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**BOARD OF COUNTY COMMISSIONERS**

**SANTA FE, NEW MEXICO**

**REGULAR MEETING**

**FEBRUARY 8, 2000**

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

**SANTA FE COUNTY**  
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**February 8, 2000**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 5:50 p.m. by Chairman Joe S. Grinë, Jr., in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

|                                          |                               |
|------------------------------------------|-------------------------------|
| <b><u>Members Present:</u></b>           | <b><u>Members Absent:</u></b> |
| Commissioner Joe S. Grinë, Jr., Chairman | None                          |
| Commissioner Richard Anaya               |                               |
| Commissioner Paul Duran, Chairman        |                               |
| Commissioner Javier Gonzales             |                               |
| Commissioner Marcos Trujillo             |                               |

**IV. INVOCATION**

An invocation was given by Commissioner Anaya.

**V. APPROVAL OF THE AGENDA**

- A. Amendments**
- B. Tabled or with drawn items**

CHAIRMAN GRINÉ: Are there any changes to the agenda?  
SAMUEL MONTOYA (County Manager): Mr. Chairman, staff is requesting tabling of the first item under Staff and Elected Officials, Land Use Department, Request to publish title and general summary of an ordinance to declare the communities of La Cienega and La Cieneguilla traditional historic communities under state law.  
CHAIRMAN GRINÉ: Okay, anything else? Any other changes or additions?

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Commissioner Anaya moved to approve the agenda as amended and Commissioner Trujillo seconded the motion. The motion passed by unanimous [4-0] voice vote.

**VII. PRESENTATIONS AND AWARDS**

**A. Request approval of a proclamation to declare March 2, 2000 as "Gary Thomas Apodaca and Eric Clarence Garcia Day"**

COMMISSIONER GONZALES: Thank you, Mr. Chairman. I have a proclamation to present to the Commission. At this time, I like the families of Gary Apodaca and Eric Garcia to come forward.

Mr. Chairman, these are the family members of Gary Thomas Apodaca and Eric Clarence Garcia and I understand that the State of New Mexico has also issued a proclamation to this effort and the City of Santa Fe will be doing so very soon. Is that correct, Mr. Villegas? I'd like to thank Mr. Villegas for bringing this to my attention. I'd like to read this proclamation. It says:

Whereas, Gary Thomas Apodaca was born on April 25, 1954 in Las Cruces, New Mexico and was married on March 26, 1987 in Santa Fe, New Mexico to Pauline Chavez;

Whereas Gary was employed with the New Mexico State Highway and Transportation Department 25 years;

Whereas Eric was a student at Larragoite Elementary School where he excelled in the classroom and was a star athlete who participated in Larragoite's charter basketball, football, wrestling and skiing activities and attended St. Ann's Catholic Church;

Whereas Gary was an avid athlete and loved his wife and children dearly, Catherine, Thomas, Zachary and Daniel;

Whereas Gary and Eric met their ultimate death on March 2, 1999 at the ages of 44 and 11 years.

Now therefore we, the Santa Fe County Board of County Commissioners give our sincere and heartfelt condolences to the family and friends of Gary and Eric upon the loss of these dynamic human beings. We hereby proclaim March 2, 2000 as Gary Thomas Apodaca and Eric Clarence Garcia Day and ask that all citizens join us in remembering Gary and Eric. We respectfully present these proclamations to the families of Eric and Gary. Thank you very much.

Mr. Chairman, I'd like to thank the families for being here and again, express our condolences and just our sincere gratitude for the strength that you've been for this community in enduring these tragic losses. Our best to all of you and if there's anything that any of us can do I'm sure we stand available to assist you and your families. So thank you for being here. It means a lot.

COMMISSIONER ANAYA: Mr. Chairman, again, I'm so sorry for your losses, but I'm sure that they will always be remembered and perhaps this is one small way

of keeping them in memory.

COMMISSIONER GONZALES: Thank you, Mr. Villegas.

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**VIII. STAFF AND ELECTED OFFICIALS**

**A. LAND USE DEPARTMENT**

2. Request authorization to publish the title and general summary of an ordinance replacing Ordinance 1999-4 declaring a moratorium on new subdivisions, land divisions, and master plans for projects served by the Eldorado Utilities, Incorporated and encouraging conservation measures within the Eldorado Utilities, Incorporated service area

JUDY MCGOWAN (Planner): Mr. Chairman, Commissioners, since 1996, the Board of County Commissioners has adopted moratoriums which impacts projects which would be served by the Eldorado Utilities due to ongoing concerns about the adequacy of the water system and especially of fire protection. A year ago you passed the existing moratorium which is due to expire on April 14, 2000. So staff is requesting the authorization to publish title and general summary for a new ordinance that will extend that moratorium. We're anticipating that if you authorize publication, we would publish immediately, have the first public hearing at your next meeting in February and the second public hearing at the first meeting in March in order to have the ordinance effective before April 14.

CHAIRMAN GRINÉ: Thank you, Judy. Any questions of Judy? If not, what's the recommendation by the Board?

Commissioner Anaya moved to approve publishing title and general summary of an ordinance to renew the Eldorado moratorium. Commissioner Duran seconded and the motion passed by unanimous [4-0] voice vote.

- VIII. A. 3. Resolution No. 2000-14. A resolution amending Resolution 1998-105 and 1998-132, expanding an Open Land and Trails Planning and Advisory Committee**

LESLI ELLIS (Planner): Good evening, Mr. Chairman, Commissioners. At the last BCC meeting, you requested that we come back with the resolution to expand the County Open Land and Trails Planning and Advisory Committee, which is COLTPAC, from seven to nine members. This resolution before you does that. It essentially has three purposes. It ratifies the committee's initiative to elect a sub-committee of seven members

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rather than five, which were originally suggested in one of the original resolutions. It satisfies the BCC's intent to expand the committee from seven to nine members, and then it also makes this committee the permanent Open Land and Trails Committee, which would have additional purposes, other than reviewing projects and making recommendations to the Board of County Commissioners. It would also have the purpose of updating and doing research for the Open Land and Trails Plan, which currently is in draft form, and we'll bring before you this spring, spring of 2000.

They would also review and update the criteria that they've established for looking at projects. If you like, I could go through the resolution in detail, or I can open it up to questions. It's fairly complex and lengthy.

COMMISSIONER TRUJILLO: Mr. Chairman, I have a few questions. This is to augment the existing COLTPAC committee from seven to nine members, right?

MS. ELLIS: Correct.

COMMISSIONER TRUJILLO: I'm wondering, what is driving this? What point of view is missing from the existing scope of the committee? We've gotten a lot of compliments regarding the way, the composition of the committee. They've done a good job. They've established Commission criteria. What's the added value, what points of view are missing from the existing situation?

COMMISSIONER ANAYA: Mr. Chairman, can I comment on that? Commissioner Trujillo, I think the main purpose of this is to kind of try to work in phases. The make-up for the committee now, I'm not sure whether it incorporates people that have lived here for, that were born and raised here, that have generations of family, in the decision making as to what open spaces are actually the sentimental virtue of our culture and our traditions, perhaps may not be represented in this. And the whole purpose is just a revisitation and an expansion of this idea to move forward into selecting good and purposeful open spaces. In my way of thinking that that is perhaps the main intent of this type of approach.

I would even augment it by saying that we should phase the committee, like every year, perhaps revisit it every year, every two years or so, just to address that type of concern, you see. That's the way I envision it. I don't know whether Lesli has anything else to add.

COMMISSIONER GONZALES: Mr. Chairman, I support this for a couple of reasons. Commissioner Trujillo, I agree with you. I think that this committee has done an outstanding job. Our staff has done an incredible job of working with the committee and providing them with the information that they need to make. Very solid recommendation. But I want to bring some perspective to this. These are seven people who have the ability to spend \$12 million, basically, or to recommend. And I think that what we've sold the community on all along is that we were going to be, we were going to encompass everyone's views. And I think that that needs to be prevalent in the committee itself so that we continuously have a fresh set of views, a fresh set of ideas, and not just the same seven

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people that are making recommendations on how to spend the \$12 million.

I'm supporting this because it's going to allow for more people to participate, but I think Commissioner Anaya's assessment is good too, is that somehow, maybe we should set up some type of rotation so that every phase, maybe there's three people that move off and three people that move on and so that we have some continuity, we have some institutional memory, but more importantly, we expand the process of participation in how to select open lands for this community, because as it is right now, there are seven people that have started with and if we don't change or allow for that opportunity, the same seven people who will basically make the recommendation on every parcel of land that we're going to consider and I support this because hopefully, it will allow for some more diversification and more participation and greater participation from others in our community who have stepped up and said, We want to participate now.

And right now as it is, that door is basically closed, because they'll have to wait until we go through this process again before they can step in and participate in the selection of open space. So I've supported this from the standpoint of hopefully, it allows for continued diversity, continued participation from a greater citizen base than just seven people that will get to make the recommendations to the Commission on how to spend some of this money. And I don't know if this accomplishes it. I think we have, we're going to nine, but I think it will be important if we can stagger the terms so that there's some continuity and there's some fresh ideas coming in, fresh perspectives, and it's all within what we're spending this \$12 million so that when we go back out, we can prove to the community that it just wasn't seven people that decided, but we actually have a mechanism that is turning over a fraction of them every three months, or every phase that we go through, we're turning over a fraction and bringing in a new set of ideas, a new perspective on how to spend the County money and I think it makes for a stronger program if we can do that.

COMMISSIONER ANAYA: Mr. Chairman, open dialogue please. To elaborate a little further, for example, I've only got ten more months left here and all these committees serve at the pleasure of the elected officials, Commissioner Trujillo. And that's another enhancement, so to speak, as to why it should change in that direction. I think it's better government if we change things around.

COMMISSIONER TRUJILLO: I understand. Taking that into consideration, initially, when the committee was selected there were some criteria that were established in making selections. If we go forth in augmenting the committee, I would not like to see those criteria compromised. I think we need people with expertise in open space, in trails, in sensitivity and commitment to the community, and understand the traditional, cultural, and historical perspectives and things like that. I think that we can't deviate or compromise the criteria that have already been established to make this entity, this organization a viable organization in terms of the best means of proceeding.

COMMISSIONER DURAN: Mr. Chairman, Lesli, am I to understand that the seven members that comprise the sub-committee will now be changed, that there will be

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nine new ones?

MS. ELLIS: No. If I might just clarify a couple points in the resolution. Essentially, if you look at the "Therefore" section of the resolution, number two says that paragraph 11 would be deleted, and that's the paragraph in the former resolution that sets up a sub-committee of five, and that would now be replaced with these following paragraphs, which establishes a committee of nine members, and that's building on this committee of seven. It gets a little complicated there. Those seven members would remain in place. The Board of County Commissioners would appoint two new members at this time and then four of those seven members' terms would expire in January of 2001 and the other three would expire in January of 2002, so there would be a staggered two-year term for all those members.

