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MINUTES OF THE BOARD OF COUNTY
COMMISSIONERS

DATE OF MINUTES 8-11-98

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CAMERA OPERATOR YVONNE SANCHEZ

REGULAR MEETING

1538396

**BOARD OF COUNTY COMMISSIONERS
SANTA FE, NEW MEXICO**

**REGULAR MEETING
AUGUST 11, 1998**

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

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

August 11, 1998

This regular meeting of the Santa Fe Board of County Commissioners was called to order at 5:00 p.m. by Chairman Marcos Trujillo in the Santa Fe County Commission Chambers.

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

Members Present

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

Members Absent

none

IV. INVOCATION

The invocation was given by Father Michael Milligan from the Christ the King Episcopal Church. This was followed by a moment of silence for Commissioner Herman Rodriguez.

V. APPROVAL OF AGENDA

CHAIRMAN TRUJILLO: Any changes to the agenda, David?

MR. WOLF: Mr. Chairman, Commissioners, there's a couple of changes. First of all, it's requested that item VII. B. be addressed first. That's the -- and item IX. C. 1. be moved up and be discussed second on the agenda. Commissioner Powell will be here to do a brief presentation. And then, item IX.C. 2 is amended to read Resolution No.

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1998-___. A resolution opposing the activation of the El Rancho electrical substation by the Jemez Mountain Electrical Co-op, Incorporated.

CHAIRMAN TRUJILLO: David, I understand that Jemez Co-op and San Ildefonso Pueblo has requested that this item be tabled till a later date because they're in the process of sitting down with the community of El Rancho and addressing some of the mitigation to the substation. So I would be receptive to tabling this resolution until a later date.

MR. WOLF: Thank you, Mr. Chairman.

Commissioner Anaya moved to approve the agenda as amended. Commissioner Griñé seconded the motion which passed unanimously.

VI. APPROVAL OF MINUTES: June 24, 1998

Commissioner Anaya moved to approve the minutes of the June 24, 1998 minutes as presented. His motion was seconded by Commissioner Griñé and passed unanimously.

June 3, 1998

Commissioner Griñé moved to approve the June 3, 1998 minutes. Commissioner Anaya seconded the motion, which passed without opposition.

VII. PRESENTATION

B. A dedication in memory of Commission Herman M. Rodriguez

COMMISSIONER GRINÉ: *Bienvenidos, querida familia y amigos.* On behalf of the Board of County Commissioners of Santa Fe County, the employees and the citizens of Santa Fe County, please accept our most sincere condolences on the tragic and senseless death of our friend and colleague, Herman Rodriguez. I have known Herman since he began working with Alphagraphics. Herman treated everyone with respect, regardless of race or creed. He was always considerate of the people's needs and sensitivities. His commitment to the people of this community was exemplified in the hours he spent working with Santa Fe Cares, an organization that aimed at implementing the values that Herman stood for: tolerance of others, thoughtfulness and respect.

For Herman, these were not merely words but a way of living that he tried to exercise each and every day. These are qualities that we shall all strive for in our own lives. I am sorry that I did not have the pleasure of serving on the Commission with Herman but

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values he held were demonstrated in his role as County Commissioner. I know that Herman cared about this community and the needs of his constituents. His work was always carried out with a warm smile and a kind gesture. As a Commissioner, Herman took the time to ask questions and discuss with the County staff his concerns. He was always willing to listen to different perspectives because he always searched and voted for what was in the best interest of the community.

If there is any sadness here today, it is because we as a community have yet to fully embrace tolerance and respect for others. Herman's death underscores the need for the community to unite against the ever prevailing violence in our town of Santa Fe. Our community needs to work together in implementing values Herman personified. Tolerance and respect for other people and their ways of life are necessary for peaceful society. A tolerant society embraces people of all background and different ways of life and does not accept or allow acts of violence. I believe that Herman would want his passing to become a touchstone for instituting positive changes and awareness in our community. So let us join together in acknowledging an important man whose example we will all do well to follow. I hope that the sadness all of us feel today will help transform the ways that we treat others. Gracias y vayan con dios.

CHAIRMAN TRUJILLO: We've got a plaque here for the family of Commissioner Herman M. Rodriguez, and it reads: "For his outstanding commitment, dedication and leadership to the citizens of Santa Fe. Santa Fe County Commissioner, February 19, 1996 through December 31, 1998. Chairman Marcos Trujillo, Commissioner Paul Duran, Commissioner Richard D. Anaya, Commissioner Javier M. Gonzales, Commissioner Joe F. Griñé, Jr. and County Manager, David Wolf." On behalf of Santa Fe County, we extend our deepest sympathy to the family of Herman Rodriguez. He sat at this table with us, making decisions that affected the residents of Santa Fe County. He came from a place that was in the best interest of the community. We all respected him and he left an impact on this Commission and this community and all the kudos, and all the words and all the nice things have been said about him are true. Thank you very much.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I just want to extend my deepest sympathy to the family and I just want to let the family know that it was a pleasure serving with Herman on this board. There was always courtesy between us. There was always team play amongst us and it's just a drastic loss to this community to what occurred. My deepest sympathy to you, the family.

COMMISSIONER GONZALES: Mr. Chairman, just wanting to reiterate what Commissioner Anaya, Commissioner Griñé, and yourself have indicated. Mr. and Mrs. Rodriguez, I want to extend a very personal note of sympathy towards you and your family. Herman was always a gentleman who taught us the importance of treating people with respect and with fairness, having vision and knowing that for us to do the people's work here in Santa Fe County, we needed to work collectively as a team. I know that that's something that you've taught him in your home. Certainly what you've taught the rest of

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his siblings and I want to thank you for that. I want to thank you for sharing him with this community, for supporting him in this role, which, as you know, is pretty time demanding and I know that his contributions to this County will live on long past many of us and I want to thank you for that. And on behalf of la familia Gonzales, just to extend out sympathy to you and your family. If there's anything that we can do, please let us know in the future. Thank you for being with us.

COMMISSIONER DURAN: Mr. and Mrs. Rodriguez, I am honored to be sitting where Herman sat. He was a good man.

CHAIRMAN TRUJILLO: Mr. Jose Rodriguez, you want to say a few words, right?

JOSE RODRIGUEZ: Good afternoon. May I ask all of you to give a smile for Herman. Commissioners, ladies and gentlemen, there has been so much said and so much unsaid and chances are there will be a lot more said. *¿Quién sabe?* Please, that's not for today, okay? That isn't for today.

My family and I want to thank the Commissioners, the staff, and all others for considering our son Herman as a leader, as a great leader. Herman was a great leader and he didn't have a chance. A high quality community person, our wonderful son, Herman Rodriguez. I always, after the baptismal certificate came through -- we come from way deep Spanish heritage. *Y Germán, se letrea con una "g", with a "g" and I always wanted that that would have been his name, German, Germán Rodriguez. But it didn't pan out. It was too late. I really wanted that.*

All the Commissioners, not necessarily in sequence, but Gonzales, Duran, Trujillo, Griñé, Anaya, *les agradezco todo*. We will always cherish that plaque that you had all the efforts, like I mentioned here before, the community is so much aware of Herman's doings. He just didn't have a chance to survive to do more. He had many thoughts. As one of the Commissioners told me the other day, he said, I loved him in so many things. And that's beautiful to hear. Thank you so much for the plaque and one more word. Will you permit me?

One quick suggestion, and I hope that all of us will heed what I wrote this afternoon. I wrote in about a half an hour. Forgive me, but that's how I felt. That's how I feel right now. Don't give up your days. Do not surrender your nights because of intimidation. As we go through this rough, bumpy road of life there could be a lesson for all. Perhaps to be more careful from now on. Again thank you very much. *Muchísimas gracias a todas y a todos. Qué Dios les bendiga.*

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IX. STAFF AND ELECTED OFFICIALS ITEMS:

C. Resolution No. 1998-79. A resolution supporting a collaborative relationship between the County of Santa Fe and the New Mexico State Land Office to clean up the Santa Fe River and work toward rehabilitation of a healthy Santa Fe River

RAY POWELL (State Land Commissioner): Mr. Chairman, members of the Commission, thank you very much for letting us join you for this brief period here today. Before I make my brief remarks, I really commend you on your last presentation and no family should have to go through what the Rodriguezes have gone through. The diversity in our state is what makes us so special and makes us so strong and I think Mr. Rodriguez's remarks, being able to say those things after what he's gone through in terms of continuing to live our life and not do it in fear and to protect those that need protection, I commend you in his memory.

Today we came to visit with you just briefly about a project that we think will help the entire community, but again, is determined by cooperation and participation. And I really appreciate Commissioner Duran, your efforts working with us and I know you've spent a lot of time and energy and we appreciate that. We're trying to work on improving our riparian areas across the state that we hold in trust for the school kids, and if I may just introduce several members of our staff. Mr. Bob Jenks is our assistant commissioner for field service, Mr. Tom Leatherwood is our planner, Mr. David Coss is on contract with us, working on this project that we're going to talk to you about today. And our lessee, and I'm very appreciative of him coming today, is Mr. Phil Baca, who holds the lease on this particular piece of property along the Santa Fe River.

We've just found that this area of the Santa Fe River seems to collect everything that runs down from the watershed. We have tons of tires. We have old refrigerators. We have everything that you could name that people would throw away have collected in this area. So it's our objective to work with you and with other interested parties to try and clean this area up and to make it healthier and to try and formulate a plan for the future to insure that this doesn't continue to accumulate in this area. And so our request is that we work with you in concert to do this, with the trust. We have some peculiarities of things that we can do and that we can't do in terms of expenditures of our funds, so it really is dependent on partnership working with you as a body to get this accomplished.

So I think I'll stop right there and Mr. Jenks would be more than happy along with me to answer any technical questions you may have or to respond to any other comments that you have. But I really appreciate your inviting us this evening.

CHAIRMAN TRUJILLO: Thank you, Commissioner. What area are we talking about here? Does this include all the Santa Fe River?

MR. POWELL: This includes a site right above the sewage treatment facility that we hold in trust for the school kids that is being leased by Mr. Baca and his family. The area, the total area is about one linear mile. Your eyesight may be better than mine or

this may be useless to you but we'd be happy to bring this up and show it to you.

CHAIRMAN TRUJILLO: It's legible.

COMMISSIONER DURAN: Mr. Chairman, Mr. Powell, a couple weeks ago I made a presentation to the Solid Waste Management Committee, the joint City/County committee that deals with the landfill. I was asked -- I asked them if they would consider allowing the state to bring the trash that you guys pick up on that day to the landfill and one of the questions that was asked was what kind of trash are we talking about taking over there? And I was wondering if you could supply me with a copy of that before our next meeting because there was some -- nobody was opposed to it -- they were just curious as to what they were talking about. Are there a lot of junk cars, or what?

MR. POWELL: I think we would be able to do that readily and any other -- I don't think there's anything that we've identified of a toxic nature, but it's everything everybody wants to throw away that's accumulated at that site.

COMMISSIONER DURAN: And one other note for the Commissioners to consider, one of the requests made was also to supply County vehicles so that they could put the trash in those vehicles and take them to the landfill.

CHAIRMAN TRUJILLO: That is a dump truck?

COMMISSIONER DURAN: Right.

CHAIRMAN TRUJILLO: I think that's already done in community cleaning efforts. The County provides a dump truck and the plastic bags to pick up the solid waste in communities so I don't see any problem with that.

COMMISSIONER DURAN: Were those the only two things, David, that we talked about, getting the trash, getting permission to take the trash to the landfill and then having vehicles?

DAVID COSS: Commissioner, yes. I've met with Larry Velasquez about it. He's going to provide a loader and a dump truck to help that day, and I talked with Councilor Whitted on the Solid Waste Authority and actually toured the site yesterday with Jim Chiasson from the Solid Waste Authority. The bulk of the waste is tires and we'll have to pay to recycle those tires. However, Wayne Sau of PNM has agreed to help us defray the cost of the first ten tons and we don't think we have more than ten tons of tires out there.

COMMISSIONER DURAN: Ten tons?

MR. COSS: Yes.

COMMISSIONER ANAYA: Mr. Chairman, Dave, or Commissioner Powell, I think it was suggested that there might even be car bodies out there and what they call the white material.

MR. COSS: Mr. Chairman, we haven't seen any whole cars. We've seen about every piece of car you could imagine, but we haven't seen a whole car yet.

COMMISSIONER ANAYA: You haven't seen.

MR. COSS: No, when I was out there with Jim, we didn't see anything other than the tires that wouldn't be pretty easy to handle at the regional landfill.

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COMMISSIONER ANAYA: Well, I suggested at that meeting that perhaps you might contact Baca's Wrecking, I think it's still called Baca's Wrecking, and I think they recycle cars. I think, I'm not sure, but just offer it as a suggestion.

MR. COSS: I appreciate the suggestion. We'll look into that.

COMMISSIONER ANAYA: Thank you, David.

COMMISSIONER DURAN: David, how much, what's the stretch of land we're talking about?

MR. COSS: Commissioner, it's about a mile of river. There's several sections of State Trust land in the area. If you look on the map, there's the recreational complex. It's roughly between Cottonwood Mobile Home Park and the City property where the wastewater treatment plant is.

COMMISSIONER DURAN: Do you think that this mile along the river is indicative of what we would find along the river from Camino Alire on down?

MR. COSS: I think it's better than some stretches I've seen and worse than some stretches of the Santa Fe River that I've seen. I think the thing that this area has going for it is it's still, it could still have a floodplain. There's not housing developments in the floodplain in this area.

COMMISSIONER DURAN: Okay. Thank you.

CHAIRMAN TRUJILLO: I have a question. I think this is a great idea and I'm wondering what's driving this area, because we've got the same situation, solid waste spread all over the countryside. We've got de facto solid waste dumps if you will, in BLM land in Chimayo, where they're bigger than a transfer station. So if we could work together to address these areas throughout the county, it would really be a great thing for the community.

MR. POWELL: Mr. Chairman, I think that's exactly right, and our intent as we work on our lands we are responsible for thirteen million acres of land across the state, is to really improve those lands across the state by working in partnership with the bodies such as yours where we can really maximize all of our finite resources and make a long term difference. So along with cleaning it up, what's imperative is really developing a strategic plan for the future to ensure that we address this in a manner that it just doesn't keep repeating itself. And in fact we've worked with a number of communities to ensure that they had appropriate regional landfills so that the trash wasn't getting dumped in the river or arroyo. So again, we're looking at this in the big picture, but we cannot succeed at this unless we are able to form partnerships with you and other people.

CHAIRMAN TRUJILLO: Thank you very much. I think that's great. Any other comments, questions?

MR. POWELL: Thank you again for letting us visit with you today.

CHAIRMAN TRUJILLO: What is the desire of the Commission?

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Commissioner Duran moved to adopt Resolution No. 1998-79 and was seconded by Commissioner Anaya. The motion carried without opposition.

VII. A. Santa Fe Postmaster will explain the postal regulation adopting the Santa Fe County rural addresses as mailing addresses, and the time line for completion

HECTOR RODRIGUEZ: Good afternoon. My name is Hector Rodriguez and I'm the Postmaster of Santa Fe. Basically, what I'm here to talk to you on the 911 addressing is personally, I feel that it's good for the Postal Service, it's good for the community and it's good for business. If I can give you one example. The Postal Service doesn't require people to use the 911 address. Okay? That's strictly a volunteer issue. Normally, the County and the City take care of all the addressing of the City and County areas, or any other addressing or any other addressing as a matter of fact. People have the misconception that the US Postal Service assigns addresses and we don't. We basically get all that information from the City and the County.

But what's good about 911 addressing is that it makes it a lot easier, not only for the US Postal Service but for the customers themselves, and if I give you an example. For example, if you live on Rural Route 1, say, Box 1, and that rural route grows to where we have to what we call make an adjustment to that route, you're mail is still going to be addressed to Route 1, Box 2000, but it might in actuality be going to Rural Route 3. And therefore it delays the mail. Or if you have city-type addressing, like, if I can give you an example at Eldorado out there, all that basically is city-type addressing. Somebody moves or we move one part of the territory from one route to the other, all we need to do is make a simple entry into a computer and boom, it's done. It's overnight. We can move that territory. The carrier can start taking that mail out. There's no disruption to the customer.

And that's the difference between rural route addressing as we know it, from being Rural Route 1 or 2 or 30 or whatever, to simply saying it's Calle Agua Fria, or Alameda, or whatever the case might be. The other thing that it does is that since we are basically automating a lot of our mail, and that's the direction the US Postal Service is going and also the businesses are going to that is simply because of savings. I was invited to a meeting last year when I was here and I went to the state. And if I understood the conversation I had with them correctly, they invited me there simply because I was the postmaster here, but IBM and the customer service representative from the Albuquerque district came up to try to sell them a piece of software which was going to run them about \$100,000 and one of the questions I asked, after sitting there a while I sat there and I said, well let me ask you a question. Do you all have all that information centralized and they said, no. I believe they told me they had five divisions and within five divisions they had so many departments, and none of them, they couldn't go to a mainframe computer and get the same information.

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The Motor Vehicle Department had their own addressing. Tax and Revenue had another one and so forth. And if you could look at the benefits, not only to the customer but to the City, State and local government, County government, there's a lot of potential savings there if you had one centralized place where you could go and pull all this information. It doesn't matter if you have Tax and Rev, water bills, I guess refuse, whatever it is that you're pulling, you could do that without having to send out an address correction to Rural Route 1, Box 2000 to come to find out that it's no longer Rural Route, Box 2000, but it's simply something else, Rural Route 0, or whatever.

And with first class mail, you would get that without having to pay a fee. Because we used to charge, the US Postal Service used to charge a fee for an address correction of first class mail and forward the piece. Now you get the whole piece back with the address on there. I think that would be a lot easier for everybody involved. I know that it would definitely make it more efficient for us, more cost-effective, and I think in the long run it will save the customer the headache of saying, well, look, I still live at Rural Route 1. Yes, you do, but now it's carried by Rural Route 3.

We just made some route adjustments in the city, about, well it was last June, a year ago. And for the city, when we did those adjustments, like at Coronado Station and the 87505 zone, we basically adjusted all the routes there and took out five routes due to automation due to the savings in what we call DPS, which is Delivery Point Sequencing, because our automated machines do that now. We have two machines in Santa Fe which we call DPCSs and that's Delivery Point Sequencing Systems, and basically what they do is read the bar codes on all the mail.

It's very difficult. Right now we don't have the capability of, and I don't know that we'll ever have, simply because of the densities that we talked about as far as hold-outs for mail. We don't have the capability of saying for example of sorting to Rural Route 1, or Rural Route 1, Box 2, simply because the computer doesn't read that. Same thing if you live with, I don't know, I'm going to pick an address, and apartment complex at 2200 San Mateo and it's apartment number one or two or three and it addresses everything to 2200 San Mateo. And that's the other problem that we have, not only with multiple addressing, but the Rural Route addressing. Where if it's a single addressing, if it's 123 Alameda, and then 124, 125, whatever, you can just about do anything you want with sorting that mail in whatever sequence you want.

CHAIRMAN TRUJILLO: Mr. Rodriguez, my understanding was that initially, when the rural addressing system was starting off, the County represented that the rural addressing system would be used only, solely, only, for emergency response purposes and that the post office could not piggy-back after the rural addressing system to change the whole infrastructure of delivering mail. Because I've dealt with residents from my district in northern Santa Fe County and it's been chaotic to say the least. In some situations it's been nightmarish, where senior citizens, who are used to receiving their checks, Social Security, veterans, on done the line, have had to change addresses.

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In the meantime, they lose their mail. It becomes traumatic for them and it's not a good situation in traditional communities, in rural areas, because it's affecting people that need it least -- the aged and the long time residents of the community.

MR. RODRIGUEZ: Well, it's not the policy of the US Postal Service to create grief for anybody. The US Postal Service will deliver your mail whether it's addressed to a rural route or a city-type deal address. And for example, if the County, again, if the County had a 911 addressing, it's not only confusing for the customers, it's confusing to us because we get the gas company, the telephone company, anybody you deal with all of a sudden has a new address and they're asking us, where's this address at? And we say, we don't know. Because we get our information from the County.

What happened, in my understanding when I was here the first time, I went and spoke to a gentleman, his name is immaterial at this point in time, but I spoke to him and he assured us that the addressing in the County was almost complete with the exception of Agua Fria, part of Alameda, and the pueblos. With that I said, this is what we would like to do or what I would like to do to address that issue. And so anyway, we went ahead and sent out the first letter and then we sent another letter and it was total confusion because I think I even got a call from you and we talked about that.

I think at that time you said is it mandatory and I said, basically, no. It's a volunteer issue as far as using the 911 addressing, but I think that everyone would benefit by that. But if there is an issue as far as people not receiving mail, it simply hasn't been brought to my attention. Because that's not the intent of the US Postal Service. We're here simply to serve the community.

CHAIRMAN TRUJILLO: And those are the effects. In a peripheral way, the changes by the Post Office, and you're saying that it's not a mandate, that it's discretionary. They're looking at it, because they read those letters and they interpreted it as being a mandate.

MR. RODRIGUEZ: Right.

CHAIRMAN TRUJILLO: But for the record, it's discretionary and if somebody wants to change their address they can. If they don't want to change it they don't have to.

MR. RODRIGUEZ: That's correct. The only thing, again, the only delta that I would say would be, again, I know that we have a rural route, we have several rural routes, for example Rural Route 5, I believe, a lot of that territory has now been moved to Rural Route 39. That therefore creates a problem where if you simply had an address, a simple address, like Eldorado I think is the one that I'm thinking about this one time, it would be a simple matter of simply telling the clerk, this street, this address no longer goes to this route. It now goes to the new route. Or as far as our automated mail, simply making two or three keystrokes and boom, it's done. It makes it a lot easier.

The only other problem is it could delay the mail for a while and the confusion is that the telephone company or whatever comes to us and says where's Rural Route 3, Box 125,

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we don't know. And some people, some of the feedback that I've got from the customers is they didn't want to, I guess, reveal where they lived at. Where some of these places where these boxes are located, I don't think even the neighbor knows where they're at. You know what I'm saying? So it's not a matter of finding out where you live. It's a mail box in the middle of nowhere and you go from there.

CHAIRMAN TRUJILLO: I just want to know from Larry what the status of the rural addressing program is. I don't think that it's that close to being completed because I get calls from La Puebla and Pojoaque and Chimayo and places like that that have been waiting for a designation and a number and name and nothing.

TOM DOMINGUEZ (Rural Addressing) : Mr. Chairman, Commission, I'll go ahead and respond to that. At the time that Mr. Rodriguez is referring to, he had spoke with Frank Rivera, and I believe at that time it was about 78 percent complete, I believe is what he had made mention about. The rural addressing as defined in the Ordinance 1996-14 is dynamic in the fact that any driveway or access point, by definition that serves four or more, needs to get a road name. It's dynamic because especially as you know in your district with the addition of lots splits, family transfers and all of these things, roads continually need to be named.

