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BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

REGULAR MEETING

SEPTEMBER 14, 1999

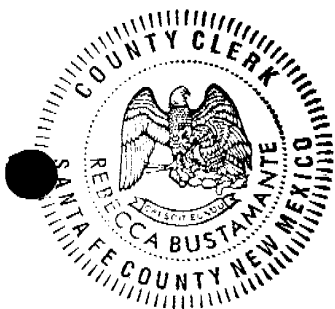
**Paul Duran, Chairman
Richard Anaya, Commissioner
Joe Griñé, Commissioner
Marcos Trujillo, Commissioner**

Javier Gonzales, Commissioner [excused]

COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO 1093) 711
I hereby certify that this instrument was filed
for record on the 15 day of Oct A.D.
19 99, at 11:11 o'clock a m
and was duly recorded in book 1697,
page 369 - 478 of the records of
Santa Fe County.

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

Veronica Clayton
Deputy



SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

September 14, 1999

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:45 p.m. by Chairman Joe Griñé in the Santa Fe County Commission Chambers.

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

Members Present

Commissioner Paul Duran, Chairman
Commissioner Joe Griñé
Commissioner Richard Anaya
Commissioner Marcos Trujillo

Members Absent

Commissioner Javier Gonzales

IV. INVOCATION

Ralph Jaramillo from the Santa Fe County Assessor's Office gave the invocation. In addition, he gave the following report:

RALPH JARAMILLO: Chairman Griñé, Board of County Commissioners, good afternoon. Commissioner Duran, at your request, I have prepared the following biographic information regarding your fellow County Commissioner, Mr. Rudy Rodriguez, Sr. If I may at this time, we would like here to honor the former Commissioner. Rudy Rodriguez, Sr., a former Santa Fe County Commissioner between 1968 and 1972 was involved in an accident last week. Many of you have heard about it in the news.

Mr. Rodriguez served Santa Fe County on the Board of County Commissioners in 1968 through 1972. He had successfully attained two consecutive two-year terms, whereas today, elected officials serve four-year terms. Commission Rodriguez at that time was responsible for the fiscal department. He was responsible for the management of money.

As his son Rudy, Jr. said during an interview yesterday and I quote, "He watched the purse." He wanted everything done right according to the book. A man who has always been outspoken about his faith, and it is his faith and prayers of his family and friends like us here today that is going to carry him and his family through this trial.

Mr. Rodriguez, Sr. today is in intensive care and ICU in stable condition, sedated all the time, extremely bruised and he is in a lot of pain. Commissioners, this goes to show you that you can't keep a good Commissioner down. The Rodriguez family at this time want to thank you for your concern, compassion, love and prayers for Mr. Rodriguez.

V. APPROVAL OF AGENDA

DENICE BROWN (County Attorney): Mr. Chairman, Commissioners, there are two amendments. The top of the second page of your agenda, item VII. F. 1.b was added, Discussion of pending or threatened litigation with San Ildefonso Pueblo, that will be discussed in Executive session. Also on page two, item VIII, Public Hearings, items B. and C. will now be D. and E. and items D. and E. will be moved to B. and C., so we're flipping those pairs of items.

COMMISSIONER TRUJILLO: What was that again, Denice?

MS. BROWN: Under Public Hearings, VIII at the top of page two, B. and C. will now be D. and E. and D. and E. will be B. and C. Those are the amendments. Tabled and withdrawn items, Mr. Chairman, for clarification, item a. under Executive session is not tabled, so that will go forward. And on page 2 of your agenda, items VIII F. 1 and 2 are both tabled. That's CDRC Case #MIS 99-5321, and Resolution No. 1999-___. Both of those items are tabled.

On page 4 of your agenda, item VIII. F. 12 has been withdrawn. That is CDRC Case #Z 99-5080, the Kaltenbach Storage units, is withdrawn. And those are the amendments and tablings, Mr. Chairman.

CHAIRMAN GRINÉ: Thank you, Denice. Also, Paul, according to Commissioner Gonzales, you wanted at his request to table also VII. E. items one and two, is that correct?

COMMISSIONER DURAN: I thought that -- I talked to Commissioner Gonzales about it and I think what we're trying to do today is just have some discussion about it but not make any changes until the next meeting. But I'll go with the -- if you all would like to just go ahead and wait to the next meeting to discuss it as an entire body, I don't mind that.

COMMISSIONER ANAYA: Mr. Chairman, my understanding of this is this is just a proposal to go to publication for further hearing. Is that correct, Denice?

MS. BROWN: That's correct, Mr. Chairman, Commissioner Anaya. What we could do on each of those items today is discuss them and then you would decide whether

or not you want to give direction to staff to move forward with actual amendments to the Land Use Code. So the next step would be to come back to you and request permission to publish title and general summary. That would be the next land use meeting and then we would continue like we normally do with ordinance amendments.

COMMISSIONER ANAYA: I have no problems with that, Mr. Chairman.
I think we can --

CHAIRMAN GRINÉ: Also, Commissioner Anaya, staff brought it to my attention that the wording for noticing here today is not correct because on number two, it's not even supposed to be Article II, it's supposed to be Article VII, I believe. That's what they informed me. So I don't even know if we should be discussing them today. I would like to just table and wait until the following month when Commissioner Gonzales is here.

COMMISSIONER DURAN: What was that? They're wrong, the sections?

CHAIRMAN GRINÉ: The way I was informed it was supposed to be Article VII, I believe.

COMMISSIONER DURAN: Well, is Land Use here? Can someone address that?

CHAIRMAN GRINÉ: Instead of going forward, I would just like to table them.

COMMISSIONER TRUJILLO: Mr. Chairman, but Denise, does that preclude going for a public hearing? If we noticed it wrong, or even if it wasn't on the agenda, could we go to public hearing on this issue? That's basically what Commissioner Anaya is talking about.

COMMISSIONER ANAYA: That's correct.

COMMISSIONER TRUJILLO: To send it to public hearing to discuss it in a open forum.

MS. BROWN: Mr. Chairmn, Commissioner Trujillo, youre correct. You could discuss it today. As long as you don't take action on it it can be discussed today and then you could decide whether or not you want to give direction to staff to move forward with an ordinance amendment. Whether it's Article II, Article VII, whatever it's supposed to be, or any other section of the Code, it still would be allowed to be discussed today but no formal vote would be taken.

COMMISSIONER DURAN: I'd like to move that we keep it on the agenda then.

CHAIRMAN GRINÉ: That's fine.

COMMISSIONER ANAYA: I'll second. To continue furthering what I was suggesting is we don't even need to discuss it. It's just to give approval to send if forth for publication and then we'll be wide open for discussion. There's no real sense to really discuss it at this point if it's going to publication for public hearing. It's just moving forward with one additional step. Is that fair?

CHAIRMAN GRINÉ: Also, this is my request is that we also would like to

table, because like I tell you, I haven't had a real chance to find out what are the amendments and that's VII letter b number one, the discussion on Eldorado Utility. I would still like to table that because I still think that all the things that have been taking place through the course of the year with the drought and all that, I don't think at this point it can be the correct time to have some discussion concerning amending the ordinance on the Eldorado moratorium. I don't know whether the rest of the Commissioners will support me on that.

COMMISSIONER ANAYA: Actually, Mr. Chairman, I have no problems either way, tabling and moving forward.

COMMISSIONER DURAN: Which item are you talking about?

CHAIRMAN GRINÉ: It's under Land Use Department, the discussion of Eldorado Utility for proposed amendments to the ordinance. Item VII. B. 1.

COMMISSIONER ANAYA: Can we deal with one issue at a time, Mr. Chairman, and let's resolve the Matters of the Commission and the swimming pool issue? I have no problems either way, tabling or sending it on to publication without any discussion.

CHAIRMAN GRINÉ: I know, I'm talking about this one.

COMMISSIONER ANAYA: I know, but we haven't resolved this one yet.

CHAIRMAN GRINÉ: Those are staying on the agenda.

COMMISSIONER ANAYA: They're staying? Either way.

CHAIRMAN GRINÉ: So can I have that item tabled, concerning the Eldorado Utility proposed amendments?

COMMISSIONER ANAYA: Mr. Chairman, I'll move for table as you requested.

COMMISSIONER DURAN: Seconded.

CHAIRMAN GRINÉ: Okay, I have a motion by Commissioner Anaya to table it and a second by Commissioner Duran. All those in favor, signify by saying "aye."
[Unanimous]

Thank you. Do I have a motion to approve the agenda as amended?

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

VI. APPROVAL OF THE MINUTES: August 10, 1999

CHAIRMAN GRINÉ: Are there any amendments or changes to the minutes?

Commissioner Trujillo moved to approve the minutes of the August 10, 1999 minutes as submitted. Commissioner Duran seconded and the motion passed by unanimous

voice vote.

August 24, 1999

Commissioner Duran moved to approve the minutes of the August 24, 1999 meeting as presented. Commissioner Trujillo seconded and the motion passed by unanimous voice vote.

VII. STAFF AND ELECTED OFFICIALS

A. PUBLIC WORKS DEPARTMENT

- 1. Request authorization to enter into a construction agreement with J.R. Hale Corporation for the County Road 64L (Richards Avenue) repaving project [Agreement attached as Exhibit 1]**

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, Commissioners, the County Public Works Department seeks to hire a contractor for construction services to repave approximately two miles of County Road 64L, which is also known as Richards Avenue. Invitations for Bids, 20-11 were received on August 25, 1999, with J. R. Hale Corporation being the only responsive bidder. Public Works Department and Purchasing Section request authorization to award a contract and response to invitation for bids, 20-11 to J. R. Hale Corporation for the construction of the County Road 64L Richards Avenue repaving project in the amount of \$247,883.29.

CHAIRMAN GRINÉ: Thank you, Robert. Any questions of Robert?

Commissioner Trujillo moved to approve awarding IFB 20-11 to J. R. Hale Corporation. Commissioner Anaya seconded and the motion passed by unanimous voice vote.

CHAIRMAN GRINÉ: Robert, were these funds that were appropriated by the state legislature?

MR. MARTINEZ: Some were funded by the legislature and some were a cost-sharing agreement by Ron Trujillo.

CHAIRMAN GRINÉ: Okay, thank you.

COMMISSIONER DURAN: Mr. Chairman, Robert, since we're here with Public Works and rather than have you come up, would it be okay if I asked him one question about Fin del Sendero?

CHAIRMAN GRINÉ: That's fine. Go ahead.

COMMISSIONER DURAN: Robert, could you give me an update on that? I know that the bids were out. So could you give me an update, please?

MR. MARTINEZ: That is scheduled to be awarded at the September 28 BCC meeting.

COMMISSIONER DURAN: And will that give us plenty of time to start the paving before winter gets here?

MR. MARTINEZ: The project is roughly about 30 to 45 days. We should be able to get it done in time.

COMMISSIONER DURAN: What's the date that we try to get our paving completed by?

MR. MARTINEZ: Well, it depends on the weather. I believe we need a temperature of 50 degrees and rising in order to pave.

COMMISSIONER DURAN: And you think that that might happen when?

MR. MARTINEZ: After it's awarded the 28th, we will issue a notice to proceed. Roughly I believe around ten days and they will proceed at that time. So that would put us the middle of October, early part of November it should be completed.

COMMISSIONER DURAN: And the process is to bring it up to -- you have to gravel it first, right? Basecourse and get it up to a level where you can pave it?

MR. MARTINEZ: Mr. Chairman, Commissioner Duran, that is true.

COMMISSIONER DURAN: Okay. So you anticipate that the work would be completed by --

MR. MARTINEZ: Mid-November, mid to late November.

COMMISSIONER TRUJILLO: Mr. Chairman, I also want some status on some projects. Where's the design at at Cañada Ancha in Chimayo?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, I believe we're still doing some surveying prior to being able to design the project.

COMMISSIONER TRUJILLO: So when do you anticipate, is the paving for that road going to happen this year or not until next spring?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, more than likely that would be constructed next spring.

