

START

OF

BOOK

MINUTES OF THE BOARD OF COUNTY
COMMISSIONERS

DATE OF MINUTES 6.9.98

DATE OF FILMING _____

CAMERA OPERATOR YVONNE SANCHEZ

REGULAR MEETING

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BOARD OF COUNTY COMMISSIONERS

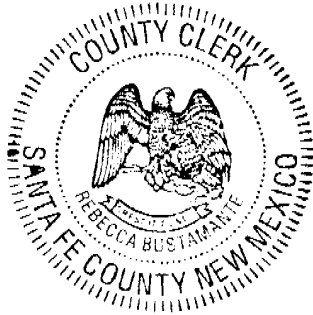
SANTA FE, NEW MEXICO

REGULAR MEETING

JUNE 9, 1998

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

COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO 1032 1798
I hereby certify that this instrument was filed
record on the 15 day of July A.D.
19 98, at 12:38 o'clock P m
and was duly recorded in book 1516,
page 137 of the records of
Santa Fe County.



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

Marcello Pulgar
Deputy

**SANTA FE COUNTY
REGULAR MEETING**

BOARD OF COUNTY COMMISSIONERS

June 9, 1998

This regular meeting of the Santa Fe Board of County Commissioners was called to order at 5:05 p.m. by Chairman Marcos Trujillo 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 Marcos Trujillo, Chairman
Commissioner Joe Griñé, Vice Chairman
Commissioner Paul Duran
Commissioner Javier Gonzales [late arrival]

Members Excused

Commissioner Richard Anaya

V. APPROVAL OF AGENDA

CHAIRMAN TRUJILLO: Are there any changes to the agenda?

MR. SANCHEZ: Mr. Chairman, the only change that I'm aware of is the last item under Land Use Items, V.I.E. 11, CDRC Case #V 98-5070, Western Mobile, has been tabled.

Commissioner Duran moved to approve the agenda as amended. His motion was seconded by Commissioner Griñé and passed without opposition.

[The Commission recessed at 5:05 to Sweeney Center to hear the following item:

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V. PUBLIC PRESENTATION

A. Joint hearing between Santa Fe County, City of Santa Fe and the State Highway Department regarding the Santa Fe Relief Route

Commissioner Duran moved to recess to the Northwest Relief Route Public Hearing. His motion was seconded by Commissioner Griñé and passed without opposition.

The Commission recessed from 5:10 to 8:10 with Commissioners Trujillo, Griñé, Duran, and Gonzales present.

COMMISSIONER DURAN: Mr. Chairman, I make a motion that we reconvene.

COMMISSIONER GRIÑÉ: I second.

CHAIRMAN TRUJILLO: Okay, we've had a motion seconded by Commissioner Griñé. All those in favor? [Unanimous 3-0]

VI. PUBLIC HEARINGS:

A. Presentation on future plans which will impact county roads including Country Club Road. Presentation by Dave Thomas from Tierra Contenta Corporation

DAVE THOMAS: My name is Dave Thomas. I'm the project engineer for the Tierra Contenta and I do appreciate the opportunity to come and make this presentation tonight. The Tierra Contenta Corporation shared the County's concern for the need of managing growth, providing affordable housing and providing adequate transportation facilities for the Santa Fe area. I would briefly like to comment on how Tierra Contenta is addressing these issues and then comment on improving County Club Road or County Road 61. [Audio difficulties were experienced at this point.]

As you're aware, Tierra Contenta is a master planned community programmed to be developed over about the next twenty years and will provide residential, commercial, office and business incubating uses along with parks, open space, schools and other services. Development of the master plan began in 1992 and was completed in 1994 with the approval by the Santa Fe City Council. The process of developing the master plan included input from the general public, numerous public meetings, and a long series of focus groups. The Tierra Contenta Corporation is charged with implementing the master plan and the [inaudible] the master plan.

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One of the primary driving forces behind Tierra Contenta was to provide and satisfy the desperate need for affordable housing in Santa Fe. To give you an idea of how we're addressing that need, I'll give you some figures. The first resident of Tierra Contenta moved in in the fall of 1995 and currently, there are about 360 residents living in there in their new single-family homes and another 160 living in new apartments. While the median price of a house in Santa Fe remains at about \$180,000, the median price in Tierra Contenta is about \$110,000.

Other figures show that Tierra Contenta is really not all about growth, it's more about progress and improving quality of life. I've heard it said that about 95% of the people living in Tierra Contenta did not move into Santa Fe but moved from the Santa Fe area into Tierra Contenta and are still working in the Santa Fe area. About 80% of the new homeowners out there are in their first home. In addition to having a high level of public input in the master plan process, I need to point out too that Tierra Contenta worked on feasibility studies on water, roads and other essential services. Feasibility studies as well as fiscal impact studies.

The adequacy of transportation systems within Tierra Contenta and the surrounding areas are of concern to us all. One of the elements that the master plan uses in order to try to alleviate some of the traffic is the mixed-use concept. The fact that you have employment, commercial, schools as well as residential in the same area [inaudible] outside of Tierra Contenta [inaudible]

Another element that we're using to try to tackle the transportation problems are the nine points of access to the Tierra Contenta property [away from microphone]

The second option would describe and incorporate those improvements without the modifications. Otherwise we would have to provide a new design plus acquisitions in order to implement the first option.

After the improvements to Airport Road are completed, the City of Santa Fe, we understands, intends to take over maintenance of Airport Road. We have received a letter from the City of Santa Fe indicating that it is willing to assume the responsibility for County Club Road between Airport Road and the Tierra Contenta property that is the structure of Country Club Road under either one of those two options. The City has indicated its willingness to take over maintenance of that, south of Airport Road.

T.C. is making a concerted effort to include the public, adjacent landowners, government agencies and other interested parties in this process, this development process. We understand there is no action required from the Commission this evening although I would like to point out that there will be action required for either vacations or easements in implementation of either of these two options. That concludes my rather disjointed presentation.

CHAIRMAN TRUJILLO: Dave, during this process have you solicited community input regarding the proposed distribution of road design? Has that been --

MR. THOMAS: We have been in contact with the adjacent landowners through letters and we've had meetings with the most affected neighborhood, and that is the

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Country Club Estates Neighborhood Association as well as smaller meetings with the Country Club Estates Homeowners that live right on Country Club Road.

CHAIRMAN TRUJILLO: Any questions of Dave?

COMMISSIONER DURAN: Mr. Thomas, the option on the left is the one your group is pursuing at this point?

MR. THOMAS: Well, we're not going to drop either one of them until one of them becomes reality, I guess you could say. Until we get some signatures on paper. Right now we're trying to leave it open as much as possible so that the chances of success are greater.

COMMISSIONER DURAN: As I'm sure you're aware of, you and I have had some discussion about the option on the right and I understand that the person that bought the Selina Paula property, which lines up with Country Club Road right now -- it'd be on the right. My understanding is that the development that was approved on that Selina Paula property provided for an easement along the western boundary of the Selina Paula property and the piece of property that you and I've been talking about for the easement. I was wondering if you were able to -- are you aware of that?

MR. THOMAS: Yes, I have been told that but I haven't been able to verify that, Commissioner. And another problem that I see with that one is the cost of rebuilding a pretty good length of San Felipe Road in order to make that work, and it would require a slight adjustment of County Road 61 to the east, which would impact the northwest corner of Country Club Estates in order to get that across there.

COMMISSIONER DURAN: It seems like the option on the left is the most reasonable one.

MR. THOMAS: It was kind of pleasant surprise to us that the County -- basically, the Country Club said, well, if you're going to take a corner of it you're going to put the driving range out of commission and you might as well take more of it.

COMMISSIONER GONZALES: Mr. Chairman, you said you had visited with the neighborhood at Country Club Estates, I guess, the neighborhood association. Have they made recommendations to you on this? And if so, have you incorporated their input?

MR. THOMAS: Yes, we have. And Mr. Leonard Trujillo is here from that organization, and if he wants to, he can speak for himself. But I think we have made a great deal of progress and based on my conversations and a fax that I got today from Mr. Trujillo, I'm satisfied that we're going to be able to reach an agreement and I think they're real happy with what's happened so far, as well as Tierra Contenta.

CHAIRMAN TRUJILLO: Thank you, Commissioner Gonzales. This is a public hearing so we'll open it up to public comment. Or it's not? There's no input? Is there anyone who wants to speak for or against the plans? Please state your name for the record.

LEONARD TRUJILLO: My name is Leonard Trujillo. I live at 10 Country Club Road, Santa Fe, New Mexico, 87505. A little bit of history -- Mr. Thomas first

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approached us with his design, I believe, the early part of this year, January. My neighbors along Country Club Road were quite reluctant to believe this because he had what we considered a major thoroughfare, Country Club Road, changed into a major thoroughfare. Since then, Tierra Contenta, Dave Thomas through meetings that my neighbor Patty Sanchez had, various conversations with him and correspondence back and forth, we've come to endorse his plan because Tierra Contenta and Dave Thomas have literally bent over backwards to hear our input.

So at a Santa Fe City Planning Commission meeting, our neighbors, my neighbors along Country Club Road, we were successful in getting approval for a preliminary plat delay so that Dave Thomas could talk to us and work out these compromises. And I feel that he's done a good job at that and this new plan that he presented, set forth by the Country Club today is even better. So, it shows an interest in Tierra Contenta's willingness to work with us. We're willing to work with them, and the Country Club is willing to work with everybody.

So I think that's kind of rare in today's climate that people are willing to get things done, rather than stop things without suggesting solutions. So we are not in favor of the improvements to Country Club Road because of the scaled down nature, the way to mitigate noise and speed and to make it a safe place to live. They've come through on their promises and we believe them. Thank you.

CHAIRMAN TRUJILLO: Thank you, Leonard. Any questions of Leonard?

AL PITTS: My name is Al Pitts. I'm presently the chairperson of the Arterial Roads Task Force. When this matter first went to the Planning Commission, the staff contacted me to take a look at it and kind of give a view of the thinking of the task force on it. At the time that Country Club Road was considered by the task force we identified four particular problems with this road. One was neighborhood impact. This is a road that will reach into the very center of Tierra Contenta, will become its main drag to Airport Road, so it's predictable that it will have a lot of traffic. The neighborhood there was really concerned about that.

An additional problem had to do with the intersection interference issue. Not only does Country Club Road join Airport from the south, but approximately 200 feet to the west, San Felipe Road comes in. That road is kind of the main access into the west Agua Fria area, particularly from the Relief Route and from Airport Road. So you would have two roads with a lot of traffic coming in at kind of a jog. The distance between the two intersections was on the order of 200 feet. In general, the EZO requires a 400-foot separation on roads of this sort, so you're really kind of looking at kind of a non-conforming situation on Airport Road.

The third issue had to do with the interference with road transit that had been proposed by the task force, also now being recommended by both staffs for the future arterial roads plan for the Extraterritorial Zone. Not only does San Felipe come in very close to Country Club Road, but you would also have Rufina coming in to San Felipe from

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the east and there is also staff recommendation that Caja del Rio be connected into the north end of San Felipe. So the concern was that if you do not find some way to deal with the intersection interference problem, you could run into a situation where if you approved this project now, and you later found that it was necessary to complete the Rufina project and the Caja del Rio Road project, your engineers would tell you no way can you make Caja del Rio Road into San Felipe, Rufina into San Felipe and then have this other heavily used road coming in from the south in very close proximity.

The fourth problem that was identified was that if you do a straight connection from Country Club Road into San Felipe Street and it stubs out at Agua Fria, what is that going to do to Agua Fria Street? In any event, the Tierra Contenta came forward with a proposal basically to move County Road 61 a bit to the north, San Felipe a bit to the east, link them together to dispose of the intersection interference problem, moving it over a bit to the south side would also provide a greater buffer for Country Club Estates neighborhood. So those two problems were dealt with I think to everybody's satisfaction.

As far as the interference with, or the impact on Agua Fria is concerned, how the San Felipe connection to Agua Fria in conjunction with this project will affect Agua Fria Street, very much depends on what you do with Caja del Rio Road and Rufina. I've seen some provisional projections prepared by the City's Transportation Policy staff that indicate that if you do make the connection from the south, CR 61 into San Felipe and then build Rufina and Caja del Rio, you should be able to get about a 20% reduction on the far west end of Agua Fria.

What happens if you do the connection and then don't do Caja del Rio or Rufina is impossible to know in the present state. So I would suggest that you, I think Oralynn is writing a report, had it right when she said that this needs to be well-coordinated with the other roads that are being proposed out in that neck of the woods. If you can get Caja del Rio in and Rufina in, there should be no risk for Agua Fria Street. And that would dispose of the third problem as well.

So in any event, it does look like this is a project that is worthy of your consideration. If there is any uncertainty about its net impact on the surrounding community it has to do with what happens on Agua Fria Street if you don't get the connection through to Caja del Rio.

CHAIRMAN TRUJILLO: Thank you, Al.

COMMISSIONER DURAN: Mr. Chairman, Al, it sounded to me by seeing this realignment and just in my own mind thinking about what kind of impact the attempt is going to have on the traffic problem on Agua Fria, I think that we really need your support. We need Tierra Contenta's support. We need their backing. We need for them to join us in our efforts to alleviate the traffic in that area. And I don't know how we go about doing it. I know, and I've talked about this before, connecting West Meadows to the bypass, I think is going to help a tremendous amount. And I don't know how that fits in with all this highway corridor stuff that's going on in the meeting we just came from.

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There was a big problem there. As you guys go forward with your projects and it becomes more and more successful and it is, and more desirable, it compounds the traffic problems out there. I would like to see Tierra Contenta as an organization join us in our efforts whatever they may turn out to be in the future, to deal with that problem because we need as much input and help and support from you guys as we can get.

MR. PITTS: Commissioner, I guess what I'm saying is that looks like a very good solution for the west end of Agua Fria. There is just one imponderable about what happens with Agua Fria Street in the meantime. You don't have the Caja del Rio connection in. As far as it goes this seems to be the best to reduce the traffic on Agua Fria, studying this very closely. There are a lot of alternatives. It turns out that the best ones are South Meadows, Cerrillos to the Relief Route, Siler on through to the Calle Nopal connection, and then thirdly, Rufina. That will take care of the core village's needs. It will not solve the problems of the portion of Agua Fria that lies to the west of Jemez Road. This very well could solve these problems if you also get the Caja del Rio connection.

COMMISSIONER DURAN: You were at that meeting when we talked about the extension of South Meadows where the state has indicated that they could not support, they wouldn't throw any money at the South Meadows project unless it actually connected with the bypass.

MR. PITTS: That's correct.

COMMISSIONER DURAN: Which would prove that this road was benefiting the entire community or state. Anyway, without it connecting to the bypass, it was a project that they could not support or contribute to. So again, I think when we get to that point hopefully we will, that you'll join us in our efforts.

MR. PITTS: You bet we will. I guess another thing I might alert the Commission to is I recently heard through the neighborhood grapevine, so to speak that there is a project that's being considered along South Meadows where the developer has essentially said that we won't do his part of that road so you might want to keep an eye on that.

COMMISSIONER DURAN: That he won't what?

MR. PITTS: Won't do his part of the road, that passes through his land. So you might want to keep an eye open for that. It is critical if South Meadows is to benefit that part of town that it lead all the way from Cerrillos to the Relief Route.

COMMISSIONER DURAN: I'm sure our Land Use Department has more than an eye open on that.

MR. PITTS: Thank you.

CHAIRMAN TRUJILLO: Thanks a lot for your contributions in the area of traffic and roads, and the Arterial Road Task Force. Your input is greatly appreciated. Thank you.

VI. B. Ordinance No. 1998-__ . An ordinance amending ordinances 1996-11 and

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**1997-4 to clarify the definitions for "dwelling" and "accessory structure"
(first hearing)**

MS. KULSETH: Before you is a proposed ordinance that's having the first hearing. It's a Land Use item so we have two public hearings on this proposed ordinance change. The purpose of the amendment is to clarify the distinction between "dwelling" and "accessory structure." Currently, there are certain structures that do not fall within either definition of a dwelling unit or an accessory structure and we need every structure to fall in one or the other on those properties. So that's the purpose for the change.

The change also clarifies that an accessory structure can have either a kitchen or a bathtub or shower, but it cannot have both. If you have both, you are a dwelling unit. If you have both a kitchen facility and a bath facility, we will consider you a dwelling. If you have one or the other, you will be eligible to be an accessory structure. There are other requirements in addition, but that will not prohibit you from being considered an accessory structure. In addition, the proposed ordinance prohibits any lot from having multiple accessory structures with kitchens or bathtubs or showers, so you cannot have three accessory structures, one with a kitchen and two with baths or two with a kitchen and one with bath, or three kitchens.

If you have one accessory structure with a kitchen, or one accessory structure with a bathroom, bathtub or shower, that's it as far as your accessory structures having either kitchens or bathtub/showers. You could then have a barn, which doesn't have a bathtub or shower or a kitchen, but you can only have one accessory structure with a kitchen, or one accessory structure with a bathtub or a shower. Those are the basic changes. If you have any questions, I'll stand for those.

COMMISSIONER DURAN: Mr. Chairman, Denise, could a barn have a commode or toilet facilities?

MS. KULSETH: Mr. Chairman, Commissioner, the language of the ordinance is bathtub or shower, so yes, a barn could have a commode and qualify as an accessory structure.

