

1658873

BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

REGULAR MEETING

JUNE 8, 1999

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

SANTA FE COUNTY

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REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

June 8, 1999

This regular meeting of the Santa Fe Board of County Commissioners was called to order at 3:50 p.m. by Chairman Paul Duran in the Santa Fe County Commission Chambers.

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

Members Present

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

Members Absent

[none]

IV. INVOCATION

Commissioner Anaya gave the invocation.

V. APPROVAL OF AGENDA

CHAIRMAN DURAN: Are there any changes, amendments? David, do you have any?

DAVID WOLF (County Manager): Yes, Mr. Chairman, Commissioners, there's a couple of amendments. Item IX.A.1, request that that be tabled until the administrative meeting.

COMMISSIONER GRINÉ: That's number A, David? That's Matters from the County Manager, right under there?

MR. WOLF: Yes, that's the community schools contract. We'll do that at

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the administrative meeting. The other item, Mr. Chairman, is under the Land Use Department items, so it's part D., number 7. We ask that that be tabled. It's CDRC Case 99-5061.

COMMISSIONER GRIÑÉ: Also, Mr. Chairman, I move that we table also the Request direction on procedures for adopting the Santa Fe Metro Area Highway Corridor.

COMMISSIONER ANAYA: Second, Mr. Chairman.

COMMISSIONER TRUJILLO: What number is that, Commissioner?

COMMISSIONER GRIÑÉ: That's under C, last item under X. C. on page 3.

CHAIRMAN DURAN: And the reason for that, Commissioner is so that the Commissioners can have more discussion with staff to get more familiar with what those recommendations are and the impact that they may have on land use issues that are currently in place, or land use ordinances and issues. Any further discussion? Are there any other amendments?

COMMISSIONER ANAYA: Mr. Chairman, do we need to have a vote on - point of order on tabling this? Do we need to vote on this?

CHAIRMAN DURAN: We're amending the agenda.

DENICE BROWN (County Attorney): We need a motion to approve it as amended.

CHAIRMAN DURAN: So when we approve the agenda as amended --

MS. BROWN: It will include all the changes.

CHAIRMAN DURAN: Okay. Is there any other discussion on Commissioner Griñé's amendment.

COMMISSIONER GRIÑÉ: Under X. C. bullet number four.

CHAIRMAN DURAN: Request direction on procedures for adopting the Santa Fe Metro Area Highway Corridor Plan. Just for discussion here, I'm not sure that we were actually going to approve the Highway Corridor Plan. I think we were going to have some discussion about how we go about having public meetings and discussion about it. Is that correct, Jack?

JACK KOLKMEYER (Planning Director): Mr. Chairman, Commissioners, what we were going to do with you today was a brief presentation on the Highway Corridor Plan itself, so that all the Commissioners would know what's in it, as you were suggesting before, because we've never done that with you, and then simply ask your direction on how to adopt it. It's not a public hearing on it for adoption. It was to be a presentation of the plan itself, a brief presentation, and then a request to guide us on the procedure for adoption.

CHAIRMAN DURAN: And if at that time, if it stays on the agenda, because I know that there's some controversy in it that some of our constituents have brought forward and we haven't had enough time to discuss that with you, with staff and amongst ourselves.

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COMMISSIONER ANAYA: Mr. Chairman, I think the clarification here is, actually it's bullet three the one which is the action item as far as all the X. C. I think that's the one that's the action item that should be the one tabled, not bullet four.

MR. KOLKMEYER: Mr. Chairman, Commissioner Anaya, the previous bullet is for adoption of the Community College District, the Airport Development District, not the Highway Corridor. We are not asking for adoption of the Highway Corridor Plan today, nor for a public hearing on it. We have not had a public discussion on the Highway Corridor Plan with the Commissioners up to this date. It was presented to you a couple of months ago and we thought it would be to all of our advantage for the Commission and the staff, for us to start off by giving a brief presentation today. Not adopting it, but asking how you want it to be adopted, because there's also been some a lot of concern, including a recommended resolution that was passed out at the meeting last night that a lot of people in the community feel this should be jointly adopted by the City and the County. So we need your direction on that. If you want us to proceed that way, then we need some direction on how exactly you'd like us to go about that, but we're not requesting it be approved tonight.

CHAIRMAN DURAN: So I think it would be appropriate that we actually hear what it's all about before we decide what to do about it.

MR. KOLKMEYER: That would be our recommendation.

COMMISSIONER ANAYA: Rather than to vote on it as a resolution then, because it is being presented as a resolution, number 1999-whatever. But inclusive in that is the Highway Corridor District. I'm talking about bullet three.

MR. KOLKMEYER: May I, Commissioner Anaya? That's only referring to the pages, page 66, in the text, that is a description of what highway corridor districts are, if you look at that. In fact, that's one of the things that we'll discuss. We are asking you to adopt that, but that's not the plan. That's a description in Part II, the Planning Districts, on page 66. It's not the Highway Corridor Plan. I see what the confusion is.

CHAIRMAN DURAN: Jack, just let me ask you one quick question. Isn't it possible to take out "and the Highway Corridor Districts, and the Santa Fe Metro Highway Corridor District" out of the third bullet so that it's really not --

COMMISSIONER ANAYA: Mr. Chairman, I'd like the whole bullet --

MR. KOLKMEYER: Yes, that would be appropriate.

CHAIRMAN DURAN: But the whole bullet deals with more than just the Highway Corridor District. It deals with the New Community Districts which we are in support of, the Community College District. I think the main concern is the Highway Corridor District.

COMMISSIONER ANAYA: What I'm concerned about is Commissioner Grifé wanted bullet four tabled, which is request direction on procedures for adopting. And it's not the procedures that we're not going to listen to. What I'm saying is to table the entire resolution, bullet three for now. And then just go ahead into the public hearings with

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the other bullets. I think that's where the confusion lies.

CHAIRMAN DURAN: I see what you mean. So we would still have the discussion or the presentation on the Highway Corridor Plan. It's just that we would hold back on adopting the resolution.

COMMISSIONER ANAYA: I think the intent of the motion is to delay any action, Mr. Chairman, at this particular time.

MR. KOLKMEYER: Mr. Chairman, but the resolution is to adopt all the other parts of the General Plan, which we're requesting you to adopt. Such as the Santa Fe Community College District. That's what we need action on tonight. If we table that, then I don't see much point in proceeding.

CHAIRMAN DURAN: It was my understanding in discussions I had with you that we would not complicate the adoption of our General Plan with the Highway Corridor Plan, that we were going to deal with that at another time after we have adopted the Highway Corridor Plan. The reason for that was there were a lot of elements in the Highway Corridor Plan that required public input and discussion amongst the Commissioners and we needed to hear what the public had to say about it. I understand what Commissioner Anaya is saying. Is there any way that you can go back. We can table this thing. Actually you have plenty of time before we get to it, but come up with some other language that works for you because I think that this Commission is interested in adopting the other districts. It's the Highway Corridor Plan that we're having difficulties with.

MR. KOLKMEYER: Mr. Chairman, if I may, it does not say -- I think what Commissioner Anaya said earlier, if you simply scratch, cross out, from bullet three "and the Santa Fe Metro Area Highway Corridor District, pages 69-70" then that would solve the problem. But I want to point out that at even that statement "and the Santa Fe Metro Area Highway Corridor District" does not say the Highway Corridor District Plan. It is referring to the two pages in Part II, the Planning Districts, that's from the original policies that you directed us to create highway corridor districts. Because that also references other portions of the county such as the Tesuque area, which has sent Commissioner Trujillo a letter to want to proceed to do a highway corridor plan. Also for Arroyo Seco.

That's not -- so the easiest way would be just to scratch that, Commissioner Anaya, and then that would probably solve the problem.

COMMISSIONER ANAYA: No, I'm not clear on the entire rationale behind this resolution, Mr. Chairman, and I'm not ready to vote on it.

CHAIRMAN DURAN: Okay, then let's do this. We're going to scratch the third bullet entirely and at the next meeting bring it up again at that time and adopt the resolution.

COMMISSIONER ANAYA: It's only two weeks away.

CHAIRMAN DURAN: After we have been able to discuss it further.

MR. KOLKMEYER: If I may then, so you don't want us to proceed with a discussion on anything else then this afternoon? Is that correct?

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COMMISSIONER ANAYA: Is there any substance in the remainder of that without that? Is that what you're asking?

MR. KOLKMEYER: The Santa Fe Community College District, the Airport Development District, yes, there are two major pieces to the County General Plan.

CHAIRMAN DURAN: I think I said the third bullet. Didn't I say the third bullet?

MR. KOLKMEYER: The third bullet is a resolution adopting new community districts, the Community College District and future new community districts, including the Santa Fe Community College District, the Highway Corridor Districts, page 66, and the Santa Fe Metro Highway Corridor District and the Airport Development District. It's everything.

CHAIRMAN DURAN: Okay. So correct me if I'm wrong. This is what we're going to do. In item C, we're going to discuss the first, second and fourth bullet. We're not going to talk about adopting the resolution. That shouldn't prevent you from making the presentation to us on the other districts. I don't know where it says that we have to adopt this resolution tonight after having a presentation made to us on the same evening. Why can't we adopt it at another meeting?

MR. KOLKMEYER: Mr. Chairman, that's technically correct, but you adopted the resolution last time, adopting the rural district and the Estancia Basin District. It's the same procedure.

CHAIRMAN DURAN: Same procedure, but those two districts didn't have the Highway Corridor Plan in it.

MR. KOLKMEYER: Those two districts do not have the Highway Corridor Plan in them. They are separate districts.

CHAIRMAN DURAN: That's what I just said.

MR. KOLKMEYER: Maybe we should get some help from legal here.

COMMISSIONER ANAYA: I'm not comfortable at all with the way it's been presented to us, Jack, tonight. I'm not comfortable with it at all. In particular because there's an action item involved with the discussion procedure or the learning process here and I'm just not ready. Perhaps in two weeks we will be. But personally, I'm not ready for it.

COMMISSIONER TRUJILLO: Commissioner Anaya, I don't think we're going to get into the substance of the Highway corridors. What Jack is saying is that we're going to designate a highway corridor district. All that this resolution is doing is designating those districts. We're not going to get into public hearings, into substance regarding the highway corridor, it's only a designation of the districts like we did at the last meeting to designate rural districts and the like. So I think we should listen to staff and proceed in designating these districts.

COMMISSIONER ANAYA: Okay, so these districts are still amendable, you might say, in the future. All we're doing with these districts is giving you direction to

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proceed on to further correlation planning with the General Plans. Is that my understanding?

MR. KOLKMEYER: Mr. Chairman, that's correct. Let me maybe kind of roll back and start over so we try and get it straight. Essentially what we would like to do this afternoon is present two parts of the County General Plan to you this afternoon. The Santa Fe Community College District and the Airport District. And we would like for you to adopt those districts and direct us to begin with planning for those two districts. Additionally, there is the matter of the Highway Corridor District Plan, which was recently completed in March. We are not asking for you to adopt that this evening. We would like to take ten or fifteen minutes to tell you what's in that plan and then for you to direct us how you would like for it to be adopted in the future.

The purpose of this afternoon's meeting is primarily to discuss the Santa Fe Community College District, and the Airport District and to ask you to pass that resolution creating those districts and allowing us to go forth with the planning of them.

COMMISSIONER ANAYA: Okay, Mr. Chairman, I think that direction will work and still keeping in mind that the option is still there to either vote or table as far as the action item.

MR. KOLKMEYER: Yes, that's correct. And Commissioner Anaya, you may remember too, at the last meeting we decided that whatever actions we take in adopting these resolutions, we would come back in August with any recommended changes that anybody in the community has, or any further suggestions and create a new resolution adopting the entire General Plan at that point.

COMMISSIONER ANAYA: Okay, let's proceed.

CHAIRMAN DURAN: The concern here is that there's a rush to get this Highway Corridor Plan approved and adopted. I think that there's some discomfort up here that there hasn't been enough discussion and that's I think what the concern is.

MR. KOLKMEYER: We're not asking you to adopt the Highway Corridor Plan this evening.

CHAIRMAN DURAN: Okay, great. Thank you, Jack. Thank you for dealing with us.

COMMISSIONER ANAYA: Mr. Chairman, I'm going to move for approval of the agenda as amended.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: Are there any other changes, David?

MR. WOLF: Mr. Chairman, I don't have any other changes.

CHAIRMAN DURAN: Okay. There's a motion and a second. Those in favor, signify by saying "aye." [Unanimous 3-0] Opposed? The motion carries. [Commissioner Gonzales was not present for this vote.]

VI. APPROVAL OF MINUTES: May 11, 1999

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Commissioner Trujillo moved to approve the May 11, 1999 minutes as submitted. Commissioner Griñé seconded and the motion passed by unanimous voice vote. [3-0. Commissioner Gonzales was not present for this vote.]

May 25, 1999

Commissioner Griñé moved approval of the May 25, 1999 minutes as presented and Commissioner Trujillo seconded. The motion passed by unanimous voice vote. [3-0. Commissioner Gonzales was not present for this vote.]

May 26, 1999

Commissioner Griñé moved to approve the May 26, 1999 minutes and Commissioner Anaya seconded. The motion passed by unanimous voice vote. [3-0. Commissioner Gonzales was not present for this vote.]

VII. CONSENT CALENDAR

- A. Resolution No. 1999-71. A resolution requesting an increase to the Lodgers' Tax Facility and Advertising Funds to reflect the Lodgers' Tax Fund cost allocation for the 1995-1996 joint powers agreement with the City of Santa Fe for printing the Santa Fe Visitors' Guided and for a grant award from the New Mexico Department of Tourism for promoting tourism through Santa Fe County**

MR. WOLF: Mr. Chairman, this is just a Consent Calendar item. It's a budget adjustment to increase Lodgers' Tax Fund to pay for a portion of costs that were incurred for the joint services agreement so that that money can be charged to Lodgers' Tax and also to reflect a small grant that the County received.

CHAIRMAN DURAN: Any questions of David.

Commissioner Trujillo moved to approve Resolution 1999-71, a budget adjustment for the Lodgers' Tax Fund. Commissioner Griñé seconded and the motion passed by unanimous voice vote. [3-0. Commissioner Gonzales was not present for this vote.]

VIII. PRESENTATIONS AND AWARDS

- A. Highway Corridor Committee Recognition Awards**

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CHAIRMAN DURAN: These are for all those folks that spent all that time working on the Highway Corridor Plan that we're not going to listen to tonight. Do you want be to listen to everybody's name? Do you think they're here? So the Board of County Commissioners, County of Santa Fe, State of New Mexico, in recognition presents a certificate of appreciation to be presented to: Lois Goodman, Warren Thompson, Chris Leibman, Cliff Walbridge, Mark Hogan, Al Lilly, Bob Taunton, Nancy Wiley, Kathy Pilnock, Lou Medrano, Patti Bushee, Councilor, Molly Whitted, Councilor, Jimmie Martinez, Councilor, and Molly Mehaffey.

So, I'd like to thank you all for contributing your time and your effort to that committee and hopefully in the next few months we can get to that and adopt it.

IX. STAFF AND ELECTED OFFICIALS

B. Matters of Public Concern

None were presented.

IX. C. Matters from the Commission

COMMISSIONER ANAYA: I'd just like to make a statement, Mr. Chairman. Today we were scheduled to have the multi-line pool meeting in Grants and of course I'm a member of that. I elected to come and join you tonight and suffer with you instead.

CHAIRMAN DURAN: We appreciate that. We like having you here.

COMMISSIONER ANAYA: Thank you, Mr. Chairman.

CHAIRMAN DURAN: I actually have something here. I met today with Estevan from the Water Department. And I got together with him on some of the issues concerning our water and the issues that are surrounding our water, the need for water in the county and I'd just like to read this for the record. And this is actually giving direction, if all of you agree, to staff. In light of last night's joint City/County resolution on creation of Santa Fe City/County Regional Planning Authority in the five-mile EZ, it seems to me that the one issue that most planning activities revolve about and about which the County has significant uncertainty is water.

I'd like this Commission to direct the staff of the Utilities Department to initiate more formal discussions with their counterparts at the City with the goal of developing a new, expanded water management and operations agreement to replace our current wheeling agreement with the City. I think there are a number of water-related issues that we could try to resolve within the context of such an agreement. These include: Hagerman Well and water rights, Las Campanas water and sewer service issues, City water via County system, IAIA-Thornburg and possibly La Mirada, allocation of San Juan Chama water rights,

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overlapping service areas, area bounded by New Mexico 599, I-25 and the city limits, and on the west side, La Mirada and Frijoles area.

Development of joint and/or similar policies on water and related issues, and any other water-related issues of common interest. I think that staff should attempt to work out such an agreement and bring it forward for Commission and Council action or in the alternative, that the staff should report back to the Commission as to why we can't arrive at an agreement. If the Commission agrees, I would like to ask for an update on this issue within two months. So basically, there's a lot of work that needs to be done relative to our water concerns and I think that staff needs some direction to go forward to try and hammer out a new wheeling agreement or a new agreement with them and just try -- we talked about it amongst ourselves but there's never been any direction given to staff. So with your blessings, I'd like to kind of make that recommendation.

COMMISSIONER TRUJILLO: I have a question for discussion. We've started a relationship with the City of Santa Fe and San Ildefonso Pueblo on the Rainey project. We have a wheeling agreement in place. When does that expire?

MR. WOLF: Mr. Chairman, Commissioner Trujillo, the wheeling agreement for the 500 acre-feet that we're currently allocated or wheeled is part of that agreement. I believe it expires -- it's a five-year agreement and I think that, with a five-year option to renew. I believe that first five years is up somewhere during this next fiscal year. But there's an option to renew that within the contract within another five years.

COMMISSIONER TRUJILLO: So it is timely to start looking at developing a new wheeling agreement with new stipulations, Estevan?

ESTEVAN LOPEZ (Utilities Director): Mr. Chairman, Commissioner Trujillo, that's correct. David's summary is accurate. The original or the current wheeling agreement has a five-year term that expires, I believe it's in August of this year. It's got an automatic renewal for an additional five years but there are some issues that would still need to be discussed. I believe that some of the stuff that Chairman Duran just raised are things that are appropriate to discuss in that context.

CHAIRMAN DURAN: And actually Estevan was the author of what I just read. We met today to talk about our policies and we agreed that this was a good time to start opening up extensive dialogue with them and bringing up all the issues concerning our water. So Estevan, if you could do me a favor. Could you get a copy of this to all the Commissioners so that they know what all the issues are?

MR. LOPEZ: Mr. Chairman, sure. I'd be happy to do that.

COMMISSIONER TRUJILLO: And regarding these areas, Estevan, you know we have an issue with traditional water rights and that those will not be compromised, or getting water from Tesuque, for example, Pojoaque, but only using the sustainable sources of water without compromising our traditional usage. Those need to be protected in perpetuity.

MR. LOPEZ: Mr. Chairman, Commissioner Trujillo, I think that that

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category of discussion can easily fall within development of joint policies on those issues which is one of the bullets that's under there.

CHAIRMAN DURAN: Thanks, Estevan. Do you think we gave you enough direction there?

MR. LOPEZ: I think I've got plenty to work with. Thank you.

CHAIRMAN DURAN: Any other Matters from the Commission?

IX. D. Matters from the County Attorney

1. Executive Session

a. Discussion of proposed purchase of real property adjacent to Fin del Sendero

Commissioner Griñé moved to go into executive session and his motion was seconded by Commissioner Anaya. The motion passed upon roll call vote with Commissioner Anaya, Commissioner Griñé, Commissioner Trujillo and Chairman Duran all voting in the affirmative. [Commissioner Gonzales was not present for this vote.]

[The Commission met in executive session from 4:20 to 4:25.]

Commissioner Griñé moved to come out of executive session, having discussed only the discussion of purchase of real property adjacent to Fin del Sendero. Commissioner Trujillo seconded and the motion passed by unanimous voice vote. [3-0. Commissioner Anaya was not present for this vote.]