COMMISSIONER TRUJILLO: How about Camino Los Montoyas? I understand there were some improvements that were started in July, August time period? Have those been completed?

MR. MARTINEZ: What we did was some right-of-way mapping. We are presently going out to bid on County Road 72 and County Road 85 Camino de los Montoyas for construction this month for construction services.

COMMISSIONER TRUJILLO: What is the extent of the project?

MR. MARTINEZ: I believe it is paving from Tano to the city limits.

COMMISSIONER TRUJILLO: Do we have -- I know there's a gap there that the City owns. Are we working with the City to give impetus to improving that area? I know that the community has requested that we initiate that dialogue and I tried with the counselors and I talked to the County Manager. Is there any possibility that we'll improve

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that section?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, I'm not sure what correspondence Larry Velasquez has had with the City prior to him leaving but I'm not aware of any. I don't know what their financial constraints are and what they have in their budget to improve Montoyas but we can always explore it.

COMMISSIONER TRUJILLO: Can we explore it please?

MR. MARTINEZ: Yes, sir.

CHAIRMAN GRIÑÉ: Thank you, Commissioner Trujillo. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. Since it's Public Works now and this would have come up under Matters from the Commission anyway, but representatives of some of my constituents along La Barberia Road have approached me and they're coordinating an effort up there to improve La Barberia Road and along with that they would become contributors into the proposal and the project so I just guess I just want to put you on alert that you'll be approached to that. I think we could probably approach it like we did Fin del Sendero Road, but they're willing to become contributors, and the ratio or something to that effect would be dependent of course on our budgetary constraints. Just as a point of awareness to you, Robert, that they will be approaching you.

MR. MARTINEZ: Mr. Chairman, Commissioner Anaya, are they within the .9 mile that we currently maintain on La Barberia?

COMMISSIONER ANAYA: I'm not sure. I haven't gone into those specifics, but anyway, it wouldn't hurt to lend an ear there. I would appreciate that.

MR. MARTINEZ: Right. Mr. Chairman, Commissioner Anaya, at the end of La Barberia at 1.4 miles there is an individual that is improving La Barberia from the .9 mile up to 1.4 miles and they will be coming to you to the Commission for acceptance.

COMMISSIONER ANAYA: Okay. Thank you. Thank you, Mr. Chairman.

COMMISSIONER DURAN: Mr. Chairman, one last one since you up there. The San Isidro Crossing, can you give me an update on that?

MR. MARTINEZ: Mr. Chairman, Commissioner Duran, today we delivered the title policies to the Corps of Engineers so we can verify real estate certification. The Corps of Engineers has done is they have suspended the project until we can construct the sewer line. It is imperative that we construct the sewer line prior to them doing any construction. We are currently -- we currently received the redlines back from the City of Santa Fe on the design of the sewer line. We are going to make those changes and we should put that project out to bid in about a month.

COMMISSIONER DURAN: So we met the Corps deadline? We're funded by the Corps at this point?

MR. MARTINEZ: Mr. Chairman, Commissioner Duran, I believe that my discussion with the Corps is that only \$40,000 of this year's budget has been spent. All of the remainder is budgeted for the year 2000, so we are fine.

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COMMISSIONER DURAN: Oh, great. Thank you very much. Thank you, Mr. Chairman.

CHAIRMAN GRINÉ: I'd also like to recognize one of our fellow Commissioners from Sandoval County. Please stand Joe, so we can recognize you. Joe Lange.

VII. C. MATTERS FROM THE COUNTY MANAGER

MR. MONTROYA: No matters for today's discussion, Mr. Chairman.

VII. D. MATTERS OF PUBLIC CONCERN - NON-ACTION ITEMS

[None were presented at this point. See page 49]

VII. E. MATTERS FROM THE COMMISSION

**1. Request authorization to amend the Land Development Code
Section 6.6.2g "Swimming pools"**

COMMISSIONER DURAN: Mr. Chairman, since I had sponsored this discussion, this is just a brief introduction to it and then maybe we could just move on giving staff instruction to publish for public input or public hearing. But the bottom line is at some point in time, I don't have the date. Maybe Jack can help me with this, but there was an ordinance passed that prevented -- that restricted swimming pools from being constructed on lots created after a certain date and those lots that were created prior to that date had the ability to have a swimming pool if they could prove that the water usage was well within their allocation.

So what I would like to do is have this issue brought forward for some discussion because it seems to me that if someone has half an acre-foot of water right allocated to their lot that they should have the ability to come forward with a water budget showing us that the swimming pool would not impact that water usage over and above what their allocation is. And that's the gist of it.

COMMISSIONER ANAYA: Mr. Chairman, I think then we can still move forward with that without any further discussion of that now without any further discussion and send it forward to publication and to a full public hearing. So if I'm in order, Mr. Chairman, I will move approval for publication.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN GRINÉ: Okay, I got a motion made by Commissioner Anaya

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and seconded by Commissioner Trujillo. Any further discussion? If not, all those in favor, signify by saying "aye." [Unanimous] The ayes have it.

VII. E. 2. Request authorization to amend Article VII, Sections G, H and K to the Declaration of Covenants of Water form

COMMISSIONER DURAN: Mr. Chairman, since I was sponsoring that also I'd like to just kind of give you an idea of what, why I brought it up for some discussion. I don't see it here in the packet but there are some covenants that landowners need to agree to when they do a lot split or a subdivision and that is they're required to have, for instance, agree to have only one dishwasher and water conserving devices. And I would just like for the Board to allow some public comment and some further discussion on those restrictive covenants after all of us have had some time to review them.

CHAIRMAN GRINÉ: Okay, thank you. Do we have a motion to go forward as we did with number 1.

COMMISSIONER DURAN: I'll make that motion.

COMMISSIONER ANAYA: Second, Mr. Chairman.

CHAIRMAN GRINÉ: Okay, I got a motion and a second. Any further discussion? If not, all those in favor signify by saying "aye." [Unanimous] The ayes have it.

COMMISSIONER DURAN: So Mr. Chairman, the clarification is that staff has the direction to publish --

CHAIRMAN GRINÉ: For notice to bring it up for public hearing next month.

COMMISSIONER DURAN: Thank you very much.

CHAIRMAN GRINÉ: Can we go on to Public Hearings, Denise, before we go on to Executive session? Is that okay?

MS. BROWN: Mr. Chairman, that's fine with me.

CHAIRMAN GRINÉ: Is that okay with the Commissioners?

COMMISSIONER DURAN: I make that motion.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN GRINÉ: Okay, I've got a motion and a second. All in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

Okay, we'll jump Executive session and bring it towards the end before Land Use Department items.

VII. PUBLIC HEARINGS

A. Request selection of a Community Development Block Grant application

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DAVID MADRID (CIP Manager): Mr. Chairman, the Santa Fe County Board of County Commissioners has had the required number of public hearings. You've heard from a number of very worthy applicants and at this time I would request that you select the candidate for the Santa Fe County Community Development Block Grant application for the fiscal year 2000.

COMMISSIONER TRUJILLO: Mr. Chairman, can you go over the list of applicants, please?

MR. MADRID: Certainly, Mr. Chairman, Commissioner Trujillo. The first one to make a presentation was the Santa Fe Youth and Family Center Consortium. And they are looking for funds for a teen center. I believe Commissioner Duran has spoken with these people extensively and they would like to essentially build a teen center out in the Agua Fria community park and I'll be making a presentation on that at the end of this month.

COMMISSIONER DURAN: Well, just for your information, I heard from several of the people that we have been working with and they were trying to get the YMCA, the Children's Museum and other organizations to work with them so that the teen facility would be an all-purpose facility. And I think that they've determined that it's too far out. They don't have the services for the public transportation and there's a lot of concerns that they have so I think they're trying to focus on another location closer in that might get more use. So I'm not sure that we need to go much more on this, but I'll let you know.

MR. MADRID: Thank you, Mr. Chairman, Commissioner.

COMMISSIONER TRUJILLO: Mr. Chairman, Commissioner Duran, if I understand correctly then this project is not timely at this time?

COMMISSIONER DURAN: That's my assessment.

COMMISSIONER TRUJILLO: So not to consider it?

COMMISSIONER DURAN: Well, I hate to be the one to say not to consider it, but it doesn't seem to me, when we go through all of them, it seems to me that they're too far out to commit this money this year.

COMMISSIONER ANAYA: There's always next year.

MR. MADRID: Mr. Chairman, the next one that made a presentation for you and would like your consideration for the application is the Edgewood Public Library and they've already got \$75,000 in funds for this project and they would like you to consider supporting them for a Community Development Block Grant application.

The next project under consideration is the Santa Fe County Alcohol Detoxification and Treatment Center, and that's an internal project that the County has with \$600,000 currently available for this project. The land is available and we already have an architect under contract designing this project.

The last project under consideration is the Youth Shelters and Family Services and that's a transitional living program for homeless youths and pregnant teenagers. And they've also received \$75,000 from the New Mexico legislature towards this project. Those are all

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of the projects this year for consideration.

CHAIRMAN GRINÉ: Okay, David, thank you. So what are the wishes of the Commission?

COMMISSIONER ANAYA: Mr. Chairman, they're all excellent causes and it's always such a burden on us to make such a tough decision on these particular requests but the way I see it, we need to go in the direction that will benefit the community more as a whole right now as far as dispersing these types of money. Mr. Chairman, I'd like to move the effort forward for the detox center.

CHAIRMAN GRINÉ: Okay, I've got a motion made by Commissioner Anaya for the detox center. Do I have a second?

COMMISSIONER TRUJILLO: Second.

CHAIRMAN GRINÉ: Second by Commissioner Trujillo. Is there any further discussion?

COMMISSIONER DURAN: Mr. Chairman, I've kept on top of the issues concerning the detox center and the only concern I have about granting the money to this facility is that it really doesn't take care of as many children as we need to take care of. The only way you get to take advantage of this detox center is if you've been busted for drinking, DWI, or if you've actually been arrested. And what happens is that that individual then gets placed in the detox facility -- correct me if I'm wrong -- and they go in there with other -- they go in there with criminals. Is that --

MR. MADRID: Mr. Chairman, Commissioner Duran, that was the original intent of the detoxification center when we were working with the City on this project. The County has changed directions on this and it will be more of a treatment center. Berron Briscoe is working on this and correct me if I'm wrong, Berron, but we are looking at not just serving adults in this facility, it will be a treatment program. And teenage drinking is I think as much of a problem as adults drinking. It's not what you may be considering as a drunk tank. This is more of a treatment facility. Berron, if you wouldn't mind.

COMMISSIONER DURAN: The other thing is that there are a lot of mental health concerns that the community has. There are children out there that aren't involved with alcohol. They just have some mental health problems. When we had talked about this detox center with the City, we had talked about addressing those needs. And now, I'm not sure that we're doing that and if we don't -- and I understand the need for having the detox center, but if we don't end up dealing with all of the problems our community is faced with relative to substance abuse, then I would like for us to consider really putting some priority on it in the next fiscal year, the next time we have a CDB grant to consider.

The homeless facility was one that I think really had -- they needed some money. What I'm really trying to do is get to the teens in our community and help them and help them before they get arrested and thrown into jail or custody.

BERRON BRISCOE (Policy Analyst): Commissioner Duran, I would agree with your assessment and your first comment as far as the people that we're focusing on

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treating would primarily be people that had had an encounter with the law. I would agree with your assessment that what we're doing is kind of a drop in the bucket as far as the total need. But due to the budgetary constraints, we're biting off what we think we can handle fiscally as far as the operations of the facility.

And then the facility is going to be designed to allow for expansion to address further needs. So I don't know if that clarifies it.

COMMISSIONER DURAN: So we could, at a later date, if we developed an outreach program or another program that we could go out and get for kids that haven't been arrested, that this facility might have expansion possibilities to do that?

MR. BRISCOE: Yes, that's true, and that could be part of the DWI prevention fund that they're utilizing already, they're doing some of those things, and this could be -- it's going to be designed so there will be the ability to do outpatient counseling there as well, so they could come and get services of that type.