COMMISSIONER DURAN: As long as it didn't have a shower or bathtub.

MS. KULSETH: It also could have the shower or bathtub, but once it does, no other accessory structure on that lot could have a bathtub or shower, and no other accessory structure on that lot could have a kitchen.

COMMISSIONER DURAN: So if I had a studio that had a shower in it, and then I had a barn, I couldn't have a commode?

MS. KULSETH: You could have a commode. Yes, Commissioner, you could have a commode in your barn. You could not have another accessory structure with a kitchen, or another accessory structure with a bathtub or a shower.

COMMISSIONER DURAN: A barn, you wouldn't consider a barn an accessory structure?

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MS. KULSETH: It would be considered an accessory structure. Once you put a shower in it though, you would be violating the ordinance because you would have two accessory structures under your scenario. The studio with a bathtub or shower, and a barn with bathtub or shower and that would not be allowed.

COMMISSIONER DURAN: The intent of this is actually just to prevent people from turning accessory structures into guest houses, dwelling units.

MS. KULSETH: Mr. Chairman, Commissioner Duran, that's correct.

COMMISSIONER DURAN: I have no further questions. Thank you.

CHAIRMAN TRUJILLO: Are there any other questions of Denice? This is a public hearing. Anybody have any comments on this ordinance, for or against? Let the record show --

HELEN BOYCE: My name's Helen Boyce and I'm a member and president of San Marcos Association. I've received some telephone calls on the subject. We know some elderly persons who may have an extra structure which would be smaller than the house they would be living in and they would like to see themselves moving over to the smaller structure and find it sort of eccentric that you can make yourself an egg and breakfast in the morning but you can't go to the bathroom or the other way around. You have to go out and eat and can sleep in it and use the bathroom.

I had two calls where people expressed that this didn't seem to make much sense, especially if they don't have a barn and if they don't have any other structure. And I do realize what your intent is, but some of the people have large acreage and are growing older and thinking about how am I going to be 90 without having help nearby when the structure that I have could be used for somebody to be there, or to move into the structure. I'm sure you've considered it. I just want to comment on that.

CHAIRMAN TRUJILLO: So that situation would be accommodated through the guest house, right? Where you can have a bathroom and a kitchen in the guest house?

MS. KULSETH: Mr. Chairman, actually, you can have as many houses as you want if you have large enough acreage. So if these people that Ms. Boyce is referring to have large acreage, they may qualify for two dwelling units anyway. If you don't have enough acreage for two dwelling units, then you don't have enough acreage for two dwelling units, whether you call them accessory structure, or barn, whatever you call it, you have to have sufficient acreage to satisfy two dwelling units. I'm not really clear from the example, but if they're talking about people wanting to move into a smaller structure and then rent out their other home, that's what we call two dwelling units, and you have to have enough acreage if that's what you want to do.

MS. BOYCE: Well, the main structure may not even be rented out. It may be occupied by children who might be caregivers and there is no income or monetary reimbursement of any kind going on. And I see your point, that there would be two structures, but the ordinance as it's proposed would not allow us -- for instance, I have a little garden house which with the addition of a bathroom and a hot pot would be sufficient

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for me to eventually when I'm 90 and cannot handle the large house anymore to move in and be very comfortable, and I have other neighbors who have expressed that.

MS. KULSETH: Mr. Chairman, if I could respond. Currently, that situation is not allowed under our Code. This ordinance isn't changing that. You cannot have two dwelling units on your property currently unless you have enough acreage and your minimum acreage varies. So this ordinance isn't making that situation illegal. This ordinance is actually allowing accessory structures that we don't currently allow. So actually, we're making the Code somewhat more lenient. Because right now, there's some question about it you have a bathtub or shower, it appears right now, if you look at the current language of our Code, that that does not qualify as an accessory structure.

So this amendment actually was in place to allow certain structures to qualify as accessory structures that don't currently qualify as accessory structures.

MS. BOYCE: The example of the barn was very interesting, because if you do have horses and you do have caretakers who come in from training and riding, they might want to make a cup of coffee and they also might want to take a shower and go to the bathroom. So, you know, again, it's only a barn, but the minute you put a microwave in there to warm your milk in wintertime, you're creating, basically, another residence, which is unfortunate, because there again, it's an aid to the family who live there with the horses.

COMMISSIONER DURAN: Mr. Chairman, I might be able to shed some light on that subject. When I talked to Denice about this ordinance, and there seemed to be quite a few violations of the accessory structure ordinance where people were creating guest houses or other dwelling units on it, so we felt that by defining it a little bit clearer that people wouldn't violate that as much as they have been. We also talked about the situation where, like the instance that you brought up where an elderly person might want to move into an accessory structure of house where they don't meet the minimum size lot for two dwellings. For instance, if you have five acres and the minimum size lot out there was ten acres, you'd have to have ten acres to be able to move into this structure and have your son or other family member come in and live at that main house.

So the process that's available to those people in those situations, is to come before the board for a variance to the second dwelling, to the dwelling unit. And this is a situation similar to what you just mentioned prompted this new amendment, because there was an elderly couple who wanted to move into the guest house that their kids owned, but they didn't meet the criteria for a guest house. So anyway, I guess what I'm leading up to is the situation you brought up could be addressed through a variance and this board would look at the situation in a one-on-one basis and decide whether it warranted a variance or not.

MS. BOYCE: Yes, I understand. In our next newsletter we will explain. It's sometimes difficult to get a variance especially for elderly people to come before you. And I have some neighbors who are just about in the situation where they need help.

COMMISSIONER DURAN: I think that we understand the needs of the elderly people and retired people. I think the board would be sensitive to those kinds of

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issues.

MS. BOYCE: So when I come to you with my garden house, you will be sensitive.

COMMISSIONER DURAN: As long as you're telling me the truth and aren't going to rent it.

CHAIRMAN TRUJILLO: Thank you very much, Helen.

JOE OLIVER: My name is Joe Oliver, and I'm from Eldorado. Under this very interesting situation we have a thing right now where we have had a fellow built a "studio" two bedrooms, a bath, two bedrooms, a full bath, a kitchen, a full basement and a garage. It's fifteen feet from his house and he calls it a studio. So the County actually backed us up and made him take out his kitchen.

So we are relooking at some of our covenants now, because actually our covenants are tighter than what the County has at this point. So I would be very much in favor of you passing this ordinance because it will help us. We don't have ten-acre lots; we only have one acre and a half to two acres. We do have an ordinance, you can't have a second that goes along with yours. You cannot have a second home on one lot. You have to be very careful how you define all these things because people will always find ways around it. That's all I have to say.

COMMISSIONER GRINÉ: Okay, does anybody else in the audience want to speak in reference to this ordinance? If not this is just the public hearing and a non-action item, right?

VI. C. Ordinance No. 1998-___. An ordinance amending ordinance No. 1997-6, "Comprehensive Solid Waste Management" to amend Section 10, eliminating and reducing residential refuse fees for Santa Fe County residents

MR. VELASQUEZ: Mr. Chairman, Commissioners, this ordinance is not applicable to land use, which requires the two hearings so I guess it's up to you whether this is a first hearing, the first of two or the first and only one. So we defer to you on that.

COMMISSIONER GONZALES: Mr. Chairman, Larry, that's not what I was told. I was told that we were going to be required to have two hearings on this and that's what we've been communicating to these people.

MR. SÁNCHEZ: Mr. Chairman, Commissioner Gonzales, we had been told initially that any land use related ordinances would be given two hearings, but we were also given direction, as I understood it, that this one, maybe it's not directly land use, was going to be given two hearings and that has been my understanding and I think that it's really the Commission's call. If they choose to hold two, then they can hold two.

COMMISSIONER GONZALES: Then I would just, if the Commission goes along, because it's been communicated and some people that may not have come tonight that

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are planning on coming to the next meeting.

COMMISSIONER GRINÉ: So you want to make a presentation, Larry?

MR. VELASQUEZ: Yes, we'd like to at least present the information. I guess the other thing that we were somewhat unclear on is as to whether or not we were looking to eliminate fees or reduce fees altogether, so what we did is we put together four options for your consideration and what I'd like to do is kind of introduce each of the options and give you a little bit of what the benefits and disbenefits are with each. And we're specifically talking about Section 10 of the ordinance.

And the first option is essentially leave the program as it exists, and that's with the five-dollar per trip for county residents and the increase of the higher rate for non-county residents. The one change that we would recommend if this were a desirable alternative would eliminate the vehicle entry permit. The revenue lost, if you will, on this one, by elimination of the vehicle entry permit, would be about \$8,000.

The other option would be to reduce the fees by one half and that would be the reduction to \$2.50 per trip and also reduce the bag-tag fees from \$.65 to \$.50. The benefits would be that it significantly reduces the fees paid by the users. One, according to our standpoint, is that it preserves the fee structure, the permit process. That may be important in future changes that may or may not happen. If we go to a regional solid waste or anything like that, that may become important. It also simplifies the process that vendors, by which they dispense the permits. In being able to eliminate one of the permits. Currently we have three permits and it would increase or facilitate the dispensation of the permits that we get and it would allow the flexibility of users to pay according to how much refuse they generate, and that will become apparent, I think as we discuss one of the other ones.

One of the problems is that it requires a method by which to credit people that already have permits and actually this would be -- you could double-punch the people that have existing permits because the five-dollar permits would double theirs and we'd just double-punch those. One of the impacts would be, if this option were implemented, the revenue lost would be about \$170,000.

The third option that we looked at was to eliminate the fees altogether. One of the problems with this is that you still have to maintain two structures, I guess. One is the issuance of fee permits to county residents, and you still have the non-residents that you do have to contend with because if we issued free to everybody, we would be overwhelmed with the refuse that we get delivered to us and we would not be able to handle it. The convenience, in our analysis, we are looking at having, only about 40% of the county residents, those people not in incorporated areas, use our facilities. That means 60% of them do not use our facilities. Based on our investigation, about 30% of those have some kind of collection service. The other 30%, we're not quite sure what they do, so by eliminating the fees and implementing them or subsidizing them by some other source, the impact would be that 60% of those people would be picking up, paying for a service that

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they're not using or utilizing be it by increased tax or by increased gross receipts tax. There's a bigger portion of it or the percentage of the people that are not using that.

The other option we considered was an implementation of an annual fee. And again, the problem with this is that we implemented a nominal fee, there may be a case for some people that save up for two weeks to the transfer station but you still have the people that may go once a month, and say That's too much for me to pay. It appears that with this option, we'd would be running new programs with it to be able to satisfy the people that are not county residents and people that have less need than some of the people that have more need, I guess.

Generally, that's kind of what we've looked at. I don't know if you have any specific questions on any particular one. I'd stand for questions on that.

CHAIRMAN TRUJILLO: Any questions from Larry?

MR. VELASQUEZ: By the way, the impact on eliminating all the fees, I forgot to mention, is \$316,000. Just the annual fee, we're not sure if it might be a palatable number so we did not calculate a number for that. We don't know if would be \$20 a year of \$50 a year or what people might think is reasonable for that.

CHAIRMAN TRUJILLO: What is the impact of eliminating the fees again?

MR. VELASQUEZ: \$316,000.

CHAIRMAN TRUJILLO: And we're looking at the local option of augmenting the gross receipts by 1/8 percent, I conjecture, about half a million dollars, right? Which will absorb that cost.

MR. VELASQUEZ: Mr. Chairman, Commissioners, I'm not sure what the revenue would be from the amount of gross receipts tax. I think one of the -- some of the concerns that we have is in regard, we're having to run a new program, because as you know, if we say we're going to subsidize the whole thing then we have to allow the City residents, for example, to use the facilities for free. Then if we do that then we don't have the facilities or the capability to handle the refuse that would come in from that standpoint, so we'd still have to maintain the dual structures. What that would do is for the vendors that we're trying to make it easier for people to get permits, either -- if it were free, they'd have to come into downtown and deal with downtown again. Park, and all the issues that they've brought up, to get that permit, the vendors, -- it becomes more complicated for the vendors.

And I think we need to consider those issues. The other thing is, again, mentioning that only 40% of the county population are using our facilities. So in essence we would be subsidizing, or the subsidy would be -- more non-users would be subsidizing that facility for the users. It becomes an equity issue.

CHAIRMAN TRUJILLO: We would be addressing the ubiquitous environmental issue of whether we're getting trash and solid waste in river beds, on top of hills, and arroyos, everywhere, and that's from the health and safety and environmental standpoint. That's a major impact. That's a big cost if we're going to get out there and start cleaning it. And that's something that we need to look at. Because the program as it

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is now, has caused some chaos. It's not user-friendly or responsive and we need to do something about it.

MR. VELASQUEZ: Mr. Chairman, Commissioners, I think that you're right. We have had an increase in illegal dumping, if you will, but I don't believe, that -- say, we say all residents are free, but again, recognizing that we need maintain a dual structure and we need it for the non-residents, we need to stay parallel to what the City is charging at \$15 minimum per truck, so for that, I don't see that that can change significantly without us taking an unpaid burden of refuse. Given that, we may see some reduction in illegal dumping, but I don't think that it would be a significant reduction to offset any of the benefits.

If I remember correctly, our statistics to date is that we have investigated 110 cases. We have resolved 65 of them and the only cost to us has been one of time and one of the salary of our compliance officer because we have been able to get people, the people that disposed of this to clean it up. So that cost has been, at least in the cases that we've had, not a cost that we have absorbed, other than say the time and the salary for this individual.

CHAIRMAN TRUJILLO: I don't think this is the time to debate the issue, but from my perspective and from the constituent's perspective that I represent, that's a situation that has really gone austere. It's an extreme situation and it's a major impact on the community. Any other questions of Larry? Thank you, Larry. Okay, this is the first of two public hearings, right? Let's listen to the public. How many are going to speak for, or against the proposed ordinance?

MS. BOYCE: In fact, I'd like to hand out an invitation to our clean-up of State 14, which is not a County road. However, if you've driven up lately, there's lots of bags that have blown off trucks and there are six-packs next to the roadway. We have one annual clean-up, and we want to ask you, how are we going to deal with all the bags that we are picking up? Because we don't have a permit. It's volunteer group that cleans up the highway. And when we come to the Galisteo trash facility, we're going to run into trouble every year. It's an argument. It's not county trash; it's state trash. We don't have a state facility and volunteers are less and less likely to come out because of that trouble. What can we do about that sort of thing, aside from the trash that we pick up in the arroyos?

COMMISSIONER GONZALES: Mr. Chairman, Helen, I think that's an excellent question. I think that the County should assist in that and make sure that those bags, that whatever trash is picked up that we absorb it into our landfill stations at no cost to the community that graciously volunteer their time to do this. So I think the Commissioners would agree --

MS. BOYCE: Is there a department that I call to have our young men notified that we're coming on Saturday?

COMMISSIONER GONZALES: Probably Larry or Jill. We'll notify them right now to make sure that the landfill is available for them.

MR. VELASQUEZ: Mr. Chairman, Commissioners, the Highway

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Department has an Adopt-a-Highway program and they have an account with us where they actually pay for disposal of this trash whatever gets picked up on the clean-up days on the highway beautification program.

COMMISSIONER GONZALES: Well, let's assist the community on this and for whatever reason if it falls through the cracks to make sure that we make it available.

CHAIRMAN TRUJILLO: Thank you very much. Anybody else. This is the first public hearing on the solid waste fee schedule.

- VI. D. **Ordinance No. 1998-7. An ordinance authorizing the issuance and sale of Santa Fe County, New Mexico tax-exempt multifamily housing revenue bonds, Series 1998A, (Villa Grande Apartments project) in the aggregate principal amount not to exceed three million dollars and Santa Fe County, New Mexico taxable multifamily housing revenue bonds, Series 1998B in the aggregate principal amount not to exceed five hundred thousand dollars for the purpose of constructing, acquiring and leasing to Villa Grande Limited Partnership, a New Mexico limited partnership, the Villa Grande Apartments, a 48-unit multifamily housing project to be constructed in Santa Fe County to provide residential rental housing for low and moderate income residents of Santa Fe County; paying certain costs of issuance of the bonds, funding a reserve fund and the payment of accrued interest on the bonds; providing for the payment of the bonds from revenues received pursuant to a lease between the County and the company; providing for the form, execution and other details concerning the bonds, the funds appertaining thereto; approving disclosure and other documents relating to the bonds; and providing that the County shall not be pledging its faith and credit to the payment of the bonds; approving and ratifying action previously taken in connection therewith**

ROBERT STRUMOR (Bond Counsel): Thank you, Mr. Chairman, members of the Commission. Robert Strumor, Hughes and Strumor, Limited, Co., your bond counselor. This matter has been before the Commission, formerly known as the Village Gate Apartments. It received an allocation of \$3 million of private activity bond volume. It is now known the Villa Grande Apartments and the ordinance is a major step towards the issuance of the bonds. We will come back, probably on June 30 with a sale resolution for the final sale. As indicated in the title, it is for low and moderate income families in Santa Fe County. It meets the low income housing codes for the Internal Revenue Code and the County has no liability for principal and interest on the bonds.

There's one technical note on page 3, line 4, where it indicates the bonds have been reviewed by the County's bond counsel and the County Attorney. In consultation with the

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new County Attorney, we've agreed that bond counsel will be responsible for the documents and we are requesting and will delete the added period after bond counsel and delete "and the County Attorney."

