose Gonzalez, applicant, requests an appeal of the County Development Review Committee's decision to deny a land division to create two lots on 12.5 acres which would result in a variance of Article III, Section 10 (lot size requirements) of the Land Development Code. The property is located on Pine Street, east of State Road 14, within Section 6, Township 14 North, Range 9 East [Entire report on file with Land Use Department]

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, on October 13, 1998, the BCC tabled this case to give the applicant time to prove adequate water availability for the proposed division on land. The applicant has since submitted a report on the groundwater conditions. The report was produced by Glorietta Geoscience and is attached in Exhibit B.

This report does not meet Code requirements as there is no on-site well which can be tested to prove adequate water for the development. The report concludes that groundwater movement and well recovery is very slow and recommends that more than one well may need to be drilled. Yields may be very low. A supplemental storage tank may be necessary, and wells drilled on this property would need to be at a depth of approximately 700 feet.

Attached in Exhibit A is the review of the report by the County Hydrologist. The recommendation of the County Hydrologist is that water availability cannot be demonstrated without an acceptable on-site well and that this variance should be denied.

Recommendation: Staff recommends that this appeal be denied based on Article III, Section 10 of the Land Development Code, which requires 12.5 acres of land per dwelling unit. The report submitted by the applicant did not prove adequate water for smaller lot sizes. Staff finds that the intent of the Code is to set minimum lot size in this area at 12.5 acres per dwelling unit with water restrictions. Therefore staff recommends that this request for a variance be denied.

The decision of the CDRC was to deny the appeal and uphold the Land Use Administrator's decision to deny the land division.

CHAIRMAN DURAN: I have a question, Penny. All these smaller lots that have been created out there, were they created prior to the adoption on our -- the requirement that prevents -- when were those lots created?

MS. ELLIS-GREEN: Mr. Chairman, there's a number of ways that these lots were created. Either before the Code came into effect, before 1981, or between 1981 and 1989, the family transfer was allowed under the Code for any lot size. There was no minimum for a family transfer. A small lot family transfer now would allow someone to go to half the minimum lot size which is 6.25 acres. Children receiving that would need to be 18 years of age.

CHAIRMAN DURAN: Has the Land Use Department analyzed the water availability, wells, production of those wells?

MS. ELLIS-GREEN: Mr. Chairman, the report was submitted to this department by Glorietta Geoscience and our County Hydrologist has reviewed that.

CHAIRMAN DURAN: And what say he? Jack, could you just address your opinion on the water availability in this area?

JACK FROST (County Hydrologist): Mr. Chairman, Commissioners, this is a problem water area. We've been through this before. The report finds that dry holes are possible on this property. There's a dry hole that is being redrilled right across the road when this study was being conducted. The report submitted for Mr. Gonzalez is very carefully worded and does not ensure that there is sufficient water availability on this tract and it does not even name a hydrology report or reconnaissance hydrology report.

CHAIRMAN DURAN: What's it called?

MR. FROST: "Groundwater Conditions in the Vicinity of the Gonzalez Tract."

CHAIRMAN DURAN: Are you in agreement with those?

MR. FROST: I'm in agreement with the findings. Again, this is an exhibit in your packet that you might refer to. The two pump tests referred to are not within a mile and they're sought to justify larger lot sizes than this application. The final sentence in the report is that a guarantee of water availability on the Gonzalez tract can only be achieved through an on-site well drilling and testing program.

CHAIRMAN DURAN: Thank you, Jack.

COMMISSIONER ANAYA: Mr. Chairman, just in scanning through the

hydrogeological study submitted by Glorieta Geoscience, Inc., they're utilizing wells around the area. I forget what they call that, perimeter, something. But they also are recommending, or they're stating that pumping water levels in the Gonzalez tract are 200 to 300 feet below static water level. Is that the depth most of these wells are now? They're also recommending that they be drilled approximately 700 feet along with an imposition of a restriction for utilization of only .25 acre-feet per year. Don't these have bearing on perhaps allowing this this evening?

MR. FROST: Don't these have bearing for us? The Commission has discretion here, sir, but it's not satisfactory per the County Code. An on-site well that has the water availability is the bottom-line requirement and the finding of this report is they might or might not find that and that they should drill to 700 feet looking for it.

COMMISSIONER ANAYA: But you are in consensus with the report stating that they drill down 700 feet. You're also in consensus with the restrictions being imposed of .25 acre-feet usage per year.

MR. FROST: Yes sir, I think that there needs to be a means, if you consider creating these lots to disclose these facts carefully to any potential buyers.

COMMISSIONER ANAYA: Would it behoove you, should this be approved tonight to impose a condition that once they drill the well that those be submitted to you for review and perhaps follow-through with the recommendations of Glorieta Geoscience?

MR. FROST: Are you suggesting creating the lots and then drilling the well?

COMMISSIONER ANAYA: I think that's the variance request before us tonight, isn't it?

MR. FROST: I don't know how we track that honestly, sir. And what if the lots were negative after the lots had been created?

CHAIRMAN DURAN: Can we get the applicant up here?

COMMISSIONER ANAYA: I'd like to come back to it perhaps later on. Thank you.

CHAIRMAN DURAN: Any other questions of Jack? Is the applicant here? Could you please come forward and state your name and address for the record, please.

[Duly sworn, Jose Gonzalez testified as follows:]

JOSE GONZALEZ: Gentlemen and Commissioners, my name is Jose Gonzalez and I live on Highway 14, 44 Apollo Street. This is my second hearing about splitting my land [inaudible]

CHAIRMAN DURAN: Are there any questions of Mr. Gonzalez?

COMMISSIONER TRUJILLO: Mr. Chairman, Mr. Gonzalez, have you read the, gone over the hydrology report that has been submitted as part of the packet? Do you understand the water situation?

MR. GONZALEZ: Yes.

COMMISSIONER TRUJILLO: Do you agree that there's a limited supply

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of water?

MR. GONZALEZ: Yes, actually, we have our shared well and we test our well, an engineer, that well has 640 feet and we find water at 350 feet. So it's pretty good. She recommend to drill a well at 700 feet and I don't have a well on my property.

CHAIRMAN DURAN: Penny, do you know what the production of Mr. Gonzalez' well is? The shared well that he's hooked up to, gallons per minute?

MR. GONZALEZ: It's forty. I have the paperwork.

CHAIRMAN DURAN: It's forty gallons per minute? Was that submitted to the County Hydrologist for his review?

MR. GONZALEZ: Yes.

CHAIRMAN DURAN: Do you have that in your file, Jack? Did you review, in your analysis of whether or not this lot split should take place, did you all consider the production of his existing well?

MR. FROST: Commissioner, the production rate of the well as reported by drillers is highly inaccurate frequently and ironically, this is one of the highest reported rates, but it only comes from a five-foot thick zone, also reported by the driller. So that was a minor consideration in evaluating water availability.

CHAIRMAN DURAN: Except that the hydrologist states that there are wells that produce as much as that. So it is a common occurrence.

MR. FROST: It's not a common occurrence in that area, sir, and I question it and to my knowledge this well has not been independently tested by anyone.

CHAIRMAN DURAN: The forty gallon per minute well, the shared well that he's currently on?

MR. FROST: Right.

CHAIRMAN DURAN: I wonder why, I'm curious why wouldn't you have them perform a study on that well.

MR. FROST: That is a requirement of our Code, sir, but again, there is no on-site well to this property. This well is off the property and other sides of that tract have wells that are dry and --

CHAIRMAN DURAN: How far off the property is the well?

MR. FROST: I can't even answer that.

CHAIRMAN DURAN: How far off the property is the well -- I'm through. Thank you, Jack.