CHAIRMAN GRINÉ: Hey, Berron, you might also mention that this is also to alleviate a budgetary situation concerning the jail population. The cost that we're paying now and the cost savings we're going to have. Do you want to explain that?

MR. BRISCOE: Yes, I guess to elaborate on that point, there's roughly 20% of the people that are in our jail at any one time are there for a DWI offense and those people spend at least 30 days in jail anyway. Typically, what we find is that they are repeat offenders and keep coming back through a revolving door. What we're trying to do is by putting them through this treatment program for 28 days, and it's actually going to encompass a year-long program, but by doing this we hope to lower the recidivism rate and therefore reduce the revolving door effect that will help us get in front of the power curve, so to speak.

We're using funds that we're already spending on housing these people already at the jail, but they're going to be supplemented with additional funds for treatment.

COMMISSIONER TRUJILLO: Mr. Chairman, I agree with what Commissioner Duran is saying, that we need to look at the root cause of the problem and the way to address that is to start at the earliest stages of abuse. And a teen center would do exactly that. I appreciate that the Commission approved the CDBG monies last year for a teen center in northern Santa Fe County and I feel and I agree that the only way to address that root cause is to start at that level. So if next year we can go forth with something in the area of the teen population.

MR. MADRID: Mr. Chairman, I'd just like to mention that we also have the infrastructure capital improvement plan that the County is in the process of generating, so the teen center and the Youth Shelter and Family Services are not forgotten. Those are going in to our ICIP plan, and we're requesting funds through a different venue. We also encourage them to seek different funding sources. These projects are not forgotten. They're in our capital improvements plan. The Community Development Block Grant is only one funding source. So we are looking at these problems and I do appreciate all of your

concerns regarding the teens.

We just put a quarter of a million dollars into the Agua Fria community park and that's going to good use. That was something that there was very little there before that. We have 70 acres of land out there. I look to the Commissioners to come up with ideas as well for dealing with these things. We have the land available. We need your input as well as the community's and I hope that you'll reach out to your constituents and come to us with ideas that we can develop.

COMMISSIONER ANAYA: Mr. Chairman, another thing that I like about this particular proposal going forward is that it's a supplement to something that's already been said in direction or into potential right now. But I can also see a lot of potential in tying this particular effort into the teen type of a situation and I can see the potential existing there with other grant money coming down the line if we can do some good planning and some good coordinating effort as to particularly the teen problems and necessities out there in the community.

Mr. Chairman, I think this is a good move forward.

CHAIRMAN GRIÑÉ: Any further discussion? Thank you, David, and thank you Berron. I got a motion made by Commissioner Anaya to go forward with the detox center and second by Commissioner Trujillo. Any further discussion? All those in favor signify by saying "aye." [Unanimous] Ayes have it.

VIII. B. Resolution 1999-119: A Resolution adopting the Santa Fe County Growth Management Plan Part III: Appendices: Studies and Research; and final amendments to Part II, the Planning Districts

MR. KOLKMEYER: Thank you, Mr. Chairman, Commissioners, congratulations, Commissioner Griñé, on being the chairman. I look forward on working with you here.

The purpose of this presentation today, which should be our final one on the County Growth Management General Plan is to provide the Board of County Commissioners and the general public with copies of the Santa Fe County Growth Management Plan Part III, which are the appendices, studies and research including copies of all background studies utilized in the preparation of the Santa Fe County Growth Management Plan. And these studies and reports go all the way back to when we started this process in 1992. This information includes rationale for county plan update, Santa Fe County public opinion poll on growth and development issues, analysis of community values and needs, Santa Fe County open space inventory, Santa Fe County water resources inventory, Santa Fe County population and housing study, economic development of Santa Fe County, and a visual resources inventory as well as other supportive research and studies. In addition, the planning division staff will present final amendments to Part II, the planning districts as adopted by the board at the

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BCC meeting last month on August 10, 1999.

The Santa Fe County land use planning division staff is requesting the approval of the resolution adopting Part 3, appendices, studies, and research of the Santa Fe County Growth Management Plan.

What we are requesting today is to present you with the studies and we're not going to go through all the studies but will indicate what they are and if you have any questions on that work, we'll be happy to answer those. And then to take some time to go through the amendments that were adopted at the last meeting to make sure that we're understanding what transpired with those amendments. It was brought to our attention a little while ago this afternoon that there were some additional amendments that had been submitted to Chairman Griñé and we'd like to seek your direction on what you'd like to do with those since it was our opinion that the meeting on August 10th was the meeting that we were to have entertained all amendments to the general plan; but we're here to hear if there are some points of clarification that need clearing up, if you or anyone from the public wants to bring up those issues.

So, I'd like to begin by directing you to the document entitled Appendices Studies and Research that is in your handout, subtitled working papers. And you'll see a list of 15 documents that we created during the six year that we've been working on the general plan and some of those -- as you know, particularly at this point that it's important to undertake a lot of studies and research and find out what existing conditions are and what trends have been over the period from 1980 which is the date of our initial County General Plan. Some of these documents have become very important in the work that the county has been understanding over the last couple of years. Particularly, as what has been known as the Stephen's Water Resources Inventory Report. That's become a centerpiece for a lot of the discussions that we have in the county now about water. That's number five there. We want to just remind everybody that that was undertaken as part of this county general plan. The same can be said for what is now referred to as the Prior Study, which is John Prior and Associates study done in 1994 of County population and housing and this is particularly important because with the census coming up and the data that we'll get from that we'll really have a terrific base line to understand some of our population changes and housing characteristics in the county. So we think that's a really important part of the general plan.

Number ten has become also an important project, we feel. It's a study our planner Judy McGowan did on the cost of rural sprawl. As we get in more and more detailed work with the city on regional planning this becomes a really basic document for us to understand what the cost of growth are, have been and will be over the period of this next general plan which we hope will be ten to twenty years.

Another important one we did was the last one. We just undertook this last year, the Santa Fe County Agriculture and Ranching Study and again the subject of agriculture and ranching and changes in trends has been so important to us to make sure that we have in the completion of this general plan that that has turned out to be a really important study as we

move into particularly the agricultural and ranching lands changing into some other use and that has given us a good base line of understanding that is current because the information that we had, particularly on agriculture and ranching in the county, was fairly dated.

And then the other part of that page two, is again a reminder of the studies that went into the 1980 general plan. So this is essentially part three and all of those documents -- some of them are pretty lengthy, like the Stephen's water report and we have a box full of them today and they'll be put into the Land Use Planning Library so that anyone from the public that wants to reference these materials or would like copies of them, we will provide these. They will not be a part of the final general plan. It would be a pretty thick document if we did that. But we will make them available through the land use department.

So that's essentially Part III of the general plan that we're asking you to adopt today. If you have any questions on any of those studies or reports, we'll be happy to answer those for you now.

COMMISSIONER TRUJILLO: I have a question.

CHAIRMAN GRINÉ: Commissioner Trujillo.

COMMISSIONER TRUJILLO: I understand that the southern part of the county submitted some amendments; have those been considered and are they incorporated?

CHAIRMAN GRINÉ: No, I've got them.

MR. KOLKMEYER: We're going to do the amendments next. Right now we're just on the studies and the reports, yes, sir.

COMMISSIONER TRUJILLO: So what are we voting on?

MR. KOLKMEYER: We're adopted -- officially adopting as Part III all of those documents that went into the general plan.

COMMISSIONER ANAYA: I've got no problem with that, Mr. Chairman.

So moved, approval -- or do we need public input.

CHAIRMAN GRINÉ: We can open it up for discussion after we get a motion and a second.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN GRINÉ: Okay, motion and second to adopt Resolution 1999-119. Discussion.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN GRINÉ: Commissioner Duran.

COMMISSIONER DURAN: So, Jack, the resolution then -- this was the date, and correct me if I'm wrong, that the community could come forward with amendments to the general plan or this section of the general plan? So I have two questions. Number one, have you received those amendments prior to this meeting and number two, if you have or even if you haven't do you believe that any of the amendments that they might bring forward impact this resolution in any way?

MR. KOLKMEYER: Mr. Chairman, Commissioner Duran, we're going to do amendments next.

COMMISSIONER DURAN: My question was, do you think the amendments that they're proposing would impact what we're going to approve?

MR. KOLKMEYER: We've already adopted all the amendments at the August 10 meeting. The final date for amendments was July as we had agreed upon and we went over all those amendments at the August 10 meeting. We're going to present those to you next. There have been some additional amendments submitted -- we only saw them an hour ago.

We can get into that next. We wanted to go through the adoption of the studies and the research and reports first. There are two parts to this meeting: one is to adopt the research materials and then to go over the amendments that we adopted on the August 10 meeting with you because there were some additional items that had been submitted that we incorporated into those amendments. Is that clear?

COMMISSIONER DURAN: Jack, by additional studies?

MR. KOLKMEYER: No, not studies.

COMMISSIONER DURAN: The studies are --

MR. KOLKMEYER: The studies are on the two pages --

COMMISSIONER ANAYA: And that's what I based my motion on is just the studies and the research and the appendices that's the basis of my motion and that's all we're voting on right now is the adoption of those studies.

CHAIRMAN GRINÉ: Yeah, Commissioner Duran, you were inside the office when Kolkmeier was explaining this as to what we're approving here now. It's just strictly the appendices studies and research which is just page one and two -- and that's it.

MR. KOLKMEYER: Mr. Chairman.

COMMISSIONER ANAYA: Commissioner Duran, what we're voting on now, Commissioner Duran, is merely all the studies, all the appendices, all the bibliographies sort of speak, you know, as to what's being adopted as the format that was studied. That's the resolution on the table right now.

COMMISSIONER DURAN: I understand.

CHAIRMAN GRINÉ: Okay, any further discussion?

The motion passed by unanimous voice vote.

MS. BUSTAMANTE: Resolution 1999-119, the way it is written says Part III Appendices, studies and research and final amendment -- did you include the final amendment in 119 and I just need to know for recording purposes?

COMMISSIONER DURAN: We weren't suppose to.

COMMISSIONER ANAYA: Since I made the clarification -- I asked for clarification, Jack, final amendments to Part II as referenced to what?

MR. KOLKMEYER: Are the amendments that you adopted on August 10 but we have to bring them back to you and those are the second part of the handout, the packet

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that you have. Proposed amendment to Santa Fe County Growth Management Plan, Part III the planning districts. And then you have a page of amendments that we went over at the August 10 meeting and a chart.

COMMISSIONER ANAYA: It's clear to me.

MR. KOLKMEYER: But if I may to make sure that this is real clear, is that they also include some additional amendments that were made at that point that we didn't have an opportunity to go over completely that were submitted by Rhonda King who submitted some amendments towards the end of that meeting and then they also reflect some additional correspondence that we had with the attorney for Campbell Ranching, Peter Franklin, who is here. So we incorporated some other things from that meeting that carried forth but they are still based on that August 10 meeting when we reviewed all the amendments that were brought to us at that time.

Now it is our understanding that there may be some additional amendment, so we haven't had a chance to go over any of those but we'd be happy to go over them with you today if there are clarifications of some of those amendments that have been made at that last meeting.

CHAIRMAN GRINÉ: Sam Montoya.

MR. MONTOKA: Mr. Chairman, in holding with the public hearings that this particular item is listed under, I would recommend to the board that since we are breaking up the particular issue here in two respective parts, one being the research documents and the appendices and the other being the proposed amendments that are being recommended, the board acted on the first portion of the item before you, however, the board did not open to the public any comments on the first part of the actual discussion that was made.

My recommendation would be to the Chairman of the Board that you open up any public comments on the first piece of that discussion and that we do the same on the second piece at the appropriate time.

CHAIRMAN GRINÉ: Okay, well then, we'll back up again to where we had the motion made and seconded and now we're under discussion so we'll open that up again. Is that okay, Denise? Okay, so this is a public hearing; is there anybody in the audience that would like to address the part that we're discussing here and that is the appendices, studies and research, Part III.

Okay, yes.

REBECCA FRENKEL: Are we discussing the part that is in bold print at the bottom of the -- well, what are we discussion?