When we did the GIS program and GPSed all the roads, we found another percentage that were needing names so I don't think the 78 percent was an accurate number. At this point I couldn't tell you what percent we're at, because we're continually changing through the process, but we're continuing to make progress daily as we go through with the addresses and all of that.

COMMISSIONER GONZALES: Mr. Chairman, Tom, is there a purpose to that part of the ordinance to continue to create roads every time there's four or more addresses? Or would it be better bringing the ordinance back and making it a little bit more a common sense approach how we're dealing with rural addresses?

MR. DOMINGUEZ: Mr. Chairman, Commissioner Gonzales, I'm not sure what the intent was at that point, saying anything four or more. I'm not sure what the intent was behind that. I do know that to a point it makes sense because there's specific guidelines by the Emergency Services that at some point you're going to have confusion. If you've got, for example, an address of 100. It's on a distance basis, so that would be 1.00 miles. If you had an A, B, C, D, E, F, G, when they're going down the road, they don't know where that is, if it's way down the road or if it's just going to be few hundred feet. I believe that was probably the spirit in saying we'll go A,B,C and then anything above that, then we start getting into distance base again, once the name the road. Again, I don't know the spirit behind the ordinance.

MR. RODRIGUEZ: If I might say something, I agree. I agree with the gentleman here. And I also, I think that the -- when this process is done, I think that you're going to have the capability of locating any address that you want. In the long term, I think it's going to be better for you folks. I think it's going to be better for us, also as far as the

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US Postal Service is concerned, because if any of you have every tried to deliver mail, especially in Santa Fe, it's pretty rough. I was stunned, some of the places we have mailboxes. The first time you send a carrier out there you tell him I'm going to give you two hours of work, and go out there, expect for him to be out there six hours because some of these places are pretty hard to find. I can sympathize with the fire department or police department if they have to go out there looking for an address and they can't find it.

And it could mean a life, and I think basically, that was the whole purpose of the 911 addressing in case they had to get out to rural America and find somebody or do something to take care of the problem, that they'd be able to locate them. I think it's a good program. I think once they finish that process as far as addressing the county, I think you're going to see the benefits there.

CHAIRMAN TRUJILLO: For emergency response purposes I think it's going to be great program for identifying places where they need to go because as you say, they're hidden and there's little arroyos and they're hard to locate. But I think it's an aberration to overlap rural addressing with the delivery of the mail. I was a mail deliverer for nine years and once you learn the route you do and it's an automatic. It's a good scheme.

MR. RODRIGUEZ: That's true for the person that there every day, but the new person, I'm sure your first couple of months there you weren't too excited.

CHAIRMAN TRUJILLO: And I delivered in Pojoaque.

MR. RODRIGUEZ: Well, we're going to deliver the mail whether it's addressed to 911 addressing or the rural route. That's our purpose. It would just make it easier for us. I think it would also make it easier for the customer, but that's up to the customer's discretion.

CHAIRMAN TRUJILLO: Thank you very much, Mr. Rodriguez. Thanks for you time.

MR. DOMINGUEZ: Mr. Chairman, I was just going to make a comment. I believe that the confusion was in the letters that were sent out. The constituents or the postal customers feeling whether it was clarified or not that it was a mandatory change. I think that's where a lot of the confusion came.

The other comment I want to make is that any point we're more than happy to look at the ordinance again and if we could make changes for the better, I think we can go ahead and look at things now and we can make a presentation to you regarding that.

CHAIRMAN TRUJILLO: Thank you, Tom.

LINDA MODETZ: I was the station manager at Coronado and we had several routes that changed to street number and name addressing and we did go through, I mean it was terrible. But you have to remember, and I don't know if Mr. Rodriguez made it very clear, if your route number changes from Route 1 to Route 33, the customer has to change their address from reading Rural Route 1, Box 1000 to Rural Route 33, Box 1000. With the growth in the county, especially, we're adding two to three rural routes a year in both zip codes. So these people, we've had the same complaints. I was on Route 1, now

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I'm on Route 7, I was on Route 18, Route 21, and this eliminates it.

And we do, we have to make them aware of it, because we don't have the same carriers on the route. We have possibly fifty-something routes. You have fifty relief people who might take that route. And they're not going to know that Route 1 became Box 1000 and went over to Rural Route 33 and that mail eventually will be returned to sender. If you have people there who know where it goes, that's great. But they're only there one year. This eliminates all of that. It gives them an address, just like city addressing. Nobody knew their routes changed other than they saw a different carrier deliver their mail.

I know Rural Route 2 and Rural Route 16, it was very difficult, but now that it's all done, they like the fact that the mail's sorted directly to the carrier. The carrier can get out faster, possibly, depending on the volume. I know you've been a carrier so you would know that. But I think it's something that you should consider that we don't have to, and that's definite, but I would try to recommend to the people in the county to change it, just because of the growth. If we were a stagnant city and we weren't growing, hey, it wouldn't matter. But we're growing every day. There's a new mailbox out on some of these routes. And it's much easier to go that route with a street and number. That's just what I have to say and then also, we only deliver to one address, so eventually, these addresses are getting out to the electric company and whatever. They're giving them out.

If we don't know that 23 Agua Fria belongs on, it used to be Route 1, Box 2000, that's going to be returned to the electric company. Because we only know that address is Route 1, Box 1000. So if we get something addressed to the street address, we don't know where it is. And there's only the requirement for all the carriers to know one address per property. They don't have to know it's Route 1 in this.

And the third thing, and I can tell you that this is very important, is that we did have somebody who had a son who was injured down in Florida. And we only had a route and box number. It's very difficult to find those people to try to get the authorities out to them to tell them that their son was injured in some type of accident, military accident. If you know the street, those people we can tell you exactly how to get to it. And if we don't, you know, because if somebody calls up your office and says, somebody's son was killed, and this was what happened, somebody's son was killed, terrible accident, and once our carriers leave, I don't know where Route 1, Box 1000 is. The carrier does, but I don't.

But I could have said, oh, that's really 23 Agua Fria. Call the County and I know they can tell you exactly where that is. And there are cases like that. But that's all I have to say and I would encourage the County to encourage their people to start using that, just for the fact of not having to change the addresses. Because I'm sure you get the complaints when we change from Rural Route 1 to 33, 54, and you get those complaints too.

CHAIRMAN TRUJILLO: Thank you very much.

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VIII. ADMINISTRATIVE ITEMS

- A. Committee appointments**
- B. Committee Expirations/resignations/vacancies**

MR. WOLF: Mr. Chairman, there are no changes.

CHAIRMAN TRUJILLO: Expirations, resignations, vacancies?

MR. WOLF: None for that item either.

IX. STAFF AND ELECTED OFFICIALS ITEMS

A. FINANCE DEPARTMENT

- 1. Request authorization to accept and award a contract to the lowest responsive bidder, IFB #98-55, for an AS400 computer system to complete the necessary upgrades to the County's computer hardware**

MR. WOLF: Mr. Chairman, Commissioners, Donna will present this item.

Thank you.

DONNA GARY (Finance Director): Mr. Chairman, Commissioners, the Administrative Services Department in the Purchasing Division requested bids for an AS400 computer mainframe with related equipment software, subscription of one year maintenance, charges and transition services. The bid opening was on July 20 and we reviewed the bids and we are requesting that -- the Administrative Services and the Finance Department are requesting that you authorize and award the contract to the lowest responsive bidder, which is ERA Computing. The award amount, with an adjustment for shipping and maintenance charges will be \$137,796. And that will be to ERA Computing, Incorporated for the AS400 computer mainframe and related equipment, software, transition and maintenance costs.

COMMISSIONER DURAN: Mr. Chairman, I have a couple questions please. Donna, how much does this increase out capacity down there? This allows us to have more memory for future projects? Can you tell me a little bit about it?

MS. GARY: I was going to refer that question to Agnes, who is our MIS director because she'll know more of the technical capabilities of it.

AGNES OAKLEY (Systems Analyst): Hello. I believe from what I've been told is that this will increase it to 33 gigabytes, which is probably three times the capacity that they do have currently. So this is going to enhance the capability of how we maintain our AS400 programs, which are all through HTE.

COMMISSIONER DURAN: Do you think that, will we be using up much of that initially, right away, or will there be room for -- I guess the question is how long will that last?

MS. OAKLEY: Probably up to five years, because it will just use half the

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capacity right now. Because we also anticipate to bring in CAD, which is computer aided dispatch and record management from the Sheriff's Office. And that will be done within the month.

COMMISSIONER DURAN: And this will fulfill our GIS needs also?

MS. OAKLEY: Yes.

COMMISSIONER DURAN: Okay, thank you very much. That's all I wanted to find out.

MS. OAKLEY: If you would like to find out how it interfaces with that, it has an interface with UNIX, which is our GIS platform, and it has an interface with UNIX and that's the latest model with IBM right now, model 620.

COMMISSIONER DURAN: Thank you. Thank you, Mr. Chairman.

CHAIRMAN TRUJILLO: Any other questions?

Commissioner Griñé moved to authorize awarding the contract to ERA Computing, Incorporated. Commissioner Anaya seconded the motion, which passed unanimously.

IX. C. MATTERS FROM THE COMMISSION

- 3. Resolution No. 1998-80. A resolution calling for an election to be held in Santa Fe County to consider the issuance of general obligation bonds**
- 4. Resolution No. 1998-81. A resolution setting forth the date and details of the Santa Fe County general obligation bond election for the purpose of acquiring, preserving and maintaining Santa Fe's historical, cultural and natural areas**

COMMISSIONER GONZALES: Mr. Chairman, I don't know if Jack wants to come up. We're bringing this issue forward to the Commission asking the Commissioners to support this bond election. The bond election would be for the acquisition of open space around Santa Fe County. The idea, Mr. Chairman, is to create an open space acquisition program that would allow us to identify areas that the public would like to see remain open and hopefully put that into a permanent conservation.

In my work with Jack we talked about putting together an ordinance that would basically call for an independent audit to be done on how the bond money is spent and to basically require the Board of Commissioners to spend the money on lands they say they're going to spend their money on. In addition, what we wanted to do is create an open space advisory committee that would be able to identify areas around Santa Fe County that would be of interest to the public in moving into permanent conservation. I'm not sure if Jack has anything else to add. I know we have Ed Archuleta here from the Thousand Friends of New Mexico who may want to address the point, and Deb Fry, who has assisted us and

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Leslie. Leslie, is there anything else that we need to add on this? I think for the most part - the idea, Mr. Chairman, is to go to a G.O. bond referendum, which Mr. Strumor's here to answer any questions. If it's approved by the public it would be again for the purchase of open space to move it into permanent acquisition.

ROBERT STRUMOR (Bond Counsel): Thank you, Mr. Chairman, members of the Commission, Robert Strumor from Hughes and Strumor, Limited Co, your bond counsel. The resolution, there are actually two resolutions before you. The theory behind them is that even though it would be scheduled for the regular election, it's considered a special bond election held on the regular election day of November 3. So there's a short resolution which essentially calls for the election and then there's a second resolution which sets out more detail, including the polling places and the times that the polling places are open early and absentee voting will be held.

COMMISSIONER GONZALES: Bob, I was going to ask a question as to -- if the Commission, which I think appropriate, identifies the lands to be purchased on the ballot itself, when does that language actually have to be submitted to appear on the ballot?

MR. STRUMOR: Pretty much now. In other words, if you had identified properties, you're going to need to publish sixty days before the election. I guess it's around the end of the first week of September. So you have a little leeway but not much.

COMMISSIONER GONZALES: The first week of September?

MR. STRUMOR: I'm trying to count backwards, sixty days before the election September 3, roughly and then, so it's like the 12th or 13th. So in theory you have a little time, but you pretty much have to take action fairly quickly. The problem with identifying the properties is it's like right-of-way. If for any reason you can't get it, then the bonds -- if you've already issued them you have to pay them off. You have to redeem them. So when it's property-specific, you either buy that property or you can't issue the bonds, or if you've issued them, you have to redeem them.

COMMISSIONER GONZALES: Can I ask Deb Fry to step forward because I know they've been working on it, to maybe address that issue with the Commissioners. She's from the Trust for Public Lands.

DEB FRY: Thank you, Mr. Chairman, Commissioners. I'm Deb Fry from Trust for Public Lands. What I would recommend, based on our previous experience putting forth these bond measures in communities would be to outline as we have in the wording right now, the various general areas that you would like to protect and I agree with you, Commissioner Gonzales in your idea to establish an open space advisory committee, to give that advisory committee the power to yea or nay the projects as they come up, therefore you wouldn't need to come up with your list today. But this could get on the ballot measure without specifically outlining specific areas.

COMMISSIONER GONZALES: So could we do it then through Commission districts, then, that each Commission district will have various areas designated for open space and then the advisory committee would pick the areas within the Commission districts

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through public hearings that they would begin to acquire.

MS. FRY: Yes, or you could do it within the County Planning Department, give the priority list of general areas as opposed to specific properties. The danger of listing specific properties might be alienating the landowners themselves when they see their property on the list to be acquired.

COMMISSIONER GONZALES: Okay, that makes sense. So, if the Commissioners wanted to, they could direct the planning staff to come back with planning areas where there would be potential for open space acquisition.

MS. FRY: Yes, that's what I would recommend.

COMMISSIONER GONZALES: Great. Thank you.

MR. STRUMOR: So you could, actually, take action on the meeting of the 25th.

COMMISSIONER GONZALES: On the planning areas, right?

MR. STRUMOR: Well, I think it's a policy question as to how you want to approach it. The open space acquisition is usually generalized, but it's not uncommon to have a specific, like a certain land grant or certain ranch that becomes available to be a specific subject of acquisition, but this is a little more general. To the extent that if it's essentially acquiring some BLM or Forest Service land or something where nobody's going to be offended by that, then of course you can be specific, but as far as the whole bond transaction, and the issuance of the bonds, the more specific you get, the more risk you have that you're not going to be able to use the authorization for its purpose.

But for the timing, the 25th in fact, I think Bernalillo County is going up on some preliminary action on the 25th and they're taking their final action on the 6th, I think, which is the deadline, deadline, deadline, because they're really running out of time. So you have a little time. You don't have to act tonight.

COMMISSIONER GONZALES: So if we do that tonight, would we have to, let's say the Commissioners decide to hold off or they decide to act tonight. If they act tonight, if they needed to add the language for the areas, would they have to just reissue -- or they could amend the resolution.

MR. STRUMOR: You can amend the resolution and the actual resolution that's signed and filed will reflect the amendment. So you could do all that tonight. So if you had a list of your specifics right now you could add that, but I guess I would urge you to discuss that as a policy matter with you counsel and your --

COMMISSIONER GONZALES: And I don't think that that's the case. I was going to ask Jack, though, has the Planning Department prepared a list of planning areas that you're prepared to ask the Commissioners to consider tonight, or would it be better if you gave the Commissioners a couple of weeks, or if we gave you a couple of weeks to come up with planning areas for open space.

JACK KOLKMEYER (Planning Director): Mr. Chairman, Commissioner Gonzales, we do not have a definitive list. It was our impression as we've gone through

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these discussions that it would be to our advantage to leave it as open as possible, because then that gives specific work for the open space and trails committee to come together to give us that information over time. There are, however, as you know, some suggestions, like Cerrillos Hills that have already been suggested to us as opportunities, but I think it would be our opinion at this point that it would behoove us to leave it as general as possible and work with the committee over a period of time to identify properties that this program could be used for.

COMMISSIONER GONZALES: Okay, I understand the issue that it needs to be as general as possible, but you don't want it to remain so general that the voters really don't know where their monies may be going for acquisition of public lands. So I mean, if we follow Ms. Fry's example, we -- what I'm asking you, is the Planning Department or could the Planning Department prepare a list of planning areas for the Commission to throw on the ballot to say these are the areas that would be designated for acquisition of open space, and then the open space advisory committee would actually select the sites, the detailed sites within those planning areas, so that -- obviously we don't have the time now. We don't have the time to put together an open space advisory committee, go and identify individual parcels and then list it on the ballot.

So what I'm hearing Ms. Fry say for this to be successful, we may just want to identify areas where there could be open space acquisition. So what I'm asking you is, is there something that the Planning Department can provide for the Commissioners that would designate planning areas based on our public hearings to date, which created the open space policy, which is part of the General Plan, that there would be some planning areas where the open space acquisition program would be applicable.

MR. KOLKMEYER: I'm going to let Deb Fry talk to some of that, but I believe that we have enough work that we've already done that we could move forward with that, yes.

MS. FRY: Mr. Chairman, Commissioners, I did not mean to suggest that that would be necessary in order for this bond to go through. I think with the language that we have developed based on previous polls and discussions with the community groups that the current language that exists that we're presenting with you tonight, would be enough to put on the bond measure to give the residents of Santa Fe County an idea of what the priorities would be, but it would enable the open space advisory committee, whatever you'd like to call it, trails committee, could give them the opportunity to, down the road, prioritize.

So I didn't mean to suggest that you needed to necessarily come up with general areas. I think it could go either way.

COMMISSIONER GONZALES: Thank you. That's helpful and I've just glanced at the language again for the bond and that makes sense. Thank you. Thank you, Mr. Chairman, I have nothing further.

BECKY BUSTAMANTE (County Clerk): Mr. Chairman, I would just like to say that the deadline for us getting the information to the Secretary of State is September

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CHAIRMAN TRUJILLO: Okay, thank you. Commissioner Gonzales, I understand there was a survey that was done regarding interest in buying open space, public lands or private lands for conservancy. What was the sector of the community that was surveyed?

COMMISSIONER GONZALES: Thank you, Mr. Chairman. I'm going to have to turn that over to the Trust for Public Lands because they were actually responsible for conducting the poll.

MS. FRY: Could you repeat the question?

CHAIRMAN TRUJILLO: Yes, I want to know what population sector was surveyed to get your information on what the community wanted to acquire private land for open space in conservancy.

MS. FRY: The Trust for Public Land utilized a professional polling firm to poll approximately 500 residents around the county. They were polling those who had indicated that they were likely or strongly likely to vote in this fall's election. And it was a random poll. And I can provide you with a general summary of the results of that poll. 92 percent of the Santa Fe County residents responded positively to the need to protect open spaces in the county. We then got more specific, or the pollster got more specific as to just how much the residents were prepared to pay in order to protect that open space. So the \$12 million bond that is being put forth before you tonight is a result of looking at that poll and determining the likelihood of that bond succeeding in this community.

Fifty, to get the exact number of the percentage that voted to pay at least ten dollars per \$100,000 evaluation in home. I believe it was 56 percent of the population said they would support that measure. Twelve million dollar bond approximately equates \$11.20 per \$100,000 evaluation in homes. The Trust for Public Land, through their pollsters have indicated that this would be likely to pass given the results that we've seen.

COMMISSIONER GONZALES: In addition, Mr. Chairman, Deb, you might want to describe for the Commission some of the areas that were tested and the response that the public indicated.

MS. FRY: Certainly; 72 percent of the votes thought that it was either extremely important or very important to protect land for wildlife and native plants from development.

Seventy percent thought it was either extremely important or very important to protect sacred sites like petroglyphs from development.

Sixty-six percent of the voters thought it was either extremely important or very important to protect trails for walking, running, hiking and biking.

Sixty-five percent of the voters thought it was either extremely important or very important to protect historical landscapes, like the land surrounding Santuario de Chimayo from development.

Sixty-five percent of the voters thought it was either extremely important or very

important to protect Santa Fe River Parkway.

Sixty-four percent of the voters thought it was either extremely important or very important to protect mountains and foothills, such as Atalaya and her sister peaks from development.

Fifty-eight percent of the voters thought it was either extremely important or very important to protect Two Mile Reservoir from development. Those were our top attention getters. We had brought together various folks from around the county early on to have discussion groups about where these questions would come from, so the pollster was fed information from folks in the county as to what they should be polling for, and these were the highest areas of importance, according to the poll.

CHAIRMAN TRUJILLO: Thank you. One more question. If the bond passes, the property owner across the county would pay, right? For the bond? In the Pojoaque Valley, there's limited amount of open space. In fact, there's a pretty serious effort by the Tesuque Pueblo to acquire the Jacona Land Grant. So that's it. So Pojoaque will be paying for buying land all over the county and will not be reaping the benefits immediately. And I've gotten a few calls along those lines from that area.

MS. FRY: Thank you for that information. I'm sure that these discussions will be coming up for the open space advisory council as to which are the priority sites from around the county and that's why I've been urging that there is an open space advisory council established so that these priorities can be discussed and weighed throughout the county.

CHAIRMAN TRUJILLO: Thank you.

COMMISSIONER DURAN: Mr. Chairman, I think that acquiring open space is important and I think the community would like to do that, to preserve open space. I'm not sure that rushing into, rushing to this is the right thing to do. I really think that with the limited amount of information that I have right now, I couldn't vote whether or not to put this up for the public just to make a decision on. I think that we need to have more public input. I think that we need to have somebody from a community that has adopted this type of method of acquiring open space come into this community, make a presentation to us and to have more public input and more public scrutiny to make sure that this is what they want. I think to approve this and let it go the voters for them to vote on it, when in my opinion there's not enough information out there for them to make a decision whether or not they want it, and what kind of impact it's going to have on their property, is not the right thing for us to do. I would like for us to pursue this further and not make a decision tonight and do it at a point in time when more information has been disseminated out to the public and to our constituents.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Duran, if I can address that from a policy perspective. Commissioner Duran, for the last three years the public has met on several occasions and continuously through our own public hearings and through the General Plan Steering Committee has said continuously open space is

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something that they would like, is something that they're asking for that's an important part of growth management. Commissioner, I know that this has come up as an issue rather quickly, but the fact is it's taken time to conduct the poll, to have the focus groups. I guess we either do it on a special election or we get the chance to do it once every two years.

I don't think this is rushing anything. It's going to allow the voters -- it's going to be incumbent on those people who think that it's important enough to acquire open space, to educate the voters to the importance of it. Clearly if the voters don't see it as being important enough for them, they will clearly vote no and tell us this is not something we think is important at this time to acquire. If the voters vote yes, it's not a matter of doing the purchase, it's a matter of being able to arm an open space citizen committee with money, with the tools to basically go out and hold public hearings in different communities so that the public can go in and say we think this area is important to purchase, or we think this area is important to purchase, and they actually believe that something will get done because there are the monetary resources available to go purchase those lands.