We feel that it's our role as bond counsel to generate, create, review and take responsibility for the documents and we will continue to consult with the County Attorney but we would agree that it's primarily our responsibility. And today with us are Rolando Montoya, who will be the principal owner of the Villa Grande Limited Partnership and change the loan from Centennial Mortgage, who is arranging the permanent financing. If there are any questions.

COMMISSIONER DURAN: Mr. Chairman, are there any rent controls on the project?

MR. STRUMOR: It's not necessarily rent controls, but in order to satisfy the Internal Revenue Code, 40% of the units have to be rented to persons meeting 60% of the median income, or 100% of the units would be rented to persons -- in other words, incomes at or below 60% of the median. The median is right now around \$44,000.

COMMISSIONER DURAN: What are they going to be renting for? Are they one and two bedroom units?

JAMES LEWIN: My name is James Lewis, Centennial Mortgage. The units are two-bedroom, one-bath, and three-bedroom, two-bath.

COMMISSIONER DURAN: What do they rent for respectively?

MR. LEWIN: The one bedrooms are tentatively scheduled around \$650. The two-bedroom, one-bath, \$766 for the three-bedroom, two-baths.

COMMISSIONER DURAN: And that's affordable?

MR. LEWIN: Well, that's the maximum we can charge. That's what the market is going to bear. If the market's lower than that, then we'll have to go down to that level. Some of the tax-exempt projects are rented for \$700 for three-bedroom, two-baths for an older project for about \$750 for the newer projects. So it depends on what you have in your projects. But in this project, no one's earning more than 60% of the median income who lives there or rents there.

COMMISSIONER DURAN: I just don't see that as affordable at all. And I have a problem with us approving something under the premise that it's affordable and in my own mind, isn't.

MR. LEWIN: This isn't based on federal definition. It's governed by the market place as to what the actual rent is charged. But I indicated some of the tax-exempt projects today that are within the city are renting for more than \$700 for a three-bedroom, two-bath and some are renting for less. It depends on the project and what is affordable. Those projects are in the neighborhood of anywhere from 95% to 98% occupied, whereas the market rate products are close to 92% to 93% occupied. And their rent is slightly higher than these rents that I'm quoting right now.

COMMISSIONER DURAN: And the three-bedrooms are going to go for how

much? \$750?

MR. LEWIN: \$700 to \$750. It could go as high as \$766. They're renting in one project right now for \$700. Three bedroom, two bath. Same square footage.

COMMISSIONER DURAN: And what happens if you build it and you can't rent it?

MR. LEWIN: Well you reduce your rents down to the level that you can get it filled up.

COMMISSIONER DURAN: Provided it still meets the criteria.

MR. LEWIN: As long as the people are earning less than 60% or lower of the median income.

COMMISSIONER DURAN: So that will stay constant.

MR. LEWIN: That's stay constant. That number is determined by HUD out in Washington DC on an annual basis.

CHAIRMAN TRUJILLO: Do you have demographics on what the mean average for renting for a unit like this is in the area, in Santa Fe?

MR. LEWIN: They range from, the lowest rent for a project that was built in 1970, three bedrooms, \$585 and the project that I mentioned earlier was built in 1995, is renting for \$750. For three-bedroom, two baths. That's the range. And the two-bedrooms, they're down from \$485 to \$625, the range right now, depending on the age of the project.

CHAIRMAN TRUJILLO: So immediately, this is not going to be anything affordable renting in Santa Fe. It's really comparable to what exists in the area.

MR. LEWIN: It's comparable to what exists in the area but the question that you deal with also is in order to be able to pay those rents based on the cost of developing the project, would not be possible without these bonds. So you would not have new housing being brought on board without them. The City's facing the same issue with their project, with their housing right now.

CHAIRMAN TRUJILLO: So what type of renters are we attracting? Are we attracting the local renters or are we attracting, accommodating people from the outside?

MR. LEWIN: Local renters that are going to be working in the immediate area of the project. There's quite a cycle, a market-base developing right in the area on Cerrillos Road there. You have Home Depot that's going to be directly behind this project. You've got the Target that's down the street that's just opening up. You've got Walmart and several hotels in the area, all of which our families or groups of people that will be able to afford these rents. Most of these are going to be people with children.

COMMISSIONER GRINÉ: I'm in that business. I wish I could get those rents you're offering up there. I'll kick out everybody and put your tenants in because I'm not coming close making your rents. I don't rent to the needy or to Section 8 or anything like that.

MR. LEWIN: We just received a survey or had our appraisal do a survey of

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the area and they found the rents that I just indicated to you, depending on the project. The range of rents out there, with the age of the project is what determines the actual rent that's out there. Some of those projects are projects run by the City.

COMMISSIONER GRINÉ: It's quite interesting. The inventory out there, I'm familiar with it because I get a vacancy I check to see what I need to do to come close. You read the ads, you can get three large bedrooms on top of a full bath with a large living room, kitchen and washer and dryer hook-ups and then you say that [inaudible] can get \$600 and I've got some at about \$675 and I give them water.

Water is free. I'm just going to tell you, if you want to keep them rented, you're going to be really lucky if you get those prices. And I'm in the business.

MR. LEWIN: Well, as I indicated to you, market studies show that the rents that we're talking about, \$766 is at the high end, I agree with you, but the range is right around \$700 for a three-bedroom, two-bath. There are several projects today, and all those projects are, as I said, 98% occupied, which is basically the full project. These are all tax credited. One thing about these units, these units are being built to a market rate of quality in terms of competence in area.

COMMISSIONER DURAN: I don't know. I just have a problem, I don't want to be a party to something that I don't think is affordable. And not only that, three-bedrooms, one-bath is -- Then I'll take that one back. But I still think that the amount that you're asking for the rent is too high and for me, if you're asking me -- if we approve these bonds, you create a market out there for rental units, the next person that comes in might have a harder time getting the bonds issued when it's truly an affordable project. Would you consider reducing the rents to \$550 and \$650?

MR. LEWIN: No, we couldn't do that because we couldn't support the loan. See, the loan that we issue is based on cash flow that's available to start the project, not based on value. And the cost of developing the units is going to be a set fee. No matter what you do, it still costs the same to build it. If you don't have the income to support the loan, you're putting more equity into the transaction at that point in time, you come up to the economics of the transaction. If you put more equity into the deal to make it work, because all you're getting is the same amount of return but more money up there, there's no incentive to do the transaction.

The concept behind tax-exempt, with the tax credits it to do that, to give some financial incentive to do the transaction and at the same time give the ability to keep the rents to an affordable level. We can't charge more than what the market will bear in the market place. But the person who walks in there can be earning 60% of median income and still be paying less than what he would normally pay at the full 60% of median income becomes the market doesn't allow us to do that. That's the situation we're faced with here. But without the low interest rate on these tax-exempt bonds there's no way to do the project. Because you're talking about almost 2 1/2% difference in interest rate. And you look at that and that's a big number. When you talk about how much more in income you must generate

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in order to make those payments.

MR. STRUMOR: On a technical, legal aspects, we've received an allocation from the state. It expires on June 30. Unless bonds are sold by June 30 and delivered by July 30. Consideration of the ordinance requires four affirmative votes of the five-member Commission. If there's really a thought that this may not be -- receive four votes, we need to pull it from the agenda and whether to have a special meeting or whether to schedule it for June 30. The allocation of private activity buying cap is the most valuable commodity other than currency or gold in the state of New Mexico. And I'm not suggesting that the Commission should vote any way, but if there's a desire to do something other than pass it, I think it should be withdrawn from the agenda and rescheduled.

Time is running out and from the technical side, if it's not going to move forward, we shouldn't consider it any further tonight. And if you want to recess, or consult with your counsel, that's fine. I hate to be so blunt, but there aren't many options, either to consider it, not consider it, or not uphold it. As I said, I'm not suggesting how it should go, but just that if it's not going to receive four affirmative votes, it should be withdrawn from tonight's agenda.

COMMISSIONER DURAN: So you can come to a meeting when you can get four affirmative votes. That sounds pretty --

MR. STRUMOR: No, I didn't say that. I'm just saying, it's at your discretion. You are the governing body and the issue of the developer is asking for action, but if in fact it cannot receive four votes in the affirmative, it essentially kills the suggestion. so what I'm suggesting is if it needs further study, let's withdraw it from tonight's agenda, have other discussions with your counsel or amongst each other that you need to, and not vote on it tonight.

CHAIRMAN TRUJILLO: I think if we have another date, we're getting a representation of affordable housing and [inaudible]

MR. STRUMOR: I'm not arguing the point. Absolutely you're right to disagree.

CHAIRMAN TRUJILLO: I think what we need to do is we need to understand the issue a little bit better.

COMMISSIONER DURAN: I would make a motion to table this because I'm not convinced -- I understand the financial constraints that you're up against, but again, I don't want to be a party to something that in my own mind, my own heart I don't believe is affordable. And I don't think that \$750, \$650 is affordable. I know for a fact it is not affordable. So I make a motion to table it. I don't need to talk to counsel, what I like is to have you come and show me why you can't bring it down to \$650 and \$550.

COMMISSIONER GONZALES: Second.

MR. STRUMOR: As a scheduling matter, is it possible that we could consider this, have a meeting on the thirtieth?

CHAIRMAN TRUJILLO: Thirtieth? Yes.

MR. STRUMOR: That would be the last possible time that it could receive the consideration.

COMMISSIONER DURAN: I'll make myself available to you.

CHAIRMAN TRUJILLO: I think you need to talk to all of us.

MR. STRUMOR: Great. And I would be available for whatever matters from our side of the transaction as well.

CHAIRMAN TRUJILLO: We have a motion, seconded by Commissioner Gonzales. All those in favor? [Unanimous 3-0] All those opposed?

Okay, this action is tabled.

- **El Castillo Bonds**

MR. STRUMOR: Thank you. There's one other matter. Reporting the successful sale of the El Castillo, the non-profit retirement center bonds, thirty years at approximately 5 1/2% interest, also no liability of the County, but essentially assisting a non-profit in its efforts. And I have original bonds here, totally \$16 million that require the signature of the Chairman and the County Clerk, and if it's possible to receive those in the next day or so, and then I will contact the staff in order to make an appointment to execute the final closing documents. Thank you.

CHAIRMAN TRUJILLO: Thank you.

VI. E. LAND USE DEPARTMENT ITEMS

1. **EZ Case #M 98-4350. The Bishops Lodge. VEF II Beverage Management, LLC (James P. Ryan, Manager) applicant, requests transfer of ownership for dispenser liquor license currently utilized at the existing resort. The property is located along Bishop's Lodge Road in Tesuque, within the two-mile Extraterritorial District, Sections 5 and 6, Township 17 North, Range 10 East**

JOE CATANACH (Development Review Specialist): Mr. Chairman, Commissioners, the State Alcohol and Gaming Division has granted preliminary approval of this request and in accordance with the Liquor Control Act, request is subject to consideration by the Board of County Commissioners and legal notice has been published in the newspaper.

Bishop's Lodge has a legal non-conforming status for serving alcohol beverages and the resort has recently been sold to new owners.

Staff recommends approval of the requested liquor license transfer subject to the following condition: That the new owners obtain a County business registration. Thank you.

CHAIRMAN TRUJILLO: Thank you, Joe. Any questions of Joe? What is

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the desire of the Commission? We should listen to the public, for or against.

[Duly sworn, Robert Leonard testified as follows:]

ROBERT LEONARD: Robert Leonard, 204 Delgado Street. I'm the attorney for the applicant, and I'd be happy to answer any questions of the Commission concerning this transfer.

CHAIRMAN TRUJILLO: Any questions? This is a public hearing. Anybody for or against the transfer of this license?

Commissioner Griñé moved to approve EZ Case #M 98-4350 and Commissioner Duran seconded the motion. The motion passed by unanimous voice vote.

VI. E. 2. CDRC Case #V 98-5240. Roberto Boissiere Variance. Roberto Boissiere applicant, requests a variance of Article III, Section 4.2 (location of commercial districts) of the Land Development Code to allow commercial zoning outside of a potential commercial district. The five-acre property is located off US Highway 285 in Cuyumungue next to Gabriel's Restaurant, within Section 28, Township 19 North

CHAIRMAN TRUJILLO: You can just go to the recommendations, Rudy, please.

RUDY GARCIA (Development Review Specialist): Mr. Chairman, Commissioners, the CDRC at the regularly scheduled meeting on May 28 of this year met and acted on the above-mentioned case. The decision of the committee was to grant approval of the variance request.

CHAIRMAN TRUJILLO: Do we have the applicant here? Could you please come forward?

[Duly sworn, Roberto Boissiere testified as follows:]

ROBERTO BOISSIERE: My name is Roberto Boissiere. I requested this variance because the situation had created a serious hardship case for me. I have two parcels of five acres each, right on the highway across from the restaurant, Gabriel, and I have saved these two parcels in order to fund the rest of my days because I so far haven't had the opportunity to -- I have a very serious health problem as you can see. I have dementia and loss of memory and I have saved the two parcels in order to fund my old age. Because I never had a commercial status, I am not being able to find some professional and I ask for Mr. Chairman and all of you to help me realize an old dream of mine which is not to depend on anyone to finish my years.

So I don't want to speak more than I have to because you've been talking for the last

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few hours and I'm sure you're ready to go to bed. But I would like you to know that in the letter dated October 22, 1997, one of the last sentences identify that my property is not in an area where a commercial may be or has been created. And it was agreed with the statement and that is why I'm appearing. In my opinion, the most important reason for this request is that my livelihood depends on it as I sent in my letter of intent that I sent to all of you people, I am old and I only have Social Security to sustain myself for my last years. This property would be my only other funds for the rest of my life. I thank you very much for listening to me.

CHAIRMAN TRUJILLO: Thank you, Mr. Boissiere. Any questions of Mr. Boissiere?

MR. BOISSIERE: On the highway map you can see, the restaurant, Gabriel is here. [inaudible]

COMMISSIONER DURAN: Do you know how wide the lots are?

MR. BOISSIERE: How wide, or how far from the highway?

COMMISSIONER DURAN: How much frontage is on the highway?

MR. BOISSIERE: Six hundred feet for each.

COMMISSIONER DURAN: So there's 1200 feet.

CHAIRMAN TRUJILLO: I have a question of staff. The reason that this doesn't qualify for a commercial zone is because it's outside a qualified intersection?

MR. GARCIA: Mr. Chairman, there is an existing node about two or three miles down the road but this property isn't able to become, the intersection at this property is unable to create a commercial district because of the type of intersection.

CHAIRMAN TRUJILLO: We have some precedents in that area, Rudy, where we approved commercial development for Ernie Herrera further down the road. They wanted to build their, construct a drive-in Burger King or something and that was approved further north of Gabriel's. And that was approved for commercial purposes. Is that correct?

MR. GARCIA: Mr. Chairman, yes, that is correct. That property is a little bit south of the open air market and there has been a commercial district created at that intersection. It's off of 285, and goes back into Cuyumungue.

CHAIRMAN TRUJILLO: And that was within a commercial, qualified node intersection? That's why it was approved?

MR. GARCIA: Yes.

COMMISSIONER DURAN: My only concern about the request is that for years we talked about how to preserve or prevent strip development from taking place along, on highway corridors. And now we're right in the middle of trying to develop some guidelines and standards that people like yourself can use when they're planning the uses of their properties, because right now, the only use is residential, because it's not in the commercial node area and I agree with what it says, but I can see where residential use of that property, based on its proximity to other commercial properties at its location -- the only thing that I'm concerned about is that something like McDonalds doesn't go in there or

something real intense and I think that that's been the concern of our Planning Department for so long.

That applies not only to this highway corridor but other corridors. Mr. Boissiere, I was just wondering, were there any uses that you had in mind, or you wanted kind of a blanket commercial approval?

MR. BOISSIERE: No particular use. But my worry is that no one is going to buy a piece of property which is lining the highway only about, maybe twenty feet, twenty to thirty feet from the highway and that forbids for anyone to want to use it. So this is why I request a commercial status, to permit me to sell some. I have no other income besides Social Security.

COMMISSIONER DURAN: And I think commercial status is appropriate for your property, my only concern is that it's the right kind of commercial uses that are allowed. And I was wondering if you would consider, depending on how we vote on this, that if we were granted commercial zoning, that you would agree to a requirement that the uses of it would conform to-- not conform, but that you would have to get them before the board again. That happens anyway in the master plan process. My only concern is that high retail doesn't take place there and a lot of traffic is generated and it doesn't go along with what we've been trying to prevent along those corridors, which is strip development.

MR. BOISSIERE: The commercial development in the area is already far into expansion. It already is.

COMMISSIONER DURAN: And you shouldn't contribute to the decay of the area either. I think that there's a way of commercial zoning --

MR. BOISSIERE: I agree.

COMMISSIONER DURAN: And having you agree to --

MR. BOISSIERE: It's just the situation, and I understand there are rules and regulations on it. I understand that. But the situation creates very serious hardship on myself. And that's why I came to ask you to help me resolve the problem.

CHAIRMAN TRUJILLO: Understanding, Mr. Boissiere, that there is commercial development up and down that corridor, that there is also a lot of private property that flanks the corridor. So I'm concerned with the kind of precedent that we would set if we were to approve this as a commercial development because then, everybody with highway property or private property that's on the highway would want the same designation, if you will. I think that would create, like Commissioner Duran was saying, strip commercial development, which is contrary to what we're trying to put in place from a master plan perspective.