COMMISSIONER DURAN: And how do we go about appointing the other two?

MS. ELLIS: That could take place once this resolution is approved. We need to amend the former resolutions that would expand the committee to nine members. And also this resolution does build on the former resolutions, as Marcos said, I think the Commissioners should be commended for really establishing a committee that was very representative and diverse in the first go-round. The membership of 30 was extremely diverse and the group of seven is that way also. And that language that calls for members to submit letters of interest and explain why they want to be on this, and also have regional representation is still intact in this resolution.

COMMISSIONER DURAN: So the other two are coming out of the 30 that we originally appointed?

MS. ELLIS: No, those would be new appointments that would submit a letter of interest.

COMMISSIONER DURAN: So you haven't figured out where these other two are going to come from?

MS. ELLIS: No.

COMMISSIONER DURAN: Because when we appointed the other 30, we had certain criteria that they come from certain areas.

MS. ELLIS: Right.

COMMISSIONER DURAN: I guess I'm curious how we're going to appoint two. Have you given that any thought?

MS. ELLIS: Well, the language in here, as I said, it builds on the former resolutions, which calls for diverse interests represented around the County and then the regional representation was something that the committee members and the public felt was very important, and this calls for at least two members of the committee being from the north part of the county, two from the south, two from the central area. So that's the main criteria that would establish regional representation and then as for the rest, it would be up for the Board of County Commissioners to decide on those two members. You'd all equally

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decide on who those members would be.

COMMISSIONER DURAN: Can't we add something to this resolution tonight that would tell us, that would dictate how we'd go about appointing those other two?

COMMISSIONER TRUJILLO: Yes, I think we should.

COMMISSIONER DURAN: Why wait?

CHAIRMAN GRINÉ: I don't think we even have applicants yet and if we're not aware of those --

COMMISSIONER DURAN: I don't mean the persons, but I mean the criteria of where these two people are going to come from. Maybe it's one from within the city limits and one from outside the city limits. Say, one from the north part. We draw a line between north and south and one comes from the north and one comes from the south.

COMMISSIONER ANAYA: Mr. Chairman, my recommendation be that it would be persons that have traditional family roots going back into seven or eight generations back. I think that the committee is not, the committee make-up right now doesn't have that type of persons on the board itself. I think that would lend a lot also as far as attitude and everything, on the traditional cultural levels.

COMMISSIONER DURAN: Why didn't we pick from the 30 that were there? Why do we have to go through this whole selection process again? What's wrong with getting two from the 30 to add to the seven.

MS. ELLIS: This resolution wouldn't preclude reappointing somebody from the group of 30 if that's what you would like to do.

COMMISSIONER DURAN: We've gone through the process of selecting these people, why can't we just say that the other two would be appointed or selected out of the original 30?

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Duran, can I address that? I'm not opposed to the 30. I mean I think why I'm supporting Commissioner Anaya's resolution is because I think that fundamental to the success of this is to allow for as much participation as possible from the community. And to every venue that we can create, I think we should and to just limit it to even the 30. When this first started, not a lot of people knew about the open space plan. They didn't know about the committee. It was hard to generate some buzz, although we got quite a bit, but I think there are a lot of people excited about this who aren't part of the original 30 members.

I agree with Commissioner Trujillo there should be the same criteria should be in place for everybody. If they don't meet the criteria, then I don't think they should qualify. I think to the issue of Commissioner Duran's suggestion about one coming from within the city and one coming from outside in the county, I think that's a good suggestion. But to me, I want this committee to always have fresh ideas and fresh minds and citizen participation. And to keep it the way it is today, or just to have the same amount of people to make the decision over \$12 million, I don't think we're allowing for those fresh ideas to come in on how we can better promote this program or how we can spend this money. So I'd urge the

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Commissioners to allow for it to be open to every citizens in this community, not just the 30 who made the original cut.

COMMISSIONER DURAN: If we really want to have a more diverse group, why don't we just appoint a whole new 30? Why not bring in some more new ideas? What's wrong with, if we truly want to have some fresh ideas, let's appoint another 30. Let's get some fresh ideas. To be quite honest with you, I think that the committee -- I'm not trying to take anything away from the committee, but originally we had talked about having the acquisition of open space represent every district and that hasn't happened yet. I know that we're talking about in the future that that could occur but I think that with 30 new members, or even I'd like to see seven new members out of the thirty. That's fresh ideas. To add two members into a committee of seven in my opinion isn't bringing in fresh ideas, it's bringing in two new people but you still have the old seven ideas that are pretty much going to generate or direct where the thought goes.

COMMISSIONER GONZALES: Mr. Chairman, just to address the issue of the seven and the nine, I wanted to go to the point of along those lines of every two years. It seems to me that, for one thing, let me go back to Commissioner Duran's concerns or the points that he brought up. I think, one, there needs to be continuity in this seven-member group. The 30-member group, basically established the foundation how we were going to begin to select the criteria for sites and then the seven member group actually went in and did all the detailed work, if I understand that correct, right?

MS. ELLIS: That's basically correct. The 30-member group actually looked at more long range planning, goals for the county and made recommendations that will go into a draft plan that will come before you shortly. The group of seven actually reviewed the projects and made recommendations on projects. A group that size is a little bit more manageable as far as going on field trips and making decisions and reviewing projects. The group of 30 looked at more long range issues.

COMMISSIONER GONZALES: And I think to the point of the group of seven, to me, it almost makes sense that the terms, we would stagger the terms after every phase rather than every two years, because what happens if at the end of the second year we're in the middle of a phase? And you get some new people coming in and there's some work that needs to be done. So would there be a problem if we amended it to be at the end of every phase there would be a turnover of a certain amount of people.

CHAIRMAN GRINÉ: Commissioner Gonzales, it also is going to be kind of dependent on the funds. The ones they spent. Are we going to have additional funds too? Things can change as time goes on.

COMMISSIONER GONZALES: So I guess my point is that -- I think we should have some level of this seven-member committee or the nine-member committee change after every phase and to the point that we don't have any more money to spend, but I hope we don't get to that point. This program, hopefully, is not a \$12 million program, it's a program that's going to last for a very long time in this community so hopefully, there

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will always be a need for this group to be in place to decide which projects they're going to make a recommendation on.

COMMISSIONER ANAYA: Mr. Chairman, I agree with Commissioner Gonzales because in fact that's what it means is all these committees serve at the pleasure of the Commission. So with that, Mr. Chairman, I'm going to move --

COMMISSIONER DURAN: I still have something to say. The rest of this \$12 million, how much have we spent to date of that \$12 million?

MS. ELLIS: We've allocated probably close to \$10 at this point, and that depends a great deal on the negotiations and how the negotiations go, and also on appraisals, because those are based on very rough estimates.

COMMISSIONER DURAN: Ten million of the twelve?

MS. ELLIS: Right.

COMMISSIONER DURAN: It was 12, right?

MS. ELLIS: Right, but we've spent only two million at this time, so as I said it depends on the negotiations. It depends on appraisals. There are a lot of other factors.

COMMISSIONER GONZALES: Mr. Chairman, Lesli, the Commission hasn't supported \$10 million of expenditures.

MS. ELLIS: The Phase One projects including the \$200,000 for gateway projects and including all the approvals from Phase One, it was close to \$10 million.

COMMISSIONER GONZALES: Okay. I thought it was more about \$4 million.

MS. ELLIS: It was about \$7 million, the list that came before you was about \$7 million and then there were some additions to that list. So I can go back and get you a more exact figure if you'd like.

COMMISSIONER DURAN: I think we're going to spend the \$12 million before we get into any rotation, any members going in and out.

CHAIRMAN GRINÉ: Let's move forward, guys. We've got a long night ahead.

COMMISSIONER DURAN: What if we rotated them every year?

COMMISSIONER ANAYA: That's fine.

COMMISSIONER TRUJILLO: As long as we comply with the criteria that was established. I don't want to introduce any special interest into this committee, so that somebody that has a special project that they want to consider. They submit their person in and they advocate for the project. We need to make sure that these people that are going into the committee are qualified, satisfy the criteria, are sensitive to the egalitarian views of the committee and are not in there to drive special projects.

COMMISSIONER DURAN: I haven't had an answer to my questions. When we spend this money and we go out for a new issue, a new bond, are we going to then appoint a new committee for that next issuance of bonds? If we do that then I'll just let go of this, because I think we're going to spend this money before there's any rotation of the

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existing members. But if we can consider just starting from scratch, a whole new group and a whole new set of criteria, because I also see some problems with the criteria that we have right now and I won't go into that but if we go out to get a new bond issuance, I'd like for us to consider revamping or adding some elements to the programs that were incorporated into the bond issue.

CHAIRMAN GRINÉ: I think we kind of completed for the intent. All we wanted to do, all the intent was was to go from just seven to nine. Why don't we just leave it alone and just go from seven to nine or leave it alone at seven?

MS. ELLIS: And to respond to that point also, this resolution would establish this as a permanent committee that would have also the purpose of reviewing criteria, making changes to criteria and as the members would rotate every two years on a staggered basis, then there would be fresh perspective that would be coming in on a regular basis. So if there were another bond issue in the future, then there would be new members at that point who would be re-evaluating criteria and looking at things with a fresh perspective.

CHAIRMAN GRINÉ: Let's call for the question.

COMMISSIONER ANAYA: Mr. Chairman, I'm going to move for approval of the resolution as presented. I think phasing is addressed in item f. I think that Commissioner Gonzales' concern there is addressed. Move for approval.

CHAIRMAN GRINÉ: Do I have a second?

COMMISSIONER GONZALES: Second.

CHAIRMAN GRINÉ: I have a motion by Commissioner Anaya, second by Commissioner Gonzales. Any further discussion?

COMMISSIONER ANAYA: Just a question of Commissioner Gonzales, I think. Does item f, Commissioner Gonzales, address your phasing concerns?

COMMISSIONER GONZALES: Yes.

CHAIRMAN GRINÉ: Any other discussion?

The motion passed by majority [3-1] voice vote with Commissioner Anaya, Commissioner Trujillo and Commissioner Gonzales voted for and Commissioner Duran voting against.

**VIII. B. PUBLIC WORKS DEPARTMENT**

1. **Request authorization to enter into a construction agreement, IFB #99-20, RB-2, with J.R. Hale Contracting Company, for the County Road 62, Alamo Lane and San Isidro drainage, paving and sewer improvement project**

ORLANDO GARCIA (Public Works Director): Mr. Chairman, members of the Board, Public Works Department is requesting authorization to enter into this construction contract.

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CHAIRMAN GRINÉ: Any questions of Orlando?

