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BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

REGULAR MEETING

AUGUST 10, 1999

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

SANTA FE COUNTY
REGULAR MEETING
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August 10, 1999

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:30 p.m. by Vice Chairman Joe Griñé 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 Joe Griñé, Vice Chairman
Commissioner Marcos Trujillo
Commissioner Javier Gonzales

Members Excused:

Commissioner Paul Duran
Commissioner Richard Anaya

V. APPROVAL OF AGENDA

County Manager Samuel Montoya requested that the ordinance regarding height restriction for dwellings or residential accessory structures (IX C); and Land Use items CDRC Case #Z 99-5370 (SEMA); CDRC Case # A 99-5211 (Barclay/Dant/Di Carpenga); and CDRC #Z 99-5080 (Kaltenbach) all be tabled.

Commissioner Gonzales moved to approve the agenda as amended and Commissioner Trujillo seconded. The motion passed by unanimous voice vote.

VI. APPROVAL OF THE MINUTES:

Regular Meeting: July 13, 1999

Commissioner Trujillo moved to approve the July 13, 1999 minutes as presented. Commissioner Gonzales seconded and the motion passed by unanimous voice vote.

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Regular Meeting: July 27, 1999

Upon motion by Commissioner Trujillo and second from Commissioner Gonzales, the July 27, 1999 minutes were unanimously approved.

VIII. E. MATTERS FROM THE COUNTY ATTORNEY

- 1. Executive session:**
 - a. Discussion of pending and threatened litigation with San Ildefonso Pueblo**
 - b. Discussion of collective bargaining.**

COMMISSIONER GONZALES: Mr. Chairman, I guess I misunderstood the executive session. I was meant to understand that it was going into item VII, that it would follow the ordinance on collective bargaining. I guess my only concern is that it's -- we're you intending on this going prior to the discussion?

Commissioner Gonzales moved to go into executive session to discuss pending litigation and collective bargaining. Commissioner Trujillo seconded. Upon roll call vote, the motion passed unanimously with Commissioner Gonzales, Commissioner Trujillo and Commissioner Grifé all voted in favor of the motion.

[The Commission met in executive session from 4:00 to 4:30 pm.]

Commissioner Gonzales moved to come out of Executive Session, having discussed only collective bargaining. He reserved the right to go back into Executive Session later in the evening. Commissioner Trujillo seconded and the motion passed by unanimous voice vote.

VII. PUBLIC HEARING - ADMINISTRATIVE

- A. Ordinance No. 1999-11. An ordinance authorizing collective bargaining between Santa Fe County and labor organizations representing Santa Fe County employees**

ARTURO RODRIGUEZ (Personnel Director): Mr. Chairman, Commissioners, Santa Fe County staff have developed a collective bargaining ordinance for your consideration and approval. With the expiration of the Public Employee Bargaining Act on July 1, 1999, there is no longer a state law authorizing collective bargaining in public sector jurisdictions. Each jurisdiction has the choice to collectively bargain or not. Santa

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Fe County by bringing this ordinance for consideration today is making the choice to collective bargaining with employees and labor organizations.

In the past, negotiations have provided an arena to openly discuss Santa Fe County labor-management issues, and negotiate reasonable, fiscally responsible solutions. It is a formal process that brings employees and management together to communicate ideas and proposals that will make Santa Fe County a better work place. The proposed Santa Fe County labor-management relations ordinance was modeled after the recently expired state Public Employee Bargaining Act, which historically has worked very well for the County. Staff recommends approval of the ordinance in order to authorize collective bargaining, and we would stand for questions at this time.

COMMISSIONER GRINÉ: Is there any questions of Arturo?

COMMISSIONER GONZALES: Mr. Chairman, Arturo, when you state that this is modeled after the state act, verbatim. Are we basically looking at the same ordinance that was state law prior to July 1?

MR. RODRIGUEZ: Most of the articles that we have incorporated into this proposed ordinance, yes. We have had discussions for approximately four to six weeks with both unions regarding the ordinance and we have talked to them considering those ordinances.

COMMISSIONER GONZALES: Could you tell me the number of employees who are eligible, or who would fall under this ordinance for collective bargaining?

MR. RODRIGUEZ: We have approximately 275.

COMMISSIONER GONZALES: And could you tell me those classification of employees? Does it include --

MR. RODRIGUEZ: It includes everything, Commissioner, from custodians to deputies.

COMMISSIONER GONZALES: To managers and deputies? So they all have to be classified in this system?

MR. RODRIGUEZ: They all have to be classified, but it would not be management supervisors or confidential employees.

COMMISSIONER GONZALES: So it can't be managers, supervisors or confidential employees?

MR. RODRIGUEZ: That's correct.

COMMISSIONER GONZALES: What about temporary employees?

MR. RODRIGUEZ: Temporaries and probationers are not included.

COMMISSIONER GONZALES: Okay. So when we hire individuals to come to work at the County, they're put on probation status for a year, or however deemed. During that year, are you saying that they're exempt from being able to participate in the union? Or would they still be eligible to join a union after they've come to work for the County?

MR. RODRIGUEZ: Mr. Chairman, Commissioner Gonzales, no, when they

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come to work for the County, they go on a year probation, and although they're in a bargaining unit position, they're not eligible to join the union for a year.

COMMISSIONER GONZALES: So this prevents them from falling under this ordinance, or any of the applications of the ordinance would not be applicable to them.

MR. RODRIGUEZ: That's right.

COMMISSIONER GONZALES: Okay. And this is all for employees that are just focused on County administrative issues. This doesn't include the Sheriff's Department or the firefighters. Is that right?

MR. RODRIGUEZ: The Sheriff's Department is included in the ordinance since we do have a labor organization, the Communication Workers of America that represents our law enforcement personnel from that department. Yes, it does.

COMMISSIONER GONZALES: So this ordinance provides a framework for collective bargaining to occur. So what would happen is unions would be able to come in and negotiate contracts on behalf of employees. And it could be multiple unions, where we have unions for the Sheriffs. We're just starting a firefighters department now with full time employees and we'll have unions for them as well as for other classified employees.

MR. RODRIGUEZ: Yes, the ordinance does have articles for that, for unions to certify. It also has articles for decertification and it also recognizes the two existing labor organizations, AFSCME and CWA, that currently exist in the County.

COMMISSIONER GONZALES: In those contract negotiations, and I know this is just about an issue of the ordinance, but I'm trying to understand what helps guide those contract negotiations. Are we allowed, is it basically the sky's the limit in what we can negotiate with the unions as far as the relationship we're going to have with employees, meaning, can we potentially negotiate a 30-hour work week, or even a 60-hour work week or are those governed by state and federal laws that will provide those kinds of guidelines?

MR. RODRIGUEZ: Well, the sky's the limit is kind of extreme. Anything can be entertained that's within state and federal guidelines and statutes.

COMMISSIONER GONZALES: So we still live under those, that framework, where the contract --

MR. RODRIGUEZ: We have to operate within statutes.

COMMISSIONER GRINÉ: Any more questions of Arturo?

COMMISSIONER TRUJILLO: No questions.

COMMISSIONER GRINÉ: Is there anything else you'd like to add, Arturo?

MR. RODRIGUEZ: Not at this time.

COMMISSIONER GRINÉ: This is a public hearing. How many people would like to speak on this issue? Can you raise your hands? Not that many. Just don't be repetitive up there and repeat the same thing we've already heard once. I won't put no time limit, but if you start getting windy, I will cut it short. So go ahead and come up front, and let's be ready one after another to give us your name, your address. As a matter of fact, I really would like to hear from our own employees instead of hearing outsiders coming into

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impose on our government here. But that's fine, go ahead and start, but I would really like to hear from our employees because this is their contract.

JOSEPH CHAVEZ: Thank you, Mr. Chairman, members of the Commission. My name is Joseph Chavez and I'm the president of AFSCME, Nuevo Mexico, and we represent approximately 20-some local unions throughout the state of New Mexico. One in particular is the City of Santa Fe. I'm here to speak in support of the ordinance, but in support of the union ordinance, the one that was proposed by the union in the management union meetings that were held prior to this Commission meeting. A point that I wanted to make out is that Commissioner Gonzales made earlier is that we don't want to be negotiating from the outside.

Well, the union is the employees, Mr. Chairman, members of the Commission. And those are the people are the ones here that asked that they be given the right, the right to a democratic process and the right to negotiate for a fair and equitable wage and working conditions, and this ordinance will provide for such an avenue and we ask that you support it. Thank you.

COMMISSIONER GONZALES: Mr. Chairman, Mr. Chavez, I guess there's some questions that I have concerning the amendments that have been proposed and I'm not sure that you're the individual that's going to want to respond to those amendments, or Mr. Ortiz on behalf of the unions or the president of the local bargaining unit. But at some point, I guess I'd want some direction for you when we can start talking about those amendments and it may be after we hear from the employees that at the Chair's discretion, if he wants to pursue that discussion, or when you would like it.

MR. CHAVEZ: Mr. Chairman, Commissioner Gonzales, Mr. Ortiz will be responding to most of the questions.

COMMISSIONER GONZALES: So, Mr. Chairman, maybe we should just wait and hear all the public input and then address the amendments that have been presented.

COMMISSIONER GRINÉ: That'd be fine. Next speaker please. Name and address.

JENNIFER GUHL: My name is Jennifer Guhl. I'm the local union president for Santa Fe County. I have some packets here for you guys.

COMMISSIONER GRINÉ: Also you work for Santa Fe County, right?

MS. GUHL: I work for the Santa Fe County Sheriff's Department. I'm a dispatcher. If you don't mind, I'd like to give you these packets. In these packets, you'll find a letter from Commissioner Paul Duran, who wrote this on behalf of our -- It reads, "Dear Fellow Commissioners: I have asked that this message be read into public record for the public hearing on the collective bargaining ordinance because it is a subject about which I feel very strongly. While I regret that I cannot be present today, I do wish to make my views known on the subject. I wholeheartedly support the collective bargaining ordinance proposed by the union, the American Federation of State, County and Municipal Employees, AFSCME, and the Communication Workers of America, CWA, which has been negotiating

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with the Santa Fe County management team.

From the conversations with the union representatives, I understand that there is a key difference between the ordinance proposed by the labor and the one backed by the management. The differences involve the procedures used by resolving the impasse in contract negotiations. I firmly believe that we must have a fair and reasonable impasse resolution procedure to ensure that the employees' rights and the County's interests are equally protected. If the two parties come to impasse at the bargaining table, they will first proceed to mediation and attempt to resolve the impasse in that way. If mediation does not resolve the impasse, the fact-finder will conduct an investigation. If the parties cannot resolve the impasse within 15 days of the publication of the fact-finder reports, then the reports will be forwarded to the Board of County Commissioners for a decision to resolve the impasse.

As the governing body of the County, we are the only people authorized to make such decisions and I believe that it is an integral part of fulfilling the responsibility of our elected office. The union proposed impasse resolution procedure is the most efficient, just and legal way to solve deadlocks in negotiations. I believe it is the only way to go. As I ask my colleagues on the Board of County Commissioners to vote for the union's collective bargaining ordinance and I assure you that if I were present, I would undoubtedly do the same. Sincerely, Paul Duran."

We also have other letters in here that have been signed by the Democratic party. We also have a letter from the Agua Fria Village Commission and Association, who are also in support of our ordinance. The most important part of this ordinance being passed is for employees, because we work hard for this County and we want fair and equal treatment and fair and equal opportunity.

We have a good working relationship with management and we want to keep it that way, but we also want to be able to stand up and fight for our rights when the time comes. It's very important to us that we get this passed. As you can see, a lot of -- I've spoken with all of the County Commissioners, and everybody wants to know what is it their employees say. Well, as you can see, a lot of employees have turned out for this meeting in support of getting this ordinance passed. We're working on building our union stronger. We're a new union and it's coming together good and I think that it would be unbeneficial on your part to stop it now that we're in the process of growth and it's getting stronger and it's getting better.

It's better for the employees; it's better for the public, because we are public employees for Santa Fe County. And when you have happy employees they are more productive and they work better. Thank you.

COMMISSIONER GRINÉ: Thank you. Next speaker. And if you are a County employee, please state so, because we don't know all of you.

JOE ALVAREZ: Hi, I'm Joe Alvarez. I'm a Santa Fe County employee, the vice president of Local 1782. I've been here through the growing pains of this union.

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I have seen nothing but good will come out of through both sets of negotiations. They've been positive. Many of the workers, the blue collar strength here, has had their living standard raised and their work place standard raised. I believe the final procedure in impasse resolution lies with the Commission and it would greatly, tremendously improve the labor relations here. I ask you to vote for the union supported ordinance. Thank you.

COMMISSIONER GRINÉ: Thank you, Joe. Go ahead, Ed.

EDWARD WRIGHT: Mr. Chairman, Board of County Commission, my name is Edward Wright. I'm employed with the Santa Fe County Assessor's Office as an automated drafting technician. My address is 102 Grant Avenue. I'm here in support of this ordinance. Many of you know that I was involved with the union ever since it began, and I'm a former president of that union also, and I also sat in negotiations and that was a really long hard-fought battle, especially the first time around.

We've made a lot of progress though and come a long way. We've taken care of a lot of issues and that's working directly with management and labor. We want to keep it that way and what I'm supporting is the union's version of the proposed ordinance and the reason why I view it as a better proposal because it does rest the final authority on the governing body, and that is you. And that's where the authority should lie. So I'm here to speak in favor of the union proposed ordinance and I thank you for your time.

STAN ROSEN: Hi. My name is Stan Rosen. I'm a resident of Santa Fe and I'm a retired professor of labor and industrial relations from the University of Illinois. I recently had the opportunity to teach an industrial relations class at the College of Santa Fe. I come here as a citizen and as a person who has spent his whole life working in the environment of democratic, free collective bargaining.

First, I want to compliment the Board for having this hearing, and I want to compliment the Board for the thrust of their ordinance because the historical tradition of collective bargaining -- I'm a recent arrival in New Mexico, but this is a state that pays a lot of attention, and properly so, to history. The history of collective bargaining in the United States is not new. It goes back to the Railway Labor Act. It goes back to the Norris-La Guardia Act. It goes back of course, to the National Labor Relations Act and it has been continued in the public sector by over 25 states and local places that have engaged in recent years in collective bargaining.

Collective bargaining is a democratic process. We are in America speak always of democracy and collective bargaining is democracy at the work place. It means that labor and management sit down at the table as equals and handle problems in the work place as equals to make sure that people are treated fairly, that they have justice on the job. Through the grievance procedure, through arbitration, and through other programs that work in the interests of both labor, management and the public.

One of the things that a lot of people don't understand about collective bargaining is that collective bargaining -- most people like to either have it one way or the other. But collective bargaining is a process in which you have both conflict, adversarial relationships,

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and cooperation at its best. And I think it can be function at its best where there is mutual respect on the part of management towards labor, and responsible and respectful behavior by the union, as has been the historic case as I understand it until the governor decided to do away with this important democratic process.

So I would say that when the case went to the Supreme Court, there were over 30 organizations that joined with the labor movement in the case to keep collective bargaining going -- church groups, other groups in the community, environmental groups, and I think that tells you that collective bargaining is not just people that come here. It's not just because it's union people, because they're pursuing their self-interest, it's a community interest and I commend the Board again and hope that the collective bargaining ordinance will be passed and that the democratic process of collective bargaining will continue in the County of Santa Fe. Thank you.

COMMISSIONER GRINÉ: Thank you. Please try to start being brief.

MARK BOTTKIS: My name is Mark Bottkis. I live at 2227 West Alameda. I'm here today to speak for the union's proposal for collective bargaining with the support of the International Association of Firefighters. We are here today to support our brothers and sisters in the firefighting industry as well as across the board throughout the union. This ordinance, what it will do is put an equal playing field as far as what management and labor can do and how they can work together and solve problems together.

It doesn't ensure anything about monies or anything else. That's not an issue at this point. What this ordinance does is it just gives the employees a voice and by having a voice it gives them a bit of ownership in their own job and hopefully brings more profession to every single position here in the County. So once again, I would like to support the union's proposal for collective bargaining. Thank you.

COMMISSIONER GRINÉ: Thank you. Next. Please try to keep it brief.

JACOB BARBER: Mr. Chairman, Commissioners, my name is Jacob Barber and I live on County Road 52. With a strong sense of certainty, I urge you to cast your vote in favor of the union supported ordinance. It is to the County's benefit to have productive workers. This impasse resolution is importance because it is now in its final draft. This part of the ordinance is vital because it helps stop favoritism and creates equity for the bargaining unit. It gives you the final authority in budget and pay increase matters needing your authorization.

The union helps stop arbitrary treatment of employees, helps employees negotiate better wages and working conditions and once again, please vote for the union supported version of this ordinance and at this time I'd like to have everybody support this union supported ordinance to stand up. Thank you.

COMMISSIONER GRINÉ: Thank you. Next speaker please.

DAVID COSS: Mr. Chairman, my name is David Coss. I live at 2014 Otowi Road. I'm a state worker here in Santa Fe. I've worked on collective bargaining for probably the last 15 years and I just want to thank the Commission for considering this

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ordinance. I hope you do the right thing today. I want to thank the County staff for working on it with the unions and bringing it forward. Collective bargaining to me is a very critical piece of our democratic society. It's something that provides dignity and fair wages for the workers. As I reminded Mayor Delgado and the City Council, the whole state is watching us now. We're going to eventually get collective bargaining back at the state level because union people never give up on these kinds of things.

But the state is watching now to see what measures of dignity, representation and fair play the County will extend to its workers since our governor decided to take it away from all state workers. And I can tell you how it feels to have worked 15 years for a right and then have one man just jerk it away. And you have a chance to restore that right for your workers today so I just came down to thank you for looking at this and to urge you to do the right thing and preserve collective bargaining rights for Santa Fe County employees. Thank you.

COMMISSIONER GRINÉ: Thank you, David. Next speaker.

MARIANNE MARTINEZ: Commissioners, I would like you to vote for the [inaudible]. I'm one of the employees in the County that benefitted most out of the collective bargaining. I was at the bottom of the wage scale. I'm now at mid-point and if it wasn't for the union I'd probably still be at the bottom of the wage scale. So please, would you please consider it. Thank you.

COMMISSIONER GRINÉ: It was not the union. It was the Commissioners.

MS. MARTINEZ: For the Commissioners also, thank you. My name is Marianne Martinez. I work for the County Treasurer's Office and my address is P.O. Box 4771, Santa Fe, New Mexico, 87501.

COMMISSIONER GRINÉ: Thank you. Next speaker. You're in charge, Mr. Ortiz.

MATTHEW ORTIZ: Thank you, Mr. Chairman. My name is Matthew Ortiz. My address is 3242 Nizhoni Road. I'm an attorney. I represent the unions. I also want to extend my thanks to the County staff, legal staff as well as the personnel staff. The ordinance has been boiled down. There are chiefly two disagreements that the union has with management's proposal. Everything else is in agreement. The unions have worked with County management and the staff to bring this proposed ordinance to you.

The two issues that I want to raise with you are issues that were raised by County staff and therefore I feel obliged to answer them. The first, and you've heard mention of that with the other speakers, is some kind of resolution in the event of impasse. I'm referring specifically now to page 8, Section 15. As it exists now, the obligation of the County with the unions to negotiate a collective bargaining agreement is that they negotiate in good faith. If the parties can't agree, that is what's called an impasse. What happens then, under this proposed ordinance, you go to mediation. You try and get the assistance of someone to come in to reach agreement.

If that fails, you get what's called a fact-finder. Now, a fact-finder is like an

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investigator who comes in and decides, hey, who is negotiating here and who is not and what is the resolution of the issues. The fact-finder puts forward the report. Under the proposed ordinance as it exists now, and as it's been proposed by management, once that fact-finder report is published, that's the end of it and there's no mechanism of resolving any issues that are outstanding. The unions would ask, as an amendment, that you would recognize yourselves as the final authority and take it upon yourselves as the in essence, final arbiter of any issues that are in dispute.

As it exists now, the status quo that's being proposed by management is to just leave it out there, out in the open with nothing to do. The union is asking that the Commission consider some way of closing that so that both sides to the negotiations, management as well as the union, knows that once they enter into this process there's going to be a definitive ending to that process and that it's not just going to be open, open for anything. Open for potentially manipulation on the part of management to not come to an agreement. Manipulation on the part of the unions to try and take to the streets to cause pressure to be placed upon you, the Commissioners, to put pressure on the management.

The purpose behind putting closure, and having a process for closure is to avoid those kinds of problems. I'm the first one to admit to you today that that experience has not happened in Santa Fe County since this Commission has taken place. In fact I think relations with the Commission have improved in my personal opinion. However, this ordinance is not just for this Commission, but it's for the future and that's why the union would propose and ask for you to consider an amendment that Commissioner Duran has stated, although he's not here, stated in his letter, to allow the Commission to be the final decision maker with regard to any unresolved issues.

The second issue and really the only other issues that the union wants to address is an issue brought up by management concerning the dues deduction and that's on page 7, Section 14, Scope of Bargaining, paragraph e. We believe, and we've got copies of our agreement for you, for an authorization for payroll deduction. We would ask for language to be inserted into the ordinance that essentially parallels not just our authorization language, but also parallels what used to be the language in the public employee bargaining act and what is now currently language not only in the City of Santa Fe ordinance but also the City of Albuquerque ordinance. My understanding is that there's an issue regarding that, and that's why language was taken out of the ordinance that was being worked by management and management and the union, however, if I may address the Chair and the members of the Board, I have copies of the authorization agreement that's in question and I can point you to the relevant language that I think is at issue here.

And for the record, Mr. Chairman, I have given a copy of what I'm going to be handing to you to the Deputy County Attorney. [A copy was not made available for this record]

Mr. Chairman, members of the Commission, this is the authorization agreement that we have with our union members. And if you see there, the agreement is by the employee,

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it's to Santa Fe County, in this case, with the dates and the amounts filled in, and if you'll look at the last sentence, that last sentence reads, "This authorization shall remain in effect unless terminated only at the appropriate drop periods as per our union contract." What we're asking for you to do is to consider inserting language into Section 14, paragraph e, that adds after employee, that language would be inserted that says in accordance with the negotiated agreement, we believe under the ordinance as it's being proposed, that payroll deductions are a mandatory subject of bargaining.

We believe and have had history with management of negotiating dues deductions for individual members --

COMMISSIONER GRINÉ: Where are you reading that, Mr. Ortiz?
Paragraph e?

MR. ORTIZ: Mr. Chairman, paragraph e, the second sentence that begins, "The duty of the employer to honor payroll deductions shall continue until the authorization is revoked in writing by the employee." And we would ask for an amendment after the word "employee" to insert language in accordance with the negotiated agreement "as long as the labor organization is certified as the exclusive representative."

Mr. Chairman, I will represent to you and Mr. Rodriguez can correct me if I'm wrong, that in discussions with management, that that language was originally proposed by management and then -- I won't say at the last minute -- I'll say within the past week was actually deleted by management, but that language was in and we would ask that that language be considered as an amendment. And again, Mr. Rodriguez can correct me if I'm misstating what's been happening.

MR. RODRIGUEZ: That is correct, Mr. Chairman. We weren't aware that we had a legal issue until late last week.

COMMISSIONER GONZALES: Mr. Chairman, in question, Mr. Ortiz to your amendment that you're proposing, when you talked to me in accordance with the negotiated agreement, that negotiated agreement is basically the contract. Is that correct?

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, that's correct.

COMMISSIONER GONZALES: So it's in the contract between management and the unions that there's an agreement that the County will automatically deduct the dues for a period of six months, or whatever period that the employee has the contract with the unions. That would be stipulated. You're saying that would be negotiated.

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, that's correct.

COMMISSIONER GONZALES: So right now, if the ordinance is passed, the ordinance doesn't automatically state that an employee would have to have their earnings deducted unless it was negotiated in a part of the contract.

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, if this ordinance is passed with the language that I believe is in Section 22, that says that all existing agreements shall remain in full force and effect, I believe that the contracts that are in existence now

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with the unions have that kind of drop period, a six-month drop period. If those contracts are renegotiated, as a subject of negotiation, those drop period are the subject of negotiations on both sides of the table, management as well as the union.

COMMISSIONER GONZALES: So it would be negotiated again at the end of this contract, when we're negotiating the new contract.

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, that's correct.

COMMISSIONER GONZALES: Right now though, if it passes as the way the management has presented, would you contend that the contract is still valid to the point where the automatic deduction would continue to occur regardless of whether an employee wanted it to happen or not.

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, again, if this ordinance is passed with the language in Section 21, Recognition, it recognizes the contract that's in existence now and that contract would be in full force and effect. Yes.

COMMISSIONER GONZALES: Which means that this card that the employee has signed already stipulates that the County will do the automatic deduction for a determined amount of time will stay in effect.

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, that's my understanding. Yes.

COMMISSIONER GONZALES: Do we have concurrence from counsel on that?

MR. ORTIZ: Mr. Chairman, it's my opinion that if this ordinance is passed as it exists, with Section 21, and that includes the validity of the agreements that are in effect, the agreements in effect now have a six-month drop period and so as this ordinance is passed with that language in Section 21 it's my opinion that that drop period that are in those contracts would remain in full force and effect.

COMMISSIONER GRINÉ: You're in concurrence?

BARBARA MULVANEY (Assistant County Attorney): That's correct.

COMMISSIONER GONZALES: Okay, so then the issue of this, really what the issue of this language in accordance with the negotiated agreement, all it says is that when this contract is over with and we start negotiating another contract, the drop period would just be a point of negotiation. And it may be a point in that negotiation where the drop periods aren't agreed to or stipulated and therefore that could be excluded from the contract.

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, I want to say that it's my hope and belief that we can certainly negotiate an agreement before the expiration of this agreement. However, in the event that this agreement expires, in any event, even if it doesn't expire and we begin negotiations tomorrow, as this ordinance is written, payroll deductions are a mandatory subject of bargaining on both sides, the union side as well as management side. We have to negotiate it.

COMMISSIONER GONZALES: You have to negotiate it? So whenever

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there's a new contract, you have to negotiate it for drop periods?

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, that's correct. We have to negotiate it.

COMMISSIONER GONZALES: And all this language does is it all for that negotiation to take place. The ordinance isn't stating that there's a mandatory drop period. It's just stating that the vehicle exists for the negotiation to occur for a mandatory drop period. Is that right?

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, whatever is negotiated, if a drop period of six-months is negotiated, that's what this ordinance would allow with the amendment. If there's no drop period, and that's what's been negotiated, then that's what's in place.

COMMISSIONER GONZALES: And as it's written, it doesn't allow for that vehicle or that means to take place? Is that your contention? Is that why you're proposing the amendment? Because if it passes as it is right now, when you go to renegotiate another contract, if this language isn't in, you won't be able to negotiate a drop period? I guess I'm trying to understand why you want this language in.

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, the union has really two reasons for wanting this proposed language. The first is really an administrative function. That is when members decide to sign up as members and you see the agreement there for authorization, they agree to sign up for a specific time. That is, that allows for budgeting and flexibility and scheduling and all of that, and that gives a certain amount of time that they have. That's the administrative reason why the unions want this.

The second reason is -- you're exactly right -- the unions want management to not only have to negotiate payroll deductions, but also in the event that we have an agreement with our members to withhold payroll deductions and we are able to successfully negotiate that agreement with management, we want to have management to honor that agreement. Those are the two reasons why we want this proposed amendment.

COMMISSIONER GONZALES: And I guess that's the point, the issue I want to clarify. What you're saying is that if you negotiate with management the agreement to -- are you saying you want to negotiate with management the ability to honor your drop agreements, or what are they referred to as?

MR. ORTIZ: The authorization for payroll deductions.

COMMISSIONER GONZALES: The mandatory authorization for payroll deductions. You want to negotiate whether the County as an entity will basically enforce that?

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, that's correct. Because as you see, on our authorization for payroll deduction, our agreement with our members is that the authorization shall remain in effect until terminated only at the appropriate drop period as per our union contract. If that drop period that's negotiated with management is one month, every month you get to drop and that's what's negotiated, then

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that's the agreement we have with our members. If the agreement that's negotiated --

COMMISSIONER GONZALES: Hold on. Let me ask you at that point. Is that something that's just negotiated between you and your members or is that negotiated, is that drop period negotiated with the County involved at that point?

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, that's negotiated with the County, with management.

COMMISSIONER GONZALES: So the County will have, at least at the table, allowed to say what that drop period will be if at all any.

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, the County has had, in the agreement that we have had now, the County has had the ability to negotiate that period. Yes.

COMMISSIONER GONZALES: What you're wanting to do is reinsert language that would continue to allow that to occur?

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, that's correct and we believe that inserting that language is consistent with the prior state law that's no longer in existence. It's also consistent with other ordinances that have been passed in the City of Santa Fe as well as in the City of Albuquerque.

COMMISSIONER GONZALES: And you feel that as this is written -- and I'm just trying to understand, in Section 14 where you're asking this to be implemented, that it does not allow for that to happen. What's your interpretation, how are you viewing the language that the staff has put forward now and how it blocks that opportunity to occur?