At some point, we're going to have to go say, okay, we're going to stop talking about open space and we're actually going to go forward and start acquiring it. All I'm saying is that, granted, this process has come up rather quickly, but the idea of acquiring and delivering open space for the public, is something we've all talked about for the last three years. We have a major development that's coming up that can affect the petroglyphs out there in the La Cieneguilla area and I think there are people wanting us to come up with mechanisms to be able to protect some of these areas. We talked tonight about the Santa Fe River and our commitment to help along with the river basin. That's important to communities all along it but we need the resources. We need to be able to have a citizen committee say it's important enough for us to allocate monetary dollars that our property taxes are creating or generating to be able to protect these areas and so I just wanted to say from a standpoint, I know you're saying that this has been quick but it really has -- I just wanted to say it really has been a process that we've been studying and reviewing for the last three years and I'm not asking this Commission to say these are the sites that we're going to buy. All I'm asking is to allow the voters to have a say whether an open space acquisition program is important enough for them to have or not.

And if they say no, we know where they stand. If they yes, then we know it's important enough for them to tax themselves to go out and begin to buy. But to wait and to have to spend money for a whole special election to appoint an open space committee and say, well, this is all subject to the voters' deciding, I think that might not be as effective as we have been. So I just wanted to point that out. I didn't want Deb Fry to get up and have a policy debate.

COMMISSIONER DURAN: I agree with you that preserving open space is important. I think everyone agrees with you. I think the issue here is we are talking about raising people's property taxes and I think they should be well informed about this method of acquiring open space before they are given a choice. There are other ways of acquiring

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open space that we've just touched on also, such as transfer of development rights. It's all transfer of development rights and acquiring open space and conservation easements, all of these issues are part of -- it's something that all of us want to pursue. I just don't think that there's been enough information disseminated before us to make a decision as to which way we want to go. How to transfer of development rights work? Conservation. I'm not down-playing the importance of acquiring open space through this method. I just think that we need more input. The public deserves more input. And weigh all the options to acquiring open space.

MS. FRY: Mr. Chairman, may I respond to Commissioner Duran? I just wanted to let you know that the Trust for Public Land is fully committed to bringing forth a public initiative in that we plan to do a full campaign to educate the voters as to what it is they're voting on and when I say "we" I mean a coalition of concerned individuals, community groups and businesses throughout the County of Santa Fe. TPL is a national non-profit land conservation organization. We have an arm of our organization that is fully devoted to putting forth public finance measures throughout the country. We're currently involved in several dozen of these measures across the country and here in the southwest we're working at least three or four. Last year we were successful in putting forth a \$36 million open space bond measure in Pima County, Arizona. They faced similar concerns there. There was an open space advisory council that was established to determine which properties should be acquired by the county and TPL was involved with Pima County all through the process.

What we're asking tonight is that the Commission put this forward on the bond and allow the voters to decide. But do know that the Trust for Public Land is fully committed from now until November 3 making this as public a forum as possible and encouraging everyone who is interested to participate.

COMMISSIONER ANAYA: Mr. Chairman, I think I can support this resolution in theory. Especially with the provision that it's going to go out to the public for a vote. But I think it's very important that the \$12 million be earmarked and the intentions known as to where we're going to utilize that money be known to the public before the election. I think that's an essential part of the whole type of bonding. I think it's important. I think I can support it under those conditions. And with that, Mr. Chairman, I would yield to Commissioner Gonzales to do the motion.

COMMISSIONER GONZALES: Mr. Chairman, I move for approval of Resolution 1998-80.

COMMISSIONER GRINÉ: Second.

COMMISSIONER ANAYA: Discussion again, Mr. Chairman, I think it's going to go out to the voting public. It's going to be a point of awareness out there and I'm sure the media will highlight this and I'm sure that you'll see the editorials and everything and the endorsements coming down as to whether we're taking the right direction. So, the avenues are wide open.

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COMMISSIONER DURAN: Mr. Chairman, my only concern is that putting this out so soon to the voters without them having the knowledge of what kind of impact this is going to have is not doing this resolution any justice. I just think it needs more time.

CHAIRMAN TRUJILLO: I guess my position would be that Tesuque Pueblo and San Ildefonso Pueblo and Nambe Pueblo are moving in acquiring land under the 1935 Patent. San Ildefonso Pueblo got 15,000 acres allocated to them. Now they claim 27,000. Tesuque Pueblo is acquiring the Jacona Land Grant that's pretty close. I think that we need to do something to start identifying lands to acquire for the citizens of Santa Fe County. Otherwise nothing will be left. And it is at the discretion of the voters. If the voters want it, they approve it. If they don't want it, they don't approve it. It's going to go out into the community for a vote.

This is not a public hearing. Is the discussion over? All those in favor?
[Unanimous.]

COMMISSIONER ANAYA: Just one thing, Mr. Chairman. Just a note on the last topic, what the pueblos and the Native Americans are doing to purchase out there, we will still have no jurisdiction over what they're doing and there's no guarantee that they won't commercialize it or whatever comes down the line. So that is not a guarantee direction of open space as far as them buying. I just wanted to make a note of that.

CHAIRMAN TRUJILLO: Very good. Thank you.

COMMISSIONER GONZALES: Mr. Chairman, I have just one other issue for the people raising their hands. There's still Matters of Public Concern, so you'll still be able to address the Commission. I was just, this is for Donna. Donna, I apologize for calling you Sunday morning, and David, you may need to pay attention to this because I wanted to check on the status of P.O.s that we need to basically issue for judges and people who have participated in the County Fair and through different venues I've heard that the County is not going to issue P.O.s for that and I want to know if that's true or not.

MR. STRUMOR: I hate to interrupt, but there were actually two resolutions. One was a very short resolution calling for the election and the second one was a long resolution. So I guess if the motion was to adopt, it would have to reflect both resolutions.

COMMISSIONER GONZALES: So moved.

COMMISSIONER GRINÉ: Second.

CHAIRMAN TRUJILLO: All those in favor? [Unanimous] Opposed.

MS. BUSTAMANTE: For the record, if we could just note that they were Resolution numbers 1998-80 and 1998-81.

COMMISSIONER GONZALES: We're still on Matters from the Commission. David, on the purchase orders to pay people who participated in the County Fair.

MR. WOLF: Mr. Chairman, Commissioner Gonzales, for those that provided services for the County Fair that were to be paid for, those purchase orders have been

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issued. There was one contract. Those purchase orders have been issued. That part's taken care of. There was one contract that came across my desk for about \$1500 for somebody to manage the fair. I questioned that because I was curious about the source of funding to cover that contract. I was waiting for an answer so I understand where the source of the funds are coming from before I sign that contract. The others have all been approved and taken care of at this point.

COMMISSIONER GONZALES: So no one who offered a service during the weekend is not going to get paid? They're all going to get paid?

MR. WOLF: That is correct, Mr. Chairman, Commissioner Gonzales.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER DURAN: Several months ago I met with concerned citizens from the Agua Fria Village, the Mayor and representatives from the Santa Fe Watershed Association and in that meeting we organized this watershed tour. And out of that same meeting there was a gentleman from the Corps of Engineers there. His name was Lieutenant Colonel Lloyd S. Wagner and he mentioned that the Corps of Engineers had \$100,000 available to our community for a general investigation, reconnaissance study for our watershed.

For some reason, the last couple of months, the letter requesting the \$100,000 slipped through the cracks. So I have it here this evening that I would like to circulate around for the Commissioners' signatures. The Mayor has looked at it. It goes to the City Council for their signature. The legal department here at the County and the City has reviewed it and basically what it is, it's \$100,000 that's available to us to study our watershed. I just wanted to let you know it's finally in final form waiting for your signatures. This also could open up the door for a joint City watershed committee, where both the City and the County could work collectively on the issues surrounding the watershed.

CHAIRMAN TRUJILLO: Thank you.

IX. E. MATTERS FROM THE COUNTY ATTORNEY

CHAIRMAN TRUJILLO: Denice, I see there's a lot of people out here probably for the public hearing. Can we do the public hearing and then do the executive session. Or do you have anything else?

MS. KULSETH: No, Mr. Chairman, just the executive session.

IX. D. MATTERS OF PUBLIC CONCERN

CHAIRMAN TRUJILLO: Is there anyone from the public that wanted to get up and talk?

ROBERT ROTUNNO: Good evening. My name is Robert Rotunno. I live at Route 6, Box 72, Agua Fria. I'm here this evening because I'm real concerned about this open space thing. I think it's going to be a good thing and the one area I'm really concerned is the Mesa de las Vacas behind Agua Fria. For our purposes in La Cienega, and basically, I know that area very well. We've depended on it for a lot of years. We used to get our pinons when we could, wood. It's a beautiful place and I know it all. I know it completely. I know a lot of that area. It's a great place for our kids to grow up in. It's a nice backyard and I'd like to take my grandchildren back there. There's a lot of interesting things there.

Since this thing has been going on in La Cienega with the petroglyphs and all that, my real concern is that there's a lot of developers that are wanting more and more land to develop and they seemed to be moving out that way. It's good they came up with this idea to get some more lands for the waste or whatever they're going to do or whatever plans they have for that. She's already talking about going into that area. So, I'm real concerned and I want to preserve that for us, what's left of it. Thank you.

CHAIRMAN TRUJILLO: Thank you. Anybody else?

ROBERT ROMERO: I'd like to applaud the Commission on passing this resolution to go forward. I'm Robert Romero. I'm president of La Cienega Valley Association. We're approximately 200 members strong in our organization. I feel, as I feel most of my constituency does in La Cienega that \$12 a year is a small price to pay to save our beautiful Santa Fe with all its beautiful cultural and historic resources and I'm looking forward to looking on this advisory board if it's put together and being very involved in this if it is afforded to me. Once again, I'd like to thank you.

COMMISSIONER DURAN: Mr. Chairman, Mr. Romero, I'd just like to say one thing. It's really \$12 per \$100,000 of evaluation.

MR. ROMERO: I'd be willing to pay \$100 a year on my own taxes. I'm not quite familiar with the intricacies of the bond issue but for every \$100,000, to my understanding, that was kind of relatively, from my readings of the newspaper would be relatively spread out through the -- that would be basically what the average property owner would pay, basically. Although those of us who have large land holdings are a little bit more -- how do I want to say this? A little bit more fortunate than others, may have to pay a little bit more, but I feel that that would be their obligation. Thank you.

CHAIRMAN TRUJILLO: Thank you, Mr. Romero.

PAIGE MORGAN: My name is Paige Morgan and I was actually going to be presenting on the Santa Fe River, a number of issues related to the Santa Fe River, one of which is very much this open space issue as well. But if there's anyone else that would like to speak to the open space issue first, I'd like to defer, so that that's covered.

CHAIRMAN TRUJILLO: Anybody else regarding the open space?

MS. MORGAN: Then I'll continue with my presentation. Again, my name is Paige Morgan. I'm a consulting hydrologist. I'm also the coordinator of the Santa Fe River Watershed Association. And Paul, have you managed to pass out the packets? Thank

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you very much. There is a packet coming to you if you don't have it yet. The first page in the packet is the Santa Fe Watershed. I've passed this out before. This is a very large area. It starts up at Lake Peak and it goes all the way down to the Rio Grande just below Cochiti Lake. So it's an area of over 150 square miles.

Often when people say the Santa Fe Watershed they think that we're just talking about this upper section above the reservoirs, but this whole area is the area that when rain or snow falls on it, and the snow melts and the rain runs down, it runs down towards the Santa Fe River. That's what defines a watershed. We wanted to get these pictures into your hands because there's a number of places that the river has been so severely degraded that when we have flow in the river it's tremendously erosive and it does a lot of damage in places that affect people's private property, and also our public amenities, roads and crossings and bridges and this kind of thing.

So the order in which they're presented in your packet, we have photographs of the San Ysidro Crossing. By the way, I'd like to point out that these photographs were made by Olivia Tsosie, who is a resident of Agua Fria who was not able to be here tonight so I present it on her behalf. The San Ysidro Crossing was photographed July 24, just a couple of weeks ago. And if you'll look, you'll see this concrete sill that is in the center of the river, it shows up in several photographs. As far as I can tell, that was an effort to try and deflect flow in the past, to try and slow up the flows that would come down the river.

As you can see that tremendous surging, brown water in the lower left-hand corner of the photograph, that's going over the crossing itself and it's tearing up the rip-rap and rock work that was put in place there. This happens every time there's a flow. For stability, we need to be thinking, rather than about putting in hardened crossings of this kind, or rip-rap or rock or, we keep thinking we've got to fight the river with hard stuff and the river will always win. This is something that they're learning in the last couple of years in the Mississippi, the tremendous floods in the Mississippi, all those levees they've been putting up for 100 years, they've finally realized they have to back off and allow the flooding to take place in there or it just causes more and more damage and a much smaller scale. I think this is what we need to be looking at in the Santa Fe River as well.

If you'll turn, there are two more sheets that have photographs. At the Lopez Lane Crossing, if again, the map shows that the San Ysidro Crossing and the Lopez Lane Crossing are very close together, very close to the middle of the watershed. At the Lopez Lane Crossing, they have constructed a bridge. What you can see upstream, these photographs are a little bit dark in the color Xeroxes, but if you'll look in the lower right-hand photograph, actually above and below on the right-hand side is the same location about a half an hour apart as more flow was coming downstream. And in the lower section you've got these standing waves and so forth. Well, if you'll look behind, on the river bank, there's rock work there that's attempting to armor that wall and you can see the wave action right at the foot of that rock armoring.

We can tell that what's going to happen with that rock armoring is what did happen,

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if you'll turn over to the next sheet. Sort of right in the center of the lower part of the page, you see how at the bottom of that concrete structure -- those walls, by the way are about ten feet high at the bottom of that structure -- so this is a big step, structure. Just below there's some rock work and it slumps down. You can see that there's about three feet of bank exposed at the top of that rock work. The whole gation structure simply slumped down from having been undercut by flows that come down that structure.

Another point I'd like to make about this particular structure is that hydraulic, that big dirty wave that you can see in the lower right-hand corner, that is a trapper-keeper kind of wave. It's a very dangerous hydraulic. So the more we try to make our rivers safer by putting in this kind of structure, the more we set up situations like this. And I'm on my soapbox here trying to get across the idea that we're in much better shape if we try and heal the river and make it a more stable system. And that will do a better job of protecting our property as well.

There are a number of alternatives to the hard alternatives that are often taken by our engineering departments. We can give the river room to meander, where possible. Obviously, there are places where property ownership and other constraints will make this not possible, but that's where your open space bond issue comes into play if you could consider that some of those bond funds could be used to purchase land or easements in the flood plain, then we could go a long distance in the direction of creating a flooding area which would both have a beneficial effect on the river and would be a recreational area. It would have wildlife benefits and so forth and so on.

We need balance the amount of sediment that's delivered into the river with the flows that are available to move the sediment through the system. This helps the river to build its bed back up to a more stable level. And we need to enhance riparian vegetation to create a root mat along the river banks to stabilize the banks, as well as creating a desirable environment for wildlife and recreation. I want to list of number of opportunities that exit for the County to cooperate with other agencies and community groups to get out of this endless game of catch-up with the river.

Commissioner Duran and Mayor Delgado have initiated a request for the Corps of Engineers watershed reconnaissance study. And I believe you're all prepared to sign that this evening. This is an important tool for understanding what kinds of flows are generated in the various zones of the watershed. However, I think we'll need to have some kind of citizen and agency oversight group to ensure that the analysis leads to river reclamation and not just more of these attempts at structural control.

I wanted to announce to you that the Fish and Wildlife Service is prepared to contribute funding for two studies that will provide a framework for river reclamation plans. One is a study of the history of land use in the watershed. How people have used the watershed since 400 years ago when they were up there cutting firewood and grazing their animals and so forth and what those land use impacts have done to flows in the river. This I think will help, understanding the history of the river will help us select the conditions that

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we want to reclaim the river to.

They also want to do, again Fish and Wildlife Service funding, a study of existing geo-morphologic conditions in the La Cieneguilla area to help illustrate what form the river would have if it were in equilibrium, which it most certainly is not now.

There are a number of plans for river rehabilitation that the State Land Office, who was before you this evening, talking about cooperating with the County on planning river rehabilitation on its reach of the river, but I think everyone involved with this is recognizing that you can't just plan for the piece you own. You have to be looking upstream and downstream at what the effects are that are going on above you and what effects you'll have in the downstream direction. We have, the City already has a river reclamation plan in place and if we could start cobbling together the other ownerships along the river, then we would be able to have a management plan that was consistent for the river so that all the -- when funds are available, and by the way, this kind of management plan is what will leverage federal funding. There's lots of it out there. We just need to be able to go at it with a consistent plan and a lot of cooperation from the different agencies involved.

A plan is only as good as its follow-through. Despite the City's creative river corridor master plan, it continues to apply these hard solutions and landscaping, rather than following the intentions of the plan for healing the river. This again points to the need for an oversight by agencies and citizens to ensure that the guiding principle of any project related to the river is protection of property through enhancement of the natural functions of the river. We've talked about the open space bonds, so I won't flog that one, but I strongly support your efforts to not only purchase lands, but use the funds for conservation easements, which can sometimes allow a more flexible approach in open space planning and flood plain management.

I would also direct your attention to the recommendation of your County Hydrologist to use the 100-year flood plain, defined by the Federal Emergency Management Agency to define a no-build and special management zone. I have two more things I'd like to bring up. One is the potential for using part of the funding from the Corps of Engineers, which is intended to be used for the San Ysidro Crossing, to plan upstream and downstream riparian enhancement so we're not just trying to put more concrete down, but we're recognizing that we need to be dealing with the river on both sides of that reach.

Finally, I'd like to be back in a couple of weeks when you're considering a ban on mining of sand and gravel in the Santa Fe River and its tributaries because that has had tremendous detrimental effects on the river. It's got a lot to do with why we have a river that's 40 feet entrenched in a number of its zones, where people who are in their 60s and 70s now can easily remember that it was up to its banks, 40 feet up there. In conclusion, I'd like to remind you, you may know the book and the movie, A River Runs Through It, I have a brief passage I just wanted to read: "Eventually, all things merge into one, and a river runs through it. The river was cut by the world's great flood and runs over rocks from the basement of time. On some of the rocks are timeless raindrops. Under the rocks are

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words and some of the words are there. I am haunted by waters." That partly explains why I am before you.

I would like to point out that the river runs through four of the five districts that you all have responsibility for and in fact, the fifth, Commissioner Griñé's can learn from what we learn from, working on the Santa Fe River. They have tremendous problems with the San Marcos Arroyo that they're studying now. We need to start seeing the river as a theme and addressing multiple objectives. We need to work with other agencies that are concerned with land management and infrastructure responsibilities. It's far more cost-effective to do it this way and avoid conflicts between projects. It's essential to have citizen input. These pictures were taken by a citizen, a resident of Agua Fria. Citizens are the eyes and ears of what's going on in the world out there. And we should have opportunities for them to be following what the government can do to enhance the system. If I might invite David Pike to speak briefly. David got us all into the middle of this with this meeting that Commissioner Duran referred to in February, and I think he has some things from the perspective of landowners in Agua Fria.

DAVID PIKE: Mr. Chairman, Commissioners, my name's Dave Pike. I'm a resident in the Agua Fria Village and have been quite active in the issues involving the Santa Fe River. As you all know, there are many concerns that we have been trying to address regarding major erosion, groundwater contamination, issues regarding habitat for private property, crossings, public crossings, things of these natures.

Back in February sometime, I called for a meeting, which was very successful, trying to bring some cooperative efforts between the County and the City to look at these issues. We had a lot of concern in the community of Agua Fria, particularly downstream of the city. As you know, storm water accumulations create much erosion. We are losing valuable historic property, creating health and safety concerns, our children walking on these river banks and many other concerns that come along with this. But one of the things that has come out of this is that we have had great cooperation from Commissioner Duran in trying to take a lead role in working with the City and some of the private property owners and the different entities, governmental entities and trying to get some real vision, look at the issues and concerns regarding the Santa Fe Watershed.

As Commissioner Duran mentioned, before you, you have a letter, hoping that you will sign this. It's a letter requesting funds for a reconnaissance study that will be taking place. The Corps of Engineers has some funds available, and through this joint cooperation of the City and County, we hope that that will be a start to be able to address some of these concerns I mentioned earlier. One of the things I think that is important that we look at is that there are many different groups, entities. We have the Santa Fe Watershed Association. We have the Canyon Preservation Trust. We have concerned citizens. We have this city doing projects in the Santa Fe River Channel. We have the County doing projects, as you all know. We have a project --it's a drop structure on the west side of the San Ysidro Crossing that is going to take place shortly. I believe they're going to start this month or

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sometime real soon on that project.

But I believe since there is so much momentum now moving forward with concerns of the river, I think we need to look at this as an overall plan for everybody to be involved in and what's critical is that we start linking the initiatives, the efforts that are created from all these groups, all the governmental entities and everybody concerned in trying to preserve our historical Santa Fe River. So with that, I don't want to take up anymore time. I would just hope that you would all keep in mind that perhaps we might be able to create some kind of task force commission of some sort that we can all unite all these different entities and groups and start linking things together to be able to move forward in a more positive mode.

One of the concerns that we have in the village, as I mentioned before, is storm water drainage. As a result of all the city's storm water, well, downstream we get impacted really bad. So as the City creates projects and they're going through their kind of planning, many times it impacts residents in the county, outside the city limits. Many times, they're not even aware of the impacts that are happening. So that's why I think it's real important that we try and unite to create perhaps a task force of a citizens' group that can link all our efforts together to promote and to preserve the Santa Fe River for future generations. Thank you.

CHAIRMAN TRUJILLO: Thank you, David. Is there anybody else that wants to address the Commission? One minute, okay?

MR. ROTUNNO: Yes, I would also like to address the Commission on this matter with the Santa Fe River. I've known that river all my life. They started mining that river years back. The Johnsons, the Kellys and much more when Colony came in and really started mining that thing. I used to be able to ride down that river and the water and San Ysidro Crossing, the level was fine, even on Camino Lopez up until about 1978. Ever since they started mining on that real heavily it got deeper. It's bound to. It can never -- it's never been able to replenish its sand.

Now at San Ysidro Crossing I'm watching that real close, and I noticed that since they put a wall there, that's help a lot and as long as that wall's there I notice the level of that sand building up. What we need to do is get some people way down there to stop using, or I don't know why, the money for this thing. It always takes money. Most of these guys down the river have always carried this and they made their money. I don't know why they can't chip in with the village and see what we can't get together and help us replenish this river and put it back to where it was.

Lopez Lane, my God, that's deep. There's a lot of suggestions that can be brought up and I've got a lot of them, but I'll just take that one minute. Thank you.

CHAIRMAN TRUJILLO: Just one minute, okay?