MR. KOLKMEYER: We're discussion all of the planning documents that creating the County General Plan.

MS. FRENKEL: I thought they just voted to approve that?

MR. KOLKMEYER: But now they are --

CHAIRMAN GRINÉ: We opened it up because it's a public hearing.

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COMMISSIONER DURAN: We haven't voted on it yet.
COMMISSIONER GONZALES: Anybody else?

The motion passed by unanimous voice vote.

CHAIRMAN GRINÉ: Are we clear now, Becky?

MS. BUSTAMANTE: But we haven't approved yet the resolution 119; right?

CHAIRMAN GRINÉ: We just approved it now 119.

MS. BUSTAMANTE: But where's the amendment part of it?

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN GRINÉ: Commissioner Duran.

COMMISSIONER DURAN: My understanding is that what we have approved is the first part of Resolution 119. We still need to open for discussion amongst ourselves and the public the last part of it which is final amendments to Part 2, the planning districts.

CHAIRMAN GRINÉ: Is that correct, Jack?

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

CHAIRMAN GRINÉ: Why do you make it so difficult?

Okay, so we're under the same resolution but final amendments to part two. Go ahead, Kolkmeier.

MR. KOLKMEYER: Yes, that's correct. So now we're to the part which is in your handout which is called proposed amendments to the Santa Fe County Growth Management Plan Part II and there are two amendments on the page and then there is the chart. We'd like to go over the chart.

COMMISSIONER DURAN: Excuse me, Jack.

CHAIRMAN GRINÉ: Commissioner Duran.

COMMISSIONER DURAN: Before we go any further, Mr. Chairman, I just have some concern, Jack, saying final amendments and my concern is that similar to the City's general plan before -- the general plan that they're in right now, it took pretty much an act of congress to make any changes or amendments to it. So when you say "final amendments" it seems to me that that closes the door for any future discussion concerning this plan. And I would just like to say that to me this plan there has been a lot of hard work and a lot of time put into this but if we don't have the ability to amend it as time goes on and things change, then we're not doing, in my opinion a very good job.

CHAIRMAN GRINÉ: Why not just remove the word "final" and just put "and amendments to Part II."

COMMISSIONER DURAN: That would be fine. I would like that.

MR. KOLKMEYER: Mr. Chairman, the general plan can always be amended. These are just simply the final amendments to the document that we're going to publish as the County General Plan based on the August 10 meeting. So you can take

"final" out if you want, that's fine with us.

COMMISSIONER DURAN: Okay, thank you.

MR. KOLKMEYER: Sure. So, I'd like for Judy McGowan to go over the amendments that we have agreed upon at this point and you can direct us what you'd want us to do.

COMMISSIONER DURAN: And, Judy, can you get me where I'm supposed to be -- where this is in the packet?

COMMISSIONER ANAYA: There's only two amendments.

JUDY MCGOWAN (Senior Planner): In your packet you should have had a memo --

CHAIRMAN GRINÉ: See it was confusing because Deborah started out with A, B, and C and then we had A already up for another matter.

MS. MCGOWAN: Uh-huh, okay.

CHAIRMAN GRINÉ: And that's what has caused the confusion here. "A" was the CDBG grant.

MS. MCGOWAN: Are we straightened out?

COMMISSIONER ANAYA: Yes, I think so.

MS. MCGOWAN: There should have been three pages that was about part 3 and then after that two pages that were some additional amendments that staff is proposing based on proposed amendments that were submitted at the August 10 meeting.

What we've handed out to you tonight is -- with the black and white cover, this is simply the draft from April and we've drafted into it the amendments that you adopted on August 10. You can look at the first one and I don't want to go through all of these because you've gone through all of these several times. But if you'll look on page 25 at the bottom you can see how they are characterized. They are still underlined or interlineated so that you can see what was changed or not changed. And all the maps are not included but attached to the back is a copy of the map that was amended at your last meeting on August 10 which changed the boundary between the Estancia Basin District and the Rural District at the request of the Campbell Farming Corporation.

On page one, the three amendments, the two pages that are in your packet are amendments that the staff is further proposing. The first one would be on page 30, that's on whatever planning document you have it's page 30 and this section had been amended on August 10 and Campbell Farming Corporation asked for a further amendment to declare that it was the intent to amend the Community Planning Ordinance to allow for contemporary community plans to be developed for vacant land. So the amendment that is proposed is the sentence at the bottom of the paragraph. It simply says "it is the intent of the plan that the County Community Planning Ordinance be amended to allow Contemporary Community Plans to be proposed for lands not previously subdivided as well as areas that have been developed in the past."

COMMISSIONER DURAN: Judy, excuse me, Mr. Chairman.

CHAIRMAN GRINÉ: Commissioner Duran.

COMMISSIONER DURAN: Judy, are there further definitions for village?

MS. MCGOWAN: These is a definition of village in the glossary in Part I.

COMMISSIONER DURAN: Okay, so the landowners may seek zoning for a new community district or may submit a contemporary community plan which includes the location for a village; can you explain that to me? The "includes the location for a village," what does that mean?

MS. MCGOWAN: The definition of village is what you approved in Part I in the glossary and village is a settlement smaller than a town but is not necessarily incorporated the actual size varies but it implies the equivalent of a complete neighborhood isolated in the landscape from other towns.

COMMISSIONER DURAN: So that's a village?

MS. MCGOWAN: That's a village. It's pretty broad. The idea being that you would have a contemporary community that would have a community in it of some sort. If you were going to do a contemporary community plan or a new community district that there should be some type of village in it that would approximate a community.

The second amendment that staff is proposed is a clarification I believe that was asked for by Rhonda King. The original draft had specified that a community plan for Edgewood must be included in the Estancia Basin District and since Edgewood has now incorporated and we can't exactly require them to do a community plan, we're proposing some language that would say that coordination with the new town of Edgewood will be an important element of the proposed new community district. In other words, it wouldn't be a required element.

And then the next page two of the amendments is a section of further amendments of this chart on the rural district and there are two new amendments in here and they're both under section F, the open space protection incentive. We've added the note that is similar to the one that we had for the agricultural protection incentive that this is a proposal only flexibility will be built into final incentives to encourage protection of multiple values such as trails, historical or cultural sites.

In the next section, this is actually an amendment that you adopted the last time, you asked us to specify that they were voluntary open space ratios. And then in the final box, this is also an amendment that was suggested by Rhonda King, that we had drawn the definition of what would be open space that could be the subject of the incentive too narrowly so we've rewritten the language to broaden that. Now that would say, "The open space shall be identified for protection or acquisition by the County Open Lands and Trails Plan or code criteria to be developed. And I think that broadens the definition of what open space you might get a density bonus for. To be honest, one of the things that we're trying to avoid is a repeat in effect in the Extraterritorial Zone right now where there is a required open space ratio and also a density bonus for open space. The density bonus for open space appears to work when it has been used -- it hasn't been used for often. But the required

open space ratio is ending up being just big setbacks and that's not what anybody is trying to achieve. If you're going to get bonuses for open space, it should be open space that benefits the property owners and the community at large rather than just being a 100 foot setback from the property lines.

Those are the amendments that the staff are proposing. I believe that there are some other amendments that were submitted late this afternoon and that probably should come up and be addressed in the public portion. We've had some brief discussions in the last few minutes and staff should be able to respond to some of those if you care to go through those.

COMMISSIONER TRUJILLO: Do we have copies of those, Judy? Mr. Chairman.

CHAIRMAN GRINÉ: I just asked Karl to go xerox those and bring them to us.

So you're done Judy?

MS. MCGOWAN: Yes.

CHAIRMAN GRINÉ: Any questions of Judy? Okay, this is a public hearing, does anybody want to address the Commission? Karl Sommer. Karl, before you get started let's wait until we get those copies.

KARL SOMMER: If I could just, I met with Judy and Jack prior to this and I think that we've worked out a lot of this so we can streamline it very quickly. So there's just an acknowledgment in your minutes as to what the meaning of certain things is and that really takes care of a lot of the amendments that we were talking about and there's not very many. I met with Judy outside and I think that we've really pared it down to some very basic things and as we move forward if I could just have a verification on the record from Judy as to the meaning, that would suffice for us if we could do that. Is that alright for you all?

CHAIRMAN GRINÉ: That's fine.

MR. SOMMER: And that'll make it quick here. Basically, the one proposal and you'll get a copy of it shortly, on page 25, paragraph 4, I think Judy has demonstrated that that amendment has been taken care of by the new amendment regarding the intention that she's included in her first amendment in the handout. And that is that vacant lands will be included in community plans even if they haven't been previously subdivided. And I think that we agree on that.

The second thing is on page 31, on the paragraph beginning with water availability, the last sentence, we recommended that it should read, "Land development densities in such areas will change on if proposed and approved as part of a community plan" and the addition would be ", except as otherwise provided in the land development code." And that just says that the code is in effect during the planning process and if you have proposals, they're going to come under the existing code until it's amended. And I think that Judy is in agreement with that and if we could have an acknowledgment after I finish I think that would be clear.

The only other amendments that we're dealing with on page 32 and 33 on the maps

is just out of clarification that the maps that are referred to are the maps that were adopted in 1981 as part of the Santa Fe County General Plan which are described and then in that section. Judy, has made that clear that those are the maps that we're talking about and not some other maps.

And then dealing with page 39, the paragraph deals with development being a matter of choices. I believe that the clarification that we drafted captures I think what the intention is and that is that the chart is meant as examples. Judy has made that clear in the amendments to the chart that these are examples only and that the actual code will reflect what the incentives or disincentives are and that the code is essentially going to reflect the policies of a plan to either encourage a certain type of development or discourage it and I think that Judy has made that pretty clear. Basically, what we're saying is, "The development of land depends on certain choices made by the landowner, the County through its general plan and land development code attempts to promote certain land use policies by providing incentives for landowners to make certain choices over others. Those incentives are designed to maintain the unique character of the county all of which are different from one another. For example, rural communities in the southern part of the county differ significantly in character from the rural communities in and around La Cienega. Outside the City of Santa Fe incentives of different types will be necessary to maintain unique characters of each. The following tables," and that's referring to the one you have in front of you, "provide only a few examples of the types of incentives that the County might use to preserve the character of each part of the county. The incentives finally chosen will be reflected in actual ordinance amendments all or a part of the potential incentives may for example be achieved by sending development rights to receiving sites if areas within the rural district area are designated as parts of a transferrable development rights program." I think that captures what the County is saying. These are examples and we're going to provide them better when the code comes down.

The only other clarification is in the last minutes there was a statement saying that "Zoning will not be changed while the district plan is prepared." And simply what we understood that to mean is that zoning criteria, i.e., is you were going to change the criteria for someone to have a certain density or certain kind of use, those criteria won't change during the process of planning unless it's a health, safety, welfare issue that the county wants to change the terrain management and I think that Judy is in agreement that that's what the meaning of that amendment is that the zoning criteria will not change. So that if you have an application during the planning process it comes in with the existing zoning criteria and that will not change during the planning process.

With that, if Judy would acknowledge that those are captured and are the intent of what we are talking about, then I think that that clarifies for my part most -- all of the amendments that we talked about which are in front of you and what we have a copy of with the clerk. So a simply acknowledgement of that by Judy would reflect a clear understanding your record.

CHAIRMAN GRINÉ: Thank you, Karl. Is that correct, Judy?

MS. MCGOWAN: I'm not entirely clear. Karl, are you asking for certain of those amendments to be approved --

MR. SOMMER: Just that you agree and that that is captured in the amendments that we're talking about --

MS. MCGOWAN: That's correct. I think on the -- you had an extensive discussion at your last session about amending the land use code or amending zoning in the Estancia Basin District and you spent a long time working up that language. Evidently, someone misread the language to mean if you were in a residential area now in the Estancia Basin District that the zoning couldn't be changed and therefore you couldn't apply for a non-residential node. But I believe the intent of the Commission at the last meeting was simply that the zoning standards would stay the same. You could come in and apply for whatever was available under the current zoning standards.