**Commissioner Anaya moved approval of the contract with J.R. Hale contracting. Commissioner Trujillo seconded and the motion passed by unanimous voice vote. [Commissioner Duran and Commissioner Gonzales were not present for this vote.]**

**VIII. C. FINANCE DEPARTMENT**

- 1. Request authorization to accept and award a professional services agreement to the highest qualified respondent, RFP #20-20, for the design of the Public Safety Complex, Phase I**

KATHERINE MILLER (Finance Director): Mr. Chairman, Commissioners, the Purchasing Division requested proposals for professional design services for the Public Safety Complex, which would include housing the Sheriff's administration and the fire department administration operations. We received nine proposals. Those were ranked by an evaluation team and Design Collaborative Southwest of Albuquerque, they also have an office in Santa Fe, was ranked the highest.

We entered into negotiations with them and would like to award a contract to them to design the Public Safety Complex, Phase I.

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

**Commissioner Trujillo moved to approve the contract with Design Collaborative Southwest and Commissioner Anaya seconded. The motion passed by unanimous voice vote. [Commissioner Duran and Commissioner Gonzales were not present for this action]**

**VIII. E. MATTERS OF PUBLIC CONCERN - NON-ACTION ITEMS**

CHAIRMAN GRINÉ: Anybody would like to address the Commission?

CAROLYN SIGSTEDT: My name is Carolyn Sigstedt. I just want to mention, I mentioned earlier that I felt that the Commission should consider a resolution to prohibit buying acequia water rights. With this COLTPAC money, and other communities have done this in other areas. We've been reading a lot of newspaper articles around the Pecos and the new pressures that are on acequia water rights. Open space money is now being used, the criteria is being changed and it can be used to also buy and protect agricultural land and I would just like to have us consider that in the future. Thank you.

CHAIRMAN GRINÉ: Thank you. Anybody else?

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**VIII. F. MATTERS FROM THE COMMISSIONERS**

COMMISSIONER TRUJILLO: Mr. Chairman, there's an issue regarding solid waste and transfer stations. We've got a situation where we have people going into transfer stations trying to get rid of refrigerators and they're turned back at the gates because they have to pay \$25 or whatever to remove the freon. So they go back in the truck and they let go of the refrigerator in an arroyo, or on top of a hill. I think that it would behoove Santa Fe County, this would be a situation that could pay for itself, to retain somebody at the transfer station going around every transfer station to remove the freon, sell it to whoever, and make this position self-sufficient, rather than having this proliferation of refrigerators all over the countryside.

So I would advocate that we retain or study the possibility of retaining somebody that would serve the purpose of removing the freon from refrigerators so that people could dispose of that stuff in solid waste facilities. I'm looking at refrigerators in riverbeds, in arroyos, on top of hills, people are not going to take their refrigerators back to their house.

CHAIRMAN GRINÉ: Are we still doing -- I don't know if we changed our program. I city, every six months, allows for curbside pick-up and no matter what the item is. I know when we originally started the solid waste program in the county, I think twice a year we were doing that also like the City did where they were bringing their items for free for spring clean-up, autumn clean-up, whatever it may be. And the City does that so I don't know if we could find a way that it could be addressed maybe once a year or maybe twice a year for the county residents. Could you look into that, Sam? Anything else from the County Commissioners?

COMMISSIONER DURAN: Mr. Chairman, in the last couple of months I've been working with Land Use staff, the attorneys and some of the staff over at the City, trying to put this JPA together relative to the regional planning authority, and I think it's close to its final form. And I was wondering if the County Manager could publish at the next Board of County Commissioners meeting, and I know it's an administrative meeting, but many that's the place to do it, that the final draft of the JPA is brought forward for us to discuss, not to adopt, but rather discuss. It may be adopted if we can come to some kind of agreement. But at least bring it forward so that we have a public hearing on it and we can all respond to it and let all the other Commissioners know what our concerns are and voice out concerns on how it's been shaped.

Because I know the City Council is getting ready to adopt one. They tabled one that was going to be presented to them tomorrow night only because we had some concerns with it and my understanding is that they're working with us on those concerns. They've made modifications. So we really need to just fine-tune it a little bit more and with that, we might be able to get this regional planning process off the ground. So I'm just requesting that we have a public discussion about it at the next meeting if that's okay.

CHAIRMAN GRINÉ: Any other matters from the County Commissioners?

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COMMISSIONER GONZALES: Mr. Chairman, I have an issue with the neighborhood or as it concerns a neighborhood in my community. Did Orlando leave already? There's two issues and this relates to County Club Estates, and Denise, I asked Barbara to work on this and maybe you could follow up on it, it would be great. One of the things is there's been a request by the community that there's a County Club Road which runs parallel to County Club Estates, there's access from that road into Country Club Estates and the concern, that Country Club Road leads to several hundred apartments and homes and there's concerns by the community that when people get backed up at the street light at the County Club and Airport that they're going to start going through the subdivision to get to Airport Road so it's going to create a lot of traffic inside the subdivision.

This is a county subdivision. Country Club Road goes to Tierra Contenta, which is a City-owned subdivision and so I think the people are feeling really concerned because they don't necessarily have a representative at the City level to listen to these issues, so what I'm looking from the Commission, from the staff to figure out how we can step in and help this neighborhood.

One, the concern is and I think it's a valid concern that people will begin to drive through the neighborhood to bypass the streetlight and the back-up at the streetlight. I know that Commissioner Duran brought forward an issue on Agua Fria where there was a road that we set up a break-away barrier because the same thing was happening. And it would still allow for emergency traffic to get through. What I'd like to do -- does the Commission have to call for the break-away barrier or can the staff just set one up? What's the process for putting a break-away barrier?

COMMISSIONER DURAN: I think what they did, Tamara Lichtenstein is the one that put it together and what she did is she got all the property owners on that street to agree to the break-away barrier. And with that I think the County felt less exposed by the people buying into it.

COMMISSIONER GONZALES: Okay. Well, I know that there are individuals in the subdivision that are working on the signature list, although they don't feel 100% that they'll be able to get all the people supporting them but clearly a majority. So would it just be a matter, I guess, if I can ask Sam or Deborah that we post for the Commission access to consider a break-away barrier at, we're going to have to get the name of the road. It would be Tierra Contenta, do you know the name of the road going into the subdivision? We'll get the name of the road. Is that all we need to set up, the break-away barrier? Is there anything else that we might need?

DENISE BROWN (County Attorney): Mr. Chairman, Commissioner Gonzales, I would recommend that you ask Orlando to look into whatever traffic calming measures would best meet that need. It may be the break-away barrier, it may be something else.

COMMISSIONER GONZALES: Right. The biggest concern is all this new traffic that's going to go through the subdivision, there are kids that play in the subdivision

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and obviously there's concern about exposure to the homes by new people going through the subdivision and seeing some of these properties.

The other issue is going to be a little bit more complicated and I asked Barbara to look into this and I just want to bring it to the attention of the Commissioners is that Tierra Contenta has made some comments to the community out there about the road alignment and basically they agreed that there was going to be a curve in the road at one point and then they changed that alignment. Now they're really using a tough hand on some property owners to get them to sign over easements so that they can expand Country Club. And these are county residents that are having to sign these easements that would be a City road.

So the concern is that with all this increased traffic that's going right parallel to a county subdivision what it's doing to the health and safety of the neighborhood as far as getting their issues addressed, like speed bumps and like reflectors and privacy walls and all those things that really threaten the quality of life for that neighborhood as a result of this road going up. What I asked Barbara, Denise, was to see what leverage the County had to try and force Tierra Contenta to address some of these safety issues, because they haven't done it yet and this road is up. I was on it last week. There are several heavy trucks that are on that road. Lots of dust that's moving up and this literally goes up against properties where there's homes that are right up against this road that are in a county subdivision.

So there's certainly been enough people that have asked the County to get involved to try and represent them or at least protect their quality of life issues and I don't know what we can do, Denise, to force Tierra Contenta to address some of these safety concerns. But I've asked Barbara to look into it and I just want to make sure we follow up with that and even Sam, if we can get a letter out on my behalf or the Commission's behalf saying that there are several safety issues that we're asking Tierra Contenta to address. I'm not sure how much leeway we have. But we're talking about people who have lived in this community for a period of time and now you're going to have several hundred cars going through there on a daily basis that they had no say over.

This went through the City. The City approved the subdivision. These aren't people who had a representative there to represent their needs and they're basically having to live with this. So I want to see what the County can do to help them out.

CHAIRMAN GRINÉ: Anything else?

COMMISSIONER TRUJILLO: Mr. Chairman, I have one more. I want to ask Sam, how far along are we, Sam, regarding the agreement with the prisoners or the jail to do solid waste gathering in the county?

MR. MONTAYA: Mr. Chairman, it would be work-release program with the county inmates. Mr. Chairman, we're currently working with Cornell about that. In fact we have a meeting scheduled tomorrow to go over some of those particular details. We did procure a van to transport these individuals to the respective areas of the county where we're going to utilize them. Currently, now what we need to do is to work out the procedure and the process and determine who will be responsible for what particular

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liability, etc. So we will be working on that tomorrow.

COMMISSIONER TRUJILLO: When do you anticipate that we'll start implementing the program or using the people to go out and clean up the community? There are tons and tons --

MR. MONTROYA: Mr. Chairman, Commissioner Trujillo, I would say that our timetable initially was to put something together and engage it in March. And we're hoping that if all goes well, we would be able to put it on the ground either late March or early April.

COMMISSIONER TRUJILLO: And I'd also like to see some impetus focused in the direction of making the throwing of trash illegally more stringent. Maybe better enforcement. This situation is rampant. It is bad. The community of El Rancho, for example cleans the road every two weeks and they gather 100 bags of trash every two weeks. I'm sure that is exacerbated countywide. I think we need to focus on making those codes more stringent and really coming after the culprits and punishing them.

MR. MONTROYA: Mr. Chairman, Commissioner Trujillo, we'll look into that and strengthen the actual fine or what it would entail to try to curtail that and bring you some kind of a document for your review to see if that would fit the mold.

COMMISSIONER TRUJILLO: And then possibly initiating a major educational communication with the community to make them understand that this is a real problem and we need to work together, partner, to address it. Because if there's no sensitivity in the community, this is going to continue.

CHAIRMAN GRINÉ: Any other matters from the Commissioners? We've got a long night ahead of us guys.

**VIII. G. MATTERS FROM THE COUNTY ATTORNEY**

CHAIRMAN GRINÉ: Do we need to go to executive session, Denise?

MS. BROWN: Mr. Chairman, I don't believe we have any matters to discuss.

CHAIRMAN GRINÉ: Good. Next item, please.