MR. ROMERO: If I could take maybe two. I'm here tonight also to speak about Vista Limited Development. I notice it's late on the agenda and I work in Albuquerque and I have to get up at 4:30 in the morning to go to work and unfortunately the person that we have designated to speak on this, our development review committee

chairperson is unavailable tonight to speak to the matter and I told him that I would do it. So if you would allot me the time to speak a little on that. I'm under the impression that it may be passed tonight and there's, from my understanding there was a moratorium put in place on developments in this area until a corridor plan was put in place.

COMMISSIONER DURAN: Excuse me, Mr. Chairman. I'd like a point of order here. Denice, you just walked in, but Robert would like to discuss the Vista Limited.

MR. ROMERO: Not so much the Vista Limited, but the 599 interchange.

COMMISSIONER DURAN: And my question is, is this an appropriate time to bring it up? I think Matters from the Public are fine, but if he's going to bring issues that he's concerned about -- for a project that's further on down the agenda, I'm not sure that that's appropriate and I'd like for you to comment on that.

MR. ROMERO: I'll be willing to wait.

MS. KULSETH: Mr. Chairman, Commissioner Duran, it would be more appropriate if we're talking about a specific applicant for any member of the public who wants to oppose or support an application to speak during that public hearing. It's really not fair to an applicant who may not even be here to have someone stating their position on a particular application outside the hearing set aside for that application. So it would be more appropriate to move the gentleman's discussion, if it's about a specific application to that applicant's hearing.

CHAIRMAN TRUJILLO: Thank you, Denice. So the agenda will remain intact.

MR. ROMERO: All right. I'll just make a short comment on the moratorium.

COMMISSIONER DURAN: There was no moratorium.

MR. ROMERO: Oh, there's not a moratorium? Well, I was under the impression there was some sort of -- some people implied that Commissioner Duran would not pass any developments, I read in the paper. If that is incorrect, excuse me and forgive me. Thank you.

COMMISSIONER DURAN: Mr. Chairman, Robert, you mentioned something that I wouldn't pass any developments in that corridor. I think it's important that you know what I said was that properties that are outside of the existing commercial nodes I would not approve.

MR. ROMERO: Maybe I was misunderstood or I misunderstood. I apologize if I misinterpreted anything.

CHAIRMAN TRUJILLO: Okay. We'll continue then.

X. PUBLIC HEARING

- A. Resolution No. 1998-82. A resolution designating Sombrillo as a traditional community and authorizing Sombrillo to begin a community plan as outlined under the Community Planning Ordinance (Ordinance No. 1998-5)**

ALINA BOKDE (Planner): Mr. Chairman, Commission, there's three parts to this. The first one is to designate Sombrillo as a traditional community. The community of Sombrillo is seeking traditional community status for the purposes of community planning. The CDRC met on June 25, 1998 and recommended approval to designate Sombrillo as a traditional community based on research and public testimony presented to the committee. I just wanted to reiterate again that this designation is for community planning purposes and not for zoning.

I'll just go real quickly through this. They do meet the criteria that's outlined under Section 2 of Article XIII, which is the Community Planning Ordinance. If you look at your map, there's a date there that's 1918 and it shows that land has been platted and subdivided, so it does demonstrate that there was settlement in the area before 1925. There's one person here from Sombrillo that would like to address the Commission on this issue before you vote on it.

PAUL GARCIA: Mr. Chairman, and what's left of the Commissioners at the table, I am here, extremely happy because you had the forethought of establishing a system where the communities could get together and establish the type of living that they want for their communities. We have done and followed the criteria that was set up by the Commission and to make a story short, we are very happy to say that we are still working on it and actually hope for you blessing that we may be able to continue this process.

We have a lot of history with the community of Sombrillo, Santa Cruz, Santo Niño, La Puebla, Chimayo and the rest. I myself am a native of Santa Fe and Agua Fria. I was born here and I lived here until 1953 and then I went to teach at Santa Cruz and from there to Española. And my family lives there. My family has all been educated there. We are here not to prolong the thing and try to establish a system with the people of the community so that everyone will have an input in what we are trying to do. We are trying to save the community. I thank you.

CHAIRMAN TRUJILLO: Thank you. This is -- Alina, we're voting on this today? This is to designate Sombrillo as a traditional community today on the resolution, right?

MS. BOKDE: Yes.

CHAIRMAN TRUJILLO: Very good.

MS. BOKDE: Yes, Mr. Chairman, there are three things that are happening today through resolution. One is to designate Sombrillo as a traditional community. The second is to recognize their planning committee, and the third is to approve the authorization

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to begin community planning. So I have one person who is going to make that presentation very quickly. The other part of it with the community planning committee is that that's been established and it is representative based on a number of conversations and through consensus with the community and that was, Sombrillo has a large population of the Sikh community and also non-Sikh residents and so we have equal representation on the committee. We also have representatives from a number of different geographic areas in Sombrillo and there's a map attached to the end of the application that shows the area that's been a proposed boundary for Sombrillo.

So the final part of the resolution is authorization to begin community planning and Shanti from Sombrillo is going to present that information to the board.

CHAIRMAN TRUJILLO: She's going to talk about community planning which is part of the resolution. About three minutes?

SHANTI BAKER: Thank you. I'm Shanti Baker and I'm here on behalf of the Sombrillo community planning committee to request authorization to begin community planning. My husband Tyaga and I moved to Sombrillo about 25 years ago and during that time we've seen literally hundreds of people move into the valley. Those people have established homes, raised families and now we're seeing those children buy land and start their own families. I think that says something for the quality of life that we have in the Sombrillo Valley.

That's why we are trying to start the process of community planning, to preserve that quality of life. The needs that we're facing are water quality, appropriate zoning, fire protection, waste water, drainage, traffic, solid waste and many other associated issues. How we've begun that process is by establishing a planning committee. That committee consists of Hari Har Khalsa, Paul Garcia, who you just met. David Suazo, Gary Richards, Inez Garcia and Satguru Khalsa. We meet on the first Wednesday of every month and I would like to say that we're just very grateful for the input of Alina Bokde and the work that she's done with us. I don't think we could have got really this far without her facilitation. There's really a lot that goes into getting these meetings together.

What we hope to do is continue on with this process. We request your support in such areas as continuing to have Alina's help, funding for technical studies, mapping, mailings and getting information on other developments that are in the area. So on behalf of the committee, I request that you consider our request for authorization to begin community development. And I think you can see it's really for the benefit, not only of Sombrillo but for the quality of Santa Fe County. Thank you.

CHAIRMAN TRUJILLO: Any questions?

Commissioner Grifé moved to approve Resolution No. 1998-82. Commissioner Duran seconded the motion, which passed unanimously.

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- X. B. Ordinance No. 1998-10. An ordinance amending Ordinance No. 1996-10, Article IV, Section 1 and Article VII, Section 6.7 for the purpose of offering alternative fire protection measures for small, rural commercial businesses and to adopt the 1997 Uniform Fire Code or the most recently published edition thereof (second hearing)**

HANK BLACKWELL (Fire Marshal): Good evening. Again, this is the second hearing for both of these ordinances. It's an ordinance which would amend some of the Land Use Code, basically to make it more specific to current code and current land use, as well as current fire protection measures throughout the county, in rural areas as well as some of the traditional communities.

CHAIRMAN TRUJILLO: Any questions of Hank? Do we have anybody from the public that wants to come up, either for or against the ordinance?

Commissioner Griñé moved to approve Ordinance No. 1998-10. Commissioner Anaya seconded the motion. Upon roll call vote, all members voted to approve the ordinance.

- X. C. Ordinance No. 1998-11. An ordinance amending Ordinance No. 1991-7, Fire Prevention Code to adopt the 1997 Uniform Fire Code (UFC) and the most recently published edition thereof (second hearing)**

MR. BLACKWELL: The second hearing for this other ordinance again is to approve the 1997 Uniform Fire Code. We're under the 1998 right now, so we're updating that fire code, which does several things that we talked about. Chairman Trujillo, you wanted me to give the Commission a brief synopsis, and what I'll do is I'll mention a few salient points and then if you want detail, I'll be happy to provide that in terms of some of the differences that we're not explained in your cover memorandum.

First of all, there's several revisions in the 1997 code and some deletions. The revisions have to do with flammable liquids, storage of aerosols, minimum rural fire protection requirements that tie into what we just approved in the previous ordinance. So what that does is it gives us a little bit more flexibility. It also gives the County a little bit more authority in terms of looking at some of the things that may threaten life and property throughout the county. In terms of some of the revisions and deletions of that code, that are common any time we bring a code towards you. Anything that may apply, we try to make sure it fully applies, or if it's unrealistic or it doesn't apply to us in the county, then we suggest a revision or deletion.

So in some of those areas, we've revised the code. Some of the deletions have to do with, we've deleted a whole section on life and safety requirements for existing high-rise buildings. Consequently, that's nothing we have to worry too much in terms of existing

high-rise. So there's some things that don't pertain to us so we're just deleting them from the code. A few other measures that you may want to talk about is how we handle code violations and citations. This gives our office the authority to cite, the citations and the language in the new code are specifically consistent with other counties, the land use and the way that they cite, so it's consistent with that current ordinance as other citation policy. So we've tried to draw this code more consistently with things that are already on the records in terms of ordinances as well.

So that gives you a general idea of some of the differences between the '97 code and also the 1998 code, which we currently operate under.

CHAIRMAN TRUJILLO: Thank you. Any questions of Hank? This is a public hearing. Do we have anyone who wants to talk either for or against the ordinance?

Commissioner Grifé moved to approve Ordinance No. 1998-11. Commissioner Gonzales seconded the motion. Upon roll call vote, the ordinance was approved unanimously.

CHAIRMAN TRUJILLO: I think Commissioner Gonzales has brought this up before, that we keep getting extensive administrative agenda. Today, it's lasted two hours. This meeting is supposed to be a Land Use Department meeting. Commissioner Gonzales has brought this up more than once, and we continue to get this extensive administrative agenda. I think we need to keep it as a land use meeting so that the public can be served, because they show up for a meeting and two hours later, they're still waiting to listen or get up and talk about their cases. So we need to keep to the protocol and the schedule that this should be a land use meeting and only a land use meeting.

COMMISSIONER GONZALES: Mr. Chairman, with that, I'd like to ask the Commission to send direction to the manager and the staff that no more administrative items will be brought forward on this land use day and that at 5:00 we begin hearing land use items. And if there are any administrative items that need to be taken care of, they'll call us in for a special meeting if it's something that has to get voted on right away, but other than that, let's just stay focused on doing administration during administrative days, and land use items -- I think 5:00 would allow us to go reasonably into the night, the only thing is, I don't know if it necessarily gives people time to get off of work to come down here, so maybe six might be more applicable.

MS. KULSETH: Mr. Chairman, if I may, on behalf of staff, get some direction. I'm looking at the list here, and I think everything on there was put on there at the request of a Commissioner. So in staff's defense -- I think the AS400 is the only item on there that wasn't put on at a Commissioner's request.

COMMISSIONER GONZALES: Okay, Commissioners, so let's keep that in mind.

CHAIRMAN TRUJILLO: Let's keep to the schedule.

COMMISSIONER GONZALES: But even at that, can we keep administrative

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items off for this night, so Commissioners can keep in mind that all we're dealing with is land use? I thought the bond referendum was a land use issue. David, do you feel comfortable with that? So if there's some administrative items that you need immediate action then I know that both myself and Commissioner Grifé, Anaya are in town and you could probably pull us in for a special meeting fairly easily on any administrative items.

MR. WOLF: That's fine. If that's the direction --

COMMISSIONER GONZALES: And you did do a good job, David, in keeping a lot of the administrative stuff off.

MR. WOLF: Thank you.

COMMISSIONER GONZALES: One other item, though, that I forgot to bring up before we move on to Land Use and this pertains to land use and the planning issues, if the chair can just allow me for one minute to address this issue. This goes to Denice. We have that resolution that requires committee appointments to have good attendance and if they miss three, if they have three unexcused absences, they're automatically removed from the committee.

I just wanted to remind the Commission that we have that and also ask Denice if we can make that applicable to all committees that are appointed by this Commission so that we assure that there is continuity in all the committee appointments and that everyone knows that it's a pretty serious commitment when you offer your services on some committees and if they miss three times and they're unexcused, the way it reads, Commissioners, they would automatically be removed but it's the Commission's prerogative to put them back on, so it doesn't mean that they can't continue to serve, it would just mean that we need to ask them, hey, what's going on? Why aren't you participating in this and the way we do that is by removing them and asking them to submit a letter as to why they're not participating they way they should and then again, it's the prerogative of the Commission to reappoint them if we want, and if we don't we can go on and do other reappointments. So can you do that, Denice?

MS. KULSETH: Mr. Chairman, Commissioner Gonzales, I looked at the memos I sent out last year on behalf of the Commission and they only went to the EZC, AFDRC and CDRC, so the question has come up, do we want that policy to apply to all of our boards. I think staff would be happy to see some direction like that. We've been asked the question by other committees, are we subject to the three strikes, you're out sort of deal? And we've told everybody, it doesn't mean you won't be reappointed, it just means that your name will be brought up so you can be asked, are you really interested in serving or not?

And it's more than three. You get three absences in a calendar year. Your fourth absence is what triggers your name being brought before the Commission.

CHAIRMAN TRUJILLO: I think that should apply to all committees, Road Advisory, CDRC, EZA, every committee that the Board of County Commissioners appoints. All of them.

MR. WOLF: Mr. Chairman, just a quick question in regard to this meeting

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that will just be land use items in the future. Do you want it to start at 6:00 or 5:00?

COMMISSIONER GONZALES: I had thrown out 5:00 because it allows us to get down easier in the evenings and I know the people from Edgewood have a pretty long drive back late at night. The counter to that was people that have to get off work that come down here. At 5:00 we could get out at a reasonable hour. At 6:00, we're asking people to go home at 10:00, 10:30.

COMMISSIONER ANAYA: I agree with Commissioner Gonzales. I think that there's deep concern about certain proposals before us that people will take the time to come down. And it's not asking that much time, an hour or so before 5:00 to take time off for them to come to the hearing.

CHAIRMAN TRUJILLO: So 5:00 it is for the land use meetings.

MR. WOLF: Thank you.

X. D. LAND USE DEPARTMENT ITEMS:

1. **CDRC Case #MIS 97-5551: Smith's Liquor License. Smith's Food and Drug Center, Incorporated, applicant, requests approval to allow a transfer of Liquor License No. 4037 from 2630 Carlisle Blvd., Albuquerque, to #4 State Road 344, south of I-40, north of State Road 333 (Old 66) in the traditional community of Edgewood, within Section 27, Township 10 North, Range 7 East**

PENNY ELLIS-GREEN (Review Specialist): Mr. Chairman, Commissioners, on April 14, 1997, the BCC granted master plan approval for the Smith's grocery store and a restaurant use on the 6.3-acre property. The zoning was approved with liquor sales allowed within both the grocery store and the restaurant. No schools or churches are located within 300 feet of the property.

Required action: The BCC should review the attached material and consider the recommendation of staff, take action to approve, deny, approve with conditions or modifications, or to table for further analysis of this request.

Recommendation: It is staff's position that the transfer of this liquor license is in accordance with the approved zoning on this property. Staff recommends that the proposed transfer of liquor license No. 4037 be granted.

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

[Duly sworn, Jerry Hamm testified as follows:]

JERRY HAMM: Good evening, members of the Commission. My name is Jerry Hamm. I'm the owner of Liquor License Brokerage and Consulting out of Albuquerque. Tonight I come before you pursuant to Liquor Control Act, Section 66.B4 whereby we come before the Commission requesting approval of the transfer of the liquor license before you. The Alcohol and Gaming Division has granted preliminary approval of

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this application, thereby granting and having made our prima facie case, we ask this body to approve the same. Since this is a public hearing, I am prepared to answer questions of yourselves.

CHAIRMAN TRUJILLO: You're Mr. Mike Hanson?

MR. HAMM: Jerry Hamm.

CHAIRMAN TRUJILLO: Any questions of Jerry?

COMMISSIONER ANAYA: I have a question, Mr. Chairman. Has this license always been designated as a retailer's license?

MR. HAMM: Yes, it has.

COMMISSIONER ANAYA: I guess since its conception?

MR. HAMM: That's correct.

COMMISSIONER ANAYA: No other questions.

CHAIRMAN TRUJILLO: Any other questions? Anybody for or against the proposal?

Commissioner Anaya moved to approve the transfer of Liquor License No. 4037 and Commissioner Duran seconded the motion. The motion carried unanimously.

- X. D. 2. EZ Case #S 93-6. Campo Conejos. Patania-McElvain, applicant, requests an extension of a previously approved plat/development plan for a 75-lot residential subdivision on 189 acres. The property is located on the south side of I-25 along Rabbit Road between St. Francis Drive and Old Pecos Trail interchanges within the two-mile Extraterritorial District, Section 12, Township 16 North, Range 9 East**

ROMAN ABEYTA (Review Specialist): Thank you, Commissioners, on April 9, 1996, the Board of County Commissioners granted approval of the referenced subdivision plat/development plan and on August 12, 1997, the BCC granted an extension of the approval to October 9, 1998. The Extraterritorial Subdivision Regulations require subdivision plats to be recorded within 18 months from the date of final approval of the BCC or the approval becomes null and void unless an extension is granted by the BCC for good cause as demonstrated by the applicant. The applicant has submitted a letter requesting this extension to October 9, 1999, and his reasons.

Recommended action: The subdivision regulations have not changed since the initial approval and existing conditions have not changed significantly. The issue of how many extensions should be granted is relevant and the BCC may want to address this with the applicant. Staff recommends approval for an extension to October 9, 1999, subject to the conditions previously imposed by the BCC. Thank you, Mr. Chairman.

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CHAIRMAN TRUJILLO: Roman, Commissioner Grinë, do you have a question?

COMMISSIONER GRINÉ: Roman, this is more or less one of those cases that the corridor committee will be looking at, right? This area?

MR. ABEYTA: Mr. Chairman, Commissioner Grinë, it is in the corridor area. It is just south of the interstate, I-25.

CHAIRMAN TRUJILLO: Should we proceed, because most of the other cases that we've looked at that are on the corridor have been tabled?

COMMISSIONER DURAN: I'm not sure that the corridor committee is actually dealing with this location. Do you have that map?

MR. GARCIA: Mr. Chairman, I think there's a clarification. What Roman is explaining, this is affected by the highway corridor, I guess. We don't know exactly what the highway corridor issues are and what the specific areas they are looking at and maybe the chairman can explain that.

COMMISSIONER DURAN: The highway corridor committee task force map that we're using that specifies the boundaries of our discussions don't include this particular section.

MR. ABEYTA: Mr. Chairman, Commissioner Duran, there's a vicinity map attached as Exhibit C to the packet. The map that I have and again, this is in my case book -- I apologize for maybe not being as prepared as I should be but according to this map the Campo Conejos site is directly south of the Interstate 25 --

COMMISSIONER DURAN: Excuse me. I stand corrected. It does fall in the corridor.

CHAIRMAN TRUJILLO: So it does fall within the corridor and this Commission has tabled all previous proposals that fall along the corridor. Are we going to do the same thing for this one?

COMMISSIONER ANAYA: Mr. Chairman, I think the simple request for an extension of an approval that has already gone through the approval process, they've gone through the expense, they've gone through all kinds of necessary turmoil so to speak. All they're asking for right now is an extension of the approval that was granted previous to this, so in all fairness, if there's no opposition -- well, we should hear the opposition first.

CHAIRMAN TRUJILLO: Very good, Commissioner Anaya. Is the applicant here?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name's Jim Siebert. My address is 915 Mercer, Santa Fe. Mr. Chairman, Commissioners, this is case actually that's received final approval. We're requesting an extension of time to actually commence construction. If you were to fail to approve it then we would at that point proceed forward with construction. By approving the extension of time we'd have approximately another six to eight months to proceed forward with construction.

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CHAIRMAN TRUJILLO: Very good. Any questions of Jim?

COMMISSIONER ANAYA: I have one. Jim, in the process that we're going through with the highway corridor, would you be willing, when you go into the final stages of it to comply with the wishes or whatever surfaces from this committee?

MR. SIEBERT: Well, I think the way it's going to work is that it will be a matter of regulation, so whatever comes out of the highway corridor recommendations and is finalized in terms of ordinance we're going to be subject to. The main objective of this proposal is residential, is that correct?

MR. SIEBERT: Correct. Purely residential.

COMMISSIONER ANAYA: Purely residential. Big difference from what the dispute was in the highway corridor committee and most of the dispute surfaced as the commercialization, how it's going to affect the corridors. Thank you, Mr. Chairman. Thank you, Jim.

COMMISSIONER DURAN: Mr. Chairman, Jim, has this proposal -- has it received final plat approval?

MR. SIEBERT: It has received final plat, correct. But at this point we have not recorded the plat.

COMMISSIONER DURAN: So if the highway corridor committee had some suggestions that would affect your final development plan, is there any point prior to your breaking ground that we would have some input into that?

MR. SIEBERT: Well, I think if the issue is you'd like to review it in light of the recommendations of the highway corridor, we'd be willing to do that.

COMMISSIONER DURAN: It's residential lots, right?

MR. SIEBERT: My thought is that the only thing that we would probably oppose, or the recommendations that would come forward would be design standards or architectural design. Mainly -- a little bit of both. Reflective materials --

COMMISSIONER ANAYA: Landscaping buffering. That's about it. The concerns that I've seen or heard on the committee.

MR. SIEBERT: We would be happy -- Those kinds of issues are generally controlled through the covenants and the disclosure statement. We would be happy to review the recommendations in light of those covenants and amend them as necessary. We already have some fairly restrictive covenants on the property.

COMMISSIONER DURAN: I have a question of Oraynn. If the highway corridor committee does come forward with some recommendations that would impact the final development plan of this project, is there any point -- can we impose those restrictions on this development, if we decide to adopt those recommendations?

ORAYNN GUERRERORTIZ (Subdivision Engineer): Mr. Chairman, Commissioner Duran, I would think that if the recommendations resulted in ordinance restricting heights of structures or reflective materials or things like that, we could easily take care of that at the building permit stage and make sure that they do apply to every

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project including this one. But if you've got an increase in buffer requirements which results in road realignments, this is not the best terrain. They had some difficulty placing some roads in some locations because of the terrain and I think that it would depend on how greatly the plan was modified as a result as to whether or not it could be approved administratively or whether or not it should go back to a committee.

COMMISSIONER DURAN: And so Mr. Siebert, you would be opposed to getting your approval this evening based on recommendations adopted by the County Commission?

MR. SIEBERT: Mr. Chairman, Commissioner Duran, I think the -- it's my understanding that the kinds of things that the committee is working on really are more aesthetic issues and we'd be happy to address those, including heights and colors and reflectivity, additional landscaping or buffering. What I think we would be concerned about would be having to go back and reengineer the entire subdivision. If it's those issues that we're dealing with, the aesthetic issues, the landscape issues, we're certainly willing to commit to making, implementing whatever recommendations come out of the committee.