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, my interpretation of the language, absent the proposed amendment, gives the ability for employees to drop at any time. Which means that even though the union has to negotiate with management about payroll deductions, and even though the union and management can come to an agreement regarding a drop period, without this language we believe that this gives the ability to drop at any time, even contrary to an agreement that we've negotiated. So we just want to be consistent with the principles of collective bargaining in negotiating for dues authorization.

COMMISSIONER GONZALES: Can you help me understand real briefly the theory behind that. If there's an employee who is in need of extra money or for whatever reason feels that they don't want to continue to be a part of the union, why you feel that they shouldn't be allowed to pull out when they would like?

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, we believe that if there's a negotiated agreement, that's one of the benefits that people have to becoming union members and that's the agreement that they sign when they allow us to get monies from their payroll deducted automatically. As the language is being proposed by management, the only thing that allows for a deduction or for a revocation of the deduction, is when an employee puts in writing not to deduct. Without as per a negotiated agreement, all an employee needs to do is put something in writing and say, don't withhold my membership dues. We still have a duty to represent them. We still have a duty because they're members, but they are

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now not paying dues.

So we believe, again, consistent with the principles of collectively bargaining, we believe that's why we want this language.

COMMISSIONER TRUJILLO: Mr. Chairman, I guess I'm a little confused because I came out of an executive session that did not represent this issue this way. Arturo, is that what you were trying to articulate or represent at the executive session?

MR. RODRIGUEZ: Mr. Chairman, Commissioner Trujillo, let me make one point first. In our current contract, and other ordinances, etc. that have been passed around the state, there was at that time a public employee bargaining act. It didn't expire until July 1. At that time, the PEBA, the Public Employee Bargaining Act, is what authorized jurisdictions to do that type of payroll deduction. As we currently exist today, with the expiration of the Public Employee Bargaining Act, we don't have that authority. When an employee comes to us, it's our opinion, that when an employee comes to us today, as opposed to June 30 of this year, and asks us to stop their dues deduction, that we're obliged to do that. So that was the point I wanted to make.

COMMISSIONER GONZALES: Arturo, let me ask you real quick. But isn't there a contract that exists today, the contract that was basically signed and agreed to under this act that has to continue to be complied with, or is that not -- so an employee couldn't come today and ask to have their ---

MR. RODRIGUEZ: Mr. Chairman, Commissioner Gonzales, that's correct. Because our contract does not expire until December 31. So until that time, that contract is valid. So we have a January and July drop date that exists until December 31 in our AFSCME contract.

COMMISSIONER GONZALES: So when I asked you in the beginning whether the sky was the limit, I guess I was referring to this issue of negotiation. Do you have the ability for each contract to negotiate issues such as drop dates, such as that they won't occur, or that they'll only occur for a certain period of time or that there may be a proposed drop out. That can all be negotiated between management and the unions collectively for the employees.

MR. RODRIGUEZ: Commissioner Gonzales, yes. I think that's accurately stated. But I stated earlier that we do that within guidelines, within statutes and provisions that currently exist. So when we negotiate again, between now and December, we may have a different opinion on how to go about or dealing or negotiating the drop dates and those kinds of issues regarding payroll deductions. You're in a different scenario today.

COMMISSIONER GONZALES: You're saying that the statute doesn't exist, but if this ordinance were to exist with this language, then wouldn't that basically take the place of the statute and provide that authority to do what we're talking about or does the statute with its expiration explicitly state that we don't have the authority because it wasn't mentioned.

MR. RODRIGUEZ: I'm going to have to defer that to legal, Commissioner.

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I'm not sure.

MS. MULVANEY: Mr. Chairman, Commissioner Gonzales, the case law is pretty clear that you cannot pass an ordinance or a collective bargaining contract that is in conflict with state law.

COMMISSIONER GONZALES: Okay, let me ask you, there's not a state law that exists.

MS. MULVANEY: Yes, there is.

COMMISSIONER GONZALES: And the state law basically states that this mandatory deduction, if it was negotiated wouldn't be correct, or wouldn't be eligible?

MS. MULVANEY: The state law says that it would have to be a lawful deduction, and a lawful deduction that's not included in a contract [inaudible] A lawful deduction, according to my interpretation, is one which is ordered by the court, which is a garnishment.

COMMISSIONER GONZALES: Okay, so you're saying the ordinance, the body of the ordinance and the language would not give the Commission the authority to be able to recognize a negotiated agreement to have mandatory deductions for the employees, even if the employee didn't want that to occur, as was the authority previous to July 1? What I'm saying is can an ordinance, can we pass an ordinance, and I think we've answered this a couple of times, but I apologize if I'm not understanding, can we pass an ordinance that gives us that authority that existed in the Public Employees Benefit Act with language that basically says you can negotiate with the unions who are representatives of employees to negotiate for what the mandatory drop date will be. I know I'm using a bunch of different phrases here, but the point is whether a mandatory -- whether we're going to have a mandatory deduction on an employee's payroll to pay to the union, even if an employee chooses at some point to pull out prior to a date that they've agreed that they would pay to.

MS. MULVANEY: I understand what you're saying I think. But you cannot legislate away people's rights. The state statute says you cannot take money out after they've requested you to stop. And the law used to read under the Public Employees Bargaining Act that you could, in accordance with a negotiated agreement. That gave you the ability to take the money. Because that has sunsetted, there's no longer any legal authority to take the money out after the employee has requested that it be stopped.

COMMISSIONER GONZALES: Okay. I guess what I understand is the act that you're referring to, the new one, is that as it relates to just public employees and collective bargaining or is it in general that a business or a government couldn't have this type of deduction if the employee didn't will it to happen.

MS. MULVANEY: The Labor Act includes all employees. The other refers to the Public Employees Bargaining Act, and that's where it was allowed, but it does include all employees.

COMMISSIONER GONZALES: So under the Labor Act is what you're basically basing your opinion on, that includes both government and non-government in a

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collective bargaining situation?

MS. MULVANEY: Correct.

COMMISSIONER GONZALES: So, I guess I would ask the unions, in this case, what occurs on non -- either with the teachers' unions or unions that are outside of governmental agencies where these are negotiated, are there mandatory deductions that exist here in the state that are being upheld?

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, I will represent that as for any union, private or public that has successfully negotiated an authorization for payroll deduction, private or public, I would say 90% to 95% of those unions have got similar kinds of drop periods with their members.

COMMISSIONER GONZALES: But I guess my point is, even if they have the drop period, can an employee within that union create their own drop period if they didn't want to continue being a part of the union or paying their dues?

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, lots of individual members have decided on their own to drop their membership in the middle of periods in which they've allowed dues authorization. I can represent to you only from my experience in representing AFSCME that some of those members allowed for their payroll deductions to continue even though they didn't want to be members, and some of those members got their monies refunded for internal union reasons. I can tell you that dues deductions, authorization for payroll deduction took place before the Public Employees Bargaining Act, during the Public Employees Bargaining Act, it's taking place now as we speak.

I know that I've had discussions with the Deputy County Attorney regarding this issue. I concur with her that she has raised a legitimate issue, an issue that is not settled in either New Mexico statutes or New Mexico case law, because I've done my own research. There just is no authority with regard to the question that's at hand. That's my opinion on that issue.

MR. MONTROYA: Mr. Chairman, members of the Board, ladies and gentlemen, first of all, Mr. Chairman, I would like to thank the negotiating team from both the union and the County side for working so diligently on this complex matter and as you can see, we've narrowed down the particular issues that are unresolved to two issues and now I understand that there's a third language change that is simple but also important that has not been addressed yet but it is important. But in the spirit of our ability to work cooperatively and collaboratively for the better good of the public employee, I would like to suggest to the Board of County Commissioners that we postpone the final adoption of this particular ordinance until a second meeting of the month, which would give us two weeks to work out the specific language that I think is very, very important.

All of these three issues that need resolve could, hopefully be resolved within that two week period. We come back to you with a cleaner instrument and it gives us the ability to put in some good thought into the language changes and hopefully come with a consensus to this Board that would provide for a good instrument for collective bargaining on behalf

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of all of our employees. Mr. Chairman, that's simply a recommendation, but I think it would work to the better good of all involved.

COMMISSIONER GRINÉ: So you recommend to table it for two weeks.

MR. MONTOYA: For two weeks and we would make it the first item on the second meeting of the month, which is the administrative meeting.

COMMISSIONER GRINÉ: Also, Mr. Ortiz, go ahead and address the third issue, the one you brought to my attention.

MR. ORTIZ: I apologize Mr. Chairman. And I apologize to the County Manager. He is correct. I failed to mention that there is a third amendment, on page 8, Section 17, paragraph a. The unions would like to add, as a prohibitive practice against itself, discrimination with regard to sexual orientation. So we would like an amendment that puts in sexual orientation, either before or after sex or national origin. And that's the third amendment. I did speak briefly with the Deputy County Attorney regarding that issue and I apologize in my oversight on the other issues that I failed to mention that.

COMMISSIONER TRUJILLO: Are you receptive to tabling the ordinance at this time until the issues can be resolved until a cleaner ordinance comes before this body?

MR. ORTIZ: Mr. Chairman, Commissioner Trujillo, I am looking at my client, and my client -- this is a long process and we appreciate the Herculean efforts that County staff has made to bring this issue forward to you and we appreciate your consideration of this ordinance. We know that there are really just two issues involved here. We believe that these two issues are important. That they're significant. We believe that if the Commission has the will, that they go forward with this matter and with regard to these two issues, pro or con that they can be revisited at another time but the union's position is that we'd like to have a decision on this ordinance so we can get some protections in place.

COMMISSIONER GONZALES: Mr. Chairman, I was just going to say in a question for legal staff, is it possible to adopt the ordinance and exclude the Section 14 and 15, or at least not exclude it, but table the sections 14 and 15 and address those issues, or to table the discussion on the revised language? I don't know how we keep it on the table, the only thing, to keep this up in two weeks if we have the time to publish the notice. If we vote tonight, I don't know how the vote's going to occur but if we vote tonight and the unions don't get what they want and they want to come back in two weeks when we have a fuller Commission and we have time to work through the agreements. Maybe that might work. I'm not sure.

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, again it's the union's input that in light of the protections that this ordinance will give and the importance that these protections take place as soon as possible, that you take action on this matter in whatever form you decide to take action, and whatever the vote goes down, the unions will still be here and we will raise the issue if the issue still needs to be raised.

COMMISSIONER GONZALES: Mr. Chairman, I'd just like to submit we're

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at the end of this. I'm done with my questions. I'm prepared to make arguments and move forward for a vote.

COMMISSIONER TRUJILLO: I'd just like to articulate and represent and if you would get up, Matt, on the area of impasse. I have concerns in that area. I feel that this Commission is committed and very, very sensitive to the needs of the employees and is supportive of the union and wants to negotiate in good faith. I think we as a banner to management to carry that flag for us. And what I see with the impasse is that it will give impetus to a schism between management and employees and I don't think that's conducive to good faith negotiations.

I don't support impasse and I'm upfront with that and those are the reasons that I don't support impasse and I would have to vote against it tonight.

COMMISSIONER GONZALES: Mr. Chairman, to speak to the issue of impasse, I would just want to point out a couple of issues. One, and maybe I need some clarification. Does this Board act as a personnel board in addressing personnel issues as far as code of conduct and salaries and promotion levels? Is that responsibility fall on this Board right now? Not under the contract, just under our regular purview as a County.

MR. RODRIGUEZ: This board, you mean the Board of County Commissioners?

COMMISSIONER GONZALES: The Board of County Commissioners, as far as County personnel issues. I know that there are some guideline by the state, but we're also allowed, within that set of personnel guidelines to determine things such as pay, such as work hours, everything like that. Is that right?

MR. RODRIGUEZ: You do approve our classification and compensation plan and our Santa Fe County personnel rules and regulations. Correct.

COMMISSIONER GONZALES: So we do that and I'm assuming when that's done, when we act as a board that's done in some form of public body. Is that right?

MR. RODRIGUEZ: No, in this ordinance what's being done --

COMMISSIONER GONZALES: No, no. I'm just asking outside of this ordinance how we act as a board when it comes to public -- when it comes to personnel rules and regulations. If you were going to bring a change forward to us, you'd have to notice it and come forward to the Commission. Is that right?

MR. RODRIGUEZ: A change in the personnel rules? No, we would not.

COMMISSIONER GONZALES: No? That would just come as a resolution to you.

COMMISSIONER GONZALES: Right. And the Board as a whole in a public meeting would vote on the resolution.

MR. RODRIGUEZ: That's just an amendment to the current personnel rules and regulations.

COMMISSIONER GONZALES: The Board as a whole would have to vote

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on the resolution.

MR. RODRIGUEZ: Yes.

COMMISSIONER GONZALES: So we already take actions as a Board in a public meeting on a resolution dealing with employee issues. At that point, even up to that point, the employees could lobby us on an issue that you may be bringing forward that deals with rules and regulations pretty heavily, whether it's to -- and I'm thinking now of the non-bargaining employees. When they want things, they're going to come and lobby the Commission pretty heavily on work environment. They're going to lobby us on pay and we're going to deal with all those issues on the non-collective bargaining unit employees through the personnel rules and regulations.

MR. RODRIGUEZ: Commissioner Gonzales, that's true.

COMMISSIONER GONZALES: Okay, so there's already an element of the employee who has a right to come up to the Commission and deal with potentially an impasse issue if they have disagreements with management. I other thing I would point, Mr. Chairman and Commissioner Trujillo, for the record, is that by not allowing impasse to come to the Board of Commissioners to act on, we've basically excluded our employees from participating in a right that every other member of this community has. Whenever there's an issue before this Commission, whether it's dealing with growth management, or dealing with economic development or dealing with City relations, they all have the right to come to this Board and lobby us on taking a view one way or another and us having to make that vote.

I see this impasse resolution as that opportunity. If it doesn't work at the level of labor and management, I think we have the responsibility to step in as a Board, as the people who set the rules and regulations and the people who act on behalf of a constituency in the public manner that we have the same responsibility to the employees to come before us in that manner. So I would strongly ask the Commissioners to reconsider if there is a decision not to allow impasse to give these collective bargaining employees the same right that we give the non-collective bargaining employees to lobby us and every other citizen out there who's got a problem with what the County is doing to come to us and say we think that this needs to be changed. We want you to act as a public body to change it, and we want you to represent our interest.

Impasse, if we adopt it the way it's been brought forward to us, that ceases to exist for our employees. I think we owe them that fundamental right to be able to address this Commission as a collective body on an issue that the haven't been able to negotiate with management. And with that I would just urge and put forward an amendment to this code to allow impasse to occur at the County level. And if it doesn't occur, Commissioner Trujillo, if we as a Board don't agree with the unions, that's okay. That's all right if we don't agree, if they come forward and they've said we can't agree on a pay raise. We think it needs to be 20%. We have the responsibility as a Board to act collectively on behalf of employees and on behalf of the citizenry and if we can't support their idea, it's okay, but

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let's do it in a public meeting before us after it's gone a route of trying to find some type of resolution.

So I would hope we would support impasse resolution.

COMMISSIONER TRUJILLO: Commissioner Gonzales, Mr. Chairman, I think that that process is already in place. I think that management serves as a conduit of the employees on every issue, every need that they bring forth. I think that this impasse would only separate and give impetus to a schism if it passes. I believe, and I'm trying to get my thoughts, that this won't work, that impasse won't work and I will not support it. It will sensationalize and scandalize the process.

COMMISSIONER GONZALES: Mr. Chairman, and I'll end with this comment. Impasse is no different than anything else we're going to do tonight. There's people that are coming forth for variances on our County Commission agenda. They're at an impasse. They basically have followed the rules. They haven't come up to agreement with the staff and so they're coming forward to us to make a decision. We're giving them that right. I'm just asking that we do the same thing for the employees. I appreciate, and let me just state this also, that Commissioner Trujillo has been one of the most ardent supporters of public employees and has continuously fought to make sure that raises go up and that the bottom, that people at every level of County government have access to more money. So I want to make sure that the public understands that Commissioner Trujillo has been incredible for public employees and it's this issue of impasse that we have disagreement.

But all I'm asking is that we allow that same right to occur. And I'll finish with that and stop there and I would like to start proceeding with some recommendations for amendments.

COMMISSIONER GRINÉ: You don't want to comment after my statement on the issue?

COMMISSIONER GONZALES: No actually, I'll stay quiet after I've heard your comments.

COMMISSIONER GRINÉ: I think the impasse has been in existence without even having to put it in writing. I feel that probably the lowest state employee and yet you guys have the best impasse because I spend too much time here. I continuously visit with employees on an ongoing basis. I did speak to Mr. Ortiz concerning this issue. I don't see the reasoning for doing this, because like I tell you, right when I got elected in June, three years ago, but I was not on the Commission for at least another seven months, we saw a situation that took in front of the building, also with the media escalating the attention. They were going to go and picket the businesses that some of the Commissioners own, I don't want to ever see that.

As a matter of fact, I think I'm one of the best employee oriented around here because employees made me [inaudible] for my employees that I employed and still employ, some of them, but at one point I used to employ about 80 employees and I never had any

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problems from my organizations that I had for 18 years. Some of the employees stayed with me, I think 14 years when I sold one of my businesses and I sure hated to see some of those employees behind when I let those businesses get sold. So in all honesty, I feel that impasse is not needed. You have those rights right now. You're doing it. You come and talk to me. Several of your employees come and spend time in my office or give me a call and I spoke to several of your union people that call me and I told you my reasoning for that. I don't know how the other two Commissioners would have voted. We know how Commissioner Duran would have. I don't know where Commissioner Anaya would have stand.

It could have gone down to maybe one vote, but I'm not against it, but I don't see the need and purposes now to put something else in between management because they have that right right now. You have that right to come to my office. And you people that have done it, you know you do that all the time. You might have come a long ways in two and a half years with the union. I think we've done great strides, but we're far from over from fixing it more. We know by leaps and bounds, I think at least if I can speak for another year and a half that I'm for sure on this Board, that you've got a good Commission working strong for all the employees.

I have an open-door policy. Management knows that. Employees know that. It continues on an ongoing basis. I'm here spending an average of six to eight hours a day, and like I tell you, I don't think it's necessary at this point to make that such a big issue because I employ union but I don't think we should put something that it becomes just for the effect of having a term there and saying that they can come to us. You can come to us right now. You can lobby your Commissioners. And that's all I have to say on the issue.

COMMISSIONER GONZALES: And Mr. Chairman, I concur with your efforts too. I've watched your commitment to the employees and have seen that commitment. Can I, in the interests of time, can we go to proceed forward with the amendments?

COMMISSIONER GRINÉ: That would be fine.

COMMISSIONER GONZALES: I don't know if we need to open up for anyone else who wants to -- have we concluded the public --

COMMISSIONER GRINÉ: I think we concluded the public hearing because Mr. Ortiz was --

COMMISSIONER GONZALES: Mr. Chairman, I'd like to move to one of the easy parts, on Section 6.17, item a, in lieu that we add in there, "discriminate against an employee" would read "discriminate against an employee with regard to labor organization membership because of race, color, religion, creed, age, disability, sex, national origin, or sexual orientation. I put that in the form of an amendment.

COMMISSIONER TRUJILLO: Second.

COMMISSIONER GRINÉ: I've got a motion and a second to insert this amendment in paragraph a of Section 17. All those in favor signify by saying "aye." [The

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motion carries by unanimous voice vote.]

Okay, another one?

COMMISSIONER GONZALES: Mr. Chairman, on Section 14, because again, I think this is some uncharted territory, but I feel that as long as we can leave the vehicle for management to negotiate with the unions on the issue of deductions, that that's something that's good and that we have that type of environment that exists so I would like to on page 7, Section 14 insert the words, and this is in the form of a motion, "in accordance with the negotiated agreement" that would be in the second sentence, after the word "employee" and before the phrase "as long as the labor organization." So it's Section 14, paragraph we, we would insert the words "in accordance with the negotiated agreement." That's in the second sentence after the word "employee" and before the phrase "as long as the labor organization."

COMMISSIONER GRINÉ: I've got a motion to insert those amendments in it. Do I have a second?

COMMISSIONER TRUJILLO: Would you, Commissioner Gonzales, explain why?

COMMISSIONER GONZALES: Again, Mr. Chairman --

COMMISSIONER GRINÉ: Could we get a second for discussion?

COMMISSIONER TRUJILLO: Second for discussion.

COMMISSIONER GONZALES: What I am asking that any mandatory deductions that may come to be for a set period of time that that be allowed to be negotiated between the unions and management. Looking at the way impasse is going to go, it would basically give management the ability to negotiate whether a drop period would exist or not exist. And it may be that management may decide that they don't want a drop period or maybe they may have a modified drop period, but it would just basically leave it between the unions and the management to basically negotiate what would occur.

COMMISSIONER GRINÉ: Can I defer to Denise or our deputy. Do you feel comfortable with that amendment? Yes or no?

MS. MULVANEY: Mr. Chairman, the first amendment is fine, the one, I believe on page 8. The second amendment I think you've heard our position. One thing that we have previously discussed is [inaudible] that we would be put in a position that would be unlawful.

COMMISSIONER GONZALES: So I guess I would ask Mr. Ortiz if he would be willing to indemnify the County on legal fees that would be incurred to defend that position for the unions.

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, in the agreements as they exist now there's a hold harmless provision, which essentially, the union has said that if the County is doing something per the agreement and that is found to be unlawful, illegal or contrary to any sort of law, and the County is taken to task for that, the union has already held the County harmless for that and therefore that is an indemnification. That's already

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in existence now.

MS. MULVANEY: Mr. Chairman, will the employee hold us harmless?

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, I represent the union. I can't represent what the employee is going to do, and again, this is uncharted. This issue that's been raised, I believe that there are no cases supporting the opinion of the County Attorney's Office. I know for a fact that there are no cases supporting my opinion, and until either one of us becomes a judge and we decide, or we submit this issue to a judge and he or she decides, that's what this issue is always going to remain. I can't say if an employee is going to indemnify the County.

MS. MULVANEY: Mr. Chairman, what I think we had talked about was that the labor organization would pay for the defense of the County if in fact the County were sued by an employee who was aggrieved by our policy.

MR. ORTIZ: Mr. Chairman, Commissioner Gonzales, I can tell you, I can represent to you -- I can't represent to you if we're going to pay for it, I can represent to you that in the event that that circumstance comes up, and in the event that an employee brings an action against the County, the union will do whatever it's supposed to do under the agreement and we'll work with the County in terms of that defense. I can't tell you now that the union is going to pay for something that may never happen. It's trying to answer a specific question on a hypothetical. I can't do that.

COMMISSIONER GONZALES: Mr. Chairman, all this would be is to provide a vehicle for the management to negotiate. If the management team feels that there shouldn't be a drop period, then they can negotiate that with the unions in the event to be able to preserve the right for the employee to withdraw their deductions. That's the only thing that this language, it seems to me that we preserve that vehicle to negotiate whether there will a drop period or not. That's it. It's not saying there is going to be a drop period. It's not going to say it's mandatory reduction. It's just saying, yes, go negotiate it, and if the management through, and knowing the management, legal staff is going to have a say all the way through in how things occur, there's going to be some intervention if there's problems at that point. I'm assuming that if we're just carrying this out, management's going to take the position at that point when it's negotiated that there shouldn't be a mandatory drop period.

So why don't we let that happen and let that occur through negotiations as opposed to basically not even allowing that discussion to occur?

COMMISSIONER TRUJILLO: I guess I agree with that. I think that we're giving the union and management the right to sit down and negotiate the agreement and it might not even get to us if the impasse doesn't go through but there's dialogue at that level to address this issue. So my second holds.

COMMISSIONER GRINÉ: There's a motion and a second to allow the amendment to be in place. Any further discussion? All those in favor signify by saying "aye." [Unanimous] The "ayes" have it.

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COMMISSIONER GONZALES: And the last amendment, Mr. Chairman, I would just like to, on page 8, Section 15, amend number five and insert the words to read the following --

COMMISSIONER GRIÑÉ: On top of the page?

COMMISSIONER GONZALES: Yes, sir, on the top of page 8, number 5. "The fact-finder shall conduct hearings and submit written findings to the parties and the labor board. If the parties have not reached agreement within 15 days after receipt of the fact-finder's report, the labor board shall forward the report and any unresolved issues to the Board of County Commissioners for resolution. And there shall be no appeal of the Board of County Commissioners decision." And again, Mr. Chairman, just to affirm that this gives us the last say in an issue over our employees and allows us to hopefully act as objective individuals in deciding whether, acting as objective individuals in deciding what's best for the County and what's best for employees. And I'd move that in the form of a motion.

COMMISSIONER GRIÑÉ: I have a motion. Do I have a second? Dies for lack of a second.

COMMISSIONER GONZALES: Mr. Chairman, I'd like to move for Ordinance No. 199-11 as amended.

COMMISSIONER GRIÑÉ: Got a motion for approval of Ordinance No. 199-11 by Commissioner Gonzales. Do I have a second?

COMMISSIONER TRUJILLO: Second.

COMMISSIONER GRIÑÉ: I got a second by Commissioner Trujillo. Any further discussion?

Upon roll call vote, Commissioner Griñé, Commissioner Gonzales and Commissioner Trujillo voted in favor of the ordinance.

COMMISSIONER GONZALES: Could I ask for a five-minute recess while everyone's clearing out. Maybe we could take a quick break.

COMMISSIONER GRIÑÉ: That's fine. Let's take a five-minute recess until things quiet down a little bit.

[The Commission recessed from 5:45 to 6:10.]

VIII. STAFF AND ELECTED OFFICIALS

A. County Clerk

1. Request authorization to canvass the returns and declare the results of the Rancho Viejo Improvement District special election

BECKY BUSTAMANTE (County Clerk): Mr. Chairman, members of the Commission, on August 2, 1999 we had a special election for the Rancho Viejo Improvement District. I'm asking you to authorize the canvass and to declare the results of

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the election. There were 125 votes cast -- 120 for and 5 against in both question number one and question number two. And I stand for questions.

COMMISSIONER GRINÉ: Any questions of Becky.

Commissioner Trujillo moved to approve authorization of the canvass and declare the results of the Rancho Viejo election. Commissioner Gonzales seconded and the motion passed by unanimous voice vote.

VIII. B. MATTERS FROM THE COUNTY MANAGER

1. **Resolution No. 1999-97. A resolution authorizing 75% pick-up of PERA member contribution for law enforcement employees of the Sheriff's Department**

COMMISSIONER GRINÉ: I guess, Sam, is the County paying the full 75% or are the employees contributing 75%?

MR. MONTAYA: Mr. Chairman, we have a very thorough brief. I defer to Mr. Rodriguez.

MR. RODRIGUEZ: Mr. Chairman, Commissioners, contract negotiations with the Communication Workers of America who represent the law enforcement personnel of the Sheriff's Department concluded on Friday, July 27, 1999. The tentative agreement that we've come up with includes as part of wages and benefits a stipulation that the County pick up 75% of the employees' contribution to PERA. Currently, all other Santa Fe County employees are under the 75% provision already. This will bring parity to employees County-wide. The reason I'm bringing this to you today, Mr. Chairman, is that the process for doing this is that the Santa Fe County Board of County Commissioners first has to approve a resolution. Next step, if approved here, the resolution is presented at the PERA board for their approval and then thirdly, upon approval by the PERA board the County may then implement the provision. So if you do approve this tonight, we're going to take it to the board on the 26th and if they approve it, we'll bring it back to you on the 31st as part of their contract agreement, and explain the entire collective bargaining agreement at that time.

COMMISSIONER GRINÉ: Okay. Any questions of Arturo?

Commissioner Gonzales moved approval of Resolution 1999-97 as presented. Commissioner Trujillo seconded and the motion passed by unanimous voice vote.

- VIII. B. 2. Request authorization to enter into a 1999 severance tax agreements for road projects with the New Mexico State Highway**

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and Transportation Department

ROBERT MARTINEZ (Public Works Department): Mr. Chairman, Commissioners, the last state legislative session approved funding for several County road paving and drainage projects. The County will receive the funding for these agreements from the New Mexico State Highway and Transportation Department upon the approval of the Board to execute these agreements. The following projects are included in these agreements: Nancy's Trail, Avenida Eldorado, County Road 70-A, which is in the Pinon Hills Subdivision, Richards Avenue, Tierra de Oro, South Meadows, and County Road 8.

COMMISSIONER GRINÉ: Any questions of Robert? If not, what's the wishes of the Board?

Commissioner Gonzales moved to approve authorizing severance tax agreements for road projects, and Commissioner Trujillo seconded. The motion passed by unanimous voice vote.

COMMISSIONER GONZALES: Mr. Chairman, just as a point of request to the Chairperson, there's an individual here tonight, an elderly individual who needs to head back to Las Vegas and there's a case that's pending and I know that we still have issues from public concern, the Commission, and a public hearing before we get to land use items, but I'd like to request that the Commission allow for the movement of CDRC Case MIS 99-5390, Anthony's at Eldorado Liquor License, that that issue be brought forward at this time to address it so that this individual will be able to head back to Las Vegas and not be burdened by a late night.