MR. BOISSIERE: The Highway Department are going to take a substantial amount of that land and that's across from Gabriel Restaurant and because of it, it would be de facto commercial. Because of the way the highway, from the map that I gave you, it shows how the highway plan on having a service road in the back of the restaurant and right smack in the middle of the land that I'm talking about. So that is going to commercialize

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it right there for the benefit of the highway department.

CHAIRMAN TRUJILLO: That is exactly right. The reengineering of the highway is going to impact some of the commercial development that exists there today. That's going to go away. Any other questions.

COMMISSIONER DURAN: I just have one more comment. Mr. Boissiere, it's your situation that I've been concerned about for quite some time. And I would like to try to find a way of working with you and working with people in your situation because something needs to be done. Some zoning needs to be granted, some use needs to be given that is beyond residential. I'm not sure how we go about doing that right now.

MR. BOISSIERE: I would like very much to do that.

COMMISSIONER DURAN: But just to give you blanket commercial approval is the prudent thing to do. I'm wondering if -- do you guys have any ideas over there? Rudy, do you have any idea of how we can work with the applicant. I know he doesn't have a master plan here and I'm just concerned about blanket commercial approval and the precedent it would set.

MR. GARCIA: Mr. Chairman, Commissioner Duran, if you were to grant a variance tonight, I think the Commission has the ability to approve the uses that you feel comfortable with at this site, at this time.

COMMISSIONER GONZALES: Mr. Chairman, Denise, can't the Commission designate the area as being eligible for commercial use without the variance and then at the point that someone wants to create a business it would be like it's a node, basically. They would submit the master plan with the uses and they would begin to go through that process. Couldn't we do that without saying it's a commercial zone, basically give whatever use, but basically tonight say, we're going to make it eligible for commercial uses?

MR. GARCIA: Mr. Chairman, to answer your question, Commissioner Gonzales, I don't think you can grant zoning on a piece of property without granting a variance tonight.

COMMISSIONER GONZALES: You can't grant zoning without granting a variance? So if we grant a variance we are in effect zoning the property?

MS. KULSETH: Mr. Chairman, the variance has not been noticed as a zoning matter or for zoning approval. It's only been noticed for a variance. If you granted the variance, it would mean this property has the potential to come in to be zoned commercial. You wouldn't be granting commercial zoning tonight. And then whoever comes in with a project and a zoning request, you would deal with that issue then.

COMMISSIONER GONZALES: Right. So we're retaining the flexibility and the ability to work with whatever type of commercial development that would be conducive to the area.

MS. KULSETH: Mr. Chairman, Commissioners, that's correct. At the same time, you can give some guidance, if you wish, along the lines Oralynn mentioned, which

is to say, okay, we'll grant the variance but we'll tell you right now our intent is, for anybody out there who might come in with a zoning proposal, is these are the types of uses we would find objectionable. Or these are the types of uses we would find palatable. You don't need to do that, but you could.

COMMISSIONER DURAN: This could be the way that we start dealing with this issue, rather than sandbagging the issue. I think that's what we've been doing all these years. To say that you have to have residential along these corridors, I think it's ridiculous and it's time that we started dealing with it. I think granting Mr. Boissiere commercial zoning so that he can bring before this body something that's reasonable and appropriate for the area and then we make a decision on that, I think that's a sound decision. But to tell him that he can't do that. He's going to have to build a house on that property is essentially telling him that he has a worthless piece of property. And I think it's time that we start dealing with the issue.

COMMISSIONER GONZALES: Commissioner Duran, again we're not talking about telling him tonight we're granting him partial zoning. Just so he understands that tonight we're saying if we choose to go forward, that we're going to go ahead and allow your property to be subject to commercial zoning, but it's going to have to be applicable to and equal to whatever other property would be subject to commercial zoning and follow the same regulations.

CHAIRMAN TRUJILLO: Is that a motion?

COMMISSIONER DURAN: I'd like to make a motion. I'd just like to say one last thing. I think that the plan here though, in my mind, that development along these corridors have to have some planning. They have to have some architectural guidelines. They have to address the concerns that we have, that we don't want strip development along these corridors. That the corridors have some beauty to them and they're just not neon signs and parking lots that you see as you drive down. So with that in mind, I'd like to make a motion that we grant a variance.

COMMISSIONER GONZALES: Second.

CHAIRMAN TRUJILLO: Motion has been made, seconded by Commissioner Gonzales. All those in favor?

COMMISSIONER GONZALES: Actually, we need to go back because we have not had a public hearing.

COMMISSIONER DURAN: I withdraw it.

COMMISSIONER GONZALES: I withdraw my second. We forgot to ask for input from the public. And I think when we are getting input, we do need to take a look at restricting it to some type of land use or -- so that we don't confuse anyone out there that goes to buy the property that they can put any type of commercial activity on there, so I leave that for consideration.

CHAIRMAN TRUJILLO: Thank you. Thank you, Mr. Boissiere. Okay, this is open now to public input. All those who want to talk for or against this proposal.

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[Duly sworn, Ann Lacy testified as follows:]

ANN LACY: My name is Ann Lacy, and I live at 81 Old Agua Fria Road, and in fact I came for a different issue. But all issues seem to connect and I'd just like to comment about this issue. Not too long ago, I stood before the EZA about the development that was going to go in at the corner of Old Las Vegas Highway and Old Pecos Trail. And what's interesting about that development was in 1982 it was given a variance. It was zoned residential and many years ago, with the variance it was zoned commercial and then all things followed.

I'm very, very sympathetic to this gentleman's story, and I'm sympathetic to all the needs of all the people in the county, but I guess I want to go on record as saying that everyone does have many good reasons for asking for variances, but we're at a critical time in Santa Fe County where we need a kind of a long term visionary planning that has to do with all of the issues that come up here at every meeting having to do with land use, appropriate land use, water issues, preserving traditional communities, having green areas between communities, all these things that you hear over and over again.

I just want to come up here and go on record for, I guess urging caution as we as a community come together and try to put into practice some long term planning for the general community. Thank you.

CHAIRMAN TRUJILLO: Thank you. Anybody else? Okay, if there isn't anybody else, what's the pleasure of the Commission?

COMMISSIONER DURAN: I'd like to make a motion that we grant the variance with the understanding that the applicant, whoever that might be when they come up for master plan, realizes that this is not blanket approval for any commercial venture that you want to do on the property but rather an opportunity for you to master plan the property in such a way that you feel the sensitiveness of the highway corridor and the desire of the community to preserve those corridors.

COMMISSIONER GONZALES: Second.

CHAIRMAN TRUJILLO: Motion made, seconded by Commissioner Gonzales. All those in favor? [Unanimous 3-0] Opposed? The motion passes. The variance is granted with conditions.

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- VI. E. 3. **EZ Case #S 96-1221. College Heights. Rancho Viejo de Santa Fe, Inc. (Bob Taunton, Vice President) applicant, requests final plant and development plan approval for a 73-lot residential subdivision on 91 acres. The property is located off Richards Avenue north of the Santa Fe Community College within the two-mile Extraterritorial District, Section 21, Township 16 North, Range 9 East**

MR. CATANACH: Thank you, Commissioner Trujillo, Commissioners, I'll just go ahead and summarize this. In April of 1996 the EZC/EZA granted master plan approval. In June, 1997, the EZC/EZA granted preliminary plat and development plan approval. On February 12, 1998, the EZC granted final approval, so it's already gone through several levels of review. These lots range in size from .27 acre to .66 acre, with 52.4 acres of common open space with pedestrian trails and 12.4 acres of private open space.

The proposal is for a 120% density bonus, which is based on 60% open space of the 91 acres and that's how they are obtaining the gross density of one unit per 1.2 acres, based on the density bonus and the open space. Water is being provided by the Santa Fe County Water Company. There are intentions to connect Phase I into the Santa Fe Community College wastewater treatment facility. Phase I consisting of 30 lots. It has been determined that the plant has adequate capacity.

As you know, the Rancho Viejo Village is right now in the process of finalizing their approvals and starting construction for the Rancho Viejo Village which will include the sewer system and the community treatment plant. Based on the timing of that construction it's possible that all three phases of this subdivision would just go ahead and connect them to the Rancho Viejo treatment plant and not use the community college at all.

The EZC granted final, as I mentioned, subject to County and City conditions. The applicant has addressed the conditions and staff recommends final approval. I'd like to enter the conditions into the record. I would want to go ahead and mention that the applicant is in agreement with the conditions. The staff has agreed to a change in condition number 13. It has to do with the applicant's agreement to contribute \$500 per lot for affordable housing causes. The change to the condition, which the staff has agreed to, would be that the money, the \$500 per lot would be paid at the time the plat is recorded for Phase II. That money would be paid for Phase I and Phase II, at the time of Phase II recording and then the remainder of the money for Phase II would be collected at the time Phase III is recorded. Thank you.

CHAIRMAN TRUJILLO: Thank you, Joe. Any questions of Joe? Would the applicant stand up please.

Mr. Catanach presented the conditions as follows:

1. Compliance with applicable review comments from the following:

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- a. State Engineer
 - b. State Environment Department
 - c. Soil and Water District
 - d. State Highway Department
 - e. Santa Fe County Water Company
 - f. County Hydrologist
 - g. County Subdivision Engineer
 - h. County Fire Marshal
 - i. County Public Works
 - j. State Historic Division
 - k. Santa Fe Public Schools -- There has been a letter addressing the School Impact Ordinance has been submitted the Santa Fe Public Schools. We have not received any response at this time.
2. Final homeowner documents, covenants, by-laws, articles of incorporation, disclosure statement, subject to approval by staff and shall include but not limited to the following: a. Incorporation of the minimum water restriction of .25 acre-feet.
 3. Phase 1 shall not exceed 30 lots for use of the Community College sewer system, or as approved by State Environment Department. Submit and execute a contract to utilize the Community College sewer system.
 4. Cul-de-sac roads shall not exceed 1,000 feet in length and not more than 30 lots shall be limited to a cul-de-sac lay-out.
 5. Maintain a minimum 50 foot open space setback for residential lots along College Drive, designated as a future arterial.
 6. Development plan submittal shall include the following:
 - a. Street lights meeting minimum standards at appropriate locations (main road intersections)
 - b. Water use budget
 - c. Road section for intersection improvements
 - d. Provide amenities to support the pedestrian trail -- tables, benches, etc.
 - e. Road sections for asphalt roads to specify 2% crown
 7. Fire hydrants shall comply with a 500 foot coverage radius and installation of hydrant at the intersection of Richards and College Drive as required for master plan.
 8. Access road serving 30 lots or more shall have a minimum 24 foot roadway and cul-de-sacs shall maintain a minimum 42 foot radius for the roadway.
 9. Final plat shall include, but not limited to the following:
 - a. Road names/rural addressing
 - b. Grant roads for public use
 - c. Delineate phasing
 - d. Cross reference for recording disclosure statement
 - e. Delineate easements for archaeological site, power line and existing drainage

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- courses
- f. Provide a minimum 50 foot easement and 22 foot roadway of easement to adjacent property owners
 - g. Road dedication to homeowners association
 - h. Define limits of 100-year flood plain
 - i. Compliance with plat check list
 - j. Jurisdiction statement for City and County
 - k. Prohibit direct driveway access to College Drive
 - l. Conditional dedication of College Drive
- 10. Submit solid waste fees in accordance with Subdivision Regulations.
 - 11. Submit engineer cost estimate and acceptable financial surety for completion of the required improvements.
 - 12. The applicant shall be financially responsible for the cost of providing physical improvements to the intersection of Rodeo Road/Richards Avenue intersection. These improvements are more specifically described as constructing an exclusive eastbound right turn lane on Rodeo Road. A financial guarantee which is satisfactory to the City of Santa Fe shall be in place prior to recording of the final subdivision plat. If the improvements have been funded or completed to the development of College Heights, this condition shall no longer apply.
 - 13. Submit \$500 per lot for affordable housing as approved for master plan with agreement by applicant prior to recording plat.
 - 14. Project/subdivision signs shall not exceed two signs and 20 square feet for each sign. These signs must be located where they identify two separate entrances to the project/subdivision. Directional signs not exceeding 4 square feet and 5 feet in height are permitted.

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name is Jim Siebert. We're representing Rancho Viejo in this matter. We are in agreement with the conditions as modified, as stated by Joe Catanach.

CHAIRMAN TRUJILLO: Are there any questions of Jim? Then we open it to the public. Do we have anyone from the public that wants to speak for or against this project? If not then what is the desire of the Commission?

Commissioner Griñé moved for approval with the amended condition of EZ Case #S 96-1221. Commissioner Gonzales seconded the motion, which passed without opposition. [Commissioner Duran was not present for this vote.]

- VI. E. 4. EZ Case #Z 98-5080. White Falcon Gallery. Nirbhe Khalsa, applicant, requests master plan zoning with preliminary and final development plan approval for a 1000-square foot retail gallery. the property is located at the northeast corner of the intersection of State Road 106 and County Road 90A, within Section 12, Township 20 North, Range 8 East**

VICKI LOPEZ (Development Review Specialist): Mr. Chairman, Commissioners, the applicant is requesting master plan zoning with preliminary and final development plan approval for a 100-square foot commercial building on 1.437 acres to be used as a retail gallery. The gallery would create a small scale commercial district with a radius of 500 feet around the intersection of State Road 106 and Shady Lane. Would you like me to read the whole report?

CHAIRMAN TRUJILLO: No, just the recommendation, please.

MS. LOPEZ: Recommendation: The CDRC met on April 30 and acted upon this case. The decision of the CDRC was to recommend master plan zoning with preliminary and final development plan approval subject to the following conditions:

1. The master plan will be recorded with the County Clerk with appropriate signatures. It must also have the metes and bounds of the property tied to a permanent monument.
2. The developer shall call for and submit to an inspection by the County Fire Department prior to occupancy to determine compliance with the Life Safety Codes.
3. The applicant must file for a Change of Ownership for their well with the State Engineer Office.
4. The applicant will obtain a driveway permit from the State Highway Department prior to recording the master plan.
5. This property is to be used for commercial purposes only. Residences are not allowed. This shall be noted on the master plan.
6. Detention ponding is required. Drainage plans to size and locate detention ponding must be signed and sealed by a registered New Mexico engineer.
7. The applicant will include one more parking space for a total of six parking spaces prior to recording the master plan.
8. The project is required to have a business license. All other conditions must be met before the granting of a business license.
9. Covenants restricting water use to 0.25 acre-feet per year must be recorded with the master plan. The well must be metered, and annual water reports must be submitted to County Hydrologist.
10. The sign can be no higher than 5' if it is perched at the front property line and an additional 5' in height may be allowed for each 25' setback not to exceed 25' in height.

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CHAIRMAN TRUJILLO: Okay, is the applicant here?

[Duly sworn, Amart Khalsa testified as follows:]

AMART KHALSA: My name is Amart Khalsa. I live at Shady Lane in Sombrillo, Española. We're in agreement with the staff on the recommendations, with the modifications they had requested, approval by the Fire Marshal. It's a pretty non-impacting enterprise. We've actually reduced water usage over what it would be if it were residential.

CHAIRMAN TRUJILLO: Very good. Any questions of Mr. Khalsa? If not then --

COMMISSIONER GRIÑÉ: Mr. Chairman, the agreement, Vicki, the gentleman just indicated that County staff is familiar with it and in agreement?

MS. LOPEZ: Yes.

CHAIRMAN TRUJILLO: If there are no questions of Mr. Khalsa, then is there anyone who wants to speak for or against this project? If not then, what is the desire of this Commission?

Commissioner Griñé moved to approve CDRC Case #Z 98-5080, and Commissioner Griñé seconded the motion. The motion passed by unanimous [3-0] voice vote.

VI. E. 5. CDRC Case #SUB 98-5130. Sandia Airpark. Steve Woodward, applicant, Gonzales and Associates, agent, request preliminary and final development plan and plat approval for a Type III subdivision, to divide a 7.64-acre lot into nine commercial lots. The property is located within the Sandia Airpark Subdivision, which is within Section 14, Township 10 North, Range 7 East

MR. GARCIA: Mr. Chairman, I can summarize this and go over the conditions, if that's okay, with the recommendation, unless you want the entire report.

COMMISSIONER GRIÑÉ: Just read them into the record.

MR. GARCIA: The Board of County Commissioners in 1985 granted approval for a 99-residential lot subdivision which included an airstrip with 16 acres set aside for hangar facilities. Then in 1994 the Commissioners granted master plan approval for the 16 acres to allow for commercial uses. The 16 acres were divided into two separate tracts, Tracts A and B. A sixty-foot wide access easement was created between these tracts. The applicant is requesting a vacation of that 60-foot easement. The subdivision is for nine lots which will be for hangars for airplanes. These lots will range in size from .281 acres to 2.195 acres in size.

The proposal is also requesting a variance of the Code to allow over 50% lot coverage of each individual lot. At the time of building permit request, a development plan will be required with retention ponding, detention ponding and landscaping will be

addressed. Water will be provided by Edgewood Water Utilities, Thunder Mountain Water Company will serve as fire protection. Liquid waste -- lots with acreage greater than .75 acre will be allowed to place a septic system. All lots smaller than that will have no septic system. There will be no water facilities in these hangars that do not have septic systems.