COMMISSIONER DURAN: Just part of my concern is driving down that corridor and then looking at a subdivision with highly reflective roofs. I don't think that's really in tune with what the highway corridor committee has been discussing over the last month or so. It's a real sensitive issue. Being chairman of that committee, the committee would like to be aware of projects that are being approved or that this body has the right to vote on.

MR. SIEBERT: Could I make a suggestion, Mr. Chairman, Commissioner Duran? Perhaps what we could do -- let me consult with my client here just one second here.

MS. GUERRERORTIZ: Mr. Chairman and Commissioners, I just want you to recognize one thing. I think it was two summers ago, we did issue a permit to allow some removal of trees because they were transplanting some trees on this property. So I think a portion of these roads if not all of them may have already been cleared. We did that at a time -- Am I correct, Jim?

MR. SIEBERT: That's correct.

MS. GUERRERORTIZ: It's been a couple of years so we're really working on the memory here, but my recollection is they wanted to transplant them at a time that was appropriate so the trees would be saved. As a result, the roads basically are laid out and if we wanted to modify those roads, we could end up with some scars that may take some years to recover and look more natural.

CHAIRMAN TRUJILLO: The issue is not the road, Commissioner Duran is saying, the roofs, the designs, the architecture, it might have an impact on visibility there. The visual impact.

MS. GUERRERORTIZ: And I do believe those issues, the roofs, the designs, maybe even lighting, if those are adopted as ordinances, they would apply at the building

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permit stage regardless of how this project has been approved.

COMMISSIONER DURAN: I'm satisfied with that.

CHAIRMAN TRUJILLO: Do we have anything else? Jim? Do we have for or against from the public?

[Duly sworn, Ann Lacy testified as follows:]

ANN LACY: My name is Ann Lacy and I live at 81 Old Agua Fria Road. This is an interesting evening because there is a resolution about maintaining Santa Fe's historical, cultural and natural areas. At the same time, there are actually several cases presented tonight about land use along the highway corridor. I'm concerned, and I did go to the last highway corridor committee meeting that these cases pertaining to the corridors, both 599 and I-25, are still coming down through the planning offices, who I think do a really good job of looking at all of the details having to do with the plans. However, the highway corridor committee has just started meeting. In five months I'm even doubtful that they can come up with not just recommendations but some real criteria for developing a plan that is long term, that addresses many, many of the complex issues that pertain to both people who want to develop along the corridor and also the individuals who live in the area.

I'm not necessarily against this residential housing development at all, but I really do believe that it is wise to delay any kind of further approval until the highway corridor has come out with their recommendations. And even at that, I think after their recommendations, I think there need to be public hearings as there was, a little belatedly, with highway 599 for the communities to come forth and view the recommendations publicly and put their two cents in. So I think approving anything tonight along I-25 that is a size - -75 houses or any commercial developments at the nodes, is premature and is not a vote of confidence for the highway committee, which included Mr. Duran and Mr. Anaya. I think it would be working against what the Commission and the City has set up as a process that could work to bring the forces in the community together and do some really, good sound planning. Thank you.

CHAIRMAN TRUJILLO: Just as a matter of clarification, I think this development has already received final approval. The roads are cut. All that they're asking for is an extension. This is a situation that happened before the corridor study.

COMMISSIONER DURAN: Mr. Chairman, the highway corridor committee was not created to reinvent the wheel. We have areas where commercial activity will take place and we have corridors where residential properties are to take place. And this fits within the current code, and also fits within what I think the committee has talked about in the recent couple months. So I don't think that this is circumventing any efforts that the committee has expended at this point or what they will ultimately bring forward for this body to recommend. It's an obvious land use that's going to take place along that corridor and what we're concerned about is the visual impact it's going to have on that corridor and I think that Oralynn has addressed that issue. We do have that right at the building permit process.

MS. LACY: I guess that is if you feel what has taken place and been passed is futuristically, at the end of this five month period going to fit within that or could be modified to, then that makes sense. During the last highway corridor commission meeting, I know that several people voiced concerns about residential developments as well as commercial developments. So that makes sense to me as long as roofs, or that kind of impact can be changed later. But I think I'm speaking generally that -- it seems like at every County Commission meeting there are developments pertaining to 599 and I-25 that are coming through and I think there's a process in place that hopefully, will pull things together and integrate all of this development so that there's some plan.

CHAIRMAN TRUJILLO: Any other public input? If not, what is the desire of the Commission?

Commissioner Anaya moved to approve the extension for Campo Conejo and his motion was seconded by Commissioner Griñé. The motion passed without opposition.

MR. GARCIA: Mr. Chairman, if you could give me a few minutes here. I've been notified by the applicant of one of our cases, I think it's case #9, which is Vista Limited, which is CDRC Case #Z 97-5650, the applicant is requesting tabling of this until the regularly scheduled November meeting. I don't know if the Commission needs to make a motion on tabling it.

CHAIRMAN TRUJILLO: We need a motion to table.

Commissioner Griñé moved to table CDRC Case #Z 97-5750. Commissioner Anaya seconded his motion which passed by unanimous voice vote.

- X. D. 3. CDRC Case #Z 98-5050. Joe Babcock. Joe Babcock, applicant, requests master plan zoning with preliminary and final development plan approval for the construction of an office with an adjoining warehouse and a detached separate warehouse. The property is located at the west corner of the intersection of I-25 and State Road 599 off the frontage road, within Section 26, Township 16 North, Range 8 East**

VICKI LUCERO (Review Specialist): Thank you, Mr. Chairman, Commissioners, the applicant is requesting master plan, preliminary and final development plan approval for a 4030 square foot warehouse with adjoining office and attached conference/computer room, and a 2400 square foot warehouse to be used for manufacturing and storage of cabinetry. The buildings will be situated on .84 acres within an existing lot of the Capling Subdivision.

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On July 14, 1998, the BCC met and acted on this case. Their decision was to table this case to allow for discussion on the highway corridor.

Required action: The BCC should review the attached material and consider the recommendation of the CDRC, take action to approve, deny, approve with conditions or modifications or to table for further analysis of this request. On May 28, 1998, the CDRC met and acted on this case. The decision of the CDRC was to recommend master plan zoning with preliminary and final development plan approval subject to the following conditions:

[The conditions are as follows:]

1. The applicant will obtain a driveway permit for required modifications from the State Highway Department prior to recording the master plan.
2. The master plan will be recorded with the County Clerk.
3. The applicant shall connect to the County water system when it may become available and shall install a fire hydrant subsequent to that connection. The minimum water main size shall be eight inches and shall be capable of providing 1000 gallons per minute (+) to the attached hydrant with a residual pressure of 20 psi.
4. The applicant must comply with Life Safety Code.
5. It shall be the responsibility of the developer to notify the Fire Prevention Division when the hydrant is read to be tested. Business licenses shall not be granted until the project has been inspected and approved by the Fire Marshal.
6. The applicant shall install a Knox type lock for emergency entrance during office hours.
7. Additional fire protection requirements, if any, shall be imposed at the time of application for building and/or construction permits.
8. Handicap spaces shall be labeled and building handicap access must be approved by the State Construction Industries Division.
9. All utilities must be underground.
10. The parking areas and driveways shall have six inches of compacted subgrade and at least four inches of compacted basecourse (95 percent).
11. As stated in the report, the applicant must pave driveway access from existing pavement edge to property line, to State Highway Department standards for asphalt pavement. He must construct minimum 25-foot radius at driveway for entry and exit radii and install a culvert with safety grate.
12. Prior to final approval, the applicant must submit an approved Environment Department permit for a wastewater system. The system shall serve the entire project and must reduce nitrogen per Article VII, Section 2.7.
13. The dumpster fence must be solid.
14. All property signs shall be approved and permitted by Land Use staff. Building colors shall be earthtone.
15. The applicant shall submit a financial guarantee for the landscaping, parking lot

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- improvement and the well before acquiring permit.
16. Security lights shall be shielded. They shall be connected to motion/infrared detectors and shall not remain on when the business is closed.
 17. This property is subject to the La Cienega Watershed conditions briefly described below. They shall be noted on the master plan.
 - a. Future connection to County water
 - b. Encouragement for shared wells
 - c. Water line design requirements
 - d. Disconnection from domestic wells
 - e. Utility easements
 - f. Well design
 18. The well design shall be approved by the County Hydrologist and it shall be inspected and approved by the County Hydrologist prior to the releasing of the financial guarantee.
 19. Driveway runoff shall be directed into pond.
 20. No more than one business shall be allowed on this lot. Prior to beginning operations, a County business license must be acquired.
 21. No dwellings shall exist on this property.
 22. Landscaping plan to be approved by staff. Drip irrigation is required.
 23. Compliance with applicable review comments from the following:
 - a. State Engineer
 - b. State Environment Department
 - c. State Highway
 - d. County Subdivision Engineer
 - e. County Hydrologist
 - f. County Fire Marshal
 - g. County Public Works

CHAIRMAN TRUJILLO: Do you have any questions of Vicki?

COMMISSIONER DURAN: Mr. Chairman, just a couple quick ones? Vicki, is the property zoned? Is there any zoning that the property has?

MS. LUCERO: Currently it's zoned residential.

COMMISSIONER DURAN: It's currently zoned residential?

MS. LUCERO: Right.

COMMISSIONER DURAN: Is it within a commercial node?

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

COMMISSIONER DURAN: It is within the commercial node?

MS. LUCERO: Yes.

COMMISSIONER DURAN: So if it's in a commercial node, what's the process of getting it zoned commercial?

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MS. LUCERO: Mr. Chairman, Commissioner Duran, it would have to go through the master plan zoning process, and then final and development plan approval.

COMMISSIONER DURAN: Being within the commercial node doesn't necessarily give you the right to have a commercial use?

MS. LUCERO: If you would go through the process then you would be allowed to have one. If you are in a commercial district then you are allowed to have a commercial use in there, if it's approved.

COMMISSIONER DURAN: So all properties that have not been brought forward for approval of a specific use are residential until such time?

MS. LUCERO: Yes.

COMMISSIONER DURAN: Okay, thank you. No more questions.

COMMISSIONER GONZALES: I just want to clarify real quick. If they're in a commercially designated area of the property, the residential property, it's in a commercially designated area and they follow the process, it is incumbent on this board to grant commercial zoning because they've followed the process, or is there discretion still left to the board to grant commercial zoning for that particular area?

MR. GARCIA: Mr. Chairman, Commissioners, if a property is in a potential commercial district they have the potential to become zoned commercial. Certainly you have to look at compatibility with the existing commercial uses in the area and that's why we're bringing it forward for you all to recommend approval or denial of this proposed commercial project such as we have tonight. This gentleman is in an existing, an established commercial district and the property right now is zoned residential. He's asking for the zoning approval tonight.

COMMISSIONER GONZALES: Okay, that really quite didn't answer the question, because I wanted to know, are we compelled, because they've gone through the process, to grant commercial zoning, or is still left to the discretion of the board? I know you addressed whether it's compatible or not, but even in the case where it is compatible, if the board views it in their discretion not in the best interest to zone it commercially, do we still have that discretion?

MS. GUERRERORTIZ: Mr. Chairman, Commissioners, if I can try -- yes, the board has discretion on commercial zoning. You need to have a rational basis for any decision you make, but in fact, the way the Code is written, commercial zoning is completely discretionary as far as the board is concerned, as far as your decisions are concerned. The Code was written really to try to stop strip development, so they wanted to try to create nodes where you wouldn't have strip developments and you would centralize commercial zoning but it did not necessarily automatically grant any kind of special privilege to that property. It's still up to this board to decide whether or not that land will ultimately be used for commercial purposes.

COMMISSIONER GONZALES: So because they're in a commercial district and they're not commercially zoned, then they're not given the automatic right for

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commercialization, basically, after following the process.

MS. GUERRERORTIZ: It's still at the discretion of this board.

CHAIRMAN TRUJILLO: Thank you, Commissioner Gonzales. Any other questions?

COMMISSIONER DURAN: Mr. Chairman, I would just like to say a little thing, give you a little insight into what the highway corridor committee has been working on relative to the commercial nodes that have been designated, that have been given the commercial use designation. There is some concern that some of the nodes are not appropriate. There has been some discussion that in the next several months that we would begin discussion about what uses are applicable at each node so that planning along that corridor, so that we have some planning. There are some nodes that will be designated travel-related areas and there will other nodes that are designated for neighborhood services.

So in terms of the committee's desire, or their goals, we're still, it's still premature. I think it would be premature for this committee to approve anything within that node, especially knowing there are some nodes that may not even survive being a node after the committee makes a recommendation to this body. And what we're trying to do is pin down certain uses within the node that are designated. And the proposed nodes. So I don't know. I still think that it's -- I know that Mr. Babcock has gone through this process for months. I'm not sure that his project wouldn't be approved, but like all the other projects that have come before us on the highway corridor, those parties have agreed to be tabled. Those parties understand the process of going through that committee.

I would say that rather than go through a denial or to go through that process, I think it would be appropriate to table this, but I'll leave that up to the applicant.

CHAIRMAN TRUJILLO: It looks like it's clear that there's a possibility that this project might not be congruent with the direction that the corridor committee is taking. And rather than speculate or deny the project, it would probably be the best thing to table this proposal. Again, there's precedents. We've done it before in similar situations and this will give impetus to consistency by this governing board.

COMMISSIONER DURAN: It may be appropriate to let the applicant come up and make that decision.

CHAIRMAN TRUJILLO: Let's listen to the applicant.

[Duly sworn, John Midyette testified as follows:]

JOHN MIDYETTE: I'm John Midyette. My address is 1125 Canyon Road. Joe Babcock's having a hard time hearing; that's why I keep talking to him. He can't hear some of the stuff. We sympathize and understand where you're going. I think it's a matter of timing, of how much time you think. The other thing is this particular area, though it is residential and I think you pointed that out very clearly that it is in a commercial node and was represented that way. It's not going to be suitable for residential, and I guess, Paul, we talked about that or discussed that. I guess the other issue I wasn't aware that hadn't come up before was that maybe the node will be a 7-11 node or some other kind of node that the

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corridor is talking about.

I think the thing about this is -- we don't want to try to bulldoze through and end up creating a problem, but at the same time, Joe's been working with this. I think the situation is, and I've got photographs. I'm sure the Commissioners have been out and noticed locations so we don't need the photographs and all that stuff. I guess we just kind of put ourselves in your hands and say that we truly believe this is at the end and we'll work with the design criteria or whatever stuff comes out of the corridor to do, but to get this -- it's not going to be residential. I can't see how it would be residential with the kind of businesses that are already around it.

So I guess, Joe, it's a matter of how much time we're looking at and what kind of thing might come up with the property. Joe's family is involved with the construction industry and has been for a long time and this is really part of the reason they bought the land so they could continue to have a shop to work in. We can go through all that. I think our request to you all is to see how much time and what might happen at the end of your study. There's a commercial node there already but let's say at the end of your study it comes up and it should be a 7-11. That's not Joe's intention. And I guess -- I don't know how we address that or how we ask this board to help us move forward with that. So I don't know.

My assumption is, and Joe and I have to talk about it is given the alternative of being denied or whatever, tabling, obviously is a better issue, but for how much time? We've heard five, six, eight months. I would hope that we could work with the committee, that corridor committee and maybe come out of table sooner. I don't know. These are items we're throwing out for review.

COMMISSIONER DURAN: I don't think that it's going to take five or six more months. We gave this committee the task of developing some guidelines for us. We were a little sidetracked for several of our meetings but I think we are on track now. There are people out there, there are some people, there's just a lot of different types of people on this committee from different walks of life. I think that collectively we're going to be able to come up with recommendations that would negligibly change the use at this particular corridor, because it does have an established use.

I'm just trying to give you my sense of what you're proposing. What your proposing to do there is pretty much in tune with what's going on around there. But without having adopted guidelines for that corridor, it's hard for this body, it's hard for me to tell you yes you could do that because I'm under a lot of scrutiny, not only being the chairman of that committee, but this body gave that committee the task of coming up with some guidelines for us. So approving something without those guidelines coming before us kind of works against the task we had given them. But I don't know if that answers any of your questions.

COMMISSIONER GONZALES: Commissioner Duran, I mean as far as the time frame, the Commission has been pretty reasonable in trying to find something that's fair and equitable. What we've been using as a guideline has been four months, that we would

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like to table these issues along the corridor for four months. If there's not any movement in Commissioner Duran's committee where we see that there'll be a plan that will come forward in a timely manner, then at that point you would be allowed to be reheard based on whatever the merits of the case are. We're not committing approvals, we're not committing denials, it's just saying if Commissioner Duran's committee has within that time adopted the guidelines that we need, then obviously you will be asked to conform to that. If they haven't within the four months, then you could come back and we're basically listening to you as it was today.

But we're trying to allow the Commission and Commissioner Anaya, time to work with that committee and all the citizens, time to allow the time to come up with a very solid land use plan. So when you ask about a time line, that's what we look towards is about a four-month time line. At the end of the four months, as you know there was a tabling earlier tonight until the November meeting. At the end of four months, it's just a matter of finding out where Commissioner Duran and his committee is at that point until we can tell you what's going to happen.

MR. MIDYETTE: October or November of January or February -- four months from when, Paul?

COMMISSIONER DURAN: We're a month and a half into it, so there's really only two and a half months left.

MR. MIDYETTE: So it would be the October meeting?

COMMISSIONER DURAN: October or November, just to play it safe.

COMMISSIONER GONZALES: It'd be the November meeting.

COMMISSIONER DURAN: We actually have a time schedule that we're working with, a time frame and we are trying to stay within that. It might go another month, but that would take us to November, I would say.

MR. MIDYETTE: If we table until November, could we meet with the corridor committee, let's say in 45 days, or 60 days to see where that's going, to try to formulate if we could come back at that point?

COMMISSIONER DURAN: At every meeting, we have thirty minutes set aside for public input. When we start talking about your commercial node -- right now we're in the process of going over, getting an overview of the entire corridor. And then we're going to start working on each section. And when your section comes up, Mr. Babcock, you could come forward and express your opinions and your thoughts on it.

MR. MIDYETTE: How would we know when that section is coming up?

COMMISSIONER ANAYA: I would venture to say, Commissioner Duran, it will come up at the next meeting as fast as we're going. We're heading in that direction.

MR. MIDYETTE: Let's put it this way: We're willing to work with you anyway we can. It's not a sixty-unit. It's a single one in between commercial stuff already. The time issue for Joe and his family is if we do that then it's December and we really can't break ground, between the permit process and stuff like that it will be next spring. If that's

the way it is, so be it. But our energy and your energy if we can interface with you in a process that works with everybody where we can come out and move forward.

COMMISSIONER DURAN: Well Jack Kolkmeier would know where we are before each meeting, and what kind of ground we're going to cover. You may end up having to go to a couple instead of one because we didn't deal with yours, but Jack Kolkmeier would be able, I think to give you those answers. The other thing that we're really concerned about is having strip development take place out there. I think I mentioned this to you at the last meeting where that's where I think planning and design is important, so that those corridors aren't parking lots, they're building oriented. We talked about putting parking in the back. That's one of the things that I'm going to be pushing. Whether or not I'll be successful or not, who knows. But I think that's really the appropriate kind of design for the corridor so that we don't have strip development.

MR. MIDYETTE: Like I said, we're willing to work with that design issue at whatever level it takes, but until we've got somebody to talk to or somebody to bounce stuff off of, we don't know where to go.

COMMISSIONER DURAN: Well, Mr. Chairman, Jack Kolkmeier, I think would be the person to talk to and he could give you the times that we have these meetings. We would like to have your input. We'd like to know how our plan is going to impact the private citizen. I think it's important for you to go. Even if you go to a meeting and it's not specifically your corridor, it could be a situation that is similar to what you're in. We need to know those kind of things.

MR. MIDYETTE: I guess if we could be included or somehow work with that process and take the table -- what would we do, indefinitely table, or table it to an October meeting?

CHAIRMAN TRUJILLO: Commissioner Gonzales is saying that it's tabled for a four month duration. Well, it's two and a half more months between now, then it will be a four-month time period. After that, it will be resurrected and looked at again under the existing Code.

MR. MIDYETTE: You're saying four months from now?

COMMISSIONER DURAN: The November 8 meeting.

CHAIRMAN TRUJILLO: The November 8 meeting. It's two and a half more months.

MR. MIDYETTE: Okay, so we'd be tabled until the November 8 meeting, unless we get something before that? Is that all right with you all? That's okay with us.

COMMISSIONER DURAN: If you would accept that I would make a motion that we table you until the November 8 meeting, if that would be acceptable to you.

MS. KULSETH: Mr. Chairman, just one point of clarification, on my calendar it looks like it's November 10.

COMMISSIONER DURAN: Okay. Well, the first land use meeting in November.

CHAIRMAN TRUJILLO: All of you have been sworn in. Steve, do you want to address the board?

[Previously sworn, Steve Duran testified as follows:]

STEVE DURAN: I'm here to represent Joe and Chairman Trujillo and Commissioner Duran, as you know I serve on County committees where we make recommendations to you and I think it's well and good that we're out trying to represent the people and do the right thing. And I think we also have to be sensitive and respectful to the people that are already there and have had an investment, per se, in this. I think when you form a committee, it should be sensitive to not only what is going to happen but what already is there. And what people have done and have spent to get to the point that they are now.

This situation kind of concerns me a little bit because -- one of my things is we have to be real. We're talking here that we don't want to see strip malls. We want to see a integration of residential and strip malls, but the reality of it is we're going to have strip malls. And I think that when somebody says, well, we want to see so much strip malls and so much residential they have to go hand in hand. I don't see, like in this particular situation, that you're going to have a residence sandwiched in between commercial businesses as it exists there. That's why I say I'm kind of frustrated here, from what I see and I've been out there with Joe to see his land, I mean he's literally filling in a gap between other commercial businesses already there.

For whatever reasons, I don't know that it wasn't zoned commercial, is beyond me. It's happened in the county and before us, I've seen it, but I think the issue here, what I would propose for Joe to do is that he would ask this body for approval for him to rezone this property for commercial use, which if I'm correct here, would have to go through a different body. It would be directly to you? So the decision would be based here if it got rezoned to commercial?

MR. MIDYETTE: Let me just clarify: To get it rezoned commercially we had to present this plan and all of this stuff as part and parcel of the zoning, of the master plan and the other stuff. So they go hand in hand. We couldn't come in and just say we want to make it commercial without a plan. So basically, we are where we are, coming through the zoning process. I think what Steve was asking was is for us to get commercial zoning pending this and then come up with a plan. I don't think that's the way it's working, right? So it has to go part and parcel.

CHAIRMAN TRUJILLO: Commercial is part and parcel of the approval of the plan.