MR. GARCIA: Mr. Chairman, sorry to interrupt but the applicant's hydrologist, I believe is sitting out there in the audience if you have some technical questions for him, he maybe can answer them a little bit more technical than Mr. Gonzalez can.

CHAIRMAN DURAN: Anybody else have some questions? This is a public hearing. Is there anyone out there that would like to address the Commission on this issue?

COMMISSIONER GRINÉ: Mr. Chairman, I move with the staff recommendation that the appeal be denied.

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COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: There's a motion to uphold the CDRC's opinion and there's a second by Commissioner Trujillo. Any further discussion. Those in favor signify by saying "aye." [Commissioner Grifé and Commissioner Trujillo voted in the affirmative.]

COMMISSIONER ANAYA: Mr. Chairman, maybe I will oppose it but only for this reason. I think a little further study would have given him more advantage perhaps for drilling a well and so forth and doing that and bringing before us the true statistics of the area.

CHAIRMAN DURAN: I agree with you. I think that the County needs to take a more proactive approach on these issues and not leave the burden -- I realize the burden should be on the property owner but I think we should have a little bit more cooperation and offer a little bit more help in these cases.

COMMISSIONER ANAYA: Mr. Chairman, with that then, if the maker of the motion and the second will retract, I would make a substitute motion to table this to allow the people to go out there and perhaps if they want to come forth with what was requested of our hydrologist, then maybe they can come forth again at another time, rather than denial.

COMMISSIONER TRUJILLO: It's already been tabled once. They have to go and dig a well.

COMMISSIONER ANAYA: That's the option that I'm looking to allow.

COMMISSIONER TRUJILLO: He can dig a well and come back.

MS. GUERRERORTIZ: Mr. Chairman, Commissioners, if he does go ahead and follow the letter of the Code, he could be approved administratively. he wouldn't have to come back to this committee.

COMMISSIONER ANAYA: There you go. Rather than denial, Mr. Chairman.

CHAIRMAN DURAN: Mr. Gonzalez, you've been denied, your lot split has been denied. I would suggest that you take the steps necessary to prove to this Commission and to the Land Use Department that there is adequate water there and I think that would be in the form of a well. And with that, like Oralynn just said, your application could be approved administratively if you took the necessary steps to prove to the Land Use Department is that there is water. The last thing we want to do is approve lots out there that people can't use. So you sell it someone goes to drill a well and there isn't any water there. I think that that's our responsibility. So thank you for your time.

MR. GONZALEZ: Thank you.

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VIII. E. 5. EZ Case #DL 98-4730. Morris Apodaca, agent for Rumaldo Salvidrez, requests plat approval to divide 2.5 acres into two 1.25-acre tracts for the purpose of a family transfer. The property is located within the Valle Linda Subdivision off Camino Bajo, Section 25, Township 16 North, Range 8 East in the 5-mile EZ District [Final conditinos on file with the Land Use Department]

MR. ABEYTA: Thank you, Mr. Chairman. The property is located within a subdivision that was approved by the BCC in 1965. The subdivision is legal non-conforming as it does not meet current subdivision standards for fire protection, roads and liquid waste. The described property lies within the Basin Hydrologic Zone. This area allows for the creation of 1.25-acre lots for family transfer. The property has been owned by the applicant for more than five years. The lots as proposed are lot 18-A, which would be 1.25 acres, vacant, to be retained by the applicant, lot 18-B will be 1.25 acres. It has a home, which will be given to an adult son.

The application was reviewed for access and water supply, liquid waste, solid waste, terrain management, fire protection, archaeological and environmental reviews.

Required action: The property is located within a previously approved subdivision, therefore the BCC must approve this division. The BCC must review and consider the findings of the report. Action must be taken to recommend approval or deny the application.

Staff's recommendation: All existing infrastructure, such as fire protection, water and liquid waste systems, and roads within the Valle Linda Subdivision have been constructed in accordance with the subdivision standards that were in place in 1965 at the time of approval. Infrastructure requirements in 1965 were not as comprehensive as today's standards, thus the Valle Linda Subdivision is legal non-conforming.

At the regularly scheduled meeting of December 10, 1998, the EZC recommended denial of the request. Should the BCC choose to approve this application, staff recommends conditions one through eight in the staff report and conditions a through h as recommended by the City. Thank you, Mr. Chairman.

CHAIRMAN DURAN: Any questions of Roman?

COMMISSIONER TRUJILLO: I have one question. The property has been owned by the applicant for less than five years? How long has the property been owned by the applicant?

MR. ABEYTA: Mr. Chairman, Commissioner Trujillo, actually, the property has been owned for more than five years but I'm not sure how long they've owned it. But it has been longer than five years.

COMMISSIONER TRUJILLO: So it satisfies the family transfer stipulation of the Code.

MR. ABEYTA: Yes, Mr. Chairman, Commissioner Trujillo.

COMMISSIONER TRUJILLO: So why is it before us again? Help me

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understand.

MR. ABEYTA: Mr. Chairman, the fact that this division or family transfer is taking place within a previously approved subdivision. The BCC looked at this in 1965 and state law and County Code requires that any time you want to further divide land within a previously approved subdivision you have to come back to the board.

COMMISSIONER TRUJILLO: And what's the minimum lot size within that previously approved subdivision?

MR. ABEYTA: The minimum lot size was 2.5 acres. However, for family transfer, the Code does allow you to go down to half, which is 1.25.

COMMISSIONER TRUJILLO: Okay. Thank you.

CHAIRMAN DURAN: Thank you, Roman. Any other questions of Roman? Is the applicant here. Please come forward and state your name and be sworn in, please.

[Duly sworn, Morris Apodaca testified as follows:]

MORRIS APODACA: My name is Morris Apodaca. I reside at Route 20, Box 31, Santa Fe, New Mexico. Mr. Chairman, Commissioners, it's nice seeing you again. Haven't seen you guys in a long time. On behalf of Mr. Rumaldo Salvidrez, he has a son that's over 21 years old and what they're trying to do is just a family transfer, trying to provide some property for his son and basically, that's it.

COMMISSIONER ANAYA: Are you in agreement with the conditions imposed by County and City?

MR. APODACA: I haven't seen the conditions.

CHAIRMAN DURAN: Was there a requirement in here that they improve the road?

MR. APODACA: For the record, too, Mr. Salvidrez has owned that property for ten years.

CHAIRMAN DURAN: Thank you, Morris.

COMMISSIONER TRUJILLO: There's an existing house on that property?

MR. APODACA: Yes.

COMMISSIONER TRUJILLO: So 1.25, one house and then another.

CHAIRMAN DURAN: And there's no plan to further subdivide?

MR. APODACA: No.

CHAIRMAN DURAN: Okay, it's a public hearing. Is there anyone out there that would like to address the Commission concerning this issue? What's the pleasure of the Board?

Commissioner Anaya moved to approve EZ Case #DL 98-4730, with conditions, and Commissioner Trujillo seconded. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

- VIII. E. 6. EZ Case #A 98-4511. Sullivan Appeal. John M. Sullivan is appealing the decision of the Extraterritorial Zoning Commission to approve a summary review subdivision of 10 acres into four 2.5-acre tracts. The property is located off Dinosaur Trail, within Section 17, Township 16 North, Range 9 East in the two-mile EZ District**

Exhibit "1" EZ #A 98-4511:Declaration of Road Maintenance Agreement

MR. ABEYTA: Thank you, Mr. Chairman, Commissioners. On September 17, 1998, the EZC approved a division of ten acres into four 2.5-acre tracts off Dinosaur Trail for Thomas Gillentine. At the hearing, Mr. John Sullivan raised a concern regarding Dinosaur Trail and the impact the division of the ten-acre tract may have. It was and still is staff's position that the division will not significantly impact Dinosaur Trail to the extent that Mr. Gillentine would be required to improve all of Dinosaur Trail. The EZC agreed that Dinosaur Trail did not need improvement and that the developer should only be required to improve the section of Churchill Road that runs within his property.