Recommendation: The CDRC at their regularly scheduled meeting of April 30, 1998, met and acted on the above-mentioned case. The decision of the CDRC was to recommend preliminary and final development plan and plat approvals of the subdivision, vacation of the existing 60-foot access easement and approval of the variance request subject to the following conditions:

1. Damaged or dead vegetation located on the west landscape buffer strip shall be repaired or replaced to meet the original master plan requirements. Any trees or vegetation which dies or is damaged shall be replaced promptly.
2. The existing detention pond located in Tract B shall be maintained to handle storm water discharge from Tracts A and B to pre-development conditions. New tracts within the subdivision of Tract A must construct their own detention pond to reduce the capacity of the existing pond in Tract B.
3. Each new tract shall have direct access to a road that is 20-feet wide and have at least six inches thick of compacted basecourse. Drainage culverts and bar ditches are not necessary.
4. Prior to subdivision plat recordation, a financial guarantee acceptable to the County must be submitted to cover the improvements to the fire hydrant and water line extension, ponds and access improvements unless already installed.
5. Fire hydrants serving Tract A and B shall flow at 1000 feet (as hose may lay) of each proposed or existing structure.
6. The subdivision tracts are subject to all conditions and requirements of master plan approval. (Applicable points shall be placed on the subdivision plat.)
7. Except for the purpose of security and operations, residential dwelling units or housing are prohibited on the subdivision tracts in Tract A and B. Individual water wells are prohibited on subdivision tracts in Tract A and B. This shall be noted on the subdivision plat.
8. All access easements shall also be designated utility easements. Each utility company serving the area must sign the plat.
9. There must be a minimum of 20 feet of designated clear space leading to each hangar. Aircraft, automobiles, etc., may not park in this clear space. Such space shall be painted on the pavement or a sign posted on the hangars or building.
10. Signage boards, outside lighting, and storm water detention requirements of the code shall apply to all newly created tracts. (See note 2 regarding detention ponds.)
11. Maximum building or structure coverage on Tracts A-1 to A-9 shall not exceed 50% of the tract. Maximum building height must not exceed 24 feet above the perimeter of the building or natural grade.

12. A disclosure statement shall be submitted and recorded with the plat.
 13. Development plan for each new tract in the subdivision of Tract A is to be administrative reviewed and approved unless the proposed development generates 50 or more traffic trips in the peak direction during the peak hour.
 14. Lots in Tract A shall be limited to maximum of 0.25 acre-feet per year per lot water use. Water restrictive covenants shall be filed on the plat.
 15. All Subdivision Engineer redlines shall be addressed prior to plat recordation.
- Mr. Chairman, I believe that the applicant is in agreement to all of these conditions as well.

CHAIRMAN TRUJILLO: Very good. Thank you. Are there any questions of Rudy? Is the applicant here?

[Duly sworn, George Gonzalez testified as follows:]

GEORGE GONZALEZ: George Gonzalez, 326 Grant Avenue. We concurred with the conditions placed by staff.

CHAIRMAN TRUJILLO: Are there any questions of Mr. Gonzalez? Okay, what is the desire of the Commission? We are going to open it up for input, either for or against this project. There's not any, let the record show. What is the desire of the Commission?

Commissioner Duran moved to approve CDRC Case #SUB 98-5130, and his motion was seconded by Commissioner Grifñé. The motion passed unanimously.

- VI. E. 6. CDRC Case #V 98-5170. John Lucero Variance. John D. Lucero, applicant, requests a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow a second dwelling unit on 0.935 acres. The property is located east of the intersection of County Road 101G and County Road 84, within the traditional community of Jacona, within Section 12, Township 19 North, Range 8 East**

MS. LOPEZ: Mr. Chairman, Commissioners, in 1996 John Lucero was granted a temporary mobil home permit so that his son could live nearby which would allow him to aid in the health care of his parents. Mr. Lucero is still need of care, therefore he is requesting a permit to allow the mobile home to remain on his property. The property is located within the traditional community of Jacona, where the minimum lot size is .75 acre per dwelling unit. The applicant is requesting a variance of the lot size requirement of the Code.

Recommendation: The decision of the CDRC was to grant the appeal of the Land Use Administrator's decision to deny the request for two dwelling units on .935 acres. The

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CDRC's decision on the variance was to recommend a temporary permit that will be reviewed administratively for renewal every two years. Renewals will be based on the hardship the applicant presented at the time of this CDRC meeting.

CHAIRMAN TRUJILLO: Thank you.

MS. LOPEZ: Mr. Chairman, Commissioners, I also just want to bring to your attention, Rudy just handed out some documentation in support of the variance. [Attached as Exhibit 1]

CHAIRMAN TRUJILLO: Thank you, Vicki. Is the applicant here?

[Duly sworn, Robert Lucero testified as follows:]

ROBERT LUCERO: My name is Robert Lucero. I'm at Route 5, Box 223-AD in Santa Fe. I am the son of John Lucero, who is applying for the variance. Basically, what we'd like to do is apply for the permanent permit for the mobile home. Basically, in 1996 we did get granted the temporary mobile home for the care of my parents. Me and my wife and my one child at the time, moved out in order to help my mother and my father with their health care. My mother was diagnosed with congestive heart failure some time before we moved down from Albuquerque.

When we originally intended to move on to the property, we had talked to some people with County, there was a mobile home -- well, we knew this already, but there was a mobile home back in the '70's which my father had my aunts living in at the time and all the hook-ups were already pre-prepared. So in some of the discussions with the County, there was being a problem with grandfathering in a new mobile home to be moved in.

After purchasing the mobile home and getting ready to move in and purchasing the permit, we found out that there was a lot more involved than we had originally expected. They did allow us to move in and since that time, in January of this year my mother passed away and now my father decided to remain on the property. We are asking that due to his health care that we would like to help out also with maintenance and meals for my father and basically his general health care. We'd like to get a permanent permit to stay on there. Again, when we moved out there the water and sewer were already connected from a previous home.

Basically, my wife is a full-time homemaker, takes care of my children at home and also is very available to make herself available to with the cleaning and maintain my father's care and meals and things like that also. We have talked with several of the neighbors around the area.

Directly north of us, there are two neighbors. I gave Vicki some letters basically stating that they are in support of the granting of the appeal. Frank Romero lives to the north of us and has approved it. He's lived in the area for over 30 years. Another house to the north is by the Jacqueses. They approved it also. They signed an appeal. To the east are the Roybals, who have also approved it. They've lived there since before my father even lived there in the fifties. And they've also approved it. Behind us, I don't have a signed statement by the Vigils, but we have discussed it and he is in support of granting the appeal.

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To the east of us are the Dotys and they've lived there for 15 years and they are in support of it also. So it is just like my asking that we get this permit as a permanent basis. I can answer you're questions if there are any.

CHAIRMAN TRUJILLO: Mr. Lucero, at present, you're using the same well and the same septic system right?

MR. LUCERO: Right.

CHAIRMAN TRUJILLO: It's not individual, it's the same. I'm from area, if I remember the area, the situation is essentially status quo in and around that area. To the north, the Romeros have three residences in about the same size --

MR. LUCERO: Actually four residences.

CHAIRMAN TRUJILLO: Four residences in the same of land that you have. To your east, it's the same situation, to the west, the same situation, to the south, there's a little bit more open space, but around that area it's the status quo of what you're asking for. This is a family transfer situation, right?

MR. LUCERO: Yes, definitely.

CHAIRMAN TRUJILLO: And your dad's house will always be part of the family.

MR. LUCERO: We have already discussed the matter and it is our intention to eventually move on to the property. My father is going to be there throughout his days but it is our intention to remain on the property indefinitely.

CHAIRMAN TRUJILLO: And the variance, the temporary variance that the Commission granted initially, really served its purpose, because like you said, your mom just died recently of congestive heart disease and you were there immediately to take care of her and your dad is suffering from the same situation, so immediately your family is there for their benefit, right?

MR. LUCERO: Exactly. On the evening that my mother passed away, my father called 911 and called me and within three to four minutes I was over there being able to administer CPR to my mother who was passing away.

CHAIRMAN TRUJILLO: Very good. Thank you, Mr. Lucero. Any questions of Mr. Lucero? Anybody for or against?

Commissioner Grinë moved to approve CDRC Case #V 98-5170. Commissioner Gonzales seconded the motion, which passed by unanimous [3-0] voice vote.

- VI. E. 7. CDRC Case #V 97-5580. Kathleen Watson. Kathleen Watson requests a variance of the height requirements of the Land Development code to allow a 33-foot high structure. The property is located within the Lone Butte area with Section 35, Township 15 North, Range 8 East**

MS. KULSETH: Mr. Chairman, Commissioners, I don't believe Ms. Watson is here this evening. In the case of an appeal that warrants an automatic denial because of the time line. In the case of a variance, we're not under a stringent time line, however, I guess I would ask if there's anyone here to speak on the case, if they've come out tonight. We have the option of denying it or tabling. If there's someone here to speak on it, we probably should hear their comments.

CHAIRMAN TRUJILLO: I think, since it's late in the evening it would be good to table this so we can give the applicant an opportunity to come forth and address the Commission.

Commissioner Griñé move to table CDRC Case #V 98-5170. His motion was seconded by Commissioner Duran and passed by unanimous voice vote. Commissioner Griñé was not present for this vote.

- VI. E. 7. CDRC Case #Z 98-5040. El Tanque Verde. El Tanque, LLC, applicant, requests master plan zoning with development plan approval for commercial uses ranging from restaurant/retail gallery to an electrical business on 0.8002 acres. The property is located within the Village of Galisteo, within Section 36, Township 18 North, Range 9 East**

COMMISSIONER GONZALES: Mr. Chairman, just for the record, I'd like to recuse myself.

CHAIRMAN TRUJILLO: Thank you, Commissioner Gonzales.

MS. LOPEZ: Mr. Chairman, Commissioners, the applicant is requesting master plan, preliminary and final development plan approval for a 3,750 square foot commercial building, of which 800 square feet will house the office of Electrical Concepts, Incorporated. The remainder of the building space will be leased for mixed uses. The building is situated on 0.8002 acres.

The use list proposed is as follows: office for Electrical Concepts, gallery, restaurant, additional offices, coffee shop, general store, feed store, storage lockers, bakery, grocery store and retail store.

Recommendation: The decision of the CDRC was to grant master plan zoning with

preliminary development plan approval and final development plan approval with final development plan approval to be handled administratively subject to the following conditions:

1. The applicant will obtain a driveway permit from the State Highway Department prior to recording the master plan.
2. The master plan will be recorded with the County Clerk.
3. The fire hydrant shall be placed no more than 1,000 feet from the furthest portion of any current or potential structures, and accessible from the road(s) serving each structure.
4. The developer's engineer must coordinate fire protection system design with the water system to ensure that the required fire flow and pressures can be met and maintained upon completion of construction.
5. The minimum water main size shall be 8" and shall be capable of providing 1000 gpm to the attached hydrant with a residual pressure of 20 psi.
6. The hydrant shall be in place, operable and tested prior to the start of any and all building construction. It shall be the responsibility of the developer to notify the fire prevention division when the hydrant is ready to be tested. Business licenses shall not be granted until the fire suppression sprinkler system and alarm system have been tested and approved by the Fire Marshal.
7. Additional fire protection requirements, if any, shall be imposed at the time of application for building and/or construction permits.
8. Handicap spaces shall be labeled and handicap access must be approved by the State CID.
9. The driveway accessing NM 41 shall be constructed of an bituminous material consisting of 2" PMBP over 4" base course as per NM Highway Department's comments.
10. All utilities must be underground.
11. Prior to final approval, the applicant must submit an approved ED permit for a wastewater system. The system shall serve the entire project and must reduce nitrogen per Article VII, Section 2.7.
12. The dumpster fence shall be 6' high and solid.
13. All property signs shall be approved and permitted by land use staff.
14. The applicant shall submit a financial guarantee for all site improvements before acquiring a building permit.
15. That the water budget must be honored and a meter installed with results reported every six months and any over-use made up by conservation in a six month following that over consumption. Landscaping and water use must follow the county terrain management requirements.

CHAIRMAN TRUJILLO: Any questions of Vicki?

COMMISSIONER DURAN: Mr. Chairman, Vicki, is the applicant in agreement with all the conditions?

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MS. LOPEZ: Actually, he's in disagreement with condition number 15. Also, I did want to mention that staff would like to recommend an additional condition be added, which would be condition number 16, that a drainage plan shall be submitted and approved by the Subdivision Engineer prior to final approval. The plan shall provide a drainage easement for off-site roads passing through the site. The development shall not cause ponding onto adjacent property. [For additional information pertaining to this case see attached Exhibit 2] And the applicant is in agreement with that condition.

COMMISSIONER DURAN: He's in agreement with that?

MS. LOPEZ: Yes.

COMMISSIONER GRINÉ: What are they not in agreement with, Vicki, again?

MS. LOPEZ: Condition number 15, that the water budget must be honored. A meter shall be installed with water use reported every six months and any over use be made up by conservation in the six months following over-consumption. Landscaping and water use must follow the County terrain management requirements.

COMMISSIONER DURAN: Vicki, do you know why they are opposed to that request?

MS. LOPEZ: Mr. Chairman, Commissioner Duran, I was just informed that they were in disagreement.

COMMISSIONER DURAN: Is this a standard requirement placed on development?

MS. LOPEZ: It was actually a requirement by the County Hydrologist.

COMMISSIONER DURAN: And they haven't submitted any water budget at all at this point?

MS. LOPEZ: Their water budget was 1.39 acre-feet. That's what their proposal was.

COMMISSIONER DURAN: And does that exceed the water allowed for this use?

MS. LOPEZ: Mr. Chairman, Commissioner Duran, actually, we have received a few letters from the Galisteo Water Board that says they should only be allocated to .53 acres.

CHAIRMAN TRUJILLO: Any other questions of Vicki? Is the applicant here?

[Duly sworn, Mike Anaya testified as follows:]

MIKE ANAYA: My name is Mike Anaya, Stanley, New Mexico. My address is P.O. Box 4854, Santa Fe, New Mexico.

COMMISSIONER DURAN: Do you have a presentation, Mike?

MR. ANAYA: The reason that I feel that we want to delete number 15 is I feel we've been singled out. Nobody else over there has a meter, or nobody else over there is required to report to the County how much water use there is. There's another

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commercial building over there and they're not allowed to do that, so I feel that it's a burden on me and I've been singled out personally.

CHAIRMAN TRUJILLO: Commissioner Duran, do you have a question?

COMMISSIONER DURAN: I'm just a little concerned about the water usage. All these uses could generate a lot of water usage. And I guess my question is what kind of plan do you have to get water, or do you have one?

MR. ANAYA: Mr. Chairman, Commissioner Duran, I went to the water association and they never said I was to use .53 acre-feet of water. That was after I was approved. Then they came up with that. But I have the president of the water association here who can answer those questions. I was allotted from the State Engineers and from the County Hydrologist, 1.4 acre-feet and then after they heard that, then the community said that I shouldn't have that. Well, I was already approved from the board.

I set up a meeting, told the board what I was going to do and they approved it. But there was no condition. The only condition was that since I was going to use more water, they were going to charge my \$50 a month instead of \$15 a month. That was the only condition.

CHAIRMAN TRUJILLO: How much water were you going to get from the board?

MR. ANAYA: They allocated 42.5 acre-feet of water. And according to the State Engineers, we're using 35 acre-feet. Let me back up a second. Our water system had over 30 leaks in the past two or three years. And a lot of that water is not being used. It went through the meter but it's pumped back into the ground. It leaks back into the ground. So 35 acre-feet is not an accurate number. It is a lot less than that. And I know that there are about 30, 40 leaks in that village, because I repaired almost all of them.

CHAIRMAN TRUJILLO: How much water is being allocated?

MR. ANAYA: 1.43 acre-feet.

CHAIRMAN TRUJILLO: Any other questions of Mike? Anybody else who wants to speak? The water association? Did you want to talk? The president of the water association?

MR. ANAYA: Maybe he might speak after Mr. Griscom speaks.

[Duly sworn, Richard Griscom testified as follows:]

RICHARD GRISCOM: My name is Richard Griscom. I'm a resident of Galisteo. My address is Box 153, Galisteo. I'm a member of the water users association, domestic water users association, and I'm one of those who signed a petition that you all have in front of you, I believe in front of your packet. And I'm one of the signatories of the cover letter that was delivered to you all along with the petition.

I want to make clear I rise not to oppose the project, but rather to request clarification on the question of quantity of water allowed to the project. I want to assure Mike Anaya and the members of his family that the petition that you all received is not aimed at him personally, that I and most, if not all of the signatories of the petition, appreciate very much

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the contributions that he and his family have made to the community of Galisteo over the years. So this is not a personal matter.

The petition which you received was signed by the majority of the members of the community water association. It states that the project in question should be entitled to only that amount of water that the other members of the association are entitled to, and that is approximately 1/80 of 42.58 acre-feet of water, or .53 acre-feet for the project, for each membership. As was stated earlier, the water association water rights total 42.58 acre-feet per year. Dividing that by 80 hook-ups is where the figure .53 comes from.

However, the developer's proposal and the CDRC recommendation call for 1.39 acre-feet of water per year to be supplied by the Galisteo Domestic Water Users Association. We feel, the people who signed that petition feel that's unfair to the rest of the members of the association because it's more than twice the amount that the other members of the association use. We therefore request that the Commission either specify that the project should get only same amount as the rest of the members of the association, i.e., approximately .53 acre-feet per year, or remand the matter back to the local water board for them to decide what the quantity should be.