MR. MIDYETTE: You can't go forward without having a development plan. So, you're willing to modify that development plan, given the corridor -- but we don't have that input yet, so what you're suggesting we do is wait until the November meeting. Is that right? Whenever that is. To table it to that and hopefully, be able to meet with the corridor group and have a plan to come in here and that would go forward.

CHAIRMAN TRUJILLO: Exactly right.

COMMISSIONER ANAYA: Mr. Chairman, open dialogue with Commissioner Duran, that's exactly what I was alluding to during the highway corridor committee that there's trends that are already set and patterned and the only compatible decision that we could make logically up here is to go in the direction of the request of what these people are doing right now. Even the highway corridor committee cannot turn their heads away to that type of decision making on our level up here, because the trends are already there. The logical conclusion is that the only thing that they can do with this particular parcel is do what people sandwiched them in to do. What's fair and what's logical? What's right?

We might be able to impose some kind of measures in there for buffering, for architectural design and all this to try to make it look good, but let's face it, we're kind of like the pop situation that I used as an analogy, remember? They were sandwiched in and there was nothing else that they can do with that particular parcel. So we have to be fair up here, that's what we have to do.

COMMISSIONER DURAN: I agree that the problem that we have is that by approving, there's some concern that this body is going to start approving -- or this body will approve projects along the corridor without giving that committee the task they were given any consideration. And by doing that, it kind of disempowers them. If we're going to approve things, projects along the corridor --

COMMISSIONER ANAYA: I'd like to think that I already verbalized that to the committee. Come on, you have to open your eyes that there's some things that you're just -- you have to follow the trends and the patterns of that particular area. There's nothing you can do about it, I think. That's my feeling. I shared my feeling with them. I think that some of the feedback I got back from some of the committee members, they were agreeable with me. Let's face it. What creativity can you do out there?

COMMISSIONER DURAN: Design, architecture.

COMMISSIONER ANAYA: That's the only thing. That's a concern that surfaced after all the discussion amongst the committee members from -- the architect on the committee, Hogan.

CHAIRMAN TRUJILLO: I have a question of the applicant. Is the applicant willing to wait till the first week in November to see where the corridor committee is headed. If nothing happens between now and November 12, the application, the proposal, will be considered within the existing framework of the Code, the existing Code.

MR. DURAN: Chairman Trujillo, the thing about it is though, I don't know if you know this but the applicant has been -- it will be a year in November that he has been working on this. I must agree with Commissioner Anaya that I feel that it's the Commission's responsibility to act fair and courageous in matters like this. When it comes to an issue, I can understand, like I said before that if we're talking about a brand new development, but here there is no option. There is nothing else that is going to go on this

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particular piece of property but a commercial use.

CHAIRMAN TRUJILLO: We've dealt and addressed the identical same situation four of five times and those proposals have been tabled until after the corridor committee submits their study. Yes, we know that ostensibly the only thing that can exist in that area is commercial, but we need the guidance, we need the design standards, we need the architectural standards. We need the buffer areas. We need all of those things from the corridor committee so that they can be applied consistently and the decisions are not made piecemeal on an individual case. It's unanimous and it's been across the board that any case that has come before this board in the corridor has been tabled..

MR. DURAN: Chairman Trujillo, I totally agree with you on the right applicable situation. But if you've have been out there, you have seen this particular situation at hand. I do not see any way that these committee's recommendations about architecture, buffering, etc. would apply in this particular situation. It's already in existence. You have to see the situation at hand. What's already there, what's in place. There's an LP tank, a huge commercial LP tank. There's a commercial building there. Is it my understanding then from the Commission that these businesses will be made to adhere to whatever the committee's recommendations or guidelines are?

CHAIRMAN TRUJILLO: Commissioner Duran, in this area, the precedents are already established for the last four or five cases, to approve this case would second guess the direction of the corridor committee.

COMMISSIONER DURAN: The specific use of a piece of property is just one element of what we're trying to deal with out there, design, the plan. I think it's premature. I think that Mr. Babcock has been working on this thing since November. Some things take a little bit longer and as a citizen of Santa Fe, I'm sure that you're concerned with the same things that all of us are. I don't thing that it's unreasonable to ask you to wait until the November meeting. It's obvious -- if it is so obvious that the use that you are proposing is --

[Previously sworn, Joe Babcock testified as follows:]

JOE BABCOCK: What happens if you table it again? Do we have to wait another four months?

COMMISSIONER DURAN: If the recommendations of the committee comes up with --they say that you should be a house, residential --

MR. BABCOCK: I can park two trailers there. Is that what you want? Trailers instead of an office?

COMMISSIONER DURAN: All we want is for you to wait until November until we can come up with some specific guidelines.

COMMISSIONER ANAYA: I don't think that's fair.

CHAIRMAN TRUJILLO: Excuse me, is it not correct that if it's tabled till November and nothing happens with the corridor committee within that time frame, it will be looked within the existing Code?

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MR. GARCIA: Mr. Chairman, certainly if the board gave direction to a committee that they have a certain time limit to perform a new ordinance or any new proposals and the committee doesn't do it, I think it's up to the board to decide what they want to do with those projects that have been waiting for this four month period.

CHAIRMAN TRUJILLO: Then it will not be table again. It will be looked at within the existing Code.

MR. GARCIA: Mr. Chairman, that's certainly at the discretion of the County Commission.

COMMISSIONER ANAYA: Mr. Chairman, in the final analysis, whatever recommendations come from that board, it's still going to come here for our final decision anyway. So what's the sense of that? We're still going to have to debate it up here, regardless. It's going to take another month, another month. It's going to put these people up into January. There's no doubt.

COMMISSIONER DURAN: Mr. Chairman, I have one question. John, when you were here last month, we talked about changing the plan a little bit so there was no parking along the corridor. Did you have the opportunity to deal with that at all?

MR. MIDYETTE: We didn't revise the plans because we figured that what would come out of this tonight was either -- let's do this with that overlay. I think we're willing to look at that. We have a buffer of planting there that's under the current zoning already. I think there's some 18 or 15 trees that have to be planted along that, between the right-of-way and where the fencing and stuff goes. The parking that's in the front there is really just for the infrequent client who stops in. The majority of the parking is back behind in between the two buildings. We could certainly address moving that portion around, behind a wall or something. We haven't done it because we could screen that parking or move it around and it's relatively easy to do at not a great deal of expense. If we knew what to do, we would work with you and do it. What we thought was, keeping the parking in front of that little block and keep the storage area separate from the clients.

The clients, that parking in the front is really for clients. The clients that would come there is very infrequent. It's not like a shopping center where you have a lot of people with one or two cars in front, maybe. We can certainly address that. We can use a wall around that, move that around to the side, or a coyote fence. There are a lot of ways we can address it. If that's the concern, we can certainly look at it as far as color and stuff like that. We're looking at adobe colors. We're looking at the metal buildings being an adobe color with the roofs being a non-reflective. The little building in front would be adobe stucco. The site plan shows a lot of buffering already.

CHAIRMAN TRUJILLO: Understanding that you're totally sensitive to the visual impact of this proposal, I think what we need to do is we need to decide whether you want to table it or not, and then open it up to the discretion of the board and see what they want to do. Understanding about your sensitivity regarding all the design, all the architecture, what you want to do to mitigate impacts and things like that.

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MR. MIDYETTE: If we open it up to discussion, it will ultimately get tabled anyway.

COMMISSIONER GRINÉ: Or get denied.

COMMISSIONER ANAYA: No.

MR. MIDYETTE: What you're saying is, if we wanted to push it a little bit to get it approved, if it's not going to happen at all, if we can't sit and work it through now, then the ultimate thing to do is wait, if that's not possible.

COMMISSIONER DURAN: Mr. Chairman, John, I would be willing to, after more public input -- the public has to have some input here, but I would be willing to make a motion to table it until next month if the suggestions that I made last month didn't get to you at all. I asked you to bring forward another plan that had the parking in the back.

MR. MIDYETTE: That's not true. We've been trying to set up meetings to meet with you to deal with what your concerns were in addition to parking in the back. If we can get a time that we can set up, we can do that.

COMMISSIONER DURAN: I don't know what it is you don't understand about putting parking in the back that we had to meet to talk about it again.

MR. MIDYETTE: Is there anything else? Was there any other thing?

COMMISSIONER DURAN: Well, there's landscaping, it's that whole corridor --

MR. GARCIA: Mr. Chairman, excuse me, Mr. Chairman, I don't know, the Commission might possibly think and the applicant has to be aware, the applicant is requesting master plan with preliminary and final and I'm not too sure what the staff report says. If the Commission gives this gentleman master plan here, that means he gets master plan, the committee adopts their ordinance, their committee, whatever it is. The highway corridor committee adopts they need to put ten trees along this buffer zone, they need to have certain colors of the roofs, certain colors of architectural standards and so on and so forth, then that applicant is subject to those requirements if he just has master plan approval.

Then he comes back for preliminary and final development plan approval, and at that time, he's subject to those requirements that the committee adopts. That's an option that the Commission has or --

COMMISSIONER ANAYA: Mr. Chairman, that seems like good direction, and Commissioner Duran what we should do then, because we're going to be faced with these kind of situations all along, is bring it up at the next highway corridor committee and grant master plan approval tonight, and then of course subject to the corridor thing and address it then. This is like an individual, like a selective type of scrutiny. It's not a generalization throughout the entire corridor.

COMMISSIONER GONZALES: Could I have a second please? Thank you. Mr. Chairman, Commissioner Anaya, this argument was brought up last month with Western Mobile, where there was three batch plants that were sitting right around Western Mobile.

The Commission made the decision last month, even if we knew all the criteria, everything that Steve has indicated, that's for this, would be applicable to approve master plan zoning. We made a decision last month that we would table it for a period of time to allow the corridor committee to come forward with its recommendations to see if it works or not.

Now, even if there was master plan approval that was made tonight, and I see a lot of you, the three of you shaking your head, that as Rudy indicated, if the corridor committee changes the use for your property, you're going to be compelled -- is that right, Rudy?

MR. GARCIA: Mr. Chairman, Commissioner Gonzales, uses is not the same as aesthetic situations with regard to architectural treatments, the color of roofs, the number of trees, and so and so forth. Use is a whole different category as to whether or not -- when you're granted master plan approval, you're granted approval for that certain use. If the committee says this use is not allowed out there, this applicant is still allowed that use.

COMMISSIONER GONZALES: I was under the understanding that under master plan zoning that that's not a vested right for a commercialization. That the usage could still be changed until final approval was done.

MS. KULSETH: Commissioner Gonzales, actually master plan is your last step for your zoning approval. So that's when you're -- there's an argument, it's not real clear in New Mexico but there's a strong argument that that's when your zoning rights vest. Your development plan is a different matter. It's at least open to a question that once you come in and get your property zoned through master plan that you're entitled to those uses.

COMMISSIONER GONZALES: Okay, then along those lines, thank you for clarifying that. Then I was wrong down the line. I think that it's important that we remain consistent in how we're dealing with applicants that come before this body and not picking and choosing which applicants -- I want to help out Mr. Babcock. But I also plan on being consistent with how we have treated other applicants and I think that's important that we can't pick and chose which applicants are going to be heard and which applicants aren't. If we're tabling applicants because we're going to allow the corridor committee to come forward with the plan, or, if in the event that it will come forward with a plan by November 8, we're going to hear it on its merits and make a decision on that date, then everyone should be held to that same standard, and I think that's what Commissioner Trujillo was talking about, that we've already set a precedent. We're asking applicants to hold off. I think that's the right thing to do.

Even if you go forward with all these conditions, you're not going to have, I don't know if you'll have a building permit by November. There's 23 conditions to get before you get a building permit. Are you going to be able to get that? Are you telling me by November 8?

MR. MIDYETTE: Yes, they're all done.

COMMISSIONER GONZALES: They're all done? Have they submitted everything, Rudy on all the conditions?

MR. GARCIA: Mr. Chairman, if our staff feels that they're not all done, and

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it doesn't seem that she feels they're all 100 percent complete, then they're not complete.

MR. MIDYETTE: If they don't have that they're complete, we feel that the information that is needed for that to be complete is at hand and that we can meet all of that. The only question that we have is the septic, the nitrate. Other than that, the other items are complete.

COMMISSIONER GONZALES: Well, my position here is to remain consistent with what we have acted and it's up to the applicant to decide whether you want to be heard tonight, but I think that this Commission needs to remain consistent with how we have treated other applicants and table these until there's a time that we can hear it.

COMMISSIONER ANAYA: My position is, Mr. Chairman, if I may, is that regardless of what recommendations come out from the highway corridor committee, they're still going to come back to this Commission to be heard, so we're procrastinating a decision that perhaps is already in our minds and that's my position.

CHAIRMAN TRUJILLO: Well, that's going to be taken care of Commissioner Anaya, because we've already said that if nothing happens between now and November 12, they'll be considered and looked at on the basis of the existing Code, so they're covered. This is not something that is going to be prolonged, or this board is going to procrastinate on. They're going to be looked at on the existing Code if nothing happens between now and November 10.

MR. DURAN: Mr. Chairman, the other thing that I would like for you guys to consider here is, and I do some development, is the fact that from the time that you get an approval, let's say Joe's on this now for a year. If he waits another six months, by the time you get your financing, get your permits, get all your bids out for construction, stuff like that, it will be another year. So you're talking another year in delay. Time, when you're doing this kind of development, even on as small a scale as he's doing it, is money. And that's what it's cost Joe. I think we need to see that.

CHAIRMAN TRUJILLO: We need to understand this is a transitional period. If we start the process now, it's possible that the permits might be reviewed under the antiquated system, an antiquated set of regulations. We're looking at a new set of regulations under the corridor study. So to start, to approve this, under existing or old set of regulations does nothing for the corridor committee's recommendations.

COMMISSIONER DURAN: Mr. Chairman, the visual impact that Mr. Babcock's property is going to have on our community is going to last 50, 60 years. And I don't think asking you to wait until November 8 is an unreasonable thing to do. So I think that we need to make a decision here, whether you want to table it, or if you want to hear the case, because I want to make the motion to table it only if you will agree to it. If you don't want to agree to it, then let's talk about it, and let's vote for it or against it.

MR. DURAN: Honestly, I don't think we're given a choice, but here again, Paul, according to what Mr. Babcock has told me and John, they're willing to work with you to the point that they might be setting precedents as far as what gets built out there.

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COMMISSIONER DURAN: Steve, we haven't approved anything along this corridor. Everyone has agreed to table. You're the only -- we have to have reason for denying this. You don't have a vested right to have this piece of property zoned commercial. We can deny it because of that. I think it's best that you come forward after the corridor has made their recommendations, I honestly think that the use that you're proposing is appropriate, but I disagree with the design. And I think that those are the kind of issues that this committee is going to look at and make recommendations to this body.

CHAIRMAN TRUJILLO: What is the desire of the applicant? Should we continue and consider this?

MR. BABCOCK: Well, go ahead and table it, but if November comes, and we're disapproved, we'll just have to put some trailers on it. I don't think nobody wants that.

CHAIRMAN TRUJILLO: This Commission commits to you that by November the corridor study will be done. If not, you'll be looked at under the existing Code.

Commissioner Duran moved to table CDRC Case #Z 98-5050 until the November 10 meeting. Commissioner Grifé seconded the motion, which passed by majority voice vote with Commissioner Anaya voting in the negative.

X. D. 4. EZ Case #V 98-4050. Althouse Variance. Rob Althouse, applicant, requests variances to the ESR Common Access Roadway standards for on-site and off-site driving surface width, basecourse thickness, and easement width. The property is located off West Alameda within Section 28, Township 17 North, Range 9 East

MR. ABEYTA: Thank you, Mr. Chairman, Commissioners. This case was tabled at the July BCC meeting based on concerns that were raised regarding access and the neighboring property owners. The BCC directed the applicant and the County Attorney's Office to meet with the neighboring property owners and try to come up with some kind of resolution to some of the conflicts that were presented at the last BCC hearing. Rosanna Vazquez from the Attorney's Office has met with the applicants and the property owners and I believe she's going to have a presentation for the BCC to show you what was resolved during those mediation sessions.

ROSANNA VAZQUEZ (Assistant County Attorney): Good evening, Mr. Chairman, Commissioners. You requested that a mediation be done between the Montanos, the Sandovals and the Althouse neighbors and we did go that. For your information, we did again review the legal documentation and Mr. Althouse does have right to a 23-foot easement on the Montano property. However, there was an agreement reached between the

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three parties as to access to Mr. Althouse's property, and if I could just draw it quickly for you so you can understand what agreement we've reached. It might be a little easier for you to picture it.

Mr. Sandoval owns property on -- if you're facing the ridge off West Alameda on the left side. He has a 15-foot easement on that side of his property. The Montanos own property on this side, and they'll be designated as M. And there is a 15-foot easement dedicated to the public, which was dedicated prior to the time the Montanos owned the property. And Mr. Althouse obtained eight feet extra. So he's got 23 feet here.

The agreement that was reached was that the fifteen feet from the Sandoval property would be used and the fifteen feet on this side of the property, on the Montano property be used together. So the road will actually be like that, right in the middle. That will save the Montanos from having a road right next to their mobile home and that will assure that Mr. Althouse has access to his property, which is located behind the Montano parcel on the right side. An agreement's been drafted and it seems that all the parties are in agreement to the major portions of that except minor things need to be worked out. They are all here, if you'd like to ask them any questions, but the mediation was successful. Thank you.

COMMISSIONER GONZALES: Mr. Chairman, Rosanna, the request that's come up, if the Commission were to basically approve the agreement, and from what I understand, I might have lost you in the agreement. With the easements that are available, a total of thirty feet, is that correct?

MS. VAZQUEZ: Right. The easements available --

COMMISSIONER GONZALES: What was the agreement for the actual width of the road?

MS. VAZQUEZ: The actual width of the road was not agreed upon. I stated to the Montanos and the Sandovals that Mr. Althouse was requesting a 16-foot driving surface, but that the Land Use Department was recommending a 20-foot driving surface. I checked with the Land Use Department to make sure that wasn't going to change, and their position is still the same. They would like a 20-foot driving surface. So with respect to the variance, there wasn't anything settled. However, I do believe that the parties would like to speak to that issue.

COMMISSIONER DURAN: So Rosanna, the variance is still -- they're still coming forward with the variance for the 16-foot driving surface?

MS. VAZQUEZ: Commissioner Duran, that is correct, yes.

COMMISSIONER GRINÉ: Okay, do the applicants want to speak now?

[Duly sworn, Rob Althouse testified as follows:]

ROB ALTHOUSE: I'm Rob Althouse and I live at 29 Camino Don Emilio in Santa Fe and I wanted to thank the Commission and particular Commissioner Gonzales for suggesting mediation. I was really awestruck at how efficient it could be and how it helped lead a group of neighbors who were having a hard time emotionally and financially and in other ways and really helped us common ground and so Ms. Vazquez did an excellent

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job and we were very fortunate to have that experience. We are still asking, though, for the 16-foot driving surface because of a number of reasons.

We believe it's going to create and excessive cut-and-fill. Also, the Montanos are concerned about the road encroaching toward their window in their place and would prefer to keep it away from their window as far as possible. Because of the amounts of cuts-and-fills, it's also difficult to get adequate ponding and drainage along the road if it's a 20-foot road. There's also a row of trees that are right along the existing lane and taking the road that extra four feet is going to take out a number of trees that provide a buffer between the road and the Montano's property and residence. They've expressed to me that they're very supportive of that as well.

And Mr. Sandoval's relative is here, Helen Gallegos Rael who attended the meetings. She's said that she thought that, I'll let her speak but I think she feels inclined to support that as well. Although Mr. Sandoval can't be here because he's out of town on vacation right now, so she's going to be representing him. Are there any questions?

COMMISSIONER DURAN: I just have one comment. I think that for me, sometimes our streetscape standards are too tough. I think relaxing them occasionally when it's appropriate is something that this committee should consider, especially when it preserves the rural character of the neighborhood. It seems to me that this would be one of these cases.

MR. ALTHOUSE: There's also a concern about speed, and it's been proven that if you widen a road, people drive faster, even though it's posted with the same speed limit. I know Mrs. Montano and Mr. Montano, who because of their health aren't here, but their daughter and another family member are representing them, they felt that would keep the traffic slower also, which they prefer. I know you'll be getting to hear more about that. I talked to someone tonight about putting together a meeting with the head traffic engineer of the City of Portland, who I've worked with on some issues about road widths and he has been very helpful and he's done a lot of work and I hope that you get a chance to speak with him, the members of the Commission who do go. Because I think that we have to relook at our street-width standards. I believe that they're not serving our people like they should and we need to look at narrowing streets in a lot of cases.

COMMISSIONER GRINÉ: Are there any other questions for Mr. Althouse? This is a public hearing. Does anybody else want to speak?

[Previously sworn, Nancy Kenney Althouse testified as follows:]

NANCY KENNEY ALTHOUSE: I'm Nancy Kenney Althouse. I just wanted to briefly acknowledge you for putting together the negotiations and it was extremely painful at first and we got a lot out, and I think we got a lot out of it. And I think that the nicest thing is when I drive up the road right now, I feel like there's been some agreement amongst neighbors. I don't want to sound too mooshy or emotional about it, but I can't think of anything that feels better. Thank you.

COMMISSIONER GRINÉ: Anyone else?

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[Previously sworn, Nathan Ware testified as follows:]

NATHAN WARE: My name is Nathan Ware and I'm here on behalf of Tony and Helen Montano, who live directly below on West Alameda and own property below there, in between the Althouses and they own more property in the back. I think this mediation was something we all could try to benefit from, people that will be moving in back of us. So I think it will work. The Montanos support the 16-foot surface and between three feet deep because it will help them also and the people in the back also. And I believe it will also help with emergency vehicles getting access to the back because at this moment there's 15 foot, but with the 23 foot I think that will truly help us out and people back there also.

And again, with this kind of mediation, there will be less impact on all of us. We all do love the environment, the trees, the things we all have that are real dear to us there, so I think this will also help that where with this kind of easement we don't destroy all these trees and start creating new drainage and things like that where right now, there is a lot of drainage problems with this site and creating larger roads, creating larger ditches will start creating larger run-off and cutting more drainage in all the southern area. And basically, we do support the 16-foot, so you guys can take that into consideration.

COMMISSIONER GRINÉ: Anyone else want to speak?

[Previously sworn, Helen Gallegos testified as follows:]

HELEN GALLEGOS: I'm Helen Gallegos and I own property off Coyote Ridge. Also, I'm here on Mr. Sandoval's request. I have attended all the mediation meetings. I think that the agreement that they have come to. It makes sense to put the road where the existing easement was already. And if indeed it creates less wear and tear on the property and prevents more drainage problems, I support it and I'm sure Tony will too, support the 16-foot easement. Thank you for setting this together. I think it's served a good purpose.

