

START

OF

BOOK

**MINUTES OF THE BOARD OF COUNTY
COMMISSIONERS**

DATE OF MINUTES 7.14.98

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CAMERA OPERATOR YVONNE SANCHEZ

REGULAR MEETING

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BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

REGULAR MEETING

JULY 14, 1998

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

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

July 14, 1998

This regular meeting of the Santa Fe Board of County Commissioners was called to order at 5:07 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 Grifé, Vice Chairman
Commissioner Richard Anaya
Commissioner Paul Duran
Commissioner Javier Gonzales

Members Absent

None

IV. INVOCATION

An invocation was given by Commissioner Gonzales.

V. APPROVAL OF THE AGENDA

CHAIRMAN TRUJILLO: David, any changes?

DAVID WOLF (County Manager): Mr. Chairman, Commissioners, a couple of changes to the agenda. Item VIII, we need to add an item for an amendment -- we need to add two amendments to the agenda. Item VIII. A. is added to read "Steering committee for the executive leadership council." There will be committee appointments. And item IX. A. 3. is added to read: "Request authorization to enter into an agreement with Kardas Abeyta and Weiner, PC, for accounting services."

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And then, Mr. Chairman, Commissioner, the two items under the Finance Department could fall under Consent Calendar. They are just bid items. Instead of doing a presentation on those, and I'd recommend that we move those to Consent Calendar.

CHAIRMAN TRUJILLO: David, does that include the bid item that you're completing there.

MR. WOLF: No, Mr. Chairman, that would be a contract and legal will make a presentation regarding the contract. These two bid items would be Consent Calendar items. Mr. Chairman, item IX. C. 2, is proposed to be tabled to the administrative meeting the 28th.

Mr. Chairman, Commissioners, one more item. Under Public Hearings, X. B. 6, is requested to be tabled. It's CDRC Case #98-5250.

COMMISSIONER GONZALES: I'd want to have one item to table. It would be under Public Hearings, the ordinance on the comprehensive solid waste management fees. I'm not sure what's going to come out of tonight's budget, but I'd like to see what the effects are and then allow some time to set that at a public hearing in the future. I'd move to have that tabled, Mr. Chairman.

COMMISSIONER ANAYA: Second, Mr. Chairman.

REBECCA BUSTAMANTE (County Clerk): Commissioner, which one was that? I'm sorry. We didn't hear you.

COMMISSIONER GONZALES: That is under the Public Hearings, item A, X. A.

MR. WOLF: Mr. Chairman, Commissioner Gonzales, you're requesting that that be tabled?

COMMISSIONER GONZALES: Yes.

CHAIRMAN TRUJILLO: Commissioner Gonzales, this would be the second hearing on this comprehensive solid waste management amendment, right?

COMMISSIONER GONZALES: That would be correct. It's the second and final hearing.

CHAIRMAN TRUJILLO: Why do we want to table it? My communication with the community has been that this fee schedule would be going down in July and the community has looked forward that this will happen and it's the program now has been quite chaotic and has impacted the community in a rather negative, disparate way. And in fact, the community has been looking for relief from the fee structure now in July.

COMMISSIONER GONZALES: Mr. Chairman, I fully agree with you. In fact as a co-sponsor in this ordinance I hope that it comes to be. This evening is an important evening in reallocation of the budget and in setting it forward, all I ask is that we have time to make the decisions on the budget to evaluate it over the next couple of weeks and bring it back. I'm not proposing to table this indefinitely, but I would feel much better discussing this in a venue when we have ironed out the budget problems that exist now. So all I'm asking is for a two-week tabling to discuss this on its merits. That's all I'm asking

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for, Mr. Chairman.

CHAIRMAN TRUJILLO: Any other changes?

Commissioner Gonzales moved to approve the agenda as amended. His motion was seconded by Commissioner Grifé and passed by unanimous [4-0] voice vote.

VI. APPROVAL OF MINUTES: June 9, 1998 Regular Meeting.

Commissioner Gonzales moved to approve the minutes as presented. Commissioner Grifé seconded the motion, which passed by unanimous [4-0] voice vote.

June 9, 1998 Special Meeting

Commissioner Grifé moved to approve the minutes of the special meeting of June 9 and his motion was seconded by Commissioner Duran. The motion passed without opposition. [4-0]

VII. CONSENT CALENDAR

CHAIRMAN TRUJILLO: Do you want to segregate any items here? Do you want to make a motion?

COMMISSIONER ANAYA: Mr. Chairman, I think it would be appropriate for David Wolf to explain, just for a matter of record as to the contents of each one and then go to a blanket motion.

CHAIRMAN TRUJILLO: David, did you hear that?

MR. WOLF: Mr. Chairman, did I understand that he'd like a brief presentation on each item that's in the Consent Calendar? Is that correct?

COMMISSIONER ANAYA: No, the custom, traditionally what we do is the County Manager just gives an explanation for the record of the contents of each item on the Consent Calendar.

MR. WOLF: Mr. Chairman, Commissioner Anaya, and read the item into the record?

COMMISSIONER ANAYA: That's good enough.

County Manager Wolf read the Consent Calendar as follows:

- A. Resolution No. 1998-64. A resolution requesting a budget increase to the

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Agua Fria Park project from State special appropriations for fiscal year 1999

Commissioners, this is a project that the County is doing. It's a capital project within the General Services Department. It's grant-funded and we're budgeting the actual amounts that available to be spent during this fiscal year.

B. Request authorization to accept and award a contract to the lowest responsive bidder on invitation for bid #98-03 for the construction of the Galisteo water system

This is a project within our Public Works Department.

C. Request authorization to accept and award a contract in response to IFB #98-54 for the planting and harvesting of hay at the waste water plant

This is a program that is within our Utilities Department. The County assumed operational responsibilities of the waste water treatment plant at the state penitentiary effective July 1. There's about 80 acres of property out there that needs to be maintained and planted to consume the nitrates that are in the treated effluent that's irrigated. And a bid was used to make that property available for harvesting alfalfa.

Commissioner Griñé made a motion for blanket approval for the three items on the Consent Calendar. Commissioner Anaya seconded the motion, which passed by unanimous [4-0] voice vote.

VIII. ADMINISTRATIVE ITEMS:

A. Committee Appointments

1. Executive Leadership Council steering committee

MR. WOLF: Mr. Chairman, Dr. Lee Vargas, Superintendent of the Santa Fe Public Schools and the board of directors have asked that the Commission name two people to be part of their steering committee.

CHAIRMAN TRUJILLO: Does he have any recommendations?

MR. WOLF: Mr. Chairman, I don't at this time.

CHAIRMAN TRUJILLO: So the direction is that the Commission identify two people to serve on this committee. Not today?

MR. WOLF: Mr. Chairman, Commissioners, Dr. Vargas asked if we could name two people to this committee as soon as possible. They would like to start moving the steering committee along and get the positions filled as soon as possible.

CHAIRMAN TRUJILLO: So by the next meeting, will the Commissioners have some names to submit to serve on this committee? What type of individual are we

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looking for?

MR. WOLF: Mr. Chairman, Commissioners, I asked him about that and I asked about some of the programs that they were going to be looking at and they're looking at a number of different programs. They're looking at community schools, a community school idea where you basically bring families into the schools to look at programs to try to reduce drop-out rates and address the issues with very young children all the way through high school age. They're looking for somebody that can represent the County in making decisions on behalf of the governing body or at least report back to the governing body on what is being proposed with the steering committee so commitments can be made on what direction at least the County wants to play as part of the steering committee. They're also looking at various health care initiatives for young children that are somewhere near, in the poverty range and just a recommendation, possibly. I thought of Eppie Herrera as being one person that could be on this committee because she knows the Indigent Funds and if we could make any of that money available, she would probably represent the County well in that respect. I would be willing to serve on the committee also.

COMMISSIONER DURAN: David, is it possible for a Commissioner to be on that committee?

MR. WOLF: I believe so, Commissioner.

COMMISSIONER DURAN: So you know when it will be meeting?

MR. WOLF: They haven't set the meeting dates at this time.

COMMISSIONER DURAN: I would be willing to sit on that in my spare time. I would be willing to sit on that. Do you know the hours that they would be meeting? It's usually 5 o'clock. The meetings that we've had with them before have been at 5:00, I think. Four or five.

MR. WOLF: Mr. Chairman, Commissioner Duran, I talked to Dr. Vargas a bit about this committee to get an idea of the kind of programs they're going to be looking at but we didn't talk about the times of the meetings.

COMMISSIONER DURAN: So if there's no objection from the Commission, I wouldn't mind sitting on that and if David wants to, there it is right there.

CHAIRMAN TRUJILLO: Do we have a motion.

Commissioner Anaya moved to appoint Commissioner Duran and David Wolf to the steering committee of the executive council. Commissioner Gonzales seconded the motion, which passed unanimously. [4-0]

VIII. B. Committee expirations/resignations/vacancies

MR. WOLF: Mr. Chairman, Commissioners, there aren't any. We keep that on the agenda in case any come up for each meeting, so there aren't any to present today.

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IX. A. FINANCE DEPARTMENT

1. Request authorization to enter into an agreement with Kardas Abeyta and Weiner, PC, for accounting services

MR. WOLF: Mr. Chairman, Commissioners, I can present this on behalf of the Finance Department. We're asking that a contract be executed, a sole source agreement be executed with Kardas Abeyta and Weiner. They're an accounting firm that we've used before in the past to help us address various financial and accounting issues within the County. They know our books and they've worked very well with us in the past. Our current auditors are Barraclough. They cannot help us with any actual accounting issues or do any hands-on work because it would be a conflict, since the audit our books and have to render an independent opinion on the status of our books. Our deputy finance director is no longer with the County and for those reasons and the fact that we are coming up on the end of -- we are past the end of the fiscal year and are in the process of preparing our financial statements for the end of the fiscal year and preparing all the year-end closing adjustments for the auditors, we ask that the contract with Kardas Abeyta and Weiner be approved.

CHAIRMAN TRUJILLO: Any questions of David?

Commissioner Grifé moved to approve the contract. Commissioner Gonzales seconded the motion which passed by unanimous [4-0] voice vote.

COMMISSIONER GONZALES: Mr. Chairman, real quick, David, on the issue of the audit. Can you, for the next administrative meeting have Kardas Abeyta, whoever it might be, just give us a status update over the elements that were brought up in the qualified -- in the qualification of the audit so that the Commission has an update as to the progression and what's been corrected?

MR. WOLF: Mr. Chairman, Commissioner Gonzales, I'll ask them for that presentation.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN TRUJILLO: Thank you, Commissioner Gonzales.

IX. B. LAND USE DEPARTMENT

1. Presentation of report on new dwelling units and lots permitted 1994 through 1997. Planning staff has completed an update of the Santa Fe County population and housing study (Prior and Associates, 1994) by analyzing the County and City permits for new housing and new lots for the years 1994-1997. This report has been completed as research and supporting data for Part II of the General Plan

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JUDY MCGOWAN (Senior Planner): Mr. Chairman, Commissioners, I will do a very brief presentation. If you like me to use the map to point to some more detail on where the regional data is, I can do that also. You received the report in your packets. I have one correction page because I've already found a typo. I placed Cedar Grove in the wrong township and range in the report. The right place in the table, the wrong place in the text, so I'll give that to you. I'm sure there'll be some other typos and errors that are found. There always are.

The report was done to update the Prior Report that was completed in 1994. Until 1994, Santa Fe County had no central record system of where and how many permits were being approved. The Prior Report was contracted for as part of the background data for the County General Plan update. It was completed in 1994. He analyzed all the permits plus the census materials between 1981 and 1993. Also as part of that contract he took all the old records for land use permits and created a database which was then given to the County and we now have that in our system. In 1994, Land Use staff and the Management Information System staff created a computer program so that now when the development permits are issued the data is entered right at that point into the system and you can now query the system and find out the data from 1981 through yesterday whenever you query it.

That's a very valuable tool that the County has developed in the last few years. Since the data was only through 1993 in the Prior report and three years, four years had passed, planning staff felt it was important to look again at where the permits were happening in the last few years and to see, number one, how many were being issued, where they were being issued, whether they coincided at all with projections that had been made by John Prior in his report for the General Plan. We feel this is very important data as a basis for looking at setting up of the planning districts that will happen in Part II of the General Plan.

The goals of the study are included in your memo and they're pretty simple. One was just to look at estimating or counting the numbers of the permit and the plat approvals that have happened, I should say including 1994, the years were 1994, 1995, 1996 and 1997, to get a picture of where development is occurring in the county recently. And also to look at the rate of development in the county regions, and this was to see whether the projections that Prior developed for where units would occur and how fast were at all realistic, given what was happening in the last few years.

On page 3 of the study there's a summary of the report conclusions. Those are basically, that as far as looking at the projected numbers of building permits, it appears that the number of building permits for new dwelling units are basically coinciding, in line with the projected number that Prior made. But where they're happening, once again appears to not be exactly what we expected. In the central area of the county and in the north, permit activity is actually a little lower than was projected. In the south area, especially, primarily in Edgewood, the permit activity is quite a bit higher than was projected to have happen. I have to caution that conclusion with just a little bit of -- we're looking at four years worth of data, and what the records show from a population growth and permits also, looking at

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census and the permit records since 1981, is that there isn't a steady rate of growth in Santa Fe County. The City of Santa Fe is almost a remarkable situation where the rate of growth is absolutely steady for year after year after year. The County of Santa Fe, the growth rate has really gone up and down in quite a steady pattern. So looking at a four-year time period it can't be projected out into the future as that's exactly what's going to happen. This may be a peak for Edgewood, a low point for around Santa Fe. The numbers can reverse themselves depending on other factors in the next five to ten years.

Another caution when looking at this is that the way the data is entered into the system, all the permits get coded by the date of application. So the computer query that was completed for this was done as of December 31, 1997. There will be continuing small plats, lots in small plats, that have a 1997 coded number that will be approved through 1998. So if you went and queried the computer right now, you'd probably find more lots designated in 1997 than will show up in this report. It's just a matter of you have to pick a date when you're going to stop it because the numbers are always changing.

With that, some of the other points are that the proportion of permits for new dwellings that are being put out for manufactured housing appears to be rising relative to site-built housing and what you want to conclude about that -- there's all kinds of things you could say about that, but that's just kind of the factual basis. I know an issue that was important to a lot of people because the Prior Report found that there were thousands of approved but vacant lots already existing in the County of Santa Fe and even more in the City of Santa Fe as of 1993, to see what was happening with that inventory of lots. It appears that for the north and the central areas of the county, that inventory of lots is remaining about steady. In the south part of the county, that inventory has risen sharply in the last four years, even though the number of building permits has also risen sharply down there. And that may mean that there's quite a bit of speculative development is happening down there.

Another thing that I think is important for the Commissioners to be aware of, as I look at the proportion of new lots that are part of major subdivisions that go through committee approval and the proportion that are administrative or consent calendar approval, and those are primarily three and four-lot subdivisions. It appears that, for the last four years, the plats that end up being reviewed and coming to the Board of County Commissioners are only about 30% of the total lots that are being developed. And that proportion varies by areas of the county. In the north area of the county, all the development happens on the four-lot or less developments. In the central area of the county, it's about half and half. In the south area of the county, I believe somewhere around a third of the lots being approved are actually in major subdivisions.

But I'd like to point out that that statistic also has changed because it would have been -- how will I say this -- prior to the state subdivision statute changing in 1996, even more lots would have been in the smaller developments. That subdivision law basically closed a loop hole on serial subdivision, so I know in particular for the Edgewood area, there are four

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major subdivisions happening now that are coming through the full committee review.

And a final point, basically, is that once again, as we keep repeating, Edgewood leads the county in the number of permits being granted both for lots and for building permits. The data was summarized by township and range. We couldn't do section because especially for 1994 and 1995 that information wasn't always accurately entered for every permit. So we couldn't calculate it that way. So the closest we could get was township and range. And if you look in your report, the rest of the report includes the trends and the location of where the permits for both new dwelling units and new lots created in the last four years by area, and that's basically by township and range for this north, central and south region of the county, and those regions were defined in the Prior Report.

There's one page, page 17, that has a very brief discussion of some county-wide trends and then there's an appendix that has tables with the data in it. There also exist the raw data tables, which I didn't put on the report, but if anybody wanted to see exactly which permits happened in which township and range and which part of the county, that's also available if you wanted to request that. If you'd like me to, I can using the report, point out which areas in each region have the most permits.

CHAIRMAN TRUJILLO: Just a comment. It's amazing that 70% of the lot splits are approved administratively and don't come to this body or any other reviewing body. What's your conjecture of how many of those 70% of lot splits are family transfers?

MS. MCGOWAN: This would be very much a conjecture, but just looking at the records, not very many of them. The data is coded by type of permit in the computer and not -- my recollection is that not that many are family transfers. But most of them are two and three and four-lot divisions. Some of those are reviewed by EZA, the ones inside the five-mile Extraterritorial Zone around Santa Fe are reviewed by EZA and that's their final approval.

CHAIRMAN TRUJILLO: It's amazing that a lot of the decisions that are made and the impact that it has regarding traffic and water and other sorts of issues are beyond this body's control.

MS. MCGOWAN: This is not a new issue, I don't believe. If anything more development is happening now in larger subdivisions rather than less if you were to look at a trend since 1981. But the reason why those end up -- the reason why those are administratively approved is for efficiency. Otherwise, a lot more plats would be coming to CDRC and to the Board of County Commissioners. I believe it's an attempt to treat, to be equitable among applicants. You obviously can't require the same kinds of improvements, of someone doing two or three or four lots that you can require of someone doing 100 lots. The Code is set up that way. The more lots you do, the more improvements are required. And the problem is that when you get many, many, many of these small developments happening, the cumulative impact can be larger than a large subdivision.

If it were a simple thing to solve, it would have been done a long time ago, I think.

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I don't think it's a simple problem to solve and the solution is probably going to vary by which area of the county you're in.

CHAIRMAN TRUJILLO: This is good information. Any questions of Judy?

COMMISSIONER DURAN: Mr. Chairman, Judy, it says here the report was completed as research and supporting data for Part II of the General Plan. Can you tell me what the next step is and what we're going to be accomplishing in the next several months concerning the General Plan?

MS. MCGOWAN: I think what we're proposing to do is bring forth some sections dealing with these specific planning districts. The ones that were approved in the plan were the rural, Estancia, new community district. The highway corridor district, of course is already being worked on.

COMMISSIONER DURAN: So there really -- I thought Phase II was adopting the ordinances and setting -- figuring out where our new community districts are actually going to be, the boundaries of it. It has a lot to do with managed growth out in the county.

MS. MCGOWAN: Phase II is the description of those districts, including boundaries. It's not the ordinances that would amend the Code.

COMMISSIONER DURAN: So the next step is what then, in this process? Is there a time table that we have right now?

MS. MCGOWAN: I think we were proposing to start bringing forward Part II in August.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Duran, the way I see is, the benefits of this second phase is clearly we're going to have to make decisions on the boundaries of the new planning districts. This data will hopefully support issues like where the new community districts would go because of the growth pressures we're seeing occurring through the trends that happen. Where the rural preservation districts may fit because of these growth trends where we don't see as many lots being created and hopefully, that will help be a guide.

Of course it's not going to be the sole source because there's so many other things that will go into deciding the process, but in my mind I can visualize when we get through this second phase in August, as we begin to debate the boundaries, clearly these growth trends will help us identify setting these boundaries for these different planning districts. Judy, correct me if I'm wrong, but that's where I see this becoming a very valuable tool when we start debating where the planning district will occur, what the boundaries will be and using data like this to support those findings.

MS. MCGOWAN: Yes, I think that's a very good description. As far as the issue of small versus large subdivisions and the infrastructure improvements, knowing where the development is helps you decide where you might need to do an improvement district, where you need some work on capital improvements programs, what kinds of mechanisms are possible to use to fund some of those improvements.

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CHAIRMAN TRUJILLO: Thank you, Judy. Any other questions?

IX. B. 2. Resolution No. 1998-65. A resolution designating Cuartelez as a traditional community and authorizing Cuartelez to begin a community plan as outlined under the Community Planning Ordinance, Ordinance No. 1998-5

KEN PIN (County Planner): Chairman Trujillo, Commissioners, the Cuartelez Community Association, acting on behalf of the community of Cuartelez is requesting traditional community designation for Cuartelez and authorization to begin a community plan. This is actually a three-step process. The first is to receive traditional community designation. The second is for the board to recognize the planning committee that's been formed for Cuartelez and the third is for the board to actually authorize the planning committee to begin the community planning process.

Communities wishing to do a community plan must first obtain traditional community designation and approval from the Board of County Commissioners. I want to point out and make it and make it very clear at this point that this designation is for planning purposes only as specified under Section 2 of the Community Planning Ordinance. Communities that want to do community planning must receive a traditional community designation first. So this is only for planning and it's not for zoning.

To receive traditional community status you have to meet four guidelines which are in the ordinance, and those guidelines include continuous settlement since 1925, a historic pattern of diverse and mixed community land uses, a presence of historic structures and existence of village centers. There was a presentation made before the CDRC on June 25. The CDRC at that time -- and it's included in the packet I just gave out -- the CDRC at that time did make a recommendation. If you look at the top of page 3 of the CDRC minutes, a motion was passed to recommend to the board that Cuartelez receive traditional community designation.

I guess the action at this time is the request of the board to concur with the CDRC and to designate Cuartelez as a traditional community for planning purposes.

Commissioner Griné moved to approve the designation of Cuartelez as a traditional community and the motion was seconded by Commissioner Anaya. The motion passed unanimously [4-0].

CHAIRMAN TRUJILLO: I'd like to recognize some members of the community of Cuartelez that have been working very diligently and hard to get this effort started. I thank you very much and I will be attending some of your future meetings. Thank you.

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MR. PIN: At this point, some members of the planning committee wish to come forward to make a presentation and for the board to recognize the planning committee of Cuartelez.

FLOYD ROMERO: Mr. Chairman, members of the Commission, my name is Floyd Romero. I am the chairman of the Cuartelez Community Association. I thank you for the opportunity of coming before the Commission this afternoon and wish to present some of my fellow residents from the community of Cuartelez and I'll start from the left, Dominique Martinez, Bryan Pippen, Jeanette Silva, behind, we've got the vice chairman, Alvin Martinez. We would very much like to request from the Commission to invite you to our meetings. Our next scheduled meeting is August 3 at the Sombrillo Elementary. Each and every one of you is cordially invited. If there is a need for additional information as far as what are meetings will be about, I'd be more than glad to provide some details.

But at this point, what we would like to present to the Commission is our request that we be allowed to continue with the process that you folks have eliminated as far as the community plan. That's under Section 4-1.3 of the Community Plan Ordinance that you folks passed. We have a membership, the planning review committee membership of about 25 over the last four months we have had an average of 18 participants or residents at each one of the meetings, so you can see then that the community is very interested in participating and providing some input to the actual plan. We have been using the expertise of Kenneth Pin. We very much would like your approval to continue using his expertise, his technical assistance in providing mapping, xeroxing, advertising, some of the other technical areas at this point. We would also request that some time in the future we may be coming back for some approval from you folks to get funding maybe to do some studies or to assist us, have the Planning Division assist us in doing some of the studies that might be necessary.

The community of Cuartelez has now received, as of last night we received about 80% of the first surveys that we put out for our residents asking what are their concerns, their problems and what would they like to see in the near future. I understand that a result of 80% is a very high figure in this type of a process. As you can see, Cuartelez is very much united at this point and myself, I'd like to commend my fellow residents. To you, the Commissioners, I present that as a very positive aspect that the community is very much involved and we will be using our resources to write the plan and hopefully come before you in the near future to get it approved.

At this point, I don't have any additional areas of concern. As Mr. Pin said, we do not plan on doing any type of rezoning at this point. We reserve the right to take that into consideration once several studies that we're looking for are in place. Obviously we would be placing all of that and get it before you for your approval. I'll entertain any additional questions at this time.

CHAIRMAN TRUJILLO: Any questions of Floyd?

COMMISSIONER ANAYA: We just wish you luck in your endeavor.

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MR. ROMERO: Thank you, sir.

CHAIRMAN TRUJILLO: Thank you, Floyd. What time is your meeting on the third?

MR. ROMERO: Our meeting starts at 6:30 and it's on the first Monday of every month. So our next scheduled meeting is August 3 and each and every one of you is highly invited.

CHAIRMAN TRUJILLO: Thank you, sir. Do we need an action? How about for the community planning action?

MR. PIN: I think the requested action on behalf of the planning committee is that you recognize the planning committee as a group that's representing Cuartelez, and the planning effort.