COMMISSIONER GRINÉ: Are you okay with that, Commissioner?

COMMISSIONER TRUJILLO: I'm fine with that. No problem.

COMMISSIONER GONZALES: First thing I should ask is the case planner here on that issue? Penny Ellis?

- IX. D. 7. CDRC Case #MIS 99-5390. Anthony's at Eldorado Liquor License. Anthony's Restaurant requests approval to allow a transfer of location of liquor license #2647 from 125 North Guadalupe Drama Club to 628 Old Las Vegas Highway (Anthony's at Eldorado Restaurant). The property is located north of the intersection of Old Las Vegas Highway and US 285 within Section 3, Township 15 North, Range 10 East

PENNY ELLIS-GREEN (Development Review): Mr. Chairman, Commissioners, on August 9, 1994, the BCC approved zoning on this property for a

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restaurant. The zoning was approved with sales of liquor allowed in the restaurant.

Recommendation: It is staff's position that this liquor license is in accordance with the approved zoning on the property. Staff recommends that a transfer of liquor license #2647 be granted to Anthony's at Eldorado.

COMMISSIONER GRINÉ: Any questions of Penny? If not, is the applicant here? Rudy Garcia.

[Duly sworn, Rudy Garcia testified as follows:]

RUDY GARCIA: My name is Rudy Garcia. My address is 09 Yacallette Lane, Santa Fe, New Mexico, 87505. Commissioners, I am here tonight representing Anthony Aguillon and Mr. and Mrs. Candido Baca. The Bacas currently own the liquor license which they will be leasing to Anthony, Mr. Aguillon, who will use the license at the restaurant formerly known as Los Padillas Restaurant. That restaurant was zoned in 1994. The County Commission back then allowed the sale of alcohol there. Anthony's Restaurant is now called Anthony's at Eldorado Bistro. They will be serving alcohol only to people who sit down there and dine. There's no separate lounge. There's no separate bar there and we would like the County Commission to grant the approval of the transfer of this liquor license from the Bacas to Anthony's at Eldorado.

COMMISSIONER GRINÉ: Any questions of Rudy? Thank you, Rudy. This is a public hearing. Anybody like to speak to this issue? State your name and address and take your oath.

[Duly sworn, Paul D'Agostino testified as follows:]

PAUL D'AGOSTINO: My name is Paul D'Agostino. I live at 49 Ellis Ranch Road in San Sebastian. I've resided in the neighborhood there for ten years and I just came running back into the meeting. I ran out and spoke to some of my neighbors. My neighbors by and large were not, until a few days ago, aware that this liquor license was going to be transferred in here. I believe there was notice given in the newspapers. There was a notice on the front of the restaurant. I come in late at night and only recently got up to the front of the restaurant to actually see it. It's about 80 feet off the road.

The variance that was given to this land, the neighborhood opposed it, but unfortunately we weren't notified of that variance going through. It was a fait accompli when we found out about it. We then spoke to the owner of the restaurant who swore to us there would never be hard liquor in the restaurant. She would never see hard liquor in there. We then had a subsequent restaurant, the Painted Pony, come in. They wanted to put a beer and wine license. The neighborhood agreed to not oppose it because we felt so strongly about hard liquor.

At the time the variance was given, we were concerned because we are right on a main intersection. The owners of the building are allowed to sell liquor, which by the way we opposed that license going through for them to sell liquor out of the gas station next door. The school bus drops children off right there every day. They do not police the area. There are people drinking illegally after they buy from the garage and they sit out front and

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drink their liquor. We call the police. Very little is done about it. We're very concerned about this. At that time, one of our concerns was that the traffic on that intersection, which has had many bad accidents, was going to be increased tremendously.

As a result, we had the back exit of the restaurant was dumped into our residential road. And coming and going at night now, sometimes it's a disaster. There are people coming in and out of there. It's just not very conducive to a very quiet neighborhood that used to be there. I just spoke with neighbors of mine. They are going to organize a petition. We do not want hard liquor in our neighborhood. We are a dead-end neighborhood. There is only one access to it. It is that entrance right by this restaurant. And quite frankly, we truly feel as a neighborhood we have been deceived every step along the way. The original variance that somebody noticed, it was listed. The woman who owned the gas station said, Gee, I want to see beans and burritos here and I need to go through this grand variance just to get the right to sell that.

So as good neighbors, we decided not to oppose it. Next thing we know there's a restaurant going up. We really feel that every step along the way, at this point it's being said it will only be for people who are seated and who are eating, having dinner. There will never be a separate bar. So far, people have not kept their word on any of this. And what we see is a long progression from one step to another, allowing this to go through. The man who's just opened the restaurant, all we're asking for is a brief postponement so that the neighborhood can be heard, so that we can get a petition going, and at the very least, we might have some input with our new neighbor to see what restrictions are going to be put on this hard liquor license. That's it. Thank you very much.

COMMISSIONER GRINÉ: Thank you. Any questions.

COMMISSIONER GONZALES: I have a question of the staff concerning the zoning of the property with the transfer of the liquor license. The zoning only allows for liquor to be served when individuals are seated or does it allow for a separate bar to occur?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Gonzales, I read the BCC minutes from back in 1994. The zoning was specifically for a restaurant with alcohol sales with a meal. It wasn't for a bar. So it's just for a restaurant.

COMMISSIONER GONZALES: So what's the request for tonight? is it for a bar?

MS. ELLIS-GREEN: No. This is just for a restaurant use.

COMMISSIONER GONZALES: Just for a restaurant. So this is following in line with the approvals that were made in 1994.

MS. ELLIS-GREEN: That's correct. They are asking for a liquor license at that location to serve alcohol for the restaurant use.

COMMISSIONER GONZALES: So in 1994 when the zoning was done on this particular property, it was zoned for alcohol use.

MS. ELLIS-GREEN: That is correct.

COMMISSIONER GONZALES: And are you disputing that or are you

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saying

[Speaking away from the microphone, Mr. D'Agostino said they were not disputing that, but that the neighborhood feels that a postponement would give them a chance to organize a petition and voice their opposition.]

COMMISSIONER GONZALES: But this is not a request for zoning to allow for alcohol sales. That's already been granted. This is a transfer of a liquor license into a zone that's already been granted for alcohol use. So I guess I'm not sure -- if you're asking for time to organize a petition to oppose usage there, it's already been granted. And I'm trying to understand -- I think you're bringing up some valid points. There's always concerns when liquor goes into the communities. Let me ask a question of the staff and possibly legal staff. If it's only zoned for this particular issue, if they wanted to create a bar-like environment or some of that kind of activity, would they have to come back in for a rezoning of that request, or what would be the process that would take place?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Gonzales, if a new applicant moved in and requested a business license for a bar, we would not issue that business license.

COMMISSIONER GONZALES: So they could not do that?

MS. ELLIS-GREEN: That's correct.

COMMISSIONER GONZALES: They would have to submit for a rezoning of the use of the property.

MS. ELLIS-GREEN: That is correct. The property is zoned for a restaurant.

COMMISSIONER GONZALES: So when the notification was sent out on this transfer of the liquor license, is it done the same way as a notification for a rezoning?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Gonzales, yes it is. The only difference is that the legal notice in the newspaper is published twice instead of once.

COMMISSIONER GONZALES: Okay, so the notification for this, just for the record, was sent out to people within 100 feet of the property?

MS. ELLIS-GREEN: That's correct. Excluding right-of-ways.

COMMISSIONER GONZALES: And was put into the paper twice and posted on the front door?

MS. ELLIS-GREEN: That's correct.

COMMISSIONER GONZALES: I think we have a difficult time addressing something that occurred in 1994. It's already been established and I'm not sure if we have any cause to get into that issue.

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, just for clarification, the original zoning was not a variance request. It was a rezoning of the property for restaurant use.

COMMISSIONER TRUJILLO: And what's the difference between a variance request and a rezoning?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Trujillo, if a piece of

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property is within what's called a commercial district, which there is a major center commercial district in that area, an applicant would have the right to come forward and request a rezoning of the property. A variance is when they don't comply with the Code and they request something outside the limits of the Code.

COMMISSIONER GRINÉ: This is still a public hearing. Do you want to go ahead, Rudy and make a statement?

MR. GARCIA: Mr. Chairman, Commissioners, also just to address the gentleman's concern about notice. Before an applicant that's requesting a transfer of a liquor license can even be brought forward to the County Commission, the Alcohol and Gaming Department requires extensive notice of the property and of the applicant before he even comes to you guys. So we've done several notices. We've done the Alcohol and Gaming notices, which is those huge signs that are a lot larger than your public notice signs. They've also sent letters, placed it in the paper before we even came in and did the County's notice requirements. So we feel that everybody has been properly noticed.

COMMISSIONER GRINÉ: This is a public hearing. Anybody else want to address the Commission on this issue? So what is the wishes of the Board?

Commissioner Gonzales moved to approve CDRC Case #MIS 99-5390 to transfer liquor license. Commissioner Trujillo seconded and the motion passed by unanimous voice vote.

MR. GARCIA: Mr. Chairman, Commissioners, we thank you for allowing my client to place this before you. He does have to go to Las Vegas and we appreciate your vote. Thank you.

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

CAROLYN SIGSTEDT: Good evening. My name is Carolyn Sigstedt. I'm a resident of Santa Fe and I just want to quickly recognize some of the good work you've been doing. Your plate has been full and there are a lot of accomplishments, including the detox center, which I think is wonderful. I used to work for La Nueva Vida here in Santa Fe and I know that a lot of the problems that we have in the county are sort of people problems and they need that support and Javier, I particularly support your work on that.

The other is the Shirley MacLaine land deal that just happened and again, Javier, I think you did some stuff in Washington to get some of that land and water conservation money which I think actually we should stay on with Pete Dominici because it can bring more money to our state. I actually think it can even help us save some of our acequia systems from -- so that acequia associations could purchase or have the first right of refusal to water rights being perhaps sold to interested developers.

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The other thing I wanted to mention is also to stay on top of that TEA-21 money. It's still out there and it's all happening in Washington as we speak. It's going to be this month. Then the other thing that I wanted to mention was that this weekend I went to a wonderful forum. It was called protecting things we cannot bear to lose and it dealt with our traditional agricultural communities and our acequias. There were a number of speakers and it's just so clear to me that we have to take very seriously our agricultural areas and I would ask Estevan to maybe make copies of this little packet that we got for all of the Commissioners because it's full of wonderful information.

I also think that this forum was put on recording which might be a good thing to listen to as well. They did mention that there are cities such as San Antonio that are spending tens of millions of dollars trying to put water back into their acequias. So I was very serious when I was talking about how development might be interested down the line, in the future, buying some of these water rights and I really think that these acequias associations should have the first right of refusal and I think the Land and Water Conservation Fund can help to buy those rights and keep our state agricultural and traditional.

The next thing that I want to mention is the -- I noticed in Saturday's paper the press release, Commissioner Grifé, that you gave to the *New Mexican* regarding the railyard park and wanting it considered for some of the open space \$12 million bond money. I actually agree with you and support that. I was kind of amazed at the amount of money. I wanted to put in a proposal that -- I felt that, yes, for all the reasons that you mentioned in your press release that there are a lot of County residents that live in the city and this is open space and this is -- the City is having some economic difficulties with this property. I think there are other monies out in the wings and I would even help write this grant and help get community support.

I felt that some of this bond money could be used as sort of matching funds. When I read \$2 million and then in the next statement, the Steve Herrera Judicial Court, I just questioned that. I think those are two separate proposals. And it's your right to entertain both. I only support the one because I support the community plan for the railyard and nowhere in the community plan does this judicial court fit in. So, and I also thought that \$2 million for the park was a little inappropriate since it isn't -- since that land is not at risk of development, but it does need matching funds and it does need support from the County. So there is an apportionate amount that is, I think, should be allocated in that direction or at least considered, and as I said, I'd be willing to help with that proposal and get the community support which you'll need.

In terms of the judicial system, in the end of the article it was mentioned that St. Vincent's might be considered and I know that the judicial district looked at St. Vincent and found that building to be inappropriate. I believe those people that the building was inappropriate. I still think though that the building is wonderful, and still, as I originally stated, believe that the County and the City should have a joint venture and purchase that

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building together, and put appropriate departments there. Not the judicial court, but put the planning, any water, regional -- any areas that deal with regional planning could be in the same building.

Then, and this may be out there a little bit much, but it might free some space in this building so that this building could be an annex to the Steve Herrera District Building and perhaps that might give you enough room for a district court. I also think that because of economic reasons the City might be willing to entertain that joint venture in terms of the planning office and other administration departments.

And then the last thing I want to say is that it seems that a lot of the County issues are being found in the paper more, prior to when they happen and I think that's really good. I think the issues that are taken up here in the County are so important and I don't think a lot of them get the public scrutiny that they deserve and that the public needs. And it's also a way of informing the public. So those are my matters of concern and keep up the good work.

COMMISSIONER GRIÑÉ: Thank you. You're welcome in assist us in trying to get those funds.

MS. SIGSTEDT: Thank you. I'll give you a call.

COMMISSIONER GRIÑÉ: Okay. Thank you. Matters of Public Concern.

ROMAN SALAZAR: Chairman Griñé, Commissioner Trujillo, Commissioner Gonzales, my name is Roman Salazar. I came here today to plead for your help and assistance in the grading and regular maintenance of County Road 67. Everybody knows it as Camp Stoney Road. Twenty or more families live at the very end of Camp Stoney Road in a small village called La Posta. This Camp Stoney Road is the original old Santa Fe Trail. It's a two-mile stretch. The stagecoach used to stop at La Posta, that's why they called it La Posta.

Our road has had no maintenance for six or more months. It's almost impossible now. My calls to the road maintenance director -- Larry, I think he quit or he's not there anymore, but he never did return my calls. All I got was the voice mail and that was about it. Commissioners, our property taxes keep increasing and our services up there keep decreasing. In the 1980's Carlos Martinez was County Manager and Herman Lucero was in charge of road maintenance. They saw to it that Camp Stoney Road was surfaced with a basecourse for the whole two-miles and that it was maintained regularly. A grader used to go out there at least once a month or as needed.

For the past six years this road has been ignored. I'd like to know why maintenance on County Road 67-A has stopped and has been ignored. It has been almost 20 years since Mr. Martinez and Mr. Lucero surfaced this road. This road is in dire need of another resurface of gravel or basecourse material since all the old material has been washed away. It amazes me that driving down Old Santa Fe Trail from Cañada de los Alamos and La Posta, we see a lot of County dump trucks resurfacing all the little side roads that cut off from the paved section and I don't see why our road hasn't been touched. There are so

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many potholes on this road that front-end repairs on vehicles is getting unaffordable anymore. It's really bad.

I dare anyone that does not live in the village of La Posta to drive on that road. I defy them. They can't drive on it. It's almost impossible. Commissioners, I would really appreciate it if you would sort of declare some type of emergency for that road and at least send a grader out there. I understand that there's four graders for this district and two or three of them are out of commission and I know all of the rains that have been coming down puts a burden on the whole county but the poor families over there, my family is out there and it's really, really bad. So I implore you to see if you can help us in any way. I thank you.

COMMISSIONER GRINÉ: Thank you, Mr. Salazar, and Robert, would you like to comment on that?

MR. MARTINEZ: Mr. Chairman, Commissioners, I received a call from Roman Salazar, I believe it was addressed to Larry, but I did receive it. I haven't had a chance to return Mr. Salazar's phone call but what I did do was fill out a customer service request that informs the foreman for that area that the road needs to be graded. We try to get these requests done within seven to ten working days. Mr. Salazar was correct. We do have four graders for that maintenance district but there's also some 250-some miles to grade.

I disagree with Mr. Salazar that that road hasn't been graded in six months because there's another gentleman that lives on that road that has called in the past and I believe it's been within three months. As far as basecourse improvements, I would like to invite Mr. Salazar to join the Road Advisory Committee. We do address basecourse improvements. It just so happens that we don't have a representative for that area. We've been looking for one. This person would be representing Cañada de los Alamos and the Old Santa Fe Trail area. That position has been vacant for about two years. Maybe even longer and we haven't had anybody that has shown interest to represent that district. But that is the mechanism for getting basecourse improvements on County roads.

COMMISSIONER GRINÉ: Thank you, Robert. We should see if Mr. Salazar has an interest in getting appointed to that district to represent that area.

COMMISSIONER TRUJILLO: Or, Mr. Chairman, at least get somebody from that area to be represented on the Road Advisory Committee so that they have somebody to talk to and to take their needs to the Road Advisory Committee. Anybody from that area. But it perplexes me that we have a road maintenance schedule and ostensibly that road schedule establishes a maintenance of one week for each road, or two weeks or three weeks. When you don't maintain a road in three months, that's a long time. Especially when it's a dirt road. As you know, when you grade a road, fifteen minutes later, an hour later, depending on the traffic, it's in the same shape or even worse. So that's why we try to keep up with a three-week, two-week schedule in the maintenance of roads. I don't know why it wasn't done in three months.

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MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, basically the roads in Commission District 2 I believe are scheduled for a one-month cycle. The problem is currently we are trying to adhere to a schedule that requires four graders. Currently we have three graders operating, so when we do get customer service requests like Mr. Salazar we take them away from the schedule to run out there and tend to these customer service requests. In the past we had problems when employees would take annual leave or sick leave, we didn't have anybody to fill in and do their route. We have increased the staff, so I would say that in a matter of about two weeks, we should be able to adhere to the schedule.

When we get these substantial storms and we have to rebuild roads, that takes them away from the schedule. The same people that grade these roads are the same people that have to do other certain aspects of maintenance such as tree-trimming, pothole repair and other maintenance.

COMMISSIONER GRINÉ: Thank you, Robert.

COMMISSIONER TRUJILLO: I understand, Robert, that we have to address emergency situations, but three months ago we had emergency situations and that road should have been graded. And customer service requests -- why should we need a customer service request for County roads when that should be a part of the regular maintenance schedule which in that area is once a month.

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, you are correct. What we have in that district is around 300 miles of road. It extends all the way from La Cienega, Eldorado, Glorieta, Cerrillos, and basically, the function of the supervisor is to check these roads on a regular basis. But he cannot be in 300 places at the same time, so we do rely on residents to let us know when a sign is down, when a road needs grading, when there is a pothole. They are the eyes of the Public Works. If there is a concern, all they have to do is call and we will address it as soon as possible.

As far as the frequency of the grading, it may have slipped through the cracks with other roads, but like I said, all they need to do is call and we will get to it as soon as possible. It is not unusual for some roads that don't have a high volume of traffic not to be bladed on a monthly basis.

COMMISSIONER GRINÉ: Well, Robert, just follow up on it as soon as possible.

DANNY GURULE: Mr. Chairman, Commissioners, I'd just like to echo what Mr. Salazar had requested. I live up in that area and I really do hate to do this, but I differ with the gentleman who just finished speaking, because I guarantee you that in the last year that road has not been maintained on a monthly basis. And I don't know if your graders have been broken for the past year and personally, the way I look at this, if there is a problem maintaining all those roads, that's what the job is. Let's do something to fix the problem. Not make excuses for it.

If there is not enough manpower, if there is not enough graders, let's see what we

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can do to get that taken care of but we have to take care of the situation. We can't eliminate an area that's paying taxes for another area that made a phone call or because you happen to know somebody in that area. The point is that everybody's paying taxes. Up in that area, the only services that are available to us or that are provided to us from the County is that. That's it. They provide no other service up there. And if he's talking about the committee, I haven't heard of anybody saying that there is a position on that committee in order to work for the County. If that's the case, all they have to do is let us know. We'll end up with somebody in that committee. I will guarantee you that, to represent the area.

COMMISSIONER GONZALES: And Sam, I would just state that he's right. That we do what Commissioner Griné indicated. Can we do an assessment on the road, visit with the Public Works staff and really kind of get -- let's find out the history, but more importantly let's try and get that road back on the regular maintenance schedule. I think that's what everyone is saying up here. Danny, we ask ourselves the same thing you asked us tonight every time we go through a budget cycle. How do we correct this issue of having more than 600 miles of roads that we have to maintain on top of everything else that we have to do here at the County and it's a tough issue.

We're doing things by not accepting other roads so that it doesn't take away from your County road and we're trying to bring roads up to better standards, but it's a tough situation. You're with thousands of other people who live along county residents who get very frustrated about us not being able to maintain the roads to the level of satisfaction that they want but we're under some limitations. No one likes it. No one agrees with it, but the Public Works people have what they're given to try and do what they can and it's just one of those continuous things that we've got to figure out how to address the problem and fix it and I want to assure you that it's nothing that any of us shove under the rug because we all have lots of County roads in our districts, with the exception of Commissioner Duran, who somehow, whenever they did the redistricting, he got away from having to do that, so we get the calls and are having to continuously pay attention.

But it's a difficult thing to deal with. But it is something that I don't want you to walk away here thinking that we went and talked to those guys and they're just not paying attention because I didn't see the grader out the next day. It's a tough area to try and equally spread these graders out to take care of these roads because there are a lot of safety issues out there, as you know, especially with the school buses, making sure that the roads are in proper conditions to transport our kids.

MR. GURULE: Again, I want to thank you and I do understand your dilemma but on the same token, we have a dilemma also. And I do want to thank you for taking the action that you did take today. Thank you very much.

COMMISSIONER GRINÉ: Thank you, Danny. You know people, we've got a long night. We still have the General Plan, so let's briefly get your point across so we can move on. Next.

RITA LOY SIMMONS: Can I defer to my mother? I want to speak on

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COLTPAC, but I think she's got something to say about roads.

RITA HORTON: I'm Rita Horton, from Area 14 of the Santa Fe County Road Advisory Committee. Yes, we need more people who will serve on that committee. They do get called at all times of the day and night with problems which they relay to Robert Martinez or to other members. We, who serve do serve and are called. We do need people from several areas to report on what happens to their roads. I have served since 1983.

COMMISSIONER GRIÑÉ: Thank you, Rita.

MS. SIMMONS: And I've been her driver, so I've been to all those meetings too. I'm Rita Loy Simmons. Mrs. Sigstedt's comments tonight had me mystified. There are 30 members of a committee called COLTPAC, the County Open Land and Trails Committee. And Mr. Gonzales has done us the honor of coming to a couple of our meetings. We have been on two field trips so far. We have another field trip scheduled, I think, for this Saturday. Those 30 members have been broken into subcommittees and we're spending -- I think I'm in Santa Fe at least every other week if not every week on this committee and this is the first time I'd heard about a railyard plan.

Commissioner Griñé, we would so like to have someone make a presentation, if indeed this is something that is afoot.

COMMISSIONER GRIÑÉ: Rita, they already have the application put forward for you folks tomorrow tonight.

MS. SIMMONS: Oh, it will be available to us tomorrow night? Because we don't get your press releases down in our part of the county and the County does keep us as well informed as possible, but not always with the press releases.

COMMISSIONER GRIÑÉ: Everything's on line and they're bringing it forward at 6:00 I think the meeting's scheduled.

MS. SIMMONS: Okay. Because we've been underway at least for six -- two and half months about, and it's been pretty intense, so thank you.

COMMISSIONER GRIÑÉ: Thank you, Rita. Next, Matt Spangler.

MATT SPANGLER: Mr. Chairman, members of the Commission, my name is Matthew Spangler. I'm here representing Eldorado Utilities Inc. The utility desires to thank the County of Santa Fe for its assistance with the low water reserves experienced by the utility over the past Fourth of July weekend. The willingness of the County to help, and the cooperation of several County officials, including Commissioner Griñé and utility director, Estevan Lopez, were essential to resolving the situation.

No interruption in water service occurred, thanks in part to the County. Due to the concerns over water supply, the utility desired me to come and update this Commission concerning the current status of the water supply in Eldorado. In early July, the utility experienced low water reserves. This situation occurred because of higher than projected demands and because the utility was unable to timely connect a planned supplemental well to its system.

In April 1999, the utility had applied to have well 96-2 connected to the water

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system. The well, 96-2, is a new, large well, which produces in excess of 150 gallons per minute, or approximately 220,000 gallons per day. Based on conversations with the State Engineer, the utility projected that well 96-2 would be approved and operating sometime in May or the first part of June. However, the permit approval process took longer than we had anticipated. The utility did receive the permit for this supplemental well on July 2, 1999 and the utility put the well into service, on July 3, 1999.

Since well 96-2 has been in service I'm happy to report to you that the reserve tanks at Eldorado are full and the water supply has been secured. Further, as you may be aware, all previous water alerts have been rescinded and there are none in effect at this time. However, there is additional work to be done. The pumping rights on this well are not in place to fully use the well, so the utility is in conversations with the State Engineer to try to lift this limitation.

I also wanted to report to you that even though the water supply is currently stable, the utility is now proceeding to add an additional supplemental well to the system. This well is 96-3. It's estimated to have a supply capacity of at least 125 gallons per minute, or an equivalent of 180,000 gallons per day. Although this well is not needed currently, the utility is adding this well at this time so that reserve pumping capacity will be available if needed in the future. It is the utility's obvious desire to prevent any future low water reserves.

Besides these two new wells, the utility is seeking other means to provide an additional water supply. The utility is currently researching the feasibility and possibility of constructing a transmission line to a regional water system. Two other ideas that the utility is researching to provide an additional water supply to the subdivision and to the community appear to be especially viable. The first concept is to obtain additional water from sources outside the utility. The utility has been approached recently by landowners who desire to contribute both wet water and paper water to the utility system. However, in exchange, they desire to subdivide their land as a result of their contribution. They are willing to offer water resources to the utility in an amount that would either be equal to or exceed what their use would be.

These additional water resources would strengthen the utility and provide additional sources of water for existing customers. The second concept concerns reducing water demand. The utility has been approached by individuals with existing approved developments who desire land use changes. The new land use proposed will require less water than the currently approved land use. These persons which actually lower the amount of water demand on the system, because their land use would have a lower water demand. This would benefit all customers in the Eldorado system.

I have discussed both these ideas with County staff. It's my understanding that in order to implement both or either of these ideas would require an amendment to the existing moratorium ordinance. Prior to proposing any amendment to you, the utility would request a directive from you to staff to work with us to study these two proposed amendments to determine if they're feasible. And so, in addition to updating you on the status of the utility,

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I'm also here to request some directive to County staff that they would work with the utility to study these two proposed amendments so that we could come back to you at the next meeting or a later meeting with an amendment that would be beneficial to both the existing customer and to the utility.

The purpose of this would be to, in one case increase possible supply, and in the other case to allow for a decrease in demand. Thank you for this opportunity to address you and I stand for any questions.

COMMISSIONER GRINÉ: Thank you, Matthew and I guess I'll just go ahead and mention to Jack Frost to go ahead and take whatever Matthew Spangler has and review it and then I'll meet with you in the next few days concerning his concerns. Thank you, Matthew.

MR. SPANGLER: Thank you very much.

COMMISSIONER GONZALES: And I'd just ask, Mr. Chairman, if those findings can be made available to us as well.

COMMISSIONER GRINÉ: That's true. Make it available to all the Commissioners too.

MR. SPANGLER: Thank you very much.

DON DAYTON: I'm Don Dayton, president of the Eldorado Area Water and Sanitation District. I would ask that we be included in any discussions on this. This is a very volatile issue with the community. Thank you.

COMMISSIONER GRINÉ: Thank you, Mr. Dayton. I didn't mean to exclude you, but you're right. We will make you aware of everything that's taking place on this issue.

JOHN CRAWFORD: Hello, my name's John Crawford. I'm from the Stanley area of Santa Fe. As I was spending an hour and a half this evening looking for a place to park, I understand why you're laughing. It's funny after two or three days. I got a strange thought, which I wanted to plant as a seed for you all to start kicking around and mayhap pursue a little bit later. I think it's time for the County offices to be moved. I'd be happy if you moved seven to fifteen miles in any direction. I don't care if I have to drive further north or further west or up a twisty country road.

I don't care very much how it's chosen, whether it's somewhere near the population center of the county, or somewhere near the geographic center of the county, or in between them or any variation on this. I would just like to be able to come to the County courthouse to conduct business or to participate in the politics of the County without having to wear myself out looking for some place to slot my car. I don't think the economics of it would be difficult. I think the County could sell this building in this market at this location and clear enough money to build a substantial facility, one that would include parking.

I wouldn't even mind it being out on the WIPP bypass. I would worry less about the radioactive loads rumbling by than I worry about going postal in the traffic in this town. And that's all I have to say on the matter.

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COMMISSIONER GRINÉ: Thank you, John. We agree with you.

COMMISSIONER TRUJILLO: John, I'd just like to say thank you very much for that message and I implore all of you to call your County Commissioners that the County should buy St. Vincent's Hospital. There's a lot of parking there. There is ample parking and you don't have to drive around for one and half hours. It's centrally located where County government should belong and I think we need to buy St. Vincent's Hospital for County government.

COMMISSIONER GRINÉ: All right. It's still a public hearing. Anybody else out there. Good. Thank you.