On November 13, 1998, Mr. John Sullivan submitted a letter appealing this decision to the BCC. His letter is attached as Exhibit B and a supplemental letter has been submitted tonight.

Required action: The BCC shall hear appeals and may, by majority vote reverse, affirm or make any change in the requirement or the decision of the EZC.

Recommendation: Staff recommends that the decision of the EZC be upheld and the property owner, Mr. Thomas Gillentine be allowed to record the plat of survey subject to the original conditions of approval imposed by the EZC on September 17. Thank you, Mr. Chairman.

COMMISSIONER GRIÑÉ: Mr. Chairman, me and Rudy made a site inspection of this road with Mr. Sullivan and of course it was quite interesting to find out, I've been researching this road, we discovered that there is no legal -- there is no plat or legal access to this road, or something like that. Rudy?

MR. GARCIA: Mr. Chairman, Commissioner Griñé, what the applicant, Mr. Sullivan, which he'll probably raise as soon as he comes up here is he's claimed that there is no -- he can't find any documentation at all regarding whether there is legal access. If this is a legal, established access through a recorded warranty deed or recorded plat and he also claimed that the title companies won't issue insurance on this easement because it's questionable as to whether it's a legal easement or not.

CHAIRMAN DURAN: Excuse me. What was that about the title insurance? I didn't hear you.

MR. GARCIA: Mr. Sullivan is claiming that the title companies won't issue insurance off of this road because they can't find any legal documentation that it is a legal access.

CHAIRMAN DURAN: So you're saying that all the people that own property in there don't have title insurance on that property?

MR. GARCIA: Mr. Chairman, I'm just reiterating what Mr. Sullivan is complaining to the Land Use Department about. So my understanding is they do have title insurance for the boundary of their property, but the title companies won't insure the access to this property, is what I understand.

CHAIRMAN DURAN: When you get title insurance on a piece of property, you have insurable access.

COMMISSIONER GRINÉ: Is that true, Denice?

MS. BROWN: I have seen those types of policies coming through a lot.

CHAIRMAN DURAN: Where they make exception to recorded access?

MS. BROWN: Yes.

CHAIRMAN DURAN: Why would anybody buy a piece of property if you couldn't get to it? Any other questions of Roman?

COMMISSIONER GRINÉ: I don't think we should move forward on this case, and if it does, I recommend that we deny it in order to give due process to the applicant and to Mr. Sullivan who's appealing it.

CHAIRMAN DURAN: We deny what?

COMMISSIONER ANAYA: We have to hear it out.

CHAIRMAN DURAN: Let's go through that process. Thank you, Roman. Is the applicant here, or not the applicant but the appellant? Is Mr. Sullivan out there? Please step forward. I have one question as you're coming up here. Roman, isn't there a road maintenance agreement in place right now for all those property owners that own property in there?

MR. ABEYTA: Mr. Chairman, it's my understanding that there is a road maintenance agreement.

CHAIRMAN DURAN: There is a road agreement? Have you had a chance to review that?

MR. ABEYTA: No, I have not, but Orallynn may have.

CHAIRMAN DURAN: Orallynn, did you have a chance to review that road maintenance agreement? Can you tell me, what does it say?

MS. GUERRERORTIZ: It says that they will share equally in the cost of maintaining and repair of the access easement and it does show the access easement going through a number of properties and actually it's really just for Churchill Road. [inaudible] I'm sorry it does actually say from Churchill to Richards Avenue.

CHAIRMAN DURAN: Thanks. Mr. Sullivan, if you'd like to come up and address the Board. Please state your name and address and have the clerk swear you in.

[Duly sworn, John Sullivan testified as follows:]

JOHN SULLIVAN: Mr. Chairman, members of the Commission, my name's John Sullivan. I reside at 49 Churchill Road. Just as an introduction, Churchill Road serves

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about a 50-acre parcel. It currently has seven owners of land there. Of those seven owners, two have homes, myself and the Millers who is here this evening, Mrs. Miller. The other property owners are landowners who either have their homes for sale or who are subdividing them or who are currently building homes on them. So there are two residents there at this time.

As a supplement to my letter of November 13 to the Commission appealing the 2-1 decision of the Extraterritorial Zoning Commission regarding Mr. Gillentine's proposed 15.8-acre subdivision, I'd like to summarize the key issues and report on efforts that I have made to resolve the matter of the inadequate access to Churchill Road and the proposed subdivision. Access to Mr. Gillentine's proposed subdivision into Churchill Road is by means of Dinosaur Trail. It is .4 of a mile from Richards Avenue to Churchill Road.

Dinosaur Trail is not a County road. The forty-foot easement as shown in the attached plat, and I submitted a plat, I don't know if you have a copy of it. If you don't I have another copy here with me that you could look at.

CHAIRMAN DURAN: Excuse me, Mr. Sullivan, are you going to read verbatim this letter?

MR. SULLIVAN: No, I'm going to stop on the first paragraph here and then touch on other points. Do you not want me to read it?

CHAIRMAN DURAN: Well, I prefer that you not read the whole letter. I've read it and I'm sure the other Commissioners have. In order to save some time this evening, if you could just get to the meat of the matter, that would be appreciated.

MR. SULLIVAN: All right. The plat -- have you looked at the plat? Have the Commissioners looked at the plat? Have you seen the plat or do I need --

CHAIRMAN DURAN: Yes, it's in our packet.

MR. SULLIVAN: Of the road.

MR. GARCIA: Mr. Chairman, you can either look at Mr. Sullivan's letter or in the packet, Exhibit E. I think that's the one Mr. Sullivan is referring to.

COMMISSIONER ANAYA: I have Exhibit E.

MR. SULLIVAN: This is the plat originally from August 1973, from Jack Horne, an engineering survey. On that plat it denotes a 40-foot road easement and my understanding is that is the easement that the applicant is relying upon for access to this property. When I and my attorney researched this incorporation for purchasing, our home and lot, we found that this plat had not been recorded, and this easement had not been made public. As a result, as was stated, the title company would not insure this easement.

We received title insurance on the house but not the access. So then the question arises, why, what did you do? What would you do? What we had to do prior to purchasing our home was we entered into a contract --

CHAIRMAN DURAN: Excuse me, Mr. Sullivan, you don't get title insurance on a home; you get title insurance on a piece of property.

MR. SULLIVAN: We have title insurance on the property and you normally

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get, as you mentioned previously an access --

CHAIRMAN DURAN: Title insurance is specifically for the real property.

MR. SULLIVAN: For the property, and the title company would not insure and did not insure the access and if the Commission needs additional documents on that, I can provide the correspondence, I can provide the title insurance policy, which specifically excludes the access to the property as being insurable.

What we had to do was receive a contract guaranteeing from the contractor. So the only insurance we have on the access to this property should it be closed for any reason, is from the contractor himself. Not, the purpose of bringing that to your attention is that this is not a recorded easement.

COMMISSIONER ANAYA: Just one question, how does Tom Gillentine fit into this scenario?

MR. SULLIVAN: Well, in two ways. Number one, there's a requirement, the County's checklist requirements for approval of any subdivision, regardless of size, include the demonstration of legal access, recorded legal access. It does not exist in this case. A purchaser coming in and purchasing one of these four lots --

COMMISSIONER ANAYA: My question is, how does Tom Gillentine fit into this scenario? Is this the same Gillentine that's a high power appraiser? An appraiser?