CHAIRMAN GRINÉ: This is a public hearing, does any body else want to address the Commission? Yes, Rhonda King. And she has this list here.

MS. KING: Mr. Chairman, members of Commission, I want to thank you for opening this up for public hearing. I know that there was some discussion at the beginning of the meeting as to what would be the process and the amendments that I'm going to put forth were amendments that were directly reflected in previous communications that I made to the Commission through staff both in July and August as well as clarification of amendment proposed by staff today but were not specifically discussed at the last meeting. I do feel that they are germane. [Exhibit 2] Basically there are four amendments -- if you look at the proposed amendments to the 1990 Growth Management Plan, this chart here that I just gave to you. If you go down to where it says page 64, paragraph five, September 14 staff proposed changes, and I don't know what your package looks like but I have a sheet that says September 14 which you should have in your packet that which were the amendments that Judy just read on the record for you so it might be best if we follow along with that sheet.

The first paragraph there under a new community district in the Estancia Basin, it reads the Estancia Basin District extends from Clark Hill area south to the southern boundary of Santa Fe County. The area to the east of the traditional community and new town of Edgewood in the aquifer basin could be designated an NCD sometime in the future because of its potential to provide adequate infrastructure for new development. I'd like to clarify and after the word "east" add "and north." The reason I want to add and north is that the area north of the traditional community has substantial development occurring and I believe that it is only logical in the future that when the Estancia Basin Plan and Edgewood come together to plan for that area, that that area would be included in an NCD just by the fact that a good portion of it is already developed. So I would like to request an amendment that adds the words "and north."

The second amendment to that same paragraph has to do with that the NCD would

only be located in the aquifer basin. The reason I would like to have in the aquifer basin deleted is that a good portion of the traditional community and the new town of Edgewood does not lie within the aquifer basin and I think it defies logic to only have it in the aquifer basin which is further to the east of the town and the traditional community, because I think that it is only logical where an NCD is going to develop is going to be in the area probably overlapping both areas that are within the aquifer basin as well as in the aquifer fringe. So I'd like to ask that you delete that language.

The last amendment there that you see on page 64, Karl had talked to Judy and so I don't wish to propose that amendment because it is not necessary.

CHAIRMAN GRINÉ: Which is that Rhonda?

MS. KING: Where it says page 64, the very last one that says paragraph five.

CHAIRMAN GRINÉ: Cross that one out?

MS. KING: Yes, that one Karl had talked to Judy and there was a misunderstanding on that point and that amendment is not needed. The only two amendments are the first two on page 64.

Then there is one last amendment on page 42 option I, which is the sixth item down. I was out making copies while Karl was presenting his amendments to the Commission, but I'd like to clarify in the action section that where it says community plan, where if you look at the -- in the document there is section that refers to community plans being allowed within the rural district. And I'd like to say "/contemporary plans" there. I think there is some confusion in the document and that's the reason that Karl put forth one of this amendments to make it clear as to what contemporary and community plans are. I think prior to this last amendment that was put forth by staff that community was -- the intent to allow contemporary communities to be proposed for lands not previously subdivided -- that this amendment to option I just further clarifies that. I think that if you look at the original document that contemporary communities were only classified as lands that had been previously subdivided and I don't believe it's the intent of staff not to allow an area that never has been subdivided to still come in with a community plan or contemporary community and I don't know -- but is that correct, Judy? Of just adding contemporary next to just /community plan.

CHAIRMAN GRINÉ: You're adding that on, Rhonda? You're adding contemporary plan on --

MS. KING: Under that option I just want it to say "community plan/contemporary plan," to be consistent with staff's amendment proposed today that says, "contemporary community plans to be proposed for lands not previously subdivided as well as areas which have been developed in the past," because if you look at page 25 of the document it defines contemporary communities only as lands that have been subdivided in the past.

And so I would like to make it clear that contemporary and community plans should also be allowed for lands that haven't been subdivided in the past. And that's what I was

trying to clarify with that amendment.

And then the other amendment, Karl had visited with Judy prior, and so I don't wish to make any further amendments, just those. Just those three along with the ones that Karl put forth.

CHAIRMAN GRINÉ: Let me get this clear. On page 42, you want to add the words "contemporary plan" right?

MS. KING: Correct.

CHAIRMAN GRINÉ: Then page 64, both items on one you add "and north" and the other cross out in the aquifer basin.

MS. KING: Correct.

CHAIRMAN GRINÉ: And then 64 cross it out completely.

MS. KING: That last one.

CHAIRMAN GRINÉ: Yes.

MS. KING: Yes.

CHAIRMAN GRINÉ: Okay, Rhonda. Thank you.

MS. KING: And then the other four amendments that Karl put forth before you.

CHAIRMAN GRINÉ: Okay.

COMMISSIONER ANAYA: Mr. Chairman, staff there is concurrence with these amendment to add more clarification into the general plan? Is that correct?

CHAIRMAN GRINÉ: Are you okay with that, Jack?

COMMISSIONER ANAYA: There is consensus.

CHAIRMAN GRINÉ: Are you okay with what I just clarified with Rhonda? Do you have a list of those before you?

MS. MCGOWAN: On page 42, section I --

CHAIRMAN GRINÉ: We're not talking about page 40 --

COMMISSIONER ANAYA: Forty-two.

CHAIRMAN GRINÉ: Oh, 42.

MS. MCGOWAN: Yes, 42 section I, we would prefer that instead of saying "community plan contemporary plan" it should say "community plan for traditional or contemporary communities." CHAIRMAN GRINÉ: Oh, you want to add traditional too?

MS. MCGOWAN: Yes, because some of the traditional communities may extend their boundaries into rural districts.

CHAIRMAN GRINÉ: That's find.

COMMISSIONER ANAYA: Yes, that's fine.

CHAIRMAN GRINÉ: Are you okay, with item on page 64 adding the area to "and north" of the traditional community?

MS. MCGOWAN: Yes.

CHAIRMAN GRINÉ: Okay, and are you okay with crossing out on page 64

in the aquifer basin?

MS. MCGOWAN: Yes.

CHAIRMAN GRINÉ: Okay, thank you. Any questions.

MS. KING: Thank you.

CHAIRMAN GRINÉ: The next speaker please.

PETER FRANKLIN: Mr. Chairman, members of the Commission, I'm Peter Franklin for Campbell Farm Incorporation. We've worked with the planning department, with Jack and Judy, extensively to work out the language that you're talking about in the general plan to enable owners of larger undivided tracts like Campbell Farming to propose planned community development.

We support the language that staff has proposed and we also support the amendments that you have just heard. We just urge you to adopt those.

CHAIRMAN GRINÉ: Anyone else? Yes, come forward.

CAROLYN SIGSTEDT: My name is Carolyn Sigstedt and that was a lot to digest and it all went very, very fast and I hope you realize that. There are some really significant things that were put before us and I haven't even had a moment to digest it myself, so it is not as though I have a position yet. But I do have questions.

One, I don't know was it really the intent of the community -- I mean your intent to have it -- in other words, rather than having it just zoned as opposed to zoning criteria. There's a huge difference between one and the other. What it means is that people during the process when the planning is going on that people can just slide through things that perhaps are not in our best interest because they go with the zoning criteria -- because zoning can be changed and I'm thinking that actually it may not be -- it may be worth taking a moment and thinking about whether we want to hold whether zoning can be changed when the planning is going on. You could have just a lot of people coming in real quick to do their development.

The other is the contemporary community defined in the community plan as I read it was an existing community and what they're asking is -- and I'm not saying again that I have a position but I'm saying that I don't think that we should make a decision tonight without seeing the words in black and white before us. I'd like to see all of these amendments on paper, underlined with some time to think about it because they're really significant changes that they're making here.

They're saying that contemporary community -- it's just the way -- I mean they're not even relating it to the number of units: 100 units, 300 units. It's the last sentence there and they're also saying that it's a way that you can subdivide basically, anything, any piece of land in the county any where. And, again, I don't have a position but is that what we want to do with this community plan? You're actually taking the teeth out and also I guess what I would request personally, is that I would like to see all their amendments on a piece of paper underlined with the existing of what is and then with the changed wordage so that we cannot just quickly pass this but take a moment to think about it.

The County staff here worked a very long time to come up with this County Plan and it is a work in progress but it doesn't mean that someone can come up here and just flash ideas that are rather monumental and overwhelming and have us pass them.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN GRIÑÉ: Commissioner Duran.

COMMISSIONER DURAN: I tend to agree with Ms. Sigstedt. There is no reason why we need to rush into this thing. We've had two public hearings to our code. I just saw these amendments right now and I'm not sure that I know the full impact that they're going to have on this document and I don't see why we can't just wait until the community feels comfortable with it and I myself to feel comfortable with it.

I'd like to make a motion to table this portion of adopting this until the next meeting.

COMMISSIONER TRUJILLO: Mr. Chairman, I guess I see it different. I see the amendments as totally congruent with the direction of the general plan. There has been major discussion between Santa Fe County our planning staff and the communities. I don't see that they impact the plan in any major way. It's still saves the essence of the plan and protects what the plan is all about. I don't know Ms. Sigstedt's think that there is criteria that will circumvented, any development that is going to take place has to comply with existing criteria. Communities are going to community planning only when that is finalized will the new requirements be put into place. I don't see that there's any major impact that these amendments will have on the general plan.

CHAIRMAN GRIÑÉ: I call Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, what we have before us is merely nothing more than amendments of clarification of amendments that we have already voted on that have already passed and that's merely what we're being presented right now. It's merely amendments and clarifications for actions that we've already done. That's what is before us, Mr. Chairman.

And, I agree with Commissioner Trujillo that it will have no major impact other than just to clarifying the code in a more productive manner.

CHAIRMAN GRIÑÉ: Guys, thank you, but let's finish with the audience first.

COMMISSIONER DURAN: I'm not through, Mr. Chairman.

CHAIRMAN GRIÑÉ: Well, there was your motion to table but no second.

COMMISSIONER DURAN: But I'd like to respond if I could, please.

CHAIRMAN GRIÑÉ: Okay, but the motion dies for lack of a second.

COMMISSIONER DURAN: Do I have the floor, please?

CHAIRMAN GRIÑÉ: Yes.

COMMISSIONER DURAN: And I'm not saying that I agree with Ms. Sigstedt, all I'm saying is that the public has the right to review these documents and amendments. And I think it's just part of the public input process that we're trying to support and not whether or not it's changing this thing at all but rather the process that we're

involved in right now.

CHAIRMAN GRINÉ: Jerry Powers.

JERRY POWERS: Thank you, Mr. Chairman, Mister Commissioners, my name is Jerry Powers and I live in the south part of the County. Maybe I can help clear that up a little bit. I don't know the lady that spoke before me or where she lives or what part of the county, but the amendment that she was talking about applies strictly to the district plan for the south part of the county in the Estancia Basin District. It won't affect any other areas of the counties or any other parts of the plan. And it merely states or reiterates and clarifies proposals that have been before the Commission in the last four public hearings. So it's not like these have just come about. These are merely clarifications and reiterations of amendments and proposals that have been put before the Commission in the last several months and we've waiting since I believe it was May 11 was the first public hearing where we actually proposed some of these amendments to be able to make these changes.

The itinerary for today's meeting actually states that the final adoption or final amendments will be made and heard at this public hearing. So, in order to put these off to another hearing I think would actually make it gray area as to whether these amendments can actually be finalized after this date.

So we're asking on behalf of the Landowners Association and the residents of southern Santa Fe County that you actually do adopt the amendments that have been put forward today as they are just are minor clarification and language changes to clarify the existing amendments and discussion that has taken place for the last several months.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN GRINÉ: Commissioner Duran.

COMMISSIONER DURAN: Jerry, and don't get me wrong, I am not opposed to those amendments. I'm concerned about the process. Over the last couple of years we've been going through the general plan and if someone had brought forward some amendments that you didn't have the opportunity to review and sprung then on you ten minutes before a meeting you sure would be a little bit vocal about that.

MR. POWERS: Sure.