VIII. D. MATTERS FROM THE COMMISSION

COMMISSIONER GONZALES: Mr. Chairman, I'll make this just real brief. A couple of informational issues. I had a chance, we really need to really be aware of this issue. The planners are going to be interested in this one, Jack, Denise. I testified before Congress a couple of weeks ago on this Religious Freedom Act. Have you been following it? The Religious Freedom Act basically exempts churches from local and state jurisdiction planning issues. The thing flew by the House. It's going to fly by the Senate and the president is going to sign it but basically what it does is it allows churches, any type of church, to basically go up anywhere they want without regards to any local jurisdiction issues.

I'm a member of San Isidro Parish, and now we're having to, with the new construction of our church having to deal with lots of archaeological issues that we would basically be exempt from having to deal with if this is signed. To the parish, that's probably good, but it also goes further that we should be aware of. There are churches out there that believe, and we've seen the national reports that believe that children shouldn't be cared for with traditional means of medicine, pharmaceutical type medicines. And it basically, if we understand it correctly, would prevent the state from going in and pulling the child out of the home if the religious practice of that family is to have that child cured by some type of prayer or other forms of healing and I think that has a lot of concerns with local and state jurisdictions, the League of Cities, Conference of Mayors, National Association of Counties, Governors everywhere have basically opposed this issue.

It's a tough one to oppose because no one wants to oppose religious freedom, which none of us want to oppose. We think that's very important. It's a whole issue of local zoning and that will have an impact on our community because basically, any church could go up anywhere where they want to. So I think we should put that on our map and prepare for that as it comes down.

The issue of the \$10 million, the TEA-21, Jack that you've been talking about. My discussions with representatives in Washington is that they want to see us out there. I would

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encourage the Commissioners -- I don't want to go back on this issue. I've already talked to them, but I would encourage the Manager and the Commissioners if you guys could take a couple of days out to see Senator Domenici and Senator Bingaman on this TEA-21 money, that will do more than what I've been able to do. They need to hear from you because we've basically lost the fight on the House side. I don't think -- we've been authorized for the \$10 million but we were never appropriated. There's a difference. They may authorize the money but they may not appropriate it, which means they won't fund it.

On the Senate side, that still needs to happen. Senator Domenici has been all gung-ho about buying up the Baca land and buying Eagle's Nest and buying this and that, we should probably go over there and make our case to him on why they should support the TEA-21 funding of this transportation of the Eldorado rail line. So I'd like to ask the Manager and give the directive. I know that everyone's plate is full but if you can put together a team of Commissioners and staff to go out there and meet with the Senators I think that would be really helpful.

COMMISSIONER GRINÉ: Commissioner Gonzales, I think they're going on recess, aren't they?

COMMISSIONER GONZALES: Yes, but they'll be coming back in, I'm not sure in a week or two weeks time. They're coming back in to deal with all their appropriation bills. So they're still going to be discussing that whole issue.

As relating to open space, I spoke with Councilor Lopez yesterday. Apparently there was a resolution passed by the City for the County to consider the purchase of the Hughes property, which is I guess is 25 acres up in Atalaya. Are you familiar with that, Jack? You might want to throw that on COLTPAC's radar map that that request is coming over from the City. And apparently there's 25 acres that's owned by a Hughes individual. There was a deal to create a land swap between the City and Mr. Hughes and apparently that failed at the last minute. So they're asking the County to consider that purchase. I thought I'd bring that forward.

And County Road 52, Robert, which I think is the road, County Road 51, once you pass 42 it's the next road that's to the left. Is that right? Do you know which one I'm talking about?

MR. MARTINEZ: Mr. Chairman, Commissioner Gonzales, 52 is Las Estrellas, which is right next to the race track.

COMMISSIONER GONZALES: How about 52-A?

MR. MARTINEZ: Fifty-five-A? That's in Cerrillos.

COMMISSIONER GONZALES: Right. That road, there's a crossing of a major river there.

MR. MARTINEZ: It's the Galisteo Creek.

COMMISSIONER GONZALES: Right. And about 40 homes to the back, and with this, people are literally having to stay the nights in Santa Fe. We need to work to figure out how we're going to get this thing addressed, because that creek, when it's

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running pretty heavily, no one's going to cross it and if there's an emergency that exists, I'm not sure an emergency vehicle can cross it. And I don't know if the Road Advisory Committee has discussed any plans on how to deal with that creek or if we've talked to Representative King on getting money for it or what we can do in the interim to make sure that it's a passable road.

MR. MARTINEZ: Mr. Chairman, Commissioner Gonzales, that is indeed one of the projects that we presented to the legislature last year, was for a low water crossing for the Galisteo Creek through County Road 55-A. Unfortunately, it was not funded.

COMMISSIONER GONZALES: What was the amount for?

MR. MARTINEZ: I'm not sure what the amount was.

COMMISSIONER GONZALES: I guess my point is this. This is a real health and safety issue. It's a hard thing to walk away from when you go out there and you see this river. We did it in Arroyo Seco and we found the resources when we all worked together to find the resources. I would ask that we try and do the same thing in this area because this creek, as you know, Robert, and you've seen it. It's not just a small stream. When it's running, it's running very heavily and there is nobody, whether you're in a four-wheel drive or not, that's going to get through that creek when it's running.

I guess what I'm asking is that you create some options for us. Tell us what it's going to cost to start to address that issues and one of the options is going to the legislature and let's look for some other options and how we're able to do it, but it's a dangerous, dangerous situation.

MR. MARTINEZ: Mr. Chairman, Commissioner Gonzales, as a matter of fact yesterday we got a call that a four-wheel drive vehicle was stuck in there and we dispatched somebody out there immediately and took care of the problem.

COMMISSIONER GONZALES: And I understand that a car was attempting at some point to cross and it kind of got washed out and there was a rescue that needed to be taken over the last year on that deal. So it's a major issue, especially times like tonight when we know that that creek is running pretty heavily. So if you can get some options back to us and we can get out there, that would be real helpful.

MR. MARTINEZ: We'll do that.

COMMISSIONER GONZALES: I think that's it, Mr. Chairman.

COMMISSIONER TRUJILLO: Mr. Chairman, as a result of the water, Sammy, is there any way we can petition or ask for some emergency monies to address some of the situations throughout the county. I know that up north there was some major damage on roads and we've dedicated a lot of time and I want to commend the Road Department for coming through but is there any way that we can tap into some emergency monies at the state level?

MR. MONTROYA: Mr. Chairman, Commissioner Trujillo, we'll certainly look into that and see if we can work in cooperation with the state to cover some of those

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expenses and also look into Commissioner Gonzales' concern about that particular road crossing.

COMMISSIONER TRUJILLO: And I'd also like to start -- there's a road in Nambe. It's road 117 that is an arroyo and I'd like to maybe start negotiations with the Corps of Engineers and the Nambe Pueblo to see if we can put in place a flood control dam up there because every time that it rains, that road becomes impassable and we're having some problems with some people in the community that are taking it in their own hands and going into the road and doing excavation and paying people to go into County property and try to maintain the road at the expense of their adjacent neighbors. Sometimes diverting the water into adjacent properties and that is causing some billigerism some conflict in the community.

And there's another little arroyo off of 117 that goes in front of -- I've called Jimmy Gonzales. If we were looking at flood control, I'd like to include that arroyo as part of that flood control in that area. Both of those arroyos off of 117.

COMMISSIONER GRIÑÉ: Any further comment from the Commissioners?

VIII. E. MATTERS FROM THE COUNTY ATTORNEY

1. Executive session

a. Discussion of pending or threatened litigation with San Ildefonso Pueblo

Commissioner Gonzales moved to go into executive session to discuss litigation with San Ildefonso Pueblo. The motion passed by roll call vote with Commissioner Griñé, Commissioner Gonzales and Commissioner Trujillo voting in favor.

Coming out of executive session, Commissioner Gonzales announced that the only issue discussed was that of litigation with San Ildefonso.

[The Commission met in executive session from 7:00 to 7:55]

Audio difficulties -- the following portions of the public hearing are taken from the reporter's notes and staff reports.

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IX. PUBLIC HEARINGS - LAND USE

- D. 1. CDRC Case #MIS 99-5320. Mickelson Media. Mickelson Media, Inc. doing business as Century Communications Corporation has requested a renewal of their cable television franchise in the Tesuque area.**
- 2. Resolution No. 1999-98. A resolution granting a certificate and acceptance of franchise to Mickelson Media DBA Century Communications Corporation, to operate a cable television system in the Tesuque area of Santa Fe County**

Ms. Guerrerortiz presented the staff report and indicated that Mickelson is submitting for a renewal of its television franchise for the southern Santa Fe area. The applicant's submittals meet the requirements of Ordinance 1993-87 and staff recommends approval of the resolution.

She provided the following staff report:

"On July 12, 1984, the BCC granted a cable television franchise to Mickelson Media, Inc. for the southern Santa Fe area. On January 15, 1985, the franchise was extended to include the Tesuque area. In 1988, Mickelson Media sold its stock to Century New Mexico Cable Television Corp., which is a subsidiary of Century Communications Corp. This 15-year non-exclusive franchise expired last month. Cable television franchises are regulated by Ordinance 1993-8. Mickelson Media currently serves approximately 250 customers in the Tesuque area. Mickelson Media is required to pay a franchise fee of 3% of its gross revenue. They are current in all payments."

There were no questions of staff and the applicant was invited forward.

Duly sworn, Tommy Hotter representing Mickelson Media said they were in total agreement with all staff conditions.

There was no one wishing to speak regarding this case.

Commissioner Gonzales moved to approve the resolution and renewal request. His motion was seconded by Commissioner Trujillo and passed by unanimous voice vote.

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- IX. D. 3. CDRC CASE #A/V 99-5230. Vincent Lopez Variance. Vincent Lopez, applicant, requests a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow a division of land to create three lots on 1.7 acres. The property is located off of County Road 119, within the traditional community of Nambe, within Section 10, Township 19 North, Range 9 East**

Review Specialist Vicki Lucero provided the staff report as follows:

"On June 24, 1999, the CDRC met and acted on this case. The applicant is requesting a land division to create three lots on 1.7 acres. The size of the proposed lots will be 0.504 acres, 0.446 acres and 0.75 acres. The applicant is planning to retain the 0.504 acres for himself. The 0.446-acre parcel will be deeded to his brother, and the 0.75-acre parcel will be given to his daughter and her children.

"The property is located with the traditional community of Nambe. Article III, Section 10 of the County Code states that the minimum lot size in traditional communities is 0.75 acres per dwelling unit. If both community water and community sewer are utilized the minimum lot size may go down to 0.33 acres.

"The Lopez family has owned the property since 1924. The applicant has owned the property since 1983. There are currently two dwelling units on the property. According to the applicant the original home was built in 1945, and the second dwelling unit (mobile home) was placed on the property in 1977. Each dwelling unit is served by its own well and septic system."

She indicated that staff recommends that the BCC deny the variance request as it does not meet Code requirements for lot size. However, the decision of the CDRC was to recommend approval of the variance with the following conditions:

1. The applicant must comply with the State Environment Department regulation concerning the septic systems for these size lots and submit permits prior to plan recordation.
2. The applicant must comply with all other Code requirements.
3. The applicant must tie in to a regional wastewater and/or water system if it becomes available in the future.

There were no questions of staff and the applicant was invited forward.

Duly sworn, Vincent Lopez, said he was in agreement with all staff conditions and would tie into a regional wastewater system as soon as it was possible.

There was no one wishing to speak regarding this case.

Commissioner Trujillo moved to approve the variance request for case A/V 99-5230 with staff recommendations. His motion was seconded by Commissioner Gonzales and passed by unanimous voice vote.

- D. 4. CDRC Case #A/V 99-5250. Virginia Montoya Variance. Virginia Montoya, applicant, requests a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow a second dwelling unit on 1.003 acres. The property is located off of Cundiyo Road within the traditional community of Nambe, within Section 3, Township 19 North, Range 9 East**

Review Specialist Penny Ellis-Green provided the staff report as follows:

"On June 24, 1999, the CDRC met and acted upon this case. In May, 1999, Virginia Montoya requested a permit to put a second home on 1.003 acres. This permit was denied by the Land Use Administrator as the parcel did not meet the lot size requirement of the Code.

"The property is located within the traditional community of Nambe. Minimum lot size in this area is 0.75 acres per dwelling unit. The applicant currently lives on the property and is requesting the second home for her daughter.

"The applicant states that her daughter is unable to buy a house in Santa Fe due to the high house prices and that the only way she could own a house is if she builds on this land. The appeal and variance are requested on the grounds of financial hardship of the applicant and her daughter.

"The applicant states that the second home will share the existing well and septic tank on the property. The applicant is required to submit an approved septic tank permit prior to issuance of a building permit."

Ms. Ellis-Green stated that staff recommends that the intent of the Code is to set minimum lot size in this area at 0.75 acres per dwelling unit, therefore staff recommends

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that the request for a variance be denied. The decision of the CDRC was to recommend approval of a variance of Article III, Section 10 of the Land Development Code to allow two homes on 1.003 acres subject to the following conditions:

1. The two houses will share the existing well.
2. The applicant will comply with the Environment Department requirements prior to building permit issuance.
3. The applicant will connect to any regional wastewater or water system with 200 feet of the property if available in the future.

There were no questions of staff and the applicant was invited forward.

Duly sworn, Virginia Montoya stated that she was in agreement with all staff conditions.

There was no one in the public wishing to speak regarding this case.

Commissioner Trujillo moved to approve CDRC Case A/V 99-5250 with staff recommendations. His motion was seconded by Commissioner Gonzales and passed by unanimous voice vote.

- D. 5. CDRC Case #A/V 99-5100. Paul Gerlach Variance. Paul Gerlach, applicant, requests a variance of Article III, Section 10 (Lot size requirements) of the Land Development Code to allow a family transfer land division to create two lots on 11.81 acres. The property is located northeast of I-25 in Valencia, within Section 32, Township 16 North, Range 11 East**

Ms. Lucero provided the staff report as follows:

"On June 24, 1999, the CDRC met and acted on this case. The applicant is seeking a variance to allow him to divide his 11.81-acre parcel into two lots. One lot will be 9.0 acres and the other will be 2.811 acres. The property is located within the Mountain Hydrologic Zone where the minimum lot size is 20 acres per dwelling unit. A small lot family transfer would allow lot sizes of 10 acres per dwelling unit.

"If a geo-hydro report were performed and proved adequate water supply the minimum lot size may go down to 2.5 acres per dwelling unit. The applicant is proposing to share the existing well.

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"The County Hydrologist has reviewed the proposal. Based on what was submitted, he cannot make a decision as to whether or not the local aquifer is a dependable supply for two homes. The applicant must submit an adequate geohydrological analysis proving long term water availability. The applicant is requesting the variance to give his daughter some property to put a mobile home on."

She indicated that although Staff recommends that the BCC uphold the Land Use Administrator's decision and deny the variance as it does not meet Code requirements for lot size, the decision of the CDRC was to recommend approval of the variance to allow the family transfer of two lots on 11.81 acres.

There were no questions of staff and the applicant was invited forward.

Duly sworn, Anita Gerlach stated that the purpose of the lot split is to provide her daughter with a place to locate her mobile home.

Commissioner Gonzales expressed his concern that at some point in the future the applicant or her daughter may desire to sell their property and the buyer needed to be made aware that a geohydro report was not conducted on the property.

Ms. Gerlach responded that the report would cost between \$15,000 and \$20,000 an amount she did not have.

Commissioner Gonzales recommended that a note on the plat would be sufficient to alert any buyer of the need for a hydro report.

There were no other questions nor speakers on this case.

Commissioner Gonzales moved to approve A/V 99-5100 adding a condition that language be drafted and a disclosure placed on the plat that the property lacks a geohydro report. His motion was seconded by Commissioner Trujillo and passed by unanimous voice vote.

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- D. 8. **CDRC Case # MIS #97-5011. Maguire/Wellborn Subdivision Extension of Time. Fred Wellborn and John Maguire, applicants, Linda Tigges, agent, request a 36-month extension to the expiration date of a final plat which was approved by the Board of County Commissioners on August 12, 1997. The property is located east of State Road 3454, 1/2 mile north of County Road 12, north of Edgewood, within Section 3, Township 10 North, Range 7 East**

Ms. Ellis-Green provided the staff report as follows:

"On August 12, 1997, the BCC granted final approval for the Wellborn/Maguire Subdivision, an 8-lot residential subdivision on 80 acres. Article V, Section 5.4.6 of the County Code states that the final plats shall be recorded within 24 months after its approval or the plat shall expire. Upon request by the subdivider, an additional period of up to 36 months may be added to the expiration date set by the BCC. The applicants state that issues with the water companies and Entramosa Water's lack of ability to provide long term water supply per code requirements has prevented the applicant from recording the final plat. The applicants are requesting an additional 36 months to record the plat.

"Recommendation: Article V, Section 5.4.6 of the County Land Development Code allows an extension of up to 36 months to be granted by the Board."

The following conditions were recommended by staff for the 36-month extension of time to record the final plat:

1. If the plat is not recorded by August 10, 2002, the approval is null and void.
2. No further extension of time is permitted.

There were no questions of staff and the applicant's agent was invited to the podium.

[Duly sworn, Linda Tigges testified as follows]

LINDA TIGGES: Linda Tigges, 435 South Guadalupe Street, Suite 1. I would like to introduce the applicants, John Maguire and Fred Wellborn. The property as Penny suggested is located north of Edgewood along County Road 344. The applicant is requesting the 36-month extension because it simply may take that long for Entramosa Water system to remedy their problems. Other solutions either aren't financially feasible or they're not available. So we would request the 36 months. Thank you.

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COMMISSIONER GRINÉ: Any questions of Linda? This is a public hearing. Anyone either for or against this request? What's the wishes of the Board?

Commissioner Trujillo moved to approve the 36-month time extension. His motion was seconded by Commissioner Gonzales and passed by unanimous voice vote.

IX. A. Proposed amendments to the Santa Fe County Growth Management Plan

Planning Director Jack Kolkmeier distributed the recommended changes from staff which incorporate suggestions made by the community [Exhibit 1]. He informed the board that this evening's hearing is to finalize the County Growth Management Plan and adopt it. County planning division staff has incorporated the changes to the Airport Development District boundary, the Estancia Basin District boundary and the Santa Fe Community College District boundary. In addition to these map changes, staff has received amendment requests from the Estancia Basin District Landowners Association and the Campbell Farming Corporation.

COMMISSIONER GRINÉ: The Commissioners were well aware of what was on this agenda. Whatever took them away from this evening's business, apparently they didn't care that much, have that much concerns to be present. So I don't think we should delay the process and have to come back here twice. If we're going to do that, whether we table it and just come back and here it once. That's what I say. I say we should go forward and just approve this thing tonight.

COMMISSIONER GONZALES: Okay. That's fine. I just bring it up for discussion.

MR. KOLKMEYER: Would you like us to then proceed, to go over all the amendments that we have proposed?

COMMISSIONER GRINÉ: I think Commissioner Trujillo said we can go forward and just approve the map.

MR. KOLKMEYER: Do you have any questions then on the maps?

COMMISSIONER GRINÉ: This is a public hearing. Are there any concerns out there from the audience to speak on these matters?

Peter Franklin attorney for Campbell Farming Corporation requested that Campbell's land be included in the Estancia Basin District. He delineated the land on a map and stated that including the property within the district was consistent with the plan.

He said his discussions with Mr. Kolkmeier had been productive and he was willing to accept on behalf of his client the boundaries as recommended by staff.

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John Crawford requested that the board consider the watershed basin area carefully.

Commissioner Gonzales moved to approve the adoption of the district boundaries with the modification to Estancia that is immediately north on the most northern line within Township 11 North, Range 7 Sections 7, 8, 17 and 18. His motion was seconded by Commissioner Trujillo and passed by unanimous voice vote. [Staff delineated the boundary adjustment]

[The microphone system returns at this point]

JUDY MCGOWAN (Senior Planner): -- But these amendments came from both staff recommendations and comments and also from the amendments from citizens that we mentioned earlier. In some cases we've taken verbatim recommendations. Many times, we tried to incorporate the concepts and they're not always verbatim. Many of the amendments are actually clarifications where some things seemed clear when they were written obviously was being questioned so it needed some clarification. So hopefully, this clarifies that.

The first item is on page 13 of the draft and it's the first bullet, and this is just the end of the section that talks about sprawl. It was pointed out by Rhonda King that it didn't mentioned that we were going to use districts and district planning as well as community plans to direct the locations of growth. So that sentence was added just to clarify that.

On page 25, paragraph 4, which is in the discussion of the rural district, a number of these items have to do with discussion in the rural district, is a clarification item. We were asked to clarify that contemporary communities may end up with zoning rules and standards which are different from the rural district eventually. They're all zoned rural district right now but that may change. So that sentence was added. Basically, the contemporary communities may develop unique zoning rules for local design and land uses which will distinguish the community from the surrounding rural district.

COMMISSIONER GONZALES: Would that, Mr. Chairman, Judy, the first thing that pops out to me is village. Is that something that would be a contemporary community that would develop unique zoning rules?

MS. MCGOWAN: A village?

COMMISSIONER GONZALES: Frijoles Village.

MS. MCGOWAN: It's not now classified as a contemporary community but it could be, yes. Or it could be done as --

COMMISSIONER GONZALES: They would follow something like the Frijoles Village, that's out in a rural district, which Frijoles Village I think is at this point, would come under this. Could say, well we want to be a contemporary community and develop unique zoning rules for local zoning and land use.

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MS. MCGOWAN: That's correct. In fact there are some clarifications further on in the amendments that directly address that.

COMMISSIONER GONZALES: Right. Okay. Thank you.

MS. MCGOWAN: Next amendment is page 29, third paragraph. This is also in the discussion of rural district. We were asked to clarify that the County was not saying it was going to preserve all agricultural land and that anything that the County would acquire for open space and preservation.

The next item was on page 30, in the discussion about how larger developments would be handled in the future in the rural district when they're not already in a community district or a community area. So we have, first of all, separated the paragraph into two paragraphs so it's easier to read, deleted the original language having to do with proposed developments which would be over 300 units, and then added new language. And this speaks, I believe to the question you were asking just a moment ago, Commissioner Gonzales. It says proposed developments which exceed 300 units need to be developed as new villages. Landowners may seek zoning for a new community district or may submit a contemporary community plan, which includes a location for a village. So that gives two options for doing larger developments that would have mixed uses and be more of a village format.

Standards for how you would do those villages would have to be developed later. They're not available now.

COMMISSIONER TRUJILLO: On this issue, we're getting away from the subdivision concept?

MS. MCGOWAN: Yes, the idea is that instead of doing simply residential subdivisions, that you will think further about incorporating other uses which would be appropriate. And what is appropriate is fairly open to the proposal of the landowner of the community right now.

COMMISSIONER GONZALES: Which goes to the whole issue of sustainability. Is that right, Judy? So that when we see pockets of populations growing in these subdivisions, we don't want to only encourage residences, but places of employment like commercial. The whole type of mixed use concept so that we move to this notion of people living and working in their communities and going to school in these communities that are going up as opposed to these heavily commuting of traffic that occurs many times from these subdivisions into the city. Is that part of the goal as well, to create this kind of community?

MS. MCGOWAN: That's correct. I couldn't have said it better. And we realize that every development is not going to have all these components in it, because of the scale and the location, that it's going to vary. But the idea is to look at planning these things in ahead of time, rather than having the residents and then not being able to find locations for economic development for shopping, for institutional uses, to look at where schools might need to be located, in advance rather than later.

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COMMISSIONER TRUJILLO: Where did you get the 300 units?

MS. MCGOWAN: It came from our reading on village and also some calculations that we had done for the Community College District about what size would begin to be viable to begin to look at more mixed uses. We realized the development of 300 units is not going to be able to do a major economic center, that kind of thing, but it's about the scale when you begin to have to look at these things. That's why I'm saying, whatever code that's written will have to be flexible so that you can scale your institutional uses and economic development to the size of the development you're proposing.

COMMISSIONER TRUJILLO: There's some quantitative reasoning behind that concept.

MS. MCGOWAN: The next item is the same page, actually. Also about the rural district, and this is a repeat of the phrase that we put in the prior section, that the unique zoning rules will be developed for these villages. We did have a question from someone about whether traditional communities weren't already distinguished from the rural district, and they are in density right now, but the development regulations and setbacks and any design regulations right now are the same as the rural district and some communities may want to develop those kinds of standards that would distinguish them from surrounding areas.

The next section is also about the rural district, and this is a clarification and some of the language came from the County Hydrologist, and some of it is an attempt to clarify. There was a kind of leap in there, a leap to a conclusion I guess. So it's an attempt to clarify why the densities that would happen if County water, say, were extended to a community, should not automatically change but need to be considered community by community for a whole host of other reasons. I'll just read it. The current performance standards in the county automatically decrease lot size where water and sewer systems are provided. This is some times a deterrent to residents who might seek improvements or extension of utility systems for fire or groundwater protection. While density increases may affect affordability of such systems, any density changes in existing development and communities should be assessed for each community to consider impacts to terrain, traffic and local character.

I hope that clarifies it, but the idea is that some communities who probably do need improvements to their water systems or even sewer systems, resist planning for that because they're afraid of the density increases that would automatically follow. We feel that that needs to be addressed by each community so that they come to the best solution for themselves.

COMMISSIONER TRUJILLO: From a health and safety standpoint.

MS. MCGOWAN: That's correct. Where possible, we should try and not have the regulations in the way of what we're trying to accomplish. This is the idea. Pages 32 and 33. This is also in the rural district. This is a section that is, the first part is a staff request. The second part, the Landowners Association suggested this language. The County

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Hydrologist has tweaked it slightly and the staff is in agreement with the language. But it has to do with the underlying density for that rural district still being the hydrologic zoning that's in effect right now for the county.

The first section, we had used a new system of names that referred to a draft map that is no longer in the proposed Growth Management Plan, so we're simply changing the names of the hydrologic zones back to their existing names so that it conforms to the map that's in the plan, something we didn't notice until recently. And then the Hydrologist asked that we add the item about the Mountain Special Review District to clarify that. Those are all existing language, existing densities.

The new text is a clarification of a policy in the rural that's also currently in effect and it was just asked that it be in there to make sure that that still would be in effect. Basically, it allows for adjustments in your basic density from one hydrologic zone to another if you can prove that you actually have the water resource on your property to accommodate that.

And finally this next few pages are all about the tables that were in the draft that we're proposing, potential zoning types or choices for development in the rural district. And I wanted to point out, first of all, that that is not code. Some people are perceiving that those tables in the plan are code. Those are proposals for the parameters and options that might be offered in the code, and that those may change slightly. Some may change a lot when an actual code was developed. So we were asked to add some language to the top of that table to clarify that we will be flexible in writing the codes and that we will try and leave room for additional options, should conditions change or someone come up with a new idea. So that's the language there that's proposed under the section called Rural District Development Choices.

And then the next three pages I believe, are copies of some of those tables, and there's very slight changes. The whole table is in there so you can see the context. But the first one is under Option C, the rural water conservation incentive. The County Hydrologist asked simply that we clarify the density in there to make sure that people were not misled. It originally said up to four units per minimum lot size of aquifer system area, and that would have to be changed to hydrologic zone. And he asked that we add when water is proved to be available. Those water conservation density incentives are not automatic. In some zones, you may not be able to prove the water to allow the density incentive to take place.

Under item E on the table there are just a couple of changes. One is the same wording that's repeated in both places. This was an error that staff had noticed too. We said that for the agriculture protection incentive, the owner would get base density plus two units. Actually, how it was calculated was the base density plus any water conservation incentives that you might have, and then on top of that would be an agriculture protection incentive. And that would also apply for the open space ratios, I believe.

Then we were asked if we might delete the section with the question mark under it

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under other conditions. That still could be considered but it originally said applies to lands not previously divided for exemptions or development with a question mark. Obviously, we didn't know whether that was the right thing or not to do and it's been asked we delete it and we've concurred with that.

Under item F, the open space protection incentive. We were asked also to put similar language to that we had under the agriculture incentive. These are not the final things and that we'll build flexibility into any final draft of a code so that we can encourage certain types of protection.

COMMISSIONER GONZALES: Mr. Chairman, Judy, this open space issue jumped up and bit so hard the last time around. I guess I'm a little paranoid that we're even mentioning space ratios here on the table. I guess, have we not be able to find language through -- to me I guess we all know that we want to see communities pop up where you have higher density mixed in with trails and open space and commercial development. It's all part of the over-all plan. And I think that this still set apart on its own is going to send out lots of fears whether they're real or not, people are going to come up here and say you're still saying 90% and you told us you weren't going to say it and even if it's just a recommendation, they're still recommending 90% as an open space ratio.