MR. SULLIVAN: You'll have to ask Mr. Gillentine about his background. I believe it's --

COMMISSIONER ANAYA: Is he here?

MR. SULLIVAN: I believe that it's the same Mr. Gillentine that is an appraiser and I'm sure when he or anyone who wants to purchase out there digs into this just as we did and spends the time and the cost for legal services, they'll find there is no recorded access to this property.

CHAIRMAN DURAN: Excuse me, Mr. Sullivan. I have a question for Denice. Why are we getting involved in issues concerning access? This is a legal issue. It's obvious to me that there's a prescriptive easement there. Just because the plat isn't recorded, in my opinion doesn't mean that it doesn't exist.

MR. GARCIA: Mr. Chairman, maybe I can address that question. The EZ Code and standards, and Roman, you can correct me if I'm wrong, states whenever you have zero to 99 lots, access to the lots that you're creating within zero to 99 requires that access to be up to County standard to the nearest public or County or State road. So the question is whether or not Dinosaur Trail is up to County standard.

COMMISSIONER ANAYA: I see.

CHAIRMAN DURAN: So Mr. Gillentine is responsible for improving that road?

MR. GARCIA: Mr. Chairman, at the EZC, I'm not too sure what staff's position was, it should be in your memo there, but the EZC ruled that Mr. Gillentine did not have to upgrade that road to a County standard. Mr. Sullivan is now appealing the EZC's

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decision saying that he should have to upgrade that road, Dinosaur Trail, to a County standard to Richards Avenue.

CHAIRMAN DURAN: And you're saying that the Code supports his claim?

MR. GARCIA: Yes.

CHAIRMAN DURAN: Mr. Sullivan's claim?

MR. GARCIA: Yes.

CHAIRMAN DURAN: So there is, in your opinion a requirement in the Code for Mr. Gillentine to improve this road?

MR. GARCIA: Mr. Chairman, yes, that's correct.

CHAIRMAN DURAN: To County standards?

MR. GARCIA: Yes.

CHAIRMAN DURAN: Okay, so what's the issue?

MR. SULLIVAN: The only other issue, Mr. Chairman, that was brought up at the EZ was the existence of the road maintenance agreement, which I discussed in my letter. The road maintenance agreement, there is an agreement that was signed and recorded by the property owners prior to my purchase of the property, which refers to maintaining and repairing Dinosaur Trail. That portion, the .4 mile we're discussing, and Churchill Road. That road maintenance agreement doesn't say that the property owners will build or bring Dinosaur Trail up to County standards, it simply says it will maintain and repair it, in fact once every six months. And in fact, once every six months, we pay for a grader to go out there and grade the road.

It's just a dirt road. It has no gravel on it. It has no drainage. That's not a road to County standards. The County standards in this case are fairly minimal. They involve six inches of basecourse, that's to a 20-foot width.

CHAIRMAN DURAN: Mr. Sullivan, I need to ask you a question. My understanding is you circulated a letter to all of the property owners out there that basically said that you were trying to get everybody to cooperate in contributing to or participating in the improvement of that road to County standards?

MR. SULLIVAN: That's correct. Then, after that EZ meeting, and --

CHAIRMAN DURAN: So you sent that letter out and did Mr. Gillentine at that point say that he would not participate?

MR. SULLIVAN: I sent the letter out as a way to -- even though I feel I don't have, I'm not a developer. I don't have an obligation to improve Dinosaur Trail to County standards. I'm not dividing lots. I'm just a resident there. Nevertheless, I sent the letter out saying here's how we would divide up the costs if it were to be improved, and saying that I would participate in that. Mr. Gillentine did not respond and apparently does not want to agree to even participate in improving even a portion of -- paying a portion of improving Dinosaur Trail.

I did this simply because as a compromise, as some way to get the issue moving, to say let's all get together and participate in the cost. I think what's wanted here is to simply

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defer that cost on to people that buy the lots in the future.

CHAIRMAN DURAN: What was the total cost?

MR. SULLIVAN: The total estimated cost is about \$20,000.

CHAIRMAN DURAN: Shared between how many people?

MR. SULLIVAN: Shared between seven residents, and if you break it down by lots, as I did in the letter, Mr. Gillentine's share would be \$6,153.

CHAIRMAN DURAN: Per lot?

MR. SULLIVAN: No, that would be his total share, because he would have four lots because four lots have been approved by the EZ. So I wanted to bring up then to the Commission that we have issues of bringing the road up to County standards. Part of bringing the road up to County standards, of course is to have legal access. The other part is to physically construct whatever is required, which in this case is 6 inches of basecourse. We did go one step further in terms of trying to come up with some way of resolving the issue amongst the property owners themselves. Quite understandably, the other property owners don't feel that they're required to upgrade Dinosaur Trail because they're not subdividing and it's of no benefit to them.

So in conclusion then, my letter, my request to the Commission is either this matter be denied, because of the inadequate capabilities of Dinosaur Trail and Richards Avenue. I would point out to the Commission that subdivisions that come before the Commission on Richards Avenue have been tabled. The traffic on Richards Avenue is horrendous. And now with Rancho Viejo opening up, it's gotten even worse. It's very difficult to even get out onto Richards Avenue.

CHAIRMAN DURAN: Mr. Sullivan, so if, had Mr. Gillentine agreed to contribute or participate in that agreement, would you have appealed the decision of the CDRC?

MR. SULLIVAN: Had he agreed, and enough others agreed, and the others agreed, so that we could all --

CHAIRMAN DURAN: Well, he only is contributing on his own property.

MR. SULLIVAN: The way the maintenance agreement reads is half of the property owners have to agree to upgrade. One of the other property owners -- if four of them do it then we can go ahead and maintain and repair the road.

COMMISSIONER GRINÉ: Mr. Chairman, if I could shed some light on this. Mr. Gillentine is the one that has subdivided all these parcels through the course of the years. Every one of them. He at one point or another was the owner of all these parcels. And he has created these parcels.

CHAIRMAN DURAN: Wouldn't that constitute a serial subdivision?

MS. GUERRERORTIZ: Not under the EZ Regulations. The were land divisions [inaudible]

COMMISSIONER TRUJILLO: Mr. Chairman, but the issue now is that because he's subdividing into nine lots, or four lots, it's his responsibility to bring the road

to County standards, the access road. All of it. Is that right?

MR. GARCIA: Mr. Chairman, Commissioner Trujillo, as the EZ Code reads that's his requirement.

CHAIRMAN DURAN: So he's responsible for the whole \$20,000?

MR. GARCIA: Mr. Chairman, yes. Or whatever the cost of the road is, yes, that is what he would be responsible for to get these four lots approved.

COMMISSIONER TRUJILLO: And these people were trying to help him.

MR. SULLIVAN: The plat that I distributed shows that all the original property, all fifty acres, was originally under Mr. Gillentine's ownership.

CHAIRMAN DURAN: Do you think you've made your point? It seems like we kind of have it all.

MR. SULLIVAN: If you have any further questions.

CHAIRMAN DURAN: Well, why don't we hear from Mr. Gillentine and if we have more questions we'll call you. So is there anyone else out there that would like to address this Commission? Mr. Gillentine.

[Duly sworn, John Gillentine testified as follows:]

JOHN GILLENTINE: I'm John Gillentine. I live on Calle Cacique here in Santa Fe. The issue, the reason I'm here, I would request that this Commission go ahead and uphold the approval that the EZ Commission had approved so that we could go ahead with our plan. We're not a subdivider either. And to correctly reference here, this is a 15.8 piece, none of the lots are less than three acres in size, and I submit to you that this issue should have been raised when Mr. Sullivan bought his property and not now and that it was not our responsibility to pay for other people's use of the road that does not benefit us.