CHAIRMAN TRUJILLO: So we have to recognize the body?

MR. PIN: Right. That's correct.

Commissioner Anaya moved to recognize the Cuartelez Community Association planning committee. Commissioner Griñé seconded the motion, which passed by unanimous [4-0] voice vote.

MR. PIN: Mr. Chairman, Commissioners, I just want to say that the survey being done, performed by the community association is being done door-to-door, so they're very enthusiastic about it. So with the designation of Cuartelez as a traditional community and with the recognition of the planning committee, the requested action on behalf of staff is authorization on behalf of the Board of County Commissioners for them to begin a community planning process.

CHAIRMAN TRUJILLO: Very good. Is that the consensus of the Commission? Do we need a motion?

COMMISSIONER GONZALES: I thought we had approved the planning committee and approved the traditional -- What are you asking for us now?

MR. PIN: Just authorization. If those other motions cover that, that's fine. Thank you.

CHAIRMAN TRUJILLO: I'd like to recognize Councilor Molly Whitted from the City of Santa Fe. Welcome.

COMMISSIONER GONZALES: Mr. Chairman, just real quick, just to Karen. I keep forgetting to bring it up, but is there a way that we can get the CDRC verbatim? Just when I'm looking at, when I go through the packet and read some of the land use issues there's some questions that I still have and I didn't know if that would be possible. Is that a budget issue?

MR. WOLF: Mr. Chairman, Commissioner Gonzales, explain that again, please.

COMMISSIONER GONZALES: It looks like the CDRC minutes come up,

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they give a synopsis of what happened as opposed to a verbatim transcript. What I'm asking for is a verbatim transcript of the CDRC meetings.

MS. KULSETH: Mr. Chairman, Commissioner Gonzales, we have on occasion, at CDRC, the chair has requested that cases be recorded verbatim. You can do that. You're entitled to do that. I don't know what the court reporter's contract provides for. It obviously would affect her work load. So you may want to ask Karen what she thinks, but we could do that at your request.

COMMISSIONER GONZALES: Great. If it's a contract modification or whatever it requires could you work on that and bring something in. I just think that when you go up there it's a really good effort but there are probably some things that we don't see when we're reading when it's a synopsis as opposed to verbatim.

MS. KULSETH: Mr. Chairman, Commissioner Gonzales, we would be happy to do that. You should be aware that our meetings are pretty lengthy. Watch what you wish for, but we can work on that.

COMMISSIONER GONZALES: Provided it's reasonable. Thank you.

IX. B. 3. Request to develop Santa Fe County's 50-acre parcel in the Bishop Lamy Grant as a park

LESLI KUNKLE-ELLIS (County Planner): Thank you, Mr. Chairman, Commissioners. My name is Lesli Kunkle-Ellis and I'm a planner in the land use department and the last planner you have to listen to tonight. Commissioner Griñé was very instrumental in suggesting that we approach the Lamy community and ask them if they were interested in working on with us on this project to designate the park in Lamy. Commissioner Duran has also been involved with this project but the board as a whole hasn't had a discussion about it to this point so we thought it would be a good idea to bring it forward and have a discussion at the board level.

So I'll just give you a brief summary of the project and I know that there's some members of the community here tonight also to speak so I'll try to be as brief as possible. Also Beverly Spears is here this evening to speak. In 1973, Eldorado at Santa Fe, Incorporated granted Santa Fe County a 50-acre parcel of land within the Bishop John Lamy Grant. This is adjacent to the traditional community of Lamy. It's between County Road 33 and the railroad. There's a map that you can see as part of your packet and also some photographs in the back of your packet.

This contract which has been amended several times, most recently in 1993, requires that development must take place on the site by December 31, 1999. The parcel is near the Lamy Depot and the Legal Tender Restaurant. Some residential properties are located between the downtown area and the parcels. Like I said, there's a map in your packet. While the original deed restrictions limited the property to industrial uses, Lamy and

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Eldorado residents have not supported this type of development in the past on the parcel and limited water supplies make commercial or industrial uses inappropriate at this time. The deed restriction now states that none of the above property shall be used and no structures or improvements shall hereafter be erected or converted to any other use permitted pursuant to Section 4.3.1 and 4.3.2 of Article III of the Santa Fe County Land Use Development Code.

These sections of the Code, just to summarize, allow public parks, public buildings such as libraries, community facilities, galleries and outdoor markets and other commercial and retail uses. So a natural park for passive recreation uses, for example picnicking and hiking and horseback riding and kite-flying is the type of development that is desirable and feasible for this parcel, given the time and the water limitations. It's also true -- this is also a use that has been enthusiastically supported by the community and there's several people here tonight to speak to that. The County does not have currently at this time an open space plan or a park and recreation plan, but it's clear from inventories that have been done in the past that this part of the county does need public recreation land and that there's not anything nearby there. A park here would serve the whole region, including Galisteo and Lamy and Eldorado.

In addition, land adjacent to this site was traditionally used for an annual kite festival and several residents have expressed interest in reinitiating this activity. Because the deed requires the County to obtain water from Eldorado Utilities, no water is currently available for the site at this time. It's possible that an arrangement could be made to acquire water from another source and this would be contingent on negotiations with Eldorado, Incorporated. Despite the lack of water, community members have agreed to support this project in any way necessary, and one person mentioned the possibility of hauling some water in and there are some ways of doing a design that would require very little water, possibly none at all.

So a park development is an interim solution that would meet the requirements of the deed restrictions and also ensure that the County will own and manage this land in the future. Yet 50 acres is quite a considerable amount of land and it's possible that portions of the parcel may be appropriate for other community facilities later on. Future development phases, a master plan that would provide for some facilities, with connections possibly to the railroad, to the rail trail, the farmers' market, arts community in Lamy, and adjacent communities, could be designed so they wouldn't negatively impact the neighbors and would fit the rural context and also enhance the possibilities for local economic development there.

The Land Use Department has contracted an architect, Beverly Spears, to work with the community and to do a site analysis and to determine what they're interested in and also work with the County to develop a master plan for the site. As I mentioned before the community is supportive of this project and has agreed to work with Beverly and the County to do this master plan. So what we're seeking from you tonight as direction for the Land Use Department is to first agree to develop this site as a park before the end of 1999. This

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would meet the terms of the deed. Secondly, we'd like to see an agreement to provide a minimal amount of funding during the next fiscal year to do necessary improvements to meet the terms of the deed. Since we don't have a design completed at this time, we can't give you an exact figure, but the Land Use Department staff will seek outside funding such as grants and donations and also promote volunteer labor as much as possible. But there probably will be some funding required to do a minimal amount of improvements. And then third, we ask that you support and participate in the community planning and work with the Land Use Department and Beverly Spears and the community to develop the master plan. At this point, Beverly Spears would like to speak about the rural design issues in Lamy and then there's several people from the community that would like to speak.

CHAIRMAN TRUJILLO: Thank you, Lesli.

BEVERLY SPEARS: Mr. Chairman and Commissioners, I'll be brief but I'd like to say I'm also a landscape architect as well as an architect. As an architect, I haven't begun this project yet, but it'll happen in two phases. The first is the analysis of the site and the communication with the residents to see what would be most appropriate there. And then the second phase is the master plan. It's a very simple site, nearly level, but it's a dramatic site in that it's right at the base of that mountain where the rock was quarried for the St. Francis Cathedral. So it's an important historic site in some ways and it also has a rural beauty to it. I think that the design will take into consideration the rural nature of Lamy and the historic character of that community and I suspect that it will be a pretty low impact design in keeping with the rural historic character of that community.

So that's really all I have to report at this time. Thank you.

COMMISSIONER DURAN: Mr. Chairman, Beverly, I was just wondering if you're in the process of planning that park there might be a way of you creating something like an adopt-a-tree program where residents of the community might agree to take care of a certain section of the vegetation similar to the program that Councilor Whitted put together for our medians. That might be a way of addressing the problem of getting water from Eldorado Utilities at this point.

MS. SPEAR: Well, that's certainly an interesting idea that we could explore. Thank you.

CHAIRMAN TRUJILLO: Thank you, Beverly. We have some more speakers regarding this project?

PARKE DUTTENHOFFER: Mr. Chairman, Commissioners, my name is Parke Duttonhoffer. I'm the president of the Lamy Community Association and we would like to ask that you guys agree to this request to make this into a recreational park. Lamy is being developed as we speak and the surrounding area from Eldorado on down is losing more and more of its open space. There's a number of uses that we could put this park to but open space is open to us. As Beverly Spears said, just hiking and horseback riding, and as a matter of fact the Lamy kite festival, we'd love to start that back up again since the land that we were using was bought by Joe Miller and we can't use that anymore.

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As far as support for, say, an adopt-a-tree program, I think there's quite a few volunteers in Lamy that would be willing to do things like that. I actually brought it up as a way to get water to the site by simply filling a 55-gallon drum and watering a tree once a week wouldn't be very difficult at all for me to do and there's a number of other people that would be willing to do that. The site is real level and easily accessible. I think that it could be turned into something that could be used with a minimal amount of funding and future uses could be unlimited as far as buildings or whatever. We'd like it to stay open space so we've kind of been against too much industrial development there. We once tried to turn it into a tree farm but the water problem always seems to stop anything that can happen there.

But the community of Lamy would really like you guys to help us with this and I'm sure Galisteo and Eldorado would also find uses for it over the years.

CHAIRMAN TRUJILLO: Thank you, Parke. Any questions of Parke.

KATHY PILNOCK: I'm Kathy Pilnock. I'm here representing the 285 Coalition and maybe the Lamy Water Users as well. It's kind of ironic because the Lamy Community Association was sort of formed in response to the proposed industrial development of the Lamy park site. At that time, the things proposed were like wholesale insecticide supply places and this did not sit well with the community. So I would be more enthusiastic about a park than any of those uses and I really believe a park is something that's needed in this area. I often hear the residents of Eldorado kind of griping a little bit that all the community service property ends up in their community. I know that makes sense because it's more centrally located but we do really need recreation out in this area.

We're looking for a place to build a library out there and things like that. I look forward to seeing the Lamy kite flying contest happen again. People are always asking us when we're going to do that again and it would be neat to do it again. It was a good family activity. As far as the water goes, I just wondered if you had considered the possibility of using the waste water from the wetlands that are in Lamy operated by the Santa Fe Southern Railroads Company. That might be a possibility as opposed to using potable water. I wish I could say the Lamy community could give you all the water that you wanted but I've spent most of this afternoon seeing that a hole in the tank got welded. We'll see how much water we can supply in buckets and things like that.

Way to go, guys. Thank you for thinking of this and I urge all of you to support this project. Thank you.

COMMISSIONER DURAN: Mr. Chairman, Kathy, I think that's a great idea. Have you talked to Mr. Findlay at all about this?

MS. PILNOCK: No, I haven't. I just kind of thought of it the day before yesterday. I think Mr. Findlay is going to be in town this week so I might be able to approach him about this.

COMMISSIONER DURAN: That would be a good idea, I think. I'm not sure he's anywhere near creating any waste water that we can use, but in the long wrong --

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MS. PILNOCK: But in the long run, it would be a good source of water. Eventually, maybe as more and more people in the community could hook up to the wetlands it would be producing enough water to handle that.

COMMISSIONER DURAN: That's a good idea.

MS. PILNOCK: Thank you.

CHAIRMAN TRUJILLO: Thank you very much. Commissioner Grifé, did you want to address the project?

COMMISSIONER GRIFÉ: Not really, Mr. Chairman, because I've pretty much stayed on top of this with Lesli and the community too, the ones that have called me, I've pretty much stayed in contact with them.

CHAIRMAN TRUJILLO: Thank you, Commissioner. I think this is a great idea, having a little piece of land as a community parcel where the community can congregate and master plan it and extend itself out into the area. We're looking at that in La Puebla, we're looking at that in Arroyo Seco and I think it would behoove the County to extend their hand out and help any community that wants to do that. So with that, the direction is to continue in the direction of helping the community of Lamy in master planning the piece of land and see if we can acquire the piece of land for community use.

COMMISSIONER ANAYA: Mr. Chairman, I just want to caution the Commission and perhaps the people from the community out there as far as our own budget restraints not to have such great expectations as to what amount of funding the Commission can render, so that's going to have to be studied and scrutinized.

CHAIRMAN TRUJILLO: What I was thinking is that if we could include a package for funding from the state legislature for construction of trails, multi-purpose courts, those sorts of things, \$150,000 or so included as part of our CIP package to the state legislature.

COMMISSIONER ANAYA: My understanding is that the Planning Department is going to pursue avenues and donations along with this proposal so let's see what comes out of it.

COMMISSIONER DURAN: Mr. Chairman, I think we need to bear in mind that this thing needs to be put together by the year 1998 or 1999? --1999, so whatever we end up doing, we have to have something in place so that we don't lose this property, so it doesn't go back to the grantor.

COMMISSIONER ANAYA: We have a whole year and a half. I like the idea.

CHAIRMAN TRUJILLO: Very good.

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IX. C. MATTERS FROM THE COUNTY MANAGER

1. Presentation of budget status and recommendation

COMMISSIONER GONZALES: Mr. Chairman, real quick, I know that -- what time is our Land Use Items supposed to start?

CHAIRMAN TRUJILLO: About 6:00.

COMMISSIONER GONZALES: So I know there are people probably here for Land Use. David, maybe you can give us an estimate on the time that it will take you to do the budget hearings, Commission activity and then it looks like Denise is taking us into executive session. So that way, people who are waiting for the evening meeting to start don't have to stay sitting around, we can at least give them time to leave for a while if they need to. Do you have an estimate, David?

MR. WOLF: Mr. Chairman, Commissioner Gonzales, it will probably take me about 15 minutes to present the budget items to you and then allow maybe 15 minutes for questions and answers.

COMMISSIONER GONZALES: And executive session?

MS. KULSETH: Mr. Chairman, Commissioner Gonzales, I would estimate executive session will take about five minutes. We don't have many items this evening.

COMMISSIONER GONZALES: So about an hour, Mr. Chairman. Can we ask the people that are here for the six o'clock Land Use Items that we will not start them until seven.

CHAIRMAN TRUJILLO: Yes, 7:00, come back for the Land Use Items, those who are here for that.

MR. WOLF: Mr. Chairman, Commissioners, give us just a minute to get the system set up. I think before you is a packet which will represent the slides we will be going over also. Mr. Chairman, Commissioners, that's where we'd like to start. First of all, we want to go over what the problem with the budget was again so there's a clear understanding of that. There was an overprojection of property tax revenues included in the budget to the tune of \$1,058,000 that resulted from projecting 100% of property revenues and not allowing for the collection rate. The second issue is the general fund needing to be earmarked for \$1,925,000 that should have been allocated to a project revenue fund which, the money would have been used for care of prisoners. The amount is the equivalent to the debt service in the project revenue fund.

There's money in the general fund, \$1.925 million was not identified as an expense in the general fund for that purpose, therefore that money was appropriated for other purposes. The expense is a given. It will happen in fiscal year '99 and we need to provide for that expense. The money is identified in the general fund to flow into a special project revenue fund, the jail fund, as a source of funds to provide for prisoner care. And out of that fund comes operating expenses for prisoner care and debt service. So the bottom line here is the general fund -- \$1.9 million was not identified in the general fund for care of

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prisoners and the money was appropriated for other purposes, and \$1.1 million was overprojected in property taxes.

This resulted in about the \$3 million error that we've been talking about included in the budget. Are there any questions on the problem that we could discuss before we go any further?

This slide is a summary of the solutions we've identified to resolve this \$3 million problem. We're actually presenting to you solutions that will provide for more than what is needed to address the specific \$3 million problem and there's three components to the solution. We'll get into the detail of each one of these in just a minute but first of all I'd like to say that we've got other significant financial issues that are on our plate this fiscal year. We've thoroughly reviewed this budget at this time and we've identified more money than what was needed to solve this particular problem, but thought it was important to bring that to the Commission and make you aware of that money at this time in case we have any other issues, such as the Department of Labor issue or operating costs associated with the jail that were unexpected. We set this aside and earmarked it for that purpose now instead of going back to the budget, revisiting the budget and then coming back at a later date.

We were able to identify these items to solve the \$3 million problem without affecting services and without affecting FTEs. The first item, we identified \$1,550,000 of available cash to off-set recurring costs in the operating budget. We are proposing to reduce \$1.8 million in recurring costs and maximize the use of certain revenues to the extent of \$400,000. And now we'll go in and discuss the detail of each one of these components in the summary of the solution here.

Originally, in May when the budget was presented to the Commission, the Commission approved a capital package to be funded with general fund money of \$2,054,000. Since that time we've gone back and revisited all the items included in that capital package, all the items that were appropriated for the elected officials, all items that were appropriated for department heads. We've reduced that or proposed to you to reduce that amount of \$2,054,000 to \$757,000. That results in a reduction to the capital package of \$1,297,000, so it frees up cash balances of almost \$1.3 million. Included in your packets is a detailed listing by department and elected official office that identifies each item that was approved during the budget hearing in May and when I met with all the department heads and elected officials, what is going to be cut from that package and what remains. So there's a complete trail, item by item on those. If you'd like to go over that in any detail or answer any questions I'd be happy to or if you'd like me to continue to talk about these issues.

CHAIRMAN TRUJILLO: It would be good to continue to David. We've got the information in front of us to look at. Thank you.

MR. WOLF: Thank you, Mr. Chairman. There was one more item on that slide I wanted to make you aware of. So by reviewing the capital package items and cutting from that capital package the \$1.3 million, there was \$253,000 of other cash available in the general fund in excess of reserve requirements that could be spent. So you take the \$1.3

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million and the \$250,00, basically and that makes \$1,550,000 available to use for non-recurring items that were included in the operating budget.

COMMISSIONER GONZALES: David, real quick. The capital appropriation, did you fund that with recurring monies or non-recurring monies?

MR. WOLF: The remainder of the capital appropriation, the \$750,000?

COMMISSIONER GONZALES: When the budget was first prepared by the previous manager, did he prepare it with recurring revenues or non-recurring revenues? What was he going to pay for the capital package out of?

MR. WOLF: Mr. Chairman, Commissioner Gonzales, he was proposing to use non-recurring money for the capital package. Through this process, we freed up some of that non-recurring money to use for other non-recurring expenses that were actually included in the operating budget that were funded with recurring money. Does that make sense?

COMMISSIONER GONZALES: It's a lot of recurring and non-recurring jargon, but -- so basically, you took the non-recurring cash that was available and you used that to pay for non-recurring expenses. If I understand it right, what would happen is that there was recurring cash that was being used to pay for non-recurring expenses. So you're shifting, you're changing colors of the money, basically, and how and what you're using to pay for, is that correct?

MR. WOLF: Mr. Chairman, Commissioner Gonzales, that's correct. We're trying to match up the appropriate use of the money with the appropriate source. In the operating budget, we went through the operating budget in its entirety and we identified these three significant items that are on there -- the contingency fund, some capital purchases that were included in the operating budget and the Atalaya Mountain portion that we're supposed to fund. Those items, since they were in the operating portion -- there's two main components in the budget. You have the operating portion and the capital side. There are these three components, these three items, included in the operating budget, which were being funded with recurring money, and these are non-recurring issues. We identified some cash savings which is a non-recurring source of revenue, by reducing the capital package and have now matched that up with these non-recurring items that were included in the operating budget. So it's a better match of a source and a use and by cutting those capital items we now have money to address these and free up some recurring money in the operating budget.

CHAIRMAN TRUJILLO: Commissioner Duran I think has a question.

COMMISSIONER DURAN: David, on the Atalaya Mountain item, you say that if this contribution is postponed the budget revenues can be freed up to address this budget problem. I recall that our commitment to the Atalaya Mountain project was that we would do it over three years, so you're not talking about postponing the first payment, are you?

MR. WOLF: Mr. Chairman, Commissioner Duran, no. In our initial proposal to you it was to postpone the majority of the \$100,000, but actually, since we made

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the commitment to go forward with this and we use the cash balance to fund it, we can fund the entire amount and get it off our plate by using the cash balances proposed here.

COMMISSIONER DURAN: Okay.

MR. WOLF: So basically, we have \$1,525,000 of non-recurring items that were included in the operating budget we can fund with the \$1,550,000 of cash that's available through the capital package cuts that we identified.

COMMISSIONER GONZALES: David, the contingency fund, the \$1.1 million, that's money that we're sending off that we're saving up for contingencies. So we're continuing to, even through this whole process of meeting the \$3 million error, we continue to put money into contingencies for future issues, is that correct?

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Gonzales, that is correct. And when I go back and look at the history of the money that is -- this amount is normally funded on an annual basis for unexpected items. I go back and I look at the history and a large amount of that money is used annually for things that are unexpected -- floods, overtime, snow removal, that kind of stuff.

COMMISSIONER GONZALES: So we're still building in the safeguards for the year to deal with unexpected issues?

MR. WOLF: That's correct. After we address what we could do with the available cash, we looked at the budget from the perspective of, all right, now what recurring costs are included in the budget that can be cut from this year's budget and these are the three significant items that we're proposing to be eliminated from this year's budget. Well, two of them were actually eliminated and I'll talk about the third item in a minute.

The administrative building, there was \$1,028,00 included in the budget that would be general fund supported, gross receipts tax supported. That was to fund debt to provide for a new administrative building. I would propose that we eliminate this from this year's fiscal year's budget, possibly this year do a needs assessment and look at doing this in a future year. We also have about \$400,000 set aside in the current budget to fund the Sheriff's facility, the Sheriff's admin building. If we put that on hold, or cut it entirely, that would free up \$400,000 in recurring money to fund that facility.

We took a look at -- the County funds positions 100% and throughout the fiscal year you have turn-over. So positions are vacant for periods of time so cash is set aside or basically you have budget available that's not spent because you have positions that are not filled during the fiscal year and this is what we refer to as vacancy savings. This year, there's a number of new positions that were approved during the budget and a lot of those positions won't be filled immediately; they'll be filled throughout the course, probably, of the first quarter for six months of the year. And also in discussions with some of the department heads and elected officials, it was decided that about five positions in total be postponed until January to help provide vacancy saving money also this fiscal year.

Also looking at the history of how positions are filled, looking at total salaries that were budgeted on an annual basis versus actual salary expenditures, I believe that \$400,000

is a solid number and maybe even a little on the conservative side. Any questions on this?

So far we've identified \$1.5 million to address the problem, and another \$1.8 to address the problem, so we're up to about \$3.3 million.

COMMISSIONER GONZALES: Mr. Chairman, David, I have a question. Up until this point, in reassessing the collection rate for the property tax and looking at the vacancy savings which seems to be two variables, which we have to do some type of forecasting on. Can you tell us, did you use a conservative view in estimating? Did you use the most optimistic approach? We don't want to end up at the end of the year and have property taxes actually come in lower than what you're currently assessing it, although that can always be an option, no matter where you assess it at. We certainly don't want to see that those vacancy savings come in significantly lower also. So can you share with us your method of making the evaluation and formulating your forecast?

MR. WOLF: Yes, Mr. Chairman, Commissioner Gonzales. With regard to the property tax question first. We reviewed the history of property tax collections the year immediately after the tax was due, and it appeared that the average, before fiscal year '98 which just ended June 30, was in the 94% range. Last fiscal year it seems it was in the area of 92%. So property tax collections are based on a conservative method using what has been the worst case of 92%, and 92%, we based the calculation on 92% versus the prior years' averages. So I believe that is somewhat conservative.

And in regard to the vacancy savings, I'm comfortable that that number is somewhat conservative also because the history of vacancy savings -- we went back for two, three years looking at the budgeted salaries versus actual salary expense and benefits combined. The average was in the three percent area and three percent would have generated around \$300,000. And we've proposed to put five positions on hold until mid-year. Those five positions with six months savings will generate more than \$100,000 and the fact that we have significantly new positions this fiscal year to provide for the Sheriff's Department, for our Fire Department and other positions that won't be filled immediately in July we'll at least get one to two months vacancy savings on those. So I'm comfortable that that's a conservative number also.

COMMISSIONER GONZALES: Thank you, David.

MR. WOLF: This final slide addresses ways to increase revenue. So we looked at expenses from the two issues, recurring, non-recurring and then we looked at ways to increase revenues. We identified three items to recommend to the Commission. Number one is we keep the solid waste fees at the current level. The fees were budgeted at half the amount that -- if fees were kept at the current level, we'd generate \$150,000 more than what is budgeted than if the fees were budgeted at 50% of what they are today, not knowing what action the Commission may take on those fees. So we could generate another \$150,000 if we keep those fees where they are. No increase, just keep them where they are.