Have we been able to figure out at staff how to be able to still advocate for -- we've got an open space program in place to buy. I think that's separate from open space that we like to see in subdivisions. There may be, subdivisions when they come forward, they're putting together some type of plan for that community to have a good quality of life and part of it is open space. But there should still be an option for people to come forward, even if it goes against the grain of the code, they may say we don't want open space. We want to utilize all our lands and at least go through the public review process to use it without that mandate that it has to be open space.

I guess I'm wondering is there a flexibility that that will continue to happen? I'm an advocate for seeing open space happen in subdivisions, but I think that the last time we went round and round.

MS. MCGOWAN: -- want to comment on this at this time. This is being proposed as first of all, a choice -- that landowners have the option to choose. It's not a requirement. And also it's offering a density incentive in exchange for the open space. And there's been some questions about whether these are the right incentives, and I agree could be worked out within a code. This is one option. The final code might say something slightly different. So in effect, we're offering an incentive for people to propose more open space rather than taking something from them.

COMMISSIONER GONZALES: So they may still choose to not have an open space.

MS. MCGOWAN: That's correct. And in fact if you looked over at the requirements, we're essentially saying that -- of maybe the other conditions, that maybe we should only give open space incentives who are proposing to preserve open space that's been

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identified as real important. And I think this is just another option that might be available because we all realize we're probably not going to have enough money in the bond issue to do outright acquisition of every open space that might be deemed important, or it might be an option for people to be able to put together a multiple -- a deal of sorts where part would be acquired, part could be offered in exchange for density bonuses.

COMMISSIONER GONZALES: Is there a reason why under the conditions that we wouldn't put that the property is uniquely situated to participate in a transfer of development right program? I was just looking through the options and I didn't see any TDRs in there.

MS. MCGOWAN: Actually, I think the TDRs are mentioned in the very first section. If you go back to page 4 under the Rural District Development Choices, at the very bottom of that section, language that's already in there. It's not a proposed amendment. All or part of the potential density incentives may be sending development rights to be transferred to receiving sites if areas within the rural district are designated as part of the TDR program. So I hope that's --

COMMISSIONER GONZALES: Why don't we want that to be part of the open space protection incentive that the TDR program would be something that would be conducive to that. Just part of acquiring open space, putting property into open space indefinitely. If we have a development right transfer program that would accomplish that we're still recognizing an economic benefit for the land holder.

MS. MCGOWAN: That's correct. What we're trying to say here is that any time you have an incentive and you get these extra density units, if there's a TDR program in effect, you ought to have the option to be able to send those some place else rather than develop them on your own.

COMMISSIONER GONZALES: So you're saying that this is part of the open space protection incentive?

MS. MCGOWAN: Yes. That that's the intent. That any of these incentive options or density bonuses could be part of the TDR program.

COMMISSIONER GONZALES: I'm sorry. I apologize. I missed the very first time. I didn't see that.

COMMISSIONER TRUJILLO: Mr. Chairman, so the [inaudible] and the cluster development that you talked about earlier is volunteer. What's the default for open space? Can you do cluster development?

MS. MCGOWAN: The default? I think we talk about -- wherever it is -- we asked that -- this is a proposal. It's not the final thing, that to identify a building envelope of no more than 40% of the property. Now, that's not the same as saying open space. That's saying identify where you're going to put your buildings. Because you might be able to use the rest of the property for a whole host of other uses.

On page 7 of the proposed amendments, under Section G, Section G and H are just notes that came from County staff and they are just clarifications of what is meant by special

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use permit and it refers back to the text where we talk about small businesses, resource-based uses and other uses that might be determined by the Code. The same thing for H, Non-residential districts, people were wondering if that still meant the nodes. Even though it's a slang term, I've used it in here. Yes, it does mean nodes.

The final, a new section, I, for a community plan. It was pointed out that we talked about community plans but didn't say exactly what impact they had in the rural district and they were truly an option. And as we've tried to clarify in the other amendments, a community plan could lead to different zoning than rural district zoning, but it is an option that is available in the rural district. So that section across there is meant to explain that.

And then page 8 and part of page 9, we've copied the whole section for the Estancia Basin District in here. That's one of the areas where there's still quite a bit of disagreement over language. What we have proposed is to delete a couple of sections in there that talked about what zoning rules will be in place for the Estancia Basin District. The Landowners Association didn't find that language palatable. So we've proposed some other language. I believe that they would like to make a further amendment. And we've had some discussions with Commissioners about that also. But basically, what we're saying here is the zoning criteria for the Estancia Basin District will be established through a district planning process. It's a pretty straightforward statement.

Once the basic planning district map, which is this map that has the Estancia Basin District and the rural district on it, is adopted by ordinance establishing those districts as separate zones in the County Land Development Code and a planning committee is authorized by the Board, any proposed zoning amendments to the Land Use Code for the Estancia Basin District will conform to their district plan. The Board of County Commissioners shall approve a resolution establishing an Estancia Basin Planning Committee to begin drafting the Estancia Basin District Plan. The resolution shall outline committee representation and public participation, community commitment, County staff involvement, planning elements, tasks, a schedule for completion of the district plan and progress reports and provide for time extensions if needed.

That last sentence is all items that are found in the Community Planning Ordinance for how you would put together the committee and proceed and what you would do and what you need to pay attention to. I've gotten at least a verbal comment from the Landowners Association that they agree with this language as far as it goes but that there's still concern that it doesn't exactly address what happens to their zoning between the time when the general plan is adopted and when their Estancia Basin District Plan is completed. So I'd like to propose some other language if I could. And we'll see if that's agreeable, and that is to insert a sentence after it talks about the zoning amendments conforming to the Estancia Basin District Plan.

So it would be a sentence number 3, saying, "Zoning in the Estancia Basin District will not be changed while the district plan is being prepared." That's very simple and it conforms basically with what you have already said in the plan about the traditional

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communities. I believe it probably would be a good idea to get on the record exactly what zoning is being talked about in that situation.

Then the other proposed amendments have to do with the Community College District and the idea of a new community districts and then one final one on utilities corridor plan. So one proposed amendment on page 63, having to do with other new community districts besides the Community College District. It was felt that the way this was worded tied the designation of other potential community districts too tightly to the Community College District in a sequential manner, so we're proposing a change, saying that once the Community College District has been established, a Caja del Rio new community district might be considered in the central county, and Estancia Basin new community district might be established through the Estancia Basin District Plan. Other new community districts can be proposed as an amendment to the Growth Management Plan.

On page 64, there was a question as to why we had said 2010 as when the Caja del Rio new community district might be proposed, and we just added a clarification. That year was chosen because that's when it's estimated that utilities might be available to that area. So we thought that adding that explanation in would clarify it and in the future, people would understand that that's also a variable time. It has to do with when regional water and sewer service and capacity would be available and that it would be possible to do a district in that area.

Page 64 has to do with the Estancia Basin District new community, I believe, or potential new community and it was asked that we take out the year 2010 in that and tie it just more closely to when the Estancia Basin District Plan is completed and when infrastructure might be available.

On page 10 --

COMMISSIONER GONZALES: Judy, could I ask you a quick question? Why wouldn't we use the same language for the Caja del Rio district and just basically -- it says the NCD status for this area would be recommended for 2010 when it is estimated that regional water and sewer service and capacity will be available. Couldn't we just put something, the NCD status for this area would be recommended when planned infrastructure and services would be available?

MS. MCGOWAN: Sure.

COMMISSIONER GONZALES: Does it accomplish anything? If it -- let's just say that within three years the City takes out water and they're hauling the sewer lines up to Las Campanas with effluent and everything is there, would we have to wait to 2010 or owners have to wait to 2010 to form a district because it's stated there without having to petition the Commission for it.

MS. MCGOWAN: I don't know. I wouldn't interpret that you would have to wait till 2010 when by adding that other thing, when it is estimated the regional water sewer service --

COMMISSIONER GONZALES: You wouldn't interpret that they would have

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to wait?

MS. MCGOWAN: No, that they wouldn't have to. That the explanation would help. I think one of the reasons we chose 2010 is because of the seven to ten year time frame for getting water available to serve that area. And I know there have been declarations made that the City will be able to serve sooner than that. I'm not sure that's realistic.

COMMISSIONER GONZALES: Right. But maybe we could have language that we could work on it just if it happens we'll consider it.

MS. MCGOWAN: Certainly. On page 10 is language again in clarification under Other new village proposals. Just clarifying once again that you can do a community plan or a district plan and provide for villages in that when you do your plan. And then staff thought it was important to add another determining factor, because this is one of the ones that has really driven this all along that -- so now it would say water availability, transit options, and capacity of the County or a municipality to provide public services would need to be considered before you designated new villages.

We re-ordered some of the sentences in that paragraph so it followed a little logically better. And then the final amendment, and I'm also going to propose a slight change to this one too, under utilities corridor plan. It was -- Rhonda King looked at that and thought that it suggested that we were only going to provide utilities to urban areas and that agricultural areas which might be called important viewsheds would have trouble getting utilities. So we've tried to reword that. I would like to make one slight change. It says a utilities corridor plan for Santa Fe County will direct the location of electric power lines, gas service lines, telecommunications cables and towers, radio towers, and other appurtenances and structures required for utilities toward designated growth areas and it's been suggested that we just delete the word designated, just say toward growth areas. And I think that's a valid change to make.

And then the changes we've suggested after that. Locations will be chosen which protect important viewsheds, cultural resources, important open spaces and viable agricultural lands from the visual terrain or health effects of utilities. Where utilities provide necessary services to users in these areas, construction standards will mitigate negative effects and meet community standards. And the intent there is simply that we're not saying utilities can't go there, that they most certainly can.

So those are the changes that staff is proposing.

COMMISSIONER GONZALES: Mr. Chairman, I just have a quick question of Jack that relates mostly into being able -- the whole plan in general is very comprehensive indeed and focuses heavily on the community planning prospect and I guess I just need you to give me a 30-second update on where we are with the staff in being able to meet these needs. And I'm going to throw you a softball and let you tell us you need more people and what your projections are in actually getting some community planners out there. Because there's no point in adopting this and then not having the resources to implement the plan.

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MR. KOLKMEYER: Commissioner Gonzales, I really appreciate that, because it comes up so frequently. And I will have to say that right now I think, we have community plans going on now in Cuarteles, Sombrillo, Arroyo Seco, Cerrillos, Madrid, San Pedro, Tesuque, La Cienega. That's eight. We now, officially with the adoption of the Community College District, we have to embark on a plan for that district. Once we adopt the Estancia Basin District we have to do a plan for the Estancia Basin District. And I've been now to several meetings in Eldorado at their request because they'd like to pursue a contemporary community status plan.

I think that we're right now at the max of what we can handle. And if we can on those three huge projects we're going to have to reorient I think some of our priorities or perhaps we'll require additional staff. And you bring up a good point, because we said we were going to do this and it was at your direction and of course we agreed and we're moving along and we have some continuing -- some communities are hard to work in. There's no question about it. We've had -- the experience that we had in Cañada, in fact we have to go back into Cañada and start that up again and finish that again. It's very, very difficult work and we have two full time people assigned to that right now, Kenny and Alina, currently that's pretty much all they do. Alina helps with some of the COLTPAC and Kenny helps me with transportation, but the bulk of their time is spent there.

Judy and I also conduct some of the community planning in some of the other communities but we're at a point where we do have to give some serious thought to staffing in perhaps a more intense way. And of course what we're finding in the community plans are water problems, road problems, community services and those kinds of things so we're also planning some pressure to figure out how we're going to solve some of those problems with perhaps now with the development of a capital improvements program that we're going to need to embark on and larger questions on things like affordable housing.

Those this is really unleashing a dragon but I think for the moment we can handle it but when we get into really the big district plans is where we're going to need assistants. We could do it through being able to hire consultants to help us in some cases but it does open up a lot of concerns that we have about being able to staff it.

COMMISSIONER GONZALES: I know we can talk about this with you and the Manager as things progress forward but I guess I envision the support to these communities by having a staff person to help in the support of the community plan through some technical aspect. Would the role be of these planners, when the community plan is done, to actually go in and write the codes to support the plan, or is that going to be passed off to the Attorney's Office? If there are other issues such as road issues, economic development and other issues, is this planner going to basically be responsible for being the over-all support individual for these communities as they put forward what they'd like to see happen in their future, or is just going to be very limited to just doing the technical support for the planning?

MR. KOLKMEYER: The way we've approached it right now is to first of

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all just go in and provide the technical support to be able to go in and do the planning. As we get closer to completion of things, we're already working for example on grant proposals. We've raised some money for some of these communities, like for example the agricultural demonstration project that we're undertaking, so there will be a number of things that can carry forward. It would be nice to have a planner, ideally, that would move forward with some of the implementation projects.

A lot of the ordinance changes and things, right now Judy has been doing the bulk of that work but if we get four, five, six plans done, again, that becomes another huge project that we can help with some of that, but of course once we adopt the plan, there's going to be a massive Code re-write in general with the whole land use code. I think ideally it would be nice if we had planners that could work for the planning period and the implementation period with these communities as well so there's continuity.

COMMISSIONER GONZALES: Is that your goal?

MR. KOLKMEYER: That's what we'd like to see. Yes, sir.

COMMISSIONER GONZALES: Thank you, Mr. Chairman.

COMMISSIONER TRUJILLO: Have you seen anybody like Code Enforcement or other areas of the Land Use Department being able to join these [inaudible] being able to provide some expertise in that area?

MR. KOLKMEYER: One of the goals of the Land Use Department over particularly this last year, I think particularly since Diana has been working with us, has been to really emphasize cross-training of all the individuals in Land Use. I think over the years we've found that we've become kind of specialized in certain areas. Last year has been really good in that regard is that more and more people in the Land Use Department where there's planning, code enforcement and development review, we're all learning more and more about each others' jobs. I think it's sort of out of necessity again as we get into these communities and finding that we're having to make certain changes or an issue comes up about a development project, but that still doesn't solve -- to answer your question, in part, that helps if we all know a little bit more as we do start to find out that there are lots - - we go in and work with the community, and we find out there are lots of Code violations that have never necessarily been addressed.

So we work closely with the code enforcement personnel. It doesn't help us necessarily in actually developing the plans with those communities though.

COMMISSIONER TRUJILLO: We've got really good expertise out there doing a great job and being out there. If we send somebody from code enforcement or other areas of land use to participate in the process and learn how to do it. This is a great opportunity for those people to be able to absorb some of that responsibility later on.

MR. KOLKMEYER: Yes, sir. That's a really good observation because maybe again, some of these areas are so new for us in the county. The issue of the COLTPAC program and now that we're going to have to have park and trail maintenance that we never had to do five years ago. This is a similar one, because probably, what we're

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on the verge of here is a community planning program that will have to develop over probably I would say over the next year to three years, that it's a little bit more expanded than we think, if we're going to get into this and do plans and open it up, then we've opened up a whole lot of other things, and then code enforcement has a slightly different perspective than it does now.

But it would be our guess at this point from evaluating our program over the last two years is that we're probably on the verge of some kind of a new program, a community planning program.

COMMISSIONER GRINÉ: Commissioners, I think we're kind of getting off from our intents here tonight. I think we can take this up with the County Manager later on.

COMMISSIONER TRUJILLO: Something that is inherent in the success of the new General Plan is the community plan.

MR. KOLKMEYER: Yes, absolutely, Commissioner and we hear it a lot when we go into the communities because we go there and they tell us, for example, this is the first time we've ever seen anybody from planning here in five or ten years and it's like are you guys just going to disappear, and then are we stuck. And it comes up a lot because there's some concern that we're going to get some of these things started and we may not be able to finish some of the things that are uncovered. It's definitely something that we need to all work on as we finalize the General Plan and move forward.

COMMISSIONER GRINÉ: What's the next process, Jack?

MR. KOLKMEYER: To discuss, to let members of the public that have been here since 3:30.

COMMISSIONER GRINÉ: Okay, those that want to speak to the Commission on the proposed amendment or additions or deletions, whatever, come forward.

JOHN CRAWFORD: I'm John Crawford again from the Stanley area, for my normal two or three hour speech on the points. I'll try to cut it a little bit thinner this time. That's for laughing at me when I talked about parking. First point on the questions raised on page 6 of the proposed amendments under f. A question was raised a number of times and the work that we have done on it, the best answer that we can find for that is the insertion of voluntary above open space ratios, just to clarify the matter of it being an incentive, not a requirement.

On page 7, in h and i, under the options column, you might want to include district in there, since both districts and communities are being planned.

COMMISSIONER GONZALES: John, on h, what are you saying? What are you recommending?

MR. CRAWFORD: There was some mention of districts being planned within the rural district, was that struck out or is there a district of the rural district still plannable? I know the people south of Eldorado were talking about that at one of the meetings. It isn't important to me, I was just pointing it out, that that had come up on previous occasions in our district and I thought it might be of interest to you.

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On the proposed change that's not listed in the document, could you have that read back to me again.

COMMISSIONER GRINÉ: What page are we talking about, John?

MR. CRAWFORD: We're on page 8 on the wording that Judy suggested the change on, to the insert.

COMMISSIONER GONZALES: It would be, Mr. Chairman, John, after the third sentence, or it would be the third sentence, after zoning amendments to the Land Use Code for the Estancia Basin District will conform to the district plan and then after that put zoning will not be changed while the district plan is being prepared.

MR. CRAWFORD: I think we would find that acceptable.

COMMISSIONER TRUJILLO: You would find it acceptable or not?

MR. CRAWFORD: We would find it acceptable. We were mainly concerned on it being clear.

COMMISSIONER GONZALES: I guess, John, what I really want and without opening a can of worms, that you're on the board of directors, I want to make sure that you understand that that's clear but there's also code amendments that may be needed that have impacts on the entire county.

MR. CRAWFORD: I understand that.

COMMISSIONER GONZALES: That won't prevent those from coming forward.

MR. CRAWFORD: I understand that. The question then becomes what's zoning and what's code. And what's land use, like there's a fence ordinance land use. This involves the use of the land. Is it land use or is just a code. And that kind of stuff is an interpretation matter. I can understand your concerns and you need to pass appropriate regulations. When they get the separate zoning districts set up and the matters which are questionable, you all might want to list specifically where they take effect. You might have code items as well as zoning items that you will apply to specific districts and I believe you all will deal with that, because you all are going to have to deal with it.

COMMISSIONER GONZALES: And I just want to make sure it's understood by the Estancia Board.

MR. CRAWFORD: Yes, it's understood. Like you say, it's a can of worms. You stick your hand in there and you find out they have teeth. But you will be dealing with these cans of worms forever now.

COMMISSIONER GONZALES: They're not teeth that I haven't felt before.

MR. CRAWFORD: That's basically the only things I had to say about it, so actually it was short and sweet tonight. You all have a good one.

DAVID GOLD: I'm David Gold. I'm actually, I was asked to speak on behalf of two other people that had to leave. It's kind of interesting I find myself in this situation, speaking for Jerry Powers and Rhonda King, and then I'll end by speaking on my own behalf.

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Mr. Powers had the same concern that was just addressed by Mr. Crawford and I can only assume that the Landowners Association is happy with that. I hope so. But his concern was definitely about the regulations being changed and there was a suggested sentence but it appears that that's been accepted.

From Ms. King, I'm going to hand out some things. [Exhibit 2] She just has a few pages and one of the comments that she made was that she was pleased with the whole process because she has a lot less changes than she did with the first part of the General Plan. I'll do my best to explain her changes. Like I say, it's an odd position I find myself in.

COMMISSIONER TRUJILLO: This is dated August 10, 1999.

MR. GOLD: I think these changes are -- I know she was looking at the most recent set of proposed staff changes. It's dated August 10.

COMMISSIONER TRUJILLO: We asked for amendments and changes by July 31. These are late.

MR. GOLD: I think she's commenting on the amendments. The problem is that the staff is making amendments and she's making amendments to the amendments.

COMMISSIONER GONZALES: Let me ask this question, because David, I got this a little bit earlier and you're just handing these issues out and it's going to take probably a good hour to go through them.

MR. GOLD: Actually, they're fairly simple.

COMMISSIONER GONZALES: I guess I would ask the staff, is there anything that prohibits us from taking these and looking at them and continuing to make amendments as we go forward on this process, or is tonight the only chance to make the amendments?

MR. KOLKMEYER: Commissioner, it is technically true that she gave us these yesterday but the original, she gave us a set of amendments on July 31, which we included in here. Mr. Gold is correct in saying now she's commenting on the things that were made and that was to be the assumption of what this meeting was about tonight. But we're open to, because she generally goes through these things very thoroughly and makes some good suggestions. I haven't even seen these quite frankly.

COMMISSIONER GONZALES: So my question is this though. Again, as we go through this whole process, not necessarily tonight, but we've got a series of other meetings that we're going to go through, can these amendments be brought up and made after we've had the chance to go through it and you've had the chance to look at it?

MR. KOLKMEYER: We were hoping that we'd have only one more meeting in September. So we could do it at that meeting.

COMMISSIONER GONZALES: So we could do it then?

MR. KOLKMEYER: Certainly we could.

COMMISSIONER GONZALES: David, I guess I've got a couple concerns. One, you representing Rhonda and her position on these issues and if you've got concerns

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about that, I've got concerns about it. And the other thing is our staff basically not having a chance to take a look at this and asking us to basically go with these. And they may be fairly simple amendments, then if they are, then it shouldn't be an issue for us to go through it at our September meeting.

MR. GOLD: Okay, there's a couple that are actually -- some of them are just changes in wording. There are a few that are actually conceptual ones that if I could, I could be pretty quick but I think she'd really appreciate it.

COMMISSIONER GONZALES: Mr. Chairman, I'd like to wait to September until the staff's had the chance to look at this before we do it.

COMMISSIONER GRINÉ: I'd feel more comfortable when staff has met maybe with Rhonda and try to work it out between them and present it to the Commission.

COMMISSIONER TRUJILLO: I think that there's a connection out there in the community [inaudible]

COMMISSIONER GRINÉ: That's fine. Go ahead, David.

MR. GOLD: The ones that -- on page 30, paragraph 3, she was talking about restricted land uses. She felt that -- she didn't have a specific amendment but she felt that the language in the code was too restrictive and could diminish the opportunities for economic development. It appeared that it could only be in certain specific areas the way it's written in the plan, and what she was suggesting that it be modified to allow -- for example if somebody wanted to open up a store or commercial area in the middle of the rural district that they could do that. I went through this with her so I'm pretty good at giving the explanation.

The other one is if you look on page 40, option C. All of those tables and stuff like that suggest a 40% building envelope. She was asking that it get changed to a 70% one. She felt that the 40% was too restrictive. She also felt that the page 41 option F, the open space ratio, she felt that they were just not feasible, that they wouldn't work and that they should be lowered. In fact, I would tend to agree with her. But the way that it's written right here it appears that it's going to be reevaluated in any case.

Also in option F, there was language that relates to COLTPAC, which I'm a member of, and in fact I'm the chairman of the trails and recreational open space committee, and I would agree with Rhonda specifically on this. The way the language is written, it appears that it would limit it to open spaces that are on the COLTPAC map, and the COLTPAC map is not going to be that comprehensive. So if what we want to do is create opportunities for new development to leave open space, some sort of language has to be put in there that would say that in addition to -- certainly if it appears on the COLTPAC map that that would give it a priority but even if it didn't that people could still take advantage of the density bonuses. It's not clear the way it's written. It implies that if it's not on the COLTPAC map you can't do it. I would certainly recommend against that as well as she.

So that's the stuff for her I'll go through and I had a couple of points I wanted to make on my own. As far as leaving numbers on the open space plan, there was a concern

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expressed by Commissioner Gonzales and as near as I can tell, I've worked fairly closely with these people and have brought up these concerns and the issue doesn't seem to be that it says 90% or something like that, the issue is just simply trying to come up with feasible open space bonuses that will work. So I wouldn't be afraid to put in values but it would be good to be able to put values in that are actually appropriate.

I personally am very impressed with the land based design. Also I want to say on behalf of myself and also the communities I represent. There are several things. We really appreciate not being in a new community district at this point. And also we feel that the rural standards and so forth expressed in the plan will work for us and would look forward to actually having new code applied to our area. Which doesn't mean Estancia Basin shouldn't have the option of not having the new codes applied. I don't want to imply that either, but in our area, we'd be happy to see it.

One concern I have is on the new thing about page 61, paragraph 3, all this stuff about new community districts, in the Caja del Rio new community district. What I'm concerned about is right now, there's a community planning effort under way and I'm wondering how this language would affect that planning. For example, if we get a community plan going, which is in fact what's happening, and then it becomes a new community district, which supersedes which? Does that mean that we have to start all over again and plan all over again?

This is a question for staff and I'll let them answer it, but before I go, there was an amendment proposed on page 3 regarding the water and saying -- this is on the pages of amendments. I just thought it was a really good amendment. I thought it was very important. It looked like there were some questions. It's this thing on water availability. What this does, there's been a proposal that would say that there should be performance based standards, which basically means if somebody finds water and they want to develop more densely they should be allowed to. I have no problem with that. The problem I do have is that you don't have other performance standards, like for example, does increasing the density increase the traffic?

Somebody right next door could be inundated with traffic and they's say, well, we have water so this is okay. And I feel like this sentence prevents that scenario, so I think it's a good thing to put in there. I'm done, but I still have my question for staff about what happens when, what do these new community districts do as far as our planning effort and what supersedes what?

MR. KOLKMEYER: That's a fairly easy one to answer because I believe it's stated in there that you have to do a community plan to have a new community district. So their community plan would designate whether there would be a new community district or not. The only difficult aspect for your particular area is that the State Land Office owns a large portion of property there along the Caja del Rio Road and the bypass. Again, then we're faced with what's our control over the ability of the State Land Office to come in and do whatever they want to do there anyway. So your community plan as part of that process

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could in fact designate that area as one for a potential new community district, let's say.

But if you go back and read the whole portion there on the community planning, a community plan has to designate a new community district.

MR. GOLD: So if I understand you right then, let's say that we didn't want any [inaudible] then the Caja del Rio District wouldn't exist even though it says in the General Plan it could exist. Is that it?

MR. KOLKMEYER: Theoretically. Yes. That would be our assumption. As long as you do a community plan and you say that your group is embarking on a community plan, but that's not official yet either. We need to make that clear for the record that you guys technically haven't started a community planning process yet.

COMMISSIONER GRINÉ: Anybody else?

RITA LOY SIMMONS: Thanks, gentlemen. Once again, I'm even more confused than before. If you have two drafts from staff, one is 8-4-99 and one is 8-10-99 and of course I don't know what the differences are. I really appreciate Commissioner Gonzales' comments on the open space. Thank you very much. It still is very frightening. In COLTPAC they bring up words like viewshed or open space ratios and I come apart from together and scare the natives. The transfer of densities -- I'm very unclear on that. There's no examples of what that means. In particular, the agriculture protection incentives and ranchlands for every 140-acre parcel maintained in agricultural use owner gets base density plus any water conservation incentives plus two. And I don't know what that means.

I guess I would like to see some clarification or some examples in some of these because they get lost. You have to know where to research them. Also, back to my preaching. You know we met with you lovely gentlemen in about 1997 -- this is getting old -- in Edgewood and we thought we had an agreement in principle and then we hear from staff why that's not going to work and so then we come to staff and think we have an agreement in principle and then we learn from staff after consideration why that won't work.

Even this evening we're seeing a constant state of flux. The time to give careful consideration falls into staff's hands and we sort of feel some times that we're left on the short end. Now I too have some of Jerry's work and on the page 43, of course we had language thrown in and I'll provide you with copies of that and tonight's page is different and with some Rhonda King comments it changes even further. So all of us that have prepared plans, I just learned about the Santa Fe Northwest Advisory Council presented you with a plan in 1997.

I appreciate the fact that we've gotten to this point and what worries me is when this gets cast in concrete. In our mapping especially, the basin fringe and the basin and they hydrologic zone. I do appreciate the change in language that if it is proven that things are different, the question is how easy will that be to prove. We have gone to considerable expense to show that the basin and the basin fringe are not as presumed in the past and we once again are submitting a plan to prove a difference in the conventionally held approach.

But I'm going to pass these out that Jerry provided for us [Exhibit 3] and he's

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highlighted in yellow some of the comments made in the May 11 minutes, where once again we came away thinking that we had an agreement in principle and now we are in October 10 and we're still working with it and I hope you won't just actually vote on everything just yet, that we still have time and still get a little heads-up and a chance to continue this, because we in the Landowners Association are about to have a board of directors election also very shortly, within the next month. So thank you.

COMMISSIONER GONZALES: Mr. Chairman, Ms. Horton are you talking about the changes referring to our views on zoning changes that will occur? I guess I'm trying to understand what we agreed to in '97 that you're saying that we went back on and then what the staff agreed to that they've gone back on.

MS. SIMMONS: Well, I think what I'm saying is this evolutionary process keeps evolving and evolving and evolving and when we left here May 11, we thought we had an agreement that the Estancia Basin would be frozen in time so to speak.

COMMISSIONER GONZALES: All the traditional communities and the Estancia Basin, contemporary communities, every area around Santa Fe County is frozen until there's a plan in place. There's no zoning changes. But that does not exempt the fact that code amendments could occur.