X. PUBLIC HEARINGS

A. Ordinance No. 1999-6. An ordinance amending Ordinance No. 1997-6 "Comprehensive Solid Waste Management Ordinance"

JILL HOLBERT (Solid Waste Manager): Good afternoon, Commissioners. The ordinance that is before you is an amended ordinance. The original was 1997-6, so we're here to amend that ordinance. The main changes, you'll notice are in Section 10. There are some other changes that if you have any questions on I'd be happy to answer but most of them are clean-up type changes that have to do with definitions and grammar and things like that.

The main, substantive changes are in Section 10 under Service Fees. We've added a Section A, Residential refuse permits allotted. I talk about the free permits as being allotted because there would be a proposed \$3 fee to obtain the permit. Anyway, this statement basically gives each rural address in the county 24 trips per year to the County

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transfer stations for a \$3-fee. The B, Residential refuse fees. These fees change according to the proposal. The fee for each trip purchased would be \$8.50 with an additional \$1.50 per trip service fee. A minimum of two would be twenty dollars per paid permit to the transfer stations. We added bag tags. The previously were not in the ordinance. So this is basically clean-up language to add the bag tags in the ordinance.

Commissioner Trujillo, according to your direction, we've added under C. Commercial fees, a service fee adjust for educational institutions, which is \$35 a ton. The definition of the educational institution is any institution within the county, excluding the city or the tribal lands, and that is currently accredited by the State Board of Education.

COMMISSIONER TRUJILLO: Jill, what percentage of the total price? How much is it? Fifty, are they paying 50%?

MS. HOLBERT: They currently are paying 45%. It's \$45 a ton, so it's dropping it ten dollars per ton. That's the proposal here. If you have any questions, I'd be happy to answer them. The purpose of this agenda item is to hold a public hearing for these changes.

Commissioner Griñé moved to approve Ordinance No. 1999-7 and Commissioner Trujillo seconded. The motion passed by unanimous roll call vote, with Commissioner Anaya, Commissioner Griñé, Commissioner Gonzales, Commissioner Trujillo and Chairman Duran voting in favor.

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- X. B. **Ordinance No. 1999-7. An Ordinance amending and restating Ordinance No. 1999-3, authorizing the imposition of an improvement district property tax for the Santa Fe County, New Mexico Rancho Viejo improvement district in an amount not to exceed \$10 per thousand dollars of net taxable value upon certain property subject to property tax within the district; calling for an election of the qualified landowners within the district on the question of whether to impose the improvement district property tax and on the question of whether to issue improvement district general obligation bonds in an aggregate principal amount not to exceed \$2 million; and if approved at the election authorizing the issuance and sale of Santa Fe County, New Mexico general obligation limited tax improvement district bond Series 1999 in the aggregate principal amount not to exceed \$2 million for the purpose of acquiring certain improvements within the district; providing for the payment of the bonds from the improvement district property tax; providing for the form, execution and other details concerning the bonds, and the funds appertaining thereto; and ratifying action previously taken in connection therewith**

TOMMY HUGHES (Bond Counsel): Mr. Chairman and Commissioners, I'm Tommy Hughes, law firm of Hughes and Strumor. What this ordinance does and the title pretty well sums it up, but the four main points, this provides for a property tax within the improvement district itself, not to exceed \$10 per thousand. Only so much of the property tax that's needed to pay the debt service on the bonds. And the bonds are issued to pay for the improvements that are being acquired, which are road and water.

The ordinance also sets up a procedure for a special election and the basic parts of that procedure for the special election is that they will be a mail-in ballot, or a mail ballot election, and that the voting would be done by the legal lot systems of voting, that the owners would be the owners of the lots as shown on the records of the County Assessor. In discussions with the County Clerk, the election would be called on August 2. Assuming the election is successful, the bonds would then be sold and some time after that, probably around the mid part of August.

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

COMMISSIONER TRUJILLO: This will go out on referendum, right? The property owners will vote on this issue?

MR. HUGHES: Mr. Chairman, Commissioner Trujillo, that's correct.

Commissioner Grinëé move to approve Ordinance No. 1999-7 authorizing an improvement district property tax election and bond offering. Commissioner Gonzales seconded and the motion passed on roll call vote, with Commissioner Grinëé,

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Commissioner Gonzales, Commissioner Trujillo and Chairman Duran voting in the affirmative. [Commissioner Anaya was not present for this vote.]

- IX. C. The Planning Division staff will present Part II: "The Planning Districts" including maps, of the Santa Fe County Growth Management Plan, including the Community College District, the Airport Development District portions, the New Community Districts and the Highway Corridor Districts. Planning Division staff will request the following:**
- Request direction to prepare a Community College District Plan and zoning ordinance in cooperation with a Community College District Plan steering committee**
 - Request direction to prepare an Airport Development District map and ordinance in conjunction with the City of Santa Fe and an Airport Development District Plan steering committee**
 - Resolution No. 1999-72. A resolution adopting the New Community Districts, the Community College District, the future new community districts (pages 53-65), including the four Santa Fe Community College District maps: existing context, land summary, community issues and community structure; and the Highway Corridor Districts (page 66) and the Santa Fe Metro Area Highway Corridor District (pages 69-70); and the Airport Development District (page 70)**
 - Request direction on procedures for adopting the Santa Fe Metro Area Highway Corridor Plan**

MR. KOLKMEYER: Thank you. Mr. Chairman, Commissioners, I want to again start real simply and make sure that we're real clear on what it is that we'd like to do with you this afternoon so there's no confusion about what we're presenting and what directions we're asking from the Commission. However, before I do that, I'd like to take just a brief moment to remind you that there will be yet another public hearing of this nature and General Plan presentation in July at the first BCC meeting in July, which I'm not sure exactly of the date, but what we will discuss at that time will be on this map, the urban area boundaries with the city, the growth areas inside the urban area boundary that are currently in the county between the city limits and I-25 and the bypass. That will be the subject of the meeting that we have with you in July.

Today, what we're going to discuss with you, present, and ask for your authorization to proceed on, is the creation of the Airport Development District and the Santa Fe Community College District. There are also a couple of pieces in the plan, and everything will be referenced and is outlined in this document that you have. Actually you have thee

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copies each of it, Part II: The Planning Districts. And I'll walk you through each section of it as we go through it. So that's all. We have one more to go.

Then, as you may remember from last month's meeting we promised the people from the Estancia Basic District that they would have an opportunity to be able to come back in August with any amendments or changes regarding the rural district and the Estancia Basin District that we already had a public hearing on.

CHAIRMAN DURAN: And then we adopt our General Plan?

MR. KOLKMEYER: Then we adopt our General Plan, that's correct.

CHAIRMAN DURAN: Jack, I have just one more question. So if we adopt the resolution tonight creating these districts, the plan or the recommendations of the Highway Corridor Committee, when do we adopt those? What is the plan to adopt those?

MR. KOLKMEYER: Well, that was what the third part of what we wanted to discuss with you today is. After we do a presentation on that, to ask you how you want to do that. I don't want to open this up again, but we are not asking you to adopt a Highway Corridor Plan, so you would have to tell us -- at that point you can table any discussion about the Highway Corridor Plan and its adoption if that is the concern. But we have a recommendation in there, but I suspect -- let's wait on all that. Let us do the first two portions first and then come back to the Highway Corridor District and then I think it will be less confusing because these other pieces we'll have had a chance to discuss, if we might do it that way.

CHAIRMAN DURAN: The only thing is I don't want the Highway Corridor Plan to bog down the adoption of the County's General Plan.

MR. KOLKMEYER: It does not need to. And I think that will become clear in our discussions. Having said that, I want to start with just a brief overview on the idea of districts and why we're proposing this in the first place and I'd like to direct you over to this map over here which is the City's future land use map. This is what the City just recently adopted in its general plan. And you'll notice that one of the primary recommendations that they make is for an urban area that goes around and includes the Metropolitan Recreation Complex, the airport, Santa Fe Downs and an area outside of I-25. It includes the forest area and up around to Tesuque.

In that future land use area in the City's general plan, they take in the Municipal Recreation Complex, the airport area, where they're also recommending a major industrial park area and then the other to the south is of course left blank. So what this has brought up for us in evolving our General Plan is that a couple of things. First of all, this one unplanned area down here, or theoretically unplanned area is a major, major area outside of the city limits. It includes the Community College that our General Plan believes should be planned and should be planned very carefully because it involves a number of key parcels and public institutions and a future transportation network.

We also believe that this area outside of the bypass where the municipal airport is in fact not an area that should be solely planned by the City as is the implication of the

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City's general plan, that should be planned jointly by the City and the County and therefore we have a slightly different interpretation of what that area ought to be and how it ought to be planned. In fact, after last night, after passing the resolution on regional planning and the Regional Planning Authority, this becomes an ideal area for that group to work on to create a plan as a City and County possible plan.

So to just sort of brief you on the City's plan and why we are looking at this notion of districts, I wanted to brief you on that because it's a very key element of our plan and in fact if you look at growth management strategies across the country, it's a very unique way for us to focus on how to control future growth and the direction of infrastructure, particularly water, sewer, roads and public investment in lands outside of the urban area.

So the first area that I'd like to talk about tonight is this district up on the overhead up here that we refer to as the Santa Fe Community College District. In the ongoing discussions about sprawl and growth management in our area one of the concerns is what has happened over the last twenty years or so, 25 years, we've had only a proliferation of subdivisions and that it's time for us to look at some other development patterns that might be more appropriate to the types of communities that we have in the county such as La Cienega, Cañada, Tesuque and Agua Fria that are traditional villages. One of the ways that we have to be able to proceed with trying to create anything different at all is to look at a large portion of undeveloped land and to try to suggest that a different development pattern can occur in that area that is more related to the village type development that we have in the county.

So we have outlined here the Santa Fe Community College District that has a number of really key components in it. And I'd just like to take a minute to show you the boundaries. The boundary to the west is Route 14 as it goes past the State Land Office parcels in this area. It goes up along Route 14 and follows along I-25. Now right now it's following along what the boundary of the Highway Corridor District would be. This is one area that we took into account in the Highway Corridor District. It could go back up to I-25 if need be, but we're following just to stay into alignment with the Highway Corridor Plan in this regard would follow that.

Come back down along the rail line, Santa Fe Southern Rail line. Go over to a ridge line that comes along I-25 to the east of the rail line and then comes across the Eldorado boundary and back over to Route 14. This is a big area and includes quite a few private property owners, the State Land Office, Rancho Viejo, but what's important about this, it is lacking in a lot of other ideas like in fact around the country. The one thing that makes community that's difficult to put into the creation of subdivisions is the opportunities that public and institutional land uses offer. And here we're very lucky to have the Santa Fe Community College, IAIA as real anchors in this area that give us institutional uses from the very beginning so that we don't have to go back and create the residential first and then try to go back in and infill or put in commercial and institutional uses at some later point.

We also have the opportunity here to do a transportation system that we wouldn't

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normally have because of the amount of vacant land that we currently have at the moment. That's the boundary of it. This is a map showing the land summary and it's fairly easy to read because what it says is the green areas are the mountainous areas and the pinon and juniper areas and the yellow are the open grassland areas. It's essentially the yellow areas that have the potential to be developed. So immediately you start to see that the lay of the land lends itself to a certain type of development but also has a large amount of potential for open space in it as well.

You can also see on this map that the existing road system that is there right now, Richards Avenue as it comes down to the Community College, over to IAIA and then back out again to Route 25. So once we have the boundaries in mind and the kind of the lay of the land, what becomes really interesting to start to look at in this district is what can happen in terms of where should development be located and how can we start interconnecting this type of development.

These hashed lines that you see on here are what we've referred to as desire lines for roads and trails. This is not a road plan. I know a number of people have looked at this and they've started to say, Well, we don't know if roads should go there or not. We're not suggesting that this is necessarily a road plan but we think then that we begin to see that the Community College is here and the State Land Office development is here and we have other developments here. We need to start being able to connect some ways to move through this district together.

What's very interesting, we think is that these orange markings here are potential places where we can link future development to the railroad. Even perhaps creating depots to service that area into the future. The purple lines are arroyos as they run through there now. So we start to get a sense here of, we call this community issues because part of it is how are things interconnected and then possibly where can we do development in the future. The last map that we have -- it takes it one step a little bit further and we start to get into some ideas for where village centers could actually occur in this area and you can see that there are potentially a number of them. Ten, I think are what's on there, and we then start to take a closer look at the potential for where a roadway system might actually be. This is a hierarchy of village centers so the smaller dots would be more neighborhood oriented and the bigger dots would be more oriented towards larger areas and regional areas.

The important thing that we're showing here is that we're not sure that this is exactly the way that St. Francis ought to come down into this area here, in fact we've gotten some feedback from the neighbors up there who say well, we don't think that's a very good idea. But what we want to suggest is there need to be some other ways for people to get from this area into here or from this area up into there, and this is simply an option. Richards Avenue will continue to be an important piece here, as will this connection from the west. The other thing that becomes real important that we need to plan for as part of working with this Community College District is a relationship with Eldorado to the south.

In initial discussions that we've had about this district, we think it would be a good

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idea to have the orientation in the center, the focal point of this community district in the center so that things come into it and go out of it from the center in any direction so that Eldorado becomes an important link to this area for potential commercial development and schools. There's going to be a mid-school in this area, possibly even another high school. So we think that a roadway that connects all the way down through here into Eldorado along the rail line allows a number of interesting things to occur. A connection with Eldorado, a connection with Eldorado to the rail line in the future of this area, not only roads and trails but also to a rail connection as well.

Each one of these village centers would be a different size and as you know, some of this is already proceeding forward with Rancho Viejo, through the State Land Office and a number of other developers in that area.

CHAIRMAN DURAN: Jack, before you move to the next district, will you give us an opportunity to ask you questions about this?

MR. KOLKMEYER: Yes, but before we do that, just to alert you that this is all explained on pages 53 through 65 of the General Plan. And it goes into a little bit more detail throughout here about the role of open space, some population projections that we have for this area, and also when we started we talked about the need that there may be a number of new community districts throughout the county. We originally had a couple of them but we think because of the magnitude here of the planning work that needs to occur that we should start with one. And we believe at this point, because of the development that is already occurring in this area that the Santa Fe Community College District is the most important one and one that we should begin with.

But there is the potential, as has come up before that maybe in the southern part of the county we need to entertain the idea of a new community district and perhaps even to the west side of Santa Fe. Some of you may remember from earlier discussions, we had one there as well. To take on too many of these, we think would be just too big of a task and we need a model for us to begin with. So we think that by focusing here, because we have so many willing partners. We had a meeting last week with most of the property owners from this area at the Santa Fe Community College and it was met enthusiastically by all of those people that were in attendance there and the Santa Fe Railroad as well.

We talk about that a little bit on page 56, about the rationale for the Community College District and the importance of the Community College and why we chose to focus on that. Pages 57 through -- on page 57 it talks about some of the development considerations, particularly relative to utilities and the timing of utilities in this area and the potential for new villages. And then we go into what we think, on pages 58 through 63. What we're hoping to be an outline for an actual development plan for the Santa Fe Community College District. So in there it talks about densities, it talks about how we might go about putting the plan together, what the relationship of hydrology is, the need for transportation and infrastructure plan and criteria for new villages themselves.

So what we are asking for today, to make it clear, is that we're asking for you to

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adopt the Santa Fe Community College District as a planning district in Part II of the County General Plan, and we are also asking for your authorization to begin to put together a steering committee to begin to develop a plan for this area. That's it.

CHAIRMAN DURAN: Any questions of Jack?

COMMISSIONER TRUJILLO: Do we proceed to make a motion on this particular district?

MR. KOLKMEYER: We'd like -- I guess maybe one way to proceed here would be to entertain comments from the public on this section, then we do the airport section, and then you can make a motion on both of those districts if you choose. Or we could have comments from the public now and then you decide what you'd like to do on that.

COMMISSIONER ANAYA: District for district, Mr. Chairman? So in other words, action is in order for this one.

COMMISSIONER DURAN: Okay, so if there's no other questions of staff, is there anyone out in the audience that would like to address this Commission relative to this district?

KARL SOMMER: Members of the Commission, Mr. Chairman, my name is Karl Sommer. I'm an attorney. I represent many property owners both within and outside of this district, and I'm here on behalf of a few of them, particularly Rancho Viejo de Santa Fe who owns a good portion of this district and the founders of that who have worked many, many, many years with the County. I would just like to speak in favor of the idea of adopting districts on the basis that you're doing, which is to let people know in advance that you support the districts yet you still maintain control over the procedure for final adoption of a plan while the community works on it and has community input into it.

Last night I attended your meeting where you all adopted a joint County/City resolution about regional planning. In my mind, this is truly regional planning. It takes care of many issues and will present both this Commission and the City Council and the board that you just established with the concept of regional planning and the ability to use districts to achieve regional planning, to take care of issues for an entire sort of metropolitan and growing area within this district concept. I think it will allow you to handle many land use problems, land use issues as they arise in the context of districts, for instance allowing you to plan areas for commercial, institutional, community and recreational and residential plans, all within a district that will take care of not just Santa Fe, just a little pocket of Santa Fe, but an entire region and address this issue.

It allows you to put your resources where they're most efficiently used, which is what regional planning is all about and I think that it allows property owners a long term plan upon which they can rely for the uses of their property instead of a constantly changing direction. So I support the idea. I think that this is a well thought out method for the County Commission to move and I think that the sooner that this becomes a reality, the

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sooner that we'll have a great deal of the development pressure relieved on Santa Fe County. So thank you all very much.

COMMISSIONER GONZALES: Mr. Chairman, Karl, does Rancho Viejo have all their property included in this community district or is there some property outside?

MR. SOMMER: No, in fact the majority of the property is outside of this district.

COMMISSIONER GONZALES: So which way is the property moving towards, the south end?

MR. SOMMER: Yes, to the south, it's about 9,000 acres down in this direction.

COMMISSIONER GONZALES: So there's still a lot of Rancho Viejo that's not included in this?

MR. SOMMER: It's included in the rural district.

COMMISSIONER GONZALES: Right.

MR. SOMMER: The majority of Rancho Viejo's property is included in the rural district.

COMMISSIONER GONZALES: And Rancho Viejo supports that?

MR. SOMMER: We support the district concept. As you know, Commissioner, it's been difficult for County service in this area, potentially with County resources that the County put in up here. And so there's some compromise being had. The rural district achieves part of that compromise and the community district achieves the other part. And as I said, it's not just this area that's affected. The entire county is affected by the fact that the capital outlay in resources and infrastructure [inaudible] land uses appropriately supported.

CHAIRMAN DURAN: Any questions of Karl? Thank you, Karl.

JIM SIEBERT: Mr. Chairman, Commissioners, my name is Jim Siebert. I represent several landowners within the district, the Thornburg family, the Greer Enterprises and Zena Boylan, all of which are located within the district. I have a letter. Dave Thornburg couldn't make it today and I have a letter that he's asked me to read to the Commission on this. [Exhibit 1]

Mr. Chairman and members of the Board, I respectfully submit this correspondence as a response to the County Planning staff's request to move forward with the establishment of planning districts within the County of Santa Fe. We support the creation of a Community College District in concept and request that the Commission authorize the staff to move forward with the development of a formal zoning ordinance for this district. We do not endorse the draft for this district as it is written at this time and request that any reference to this document be preliminary and general in nature. We respectfully submit that all information and maps contained therein are only for information purposes and all are subject to change and modification or clarification as a result of the process which lies ahead. With this condition we support the

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staff and request approval.

Let me explain a little further. I think the concern that my clients have is that in actuality you probably have a little more detail than you would typically have at this level of review in terms of potential, as Jack was saying, potential road systems, potential commercial areas, potential open space. And I think that what they're requesting is that when you adopt a district that those elements that are shown on the maps would be strictly informational. They're not established policy at this time. I think all the landowners would like the opportunity to participate more fully in the planning process.

A personal statement: I think it's great. I would highly endorse your moving forward with the district concept. I think it's the first one in the overall general plan concept and I think it's something that's needed to begin to see if some of the concepts that you adopted in the first part of the General Plan are really going to play out the way you anticipated them, and that this is an excellent approach to it. Thank you.

CHAIRMAN DURAN: Thank you, Jim. Is there anyone else out there that would like to address the Commission? Please step forward. Please state your name for the record.