Maximize the use of correction fees at the special revenue fund that we could use to provide for the care of prisoners. There's about \$100,000 available that we could use for

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that purpose. We could also maximize the use of some environmental gross receipts tax revenues that have primarily been used to pay debt service on the land that was purchased to provide for the regional landfill. There's about another \$150,000 available that we could use for solid waste or utility purpose. The sum of those would generate another \$400,000.

Those are the components of the solution. I'd be happy to answer any questions.

COMMISSIONER DURAN: Mr. Chairman, David, on page 2, the summary of the budget solution, you show that we have a savings of \$3.778 million and our budget problem is \$2.9 million. I was wondering -- because we had been talking about reducing the garbage fees by half. Correct me if I'm wrong, if we went ahead and agreed to reduce it by half, we would still have enough to take care of the existing problem. Is that correct?

MR. WOLF: Mr. Chairman, Commissioner Duran, that is correct. But we are also going into this fiscal year with numerous significant financial issues that we're unsure of the outcome at this point. We have the issue before the Department of Labor on the wage rates in regard to our new jail. We have the issue for the operational costs for our new jail that we're not sure how those are going to work out at this point. We don't have any contracts lined up to generate revenue streams to off-set operational costs at this point either. So we have significant unknowns, is what I'm trying to point out and they may be to the tune of more than \$700,000 or \$800,000. We just don't know at this point. They could be very significant. I thought at this point I'd identify all the money in the budget that may be available for some of these unknown uses and we've done a pretty thorough review of the budget and I don't think there's any other -- if we had to go back to the budget again later in the year, if we could address or produce any additional savings they would probably be slim.

COMMISSIONER DURAN: So you would say that the prudent thing to do is to hold off on reducing the garbage fees for what? six months?

MR. WOLF: Mr. Chairman, Commissioner Duran, I would propose -- we had a similar discussion when I was meeting with the department heads and elected officials. Not specifically with the garbage fees but with the budget in general, and I've proposed that we revisit the budget at mid-year, keep the fees in place until mid-year and revisit the budget in its entirety basically at mid-year and make sure we've managed this issue prudently.

COMMISSIONER DURAN: Okay. Thank you.

CHAIRMAN TRUJILLO: How about looking at privatizing solid waste? This is a cantankerous issue and again, I brought it up. The community is quite alienated with the way it's being done. I acquiesce with Commissioner Gonzales. He cosponsored the resolution to bring it down, to do away with it or bring it down. I think we need to address it. I think there's an expectation out there that the solid waste fees need to go away or come down as soon as possible.

MR. WOLF: Mr. Chairman, are you proposing that we look for a private operator to handle the entire operation of our solid waste program?

CHAIRMAN TRUJILLO: If that's what it's going to take to save monies and

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pass the savings on to the community, we need to look at those options. We need to look at recycling options and get creative, composting options and other things and we need to move fast. We're sending the message to the community that we're procrastinating and we can't deal with the issue of solid waste.

MR. WOLF: Mr. Chairman, Commissioners, I think we could coordinate with Larry and legal and if that's the direction of the Commission we could draft an RFP to see what kind of interest there is for contractual services or someone to operate the facility for us under that kind of scenario.

COMMISSIONER ANAYA: Mr. Chairman, just as a point of information I think the solid waste agency, the committee that we're on, four Councilors and four County Commissioners right now have given staff direction to go out for RFPs in the direction you're requesting right now. It might behoove us to just wait and see what comes forth from there. That way we might be able to learn what direction the Commission can go from that standpoint. So that is in the making right now with -- Councilor Whitted left. She's the chairperson of the Solid Waste Agency, but anyway it is out to RFP.

COMMISSIONER GONZALES: Mr. Chairman, I just support your call in looking at all the options on the solid waste program and David, if the Commission would ask the staff that it expedite a process for sending out an RFP to see what it would cost us to manage the solid waste program for the County and see obviously, what those savings would be. I've got to imagine there'll be some significant savings. The other issue, David, I think you're taking the right approach and being very prudent. I think that it's important in this Commission that as we proceed forward with these corrections and I want to congratulate you, both you and Donna and the staff for coming up with, in such a short period of time a remarkable way to correct this error without decreasing the services and without decreasing -- in fact, the beautiful thing about this budget is the commitment to health and safety issues are still going forward with the additional sheriffs, with the additional emergency medical personnel.

That those are stilling remaining committed at the forefront and clearly salaries and FTEs are always the first place to look when you want to significantly reduce the budget you're able to do it without affecting those areas so I do want to congratulate you and also say that just because we're correcting in this area there are those areas that were not corrected that David's having to deal with. There should have been a contract signed to manage that jail and that has not been done yet. And if it was done we wouldn't be dealing with this issue, but he's having to do it.

Regardless whether it's -- and in my mind I think there is a strong need and there continues to be a need for prisoners and that's going to happen. It's just a matter of time, but remaining cautious and not counting on it, I think is a prudent way to go. It's conservative. It allows us to progress forward and manage this budget hopefully on a weekly basis or a monthly basis and I think that there are a lot of opportunities for us here to make some smart decisions and to make some very cautious, conservative decisions which

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in the end will be good for the people in this county.

I'm not sure if there's any other questions, Mr. Chairman. I would like to, in the interests of moving. There are people getting ready -- I would like to move to give David the direction to make the appropriate budget adjustments as presented. I want to, though, hold off on making the decision on requesting increased revenues on the solid waste fees until we make that decision in a public hearing in a public process and I'm not sure how, until we can allow for people to come and address that. It may be that at the next meeting if we choose, after we get the RFP that we can do it. I don't know. I think that's still an unknown and I don't want to at this point to approve this budget modification without giving the public a chance to go through the public hearing process and talking about the fees. That's the only part that I want to hold out, if the Commission allows, until we can see what happens in that area. David, do you have a recommendation?

MR. WOLF: Mr. Chairman, Commissioner Gonzales, if I could just make sure that I've made it clear that we're not proposing actually to change the fees at all. We're just proposing to leave them exactly as they are until we get through these other issues or these other things that you want us to take a look at with regard to those fees.

COMMISSIONER GONZALES: Right. Obviously, they'll stay in place. Right. They're going to stay in place until we modify them. But as far as us making the decision to count on the \$150,000, I think that has to happen when we make the decision on the solid waste program. That's the only -- to make a decision tonight, that we're going to adopt the \$150,000 without going through the full public hearing process, I think is to possibly short-change the public from having input in that program. Although I understand and recognize that it is a cautious and prudent thing, I'm just a little concerned on how we're going to get through that, because we're still in the public process of dealing with that ordinance. Unless there's some recommendations on how we can get through it, I don't know.

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

COMMISSIONER DURAN: Mr. Chairman, correct me if I'm wrong, David. The \$150,000 that you're referencing in this proposal really has nothing to do with reducing the fees. It has nothing to do with the ordinance that we tabled to deal with the trash fees, so I'm a little confused as to -- I think that it might be confusing. I don't think that the ordinance that we tabled has anything to do with what you're presenting. What you're actually doing is showing us that we need to keep the trash fees at its current level.

MR. WOLF: Mr. Chairman, Commissioner Duran, it is a little unclear exactly what we're trying to do there. Let me explain it. The fees were budgeted at 50%, not knowing what action the Commission was going to take based on the public input. So if you keep the fees as they are today with no decrease, it actually would generate \$150,000 more revenue than what was budgeted because the fees were budgeted at 50% of what they actually are. So they're budgeted somewhat conservatively. By taking no action with regard

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to the fees, you generate \$150,000 more than what was budgeted.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Duran, and what I would like to do is to -- David, I think that there's some work that we need to do in this solid waste program in assessing if this RFP is going to be successful, if in fact the Commission chooses to privatize the solid waste operation, then the ordinance becomes almost -- you need to figure out how that ordinance affects it and so my point is, I think we should aggressively pursue what it would cost us to privatize this operation, how we can build in safeguards to assure that we continue to provide the services needed to the public. And at the same time, reduce the cost of that program, so that we meet the end result, which Commissioner Trujillo has said the public is asking for, which is an easier, less expensive way to take in their garbage to the transfer station.

So that's my only point on this. If we're going to go in that direction, let's hold off on what that amount is, because that amount may go up. It may go down. We don't know, but you're getting some direction tonight in dealing with that program and this will give you some incentive to make sure that we get it done in very quick time. Does that make sense?

MR. WOLF: Mr. Chairman, Commissioner Gonzales, yes, it does make sense. If we put out an RFP and the proposals come in and show that it can be done privately, cheaper than what we're paying, well then it is an issue. Actually, we'd have more money available. So I understand and I'll work with Larry and legal to see what we can do to get an RFP put together and see what kind of interest there is from the private sector.

COMMISSIONER DURAN: I think that it's important that the public is made aware that getting these contracts for the jail is high priority for your staff and your department.

MR. WOLF: Mr. Chairman, Commissioner Duran, we recognize the importance of that. It's very significant. We have a couple of meetings set up with entities to see if there's any interest. So we're moving on that fairly quickly. So staff is all stepped up to address these issues, so thank you.

COMMISSIONER GONZALES: Real quick. Did you understand the direction then by Commission, David then? Are we going to have to bring back a budget to approve again or will the decision we make today automatically be reflected and update the budget that brings into a balanced format?

MR. WOLF: Mr. Chairman, Commissioner Gonzales, I may have to defer to Denise, but I would hope that you're giving us direction to accept what we've proposed as far as these budget adjustments would give us what we need to have a balanced budget with the exception of the \$150,000.

COMMISSIONER GONZALES: Which still balances the budget, as Commissioner Duran pointed out.

COMMISSIONER ANAYA: I'd just call for the question, Mr. Chairman.

CHAIRMAN TRUJILLO: Very good. So you've got the direction?

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MR. WOLF: Yes, Mr. Chairman.

CHAIRMAN TRUJILLO: All those in favor, signify by saying "aye."
[Unanimous 4-0] Opposed?

So we've got a proposed reduction to the current budgetary problems.

MR. WOLF: Thank you, Commissioners.

IX. D. MATTERS FROM THE COMMISSION

- 1. Request authorization for Santa Fe County to act as an interim fiscal agent for Española/Santa Cruz Valley, Pojoaque Valley Regional Wastewater Steering Committee**

CHAIRMAN TRUJILLO: Last meeting, the Commission approved a resolution designating approval of Santa Fe County participating in the regional liquid waste committee for liquid waste. What I am proposing now, what I'm coming before the Commission to ask is that the County of Santa Fe act as a fiscal agent with the City of Española for the purposes of applying for funding, attracting funding and overseeing expenditures in that regard. So that is the essence of the request for Santa Fe County to function, to participate as a fiscal agent with the City of Española on the regional liquid waste steering committee that is being established in the northern part of Santa Fe County.

Commissioner Anaya moved to approve the request. Commissioner Griné seconded the motion which passed by unanimous [4-0] voice vote.

CHAIRMAN TRUJILLO: So Santa Fe County will participate as the fiscal agent on the regional liquid waste steering committee.

COMMISSIONER GONZALES: Mr. Chairman, I have some issues for Larry. Larry, at the last meeting, I had asked to, and maybe you've sent it, to get a copy on how we get a road adopted under the County road program. I haven't received a call from your office or know where that status is.

LARRY VELASQUEZ (Public Works Director): Mr. Chairman, what we - at least as I understood it -- is we would bring that forward to you. We're working on that at this point. In fact, we're looking at some other specific roads that you asked and we're looking at bringing that to you at the next meeting.

COMMISSIONER GONZALES: At the next meeting. The other thing is, how can I go about getting an analysis of the signs in the La Cienega area. I continuously get comments from the public out there that we lack signs and they really need some. How would I go about asking for that?

MR. VELASQUEZ: We have done a couple of things in the program. We divided the county into three sections for a sign update and rehab. We've done the south

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end. This year we're about to do that. This year we're budgeted to do the north end and the central end which La Cienega falls in would be in next fiscal year to totally gut everything and redo everything so we know that we have everything that's up to federal code and everything else like that. When we do have a problem area, I haven't received any particular calls from the La Cienega area, but if we do have a call, we'll go out there and we'll evaluate it and we'll update it as necessary to be in compliance immediately.

COMMISSIONER GONZALES: I mean it's kind of difficult for me to go back to the community and say, well, you have to wait until next year before we deal with anything on signage. Is there -- what are you saying that I could do now to do that assessment?

MR. VELASQUEZ: Now, if people let us know where they're having a problem. For example, I was out in La Tierra last week and they said our nobody knows where our fire station is or if somebody's driving down, they don't know that there's a fire station there. So we go out there and look at it and we post it for that. So if somebody complains, we do have a continuing operational budget for areas of concern that we address immediately, but like I say, if we know about it, we go out and take care of that.

COMMISSIONER GONZALES: Well, for instance, on Camino Los Pinos, there's some speed limit signs that have two different speed limits on it. I think that needs to be addressed. That was brought to my attention. The other is that there are several dangerous curves in the La Cienega area that there's not the proper arrow signs, I guess. So I guess what I'll do then is what you're telling me. Rather than waiting for the constituents to call me, I think what I want to do is find somebody on your staff who will go with me and then I'll go out there and try and do a road assessment on behalf of them and maybe make some recommendation to get those fixed.

The other thing is when will the County Road 54 and 56 begin? When will we begin the paving on that?

MR. VELASQUEZ: Actually, on County Road 54 that has been milled. We have a contract for doing that. On County Road 56 there's some utility work going on there. They're running a water line on there right now. There's going to be a new cattle guard that also goes in that so as soon as that happens, probably within the next two weeks, that section will be paved. The County Road 54 section, we're waiting on the acequia association to run their line that the Commission granted them a license to do so. We also have some remedial areas that we will do that and we will spend about \$103,000 that we have available for that project as soon as that becomes available for us to do.

The other thing is the millings that we generated on County Road 56, we're looking at redoing Capilla Vieja because a lot of the complaints that we get, and you mentioned the Remuda Ridge area, is the County several years ago got cold millings and went and placed cold millings and those things have fallen apart from a maintenance standpoint. There's basically nothing we can do with them. So in the Capilla Vieja, for example, what we're looking at doing is just spreading new millings in that and doing a chip seal over that.

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We're costing that out to see if we can address that and try to fix that.

COMMISSIONER GONZALES: Okay, one of the things that I want to make we address when we you the design of 54, if that's okay, there's a pretty dangerous curve between the turnoff to Camino Capilla Vieja and Las Golondrinas. There's a really bad blind curve and I think that what I've been asked is that when the school buses are going around there, especially in the winters it's pretty dangerous and there's nothing on the side to protect them. So I'd like to make sure that your engineers look at what it would take to cut into the side of that mountain and widen that road. The community has asked for that and I think that that's a pretty prudent safety thing to ask for.

MR. VELASQUEZ: Mr. Chairman, Commissioner Gonzales, actually, we have been working on that for about a year, trying to, but the property owner of that is deceased, and the property is in probate or in a trust. We've been trying to identify that to see if we can get an easement to cut that and move that over because, right now, if we put a guard rail it will have to encroach on the road, so we have been working on that. The paving that we're proposing will actually go from the Las Golondrinas side towards town because that section is still in relatively good shape and from the base and if we don't do that we're going to lose that as well and it will look like the other one. What we had proposed to do was to go back to the legislature and keep looking for more money and then continue from there west and try to address it that way.

COMMISSIONER GONZALES: Okay, thank you.

MR. VELASQUEZ: Mr. Chairman, Commissioners, I would like to offer that if there are -- that I am available if there are areas that you want to visit or anything like that. I do that with Commissioner Trujillo. I've been scheduled for Saturday. We'll go look at problem areas. I could do that during the week, or on a weekend. I have done that as well.

COMMISSIONER DURAN: Mr. Chairman, Larry, were you going to give us a report on Fin del Sendero tonight?

MR. VELASQUEZ: I didn't see it on the agenda, but I do have a memo that I prepared on that. I can just get it and hand it to you.

COMMISSIONER DURAN: Okay, while you're doing that, that's fine. I just want to bring something up. Several months ago we sponsored a river tour, and out of that tour the City Councilors and myself and other people in government went on this tour, Congressman Redmond was there, and actually what's happened in the last several weeks is that there's been some concern about actually mining the river bed. There was a hearing last week, there was an applicant that is pending. His permit is pending. Some determination as to how damaging mining the river bed is going to be and I'm wondering if I could ask staff to investigate this and bring forward maybe a resolution. I'd like to adopt a policy opposed to mining the river bed and before that I'd like for staff to bring some information before us so that we could actually have a public hearing and make some determination as to whether or not that's something we could support.

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So David, could you ask, I know that Charlie -- I'm not sure because Charlies' not here, but the Planning Department, Lesli has been working on that, Lesli and Alina. Maybe they can get together some people to make a presentation to us at the next land use meeting or sometime in the next month or so.

MR. WOLF: Mr. Chairman, Commissioner Duran, I'll ask.

COMMISSIONER DURAN: Just really to get some information to make a determination or not whether we want to support that kind of effort. Thank you.

MR. VELASQUEZ: Mr. Chairman, Commissioners, at your request, the memo kind of details what we've done so far with regard to Fin del Sendero. As you may recall, it's about a 1400 to 2000 foot section of road that needs to be upgraded. On the northside, it's already been upgraded to a basecourse section and I believe it's about 24 foot wide. One of the things that we're anticipating is that we're going to have to acquire easements and perhaps go through a condemnation process to acquire that. What we proceeded to do is we've obtained survey, mapping and design services for that. To date, what we've got is we have completed the survey, the easement maps. We have completed the title reports. We ended up doing more title reports than we had anticipated. That's because there's been some activity with the properties, within the same order.

We have completed that and we're currently in the appraisal process. In discussions with the appraiser, what he indicated to me that the schedule would be, that by September 1 we would either have acquired the easements or we would be in condemnation proceedings. How we will proceed with this is when we get the appraisals, we will bring them, we will review them and I am trying to see if the Highway right-of-way division will also review them to make sure that our consultants did a good job. Then we will bring them forward to the board, probably in executive session and ask for your concurrence and authorization to make offers before we do that.

Then we also have in our contract, we have a contract that will provide the negotiation services that will tender the offer and negotiate with the property owner and in the event that those negotiations fail, then we will file the condemnations out there.

COMMISSIONER DURAN: I think that all sounds good except for one thing. We're paying -- have hired the appraiser, right?

MR. VELASQUEZ: Yes, sir.

COMMISSIONER DURAN: And he's appraising the land on our behalf. Is that correct?

MR. VELASQUEZ: Yes.

COMMISSIONER DURAN: And then, you have in-house people that are going to review that appraisal?

MR. VELASQUEZ: We will review you and like I say, we are looking to have the Highway Department review it if they can do it in a timely fashion.

COMMISSIONER DURAN: So the appraiser's doing this on our behalf, then you're going to review it, then you're going to have the Highway Department review it. I

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guess what I'm leading to is I'm not sure you need to have so many people review this appraisal. Especially I guess, I don't mind that you go ahead and ask them to do it but I think it takes some time for these people to -- if it takes a long time for them to look at it, I think you should find another way of assessing whether or not this appraiser, who's working on our behalf, has actually come up with the correct figure.

MR. VELASQUEZ: Mr. Chairman, Commissioner Duran, the only reason I would consider the Highway to do that is to make sure that there's not a fault that we may fall in to that somebody may be able to challenge. The way that it will work is that if the appraiser-contractor is C.R. Keever. He will have a sub-appraiser if you will prepare the appraisal. He will review that and then submit it to us. So basically there will already be a review in it by the time it gets to us. So I'm not uncomfortable with not having the Highway Department review it, but in the event that we were able to get a quick turn-around. At this point, we're only looking at three appraisals. In the event that they were able to turn it over within a couple of days then I would ask them to do that because I would like to have the benefit of that. But in the event that they say it's going to be two months, whatever, then we would not proceed that way.

COMMISSIONER DURAN: Thank you, Larry.

MR. VELASQUEZ: Anything else?

CHAIRMAN TRUJILLO: One question to maybe David. Did the mill levy on the solid waste fees go down? We passed a resolution about six months ago that stated it would down in July, at the end of the fiscal year. Did that happen by 1/4 percent?

MR. WOLF: Mr. Chairman, Commissioners, when reviewing the budget, yes, the mill levy was decreased by 25% of what it had been increased previously.

CHAIRMAN TRUJILLO: Thank you. And Larry, we received a request from Tierra de Oro, a request for repairs. I talked to you regarding the request and there was an issue with whether the roads were County roads or not and you were talking with Denice on whether that is the case. What is the status of that?

MR. VELASQUEZ: We actually met with them last week. In talking to our staff or the people have maintained the road for a long time, they claimed that they were always advised that they were never County roads, but in looking at the plat, there's a dedication statement. There's also an acceptance by the County, so without Denice's legal opinion, my opinion is that they are County roads. We have just neglected, for whatever reason, they have never been maintained in fifteen years, so we have developed a cost estimate on what it will take to bring them back up into decent shape and I'm scheduled to meet with them to see if maybe we could have them participate in the cost and us doing the work, similar to what we're doing in La Tierra. So that's kind of where we're at.

CHAIRMAN TRUJILLO: Like an assessment district?

MR. VELASQUEZ: I don't know if you recall, but in the La Tierra Association, which is just about a mile down the road, what they did is they funded the cost of buying the materials for chip seal. We provided the equipment and the labor to do so and

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they said it was a joint effort to accomplish maintenance on County roads in their neighborhood and we're going to try and see if we can do the same type of deal here because if we take this on, with our budget at this point it will put a tremendous damper on it I guess if you will. It will cost us a lot to just repair the neglect and the damage over the last fifteen years or so.

CHAIRMAN TRUJILLO: Again, can we go to the state legislature for monies to improve these roads?

MR. VELASQUEZ: We can. That would be a cycle into next year.

CHAIRMAN TRUJILLO: The road advisory committee. Denice, before Steve left he was working doing some research on the [inaudible] survey. That is a survey that establishes Indian and non-Indian land in the Pojoaque Valley and also identifies or establishes permanent easement, ingress and egress, for non-Indians in the Valley. The issue is that the Native American community is sending out notices that they want to charge community residents for access to their lands and to their properties and under the 1935 patent that was clearly established and the Joyce survey that ingress and egress would be made available to all non-Indian residents of the valley and if you would research that survey and let me know, I'd appreciate that.

MS. KULSETH: Mr. Chairman, I haven't seen a file on that matter, but I will look for it and pick up wherever Steve left off and get back to you.

COMMISSIONER GONZALES: Mr. Chairman, a couple of other things. One, David, members of the 4-H, I'm sorry, the County Fair Board have been trying to get some dirt work done out at the 4-H facility. They haven't had much success on that. Can you follow up with whoever is responsible in making sure that the dirt work is done?

MS. KULSETH: If I could address that, Mr. Chairman, Commissioner Gonzales. I had a meeting with Debbie Romero and Bobbie Borrego regarding these issues along with Katherine Miller and I think Robbie Apodaca and Corky Ojinaga. We discussed the ramifications of exactly how the Fair Board is structured. I know that Katherine assigned Tony -- I think his last name is Flores -- in her department to work, she designated him to work with them directly to get as many of their expenditures taken care of before the fair comes as possible and I think we had a pretty productive meeting. Everybody realized, and I told them, if there were legal issues that arose for Tony to come directly to me and we would address them right away, recognizing we're under a time crunch. So I think we're moving along on that okay.

COMMISSIONER GONZALES: Thank you. The thing that was communicated to me today was that we do have the dirt and we do have the equipment, so it wouldn't even be a procurement issue per se on this. You just need to talk to either Larry or Corky to have them make it a priority for their guys to make their stuff available to actually move the dirt into the arena. They did tell me that your office was really helpful in helping them get the team effort put together. They're really happy with it, so thank you on that.

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MS. KULSETH: Commissioner Gonzales, I do remember we made a commitment to them in that meeting that any work that could be done in-house we would take care of. I can follow up on that for you.

COMMISSIONER GONZALES: Thank you, because there was a little bit of resistance, so we can work it out. The other thing was, it's addressing this meeting again. Here we are at seven o'clock. We're still a ways off from getting into the Land Use hearings. The idea of separating the meetings into two separate meetings is so that we could focus solely on land use and solely on administration. These administrative items, David, are moving more and more into the Land Use Items and we need to figure out a way how we can stop inconveniencing people from showing up here at six o'clock and not being able to have their land use items considered until 7:30, sometimes 8:00 because of our work in this administrative area.