MS. SIMMONS: And we're back to what is code and what is zoning.

COMMISSIONER GONZALES: Right. And that's something that we have to work through. There are issues that have health and safety issues that require code amendments that we cannot strap our hands to and say we're just going to wait until Estancia decides, till they're going to bring a plan forward before we're going to present any type of code. We're dealing with things like jake brake ordinances over here on the opera hill, which is a code amendment that has nothing to do that if we had agreed to the language that Mr. Powers wants, we would be prohibited from doing something like that.

So I would hope that you would see that we're trying to do what's reasonable and not allowing zoning changes to occur in your community when it comes to density issues, commercialization, everything that you're used to, but when there are specific health and safety and welfare occurrences that may come up, that would require us to do code amendments. And I don't think it's reasonable to strap our hands to say, well, we can't do code amendments that may benefit the northern or the central community because the Estancia Basin doesn't want us to do anything until they have something up and ready.

MS. SIMMONS: Well, and I don't know what a jake brake's going to sound like at the Long Horn Ranch either.

COMMISSIONER GONZALES: But that's my point. My point is that if we agree to the language that Jerry wants, we would be prohibited from even entertaining that in other areas of the county. We need to have the flexibility to deal with code amendments that address health, safety and welfare issues. Zoning issues are things that can stay in place until you've developed your plan to decide what you want your density to look like, where you want your commercialization to occur, if you want open space. Those are all things that

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are important, but there are some environmental issues out there that have impacts throughout the entire county that we need to look at that have to go through a normal public hearing process. Those are all things that I think that the Commission needs to maintain the right to continue to consider without giving up that right until one community decides that they're going to have their plan come forward.

And what I remember that we agreed to on the 11th was that there would be no zoning changes in your area, but code amendments may still be required. And you're right, we have to work through what the zoning is and what it isn't but what's going to define it is always assuring that this Commission can act on behalf of the general public when it comes to health, safety and welfare issues and sometimes you need code amendments to address those issues.

MS. SIMMONS: And Mr. Gonzales, as a follow-up to that comment -- I appreciate what you're saying. As a follow-up to that comment, we find ourselves blind-sided. On COLTPAC, I've just been thrilled with the response of staff keeping us informed. They're doing a heck of a good job keeping us informed of what's going on almost daily. There's something comes across my fax and through the mail weekly and our meetings are coming fast and furious, and we recognize planning will too. And in fact we had a plan that we did provide at our own expense to you, but we got stymied with, well, there's not an ordinance in place that allows for communities to plan.

We still think we have a pretty good running gears to build on. We don't think we're going to be having to start from square one. Hopefully, there's still something in there that's retrievable, that we can build with, but we want the feeling that -- I heard the word flexibility tonight. In my experience, that's flexibility on the side of staff and/or the Commission, but we are held to a rigid position, and we would like the same flexibility as this goes along, as in the case of Ms. King's comments, the flexibility to look at those.

I saw a lot of flexibility going on here tonight in discussions between Jack and specific items. So in that spirit of flexibility, we're hoping that this isn't cast in concrete just yet. And with your permission, I will hand out what Jerry had prepared. [Exhibit 4]

COMMISSIONER TRUJILLO: I'd just like to say that in the area of flexibility, which has driven this whole process since its inception, had been flexibility, an acceptance of community input, and the whole process being driven by community input. This process has been the epitome, an example of flexibility for community. Everything that is represented in these amendments is flexibility and community input. This process has resolved around flexibility by the community and we'll continue to do that. We have not deviated from that.

MS. SIMMONS: And in that spirit, Mr. Trujillo, I want to thank you for that flexibility, that we have at least gotten to this point without a vote that gives us a feeling that we're not a party to our plan. The 60-mile trip up here and the 60-mile trip home tonight is long and I've got to come back tomorrow night, as does my mother and again on Saturday, and I work for a living too. But it is important, and I do thank you gentlemen for

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listening. So yes, I agree with you, Mr. Trujillo. Thank you very much. And thank you for your patience, Commissioner Grinë. Thank you for listening when you do.

COMMISSIONER GRINÉ: Rita, the only comment I have to make is it's getting later and later in the evening. When we titled this plan, it's called the General Plan. That's exactly what it is; it's very general.

MS. SIMMONS: And that's a lovely word, and once again, subject to interpretation by the person reading the word general. Protection of property, religion and language, not necessarily in that order and we find that the English language is very difficult to understand because what a word means to you means something else to me and you can find those words in the dictionary. So yes sir. I know what you're talking about.

COMMISSIONER GONZALES: While you pass those out, you can bring them up, I just want to make a comment because I know the Chairman wants to move on. Our intention -- and I think we've displayed that, and I think we're trying hard to earn credibility and trust in the communities out there, that our intention is to make sure that the community planning process that occurs is really, as Commissioner Trujillo indicated, community driven. If we begin to blind-side issues, if we begin to establish zoning laws that take away density issues and we're doing mandatory open space on any subdivision that comes up and we're changing nodes in your community when you're trying to put together a community plan. That's blind-siding. That's not giving you a chance to take time out and work on things that you feel the community deserves.

So I guess I think that we can still accomplish and meet the health and safety and welfare needs of our community while still allowing you to have that flexibility and that autonomy to go forward and do it. So I don't want you to leave here feeling that by us saying we're going to maintain the right to do some code amendments, however, we're not going to do any zoning changes in your community, then you shouldn't interpret that to feel like we're blind-siding you, it's just maintaining our right to act as a County Commission on behalf of the public on issues that are of interest and concern to them while giving you that flexibility, that autonomy to go out and do the work that you feel is important for your community establishing a good future.

So we don't have to continue the dialogue. I just want to make sure you understand that the people out in the south county, because the south county has been very active in this general planning process. You've influenced very much of the wording that occurs throughout the General Plan. I think we're trying to go down that road of establishing the credibility and the trust, that we made that commitment back in '97 to doing. And it's a continuous process and it's going to continue to evolve. And that's one thing we know for sure. And you'll find when you go back and start doing your community plan that you're still evolving as well because there will be either new people that are getting involved, different people, or they may be different attitudes at the time that you do it. So, at least me personally, and I think I'm speaking for the Commission, that commitment has always been there to assure that communities can develop plans that are important to them, and

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we're going to support those through code amendments after that plan has come forward.

It's not our intention to take away that ability or pre-empt that ability to happen. But we still have a fundamental responsibility to use the means that we can to address health and safety and welfare issues and we have to maintain that prerogative.

MS. SIMMONS: And we understand that. And we appreciate that, and more than that, we appreciate that it is now 1999 and not 1996 because it's been painful for all of us. I recognize none of us really want to be here tonight, but we all feel a sense of obligation to our communities and to the future of the state of New Mexico and the County of Santa Fe.

I have a question of you, Commissioner Gonzales. At one of the COLTPAC meetings, you mentioned a grant for counties. Could you please explain that to us again. I don't think I understood what that was then, the impact, how it's funded, and what it's designed to do and with your permission, I will give you Jerry's hand-outs while you're explaining that.

COMMISSIONER GONZALES: And what I'll do, Rita, I'll actually ask the staff to take you information on the Land and Water Conservation fund, which is what I was talking about, which is monies that the federal government funds to state and local government for acquisition of open spaces. To I'll ask them to take you what the program is so you'll understand it well tomorrow night.

MS. SIMMONS: That's going to come to COLTPAC tomorrow night?

COMMISSIONER GONZALES: The staff will be at COLTPAC tomorrow night, so I'll ask them to take you what the Land and Water Conservation Program is about, and that's what I presented to COLTPAC.

MS. SIMMONS: Okay. For COLTPAC? Thank you. I appreciate that. And thanks for letting me try your patience once again, and I'll be back.

COMMISSIONER GONZALES: At least you're not threatening like your mother is. I can't forget the night that your mother told me that she can shoot between the eyes of a snake with a shotgun from 100 yards out, or what was it, Ms. Horton? How far can you get between the eyes of a snake? And she was looking right at me when she said it.

MS. SIMMONS: That last page is the page Jerry has submitted and of course what you find in tonight's draft from staff varies from that, but where I put the star, that's Jerry's language.

COMMISSIONER TRUJILLO: Thank you.

DALE LEWIS: Mr. Chairman, Commissioners, my name's Dale Lewis if you don't know it already. My concern is also with the zoning versus code language. If you'll look at your minutes of the May 11 meeting, we were discussing code and ordinance, we weren't discussing ordinance. I can understand why you don't want to freeze code and you would rather freeze the zoning. I can understand that. Also, I think you can understand why we want some control of the code and ordinance.

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Also on page 8, taking the recommendations from the staff, it would be with the paragraph that begins zoning criteria for the Estancia Basin District and that would be the paragraph that I want to make this insertion in. It would be after the second sentence that ends with the words "conform to the district plan." And then we would insert the sentence, "Zoning will not be changed while the district plan is prepared." And I want to insert language, unless there is a direct threat to the health, safety and welfare of the communities. And I think that's something that we need to make sure we state in there.

I think that was it.

COMMISSIONER GRINÉ: Is that in the form of a motion to accept those insertions in there?

COMMISSIONER GONZALES: Yes.

COMMISSIONER GRINÉ: Do I have a second?

COMMISSIONER TRUJILLO: Second.

COMMISSIONER GRINÉ: Okay, I have a motion and a second for approval of the two insertions that were made by Commissioner Gonzales, seconded by Commissioner Trujillo. Any further discussion? If not, all those in favor signify by saying "aye." [Unanimous]

Then I guess we need a motion to approve the entire --

COMMISSIONER TRUJILLO: Do I get the opportunity for some amendments? On the open space ratio, I'd like to see a clearer explanation on how those were derived and what they mean -- the 90, 50, the 80, 25 and the 70/10. A better explanation or a clearer explanation on what that means. And I'd like to see -- I know that the plan is driven from a cluster development perspective, but in hearing from the community, and in the amendments that Rhonda King has proposed, she's talking about 70% development. The default in the plan is 40% and I guess I can see 40% in the rural district around the City of Santa Fe, maybe north of Santa Fe, but I can't see it in the southern part of the county, in the Estancia Basin for example, where there might be a need for 70% development.

Cluster development is not conducive in that area and the best interest of that area so I'd like to see maybe a parallel path for open space, one 40% maybe in the rural district and 70% in the Estancia Basin.

MR. KOLKMEYER: Mr. Chairman, Commissioner, if I can respond to that. I think we can fix that up. A lot of this doesn't apply to the Estancia Basin District. And some of that would be what they would do in their plan. So I think that's how we would clarify some of that confusion.

COMMISSIONER GONZALES: And these are all issues of guidelines as well. It could be through the community planning process, Commissioner Trujillo, that the Estancia Basin District, the community that we appoint comes out and says they want 70% or 80%. As long as it goes through their community planning process they're going to basically make a lot of these decisions for that area. I think these are just general guidelines

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As an example, your fence height ordinance that was coming up tonight. That may be fine in the City of Santa Fe or in other areas. In our area, it has absolutely no place. If a rancher wants to build a fence for a windbreak for his cows that's eleven feet tall or a snow break, then he has to come up here and get a development permit. Most of us down there don't have -- I'm ready and willing and I'd like to get it done quickly.

COMMISSIONER GRINÉ: Thank you, Dale. How many more want to speak before the Commission? Just one more? Two more?

PETER FRANKLIN: Again, I'm Peter Franklin representing Campbell Farming. I had more lengthy remarks and I think I'm just going to make two remarks instead. We feel this has been a very productive process with the County staff. There's one aspect of the amendments which provide for landowners to propose community plans which staff agrees will require an amendment to the community planning ordinance. At the moment, the ordinance enables existing subdivisions to propose community plans; it does not allow owners of undivided land to propose such plans.

Campbell is the owner of a bunch of undivided land. As I understand it, that's a change to the community planning ordinance that staff would support and I just want to clarify that the amendments to the General Plan contemplate such an amendment to the planning ordinance as well.

The other comment I'd like to make is that, and this is really by way of apology, this process has not always been easy. At one point in discussions with Jack Kolkmeier, we had the impression that staff was opposed to what we were proposing and was not going to support it and I sent Mr. Kolkmeier and the same letter went to all of you making that point and I think I misunderstood Mr. Kolkmeier. I think based on these amendments it's clear to me now that my impression was wrong and I think the staff's recommendations very clearly take into account my client's concerns and we very much appreciate it. Thank you.

COMMISSIONER GRINÉ: Thank you. Last speaker please.

BUD WELLBORN: Mr. Chairman and Commissioners, my name is Bud Wellborn, real estate broker. And I've been active in working in the Edgewood area since '93. I really like the way this plan is coming together. Back in '94 or '95 Tim Oden wanted to get the community to start working on land use issues and we finally got things on a roll here and I really appreciate the way things are going. I like the item where we have a new community district. We're talking about the new community districts should be dependent upon the completion of the Estancia District plan and the community plan for the town of Edgewood.

I know at this particular time that the community plan for the town of Edgewood, it really isn't conducive to the construction of affordable housing. They want to keep the minimum lot size down to one acre. I know builders and developers that would love to come out to Edgewood and build affordable housing, which I think we need more of in this state and they would come out if they felt that there was a very good opportunity that they could build with densities of at least three or four lots per acre.

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for the county as a whole, what people will look towards.

COMMISSIONER TRUJILLO: Even though it circumvents the essence of what the General Plan is about, which is cluster development.

COMMISSIONER GONZALES: I don't know if it's the essence of the General Plan that it's about cluster development. I think the essence of the General Plan is what we've advocated all along, is community empowerment and community planning. But we know that the new areas of growth that we've talked about heavily focusing on cluster development where there's infrastructure. I'm thinking of new community districts when I think about cluster developments.

But I think what drives cluster development a lot of times is good design issues and the issues of infrastructure, many times because of the cost of taking infrastructure out. It's better to take infrastructure over a 30-acre parcel than over all 100 acres. But I think the point is to maintain flexibility to allow that to happen. I don't know if the entire plan is driven by cluster development. In fact it's not, because the rural districts don't encourage it, right?

MR. KOLKMEYER: I'm not sure we even use the term anymore in the whole plan. I think you're correct. It's an option like Mr. Wellborn was saying that part of the ability of being able to provide an affordable housing option is going to have to be more compact, higher density areas. So compact development or cluster-type development actually would help to drive some of those other issues that we're trying to achieve as well.

COMMISSIONER TRUJILLO: So the flexibility is there for communities to decide.

MR. KOLKMEYER: We'll definitely go back over it because again, we haven't seen Rhonda's amendments, the recent ones, so we'd have to go back and look at that and see where there would be areas where we'd need to fix that up.

COMMISSIONER GRINÉ: So do we need an amendment to approve the entire proposed amendments?

COMMISSIONER GONZALES: That was the motion that I made with those changes, Mr. Chairman.

COMMISSIONER GRINÉ: So we've approved it already. So then we've adopted it.

IX. B. Resolution No. 1999-99. A resolution adopting the Santa Fe Northwest Community Plan and designating the planning area as a contemporary community pursuant to County Ordinance 1998-5, the Community Planning Process, and incorporating the Santa Fe Northwest Community Plan into the Santa Fe County Growth Management Plan

MS. MCGOWAN: Mr. Chairman, Commissioners, I will try very hard to be coherent and quick.

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So I'm really a proponent of compact urban development. I think it needs to be put in the kind of light that makes it sound like this is something the County would really like to do. I would like to bring these people in, get them involved in this process. I think they could lend a lot of credibility and reality to the vision of affordable housing. That's the only thing that I would really like to see is affordable housing be a more defined goal issue and that it be addressed in a way that's understandable to developers. Thank you very much.

COMMISSIONER GONZALES: Just not to delay, Mr. Chairman, but I just want to make sure that you know as well, what you may not know, that the Commissioners have done a lot of things to try and make some language available that's understandable to developers. There's a couple things, there's the density bonuses if they do affordable housing and we'd be willing to provide greater density. The whole issue of legislation that we lobbied for last year that basically created the ability to do special assessment districts for infrastructure so that they could be done in the form of a property tax and that's a better interest rate to borrow on that money so that they lower that cost of housing.

There's a number of things that we've tried to do to really make it a positive environment so that developers could come in and not pass on a lot of these extra costs. In our code, if there's an affordable housing project it gets special attention so it's not tied up in the County bureaucracy for so long but it has that focused attention. So I want to make sure that as you leave here and that you convey to the people out there that the County has been very progressive in the last couple of years in developing language that developers understand, which is approval time, which is cost of infrastructure, which is density bonuses. Those are all things that they understand when they're doing their bottom line that we've had available, that have been available for people to use.

So I bring that out just for information purposes if you don't know that and also so you can convey with people out there.

MR. WELLBORN: Yes, it wasn't that clear to me and thank you for giving me that information, and yes, I'll definitely convey that to the development community. Thank you, Commissioners.

COMMISSIONER GRINÉ: Thank you, Bud. Was this the last speaker? I just want to make sure. Okay, folks, thank you. How does the Commission want to proceed.

COMMISSIONER GONZALES: Mr. Chairman, I guess we're proceeding forward with the adoption of the amendments, is that right, Jack?

MR. KOLKMEYER: Commissioner, yes, we'd like to do that and then we still have the September meeting to pull everything back together.

COMMISSIONER GONZALES: So I'd like to move for the adoption of the amendments and make a couple of insertions. One on page 6 under item F, Open space protection incentive, if that would be changed to voluntary open space ratio. Just go ahead and insert the word voluntary. I don't think we can state voluntary enough. So let's make sure that we go overboard in making sure that that's there.

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COMMISSIONER GONZALES: Actually, Mr. Chairman, can I make a recommendation to Judy. We've been following the SNAC plan, if you can actually move that to more of a summary and then we could open it up to a public hearing on the issues where there's contention but I think we've all followed this pretty closely. I think we support it, so I don't know how much we really need to delve into things.

MS. MCGOWAN: I'll do it very briefly. I want to pass out some amendments that the committee has proposed. These, again, are also done in the context of the whole draft, so it's just a couple of changes on the whole page and these have to do with factual issues, because the original plan was drafted in 1997 and conditions have changed on some of these issues so they feel like they should bring this up to date. It primarily has to do with roads that have been built, were planned then and now have been built and the landfill that was talked about being built and now is completed.

COMMISSIONER GONZALES: And is the staff in concurrence with those changes?

MS. MCGOWAN: Yes, we are concurring with the changes.

COMMISSIONER GONZALES: Okay, so it's just a matter of your presenting them to the SNAC plan that's been adopted?

MS. MCGOWAN: This would be very exciting if we could approve a community plan and that would open up some staff time for another community plan and the community planning program. But as you well know, SNAC came to the County Commission and the EZA in 1994 to get authority to do a community plan or sector plan at that point. They were working under the rules of the Extraterritorial Comprehensive Plan. Since then, the County has adopted our ordinance, the community planning ordinance that set out a procedure for getting final adoption.

So they've done the best they can, since their draft was already submitted before our ordinance was developed they've done the best they can to bring their whole process and plan in conformance with the community planning ordinance adopted by the County. They have been through numerous public hearings already. They brought the plan draft in in 1997 and in late 1998 they went to CDRC to get a recommendation on their contemporary community boundary which they got in November and they proceeded to a scheduled joint study session in February of 1999 of EZA, EZC, the Board, and CDRC, and then proceeded to hearings before EZC, one in March, at which time the plan was tabled and went through some extensive amendment and then they came back in May to the EZC and the plan was approved with the amendments that had been developed.

Those amendments responded both to staff concerns, to concerns of the County Hydrologist and to some EZC members and they rewrote a couple of sections entirely in response to that and also to some concerns from the westside neighborhood that's immediately south of them. In May, the EZC approved their plan incorporating those amendments and they went on to EZA and their plan has actually been approved as an ordinance by the EZA, as an amendment to the Comprehensive Extraterritorial Plan. So this

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is their final step to come to you asking for approval of their plan as a community plan and incorporation into the County Growth Management Plan as set forth in ordinance 1998-5, the community planning ordinance.

They're asking for approval of the plan as drafted, approval of these amendments that they have submitted which are factual amendments. They don't really change any of the thrust of the plan at all. And for two actions from you. One is designation as a contemporary community, and the boundary that is proposed is an amended boundary. It's found on figure 1 in the draft that you had in your packet. It basically is their original planning boundary, but the Jacona Land Grant asked to be deleted from the planning area. So that is what's in the proposal now. So that is one action they're asking for.

They're also then asking for adoption of their amended plan and incorporation into the County Growth Management Plan as part of that adoption.

COMMISSIONER GRINÉ: It's sounds like it's a dry and cut deal already, right? It's a public hearing. Anybody want to make comments?

MS. MCGOWAN: I think the community would like to make some comments or a presentation.

COMMISSIONER GRINÉ: I hope that it's all for.

FRANK SHAW: After six years and another six hours tonight, I think I'll keep it short. I do want to thank the current Board of Commissioners and several others that we passed through over the years for their support for this operation, and I would particularly want to thank the County staff, the planning staff, and I'd like to single out Judy McGowan. Judy's been with us since day-one back in 1992, has helped us all along in explaining how the process works, has been working with us. We have gone back and forth with drafts, and she's been a real help to us.

We've learned a lot in the process, a lot about how local government works and doesn't always work. We've learned about, we were instructed in the ways of this system here. The plan itself, and the process of putting it together has had many other effects. In a way it has brought our area together as a community. It was a lot of little bits and pieces of subdivisions thrown together by independent developers, basically, over a period of years, fairly recent years. This has made something of a community of it, so it's been a good process. It's helped us a lot in that respect.

It has spawned a number of other activities. The most prominent one that will continue on is the open space committee's work in the northwest and we have a gentleman here who would like to talk briefly about that. I would request that you folks consider this as the final meeting. I know County Ordinance 1998-5 says two public meetings by the BCC. But we have had two public meetings with the CDRC. We had two public meetings with EZC. We had a public meeting with the EZA, at which three County Commissioners were present and we have this one. It seems to me that we have met the obligation of providing public access to everybody that has any interest in it and I think you could decide that the technical legal issue as to getting around the exact wording in the ordinance might

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permit you to consider this as the final meeting.

COMMISSIONER GRINÉ: This is a resolution so we don't have to have another public hearing, right, Denice?

DENICE BROWN (County Attorney): I know we have a policy on going to two public hearings on land use ordinances. Is that what we're talking about or is it the community planning ordinance itself? The community planning ordinance itself requires two public hearings.

COMMISSIONER GRINÉ: Is this going to require two?

MS. BROWN: Let me take a look at it real quick.

COMMISSIONER GRINÉ: Go ahead and continue, sir.

MR. SHAW: It's been a long process. It's been a good process and we'd like to see it terminated really at this point so there's no further burden on you folks, on the staff and on us. And I think we've accomplished everything that needed to be done. It's just a matter of a technicality of whether this is your final meeting which approves the plan or whether you have to have another one. That's the end of my comments on this thing unless you have questions.

COMMISSIONER GONZALES: No questions.

MR. SHAW: We have a gentleman here who wants to say a little something about the follow on project, the open space.

ROY STACE: My name is Roy Stace. I am chairman of SNAC's open space committee and I have been working with Frank and our steering committee on the sector plan, the community plan for the past few years. We recognized as we got into land use planning in our community plan the unique nature of the 18,000 acre BLM block in northwest Santa Fe County. I gave you a color copy of figure 5, because the black and white copy in your hand-out does not show the open space.

The BLM land is shown in green. It's 18,000 acres bounded on the west by the Santa Fe National Forest, along Cañada Ancha, bordered on the north by the San Ildefonso Reservation and on the east and south by the Jacona grant on the northeast and residential rural areas and suburban areas to the south. It's a real jewel. It is currently classified for retention, but we found out from several incidents that really didn't need much from the standpoint of protection.

So we got together with the BLM people in Taos and talked with them about what we could do to reclassify the area with tighter restrictions. What we came up with was the proposal that SNAC provide the volunteer labor and the State Office of Archaeological Studies and the BLM provide the supervision. We laid out a year and a half program. We organized the effort into five sectors -- roads and trails, ecology, geology, history and archaeology. The State Office of Archaeological Studies agreed to provide technical oversight and the State Historical Preservation Office funded one of our historical projects with \$2,000 which SNAC matched and we are coming back to SNAC for several thousand more for completion of the report.

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So the money were going to have in this is something of the order of \$5,000 to \$10,000. All of the work except for the supervisory work will be volunteer labor. We've already put in some 2,000 man-hours. The BLM did not commit when we made our proposal. They said they would look at the results of our studies. We plan to come back to them some time this fall. The decision will be made by the regional manager in Taos and he will be sensitive to community support. This is my alert to the Board.

When we have finished our work we will provide you with a report and if you wish a field trip or a review of what you've done, and then we'll ask for your endorsement to the BLM of our proposal. That proposal will request that the BLM set aside this land as open space for use by the public. The value of this land is very difficult to ascertain because speaking of open space we're talking about aesthetic value. But there have been appraisals of a part of the area, most recently the area to the south that the King Brothers traded with the BLM. That land was appraised at \$2,000 an acre. We're looking at 18,000 acres. The arithmetic says we're aiming at setting aside as open space at least \$36 million worth of land.

We look forward to filling you in when we've completed our studies. Thank you very much.

COMMISSIONER TRUJILLO: The open space that you're designating, all of it is BLM land?

MR. STACE: Yes.

COMMISSIONER TRUJILLO: And the rural, I conjecture is in private hands.

MR. STACE: Yes, including the Jacona grant.

COMMISSIONER TRUJILLO: And the Ortiz property.

MR. STACE: And the Ortiz property, correct. And Zannie Garcia's property as well --

COMMISSIONER TRUJILLO: Very good.

COMMISSIONER GRINÉ: Okay, Denise, what's your research?

MS. BROWN: Mr. Chairman, Commissioners, the community planning ordinance states the Board shall conduct no less than two public hearings to review each community plan.

COMMISSIONER GRINÉ: So this is the first public hearing so I guess we'll have to notice it one more time so we can take action on it. I'm sorry.

COMMISSIONER TRUJILLO: Can we circumvent --

COMMISSIONER GONZALES: Mr. Chairman, I'd be real concerned about our circumventing. I understand Mr. Shaw wanting to get this thing done.

COMMISSIONER TRUJILLO: It's gone through six public hearings.

COMMISSIONER GONZALES: I would just remind Commissioner Trujillo that he's the one that brought forward the amendment to have two public hearings.

COMMISSIONER TRUJILLO: That's right. I guess legally we have to

PROPOSED AMENDMENTS TO THE SANTA FE COUNTY GROWTH MANAGEMENT PLAN, PART II: THE PLANNING DISTRICTS

subsurface aquifer conditions based on detailed hydrologic studies shall govern density. For instance, if actual aquifer conditions, identified in site specific wells, on lands in the Homestead Zone are found to be more like the Basin Fringe then the Basin Fringe base density shall apply to those lands.

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Page 39, top of page:

RURAL DISTRICT DEVELOPMENT CHOICES

All development choices are strictly voluntary, including any which require building envelopes or open space for density incentives.

Additional development choices may be implemented as conditions change as long as the intent of the Growth Management Plan and any applicable Community Plans are met,

Codes will incorporate flexibility and ranges in standards to encourage creative design and provision of amenities and community benefits.

All or part of the potential density incentives may be "sending" Development Rights to be transferred to "receiving sites" if areas within the Rural District are designated as part of a Transferable Development Rights (TDR) Program.

Table on pages 40, 41 and 42:

PROPOSED AMENDMENTS TO THE SANTA FE COUNTY GROWTH MANAGEMENT PLAN, PART II: THE PLANNING DISTRICTS

Page 31:

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WATER AVAILABILITY

Development in the Rural District will continue to be dependent on groundwater supplied by individual or cluster wells or community water systems. In some cases water may be supplied by the County Water System where groundwater supplies have been depleted or the groundwater levels are dropping because of withdrawals for individual or community wells or where contamination has compromised local supplies. The current performance standards in the County automatically decrease lot size where water and sewer systems are provided; this is sometimes a deterrent to residents who might seek improvements or extension of utility systems for fire or groundwater protection. While density increases may affect affordability of such systems, any density changes in existing development and communities should be assessed for each community to consider impacts to terrain, traffic and local character. Land development densities in such areas will change only if proposed and approved as part of a Community Plan.

Page 32 - 33:

Substitute the term Hydrologic Zone wherever the term Aquifer System Area appears.

Basic density (Minimum Lot Size) in the Rural District depends on the underlying Hydrologic Zone Aquifer System Areas as described below:

- Aquifer System Area (~~Basin~~) Basin Hydrologic Zone - one dwelling for each 10 acres;
- Aquifer Fringe Area (~~Basin Fringe~~) Basin Fringe Hydrologic Zone - one dwelling for each 50 acres;
- Mountain Zone Recharge Area - one dwelling for each 80 acres;
- Mid County Hydrologic Systems Area (~~Homestead~~) Homestead Hydrologic Zone - one dwelling for each 160 acres;
- Mountain Special Review District - one dwelling for each 80 acres.