COMMISSIONER ANAYA: Mr. Chairman, Mr. Gillentine, when I said high powered appraiser I meant that as a compliment because I remember your name and I remember you working doing appraisals for the Highway Department. I think it's you. You are the appraiser.

MR. GILLENTINE: Yes sir.

COMMISSIONER ANAYA: -- am I correct. I think that the logic that needs to flow forth from this, Mr. Gillentine, is that any time you have a subdivision, if you requested say \$20,000 into road improvements and all this and you being an appraiser of high quality, because I do recall you when you worked for the Highway Department I remember seeing your name in the right-of-way department several times. Then you should understand that a small imposition like this on the road improvement is just a matter that you have flow over into the sale of your lots.

I think that Mr. Sullivan's request is not out of reason at all. I think that's one of the things that you should have thought of as an appraiser and a lot-splitter as to how to enhance that particular piece of property, especially in that area because that's an upcoming area of town. I just wondered why that wasn't done.

MR. GILLENTINE: Could you restate your question, sir?

COMMISSIONER ANAYA: I can't understand why the road improvements weren't even conceived by you during your subdivision.

MR. GILLENLINE: Mr. Chairman, Commissioner Anaya, issues that you're talking about now should have been raised in the past by Mr. Sullivan or others who had bought out there. Now there are seven owners out there. We have not been approached to do anything other than our request to get it through the long list of requirements that your staff has required of us and we have complied with all of them.

COMMISSIONER ANAYA: The question is today, with your request to subdivide 10 acres of land into four parcels. Is that correct?

MR. GILLENLINE: It's not correct. There are 15.8 acres into four lots.

COMMISSIONER ANAYA: Okay, whatever. Fifteen acres, which was approved by the EZC.

MR. GILLENLINE: Yes sir.

COMMISSIONER ANAYA: And which is appealed to us by Mr. Sullivan, to the BCC who has the final authority here. It weighs kind of heavy in my mind what requirements should be imposed on you. I'll yield to the rest of the Commission.

CHAIRMAN DURAN: The way I see it is your neighbors asked you to participate in the improvement of the road that all of you are ultimately going to benefit from and you chose not to.

MR. GILLENLINE: No, that's not correct. A letter was sent out providing the authority as though it were a form of public [inaudible] demanding a deadline date and that sort of thing. We would be happy to work with all of the neighbors in bringing it to whatever condition it need to be brought. I submit that our being here tonight is asking you to go ahead and uphold the approval of the EZ Commission to allow us to split these 15.8 acres into four tracts.

CHAIRMAN DURAN: That sounds to me like your decision but I'll leave that for someone else to make.

MR. GILLENLINE: Is that decision being put to me?

CHAIRMAN DURAN: Not yet. Is there anyone else out there that would like to address the Commission?

COMMISSIONER GRINÉ: Mr. Chairman, I'll make a motion that we recommend the decision of the EZC and with the conditions already that proposed here, plus that Mr. Gillentine bring the road from Richards Avenue to the turn-off to these properties to County standards.

COMMISSIONER ANAYA: I'm going to second, Mr. Chairman, for discussion.

CHAIRMAN DURAN: I think that's a little harsh. What would be wrong if his neighbors all acted like good neighbors, including Mr. Gillentine.

COMMISSIONER GRINÉ: I know there's a problem here because some of the people haven't built their lots out there. They just own a lot. And these people don't

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MR. GILLENLINE: Then I will not subdivide.

CHAIRMAN DURAN: That's your choice.

MR. GILLENLINE: Thank you.

[The Commission recessed for five minutes.]

- VIII. E. 7. CDRC Case #Z 98-5620. Ralph Hill Commercial Zoning. Ralph Hill, applicant, requests master plan zoning with preliminary and final development plan approval for a two-phase commercial development of office/retail use on 1.884 acres. The property is located within an existing Community Center Commercial District, northeast of the intersection of State Road 344 and Dinkle Road in the traditional community of Edgewood, within Section 15, Township 10 North, Range 7 East**

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, phase one consists of an approval for Ranger Air within an existing 750 square foot building which was previously licensed for a video store. Ranger Air currently leases the building for a dispatch office for a heating and air conditioning business and as a sales office and a storage yard for military surplus.

Phase two consists of remodeling an existing 2,337 square foot home into an office within a one to three year time frame. Uses proposed are medical, professional offices such as doctors, dentist, real estate or attorney offices.

Recommendation. Staff recommendation and the decision of the CDRC was to recommend master plan zoning with preliminary and final development plan approval for a two-phase commercial retail and office development subject to the seventeen listed conditions. And Mr. Chairman, may I enter the conditions into the record?

CHAIRMAN DURAN: Please.

[Staff conditions from the report are as follows:]

1. The applicant will submit a signage plan in accordance with Article VIII of the Code.
2. All lighting within the development is to be shielded.
3. Phase two will be developed within three years; this will be noted on the master plan.
4. All redline comments will be addressed, redlines will be returned with final plans.
5. The applicant will submit an approved updated septic permit prior to building permit issuance.
6. All parking spaces will be defined.
7. All outside storage areas are to be screened by a solid wall of fence.
8. The applicant will install a fire hydrant at the west entrance to this development. The hydrant will flow at 1000 gallons per minute with 20 psi.
9. The applicant will obtain a State Highway Department driveway permit prior to business license issuance.
10. The applicant will install a Knox lock entry system for any gated area.

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11. The master plan will be recorded with the County Clerk.
12. All structures will comply with the Life Safety Code, the applicant will request a final fire inspection by the Fire Marshal prior to any business license issuance.
13. All improvements, including fire protection, landscaping, parking and retention ponding, will be in place prior to business license issuance.
14. All existing and new utilities will be placed underground.
15. All private wells will be disconnected and abandoned per State Engineer requirements.
16. The applicant and his successors or heirs shall participate within a three year period on a pro-rated basis to place a traffic light at the intersection of Dinkle Road and State Road 344.
17. The septic system must be designed to handle fats, oils and grease if at any time a restaurant use is added.

CHAIRMAN DURAN: Any questions of Penny? Is the applicant here?
Could I get a show of hands of people that want to address this issue?

[Duly sworn, Ralph Hill testified as follows:]

RALPH HILL: Ralph Hill, Post Office Box 712, Edgewood, New Mexico.

CHAIRMAN DURAN: Mr. Chairman, are you in agreement with the staff recommendations.

MR. HILL: Yes.

CHAIRMAN DURAN: Do you have anything you would like to say?

MR. HILL: No, unless what time's breakfast?

CHAIRMAN DURAN: Is there anyone out there that wants to address the Commission concerning this issue?

Commissioner Griñé moved to approve CDRC Case #Z 98-5620 as recommended by staff and Commissioner Trujillo seconded. The motion passed by unanimous voice vote.
[Commissioner Gonzales and Commissioner Anaya were not present for this vote.]

CHAIRMAN DURAN: Congratulations.

MR. HILL: Thank you. And I want to thank Penny. She's been real nice.
You ought to send her on vacation.

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- VIII. E. 8. CDRC Case #S 98-5610. Pinon Trails Subdivision. Osco LLC, applicant, Tim Oden, agent, request preliminary development plan and plat approval of a 20-lot residential subdivision on 74.94 acres. The property is located within the traditional community of Edgewood, north of the I-40 frontage road off of Horton Road, within Section 20, Township 10 North, Range 7 East**

MR. ABEYTA: Thank you, Mr. Chairman, Commissioners. Staff's recommendation and the decision of the CDRC was to recommend preliminary development plan and plat approval subject to conditions one through 24 as listed in the staff report. And I would ask that they be put in the record as written.