So if it means bringing options where the Commission starts earlier, then so be it. If it means that you have to actually hold the line on actual administrative stuff coming in, then so be it, and I would prefer that. I think that if we can limit what we're seeing administratively and just deal with absolutely needs to be done, that's what was sold to me last time. Last time I talked to this with the previous County Manager it was that all that was going to be brought forward under Administrative Items was just absolute necessities. The rest of it was going to be happening during our regular administrative meeting, and here we are talking about a lot of things that don't seem like they're a priority. So it's your option, but I think we need to -- here we are at 7:10 and we're still about twenty minutes away or ten minutes away from starting this land use hearing.

MR. WOLF: Mr. Chairman, Commissioner Gonzales, we'll manage the agenda better for you to shorten this portion. There was a number of items on here that I didn't expect to take as long as they did. We'll take of that.

CHAIRMAN TRUJILLO: Thank you, Commissioner Gonzales.

IX. E. MATTERS OF PUBLIC CONCERN - NON-ACTION ITEMS

None were presented.

IX. F. MATTERS FROM THE COUNTY ATTORNEY

1. Request authorization to enter into a sewer franchise agreement with Ranchland Utilities, Incorporated, a publicly regulated utility company, for sewer service to Rancho Viejo

MR. WOLF: Mr. Chairman, Rosanna is going to present this on the franchise agreement.

ROSANNA VAZQUEZ (Assistant County Attorney): Good evening Mr.

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Chairman, Commissioners. Mr. Sommer is here representing the Ranchland Utility Company. We're here before you to request authorization to enter into a sewer franchise agreement. Mr. Sommer and I have met and basically come to an agreement on all the terms of that agreement. However, the statute requires that an ordinance that a franchise agreement be brought forward to the Commission through an ordinance. So we're just giving you notice today that we have agreed on the terms of the agreement, and that we will be coming before you next month requesting to publish title and general summary for the ordinance on the franchise agreement. Ranchland Utilities will service Rancho Viejo Development.

CHAIRMAN TRUJILLO: Very good. Any questions of Rosanna?

COMMISSIONER GONZALES: Mr. Chairman, Rosanna, I guess I don't understand. How long, what's this about and how long has it been around for? How long has it been in the mill?

MS. VAZQUEZ: I believe that the sewer franchise agreement was something that Mr. Sommer and Mr. Kopelman discussed prior to Mr. Kopelman leaving. It was an agreement that under the conditions of approval that they provide their own sewer system. Sewer systems are governed by the Public Utilities Commission and Ranchland has gone to the Public Utilities Commission and requested and gotten the appropriate certification for that. However, the statute that we looked at requires that sewer franchise agreements be brought forward through an ordinance. So that's why we're having to wait until next month to publish title and general summary.

COMMISSIONER GONZALES: On the request for publication of title and general summary, usually it just requires a 24-hour notice, doesn't it?

MS. VAZQUEZ: Yes, and Mr. Sommer and I met today to look at this stuff and made the agreement and realized that the statute actually requires an ordinance.

COMMISSIONER GONZALES: Okay, thank you.

MS. VAZQUEZ: Any other questions?

CHAIRMAN TRUJILLO: Karl, do you want to address the Commission?

KARL SOMMER: Mr. Chairman, my name is Karl Sommer, as you all know. If we could have the -- what we're requesting is that you authorize staff to take all the necessary steps between now and your next meeting to bring forward an ordinance if the timing is appropriate. All of the terms have been accepted. The County has negotiated a 3% fee with the ability to raise that fee. Usually that's well in line with what the standard is. It has a five-year review. You can raise it every five years. It's pretty standard stuff relating to a franchise agreement for a sewer company. I don't know exactly what your process is for publishing an ordinance, but if staff can be given the authority to move forward with that publication so that the next time we come in front of you what you'll have is an ordinance adopting the agreement. Certainly you'd have the opportunity at that point to review the agreement, make any changes you want to at that point if you so wish. but Mr. Kopelman and Mr. Sanchez and now Ms. Vazquez have all given it the review and I

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think it's a good agreement and it covers the County, protects the County's interests and protects Ranchland Utility Company's interest.

So what we'd like to do is for you to move forward with the ordinance and establish that process here tonight so that we can just move forward as quickly as possible.

CHAIRMAN TRUJILLO: Will we be ready with an ordinance next month, or at the next meeting, Rosanna?

MS. VAZQUEZ: Mr. Chairman, Commissioners, it's required that we publish notice and general summary. We will have an ordinance ready. We can have that ready because the franchise agreement has been agreed to.

CHAIRMAN TRUJILLO: Then that's the direction I think that the Commission wants to dictate.

[Karl Sommer, counsel for Rancho Viejo, stands and speaks away from the microphone system]

MS. KULSETH: Mr. Chairman, just one point of clarification. General County ordinances, which is what this would fall under, require publication in the newspaper at least two weeks before the hearing at which it's adopted, so I don't think, because of the timing, getting to the New Mexican that this can make the very next BCC, but the one after it, it could.

MS. KULSETH: There is a meeting at the beginning of August.

CHAIRMAN TRUJILLO: This is an ordinance. It would require two public hearings, right?

MS. KULSETH: Actually, Mr. Chairman, we only do one public hearing if it's non-land use and this would be non-land use.

Mr. Chairman, Mr. Sommer, the only objection I have is that we do not allow people to publish in the classifieds because the purpose behind publication is to give the public reasonable notice of what's going on and it is this office's position that people don't think to look at the classifieds where you're buying and selling things to look for notices of what's going on in meetings. I think, however, we would still meet the deadline for the early August meeting if we went ahead and published in the legals, so I don't think that would be an issue.

CHAIRMAN TRUJILLO: Okay. Thank you.

MS. VAZQUEZ: It requires authorization, so we'd need a formal motion.

Commissioner Gonzales moved to authorize publication of title and general summary of the sewer franchise agreement and Commissioner Duran seconded the motion. The motion passed by unanimous [4-0] voice vote.

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- IX. F. 2. Executive session**
- a. Pending or threatened litigation**
 - b. Discussion of bargaining strategy for collective bargaining negotiations with AFSCME**

Commissioner Gonzales moved to go into executive session. Commissioner Duran seconded the motion. Upon roll call vote with Commissioner Duran, Anaya, Gonzales, Griñé and Chairman Trujillo voting "aye" the Commission moved behind closed doors.

[The Commission met in executive session from 7:15 to 7:50]

CHAIRMAN TRUJILLO: We need a motion to come back from executive session.

Noting that they had discussed pending and threatened litigation and collective bargaining strategies, Commissioner Duran moved to come out of executive session. Commissioner Griñé seconded the motion, which passed unanimously [4-0].

COMMISSIONER DURAN: I'd like to move that we table items item X. B. and C.

CHAIRMAN TRUJILLO: Is there anyone here that wants to talk about -- okay, there's a couple of people who want to talk about the dwelling and accessory structures, second hearing, so we'll have a public hearing on that.

COMMISSIONER DURAN: So my motion would be to table items B and C.

COMMISSIONER GRINÉ: Second.

CHAIRMAN TRUJILLO: Very good. We've got a motion, seconded by Commissioner Griñé. All those in favor? [Unanimous 4-0] Opposed?

[Commissioner Duran's microphone malfunctions throughout the remainder of the hearing]

X. PUBLIC HEARINGS:

- D. Ordinance No. 1998-9. An ordinance amending ordinances 1996-11 and 1997-4 to clarify the definition for "dwelling" and "accessory structure" (Second hearing)**

CHAIRMAN TRUJILLO: Who's going to talk on this ordinance? Do we need some staff input?

MS. KULSETH: Mr. Chairman, Commissioners, you have seen this

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proposed ordinance twice before. Once when we came before you to request authorization to publish title and general summary and then for the first hearing. We wanted to basically clarify the definitions for dwelling and accessory structure. Without this clarification there is a gap in the Code where there are certain structures that can fall outside of either definition. So we're trying to clarify and plug that loop hole so that any structure proposed on a residential lot is either a dwelling unit or an accessory structure. In a nutshell, the amendment allows a single accessory structure on any lot to have either a kitchen or bathroom facilities, a bathtub or shower. You cannot have both. If you have both, you will be presumed to be a dwelling unit. So if you have a bathtub or a shower, and a kitchen, if it looks like a duck, it smells like a duck, quacks like a duck, whatever that saying is, it's a duck. So it's a dwelling unit.

If it doesn't have both of those, but has one or the other, it can qualify as an accessory structure. An additional restriction is that once you have an accessory structure with a kitchen, or an accessory structure with a bathtub or shower, you cannot have another accessory structure with either a kitchen or a bathtub or shower. What that means is that if I have a house and then I build an accessory structure, say I build a studio and I put a shower in it because I'm a potter or something. I cannot then build another accessory structure with another shower and another accessory structure with another shower, or another accessory structure with a kitchen. I'm limited to a one-time use, if you will. One accessory structure can have either a bathtub or shower or kitchen facilities, then that's it for kitchen facilities and showers outside of my home, outside my dwelling unit.

You could have other accessory structures that don't have that, such as a barn or a carport, or whatever the other accessory structures that folks come forward with. A greenhouse.

CHAIRMAN TRUJILLO: Under the definition "accessory structure" and what is the other one? "dwelling"? Those would be structures that would be located or housed in lots that are below the minimum lot size?

MS. KULSETH: Mr. Chairman, they actually would be on lot sizes -- we're presuming they meet minimum lot size. I think probably lots that -- it could be a lot that's below the typical minimum lot sizes, so it's a grandfathered in lot that doesn't meet Code. They still can have accessory structures. There's not a restriction on that. There was some discussion last month that if I want to have my dwelling unit plus another building, whatever I call it -- a studio, a barn, whatever label I give to it -- if it has both a kitchen and a bathroom facilities, meaning a bathtub or a shower, then it's a second dwelling unit and I need to have enough acreage to have two dwelling units.

CHAIRMAN TRUJILLO: So it adds another structure at the minimum lot size.

MS. KULSETH: That's correct, Commissioner.

CHAIRMAN TRUJILLO: Thank you. Any other questions of Denise. This is a public hearing. Who wants to talk to the ordinance, for or against? Please sit in the

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front bench, those that want to talk regarding the ordinance. Is this gentleman the only one that's going to talk. Okay sir. State your name and address for the record.

WALTER WAIT: Mr. Chairman, members of the Commission, my name is Walter Wait. I live out on County Road 45 in the county. I'm here tonight because I believe that the proposed change to the ordinance 1996 is capricious. The intent of the underlying legislation of the County Code comes down to the regulation of the number of dwelling units based on water availability. Tweaking the definition of "dwelling unit" and "accessory structure" only serves to cloud the underlying issues of population density and community control. The County Land Use Code attempts to restrict suburban growth, or urban growth based on the availability of water.

Traditional use clearly dictates the right to subdivide property to family members and as we heard tonight, 70% of the lot splits are approved administratively here. The people of Santa Fe County desire to build guesthouses, accessory structures and other dwelling units. The County Code clearly discourages multiple families residing on a single property. However, a family of twenty of can reside in the same household or dwelling unit. A couple cannot build a separate dwelling to house their parents. There's little housing available for low-income families. There's even less housing available for low-income singles of any age.

CDRC routinely grants exceptions to the Code based on hardship. The CDRC routinely ignores those landholders who opt to build first and not tell. And the CDRC refuses routinely those who wish to build guesthouses on their rural properties, citing dwelling unit restrictions. I'd like to bring your attention to this week along, there are six requests for lot splits allowing thirteen houses collectively to be built on a sum total of 21 acres that are before you either tonight or in the other body.

Now the issue here is one of balance. On the one hand, the County wishes to prevent sprawl and protect its limited water supply and the County can do neither until it stops the family transfer, which it will never do. Because of this, we have a dual system. One for those landowners who wish to work outside the system and one for the rest of us. And I would suggest we take a careful look at the rules and ask ourselves why. Why are we doing this regulation? Why is this regulation or the multiple sets of regulation and additions to ordinance 1996-11, 1997-4 and now 1998-6 or whatever it is? Why are we doing these? This has no bearing on water availability at all.

I would suggest that we look at these rules. The desire for citizens to build secondary dwelling, auxiliary dwellings, secondary structures, guesthouses, whatever you want to call them, is very, very strong and is an extremely sore point when it comes to the citizen relationships with the County government. Certainly any new rules that we propose and that we might apply would be no less subject to abuse than the system that we currently support. And it would probably only serve to aggravate the public further.

Since the guesthouse or accessory structure and dwelling unit rule appears to be arbitrary -- and that is to say, you can have a large household with many people in it consuming large quantities of water, and you can have family transfer acreage into

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extremely small parcels and place multiple dwellings on them. But you can't have two small households consuming less water on relatively large land parcels. I would suggest that the County explore a total revamp of the way we think of guesthouses and this type of property.

The languages of dwelling unit and accessory structure, we should be thinking more in lines of the number of consumers for property. The family compound is an old idea in New Mexico. Within a compound there can be multiple dwelling units. There can be multiple accessory structures. There can be many different types of units all linked by walls. The proposed rule would discourage this traditional use. If the laws were rewritten to suggest that guesthouses would be allowed within a compound arrangement, or in a close proximity to an existing dwelling, thereby reducing unwanted sprawl, then the dwellings and accessory structures could only be limited by the allocated number of water users for a property.

A property could support, for example, a specific number of residents based on water availability. It shouldn't matter if the number is family or otherwise. It shouldn't matter if the bedrooms are attached or if there's four walls or three walls, or whether there's three kitchens or four bathrooms or whether we have this particular arrangements in three structures or a single one. I can build an addition to my house, but I can't build a second house. If a family of five moves into a property zoned for eight it could build on or build within a compound facility for three additional consumers. If the family grows to eight, it couldn't rent or otherwise build new facilities to house additional people. If the family again falls to two adults, it could lease the five consumer spaces however it sees fit. If the dwellings are erected within a compound to be used by a nuclear family, no regulations should apply. If the portions of the dwellings in a compound are to be rented, however, County rules and permitting could be required to include proof that the number of consumers would not be exceeded. The residential leasing permit could fund administration and oversight.

Now, for the purposes of determining the number of residents a property could support, what basically is a nuclear family? I would suggest that a family consists of a single set of parents or a single parent, landowner and any unmarried children under the age of 18 and anyone else residing on a property other than the nuclear family could do so based on whatever formula the County chooses to develop for residential leasing. This way we could eliminate whatever it is that we have to try to regulate where I put my second or third bathroom.

The new proposed ordinance change doesn't only alter the definitions found in the ordinance 1997-4 and 1996-11, it states in paragraph 4 that it's going to prohibit the public from creating multiple accessory structures with kitchens or bathtubs on any lot. I would think that you could interpret that to mean not just a specific unit of 2.5 acres or 5 acres, depending on water availability, but if I have 1000 acres, that may be construed as a single lot and I might not be able to build anything more than a single auxiliary structure. This is not based on water availability.

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Section 4, Special Procedures for Approval of Development on Lots which do not Meet the Lot Size Requirements in Section 2.4-1, which considers the construction of one or more dwelling in the original County Code would certainly be impacted by this proposed ordinance if you'd used that interpretation. I would argue that the Commission --urge the Commission to reconsider this proposed change and suggest that a more equitable method of dealing with dwelling use be considered. This proposed rule is not in the interest of the public, and in my opinion is ill-advised. Compounds, multiple households in close proximity is the traditional use of property in Santa Fe County. It always has been and it should be encouraged, not attempted to be -- it shouldn't be discouraged. Let's put it that way.

Again, the last thing I'd like to say is why are we building these rules? What is the purpose of these rules? Why are we doing this? It doesn't make sense based on water availability. If I can put 25 people in my house, that is not good water policy if what you're trying to do is restrict the amount of use of water against building. Buildings don't equate to water; people do. Thank you.

CHAIRMAN TRUJILLO: Walter, I have a question for you. You understand that there is a minimum lot size whether it's in a traditional community or outside of a traditional community. And one domicile, one residence can be built in whatever the minimum lot size is, whether it's 3/4 acres or whether it's 2 1/2 acres. Are you proposing that that remain status quo?

MR. WAIT: I'm suggesting that by taking the definition of dwelling and building as the way we regulate the use of water in whatever zone we find ourselves, whether it's a 40-acre zone or a 12-acre zone or a 2.5-acre zone or a traditional community, is not the way that we are going to protect our water system because it is capricious. Because a dwelling -- if I go down the road and see a dwelling that is 40,000 square feet and houses two people, that is going to use less water over all than a dwelling that has twenty people in it. We haven't resolved anything in terms of water availability by allowing that to occur. Where we should be looking at is trying to determine how many people can a piece of property support and how that number of people is supported, whether it's on four or six pieces, small houses or one huge mansion, doesn't matter. It shouldn't concern you. What should concern is what the consumption of the water is, if you want to go by your own Code, and that's not what we're doing here. We're making things difficult for ourselves.

CHAIRMAN TRUJILLO: Denice, what is the intent of the ordinance again, please?

MS. KULSETH: Mr. Chairman, the intent of the ordinance is to clarify an already existing loop hole, where structures don't fall within either definition. I guess there were a lot of issues raised and in a nutshell, I would say that this gentleman is correct. It's not a perfect system. You could have a house with thirteen people in it that obviously uses more water than a house with one person in it. What you really get down to, I think, is whether you want to be sending Code enforcement out to go into people's homes and count how many people are living there, or if you want to go with a less perfect system and count

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structures. To me, it's sort of a policy question on how intrusive you want to be in regulating people. It's easy when you are on a community water system or system that's metered.

If you're paying a cost for your water then there's a sort of self-regulating situation at hand. If you are on a well, it's much more difficult to regulate that water use. The County has chosen to do it looking at the number of structures being supported by the well or the water rather than telling people you've got too many people in your house. You need to move because you've had your fifth child and now you're over populated. It doesn't seem to -- I've never heard of a workable solution where you regulate water use, or rather building development on a parcel of land.

And yet I could build an addition to my house that would have a second bathroom on it. I could build another addition to my house with a third bathroom on it.

COMMISSIONER DURAN: You're absolutely right.

MR. WAIT: There are instances in the county today where someone builds a large foundation and puts two houses on that single foundation, and that is within the law. Perfectly acceptable because it's one dwelling unit. What I'm trying to say here is that the loop hole would remain irregardless of what you tried to do as long as it is based upon walls and not on people.

I'm saying that the definition of dwelling unit then, and the definition here of accessory structure is so vague in the sense that a dwelling unit -- if I can design a dwelling unit as a compound, for example, where my dwelling unit would have many accessory structures as long as I put them along the same wall, it becomes a single structure. The moment I take the wall down, it becomes several structures. This is the capricious nature of the regulation as it is. This is why I'm saying that by adding to this, by trying to over-regulate what we're doing here, by asking to you have a bathroom? Then you can't have a kitchen. Do you have a kitchen? Then you can't have a bathroom. If you've got one with a bathroom, then you can't build another one. It's over-regulating something that defies the meaningful nature of our original legislation, which was to protect our water supply.

CHAIRMAN TRUJILLO: This ordinance is not to address cluster housing or strip housing or for living houses that grow as part of one. This is to address a separate structure from an existing house. Not a house that has a foundation that can accommodate two houses but that is a separate structure that is called a dwelling that cannot have but one bathroom and/or one kitchen. But it's separate from an existing structure and existing house. That's what this ordinance is all about. And we don't want to get into a debate but that's what the ordinance is about. I think we can call for the next person to talk.

HELEN BOYCE: My name is Helen Boyce, and I also live on State 14. I have problems with this too because I've made a couple of notes, which I'd like to read. I sort of feel strongly that the high cost of construction in Santa Fe County, it doesn't seem to make sense not to fully make use of an already existing building. It would be much less of an environmental impact to utilize and to renovate buildings to be used by a property

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owner's family members, for instance. To come before you, which I will have to do, eventually perhaps, and everybody else has to do in the county, to ask for a family transfer and build another new structure and another well, and another septic tank when you already have perhaps a structure that with good planning could be used for a family member as a full sized living quarters.

You had, and your staff, you had thought about the idea of infill, which makes really perfect sense. To utilize already built structures. For instance, if you have adult children who have lived in the main dwelling for 18 years and have flushed the toilet and taken showers and cooked their coffee there, you are actually talking of walls, because the minute you say my children want to have privacy and live within their four walls separate from the main house, they can't do it. Therefore, again, family transfer kicks in.

The impact is not lessened or is not made more because that flush is either in the main house, that kitchen is either used in the main house, that bath or shower is used in the main house, or in the structure that could be renovated. I find it sort of interesting, that especially old properties which have existing walls, with roofs on, and some of the structures have been built way before guesthouses weren't allowed, accessory structures were licensed or you had to come before you. We now encourage empty buildings and family transfer with new structures, new wells, and new septic tanks. It doesn't seem to make sense. Also, it's sort of against keeping the family together, you know. Some of us families like each other. We don't want to move away, far away. In fact we want to come together and the ideal of a compound on one property that is able to support by a three-acre-foot well or whatever happens to be on it. Water use should be encouraged.

CHAIRMAN TRUJILLO: This ordinance does not prevent that. That is the desire of the property owner to expand the existing house to attach more bathrooms and more kitchens or more rooms and more bedrooms. It doesn't prevent that. If that's the desire of the property owner. What it is does, it defines the separate structures, the dwellings.

MS. BOYCE: But you see also you're not using conversation. You're saying you can't have a structure and make it into a full, useful building. You can only have it half useful. It doesn't make sense.

CHAIRMAN TRUJILLO: But we have the minimum lot size that prevents ubiquitous building of houses unless then --

MS. BOYCE: But your ordinance doesn't say anywhere -- this ordinance is for the minimum lot size. It says "lot." And it doesn't give a description anywhere that I have read, so maybe it needs to be somewhere more looked at. Thank you.

MS. KULSETH: Mr. Chairman, if I may, Commissioner Duran, I think perhaps it would help clarify if I point out that these changes are in the definitions section only of the Code. Then when you read the sections about minimum lot size, you'll see the word dwelling unit or you'll see the word accessory structure and you'll turn to these definitions. I think there's a lot of confusion about what this doesn't do. And I would be

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happy to sit down with both of the speakers and schedule some time with them to clarify, because from the comments I've heard I think there's a lot of confusion about the purpose.

MS. BOYCE: No, we're not confused. We're just warning you that for instance, not only that, Mr. Trujillo, it doesn't even say minimum lot size. It says parcel of land. That's even less defined. So I think that it really has to be closely looked at so that we don't just cut it totally out for somebody that has proper acreage, proper water, to say, oh well, I'm sorry. You have an accessory structure and you can't make use of it.

CHAIRMAN TRUJILLO: We can go ahead and move on. Anybody else wants to talk about the ordinance? Any other discussion?

Commissioner Anaya moved to approve Ordinance No. 1998-9. His motion was seconded by Commissioner Griñé and upon roll call vote, passed unanimously [4-0]. Commissioner Gonzales was not present for this vote.

X. E. LAND USE DEPARTMENT ITEMS:

1. **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**

RUDY GARCIA (Acting Land Use Administrator): Mr. Chairman, the last Board of County Commission meeting this item was tabled. It's my understanding, or actually we have been trying to contact the applicant and the applicant is not here and she has not notified us so we recommend that this item be withdrawn from the agenda.

COMMISSIONER ANAYA: To table?

MR. GARCIA: Mr. Chairman, Commissioner Anaya, we're requesting that it be withdrawn. This is already the second time she hasn't shown up to the meeting. We have tried to contact her.

CHAIRMAN TRUJILLO: Do we need a vote on it?

Commissioner Anaya moved to withdraw this item from the agenda. Commissioner Griñé seconded the motion, which passed without opposition. [3-0] Commissioner Gonzales was not present for this vote.

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2. **CDRC Case #S 96-1212. Las Campanas. Estates VIII, Unit 3. Las Campanas Limited Partnership, applicant, requests final plat/development plan approval for 12 residential lots on 17 acres in accordance with the approved master plan. The property is located off Camino La Tierra within the five-mile Extraterritorial District, Section 11, Township 17 North, Range 8 East**
[Report on file with Land Use Department]

JOE CATANACH (Review Specialist): Thank you, Commissioners. On June 11, 1998, the EZC recommended approval. Please note that this Estate VIII phase consists of three unit sub-phases and Estates VIII 1 and 2 were granted final approval by the EZC-BCC and construction of the infrastructure is in progress for Unit 1. Final staff approval for unit 2 is in process for recording the subdivision plat and the infrastructure improvements for Unit 2 will also accommodate the proposed Unit 3. My staff report outlines the status of approved residential development within Las Campanas. As proposed, lots range in size from .898 acre to 1.25 acres and 4.9 acres of common open space. Access is off the Clubhouse Drive. There is a secondary access and the paved internal roads have pedestrian paths. The existing community water and sewer systems will be utilized and the lots will be limited to a .25 acre-foot water restriction. No guesthouses will be allowed in this phase. The property is not within the 100-year flood zone and the slope is primarily between zero and 20%. Homeowner covenants and disclosure statements address ownership maintenance of roads, common open space, solid waste disposal.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a. State Engineer
 - b. County Fire Marshal
 - c. County Public Works
 - d. County Subdivision Engineer
2. Submit updated schedule of water rights acquisitions, allocations, transfers and available balance.
3. Final disclosure statement subject to approval by staff.
4. Submit fees for solid waste in accordance with the master plan development agreement.
5. Submit financial surety for water replacement system.
6. Complete final plat content to include but not limited to the following:
 - a. Tie to permanent monument
 - b. Permits for building construction will not be issued until all road, drainage and fire protection improvements have been completed as approved by staff
 - c. Rural address
 - d. Ownership and maintenance of roads by homeowners association.