Add new text:

In the event that actual subsurface aquifer conditions are found to be different than the hydrologic zone in which the surface lies, the actual

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PROPOSED AMENDMENTS TO THE SANTA FE COUNTY GROWTH MANAGEMENT PLAN, PART II: THE PLANNING DISTRICTS

OPTION

E : AGRICULTURE PROTECTION INCENTIVE

NOTE: THIS IS A PROPOSAL ONLY; DETAILS OF INCENTIVES TO BE DEVELOPED WITH THE ADVICE OF FARMERS AND RANCHERS.

DENSITY	REQUIREMENTS	OTHER CONDITIONS
Ranchlands: for every 140 acre parcel maintained in agricultural use, owner gets base density plus any water conservation incentives plus 2 units which can be transferred to another parcel or portion of the property	agricultural lands must be maintained for ___ years by easement or other legal means	Applios to lands not previously divided for exemption or development ?
Incentives plus 2 units which can be transferred to another parcel or portion of the property	one unit remains (or more if owner does not transfer all of the allotted density transfer units) with each 140 acre or 10 acre agri. lot	Agricultural parcels pay no impact fees
Valley irrigated: for every 10 acre parcel w/irrigation rights maintained in agricultural use, owner gets base density plus any water conservation incentives plus 2 units which can be transferred to another parcel or portion of the property	Minimum community benefit standards and water conservation covenants for residential lots	Residential to be developed on least productive lands
		Home occupation/small business meeting performance standards

F : OPEN SPACE PROTECTION INCENTIVE

NOTE: FLEXIBILITY WILL BE BUILT INTO FINAL INCENTIVES TO ENCOURAGE PROTECTION OF MULTIPLE VALUES, SUCH AS TRAILS, HISTORIC OR CULTURAL SITES.

Open Space Ratio	Density Bonus	Minimum community benefit standards	Density Bonus units may be transferred to a cluster subdivision on the developed portion of the parcel or transferred to another parcel identified as a receiving zone in a community or the City
90%	50%	water conservation covenants	
80%	25%	Open space protected by conservation easement or conveyance to a public entity or a private non-profit conservation trust - this option intended to protect lands of local or regional importance to the public; public access may be restricted in some instances for wildlife habitat or endangered species protection	
70%	10%		The open space shall be identified for protection or acquisition by the County Open Land & Trails Advisory Committee
			Community Performance standards, if applicable

PROPOSED AMENDMENTS TO THE SANTA FE COUNTY GROWTH MANAGEMENT PLAN, PART II: THE PLANNING DISTRICTS

OPTION	DENSITY	REQUIREMENTS	OTHER CONDITIONS
C : RURAL WATER CONSERVATION INCENTIVE	Up to 4 units per minimum lot size of Aquifer System Areas, when water is proven to be available <i>hydrologic</i>	Minimum community benefit standards water conservation covenants identify Building Envelope of no more than 40% of property local roads required; length minimized to conform to terrain and open lands	Parcel is divided into lots open lands private through easement or other legal means; includes No Build Areas Septic drain fields can be located in open space Community Performance standards, if applicable
D : FAMILY TRANSFER	One half of underlying zoning	Must meet conditions for length of ownership and transfer to family members Minimum community benefit standards water conservation covenants	Home occupation/small business meeting performance standards The intent is to provide housing and affordable house sites for local family members; conditions to reinforce this goal may be developed. Community performance standards, if applicable. Home occupation/small business meeting performance standards

PROPOSED AMENDMENTS TO THE SANTA FE COUNTY GROWTH MANAGEMENT PLAN, PART II: THE PLANNING DISTRICTS

Page 43, paragraphs 3 & 4:

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ESTANCIA BASIN DISTRICT

The Estancia Basin District (EBD) extends from Clark Hill south to the southern boundary of Santa Fe County. The District encompasses all of the Estancia Basin Aquifer Fringe and Aquifer Area, including the Traditional Communities of Stanley and Edgewood, and the newly incorporated Town of Edgewood. The area is characterized by open grazing lands, irrigated farmlands and agricultural lands, and dispersed, populated areas.

In recent years the Edgewood area has been the most rapid growth area in the County. Many new residents commute to Albuquerque while enjoying the less crowded lifestyle opportunities available in the Estancia Basin.

The Estancia Basin District will establish its own zoning criteria through a District Planning process. Until that process takes place, the EBD will adhere to the existing County Land Use Code. Residents have expressed a desire to be recognized as a "district area" within Santa Fe County with a character and needs different from other parts of the County.

Zoning criteria for the Estancia Basin District will be established through a District Planning process. Once the Basic Planning District map is adopted by Ordinance establishing the Rural District and Estancia Basin District as separate zones in the County Land Development Code and a planning committee is authorized by the Board, any proposed zoning amendments to the Land Use Code for the Estancia Basin District will conform to the District Plan. The Board of County Commissioners shall approve a Resolution establishing an Estancia Basin Planning Committee to begin drafting the Estancia Basin District Plan. The Resolution shall outline committee representation and public participation, community commitment, County staff involvement, planning elements, tasks, a schedule for completion of the District Plan and progress reports and provide for time extensions if needed.

ESTANCIA BASIN DISTRICT PLAN

Once the Estancia Basin District has been legally adopted, an Estancia Basin Planning Committee should be appointed by the Board of County Commissioners to begin drafting the Estancia Basin District Plan.

*zoning in Estancia
Basin shall be
be confirmed with
the plan?*
*will be changed while
again being reviewed*

PROPOSED AMENDMENTS TO THE SANTA FE COUNTY GROWTH MANAGEMENT PLAN, PART II: THE PLANNING DISTRICTS

OPTION	DENSITY	OTHER CONDITIONS	
		REQUIREMENTS	Home occupation/small business meeting performance standards
G : SPECIAL USE PERMITS (SMALL BUSINESS, RESOURCE BASED USES, AS DETERMINED BY CODE)		Minimum community benefit standards	Community Performance standards, if applicable
		water conservation covenants	Compatibility with neighborhood and Community Plan
		identify Building Envelope of no more than 40% of property	
		Minimum community benefit standards	Community Performance standards, if applicable
H : NON-RESIDENTIAL DISTRICTS (“NODES” OR LOCATIONS DETERMINED BY COMMUNITY OR CORRIDOR PLAN)		water conservation covenants	Compatibility with neighborhood
		identify Building Envelope of no more than 40% of property	As designated by Highway Corridor or Community Plan
		Minimum community benefit standards	Community Performance standards, if applicable
		water conservation covenants	Compatibility with neighborhood
I : COMMUNITY PLAN May develop unique zoning rules for local design and land uses which will distinguish the community from the surrounding Rural District; approval of plan and Ordinances removes community from Rural District		Minimum community benefit standards	Community Performance standards, if applicable
		water conservation covenants	Compatibility with neighborhood
		identify Building coverage area of no more than 40% of property	Code standards developed for any proposed new villages will <u>apply</u>

**PROPOSED AMENDMENTS TO THE SANTA FE COUNTY GROWTH
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The purpose of an Estancia Basin District Plan is to establish a broad framework for land use that will preserve and enhance the quality of life as defined by its residents, while allowing reasonable, resource-based growth, that reflects the diversity of design elements and the cultural values of the District, and preserves individual rights.

Once a District Plan has been completed and adopted by the Board of County Commissioners, a Local Development Review Committee shall be established and empowered to review all development applications in relation to the District Plan and amended Land Use Code, making recommendations directly to the Board. The Estancia Basin Local Development Review Committee would replace the County Development Review Committee.

Page 63, paragraph 6:

Once the Community College District has been established, a Caja Del Rio NCD two other NCDs might be considered in the central County. The ~~Caja Del Rio NCD and the Estancia Basin NCD.~~ An Estancia Basin New Community District might be established through the Estancia Basin District Plan. Other New Community Districts can be proposed as an amendment to the Growth Management Plan.

Page 64, paragraph 1:

Utilities and Timing

Most of the Caja Del Rio New Community District is not currently served by the Santa Fe County Water Company, but it is anticipated that the area will be served and traversed by the transmission line from the Rio Grande in the future. One village development, the Frijoles Village has received zoning approval and others might be anticipated once community sewer and water service are available. The Arterial Roads Task Force has developed recommended alignments and corridors for an arterial network in this area and numerous trail corridors have been identified. NCD status for this area would be recommended for 2010 when it is estimated that regional water and sewer service and capacity would be available.

Page 64, paragraph 5:

Plans for a New Community District, however, should be dependent upon the completion of an Estancia Basin District Plan and a Community Plan for the new Town of Edgewood. New Community District status could be recommended for 2010 along with the ~~Caja Del Rio New Community District.~~ and a detailed New Community District Plan developed when planned infrastructure and services will be available.

new language

PROPOSED AMENDMENTS TO THE SANTA FE COUNTY GROWTH MANAGEMENT PLAN, PART II: THE PLANNING DISTRICTS

Page 65, Sentences in paragraph reordered and amended:

OTHER NEW VILLAGE PROPOSALS

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It might also be appropriate to consider the development of new villages outside of designated New Community Districts when local community plans or District plans provide for this option. Water availability, transit options, capacity of the County or a municipality to provide public services, affordable housing, and economic development opportunities should be determining factors.

An example would be the State Land Office holdings along NM 599 adjacent to Caja Del Rio Rd. if an entire NCD was not designated for this area. A new village, for in this example, should not be considered unless it can connect to either the County or City water system, the City's wastewater system or the City's transit system. New village proposals adjacent to designated Urban Areas should be considered as part of the Extraterritorial Zone and considered according to conditions and standards defined in the Extraterritorial Plan and the Extraterritorial Zone.

Page 77:

UTILITIES CORRIDOR PLAN

A Utilities Corridor Plan for Santa Fe County will direct the location of electric power lines, gas service lines, telecommunications cables and towers, radio towers, and other appurtenances and structures required for utilities toward ~~designated~~ growth areas. Locations will be chosen which protect and away from important view sheds, cultural resources, important open spaces and viable agricultural lands to assure these resources are protected from the visual, terrain or health effects of utilities. Where utilities provide necessary services to users in these areas construction standards will mitigate negative effects and meet community standards. The Utilities Corridor Plan will be developed by the County in cooperation with utility providers and the communities. The Electric Facility Plan recently proposed by PNM offers an opportunity to begin this planning effort.

proposed

**PROPOSED AMENDMENTS TO THE SANTA FE COUNTY GROWTH
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changing economic realities for agriculture means deciding which features of "rural" can be sustained, promoting a viable agricultural economy, County acquisition of lands for open space and preservation and guiding residential development trends to keep opportunities open for continued and future agricultural uses. The preferred development scenario for the Rural District incorporates and reinforces the belief in and desire to continue this historic and contemporary rural character.

Page 30, paragraph 2:

While it is recognized that significant rural residential developments may continue to occur in the Rural District, it is not the County's intent to continue a pattern of spreading subdivisions without services and a community focus for development. Community performance standards and incentives will be created to help achieve affordable housing, traffic reduction, the provision of protected open space and community facilities and amenities.

When residential developments reach 100 units or more, the need to provide commercial and public services will be reflected in the design and zoning standards. Proposed developments which exceed 300 units would need to seek zoning for a New Community District unless locations for such villages are approved as part of a Community Plan. Proposed developments which exceed 300 units need to be developed as new villages. Landowners may seek zoning for a New Community District or may submit a Contemporary Community Plan which includes a location for a village.

Page 30, paragraph 3:

Those areas within the Rural District identified as Contemporary Communities will develop scenarios for mixed uses, community centers and provision of services based on local conditions and strategies for building the needed infrastructure. Business, light industrial, institutional and active recreation facilities may be located in these plans. Until these plans are completed and adopted and the resources are identified for any more intense development planned in the community areas, the zoning for the Rural District will apply. Community planning efforts will accomplish a similar task for areas within the planning boundaries of Traditional Communities. The Community plans for Traditional and Contemporary Communities may develop unique zoning rules for local design and land uses to distinguish these areas from the Rural District.

PROPOSED AMENDMENTS TO THE SANTA FE COUNTY GROWTH MANAGEMENT PLAN, PART II: THE PLANNING DISTRICTS

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The following maps are amended as approved previously and depicted on Draft
Maps dated August 1999:

1. The Basic Planning Districts: amendment to the boundary of the Estancia Basin District.
2. All Community College District Maps will reflect a northern boundary of the District abutting the I-25 Right of Way and incorporating the Highway Corridor as an overlay District.
3. The Santa Fe Metro Area Growth Management Plan: amendment to the boundaries of the Airport Development District.
4. All final maps will reflect the latest base data on land ownership, jurisdiction, PLSS, roads, physical features and legend colors and symbols.

Text amendments: language to be deleted is interlined; language to be added is underlined.

Page 13, first bullet:

- Direct the location, mix and density of development so that new sprawl is minimized. This provides the critical mass so infrastructure and services in new or existing development can be more efficient and affordable (infill and new villages). This can be accomplished through Districts and District planning as well as Community Plans.

Page 25, paragraph 4:

Some areas in the Rural District which have been subdivided and land divided exhibit a density, as well as size and scale, which is beginning to attract commercial and community uses to serve the residents. Residents in such areas commonly resist being labeled as living in suburbs of the City of Santa Fe, but many of the areas have become suburban in function. This Plan anticipates that these **areas will become Contemporary Communities** where the County and community residents will plan for growth and change in a way which helps reinforce each community's identity and style while providing for a mix of uses and services for its residents. The cooperation of the City of Santa Fe will be sought for joint solutions to service and facility needs for Contemporary Communities in the central County. Contemporary Communities may develop unique zoning rules for local design and land uses which will distinguish the community from the surrounding Rural District.

Page 29, paragraph 3:

Agricultural land is a non-renewable resource. Protection and support of the farming and ranching lifestyle, the relationship of human activities to the land and the open landscape which dominates is essential to the vision and preferred development scenario for Santa Fe County. To maintain this "reverence for place" under

Proposed Changes to 1999 Growth Plan of Santa Fe County

Text amendments: language to be deleted is interlineated: language to be added is underlined and italicized:

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Page/Item	Change	Question/Comment
Page 30, paragraph 2	Landowners may seek zoning for a New Community District or may submit a Contemporary <u>or</u> Community Plan which	The word <i>or</i> was added to reflect that Contemporary and Community Plans are defined differently in the document.
Page 30, paragraph 2	"New Villages"	A definition of a "New Village" should be provided in the document.
Page 30, paragraph 3 Restricted Land Uses		The restrictions are not flexible enough to provide for economic development opportunities in areas other than the Central part of the County and should be modified to address other areas of the County.
Page 31, paragraph 3	Additionally, these uses must be located where infrastructure is already developed or is planned.	
Page 31, 1 st paragraph under Water Availability	Land development densities.....as part of a Community Plan.	This should be addressed at the time the new land code is written.
Page 31, 1 st paragraph under Water Availability	The current performance standards in the County automaticallythis is sometimes a deterrent to residents who might seek improvements....	I do not understand the connection between the two circumstances.
Page 40, Option C, requirements	Identify building envelopes of no more than 40% <u>70%</u> of property.	Change 40 to 70. As this currently reads, if you had a 10 acre tract in the Basin Zone and put water conservation measures in place that 6 of the acres could not be built on. If you were in the homestead zone you could not build on 96 acres of a 160 acre parcel.
Page 41, Option E, other conditions	Residential to be developed on least productive lands	Should be determined at the time the land use code is written.
Page 41, Option F, option	Note: <i>This is a proposal only: details and flexibility will be built into</i>	
Page 41, Option F, Density	<i>Open Space Ratio add following Ratios 60%, 50%, 40%</i>	

Proposed Changes to 1999 Growth Plan of Santa Fe County

Text amendments: language to be deleted is interlineated: language to be added is underlined and italicized:

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Page 41, Option F, Density	Density Bonus Delete 50%, 25%, <u>40%</u>	The density bonus should be determined at the time the land use code is written. Additionally, the density bonus' as written have no meaningful application i.e. If you had 4 lots and left 70% open space would this translate to a bonus of .04 of a lot?
Page 41, Option F, other conditions	Density Bonus units may.....as a receiving zone. in a community or the City	The receiving zone should not be limited to just a community or city.
Page 41, Option F, other conditions	The open space shall be identified for protection for protection or acquisition by the County open Land & trails Advisory Committee	This language is counter productive if the goal of this plan is to preserve open space.
Page 42, Option G, requirements	Identify building envelopes of no more than 40% of property.	This should be addressed when writing the land development code.
Page 42, Option I, requirements	Identify building envelopes of no more than 40% of property.	This should be addressed when writing the land development code.
Page 42, Option I, other conditions	Code standards developed for any proposed new village will apply <u>if applicable</u> .	I would assume that standards might vary in different parts of the County.
General question		How will the current exemptions allowed in the Subdivision code be effected by the new growth plan?
Page 43, Estancia Basin District		We have been working with staff to develop language regarding the District zoning, however it is still not clear as to whether or not the rural zoning would apply until a District Plan is developed. It has been the understanding of the South County residents from meetings that the current code would apply as it is today and changes to the code would be done in the context of the Estancia District Plan and based on the needs of the area and that the area would not be placed under the Rural District zoning provisions.
Page 64, paragraph 5	Plans for a New Community District..... Estancia Basin District Plan and a Community Plan for the	Since the County can not require the Town to complete a plan, it should not be a determining factor.

Proposed Changes to 1999 Growth Plan of Santa Fe County

Text amendments: language to be deleted is interlineated; language to be added is underlined and italicized:

Page 77, 1st paragraph

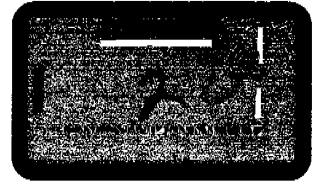
new Town of Edgewood.
A Utilities Corridor Plan.....and
structures required for utilities
toward designated growth area.

Page 71, Extraterritorial
Areas

The County should develop a plan specifically for the five mile area. The zoning for this area should not be dependent merely on the development of New Community Districts, or Contemporary Community Plans or if none are adopted be rural zoning by default outside of the Community College District. Leaving the area Rural District by default does not address the complex issues facing the five mile area.

KING BROTHERS RANCH

P.O. BOX 6 • STANLEY, NEW MEXICO 87056
(505) 263-0554 • (505) 832-1617 FAX



August 10, 1999

Honorable Santa Fe County Commissioners
Santa Fe County
Santa Fe, New Mexico

1687070

Dear County Commissioners:

Please find attached comments and proposed changes to *The Santa Fe County Growth Management Plan*. We appreciate your consideration regarding these matters.

Sincerely,

King Brothers Ranch

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ROD RIMPLE: My name is Rod Rimple, Route 4, Box 17. Mr. Chairman, Commissioners, I want to thank you for initiating this great process which is very timely and from my standpoint a very possible approach to growth management issues. I represent a community planning organization which deals with a traditional historic community as well traditional village as a zoning area. In studying this document we feel that it fits our use like a glove. We were very, very grateful to you having such a responsible approach to issues and needs that have come up in our land use planning process and I just want to thank you all and give the plan my support.

CHAIRMAN DURAN: That's one out of twenty.

DALE LEWIS: Commissioners and staff, I'd like thank you for listening to me. The first thing I'd like to bring up, I think staff was in agreement on it last night is where this where this says the Estancia Basin District will adhere to the existing County Code, we need a date on that so that the Code cannot change.

MR. KOLKMEYER: Mr. Chairman, if I may, we are definitely in agreement that there should be a date. That's very clear what that means and the effect it has. The only question that we had was what exactly should the date be tied to? Should it be tied to the decision that the Estancia Basin commits to a plan? We specifically talked about last night is once we create the district that would be the date. But the problem with that that we talked about later was [inaudible] nothing happens at all and there's no planning that occurs so that date is used as [inaudible] So perhaps it might be better, just let me offer a suggestion, that maybe it would be better to tie that date to an official designation of when the Estancia Basin District plan will start. [inaudible] and that may take some time too. [inaudible] That creates a whole lot of ambiguity.

MR. LEWIS: I would like to see it at the date of adoption so we don't have a wide open space in the interim there. That's my concern. We're all for making our own plan. We're all for it. Another concern that I have here, if before August, before this becomes finalized, is there a new ordinance going to come out of this plan?

MR. KOLKMEYER: Mr. Chairman, not to my knowledge, Dale. But don't forget that we had some policies that we passed before from which some ordinances came out of, for instance the community planning ordinance. That came from the policies that were developed last year, remember? We did that. The other, there might be some amendments to the others. There's one that's being considered now about height, for example. [inaudible] there is an concern that there is an Estancia Basin District and perhaps we can continue to allay your concern [inaudible] and we could look at those things in detail and determine that. But I think our response right now would be no, we don't foresee any.

CHAIRMAN DURAN: Mr. Lewis, another thing is that ordinances require two meetings to continue this process. So nothing would be adopted before we adopted this.

MR. LEWIS: What I was concerned about was adopting an ordinance out of this document before it's a finalized document.

COMMISSIONER GONZALES: I think you have to have a final document

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before we would implement an ordinance to support what the ordinance talks about.

MR. LEWIS: The other question I have, it's more of a clarification for me. Down here where you all appoint the Estancia Basin Planning Committee, what is the process or how is that going to come about? Where are the people going to be picked from? What's going to happen here?

COMMISSIONER GRINÉ: Mr. Chairman, Dale, [inaudible] if people are interested, that represent those communities, if you want to belong, that's up to you.

MR. LEWIS: But you all have the final say?

CHAIRMAN DURAN: We would verify what the community wants, though.

MR. LEWIS: I'd like to volunteer my services right now. I go on record.

COMMISSIONER GRINÉ: [inaudible] I'm going to go down to your community and get some names.

MR. KOLKMEYER: [inaudible] Let's go back just a bit and clarify exactly what the changes to the Code mean. I'm still a little bit confused. [inaudible] you can ask me some questions and we can direct the conversation in just a moment so we understand what changes to the Code would mean. If you wouldn't mind helping us with this.

MS. BROWN: Mr. Chairman, Commissioners, I think [inaudible] the process takes place if they don't adhere to the existing County Land Use Code. The Land Use Code covers a lot of things besides density, so if we have a new restriction on the type of lights [inaudible] So whether this means, I presume it's zoning designations or densities are the things that you all would want to stay intact until your plan was in place.

MR. LEWIS: I am concerned about everything that we would be planning for. I would like to see things remain as they are until we come up with our own plan. We want to address all these issues. We want the opportunity to address those [inaudible] for the designs of our community.

COMMISSIONER GONZALES: Mr. Chairman, Denise, [inaudible] this is why we're here today, is to move forward so that we can adopt plans so that this community can start working. [inaudible] until the communities that we're talking about [inaudible] Those are things that may come up that we don't necessarily want to tie our hands from being able to engage in. [inaudible] growth management issues within the districts, I think that's something that we should refrain from but there may possibly be other land use ordinances that we're going to be hearing.

MR. LEWIS: I don't think we should affect those special exemptions or applications or special uses, whatever you want to call them, but I think our basic Code should stay the same. I don't want the Code to be a moving target where it changes while we're trying to plan, because that's going to affect everybody in our community. I think we need it tied to a certain date. Either the adoption or the start of our plan.

MS. BROWN: I think when you say you don't want it to change the concerns that you have are things that would affect zoning in your planning area and densities, because those are the things we would plan for. I just want to be clear because the Code

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changes not all the time, but we have Code amendments probably every few months, clarifying sections of the Code that aren't clear, and I don't think those are the things that you wouldn't want to apply in your community, but it wouldn't affect your planning ability either. I just want to be clear, we don't have Code enforcement going out to cite someone for unlawful lighting and then someone says, oh, that Code amendment wouldn't apply to me because we're in the planning process. It could be really confusing for our Code enforcement officers.

I think if we say that the zoning, which includes densities, in that area will not be changed until the plan is completed, that will cover all of the concerns of the community.

MR. LEWIS: I really think we need to address the design conditions too, because our area is different and we need to design our buildings differently. And this is not going to be that long-drawn out of a process.

MS. BROWN: You could do that through a moratorium. You'd have to have a moratorium in place until you got the rules you want in place. And we would have nothing to review, or we would be reviewing progress on an inconsistent basis without any, just let me, say we would have an ordinance change. Our Code would be changed and yet you would be saying don't impose it in our area and that would be fine as long as there was a moratorium in that area. So that would be a decision your community would have to make.

CHAIRMAN DURAN: I think the bottom line here is I don't think there's going to be any ordinances that will be created and adopted out of this plan until it's adopted.

COMMISSIONER GONZALES: [inaudible] design standards are related to growth management. Architectural standards relate to growth management. Density and zoning relate to growth management. Those are all things that we're going to have be able to process. So I don't know, perhaps Denise you can help me with this, or the Commissioners [inaudible] we're going to have to look to the communities to tell us what they want in their ordinances. There's always [inaudible] language and that's something that could be brought up, like I brought up the fact that it was submitted to allow parts of the rural district to become a new community district and do we have an ordinance in place. I asked the staff to begin the preparations to do an amendment so that there should be those types of changes to take place through the ordinance process.

[inaudible] There are specific issues that could come up that don't relate to growth management issues, don't relate to architectural standards, don't relate to lighting standards or whatever it might be that we're going to have to address through the ordinance form, because we can't just tie County government to wait until these communities come up and start enacting their plans.

MR. LEWIS: I'm not asking you to tie all of County government. Just through the Estancia Basin. We don't want to attack a moving target [inaudible] while we're trying to play the game.

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COMMISSIONER GONZALES: You're absolutely right, Mr. Lewis. I agree with you.

MR. LEWIS: That's what I would like a guarantee of all from you all. Because the rules are going to change while we're playing the game. That's my main concern. As a matter of fact, when we start planning, that's fine.

CHAIRMAN DURAN: Thank you, Mr. Lewis. Next person, please.

JOANNE GRANNERMAN: I'm Joanne Grannerman. I live near Edgewood. I wasn't intending to say anything, but either we're going to change or we're not going to change. And my husband and I in a private hearing of our own with another county in this state tried to build a road. After the county approved our plan, they changed those plans six times. It cost us a total of \$20,000 more to fulfill their requirements. We want to know that we have some assurance when we start that these are the rules we follow, at least from the County's point of view, until we get through, not a constant state of flux. Oh, well you have to add this. And oh, we want this more. And oh, we want this. Either they're going to change or they're not going to change.

It seems to me that maybe a way to handle it, would be a safety issue or whatever. We submit a plan, it is approved and those guidelines stay until it's completed. I think that's one of the things Dale is worried about, is that halfway through a project, you put a moratorium on and nothing happens. Nothing gets built. Nothing gets done because after the moratorium the rules are going to be different and we don't know what they're going to be. We just have to create a little stability somewhere. And our basic concerns about this whole document that we are talking about is, it could have been done in about two phases. If you wanted to vote on the Estancia Basin, on the rural district, do that in two phases. In one phase, a document of suggestions about 1259X what people [inaudible] mixed it up. You've muddied the waters so that we don't really know what we're voting on, orally, we're told this is not binding, but it is on paper. Why is it on paper? I don't know. But I feel very insecure. Thank you.

CHAIRMAN DURAN: Thank you. Anyone else? That concludes the public hearing process. Jerry, you've already spoken but I'll give you a few minutes.

MR. POWERS: Thank you. I just wanted a clarification. At the meeting last night there didn't seem to be a problem with changing the Code and now what I'm hearing is maybe it's impossible to do under the language that was proposed by the staff. I just wanted to ask what does that mean that we would be remaining under the existing Code until we start our planning process? If it takes fifteen years to initiate a planning process, what does that mean that we would be under the existing Code?

CHAIRMAN DURAN: Well, under the existing Code nothing has changed. When we get to a point where we can make some changes and need any input on the planning process that is appropriate for this point in time for our community. Nothing has changed.

MR. POWERS: I see. I guess I'm confused because in the Estancia Basin

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section, on page 42 it says that the Estancia Basin District would remain under the existing come until we completed our own planning process. And as I understand it the intention is if these districts are adopted and the Estancia Basin would not initiate a plan say, for a year or two, changes would be made to the Code that conform to the new adopted districts, the rural districts and that that would affect our district unless there is some specific language that says that it would not.

COMMISSIONER GRINÉ: You still remain under the existing Code.

MR. POWERS: The existing Code would be changing.

CHAIRMAN DURAN: Let's say some changes were made. That doesn't mean that the community still couldn't come forward with their plan and they would amend whatever changes may have been made under, whatever the Land Use Department decided was appropriate.

MR. POWERS: I guess that's the point. We're concerned about the gap between when we start our plan and when the adoption of these districts takes place and ordinances are being written all the way up until we begin our plan.

COMMISSIONER GRINÉ: But they won't be adopted and approved by the County Commission.

CHAIRMAN DURAN: Maybe an appropriate thing to do would be that those communities that are in the planning process would notify the County and no ordinances, nothing would be adopted until such time as you had completed your planning process. It would stay with the old Code until you we've adopted your plan after you've fulfilled your process.

MR. POWERS: That's what we're asking for.

CHAIRMAN DURAN: Is there a problem with that?