JOE PORTER: My name is Joe Porter. I'm a planner. I've been working with Bob Taunton on the Rancho Viejo plan. I'm here today because Bob is watching his son graduate from college and he wanted me to pass on a couple of things in addition to Karl's comments. But first I'd like to say, I've been watching from a distance, watching you all struggle with the County General Plan for several years. I'm very impressed with the district planning strategy. I was kind of curious about how you were going to take all of these issues you were dealing with and deal with them in the various areas of the community and the county that's so diverse.

So I think that this is an excellent strategy. Relative to the Community College District, as Karl indicated it's large enough to deal with regional issues, but it's also small enough that the property owners and the people who live around it can get together and focus on specifically what needs to happen in that district. We see it as an opportunity to work proactively with all of the interests in the district and to respond proactively to people's interest instead of reacting later after plans are submitted. The last thing is, when we met last week with the people who represent the interests in the Community College District there was kind of an overriding interest in moving quickly. And I think everybody liked the idea of the district plan but wanted to move quickly on it. So part of the staff request today is to adopt the district plan. The other part is to establish a task force or a group to start working on preparing the plan as quickly as possible and we support that very much. Thank you.

CHAIRMAN DURAN: Thank you, sir. Is there anyone else out there that would like to address the Commission? If not what is the pleasure of the Board?

Commissioner Griñé moved to approve the Community College District and

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Commissioner Anaya seconded.

COMMISSIONER GONZALES: Mr. Chairman, I just want to reiterate what's been said today. I've had the privilege over the last six months of visiting many states and communities across the country and I've just got to tell you that Santa Fe County I believe is on the cutting edge when it comes to this type of planning. I think that for the last several years we've heard people that said we want controlled growth that takes advantage of preserving our economic environment, better utilization of infrastructure, stronger transportation models and from a design standpoint [inaudible] What our planning staff has come up with is exactly that and I think we can all be proud of these community districts.

We have a chance -- Jack and I spent some time at the Land Institute in Austin and we're just miles ahead of a lot of communities out there and I'm just not sure, and we've all been involved in this so much, that we don't realize just how far Santa Fe County is ahead of many communities out there. So I think we should all be proud of us going forward. I think that it's going to mean good things for our community when it comes to opportunity in the areas of housing and economic development. When it comes to preserving our natural environment landscape. So congratulations to Jack and his staff because I know all of you worked very hard on this. This is a symbol of you and the work that you've done and I'm looking forward to progressing forward with this because I think the Community College District and the new community district is really our chance to take vacant lands and turn it into a nice growth model that everyone can be proud of. Everywhere else that we're working in districts we're kind of trying to deal with catching up to things that we were unable to get a hold of in the past and look to the future but these districts here is our one opportunity to make sure that Santa Fe over the next twenty years is really serving this community when it comes to growth and economic development. So I really want to commend the staff on this.

CHAIRMAN DURAN: Thank you.

Upon voice vote, the motion passed unanimously. [4-0]

MR. KOLKMEYER: Thank you, Mr. Chairman. Thank you, Commissioner Gonzales for the support. We appreciate that. However, now the next district is one where we have to go back and fix a couple things so it's nice to start off with one where we are in fact kind of a model. The next district that we'd like to discuss is one that's a little bit more problematic but certainly a challenge also in its own regard. And it's the Airport Development District and Judy's going to explain this to you and I guess the procedure will be the same. We'll explain to you what's in the General Plan as proposed and we have some amendments in this regard to this one that we'd like to also suggest and then suggest that we hear some public comments and then get your direction. Thank you.

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MS. MCGOWAN (Senior Planner): Mr. Chairman, Commissioners, I want to start out just with kind of reiterating where we are, where this is located and how it fits in the whole picture. Again, we've been talking a lot about districts, and I wanted to point out because we need to be reminded of this that with the community plans you've authorized in the last few years, basically, the five-mile area is beginning to be filled with districts already that are in the process of having plans completed for them. So a lot of work is really underway.

We have the Hyde Park neighborhood plan over here off of Hyde Park Road which was adopted in 1994, so that's one area that's fairly complete. The Village of Tesuque, traditional historic community of Tesuque is working on their plan, has been for quite a while. That's quite a bit of progress there. This whole area up here, the Santa Fe Northwest area, they will be bringing that community plan to you for adoption in July, I believe. It's scheduled for EZA this month. This area right in here between the Municipal Recreation area and the bypass is something that the residents right there are calling the Westside planning area, and they have had community meetings and also will be coming to you for authorization to do a community plan there.

On the south side, then we have this area here, that's currently one of the blanks. Down here we have La Cienega and Cieneguilla that's working on their community plan. Another little blank in here around the state penitentiary and the new community district that you've just approved and then the only other area that really is kind of blank is this area that's already significantly developed and working towards build-out, which is the whole Seton Village, Arroyo Hondo, Nine-mile Road area which started developing in the seventies. It's been developing for a long time. And then of course inside the urban area where the highway corridor and the urban growth areas which we'll be talking about later, not tonight.

So the area I'm going to talk about is this blank over here that comes off of Airport Road and the bypass and we're calling that, for purposes of the plan, the Airport Development District.

CHAIRMAN DURAN: Judy, how much land does the City actually own in that area surrounding the airport?

MS. MCGOWAN: Good question, and I can't answer it. They own the property -- I can outline it on the map with the pointer. I don't know how many acres. It's at least a couple of sections I believe. The airport property starts here. This is Airport Road and this kind of maroon line here is the bypass. This is I-25. The City's airport property comes off of Airport Road and then follows this line down here.

CHAIRMAN DURAN: So they own a good chunk of that.

MS. MCGOWAN: A good chunk of this area. That's correct. And as you know from their general plan they are also talking about some types of industrial development on their property right adjacent to the airport.

CHAIRMAN DURAN: And there really isn't an infrastructure on their road

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network within that Airport Development District area that you have outlined right now, is there?

MS. MCGOWAN: No. Currently the planned roads of course -- the existing roads are just Airport Road into County Road 56. There's the access road into the airport. If we're going to talk about expanding the district a little bit off the bypass, then the Caja del Rio Road and the landfill access road are there.

CHAIRMAN DURAN: Because I recall that when we were talking about developing the Airport Development District that -- because we were talking this evening about extending it up to Caja del Rio. And one of the reasons -- I thought that we were going to do that because it actually provides a net of roads, using Caja del Rio as the main feeder road for that district.

MS. MCGOWAN: It can provide that, yes. And that hasn't been planned yet.

CHAIRMAN DURAN: But it's one that's in place right now that can provide that.

MS. MCGOWAN: Caja del Rio Road can. The feeder roads are not planned yet. That's one of the reasons for proposing this district is that this area is basically unplanned right now. And what's there right now is -- it's going to partly determine the character of it and it's part of the reason why we're proposing this Airport Development District. You have the airport, which is a major regional facility. Its function, its use, whether or not it expands or doesn't expand are all questions that haven't been resolved or even had a lot of public discussion about them. So that's one issue we felt was important.

The other thing that really dictated this or led to it was the discussion that happened around this area, the intersection of the bypass and Airport Road in the Highway Corridor planning group. And that group is recommending that what has developed into an industrial area right here at this node be partly a redevelopment area. In other words there's a lot of warehousing and outdoor storage in this area that may not be the most appropriate use in the visual corridor along the bypass, which is one of the entries into the area. They recommended that we think about what might happen further west in that area for industrial type development. That was the genesis of thinking about this district as a separate area.

What's here right now of course is a lot of gravel mining because the Santa Fe River runs through here so this has been the major gravel resource for construction in the City of Santa Fe. There is also grazing, ranching uses in there now. The City sewer plant is there. I guess it's supposed to be called wastewater treatment facility, excuse me. The airport down here and some potential industrial uses and it lends itself to that kind of thing because of the transportation connections between the bypass and the airport. So we figure there's probably a connection with the trucking industry here that needs to be addressed and if you look at the uses that are out there right now, there's a lot of warehouse, storage kinds of uses that are using the road facilities right now and are attracted to that area for that reason.

There's also, besides the Santa Fe River, which is a major environmental resource

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running through there and a lot of care would have to be taken as to how you would develop industry adjacent to that resource and how to preserve that riparian value and potential trail area. There's also a major arroyo, Calabasas coming down here which carries a lot of water. So that's almost a boundary. Those are almost two boundaries for development in the district.

We originally had -- let me look at my notes and make sure I'm not leaving something out. I know one of the things that I need to point out just real briefly. I alluded to two before. It's just the existence of the La Cienega and La Cieneguilla plan area here and then this Westside plan area up here. So this area is kind of sandwiched in between two areas that already have a significant amount of residential development and are interested in doing their own community planning. And this area has very little development of a residential nature in it right now. But because of the location adjacent to the Municipal Recreation area, there probably is an attractor for residential development, especially in this northern area in the future.

We originally had looked at the whole area. We scaled back our proposed district to the line you on the map here because we were thinking predominantly industrial and mixed commercial-industrial use and there's probably not a need at any time in the next thirty years at least for an industrial area of this size in Santa Fe given the land demand. But if you were to expand the concept of how you would plan for this area to look at a whole variety of uses and look at the area as a whole as what would be the best area for residential or for mixed residential-commercial, what would be the best locations for industrial in that area and we are proposing now that you consider adding in these pieces which I've labeled A and B on the map to the district and consider them as part of the plan when you do an Airport Development District plan.

CHAIRMAN DURAN: Judy, where's the state land relative to those two?

MS. MCGOWAN: The color has changed in the overhead. It doesn't display very well. I believe this kind of darker buff color is state land area, and this. This, I believe is BLM.

CHAIRMAN DURAN: And there's none on the south side of 599? That's a different district all together, right?

MS. MCGOWAN: Yes. Inside the bypass there is state land here. This is also state land and this area will probably work very sensibly with this neighborhood because it's immediately adjacent to it. So the State Land Office owns some significant parcels on both sides of the bypass in those two sections.

COMMISSIONER GONZALES: Mr. Chairman, Judy, can you point to the MRC golf course and the softball fields?

MS. MCGOWAN: You want me to get that specific? I'm not sure I can. I believe the golf course runs up in through this area.

COMMISSIONER GONZALES: So Caja del Rio is then --

MS. MCGOWAN: The Caja del Rio Road is right here. And this is where

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it turns off to the access to the landfill.

COMMISSIONER GONZALES: So are all the white parcels private lands?

MS. MCGOWAN: The white parcels are private. That's correct. This parcel right here is also state lands and that's where the Game and Fish Department is building their new office complex.

COMMISSIONER GONZALES: So then the City land would be on the opposite side of the state lands? Actually 62 runs into the Caja del Rio landfill, doesn't it? Larry, does 62 run into the Caja del Rio landfill? Or it's north of it?

LARRY VELASQUEZ (Public Works Director): No, 62 heads toward Caja del Rio and then it jogs up on the north side of the landfill.

MS. MCGOWAN: This is 62 coming across here, and this is Caja del Rio, and then this is where 62 jogs up towards the landfill.

COMMISSIONER GONZALES: What's the size of the solid waste -- acreage wise? Do we know?

MS. MCGOWAN: Once again, I can't answer specifically.

COMMISSIONER GONZALES: Larry, what's the size of the solid waste --

MR. VELASQUEZ: If I remember correctly, it's about 100 acres. I don't know exactly.

MS. MCGOWAN: The landfill itself. The area is this big triangle here, so it's at least 400 acres.

COMMISSIONER GONZALES: So you're making B part of this district as well it's going to be because you have a major landfill that's adjoining it on one side and on the other side you're going to have some industrial development that's pushing up against it. So B may not be an attractive area for anything but business things, right? Considering what's surrounding it?

MS. MCGOWAN: I'm not sure I would go that far. If you go out there and look, it's a beautiful piece of land. And I believe that because of the recreation area there probably is an attraction for residential use in that area. But that's something that would be decided in a detailed plan and that's one of the things we're asking for. We're asking for designation of the Airport Development District and also that you authorize us to look towards the planning of that district.

Specifically we're asking that we do that as a joint plan with the City. We would recommend that that could be one of the functions of this Regional Planning Authority to look at that area since it's an area for which planning has not begun and both the City and the County have fairly specific and important interests in that area because of the airport and the City sewer plant and the potential for economic development and industrial use in that area.

COMMISSIONER GONZALES: Do you know how many acres are in section B?

MS. MCGOWAN: I'm trying to add in my head. It looks like it's about

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three sections, so that would be 1700 acres, something like that. And then this area A is about 3/4 of a section. So in the neighborhood of 400-500 acres. So it's a considerable amount of land.

What we would be -- if you'll notice in the plan document itself, this whole discussion of the Airport Development District takes up about 3/4 of a page, so it's obviously a concept that is less well developed than the Community College District, which has been discussed for a number of years, which development has already begun in and which has had a lot of discussion and rewriting and talking about the alternatives for development in the area. This area is more of a blank canvas. There's stuff going on there already, uses going on there already. There's some things that predispose it but we haven't really looked at it in any detail for planning and that's what we're requesting that we be authorized to do.

CHAIRMAN DURAN: I think the expansion of the Airport Development District -- what we're really trying to do is put some planning in place or create an area where we can actually plan some uses and I really think that the section of land that the City owns is pretty much out of our jurisdiction. It's in the flight zone. There might be some intense industrial use allowed but since it's already City-owned I doubt that they're going to get into the business of developing industrial sites. It just seems logical to me to extend the Airport Development District up to the Caja del Rio Road because you then have a system of roads that you can use in the planning process.

I think that to try to master plan an area right now the way that it exists right now without having a road network -- I don't see how you can do that without that Caja del Rio Road. That's just my thought on that.

COMMISSIONER GONZALES: So you're talking about -- then you would ask for the inclusion of A and B just for the purpose of making sure we have a comprehensive plan that develops a strategic way to work. We talked about doing a separate

CHAIRMAN DURAN: Right. I think that includes a lot of the Baca land, too. Does that include a lot of the Baca land?

MS. MCGOWAN: I believe that of the private landowners that the Baca family is the major private landowner in this district. That's correct.

CHAIRMAN DURAN: And I think they need our help, actually, in planning their property. I think that all the property owners need our help. Your expertise.

COMMISSIONER GONZALES: On the Airport Development District, did you outline the types of uses?

MS. MCGOWAN: I think in the text it talks about mixed use.

COMMISSIONER GONZALES: When you talk about heavy industrial doesn't mean that it's all heavy industrial.

MS. MCGOWAN: That's right. There may be residential. There may be mixed use, some commercial, some industrial. There's obviously some areas that are going

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to need some protection for environmental purposes. Then just the presence of the airport here and the conical zones which limit height, although they don't really have an impact off of the airport site very much, given that we don't go for high-rises here. And the presence of the noise zones from the airport which have certain limitations on residential development in this area, make for a pretty diverse district with some environmental problems that will need to be mitigated or will dictate certain land uses.

COMMISSIONER GONZALES: Do you have an idea of the flight patterns in? Looking at one of the runways that shoots straight up towards section B. I guess my point is one of the things that we've learned, especially from La Cienega And Cieneguilla is the concern that residential communities have of being in flight zones and we should probably learn from that. If a flight zone is coming in over section B, because that's close to the airport, and of course we discuss this in detailed discussion but I'd be concerned about going to residential in here, seeing that we're hearing from neighborhoods, La Cienega and Cieneguilla the flight patterns that come into the airport.

MS. MCGOWAN: That's correct. The airport noise zones give the direction of the flight approaches and take-offs. We don't have them on here because it would get so busy you couldn't tell what was what. But they are basically, the airport noise zones run from this area down this way, so this is one of the main approach/take-offs, and the other one is this one, which goes up into this area and all the way down to the race track. So there's actually quite a bit of residential down in here that's developed under the take-off and landing pattern now. So it doesn't extend up into this area, I don't believe. It's primarily in this area, but that would be one of the things that would have to be considered.

CHAIRMAN DURAN: Okay, Judy. I that it?

MS. MCGOWAN: Yes, that's it.

CHAIRMAN DURAN: This is a public hearing. Is there anyone out there that would like to address the Commission concerning this issue? Please step forward. Please state your name for the record.

AL LILLY: Thank you. My name's Al Lilly and I've served on a number of the committees, and I'd just like to state my opinion with regards to the expansion of this Airport Development District. I would like to show strong support for this concept. There are some businesses that are compatible with residential uses, industrial and manufacturing uses typically are better if they're separate from residential uses and I think this is an ideal opportunity to plan a large area that is currently a clean slate. There are no existing uses in that area today. We have the opportunity to plan it out, to provide the location for appropriate type of industrial and manufacturing uses in that area. And then also to provide for a transition that goes from those uses into the existing uses that surround it. So again, I'd like to support this. Thank you.

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

COMMISSIONER ANAYA: Mr. Chairman, having a little better

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understanding now from the previous questions I had, I'd like to move for approval with the inclusion of expansion into the B area and possibly the A area, if it's not inclusive in this. The reason and the logic behind it is what Judy McGowan said that the trends are already existent there and I think it would simplify planning for the entire development districts here. So, Mr. Chairman, move approval.

COMMISSIONER GRINÉ: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous 4-0] Opposed? Motion carries.

MR. KOLKMEYER: Thank you, Mr. Chairman. So those are the two primary pieces that we wanted to go over with you today, and again, I would I guess reiterate that we've requested your approval of the districts and then as the memo indicates, that's in the packet, that we also request direction to prepare a Community College District plan and zoning ordinance in cooperation with a Community College District plan steering committee and request direction to prepare a final Airport Development District map and to prepare an Airport Development District plan and ordinance in conjunction with the City of Santa Fe and an Airport Development District steering committee.

CHAIRMAN DURAN: One second. You said --

MR. KOLKMEYER: This is in the memo that's in your packet, and also I guess is outlined on the agenda.

CHAIRMAN DURAN: Well, the agenda says something a little different.

MR. KOLKMEYER: Let's see if we can figure it all out.

CHAIRMAN DURAN: And basically what it says is -- it doesn't say where we create an Airport Development District in conjunction with the City.

MR. KOLKMEYER: Request direction to prepare an Airport Development District map and ordinance in conjunction with the City of Santa Fe.

CHAIRMAN DURAN: Oh, okay.

MR. KOLKMEYER: I'm not on the resolution. I'm on the memorandum.

CHAIRMAN DURAN: Okay. Excuse me. So you're asking to adopt the resolution? Is that what we're doing now?

MR. KOLKMEYER: No. If we go to the memorandum, the requested action there is -- you've just gone through and as I understand now --

COMMISSIONER GRINÉ: Where is that memorandum?

MR. KOLKMEYER: It should be in your packet.

MS. BROWN: Mr. Chairman, it's item 10-C in your packet.

MR. KOLKMEYER: So Mr. Chairman, we probably ought to, let's just take our time and go through one step at a time so that we're -- because staff wants to be real clear here on what we want to do.

CHAIRMAN DURAN: So why don't we go item by item. So we'll do number one first. I'll entertain a motion to "Request direction to prepare a Community

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College District plan and zoning ordinance in cooperation with the Community College District plan steering committee."

COMMISSIONER ANAYA: Mr. Chairman, so moved.

COMMISSIONER GRIÑÉ: I second.

CHAIRMAN DURAN: There's a motion and a second. Any discussion on this item? Those in favor signify by saying "aye." [Unanimous 4-0] Opposed? Motion carries.

Number two: "Request direction to prepare a final Airport Development District map and to prepare an Airport Development District plan and ordinance in conjunction with the City of Santa Fe and an Airport Development District plan steering committee."

COMMISSIONER GRIÑÉ: Mr. Chairman, move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN DURAN: For discussion. I have one concern and that is last night we adopted a resolution where we had made the statement that we were going to adopt our General Plan and then once our plan was adopted we were going to go forward and try to find areas of conflict. And then develop our regional planning plan. And this particular one, the only concern I have is that you're pulling the City into our plan before we have adopted it. Do you see what I'm leading to? So what I would like to see is the request direction to prepare a final Airport Development District map and to prepare an Airport Development District plan and ordinance and an Airport Development District plan steering committee, and take out the City of Santa Fe because that is something we're going to do in our -- that's what the Regional Planning Authority is going to do after we've adopted our plan.