CHAIRMAN DURAN: That's fine. Thank you very much.

[The conditions from the staff report are as follows:]

1. The final plat shall reflect and be reviewed as a 24-lot subdivision per Article V, Section 5.9 of the Code.
2. The following statements must be included on the disclosure statement as well as the plat:
 - a. Standard septic systems may not be allowed on each lot.
 - b. Due to limited percolation rates, site specific percolation testing should be constructed for each lot prior to construction of the proposed subdivision
 - c. The site soils are highly susceptible to frost heave, substratum erodible when exposed. The site soils experience light swelling to significant collapse if allowed to increase in moisture content. To reduce the risk of structure settlement the site should be graded at a minimum of 4 percent gradient within at least the first ten feet away from structures.
 - d. In the future the Moriarty school district may develop in the open space area.
3. The applicant must discuss the possibility of providing additional school sites within the Moriarty Public Schools District.
4. The applicant must conditionally dedicate Horton Road South to the County.
5. Additional detention ponding will be required near Horton Road.
6. The applicant must provide details showing that the drainage easement has adequate protection to prevent erosion.
7. Hydrants must be placed every 1,000 feet for all line extensions.
8. Additional hydrants must be provided for Tracts C-R-1 and Tract B-R.
9. The applicant must provide telephone service lines to each lot.
10. All off-site road improvement plans must be submitted with final plat.
11. All roads must have a maximum grade of 11 percent.
12. The grade at the intersection of Neptune Drive and Horton Road South must not exceed 3 percent for 100 linear feet.
13. In areas of inadequate soil depth (less than 8 feet) conventional leach fields will not

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- be permitted. The applicant must disclose this along with an ED acceptable means of disposal and estimates of associated cost.
14. The final plat will delineate 911 addresses.
 15. The road geometry of Horton Road South shall be approved by the County traffic engineer and the State Highway Department.
 16. The applicant will address all Subdivision Engineer redlines comments on the disclosure statement, plat and reports. All redlines will be returned with the final plat and plan submittal.
 17. The applicant will submit fire protection system engineering plans meeting Article VII Section 6.7 code requirements including:
 - a. The minimum water main size shall be 6 inches.
 - b. All fire hydrants will flow at 500 gallons per minute with 20 pound per square inch residual pressure.
 - c. Hydrants shall be located every 1,000 feet along the roadway
 - d. The developer's engineer must coordinate fire protection system design with the water system to ensure that the required fire flows and pressure can be met and maintained at all times upon completion of construction.
 - e. Water system and hydrants shall be in place, operable and tested prior to the start of any building construction.
 - f. All owners shall be required to comply with urban-wildlife and interface fire protection measures.
 18. All lots will be restricted to a maximum annual water use of .25 acre feet.
 19. No further subdivisions are allowed.
 20. No lot shall have direct access to Horton Road South or I-40.
 21. Culs-de-sac shall have a 50' radius with a 116' right-of-way diameter
 22. Compliance with the applicable review comments from the following:
 - a. State Engineer
 - b. State ED
 - c. State Highway Dpt.
 - d. County Fire Marsha.
 - e. County Public Works
 23. Access to Pinon Hills Subdivision shall be limited to CR8 until an analysis and permission is granted from the NM State Highway Department.
 24. County Road 5 be paved to County standards from CR8 to Neptune Drive.

CHAIRMAN DURAN: Any questions of Roman? Is the applicant here?

[Duly sworn, Tim Oden testified as follows:]

TIM ODEN: Chairman Duran, members of the Commission, I made a comment to the CDRC when this was approved by the CDRC some time ago that if anybody wanted to know whether the present staff was doing a good job of Code enforcement, I've been doing subdivisions and development work on cases for twenty years and this is the first

time that I've ever had more conditions than I had lots. They are doing a very good job of Code Enforcement. You have a good Code and it is rigorously enforced.

I've read all the conditions and am in agreement with them.

CHAIRMAN DURAN: Great. Well, we're proud of them also. Any questions of Mr. Oden? Anyone out there that would like to speak to this Commission about this issue? What's the pleasure of the Board?

Commissioner Grinë moved to approve CDRC Case #S 98-5610 as recommended by staff. Commissioner Trujillo seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales and Commissioner Anaya were not present for this vote.]

VIII. E. 9. EZ Case #S 97-4431. Valle Serena Subdivision. Jim Siebert, agent for Zena Boylan, requests preliminary and final development plan approval of Phase 1 (lots 1 to 6) of the Valle Serena Subdivision, a 20-lot residential subdivision on 50 acres. The property is located off Vista del Monte Road, within Sections 30 and 25, Township 16 North, Range 9 East and the 5-mile EZ District [Staff report on file with Land Use Department]

MR. ABEYTA: Thank you, Mr. Chairman. On December 10, the EZC recommended final approval subject to conditions one through ten as listed in the staff report and again, I'd like those entered into the record as written.

CHAIRMAN DURAN: That's fine.

[The conditions set forth in the staff report are as follows:]

1. Compliance with review comments from the following:
 - a. County Water Company
 - b. County Subdivision Engineer
 - c. County Public Works Department
 - d. State Highway Department
 - e. State Environment Department
 - f. Santa Fe Public Schools
2. Domestic water use will be restricted to .25 acre-feet per year per tract. Water restrictions meeting County Code shall be recorded and noted on the plat.
3. Existing on-site utility lines shall be placed underground.
4. Street lights within the subdivision are prohibited. Remove all referenced on the final plat and plans.
5. The developer must participate with Browncastle Ranch, Thornburg Development, and Sonterra Subdivision in paving Vista del Monte.
6. The master plan must be re-recorded, amending the phasing schedule to reflect six

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- lots in Phase I
7. Road names and rural addressing must be approved by the County Public Works Department and placed on the final plat.
 8. The final homeowners' documents and disclosure statement are subject to review and approval by staff and shall include but not be limited to the following:
 - a. the prohibition of guest houses
 - b. drainage flows remain in natural condition
 - c. maintenance of open space/recreational areas
 - d. homeowners association responsibility for construction and maintenance of common drainage facilities and roads
 - e. contract for solid waste disposal by licensed collection service
 - f. the lots are subject to fire impact fees at the time of housing construction
 9. The developer must submit a solid waste fee in accordance with subdivision regulations (\$39.00) per lot.
 10. Submit an engineer's cost estimate with financial surety for all required improvements (including street and traffic signs, pedestrian trail). Include schedule of compliance projecting time period for completion of improvements. Upon completion, submit a certification by a registered engineer that improvements have been completed according to the approved development plan.

CHAIRMAN DURAN: Any questions of Roman? Is the applicant here?

[Previously sworn, Jim Siebert testified as follows:]

MR. SIEBERT: My name is Jim Siebert and my address is 915 Mercer. I have been sworn in previously. The actual application is for six lots for Phase 1. Mrs. Boylan hoped to acquire additional water for the other 14 lots but she is on the County water system and doesn't have that at this time, so we're limited to six lots. A clarification on number 5. It says the developer must participate with Browncastle Ranch, Thornburg, Sonterra and the Public Works Department in paving Vista del Monte. The EZC approved this with the understanding that for this number of lots, the six lots would -- the off-site access would be gravel base but she'd be responsible for doing certain off-site improvements.

COMMISSIONER GRINÉ: Mr. Chairman, Jim, what is this Valle Serena Subdivision?

MR. SIEBERT: Commissioner, it's if you drive south on 14 and turn left where the Allsups is, what used to be Camino Alto, I always knew it as Camino Alto, now it's Vista del Monte. You drive back there and there's the -- I forget the name of that subdivision but it's at the end of our subdivision.