MR. KOLKMEYER: I believe that was our intention. We want to get Denice to respond to this. That was our intention. That's correct. I don't know if you were in the room when we were discussing this before. The other concern was, last night we had talked about [inaudible] with the designation of a district. And as I had mentioned to Dale, I thought that's a little bit unfair because then you might wait two years to do your plan, so probably you should tie it to the beginning of the planning process. And yes, that was the intention that it would be the Code at that point that remains. I guess there's still a legal question there and I think we need Denice to respond to that.

CHAIRMAN DURAN: Well, why don't we just get some direction. We can put it that way. You guys can confirm this with me, but why don't we allow those communities that have notified us that they're in the planning process, continue the process and no ordinances would change. The existing Code would go into effect until such time as the plan was completed. And furthermore, that the community would have a year to do that and if they needed more time, I think they need to be able to bring forward to this body [inaudible] that you are making some effort and some progress.

And I say that because the community of La Cañada de los Alamos tried to do that

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and I don't know where they are right now. So I think that if it goes beyond a certain period of time, or if this governing body decides that you aren't making any progress and the Planning Department feels that there should be some changes made to the existing Code based on good planning ideas, that we would have the right to do that. And you still have the right to come up with a plan. But if you get stymied, something has to be done. Does that sound --

COMMISSIONER GONZALES: Mr. Chairman, I think that you're right on target. It seems to me that it's a lot of people's concern that there's some time between the time that we're notified and the time that we actually create the committee, so it may be more appropriate that we begin at the point that the committee's created to begin the plan. So of course if the landowners go back and Jerry sends off a letter tomorrow saying we're going to start our community process and four months down the road we haven't appointed a committee that's actually doing it, we need something from you Jerry, or whoever's going to bring forward the people in the Estancia Basin, the people who are prepared to start working today and from that group that we make our appointments that begins what the Chairman is calling upon, this de facto moratorium on new ordinances or whatever it might be.

COMMISSIONER TRUJILLO: The snapshot would only be for land use, development, zoning, and nothing else.

MR. POWERS: I think that's kind of what we're looking and we'd be glad to submit a list and I understand that nothing can happen until this document is formally adopted anyway. But certainly before August or September we can put together a list and have that de facto freezing of the Code which is what we're looking for until we get our plan arranged.

CHAIRMAN DURAN: If you could bring that language forward, that kind of recommendation.

MR. POWERS: Be glad to do it. Thank you very much.

CHAIRMAN DURAN: That concludes the public hearing. What's the pleasure of the Board?

COMMISSIONER TRUJILLO: I have a question for Jack before we start. Jack, do we have to vote on a resolution or can we just extend a report regarding the districts? There's a lot of concern out there.

MR. KOLKMEYER: Mr. Chairman, Commissioner Trujillo, this is something I explained to the County Manager and to the County Attorney before. And when I spoke with the County Manager that was the idea that we thought would work. We could approve this by a vote and then move on to the next section in June. And in discussions, however, with the County Attorney, and she can address this specifically, that it seemed like, she recommended that we do it by resolution so it becomes kind of bookkeeping device. We know what we have adopted and then it's easier to gauge the changes against that too, because we will come back and do another resolution to eliminate the previous resolutions

LANDOWNERS ASSOCIATION
HCR 69, Box 181
Moriarty, NM 87035
(505) 832-2367 FAX: (505) 832-1634

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May 11, 1999

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Santa Fe County Commission
P.O. Box 276
Santa Fe, NM 87504-0276

RE: Proposed Changes to the Santa Fe County Growth Management Plan Part II
For Presentation at the Public Hearing May 11, 1999 Santa Fe New Mexico

Dear Commissioners:

Attached are the changes in language we propose for Part II (five pages).

Very truly,



Jerry D. Powers
President

c:\landasso\vgonzales ltr

The Estancia Basin District (EBD) extends from Clark Hill south to the southern boundary of Santa Fe County. The District encompasses all of the Estancia Basin Aquifer Fringe and Aquifer Area, including the Traditional Communities of Stanley and Edgewood, and the newly incorporated Town of Edgewood. The area is characterized by open grazing lands, irrigated farmlands and agricultural lands, and dispersed, populated areas.

In recent years the Edgewood area has been the most rapid growth area in the County. Many new residents commute to Albuquerque while enjoying the less crowded lifestyle opportunities available in the Estancia Basin.

The Estancia Basin District will *be allowed to* establish its own zoning criteria through a District Planning process. Until that process takes place, the EBD will adhere to the existing County Land Use Code *as the code was written as of May 11, 1999*. Residents have expressed a desire to be recognized as a "district area" within Santa Fe County with a character and needs different from other parts of the County.

ESTANCIA BASIN DISTRICT PLAN

Once the Estancia Basin District has been legally adopted, *a District Planning process could be initiated by residents of the district by petitioning the Board of County Commissioners for a public hearing, to be held within the district, to determine the need and interest for a plan. Once the residents desire and need for a plan has been established and the Board of County Commissioners has approved initiation of a planning process,*

an Estancia Basin Planning Committee should be appointed by the Board of County Commissioners to begin drafting the Estancia Basin District Plan.

The purpose of an Estancia Basin District Plan is to establish a broad framework for land use that will preserve and enhance the quality of life as defined by its residents, while allowing reasonable, resource-based growth, that reflects the diversity of design elements and the cultural values of the District, and preserves individual rights.

Once a District Plan has been completed and adopted by the Board of County Commissioners, a Local Development Review Committee shall be established and empowered to review all development applications in relation to the District Plan and amended Land Use Code, making recommendations directly to the Board. The Estancia Basin Local Development Review Committee would replace the County Development Review Committee.

Option	Density	Requirements	Other Conditions
E: Agriculture Protection Incentive	Ranchlands: for every 140 acre parcel maintained in agricultural use, owner gets base density times four plus 2 units which can be transferred to another parcel or portion of the property Valley irrigated: for every 10 acre parcel w/irrigation rights maintained in agricultural use, owner gets base density times four plus 2 units which can be transferred to another parcel or portion of the property	agricultural lands must be maintained for <u> </u> years by easement or other legal means one unit remains (or more if owner does not transfer all of the allotted density transfer units) with each 140 acre or 10 acre agri. lot Minimum community benefit standards and water conservation covenants for residential lots	Applies to lands not previously divided for exemptions or development? Agricultural parcels pay no impact fees Residential to be developed on least productive lands Home occupation/small business meeting performance standards

Note: this is a proposal only; details of incentives to be developed with the advice of farmers and ranchers.

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WATER AVAILABILITY

Development in the Rural District will be dependent on groundwater supplied by individual or cluster wells or community water systems. In some cases water may be supplied by the County Water System where groundwater supplies have been depleted or the groundwater levels are dropping because of withdrawals for individual or community wells or where contamination has compromised local supplies. Land development densities in such areas will change only if proposed and approved as part of a Community Plan.

Page 31

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DENSITIES BASED ON HYDROLOGIC ZONES

The lack of new water resources (imported water from the Rio Grande) is a major constraint to increases in population in the Rural District. Therefore, the underlying Aquifer System Area will continue to determine the permitted density and the minimum lot size, to limit the number of new individual domestic wells (72-12-1 NMSA) in the Rural District and to conserve aquifer resources for already established water rights holders and future generations.

The 1980 Plan and Code created a density incentive for development on individual wells to encourage conservation of water resources. Since then use of water conserving fixtures has been accepted and incorporated into building codes nationally and the need for water conservation in an area of limited supply is well accepted locally. Water conservation measures are now imposed as a standard procedure for existing as well as new development. Xeriscape standards are in place for required landscaping. Water metering of individual and shared wells is now required to enable enforcement and restrictions to well pumping if necessary in the future. More stringent standards for hydrologic studies proving water availability for 100 years are also now enforced to assure that "dry lots" are not created.

However, since 1980 the perception has grown that the four fold density incentive is a zoning "right", rather than an "incentive" to encourage behavior which benefits the whole community. This Plan ties water conservation to additional benefit objectives for the community.

Basic density in the Rural District depends on the underlying Aquifer System Areas as described below:

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- Aquifer System Area (Basin) - one dwelling for each 10 acres;
- Aquifer Fringe Area (Basin Fringe) - one dwelling for each 50 acres;
- Mountain Recharge Area - one dwelling for each 80 acres;
- Mid-County Hydrologic Systems Area (Homestead) - one dwelling

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In the event that actual subsurface aquifer conditions are found to be different than the Aquifer System Area zoning in which the surface lies, the actual subsurface aquifer conditions shall govern density. For instance, if actual aquifer conditions on lands in the Mid-County Hydrologic Systems Area (Homestead) are found to be more like the Aquifer System Area (Basin) then the Aquifer System Area (Basin) base density shall apply to those lands. If permitted water rights, meeting the 100 year proof of supply criteria are imported or become available to lands in the Rural District, the Aquifer System Area (Basin) density would apply to those lands.

(Pages 32 & 33)

**LANDOWNERS ASSOCIATION
73 COUNTY RD 21
MORIARTY, NM 87035**

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JUL 1999
RECEIVED
COUNTY CLERK

July 20, 1999

Santa Fe County Planning Dept.

Attn: Jack Kolkmeier

Dear Jack:

As you call from the BCC Meeting where the Estancia Basin Districts and the Rural Districts were adopted preliminarily. The Landowners Association had requested two minor changes to page 43 of the Growth Management Plan Part II. Attached is a copy of the changes. We have underlined the additional language and struck through any deletions. We hereby formally request that these changes be made, in accordance with the discussions at the meeting where these Districts were adopted.

I spoke with Judy McGowan with regard to the Rural Districts Development Choices and the Voluntary Incentives, pages 39-42; specifically the Agricultural Incentive. The way the density bonus reads now is "owner gets base density plus two units". My conversation with Judy McGowan confirmed that the intention was to allow the base density after the Water Conservation Bonus increase of four units is applied, plus the additional two units. Otherwise, there is not much of an incentive. In fact, it is a disincentive, because the density would end up being less than if you solely applied the Water Conservation Incentive. Will you please confirm your understanding of this proposal and that it will be clarified in the recompiled document accordingly. Also, would you please advise in writing of the dates of the meetings where these changes will be considered before the BCC. Thank you for your consideration.

Very Truly,


Jerry D. Powers
President
landassoc/kolkmeier

Subject: Aug 10 Amendments

Date: Mon, 9 Aug 1999 17:05:56 EDT

From: JPOWERS141@aol.com

To: jmcgowan@co.santa-fe.nm.us

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Judy,

Attached is the language we'd like to see in the document.

Thanks,

Jerry Powers

 AUGUST~1.DOC

Name: AUGUST~1.DOC

Type: Microsoft Word Document (application/msword)

Encoding: base64

ESTANCIA BASIN DISTRICT

The Estancia Basin District (EBD) extends from Clark Hill south to the southern boundary of Santa Fe County. The District encompasses all of the Estancia Basin Aquifer Fringe and Aquifer Area, including the Traditional Communities of Stanley and Edgewood, and the newly incorporated Town of Edgewood. The area is characterized by open grazing lands, irrigated farmlands and agricultural lands, and dispersed, populated areas.

In recent years the Edgewood area has been the most rapid growth area in the County. Many new residents commute to Albuquerque while enjoying the less crowded lifestyle opportunities available in the Estancia Basin.

The Estancia Basin District will establish its own zoning criteria through a District Planning process. Until that process takes place, the EBD will adhere to the existing County Land Use Code. Residents have expressed a desire to be recognized as a "district area" within Santa Fe County with a character and needs different from other parts of the County.

Zoning criteria for the Estancia Basin District will be established through a District Planning process. Once the Basic Planning District map is adopted by Ordinance establishing the Rural District and Estancia Basin District as separate zones in the County Land Development Code and a planning committee is authorized by the Board, and until a District Plan is adopted, any proposed amendments to the Land Use Code for the Estancia Basin District will not apply to the Estancia Basin District. Once a District Plan is adopted, any proposed amendments to the Land Use Code that pertain to the Estancia Basin District will conform to the District Plan. The Board of County Commissioners shall approve a Resolution establishing an Estancia Basin Planning Committee to begin drafting the Estancia Basin District Plan. The Resolution shall outline committee representation and public participation, community commitment, County staff involvement, planning elements, tasks, a schedule for completion of the District Plan and progress reports and provide for time extensions if needed.

ESTANCIA BASIN DISTRICT PLAN

Once the Estancia Basin District has been legally adopted, an Estancia Basin Planning Committee should be appointed by the Board of County Commissioners to begin drafting the Estancia Basin District Plan.

Law Offices
MODRALL, SPERLING, ROEHL, HARRIS & SISK, P.A.
123 E. Marcy St.
Suite 201
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Santa Fe, New Mexico 87504-9318

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Albuquerque, New Mexico

Roswell, New Mexico

Las Cruces, New Mexico

Peter Franklin

Telephone No.: (505) 984-2856
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E-Mail: plf@modrall.com

July 7, 1999

Paul Duran, Chairman
Javier Gonzales, Commissioner
Mark Trujillo, Commissioner
Richard Anaya, Commissioner
Joe Griñe, Commissioner
Jack Kolkmeier, Planning Director
Santa Fe County Commission
P.O. Box 276
Santa Fe, New Mexico 87504-0276

Re: Inclusion of Campbell Farming Corporation in the Estancia Basis District in Santa Fe County's Growth Control Plan; Proposed modifications to Plan

Dear Commissioners and Mr. Kolkmeier:

Pursuant to the County Commission's suggestion at its May 11, 1999 hearing concerning the proposed County Growth Control Plan (the "Proposed Plan"), Campbell Farming Corporation ("Campbell") requests that its land located in southern Santa Fe County be included in the Estancia Basin District under the Proposed Plan. The reasons and support for Campbell's inclusion in that district are elaborated in Part I below.

At the May 11 hearing the Commission also asked that, prior to the Commission's August meeting, Campbell provide modifications to the Proposed Plan to include a reasonable process for landowners to propose community plans or master plans that would not be subject to the zoning restrictions of the Rural District, where landowners can show that they have sufficient land area and water resources to support such development, and where those plans meet the development goals and performance criteria of the County's General Plan. The specific modifications that we request appear in Part II below.

- I. **It is appropriate to include Campbell's land in the Estancia Basin District based upon Campbell's location within the Estancia Underground Water Basin, as well as from the standpoint of potential future development.**

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The land use districts contemplated by the Proposed Plan are intended to correlate land use areas with underground aquifers. A significant portion of Campbell's land located within Santa Fe County's boundaries overlies the Estancia Basin District. See the Estancia Underground Basin Diagrams attached to this letter. According to our hydrology, the boundary between the Estancia Basin District and the Rural District, as it appears in the Proposed Plan, cuts off the northerly edge of the underground basin. This appears to be a mistake, but one that your staff has indicated could be easily corrected. We ask that this correction be made.

While Campbell is not pursuing any specific development plans at this point, its proximity to Edgewood community, its natural beauty, available water and topography give the land the potential to be developed as a master planned residential or mixed-use community. That type of development intensity and density appears to be more consistent with and feasible in the Estancia Basin District than the Rural District.

II. The Following Limited Modifications to the Proposed Plan Will Strengthen the County's Ability to Consider and Approve Appropriately Planned Land Use and Development Where Water Resources are Available to Support Such Uses, and Will Provide Needed, Reasonable Flexibility to Landowners in Determining how to Best Utilize Their Own Lands.

It is important to many owners of tracts of land in southern Santa Fe County, including Campbell, that the Proposed Plan include a process that enables landowners with sufficient land area and water resources to propose community plans or master plans. The Rural District, as currently proposed, imposes density restrictions that may preclude community master planning, irrespective of whether a land owner can demonstrate that there is adequate water availability, mitigation of development impacts, and that its proposal otherwise satisfies the development goals and performance criteria of the County's General Plan.

In order for the Proposed Plan to more clearly articulate the County's objective of allowing planned development whose intensity and density is consistent with available natural resources and the satisfactory mitigation of development impacts, Campbell requests that the County Commission include in the "Restricted Land Uses" provisions of the both the Rural District and Estancia Basin District sections of the plan the following language:

Landowners may submit community plans or master plans which the County shall approve based upon findings that the plan proposed is supported by sufficient water resources, the ability to provide sufficient infrastructure, and to otherwise meet the performance criteria and overall goals of the County's Plan.

The Proposed Plan clearly intends that one of the basic features of the County's planning effort is to tie development density to water resources. The County's planning officials have suggested that, with a demonstration of sufficient water, a landowner in either the Rural District

or the Estancia Basin District should not be limited to the density specified for that district. Similarly, an owner in a less restrictive zoning district with insufficient water should not be able to develop at the maximum density allowed in that district.

In Campbell's view, this makes sense and the Proposed Plan should be modified in order to more explicitly state that policy. Campbell proposes the following clarifying language. Before the first sentence of the "Water Availability" section at page 31 of the Proposed Plan, include the following sentence:

A central factor limiting development density is water availability.

At the end of the "Water Availability" section, include the following:

New community plans or master plans with higher development densities may be proposed and approved where sufficient water resources are available to support greater density. Such new community plans or master plans should include water conservation plans appropriate to available water resources.

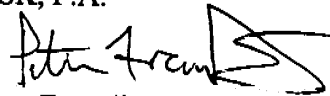
Campbell believes that the foregoing modifications will strengthen Santa Fe County's ability to plan for appropriate growth in the southern portion of the County based on the adequacy of water, open space and other natural resources that are affected by development. At the same time, the requested modifications provide needed flexibility for landowners to pursue planned development where they can demonstrate that those resources exist at a sustainable level, and that their use of their land satisfies the Proposed Plan's performance criteria and is consistent with its overall goals.

Campbell greatly appreciates your thoughtful consideration of these proposals, and would welcome the opportunity to discuss these matters in further detail if the Commission desires.

Very truly yours,

MODRALL, SPERLING, ROEHL, HARRIS &
SISK, P.A.

By:



Peter Franklin

Attorneys for Campbell Farming Corporation

Law Offices
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Post Office Box 9318
Santa Fe, New Mexico 87504-9318

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AUG 1999

Las Cruces, New Mexico

Albuquerque, New Mexico

Roswell, New Mexico

Peter Franklin

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E-Mail: plf@modrall.com

August 2, 1999

Paul Duran, Chairman
Javier Gonzales, Commissioner
Mark Trujillo, Commissioner
Richard Anaya, Commissioner
Joe Griñe, Commissioner
Jack Kolkmeier, Planning Director
Santa Fe County Commission
P.O. Box 276
Santa Fe, New Mexico 87504-0276

Re: Inclusion of Campbell Farming Corporation in the Estancia Basis District in
Santa Fe County's Growth Control Plan; Proposed modifications to Plan

Dear Commissioners and Mr. Kolkmeier:

At Jack Kolkmeier's request, Campbell Farming Corporation writes to clarify certain information provided in Campbell's July 7, 1999 letter to the County Commission. Campbell wrote that letter at the Commission's request for the purpose of proposing specific, narrowly drawn modifications to the County's proposed Growth Control Plan which will more clearly articulate the County's objective of allowing planned development whose intensity and density is consistent with available water resources, ability to preserve open space and the ability to satisfactorily mitigate traffic and other development impacts. In that letter Campbell also asked that its land be included in the Estancia Basin District because the District boundaries are intended to correlate with the underground water basins and a significant portion Campbell's land in Santa Fe County is located in the Estancia Underground Water Basin.

A few days ago, Mr. Kolkmeier asked that we clarify the relationship between Campbell and the companies whose names appear within Campbell's lands on the one of the maps submitted with Campbell's July 7 letter. Those companies are the San Pedro Creek Land Co., Sandoval Mountain Springs Ranch, Inc., South Mountain Ranch, Inc. and Triangle Ranch, Inc., each of which was a wholly-owned subsidiary of Campbell Farming Corporation. San Pedro Land Creek Co. continues

to operate as a separate, wholly-owned subsidiary of Campbell. The other companies have been merged back into Campbell and are not separate entities at this point.

During that recent telephone discussion with Mr. Kolkmeier, he also made comments that lead us to believe that he opposes the limited modifications to the County's Growth Control Plan that would provide landowners such as Campbell with flexibility to propose planned development based on adequate water and sufficient impact mitigation. For example, Mr. Kolkmeier expressed doubt about the feasibility of including a process in the Plan for enabling owners of large tracts to propose planned community developments in currently undeveloped areas within the Rural District. " Mr. Kolkmeier suggested that existing communities, such as San Pedro, should have a controlling say in how Campbell's land, which is not within San Pedro's boundaries, should be developed in the future. "

We have no doubt that Mr. Kolkmeier's view is based on his background as a professional planning official or that his comments reflect his honest concern for growth control. However, we take issue with the idea that the San Pedro community (or any community in which Campbell is not located and is not a part) should dictate the uses to which Campbell may or may not pursue on its own land, where those uses adequately mitigate the impacts on neighboring lands and communities, and do not overtax natural resources.

Campbell has requested that the County include language in the Growth Control Plan that will give Campbell and other landowners the opportunity to demonstrate, through the County's development approval process, that they can develop their own lands in a manner that relies on available resources, avoids undue traffic, noise and other impacts on neighboring communities, and also seeks a reasonable economic return on those private lands. The County Commission has appropriately asked Campbell to propose language that would provide that flexibility to landowners while preserving the important planning objectives of preserving water resources, open space and the character of existing communities in the County. It would not be appropriate to conclude in advance that those objectives cannot be achieved without providing a fair process and opportunity, through the Growth Control Plan, for landowners to demonstrate that specific development plans can meet reasonable performance standards specified in the Plan.

Campbell is concerned that, if the Growth Control Plan does not include the narrow modifications to the Plan's language proposed in our July 7 letter, the Plan will not adequately articulate a process that will give that reasonable opportunity and flexibility to landowners. Providing for a fair process does not open the door to runaway development, as some participants in this discussion might allege. To the contrary, it gives the County, landowners, neighbors and other concerned parties greater opportunity to work through the challenges presented by development and land use regulation, within the context of an application and hearing procedure. To exclude from the County's Plan the flexibility for landowners to propose more than agricultural

Santa Fe County Commission
August 2, 1999
Page 3

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or very low density residential use is likely to result in inequities, unfairness and a great deal of frustration and dissatisfaction on the part of landowners who make up a large portion of Santa Fe County.

Again, Campbell thanks the County Commission for its thoughtful consideration of these issues and Campbell's proposed modifications.

Very truly yours,

MODRALL, SPERLING, ROEHL, HARRIS &
SISK, P.A.

By: *Peter Franklin / by lc*
Peter Franklin
Attorneys for Campbell Farming Corporation

7-30-99

Jack Kalkmeyer
Santa Fe County
Planning Department

Dear Jack,

Attached please find my
Comments on the Part II:
The Planning Districts. I
would like to meet
with you to discuss
these comments and
comments made by the
Landowners Association prior
to the next public meeting.

Sorry that the comments
are hand written.

Thank you,
Rhonda King
832-5050

fax 832-1617

Page 1 of 8

Page 13

Under Potential Solutions
add District Planning
and Community Planning

Page 13

Under Potential
Solutions Bullet #1
delete "Sprawl is
minimized" and insert
"develop is more
efficient and less
costly."

Page 25

4th Paragraph After second
sentence add New sentence.
"Contemporary Communities
may develop unique
zoning rules for local
design and land uses
which will distinguish
the contemporary
communities from the
surrounding Rural
District."

? Page 28

Section Preferred
Development Scenario
3rd paragraph 2nd
sentence add at end...
"and Santa Fe County
acquiring land for
open space and
preservation."

? Page 30

3rd paragraph
The County should
consider ~~the~~ a
plan (zoning) for
Contemporary
Communities other
than Rural District
prior to Community
Plans be adopted.
The Rural District
as the zoning is
very inflexible and
will not be able
to address issues/
concerns in Contemporary
Communities that

Page 31

need to be
addressed.
after item # 3
Delete entire
sentence starting
with "Additionally"
ending with
"planned."

Page 31

Water Availability

The last sentence
is very inflexible.
as is the intent
of the County to
eliminate totally
the option to
increase densities by
geohydro reports??

Page 33

The Development Choices
in the Rural District
Add Community Planning
as options

Page 34

Minimum "Community Benefit"
2nd paragraph

First sentence Delete
word All.

Second sentence add
after measure "or
usage or applicability"

Page 39

Add Community Planning
as an Option

Item E under Other Conditions
delete "Applies
development?"

Item F. The Open Space
Ratios should be
examples or
increase in bonuses
/allow some more.
Creativity extract.

Item C

under Requirements
Change 40% to 70 or
allow to ↑ and if
Other Amenities are included.

Page 39 - 42

Rural District Choices

More Choices should
be allowed or
State that these
are examples
but ^{choices} can be
expanded

Page 43

Estancia Basin Plan

Elaborate on process
of ^{developing} District Plan.

Clarify that the
Plan will be
the basis to
change & develop
the Land Develop
Code ^{for the District}. Ordinances
would be drafted
to address specific
parts of the District
Plan and adopted as
amendments to the
Land Development Code.

Page 63

Future New Community
Districts

3rd Paragraph

The two other NCDs
should not be
dependent on the College
District, Especially
the Estancia NCD.

Also, The District Plan for
Estancia Basin should be able to
determine NCD.

Page 64

The date 2010 in
First and Last Paragraph
should be deleted.

Page 65

Other New Village
Proposals

4th Sentence

The ^{requirements} ~~Requirements~~ should
be considered but
not mandated
(should allow some
flexibility given
circumstances)

page 77

Utility Corridor Plan

Discriminates ~~outside~~
against areas outside
of Santa Fe. Should
not exclude utilities
in areas such as
Open space, viable
agricultural lands,
view sheds.

Subject: [Fwd: Inclusion within the Rural District]

Date: Fri, 06 Aug 1999 08:01:18 -0700

From: Alina Bokde <abokde@co.santa-fe.nm.us>

To: jkolkme@co.santa-fe.nm.us

1687070

jack-

here is the letter from elizabeth regarding san pedro being incorporated into the rural district.

alina

Subject: Inclusion within the Rural District

Date: Fri, 6 Aug 1999 07:57:26 -0600

From: "J. Elizabeth Waldron" <strategy@dillon-group.com>

To: "Alina Bokde" <abokde@co.santa-fe.nm.us>

August 6, 1999

To Jack Kolkmeier
Land Use Department

This is to confirm that in a Town Hall Meeting on May 16th 1999, San Pedro voted to be included in the Rural District. With careful discussion and comparison of the benefits of the Rural District and the Estancia Basin District, attendees felt that the Rural District represented community values and spirit.

Attendees did express concern that on the proposed map of the Districts, most of San Pedro appeared to be included in the Rural District; but it was unclear whether it included all of the east section of our proposed boundary.

We would like to request that all of area which has been proposed as the boundary for the community of San Pedro be included within the Rural District.

Thanks for your help on this matter.

Elizabeth Waldron
San Pedro Community Planning Process

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Experts in Cybercommunications and Advanced Internet and Intranet Strategies
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<http://www.dillon-group.com/strategy>

1687070

comply.

COMMISSIONER GRIÑÉ: I guess we'll have to go forward with another public hearing and just adopt it. It won't be that much of a problem.

ADJOURNMENT

Vice Chairman Griñé declared this meeting adjourned at approximately 10:30 p.m.

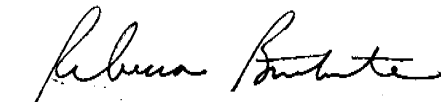
Approved by:

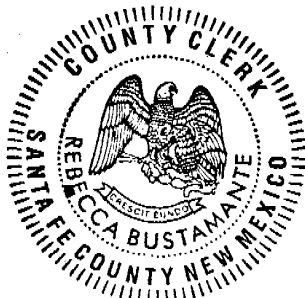
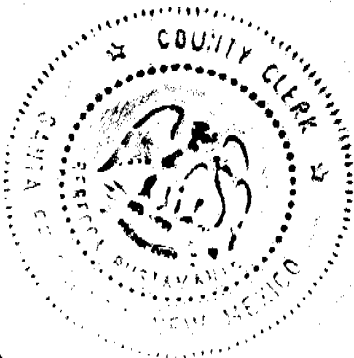

Board of County Commissioners
Joe Griñé, Vice Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

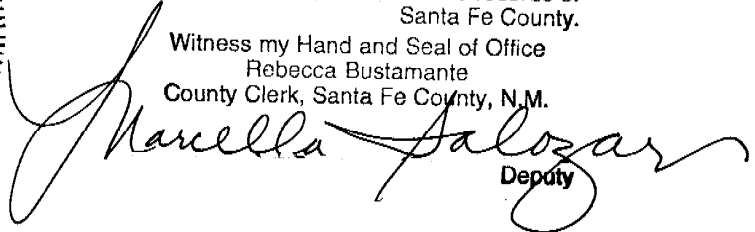
ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1090 294
COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO
I hereby certify that this instrument was filed
for record on the 16 day of Sept. A.D.
19 99, at 1:34 o'clock p.m.
and was duly recorded in book 1687
page 070 of the records of
Santa Fe County.

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


Deputy