This kind of puts them into it and that's not what we had agreed to do.

COMMISSIONER TRUJILLO: But the City is a major player in that district, so we need to start a dialogue with them right away in this district.

CHAIRMAN DURAN: Well, again, I don't think that we're going to be able to have much say into the land that they actually own. I just brought this up because I want to discuss it with everyone. I just think that by bringing the City into our efforts to develop the Airport Development District that we're bringing them into our General Plan a little premature. And I understand that they own property in there but I don't see how when we ultimately start this -- when we determine the areas of conflict in our plans, and when we start planning that particular area, I don't see how we're going to move forward without their input anyway.

COMMISSIONER TRUJILLO: That's why we should involve them since the beginning. What's your rationale, Jack, for including the City?

MR. KOLKMEYER: Mr. Chairman, Commissioner Trujillo, if I could go back to the map that we started our discussion this afternoon, which is the future land use map for the City's general plan, you'll notice that the area in blue is the area around the municipal airport which is City-owned land, I believe. Is that correctly what it is? It's City-

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owned land? They also include the large gray area there in their own plan, which is proposed industrial park. So if you overlay that on what we have there, we have a large proportion of an area that the City also wants to focus on its general plan.

I believe our thinking here is that if that's the case, if they also believe there should be an industrial park there, we believe a large portion that's outside of the airport area is also industrial and it would probably behoove us to include them in the planning of this from the very beginning. What could ultimately occur is we could begin the planning with them and then as the Regional Planning Authority comes back it would be another area where we have, because it was recommended last night that certain zoning districts be created. Here is one where we could do it together and hand it over to the Regional Planning Authority and say, well, we worked on this jointly as well, and now here's a good recommendation for you coming out of both of our general plans about how we might be able to proceed. I guess that would be the rationale that we had been including, specifically including the City in this one.

CHAIRMAN DURAN: And just being a devil's advocate, it could be that this district never gets on first base because we wouldn't be able to build consensus with the City on what would be the best thing for it and I think that once, if we adopt a plan for that area, and it goes to the Regional Planning Authority for them to review and make recommendations, the Regional Planning Authority then has the ability to amend it and make changes as they deem appropriate. And the way to coming to some kind of consensus, it would then go forward based on what we felt was an appropriate use.

MR. KOLKMEYER: Mr. Chairman, we would probably agree with you also along that logic as well because one of the things that we're concerned about as we move into regional planning ideas with the City is that it be real clear what the County's position is. So I think we'd probably leave that decision up to you. We'd go either way. Our point in our General Plan is that there's clearly an area there that needs to be planned.

CHAIRMAN DURAN: Right. And the importance of this district is that through the Highway Corridor Committee we actually recognized the fact that we need to find areas to move the industrial use that was taking place along the Airport Road/599 area. And we'll never reach those -- it will be much easier to reach those goals if we have that area planned through the County with the City being able to have their input at the Regional Planning Authority level. Again, I'd like to make that recommendation that someone make the motion as a friendly amendment. Who made the motion?

COMMISSIONER GRINÉ: I did.

CHAIRMAN DURAN: We do have to work -- what I'm saying doesn't pull them out of not working. They still work with us when it gets to the Regional Planning Authority. All I'm trying to do is get our General Plan approved and in place so that we can then sit down at the table with the City and come from a point where we've decided the future of this area and then we ask for their input. I'm not trying to plan this area without them, it's just that if we start the regional planning process too premature, I don't know what

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that does. I'm just trying to take some logical steps.

COMMISSIONER GRINÉ: Mr. Chairman, we've always been strong advocates that we want to work with the City of Santa Fe. And I think this is a good point at this stage that we want to be players with them and come together and the planning area that they own, they're large landowners in the area too. So I would just say keep the City of Santa Fe in there.

COMMISSIONER ANAYA: I think, Mr. Chairman, your notion is good and your intentions are good, but keep in mind that the airport, which is the biggest impact there, the wastewater plant, which is in the area owned by the City, these are actually the ingredients for us to decide tonight and to keep this as a development district. This particular district is intact. So I think including the City in it isn't really improper because I'm sure that when the authority is activated and we start working with four of them and four of us I think all these notions will come forth. But your notion is good, Mr. Chairman.

CHAIRMAN DURAN: I'll withdraw my recommendation.

COMMISSIONER GONZALES: Mr. Chairman, actually I support your recommendation in that the new community district and every other district -- we've all made a commitment that we're going to focus on these districts and we're going to have our staff focus on developing a good plan that's reasonable and in support of the County. I think that same notion should fall in with the Airport Development District. We have followed in line with a potential planning area of this Regional Authority. We have not stated in our new community district or Community College District that we're going to wait and have the City come in and join, we know in our mind through logic that communities going forward what we think is reasonable and will accomplish our goals and objectives as a county.

And I think that the Airport Development District should be treated the same as the other districts, that we should do the same thing. That we should focus in on what we think is important for the County, granted the Authority is an important body that should take a look at it, we should work with them. But I share the same concerns that the authority, whenever it comes to be, and that's a ways down the road. We don't know what's going to happen to all these things. If we hold these districts up until the Authority has a chance to do planning, then what's the point of what we're doing now?

So I would actually rise in support of your recommendation and say we're not trying to keep the City out of this process. I think we want this district to be like every other district. The County's focused on it. We're planning it. We're going to have discussions with the City because we think that they're an important player in it, but that process needs to occur in just as much a committed fashion as that of the new community districts.

COMMISSIONER TRUJILLO: The only difference, Commissioner Gonzales, with this district, the City owns half of this district. So it would behoove us to include them in the initial discussions. Granted that the Commission will have representation from the City and the County, but I don't think that we can start off by making decisions in a vacuum. We need to include the City. This is the only district where the City owns a major

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portion of the land and is a major player. We need to include them.

COMMISSIONER GONZALES: Well, Commissioner Trujillo, I don't think that I'm saying that they shouldn't be included and certainly I'm not advocating that as we prepare to discuss this district that we're going to make the recommendations in a vacuum. But my concern is that if we leave the district and we wait until this Regional Planning Authority comes forward, there's nothing to say that this district is going to come forward in the fashion that we think is proper and right. So all I'm saying is a matter of consistency and what I think has worked thus far in these community districts is that we've been on focus. We've had our staff go forward and develop plans that we think are good and that they make sense.

We're talking to the City. Granted, the reason the City has had this district is because we included them in the district. Our staff could have gone and not included them and just kept City property out of it and just had an Airport Development District down there where we went and we purposely pulled them in to it. So I don't want to behoove the point but all I'm saying is what I'm advocating for is that I'm concerned that if this district is important enough to us that we're going to wait for a planning authority to come on board and we're going to be subject to that planning authority's priorities in how we're going to establish how this district should be planned.

If we want to wait for that to happen, fine. That's a policy decision, but if we want to move forward aggressively as we're doing in everything else, let's move forward and consult with the City and at the time when it's right to talk to them we will, but --

COMMISSIONER TRUJILLO: Well, maybe we should include that in the request here and say consult with the City in the Airport Development District steering committee, so that the City is included. Prepare an Airport Development District plan and ordinance in consultation with the City of Santa Fe and the Airport Development District steering committee.

COMMISSIONER GONZALES: That makes sense, Mr. Chairman. That would be like we do everything else, in consultation. We're consulting with them on every district that we're focused on. When we do it in conjunction we're leaving this major portion in the district in the county at will to the authority in the City before they decide that they want this planning in that effort. And I think the way it's worded you pointed it out: in conjunction with the City, which means that district is subject to the City making it a priority that they'll focus on.

MR. KOLKMEYER: Mr. Chairman, perhaps another option here might be something to the effect that to prepare an Airport Development District plan and ordinance in conjunction with an Airport Development District plan steering committee that includes the City of Santa Fe. Because then, I appreciate the points that you were making, Commissioner Gonzales, but the Community College District does in fact include all the major property owners, or would, the planning process would include all of them. I think that what Commissioner Trujillo is saying that to really make it that same way, the City does

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need to be included in some fashion, but perhaps it's just as part of the steering committee that we would assemble so it's not in conjunction with them. That would get confusing about any policy issues, but that we could just include them in the planning process.

COMMISSIONER GONZALES: I think that's wonderful, Jack. I think we all want to include them. My concern is, I know that we're all excited about, and we know the need to get these district up and running. And if we leave it subject to another body to decide what that priority is, we may find ourselves frustrated and maybe the City will come [inaudible] and say we do think this is a priority. We're going to work on it. That would be great, but we haven't heard that yet. So if that language helps in getting the City to the table to work on it, that's great. If they choose not to make it a priority and gives us the flexibility to continue to go forward, then I'll support that. I think that would be a reasonable, logical way to go forward.

COMMISSIONER GRINÉ: How was that again?

CHAIRMAN DURAN: Does that work?

MR. KOLKMEYER: Mr. Chairman, I didn't write it down so I have to reconstruct it but I believe what I said was "Prepare an Airport Development District plan and ordinance in conjunction with an Airport Development District plan steering committee that would include the City of Santa Fe."

COMMISSIONER GRINÉ: I'll amend my motion to that.

CHAIRMAN DURAN: So the committee would be comprised -- there would be come City input in the committee?

MR. KOLKMEYER: Yes.

CHAIRMAN DURAN: We don't want to get bogged down with a lot of the issues that are going to prevent us from getting this district planned.

COMMISSIONER GRINÉ: Call for the question.

CHAIRMAN DURAN: Okay. Any other discussion? Those in favor signify by saying "aye." [Unanimous. 4-0] Opposed. Motion carries.

MR. KOLKMEYER: We have one more part that we want to go over and again, I'll try to take it apart here a little bit and go through it a step at a time so it's clear what we wanted to accomplish.

CHAIRMAN DURAN: Excuse me, Jack. There seems to be some confusion. That, what we just approved, included A and B?

MR. KOLKMEYER: Yes.

CHAIRMAN DURAN: Okay. Thank you.

MR. KOLKMEYER: That was our understanding. Is that correct?

COMMISSIONER ANAYA: That's correct.

MR. KOLKMEYER: Now, we need to discuss two more things. One is highway corridor districts in general, and I would direct you to page 66 in the plan, the General Plan. As you may remember, when you adopted the policies in 1997, which was Part I, you directed us to consider the creation of highway corridor districts throughout the

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county. So we're taking the policy directive from Part I in 1997 and continuing that discussion to again suggest that there are numerous highway corridors in the county that need some attention. And in particular, in the second paragraph there you'll see that we suggest that it's the bypass/599/I-25 round the city of Santa Fe, US 84-285 between Santa Fe and Pojoaque, US 285 between Pojoaque and Española, Highway 14 from Santa Fe to Madrid, US 285 from I-25 south to Lamy, and I-40 and the intersection of 344 in Edgewood.

So there are a number of highway corridor districts that we suggest need to be included for consideration as part of the General Plan. Now, again, as a result of the policies of December, 1997, we were directed to create a highway corridor district plan specifically for one of those. So what we would like to suggest is that in terms of the General Plan, you adopt page 66. And there's another piece and this might take a little bit more discussion, but if you look at page 69 and 70, there is a particular discussion there about the Santa Fe Metro Area Highway Corridor District and the need to do a plan for that one.

We would also recommend that you adopt that piece on page 69 and 70. Now again, that's not the Highway Corridor Plan, but it is a suggestion, again, that highway corridor planning needs to occur in the county and in general on page 66 and specifically on page 69 and 70, a direction to do a plan for the Santa Fe Metro Area. So we believe that you can adopt these pages of the General Plan without adopting the Highway Corridor Plan which is this document that we still need to discuss. Is that clear?

COMMISSIONER GONZALES: Mr. Chairman, Jack, what would be the -- why would that be beneficial?

MR. KOLKMEYER: Because highway corridors are a major concern of the General Plan.

COMMISSIONER GONZALES: I agree, but in looking through this, it states what the major corridor districts are. Is that what you're asking us to basically approve tonight, what those districts are? Not going a step further and saying these are the plans for this districts?

MR. KOLKMEYER: That's correct, Commissioner Gonzales. Because again, as I pointed out earlier, we already have a request now from Tesuque to do a highway corridor plan for their area and we have had a request from Arroyo Seco to do a highway corridor plan through their area. This would give us the authorization to be able to go forward. And in Edgewood too. There's some concern down there.

COMMISSIONER GONZALES: We're just basically stating what those highway corridor areas would be throughout the county.

COMMISSIONER TRUJILLO: And essentially what Tesuque wants to do is to piggy-back off of the one that's been completed on 599, to continue north to Tesuque.

MR. KOLKMEYER: Commissioner Trujillo, that's correct. And the Metro Area Highway Corridor plan got its authorization from this document. The policies, and we're further clarifying through Part II specifically what those other highway corridor

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districts might be. They are not plans. They are just a delineation of that area. So that's not -- by approving those, that would not be an approval of the Santa Fe Metro Area Highway Corridor plan.

CHAIRMAN DURAN: So Jack, by approving this, current land use conditions, policies and ordinances that are in place right now will not be affected until we have had the opportunity to review the recommendations and discuss the recommendations of the Highway Corridor Committee as it pertains to the changes that are inherent in that document.

MR. KOLKMEYER: That would be my understanding. Is that correct, Denise? Yes. And the reason for our suggestion of this is where we're trying to get by August is that you have completely adopted the whole Part II of the County General Plan. If you want to remove some pieces, or you feel uncomfortable with pages 69 to 70 about the Santa Fe Highway area corridor district until we actually do the plan, we could eliminate that piece of the General Plan, but if you look at what it says is that an initial plan for this district has been developed by the Highway Corridor District planning committee and City and County staff. It's just saying that we did what you had directed us to do.

So again, it's not an adoption of the Highway Corridor plan.

COMMISSIONER GONZALES: But the adoption of 69 and 70 would kind of be redundant. We've already identified the Santa Fe Metro Highway Corridor District through resolution that basically created the planning committee.

MR. KOLKMEYER: That's correct.

COMMISSIONER GONZALES: I think page 66 is important, but 69 and 70 would just be reaffirming as part of the General Plan what we've already done through resolution six or nine months ago.

MR. KOLKMEYER: That's technically correct, Commissioner, yes.

Commissioner Griñé moved to approve pages 66, 69 and 70 and Commissioner Gonzales seconded. The motion passed by unanimous voice vote with Commissioner Anaya, Commissioner Gonzales, Commissioner Griñé and Commissioner Trujillo all voting in the affirmative.

MR. KOLKMEYER: Okay now, Mr. Chairman, I believe that we can adopt the resolution. Is that correct, Denise?

MS. BROWN: That's correct.

Commissioner Anaya moved to adopt Resolution 1999-72 and Commissioner Griñé seconded. The motion passed by unanimous voice vote with Commissioner Anaya, Commissioner Gonzales, Commissioner Griñé and Commissioner Trujillo all voting in the affirmative.

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MR. KOLKMEYER: Now the next piece that we wanted to discuss is the Highway Corridor Plan, so at this point, if there's a notion to want to table discussion on that point, or we can have the discussion. What our intention this evening was is since we have not yet given you as a body a presentation of the Highway Corridor Plan, we would like to do that so that the whole Commission with us has had a chance to go through what exactly the plan says. Then, we would like your direction on how you would like for us to proceed with the adoption of the Highway Corridor Plan.

CHAIRMAN DURAN: I have an idea. I think that the Highway Corridor Plan affects the Board of County Commissioners. It affects the Extraterritorial Zoning Authority and it affects the City Council or the City. Those are the governing bodies that I think this Highway Corridor Committee, they're the bodies that have the jurisdiction over this plan. And what I would like to see is that the Board of County Commissioners has an opportunity to review and discuss the plan and that the EZA has that same opportunity and the City has the same. And from there, we can think about approving it. I'm not sure that there are some elements in the plan that are going to be approved by all governing bodies, so I'd hate to recommend that we all go to one meeting and discuss it, because of the impact on those corridors.

COMMISSIONER GONZALES: Mr. Chairman, I guess I would also ask, I know we've had the Highway Corridor Plan but I just haven't had the chance to look at it and I understand that you want to give an overview tonight but we're approaching the six o'clock hour and in the interests of people who are waiting to move into the land use items, I don't know if it would be beneficial, be incumbent upon ourselves to read it first and if we have discussions to talk to Jack about it and then either at our next administrative meeting or whatever it might be to have him do the overview so that it makes a little more sense.

I think maybe what Jack's looking for more importantly tonight is direction, about how the Highway Corridor Plan is going to go forward, which I think the Chairman has started moving into that area for final adoption in the jurisdictions that are going to be moving forward so that you don't sit idly by until everybody looks at it and we're still wondering how we're going to get it moved on through some kind of approval or some type of adoption that approves it. So I would ask that we hold off on you doing the overview but I think that the Chair should continue to provide the direction with the concurrence of the Commission on how you want this to actually be adopted and presented.

CHAIRMAN DURAN: I think like our General Plan, I think that we should, as the Board of County Commissioners, have some discussion, some public comment, and make a decision on what elements of the plan we will adopt based on public input. I think the committee spent months putting this plan together and I think that we should have the opportunity to discuss it amongst ourselves with public comment. And then, make the same presentation to the EZA.

MR. KOLKMEYER: So, Mr. Chairman, you want us to then schedule another time to do a presentation to allow you plenty of time to have a chance to look at it

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and then we have a discussion and public hearing on it?

COMMISSIONER ANAYA: A joint?

CHAIRMAN DURAN: No, no, no. Just a public hearing to the Board of County Commissioners. Make a presentation to us at the next Board of County Commission meeting. If you think that's --

COMMISSIONER GONZALES: Not for action, but we could have a public hearing on it.

CHAIRMAN DURAN: Right.

COMMISSIONER GONZALES: So we could start hearing from the public on how they feel about it.

CHAIRMAN DURAN: Right.

COMMISSIONER GONZALES: Because I think it's good to start having the dialogue with the community in a public forum as to how they feel about this and maybe as the Chair indicates it's better to have the public hearing without a definitive date to adopt it.

COMMISSIONER TRUJILLO: Mr. Chairman, are you talking about the next land use County Commission meeting, which is in a month? I would like to see a special meeting to address the Highway Corridor proposed master plan at some time before that.

CHAIRMAN DURAN: That would be great. There's a lot in that plan. I think having a special meeting on it would be appropriate, because it's going to take a lot of time to discuss it.

COMMISSIONER GONZALES: Plus it allows us to stay focused and just have our attention on the document as opposed to worrying about the timing and a whole bunch of other things that are coming that day.

MR. KOLKMEYER: So that would be a special meeting that the County calls to present it and review it as the BCC and staff and public?

COMMISSIONER GONZALES: Correct.

CHAIRMAN DURAN: You want to do it next week?

MR. KOLKMEYER: Can we do that, advertising and everything next week?

MS. BROWN: Yes, Mr. Chairman and Jack, we need three days notice for special meetings. So you just need three days.

MR. KOLKMEYER: Anybody going on vacation?

CHAIRMAN DURAN: How about Tuesday? Wednesday?

MR. KOLKMEYER: We'll work out the dates tomorrow morning and get back in touch.

CHAIRMAN DURAN: Why don't you find out what day the game isn't on.

MR. KOLKMEYER: This is the best game in town right here.

CHAIRMAN DURAN: Or do you want to do it the following week?

MS. BROWN: Mr. Chairman, I just want to remind the Commission that you already have a special BCC meeting next Tuesday.

COMMISSIONER GRINÉ: At what time?

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MS. BROWN: At 5:15.

COMMISSIONER GRINÉ: Can't we come in earlier and have this study session? Come in at 3:00?

MS. BROWN: The CDRC is in here at 3:00.

COMMISSIONER TRUJILLO: The following week would be better for me. The week of the 22nd.

COMMISSIONER GRINÉ: The 22nd is our last meeting.

COMMISSIONER TRUJILLO: So maybe do it Wednesday -- Monday or Wednesday? I don't have any problem with meeting twice.

CHAIRMAN DURAN: I don't either.

COMMISSIONER GRINÉ: Find some dates and then --

CHAIRMAN DURAN: But not next week. It doesn't work for Commissioner Trujillo. So the following week.

COMMISSIONER TRUJILLO: Any time. Except on Tuesday, which is our regular meeting.