**VIII. D. MATTERS FROM THE COUNTY MANAGER**

MR. MONTROYA: Mr. Chairman, I'm sorry for not being in the room when you passed over D. If I could, Mr. Chairman, I'd like to give the Commission an update on just a few items. Mr. Chairman, in relation to the legislative update, I wanted to share with the Board of County Commissioners that all of our capital package, which is a myriad of different capital requests to our eleven legislators, all of our requests have been introduced. Most have already gone through the committee structure on either side of the House and they're doing quite well.

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We've been able to have testimony on each respective bill from different departments and some of the Commissioners have been gracious to attend as well. I also want to point out that we do have two House joint resolutions that are going through the process. One is to allow the County to lease, long term, a state asset, which is the main prison facility at the penitentiary complex, whereby we are proposing to have a sub-lease with a third party vendor to hold INS detainees under a Bureau of Prisons contract. Today, we moved the House joint resolution from the House floor with a vote of, I believe it was 59-9. It will be now moving to the Senate side of the process.

We also have a joint resolution working its way through the process which would allow the County of Santa Fe to utilize unused water rights, again, from the State of New Mexico, located out at the State Penitentiary Facility Complex. Approximately 157 acre-feet of water. That joint resolution has been through one committee and is now awaiting a second hearing which will probably take place tomorrow. So our legislative package is moving well and we appreciate the presence of the County Commissioners when we do pose our testimony before the legislators and all of the respective committee structures.

Mr. Chairman, one other issue relative to the jail inspection report that was required by the district judge, the presiding judge, Judge Vigil. Basically, we are asking for an extension of submittal of that report to March 1, 2000. We did talk to the judge today and he did authorize that extension and we will be bringing forth at a special meeting that will be taking place on the 15th of this month, a proposal to, or a process by which we are going to be recommending that that jail inspection be done. And this would happen, basically, on a bi-annual basis for the County.

So, Mr. Chairman, I just simply wanted to report to you that the deadline for that report had been moved back to March 1, 2000 under the direction of the judge. And we do have a process working and we will introduce that to you at the meeting of the 15th. I stand for any other questions, Mr. Chairman.

CHAIRMAN GRINÉ: Thank you, Sam. Any questions?

#### **IX. PUBLIC HEARINGS**

- A. Ordinance No. 2000-\_\_.** An ordinance amending the Santa Fe County Land Development Code, Ordinance 1996-10, Article I, Section 8.1, Zoning Provisions, to clarify the applicability to federal, state, tribal and municipal lands (first hearing)

MS. BROWN: Thank you, Mr. Chairman, Commissioners, the proposed ordinance addresses issues that have been raised by two decisions that have come down since this code provision was first adopted in the early eighties. There was a decision in the late eighties by the US Supreme Court that said that state and local governments do have jurisdiction on federal lands to the extent that they're regulating environmental concerns.

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And you know that that's the issue we've been dealing with on the PNM litigation.

The second decision came down last year from the State District Court. It was a letter opinion, so we don't know where that law will go in the future, but that decision was by Judge Pope and he held that federal and state lands can be zoned by the local government body, but that zoning won't take effect until the property passes into private hands. So although the Supreme Court does not allow us to zone property, but to only impose environmental regulations, the State Court held that zoning can apply once the property passes into private hands.

So we have proposed amending our Code to state that our Land Use Code will apply on federal, state, tribal, whatever lands to the full extent permitted by law, so that our Code isn't more restrictive than the decisions that are being handed down by the courts across the country. That's basically the rationale behind this amendment. I'll stand for any questions.

CHAIRMAN GRINÉ: Any questions of Denice? This is a public hearing. Anybody want to address this proposed ordinance?

COMMISSIONER ANAYA: Mr. Chairman, Denice, is there a requirement that we do have to have two public hearings, for example, tonight, nobody showed up to testify, either for or against, and I wonder, do we have to?

MS. BROWN: Mr. Chairman, we actually have adopted a resolution that says we will on all Land Use Code amendments, so yes.

**IX. B. Ordinance No. 2000-1. An ordinance amending the Santa Fe County Land Development Code, Ordinance 1996-10, Article III, Section 2.3.6, Height Restrictions for Dwellings or Residential Accessory Structures, Article III, Section 4.4.4 f (13) (b), Screening and Buffering for Residential Uses, and Article X, Definitions, to create height standards for walls and fences for residential uses (second hearing)**

CHAIRMAN GRINÉ: I thought we had tabled this.

MS. MCGOWAN: Mr. Chairman, that is correct, Mr. Chairman. You had a first hearing on this ordinance a number of months ago and it has been before you two times recently and has been tabled. In December, you tabled it with specific direction to staff to simplify the height standard that was proposed that was carried forward or recommended by the CDRC and then in January it was tabled. The Commission asked for more time to review that change. So it's before you again tonight as an item that has been tabled in the past.

The simplification that was added was that there would be a maximum height of eight feet for walls and eleven feet for door or gate portals. And it wouldn't matter where the door or gate or the wall was located on the property. It would be just one simple height standard. The remainder of the ordinance that's before you tonight is unchanged from

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December 14, so it carries the other changes that CDRC had amended into it also.

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

COMMISSIONER TRUJILLO: No questions. I think that the changes that have been incorporated are congruent with the position that I was taking and the opinions that I've heard from the community, so I'm ready to support this ordinance after we get public input.

CHAIRMAN GRINÉ: This is a public hearing. Anybody want to address the Commission? If not, what's the wishes of the Board?

Commissioner Trujillo moved to approve Ordinance 2000-1 and Commissioner Anaya seconded. The ordinance was approved by unanimous [5-0] roll call vote with Commissioners Anaya, Gonzales, Trujillo, Duran and Griné voting in favor.

**IX. C. Land Use Department Items**

1. **CDRC Case #MIS 2000-5000.** Lone Butte Liquor License Ownership Transfer. Jay Jalaram, Incorporated, applicant, requests approval to allow a transfer of ownership of Liquor License No. 767 from the Lone Butte Corporation to Jay Jalaram, Inc., the liquor license to remain at the present location of the Lone Butte General Store at 3815 Highway 14. The property is located west of State Road 14, within Section 35, Township 15 North, Range 8 East

PENNY ELLIS-GREEN (Review Specialist): Mr. Chairman, Commissioners, Liquor License No. 767 is currently owned by the Lone Butte Corporation. Jay Jalaram, Inc. has contracted to purchase the property and is now requesting that the liquor license be transferred into its name. The license will remain at the same location. This is a transfer of ownership only.

Recommendation: Staff recommends that a transfer of ownership of liquor license of Liquor License No. 767 be granted to Jay Jalaram, Inc.

CHAIRMAN GRINÉ: Thank you, Penny. Any questions of Penny? Is the applicant here? I guess this is just a transfer. I guess the only thing we need to know here is if there is any public input, for or against in the audience. Anybody want to address this issue in the audience. Nobody's here, so I guess everything's okay. Do you got any questions, Commissioners?

Commissioner Anaya moved approval of the transfer of Liquor License No. 767 and Commissioner Trujillo seconded. The motion passed by unanimous [4-0] voice vote.

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- IX. C. 2. **CDRC Case #MIS 2000-5010. Rancho Encantado Liquor License Ownership Transfer.** Rancho del Monte, LLC, applicant, requests approval to allow a transfer of ownership of a Liquor License No. 958 from Encantado LLC to Rancho del Monte, LLC, the liquor license is to remain at the present location of Rancho Encantado. The property is located on State Road 592, north of Tesuque, within Section 7, Township 18 North, Range 10 East

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, Liquor License No. 958 is currently owned by Encantado, LLC. On November 30, 1999 Rancho del Monte, LLC purchased the Rancho Encantado property and is now requesting that the liquor license be transferred into its name. Again, this is a transfer of the license ownership only.

Recommendation: Staff recommends that a transfer of ownership of Liquor License No. 958 be granted to Rancho del Monte, LLC.

CHAIRMAN GRINÉ: Thank you, Penny. Is there anybody in the audience going to speak on this case? Thank you.

Commissioner Anaya moved to approve the transfer of Liquor License No. 958 and Commissioner Gonzales seconded. The motion passed by unanimous [4-0] voice vote.

- IX. C. 3. **CDRC Case #Z 99-5371. SEMA Construction.** SEMA Construction, applicant, requests an amendment to a previously approved master plan and final development plan approval for mining 11.5 acres for material for an additional US 285 construction project. The property is located west of US 285, north of State Road 41, within Section 6, Township 14 North, Range 10 East

VICKI LUCERO (Planning Specialist): Thank you, Mr. Chairman, Commissioners. On September 14, 1999, the BCC granted final approval to SEMA Construction to allow for the creation of a mine zone with master plan zoning and preliminary and final development plan approval to mine 11.5 acres for material that was to be used for the construction of US 285 in the Lamy vicinity only. The applicant states that there is an ample quantity of material for the continuation of the US 285 construction project and would like to request an amendment to the master plan to allow them to continue to mine the 11.5-acre area previously approved.

The proposed project connects to the south end of the current project and runs south approximately two miles to the Lamy turn-off.

Recommendation: Staff's recommendation and the decision of the CDRC was to

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recommend approval of the master plan amendment with preliminary and final development plan approval subject to the following conditions:

[The conditions are as follows:]

1. SEMA Construction must grant inspection and enforcement access to the County during regular business hours. County enforcement officers may halt all operations in the presence of evidence of unpermitted activities outside the 11.5 acres, or in contradiction to the permitted plans of operation and reclamation and conditions of approval.
2. The 11.5 acre mining area shall be visibly defined by permanent monuments and markers. All mining shall be confined to the defined 11.5 acres.
3. No post-reclamation shall exceed 30%.
4. SEMA Construction must keep the mine access road watered to control dust.
5. All trucks will have tarps completely covering their loads. Truck bumpers and step sides will be cleaned of loose material prior to exiting the mine site.
6. The temporary liquid waste disposal unit must be in place prior to operations commencing. A contract with a licensed company for unit maintenance must be submitted.
7. The approval is for removing construction material for US 285 road project only. A crushing and screening operation is strictly prohibited.
8. A trash collection bin must be located on site for the collection of solid waste. All solid waste collected must be transported to a state-approved landfill on a regular basis.
9. A Knox lock must be installed on any proposed gates for emergency vehicle access.
10. The applicant must comply with review comments from the County Inspection and Enforcement Supervisor.
11. This approval is for the 11.5 acres only. Upon completion of the proposed four-mile construction of US 285 this zoning will expire and the property will revert back to residential.
12. The hours of operation shall be 8:30 am to 4:30 pm. [This condition was subsequently changed upon motion to 7:30 am to 5:30 pm.]

CHAIRMAN GRINÉ: Any questions of Vicki? Anybody in the audience going to speak on this case? Go ahead sir.