COMMISSIONER DURAN: So I'm sure if you consider the concerns that this individual has, these are the same concerns that you had last year. We gave you the time and the consideration.

MR. POWERS: Sure, we believe in a completely open process and we as I say, these amendments have been put forward in meetings. We've just merely tabalized them for easy review and so that everybody can see exactly what they are. We believe in an open process.

COMMISSIONER DURAN: I just go them ten minutes ago.

MR. POWERS: Right.

COMMISSIONER DURAN: The public just got them ten minutes ago. So how can you condone this kind of presentation when a year ago you were opposed to the

same thing?

MR. POWERS: Well, we would have opposed it if it hadn't already been proposed and discussed at some length and actually already adopted in most of its form within the general plan. These are just minor changes. For example, there is one change in there that has already been adopted that said zoning will not change in the Estancia Basin District until the plan is complete. The actual intent of that as expressed in last month's minutes are accordingly to even Judy McGowan that the intention is not to not allow people to change from residential to commercial or to continue under the existing code. The actual intention is to be able to continue under the existing code until and unless the plan is adopted and modify the zoning. So these are just ways of having the language express the intention that has been discussed over the last three or four meetings.

COMMISSIONER DURAN: And, again, I'm not opposed to the changes so you don't need to tell me all about the changes. I'm trying to make a point about the process that we're involved in right now and if there's someone out there in the public or citizens out there that feel that they need more time to review and digest the information I think they should be given that right.

MR. POWERS: Like I say, I just wanted to make it clear that these are not something that has been sprung on the public. It's something that has been expressed and already adopted in its form but there are linguistic changes that we would like to make in order to have it express the actual intention and we have no problem with an open process. We support that completely.

CHAIRMAN GRINÉ: Thank you, Jerry.

JOHN CRAWFORD: My name is John Crawford. I'm from the south part of the County too.

I was sitting there listening to the discussion and I felt it was a kind of disagreement where both sides were right. Commissioner Trujillo is right in that you need to act on the amendments tonight because the process needs to go on. Commissioner Duran is right because people need a chance to review them once they're acted upon before you all vote upon the final document itself.

When I came here tonight I went by the County Manager's office, Land Use Planning and Land Use and at none of these places was a copy of the updated wording available. So there's no way to sit down and look at the document and see what the changes have done. And although we need to act on the changes so that planning staff will be able to compile a final proposed version, this version needs to be compiled and published and the public needs a chance to review the final proposal before its acted on. And I would like to urge you all to do both: to act on the amendment and to put off acting on the document as a whole until everybody has a chance to review the changes.

Thank you.

CHAIRMAN GRINÉ: Thank you, John. Anybody else?

DALE LEWIS: Mr. Chairman, Commissioners, my name is Dale Lewis and

I live down in the south part of the County. My main concern is with the language on freezing zoning. I don't believe the intent is to freeze zoning and I'm afraid that that may hurt a lot of people by freezing family transfers, multi-family units, commercial nodes, any of that kind of thing.

So I would like to make the intent clear, and I understand now that you all are talking about changing wording, we had come up with some other language that I would like to give you to you to just show what our intent was.

COMMISSIONER DURAN: Mr. Chairman, while he's passing that out. We are not addressing freezing zoning tonight -- I don't believe.

MR. KOLKMEYER: Mr. Chairman, Commissioner Anaya, no, what it says is that zoning will not change. But the point that Mr. Lewis is bringing up is a good one. Is that there is that interpretation. The zoning there will remain so therefore family transfers will be allowed but during the planning process there won't be changes.

COMMISSIONER ANAYA: So status quo is still --

MR. KOLKMEYER: That's correct. The point that Mr. Lewis is making is that we're clear on the intent.

MR. LEWIS: I was afraid the intent would be misinterpreted to freeze everything so that nothing could change. Thank you.

CHAIRMAN GRINÉ: Thank you.

MS. SIGSTEDT: I'm still confused -- didn't I -- I thought I heard Mr. Kolkmeier saying that zoning would hold firm, the status if zoning would stay the same during the planning process. Is that what I heard you say? That's what I'm saying is a better system because otherwise everybody will come in under the line. What I heard Karl Sommer say, if I'm correct, was that he was talking about the zoning criteria would be the same and therefore you could change zoning following the criteria during the planning process. These are two different things.

COMMISSIONER DURAN: Could you explain that, Judy?

MS. MCGOWAN: The only way to freeze zoning so that no changes could happen would be through a moratorium. And that option would be open if the Commissioners approved it during a planning process. Without a moratorium whatever rules are in the code are in the code and if you're currently residential and your property might qualify for an application for a non-residential or a family transfer or whatever, you are still eligible to come in and apply for that.

MS. SIGSTEDT: Oh, okay.

CHAIRMAN GRINÉ: Anybody else want to address the Commission?

If not, what are the wishes of the board?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN GRINÉ: Commissioner Anaya.

COMMISSIONER ANAYA: I'm going to move for the approval of the amendments as accepted with consensus of staff and proposed forward to us this afternoon

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and move for approval of second phase, final amendments to Part II of the Planning Districts.

CHAIRMAN GRINÉ: No, this is just the amendments.

COMMISSIONER ANAYA: Just the entire amendments -- move for approval of the amendments are proposed.

COMMISSIONER TRUJILLO: Second for discussion, Mr. Chairman. And taking into consideration what Commissioner Duran is saying, I think that I agree with Commissioner Duran that these amendment that were introduced today should go out for public thought, if you will, to look at them and understand them. What I'd like to see done is to approve the amendments that have already been made part of the general plan and the ones that were presented today sent out to the community, made available to the community so that they can familiarize themselves with it and provide input at the next meeting.

So, I'm not saying not to table approval of the general plan and the amendments that have already opened dialogue with the community but to let out those amendments that were introduced today.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN GRINÉ: Commissioner Anaya.

COMMISSIONER ANAYA: Okay, in support of my motion, okay, here I go. What's been presented to us is merely clarification of proposals that we've already voted on, amendments that we've already voted on and moving forth with those amendments.

The way I read it today was they were merely amendments and clarification from concerned citizens of that particular area and that's exactly and precisely what we're voting on today as final amendments to Part II. That's my understanding.

COMMISSIONER DURAN: Commissioner Anaya, what is wrong with trying to incorporate some of those statements that Commissioner Trujillo's just mentioned. We could approve them or disapprove them, and then just let the public know that these amendments as approved, if that's the way we go, are available for other discussion and consideration at the next meeting if the public feels --

CHAIRMAN GRINÉ: I have a suggestion. I don't mind recessing here so that staff can go get these copied and anyone who wants these copies can get them and review them and we'll come back. That's my recommendation, that we take a break, xerox them and make them available to the public. They're just minor amendments, very minor to me.

MS. BUSTAMANTE: Point of order.

CHAIRMAN GRINÉ: These are just minor amendments. So I will call for a recess.

COMMISSIONER DURAN: Point of order. There's a motion on the table.

CHAIRMAN GRINÉ: Yeah, I know.

COMMISSIONER DURAN: Then the Chair has made an motion to recess?

CHAIRMAN GRINÉ: No, I have not. There's a motion and a second with

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amendments to that motion and the guy that made the motion has not -- I mean Commissioner Anaya has not accepted Commissioner Trujillo's recommendation so we don't really have anything. Am I right; where is Denise?

COMMISSIONER ANAYA: A question was asked of me by Commissioner Duran, if I may answer that.

COMMISSIONER DURAN: Get the County attorney.

COMMISSIONER ANAYA: What is wrong with the request that Commissioner Trujillo's request and that's not the issue here tonight. We're voting on amendments. It has been publicized and published. The word is out. There is nothing wrong if it's a brand new issue but we're working on old issues and clarifications and that to me is as simple as that.

I will accept the recess, Mr. Chairman, if you want to call a recess.

CHAIRMAN GRINÉ: I'm willing to do that; I just want to get consensus on it.

COMMISSIONER ANAYA: There is only one person that needs clarification and that's the lady that spoke because I think that there's consensus with everybody else along in here.

COMMISSIONER TRUJILLO: Mr. Chairman, this process has resonated with public input throughout so why stop that now? Why don't we provide the amendments to the community so that they can input them. One more time and if it's approved as those amendments that are introduced today and we'll approve those amendments at the next meeting.

CHAIRMAN GRINÉ: Let me make a point here. How many of those in the public oppose for us to go forward on those amendments? How many in the public oppose? There's only one.

MS. SIGSTEDT: Thank you. But I'll ask the planning staff and again I just saw this. I don't really have a position. I just want to understand this. Contemporary community it seems to me we are changing the definition of that and I'm surprised that the planning staff -- I guess I would ask the planning staff, do they feel whether the contemporary community addition where we can turn anything into a contemporary community. We can turn 15 acres of agrarian land into a contemporary community, you know. We can turn -- and do anything we want, and subdivide.

CHAIRMAN GRINÉ: That's is not true. There is still a process that it has to go through. That is not correct.

MR. KOLKMEYER: Mr. Chairman, I can clarify that fairly easily.

We did not consider what would happened with raw land and how it should be planned for in the future because right now it is raw land. And it's true the idea of contemporary communities were existing subdivisions that were not developed in the same way villages and communities were. Planning staff believes that if we have the option for something to come in as a whole community, a planned contemporary community compared

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to individual subdivisions we gain a lot more in Santa Fe County because there would have to be more planning for a mix of uses in that area rather than just housing. We think that that clarification that was brought to us by Campbell Ranch is in fact a very positive step forward and that's all we have to say about it.

CHAIRMAN GRINÉ: I would just like to say that most of these amendments are really in my district and most of these people are really in my district and why do we want these people to have to come back one more time again when continually I get criticized that it far enough for them to come and go through the process.

COMMISSIONER DURAN: Amendments aren't the issue: it's the process.

COMMISSIONER ANAYA: Mr. Chairman, the process has been advertised. It's advertised as final action precisely the way it states right there. That's exactly what we're doing. If we procrastinate this any longer the players will be the same next time around. The process is not the thing in question it was amendments that are being addressed.

I don't know where this lady lives, but I'll bet she doesn't live any where near where the consensus of the audience right now is in agreement to move forward with this particular proposal.

COMMISSIONER DURAN: I don't think that's a fair statement.

COMMISSIONER TRUJILLO: It's the process and so far this process has been conducive

COMMISSIONER ANAYA: Well, let's table it again and we'll have the same argument --

COMMISSIONER TRUJILLO: -- I continue to think that it should continue to have public input.

COMMISSIONER ANAYA: I withdraw my motion, Mr. Chairman.

CHAIRMAN GRINÉ: Commissioner Duran.

COMMISSIONER DURAN: Commissioner Anaya, I think it's just real easy and I think we're making a big deal out of it -- just let me finish please. I think that if you just agree in your proposal that the community have the right to review the amendments that we're adopting tonight and bring those forward for us to consider that that will put it to rest. They have that right whether you agree to it or not.

COMMISSIONER ANAYA: I don't think I have ever disputed that, Commissioner Duran. The process has been met that's my perception of this.

Can I repeat my motion, Mr. Chairman?

CHAIRMAN GRINÉ: Go ahead.

COMMISSIONER ANAYA: My motion still holds.

CHAIRMAN GRINÉ: Does anybody want to second that motion?

COMMISSIONER DURAN: I thought there was a second.

CHAIRMAN GRINÉ: No, he had amendments on it and he didn't accept it. He would not accept Rhonda King's amendments.

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COMMISSIONER ANAYA: He accepted all amendments including these.

COMMISSIONER TRUJILLO: Except the ones that were introduced today that the community did not have the opportunity to review.

COMMISSIONER ANAYA: This is the community.

COMMISSIONER TRUJILLO: Okay, well then those are the ones that need to be disseminated to the community.

CHAIRMAN GRINÉ: Those are Karl Sommer and Rhonda King's amendments that you did not include in your second.

COMMISSIONER TRUJILLO: That's right.

CHAIRMAN GRINÉ: Do you accept that in your motion?