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CHAIRMAN TRUJILLO: Any questions of Joe? No questions? Is the applicant here?

[Duly sworn, Al Lilly testified as follows:]

AL LILLY: My name is Al Lilly of Lilly Planning Associates, agent for Las Campanas, and I'm located on St. Francis Drive. Joe has done a good job of describing the project. It's really a fairly minor subdivision. It's the third phase of Estates VIII. It simply involves 12 lots on 17 acres. As you can see from the site plan, it is entirely surrounded by the balance of the property in Estates VIII. It is totally contained within itself. It is not visible from any public right-of-way and it's all part of a previously approved density for Las Campanas.

CHAIRMAN TRUJILLO: Do you agree with the conditions as delineated by Joe?

MR. LILLY: Yes, we're in full agreement.

CHAIRMAN TRUJILLO: Do we have anybody that wants to speak for or against this project?

Commissioner Grifé moved to approve EZ Case S #96-1212 and Commissioner Anaya seconded the motion. The motion passed unanimously [3-0] Commissioner Gonzales was not present for this motion.

- X. E. 3. EZ Case #V 98-4050. Althouse Variance. Rob Althouse, applicant, requests variance to the ESR Common Access Roadway standards for on-site driving surface width, basecourse thickness, and easement width. The property is located off West Alameda within Section 28, Township 17 North, Range 8 East within the two-mile Extraterritorial District**
[Straff report on file with Land Use Department]

ROMAN ABEYTA (Review Specialist): Thank you, Mr. Chairman, Commissioners. The applicant's request is for a 16-foot driving surface width on a 23-foot wide easement with four inches of basecourse. In his variance letter, the applicant states that his variance is based on terrain management constraints, the lack of off-site road easement and the use of Idaho Enzyme in the roadway to reduce the amount the basecourse required. The applicant's variance letter is attached as Exhibit B.

Required action, the BCC must review and make a finding of fact on the variance criteria listed in the staff report, a. through g. Action should be taken to approve, deny, or table for further analysis of this request. At the regularly scheduled meeting of June 11, 1998, the EZC decided to grant an extension of the previous plat approval for an additional six months. The EZC also recommended that the variance request to reduce the basecourse

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thickness be denied. Idaho Enzyme should not be used in lieu of basecourse. It should not be used in lieu of meeting the thickness requirements of the Code. Further, the EZC recommended that the applicant be required to construct an access easement with a 20-foot wide driving surface on the 23-foot wide easement. Therefore the variance request for off-site and on-site driving surface should also be denied. The only variance the EZC supports is the 23-foot wide easement provided that a 20-foot driving surface is constructed. Thank you, Mr. Chairman.

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

COMMISSIONER ANAYA: Mr. Chairman, I've never heard the term Idaho Enzyme. What is that?

MR. ABEYTA: Mr. Chairman, Commissioner Anaya, I believe it's a type of soil that's used in lieu of crushed gravel. The applicant could probably explain better what exactly it is.

[inaudible section]

MR. ABEYTA: Mr. Chairman, Commissioner Duran, that's correct. There is a another road that adjoins this road. However, the applicant does not have an easement right to use that other road.

That was for the purpose of having at least a wide enough width so that two vehicles could get in there. Two vehicles or a fire truck. They felt that they would need 20 feet.

COMMISSIONER DURAN: How wide is the road that adjoins the easement?

MR. ABEYTA: I believe that the road that adjoins this easement is between ten to fifteen feet. If there was an emergency, I believe that the fire department would use that road, regardless. But I think the EZC's concern was that they wanted to make sure that no property owners who bought in this subdivision would use the extra ten feet or fifteen feet that's on the side.

COMMISSIONER ANAYA: Mr. Chairman, how many lots is this road going to be serving?

MR. ABEYTA: Mr. Chairman, Commissioner Anaya, the applicant has got plat approval for four lots. However, there are several other lots that use this road before you get to the four proposed lots. I believe there are probably anywhere between eight and ten lots that will use this road.

CHAIRMAN TRUJILLO: You're saying, Roman, that the adjoining road, the one adjacent to this road is 16 feet wide?

MR. ABEYTA: Mr. Chairman, I believe it's anywhere between ten and fifteen wide. I'm not sure exactly.

CHAIRMAN TRUJILLO: And the requirement is to make this road 20 feet wide.

MR. ABEYTA: Yes, sir.

CHAIRMAN TRUJILLO: The 16-foot wide road can accommodate emergency vehicles?

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MR. ABEYTA: The 16 foot, plus whatever we require the applicant to build now can accommodate emergency vehicles. However, there is a fence that separates the two roads and that prohibits direct access for regular vehicles to go in there right now because as stated earlier, the applicant does not have right to that existing ten or fifteen-foot road that's there now. He doesn't have easement to use that, so the property owner has fenced that off to prohibit him from using that road.

CHAIRMAN TRUJILLO: The point is that that road, by itself, can accommodate emergency vehicles, and that's 15-foot wide?

MR. ABEYTA: Mr. Chairman, I believe it could. Especially if the applicant adds maybe five more feet or ten more feet to make it the required 20 feet. But it's my understanding that yes, it could accommodate emergency vehicles.

CHAIRMAN TRUJILLO: We're requiring that this road be 20-foot wide.

MR. ABEYTA: Mr. Chairman, that's correct. We're requiring that this road be 20-feet wide. It's going to look like there is a road that is a total of 30 or 35-feet wide. However, there is a fence that's going to go right in between the road that's going to prohibit these property owners from using that existing 16 feet that are there right now.

CHAIRMAN TRUJILLO: Any other questions of Roman?

MR. ABEYTA: [Responding to Commissioner Duran] Mr. Chairman, Commissioner Duran, I believe the individual who owns the property with that existing road, I don't believe has enough property to subdivide his property right now. The minimum lot size is 2 1/2 acres and I think he only has four acres.

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

[Duly sworn, Rob Althouse testified as follows:]

ROB ALTHOUSE: I'm Rob Althouse and I live at 29 Camino Don Emilio, Santa Fe. And I also brought a sketch to try to clarify this kind of confusing situation. So I wanted to clarify one thing. The existing 15-foot road, which Mr. Abeyta had said we don't have an easement to, we do. In fact my brother and I have built the first place in that area about 20 years ago, on a windmill. That is, we have used that road and paid for the installation. I know Mr. Sandoval had said in the letter that he had built the road but that's incorrect. We had built probably 90% of it and have used it for 20 years to our residence, which is on a 2 1/2 acre lot. But we own a 10-acre piece beside our 2 1/2 acre lot and that's what we were applying to subdivide. But that has an easement which is parallel to the 15-foot easement.

So we have a 2 1/2 acre lot up here and this is the 15-foot wide lane that we have been using and there's a 23-foot easement that adjoins it. There are some neighbors here, the Montano family, who have a double wide that's very close to this easement and it was there wish that if I improved the road, I'd try to keep it as far this way as possible. So that was one reason for wanting to use the existing road and incorporate it rather than build a completely new road, which would be rather close to their place. There's a 2 1/2 acre lot here that actually has a flag and this is part of a 2 1/2 acre lot owned by Mr. Sandoval,

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who's here and we both have rights to share this easement.

So basically, we have two easements beside each other that are to our benefit.

COMMISSIONER DURAN: Does your title policy show the easement?

MR. ALTHOUSE: I imagine that the title policy to our 2.5 acre lot, which is our residence, and the other 2.5 acre lot that we own behind it do ensure this 15-foot easement and lane which we're using for those two lots, those two 2.5 acre lots that are on this side of this line between the easements. It's shown to the ten acres as this 23-foot easement here, going to the ten acres.

COMMISSIONER DURAN: So the ten acres really doesn't have legal access on the 15-foot?

MR. ALTHOUSE: No, no. We had discussions with the neighbors. It seemed expensive and wasteful, just in terms of terrain management and the amount of erosion created to build two parallel lanes. It seemed to be creating a lot of scarring for no reason, but we were never able to reach a compromise. I thought we had at one point and we never completed that.

COMMISSIONER DURAN: go all the way to Alameda?

MR. ALTHOUSE: No, there's a 2.5 acre lot. This 23-foot easement goes across a 2.5 acre lot right in here that's owned by the Montano family. And then our 10-acre lot starts right behind that.

[Responding to Commissioner Duran] Yes, in fact we owned that, and then we did a lot-line adjustment, a land trade with the Montano family. At one time we did own it and that's when we put the easement on it.

The first 200 feet where there is an existing fence that Mr. Sandoval had asked that we save and leave up so that was the only area where it was exceedingly difficult to build because there's only a 23-foot easement and if you build a 20-foot road, there's very little road left to build drainage. It's almost impossible to do the drainage. Or it would be prohibitively expensive for that 200-foot stretch.

I've had different legal opinions about whether or not since both of these easements inure to the benefit of my house, my 2.5 acre lot where we live. I've had conflicting opinions about whether or not we're going to be allowed to -- it would have made sense to create one road and take the fence out and have one crown and not have to have a tiny bar ditch on each side of the fence that takes up a lot of space. That's kind of a fuzzy question but we wanted to try to respect the wishes of Mr. Sandoval and leave the fence up.

COMMISSIONER DURAN: So you're asking us to approve the proposed lane which allows you to go onto an easement that you don't have a right to get on to at this point?

MR. ALTHOUSE: To the 10-acre lot up in here. Part of the road would be on the other easement and then apply to the ten acres. Right.

COMMISSIONER DURAN: We can't really grant you the right to use an easement that you're not named on.

MR. ALTHOUSE: Well, I do have legal access. Both of these easements inure to the benefit of my residents and my understanding, it's kind of a complex thing, was that there could be some point where people would be forced to drive in and out on this side of the easement going to the ten-acre lot. In an emergency situation, the 20-foot road would still allow fire equipment in and out.

COMMISSIONER DURAN: Can you show me on this where the ten-acre lot is?

MR. ALTHOUSE: Well, this is drawn to scale and the ten-acre lot probably starts back in here. You have a 2.5 acre lot in here and then the ten-acre lot would start back in there. And besides -- Mr. Sandoval's property goes back past the beginning of the ten-acre lot and then our 2.5 acre lot starts. So there's a point back in here where we do own the land on both sides and the easement then is on our property, this 15-foot easement when it gets back here it goes on to our property.

CHAIRMAN TRUJILLO: So the variance is requested for the initial 200-feet? Then it turns into a 20-foot --

MR. ALTHOUSE: And then it turns into a 20-foot road.

CHAIRMAN TRUJILLO: So the initial 200 feet is 16-foot wide easement that belongs to you. So that's the variance that you're asking for for those initial --

MR. ALTHOUSE: To build a 16-foot driving surface in that stretch. It would be a 20-foot driving surface, but there is still -- that satisfies the County's regulations. According to my understanding, there's still some civil question about -- it's kind of odd.

CHAIRMAN TRUJILLO: We don't get involved in civil matters. Why doesn't Mr. Sandoval want to remove the fence?

MR. ALTHOUSE: Because it has been there for a while. I know there was a disagreement with the Montanos here at one point. They had removed some of it to move a mobile home in there and I think there was kind of a history of the fence being a sore issue. I had had a discussion with him once. I know he sent a letter that was incorrect saying that I had knocked down the fence. I had in fact replaced probably about five or six of these posts here at one point. I did cut the piece of fence right here between the two easements after talking to a lawyer in the County and after sending a letter to Mr. Sandoval and talking to him about it. I have a copy of the letter and the sketch. We moved the mailbox off of Alameda because it was difficult to pull in here and walk out here and get your mail, for another car to get out. So we made a little place here and set the mailbox off of Alameda. I thought we had an understanding. He seemed to have the dates of when we were going to start on the letter we had sent him but he was upset that we had cut the fence.

I was surprised because I thought that since I had repaired this barbed wire and these posts and this stretch were all on the ground and I thought, I was surprised that he was unhappy about that.

CHAIRMAN TRUJILLO: Any other questions?

MR. ALTHOUSE: Maybe we should move this back so they can see it too.

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CHAIRMAN TRUJILLO: What's the position of the Fire Marshal?

HANK BLACKWELL (Fire Marshal): Mr. Chairman, Commissioners, I think -- I've been out to the property. I've visited upon the invitation of the Althouses. As a matter of fact, probably several months ago, three months ago or so. And I think he's been doing his best to do what he can and I indicated our concerns to him then were basically the fact that the fenced part of the road gives us a particular problem and then it's not gated so it's difficult for fire apparatus to get access through that fenced area. Actually, any kind of fence like that it would be difficult to get apparatus through if we had to cross the fence, just because we'd not only have to cut the fence, but we'd probably have to knock down a few poles if we had to cross the fence area in that particular fenced area.

I think the grade, the slope we talked about was a little steep but that was a minor concern and I think the other one was there's a utility pole basically right in the center of the road as it exists now which really limits our access around either side of the pole. So those were our concerns that we had talked about at that point in time.

CHAIRMAN TRUJILLO: Thank you, Hank.

COMMISSIONER DURAN: In your opinion, do you think a fire truck could drive down either the 15-foot or the 16-foot access?

MR. BLACKWELL: I think we could make it. The difficulty there being, again, that would delay our response. And being in the business of time, that's one of the things we're ultimately concerned with is looking at a delayed response. Our primary concern had to do with the fact again, that it was narrow in terms of easement on either side of the fence and the fact that there was a utility pole in the middle of the roadway which basically really narrows the road at that particular point to probably about ten feet on either side. So that may give us difficulty with some of our larger apparatus, especially our tankers if there's no water out there. So we'd have to get in there with our bigger tankers in order to establish a water supply. So that was one of our major concerns.

CHAIRMAN TRUJILLO: Hank, would this still be a problem, the delay factor, when the County has required sprinkling systems for those houses back there, where they immediately turn on in case of fire?

MR. BLACKWELL: Mr. Chairman, Commissioners, that's a very good point, and for any of the structures that will be built from here on out, if we require sprinklers, then again, that offers a degree of protection that we support all the time. It will greatly reduce the risk of fire or the damage of any fire that's started prior to us getting there. It's like having a full-time firefighter in the residence 24 hours a day. It won't give us any protection to any structures that are already built that don't have sprinklers.

CHAIRMAN TRUJILLO: Thank you. Any other questions? Are you done, Mr. Althouse?

MR. ALTHOUSE: Yes.

CHAIRMAN TRUJILLO: Anybody in the audience that wants to speak for or against the proposal, step forward please.

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[Duly sworn, Phil Montano testified as follows:]

PHIL MONTANO: Gentlemen, my name is Phil Montano. I'm speaking on behalf of my mother and my father, Tony and Helen. Unfortunately, Mr. Althouse has failed as far as getting rights to the easement, that 23-foot would be on our property. In the original agreement, he never met the requirements as far as paying for that plot of land that he's claiming, the 20 or 16 foot to the east side. Unfortunately, I guess prior to this June 11 meeting, the proposal had been tabled once before. I'm obviously, I'm from out of state. I live in Washington, but they keep me abreast of the information and I'm here, unfortunately because my father's in the hospital, but I'm here on behalf of them.

I don't know, just a couple comments. The original document was signed on March 1, 1993. It had six weeks to purchase and/or I guess purchase that plot of land from us. Unfortunately it gave six weeks for that purchase to take place and it never did. So the contract was null and void at that time. That would be on the Montano's residence where he says he has easement to 23 feet on the upper part, next to Sandoval's, paralleling Sandoval's road.

[Standing at map away from microphone system.]

CHAIRMAN TRUJILLO: Okay, anybody else? Step up please.

[Duly sworn, Tony Sandoval testified as follows:]

TONY SANDOVAL: My name is Tony Sandoval and I own the land there where Mr. Althouse wants to extend that easement. I own a 15-foot easement there. It belongs to me and the fence belongs to me and I don't want to take down the fence. I'm here for that purpose and for another purpose. I hate to see any new roads cut. Because of drainage. I'm having a lot of problems with drainage from that area and if Mr. Althouse is going to cut any roads from the both cuts. Now the water is draining to Alameda Street. There's another arroyo in the back where he plans to cut a road. This other arroyo is going to drain into Alameda Street.

And all those waters from that area are going into my property and destroying it and damaging it. When the city blacktopped West Alameda, they just had a culvert from the northern part of the street to the south side of the street and all that water from surrounding areas is going into my property and destroying it. And the bad part about it is that the County does not have a drainage easement. I tried to resolve this problem with various officials from the County. Mr. Javier Gonzales knows about it. Larry Velasquez knows about it. Domingo Sanchez knows about it, but yet they have failed to do anything to correct the problem.

If Mr. Althouse is permitted to cut new roads, it's going to worse than it is now. And I am completely against cutting new roads until this water problem is solved with the County. And that's why I'm against it. I would suggest to you Commissioners before you make any decision to investigate what I'm telling you about that problem that I'm having with water drainage. That's what I'd like to say about this problem. Thank you.

CHAIRMAN TRUJILLO: Thank you, Mr. Sandoval. Any questions of Mr.

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Sandoval? Anybody else wants to talk, for or against? Okay, Mr. Althouse, we'll give you another couple minutes.

COMMISSIONER ANAYA: I think, Mr. Chairman, at this point he has only the right to rebut what was said.

CHAIRMAN TRUJILLO: You have the opportunity to rebut what was said.

MR. ALTHOUSE: Okay. One, the easement issue with the Montanos, Mr. Abeyta from the County has a copy of that filed in the courthouse and it's in black and white and I have the easement. There was another payment. We paid about \$1000 and there's another payment to be made upon the sale of the first lot. So we have completely kept to the contract. And in terms of Mr. Sandoval's problems, I sympathize with them and on my own time I went down and looked at his daughter's land across Alameda, tried to help him, in fact built a couple ponding areas with my own time and money. Really as a neighborly gesture on the 23-foot easement. The odd thing is, and I had offered at one point to say, why don't I take some of the money it would take to build a second road and give it to you and we'll just continue to use the lane. It would mean that I couldn't do a subdivision but it would mean that the ten acres would at least have the right to use that lane. That would solve the problem of the excess scarring and the tendency to create more run-off.

That would mean that it couldn't be subdivided but at least it would have an easement, which quite frankly at this point, I may never be able to get the money anyway. We're so many hundreds of thousands of dollars in debt and will be when the land is liquidated even if it is developed from the four or five years that we've been working on this project that this may be a moot point in the end anyway. It's kind of a long shot that we would ever be able to bond for a new road. So I'd be willing to talk to Mr. Sandoval about not building a road, and of course that precludes a subdivision, but that's another option. Again, I guess that's just between us.

COMMISSIONER ANAYA: Mr. Chairman, there is one comment out there. A lady in the audience would like to speak.

CHAIRMAN TRUJILLO: Oh, I'm sorry.

[Duly sworn, Helen Montano testified as follows:]

HELEN MONTANO: I'm Helen Montano and Mr. Althouse made an agreement to us that he was going to pay for the easement. He gave us \$300 and that was it. I don't see why he says he paid us; he did not. My husband now has landed with a stroke because of all this pressure and I cannot take it anymore. Thank you.

CHAIRMAN TRUJILLO: Do we have anybody else that wants to talk to this item?

[Duly sworn, Melissa Montano testified as follows:]

MELISSA MONTANO: I'm Melissa Montano and I live at Route 10, Box 86-B, the property that he said that he had talked to me about. He never did. Number one, we are planning on taking legal action on this and that's about all I have to say. We're going to take legal action because it is [inaudible]

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CHAIRMAN TRUJILLO: Thank you. Anybody else? No more rebuttal?
[Previously sworn, Nancy Kenney testified as follows:]

NANCY KENNEY: Nancy Kenney. I would like to say that the agreement was to -- we paid for the \$300 and the lawyer fees, so it was not just \$300. We paid their lawyer fees. Then we agreed that we would not -- that we would pay them another \$2000 when we sold a lot, or something, and we haven't sold a lot yet. We haven't done anything with the land yet. And we're just sitting waiting with the clock ticking on the interest. I just wanted to say that obviously, this started in 1993 and it's five years later and novice developers had a dream here that has been turned over and over like bad compost. From a 30-acre lot subdivision set back to a four and the easement issue is still not settle and our neighbors are not happy with us, and we're not happy with them.

We feel very saddened by the lack of community that we've actually created. It's been a very sort of tragic story. That doesn't negate the fact that we did sell my family land to be able to afford to do the planning, engineering, the surveying. We've already repaired the roads once. We're supposed to put another \$20,000 into removing the poles. Another \$60,000 into putting up retaining walls. We have another \$100,000 to put into the road that we don't even have. So there's a 23-foot easement. It puts a strain on the Montanos; of course they're unhappy. It's terrible. They've put up a double-wide right next to the easement. Like what are we going to do? Put a wall right next to their bathroom window? It's ridiculously, disgustingly, horribly complicated.

I guess what we see is this is the way that prevents the Montanos from either having to move their mobile home or for us having to give them a four-foot base between retaining wall and our section of the road. And if Tony Sandoval does not want to let us go on his road, and he doesn't want us to build our road, I don't know what to say, other than this is a compromise. We build what we can, and then move it back into a 20-foot lane and when it hits our property, we don't have the problem. By the way, Tony Sandoval does not live on that property and we have been living there for 20 years. But he still doesn't want us to use the existing road. But he doesn't want us to create drainage on his property. I'm really calling for help on this. We are under tremendous duress and I know that our neighbors are too and I feel very bad for them and for us. But it's just a problem that needs to be solved and a result that we kind of are now looking for you to take care of. Thank you.

CHAIRMAN TRUJILLO: Thank you. Any other questions?

COMMISSIONER ANAYA: Mr. Chairman, I'm going to move that we uphold the decision of the EZC as they decided but I do want some clarification as to why the extension of the previous plat approval for six months was allowed.

MR. ABEYTA: Mr. Chairman, Commissioner Anaya, the Code requires that a final plat be recorded within 18 months of the original approval. The Althouses failed to do that. They came in before the EZC and requested an extension of that time to file and the EZC granted it. I don't know why they granted it. They just thought that it would be okay to give them six more months to get the final plat approved.

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COMMISSIONER ANAYA: And also, was the variance criteria submitted by the Althouses?

MR. ABEYTA: Mr. Chairman, Commissioner Anaya, it was and I believed it's attached to your packet as Exhibit B.

COMMISSIONER ANAYA: Okay. I did read that. Mr. Chairman, with the exclusion of the one sentence there, at the regularly -- with the exclusion of the language in there of the additional six months, that should be excluded from the month, the rest, proceeding from there, the EZC has recommended, I move that we uphold the decision of the EZC.

CHAIRMAN TRUJILLO: We have a motion. The motion dies for lack of a second. Any other discussion?

COMMISSIONER DURAN: Mr. Chairman, I'd like to make a motion because it seems to me that Mr. Althouse and his neighbors should be able to come up with some kind of solution for this and am wondering is tabling this to give them time to work things out. I guess legal staff or someone from the Land Use Department -- So I just have a question for Mr. Althouse. After this subdivision was considered --

MS. KENNEY: We've already burned the bridges, I think. There's been a lot of letters that have been sent back and forth and have not been responded to. And phone calls. I don't understand how we can communicate when people don't want to talk.

COMMISSIONER DURAN: Okay, that's fine. You've answered my question. Thanks.

COMMISSIONER ANAYA: Point of order. This is in the middle of a motion. There is no second. We went into discussion and then allowed the audience to come back to discuss.

CHAIRMAN TRUJILLO: Okay, we have a motion.

COMMISSIONER GONZALES: Mr. Chairman, just to elaborate on Commissioner Duran's idea, even if the fact that we're at the point where both sides feel that it may be a lost cause, it seems to me if we can ask our Legal Department to intervene in some type of mediation process and I don't know if Denise, how comfortable you feel that hopefully, through some structured environment, if both parties are serious about trying to find the compromise and I believe they are and to try and find hopefully a win-win solution out of this. I know the Althouses. I think they're wonderful people and have invested a lot of money I know the Sandovals and the Montanos and they're people who really want to see that their properties are protected as well. And we certainly up here want to make sure that a full process has taken place before we take any type of real vote.