I was not present at the board meeting when this was addressed. I am not a member of the board. I was not present at the board meeting when it was addressed, but I believe it's true that the quantity of water the 1.39 that the applicant is requesting, was not mentioned at that meeting. It was only afterward that that quantity, and I think Mike's presentation confirmed that earlier this evening, that it was only later that the quantity of 1.39 came to light. And that's when the idea that the petition came up and that's why there's so many signatories on the petition.

So again, to reiterate, we would request that the Commission either clarify that it is not saying to the local water board that it should provide 1.39 acre-feet because we don't feel that's within the Commission's jurisdiction. It's within the local board's jurisdiction. Or, just remand the whole matter back to the local board for it to clarify how much water the project should receive.

COMMISSIONER DURAN: Actually I have a question for Denice. Do we ever get involved in the allocation of water by a water system?

MS. KULSETH: Mr. Chairman, Commissioners, we don't generally get involved in those issues. I know I think that there's a memo in your file from the County Hydrologist about his position on the matter. We don't generally get involved in disputes in water co-ops or water companies.

COMMISSIONER DURAN: So if we deleted item number 15 and just left the water issue up to the applicant and the community water system and let them work it out between them. Why do we have to get involved?

MS. KULSETH: Mr. Chairman, Commissioner Duran, I don't believe item 15 came from the water company. It came from Jack Frost, is my understanding, so you may want to direct your question to him.

COMMISSIONER DURAN: That's okay. I have no more questions. Thank you.

CHAIRMAN TRUJILLO: I have a question. The 1.43 water allocation for the development, is that done during the formal meeting of the water association so that it was acted on officially and approved by all of the members of the board association.

MR. GRISCOM: I believe the figure is 1.39, but no, my understanding was that it was not. That matter comes from the applicant's application and it was ratified as was submitted by staff, or was supported in the recommendations by the hydrologist. But it did not come from the water association and was not addressed by the water association, I believe.

CHAIRMAN TRUJILLO: Thank you. Any other questions? Thank you, sir. We have the president of the board association that wants to address the Commission.

[Duly sworn, Steve Moya testified as follows:]

STEVE MOYA: Mr. Chairman, Commissioners, Mr. Griscom is correct. The number where that 1.43 came from the County Hydrologist. It did not come from us. Mike came to the water association to request this development. The board that sat there had no questions about the water that we used. They all voted in favor of it, unanimously. It was granted. And that's where the board stands. Now they came back after the fact and when the County came up with this water budget, that's when they all came forward and said it's too much water.

Mike is correct also. We do have another commercial development out there that's not metered. It's a school out there and they use quite a bit more water than what Mike would use in those three areas.

CHAIRMAN TRUJILLO: Mr. Griscom was trying to bring forth that the allocation in this case does not seem to be egalitarian in that everybody else is limited to a certain lot less amount than Mike is getting. Is that the perception of the community? With the understanding that there's another commercial development that's getting more water than Mike is. Is it the perception in the community that the distribution of this water is unfair?

MR. MOYA: It's sort of hard to say who's using what amount of water. A lot of those residential and commercial hook-ups are not metered. We don't know what an individual family uses as far water right now. Some may be using more than their allocated amount. We don't know. It's just an estimate, a mathematical formula.

MR. ANAYA: Mr. Chairman, Commissioners, when I did have the meeting with the water board, I expected to pay the \$50 for the water because it was under the impression that the other commercial building, or the school, what it is, the other school, commercial, we had a meeting and we said that changing more water in a residential hook-up, so the board raised her rate to \$50 because she was using more water. Now when I came to the board with my plan, they even told me that you would be paying \$50 because you will be using more water.

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I changed my residential unit, I swapped it from residential to commercial, I was paying \$15 a month, and I swapped it over to the commercial and they told me, Okay, you're going to start paying \$50 a month because you're going to be using more water. If you look at the State Engineer's letter, he even says in here that the 1.4 acre-feet is fine, the State Engineer. And from the County Hydrologist.

I've already been through the water board. I'd like to go forward. I don't like to go back. That's why I'm here today.

CHAIRMAN TRUJILLO: Thank you, Mike. Any questions of Mike, the applicant? Is there any more input from the public?

COMMISSIONER DURAN: I think that the water issue should be something between the applicant and the person that's supplying the water and I don't think we should be a party to that.

Commissioner Duran moved to approve CDRC Case #Z 98-5040, deleting condition 15 and adding condition 16. Commissioner Griñé seconded the motion, which passed by unanimous voice vote.

VI. E. 9. **CDRC Case #A/V 98-5190. Don Swartz Appeal.** Don Swartz, applicant is appealing the Land Use Administrator's decision to deny a permit to allow a second dwelling unit on 2.117 acres which would result in a variance of Article III, Section 10 (lot size requirement) of the Land Development Code. The property is located in the Chuck Taylor subdivision within Section 4, Township 15 North, Range 8 East

MR. GARCIA: Mr. Chairman, the memo we can make part of the record, or if you'd like for me to read it.

CHAIRMAN TRUJILLO: Make it part of the record please, Rudy. [Report on file with Land Use Department]

MR. GARCIA: Recommendation: The CDRC at their regularly scheduled meeting of April 30, 1998 met and acted on the above-mentioned case. The decision of the committee was to approve the applicant's appeal and overturn the Land Use Administrator's decision to allow two homes on 2.117 acres. The CDRC also granted approval of a variance of Article III, Section 10 of the Code to allow two homes on 2.117 acres. A temporary permit will be issued for a period of two years to be approved for consecutive tow-year periods by staff. The applicant at that time must prove that the hardship still exists.

CHAIRMAN TRUJILLO: Is the applicant here?

[Duly sworn, Don Swartz testified as follows:]

DON SWARTZ: Don Swartz, 47-A Corral Blanco Way, Santa Fe. In 1976

I purchased 2.117 acres in the Chuck Taylor Subdivision. At that time I had two mobile homes, which I still have the hook-ups. I have the meters for water and natural gas and the septic tank that was put in. The reason that I'm applying for the variance is we sold the mobile home in 1986 when my mother retired. She decided to move into a rented apartment in Santa Fe where she could be closer to what she wanted to do. Well, about three years ago she took for the worse and she got pretty bad on us and I've been taking care of her the best that I can.

In the Chuck Taylor Subdivision we had a meeting this weekend about me. She wanted to go into a nursing home. There is no way, after us researching us that we could afford to put her in a nursing home. First of all, I was against it and she felt that was the only place that she could go. I guess what I didn't understand was I thought I had this grandfather thing all along. I didn't understand what it was all until about four years ago. Before she had left I told her that that place was hers, whenever she wanted to come back she could come back. Now I'm in a situation where it's just me and my brother and my brother had a heart attack so he's not working, so I'm the one that's providing, trying to help her out and do what I can for but it's taking a toll on me. I just can't go on like this anymore. I don't know what to do.

The only solution that we can come to is we can move her close to us where we can watch her during the day and make sure she gets her meals in the evening. That's the only thing I can do. I have all the -- I went through the expense of putting a complete septic tank in there because we had a cess pool out there. Everything else is there. The meters have always been there. I've always paid \$6 a month to keep the meter there. Nobody's used it. When I moved the trailer out in 1986, if I had known I could have rented this place. I didn't realize that once you move one out the attorney explained to me one day, on April 30, she kind of explained the grandfather thing to me. I didn't quite understand what that was all about. I just feel that I really need this. There's nothing else I can possible say. I have a doctor's letter here stating her condition and so forth. I'm kind of speechless at this point.

COMMISSIONER DURAN: You have a note from the doctor?

MR. SWARTZ: Yes I do.

COMMISSIONER GONZALES: That's okay, Mr. Swartz. We have it as part of the record.

CHAIRMAN TRUJILLO: Thank you. Are there any questions of Mr. Swartz? This is a family transfer, Mr. Swartz. It's not? It's just designating another space where your mother can live?

MR. SWARTZ: Yes, sir.

COMMISSIONER DURAN: This is kind of like the same situation where we talked about earlier today. This is a guest house situation.

MR. GARCIA: Mr. Chairman, Commissioner Duran, this isn't a guest house situation. It's a second dwelling unit placed on the property. Several years ago they had two homes on this property. I don't think he's had a home on that property for the last three

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or four years. And that's how he explained that the County Attorney actually explained to him that if he has a home that's not there for a period of a year it loses its status.

CHAIRMAN TRUJILLO: It's identical to the situation that we just heard a little while ago, right? Okay, we'll open it up to comments. Are you done, Mr. Swartz? We'll open it up to comments from the public, for or against.

COMMISSIONER GONZALES: Mr. Chairman, I know Mr. Swartz' family and I know he's a real dedicated person and I know this is an opportunity for him to take care of his mom and I think that where we should help we should, so I move for approval of CDRC Case A/V 98-5190, requesting approval of the variance.

COMMISSIONER DURAN: Second.

CHAIRMAN TRUJILLO: Motion made, seconded by Commissioner Duran. All those in favor. [Unanimously] Opposed?

The "ayes" have it; the variance is granted. Thank you.

- VI. E. 10. **CDRC Case #Z 97-5650. Vista Limited. Vista Limited, applicant, Lilly Planning and Associates, agent, request master plan zoning on five existing lots for commercial uses. The proposed use list includes 55,000 square feet of office space, 60,000 square feet of warehouse space, 150-room hotel, distribution operations, retail, restaurants, educational institutions, service repair establishment, veterinary offices and private clubs/lodges. The property is located northwest of the intersection of I-25 and State Road 599, within Section 26, Township 16 North, Range 8 East**

MR. GARCIA: Mr. Chairman, would you like me to make it part of the record or do you want me to read through it or summarize it.

CHAIRMAN TRUJILLO: We'll just make it part of the record.

MR. GARCIA: The recommendation: The CDRC, at their regularly scheduled meeting of March 26, 1998 met and acted on the above-mentioned case. The decision of the CDRC was to grant master plan approval subject to the following conditions.

1. No more than 60 individual business shall be allowed in the entire project unless the applicant can provide adequate utility capacity and infrastructure. This shall be noted on the master plan.
2. The applicant provide a landscaping plan and lighting plan in accordance with Article III, Section 4.4.4 at preliminary development.
3. Applicant depict buffer zones and setbacks on the master plan in accordance with Article III Section 4.4.4b prior to recordation of the master plan.
4. Applicant provide a water budget for entire project to include landscaping to be reviewed and approved by the County Hydrologist prior to preliminary and final

- development plan submittal.
5. Applicant provide a signage plan according to Article VIII prior to preliminary development plan submittal.
 6. Applicant to address all redline comments by the Subdivision Engineer prior to recording the master plan.
 7. Applicant record master plan with the County Clerks Office. Acknowledge of the owner must be on the master plan.
 8. Applicant submit a CLOMR to be reviewed and approved by FEMA prior to development plan application if the flood zone is to be altered.
 9. Applicant provide a general description and plan of signage, lighting and sewage treatment facility to be approved by staff prior to master plan recordation.
 10. The five lots must be consolidated, or master covenants must be recorded with the master plan to address common architectural style, landscaping, lighting, signage and visual integrity and infrastructure maintenance.
 11. Santa Fe County resolution 1998-13 Santa Fe County Water Utility Extension Policy must be complied with at the time of preliminary development plan submittal.
 12. All lots are subject to using the proposed community wastewater treatment plant system. No individual systems will be allowed.
 13. The developer proposes to use the County Water System. Wells are prohibited on this property. If the developer fails to acquire a water contract with the County with five years of BCC master plan approval, this master plan is automatically null and void. This shall be noted on the master plan.
 14. There shall be no individual business logos/signs visible from the frontage road, except the hotel.
 15. Comply with all reviewing agencies comments relevant to the master plan prior to recordation.
 16. The developer shall investigate the feasibility of developing a single wastewater plant in conjunction with the Komis Development. The proposed liquid waste system shall be subject to an ED discharge permit and must reduce nitrates to at least 14 milligrams per liter.
 17. At the time of preliminary plat submittal a discharge permit application must be submitted.
 18. All outside storage areas shall be screened by a solid six foot high stuccoed masonry wall.
 19. All buildings throughout the project shall have commercial fire sprinkler suppression systems approve by the fire marshal.
 20. Prior to development plan approval of any phase, the applicant shall submit a detailed traffic study showing participation for required improvements in SR 599/West Frontage Road intersection.
 21. The following uses are permitted: lodging facilities, office, warehouse, distributions

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operations, retail, restaurant, educational institutions, service/repair establishments, veterinary offices, private clubs/lodges.

CHAIRMAN TRUJILLO: Any questions of Rudy?

COMMISSIONER DURAN: Rudy, is the applicant in agreement with the recommendations?

MR. GARCIA: Mr. Chairman, Commissioner Duran, as far as I know, I think he was at CDRC and I think he still is.

CHAIRMAN TRUJILLO: Is the applicant here?

[Duly sworn, Al Lilly testified as follows:]

AL LILLY: My name is Al Lilly, Lilly Planning Associates, 109 North st. Francis Drive. I'd like to know if the board would like to see a presentation on the project, or I could just answer questions. Is there a preference?

CHAIRMAN TRUJILLO: Why don't you give us a presentation.

MR. LILLY: I just want to point out that if you take a look at the site vicinity map, you'll clearly see that the entire site lies within the Basin Area commercial zone. There are currently five lots on the property. These are subdivided lots. They're approximately five acres in size totally 25 acres for the entire project. The proposal is for commercial zoning. It's master planned for commercial zoning. It will not be the final time you see this property. There will be other opportunities for this board to have input into the process. In the master plan, the commercial zoning approved uses that are permitted are in the Land Development Code, so we're not asking for anything special with regards to the size or design, or looking to go outside the commercial district, nor have any uses that are not permitted as per Code.

I'd also like to point out in that packet that I gave you, there's a site plan in color, and then behind that there's also architectural standards. These are design standards that we've worked on over the past couple of years. They're not new to the board either, or to staff. We feel that they are standards that will be a good start for the corridor committee to look at and we feel that they are standards that will set a standard in terms of corridors and should provide good design in this location.

The project is planned with smaller scale buildings adjacent to the frontage road, and there's a transition in building sizes to the rear of the site. On the site plan that's in the packet, you'll see that we've provided for the office buildings adjacent to the frontage road. This being the frontage road, this location, this is I-25 and this is 599. At the start of the design process we worked with the Highway Department, we initially had three access points that are indicated on that plan as well as part of the original subdivision. As per input from the Highway Department, we limited that down to two. So we provided two access points now, providing better site distance and we're providing an interior road system through the middle of the site.

I'd also like to point out that the parking is located in service from that middle access road and then that feeds into the buildings on the other side of it. So when we take a look

at how this property is laid out you see that the parking is actually buffered on all sides by buildings. So from the highway, you have a buffer of buildings and also from the back part of the property, there's also a buffer strip that we have with building structures, and the landscape as well. And there's landscape standards as well, included in the application.

As I mentioned, we feel that this project represents good design and we're requesting master plan approval this evening. I'd be glad to answer any questions.

CHAIRMAN TRUJILLO: Any questions of AI?

COMMISSIONER DURAN: Mr. Chairman, AI, I'd like to commend you on your design. This is exactly what I've had in mind, the way development should occur along these highway corridors where there isn't massive parking lots that you see, that buffer the buildings. The parking is buffered by the buildings that are built on the project. This is the kind of thing we should adopt when we start talking about the highway corridors and how development should occur and how it should be designed. I'd just like to commend you on your design.

MR. LILLY: Thank you.

CHAIRMAN TRUJILLO: Any other questions of AI? This is a public hearing. Would you please, Beverly, step up to the mike.

MS. KULSETH: Mr. Chairman, Commissioner, we only permit cross-examination in the case of parties, and a party is somebody who's filed an opposition to a matter under consideration. This went before the CDRC and I don't know if there were any parties or any opposition at CDRC. It's always in your discretion to allow anyone to question the applicant but those questions should be posed to you and then relayed to the applicant. There isn't generally direct cross-examination. The questions are relayed to you and then you ask the applicant's response to those questions.

CHAIRMAN TRUJILLO: I guess we can do that.

COMMISSIONER DURAN: Mr. Chairman, this isn't a rezoning issue, is it?

MS. KULSETH: Mr. Chairman, Commissioner Duran, yes it is.

COMMISSIONER DURAN: It's a rezoning issue?

MS. KULSETH: Yes.

[Duly sworn, Beverly Garcia testified as follows:]

BEVERLY GARCIA: I'll be testifying later, but I have questions. The questions that I have are, is there already available water for the type of development that you are proposing in your rezoning request for this land?

MR. LILLY: One of the conditions of the approval has to do with water and conforming to the County guidelines before proceeding with any kind of commercial development or any type of development and one of the requirements would be to obtain water rights. The applicant is in agreement with that process.

MS. GARCIA: Mr. Chairman, could I please ascertain what the estimated amount of water rights is needed to support this type of a proposed development?

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MR. LILLY: We have an outline on the water budget and it's in the range of about 17,000 or about 18,000 gallons per day.

CHAIRMAN TRUJILLO: A little bit further on that question, Al. How many water rights, or what's the water right allocation that's needed to satisfy 17,000 gallons per day? How many acre-feet?

MR. LILLY: Approximately 13.5 acre-feet is what's needed to be obtained.

CHAIRMAN TRUJILLO: Thank you.

[Ms. Guerrerortiz, speaking away from the mike estimated it would be around 20 acre-feet.]