MR. KOLKMEYER: Okay. We will work out a date and arrange that with you. That's probably a good way to do it. Again, I think as staff, part of the problem here is we get a lot of pressure from a number of fronts because we did this with the City and we did it with a number of people from both in the City and the County, so we're the ones right now who are being asked how are we now supposed to get this adopted so we appreciate your direction. And also, again, we think just like with the General Plan, it's really good to have the County's position on these issues before we venture forth. So we appreciate you helping us to move this forward in that regard.

CHAIRMAN DURAN: I just think it's more comfortable for us to be able to adopt this plan, as the County and not under pressure. Since we're not at that Regional Authority level at this point, I think that we need to make decisions based on the County General Plan and our goals.

MR. KOLKMEYER: Yes, that's correct. That wraps it up then, for us. Unless you have any other questions. Thank you very much.

COMMISSIONER TRUJILLO: Judy, thank you.

X. D. LAND USE DEPARTMENT ITEMS:

1. **EZ Case #DL 99-4150. Manuel and Sophie Gurule. Paul Rodriguez, agent for Manuel and Sophie Gurule requests plat approval for family transfer to divide 5.8 acres into two tracts. The described property is located within a BCC previously approved subdivision called Pinon Hills, off Calle Enrique, within Section 25, Township 17 North, Range 8 East**

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MR. GARCIA: Mr. Chairman, I don't know if my clients are here, Mr. and Mrs. Gurule.

CHAIRMAN DURAN: They're not here.

MR. GARCIA: I don't think they are.

CHAIRMAN DURAN: Why don't we table you to the end. We'll go to two. When they come, let us know and we'll slip you in at that time.

MR. GARCIA: Thank you, Mr. Chairman.

- X. D. 2. EZ Case # DL 99-4060. Michael and Maryann Martinez. Michael and Maryann Martinez request plat approval for family transfer to divide 2.49 acres into two tracts. The described property is located within a BCC previously approved subdivision called Vista Land off Calle Gary, within Section 20, Township 16 North, Range 8 East

MR. GARCIA: Thank you, Mr. Chairman, Commissioners. Staff recommendation: All the existing infrastructure, such as fire protection, water and liquid waste systems and roads within the Vista Land Subdivision have been constructed in accordance with subdivision standards that were in place in 1973 at the time of approval. Infrastructure requirements in 1973 were not as comprehensive as today's standards, thus the Vista Land Subdivision is legal non-conforming.

At the regularly scheduled meeting of May 13, 1999, the EZC recommended approval of a request subject to the following conditions. Mr. Chairman, Commissioners, my client here, Mr. Martinez, does agree with all the County conditions. I don't know if you want me to read them.

CHAIRMAN DURAN: Just enter them into the record.

[The following are staff's conditions:]

1. The private easement that extends off Calle Gary must be developed meeting SFC Common Road Standards prior to recording the plat of survey or the applicant must provide Santa Fe County with a certified engineer's cost estimate to develop the access. A financial guarantee acceptable to the County in the amount of the approve cost estimate must be included.
2. The applicant must record water restrictions simultaneously with the plat of survey imposing a maximum water use of .25 acre-feet per year per lot. Water meter report for each subject parcel must be submitted at the County's request if and when deemed appropriate.
3. The applicant is required to contact Rural Addressing for assignment of addresses.
4. EZO Regulations require a solid waste fee be assigned to all newly created parcels. The assessment on this subdivision is \$78.03. This must be paid prior to recording

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- the plat.
5. The applicant must prepare and submit covenants for the use and development of the property.
 6. A detention pond must be constructed to retain excess drainage caused by the existing development on Lot 2A.
 7. Compliance with the Fire Marshal review.
 8. The applicant must address all minor corrections by the County Subdivision Engineer and the plat checklist issues will need to be addressed prior to recording the plat. The plans and checklist may be picked up from Oliver E. Garcia, Development Review Specialist with Santa Fe County and resubmitted with the mylar. The redlines must be returned with the final mylar prior to recordation.

CHAIRMAN DURAN: Any questions of Oliver? Is the applicant here? Would you like to address the Board? Do have anything to add to Oliver's statements? Do you agree to all the recommendations?

[Duly sworn, Michael Martinez testified as follows:]

MICHAEL MARTINEZ: Yes. My name is Michael R. Martinez.

CHAIRMAN DURAN: And questions of Mr. Martinez? Do you have anything to add, Mr. Martinez?

MR. MARTINEZ: No.

CHAIRMAN DURAN: It's a public hearing. Is there anyone out there that would like to address this issue? If not, what's the pleasure of the Board?

Commissioner Griñé moved to approve EZ Case #DL 99-4060 with staff conditions. Commissioner Anaya seconded and the motion carried by unanimous voice vote with Commissioner Anaya, Commissioner Griñé and Commissioner Trujillo voting in favor.

CHAIRMAN DURAN: You have your approval, Mr. Martinez. Oliver, is the first case here yet?

MR. GARCIA: No.

- X. D. 3. **EZ Case #A 99-4081. Swarthout Appeal. Andrew Swarthout is appealing the decision of the Extraterritorial Zoning Commission (EZC) to approve a family transfer subdivision of five acres into two 2.5-acre tracts for Alexander Montgomery Brooks III. The property is located off Nine Mile Road within Section 25, Township 16 North, Range 9 East**

MR. GARCIA: Thank you, Mr. Chairman. On March 11, 1999, the EZC

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granted approval to Alexander Montgomery Brooks III to divide five acres into two 2.5-acre tracts for the purpose of a family transfer. On April 22, an appeal was filed by Mr. Andrew Swarthout on behalf of several property owners in Sunlit Hills. The grounds for appeal is attached in Exhibit B. The described property lies within the Metro Basin Fringe. This area allows for the creation of 2.5-acre lots for family transfer. The following lot sizes are being proposed: Lot 1-A = 2.5 acres, one home to be transferred to the adult son, Lot 1-B = 2.5 acres, one home to be retained by property owner.

Staff recommendation: The EZC granted approval.

COMMISSIONER TRUJILLO: I have a question for Oliver. What is the minimum lot size I guess, to date back to the minimum lot size in this area?

MR. GARCIA: This area is in the Metro Basin Fringe, which is five acres, and of course with a family transfer you can go half of that, which is 2.5 acres.

COMMISSIONER TRUJILLO: Are there any covenants in the subdivision that limits further subdivision of the land?

MR. GARCIA: Where they're on community water they could go down to 2.5. There is community water there.

ORALYNN GUERRERORTIZ (Subdivision Engineer): Mr. Chairman, Commissioner, if I could. There are no covenants on this property. There are covenants on neighboring properties that say you can't go to 2.5 acres but not on this property.

MR. GARCIA: Only in family transfer.

CHAIRMAN DURAN: So this is not a lot within the Sunlit Hills Subdivision.

MS. GUERRERORTIZ: No sir.

MR. GARCIA: No.

COMMISSIONER TRUJILLO: One other question. How viable is the community water? Does it have an ample water supply to support all the --

MR. GARCIA: If Mr. Frost is here, the Hydrologist, he could answer that question.

CHAIRMAN DURAN: Jack, could you please answer that.

COMMISSIONER TRUJILLO: I was just wondering how viable the water system is. Does it provide ample water supply to the community? Are they experiencing problems? I just wanted to understand. Because if we're augmenting, there might be another case to come forth on a family transfer so I'm just wondering how --

JACK FROST (County Hydrologist): Mr. Chairman, Commissioner Trujillo, you're asking good questions. The water system in Sunlit Hills is privately owned. There's never been a case where a develop has brought a project to the County using Sunlit Hills water where a proof of water availability would be required. The system is a mature system. There remain lots to be developed. It's near its capacity. We have a concern that until a project comes in that requires water availability and water rights review, that system won't be reviewed. So in answer to your question, it's a mature system. We don't really

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know what it's maximum is, but it's not 100% built out at this time.

COMMISSIONER TRUJILLO: Would it be appropriate, that being the case, that if this proposal is approved that a geo-hydrological study be done in that area to make sure that if this system doesn't work that there is sufficient underground water to support proposed development, houses, whatever?

MR. FROST: Mr. Chairman, Commissioner Trujillo, a site-specific study with an on-site well would be necessary to see what this tract might sustain, and then they could rely in this case, on their own domestic well. I don't think the owner of the Sunlit Hills water system wants to subject himself to a geo-hydrologic study. Consequently, he controls his system very closely. This property is unusual in that it's not part of the greater Sunlit Hills Subdivision area and not subject to the covenants of that subdivision.

COMMISSIONER TRUJILLO: Does the owner support the connections that are proposed here? To the existing water?

MR. FROST: Mr. Chairman, Commissioner, Mr. Vail, the owner would allow them to continue sharing one meter for both residences, but he does not want to install a second meter as I understand it. I think in part that's to control the number of meters in his system, but again, Mr. Vail intends to avoid these regulatory issues because essentially he has an old system that's never been subject to new regulations.

COMMISSIONER TRUJILLO: Thank you.

CHAIRMAN DURAN: I have a question, Oliver. This five-acre parcel currently could have a main house and a guest house, is that correct?

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

CHAIRMAN DURAN: So they could have two dwelling units on the property under the current use? Under the current configuration of the lot?

MR. GARCIA: Yes sir.

CHAIRMAN DURAN: So basically, what we're doing if we approve a 2.5-acre lot split, which is allowed under our family transfer ordinances, we're really not intensifying the usage of the water or the usage of the property as residential because they can still have two dwellings on it. So my question is once they restrict the usage of the water to a quarter acre-foot per lot, they no longer have the ability to have a guest house. Is that correct?

MR. GARCIA: That I could not answer. I don't know if I could answer that one. But the thing is they have a guest house there with the water line running to the guest house which Mr. Vail approved to say that they could have that line to their guest house. They've had it there for a while. Now they want to divide and she wants to give the guest house to the son.

CHAIRMAN DURAN: But I'm wondering if each 2.5-acre lot has a residence on it. Can they further -- can they have another residence, another dwelling unit, I guess?

MR. GARCIA: On 2.5? No.

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CHAIRMAN DURAN: So they're restricted to one dwelling unit per 2.5-acre lot?

MR. GARCIA: Yes sir.

CHAIRMAN DURAN: Is there an existing structure now on this property?

MR. GARCIA: Just on the five acres, there's the house and the guest house on the five acres.

CHAIRMAN DURAN: And the applicant understands that she will not be able to have another dwelling unit on either one of those lots?

MR. GARCIA: Yes sir.

COMMISSIONER GRINÉ: Mr. Chairman, in other words, the two existing structures are there right now, right? And now they just want to create a legally split lot?

MR. GARCIA: Yes sir.

COMMISSIONER GRINÉ: And it's occupied right now by residents, both structures?

MR. GARCIA: Both structures, they've been there fourteen years and they are living in the guest house already.

COMMISSIONER GRINÉ: There are relatives in the other house.

CHAIRMAN DURAN: I'm confused. There's two houses on it already?

MR. GARCIA: On five acres.

CHAIRMAN DURAN: And they're going to split it and have a house on each half. So it's really not an intensification of the use at all. Okay, any other questions of Oliver? Thank you, Oliver. Is the applicant here? The appellant. This is an appeal.

[Duly sworn, Andrew Swarthout testified as follows:]

ANDREW SWARTHOUT: My name is Andrew Swarthout. My address is P.O. Box 6596, Santa Fe, 87502. Mr. Chairman, Commissioners, I think I'll first address some of the questions that were discussed a few minutes ago and give you a little background. Units one and two of Sunlit Hills have restricted covenants and the minimum lot size is five acres and there's a restriction against subdividing any tract. Unit three was represented to lot owners, purchasers as being restricted, but due to a screw-up between the attorney in Carlsbad who was representing the developers and the sales office that was there at that time out on Sunlit Hills, the restrictive covenants were never recorded.

A lot of the initial purchasers bought with the understanding that their lots were restricted and that the minimum lot size was five acres. And there were signs back at that time along the old Las Vegas Highway on Unit Three advertising lots and saying restricted lots. Even though there weren't any restrictions and nothing to control in that fashion by restrictive covenants, Sunlit Hills through the years has exercised some control over Unit Three by limiting the number of connections in that area. And that limit is one connection per five acres.

This goes back to 1967 when Sunlit Hills sold a larger tract, including the old ranch house to Red Boggs. This is out near where the railroad track is. And in that sale and in

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those conveyances there was a provision that Sunlit Hills would make only one connection per five acres. And the land we're talking about here this evening is part of that same tract. And that restriction was carried forward in the later conveyances down to Alex Brooks and is noted in the memorandum at the time he bought the property from a previous owner.

In addition, in 1974, Sunlit Hills had bought the land where Hondo Hills is now located and they drilled some wells over there and they didn't find any water. So they came up with a plan to extend the water system by piping water underneath the Old Las Vegas Highway up to that tank by El Gancho where it flows back down to serve the people in Hondo Hills. This had to go before the Public Utility Commission. And the Public Utility Commission in approving that extension over to Hondo Hills put in a condition as to the number of connections that Sunlit Hills would make and in that stipulation, it was stipulated that there would be one connection per five acres in Unit Three.

Now Ralph Vail, who now owns the Sunlit Hills Corporation and the water system has through the years followed that commitment and has not made but the one connection for five acres. And in this situation, he has stated that he will not make another connection. The existing connection is the only one he will make. That leaves the situation on the water right now of course, the two houses on the property are being served by the one connection, but once you split that property into two 2.5 acres, you have the problem that one of those 2.5 acres cannot be served by that system.

At the time of the EZC hearing, initially there was some confusion. Mr. Garcia had submitted a report that indicated that a well would be drilled on one of those 2.5-acre tracts. At the beginning, one of the EZC members inquired about that. Mr. Oliver said that was a mistake, that there was no well to be drilled. However, through the hearing, it developed that a well would be drilled and one of the conditions that the EZC imposed at the time they moved to approve the lot split, family transfer, was that there be proof of water availability. This area is in the Basin Fringe. On the basis of the 100-year availability that you're now using to compute water availability, the standard value is one residence for fifty acres. Under a family transfer, that could be one residence for 25 acres.

Now I realize of course, like Mr. Frost indicated a while back that if you can prove water in the particular location, then of course you can come down to a smaller lot size.

CHAIRMAN DURAN: Excuse me, sir. Is that an accurate statement, Jack? That conflicts with what you said.

MR. FROST: Of the zoning? In the Basin Fringe, 50 divided by four is 12.5. So the fifty-acre is the basic density, divided by four for a quarter acre-foot per lot is 12.5 acres, yes sir. This is the Metro Basin Fringe. Ironically, this area was presumed to be served by community water systems into the future and Sunlit Hills was a start on that but there's been no more modern planning to serve that area. So essentially we have two kinds of zoning imprinting on the same area and the local water availability is limited equally no matter what zoning we apply to it. Does that answer your question, sir?

CHAIRMAN DURAN: Well, how do we get to a point where we can

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approve a family transfer of two 2.5-acre tracts? Based on what you're telling me it sounds like six --

MR. FROST: If we did, if an acceptable site-specific water study was done and they wished to rely on an on-site domestic well that proved up, that is one way we could do that. The other strictly is if a community water system that passed all the modern tests, would give them a new meter connection to the lot.

MS. GUERRERORTIZ: If I could try to add a little more, the EZO, which I assume is applicable here, it's still the two-mile zone, the Metropolitan Basin Fringe can go down to 2.5 acres according to the EZO. So they always assumed in the Metro Basin Fringe that a 2.5-acre was allowable.

MR. SWARTHOUT: In that connection, I might mention that I differ with the way the EZO computes the fraction. They take one half of the five acre that is mentioned in the section under what used to be called the Metro Zone. I guess it's still the Metro Zone. And actually the ordinance says one-half of the standard value. The standard value is still the higher value like Mr. Frost just reported.

Be that as it may, I think next we need to look at the plat of Mr. Brooks' land. I think you probably have these but to make it simple I'll pass these out.

Mr. Brooks started out with 30 acres and then he divided that into five tracts. They're shown here on this plat. There's four five-acre plats and one ten-acre plat, I mean lot. As you well know, the threshold between a subdivision that can be approved in a summary fashion and one that requires full review is four lots. Plus, there's an exception if you're retaining one lot that you certify you're going to keep for your own personal use. So in that fashion, Mr. Brooks has a subdivision here with five lots. Now when he comes along and wants to, under a family transfer, divide lot 1 into two 2.5-acre tracts, you end up with six lots, which in our opinion is a subdivision which requires full review.

CHAIRMAN DURAN: Excuse me, Mr. Swarthout. I have one question. This was done in 1990. These five lots were created in 1990. What were the ordinances at that point?

MS. GUERRERORTIZ: The ordinance at that point, and the current ordinance that's applicable today is that you can only create five lots within a three-year period. So, if that was done in 1990, three years after that point they could have divided property again.

CHAIRMAN DURAN: So he has done nothing --

MS. GUERRERORTIZ: No, he meets the letter of the existing regulations on that point. We do not combine land. If he divides land today, it's not combined with the earlier work. You don't continue to include everything, only everything that's been done in the past three years.

CHAIRMAN DURAN: Mr. Swarthout, I would appreciate it if when you make your comments on these things that you really come from some -- what you just alluded to was no where near the truth, so I would ask for you to make sure that whatever

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you relay or communicate to us that you have some factual information, rather than just trying to pull some stuff out of the sky.

MR. SWARTHOUT: I was going by what I read in the ordinance and if I'm mistaken I apologize. The ordinance does say that the family transfer provision should not be used to circumvent the subdivision laws and that's the point we were making. It appeared to us that this was a circumvention of the subdivision laws. If so, if I'm wrong, I'm wrong.

CHAIRMAN DURAN: I believe you were wrong.

MR. SWARTHOUT: I'll leave that for further decision. For you to get a better idea, one of the neighbors took a picture.

CHAIRMAN DURAN: Mr. Swarthout, how long have these homes been there?

MR. SWARTHOUT: She said ten and a half years. Now, I'd like to get to a further matter and pardon me while I get the minutes from the meeting.

MS. BROWN: Mr. Chairman, if I could just interrupt for a second. I was asked by the Clerk to try to gather copies for her. So I just need to remember to get copies from someone.

CHAIRMAN DURAN: She can have my copies. Please continue.

MR. SWARTHOUT: At the EZC hearing, some of the neighbors questioned whether the applicant, Brooks, had complied with the provisions of the ordinance requiring that adjoining neighbors within 100 feet of the property, excluding public right-of-way, had been notified by certified mail.

CHAIRMAN DURAN: Mr. Swarthout, let's ask staff if the applicant complied? Did they follow the procedure properly?

MS. GUERRERORTIZ: No.

CHAIRMAN DURAN: They did not.

MS. GUERRERORTIZ: No. It was told to me by the applicant that at least one person across the street did not get notice prior to the EZC meeting.

CHAIRMAN DURAN: How did this come before us if proper notice was not given?

MS. GUERRERORTIZ: What happened at the EZC meeting is they made a condition, saying you guys have to prove you did adequate notice, but since then we got an appeal and the appeal is before you. Maybe I can turn it over to Legal about how that old noticing issue is going to have to be addressed.

MS. BROWN: Well, I guess just for clarification, Mr. Chairman, Commissioners, we believed at the EZC stage that the noticing had been proper. That's why the case went forward. And the applicant stated at the hearing that it had been properly done. But because a question had been raised about it, it was a condition of approval and in the meantime, I guess it's been learned that it wasn't done properly. And that's part of the basis of the appeal.

CHAIRMAN DURAN: So how can we vote on this if due process hasn't

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been --

MS. BROWN: That's one of Mr. Swarthout's appeal issues.

CHAIRMAN DURAN: And what do you say? What is your advice?

MS. BROWN: Well, I guess until recently, I would have said that I think that the individual that didn't get noticed is the party that has to come before you and make that argument. However, they're in litigation, as you know, with Marc Simmons, and we have had a hearing on that issues and we have been told by Judge Encinias otherwise that in fact any person can raise the issue of failure of notice. It doesn't have to be the person who didn't get the notice. So I guess I'll follow Judge Encinias' ruling and tell you that I think that any person can raise that issue.