CHAIRMAN TRUJILLO: Thank you very much. Anybody else want to address the Commission?

MS. GALLEGOS: I just wanted to mention that the high wires in the road are still a concern and I would request that they be put underground or moved or something. They still seem to be in the way of the road.

COMMISSIONER GONZALES: So with that, Mr. Chairman, once again, I'd like to move for approval of the variance requesting a 16-foot driving surface, and enter into the record the conditions that were presented in packet, the special conditions that were presented in the packet supporting the variance.

COMMISSIONER GRINÉ: Second.

CHAIRMAN TRUJILLO: We have a motion and a second. All those in favor? [Unanimous] All those opposed?

COMMISSIONER GONZALES: Thank you, Rosanna. Good job.

COMMISSIONER DURAN: Good work.

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- X. D. 5. CDRC Case #A 98-5141. Miller Gas Station Appeal. The US 285 Citizens' Coalition, applicant, requests an appeal of the CDRC's decision to grant preliminary and final development plan approval for a gas station and convenience store. The property is located northeast of the intersection of US 285 and Vista Grande within Sections 9 and 16, Township 15 North, Range 10 East**

MS. ELLIS-GREEN: Commissioners, on May 28, 1998, the CDRC approved the preliminary and final development plan for a proposal by Mr. Joe Miller for a gas station and convenience store on 69 acres. The projected is located within the Cimarron Village I commercial development which was granted master plan approval by the BCC on January 12, 1993. On June 26, the US 285 Coalition filed an appeal to this decision.

The applicants state that Mr. Miller had recorded covenants that were different from those reviewed by the 285 Coalition. The applicants are concerned that the development could turn into a 24-hour truck stop and request that hours of operation are set for the gas station and store. The applicants state that during discussions with the 285 Coalition, Mr. Miller made verbal agreements which include moving the proposed diesel pump, altering the front facade of the store, no overnight parking or vehicle repair or sales, and outside lighting would be extinguished when the business was closes. The applicants are concerned that these agreements are not in writing and request that these become part of the official record and the conditions of approval.

Recommendation: It is staff's position that vehicles may not be repaired or sold at this location, as the application did not request these types of uses. The other issues raised by the Coalition are not addressed by the Code. However, staff finds that the Coalition's requests are reasonable and may warrant additional conditions of approval with regards to hours, moving the diesel pumps, altering the building facade and lighting.

Staff recommends that this appeal be denied and the CDRC's decision be upheld.

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

COMMISSIONER DURAN: Mr. Chairman, Penny, have you talked to the applicant about the concerns that the community has about it being a truck stop and a place for truckers to stop and get diesel?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Duran, yes I have.

COMMISSIONER DURAN: What was his response?

MS. ELLIS-GREEN: Mr. Miller has stated that it's not his intention that it be a truck stop.

COMMISSIONER DURAN: And moving the diesel pump -- what is that all about?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner, the diesel pump was not underneath the canopy and it was in an area that trucks could access. In the revised

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plans that we have, the diesel pumps actually have been removed.

COMMISSIONER DURAN: So that by being under the canopy, it prevents large trucks from getting diesel, right?

MS. ELLIS-GREEN: That's correct.

COMMISSIONER DURAN: Unless there's a long hose. No further questions.

CHAIRMAN TRUJILLO: Okay. Is the applicant here?

[Duly sworn, Kathy Pilnock testified as follows:]

KATHY PILNOCK: My name is Kathy Pilnock and my address is General Delivery, Lamy, New Mexico, 87540. Thank you, Commissioners for your time tonight and your patience. I know it's been a long night already. The 285 Coalition is an association comprised of 14 homeowner associations along the 295 corridor from Eldorado to Lamy. One of the ways our association works is when items come up for development, they are reviewed at the Coalition meeting. The Coalition delegates then go back to their association, spread the word to their association, get input back from the people in their associations, come back to the 285 Coalition. And that's a little bit about what this first item that I gave you is.

This is a set of concerns that we drafted concerning Miller's gas station. If you take a chance to glance at them, you'll see that many times it pops up that limiting the hours of operation is something that is desirable to a large number of people along the corridor. I know you've read our last letter that's in your packet, our letter of appeal so I won't go over that, but just to bring you up to date a little bit, after filing this appeal, we received a letter from Mr. Miller's attorney. The letter asked us that he be allowed to proceed with the gas station because the issues we were concerned about did not concern whether the gas station could exist or not, but merely related to certain conditions that we would like to have placed on the gas stations.

I went back to my association. They seemed to be somewhat agreeable to that at the time. The problem was that signing such an agreement, this agreement wouldn't be enforceable by the County. This agreement would have to be enforced, either by Mr. Miller, if we didn't live up to our part of the agreement, or by the association, if by some chance Mr. Miller did not live up to his agreement. So we both decided at that point that rather than involve attorneys and go into agreements that could not be appealed to the County Commission, we would go forth with our appeal and come here tonight and that leads us here.

I'd like to say we appreciate the opportunity you're giving us tonight to express our concern about the CDRC approval of the Miller gas station and convenience store, and most especially for the opportunity we're afforded here tonight to modify the conditions of approval in order to address those concerns. As outlined in our letter of appeal, the Coalition has three areas of concern regarding the Miller proposal. We feel it is important

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to address the issue of the covenants so that the following points may be put into the record. The citizens along the US 285, County staff members and other developers of the node put a great deal of effort into writing covenants that would address concerns regarding commercial development.

The citizens wanted those covenants in order to protect the visual integrity of the 285 corridor and to protect the quality of life for residents in the area. Developers wanted to demonstrate that they were willing to work with communities so that development could proceed smoothly. The County wanted to find a way that these issues could be resolved before the projects were submitted for approval. Just as an aside, the way things used to happen in the past is a developer would come up for a proposal. A hundred people, dozens of people might come to protest that development. The Commission would have to listen to all of those individuals speak, quite often saying the same thing over and over again. Part of our intention is that we want to speak with one voice along the corridor. We want you to only have to listen to one of us, and hopefully you will do that understanding that we truly do speak for the majority of the people along the corridor because of the way that our association works.

I also think we all wanted the covenants to be flexible enough to change as the area grew and need arose. Certainly at that time if we had realized that Mr. Miller was not recording the same covenants on his property, we would have protested his development in 1993 and would not have spoken in support. At the time of the writing of those covenants, there were two existing gas stations in the area and a possible gas station by the school, and that seemed to be enough for one area. However, circumstances changed. The storage tanks need to be upgraded at the Country Store. The Fina station is irregular in operation due to the illness of the owner, which hopefully is a temporary situation, and the other possible location has been eliminated.

It is important to note that if Mr. Miller had filed the same exact covenants as the other developers, a gas station would still be possible at this location. It would simply require that a majority of the members of the architectural review committee approve the change and they probably would have done so, provided that certain conditions be placed upon the operation of the development. Conditions that would allow the gas station and store to operate and protect the quality of life of the surrounding neighborhoods.

It seems that it may be too late now to go back and require that Mr. Miller file the same covenants. This is unfortunate because it has resulted in the weakening of those covenants on the other quadrants. Developers are now saying that plans are reviewed by the architectural committee as a courtesy only, and as a result, architectural standards are eroding. In order to work with the situation as it now exists, we are requesting that the Commissioners place the following conditions of approval on the operation of the gas station and convenience store.

Number one, that the hours of operation be limited from 6:00 am to 11:00 pm. We feel that this is the best thing we can do to see that this doesn't become a 24-hour operation.

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We feel a 24-hour operation in this particular location would have too much impact on the surrounding neighborhoods. A better location for a 24-hour operation would be up by the Fina store, nearer the interstate. Mr. Miller has raised the issue of health and safety as a reason for not limiting the hours of operation. I'd like to say with all due respect, we're talking about a gas station here and not a hospital. While running out of gas may be inconvenient, it's hardly ever life-threatening. The people along the corridor and travelers in the region have survived up to this point without a gas station that's open past 7 pm and we've gotten quite resourceful. I think it's so aggravating to run out of gas that most of us only do that once or twice and we learn our lessons and learn to plan better.

Number two, that liquor not be sold at this location. Mr. Miller stated to me in the corridor tonight that his master plan states that no liquor stores will be allowed and that should cover the problem. However, I'm not so sure that that means that he would not be able to sell liquor in the convenience store. And if he's not intending to sell liquor at this location, then it should be a simple matter to put it into writing now so that it's part of the record.

Number three, we're requesting that the diesel pump be moved to a location under the canopy so as not to be accessible to semi-trucks. That way the diesel would still be accessible to cars and small pick-up trucks that need it, but it would not be accessible to large semis. If a large semi did run out of gas, it would be a simple matter to fill up a can and at least give him enough gas to send him on his way. I did think about putting a longer hose on the gas pump. Hopefully, maybe that should be a condition, also, that a longer hose not be put on the gas pump.

Number four, that there be no overnight parking. There were some concerns about semi-trucks parking along the side of the highway, maybe parking overnight until it's time to go into Santa Fe. We've seen what's happened at the Giant station by St. Francis and the interstate; we don't want that to happen out here.

Number five, that there will be no loud music or outside speaker.

Number six, that lighting will be turned off when the facility is closed with the exception of security lights and that those will be the type that come on only if tampering occurs.

Seven, that the upper portion of the decorative facade be lowered to the extent that supports are not required. We would urge you to carefully consider this request and place these additional conditions on the Miller gas station and convenience store. Thank you for your time.

COMMISSIONER GONZALES: Mr. Chairman, Kathy, I apologize for being next door when you were discussing this issue. Did you provide us this copy from Roth, Van Amberg, Ortiz and Fairbanks?

MS. PILNOCK: Yes.

COMMISSIONER GONZALES: So Mr. Miller's attorney is telling you, let me see if I understand this right, and I'm going to ask you what you did. "If you do not

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sign this letter..." he's basically asking you to sign this letter that he's prepared for you, "if you do not sign this letter and the Miller project is delayed and Mr. Miller suffers consequential damages, he will have no choice but to hold you and the 7,000 individuals whom you represent in this appeal personally liable for his damages."

MS. PILNOCK: Right. That's what it says.

COMMISSIONER GONZALES: Can you tell me how you reacted to that?

MS. PILNOCK: How we reacted to that? Okay. I have a lot of Scottish blood in me and personally, it made me more inclined to oppose this project. But I took a deep breath, and I said, no, don't let your emotions get the better of you. A number of us were outraged by the thought that citizens could be sued for participating in the government process. I think that's one of the basic rights that we're guaranteed as American citizens. Mr. Miller may feel that we deliberately filed our appeal at the last minute in order to delay his project but that's simply not true.

There were a number of personal circumstances in my life that made it necessary. There was the fact that we had to go and have a Coalition meeting in order to make this decision to appeal. I think the reason that there is a last minute so that you can appeal up to it. We're not going to be frightened out of the political process by threats like that.

COMMISSIONER GONZALES: Thank you. I've never seen a letter like that. I was just wondering --

MS. PILNOCK: Well, I never have either, Commissioner Gonzales.

CHAIRMAN TRUJILLO: Any other questions of the applicant? Mr. Joe Miller.

[Duly sworn, Joe Miller testified as follows:]

JOE MILLER: My name is Joe Miller. I'm the applicant in the original application, not in the appeal, of course. This appeal came about, we met with the 285 Coalition, the Eldorado people. We met with everybody we could in that area. We met with them in, I think it was early March the first time. After we met with them we called them several times and asked them for their comments and any changes they wanted and everything, but we never got anything in response from them until May. In May, they wanted a second meeting. In May we met with them a second time and they had some concerns and we made out changes to satisfy their concerns.

Then the CDRC board met and we got our approval and we thought it was all done. But they do have thirty days to appeal and they waited to the thirtieth day, almost the last hour of the thirtieth day to appeal and never said a word to us about it. They never even came to us and told us they were going to appeal and they wanted some other changes or something. We thought they were all satisfied in the May meeting. So the deal came as quite a shock to us, waiting to the last day, almost the last hour. To me it's -- I think it was vindictive than really what they wanted.

But now, tonight, I find out the appeal's been revised. If you have a copy of the original appeal, they want to appeal it on three conditions. It says that due to circumstances,

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the Coalition would respectfully appeal the decision of the CDRC board to the County Commission for the following reasons, and there's three there. Now tonight they come up and I don't know how many. I didn't get a copy of what she passed out to you. I thought maybe we could look at that too. But after she read it I think there's seven reasons now. Of the three reasons, and those are the ones I'm prepared to address because those are the only reasons the appeal calls for.

And they are, the first one, they want me to change my covenants. And the second one is they want us to restrict the hours. And the third ones is the concerns, we told them we would make in the May meeting, they want them recorded. They want them written down. Let me address the three items they appealed only on. I don't know what the other ones are really. And let's go backwards with them.

Number three is they want this in writing what we told them we'd do. Well, this was done here at the CDRC board meeting. The CDRC board meetings are recorded and then they're transcribed and then they're sent downstairs and they're recorded in the recorder's office. So they are in writing. We don't need to rewrite them again. If they want them they can go down to -- all those changes that we agreed to are in writing. They can get them right off the minutes of the meeting.

Backwards, number two, is they wanted to change the hours. It was discussed at length at the CDRC board meeting and they thought it would be a good idea to not restrict the hours. Out there in that area there's not much going on late in the evening and we probably, we're not going to be a 24-hour station. There's no demand for that. But if we were, most of these people that are appealing it are miles away from that station. Probably home in bed sound asleep or watching television or reading or something. They wouldn't know if that station is open or not. Because there are no houses near it.

I hate to see the government restrict our hours. I think the marketplace should restrict the hours. If there's no more business after seven or eight o'clock, we should be able to close. But if the people out there are demanding service late at night, ten or eleven o'clock, then we would provide it for them. I hate to think of the circumstance where some poor old lady is walking up to our gas station at 11:10 carrying a can, says she ran out of gas down the road five miles. I tell her, well, I'm sorry, lady. I can't sell you gas. Your government won't let me sell you gas after eleven o'clock. You're going to have to wait, stick around until six o'clock in the morning when I can legally sell you gas again. I don't think the government should restrict the hours. I think that should be done in the marketplace to restrict the hours.

Then going back to the number one, the covenants. They want our covenants to read the same as the covenants of the two commercial developments across the road from us. I think if they want all three covenants to be the same, they should go to those people and ask them to change their covenants so they can read the same as ours. Who's to say whose covenants are to prevail. Now we had some meetings. We had them right here in this room. Probably about twenty of them. And I went to every one of those meetings. And

we discussed -- the meetings were not formal meetings. They were just a discussion group. There were no minutes taken. There were no motions made. There was no voting or nothing.

The meetings were attended by some of the developers, people from the staff. There were people there from the different subdivisions along the road. There was some real estate people there. There were people that had just stopped off, walked across the building and went and sat down and listened to the meetings. There's nothing formal about them. They were not organized in any which way. But we did have meeting and I got the summary of most all these meetings that they sent out afterwards.

We met November 24, 1992, is when we started. In December we met on the first and the 16th. In January we met on the 6th, the 15th, the 20th. In February we met the 4th, the 10th, the 23rd. In March we met on the 4th, the 11th, 18th and 25th. And in April, we met on April 1, which was our last meeting. In December we discussed the landscaping, architectural standards. On the 6th of January the committee met and we discussed the quadrants, how many members to have on the different architectural committees. On the 15th, the next time, we talked about covenants. There were covenants set out and we discussed how the members of the different boards met.

On the 14th we discussed the height limitations, pro panels. We discussed the architecture. And there's a note on that one that there was no agreement on the architectural guidelines yet. It was still unresolved. On the 23rd of February, we discussed the architectural guidelines again. March 14th we discussed restrictive covenants and building heights. On March 11, we discussed the restrictive covenants and land use and we determined that the marketplace should determine the uses and no consensus was reached when the architecture was reviewed. And these are the notes that the County staff put out.

April 1, we continued to discuss the covenants, but there was no agreement on them. That was the last meeting we had. June 3 we got a memo from the County. It said please find enclosed the latest edition of the draft covenants. They were still drafts covenants at that time. I had had them for some time and I am finally getting them out to you. Please advise if there are any changes that still need to be made. So I got that and we received these draft covenants on July 7. It's marked received July 7. On July 12, five days later, Sierra Vista recorded these covenants. There were only five days and that included a weekend. So you can be sure we did not have any more meetings, did not discuss this draft covenants and there was no covenants ever agreed upon. But now, they're asking us, demanding, that we make the same covenants that these other people have, which was just draft covenants at the time they recorded them.

Well, these covenants prohibit gas stations. Now, they want me to adopt the covenants that prohibit a gas station, and then go back to them and see if they'll change the covenants to let us have a gas station. I might be just a dumb rancher but I'm not stupid. We wrote our own covenants. And the reason we wrote the own covenants is because our agreement from this board, one of the conditions of our agreement was that the concepts of

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the restrictive covenants relating to landscaping, sign control, lighting and architectural and commitments for off-site improvements shall be in accordance with the principles developed by the 285 Village commercial district.

Well, we never had any covenants developed, but we did adopt the same covenants that Sierra Vista had, the draft copy, in regard to the signs, the landscaping, the lighting and the architectural committees. That was done -- the architecture, not the architectural committees, that was done and our covenants are the same as theirs, as were required as a condition of our approval.

The fifth thing, that aren't the same as theirs and were supposed to have been, was the off-site improvements. The off-site improvements consisted of reconstructing the intersection there. And I wish we all had the same covenants that apply to the reconstruction of the intersection because if they did the other commercial developments would have had to pay like I did for the improvements. I was the only one that had to pay for the improvements on that intersection. And yet the conditions required that we all pay for them. I'm the only one that had to pay for them and I'm the only one that can't use it.

I think that about sums up what I have to say as far as it goes. We've complied exactly with the covenants. Oh, there's one other thing and I think it's probably the heart of the reason they want us to have the same covenants as the others have, because their covenants call for a \$500 gift to the 285 Coalition for every development. Now Sierra Vista, which is across the street and the Agora only have one development, so it only cost them \$500. Ours, we have 32 lots. And we're required to donate \$500 to the 285 Coalition for every development we do, they're going to be \$16,000 ahead at my expense. So I don't think we should be required to donate to the 285 Coalition to get approval from this committee. That's all. Any questions?

CHAIRMAN TRUJILLO: Any questions of Mr. Miller?

COMMISSIONER GONZALES: Mr. Miller, just real briefly. I'm a little dumb-founded on this letter that the attorney sent to the Coalition basically threatening to sue all 7,000 individuals and holding them personally liable if this project is delayed. And it sounds to me listening to you talk that, yes, you've participated in meetings and wanted to work with them, but I just can't understand why you would threaten to sue 7,000 people if your project was delayed.

MR. MILLER: Well, it wasn't a threat. They have every right to appeal it. There's no question about that. But their appeal delays us. Right now it's cost us three months. We were approved in May and here it is in August; that's three months. If we're delayed and we do suffer damages, just as they have every right to appeal, we have every right to try to compensate, get our reimbursement for the damages they cost us. There's no threat in it whatsoever.

COMMISSIONER GONZALES: So if you're delayed tonight, then you would sue the 7,000 people who belong to the Coalition?

MR. MILLER: Well, I question the 7,000. I'd like to see that qualified.

COMMISSIONER GONZALES: I'm actually using the attorney's --

MR. MILLER: The attorney is using their numbers. They claim that they represent 7,000 people if you read her letter. It says we represent 7,000 people. I really doubt that. I'd be lucky to find 70 people that they represent. Because in my experience, and when I have talked to people and who have called me and who have dropped letters off at the Country Store, they've said, they don't represent us. We want your station. We're looking forward to going to your station. We think this should be done. We don't think it should be delayed. I'd like to have them qualify the 7,000.

COMMISSIONER GONZALES: Okay, can I ask you just a few questions then concerning their request that would seem to me very reasonable but I would just want to ask you how you feel because I know you went over this issue but I couldn't quite follow along. Condition number one, that the hours of operation be limited to 6 am to 11 pm. All I need is a yes or no whether you agree or not.

MR. MILLER: What would be the period of time that we could operate only on those hours? Would that be for just a year? Would that be for two years? Would it be indefinitely?

COMMISSIONER GONZALES: I think this would be indefinitely.

MR. MILLER: I couldn't agree to that because who knows down the road, there may be people out there wanting gas at midnight and we'll service them.

COMMISSIONER GONZALES: So that's no, then. That liquor will not be sold at this location.

MR. MILLER: That's a red herring. When our master plan was approved there's a list up in the top corner of different items that we can do and it says land uses and it lists them all and the last sentence says liquor sales are prohibited. What can I say?

COMMISSIONER GONZALES: Then you agree to that?

MR. MILLER: I have no choice. We agreed to that one when our master plan was approved. I don't know why it's coming up now.

CHAIRMAN TRUJILLO: Just answer yes or no.

COMMISSIONER GONZALES: That the diesel pump be moved to a location under the canopy so as not to be accessible to semi-trucks.

MR. MILLER: It's already been moved already.

COMMISSIONER GONZALES: So that's yes.

MR. MILLER: Yes.

COMMISSIONER GONZALES: There will be no overnight parking.

MR. MILLER: On our premises? No, we're not going to allow it. We never intended to have overnight parking. There's no room for anybody to park.

COMMISSIONER GONZALES: So you agree to no overnight parking?

MR. MILLER: We agree to that, sure.

COMMISSIONER GONZALES: There will be no loud music or outside speakers.

MR. MILLER: No outside speakers, no loud music.

COMMISSIONER GONZALES: Okay. That lighting will be turned off when the facility is closed, with the exception of security lights and that those will be of the type that come on only if tampering occurs.

MR. MILLER: We're going to turn the lights off but we will have security lights. And those security lights are not going to be hitched up to tampering because we have coyotes. We have dogs. We've got everything. We turn those lights on and off all the time. We're going to have security lights to a minimum.

COMMISSIONER GONZALES: And security lights are dimmer than regular lights, right?

MR. MILLER: Yes. But I think they're requesting us to put them on some kind of device that the owners turn on if somebody tampers with them. We want security lights on all the time.

COMMISSIONER GONZALES: Thank you. That the upper portion of the decorative facade be lowered to the extent that supports are not required.

MR. MILLER: That's all been done. Yes.

COMMISSIONER GONZALES: So you support that, right?

MR. MILLER: Support that.

COMMISSIONER GONZALES: Great. Looks like we've probably found some good meaning here tonight.

COMMISSIONER DURAN: I just have one comment, Mr. Chairman. Several years ago I was on vacation in Texas and on my way back almost ran out of gas. It was late at night. It was like one o'clock in the morning. Had I run out of gas my children and myself would have had to have walked miles to get some place. I'm not convinced that limiting the hours of operation to 6 to 11 pm are actually in the best interest of the community. I would just like to, when we make a decision on what we're going to do with this, that that not be included because there are some extenuating circumstances that need to be considered.