MR. LILLY: Okay, I'm not going to disagree with you, Oralynn. My earliest calculations were closer to the 20. Jim Corbin took a look at it. He's working on the water rights and he's the one that came up with approximately 13 1/2 to 14, so it's somewhere in that range. Of course the other part of it is considering the actual uses that are implemented on the property. If you go into lodging or restaurant use, that's going to use up more. If it's more office or warehouse, it'd be on the lower end. We're only at master plan level at this stage, and we'd have to come back with a more defined water use budget at the time of development plan submittal.

CHAIRMAN TRUJILLO: So you haven't acquired the water rights?

MR. LILLY: We will have the water rights at that time.

MS. GARCIA: Is it a condition of the recommended approval that the case not proceed if water rights aren't acquired by the time the next matter comes before the CDRC or the County Commission for approval?

MR. GARCIA: Mr. Chairman, the master plan for this property is based on that they will utilize County water. If the County water system cannot go out there, if there is not any water rights acquired by the applicant, then this project would need to come forward back as an amended master plan, to state what other type of other water right use that they're going to acquire other than the water company, they would have to come back as an amended master plan or a whole new master plan and at that time the water issues would be addressed.

MS. GARCIA: Thank you. The next question that I have is, how close is this proposed development to -- for lack of a better word -- the Relief Route?

MR. LILLY: Very close. It actually sits just about on the Relief Route. It's technically located on the frontage road, this being the frontage road. This is I-25 and this is 599. So this is the intersection right here that leads off to the racetrack, and this is heading in a northerly direction.

MS. GARCIA: How far is the set back from the Relief Route?

MR. GARCIA: Mr. Chairman, are you actually talking about the frontage road or the actual Relief Route? Because this property is off of the frontage road. It's not directly off of the Relief Route itself.

MS. GARCIA: From the frontage road.

MR. LILLY: From the frontage road right-of-way, the set-back is probably

a minimum set-back. The actual distance from the roadway scales about, I'd say fifty feet.

MS. GARCIA: What is the intended market for this master plan proposal?

MR. LILLY: We initially had some market work done on the project early on. The best uses that they said, hypothetical uses for the property, immediately would be the office and warehouse type uses. What we're recommending is office space adjacent to the frontage road. This is shown on this plan as being the frontage road. You're looking at the low scale structure, the one-story scaling up to two stories, we have the parking in between and we have warehouses which will be the [inaudible] structures behind that. Then the secondary uses that we talked about later down the road, restaurants and lodging.

MS. GARCIA: I would like to know if the property in question here was part of the taking by the Highway Department. In what way this property was affected by the taking, and then I have a follow-up question in that same regard.

MR. LILLY: This was initially on a much larger piece of property at the intersection. I'm not exactly sure how many years ago it was when the highway came through and condemned the property, but it condemned a large section of their property. The left over pieces are what evolved into the five lots currently located at the intersection of the highway.

MS. GARCIA: Was the applicant compensated by the Highway Department for the damage that was done to his property at that time?

MR. LILLY: They received compensation for the actual land that was taken. They received no compensation for the property that sits here in front of you tonight as part of this application.

MS. GARCIA: I guess since Mr. Lilly here is the person that is sworn here, are providing that as sworn testimony that the applicant, the property owners in this case were not compensated by the Highway Department for the damage that was done to the land that was left remaining after the takings. That they were only compensated for that land that was taken and not for the ensuing damage to the adjoining land. Is that what your sworn testimony is?

MR. LILLY: I can't answer that question. I wasn't part of the trial process or anything else that had anything to do with that.

MS. GARCIA: These are all the questions that I have at this time, but I would have some follow up testimony.

CHAIRMAN TRUJILLO: Thank you. Any other public input?

[Previously sworn, Ann Lacy testified as follows:]

ANN LACY: My name is Ann Lacy. I always feel like I come to these meetings and I feel like people think I'm in opposition when I come but actually I come because I'm concerned and I'm actually for some of the things I think I've heard this Commission and the City Council speak to, and that's to general long-term planning, which I just mentioned a few minutes ago. So I think I just want to, for the record, pose some questions about this in the hopes that perhaps there'd be a little more due process in terms

of approving this for master plan zoning, since I do think, having gone to the previous hearing this evening that all these things are connected.

I'd like to say that from the looks of this, it looks like in many ways it's very well planned. There's many considerations, but one over-riding question I have is is that Mr. Lilly states that the planning sets what he considers to be corridor standards that we can as a community use for the future, and I guess my question throughout the last year of looking at these issues is who these [inaudible] I appreciate that your fine work creates corridor standards and yet I always feel that the standards for development and planning around Santa Fe are driven by development rather than in place, a master plan that then can determine whether each of these developments coming down the tube are appropriate or not, are of the correct scale or not, etc., etc.

So with that in mind, I just wanted to go over this description. The proposed use includes a 55,000 square foot office space, 60,000 square foot warehouse space, 150-room hotel, distribution operations -- I'm not quite sure what that means -- retail, restaurants, educational institutions, services, repair establishments -- I'm not quite sure what that means. Is that a truck stop, or is that something else? -- veterinary offices and private clubs and lodges and I already know that essentially, what's being requested is a zoning so that then permits of each of these are subject to permits that go into the County offices for approval or not. I think what concerns me as a resident of the County, is that once approval is given in terms of commercial zoning and the intent is so broad and the language is so abstract that it's very hard for neighbors, neighborhood associations, traditional villages, for people nearby to come up to each of these ideas, distribution operations, retail, restaurants, educational institutions, they would need a full-time staff to continually try to understand what this is all about, what the descriptions are.

So I guess what I'm saying is that I only urge you to take more time in approving these types of developments however well planned they might seem, there are very huge and they occupy areas that, although it is private property, it is in some ways because it's along these corridors, considered in some ways to be part of the commons, part of community use. And if you could table this and instead put up some kind of meeting so that as a community, we can learn more about this, as well as other developments like this as Mr. Gonzales, I think urged, not too many months ago. So that we as residents can put ourselves in a position where we're not so oppositional, but that we're working together as a community to form some long term planning that all of us would really like. Thank you.

COMMISSIONER DURAN: Mr. Chairman, Ms. Lacy, I would like to comment on a few things, respond a little bit. I think there's a big misconception of what the highway corridor task force is all about. It was created so that we can deal with development along the highway corridors, so we can develop some planning, so that we can develop and adopt some architectural guidelines and design standards, so that there's no proliferation of commercial development along the corridors. It was never developed with the thought that we would change the zoning in the Code, in the nodes that exist right now.

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Commercial development in the commercial nodes is where these types of development occur.

And I'm sure you'd rather see them happen here than to have it proliferate along the corridors. The corridor committee was not developed to prevent development within the node, but rather to deal with how we protect the corridor.

MS. LACY: And I absolutely agree with you and I think maybe the way I've stated this it sounds like I'm against all development in the nodes and I'm not at all. But when I see something like this, I get a little worried. It's so huge.

COMMISSIONER DURAN: It is huge, but if you look at the plan, it's exactly what we're trying to develop. We don't want strip development along the highway corridor and strip development in mind is if you drive down to Airport Road and you see what they've allowed to be built along Airport Road, that's strip development. And for years, the County has said that they want to prevent that. That's exactly what's happened there. They've allowed buildings to be set back 50 feet off the road, nothing but pavement in front of it, and this design, it's obvious if you look at it and actually study it, it's exactly what we want. So I understand your concern about development along the corridors but you have to look at these things.

These people have property rights that we have to respect also. I don't believe that the Highway Corridor Committee is going to come up with standards or changes to commercial development within the node, but it's going to have an economic impact on these people. and I think that this board and the City, I think it's our responsibility to deal with the private property rights that these people have provided that they are in conformance with what we perceive to be and the public perceives to be in the best interest. So I agree with you, but I also feel that what this project represents is exactly what we're hoping to accomplish.

MS. LACY: It could be, and I'm not saying it isn't, but I guess what I'm saying is that the way that it's perceived by much of the community, there does not seem to be an over-riding general commitment to planning that seems understandable, in terms of water use, appropriate land issues, green areas, the original intent of the EZ, areas to preserve some kinds of rural, the rural nature of an area. I'm thinking perhaps if I'm so confused maybe there's a way to -- I don't know what. [inaudible] meetings where it's not about any specific development, but where that you could air your own views and I guess hear about your long term planning for the county so that we residents can understand it better and maybe have more confidence in the process.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Duran, just a brief comment real quick on your comments. I understand sometimes when I talk I talk in the we format too, but I just want to make sure for the record we understand what you say this is exactly what we want. I haven't decided whether it would something I'd be willing to support and I just want to clarify that. My intention on the highway corridor that to develop growth plans that protected communities around it and if that's an issue of

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rezoning with respective individuals' private property rights that we would be open to that so I want to be careful of the signals that we sent out prior to this being started.

I think we've all made the commitment to our General Plan that we respect the right to the people's personal property and that we don't want to take away their economic value that they have in it. But with design standards, hopefully, and maybe if those design standards lead to rezoning that they may be an option after this so I just wanted to make sure we stated that.

CHAIRMAN TRUJILLO: Thank you, Commissioner Gonzales. I think we've got another -- did you want to talk?

[Duly sworn, Peter Komis testified as follows:]

PETER KOMIS: My name is Peter Komis. My address is 610 Don Gaspar Avenue. Ann Lacy said something about neighbors and neighborhoods and the impact on the neighbors and neighborhoods. I am a neighbor of Bob Pierson's, Mr. and Mrs. Pierson. My property touches his property and I must say that I believe that his project is a good project. It's well thought out. It's architecturally pleasing. I was in Albuquerque today, and I was driving past the property that we're talking about right now and it just doesn't look right. What I see on the left and the right just does not look right, and when I see a plan like this, I am confident that this could set precedents for good future planning, good economic development, etc.

I've also met with all of my neighbors in Remuda Ridge and I must also note et cetera in the past I've gone door-to-door and spoken with them. And we talked about the need for commercial zoning in that area. And they all seemed to be in favor of it. I have not received any type of opposition at all from anyone. So they would be here today. This has been a continuing thing for Mr. Pierson. It was tabled last month. He's been going on and on, trying and trying, so time -- people say take your time. Take your time, well, it's going to take time, it's not going to worked out over night.

I recommend that all Commissioners approve this project. It's not going to go up over night. It's going to be brought before you again and I think it's good, well-thought out process. He has the right as an American citizen to develop his property under the thirteen amendment to the US Constitution and I think that protection of property, like it says behind you is a good example right here. Thank you.

CHAIRMAN TRUJILLO: Anymore public input? Beverly?

MS. GARCIA: I would like to request that the County Commission not take action on this case or that you deny this request until there some policies set by this corridor committee. A frontage road, I think we can all acknowledge, is situated very close to the Relief Route. And unless we have some kind of green belt, some kind of policy set for this, we're not going to be consistent in the County. We're just going to erode every kind of entry way that we had to Santa Fe that ever used to look beautiful.

This kind of a proposal here presents a lot of issues. One of the major ones is what really happens in the condemnation process. And something that happened in that, we talked

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about it, just touched on it in a hearing earlier tonight over at Sweeney Center. When land is condemned and there is a taking, when the property owner is offered money by the taker, they normally take into consideration, and I base this upon having taken many land condemnation suits in my lifetime. In fact I was a court reporter on practically every taking along St. Francis Drive years ago when that was taken, and that whole neighborhood was destroyed.

But when land is taken there has to be an offer made for the damage that is done to the adjoining land. And I'm sure that your attorney here could support me on that statement. I just really doubt that the property owners here were not compensated in some way for the land that was affected by the taking. And to come here and assert to this body that there is solely a property rights taking involved here, is really asking you to swallow a lot. Zoning requirements apply to everyone. And all property is owned by someone. And I think it's just a real false claim to say that because a person owns property, that they should somehow be allowed to do this with it.

I think that someone here ought to ask the question, is this whole rezoning contingent on a sale. And maybe that would then tell you what's really going to happen with that hotel property. And is this person who is claiming the property right, really intending to develop this property themselves? This has all the markings and all the trappings for the sale to some larger conglomerate. And I think that a person would have to be very naive not to see that. I certainly wouldn't support taking anything away from these property owners. I mean in one way or another they're going to be compensated for their land and I'm sure they were compensated that was done to this one. And the way that I look upon something like that is if someone comes before a regulatory body and then claims property taking and I now have a right to develop it. There's sort of a double dipping. Just like there was along St. Francis Drive years ago.

People would pay for that taking. Land speculators came along later on and bought the land on those fringes and then after enough time passed, then they went to the City Council and said, Hey, we've got a right to develop our land, even though they knew that that land bordered on St. Francis Drive. That it was not zoned for commercial and that it would never be fit for residential use. But they used that argument nonetheless, years later after people had long forgotten that those people had been paid for the damage to their land and they were successful in it. And that's exactly the argument that's being put before you here tonight.

I wouldn't buy that argument myself. With regard to the pictures put before you, it does look nice, but I don't know if that's what's going to be built. I don't know what kind of hotel is going to be put there and neither do you. That's going to be another [inaudible] We have them right next to the adjoining property. For you to have one land developer come in and support another land developer, I think it's going to have a detrimental effect on changing the whole nature of that land in that area. And I can tell you why people aren't, because it's 11:20 at night. That's why they're not here. People get tired.

In New Mexico the poor pay attention to what's going on Tuesday all day long Tuesday. The rich relatively speaking are those that get to think in terms of decades. That's why people aren't here. We all know the nature of who lives where and what our community is like. But I urge you not to approve this tonight. And I just think there ought to be a standard policy never to approve a major development not knowing where the water's coming from. Thank you.

COMMISSIONER DURAN: Mr. Chairman, it's my belief and staff can confirm this for me, the applicant has made his application and has met every requirement that we have in our Code. He has agreed to all the conditions that staff has recommended. He's agreed to all the conditions that the CDRC approved and he has done everything that he possibly can to conform to our guidelines and has agreed to them. I think that to deny this or to table it until we've adopted some highway corridor design standards which we don't even know what they are, it's unconstitutional and it I think that it leaves us, it leaves the County exposed. I'd like to remind you that the City right now is in the middle of a lawsuit where the applicant is claiming damages to the tune of \$300,000 a day because they met their requirements and they decided to disapprove it.

So I think that the public should have some assurance that if they conform to our guidelines, to our ordinances, that they will gain approval. That's not much to ask. I think it's unconstitutional to deny it just because we are hopeful to put together some ordinance or some guidelines that will be adopted.

CHAIRMAN TRUJILLO: Question of staff: This is a zoning change? So this proposal does not satisfy the letter of the law, because it's a variance? It's a zoning change?

MR. GARCIA: Mr. Chairman, Commissioners, this is a request for a zoning change for commercial uses. This is master plan only. He still has to come forth for development plan. This is just at master plan level.

COMMISSIONER DURAN: I just have one other thing. In looking at the design, it really appears to be a good design. It deals with the strip development that we're all going to be concerned about it when we start talking about it, but maybe the one element that isn't included in this is an architectural control requirement. And maybe the applicant would agree to some architectural controls that are adopted by the highway corridor commission.

CHAIRMAN TRUJILLO: Thank you, Commissioner Duran.

COMMISSIONER GONZALES: Mr. Chairman, sorry, Commissioner Duran, that I seem to be in opposition with you mostly this evening. I disagree that it's unconstitutional to deny this because they've met requirements that would allow us to go forward in rezoning it. I don't think we're under any obligation just because they're at a node and they require commercial zoning to zone commercially. I think that the Commission is responsible for weighing and looking at a broad picture before granting individual zoning in these areas and so I don't think it's unconstitutional to not go forward

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with it.

There's the other element, Commissioner Duran, we bring up the issue of personal property rights and I understand it. I've supported it. There's a whole other element out there and it's the issue of communities that are impacted by what individuals choose to do with their personal property rights. What we have tried to do, hopefully through this highway corridor Commission is to create an opportunity for developers, private property owners, community activists, to sit down at the table and figure out a way that we can effectively plan for these corridors. I believe that one point, and I think I communicated this to Al, it seemed me that I would be able to support [inaudible] along the corridor if people agreed to conform to the design standards that the highway corridor would come forward with. Since my visit with him, and spending some time with the community, there are concerns that I have about even allowing that to go forward.

Specifically on this issue, if we approve this, we have 400 rooms, approximately 400 rooms that will go up in an intersection which is bordered by neighborhoods. We have 150,000 square feet of office space and 60,000 square feet of warehouse space. We haven't done any market analysis, and while I've always supported the issue of inventory being created for economic development, what happens in this case if we have this wide ranges of uses in place and all we're able to market or all the property owners are able to market out there are warehouse space. Or maybe just hotels, or maybe it's just office space and what we have out there is rather than seeing the nice picture of a mixture of business uses, we end up having one specific type of use.

Just because they have it here, doesn't mean that it's going to be able to happen, so I'm concerned with that. The other issue is, we've not been able to successfully address that interchange of 599 and that frontage road. We are continuing to work with the Highway Department. I believe we're getting a light. But I don't know when that's going to happen. We've had several deaths. If this occurs before those lights go into place it's going to create additional traffic problems.

The issue of fire protection in this area, we're having a huge problem in getting the La Cienega Fire Department where it can at least take care of its existing neighborhood. With this in place I think it's going to be even more difficult. I'm concerned about especially in this area we have high nitrate problems, yet an additional wastewater plant without any type of real planning of how we're going to deal with wastewater in this area, they're going to have a separate wastewater facility. My concern is that we create a potential problem for further contamination of the La Cienega aquifers. And I'm clearly concerned about that.