It's a tough vote to take, but I would feel comfortable, Denise, and I don't know, let me just ask you this question -- if you would feel comfortable, because this is an appeal, but can we have a member of your staff sit down and serve in some type of mediating capacity to try and find some resolution between the Althouses and the neighbors? And if that fails, then at least we can, at least we know from our part we tried to have staff along with the

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Commission try and find some type of compromise because they're all neighbors out there. They all have to live with each other. And if we can participate in helping them find a solution that makes sense for both sides, prior to us making this decision tonight. So I just want to know if we can do that from your office.

MS. KULSETH: Mr. Chairman, Commissioner Gonzales, we could make someone available. Obviously, the success on that would depend upon the willingness of the parties to participate. I think we also would clearly need to have somebody from the Land Use Department there so that any proposed solutions would be acceptable to Land Use and fire and safety issues, those types of things. But we could make someone available to work with them if they'd like that.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER ANAYA: Mr. Chairman, Commissioner Gonzales, I think that's inclusive, correct me if I'm wrong, but where it says the only variance the EZC supports is a 23-foot wide easement provided that a 20-foot driving surface is constructed. That would put it into negotiation aspect of negotiating with the Sandovals and the Montanos. If I'm not mistaken.

CHAIRMAN TRUJILLO: Those are conditions of the EZA. I think the issue with the Sandovals and the Montanos is drainage and whether the Althouses own the property or not.

COMMISSIONER ANAYA: Okay, so we're not really denying anything. The only variance that we're approving is what the EZC recommended is a 23-foot wide easement.

CHAIRMAN TRUJILLO: I think Commissioner Gonzales --

COMMISSIONER ANAYA: I think that would address Commissioner Gonzales' notion or concern and put it back into the arena of the neighborhood. That's what I think.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Anaya, I wanted to allow for a 30-day period before the Commission took action to allow our staff to actually sit down with the Montanos and Sandovals and Althouses to see if there is any room for compromise. If our staff comes back after their efforts at trying to find a compromise and they say absolutely not. There's no way in our mind do we think that either side wants to go in and find a solution then at that point, I think we should make this decision. But they're all neighbors out there and we want them to continue to hopefully live peacefully.

COMMISSIONER ANAYA: Then perhaps maybe that was the intention, Commissioner Gonzales, of the additional six months, which I questioned previously. Perhaps then if we go with the full recommendation from the EZC, it would throw it into that debate arena between the neighbors. It seems to me.

CHAIRMAN TRUJILLO: Okay, we've got a motion on the floor, Commissioner Gonzales, to table, is that right?

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COMMISSIONER GONZALES: Mr. Chairman, the motion I'd like to make at this point is to table with direction to the staff to make available a minimum of two dates between now and next month to the Althouses and the Sandovals and the Montanos to participate in some type of mediated effort and also the direction to the Althouses and the Sandovals and Montanos is you must participate in this if you really want to find resolution. If you come back next month and either one of you, the parties haven't really participated. It really makes it tough for the Commission to make a fair and objective decision. So that would be my motion, Mr. Chairman.

COMMISSIONER GRIÑÉ: Second.

CHAIRMAN TRUJILLO: We have a motion, seconded by Commissioner Griñé. Discussion? There's no discussion on tabling.

COMMISSIONER ANAYA: This is just to table? Okay.

CHAIRMAN TRUJILLO: All those in favor? [Unanimous 4-0] All those opposed? Okay, we'll table it.

- X. E. 4. **CDRC Case #Z 98-5090. Broken Saddle Riding Company. Broken Saddle Riding Company, applicant, requests master plan zoning with preliminary and final development plan approval for a horse riding/boarding business. The property is located on Vicksville Road within Cerrillos, within Section 17, Township 14 North, Range 8 East [Report on file with Land Use Department]**

PENNY ELLIS-GREEN (Review Specialist): Mr. Chairman, Commissioners, the applicant is requesting master plan zoning and development plan approval for a two-phase horse riding and boarding business. Phase 1 is for an eight-horse riding business with corrals and shelters for the horses. Phase 2 would include a tack building for equipment storage. The building would ultimately include bathroom facilities. Shade trees would be installed. Up to 12 horses are proposed in Phase 2. Phase 2 is planned within the next two to six years from the approval date.

The recommendation: The decision of the CDRC was to recommend approval of the master plan zoning with preliminary and final development plan approval for a horse riding/boarding business subject to the following conditions:

1. Only two signs are allowed on this property. The size, design and location of all signs will be approved by Land Use Staff prior to the issuance of a business license., No flags or banners are allowed on this property.
2. The master plan will be recorded with the County Clerk.
3. Water use will be limited to .25 acre-feet per year. Water restriction covenants will be recorded with the master plan.
4. Phase 2 will be implemented within six years or the applicant will return to the

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CDRC for Phase 2 approval.

5. Any expansion or change of use will require CDRC approval.

CHAIRMAN TRUJILLO: Very good. Thank you, Penny. Any questions of Penny? Is the applicant here?

[Duly sworn, Harold Grantham testified as follows:]

HAROLD GRANTHAM: Harold Grantham. P.O. Box 286, Cerrillos, New Mexico.

CHAIRMAN TRUJILLO: Thank you, Harold. You can go ahead.

MR. GRANTHAM: I'm just here to apply for this permit -- zoning.

CHAIRMAN TRUJILLO: Are there any questions of the applicant?

COMMISSIONER ANAYA: Do you agree with the conditions imposed?

MR. GRANTHAM: Yes, I do.

CHAIRMAN TRUJILLO: Anybody from the audience wants to talk for or against?

COMMISSIONER GONZALES: Mr. Chairman, seeing that there's none. I know this applicant is a business owner in my district and someone who's very conscious of being a part of the community. It certainly is with great pleasure that I ask for the approval of the CDRC Case #Z 98-5090 for the Broken Saddle Riding Company.

CHAIRMAN TRUJILLO: We've got a motion.

COMMISSIONER ANAYA: Second.

CHAIRMAN TRUJILLO: Second, Commissioner Anaya. All those in favor? [Unanimous 2-0] Those opposed? [Commissioners Duran and Griñé were not present for this vote.]

CHAIRMAN TRUJILLO: Thank you, sir.

- X. E. 5. **CDRC Case #Z 98-5180. Calvary Chapel. Calvary Chapel East Mountain, Applicant, Keith Chastain and Wayne Webb, agents, request master plan zoning for a 13,350 square foot church building on 9.4 acres. The property is located approximately 3.5 miles north of I-40 on State Road 344, within Section 4, Township 10 North, Range 7 East [Entire report on file with Land Use Department]**

MS. ELLIS-GREEN: Mr. Chairman, the church will have a nursery, classrooms, kitchen, offices and meeting areas. There is a correction to the report. The applicant is now proposing to use Entrenosa Water and not Thunder Mountain Water to provide water for this project. The recommendation: The decision of the CDRC was to recommend master plan zoning approval subject to the seventeen conditions listed. Mr. Chairman, can I enter those conditions into the record?

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CHAIRMAN TRUJILLO: Please do.

[The conditions are as follows:]

1. The applicant will obtain a driveway permit from the State Highway Department prior to recording the master plan. They will pave SR 344 to the end of the right-of-way.
2. The master plan with appropriate signatures will be recorded with the County Clerk.
3. The fire hydrant shall be placed no more than 1000 feet from the furthest point of any current or potential structures, as accessible from the road(s) serving each structure. Access to each structure must be taken into consideration.
4. The developer's engineer must coordinate fire protection system design with the water system to ensure that the required fire flows 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 gallons per minute (=) to the attached hydrant with a residual pressure of 20 psi.
6. The water system and hydrants 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.
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 Construction Industries Division.
9. All utilities must be underground.
10. Prior to final approval, the applicant must submit an approved Environment Department discharge permit for a wastewater system. The system shall serve the entire project and must reduce nitrogen per Article VII, Section 2.7. The system shall have two leachfields with a distribution box and a grease trap.
11. The applicants will submit the following the preliminary development plan application:
 - a. Drainage plans to size and locate retention ponding to be signed and sealed by a registered New Mexico engineer.
 - b. Parking layout to include handicap parking spaces.
 - c. Detailed landscaping plan within the parking areas and the landscape buffer areas to include size, type, and location of trees and shrubs in the landscape buffer and within the parking lot.
 - d. Signage plan
 - e. Outside lighting plan
 - f. Elevations of proposed buildings
 - g. Letter of commitment from Thunder Mountain Water Company to serve the project.
12. Structure shall not be higher than 24 feet above natural grade or finish cut grade as

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- per County Code.
13. All proposed future construction shall be subject to CDRC approval.
 14. Exterior colors shall be approved by staff and shall be earthtones.
 15. Water use restrictions equal to the County Hydrologist approved water budget are required. Use shall be metered and low water use fixtures are required. Consideration should be given to using the treated wastewater effluent for landscape irrigation. Drip irrigation system is required.
 16. Compliance with the applicable review comments from the following:
 - a. State Engineer
 - b. State Environment Department
 - c. State Highway Department
 - d. County Subdivision Engineer
 - e. County Fire Marshal
 - f. County Public Works
 17. The applicant will address water availability and fire protection per code regulations at preliminary development stage.

CHAIRMAN TRUJILLO: Okay, any questions of Penny? Is the applicant here?

[Duly sworn, Keith Chastain testified as follows:]

KEITH CHASTAIN: Keith Chastain, Edgewood, New Mexico.

CHAIRMAN TRUJILLO: Very good, Keith.

MR. CHASTAIN: I'm just here to get this thing going through. If you guys have any questions.

CHAIRMAN TRUJILLO: Do you agree with the conditions?

MR. CHASTAIN: Yes, we do.

CHAIRMAN TRUJILLO: Very good. Any questions?

MR. CHASTAIN: If you want we to clarify on the Entrenosa deal. We did have something going with Thunder Mountain at the time, but they had a couple of subdivisions back out on their water line extension, so we switched over to Entrenosa. We will be using them for fire suppressant and we'll be drilling a well on the property. We have the permits for the well.

CHAIRMAN TRUJILLO: Thank you, sir. Does anybody in the audience want to speak for or against the project?

Commissioner Duran moved to approve CDRC Case #Z 98-5180. Commissioner Anaya seconded the motion which passed unanimously. [4-0]

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- X. E. 7. **CDRC Case #Z 98-5290. Ray Romero Appeal/Variance. Ray Romero, applicant, requests a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow a second home on 0.979 acres. The property is located with Section 17, Township 19 North, Range 9 East [Staff report on file with Land Use Department]**

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the minimum lot size in this area is 3/4 of an acre per dwelling unit. The applicant currently lives on the property and is requesting a second home for his daughter, son-in-law and grandchild. The applicant states that the grandchild is very sick with chronic asthma. The applicant states that the second home will use the well on the property and will have its own septic system. An approved permit has been submitted for this.

The recommendation: The decision of the CDRC was to recommend approval of the variance of Article III, Section 10 of the Land Development Code to allow for two homes on 0.979 acres, subject to the following conditions:

1. A temporary permit will be issued for a period of two-year, to be approved for consecutive two-year periods by staff. The applicant at that time must prove that the hardship still exists.
2. No additional septic system or well will be located on the property.
3. No additional dwellings or structures used for living purposes will be located on the property.

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

COMMISSIONER DURAN: Mr. Chairman, this is basically a temporary variance?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Duran, the CDRC's decision was to issue consecutive two-year temporary permits. So if Mr. Romero's daughter moves off of this property, no longer needs the second home and the mobile home is moved off, that it stands as one home on this property instead of two.

CHAIRMAN TRUJILLO: Very good. Is the applicant here.

[Duly sworn, Raymond Romero testified as follows:]

RAYMOND ROMERO: My name is Raymond Romero, and I live at Route 5, Box 338, Santa Fe County.

CHAIRMAN TRUJILLO: Do you have anything to say regarding the proposal?

MR. ROMERO: Yes, they granted me that two-year variance. I'd like to explain what had happened. When I asked my daughter to move where I lived, I asked her because they could no longer afford where they were living. They were living in a mobile home park where they were paying very high rent. I'd ask them to look around for a mobile home so that they could live where I have my property. They went ahead and ordered the

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mobile home and when I had talked to Jemez about a hook-up for electricity. It took them about two or three weeks to get there. By the time they had gone to check the property for installation of electricity the home was already on its way and at that time is when I found out that I needed a zoning permit.

I never knew that I needed a zoning permit. I never even heard of one. I've been living on that property since the 1970's. This is about the third home that I've had there. The first home that I had there was bought by my dad and he bought it for me in the early '70's. He was the one that had taken care of all the hook-ups at that time. He installed the electricity. He had connected my well. I'm connected from his well to mine. My home's connected to his well and my septic tank. This home has its own septic tank, the one that my dad has now has its own septic tank and its own electricity now.

MS. KULSETH: Mr. Chairman, if I may just interject one note, because I gathered that there's somewhat of an issue of the two-year period imposed by CDRC. I just want to explain that staffing the CDRC meetings, I think it's become their interest in granting variances when they see it appropriate but when they are based on things like health, or situations, financial hardship or whatever, that may improve over time, that they'd rather grant variances under temporary permits, hoping, being optimistic that everyone's situations will improve and then we won't have a permanent second dwelling unit or the situation where should a homeowner ever sell their property, the purchaser gets a windfall extra dwelling unit that wouldn't then be justified by the granting of a permanent variance. So I just wanted to interject that that's the rationale. I think you'll see that on some other cases this evening that are coming from the CDRC where the recommendations were for granting variances but for limited periods of time subject to the applicant being able to have them renewed if the circumstances had not improved.

CHAIRMAN TRUJILLO: Do you agree with the conditions, Mr. Romero?

MR. ROMERO: Sure. We have no intentions of building any other septic tanks or any other wells or moving, or renting or anything else.

CHAIRMAN TRUJILLO: And this piece of land is approximately one acre, right?

MR. ROMERO: Yes.

CHAIRMAN TRUJILLO: Any other questions of Mr. Romero? Anybody in the audience, for or against?

Commissioner Griñé moved to approve CDRC Case #V 98-5290. Commissioner Anaya seconded the motion which passed by unanimous [4-0] voice vote.

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- X. E. 8. **CDRC Case #A/V 98-5330. Serna-Bierner Variance. Rose Serna-Bierner, applicant, requests a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow a second dwelling unit on 2.38 acres. The property is located with in the Valle Lindo Subdivision, within Section 25, Township 16 North, Range 8 East**

MR. GARCIA: Mr. Chairman, do you want the entire memo read or would you like to proceed forward to the recommendation?

CHAIRMAN TRUJILLO: Go up to the recommendation.

MR. GARCIA: The CDRC on June 25, 1998 granted approval of an appeal request as well as approval for the variance request.

CHAIRMAN TRUJILLO: Is the applicant here?

[Duly sworn, Rose Serna-Bierner testified as follows:]

ROSE SERNA-BIEMER: My name is Rose Serna-Bierner, 21 Camino Bajo.

CHAIRMAN TRUJILLO: Do you agree with the conditions as stipulated?

MS. SERNA-BIEMER: I sure do.

CHAIRMAN TRUJILLO: Very good. Do you have anything else you want to tell the Commission?

[The applicant's daughter offered the following testimony]

I was just hoping for more of a permanent basis than a temporary. Unlike some other families and stuff, we really get along. My dad lives right across the street. My aunt lives nearby. I have like three relatives that live on the road in front of us. And I would just really like to be a family. I don't to after every two years have to -- I plan on going to school. I plan on being really good and becoming something. And I'm sure by then, hopefully I won't be in a financial hardship or anything, but I still want to stay with my family. I don't want to go because my financial hardship is no longer there. I'd like to stay with my family.

CHAIRMAN TRUJILLO: I think the issue now is on the financial hardship and the two-year variance, and you can come later on with a permanent situation to seek that sort of variance, but we're going to vote now on the two-year temporary permit. Anybody from the audience, for or against?

MR. GARCIA: Mr. Chairman, just for a clarification. The CDRC's request was not for a permit. It was granted for a variance request.

CHAIRMAN TRUJILLO: It's permanent.

MS. SERNA-BIEMER: Thank you for clearing that up for me.

Commissioner Grifé moved to approve CDRC Case #A/V 98-5330. Commissioner Anaya seconded the motion, which passed without opposition. [4-0]

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- X. E. 8. **CDRC Case #Z 98-5050. Joe Babcock. Joe Babcock, applicant, request master plan zoning with preliminary and final development plan approval for a cabinetry manufacturing business to include office warehouses. The property is located on the west corner of the intersection of I-25 and State Road 599, within Section 26, Township 16 North, Range 8 East [Report on file with Land Use Department]**

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the applicant is requesting master plan zoning with preliminary and final development plan approval for a 4030 square foot warehouse with adjoining office and attached conference/computer room and a 2400 square foot warehouse to be used in manufacturing and storage of cabinetry. The buildings will be on 0.84 acres within an existing lot of Capling Subdivision.

On May 28, 1998, the CDRC met 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 23 conditions listed. Mr. Chairman, may I enter the conditions into the record?

CHAIRMAN TRUJILLO: Yes.

[The conditions are as follows:]

1. The applicant will obtain a driveway permit for required modifications from the State Highway Department prior to recording the master plan.
2. The master plan will be recorded with the County Clerk.
3. The applicant shall connect to the County water system when it may become available and shall install a fire hydrant subsequent to that connection. The minimum water main size shall be eight inches and shall be capable of providing 1000 gallons per minute (+) to the attached hydrant with a residual pressure of 20 psi.
4. The applicant must comply with Life Safety Code.
5. It shall be the responsibility of the developer to notify the Fire Prevention Division when the hydrant is read to be tested. Business licenses shall not be granted until the project has been inspected and approved by the Fire Marshal.
6. The applicant shall install a Knox type lock for emergency entrance during office hours.
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 building handicap access must be approved by the State Construction Industries Division.
9. All utilities must be underground.
10. The parking areas and driveways shall have six inches of compacted subgrade and at least four inches of compacted basecourse (95%).
11. As stated in the report, the applicant must pave driveway access from existing

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- pavement edge to property line, to State Highway Department standards for asphalt pavement. He must construct minimum 25-foot radius at driveway for entry and exit radii and install a culvert with safety grate.
12. Prior to final approval, the applicant must submit an approved Environment Department permit for a wastewater system. The system shall serve the entire project and must reduce nitrogen per Article VII, Section 2.7.
 13. The dumpster fence must be solid.
 14. All property signs shall be approved and permitted by Land Use staff. Building colors shall be earthtone.
 15. The applicant shall submit a financial guarantee for the landscaping, parking lot improvement and the well before acquiring permit.
 16. Security lights shall be shielded. They shall be connected to motion/infrared detectors and shall not remain on when the business is closed.
 17. This property is subject to the La Cienega Watershed conditions briefly described below (actual conditions presented in Exhibit E). They shall be noted on the master plan.
 - a. Future connection to County water
 - b. Encouragement for shared wells
 - c. Water line design requirements
 - d. Disconnection from domestic wells
 - e. Utility easements
 - f. Well design
 18. The well design shall be approved by the County Hydrologist and it shall be inspected and approved by the County Hydrologist prior to the releasing of the financial guarantee.
 19. Driveway runoff shall be directed into pond.
 20. No more than one business shall be allowed on this lot. Prior to beginning operations, a County business license must be acquired.
 21. No dwellings shall exist on this property.
 22. Landscaping plan to be approved by staff. Drip irrigation is required.
 23. Compliance with applicable review comments from the following:
 - a. State Engineer
 - b. State Environment Department
 - c. State Highway
 - d. County Subdivision Engineer
 - e. County Hydrologist
 - f. County Fire Marshal
 - g. County Public Works

CHAIRMAN TRUJILLO: Any questions?

COMMISSIONER DURAN: Penny, this property along the corridor?

MS. ELLIS-GREEN: Mr. Chairman, I believe it is?

COMMISSIONER DURAN: Is this in an approved commercial node?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Duran, yes it is in an existing commercial district.

CHAIRMAN TRUJILLO: Is the applicant here?

[Duly sworn, Joe Babcock testified as follows:]

JOE BABCOCK: I'm Joe Babcock. I live on 114 El Rancho Road.

[Duly sworn, John Midyette testified as follows:]

JOHN MIDYETTE: Good evening. My name is John Midyette. I'm here with Joe as his architect.

CHAIRMAN TRUJILLO: Joe, this proposal, I understand, a qualified node. How long have you been working on the design for this project?

MR. BABCOCK: Since November of 1997.

COMMISSIONER GONZALES: Mr. Chairman, question of the staff or Mr. Babcock possibly. I've been looking on the map and the site location in the area where the proposed master plan would take place. What's surrounding your property? Is the property lying vacant right now?

MR. BABCOCK: It's vacant.

COMMISSIONER GONZALES: It is vacant. It is basically just raw land. What is surrounding that property as far as businesses go in that commercial -- existing businesses? Are there businesses that adjoin your property. You're in a commercial node. I want to know if there are existing businesses right now up and functioning.

MR. MIDYETTE: There is an ice cream company and I believe there was a propane building there. But to the south and west is a ice cream company. I'm not quite sure I know what it is. Schwann, right. Then behind that is the feed store. Then as you go around the loop there, there are two residences that are going down there. Then across the street is that whole intersection. It faces, on one side there's commercial, there's residential, and then across the street is the interstate and the loop road.

COMMISSIONER DURAN: Mr. Babcock, I'm sure you've read or you're aware that the City and the County are in the process of trying to adopt some guidelines for the highway corridors. And your property actually falls in the area where we have some concerns. I know it falls within the commercial zone and I believe that, in my opinion that if the property is in the commercial node you have the right to develop. But I'm wondering, as to your design, I just wanted to let you know that [inaudible] not necessarily the use as much as, or your right to use this property in a commercial manner [inaudible]

MR. MIDYETTE: How would you like us to respond? We've been working for over six months with this and we feel that it's a low-key commercial use. Joe Babcock and his family, as I'm sure most of you are aware have been a general contractor here for thirty years and he purchased this property to build a small office building and warehouse for his construction business and that's the intent of the use of the property. What we have

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are two metal buildings with an adobe facade for the office in that area there. I feel that because of the way the road works there and the elevation that we're really not creating a motel or a major development there. Across the street and catty-corner to that is the large scale development that I think is part of what you're talking about there.

It's really kind of critical that Joe and his family to get this and move forward with it. We've gone through a lot of different studies and spent a lot of money on engineering and stuff like that to get to this point. As far as the 23 points or conditions, we don't have a problem with those except we'd like to clarify one, which is the bond on the landscaping, and then we would request that this Commission, that the nitrate portion of the septic system be waived until such time as a larger commercial or something installation goes in. It's my understanding that that can be done.

There's one bathroom there and a coffee bar, and that's basically the use as they see that facility for, which is putting out less sewage than a single-family residence would. And speaking with staff and some engineers, they thought that was something that could be waived until if and when the use of the property changed. But other than that, the conditions, I believe we agree with. The Fire Department we've met with. The Highway Department, and we've got the roadway and all that stuff. It's all approved and in. When they did that corridor, when the highway cut it in and subdivided and took part of that property, the engineering department got all those right-of-ways and put in the driveway and a culvert appropriately.

COMMISSIONER GONZALES: Again, Mr. Babcock to elaborate on what Commissioner Duran was saying. This Commission has undertaken a huge process of trying to define that corridor. The timing of this project coming before this Commission right now is not conducive, only in the manner that we have wanted to initiate a process that would develop some design standards along that corridor and if we were to approve this process, this plan tonight without regard to what's going to take place on that highway corridor committee, really does defeat our purpose in trying to establish some good design standards.

I agree with you, the use is very light use. It's traditional. It's cabinetry manufacturing. It fits all the elements of what I would like to see come along this corridor. But I've opposed and taken stances against developments along the corridor because of the fact that I wanted to wait to see what this highway corridor committee comes forward with in its recommendation. That's about a four-month process. Commissioner Duran is the chair of that and I guess a lot of that is dependent on how quickly he moves that process. But it puts the Commission in a very awkward position. We're advocating for designs along that corridor and you're bringing a development to us and asking us to approve it when we haven't adopted any type of design standards in this process.

So I'm asking if you understand the bit of the quagmire that we're in at this point and what you're asking us to do, which contradicts what we're trying to accomplish in establishing a consistent design standard along the corridor.