COMMISSIONER ANAYA: I'm not -- I'm confused here as to what Commissioner --

COMMISSIONER TRUJILLO: They were not included in the amendments that were introduced by Karl Sommer and Representative Rhonda King.

COMMISSIONER ANAYA: Okay, well then what is the purpose on voting? Just table it. The purpose of this is to create amendments.

COMMISSIONER DURAN: Mr. Chairman, can I try a motion and see where it goes?

CHAIRMAN GRINÉ: Are you going to withdraw your motion?

COMMISSIONER ANAYA: Not yet. Not until I get some understanding here that the whole question before us is studies and research that we've already voted on and final amendments to part two the planning districts.

CHAIRMAN GRINÉ: Jack, what is wrong with the tabling the whole thing.

MR. KOLKMEYER: Mr. Chairman, we could do that. There are still amendments that have been presented that are these two and the chart, are already amendments that were basically adopted by you. If you could adopt those and come back and have a discussion about these other ones, we could do that. We would like for you to adopt the amendments that were brought forth on the August 10 meeting.

COMMISSIONER TRUJILLO: And that was the essence of my motion.

MR. KOLKMEYER: Yes. And that would clarify that and then, however, these other changes and/or clarifications or the public process that goes along with those you can do that if you want but they tend to be clarifications of the ones that you have already adopted.

CHAIRMAN GRINÉ: Let me see what Representative King wants to say.

MS. KING: Mr. Chairman, Commissioners, just to clarify two point. One, Commissioner Trujillo, the amendments that were put forth by Mr. Sommer and myself were amendments that were contained to a letter that I sent to planning staff on July 30 and then were also contained in a letter I sent on August 10 to the Commission and were in the last minutes. So the essence of the amendments brought forth by Karl and myself today have already been discussed in previous meetings and were part of the minutes that were published

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for the last meeting. So I would contend that I don't think that they're new amendments. I think that they're identical to the new amendments that staff is proposing this evening in that they're clarification. The new amendments that staff is proposing is the first time that they were presented to you is tonight. I got a copy of them a couple of weeks ago when I called Judy and asked if they were going to make any changes. But I think the essence of their comments or clarifications as well as ours and I'll be happy to pull out the minutes of last meeting and my letter of August 10 and July 30 and go through them line by line and show that they were included in letters previously to the Commission.

What I would like to recommend in terms of the motion to go along with not only with what Commissioner Anaya has said but to go along with Commissioner Duran's concerns is that you go ahead and adopt the amendments if there is consensus tonight, staff as well as the ones that Karl and I put forward then subsequently in October when you have your final meeting you can then address the entire document in one piece. Just because you're adopting these amendments tonight does not mean that they won't go back to the public. I would think it would be much more efficient to have you adopt the amendments tonight and then ask staff to put a document together with all the amendments since May and have it a comprehensive document that has all those amendments and give those to the public and then you have your next public document and you have as many as you need to have and then you vote on the entire document. By adoption the amendments that Karl and I put forth tonight by no means means that you can't change them at the next meeting. And I think that's the most efficient way and then they do get in the document and the public has a chance to review the whole document in its context. I will tell you that it's hard if you try from the very beginning in May and you try and insert all the amendments that have been made all along. So I would suggest that staff put together the entire document with all the amendments that have been made since May including those made tonight and then put the whole document together for a public hearing for next months or the following month.

CHAIRMAN GRINÉ: I want to ask Judy; is that correct, Judy, that this is what took place and already took place in the minutes and you, staff, have reviewed it in the past?

MS. MCGOWAN: I believe that the concept -- the exact wording may have changed, but I believe the concept were submitted at the August 10 meeting. And that was one of the concerns that the amendments came in at the meeting and there was not time for review.

CHAIRMAN GRINÉ: So we've had them already for a month.

MS. MCGOWAN: Yes, that's correct.

COMMISSIONER TRUJILLO: Mr. Chairman, the community has not had a chance to review the concept. Now that it has been finalized I like the community to see the final verbiage, the final wording and provide input.

CHAIRMAN GRINÉ: But also the minutes are available to the public; that's public record.

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MS. MCGOWAN: Yes.

COMMISSIONER DURAN: Call the clerk for the questions.

CHAIRMAN GRINÉ: Well, I have a motion but he did not accept the amendments made by the second.

COMMISSIONER DURAN: So the motion dies for lack of a proper second.

CHAIRMAN GRINÉ: Yes, that's true. Your motion dies.

COMMISSIONER DURAN: Mr. Chairman, I'd like to make a motion.

CHAIRMAN GRINÉ: Commissioner Duran.

COMMISSIONER DURAN: That we approve the second part of this with the amendments that were made, not including the ones that were brought to us this evening, and at the next meeting just open it up for the period of time it's going to take for the public. So if there's anyone out there that wants to address those amendments that were brought to us through the last hour today. So approve all of the amendments except those few and I don't have -- they're here somewhere -- but. The community would have the opportunity to review the amendments that were brought today and comment on them which I believe that they're allowed to.

CHAIRMAN GRINÉ: Would you make a shorter motion? The motion is to accept the amendments that staff has given us today; right?

COMMISSIONER ANAYA: Which amendments?

CHAIRMAN GRINÉ: Staff amendments that they brought forth to us, not these ones here from Rhonda King and Karl Sommer.

COMMISSIONER DURAN: Yes, the amendments that I was making the motion we approve are the amendments found on page one and the option table.

COMMISSIONER TRUJILLO: I second that motion.

CHAIRMAN GRINÉ: Any further discussion?

COMMISSIONER ANAYA: Discussion, Mr. Chairman. I think that we're just going forward with a lot of redundancy.

CHAIRMAN GRINÉ: We've been here 45 minutes.

COMMISSIONER ANAYA: I know and I agree with Representative King that if we would have approved those motions even as they were presented to us by the people from the floor they go on to further debate and then finalization and then --

CHAIRMAN GRINÉ: Okay, there's a motion and a second.

The motion passed by unanimous voice vote.

COMMISSIONER ANAYA: I'm going to vote yes on these but I think that we're going to just go forth --

CHAIRMAN GRINÉ: Now we go to the planning districts is that right?

MR. KOLKMEYER: No, that's it.

CHAIRMAN GRINÉ: That's it?

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MR. KOLKMEYER: That's it. But we would like clarification on which amendments so that we're really clear.

CHAIRMAN GRINÉ: All of them except the new ones that were given today by Representative King and Karl Sommer.

MR. KOLKMEYER: So those will come back at the next meeting.

CHAIRMAN GRINÉ: Bring them back in two weeks.

COMMISSIONER DURAN: It's just the ones you gave us.

MR. KOLKMEYER: Today. Just as we'd asked.

COMMISSIONER DURAN: And, again, it's not that I disagree with what has been brought forward by the Edgewood community, it's the process.

MR. KOLKMEYER: We understand.

COMMISSIONER DURAN: Thank you, Jack.

CHAIRMAN GRINÉ: Jack, is that clear that you come back in two weeks. That you fit it in our next regular scheduled meeting. We start that meeting at 1:00. Fit it in somewhere around 6 p.m. in the evening. Because it shouldn't take that long to make the presentation and that's it, towards the end of the meeting.

MS. BUSTAMANTE: Mr. Chairman, that's the EZA meeting at 6.

CHAIRMAN GRINÉ: Oh, then just make it between the EZA and administrative business at the end.

VIII. C. Resolution No. 1999-120. A resolution adopting the Santa Fe Northwest Community Plan and designating the planning area as a contemporary community pursuant to County Ordinance 1998-5, the community planning process and incorporating the Santa Fe Northwest Community Plan into the Santa Fe County Growth Management Plan (second hearing)

MS. MCGOWAN: Mr. Chairman, Commissioners, I'm going to do an extremely brief presentation. I believe at your last meeting at the first hearing on this you were ready to adopt and it was the technicality of having to have a second public hearing that held this up. So I've tried to simplify the memo. You have a resolution before you asking you to adopt the Santa Fe Northwest community plan and incorporate it into the County Growth Management Plan and to designate their planning area, which is shown on an amended figure one as a contemporary community.

What you should have in your packet is a copy, and there are some extra copies over here, of the Santa Fe Northwest Sector plan, community plan, with amendments that were approved by EZC and the EZA. The SNAC planning task force is also asking that you further amend the plan with the amendments that were included in Exhibit A-2, which are

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primarily amendments which bring some of the text of the plan up to date, since it was originally drafted in 1997 and some of the circumstances have changed since then. And I can go through those amendments if you'd like me to, but we did go through them at the last hearing.

CHAIRMAN GRINÉ: No, we've already gone through them.

MS. MCGOWAN: I do want to point out that the final maps that would go along with the plan are being drafted now and we will make sure that -- the colored maps. They're in black and white in your draft but we'll make sure that the colored maps are finalized and attached before we ask that the resolution be filed.

CHAIRMAN GRINÉ: Thank you, Judy, but I don't think it's necessary for us to listen to it again, because we already heard it in the first public hearing, if that's okay with the Commissioners.

COMMISSIONER DURAN: I just have one question. I'll make it real quick. To be consistent with my thoughts for that area, the contemporary community plan is going to be developed by the community and then brought forward to us? Or we are adopting it?

MS. MCGOWAN: You are adopting a contemporary community plan.

COMMISSIONER DURAN: Okay. I answered my own question. Thank you very much.

CHAIRMAN GRINÉ: Okay, this is a public hearing. Anybody in the audience -- first, Commissioners, is there any questions of Judy? No questions, okay. This is a public hearing. Anybody in the audience that want to address the Commission on this resolution? If not, what are the wishes?

Commissioner Trujillo moved to approve Resolution No. 1999-120, the SNAC community plan. Commissioner Duran seconded and the motion passed by unanimous voice vote.

VIII. D. Resolution No. 1999-___. A resolution amending the traditional community boundaries of El Valle de Arroyo Seco in accordance with Article XIII of the Land Development Code (first hearing)

KEN PIN (Planner): Mr. Chairman, Commissioners, El Valle de Arroyo Seco is already a traditional community. They approached the Planning Department about amending their boundaries to provide for collaboration with other public agencies to address zoning and land use issues in response to future growth concerns. Included in your packet should be a letter of support on the boundary amendment from the BLM.

The proposed boundary amendment will assist the community in determining future densities and land uses within the community boundaries. I must point out that there was a public hearing before the CDRC and the CDRC recommended some changes to the new

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proposed traditional community boundary. If you like, I'd like to point out those changes to you.

COMMISSIONER DURAN: Mr. Chairman, I think that it pretty much speaks for itself and maybe we should just move to the public hearing process.

CHAIRMAN GRINÉ: That would be fine, if that's okay with the rest of the Commissioners.

MR. PIN: We do have a representative from the board of El Valle de Arroyo Seco who wishes to address the Commission.

NANCY WILLIAMS: Mr. Chairman, Commissioners, my name is Nancy Williams and I am on the board for the community of El Valle de Arroyo Seco. We have come in front of you tonight and some of the reasons I want to go over, what we're looking at here for our community is the fact that the BLM land would provide a water resource for our community. Our community of Arroyo Seco is completely surrounded by public lands. We are looking into water sources and a sewer system which we're really in need of out there.

Also, one of the other issues is if the public lands, the BLM land was in the community, if the property was sold, then our community would have a say or an input as to the use of the property and also the BLM has agreed that this would be useful. The BLM property out there, there's 670 acres of mountainous area where there's motorcycle riding and everything and this land is being abused. There's a lot of -- we've found drug needles, needles of all kinds. I guess I shouldn't say drugs; I don't know that for sure. There's been fights. There's been a lot of problems up in that area and the BLM has agreed that if this is put into our community we could -- and there is a gate there now, but our community would be more in charge of trying to oversee and make sure the gate was closed at certain times of an evening, after dark, so there couldn't be these problems going on of an evening up in there.

Also, our president has contacted BLM because I realized the letter that's before you from the BLM is dated 1996. As a community, we did have several community meetings back in 1995 and as a community we even put in a petition for the property back then to the BLM, or to the state, I'm sorry. That didn't follow through. Also, one other issue I want to bring up is the map before you I believe has a finger looking area on it. That finger was not intentional. What had happened is the original plan was to square off our boundaries and if you'll like below the bottom of that finger there is state land.