[Duly sworn, Bill Elsberry testified as follows:]

BILL ELSBERRY: My name is Bill Elsberry. I am employed by SEMA Construction. Address 5160 San Francisco NE, Albuquerque, 87109. Two comments that I would like to make in reference to this application for amendment. One is there was a question on the tarping of our loads. We did check with the Highway Department. Here a while back, the second, the brand new project which we are applying for this amendment for, was declared a construction zone and the Highway Department said due to the fact that

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it's a construction zone we will not require tarping and so we stopped tarping for about a half a day and the Highway Department was plagued with phone calls from everybody. So every load is tarped now and the Highway Department is monitoring us and every load is tarped and that's official orders from the Highway Department. So that is being done.

One other thing, our first job had hours, due to the amount of traffic in the Eldorado area of 8:30 to 4:30. They applied those same hours to us here, 8:30 to 4:30. We're way south down by the Lamy turn-off. We would like to go 7:30 to 5:30 if possible, to get more working hours per day and get the job done quicker. We're losing two hours a day, we're losing a day of production a week. If we have to stay with the 8:30 to 4:30 we can live with that but we would like some more time to get it done quicker if possible.

CHAIRMAN GRINÉ: Is there any problem with that, Vicki? If we were to extend the hours?

MS. LUCERO: Mr. Chairman, the hours of operation in that condition were imposed by the CDRC so at your discretion and you have the authority to change that condition if you feel it's appropriate.

CHAIRMAN GRINÉ: I don't have any problem extending it because that is a 599 project for the WIPP.

COMMISSIONER TRUJILLO: Do we know what basis it was not supported. You say it was not supported by CDRC?

MS. LUCERO: Mr. Chairman, Commissioner Trujillo, the CDRC was the one that imposed that condition. It wasn't actually imposed by staff.

COMMISSIONER TRUJILLO: On what basis?

MS. LUCERO: This was the same hours of operation that were imposed the first time this project came through to committee and received approval. So they just added basically the same condition on there.

CHAIRMAN GRINÉ: I see. Do you see any problem, Vicki, if we were to extend the hours?

MS. LUCERO: As long as it's at a reasonable time frame, I think.

CHAIRMAN GRINÉ: Because I haven't had any complaints from that area at all, so I don't mind extending it and if complaints start coming in, we'll notify you. Let's do it on a trial basis. Anybody in the audience want to address this issue?

COMMISSIONER DURAN: What's the trial basis?

CHAIRMAN GRINÉ: Let's see what happens when they come in and if I start getting calls I let you know and we'll move it back to 8:30 and 4:30. If I start getting calls.

COMMISSIONER DURAN: Mr. Chairman, a legal point here. If Joe gets calls, is that enough to change it? Let's put something in place here that we can do.

MS. BROWN: Mr. Chairman, Commissioner Duran, if the applicant agrees that he will come in for an amended condition upon receipt of complaints by any of the Commissioners, he could agree to that. We would have to notify him and let him know that

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we have received complaints and he needs to come in for an amendment to the hours of operation. Or it could be automatic. We could just send him notice saying we've received complaints and if he agrees to this that we've received complaints and therefore your hours are now limited to 4:30.

COMMISSIONER DURAN: Fine.

CHAIRMAN GRINÉ: Okay. That's fine.

MR. ELSBERRY: We would like to give it a try.

CHAIRMAN GRINÉ: Okay. We'll try it and see what happens. Any other questions? If not what's the pleasure of the Commission?

Commissioner Anaya moved to approve the amendment to SEMA's master plan, which is an extension of hours on a trial basis. Commissioner Trujillo seconded and the motion passed by unanimous [3-0] voice vote. [Commissioner Gonzales was not present for this vote.]

IX. C. 4. CDRC Case #A/V 99-5571. Jacob Olivas Appeal/Variance. Jacob Olivas, applicant, requests an appeal of the CDRC's decision to deny a land division of 2.55 acres which would result in a variance of Article III, Section 10 (Lot size requirements) of the Land Development Code. The property is located off South Ford within Section 31, Township 15 North, Range 9 East

FRANK WHITE (Review Specialist): Thank you, Mr. Chairman, Commissioners. The minimum lot size in the South Fork area is 12.5 acres. With a small lot family transfer, one half of the standard minimum lot size is allowed, which in this case would be 6.25 acres. The property is already smaller than one half of the minimum lot size. This 2.55-acre lot was created prior to the effective date of the Code in 1981.

Mr. Jacob Olivas states that he is a diabetic and has also developed glaucoma. He has a degenerated disc on his spine enabling his abilities. Therefore he finds it imperative that he resides near his son in order to be taken care. The applicant is on a fixed income and is no longer able to afford the cost of living at his present location in Santa Fe. The applicant also states that he and his son have the understanding that the property belongs to both of them, which is indicated on the warranty deed.

Recommendation: Staff recommends that this appeal and variance be denied based on Article III, Section 10 of the County Code, which requires 12.5 acres per dwelling unit. The decision of the CDRC was to deny the appeal based on Article III, Section 10 of the Land Development Code.

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

COMMISSIONER DURAN: Mr. Chairman, Frank, if there was another

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dwelling place on this property would it share the same well, the same septic tank?

MR. WHITE: Mr. Chairman, Commissioner Duran, the applicant does not want to place a separate dwelling and he has indicated that he would rather have the two legal lots of record. But no, they would not be required to share the same well or septic system.

COMMISSIONER DURAN: So if we granted the lot split, there's still only going to be one residence on the property.

MR. WHITE: Currently there is a well and there is residence and a septic system.

COMMISSIONER DURAN: So if the other lot was sold, there would be no requirement on that lot to share in the existing well?

MR. WHITE: That's correct.

COMMISSIONER ANAYA: Mr. Chairman, Frank, this has been presented under the auspices of family transfer?

MR. WHITE: Mr. Chairman, Commissioner Anaya, the applicant is requesting this appeal/variance to proceed with a family transfer.

COMMISSIONER ANAYA: Okay.

CHAIRMAN GRINÉ: Any other questions of Frank? Okay, is the applicant here?

[Duly sworn, Jacob Olivas testified as follows:]

JACOB OLIVAS: I'm Jake Olivas, 130 Solana Drive. Santa Fe, New Mexico. I'm appealing, requesting a variance, of course on the lot size requirements that was stated by Mr. White here. And since the CDRC had denied it, I'm appealing on the basis of the attached amendment, or the Exhibit D, letter of request of appeal of variance for your consideration.

CHAIRMAN GRINÉ: Thank you, Mr. Olivas. Do you have any questions of the applicant? Thank you, Mr. Olivas. Anybody in the audience want to speak for or against this case? If not, what's the wishes of the Board?

**Commissioner Anaya moved to overturn the decision of CDRC and grant the appeal and variance. Commissioner Duran seconded, noting the findings of fact. The motion passed by unanimous [4-0] voice vote.**

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**IX. C. 5. CDRC Case #V 99-5740. Love/Frey Variance. Eric Love and Deborah Frey request a variance of Article III, Section 2.3.5 (Height Restrictions for a Residential Dwelling). The property is located off of County Road 76 within Section 16, Township 18 North, Range 10 East**

MR. WHITE: Thank you, Mr. Chairman, Commissioners. Article II, Section 2.3.6 of the Land Development Code, Exhibit C, states that the height of any dwelling or residential accessory structure shall not exceed 24 feet. There is currently a residence, septic and well on the property. The property is a legal non-conforming lot consisting of .55 acres within the Mountain Hydrological Zone, which requires a 20-acre minimum per dwelling unit.

The applicants, Eric Love and Deborah Frey state that they acquired the property in 1998. They state that the terrain of the site is very steep with much of the site having over 30% slopes and that the property has been severely manipulated and two large level pads have been carved into the sloped hillside and a 500-square foot uninsulated hunting cabin was placed on the property some time in the 1940's. The applicants proposed to gut the existing cabin and utilize it for storage only. They believe that placing the proposed residence adjacent to the existing driveway would be a better location than building at the top of the site where the current residence is located. Their goal is to minimize the building footprint by berming the home into the slope and stacking the structure three levels high, which they feel enables the house to be built on previously disturbed ground, rather than disturbing additional natural terrain.

Recommendation: The decision of the CDRC was to recommend approval of the variance request subject to 13 conditions. And Mr. Chairman, may I enter the conditions into the record?

[The conditions are as follows:]

1. Driveway is required to meet 11% grade or less, otherwise a residential sprinkler system will be required for proposed residence.
2. Natural 30% slopes will remain undisturbed.
3. Proposed residence will consist of earth-tone colors.
4. Roof will consist of a non-reflective material.
5. Additional buffering is required on the northeast boundary of the property to further screen proposed home, to be approved by staff prior to development permit issuance.
6. Applicant will comply with all building permit submittals including the construction of retention ponding and payment of fire impact fees.
7. The applicant will show details of how the existing cabin will meet accessory structure standards prior to development permit issuance. Upon completion of the proposed residence the existing cabin will be converted into an accessory structure for use as storage within 30 days.

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8. Applicant will call staff for a final inspection upon completion of the project.
9. Prior to granting of any building permits, the applicant will sign an affidavit agreeing to convert the existing cabin into an accessory structure and to inform all successors in interest and/or assignees to the property that only one dwelling unit shall be permitted. This shall be recorded on the applicants' deed and noted on all future deeds related to the lot.
10. All disturbed areas shall be revegetated.
11. Existing and proposed cut and fill slopes shall be stabilized and revegetated.
12. Applicant shall remove existing septic system and will schedule an appointment with staff to inspect pit.
13. The proposed compost toilet and greywater system shall be permitted as per State regulations.

Mr. Chairman, I also have two corrections, further additions. [Changes are noted above.]

CHAIRMAN GRINÉ: Thank you, Frank. Any questions of Frank? Thank you again. Is the applicant here please?

[Duly sworn, Deborah Frey testified as follows:]

DEBORAH FREY: Thank you, Mr. Chairman.

CHAIRMAN GRINÉ: Are you in agreement with the recommendations and also the corrections on numbers 7 and 9? Are you in agreement?

MS. FREY: Yes, I am. And for the record, my name is Deborah Frey, #233 County Road 76.

CHAIRMAN GRINÉ: Okay, are there any questions of the applicant? No questions? Thank you. Anybody in the audience want to speak for or against? No? What's the wishes of the Board?

Commissioner Trujillo moved to approve CDRC Case #V 99-5740. Commissioner Gonzales seconded and the motion passed by unanimous [4-0] voice vote.