MR. MIDYETTE: I think we sort of do. The problem is when we started

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this we thought it was going to be a couple of months process. By being tabled and removed in the engineering process, I think it's created a real hardship for Joe and his family on this. They've paid for the property and have it and have spent this engineering cost. I understand the predicament that you're in, but we're here caught in that through no general fault of ours and no fault of yours either. If we felt that this was a major impact or was changing that corridor and the buildings that were already there as you go around to the feed store and the ice cream thing, and it's a low intensity.

If it was changing something, or adding to or a big plan, like across the street, where the hotels and the other stuff are trying to go in and make major impact there, I would tend to concur. I know we're sympathetic with the position, but you've also got to be sympathetic that Joe's been working like almost eight months now in trying to get this done. And I don't think it's a significant --

MR. GARCIA: Mr. Chairman, just for clarification, that six month process is not because the Land Use Department has held it up. We've taken this forward in three months. Three months before that it was because it was incomplete. That's the whole reason why it's taken six months. So we've had this project, which is a standard procedures through Land Use for three months.

COMMISSIONER DURAN: Mr. Babcock, the whole thing about coming forward, a lot of what we're hoping to do is to have development that's built -- from the corridor -- that's the whole thing about strip development along the corridor is that all you really see is the parking, blacktop. Your particular project we're looking at is lying there on that chair.

I think that I would be more in favor of your project if your building was -- if the parking was behind it. I wonder, have you given that design much thought. There is a way of putting the parking behind the building.

MR. MIDYETTE: Well, sure. What we, we're open to suggestions, but basically, with the parking there, with the two buildings, and the landscaping in the front, the only parking in the front is really for the building itself. Between the two buildings is the major parking so that if you drive by with the landscaping and the parking in the front, that's just for the daytime, for the secretary of whoever's going to be there. If you look between the two buildings, that's the biggest area. If you move the building further out you get into the set-back. But certainly, we're open to review this with you all and come back. Basically we thought that was a better solution to get the building in a residential scale and keep the parking back in between the buildings. We're open to work with you.

MR. BABCOCK: There's not going to be that many cars there anyway. There's only going to be three employees at one time.

COMMISSIONER DURAN: Why can't you park behind the building. My whole goal --

MR. BABCOCK: Sure. There's no problem with that.

COMMISSIONER DURAN: Is to have as little parking visible along this

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corridor.

MR. BABCOCK: There's not going to be any more vehicles than there is in the residential.

COMMISSIONER DURAN: But my goal is to not have any parking visible along the corridor.

[The commission reviews the plans away from the microphone]

CHAIRMAN TRUJILLO: Those specifications and that general plan has not been developed from a big picture perspective and that's what the General Plan is going to do. If we start addressing these issues in a piecemeal basis, we're going to get inundated with more proposals and they're going to expect us to act on them immediately and like Commissioner Gonzales and Commissioner Duran say, we want to be consistent with what the committee is saying about general planning for that area. We're in a precarious situation

MR. MIDYETTE: We want to work with you, but we'd like to move forward so we can -- even if we don't start construction --

COMMISSIONER DURAN: I wouldn't mind tabling this so they could come forward with it.

CHAIRMAN TRUJILLO: Is that in the form of a motion?

COMMISSIONER DURAN: I would make that in a motion. I think I have a pretty good idea of what -- but again, there's a lot of people involved in that. Do we need to have public discussion or can we go ahead and table?

MS. KULSETH: Mr. Chairman, Commissioner Duran, no. Just a motion to table. If there's a second, there's no discussion.

COMMISSIONER DURAN: I would like to make a motion to table this.

COMMISSIONER ANAYA: Second.

CHAIRMAN TRUJILLO: There's a motion, seconded by Commissioner Anaya. All those in favor? [3-0] Opposed? [Commissioner Grifé was not present for this vote.] The case is tabled.

COMMISSIONER DURAN: I don't guarantee anything.

COMMISSIONER GONZALES: Mr. Babcock, what would be helpful is when you come back for the next meeting it would be helpful to me is to take pictures of the surrounding buildings around you. That helps a real visual -- when you're addressing your situation, this is already an established area where there are buildings all around you, as opposed to what you're trying to make a point of across the street, it's all raw land and what they're trying to propose. I think it would help the Commission see that whether that property stays vacant or not, that from a visual standpoint, people are already seeing office building around there. And I think what they're showing up there, what I'm trying to visualize in my mind, there are several office buildings around the property. I'm going to go out there and see it myself but for the rest of everyone else, it might be helpful if you bring in actual photographs of what the property looks like from the interstate over, because that's what we're looking at, and what it looks like when you're on the property with the

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surrounding area. Whatever you think will help us visualize what the uses already out there would be very helpful. Thank you.

- X. E. 10. **CDRC Case #V 98-5070. Western Mobile. Western Mobile, applicant, Siebert and Associates, agent, request a variance of the height requirements of the Land Development Code to allow for a 63-foot high batch plant. The property is located off Airport Road, west of the bypass in Sections 3 and 10, Township 16 North, Range 8 East [Staff report on file with Land Use Department]**

MR. GARCIA: Mr. Chairman, Commissioners, I don't know if you'd like the entire staff report or if you want to enter that into the record. I know that the agent, Jim Siebert is going to give a detailed presentation based off of the staff report. The recommendation of the CDRC at their regularly scheduled meeting of March 26, 1998 was to deny the request for the variance.

CHAIRMAN TRUJILLO: Thank you. Is the applicant here?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: Chairman Trujillo, Commissioners, what we'd like to do is give you a brief presentation of what the request is. Let me provide you a little review background on this. It was actually heard by the CDRC on two different occasions. The first time it was tabled for more information, at which time, actually, we revised the proposal and lowered from the original request. At the second review, the CDRC, Steve Kopelman, who was standing in for Ms. Kulseth had recommended to the CDRC they could handle these on a case by case basis as a variance. He recommended that an amendment be prepared that would deal with the broader issue of asphalt batch plants and hot mix plants in the general area.

He recommended that an ordinance be adopted. We in fact had another meeting, subsequent meeting with then County Attorney, Steve Kopelman to discuss the amendment. He suggested that an amendment be prepared and submitted to staff which we did and then subsequent to that, and at the time that we were going forward, I think that the consideration was whether you would want to deal with this as a variance or deal with it as an amendment.

Subsequent to that time, we've been informed that the staff would actually feel more comfortable, or feel that it's probably more appropriate to continue to consider this as a variance request, rather than an amendment to the ordinance. So with that, I'm going to let Earl Potter discuss some of the background information on the actual, the former Colony and now Western Mobile plant site. And then I also have two of the corporate officers from Western Mobile, Ed Dvorak and Bill Alexander who'd like to say something.

EARL POTTER: Mr. Chairman, Commissioners, I'm Earl Potter of the firm of Potter, Mills and Bateman. I'm here tonight representing the business that is now known

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surrounding area. Whatever you think will help us visualize what the uses already out there would be very helpful. Thank you.

- X. E. 10. **CDRC Case #V 98-5070. Western Mobile. Western Mobile, applicant, Siebert and Associates, agent, request a variance of the height requirements of the Land Development Code to allow for a 63-foot high batch plant. The property is located off Airport Road, west of the bypass in Sections 3 and 10, Township 16 North, Range 8 East [Staff report on file with Land Use Department]**

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EARL POTTER: Mr. Chairman, Commissioners, I'm Earl Potter of the firm of Potter, Mills and Bateman. I'm here tonight representing the business that is now known

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as Western Mobile. I'm going to pass out to you if I may, an article that appeared in *Journal North* -- some of you may have seen it, on this particular business. I guess I'm kind of like many people in this community. I thought I knew what this business was all about. I've heard about it over the years. Like many of you, I've seen Colony Materials trucks going through town over the last twenty years. We talk a lot in this community about developing viable local business and growing those businesses in our community and what an important part of economic development for this community that is. Not necessarily to import business but to grow businesses with local people here that can be strong forces in this community and employ a lot of people.

It's true that this business is now not locally owned, but it is a very, very good example of a local business that has grown in this community. It's now got over 60 employees. When Phil Naumburg started it 35 years ago, it had a couple. At one time it provided just a few building material products to a few contractors. Now it's basically a supermarket for building materials that all contractors in Santa Fe, or homeowners or anybody else that needs the stuff that they need to build things in this community can go and get.

The request that is before you tonight is part of the organic growth of this business that will allow this business to sell asphalt to all sizes of the contractors. You may not know that the other asphalt plants that exist in Santa Fe are all owned by particular individuals who are also contractors.

COMMISSIONER GRIÑÉ: Mr. Chairman, Earl, does the applicant want to agree to all the conditions that have been set forth here?

MR. POTTER: Yes.

COMMISSIONER GRIÑÉ: I don't know how the rest of you Commissioners feel, but I'm willing to overturn the CDRC and approve this.

COMMISSIONER DURAN: I'm not.

CHAIRMAN TRUJILLO: I'm not either.

COMMISSIONER ANAYA: Before we go on, if there's anybody in opposition, then we'll go into discussion. If Commissioner Griñé chooses to do a motion in that direction.

COMMISSIONER GRIÑÉ: I just thought I'd throw it out just to get a feeling of the Commissioners.

CHAIRMAN TRUJILLO: I feel like I need to listen to the applicants and see what the project is all about.

MR. POTTER: What's being proposed here is an asphalt batch plant. It will allow this business to sell an important product and add to the product mix of the business that's here now. What are the potential stumbling blocks? In the previous case, I think one of them was raised. Obviously, this Commission is very concerned about anything that's going to occur within this highway corridor area at all. You have a committee studying this. But I think we need to focus on where this plant is located. It is located within an area that

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has had substantial commercial activity for the past 30 years of precisely the type that's proposed tonight. So we're not talking about anything that is going to disturb the balance in any way of development within that area or change the pattern.

As a matter of fact, I think this particular plant will blend in better because the applicant is willing to work with the County to paint it in any such way as staff feels is appropriate to make sure it does blend in and it will be located in a lower area and an area that is more remote from the road itself as you'll see from the video that Jim Siebert will present. Why is it important for it to go forward at this point? This plant represents a substantial investment by Western Mobile. They've got the plant now. They either have to put it in place or they have to put it somewhere else.

Why is it important for this material to be provided? I think every small contractor in town will benefit from having this plant in existence and there may well be existing plants in less compatible areas within the communities that will not have to function now that this will be available for contractors to utilize. Jim Siebert will talk in great detail about the application itself and impact of lack of impact that the variance will have. One thing I think you need to bear in mind is that every single asphalt plant that is in this area, and there are four other ones, is also in excess of the height. And this Commission, less than a year ago, approved the location of a plant of a variance of a height which is very, very similar to the height that's being proposed. So we're not asking for anything that anyone else doesn't have in this particular area.

This is one of these applications -- it may not appear on the surface, is going to have much impact. But if this is denied tonight, Western Mobile's going to have to move this equipment off the area. This asphalt won't be available to local contractors and economically, this effort is going to be over. So the Commission does really have a very important issue before it tonight. I think the most critical point is we really have to decide, in cases like this are we going to support the growth of our growing, local businesses by making appropriate adjustments where they don't adversely affect the community? Are we going to do that or are we going to place a ceiling that is going to make it very difficult to grow local businesses.

We've got a local business here that has grown over the last 35 years in a very beneficial way. The Commission has the opportunity to continue that path. I urge you to do so tonight. Thank you.

COMMISSIONER DURAN: Earl, I was on a bus last week with a bunch of City Councilors and Commissioner Anaya was there, the corridor committee, and don't take it personally, but the ugliest spot on the corridor was that area. I know it's been that way for 30 years. I think what we need to do is to find some way to try to get something a little more appropriate in the area. That's my thought on it.

MR. POTTER: Mr. Chairman, Commissioner Duran, the area that we're talking about here is the only heavy industrial area in Santa Fe County. If the purpose of this Carter study truly is going to be to rezone that area so we do not have heavy industry

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in that area, where is heavy industry supposed to go in Santa Fe County? Where are these batch plants going to be? There isn't any other place. This is the way this area has developed for thirty years. And I think, with all due respect, it's completely unrealistic to think that that development pattern in that particular area is going to change.

The real issue for the community is do we want any area where we're going to have building materials at all? If we don't, if we want to import all our building materials from Albuquerque, then we rezone that area. This is the only area where this use is permitted right now within Santa Fe County. So, indeed, there is a choice, but I submit that if the community is going to make the choice to not have cement batch plants and heavy industry in any of its locations, then that certainly will have a significant impact on the economic future of this community.

CHAIRMAN TRUJILLO: The highest building, I understand from staff, or the highest site, does not exceed 36 feet in that area? Is that right?

MR. GARCIA: Mr. Chairman, that's the current Code regulations is 36 feet in that area.

CHAIRMAN TRUJILLO: This is doubling the size, of the height of a 36 foot structure.

MR. POTTER: Mr. Chairman, all of the existing -- I believe the question was, what are the heights of the existing buildings in the area.

MR. GARCIA: Mr. Chairman, can you repeat the question?

CHAIRMAN TRUJILLO: It says here, the property is located within an existing commercial district. Currently no structures on the site exceed 36 feet.

MR. POTTER: That's correct. I guess the question that I would have, Mr. Chairman and staff is what are the heights of the other existing asphalt batch plants in that particular area?

MR. GARCIA: Mr. Chairman, was your question in regards to the particular site that this Western Mobile property is, or are you talking about the surrounding area?

CHAIRMAN TRUJILLO: This says that some are at 54.7, 51.4, 52.9 and 59 and they identify specific buildings in this map. Is that correct?

MR. GARCIA: Yes, Mr. Chairman, that's correct and we also have to keep in mind that a lot of those structures are legal non-conforming. They've been out there prior to the effective date of the Code.

[Oralynn Guerrerortiz speaks away from a microphone stating the leases for Pits one and two will expire soon and it was her understanding the State Land Office would not renew those leases]

COMMISSIONER DURAN: Are they extracting asphalt from there or just - There's no extraction taking place.

MR. SIEBERT: What the first map indicates is the location of the plant

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which, in brown is the location of the plant. This is the Santa Fe River here. It consists of approximately 4 1/2 acres within a larger tract. This is the present boundary of the zoned area. Airport Road or County Road 56 is here. The entry road, Colony Road, exists up to approximately this point as a paved access. This is the existing retail sales office. This is the block plant. There is in fact on the property itself, where the present cement plant is, there are silos that presently exceed 36 feet that are within this tract of land.

This is simply an enlargement, and what we've done is shown you where the -- physically, and we just literally took a -- the equivalent of taking a knife and cutting a point that's greater than 36 feet, including the elevator shafts or the conveyor belts, which are here. But the area in yellow is the area that exceeds the 36-foot height limit, and there's really three structures where we're requesting the variance. There's a lime silo, and the height of the that is 43 feet from natural grade. There is a hot mix plant, and the height of that is 59 feet from natural grade. And then there's the conveyor belt and the three silos that we're requesting a maximum height of 53 feet, which is actually as you'll see the height of the point of the conveyor belt itself.

This is an elevation from two different points of view, looking at it. This would be looking at it from the highway, would be view you would see. This is the 53-foot elevation line marked in red here. And the reason we set 53 feet, because it was a variance that was previously granted for a similar facility across the river. But as you can see, and the idea is that it would be sunk three feet in the ground to bring it down to that target area we were shooting for which was 53 feet. And this point, actually from this point above, from the 53 feet to the 59 feet is an area that's really an open structure. It's not a solid structure, and what this does is it indicates what that would look like above the -- the area in yellow is the area above the 53 feet and actually it's an open kind of truss system structure that would exceed that 53 feet.

This is simply another view looking at it from the other direction. Looking at it head on it wouldn't be the view you would see looking at it from 599, but it would be the direction you would see as you would come in toward Colony Materials. We did, in an effort to minimize the impact, we looked at different coloring schemes for the silos and we would use the same scheme on the tanks or the hot mix plant as well, but one of the things we're looking at is the background, the nature of the background is that it's a brownish tone at a certain level and then it's a greenish tone from the pinon in the background. The idea was to kind of blend that it and make it less visible.

The other thing I'd like to show to you is we've taken a video and it's a video of kind of the general area. I know in the last case, Commissioner Gonzales had a concern about what's the visual aspect of this particular area and we thought maybe the best way of describing that would be to provide you with a video and it's taken from New Mexico 599 showing the other plants in the area and also the relationship to this particular property we're requesting the variance. So if I could ask you, because we have a small screen here, right, to just step down and I'll turn on the video.

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This is the plant that on your drawing is plant number 1. By the way, we did have a surveyor actually go out and shoot in the heights of these plants so the heights have been measured within a tenth of a foot. This particular plant is 54.9 feet in height or approximately 55 feet in height.

This plant is number two. It's further up. You can see the mobile home park in the background. It's also owned by Mr. Cook. The height of this plant, we'll see the relationship soon to New Mexico 599. The height of this particular plant is approximately 52 feet. This being the hot mix portion of it where the actual material processing takes place. The height on this proposed plant would be 59 feet.

This is another, this is Associated Asphalt plant that is on the north side of New Mexico 599. We'll come back to the plant. This shows the relationship to New Mexico 599. This is the plant here that was approved for the variance request at 53 feet. It's my understanding that this is the temporary plant. It's actual height, of the silo is approximately 52 feet.

This is the site, we just kind of panned by it. We'll come back to it, where the hot mix plant is proposed. This is the present retail office. This is some of the Rios and the Olmstead building areas right here. The plant actually -- what I'm doing is I'm standing on New Mexico 599 and swinging -- we just passed the Associated Asphalt plant, coming back to the highway. The actual plant location would sit in approximately this area here.

CHAIRMAN TRUJILLO: Okay, do you have another speaker?

MR. SIEBERT: With that, I'd like to ask Ed Dvorak to discuss some of the reasons for the variance.

[Previously sworn, Ed Dvorak testified as follows:]

ED DVORAK: My name is Ed Dvorak. I'm the vice president of Western Mobile, New Mexico currently and I served for the previous year as the area manager for the entire operation here. My address is now in Albuquerque, 9316 Leyden Loop. Mr. Chairman and Commissioners, I actually intended on more of a closing statement here and I know it's late and remind me never to run for County Commission because I can appreciate the hard nights that you go through here. But I'm going to keep it very short and sweet. In the spirit of cooperation, we have attempted over several occasions to try to reduce the height of this plant and get it down as low as we possibly could to the point where further reduction would compromise the viability of the business in general.

Earl mentioned some things about competitors here and I don't really want to go there very much. We've had the CDRC and council refer us one way and then back another way and kind of feel like the filling inside of an oreo cookie right now. I mean we're kind of trapped on both sides a bit and really looking for some direction here. If you take some time, if you haven't already, in Monday's paper read that particular article on us. We're a bit schizophrenic now in a name change. But the company, I assure you still has the same local management and we want to be a very good member of this community and I think you'll find that some of that this in that article there.

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In closing, I would just ask for a consistent, fair applying of your ruling here in considering your request and we do appreciate your time. Thank you.

CHAIRMAN TRUJILLO: Thank you. Anybody else?

MR. DVORAK: And to introduce the last gentleman who ultimately has responsibility in New Mexico now for the asphalt operations through a little bit of restructuring, Bill Alexander and just a little background on why this plant is a little bit different in this community and what it provides to this community, relative to what's here.

[Previously sworn, Bill Alexander testified as follows:]

BILL ALEXANDER: I'm Bill Alexander and my office is at 6211 Chapel Road in Albuquerque. I just want to touch briefly on something, again, we don't want to waste too much time here tonight. Basically, in the Albuquerque area what we specialize in is something that's known in the business as grocery store trade. We are not road contractors in this area. We sell asphalt as an independent plant to independent contractors who do not have their own facilities. So the purpose of this plant, the reason for the storage silos was two-fold. Number one to serve a wide segment of the market. Number two, the silos and the storage capacity, which is part of the size of this facility is to deal with the fact that there are many different types of asphalt necessary today as called for by the public works departments of the various agencies: Santa Fe County, New Mexico State Highway Department, so on and so forth.

There's federal regulations coming in with the super pave specifications. There's still private consumption needs for asphalt paving for parking lots and the point being that at any given time, in order to serve the contracting community, you need to be able to provide different mixes simultaneously to meet their needs on any given day. That's primarily what we specialize in. That's what we do in Albuquerque and that's what we would propose to do here as well.

In the past, in areas where hot plants are predominantly, they are controlled generally by contractors who produce materials for their own needs for contracting. In area where there's a strong grocery store facility such like in Albuquerque, there is a growth of small, independent paving contractors who get into the business who normally could not afford to because they could not afford the investment of the plant. So, like I say, this is not necessarily unique, but it is more the trend and we've seen it in other areas and in Albuquerque it's been quite successful in that area. So consequently, there's actually fewer hot plants operating in the Albuquerque area today than there was twenty years ago, even though the actual asphalt consumption in the Albuquerque area is greatly increased since twenty years ago, but the necessity for plants scattered all over the city to serve the various contractors is diminished if there's other availability. Thank you.

CHAIRMAN TRUJILLO: Do you have any questions of the applicant? Anybody in the audience for or against this project?

COMMISSIONER GONZALES: Mr. Chairman, I just have either a couple or -- either Mr. Potter or Mr. Siebert can help me through this. This again is an issue of

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a development taking place in the corridor and I hate to sound like a broken record but it seems to me what you guys have laid out here is a good point, a good case as to why that area should be zoned heavy industrial. When the highway corridor committee comes forward with its recommendations it seems that now again, and please help me along with this, but it seems that a commercial development along 599 right now, again, basically kind of goes against the process of what the highway corridor committee is trying to do, which is to establish uses and design consistencies along 599 and I-25.

Again, this is another issue of timing and please respond and help us through this, but I find myself in a difficult position having opposed a development already on I-25 and dealing with the issue we dealt with earlier without the highway corridor committee establishing this as future use and it makes perfect sense that it will end up that way because of the fact of what's already existing around it, but to supersede that by making a decision now or to supersede their ability to make a decision on that, I'm having a difficult time with. I'm having a very difficult time with, well, it makes sense, looking at the video. Everything falls into line. It seems that we've made a commitment to the community and to that committee that they would be allowed to come forward with the recommendations and we would hopefully work to adopt and follow those. Unless you see it otherwise, it's creating a very difficult situation for me. I'd actually asked a question, Mr. Chairman, just to give them a chance to respond.

MR. DVORAK: Mr. Chairman and Commissioner Gonzales, I've listened to that and I can appreciate the conflict there. I think what's pertinent though that regardless of I believe, and correct me if I'm wrong, Commissioner Duran. Regardless of what that corridor study or recommendation comes up with, I don't think that it will affect the existing businesses that are already there, that are already operating. Now, it may affect future use. But I think that the idea, the reality, I think Mr. Potter commented to that, this area is zoned for this, these businesses are there and while you may be able to effect change along that corridor in the future, it's doubtful that this area, including our concrete facility that's already there, the block facility, the other contractors are there, that are going to change.

And I guess what I would ask you to consider is, drawing off Mr. Alexander's comment, conceptually, this has the potential to greatly reduce the number of plants in the area. Number two is, I know this is a real subjective thing to consider, and you have to know about our company's track record, but do you want the type of company that we are there, who really wants to work with the community to say, we're interested in landscaping that, shielding it, doing median beautification there. I think you noticed some drums on the side of the road there and things that were not ours, that were part of the original owner's. We want to clean that area up. That's the type of company we are.

So those existing businesses are probably going to continue to operate there and they're going to be there. What we're asking is the opportunity to come in and develop a world-class, best-practice, best thing you can do environmentally and put this up there. So I don't know if that helps you in this dilemma but only to consider the fact that this study

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can happen but those businesses are probably going to still be there and we're not if we don't receive a favorable ruling here. And we can, I think, start setting the example for the industry in that area, which I think we've already started to where we'll be the leaders in the community in trying to beautify areas that we operate in and that's the opportunity we're asking for.

COMMISSIONER GONZALES: Mr. Chairman, sir, you bring up all good comments that I could see me making to a corridor committee when they're trying to designate areas for heavy industrial use. The area seems like it's conducive, just by the existing businesses. But the fact that -- you know, I don't know what's going to happen here tonight but it could be very well that that's what happens, that the area is zoned heavy industrial and it will make all the sense in the world for your company to come in as it does now the way you see it in your eyes because of what's going around the area.

But it's a public process that's taking place now. It's a commitment I think we've made to the communities that we're going to allow it take place the difficult thing now is you're asking us to make a decision tonight or else. What I'm hearing is an ultimatum that you guys have to go somewhere else if that decision isn't made tonight and that's a very uncomfortable position to put this Commission in. The fact that we want to support business in this area. I notice that you have 60 people on your payroll. That's a big economic impact for this community which I appreciate very much and I want you to know that probably a large number of those are my constituents. But on the other hand, I want to do what's right and what we'd committed to.