CHAIRMAN DURAN: The person who didn't get notice, aren't his rights being violated?

MS. BROWN: That's Judge Encinias' position, yes. That everyone who did not -- if there was a failure of notice, if there was some problem with the noticing, that there has been a due process violation and that everyone needs to be properly noticed.

CHAIRMAN DURAN: I don't understand how it got before us without the due process being fulfilled.

MS. BROWN: That is one of Mr. Swarthout's grounds for appeal. That's what he wants you to decide, that in fact, everyone was entitled to notice. Because it wasn't done, the case should be sent back to EZC or reversed or whatever he's requesting.

COMMISSIONER TRUJILLO: I agree with Mr. Swarthout. If it wasn't noticed properly then it would be fruitless to continue. This needs to go back and get the community properly noticed so that they have the opportunity to articulate to represent their position. Because ultimately it's going to land up in court and a judge is going to rule and the precedent has already been set and we're back to square one. So we need to properly notice this proposal.

COMMISSIONER GRIÑÉ: Denice, I guess my concern is we shouldn't deviate.

CHAIRMAN DURAN: So what do we do? Do we table or do we deny it and send it back to the EZC?

MS. BROWN: My recommendation would be that you send the matter back to EZC. That they start over and they properly notice so they start with a blank slate.

Commissioner Griñé moved to table and was seconded by Commissioner Trujillo.

KARL SOMMER: I was going to say, on the issue of notice, there was improper notice and my client wishes to explain what happened. And we agree with you. It should go back and let them have their notice with respect to that. And then after they get their notice and show up and then say the same things again and if they then appeal, we'll be back in front of you. And we agree that's the proper way to do it, because if these

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thing is going to go to District Court, I want it to go to District Court on the merits, not on some technical issue about whether somebody didn't get a letter or not. I would much rather have all the issues, nice, neatly done, not some technicality.

I would note tonight that this appeal, Mr. Swarthout and his co-appellants were to have given notice to our client under the Code. We didn't get notice. We didn't get notice as required by certified mail as required by the Code, and I think it's a technicality and it's not worth going through months and months in the district court over one little issue like that. Let's have it sent back to the EZC.

The reason for the failure of notice was not because, as has been represented in writings to you all that we got up here and lied. That's simply not the case. There was a great deal of confusion about the manner of notice, and I admit there was a failure of notice and there was an inaccuracy in the representations we made but they were not blatant, bald-faced lies. What they were was a misunderstanding on my client's part as to what the facts were. I relayed that to the commission. Staff relied on that representation as well and a condition was placed. It turns out that my client's belief turned out to be inaccurate. So we're agreement to send it back and let's do this over and we'll be back in a couple of months on the merits.

CHAIRMAN DURAN: I don't think that any of us made the assumption that there was a blatant disregard for the process. I'll give you one quick last comment.

MR. SWARTHOUT: I provided this lady over here this morning an affidavit of mailing and enclosed with it was a return receipt signed by Alex Brooks.

CHAIRMAN DURAN: Okay, thank you very much.

MS. BROWN: Mr. Chairman, if I could, just for clarification, it properly should be a motion to grant the appeal, on the grounds that there was improper noticing. Because if it's tabled, it's going to be very confusing about the deadlines, etc. Mr. Swarthout appealed. One of his grounds for appeal was improper noticing and so now you're agreeing with him. You're saying there was improper noticing. So you're granting his appeal and denying this application.

CHAIRMAN DURAN: I don't want that motion to do away with -- the applicant should have the right to go back and go through the process.

MS. BROWN: Right. So if the grounds for the motion is the appeal is granted and the land division is denied on the basis of improper noticing then they certainly have a right to go back.

Commissioner Grifé changed his motion to grant the appeal and deny the applicant. Commissioner Anaya agreed and the motion passed by unanimous voice vote with Commissioner Anaya, Commissioner Grifé and Commissioner Trujillo voting in favor.

MS. GUERRERORTIZ: Could I just add something for the record, that we'll be able to hear this case in front of the EZC at the next available meeting, which is July, the

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second Thursday of the month, whatever date that is, at 6:00 p.m. and we'll try to make it the first thing on the agenda.

CHAIRMAN DURAN: Did you hear that Karl? The next EZC this will be heard, provided that you have proper notice.

X. D. 4. CDRC Case #V 98-5660. Guadalupe Romero Variance. Guadalupe Romero, Jody Lawlor, agent, request a variance of Article III, Section 10, lot size requirement of the Land Development Code to allow a family transfer land division to create four lots on 15.43 acres. The property is located north of I-25 in Valencia, within Section 32, Township 16 North, Range 11 East

VICKI LUCERO (Review Specialist): Thank you, Mr. Chairman, Commissioners. On March 25, 1999, the CDRC met and acted on this case. The applicant is seeking a variance to allow her to divide 15.43 acres into four lots. The lots will range in size from 2.51 acres to 5.245 acres. These lots will be given to her sons. The property is located within the Mountain Hydrologic Zone where the minimum lot size is 20 acres per dwelling unit. A small lot family transfer would allow lot sizes of ten acres per dwelling unit.

The applicant has owned the property for over 25 years. There are currently four dwelling units on the property, two houses, one mobile home, and a guest house.

Recommendation: The decision of the CDRC was to grant the appeal of the Land Use Administrator's decision and to recommend approval of the variance request with the following conditions:

1. Only one existing home allowed per lot.
2. Water restrictions of 0.25 acre-feet per dwelling unit per year shall be recorded. Meters shall be installed on all lots prior to plat recordation.
3. All other requirements of the Code shall be met.

COMMISSIONER TRUJILLO: We have -- this is the Mountain Zone, right?

MS. LUCERO: Yes, that's correct.

COMMISSIONER TRUJILLO: And we have pending litigation on a decision that we made on a family transfer lot split that we approved in this area. We're deviating from the Code here and the potential is that we'll have more litigation if we approve this family transfer. And I'm not speaking against it, but I guess I'd like to see what the outcome of the pending litigation is on that conveyance through a family transfer before we act on any other lot splits in that regard. Because that's going to affect what we do in the Mountain Ordinance, whatever the judge rules there.

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COMMISSIONER ANAYA: Mr. Chairman, isn't there something in the Code, if they're going to hook up to Valencia Water Company, as long as there's some kind of water allocation as far as a company source that lot splits are allowable in the Mountain Hydrologic Zone?

MS. GUERRERORTIZ: Mr. Chairman, Commissioner Anaya, yes, that would be true, but the Valencia Water Company doesn't have anything on this side of the freeway, and you'd have to bore under the freeway at a terrible amount of expense to get the Valencia water over there, and then, Valencia Water would also have to prove that they haven't over-allocated their water rights, and we don't have any evidence on Valencia Water at this point.

COMMISSIONER ANAYA: So approval of this application on that provision could actually nullify this, should it be approved tonight if in fact Valencia Water Company can't bore, can't allocate the water, then this would be null and void on that principle.

MS. GUERRERORTIZ: Boring under the freeway would run into the hundreds of thousands of dollars. It's not something, I think, that this family could possibly afford.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN DURAN: I have a question for you, Oralynn. Is the property that we're in a lawsuit over, is it in the Mountain Hydrological Zone, or the Special Mountain Review District?

MS. GUERRERORTIZ: It's in both, sir. It's in the MSRD and it's also in the Mountain Zone.

CHAIRMAN DURAN: And where is that, Denise, right now? We're still in court over that?

MS. BROWN: Mr. Chairman, Commissioners, yes we are. It hasn't been moving along very quickly. I've been copied on all the pleadings by the City staff and it hasn't moved any further than when we last discussed it.

CHAIRMAN DURAN: And what is the County's exposure on that matter?

MS. BROWN: I think that the exposure is really just that your decision would be overturned. I suppose if they find -- there's always a possibility of attorney's fees. But in general, your exposure is just that your decision could be overturned.

CHAIRMAN DURAN: Thank you. Any other questions of Vicki? Is the applicant here?

[Duly sworn, Eugene Romero testified as follows:]

EUGENE ROMERO: My name is Eugene Romero. I'm the applicant's son. She's asked me to fill in for her. My address is 2442 Cerrillos Road, Number 257.

CHAIRMAN DURAN: Do you have anything to add to your application?

MR. ROMERO: Well, sir, just under one of the conditions, where they required meters on all of dwellings, each dwelling is hooked up to the same pressure tank. That's the way a well system works. It works from the well to a pressure tank then to the

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houses. What we're asking the Commission to check into is just putting one meter between the well and the pressure tank, and that it will accomplish the same fact and minimize our expenses.

CHAIRMAN DURAN: I have a question for staff. A well meter only costs like \$350, something like that, doesn't it?

MS. GUERRERORTIZ: Yes, \$250, something like that.

CHAIRMAN DURAN: Would that do the same thing? He's saying that he would like to have one meter, and what's the reason for five meters?

MS. GUERRERORTIZ: Why we have separate meters on individual lots? It seems to work okay when there's a family and everybody talks and gets along. But once the family starts not getting along, or once it's sold to different individuals, then you can't tell who's overusing if there's a problem. And we've found that it's wiser to have individual meters. It just saves us headaches later on.

COMMISSIONER ANAYA: They're not that expensive.

CHAIRMAN DURAN: Any questions of the applicant?

COMMISSIONER ANAYA: I do, Mr. Romero. You realize that boring under Interstate-25 and all that, how much, how costly it's going to be. How do you anticipate that, rather than approaching it from another perspective?

MR. ROMERO: Well, sir, originally when the Valencia Water Commission or District was formed, they approached us to buy shares in them and to allocate taps. We do have five taps allocated with Valencia Water already. However, when they set up the whole system, they conveniently forgot the people down the road in the Canoncito area. What I plan on doing and one of these lots will be mine, if it is so granted, is to drill another well, hopefully in the near future as my funds allow it. So if there's a question of water supply, like I'm saying, I plan, if this is approved, to drill my own well and I can have the same statement made by my brother who also has a home and is also planning -- I understand that hearsay isn't allowed, but I can have a notarized letter sent by him or he can appear before the Commission to also testify that he is also planning on drilling his own well.

COMMISSIONER ANAYA: I don't know whether you just through a monkey wrench into the machine or however that statement goes, but the approval, should it be granted tonight, is based on the Valencia Water Company utilization of water, not in anticipation of you drilling your own well.

CHAIRMAN DURAN: I don't think that's a requirement, is it?

MS. GUERRERORTIZ: Well, Mr. Chairman, Commissioners, that wasn't a recommendation of the CDRC.

COMMISSIONER ANAYA: That wasn't?

MS. GUERRERORTIZ: No, it wasn't.

COMMISSIONER TRUJILLO: Where is the water coming from? Individual wells?

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MS. GUERRERORTIZ: Yes sir.

COMMISSIONER GRINÉ: The EZC made that recommendation, right?

MS. GUERRERORTIZ: The CDRC made the recommendation on this case, sir.

COMMISSIONER GRINÉ: So we can eliminate it from that too now?

MS. GUERRERORTIZ: Yes, sir. You can deviate. It's a variance. You have a lot of flexibility, granting a variance with conditions.

COMMISSIONER GRINÉ: What is your recommendation?

MS. GUERRERORTIZ: Sir, the staff recommendation and the Land Use Administrator's recommendation was to deny the project. We're concerned about availability of water.

COMMISSIONER ANAYA: Precisely why I referred to the approval being guided by the five hook-ups to the Valencia Water Company. Approval in that case, is feasible, but I don't know whether money-wise it's feasible. I just didn't want them to be misled that later on they can go in and drill their own wells on the five lots. If that makes any sense.

CHAIRMAN DURAN: Why four lots?

MR. ROMERO: There are three sons and my mother. So she's keeping the original home that belonged to my great-great-grandmother. My younger brother has already built a home on the area. So she's just trying to get all her paperwork arranged before it all goes to courts and everything else, while she's still alive.

CHAIRMAN DURAN: So the plan is that your brother would come back to Santa Fe? Is that the idea?

MR. ROMERO: No sir. I've got a brother that lives in Santa Fe. I've got a brother that lives out on the property now. I am planning on moving out to the property myself.

COMMISSIONER ANAYA: One question of staff. You said the cost, Oralynn, either you or Jack, to bore under Interstate 25 would be about how much, roughly?

MS. GUERRERORTIZ: I haven't done a boring estimate recently, but it's going to be a small pipe. It would be a minimum of \$60 a linear foot.

COMMISSIONER ANAYA: And how many feet is that? What does it translate into?

MS. GUERRERORTIZ: A lot. At least 150 feet. It's wide, because there's a split median at that point.

COMMISSIONER ANAYA: So 150 feet times \$60 is how much?

MS. GUERRERORTIZ: Nine thousand. That can't be right.

MR. ROMERO: Commissioner Anaya, if I may. We're talking about a lot more than 150 feet from our property to the Valencia water supply has got to be at least a half an acre. So we are talking about an unreasonable amount of money to try to provide water from Valencia to our property. That's why we're upset with Valencia when they

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initially recruited our support.

COMMISSIONER ANAYA: What I'm thinking is this. If you drilled five individual wells it might be even costlier than for you to go on to the hook-up. Not only that, we have to justify our position up here also, what we're approving. I'm all for family transfers and leaning in that direction but I just wanted to make it a point of awareness that if the decision can come through it's got to be based on your attachment to the Valencia Water Company and the monitoring that is required by staff. Otherwise we couldn't go through with it. I just can't see where legally we could do it.

MR. ROMERO: Sir, we have no problems with the monitoring by staff. We actually believe that the water usage isn't one acre-foot per year as it is now. So we don't believe that additional water will be consumed or any other problems will arise from that situation.

COMMISSIONER ANAYA: There's a basis about five acre-feet of water per family. They've got studies on that. So that's the rule of thumb. I don't have any more questions, Mr. Chairman.

CHAIRMAN DURAN: Do we have landscape restrictions that go along with those water restrictive covenants?

MS. GUERRERORTIZ: Landscape restrictions?

CHAIRMAN DURAN: If they agree to the water restrictive covenants, do we have anything -- do we give them the restrictions that we would like to have imposed? And if we do, do they have requirements that prevent frivolous watering?

MS. GUERRERORTIZ: Yes, sir. The water restrictions that were adopted per the Code include things like no more turf, grassier areas than 800 square feet and you're supposed to use native vegetation and those kinds of things.

CHAIRMAN DURAN: Any other questions of the applicant?

COMMISSIONER TRUJILLO: Just one for Denice. What would the pending litigation, depending on results, do to a situation like this?

MS. BROWN: Mr. Chairman, Commissioner Trujillo, that's a good question, because one of the issues that arises in a situation like this. If we were to lose the other Romero variance, and the court said without doing a geo-hydro and proving up water, you can't be granting these family transfers when there's a concern about water, and this gentlemen and his family were allowed to proceed, I don't know how we go back and undo what's already been done and I don't know what situation we could be in. Potentially, we could be in a situation where I guess a neighbor could challenge us, although I don't think there's been any challenges on this case.

Or I guess my concern is more that down the road, if someone buys the property, there is a problem with the water. It turns out that we had approved the land division with a variance of our Code, without any proof that there's adequate water there for these four lots, and one of those subsequent buyers comes back to the County. It's all hypothetical and you never know. That might never happen. But that's the worst case scenario that I can

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envision.

CHAIRMAN DURAN: Don't you think it would be a good idea that on the plat, that there's some kind of disclaimer that the County doesn't warrant the quality or quantity of water in addition to the water restrictive covenants? Couldn't we protect ourselves on that one issue?

MS. BROWN: Mr. Chairman, disclaimers are great if people get them and if they're read, but the number of people we have come into the County that say, I never saw that disclaimer. I never got a copy of that. That's the problem. I don't know how you ever enforce that. People buy. Unfortunately, some times it's their first big purchase and they don't know to ask for those things. They don't know to look for those things and there are a lot of small sales that do go on without realtors involved or people who'd be knowledgeable about those issues.

CHAIRMAN DURAN: We can't catch it all, but we could catch some. The case that's in the courts right now, Denice, really was because there was a lot of public opposition to it, right? That's what the appeal was all about, was that the neighbors felt that it was not an appropriate division of the land.

MS. BROWN: That's correct.

CHAIRMAN DURAN: Any other questions of the applicant? Did you have one more thing to say, Mr. Romero?

MR. ROMERO: Well, sir, the property's been in our family since 1865. We don't foresee any sale of the property in the very near future or in the long future for that matter. Thank you.

CHAIRMAN DURAN: Thank you. This is a public hearing. Is there anyone out there that would like to speak to the Commission concerning this issue? If not, what's the pleasure of the Board?

COMMISSIONER ANAYA: Mr. Chairman, I'm going to move for approval and uphold the decision of the CDRC but I want to add one condition and that being that they do have to have the water attached to the Valencia Water Company. And it would be based on that condition, because I think it's a critical condition. I think in the long run in might behoove you, even though it might cost a hundred and some odd thousand dollars or whatever, but it would cost you that much to drill wells also for the four lots, because you can get in that same kind of problem. I believe that was one of the recommendations, that was one of the requirements coming forth, correct? Valencia, along with the monitoring of the .25 acre-feet? Is that correct?

MS. GUERRERORTIZ: Sir, that could be a solution to this.

COMMISSIONER ANAYA: That's my motion.

COMMISSIONER GRINÉ: Second.

COMMISSIONER ANAYA: I hope I made sense, that they be attached to the Valencia Water Company. That, with the pending litigation and everything that's going on. I think it will run parallel with that.

CHAIRMAN DURAN: Just so the applicant understands, that the motion is, if the motion passes, you get your lot splits but you have to hook up to the water. So should there be a condition that prior to recording the lot splits, they need to bring some kind of documentation before us proving that they have hooked up or have the right to hook up.

COMMISSIONER ANAYA: I'm basing it on the five allocated water hook-ups that they have from the Valencia Water Company?

CHAIRMAN DURAN: Do they have those?

COMMISSIONER TRUJILLO: They have those, yes.

MS. GUERRERORTIZ: Mr. Chairman, Commissioners, usually what we do is we say before the plat can be recorded, you actually have to do the hook-up, or you have to provide a financial guarantee insuring that that hook-up can occur within 18 months.

CHAIRMAN DURAN: I think what they've given us is adequate proof that they have the water hook-ups.

COMMISSIONER ANAYA: That's part of it because they have five hook-ups allocated from the Valencia Water Company and that's the water basis of their request.

CHAIRMAN DURAN: So this would preclude them from drilling wells and providing water to these other lots by wells.

COMMISSIONER ANAYA: Yes.

CHAIRMAN DURAN: Okay. That's the motion. Is there any further discussion? Those in favor signify by saying "aye." Opposed? Motion carries. [Commissioner Anaya, Commissioner Griñé and Commissioner Trujillo voted in favor of the motion.]

CHAIRMAN DURAN: The applicant seems a little confused here. Do they have the ability to come back in and discuss their application with you. Perhaps less lots. You can always come back with another application. I don't think you can come back immediately with the same type of request though.

COMMISSIONER ANAYA: Let's hear what he has to say. Don't say too much or it just might lead to denial.

MR. ROMERO: Mr. Chairman, Commissioners, again, the length of running that line, the cost is unbelievably high. We're not talking about 150 feet. We're talking about half a mile, which is over 2,000 feet. To run that line is unfeasible, sir.

COMMISSIONER ANAYA: But Mr. Romero, your application states pretty clear here. The applicant states that she cannot afford the cost of the geo report and therefore requests the variance. She feels the two wells existing on the property produce adequate water. She has also been allocated five water hook-ups to the Valencia Water Company, which may be utilized.

MR. ROMERO: That's correct, sir. We do have five hook-ups for Valencia. It's in the process of hooking them up that it is unfeasible, sir. And we explained that to the CDRC, the review committee.

COMMISSIONER ANAYA: What you're requesting then is the two wells

existing on the properties right now, that you hook up to those.

MR. ROMERO: That's correct, sir. They are already hooked up. There's four dwellings on the property. They're already hooked up to the existing wells and we've never even considered hooking up to Valencia. The cost is prohibitive.