COMMISSIONER TRUJILLO: Mr. Chairman, what's the minimum lot size in that area? I see lots here of .81, 1.21.

MR. SIEBERT: Commissioner, the average lot size is 2.5 acres, but what we've done is we've taken a large amount of open space, set that aside as permanent open space with a trail system through it. So we have lots that do go down to .8 acres. We do

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have County water and a community sewer system.

COMMISSIONER TRUJILLO: That was my next question. Thank you.

CHAIRMAN DURAN: Any other questions of Mr. Siebert? Is there anyone out there that would like to address the Commission concerning this issue? If not, what's the pleasure of the Board?

Commissioner Trujillo moved approval of EZ Case #S 97-4431 with County conditions, and Commissioner Anaya seconded. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

VIII. E. 9. CDRC Case #Z 98-5690. County Economic Business Park. Santa Fe County, applicant, David Schutz, agent, request master plan, master plat and development plan standards approval for a 60-acre business, industrial and manufacturing park. Uses are to included research labs, light industrial, manufacturing, wholesale businesses, warehouse, corporate and governmental offices. Approval of the master plan will allow up to 30 lots to be created administratively subject to Article V, Section 5.6. Approval of development plan standards will allow for administrative approval of development plans. The property is located east of SR 14, north of the County Jail in Section 36, Township 16 North, Range 8 East [Staff report on file with Land Use Department]

MS. GUERRERORTIZ: Good evening, gentlemen. We've leased 60 acres from the State Land Office. What we intend to do is firms will come here to you to acquire a lease to develop in this park. If you grant them a lease, say you grant them a lease of five acres, the County Land Use Administrator will have a plat created to create that lot administratively and record it, and then we'll administratively review the development plan in accordance with the development standards that you're seeing tonight.

This is one of the advantages of knowing the ins and outs of our Code, it does allow master plats and it does allow all of this to be done administratively. If you all allow it. In general, you've gone over the proposed uses, but the CDRC did ask that one additional condition be added so that they could allow that existing businesses that occur in our County could relocate to this business park, so that's an additional condition that's been added, number 11 by the CDRC. We intend to initially just develop a basecourse road leading to our first lot if we go ahead and only have one customer initially. And then when the ADT get to 600, which our Code then would require paved roads, we'll have two paved roads coming off State Road 14. We'll have to do the accel/decel lanes.

We'll hook up to County water. We'll hook up to the sewer plan that we're associated with across the way at the penitentiary. We've set some, I think, good standards

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for development. In talking to some people who'd like to move in they approved of those standards also. We've got 11 recommended conditions that come from the CDRC. I'll stand for any questions.

[The conditions from staff report are as follows:]

1. Compliance with the applicable review comments from the following:
 - a. State Highway Dpt.
 - b. State ED
 - c. State Engineer
 - d. County Utility Division
 - e. County Public Works
 - f. County Fire Marshal
2. The master plan and master plat must be recorded with the County Clerk.
3. Archaeological survey must be completed prior to construction commencing.
4. Depending on the building size and use, commercial fire suppression system may be required.
5. A final inspection by the Fire Marshal of all buildings shall be required prior to business license approval
6. Maximum of 30 lots.
7. All businesses must have valid business licenses.
8. Prior to construction of the project access road, the applicant will have a driveway permit from the State Highway Department.
9. On-site stormwater detention plans in compliance with the Land Development Code will be required at the time of development plan submittal for individual projects.
10. All development will use water conserving fixtures and limit non-native grasses to 800 sf.
11. The use list shall allow existing SF County businesses to relocate to the County Economic Business Park.

CHAIRMAN DURAN: Orallynn, I have a question. Are you reserving areas for open space, or I'm kind of addressing this to David. David you did a nice job on the St. Michaels Drive property. We had some nice open spaces that really promoted the workers to go out there to have a little snack. You really pulled the outdoors in nicely. I'm wondering if in this plan do you --

COMMISSIONER ANAYA: Mr. Chairman, point of order. Swear him in first and then ask him.

[Duly sworn, David Schutz testified as follows:]

DAVID SCHUTZ: David Schutz, 460 St. Michaels Drive, Santa Fe.

CHAIRMAN DURAN: David, are you in agreement with the conditions?

MR. SCHUTZ: Yes.

COMMISSIONER ANAYA: And also the conditioned imposed by the CDRC?

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MR. SCHUTZ: Yes.

COMMISSIONER ANAYA: You'll be working with staff to coordinate good planning for that particular area, David.

MR. SCHUTZ: Yes. I want to commend the Commission for embarking on this fairly ambitious program to stimulate Santa Fe County's economic development program. I think it's a great project. I think it's a winner. I really do. We've been working, Mike Gomez from Tierra Engineering have been working very closely with Oralynn to try and give the Commission great flexibility in attracting new businesses to Santa Fe County and I think it's a winner and something that you guys will be proud of. We have Mr. Don Brook from the State Land Office here who's representing Commissioner Ray Powell if there are any questions you might have of him. I'd be open to any questions you have.

COMMISSIONER ANAYA: Mr. Chairman, just a comment. The development of the infrastructure in that area is a major concern to us as a Commission and staff. It strikes me really well that we're working in this direction, particularly with the sewage needs of the area, the water usage of the area. It's to promote some kind of economic development for the area. This kind of long needed effort I think is really great.

MR. SCHUTZ: I agree wholeheartedly. The partnership between the State Land Office is great.

COMMISSIONER ANAYA: That was my next office. The participation of the State Land Office too, I think is unique and something we need to do.

MR. SCHUTZ: Absolutely.

CHAIRMAN DURAN: I have one question David. Have you established an architectural control committee? Are you going to have some control over the design?

MR. SCHUTZ: Yes. The proposal on the table this evening, should you approve, is to -- it will consist of a three-member architectural review committee consisting of the County Manager, the Land Use Administrator, and I believe the County Subdivision Engineer.

CHAIRMAN DURAN: Should we add the chairman at that time? Wouldn't that be okay? To the architectural control committee? So with that amendment, do I hear a motion?

COMMISSIONER ANAYA: So moved, Mr. Chairman, move for approval.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: Any further discussion? Those in favor signify by saying "aye." [unanimous] Opposed? [Commissioner Gonzales was not present for this vote.]

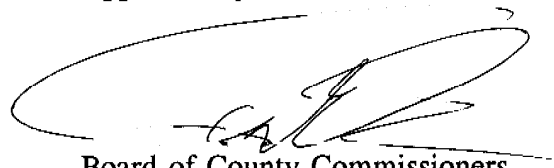
MR. SCHUTZ: I just want to say how nice it is to have a project before the Commission that has unanimous approval.

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ADJOURNMENT

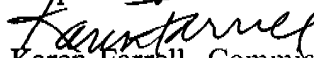
Chairman Duran declared this meeting adjourned at approximately 10:00 p.m.

Approved by:

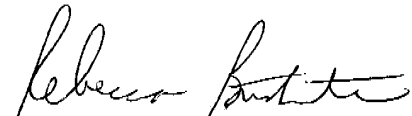


Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK

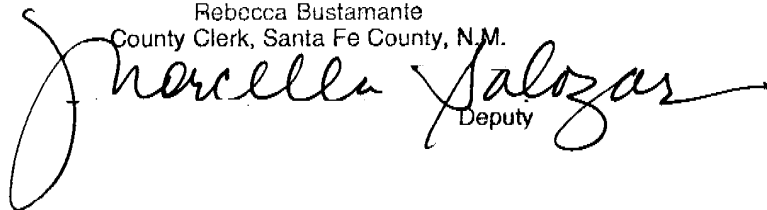


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COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO)

I hereby certify that this instrument was filed
for record on the 10 day of Feb A.D.
19 99, at 11:12 o'clock a m
and was duly recorded in book 1601
page 668 of the records of
Santa Fe County.