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- IX. C. 6. **EZ Case #S 99-4621. Vista Primera Subdivision, Phase IV. The Strosnider Company, by and through their agent, the Schutz Company, request preliminary and final development plan approval for an 11-lot subdivision within a tract of land consisting of 2.8 acres. The property is located in the Vista Primera Subdivision off of Airport Road, southeast of the Airport Road/State 599 intersection, within Section 11, Township 16 North, Range 8 East**

AUDREY ROMERO (Review Specialist): Thank you, Mr. Chairman, Commissioners. In summary, on December 9, 1999, the EZC recommended preliminary, final plat and development plan approval. Vista Primera Subdivision, Phase IV is the final phase which will consist of 11 residential lots on 2.8 acres located at the northwest corner of Vista Primera Development. Lots range in size from .118 acres to .186 acres. All road and utility infrastructure is in place. City utilities have been extended to this site, including water, electricity, gas and phone. The preliminary plat and development plan were reviewed for the following: open space, landscape, utilities, solid waste, terrain management, fire protection, traffic impact analysis, school impact analysis.

The recommendation: Staff and EZC recommended preliminary, final plat and development plan approval subject to the following conditions. May I enter those into the record, Mr. Chairman?

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
  - a. County Subdivision Engineer
  - b. County Fire Marshal
  - c. Santa Fe Public Schools
  - d. City of Santa Fe
  - e. County Traffic Engineer
2. Approval of street names and rural addressing by County Public Works staff.
3. Submit engineer's cost estimate with acceptable financial security for all required improvements. Include schedule of compliance projecting completion of improvements. Upon completion, submit a certification that improvements have been completed according to the approved development plan and as-built plans both sealed by registered engineer.
4. Submit solid waste fees in accordance with subdivision regulations.
5. Submit revegetation plan including reseeding and replacement of dead or diseased plants and trees.
6. Final Vista Primera homeowners documents (covenants, by-laws, articles of incorporation, disclosure statement) subject to staff approval and shall include but not be limited to the following:

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- a. The maintenance and repair plan outlining periodic maintenance for quality and integrity of roads and common areas [noted on plat]
  - b. ~~Fire protection system maintenance~~ [deleted by staff]
  - c. Taxes and liability insurance for common areas
  - d. Solid waste disposal issues [noted on plat]
  - e. Water restrictions [noted on the plat]
  - f. Management and collection of monies associated with association expenses
  - g. Water conservation measures, including prohibiting swimming pools [noted on the plat]
7. Complete final plat content subject to approval by staff, and shall include but not be limited to the following:
- a. Road and utility easements are granted for public use
  - b. On-site terrain management plan in compliance with the County Land Development Code shall be required at the time a permit is requested for a residential unit
  - c. Legend and monuments
  - d. Plan indicating developable (build) and no-build areas
  - e. All utilities placed underground
  - f. Cross reference for recording disclosure statement
  - g. Compliance with plan checklist
  - h. Permits for homes will not be used until road, drainage and fire protection improvements have been completed as required by staff
  - i. Disclosure statements in current format
8. Submit a copy of the disclosure statement to the Attorney General upon plat recordation.
9. Submit a traffic signage plan.
10. Submit a school impact report.

CHAIRMAN GRINÉ: Any questions of staff? Thank you, Audrey. Is the applicant here, please? David, are you in agreement with all the recommendations?

[Duly sworn, David Schutz testified as follows:]

DAVID SCHUTZ: Yes, we are, Mr. Chairman.

CHAIRMAN GRINÉ: Any questions of David? Anybody in the audience wish to speak for or against this case?

**Commissioner Duran moved to approve EZ Case #99-4621 with conditions and Commissioner Anaya seconded. The motion passed by unanimous [4-0] voice vote.**

MS. BUSTAMANTE: David, for the record, please state your name and address.

MR. SCHUTZ: My name is David Schutz, 460 St. Michaels Drive.

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CHAIRMAN GRINÉ: Do we have anybody on the next two cases here?

- IX. C. 8. EZ Case #S 99-4700. Los Santeros at Las Campanas. Las Campanas, Ltd. Partnership, applicant, requests final plat/development plant approval for a subdivision phase in accordance with the approved master plan, consisting of 68 residential lots and a master plan for 126 residential lots on 126 acres, and a variance of the minimum road standards. The property is located off Las Campanas Drive, Sections 14 & 15, Township 17 North, Range 8 East

JOE CATANACH (Review Specialist): Thank you, Mr. Chairman, Commissioners. The EZ recommended approval on January 13, 2000. Las Campanas has a master plan that was approved in '92. I've outlined the various subdivision phases that the Board has granted approval. This subdivision phase, 68 residential lots, these lots range in size from .37 to five acres. There's a 1.5 acre common recreational open space park. There will be four tracts in this subdivision. These tracts are from three to 18 acres and these are being submitted as a master plat and the Board did grant approval allowing the master plat procedure back in July.

The master plat indicates the general building and road lay-out. However, the specific lot lay-out would be accomplished by administrative review and approval. The master plat area of the subdivision would be 126 lots on those four tracts that I mentioned. This subdivision will have a primary and secondary access coming off Camino Las Campanas, the main road. The subdivision will utilize the existing community water and sewer systems with water rights that have been approved by the State Engineer to support this subdivision phase.

Some of these lots will have guest houses and some of these lots will have just a single unit. Open space, archaeology, terrain management, landscaping, this property has been cleared for archaeological review. The property has buildable area and there would be common centralized retention/detention ponds to control the post development drainage. The applicant has submitted homeowner documents.

The variance has to do with road standards, finished road grades. The applicant is proposing road grades of between 4% and 5% at eight intersections. The standard is 3% at 100 feet from the intersection approach. The other variances have to do with spacing between points of ingress/egress. This is a cluster type development so a lot of these standards that we currently have don't necessarily work for these kind of developments. The applicant has submitted a letter addressing the details of the variance and also the applicant has responded to the variance criteria for findings of fact.

As mentioned, these variances would be affecting private roads that the County would not -- these would not be under any dedication for ownership or maintenance by the County.

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Also these variances would obviously have go through the review with Public Works and the County Fire Marshal that these variances aren't going to cause any problems in those areas.

The subdivision phase is in conformance with the subdivision regulations, County Code, and the master plan. The applicant has addressed the conditions. The EZC recommended final approval subject to the conditions. Thank you, Mr. Chairman.

[Conditions are as follows:]

1. Compliance with applicable review comments from the following:
  - a. State Engineer
  - b. State Environment Department
  - c. Soil and Water District
  - d. State Highway Department
  - e. Santa Fe County Water Co.
  - f. County Hydrologist
  - g. County Subdivision Engineer
  - h. County Fire Marshal
  - i. County Public Works
2. Final plat to include but not be limited to the following:
  - a. Clarify legal description in title book.
  - b. Permits for building construction will not be issued until road, fire protection and drainage improvements are complete as required by staff
  - c. Compliance with plat check list
  - d. Identify recording information for approved subdivision plats within Las Campanas
  - e. Approval of rural address and street names
  - f. Prohibit swimming pools
  - g. Designated lots shall be allowed a single guest house per lot
3. Final homeowner documents subject to approval by staff, and shall include but not be limited to the following
  - a. Prohibition of swimming pools
4. Las Campanas Drive shall be extended to the intersection with the secondary access road. Las Campanas Drive and the secondary access road shall be developed to meet minimum standards for a local road and this shall be included into the road development plans.
5. Designated lots (66, 67, and 68) may have three residential units, however, these three additional units will constitute a density transfer and subtracted from the total allowable gross density approved for Las Campanas master plan which was 1,419 lots.
6. Master plat area for Tract D may not exceed 30 lots on a dead end cul-de-sac and cul-de-sac may not exceed 1,000 feet in length.
7. Provide specific details of intended use of amphitheater park.

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8. Pedestrian sidewalks are required for collector roads, or provide trail that provides connections for a trail network.
9. Submit archaeological report that addresses this area of Las Campanas.
10. Development plans shall include but not be limited to the following:
  - a. Four-inch thick asphalt pavement for collector roads
  - b. Traffic sign plan
  - c. Cul-de-sac typical
11. Compliance with school impact ordinance.
12. Submit financial surety for water replacement system.
13. Submit solid waste fees.
14. Submit engineer's cost estimate and acceptable financial surety for completion of all required improvements as approved by staff. Upon completion submit certification by registered engineer that improvements have been completed in conformance with approved development plans.
15. Provide shared driveways in order to mitigate the variance for separation between points of ingress/egress.

FINAL CONDITIONS:

1. Homeowner documents and plat shall restrict swimming pools to the current regulations of Santa Fe County Land Development Code that are in effect at the time a development permit is requested for swimming pool construction. This includes regulations regarding swimming pools during periods of drought and conditions previously imposed for master plan approval regarding drought conditions.
2. Road development plans shall include a typical road section for the master plat areas requiring a minimum standard for a local road as a lane or place with pedestrian access through common open space in lieu of sidewalks.

CHAIRMAN GRINÉ: Thank you, Joe. Any questions of staff?

COMMISSIONER TRUJILLO: Mr. Chairman, Joe, one issue that I have. Las Campanas, it's the perpetuation, the ubiquitous mining of the water table. We're getting approvals at Las Campanas, they continue to irrigate the golf courses with potable water. The situation really perplexes me that we're mining the water table and we continue to approve development and give impetus to that exploitation. When are we going to address this situation? Maybe that question should be asked of the applicant. This agreement was in place in 1992 where a commitment was made that those golf courses would be irrigated with effluent, with greywater. They continue to be irrigated with potable water. We're in an arid environment. This is a dry community. We're mining the water table. That's a real concern that I have in that area.

MR. CATANACH: Commissioner Trujillo, the last time this discussion came up on Las Campanas, I think it was disclosed at that time, and this was some time, probably

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last year, and possibly '98, that probably only 20% of the water that's used on the golf courses is treated effluent, so it's very minimal. Obviously there have been active discussions going on with the City regarding purchasing treated wastewater from the City and those discussions are ongoing as I understand.

Certainly when the master plan was approved for Las Campanas, there was quite a bit of review and quite a bit of scrutiny put on their water proposal as far as the proposal to lease the Buckman facilities, the issue of water availability out of those wells, the issue of Las Campanas retiring water rights that had otherwise been used for irrigation purposes and retiring those water rights, the issue of leasing water rights with the City of Albuquerque. It's a pretty extensive proposal including conditions requiring water conservation during drought period and that sort of thing.

I think, I'm just bringing this out because there certainly was quite a bit of review that went on regarding that water proposal, but I certainly do not want to discount any question by the Commission to look into the issue of water with Las Campanas again.

COMMISSIONER TRUJILLO: At least from my naive perspective, I don't see any movement taking place in the direction of conserving water in that development. It's status quo. It's happened since 1992 and it continues to happen. We're depleting our aquifer for uses that should not be part of the picture.

MR. CATANACH: I do believe that Las Campanas would probably tell you that these are -- and again, it does not in anyway discredit any concern about Las Campanas' water use, but that these homes are primarily, I believe, part time use, that in fact because of that these households may not be using as much water as somebody that's at their house on a full-time basis. But Las Campanas could certainly shed some information on that I would think.