COMMISSIONER ANAYA: That's my misunderstanding, Mr. Chairman. I'm going to retract the conditions I imposed that they be required to hook up to the Valencia Water Company. If there's two wells, then maybe the monitoring then on the wells would suffice.

MS. GUERRERORTIZ: Mr. Chairman, Commissioners, that's up to your discretion.

COMMISSIONER ANAYA: Okay. Then we'll go that route.

CHAIRMAN DURAN: So here's the thing. The lot as it exists right now has the ability to use how much water, acre-feet of water?

MS. GUERRERORTIZ: Mr. Chairman, there are four homes on this property. There are two wells serving those four homes. They were not able to prove that they had adequate water supply for any length of time. We really never got anywhere with the geo-hydro requirements of our Code. I believe it's because the wells were drilled inadequately. They're not deep. I assume that's what it was, but basically, I think it was prohibitively expensive for them to drill a new well that would have met the requirements to prove adequate water.

COMMISSIONER ANAYA: I see. I see the picture now. I'm retracting that fourth condition and then we'll just simply the three conditions under the recommendations with all that.

COMMISSIONER TRUJILLO: But there's no water out there. They haven't proved that there's sufficient water to support the proposed development in that area and my concern is that there's pending litigation that is going to fly in our face.

COMMISSIONER ANAYA: Still, my motion holds and of course I'm holding the recommendations from CDRC.

[Audio unavailable for this portion of meeting due to County system and the following is taken from the reporter's notes]

Ms. Brown informed the Commission that the proper procedure was to make a motion to reconsider the motion.

Commissioner Anaya moved to withdraw his motion and reconsider the application. Commissioner Griñé seconded and the motion passed by unanimous voice vote.

Commissioner Anaya then moved to uphold the decision of the CDRC with the three conditions. Commissioner Griñé seconded and the motion passed by unanimous

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voice vote.

- X. D. 5. **CDRC Case #A 99-5151. John Paul Garcia Appeal. John Paul Garcia, applicant requests an appeal of the County Development Review Committee's decision to deny a subdivision to create three lots on 12.5 acres. The property is located east of State Road 14, off County Road 44, within Section 25, Township 15 North, Range 8 East**

ROMAN ABEYTA (Review Specialist): Thank you, Mr. Chairman. On March 30, John Paul Garcia submitted an application to divide 12.5 acres into five 2.5-acre tracts. The property is located within the Basin Fringe Hydrologic Zone where the minimum lot size is 12.5 acres. Therefore, the application for subdivision included the submission of a hydrology report prepared by Clay Kilmer. A review of the report by the County Hydrologist concluded that the existing wells on the property could not support the five lots.

Staff relayed this to the applicant. He disagreed with the County Hydrologist review and requested that the State Engineer's Office determine if the five lots could be created. The Land Use Administrator agreed to submit the report to the State Engineer's Office for their opinion. Several weeks later, a response from the State Engineer was received concurring with the County that the report does not substantiate the creation of five tracts. The State Engineer found that there is only enough water for one tract. The County Hydrologist has found that the work submitted does not demonstrate adequate water per Code requirements and recommends that another well be drilled, evaluated, and proven adequate before any lot splits are considered.

In January of 1999, a revised plat creating two 2.5 acre tracts and one 7.5-acre tract was submitted by the applicant. He claims that this was submitted under advisement from the previous Land Use Administrator. On March 18, 1999, the applicant was informed in writing that his application as submitted had been denied and at this time, only two equal size tracts could be approved. It was also relayed that if a new more favorable well is drilled, he could make a new submittal for subdividing the property subject to new water availability findings.

On March 19 the applicant filed an appeal to the CDRC. On April 29, the CDRC upheld the decision of the Land Use Administrator and denied the application to create three lots.

Recommendation: In the case of John Paul Garcia, both the County Hydrologist and the State Engineer's Office reviewed a hydrology report conducted on this tract and concluded that it does not demonstrate water availability adequate to support the creation of two lots less than 6.25 acres in size. Staff recommends that the appeal be denied. Thank you, Mr. Chairman.

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[Audio unavailable for this portion of meeting due to County system and the following is taken from the reporter's notes]

John Paul Garcia, duly sworn, gave a history of his attempts to subdivide his property. He said he was confident that his hydrology report proved up water based on the figures in the Hydrology Appendix in the County Land Development Code.

Clay Kilmer, duly sworn, stated there were three separate long term tests made and the well was producing one gallon per minute, which is what the Hydrology Appendix requires. He said the well was not intended to be the source of water for the five lots, but was strictly to demonstrate adequate supply. He noted there is nothing in the Code about the problems of the watershed in the Eldorado area.

Hydrologist Frost reiterated his position that this was a poor well.

MS. BROWN: It's not just Jack here. We have the State Engineer as well backing up Jack's position. The applicant, in his letter on page 6-15 said if we submit it to the State Engineer, their review will determine whether or not I have proved the water availability for the proposed lot split. His position was that there was an agreement that the State Engineer's response to the review will be binding to all parties. So we got their review back and now they're sort of backpedaling and saying okay, now I don't want to be bound by the State Engineer's review.

MR. KILMER: One thing I'd like to bring up is that the County's response to that letter was that they could not sign on to it and make the State Engineer's Office binding to all parties. In other words, that request was denied by the County. With regard to the State Engineer Office's opinion that a three gallon a minute well was inadequate for an individual domestic supply, there is a specific value of one gallon a minute set forth in the hydrology appendix of the land division ordinance that says one gallon a minute is adequate. So they're using one set of numbers --

CHAIRMAN DURAN: One gallon a minute?

MR. KILMER: Absolutely.

CHAIRMAN DURAN: Okay, Mr. Kilmer. Thank you very much. We're through with your comments. We're now going to go to the public hearing. If there is anyone out there that would like to address the Commission please come forward.

[Duly sworn, Jack Maruska testified as follows:]

JACK MARUSKA: My name is Jack Maruska. I live across the street at Lot 118, County Road 44. Mr. Chairman, thank you for the opportunity to speak against this subdivision. I'm in favor of the staff recommendation to deny based on the fact there's no qualified well. If you were to approve this subdivision even at three or two lots it would be

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over-densifying the area and I'm happy to see that you saw through the smoke about this debate about the hydrology. I'll keep my comments short. If you have any questions.

CHAIRMAN DURAN: Thank you. The smoke hasn't cleared. Anyone out there that would like to address the Commission?

[Duly sworn, Patricia Ochoa testified as follows:]

PATRICIA OCHOA: My name is Patricia Ochoa. I live at 2654 Calle Primavera. Chairman Duran and members of the Commission, I too would like to support the staff's recommendation in denying this application due to the fact that the traffic in that area will be increased. The water, I don't feel that by subdividing you're going to do any justice to the people that have lived there over the last ten, fifteen years. For the water problem, traffic problem, I think we would appreciate it, the people that do live there, if you would support staff. Thank you.

CHAIRMAN DURAN: Thank you very much.

COMMISSIONER TRUJILLO: I would just like to say one thing. The issue is not that there is going to be an augmentation is traffic or that it's going to impact the neighbors because this individual wants to develop his land. He has a right to develop his land. The issue and the only issue is water. That's all. And if he comes forth with a study that shows an ample water supply, development happens in that area. Right now that issue is water.

CHAIRMAN DURAN: Is there anyone else out there that would like to address the Commission? If not, what's the pleasure of the Board?

COMMISSIONER GRIÑÉ: Mr. Chairman, I move to uphold the denial of CDRC that was held on April 29 and the decision of the Land Use Administrator to deny the application to create lots.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: There's a motion by Commissioner Griñé, second by Commissioner Trujillo. Any further discussion?

I would just like to say that I think that one gallon per minute is not adequate water and I think that it's this Board's responsibility to make sure that whatever lots are created out there have adequate infrastructure and are provided adequate water and I think one gallon per minute is totally inadequate.

Those in favor, signify by saying "aye." Opposed? The motion carries. [The motion carried unanimously with Commissioner Anaya, Commissioner Griñé and Commissioner Trujillo voting in favor.]

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- X. D. 6. **CDRC Case #A/V 99-5141. Paul Valdez Appeal/Variance. Paul Valdez, applicant, requests an appeal of the County Development Review Committee's decision to deny a permit to allow a second home on 5.06 acres, which would result in a variance of Article III Section 10 of the Land Development Code. The property is located east of State Road 14 on Pinon Road within Section 31, Township 15 North, Range 9 East**

MR. ABEYTA: Thank you, Mr. Chairman, members of the Commission. Staff recommends that this appeal be denied, based on Article III, Section 10 of the County Code which requires 12.5 acres of land per dwelling unit. This five-acre tract was created prior to the adoption of the County Code. The intent of the Code is to set minimum lot size in this area at 12.5 acres per dwelling unit, therefore staff recommends that the request for a variance be denied. If the applicant can prove there's adequate water for two homes through a positive geo-hydro report acceptable to the County Hydrologist, the two homes may be permitted administratively and no variance will be needed, but it should be noted that this area has very limited water resources and it is unknown whether adequate water can be proven for two homes on five acres. Thank you, Mr. Chairman.

CHAIRMAN DURAN: Roman, how long have the two homes been there, in existence as two residences?

MR. ABEYTA: Mr. Chairman, members of the Board, there's been one home on this property. I don't know when it was originally permitted or if it's been there since before 1981. But in 1994 the applicant came in to build a main residence on the property and at that time, he agreed to remove the mobile home once the main home was built. Staff told him back then that we would only permit this home if the existing mobile home was removed. He agreed to do that in 1994. That was never taken care of and now there are two existing homes.

CHAIRMAN DURAN: And his mother lives in it right now?

MR. ABEYTA: Mr. Chairman, it's my understanding based on the information provided by the applicant that his mother or mother-in-law lives in the mobile home.

CHAIRMAN DURAN: Okay, thank you. Any questions of Roman? Thank you. Is the applicant here?

[Duly sworn, Paul Valdez testified as follows:]

PAUL VALDEZ: Paul Valdez, 40 Pinon North, Santa Fe, New Mexico.

CHAIRMAN DURAN: Do you have anything to add to the application? Would you like to say anything about it?

MR. VALDEZ: Actually, the only reason I have it there is just for my kids' grandmother to live there and I really didn't intend to keep it there forever. I just want to give her a place to live, to live out her days or whatever. She's an elderly lady and it's kind

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of hard to tell her just to leave, that she has to leave. We try and take care of her as we were taught, to take care of your elders. We try and do it.

CHAIRMAN DURAN: Are both homes hooked up to the same well and the same septic system?

MR. VALDEZ: Yes, they are. The septic system has been revised. I'm sure you have the paperwork. And yes we're both off the same well.

CHAIRMAN DURAN: So when God forbid, your mother or mother-in-law passes on, you would have no further need for it?

MR. VALDEZ: No.

CHAIRMAN DURAN: Is there any way that we could talk about granting a temporary permit and let him come in periodically to renew it?

COMMISSIONER TRUJILLO: We've done that before.

MS. BROWN: Mr. Chairman, we have done that in the past.

CHAIRMAN DURAN: Okay, well let's consider that. Do you have anything else you'd like to say?

MR. VALDEZ: Actually, they were saying that I had agreed to remove it. I found a footnote on my prints that said "to remove" but I never realized until it was brought to my attention. As I understood the procedure was to get a written affidavit and have it authorized or notarized by the County. And if that had been brought to my attention I would have moved it but it wasn't and my mother-in-law is living there now.

CHAIRMAN DURAN: Lucky for you you didn't see it. Your mother gets to live next door. Any questions of the applicant?

COMMISSIONER TRUJILLO: No questions.

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

COMMISSIONER ANAYA: I'm going to move that we allow continuance of the second home and therefore overturn the decision of the CDRC. Move for approval on their request.

CHAIRMAN DURAN: Is that on a permanent basis?

COMMISSIONER ANAYA: On a permanent basis, Mr. Chairman. I think within the period of time that second home has existed that might be a proven factor as to the existence of enough water for two homes. In my mind, anyway, it establishes a justification of water approval.

CHAIRMAN DURAN: It establishes water?

COMMISSIONER ANAYA: A justification of water existence, excuse me.

COMMISSIONER GRINÉ: I think the applicant agreed that he is willing to move the trailer in case anything happened to his mother-in-law.

CHAIRMAN DURAN: My only concern is that if we approve this one, everyone else is going to come in for it for -- it just kind of sets a bad precedent if we grant

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it for the life of his mother -- is it your mother or mother-in-law?

MR. VALDEZ: It's my kids' grandmother.

CHAIRMAN DURAN: Okay.

COMMISSIONER ANAYA: You're requesting a continuance then? Just a continuance. We can grant it for an additional three years and then come by again. What was the original request for your second home was what? Three years?

MR. VALDEZ: One of the things one of the members of the CDRC asked me to do, they asked me if I could do that. Maybe just go ahead and have her live there as long as she needed to live there and then maybe come in every couple of years and notify you guys and let you know that she's still living there or if she does pass away then I would move it out, but just to check with you every couple of years.

COMMISSIONER TRUJILLO: That's fine. Three years.

COMMISSIONER ANAYA: So three years is acceptable then?

CHAIRMAN DURAN: And they come in for an extension.

COMMISSIONER GRIÑÉ: I'll second that motion.

MS. GUERRERORTIZ: Mr. Chairman, Commissioners, we have had cases like this where we allow the people to do it administratively, do extensions, as long as the situation hasn't changed.

CHAIRMAN DURAN: Right. We'll do it that way. So you don't have to come up before us every time.

COMMISSIONER ANAYA: So definitely for three years.

MR. VALDEZ: After three years?

COMMISSIONER ANAYA: Then come back.

MS. GUERRERORTIZ: Back to staff and just tell us that your mom is still living there.

CHAIRMAN DURAN: You have to sign an affidavit of some sort, right?

MS. GUERRERORTIZ: Yes, we'll ask him to sign an affidavit swearing that he'll come in and then once his mother is no longer living in that house that he'll remove the trailer within a reasonable period of time.

CHAIRMAN DURAN: Okay. There's a motion and a second. Those in favor signify by saying "aye." Opposed? Motion carries. [The motion passed unanimously with Commissioner Anaya, Commissioner Griñé and Commissioner Trujillo voting in favor.]

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- X. D. 8. **EZ Case #S 97-4671. Sundance Estates Subdivision. Sundance Estates, Richard Gorman, agent for Welsh Family Limited Partnership, requests preliminary and final plat and development plan approval for a Type II, 65-lot residential subdivision on 163 acres in accordance with the approved master plan. The property is located off County Road 85A within Section 4, Township 17 North, Range 9 East**

MR. ABEYTA: Thank you, Mr. Chairman, Commissioners. This application meets all of the requirements of Section 3.3.5 of the Extraterritorial Subdivision Regulations. On May 13, the EZC recommended preliminary and final plat approval be granted subject to the conditions 1 through 12 as listed in the staff report. And Mr. Chairman, if it's okay with you, I'd like to have those just entered into the record as written.

CHAIRMAN DURAN: Sure.

[The staff conditions are as follows:]

1. Compliance with review comments from the following:
 - a. County Hydrologist
 - b. County Subdivision Engineer
 - c. County Public Works Department
 - d. County Fire Marshal
 - e. County Utilities Division
2. Road names and rural addressing must be approved by the County Public Works Department prior to recording plat.
3. The standard County water restrictions, final homeowners documents and disclosure statement must be recorded with the final plat.
4. The developer must pay the solid waste fee in accordance with subdivision regulations (\$43.00) per lot prior to recording the final plat.
5. All lots are subject to the Santa Fe County Fire and Rescue impact fees. This must be clearly noted on the final plat.
6. The developer must construct the pedestrian trail throughout and across the subdivision's open space.
7. Prior to issuance of a building permit to any lot, proof must be provided to the County that the lot requesting development has access to a constructed shared well meeting the Westside/599 Highway Corridor Construction standards. This must be clearly noted on the final plat and in the subdivision disclosure statement.
8. The subdivision will be subject to the following conditions:
 - a. 0.40 acre-feet per year water restriction. No guest houses or pools shall be permitted.

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- b. Trails shall be dedicated for public use.
- c. Lot owners, their successors and assigns shall agree to connect to the County of City water system when service is available within 200 feet.
- d. Shared wells will be required.
- e. The shared well system shall be designed to meet the minimum fire flow requirements of the subdivision.
- f. At the time the connection is made to the Santa Fe City or County water utility, landowners, their heirs, successors and assigns agree to disconnect from any domestic wells create and to discontinue use.
- g. Lot owners shall dedicate a 15-foot wide utility easement along all lot lines for infrastructure water distribution lines.
- h. Residential fire suppression systems are required in all dwelling units.

These conditions must be noted on the final plat, the subdivision covenants and the disclosure statement.

- 9. Construction vehicles are prohibited from using Camino de los Montoyas when in route to the subdivision until it is paved.
- 10. Submit proof of a road maintenance agreement with Los Amigos Homeowners Association.
- 11. The individual ponds, trails, roads and drainage facilities, check dams, fire protection system, shall be maintained by the homeowners association. This shall be noted on the plat, covenants, and homeowners association bylaws. A maintenance schedule and means to pay for such maintenance shall be submitted for staff review.
- 12. Submit an engineer's cost estimate with financial surety for all required improvements (street and traffic signs, water system, fire protection system, off-site improvements, pedestrian trail, County Road 85A, etc.) Include schedule of compliance projecting time period for completion of improvements. Upon completion, submit a certification by a registered engineer that improvements have been completed according to the approved development plan.

CHAIRMAN DURAN: I just have one question. Was one of those that contributes the paving of Fin del Sendero? Was that one of those?

MR. ABEYTA: We have a condition that addresses that issue.

CHAIRMAN DURAN: Okay. Because I know we're getting close to doing that. Any questions of Roman? Is the applicant here?

[Duly sworn, Richard Gorman testified as follows:]

RICHARD GORMAN: My name is Richard Gorman. My address is P.O. Box 8841, Santa Fe, New Mexico. Two simple statements. Number one, all the conditions as recommended by staff are acceptable to us and to address the Chairman's issue, one of the conditions is that we contribute \$120,000 towards the paving of Fin del Sendero. Los Amigos will contribute the balance of that and we're required as a condition of the filing of

the subdivision plat to convey that money to Los Amigos to make sure it's done as quickly as possible. So we're all anxious to get the plat recorded as quickly as possible to expedite that paving project.

COMMISSIONER TRUJILLO: Mr. Chairman, Richard, the water is going to be through clustered wells?

MR. GORMAN: Yes sir. And in fact, staff has very diligently addressed the issues of clustered wells. What we have to do, we're required to have clustered wells. We have to drill them to the requirements of the Westside -- there's a specific design requirement that we have to meet. We're also required to develop fire protection for the project. We've submitted a plan to the Fire Chief who has reviewed it. We have storage tanks, hydrants that have all been reviewed by the Fire Department.

COMMISSIONER TRUJILLO: Because there was a concern that one of the conditions of the initial approval was that the developer go out and get water rights from the surrounding community and that would have compromised some traditional water rights for domestic use and that was a problem that we all had.

MR. GORMAN: Yes, in fact this body granted a variance from that requirement, so the variance was granted and part of that whole process led to the contribution of the \$120,000 to Fin del Sendero. The project has gone very smooth and I thank you, Commissioner Trujillo, for facilitating the discussions that happened early on that led to this, to the ability to contribute towards the paving. We're very pleased with how the process has gone.

MS. GUERRERORTIZ: Mr. Chairman, Commissioners, we did find a problem with our report. Although we have agreed that the road to the south will be paved and there'd be a letter of credit associated with that, we notice that it's not listed as one of the conditions. So staff at this time would like to add another condition, and I'm going to wing this, because I don't have anything in front of me. Prior to plat recordation, a financial guarantee shall be provided to staff to cover the paving of the road from the southern edge of your project to the existing pavement on Fin del Sendero.

Just for your information, to clarify the record, we're not asking that this applicant in himself provide that financial guarantee, but because it's actually going to be an agreement with some other parties. The Los Amigos Homeowners Association is going to provide that letter of credit, but we do need that letter of credit in hand before we record the plat.