COMMISSIONER ANAYA: I agree.

CHAIRMAN TRUJILLO: So it looks like on all the points you've agreed to except for the one that Commissioner Duran is talking about. You've said yes on 2, 3, 4, 5, 6, and 7. You've agreed to those points and those conditions. It is at the discretion of the Commission on what they want to do on the 6 am to 11 pm condition. We need public input. I think there's somebody else that wants to talk.

MS. PILNOCK: I just have a question on procedure. Shall I wait until after?

[Duly sworn, Parke Duttonhoffer testified as follows:]

PARKE DUTTONHOFFER: Mr. Chairman, Commissioners, I'm the president of the Lamy Community Association and I just wanted to come out in support of the Coalition's appeal. The major points that we were concerned about have been addressed and I just wanted to say thank you for those. And all I can do is to hope for the hours to

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be restricted.

CHAIRMAN TRUJILLO: Thank you. Anybody else?

MS. PILNOCK: First of all I'd like to correct the impression that the 285 Coalition would receive \$500 a pop for developments that happen in that area. The architectural review committee is not a part of the 285 Coalition. The 285 Coalition merely gets to name a member to that review committee. The review committee is a part of the covenants that are filed by all the developers. The \$500 is a fee that would be charged for making copies of plans, other things that might be necessary, and it was the intention to refund the unused portion of that money once the project had been reviewed.

Concerning the hours of operation again, it's my understanding that should things change in the future and should people somehow find that their midnight snack attacks get out of hand and they want the store to be open 24 hours, it would be possible for Mr. Miller to come forth at that time and ask that the hours of operation be changed. Another thing I would like to say is we did have some discussion with Mr. Miller. Mr. Miller stated at the ECIA meeting that he would be willing to limit the hours of operation of the store, but he wanted for people to be able to come and buy gas with a credit card when the store was closed. Maybe that would be a reasonable way of taking care of the concerns regarding running out of gas and balance that with limiting the hours of operation of the store so that we would not be impacted with the store.

And I also kind of resent -- the efforts of the County. County staff worked long and hard. The people worked long and hard. It was more than a study group. One of the things we were trying to do is the very same issue we're struggling with with the highway corridor commission. We wanted to develop a set of standards that would protect the community, protect the visual integrity of the road.

At that time there was no highway corridor commission. So this was our best attempt to try to do something like that. It was never our intention for the standards of this node to be applied to every node along the corridor. We're a lot more flexible than that. Different nodes, different situations need different responses. I think we all worked hard. It was our intention to come up with a document that would apply equally to all the landowners of the quadrant. Thank you.

CHAIRMAN TRUJILLO: Okay, anybody else in the audience that wants to talk? What is the desire of the Commission?

COMMISSIONER GONZALES: Mr. Chairman, I'd like to uphold the decision of the CDRC and add the following conditions as agreed to by Mr. Miller and they are submitted as part of the submittal by Ms. Pilnock. Condition 2, that liquor will not be sold at this location. Condition 3, that the diesel pump be moved to a location under the canopy so as not to be accessible to semi-trucks. Condition 4, that there will be no overnight parking. Condition 5, that there will be no loud music or outside speakers. Condition 6, that the lighting will be turned off when the facility is closed with the exception of security lights. Number 7, that the upper portion of the decorative facade be lowered to

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the extent that supports are not required.

COMMISSIONER DURAN: Second.

CHAIRMAN TRUJILLO: We've got a motion, seconded by Commissioner Duran. All those in favor?

COMMISSIONER ANAYA: Does that mean that, Commissioner Gonzales, that item number one is deleted?

COMMISSIONER GONZALES: I didn't include that as part of the motion.

CHAIRMAN TRUJILLO: All those in favor? [Unanimous] Opposed.

- X. D. 6. CDRC Case #V 98-5370. Lucille and Andy Romero Variance. Lucille and Andy Romero, applicants, request a variance of Article III, Section 10 (lot size requirements) of the County Code to allow four homes on 2.75 acres. The property is located on County Road 54, within Section 6, Township 15 North, Range 8 East**

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the property is located within the traditional community of La Cienega. Minimum lot size in this area is 3/4 acre per dwelling unit. There are three existing dwelling units on the property. A fourth home would require a total of three acres to meet Code requirements. The applicant's father, sister and brother currently live in the three existing homes on the property, and the applicant would live in the fourth home.

The applicant states that her father is disabled and has arthritis and heart problems and is dependent on the applicant and her sister to look after him.

Recommendation: The decision of the CDRC was to recommend approval of a variance of Article III, Section 10 of the Land Development Code to allow for four homes on 2.75 acres, subject to the following condition:

1. A temporary permit will be issued for a period of five years to be approved for consecutive five-year periods by staff. The applicant at that time must prove that the hardship still exists.

COMMISSIONER GRINÉ: Okay, are there any questions of Penny? Is the applicant here? Would you like to address the Commission?

[Duly sworn, Lucille Romero testified as follows:]

LUCILLE ROMERO: My name is Lucille Romero and I live at 3386 Avenida de San Marcos. When I first came for a permit to move a mobile home on this property I thought I never was going to have any problems. Basically, this property was purchased in 1940 by my great grandfather and he purchased this property for his sons and his grandkids. My grandfather's deceased. My father still lives there. My brother lives in

my grandfather's house and my sister just moved in. The reason why I want to move out there is because we have to take care of my father. He's got arthritis. He's not physically able to take care of himself.

Not only that, I'm probably going to need it because I have rheumatoid arthritis. We don't intend on splitting the property, which seems to be an issue. I grew up on that property and the property was there for the grandchildren and I'm just asking to be able to move on there to be able to take care of my father and hopefully have my brothers and sisters and my immediate family take care of me, because I'm going to be in the same condition. That's all I have to say.

COMMISSIONER GRINÉ: Are there any questions of Lucille?

COMMISSIONER GONZALES: Mr. Chairman, Lucille, do you agree with the added condition?

MS. ROMERO: I kind of find that hard, because I guess yes, if we have to for now. Because I plan to live there until I die. And if that means having to go back every five years to see if I can stay there, I guess I will.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER DURAN: Well, let's hope you come back many times.

COMMISSIONER GRINÉ: Are there any other questions? This is a public hearing. Is there anyone in the audience wishing to speak for or against this?

Commissioner Gonzales moved to approve the variance without the added condition. Commissioner Anaya seconded the motion, which passed unanimously.

- X. D. 7. CDRC Case #V 98-5250. Garcia Variance. Mariano and Inez Garcia, applicants, request a variance of Article III, Section 10 (lot size requirements) to allow for the creation of three lots on 2.49 acres. The property is located within the Sombrillo area, in Section 7, Township 20 North, Range 9 East**

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the property is located within the Basin Hydrologic Zone. Minimum lot size is 2 1/2 acres per dwelling unit with water restrictions on .25 acre-foot per year. A 1.25-acre lot would be allowed for a family transfer. However, the applicants did not have enough acreage to create three 1.25-acre tracts. The applicants own 2.49 acres. The applicants would like to divide the 2.49 acres into two 3/4-acre lots and one 1-acre lot. They claim the three children cannot afford to buy land in Santa Fe County to build their homes and consider this a hardship.

The recommendation: The decision of the CDRC was to recommend the approval of the variance request to create three lots on 2.49 acres.

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

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[Duly sworn, Inez Garcia testified as follows:]

INEZ GARCIA: Mr. Chairman and Commissioners, I am Inez Garcia from Route 1, Box 145-A, Santa Fe, New Mexico. I want to see if I can split this land between my three kids and it's 2.49. And one of them is living there already and I want to have the other 3/4 acre for two of them and an acre for one of them.

CHAIRMAN TRUJILLO: Do we have any questions of Ms. Garcia? Does anyone in the audience want to address the audience for or against? What is the desire of the Commission?

Commissioner Grifñé moved to approve CDRC Case #V 98-5250 and his motion was seconded by Commissioner Gonzales. The motion carried unanimously.

- X. D. 8. CDRC CASE # SUB 96-5191. Prairie Hills Subdivision, Phases II and III. First Mark Homes, applicant, requests preliminary and final development plan and plat approval for Phases II, and III (35 lots). The property is located off of County Road 7 within the traditional community of Edgewood, in Section 34, Township 10 North, Range 7 East

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the BCC at their regularly scheduled meeting of July 9, 1996 granted master plan approval with development plan and plat approval of Phase I of the subdivision. The applicant is now requesting preliminary and final development plan and plat approval of Phase II and III, totally 35 lots.

The recommendation: The decision of the CDRC was to recommend preliminary and final development plan and plat approval of Phases II and III of this subdivision, subject to the following eight conditions:

[The conditions are as follows:]

1. Submit an engineer's cost estimate with financial surety for all required improvements. Include schedule of compliance projecting time period for completion of improvements. Upon completion, submit a certification by a registered engineer that improvements have been completed according to the approved plans.
2. Applicant comply with all County Subdivision Engineer's redline comments and conditions.
3. Final placement of fire hydrants shall be coordinated and approved by the Santa Fe County Fire Department prior to installation.
4. The applicant install an additional approved hydrant at the intersection of Santa Fe County Road 7 and Echo Ridge Road at the entrance to Phase III.
5. The applicant is to demonstrate that all buildable sites on the property must be located

- in an area of 15 percent or less slopes for phases two and three.
6. All off-site water supply improvements must be bonded for and to be reviewed and approved by the County Subdivision Engineer.
 7. Prior to the case being presented to the BCC, the applicant must provide a letter from the County Public Works Department and the State Highway Department regarding off-site approvals on I-40 and 344.
 8. Prior to final recordation of phases two and three, a disclosure statement in conformance with the State Engineer Office be submitted and approved.

And I've also handed out an additional condition which reads:

9. The applicant shall participate in the design and required improvements to the intersection of State Road 344/State Road 333/County Road 7 on a fair share basis as determined by the State Highway Department. the developer will sign an affidavit agreeing to enter into a development agreement with the County to ensure this condition is met, with an option for the applicant to be allowed to come back to the BCC for an amendment to this condition in the event an equitable agreement cannot be made by and between the parties involved.

COMMISSIONER ANAYA: Mr. Chairman, has the applicant been made aware of the ninth condition?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Anaya, we've been working with the applicant during the evening to come up to an agreement to condition number 9.

COMMISSIONER ANAYA: Thank you.

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

[Duly sworn, Patrick McGavig testified as follows:]

PATRICK J. MCGAVIG: My name is Patrick J. McGavig, 9701 Leyton Avenue, NE, Albuquerque. I'm agreeing to number nine, as far as participating in the improvements of the intersection at a future date, if and when we even know that's going to be proved. That's all conditioned upon Smith's supermarket. My only concern is, when I come up here, I do a lot of off-site improvements in that area, water improvements, County road improvements, things like that. Now I'm in my second go with two and three. I have no problem with participating in fair share bases to improve the community. I would hope that the County would maybe look at, what is it? An impact fee situation so maybe we could get more people involved that are developing and doing other things in the area to participate in these costs. Because I seem to bear a large brunt of them at this point. That's all I wanted to say. Plus, I understand the Land Use Department is short-staffed so to implement something like that would be, what's the word, non-feasible, probably at this time.

CHAIRMAN TRUJILLO: This condition is applied evenly, consistently, whenever a development comes forth?

MS. GUERRERORTIZ: Mr. Chairman, when a project comes forward, the State Highway Department does reviews of the project impacts and determines how any negative impact should be mitigated and the costs associated with that and those details get worked out. In this case, the traffic impact analysis hasn't been prepared to figure out exactly what would be necessary, and it's also going to be greatly impacted, the same intersection, by Smith's. So we thought that more fair-sharing of potential cost should be shared by the developers in the area.

CHAIRMAN TRUJILLO: And that's going to happen across the board?

MS. GUERRERORTIZ: Well, sir, I do believe that -- I have discussed this with the applicant. And his point was more along the lines, I think that when a developer actually constructs, that's when he has an impact on the community and the roads. And we don't collect impact fees for roads in general. As we all know, our roads are being tested every day and there's certainly need for improvement. So I think there's some desire by some developers that to more fairly share the cost of necessary road improvements, maybe an impact fee should be warranted and it should be applied fairly across the board, rather than when it's normally applied which is the larger developers, the bigger projects.

CHAIRMAN TRUJILLO: Thank you. Any other questions? Anybody from the audience wants to speak for or against this project? What is the desire of the Commission?

Commissioner Anaya moved to approve CDRC Case #SUB 96-5191 subject to all the conditions imposed by staff, including condition 9. Commissioner Duran seconded his motion which passed unanimously. [Commissioner Gonzales was not present for this motion.]

- X. D. 10. CDRC CASE #Z 98-5270. Vistas de los Pueblos Bed and Breakfast. Bernadino and Mabel Romero, applicants, S.E. Inc., agent, request master plan zoning with preliminary and final development plan approval for a three-bedroom bed and breakfast. The property is located within the traditional community of Cuyumungue, off County Road 89E, within Section 20, Township 19 North, Range 8 East**

MR. ABEYTA: Thank you, Mr. Chairman, Commissioners. The applicant is requesting master plan and development plan approval for a three-bedroom bed and breakfast on 3/4 of an acre. The applicant proposes that the bed and breakfast will be open every day of the week. The application was reviewed for access, water, liquid and solid waste, fire protection, terrain management, landscaping, signage and lighting.

Required action: The BCC should review the attached material and consider the

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recommendation of staff, take action to approve, deny, approve with conditions or modifications, or table for further analysis of this request.

It is staff's position that this application is in accordance with Article III, Section 4.4 of the County Land Development Code. On July 30, the CDRC recommended master plan zoning with preliminary and final development plan approval, subject to conditions one through eleven as listed in the staff report. Mr. Chairman, I would like those entered into the record as written.

[The conditions are as follows:]

1. Water use on this property will be restricted to .50 acre-feet per year. Water restriction covenants must be recorded with the master plan.
2. The applicant will send annual well meter readings to the State Engineer's Office and the County Hydrologist. (Jan. 1)
3. The master plan will be recorded with the County Clerk.
4. The applicant must obtain permission from the adjoining property owner for the placement of the directional sign.
5. The applicants will call for a final fire inspection by the Fire Marshal prior to the issuance of a business license.
6. All proposed improvements will be in place prior to the issuance of a business license.
7. The restaurant will be for bed and breakfast overnight guests only.
8. The applicant must comply with the New Mexico Food Service and Food Processing Regulations, to be approved by the Environment Department.
9. All solid waste must be transported weekly to a state-approved landfill.
10. All redline comments received by the County Subdivision Engineer must be addressed prior to recording the master plan.
11. Only three bedrooms will be used for overnight occupancy.

CHAIRMAN TRUJILLO: Thank you. Any questions of Roman? Is the applicant here?

[Duly sworn, Dan Esquibel testified as follows:]

DAN ESQUIBEL: My name is Dan Esquibel, 1106-rear Calle Florenda.

COMMISSIONER DURAN: Mr. Chairman, Mr. Esquibel, can you tell be exactly where it's located?

MR. ESQUIBEL: The property, as you're going into Pojoaque, right at the light, you take a left right at the open air market, and then that road starts veering to the right. Then you take another left and go across the bridge. You take another left and it's about four driveways on the right.

COMMISSIONER DURAN: So it's almost along the river bed there? Big cottonwood trees?

MR. ESQUIBEL: Yes.

COMMISSIONER DURAN: Thank you.

CHAIRMAN TRUJILLO: That's my area. I'd just like to state for the record that the community is in total support of this project and there's unanimous support of the adjacent property owners.

COMMISSIONER DURAN: Mr. Chairman, I just think it's nice to be able to have the public go in there and enjoy that location on a limited basis or as long as they want to stay there. I think it's nice that they're making that area available to the public.

CHAIRMAN TRUJILLO: Anybody from the public that wants to talk? Nobody here?

Commissioner Anaya moved to approve CDRC Case #Z 98-5270 subject to the conditions imposed by staff and his motion was seconded by Commissioner Griñé. The motion carried by unanimous voice vote.

- X. D. 11. EZ Case #S 96-4170. La Vida Subdivision. Jim Siebert, agent for Michael Hurlocker, requests an extension of time to file the final plat of survey for the La Vida Subdivision, a 24-lot residential subdivision on 70.43 acres. The property is located south of Camino La Tierra and east of Camino Las Campanas, within Township 17 North, Range 9 East, Section 19

MR. ABEYTA: Thank you, Mr. Chairman, Commissioners. The final plat and development plan for La Vida was approved on March 11, 1997. Staff recommends that an extension to September 11, 1999 be granted subject to the conditions approved in March.

Commissioner Anaya moved to approve the extension for EZ Case #S 96-4170. Commissioner Griñé seconded the motion, which passed unanimously.

- X. D. 12. EZ Case #S 98-4349. La Miranda Subdivision. Jim Siebert, agent for Michael Hurlocker, requests master plan and preliminary plat and development plan approval for a 50-lot residential subdivision on 78.84 acres. The property is located off La Vida Trail within Section 19, Township 17 North, Range 9 East

MR. ABEYTA: Thank you, Mr. Chairman. I just passed out to the Commission of the revised conditions of approval from the July 28 EZA. In this case, the developer is proposing 50 residential lots on 78.84 acres. The property is located in the

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Basin Hydrologic Zone where the minimum lot size per dwelling is 2 1/2. However, the developer is proposing a density bonus, based on the amount of open space he's providing. In addition to preserving open space and protecting ground water resources, the density bonus option is intended to provide more affordable housing in the EZ district.

The applicant has committed to contribute \$50,000 to the Santa Fe County affordable housing fund. The application was also reviewed for access, water supply, liquid waste, terrain management, fire protection, archaeological and environmental reviews. This application has been reviewed by both the EZC and the EZA. On July 28, the EZA recommended approval subject to the conditions 1-21 as passed out before hearing this case. Also, Mr. Chairman, I'd like them entered into the record as written.

[The conditions are as follows:]

1. Compliance with review comments from the following:
 - a. County Subdivision Engineer
 - b. County Public Works Department
 - c. State Highway Department
 - d. State Environment Department
 - e. County Fire Marshal Office
 - f. Santa Fe County Water Company
2. All subdivision roads must be granted for public use. This must be clearly noted on the final plat. La Vida Trail and the extension of West Wildflower shall be conditionally dedicated to the County.
3. Road names and rural addressing must be approved by the County Public Works Department.
4. The final homeowners' documents and disclosure statement are subject to review and approval by staff, and shall include but not limited to the following:
 - a. the prohibition of guest houses
 - b. drainage flows remain in natural condition
 - c. maintenance of open space/recreational areas
 - d. protection provisions for archaeological easements
 - e. homeowners association responsibility for construction and maintenance of common detention ponds and roads
 - f. maintenance provisions for liquid waste systems
 - g. contract for solid waste disposal by licensed collection service
5. The development plan must be amended to add three additional hydrants and relocate one existing hydrant as required by the County Fire Marshal's office.
6. The developer must submit a solid waste fee in accordance with subdivision regulations (\$43.00) per lot.
7. All lots shall be subject to standard County water use restrictions of 0.25 acre-feet per year per lot, low flow fixtures, no swimming pools, limited non-native vegetation, etc.

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8. Disclosure statements shall be in current County approved format.
9. Size, height, and type of subdivision signs shall be approved by staff.
10. Eighteen months from the issuance of the 30th building permit in the Los Sueños, La Serena, Sonrisa, La Vida, La Mirada, and Quatro Diez subdivisions, and Buckner land division, the applicant is required to satisfy any one of the two following requirements:
 - a. Establish an access road to the east or west, constructed as two 12-foot driving lanes with 2" of compacted basecourse and apportionment drainage structures, in cooperation and reasonable apportionment of costs with landowners receiving benefit from such roadway.
 - b. Construct West Wildflower from La Vida Trail in the La Mirada Subdivision to Wildflower Court in La Mirada to a standard of two 12-foot driving lanes with 6" of compacted basecourse and appropriate drainage structures, and West Wildflower from Wildflower Court to the northern boundary of the Love Estate parcel to the same standards as in number 10.a above.
11. A financial guarantee acceptable to the County shall be posted for the purpose of constructing the road noted in 10.a above at the time of final plat recordation, or at the applicant's option, a development agreement shall be executed at the time of final plat recordation, to ensure either 10.a or 10.b above is accomplished.
12. Shared driveways shall be constructed by developer to common access roadway standards.
13. These lots are subject to Santa Fe County Fire and Rescue impact fees. This shall be noted on the plat.
14. The water line road along the northern boundary of the subdivision must be revegetated.
15. The developer must construct a pedestrian trail throughout and across the subdivision to connect with the proposed open space in Frijoles Village.
16. Submit with final plat application an agreement with Frijoles Venture to construct a crossing of La Vida Trail for pedestrian and equestrian use. Equal cost share is recommended. Failure to provide such agreement shall result in a realignment of La Vida Trail to not bisect the large open space proposed in the Frijoles Village master plan.
17. Prior to recordation of the final plat, the applicant must obtain a wate service boundary extension from the City of Santa Fe.
18. A development agreement establishing a payment schedule for affordable housing of \$25,000 to be paid 24 months after the recordation of the plat and \$25,000 after 36 months, shall be executed prior to filing the final plat.
19. Submit off-site wastewater line engineering plans with final plat application. All necessary off-site easement and executed contract for wastewater service shall be required prior to recordation.

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CHAIRMAN TRUJILLO: Isn't Richard Cook looking at something like that?

COMMISSIONER DURAN: He is, and the problem with that is that, well, there are a lot of problems with that. But he is thinking of resubmitting that. There is a real need. There's seventy people out there right now that are going to be displaced and they have older mobile homes and there's no place for them to go. And I think there's a way that you could mix the older homes with the newer homes so that it's not just one big older home area. Thank you for your time.

ADJOURNMENT

Having completed the agenda and with no further business to come before the Board, Chairman Trujillo declared this meeting adjourned at approximately 9:40 p.m.

Approved by:

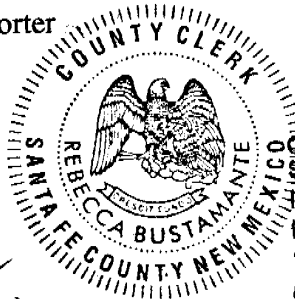
Marcos Trujillo
Board of County Commissioners
Marcos Trujillo, Chairman

Respectfully submitted:

Karen Farrell
Karen Farrell, Commission Reporter

ATTEST TO:

Rebecca Bustamante
REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1040.251)SS
COUNTY OF SANTA FE)
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 9 day of Sept. A.D.
19 98 , at 2:51 o'clock P.m.
and was duly recorded in book 1538
page 396 of the records of
Santa Fe County.

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

Marcos Trujillo
Deputy