CHAIRMAN GRINÉ: Any other questions of Joe?

COMMISSIONER DURAN: Mr. Chairman, Joe. It says here that three lots will have an additional residential units with .75 acre-foot of water restriction. Does that mean that you're going to have three dwellings on one of those lots?

MR. CATANACH: Yes, that's correct. They would have three dwelling units. The way that's looked at by staff is they would actually have a house and guest house on the lot and then the additional dwelling unit, the third dwelling unit is coming from their gross density of the total number of lots that was approved for Las Campanas, 1,419. So in fact that third unit is coming out of their total gross density for lots so what's happening is they're replacing, they're having three additional units on three additional lots.

COMMISSIONER DURAN: I understand the math, but three dwelling units on one lot doesn't make very much sense to me. Why would they want three dwellings on one lot?

MR. CATANACH: I believe it probably pertains their marketing of wanting to be able to market a compound lay-out with these three units.

COMMISSIONER DURAN: It wouldn't necessarily be a main house and two

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guest houses. It could be three units.

MR. CATANACH: They are three units, but they're not getting the density as a guest house. They're getting the density from their total gross density and they're building out a unit instead of creating a lot is what it comes down to.

COMMISSIONER DURAN: Is there any way that we could restrict, since they don't live all the time, is there any way of restricting a half acre-foot of the people that are going to be able to have a guest house to .33 acre-feet? In here it says that there will be 65 lots that will be subject to .50 acre-feet of water. Those are the ones, it says here that will have the guest houses.

MR. CATANACH: That's correct.

COMMISSIONER DURAN: So my question is do we have the ability to restrict those 65 lots that will have a guest house to .33 acre-feet of water.

MR. CATANACH: The County has always allotted or has always allocated a minimum quarter acre per residential unit.

COMMISSIONER DURAN: I'm saying do we have the ability to do that?

MR. CATANACH: I guess I'm not understanding the reason of allocating a .3 to a lot with a house and a guest house when .3 may not be able to support that.

COMMISSIONER DURAN: Well, if 90% of the homes out there are second homes, they don't need half an acre-foot of water is what I'm saying. I'm actually just making an argument here. I'm trying to find out -- I'm putting you on the spot here. Why can't we just give them -- my question is does this Board have the authority to restrict the water, to further restrict the water restrictions that we had placed on this approval to .33 on the lots here that are designated main house- guest house?

MR. CATANACH: I believe that, and all I can do is respond that the County Code and the staff has allocated a minimum quarter acre-feet. I'm not sure that .3 would support the house and guest house. That would be my concern, that we would be allocating a certain amount of water that may not support the use on the lot.

COMMISSIONER DURAN: I guess I'm following this because we're here trying to conserve water. This might be a way of doing it.

MR. CATANACH: I think that certainly the authority is to say Las Campanas shouldn't be allowed to have any guest houses and therefore they're restricted to the quarter acre-foot. I think that's certainly open for discussion.

COMMISSIONER DURAN: Well, that would be okay, too. I think I'd rather find out from the Legal Department if this Board had the right to be able to make that kind of a change.

MS. BROWN: Mr. Chairman, Commissioner Duran, I don't know the answer to that. I'd have to look at the Code and see what the hydrology section says, whether it's discretionary or stated in there as non-discretionary.

CHAIRMAN GRINÉ: Let's move on guys. We were catching speed here and all of a sudden we came to a gridlock.

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COMMISSIONER GONZALES: Mr. Chairman, does the Code ban guest houses?

MR. CATANACH: The Code doesn't really address guest houses. Generally, a house is a house is a house. I'm not aware that the Code specifically addresses guest houses. When we call these guest houses, we use that just to give them a name but in fact these are just being treated as a second unit on a lot where there is adequate infrastructure to support the density.

MS. BROWN: Mr. Chairman, Commissioner Gonzales, Joe's right. We don't address it. We treat a guest house as a main house. We don't distinguish between them. So if you need a quarter acre-foot per home, or if you need a certain size lot per home, that's what you need for your guest house as well.

COMMISSIONER DURAN: But you have to meet the minimum size lot and if the minimum size lot out there is five acres and you only have 2.5, you can't have a guest house on that 2.5 acre lot. Is that correct?

MR. CATANACH: There's been various interpretations of that throughout the years but yes, that's --

COMMISSIONER DURAN: I've never seen you interpret it any other way.

MR. CATANACH: Well, you're going to have a house and a guest house here on probably a lot as big as --

COMMISSIONER DURAN: But you're calculating the average density based on the total acreage that they have.

MR. CATANACH: That's correct, but when Las Campanas master plan was approved, their gross density of 1,419 lots was strictly based on 2.5 into the total acreage.

COMMISSIONER DURAN: So their number of dwelling units that may have been approved for is directly related to the number of acres, total number of acres.

MR. CATANACH: The total number of lots, not dwelling units.

COMMISSIONER DURAN: The total number of dwelling units, I may have said that wrong, is directly related to the total number of acres.

MR. CATANACH: The total number of lots is directly related to a 2.5-acre density, but they were allowed --

CHAIRMAN GRINÉ: Any other questions of staff? Is the applicant here?  
[Duly sworn, Clif Walbridge testified as follows:]

CLIF WALBRIDGE: Clif Walbridge, 1421 Luisa Street, Santa Fe. I represent Las Campanas.

CHAIRMAN GRINÉ: Are you in agreement with everything that has been stated here by the County?

MR. WALBRIDGE: Yes, we're in agreement with all the conditions, Mr. Chairman. If I might address a couple of the issues that have been asked. First off, Joe had kind of explained what's been going on vis-à-vis trying to purchase effluent water from the City. First off, Las Campanas has purchased all the water rights necessary for the full master

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plan numbers of the 1,419. They have two effluent lakes. They treat water with a wastewater treatment plant and they pump back to those lakes. The exact percentage of how much irrigation is coming from potable water versus wastewater, I don't have those figures at this point.

The build-out has been somewhat slow but they are in the process of trying to pursue a method of turning over that water system to the City and buying effluent and as a result that thing would turn over the water rights to the City. As far as Commissioner Duran's questions regarding the use of the house and guest house, the three lots that kind of started this discussion are five acres in size. They're large lots and they're done from a marketing concept as Joe has said to create a compound where a family could have a family compound where you could have more than one child have a guest house except that in going through the idea of a residence and two guest houses, what the County had said, we need to look at that, we're going to look at that as a residence, a guest house and a second residence, even though the water rights would be the same. So that's really the concept and there's three of those lots out of the units. Three of those lots would have the three and it was basically for the purpose of a family compound.

There was an earlier phase of Las Campanas Estates V, Unit 1 that had I think four of those types of lots and there has been a market for that. Not a very big market, but a market for that. So that really is the reason for it.

The master plan had set up units with a main house and a guest house and they've purchased the water rights, so if they're going to do a guest house, they allocate .5 acre-feet, a quarter acre-foot for the house and the guest house. And there are some lots in Las Campanas that do not have guest houses permitted, and those were allocated at the quarter acre-foot. So as Joe has said, there's --

CHAIRMAN GRINÉ: Okay, thank you. Any other questions?

COMMISSIONER TRUJILLO: Just a question. What's the time line before the golf courses will be irrigated with purely effluent instead of potable water? Where are you in negotiations with agreements to get that going so that we have golf courses out there irrigated with effluent, greywater and not potable water? How long before that's going to happen? Because that was a commitment that was made.

MR. WALBRIDGE: Right. You mean the time line without the current negotiations with the City?

COMMISSIONER TRUJILLO: Including the current negotiations.

MR. WALBRIDGE: They were before City Council for approval of an agreement at the meeting before last. It was tabled. So they have been in the process of this for quite some time and they had thought it was going to be acted on last month. The systems are set up for recharge effluent lines, are set up from the plant. All the wastewater that's treated there right now goes back to last year was one lake and now there's two effluent lakes and that irrigation is pumped out of those lakes to the golf course. So the time line I guess could be fairly soon, perhaps in a year, if the agreement with the City is worked

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out, to buy effluent. If that doesn't happen and it goes through build-out, that's kind of a hard question to answer because it's hard to tell when they would get to a point where they'd have enough residences.

COMMISSIONER TRUJILLO: Thank you.

CHAIRMAN GRINÉ: Any other questions of the applicant? Thank you. Anybody in the audience would like to address this case? If not, what's the please of the Board?

Commissioner Gonzales moved to approve EZ Case #S 99-4700 and Commissioner Anaya seconded. The motion passed by majority [3-1] voice vote with Commissioner Anaya, Commissioner Gonzales and Commissioner Duran voting in favor and Commissioner Trujillo voting against.

IX. C. 7. EZ Case #RES 99-4900. La Villa Escondida Subdivision. Sky Limit, LLC, by and through their agent, the Flance Company, request preliminary/final plat and development plan approval for a 24-lot subdivision within a tract of land consisting of 78.22 acres. The property is located east of Caja del Rio Road, northwest of the City of Santa Fe, within Section 23, Township 17 North, Range 8 East

COMMISSIONER GONZALES: Mr. Chairman, I just want to say for the record that I'm abstaining from this case.

MS. ROMERO: Thank you, Mr. Chairman, Commissioners. In summary, on January 13, 2000, the EZC recommended preliminary, final plat and development plan approval. La Villa Escondida will consist of 24 residential lots on 78 acres. The lots will range in size from 2.5 acres to 3.5 acres for a gross density of one residential unit per 3.26 acres. This subdivision is classified as a Type III subdivision according the Extraterritorial Subdivision Regulations. The property is located in the Basin Fringe Hydrologic Zone. Minimum lot size in this zone is 12.5 acre unless proven through a geo-hydrological analysis that a minimum of 2.5 acres is acceptable. It is assumed this subdivision will be developed in one single phase and is intended strictly for residential use. The preliminary plat and development plan were reviewed for access roads, water supply, liquid waste, solid waste, terrain management, soil, archaeological review, fire protection, traffic impact analysis and school impact.

Recommendation: A site inspection has been made. Submittal and notice requirements have been complied with. Staff and the EZC recommend preliminary/final plat and development plan approval subject to the following conditions.