CHAIRMAN DURAN: How can we require this applicant to tie --

MS. GUERRERORTIZ: Very unusual situation, but what's happened is Los Amigos and the Welsh family have entered into an agreement together that Mr. Welsh, or the Welsh family is going to give them -- I can't remember the number -- like \$100,000 and in exchange, Los Amigos is going to use that money to pave the road and make up for any remaining costs associated with it. So Los Amigos has gone on record that they will pay for any remaining costs associated with pavement.

MR. GORMAN: I might add that even though, somehow it didn't make it into

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staff's report, we did send a letter signed by the president of Los Amigos and by the Welsh family setting forth exactly what she said and we have an agreement. Everything is required for us to contribute. We have actually an executed agreement between us and Los Amigos that requires us to contribute the \$120,000 as part of the recordation process. So we find the condition she recommends consistent with everything that's been done. We would find that acceptable.

MS. GUERRERORTIZ: And that agreement is actually in your packet as Exhibit E. So it is part of the record already.

MR. GORMAN: I'm not sure if you included the letter that we sent you. It might not have been it. We sent you a follow-up letter, discussing the issues a little bit more.

CHAIRMAN DURAN: I have a question. So rather than write a check to Los Amigos, is it possible just to give them a letter, a financial bond or something?

MS. GUERRERORTIZ: Staff is not requiring getting into the details of how the Welshes are paying Los Amigos. All we're concerned about is prior to that plat being recorded there's some kind of letter of guarantee, guaranteeing that road's going to be paved. How they work out the details is up to them, honestly.

CHAIRMAN DURAN: My only concern is to make sure that the money goes to that effort.

MR. GORMAN: The agreement which both parties signed and we sent a copy, calls for us -- we wanted to make sure that the County had direct access so that the money would get used for what it said. What it calls for is we transfer the money to specifically Century Bank. Century Bank immediately issues a letter of credit to Santa Fe County that the money is given in favor of Los Amigos. So Los Amigos undertakes all the actual road improvements. But you guys have a letter of credit against those improvements. They in turn have to issue a letter of credit for their portion of it. So Santa Fe County has direct access, makes sure that everything is used exactly for the paving project and yet they have the monies necessary to do the improvements. That was the way we structured it.

CHAIRMAN DURAN: Okay, it's a public hearing. If there's anyone out there that would like to address the Commission, please come forward.

[Duly sworn, Mary Melissa Rigg testified as follows:]

MARY MELISSA RIGG: My full name is Mary Melissa Rigg. I live at 71 Estrellas de Tano. My first name's Mary but I go by Melissa. Anyway, the reason we're all here, we all live off Estrellas de Tano, which is at the end of 85A, 85A turns into Estrellas de Tano. And what we've noticed over time is that we have a private road and it continues to be washed out and we speculate it's because of development upstream. And one of the things we're going to do is talk to the Tano Road Association about working with us to have the County become involved in keeping our road clear. We just spent about \$20,000 putting a concrete crossing in and that washed out a couple of weeks ago. Actually it didn't wash out but the gavions did.

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So anyway, this is just sort of a heads-up that as you approve developments, especially this large in our area, those of us downstream continue to be impacted. So I just wanted to let you know that.

CHAIRMAN DURAN: Thank you.

MR. GORMAN: Mr. Chairman, I wasn't aware that these folks had a concerns so I'll express what we've done to both you and them at the same time. First off, Oralynn has reviewed our plans for terrain management issues and we've done a wide variety of things on the terrain management issue to make sure that we deal with our run-off. Not to mention that each and every one of these houses has to design drainage improvements. And something that's being done unique here, which I think the County will be moving to in the long run. We're making the homeowners association as a whole responsible for the maintenance of the individual ponds in the subdivision, so that you just don't have an individual property owner who after he gets his permit goes and fills the ponds. In this case, the homeowners association is going to have to monitor those ponds to make sure that they're done.

We've also in our plans shown a whole series of check dams. This is above and beyond all the drainage requirements. So as just to catch silt, slow down the volume of water and in our minds, minimize erosion control downstream. With regard to the roads issues, I'm not sure if they're aware, we're upgrading 85A from the fork to the property. That portion is not being paved but we're upgrading it. We're taking the horizontal and vertical curves out of it and bringing it up to County standards as a part of this project.

Further, Sundance is being paved from 85A all the way to Fin del Sendero, and Fin del Sendero is being paved all the way, will ultimately be paved all the way to Camino La Tierra. So hopefully, that would provide traffic relief to where they won't continue down 85A down to their area and have to go down south from that area. So in general, this project should help alleviate all of those conditions.

CHAIRMAN DURAN: Thank you. Is there anyone else out there that would like to address the Commission? If not what's the pleasure of the Board.

Commissioner Trujillo moved to approve EZ Case #S 97-4671 with all thirteen conditions. Commissioner Griñé seconded and the motion passed by unanimous voice vote with Commissioner Anaya, Commissioner Griñé and Commissioner Trujillo voting for the motion.

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- X. D. 9. **EZ Case #S 97-4573. Valle Vista Heights. Elmer Garcia requests an amendment to the master plan for Valle Vista Heights. The amendment includes developing the subdivision in three phases and utilizing a shared well system for the first two phases. The property is located off State Road 14 within Section 26, Township 16 North, Range 8 East**

MR. ABEYTA: Thank you, Mr. Chairman. On May 13, the EZC recommended that the master plan be approved subject to the following conditions:

1. The amended master plan must be re-recorded with the revised phasing schedule.
- 2 An application for preliminary plat and development plan approval of Phase III cannot be submitted until a service contract acceptable to the County Land Use Department is submitted. This must be noted on the master plan prior to its recordation.
4. The applicant must address review comments from the following:
 - a. County Subdivision Engineer
 - b. County Fire Marshal
 - c. State Engineer's Office
 - d. State Highway Department
 - e. State Environment Department

Thank you, Mr. Chairman.

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

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: Mr. Chairman, Commissioners, my name is Jim Siebert. My address is 915 Mercer Street.

CHAIRMAN DURAN: Mr. Siebert, do you agree with all of staff's recommendations?

MR. SIEBERT: Yes, we do. Just some clarifications here and I believe these items have been discussed with the County staff. Number five, a financial guarantee acceptable to the County. If we could just clarify that that would be --

I'm sorry, I was reading off the EZC application so I'm mistaken.

CHAIRMAN DURAN: You're here at the County, Jim.

MR. SIEBERT: I'll get this right yet. Can I just take one second here. We can make this real easy. We agree to all the conditions.

CHAIRMAN DURAN: Any questions of the applicant.

COMMISSIONER TRUJILLO: No questions.

CHAIRMAN DURAN: This is a public hearing. Is there anyone out there that would like to address the Commission concerning this issue.

Commissioner Anaya moved to approve EZ Case #S 97-4573 and Commissioner Griñé

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seconded. The motion passed by unanimous voice vote with Commissioner Anaya, Commissioner Griñé, and Commissioner Trujillo voting in the affirmative.

- X. D. 10. CDRC Case #V 98-5450. R.L. Leeder Variance. R.L. Leeder, applicant, Jim Siebert, agent request a variance of Article III, Section 4.2.3 of the Land Development Code to allow for an extension of the 2500-foot radius of the boundary of a major center commercial district and an addition to the 250-acre maximum developable area within the district, which would result in the extension of the major center commercial district at State Road 599 and Airport Road intersection to allow for industrial, commercial uses on the property. The property is located off State Road 599 north of the intersection with Airport Road, within Section 2, Township 16 North, Range 9 East**

PENNY ELLIS-GREEN (Review Specialist): Mr. Chairman, Commissioner, the applicant is requesting a variance to allow for commercial uses on the property. On April 29, the CDRC approved the development plan for mining on this property. Mining uses do not have to be located within a commercial district. Major center commercial districts exist at that intersection of Airport Road and State Road 599. Article III, Section 4 of the Code defines the boundary of a major center commercial district as a 2500-foot radius from the intersection. The developable area within this district is 250 acres.

The applicant is requesting a variance of these requirements to allow the rezoning of 16.9 acres which lies outside of the district and to exceed the 250 acres of allowed commercial acreage within the district. The applicant is requesting to adjust the district northeast to allow the district to extend an additional 3400 feet to the northeast. Article III, Section 4.1 of the Code states that the districts are established to avoid strip commercial development along highways, to permit intensive development of land at designated locations and to protect future and existing residential land from the encroachment of non-residential uses.

This proposal is not consistent with the purpose and intent of the commercial districts. Also the Highway Corridor draft plan designates the Airport Road/State Road 599 area as a redevelopment district. The subject property is not located within the redevelopment district. The plan designates the subject property for future residential use.

Recommendation: Staff's recommendation and the decision of the CDRC was to recommend that this variance be denied, based on Article III, Section 4 of the County Code, which requires commercial uses to be located within commercial districts. If the BCC's decision is to allow the variance, staff requests conditions in Exhibit A be attached. Thank you.

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CHAIRMAN DURAN: Any questions of Penny? Is the applicant here?
[Previously sworn, Jim Siebert testified as follows:]

JIM SIEBERT: Mr. Chairman, Commissioners, my name is Jim Siebert, address is 915 Mercer.

CHAIRMAN DURAN: Jim, I have a question. The request is to expand on the existing node by how much acreage?

MR. SIEBERT: The acreage itself is approximately 20 acres, 16.9 acres.

CHAIRMAN DURAN: Because I guess there was a -- it's my understanding that Mr. Leeder is going to be moving his existing location, which is on state land?

MR. SIEBERT: Let me give you a little history on this. I think quite a few of the members were here actually, when rezoning took place on Mr. Leeder's property on Agua Fria Street and the understanding was that Mr. Leeder would make an effort to relocate his construction equipment and construction operation from kind of the center of the Village of Agua Fria to another location. This is a tract of land that his mother has owned for several years and he has purchased recently.

What he'd like to do is consolidate not only his existing operation, his construction operation that's in the village, he also has an asphalt batch plant that is located right where Agua Fria and San Felipe swings up, where it turns into San Felipe. If you go a little past that, he has his asphalt batch plant and crusher and other kind of heavy and more intensive industrial. He'd like to consolidate both of those uses on this tract. What would happen is he would excavate down. He'd be down 25 to 30 feet and locate those facilities. What we've done is -- this is kind of an over-enlarged section. His property is actually set back about 120 feet from State Road, from the frontage road of State Road 49, the furthest road to the north.

So the roadway is here and then we have a buffer of state land here, and then his property begins here. But as you can see, the bottom of the pit is here and the visual aspect of this as it rises up a little and falls down, so from the roadway this property at the bottom of the pit would actually not be visible from 599.

CHAIRMAN DURAN: So is it in the Highway Corridor Review District, review boundaries?

MR. SIEBERT: It is within the Highway Corridor Review District, yes.

CHAIRMAN DURAN: Is all of it within it?

MR. SIEBERT: All of it is within. The corridor review district as I recall, extends for 1000 feet from the edge of the -- 2,000 feet from the edge of 599 right-of-way. So he would be entirely within.

MS. BROWN: Mr. Chairman, Commissioners, if you look in your packet, Exhibits G and H, I think will give you an idea of where the property is located with respect to the corridor district.

CHAIRMAN DURAN: So my question Jim is, you attended a lot of those meetings, why do you have to come before us tonight and ask for this, knowing that this is

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going to create a lot of concern?

MR. SIEBERT: Well, I think the issue is quite unique. There are several factors that come into play here. First of all, the commitment to relocate his business. The idea is also that the batch plant -- it's not like we're creating a new batch plant. He's simply taking a batch plant from its present location, which is also within the highway corridor and he would have every right to maintain within the highway corridor in its present location, and relocate it to a new location.

In terms of meeting the intent, I think we've met the intent of the highway corridor by taking the entire property, sinking it down as a result of the mining activities and taking it out of view of New Mexico 599.

CHAIRMAN DURAN: I just have one more question. Is there a landscaping plan around it?

MR. SIEBERT: With the development plan we will submit a landscape plan. Right now, what's before you is a variance request, so there's no actual physical plan that accompanies that.

CHAIRMAN DURAN: So when you do come forward, if you gain approval tonight, you can address that concern? Because I would have that concern if you get approval that in addition to sinking it that you provide some kind of landscaping to further buffer the use.

MR. SIEBERT: We certainly would.

COMMISSIONER TRUJILLO: I just want to make a comment. I had the opportunity to drive that area this weekend and I was overwhelmed with the industry that surrounds that 599, just many sand and gravel pits and many warehouses and it's totally conspicuous at that southern end of 599. I think that Mr. Leeder, I commend him that he wants to do some suppression, if you will, of the visibility in his development, but it's not going to impact the status quo, the existing situation there in the highway corridor and the committee is not going to say, every existing business go away. That's going to remain.

COMMISSIONER ANAYA: I agree, Mr. Chairman. I think what this transitions into is a redevelopment district and I would tend to favor it.

CHAIRMAN DURAN: It's a public hearing. Anybody out there that would like to address the Commission concerning this issue?

Commissioner Anaya moved to approve the Leeder variance, CDRC Case #V 98-5450 and Commissioner Grifé seconded.

MS. ELLIS-GREEN: Mr. Chairman, can you clarify, is that with the conditions attached in Exhibit A.

COMMISSIONER ANAYA: Absolutely, subject to the conditions imposed by staff.

CHAIRMAN DURAN: So I have one question. Mr. Leeder, when do you

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plan on moving this site. Will there be at some point in time two?

R.L. LEEDER: Chairman Duran, we are a small company and we're moving kind of slow, but as soon as -- it will take us a while to mine that down because we are small. So it may be, depending on how much material we take out it may be next year, it may be four years or so before we get that first cell down to the grade we need to relocate.

CHAIRMAN DURAN: But the site on Agua Fria was presented this evening that once you went to the other site, the Agua Fria one would no longer be in operation. Is that true?

MR. LEEDER: That's true. Yes sir.

CHAIRMAN DURAN: Any other comments.

The motion carried upon unanimous voice vote with Commissioner Anaya, Commissioner Griñe and Commissioner Trujillo voting in favor.

- X. D. 1. EZ Case #DL 99-4150. Manuel and Sophie Gurule. Paul Rodriguez, agent for Manuel and Sophie Gurule requests plat approval for family transfer to divide 5.8 acres into two tracts. The described property is located within a BCC previously approved subdivision called Pinon Hills, off Calle Enrique, within Section 25, Township 17 North, Range 8 East**

MR. GARCIA: Thank you, Mr. Chairman. The property is located within a subdivision that was approved by the BCC in 1964. The subdivision is legal non-conforming as it does not meet current subdivision standards for fire protection, roads, liquid waste. The described property lies within the Basin Hydrologic Zone where the minimum lot size is 2.5 acres with .25 acre-feet per year water restriction. The following lot sizes are proposed: Lot 5A is 3.3 acres, one home to be retained by the property owner. Lot 5B is 2.5 acres, one home, to be transferred to the applicant's daughter. The age is 33.

Staff recommendation: All existing infrastructure such as fire protection, water and liquid waste system and roads within the Pinon Hills Subdivision have been constructed in accordance with subdivision standards that were in place in 1964 at the time of approval. Infrastructure requirements in 1964 were not as comprehensive as today's standards, thus the Pinon Hills Subdivision is legal non-conforming.

At the regularly scheduled meeting of May 13, 1999, the EZC recommended approval of the request subject to the following conditions.

[The staff conditions are as follows:]

1. The private easement that extends off Calle Enrique must be developed meeting SFC Common Roadway Standards, prior to recording the plat of survey or the applicant

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- must provide Santa Fe County with a certified engineer's cost estimate to develop access. A financial guarantee acceptable to the County in the amount of the approved cost estimate must be included.
2. The applicant must record water restrictive covenants simultaneously with the plat of survey imposing .25 acre-feet per year per tract. Water meters for each subject parcel must be installed to monitor water use. Annual water consumption reports must be submitted at the County's request if and when deemed appropriate.
 3. The applicant must contact Rural Addressing for assignment of addresses for the proposed tracts. Addresses must be added to the plat.
 4. EZO regulation require a solid waste fee be assessed for all newly created parcels. The fee for this subdivision is \$78.03.
 5. The applicant must prepare and submit covenants for the use and development of the property.
 6. A detention pond must be constructed to retain excess drainage caused by the existing development on Lot 5A and Lot 5B.
 7. The applicant must submit family transfer affidavits and deeds of transfer to be recorded simultaneously with the plat of survey, including family members' names on the plat.
 8. Submit a school impact report per County Code.
 9. The applicant must obtain approval from NMED for the proposed liquid waste.
 10. Compliance with Fire Marshal review.
 11. The applicant must address all minor corrections by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Oliver E. Garcia, Development Review Specialist with the Land Use Department. These plans must be resubmitted with the mylar prior to recordation.
 12. The applicant must also comply with Santa Fe County's conditions which are attached.

CHAIRMAN DURAN: Are there any questions of Oliver? Is the applicant here? Could you please step forward.

[Duly sworn, Manuel Gurule testified as follows:]

MANUEL GURULE: Mr. Chairman, my name is Manuel Gurule. My address is 44-A Calle Enrique, Pinon Hills.

CHAIRMAN DURAN: Mr. Gurule, do you agree to all the conditions that staff has recommended?

MR. GURULE: Yes, I do.

CHAIRMAN DURAN: Any questions of Mr. Gurule? This is a public hearing. Is there anyone out there that would like to address the Commission? What's the pleasure of the Board?

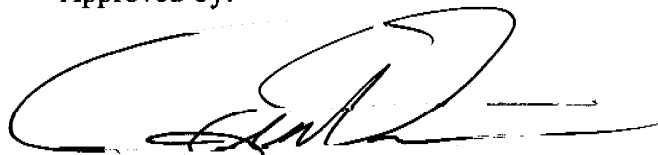
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Commissioner Anaya moved to approve EZ Case #DL 99-4150 with all conditions and Commissioner Trujillo seconded. The motion passed by unanimous voice vote with Commissioner Anaya, Commissioner Griñé, and Commissioner Trujillo voting with the motion.

ADJOURNMENT

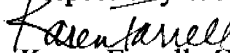
Chairman Duran declared this meeting adjourned at approximately 8:20 p.m.

Approved by:



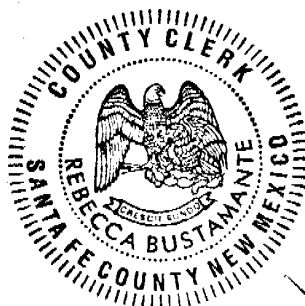
Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

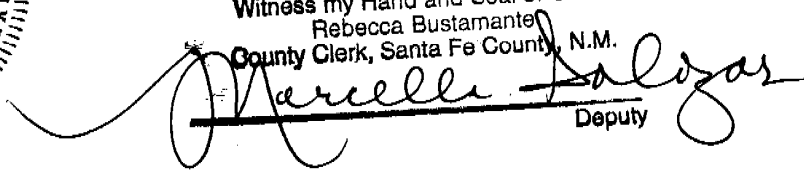
ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1080 612)SS
COUNTY OF SANTA FE)
STATE OF NEW MEXICO
I hereby certify that this instrument was filed
for record on the 30 day of June A.D.
19 99, at 10:37 o'clock a. m.
and was duly recorded in book 1658
page 873 of the records of
Santa Fe County.

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


Deputy



THORNBURG ENTERPRISES LTD.

110 E. BARCELONA RD.
SANTA FE, NM 87501
TEL. (505) 988-1527



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Chairman of the Board of County Commissioners
County of Santa Fe
Santa Fe, NM.

Mr. Chairman and members of the board.

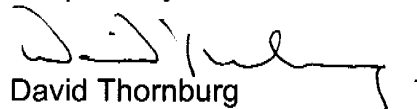
I respectfully submit this correspondence as a response to the County Planning Staffs request to move forward with establishment of Planning and Development Districts within the County of Santa Fe.

We support the creation of the Community College District in concept and request that the Commission authorizes the staff to move forward with the development of a formal zoning ordinance for this district.

We do not indorse the Draft for this district as it is written at this time, And request that any reference to this document be preliminary and general in nature. We respectfully submit that all information and maps contained therein are only for information purposes and are all subject to change, modification, or clarification as a result of the process, which lies ahead.

With this condition we support the staff and request approval.

Respectfully Submitted


David Thornburg