Again, I am a firm believer in the support of economic development initiatives. I think that this is coming forward as an economic development initiative, I've got a problem though with it at this time because of one, there is a community of La Cienega that's firmly opposing this, at least from what I understand, and I would just hope that after the corridor commission has come forward with some design standards that we would be able to see

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something like this come forward. Right now I think the timing is wrong. I think that we should wait again and allow for community people, along with governing elected officials to take time out to properly plan for this area, and then at that point, once something is adopted by the Commission and by the Council, then I understand, Commissioner Duran, where there is a set of rules that are established, we've had the public hearings and we should support people's initiatives. But until that happens, I don't necessarily believe in the node concept right now or feel that it's helping us, so I've got some problems with the development as it is right now.

CHAIRMAN TRUJILLO: Thank you, Commissioner Gonzales. I think the essence of the whole corridor study is to protect and preserve a quality of life along that area. This is exactly what Commissioner Gonzales is addressing, the wider issues, the liquid waste issues, the traffic issues, on and on and on. So I agree with looking at this as part of the big picture as part of the overall team to include the corridor committee, the corridor study and in the final community input document that will be put in place.

MR. LILLY: I share in a lot of the concerns that have been expressed tonight by Commissioner Gonzales. And we've had a chance to talk about this over the past couple years and they're not new subjects coming up. You don't have to live in Santa Fe very long to realize that there's always issues. There's always political issues, there's always environmental issues, there's always task forces coming up. Five years ago we could have presented this project. This Commission could have said, hold a second, we're in the middle of starting our General Plan. Maybe we should wait until the General Plan is in place for the County or the City, and if that had been the case, we'd still be waiting for the outcome of the General Plan.

I guess for these reasons, I would suggest that it would be unfair to ask that this project wait for the outcome of the task force. It really doesn't have a time limit set on it and we have no idea just exactly what the scope of the task force is going to cover. As stated earlier, this application meets the requirements of the County Code. It's clearly within the node, the commercial node. It's received a positive recommendation from the CDRC. This is not the final look at this project the Board of County Commissioners will have. This will be studied by staff, by the CDRC and again by the County Commissioners when it comes back with that actual uses. No one is saying there will actually be a 150-room hotel here, or all that office space or warehouses. What we're asking for is let us start this first step and then study it further and come back with the actual plans.

So I'm respectfully asking and requesting that this Commission consider the positive recommendation and provide approval for the commercial uses and master plan approval this evening. Thank you. Also I'd like to add that Commissioner Duran has suggested that we consider architectural standards as recommended by the corridor task force. I think that's something we can agree to. We don't know what's going to come out of the task force, but certainly we're willing to go along with architectural standards. We feel that this project will be the highest quality and we feel that we can abide by the architectural standards that

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would come out of the task force.

CHAIRMAN TRUJILLO: Very good. I think we've dealt with the public portion of this case. We can go into discussion now. What is the desire?

COMMISSIONER GRIÑÉ: Mr. Chairman, I move that we table this item until the study of the corridor is completed.

CHAIRMAN TRUJILLO: Is there a second? There's not a second, so the motion dies.

COMMISSIONER GONZALES: Mr. Chairman, can I ask Commissioner Griñé a question on that? Until the corridor committee is completed with its recommendations -- until they're adopted or just until -- at what point would the table be until?

COMMISSIONER GRIÑÉ: I have the understanding the study of the corridor, they only have a limited time, some time in the course of this year. Right? I mean that's not really long.

COMMISSIONER DURAN: I think you'd be surprised. I think this thing's going to take forever. I think we should give the applicant the opportunity to either have us deny this or table it. Ask him what he would like.

MS. KULSETH: Mr. Chairman, I just would like to caution that the Commission, when you talk about tabling until new ordinances are in place, you're really talking about a de facto moratorium. If we're going to go the moratorium route, it needs to be a moratorium. That is by ordinance. And that will affect all the properties in this area. It's not appropriate to have basically, a moratorium on a single project. You could table this because you need more information or you think there's not enough public input because of the hour, or those reasons. I do have concerns about tabling it until future ordinances are drafted unless you do that through a moratorium.

COMMISSIONER DURAN: It's already been indicated by Commissioner Griñé that that's why he wants to table it. How can he change his mind?

CHAIRMAN TRUJILLO: It hasn't been seconded.

COMMISSIONER DURAN: So now we come up with another reason for tabling it. The real reason was because you wanted it to abide by the highway corridor standards.

CHAIRMAN TRUJILLO: It hasn't been tabled because the motion died for lack of a second. It hasn't been seconded.

COMMISSIONER DURAN: All I'm really hoping that we do here tonight is what is fair and what is right, and I think that the applicant should have the right if he wants us to table it, we table it for the right reasons, but he has the option to either accept the table or either have us deny it or approve it. And I'm not sure if that's a decision he could make. Can we give the applicant that option? Or would it be appropriate to ask if he'd rather be tabled or denied?

MS. KULSETH: Mr. Chairman, Commissioner Duran, you can always ask

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the applicant what his preference is. One other possible option, I have no idea where the Commission would like to go. It seems that the issue is around whether this project will comply with whatever the recommendations of the corridor committee are. Another option, I'm just throwing this out there, is that you ask the applicant to agree to comply with those, whatever those end up being. If the applicant doesn't like them he can come back and ask for that condition to be removed, modified, whatever. That's one other option you have.

COMMISSIONER DURAN: And we could, at that point, depending on what he's asking to modify, agree to modify or not modify it, right?

MS. KULSETH: That's correct, Mr. Chairman, Commissioner Duran.

CHAIRMAN TRUJILLO: What is the desire of the Commission? I think that it is clear that there's a little bit of confusion regarding water, regarding traffic, regarding impact on liquid waste to the adjacent communities.

COMMISSIONER DURAN: Mr. Chairman, those are all dealt with in the recommendation. They're all issues that they had to deal with. They had to bring forward a waste treatment plan. They have to bring water. If they don't get the water, they don't get their development. We're not just giving them blanket approval here, they have plenty of recommendations that they've agreed to that in my opinion deal with all the concerns, the ones that Commissioner Gonzales raised. My concern is, like Denice brought up, we've already denied a moratorium out there and if the concern is that he agrees to the recommendations of the highway corridor task force, I don't know. Bob, would you consider that, what Denice just said, that you could always come back and appeal

MR. LILLY: If we could agree, based on no negative economic impact coming from the recommendations of the corridor task force, and also with the understanding that there would be a limited time placed on those recommendations coming forth from that task force, which we would suggest at six months, if we're talking by the end of the year.

CHAIRMAN TRUJILLO: Six months for the corridor study to be completed?

COMMISSIONER DURAN: They've worked on the General Plan forever.

CHAIRMAN TRUJILLO: That's right.

COMMISSIONER DURAN: I'll make a motion and see where it goes. I make a motion that we approve CDRC Case #Z 97-5650 with the following condition: that the applicant agree to the highway corridor recommendations that are adopted by the Board of County Commissioners, and if in his sole discretion he feels that some of these recommendations that we adopted have a negative impact on his project, that he can bring it forward to this body for further consideration. Again, we could still uphold those recommendations, but at least he has the option to present his case again. And we can, at that point, weigh his objections with a little bit more information. So I like to make that as -

CHAIRMAN TRUJILLO: Commissioner Duran, did you want to stipulate some architectural --

COMMISSIONER DURAN: These are architectural guidelines that are

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adopted.

CHAIRMAN TRUJILLO: Okay, we have a motion. Do we have a second? This one dies for lack of a second. Any other discussion?

COMMISSIONER GONZALES: Again, I don't believe that we're under any obligation. Again, to approve an issue that comes forward that meets criteria especially in this area, where if it falls in the node, it doesn't automatically mean that they're entitled to commercial zoning. Again, this is an economic development initiative. I wish that we had the corridor plan in place. I look forward to seeing what that corridor plan looks like. I've been spending a lot of time in the communities out there and I think this is something that people are concerned about, the gateway communities, and until we have a plan, I just don't feel comfortable with moving forward with it. With that, Mr. Chairman, I'd like to move for the denial of CDRC Case #Z 97-5650.

COMMISSIONER GRIÑÉ: Second.

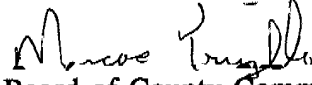
CHAIRMAN TRUJILLO: Got a motion and seconded by Commissioner Griñé. All those in favor?

The motion passed by majority [2-1] voice vote: [Commissioners Gonzales and Griñé voted in the affirmative and Commissioner Duran voted in the negative.

ADJOURNMENT

Chairman Trujillo declared this meeting adjourned at approximately 11:40 p.m.

Approved by:


Board of County Commissioners
Marcos Trujillo, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



V-98-5170 - Lucero Variance - Support



June 9, 1998

1516137

To Whom It May Concern:

As you know we are interested in obtaining a permit from Santa Fe County to allow the mobile home we occupy on John D. Lucero's property to remain.

We relocated to the area in November of 1996 to be closer to our parents, especially in their need for extra care due to illness. Our mother, Libby recently passed on, and we have since been able to provide support for our father, John. We would like to remain on the property to continue helping John with anything he may need in the way of transportation, upkeep of the home, cooking of meals, etc. However, the County has denied our request for this permit due to the fact of there are now 2 homes on the property which violates code. They have agreed to let us appeal this decision during a hearing that will take place on November 9th at 6:00 p.m.

We are asking for your support in this matter. We want to be close to our John in his time of need. We feel if we have the support of our neighbors, the County will look favorably upon our appeal. If you would like to support our appeal please sign the following and it will be presented to the County Commission at the next meeting.

Thank you so much.
Robert and Yvonne Lucero
455-0875

I am in support of the appeal to allow a second household on the property of John D. Lucero. We as neighbors feel that there is no conflict with our rights as his neighbors.

Signed *Laura S. Roybal*

Date *6-5-98*

Print name *LAURA S. ROYBAL*

1516137

June 9, 1998

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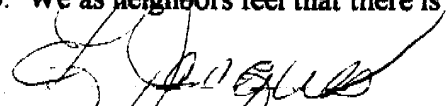
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455-0875

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Signed



Date 6-8-98

Print name

L. L. JACQUES

1516137

June 9, 1998

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455-0875

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Signed *Frank Romero*

Date *6-8-98*

Print name *Frank Romero*

Additional Condition for El Tanque Viejo

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16. A drainage plan shall be submitted and approved by the Subdivisions Engineer prior to final approval. The plan shall provide a drainage easement for off-site flows passing through the site. The development shall not cause ponding onto adjacent property.

Support for El Tanque Viejo

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We, the undersigned landowners and/ or residents of Galisteo, are in favor of the proposed development in Galisteo, New Mexico, proposed by El Tanque Viejo, LLC, owned by Michael & Dora Anaya and Hansi & Asi Mohn. We feel, the above listed individuals have taken the necessary steps, to obtain the development approval, in a responsive and professional manner.

Name:

Signature:

Maria O. Padilla

Maria O. Padilla

CLARA ANAYA

CLARA ANAYA

MANUEL ANAYA

MANUEL ANAYA

JOHNNY ANAYA

JOHNNY ANAYA

BARRADA COOPER

BARRADA COOPER

JOSEPH M. COOPER

JOSEPH COOPER

Remie Cherry

Remie Cherry

Luis S. Cherry

Luis S. Cherry

JOSE ANAYA CHAN

JOSE ANAYA CHAN

William

William

Ruby J. Pena

Ruby J. Pena

Judith M. Masin

Judith M. Masin

Chris Watt

Chris Watt

SERAPIO ANAYA

SERAPIO ANAYA

JULIA ANAYA

JULIA ANAYA

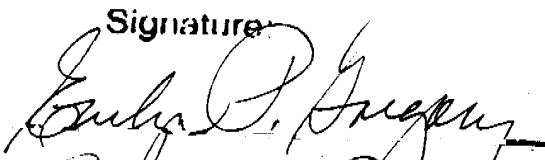
1516137

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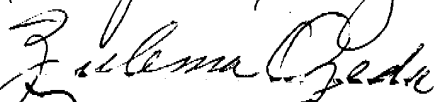
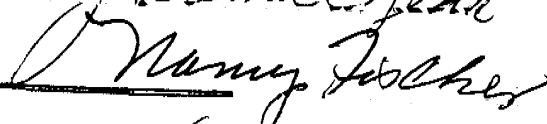
Name:

Signature:

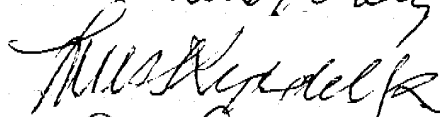
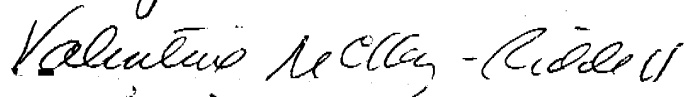
EVELYN P. GREGORY



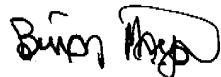
ZULEMA QEDA

Nancy Fischer

Valentín McCay-Riddell

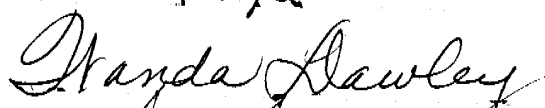
LEW Riddell

Steve Moya

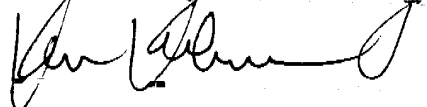
STEVE Moya

Brian Moya

WANDA DAWLEY



Ken Kuttel



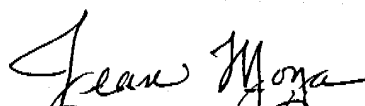
Jim Sloan



Donna Mitchell



Jean Moya



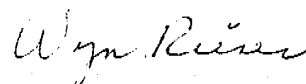
Susan Crocker



Louis Rieser

LOUIS RIESER

Wyn Rieser



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Name:

Signature:

JOHN YASSEEJohn YaseeDEBORAH MCNAUGHTONDeborah MohnGARY GRIMMGary GrimmROBERT A AnayaRobert A AnayaLinda T. AnayaLinda T. AnayaDON POPEDon PopeTRIXIE POPETrixie PopeMARK B. ANAYAMark B. AnayaNick ContrerasNick ContrerasSalon TingleSalon TingleLester Van NormanLester Van NormanAlvaro López-WatermannAlvaro Lopez-WatermannGabriele López-WatermannGabriele Lopez-WatermannCHARLES C. HOLLOWAYChris HollowayCal ThompsonCal Thompson

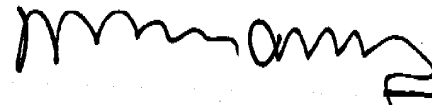
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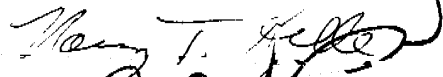
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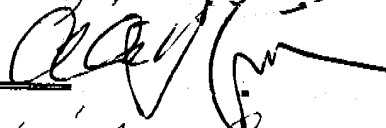
JOHN YOUNG



Nancy T. HELLE



ALAN H. LANGER



MIKE ANAYA



El Tanque Viejo - Opposition

June 9, 1998

1516137

To: the Santa Fe County Commissioners (via Vicki Lopez)

Re: El Tanque Viejo Project, Galisteo

I want to add my name to the number of Galisteo residents who are worried about the large amount of water proposed for El Tanque Viejo (the Anaya-Mohn project on Route 41 in Galisteo).

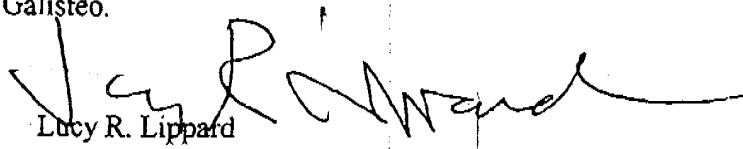
I could not sign the petition you also have before you because I am not a member of the Galisteo Mutual Domestic Water Consumers' Association. I have been on the waiting list for a hookup for about four years, but this spring was informed that the village had used up its water and could add no more hookups. (This meant that I had to spend a good deal of money to improve my own terrible well water, the village's hookups are good water.) This was perfectly legitimate and understandable for a small volunteer water association except that at the same time El Tanque Viejo was allotted 1.39 acre feet by the CDRC without consulting the membership of the water association.

If the entire village of Galisteo (some 300-400 residents) has only 42.58 acre feet, and is using it to capacity, how can one domestic hookup be transferred to a three-business commercial hookup and the average percentage of village water be extended to 1.39 acre feet for that single hookup? Simple mathematics indicate that something is wrong here.

And a separate question: what if this project or additional development on this site goes over its allotment? The CDRC stated that it would merely have to be made up in conservation over the next six-month period. What if it is not made up?

Please reconsider your water allowance for EL Tanque Viejo to reflect the needs of the whole village of Galisteo.

Thank you.


Lucy R. Lippard

HC 75, Box 77 Galisteo NM 87540; 466-1276

END
OF
BOOK

MINUTES OF THE BOARD OF COUNTY
COMMISSIONERS

DATE OF MINUTES-----6.9.98-----

DATE OF FILMING-----

CAMERA OPERATOR YVONNE SANCHEZ

REGULAR MEETING