[The corrected conditions are as follows:]

1. Compliance with applicable review comments from the following:
  - a. State Engineer
  - b. State Environment Department
  - c. Soil and Water District
  - d. County Hydrologist
  - e. County Subdivision Engineer
  - f. County Fire Marshal
  - g. Santa Fe Public Schools
  - h. County Public Works
  - i. State Highway and Transportation
2. Approval of street names and rural addressing by County Public Works staff.
3. Final homeowners documents (covenants, by-laws, articles of incorporation, disclosure statement) subject to staff approval and shall include but not be limited to the following:
  - a. The maintenance and repair plan outlining periodic maintenance for quality and integrity of roads and common areas, including street names and traffic control signs
  - b. Fire protection system maintenance
  - c. Taxes and liability insurance for common areas
  - d. Solid waste disposal issues
  - e. Water restrictions per Code
  - f. Management and collection of monies associated with association expenses
  - g. Water conservation measures, including prohibiting swimming pools
4. Complete final plat content subject to approval by staff, and shall include but not be limited to the following:
  - a. Road and utility easements are granted for public use
  - b. On-site terrain management plan in compliance with the County Land Development Code shall be required at the time a permit is requested for a residential unit
  - c. Legend and monuments
  - d. Plan indicating developable (build) and no-build areas
  - e. Delineate drainage easements for significant drainage courses on site development plan and maintain a minimum 25' building setback from natural edge
  - f. All utilities placed underground
  - g. Minimum setbacks of leach lines from wells
  - h. Cross reference for recording disclosure statement
  - i. Compliance with plat checklist
  - j. Standard noted on plat in reference to recommendations made by the County Hydrologist

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- k. Prior to issuance of a building permit on individual lot, individual liquid waste systems will have to be approved by the Environment Department
- l. Sanitary sewers are not available to serve these tracts. For this reason, on-site disposal is the responsibility of the owner
- m. Disclosure statement
- n. Share well agreement
- 5. Submit engineer's cost estimate with acceptable financial security for all required improvements. Include schedule of compliance projecting completion of improvements. Upon completion, submit a certification that improvements have been completed according to the approved development plan and as built plans both sealed by registered engineer.
- 6. Submit solid waste fees in accordance with subdivision regulations. Covenants must also specify that the homeowners association shall contract a licensed private collection service for solid waste disposal.
- 7. Developer shall pay the fee-in-lieu of park dedication prior to recording of the final plat. The amount shall be calculated in accordance with Sections 3.7.1 of the Santa Fe Extraterritorial Subdivision Regulations, or provide a minimum of .46 acres of land for park dedication as required and in accordance with Section 3.6.5 of the ESR.
- 8. On any corner lot, no fence, hedge, or other planting or structure that will obstruct vision between a height of 3' and 9' above the centerline grades of the intersecting streets shall be erected, placed or maintained with the site distance triangle as required by AASHTO standards.
- 9. A State Engineer's well record showing a properly drilled and constructed cluster well must be submitted with building permit applications on individual lots (i.e., wells must be drilled properly before the lots are developed.)
- 10. Submit revegetation plan including reseeding and replacement of dead or diseased plants and trees in accordance with 3.4.2b of the ESR.
- 11. Water storage tank shall be of low profile, partially buried or completely buried, and painted to blend in with surrounding landscape.
- 12. Applicant shall provide a secondary access acceptable to County staff prior to final approval recordation.
- 13. Submit a copy of the disclosure statement to the Attorney General upon plat recordation.
- 14. Submit a traffic signage plan.
- 15. Submit a signage plan acceptable to County staff prior to final approval recordation.
- 16. Applicant shall provide exact dimensions of the 30,000 gallon cistern storage tank, if applicable, including an elevation plan indicating above-ground height.

CHAIRMAN GRINÉ: Thank you, Audrey. Any questions of staff? Is the applicant here please?

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[Duly sworn, Heather Pierson testified as follows:]

HEATHER PIERSON: Good evening. My name is Heather Pierson.

CHAIRMAN GRIÑÉ: Heather, are you in agreement with all the conditions and even with the changes of 7, 9, 11 and 16?

MS. PIERSON: Chair Griñé and Commissioner, yes, I am. Completely in agreement. If you'd like to see details on the burial of the tank --

CHAIRMAN GRIÑÉ: That's fine. Is there any questions of the applicant? No questions. Is there anybody in the audience like to speak for or against this case?

MS. BUSTAMANTE: Mr. Chairman, I'd like to submit her address for the record please.

MS. PIERSON: My address is 521 Weber Street.

CHAIRMAN GRIÑÉ: Thank you. Okay, what's the wishes of the Board?

Commissioner Anaya moved to approve EZ Case #RES 99-4900 subject to staff's amended conditions. Commissioner Trujillo seconded and the motion passed by unanimous [3-0] voice vote. [Commissioner Gonzales abstained from this vote.]

**ADJOURNMENT**

Chairman Griñé declared this meeting adjourned at approximately 7:35 p.m.

Approved by:

Respectfully submitted:

*Karen Farrell*  
Karen Farrell, Commission Reporter

ATTEST TO:

*Rebecca M. Salazar*  
REBECCA BUSTAMANTE  
SANTA FE COUNTY CLERK

*Joe S. Griné, Jr.*  
Board of County Commissioners  
Joe S. Griné, Jr., Chairman



1107996  
COUNTY OF SANTA FE ) SS  
STATE OF NEW MEXICO )  
I hereby certify that this instrument was filed  
for record on the 17 day of Mar A.D.  
20 00 at 2:16 o'clock P.m.  
and was duly recorded in book 1741  
page 213 of the records of  
Santa Fe County.

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

*Rebecca M. Salazar*  
Deputy

SANTA FE BOARD OF COUNTY COMMISSIONERS  
COMMISSION CHAMBERS                      COUNTY ADMINISTRATION BUILDING

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REGULAR MEETING  
(Public Hearing)

February 8, 2000 - 5:00 P.M.

## Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Invocation
- V. Approval of Agenda
  - A. Amendments
  - B. [REDACTED]
- VI. Approval of Minutes — *No Minutes this meeting*
- VII. Presentations & Awards:
  - A. Request Approval of a Proclamation to Declare March 2, 2000, as "Gary Tomas Apodaca & Eric Clarence Garcia Day"
- VIII. Staff and Elected Officials:
  - A. Land Use Department
    - 1. [REDACTED]
    - 2. Request Authorization to Publish the Title and a General Summary of an Ordinance Replacing Ordinance 1999-4, Declaring a Moratorium on New Subdivisions, Land Divisions and Master Plans for Projects Served by El Dorado Utilities Inc. and Encouraging Conservation Measures within the El Dorado Utilities Inc. Service Area
    - 3. Resolution No. 2000-<sup>14</sup>A Resolution Amending Resolutions No. 1998-105 and 1998-132 Expanding an Open Land and Trails Planning and Advisory Committee

**B. Public Works Department**

- Approved*
1. Request Authorization to Enter into a Construction Agreement, IFB #99-20 RB-2, with J. R. Hale Contracting Co., for the County Road 62, Alamo Lane and San Isidro Drainage, Paving and Sewer Improvements Project

**C. Finance Department**

- Approved*
1. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Qualified Respondent, RFP #20-20, for the Design of the Public Safety Complex, Phase I (Community, Health and Economic Development Department)

**D. Matters from the County Manager, Samuel O. Montoya**

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

**F. Matters from the Commission**

**G. Matters from the County Attorney, Denice Brown**

*Didn't have one*

1. Executive Session

- a. Discussion of Possible Acquisition of Real Property or Water Rights
- b. Discussion of Pending or Threatened Litigation
- c. Limited Personnel Matters

**IX. Public Hearings:**

A. Ordinance No. 2000- An Ordinance Amending the Santa Fe County Land Development Code, Ordinance 1996-10, Article I, Section 8.1, Zoning Provisions, to Clarify the Applicability to Federal, State, Tribal and Municipal Lands (First Hearing)

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

**C. Land Use Department Items:**

1. CDRC Case #MIS 2000-5000. Lone Butte Liquor License Ownership Transfer. Jay Jalaram Inc., applicant, requests approval to allow a transfer of ownership of Liquor License No. 767 from the Lone Butte Corporation to Jay

Jalaram Inc., the liquor license is to remain at the present location of the Lone Butte General Store at 3815 Highway 14. The property is located west of State Road 14, within Section 35, Township 15 North, Range 8 East (Commission District 3). Penny Ellis-Green

2. **CDRC Case #MIS 2000-5010.** Rancho Encantado Liquor License Ownership Transfer. Rancho Del Monte, LLC, applicant, requests approval to allow a transfer of ownership of Liquor License No. 958 from Encantado, LLC, to Rancho Del Monte, LLC, the liquor license is to remain at the present location of Rancho Encantado. The property is located on State Road 592, north of Tesuque, within Section 7, Township 18 North, Range 10 East (Commission District 1). Penny Ellis-Green
3. **CDRC Case #Z 99-5371.** SEMA Construction. SEMA Construction requests an amendment to a previously approved master plan with preliminary and final development plan approval for mining 11.5 acres for material for an additional US 285 construction project. The property is located west of US 285, north of State Road 41, within Section 6, Township 14 North, Range 10 East (Commission District 3). Vicki Lucero
4. **CDRC Case #A/V 99-5571.** Jacob Olivas Appeal/Variance. Jacob Olivas, applicant, requests an appeal of the CDRC's decision to deny a land division of 2.55 acres, which would result in a variance of Article III, Section 10 (lot size requirements), of the Land Development Code. The property is located off South Fork within Section 31, Township 15 North, Range 9 East (Commission District 3). Frank White
5. **CDRC Case #V 99-5740.** Love/Frey Variance. Eric Love and Deborah Frey request a variance of Article III, Section 2.3.6, (height restrictions for a residential dwelling). The property is located off County Road 76, within Section 16, Township 18 North, Range 10 East (Commission District 1). Frank White
6. **EZ Case #S 99-4621.** Vista Primera Subdivision, Phase IV. The Strosnider Company, by and through their agent, The Schutz Company, request preliminary/final plat and development plan approval for a 11-lot subdivision within a tract of land consisting of 2.8 acres. The property is located in the Vista Primera Subdivision, off Airport Road, southeast of the Airport Road/State 599 intersection, within Section 11, Township 16 North, Range 8 East (Commission District 2). Audrey Romero

7. **EZ Case #RES 99-4900.** La Villa Escondida Subdvision. Sky Limit, LLC, by and through their agent, the Flance Company, request preliminary/final plat and development plan approval for a 24-lot subdivision within a tract of land consisting of 78.228 acres. The property is located east of Caja del Rio Road, northwest of the City of Santa Fe, within Section 23, Township 17 North, Range 8 East (5-Mile EZ District) (Commission District 1). Audrey Romero
8. **EZ Case #S 99-4700.** Los Santeros at Las Campanas. Las Campanas Ltd. Partnership, applicant, requests final plat/development plan approval for a subdivision phase in accordance with the approved master plan, consisting of 68 residential lots and a master plat for 126 residential lots on 128 acres, and a variance of the minimum road standards. The property is located off Las Campanas Drive, Sections 14 & 15, Township 17 North, Range 8 East (5-Mile EZ District) (Commission District 1). Joe Catanach

**X. ADJOURNMENT**

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