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


Deputy



DECLARATION OF ROAD MAINTENANCE AGREEMENT

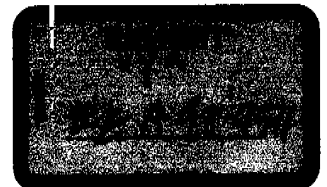
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As the undersigned owners of property adjoining and bounded by the following described easement (See Exhibit A):

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We hereby agree and declare that we shall bear an equal share of any and all costs required or maintenance and repairs of said easement plus the section of Dinosaur Trail from Churchill to Richards Avenue under the terms and conditions as set forth herein:

1. Said easement described above shall be used in common with other owners of properties bounding therein who use said easement for ingress and egress to a legal lot of record and/or utilities.
2. Said easement must be maintained in a good, passable condition under all weather conditions.
3. Repairs on the said easement shall be required when a majority of the owners of properties bounding thereon reach an agreement that repairs are needed. It is further agreed that all land owners affected by this agreement shall be notified before any action is taken. Pursuant to said agreement such owners shall obtain three bids from reputable licensed contractors and shall accept the lowest of said three bids and shall then initiate the repairs of said easement with each owner bearing his pro-rata share of the costs and expense thereof, regardless of whether such owners shall have concurred in said agreement or not, provided however that such costs and expense shall be shared ONLY with and by those owners who use the easement for ingress and egress to their properties. However, it is agreed by all parties that the road shall be graded at least twice a year and the cost will be borne by all parties who are a part of this agreement. The timing of the yearly grading shall be determined by a majority of the parties who are a part of this agreement.
4. Every owner of property bounding on said easement who shall cause or allow, in any manner, said easement to be used, traversed or altered by vehicular traffic or otherwise, thereby causing damage to the surface thereof, shall bear as his responsibility the costs and expense of repairing such damage.
5. If dissenting owner shall not pay his pro-rata share of costs and expense immediately upon receiving his bill for same, the remaining such owner shall be entitled without further notice, to institute legal action for the collection of funds advanced in behalf of such dissenting owner and, shall be entitled to recover such action, in addition to the funds advanced, all costs and disbursements of such action, and for a reasonable attorney's fee in such amount as the court may fix.
6. It is further agreed between the parties that this agreement shall only apply to the easement described in Exhibit A should any event occur that causes



Dinosaur Trail to be maintained by a third party.

1601668

1487804

This agreement and/or declaration shall be deemed and is intended to run with the land and to be and constitute a lien and restriction upon the said properties (and any subsequently created lots from any property), and shall be binding, upon and insure to the benefit of the undersigned, his, her, or their heirs, personal representatives, successors and assigns, forever, or until such time as the said easement shall be normally dedicated to and accepted as a public easement by the municipal government lawfully exercising jurisdiction over said easement.


Tom Gillentine

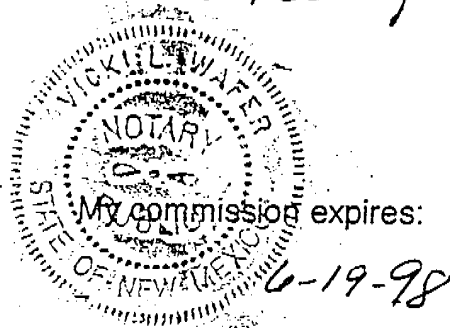

Jane Gillentine

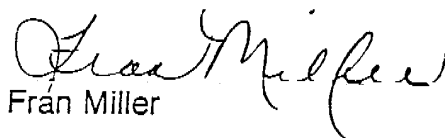
Acknowledgement

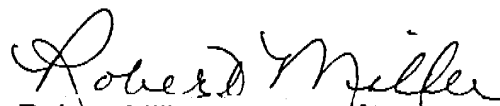
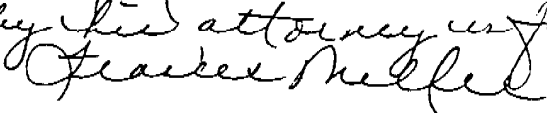
STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 27th day of March, 1998, by Tom Gillentine, Jane Gillentine


Notary Public



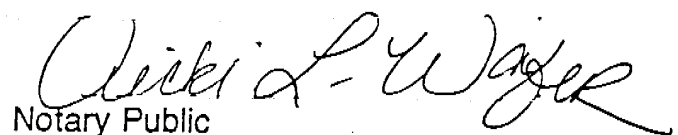

Fran Miller


Robert Miller *by his attorney in fact*


Acknowledgement

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 22 day of April, 1998, by Fran Miller


Notary Public



My commission expires:

6-19-98

1487805

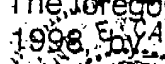

Gary Frank

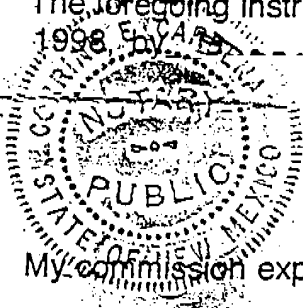

David Gunderson

Acknowledgement

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) ss.

1601668

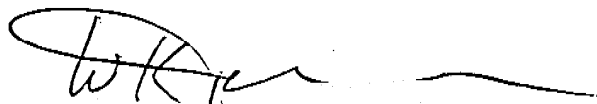
The foregoing instrument was acknowledged before me this 21st day of March, 1998, by  & 




Notary Public

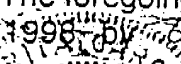
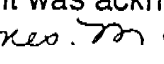
My commission expires:

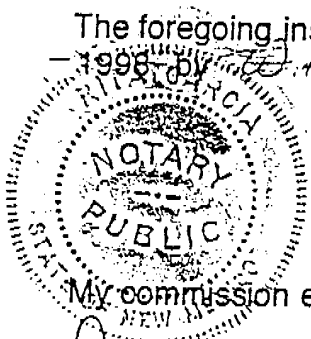
Nov. 12, 2001

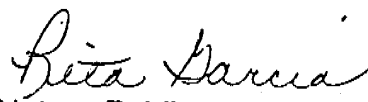

W. K. Jones

Acknowledgement

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) ss.

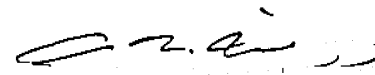
The foregoing instrument was acknowledged before me this 21st day of March, 1998, by  & 




Notary Public

My commission expires:

Jan 21, 2000


Mark Miller

Acknowledgement

STATE OF NEW MEXICO)
COUNTY OF SANTA FE)

ss.

1601668

1487806

The foregoing instrument was acknowledged before me this 28th day of March, 1998, by *Mark Miller*

My commission expires:

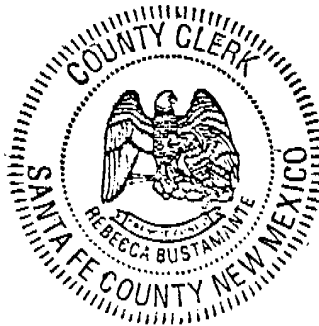
9-21-98

Notary Public



OFFICIAL SEAL
Gloria A. Roybal
NOTARY PUBLIC
STATE OF NEW MEXICO

My Commission Expires



1022.911
COUNTY OF SANTA FE)
STATE OF NEW MEXICO)

I hereby certify that this instrument was filed for record on the 4th day of May A.D. 1998 at 4:11 o'clock P.m. and was duly recorded in book 1487 page 803 of the records of Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, NM

Deputy

Marcella Salazar

Easement shown
is Churchill Road