Again, I think that it's going to make sense for this area to be zoned that, but I cannot, in my own views, basically say what this corridor committee is going to say or not, what they're going to do as being reasonable. Again, it just puts us in a very awkward position. Your timing as everything else is coming forward on these corridors is absolutely horrible timing and asking us to make decisions while these people are pending some type of recommendation. And that's the only thing I'm coming at because everything you said here I'm ticking off in my mind as very valid arguments as to why that should be zoned for that area, but there's a process that's going on now and I think that it should have the chance to go through the public process before I basically use those views in making decisions.

MS. GUERRERORTIZ: Mr. Chairman, just a short clarification I would like you guys to know about. On this map, sites 1 and 2, Mr. Cook. It's my understanding that the leases on those properties on state lands are about to expire. So I don't know what's going to happen with that land, but it's my understanding that those developments are going to be no longer existing in the near future.

CHAIRMAN TRUJILLO: Thank you, Oralynn.

COMMISSIONER DURAN: For myself, I would much rather see a five or six story Marriott Hotel than as asphalt batch plant. I think there are ways that we can accommodate people's rights to develop their property and I think that redistricting this commercial node is real important.

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I think if we grant your request it promotes more of that type of development that I for one don't want to see there.

COMMISSIONER ANAYA: I don't know where to start because I can pretty well count what direction this is going, but the trends in that particular area have always been towards light industrial or heavy industry and I don't believe that those factors are going to change along Airport Road. Right across the street you have the Baca wrecking yard, you have all these kinds of industrial activity that has been trendy in that area so to speak. That's where the trends as to the trends as to the necessities and needs of the community as far as high industrial is needed, that's where the trends went. And I don't think it's going to change through redistricting or anything like that, without the factor of inverse condemnation coming into the scenario.

I want to point out that right here in downtown Santa Fe, beautiful downtown Santa Fe, right next to the New Mexican you have one of the highest towers, probably twice the size of what they have right here and I bet you every time you pass down that street, Marcy Street, you don't even notice it. I grew up in that area and there was even a taller tower, 250 feet and we lived with it. And to use the excuse of the highway corridor committee is to me frivolous and just not economically correct for the community. There's a basic need for this. There's always a call for paving driveways. There's a call for paving streets and everything and it's got to be done in some form and somewhere in the community.

It can't go in the mountain zone. It can't go by Las Campanas. It can't go anywhere else without a high economic cost to it. So they have to be located somewhere in the city. Every city has something like this and that is where the trends went. And they'll always be there. We've approved an industrial park in that area and it just had to happen. It's something we have to live with. So I just think we're being very unfair to sit and think that the corridor committee's going to recommend a Marriott Hotel there. I don't think a Marriott Hotel would come in to that particular area. We just have to think right. We have to think logically. We have to think balanced for the community. And where you draw that balance, right now, is where the trends went and I think that's where it is, Mr. Chairman. And I think the corridor committee can understand that.

COMMISSIONER DURAN: Mr. Chairman, Commissioner Anaya, have you driven through Pueblo, Colorado?

COMMISSIONER ANAYA: Cute town. Many times, sir.

COMMISSIONER DURAN: I don't think we can do something like that. And I understand that these people have property rights and they could come in with a proposal with the height requirement that is allowed by Code. But I think that giving them a variance for height is to promote activity that we're trying to do something about.

COMMISSIONER ANAYA: Would you want to change the tower downtown and redistrict that? Where's the logic? It makes no sense.

CHAIRMAN TRUJILLO: Okay, what is the direction of the Commission?

COMMISSIONER ANAYA: Well, I can count, but Mr. Chairman, I'm going

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to move for approval and I think that to overturn the decision of the CDRC. I think it's a basic economic necessity for the community. I think it's in the right zoning area. I think the patterns for that area are this particular type of industry so therefore I move that we overturn CDRC and grant approval.

COMMISSIONER GRIÑÉ: Second.

CHAIRMAN TRUJILLO: We have a motion, seconded by Commissioner Griñé.

MR. GARCIA: I don't know which way the Commission is going to consider this, but I would just like to throw out some conditions, if they do approve this, if the majority does approve this, Land Use would like to see the following conditions: That the color of the entire structure shall be an earth tone, the color to be reviewed and approved by staff. Absolutely no lighting allowed on any portion of the structure and absolutely no advertisement, banners, flags, signs, etc. allowed on the structure and last, number four that a development plan in accordance with Article III, Section 4 in the Code be complied with.

COMMISSIONER ANAYA: Affirmative, Mr. Chairman. That would be inclusive in the motion.

CHAIRMAN TRUJILLO: We've got a motion and a second. All those in favor? [Commissioner Anaya and Commissioner Griñé voted in favor of the motion.] All those opposed? [Commissioner Gonzales and Commissioner Duran voted against the motion.]

CHAIRMAN TRUJILLO: I go with the right ayes. It's denied. So do we need --

COMMISSIONER ANAYA: Can I make a substitute motion, Mr. Chairman. I would like to move to table this matter until recommendations from the corridor committee.

COMMISSIONER GRIÑÉ: Second.

COMMISSIONER DURAN: Mr. Chairman, is it appropriate to ask the applicant if that's acceptable?

CHAIRMAN TRUJILLO: Legal?

MS. KULSETH: Mr. Chairman, you can always ask the applicant how they feel about a tabling.

CHAIRMAN TRUJILLO: Do you want to table?

MR. DVORAK: We would sure appreciate the tabling then in consideration of that.

CHAIRMAN TRUJILLO: We have a motion to table, seconded by Commissioner Griñé.

COMMISSIONER GONZALES: One of the things that I think would be fair, and this is only right is that if, after four months, we don't see anything moving, that the applicant should be allowed to come back to the Commission. That way there is not an indefinite tabling, or not a moratorium in effect. That way it's fair to the applicant that they're not sitting around waiting for what could be a very long process and I'm telling you,

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if these thing is going along in six months, I'm not going to sit around saying no on this, or whatever it might be. That way we all know if the corridor committee is serious the way they said they've serious, then we'll see what they're going to do. If they're not, it gives us a chance to start looking at these seriously.

So I would like to ask Commissioner Anaya if in his motion before we table it that it's for a four month period, or a three month period --

COMMISSIONER ANAYA: What's the time frame on the corridor? Three more months?

COMMISSIONER GONZALES: They could come back in three months. Four months, because that will give us a month to be able to hear it.

COMMISSIONER ANAYA: That's good. Four months.

CHAIRMAN TRUJILLO: Does that apply to the people that were here before?

COMMISSIONER GONZALES: Their tabling is coming back next month so that may be an option that we have.

CHAIRMAN TRUJILLO: Okay, we've got a motion to table, seconded by Commissioner Griñé, tabled for four months. All those in favor? [Unanimous 4-0]

- X. E. CDRC Case #Z 98-5030. Allan Houser Compound. Allan Houser, Inc., applicant, Isaac J. Pino, agent, request master plan zoning with preliminary and final development plan approval for the Allan Houser Compound on 37.3 acres. Uses to include a foundry, business offices, recording studio, amphitheater, sculpture gardens, conference office, dance grounds, gallery and showroom. The property is located north of County Road 42, Township 14 North, Range 8 East [Staff report on file with Land Use Department]**

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the applicant states that Allan Houser moved to this location in 1979. A number of permits have been issued by the Land Use Department for homes, workshops and studios. At the time these were issued it was considered these were private uses for an artists. A gallery in the City of Santa Fe was dealing with the Allan Houser sales and sculptures were produced off-site. In 1997 it came to the County's attention that business activities had moved to the subject property. The sculptures are now produced on site and the business offices have been moved to the existing buildings on the site.

The applicant is now requesting master plan zoning with preliminary and final development plan approval for uses on the site, which include a foundry, business offices, sculpture gardens and a visitors' center.

On April 30, the CDRC met and acted upon this case. The decision of the CDRC

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was to recommend master plan zoning plan approval with preliminary and final development plan approval for the Allan Houser Compound subject to the 14 conditions listed. And Mr. Chairman, can I enter the conditions into the record?

CHAIRMAN TRUJILLO: Please do, yes. Thank you.

[The conditions are as follows:]

1. The foundry will be used for the production of Allan Houser, Inc. work only.
2. Hours of operation within the foundry are limited to 8 am to 6 pm Monday to Friday. Large public events are limited to twelve days per year and no later than 9 pm with no more than 300 people attending. A large event is considered to have more than 50 people attending.
3. The gallery is to be operated on an appointment only basis.
4. The applicant will fence the northern boundary of parcel 10 and 200 feet of the eastern boundary of parcel 4, as shown in Exhibit E to prevent access to the neighboring property. A six-foot high coyote fence, approximately 300 feet in length, will be placed in the area of the corrals on the northern property boundary of parcel 10.
5. No off-site parking is allowed. During major events the applicant will provide traffic direction to prevent congestion on Haozous Road.
6. No off-site signs are permitted other than temporary signage to direct traffic during major events.
7. Water use is restricted to 1.8 acre-feet per year. Water restriction covenants will be recorded by the applicant. A water meter will be installed on the well serving the compound. Water meter readings will be submitted to the County Hydrologist every six months.
8. The applicant will obtain confirmation from the Environment Department as to whether the water supply is considered a public water supply.
9. All lighting within the compound will be shielded. Building illumination will be limited to access points only for safety purposes.
10. The drainage plan is to be approved by the Subdivision Engineer.
11. The applicant will meet with the Fire Marshal to set an agenda to bring the facility into compliance with the Life Safety Code and will provide access to the 3000 gallon water storage tank, to be approved by the Fire Marshal.
12. The master plan will be recorded prior to issuance of a business license.
13. Any change of use or expansion will require approval by the CDRC and BCC.
14. The applicant will remove the tall sculptures, remove all pieces that are not Allen House pieces, within the five-acre sculpture garden within 30 days of approval

CHAIRMAN TRUJILLO: Any questions of Penny? Is the applicant here?

[Duly sworn, Isaac Pino testified as follows:]

ISAAC PINO: My name is Isaac Pino. My address is 1616 Old Pecos Trail.
Mr. Chairman, Commissioners, briefly, just two things we want to remind the Commission

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of. First of all, the compound that we are here seeking zoning for this evening is already in place, has been for several years. So it's not to be confused with a request to do something on land that is not developed for that purpose at this point. Secondly, our request does not request any expansion of what we have out there. This all got started really because we wanted to get some bathrooms added to one of the buildings out there and it came to the attention of staff at that point that there were a whole number of permits that had been issued over the years. We still want to put those bathrooms out there, but that's about it.

Mr. Chairman, we agree to all of the conditions as they were entered into the record with the exception of one, which we would beg your indulgence for a few minutes and that has to do with condition number four. Condition number four says the applicant will fence the northern boundary of parcel ten, and 200 feet of the eastern boundary to prevent access to the neighboring property, a six-foot high coyote fence approximately 300 feet in length will be placed in the area of the corrals on the north property boundary.

I'd like to show you why we would like to propose something a little bit different and that's why I have these photos over here for. Mr. Chairman and Commissioners, the area in question, this is the north boundary of the property. I don't know if you can see the gentleman in the photo. He's standing on the Houser property and this is the property that belongs to the neighbor on the north. You can see quite a large array of material there. I'm not quite sure what that is. That has all been place there by the neighbor to the north.

Originally, the fence was suggested because there used to be tall sculptures in the vacant area behind this gentleman. All those tall sculptures as one of the conditions that CDRC had put on us have been removed from that site. There's one sculpture left yet to be removed. The conditions was that we get them all out of there within 30 days after approval from this Commission. So two things would be accomplished by putting a coyote fence here. One, the Houser Compound would be shielded from having to look at this unsightly array of material, and two, the person living on this side is going to lose their view of the mountains, but if that's what needs to be accomplished, then we'll go ahead with that.

But what we're proposing is that rather than running the fence the whole northern boundary as CDRC had requested, that we end it roughly at this area for this reason. That being that the property line drops precipitously. As you can see the gentleman here, the flag on top is seven feet high. He's dropping down. He's on the property line. This is the back of the Allan Houser Compound. And on this photo, the neighboring property to the north is right here and you can see him down getting lower. What we're trying to prove by showing you this is that if we put a six-foot coyote fence down there, you're not going to solve anything as far as line-of-sight. We'd have to find 30-foot cedars in order to do that and I don't think there are any of those.

We had talked to the Housers about that and one of the concerns was security. The neighbor didn't want people wandering from the Houser Compound on to her property. And we offered and are still willing to put a 3-strand barbed wire fence down in that area so that

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if anyone happens to wander over there, that they can't go on to her property. But to go ahead and put the coyote fence on the high area, where you can actually see across the two properties, which is roughly about 80 feet and then another 20 or 30 feet on the eastside. So that's considerably less than what the CDRC had asked for.

Mr. Chairman, I would also add that we have taken action on a couple of the other conditions already. We have already ordered a meter for the well. That will be put in place very shortly. And we've made the request from the Environment Department as to the information regarding the public water supply and we are prepared to comply with all of the rest of the conditions immediately upon approval. With that, Mr. Chairman, I'll stand for questions.

CHAIRMAN TRUJILLO: Any questions of Ike?

COMMISSIONER GRINÉ: So you want to eliminate number four?

MR. PINO: We would like to change number four from being the 300 feet on the north boundary and 200 feet on the east boundary to being the 80 feet along the high area and then about 20 to 25 feet on the eastern boundary, before the grade starts changing and we lose the effect of the fence.

CHAIRMAN TRUJILLO: Very good. Are there any other questions? Do we have anybody in the audience that wants to talk for or against this proposal?

[Duly sworn, Sumara Buchanan testified as follows:]

SUMARA BUCHANAN: My name is Sumara Buchanan. I live at 38 Haozous Road. I'd like to address the fence and why you see some of that debris there. I have had so many people come over to my yard with tripods and I have been in my barn and looked up and there's two men standing there, coming over from the facility next door. I think people like donkeys and horses and I think that's why they come over, just to see my donkey and horse. So my request is for a fence so that when I ride out there, or when I'm out there, that I have some privacy and it is for privacy.

I put those articles there because I couldn't keep people from coming over and I had called, and I had complained and there was no responsibility taken at all. Those people were coming to my property because of what the Housers were doing there, and so that was what I could do, that was what I could personally do to help stop it. And it didn't because there have been people over since then. So a three-strand barbed wire isn't going to do it. I've had cars drive from their property around and go down my driveway many times. Many times.

So I'm in support of the CDRC recommendation except for just a few things. I feel that just in reality, looking forward to every three weeks having 300 people come next door to me is going to be a very difficult situation for me. And hearing music coming from the amphitheater, I can't tell you it comes out of that theater so loud. And every three weeks isn't a reality to me. And maybe every other month would be easier. Easier to take.

Also, there was a noise survey done and that noise survey was from the foundry through the Houser property line. The foundry is here. The property line is down here.

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But I would request and even if it's something that I have to pay for I will, but the noise from the foundry goes across the mountains. It doesn't go like that. At my home it is very loud. It is very loud and very annoying. These jet burners just roar out of there. And there is -- I can say hey! and you hear an echo. There's an echo between the mountains, and I think that's why it's resounding like that.

Also I had some concerns about 3,000 gallons -- I know I'm not with the Fire Department or anything. But it seems like if there was a fire that 3,000 gallons was not much. And it does frighten me to think if there were to be a fire in that area. I've had two dry wells and one that's not a good one. You might ask the Housers about their wells also. I won't speak on that. There is a problem with drainage coming from the Houser's property. I did mention it to Philip about two years ago. It's washing out the front part of my driveway, which is actually their property and it's covering my trees, I guess 3 1/2 feet from this arroyo, and now, after this rain, it's washing out the road down beyond. I did talk to Penny Ellis-Green and she said they were coming down next week to take a look at that, but I did want to mention that.

MS. BUCHANAN: I've lived on that property for eleven years now.

COMMISSIONER DURAN: Have you expressed your concerns to the applicant?

MS. BUCHANAN: Yes.

COMMISSIONER DURAN: And you're the only one here tonight of the neighbors?

MS. BUCHANAN: Am I the only neighbor?

COMMISSIONER DURAN: I know it's kind of barren out there.

MS. BUCHANAN: It is. I am the closest neighbor. There's also a problem with the alarm. A burglar alarm I guess is what it is. I had a neighbor call me last night at ten o'clock at night. He was going to go rip it off the wall, he said. I said don't do that. Just go ahead and call Philip Houser and I gave him his number. But the alarm goes off a lot. A lot. A lot. I think it over the weekend I've heard it three or four times. Maybe there's a problem with it but believe me, it's annoying.

CHAIRMAN TRUJILLO: Thank you very much. Anybody else from the audience? Do you want, Isaac, to talk to some of the issues that were brought up?

MR. PINO: Mr. Chairman, if I may. The issue about 300 people every three weeks escapes me. We've only had one function out there that attracted that many people. I think what the condition is saying that the large public events would be limited to twelve days per year, with no more than 300 people attending. That was something that was put in as a condition. We didn't ask for that. We rarely have that many people. The time that we have the most people is during Indian Market and it's spread over the entire weekend and it doesn't even approach 300 people. So I don't think that Ms. Buchanan is going to have to suffer 300 people every three weeks because that's just not going to happen out there first of all.

Second of all, the foundry. We did go on her property and take a noise reading. I don't know if she knows that but we did that. I apologize if you didn't know that, Ms. Buchanan indicated that there were no violations of the County Code on noise. Your County staff, practically everybody sitting there has been out there and we fired up the foundry for them so that they could listen to the so-called jet noise and you can't hear it very much from the Houser's business office, let alone on the property to the north. I'll let them address that.

The 3,000 gallons was a condition that the Fire Department looked at. There was a fire indeed in one of the residences about two or three years ago and the volunteer fire department was able to respond before there was much damage to that without having to use the 3,000 gallons. So I don't think we have a problem as far as that's concerned and the Fire Marshal was content to have access to that 3,000 gallons so they could fight a fire if there was one ever out there.

With respect to the drainage, indeed the site does drain off to the north from a little knoll at the north end of the property and if we need to look at putting in some type of erosion control or drainage pond or something like that we can certainly do that and have that in place to try to keep any type of erosion or any difficulty caused by drainage off the site taken care of. Mr. Chairman, those are the points that were brought up. That's our response to that. By the way, I would just mention, Philip Houser, the president of Allan Houser, Inc. is with us tonight, and Mike Petty, the property manager is also here.

CHAIRMAN TRUJILLO: There was also mentioned, Ike, about the fence and that fence was not enough to keep people from driving into the property and/or trespassing into the property.

MR. PINO: Mr. Chairman, I'm not quite sure I agree with that. A three-strand barbed wire fence. If somebody wants to crawl through that, I don't understand why they don't want to go to the bottom of the arroyo where the three-strand barbed wire fence is, and crawl through that to go up there and take a picture of a donkey. That escapes me I'm afraid. The fence is there to tell people that this is our boundary. If you want to cross over to that property you're going to have to get that property owner's permission. And we're willing to put that up but we're also willing to combine that with a coyote fence in the more visible areas so that she doesn't have to look at anybody who might be wandering about this property out there, nor will they have a chance to look into her corral at that point.

CHAIRMAN TRUJILLO: Thank you, sir. Any questions?

COMMISSIONER DURAN: I think that this is really a significant change to a residential area and you're asking your neighbors to accept a very high intensity use of the property. I'd like to move for approval, but with all the recommendation, including the fourth.

COMMISSIONER GONZALES: Second for discussion. Commissioner Duran, I understand the plight of the neighbors having to go through this, but there's some

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sense that we have to put in this condition and based on the pictures it just doesn't make sense that we would require a six-foot high fence, approximately 300 feet in length and 200 feet on the eastern boundary which really doesn't accomplish what it's supposed to accomplish, which is to create some privacy or at least to prevent people from crossing and it just seems that it doesn't accomplish the means. So I would like to ask that we have an amendment to condition four and do what's reasonable. Let me ask staff a question. Is this a staff condition that's actually asking for this, or was it a CDRC condition?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Gonzales, this started off as a staff condition, for fencing the property on the northern boundary of parcel 10 and the eastern boundary of parcel four. Our intention was to prevent access to the neighboring property. At the CDRC meeting, they added the condition for the six-foot high coyote fence along the northern boundary of parcel 10.

COMMISSIONER GONZALES: And Ike, the applicant has agreed to prevent access to the property. Is that correct?

MS. ELLIS-GREEN: That's correct. And also to provide, I believe the applicant said approximately 80 foot of coyote fence along the area where the corrals are on the northern boundary of parcel 10. And the rest of the northern boundary would be fenced by barbed wire.

COMMISSIONER GONZALES: My amendment was to eliminate condition four and replace that with the applicant working with the staff to create the fence that would prevent access. Do you feel comfortable in being able to have that responsibility to work with the applicant to do something that's reasonable that would prevent access or do you want it to state explicitly it should be a barbed wire or coyote fence.

MS. ELLIS-GREEN: Commissioner, if you could you just state whether it can be a barbed wire fence or any portion of it could be a coyote fence. Just so that the neighbor that is here tonight as well has a clear understanding about what it is will be put out there.

COMMISSIONER GONZALES: I would like to propose an amendment that we replace condition four of the CDRC with the condition that a barbed wire fence be used to prevent access to the neighboring areas.

COMMISSIONER ANAYA: Commissioner Gonzales, would that be inclusive with what the applicant stated of a certain amount of lineal feet of coyote fence?

COMMISSIONER GONZALES: Yes, that wasn't a friendly amendment. It was just a regular amendment.

COMMISSIONER DURAN: I won't accept that. I'm sorry.

COMMISSIONER GONZALES: So I'm moving the motion in the form of a regular amendment to the motion. I'm not asking for a friendly amendment. For an amendment to the motion that would have the applicant set up a barbed wire fence to prevent access to the neighboring areas and to put up the 80 feet of coyote fence on the northern boundary and the 20 feet on the eastern boundary. The motion is in the form of an

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amendment.

COMMISSIONER DURAN: Point of order. I had a motion on the floor.

MS. KULSETH: Mr. Chairman, Commissioner Duran, that was my understanding as well. That motion either needs to be amended thorough a friendly amendment or there needs to be a vote on it if the friendly amendment is rejected.

COMMISSIONER GONZALES: So I can't offer an amendment to the motion?

MS. KULSETH: It has to be accepted by the movant and by the second.

COMMISSIONER GONZALES: I thought we could vote on amending motions even if the person who made the motion disagreed.

MS. KULSETH: No, not when there's a motion on the floor.

COMMISSIONER DURAN: So can he withdraw his second?

MS. KULSETH: He can withdraw his second.

CHAIRMAN TRUJILLO: Do you want to withdraw your second, Commissioner Gonzales?

COMMISSIONER GONZALES: Withdraw.

CHAIRMAN TRUJILLO: So we have a motion on the table. Do we have a second on Commissioner Duran's motion? It dies for lack of a second. Go for it, Commissioner Gonzales.

COMMISSIONER GONZALES: I move that we approve CDRC Case #Z 98-5030 amending condition four to allow for barbed wire fence that would prevent access, with posted signs of "No Trespassing" if you could so that people know that they're not to trespass on to the neighbor's property, and also to require the applicant to put an 80-foot coyote fence on the northern boundary and a 20-foot coyote fence on the eastern boundary. That's my motion.

COMMISSIONER ANAYA: Second.

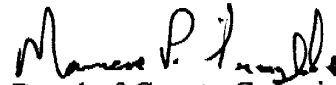
CHAIRMAN TRUJILLO: We've got a motion, seconded by Commissioner Anaya. All those in favor? [Unanimous 4-0] Opposed?

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ADJOURNMENT

Having completed the agenda and with no further business to come before the Board, Chairman Trujillo declared this meeting adjourned at approximately 11:05 p.m.

Approved by:


Board of County Commissioners
Marcos Trujillo, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

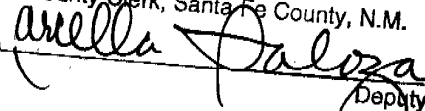
ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1038.217
COUNTY OF SANTA FE
STATE OF NEW MEXICO)SS
I hereby certify that this instrument was filed
for record on the 26 day of Aug A.D.
19 98, at 8:07 o'clock a.m
and was duly recorded in book 1532
page 261 of the records of
Santa Fe County.

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


Arella Salazar
Deputy

**END
OF
BOOK**

**MINUTES OF THE BOARD OF COUNTY
COMMISSIONERS**

DATE OF MINUTES-----7.14.98-----

DATE OF FILMING-----

CAMERA OPERATOR YVONNE SANCHEZ

REGULAR MEETING