The state at that time had talked to us about also including that property so that then community of Arroyo Seco would be a square. After some discussion with the state, they decided they would work with us in terms of water issues and such as our fire house and these types of issues, but that they decided not to have us include their property in our boundaries. So that's what caused that finger-looking area up at the top. It's not anything intentional.

Also, per the president of our corporation, the rifle range is also in the process of

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getting a letter, and we've not had any protests from them. They haven't said that they were not in support of us, and we will have a letter.

And in closing I would like to say that we have had several meetings with the community and this is in the community's best interest. These meetings have gone since about 1995. Also we realize that there are concerns that the CDRC, and we will have letters from the BLM and the rifle range, the gun club, by the next meeting for your review. That's all I have. Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman, Nancy, is this BLM land designated for disposal?

MS. WILLIAMS: No, it has not been designated at this time for disposal but according to the BLM they have said that -- they have given us permission, they have told us, yes, include it in your boundaries. And the reason that they've said, yes, go ahead with that, the property at this time has not been designated for disposal, however, if it were to be, it would be inside our traditional community. It would fall under our traditional community zoning ordinances and rules and regulations, and then the community also, working with our community plan would have an input as to what the property could be used for and that type of thing.

COMMISSIONER TRUJILLO: So you want some control over how the property can be used?

MS. WILLIAMS: Control may be a little bit strong, but some input and some guidance, so that we can help and have input on it, and management of it. And basically right now, until something is done with it, right now it's now safe to even let your kids walk up in those mountains anymore. There's a lot of problems up in there. Because they don't have the manpower to oversee it all, that if it were in our community then we could be kind of like guardians, the community, and work along with the BLM is the way they've come across to us. But then too, it's a good resource for water, which as you all know, we need out there. And our sewer problems. So we're just trying to look, future development of our community.

CHAIRMAN GRIÑÉ: Is that it? Thank you. Anybody else want to speak on this issue?

LOUIE GONZALES: Chairman Griñé, members of the Commission, you're aware, I'm on the County Development Review Committee, but I'm not here in that respect. I'm here representing my dad who lives in La Puebla and I believe you all know him. He's been very instrumental working on the fire department there in La Puebla as well as instrumental in starting the fire department in Arroyo Seco.

He's very concerned about this finger that these people are proposing, part of their boundary. A number of the people in La Puebla do not want this in their boundary. They want it in the La Puebla boundary. And they're going to be coming before you to create their own traditional community. The gun club, which is in this area affects La Puebla a lot more than Arroyo Seco and they feel that they should have the control over this because it

bounds La Puebla on the south, and that's all I want to say. So I would like you to amend the boundary to reflect that this finger is not in their boundary.

COMMISSIONER TRUJILLO: Mr. Chairman, I don't think we need to make this a turf battle and we can be reasonable in delineating the boundary here. I guess I need to understand why the community of El Valle de Arroyo Seco is proposing the boundary to be so close to La Puebla, when if you understand what Louie's saying, La Puebla is going to go into their own community planning process and they will want to designate that land as part of their community planning process. So why do we need to extend Arroyo Seco so far, almost to the boundary of the existing village of La Puebla?

MS. WILLIAMS: Okay, as I tried to explain a while ago, what had happened is BLM had told us to go ahead and use that property, include that property. So to square off our community, because right below it was state land and it made a square then. And we were just trying to make it more uniform. BLM had said to go ahead and include that property so that was the reason we had gone out that far. And then when the state land, the state backed out and said that they'd work with us but not to include it, it did leave that finger by removing the state land from our boundaries.

COMMISSIONER DURAN: Would it be possible, would you be in agreement to having us approve this with that area that seems to be in conflict not included until such time as both communities can get together and work out what the best use of that property might be? Would that be a solution to -- I don't want this to be a turf war either. It seems to me that both communities probably have the same concerns, which is the preservation of your community in mind.

MS. WILLIAMS: Can you tell me what you're saying again?

COMMISSIONER DURAN: What I'm saying is would you be amenable to us approving your community plan with that area that extends into the La Puebla community plan --

MS. WILLIAMS: The finger?

COMMISSIONER DURAN: Right. Not included at this time, until such time as both communities, the organizers of the plans can get together and arrive at some reasonable solution to the area of conflict.

JOHN WHEAT: My name is John Wheat. I'm the president of the community. I'm the one that drew up that map. Where that finger is, that's the school boundary between Española and Pojoaque. That's where the school boundary runs. That's why we did it, kept people in our community know that Pojoaque school district and people in La Puebla know they're in the Española school district.

COMMISSIONER DURAN: Are there people that live on that BLM land?

MR. WHEAT: No, not yet. But that's where the school line runs, right down through that. If they ever sell it, they know where the school districts are, what school district they're in. But we had one corner up on top that was in the Pojoaque school district but they've been fighting over Española and Pojoaque.

COMMISSIONER DURAN: Mr. Wheat, do you think that that's a reasonable solution to deal with the area of conflict, rather than have La Puebla trying to substantiate the reason why they want to include it and then you guys are substantiating why you want to include it.

MR. WHEAT: That BLM land is stated half and half, 670 acres. They've still got plenty of room to grow. We didn't get near their boundary. We left them a lot of room. But we did just make our lines straight.

COMMISSIONER DURAN: I don't think the question is whether or not you left them enough land, I think the question is that it extends into the La Puebla community more than it does Arroyo Seco.

MR. WHEAT: Not really.

MR. PIN: Mr. Chairman, Commissioner Duran, the brown portion that's in Section 8 in the middle on the top of the map, that's La Puebla's traditional community boundary. You all have to understand that La Puebla has not started a community planning process yet, so they have not made any suggestion as to whether they should expand their traditional community boundary. It may be prudent at this point -- there's going to be no adoption tonight anyway because it is the first public hearing and you don't need to take any action. I don't have a suggestion at this point.

COMMISSIONER TRUJILLO: I think we need to resolve the issue between both communities even though there's not going to be any action tonight, I think we need to understand from La Puebla what they're looking at in their community plan.

MR. PIN: Actually we have no clue what they're looking for in a community plan yet. They haven't approached the County Planning staff about what they wish to do. I think what John's point is is this strip of land is no more in La Puebla and no less that it's not part of Arroyo Seco. I'm not saying it's a matter of who made first dibs, but they were looking to have this strip as part of their traditional community. Now if your concern is that La Puebla may be interested in it, maybe you may want to leave this part out and then consider the rest of the map or else just wait for the second public hearing and see if there's more concern raised by residents of La Puebla or however you decide.

CHAIRMAN GRIÑÉ: Well, we're still going to have another meeting, so there's still plenty of time for these communities to decide between each other to come to some resolution.

MR. PIN: That's correct. There's no action required tonight.

CHAIRMAN GRIÑÉ: Louie, did you still want to say something?

MR. GONZALES: Chairman Griñé, members of the Commission, being on the CDRC I had a number of people that called me from La Puebla concerned about the situation and I don't believe that a lot of them are here because they were not aware that this was going to be coming before the BCC. They were aware that it was coming before the CDRC, but not the BCC. So if you could change the boundary or say that you could vote on the map issue later and contact some of the community members from La Puebla, I would

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think that that would be the prudent thing to do. That's all I have to say.

CHAIRMAN GRINÉ: I agree with you, Louie. This is a public hearing. Anybody out there want to address the Commission? Commissioner Duran, did you want to say something?

COMMISSIONER DURAN: Just one quick thing. I was just wondering -- this is for Kenny -- it seems that our community planning process has a flaw in it when we have two communities that have a dispute in overlapping boundaries. I was wondering if you could give that some thought and see how we might be able to resolve this kind of issue in the future, because the last thing we want to do is have two communities at odds with one another because of boundary disputes.

MR. PIN: Mr. Chairman, Commissioner Duran, I agree with you 100%. This is the first time there's been a boundary issue. The adjacent communities of Sombrillo and Cuarteles were able to decide which were their definite boundaries and which were their respective communities, but this is the first time a boundary issue has come up.

COMMISSIONER DURAN: I'll just ask if you can just give that some thought so that we can deal with it in the future. We certainly will, and maybe we may need to reach out to La Puebla at this point and speak to some community members and see what they wish.

CHAIRMAN GRINÉ: Thank you, Ken. Anybody still want to address the Commission on this issue?

VIII. E. Resolution No. 1999-___. A resolution adopting the community plan for the traditional community of Los Cerrillos in accordance with Article XIII of the Land Development Code (first hearing)

ALINA BOKDE (Planner): Mr. Chairman, Commissioners, there's going to be some additional information that will be given to you regarding the notification process that we went through for the adoption of this community plan. Tonight is the first public hearing for the community plan and there will be a second public hearing as required before the adoption of the community plan.

The community of Los Cerrillos has been in the community planning effort for the past three years. The way that the community planning process began in Cerrillos was that there was a door-to-door survey done for over 60 residents, where at that time the residents expressed their concerns about the future of Cerrillos and also some possible solutions. Based on monthly planning meetings as well as the community surveys, we developed the goals, policies and actions of the plan that is before you this evening.

The community has held close to 100 community meetings and there have been monthly meetings that have been regularly scheduled in the community planning area. Before you you have a packet that's called the notification packet. It should be one of the

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items just handed to you. In this packet, I won't go through all of it this evening, but in this packet it talks about all the outreach that has been done to notify the property owners as well as residents in the community about this process.

I'll just briefly go through those. There were three letters sent to property owners and we received the names and addresses of property owners through our County Assessor's data. We also had public notices that were sent, that were put in the water board newsletter on August 9 and June 16, notifying the community of both the CDRC and the BCC meetings. We've had flyers. We've also had a community-wide meeting that was scheduled March 1 that resulted from a mailing of the draft plan to all property owners and residents within the community as well as beyond the boundaries to discuss the community plan. Back in April of 1998 we actually sent out the commercial section of the community plan to all property owners as well. That was in the middle as the plan was being developed.

Additional outreach methods were the survey that started the community planning efforts. We had a mailing to all community property owners in February of 1999 with follow-up community meetings. We had a webpage that was established this spring of 1999 to inform members about the community plan and again, all the community plans, which there were close to 100 meetings, throughout the process of the last three years were held in the same place, same day and same time throughout the three years. So that's one of the packets that's before you.

I'm going to briefly go through some of the highlights and explain some of the actions that the community is bringing forward before the Commission this evening for adoption in the community plan. If you turn to page 31 in your community plan, you should have gotten that in your packet in your binder. The information before that is all just background information on the community survey, history of Cerrillos and existing land use map, so it served kind of as a foundation of the actions that come before you this evening.

In residential development, the primary intent of this section of the plan was to keep the community primarily residential and to deal with the concerns about the potentials of high development. The 3/4-acre minimum zoning that currently exists for traditional communities. So part of the community planning process, the community looked at what the existing zoning was for the area, what the potential would be in terms of the number of lots that would be created and then look at the water resources, the quality of life, the rural character in the area and came up with a zoning that the community has brought before you this evening.

Let me explain to you really quickly what that is. The map that was just handed out to you this evening has a big black kind of border around it, and that is the existing traditional community boundary as it exists today and was established in the 1980 Code. So the zoning inside of that is a 3/4-acre minimum and the zoning that is outside of that would be the homestead zone, which is the 160-acre minimum.

The proposal that's before you, it's in the plan if you turn to the next page you'll see a map before you that has three different boundaries with three different colors on it, and

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that's in the community plan so it's in your packet. And if you look in your packet, the yellow boundary, that is their new proposed traditional community boundary. So the line has expanded, moved to the east, if you can kind of look at the two maps. You have the map that's just the black and white map, which is the existing boundary, which denotes the existing zoning. Then you have the proposed zoning and the proposed boundary which is the colored boundaries.

What the community has decided to do is to maintain most of the cluster around the nine-block area, non-village area, so that's a three-quarter-acre minimum. So that zoning would stay the same. Then the area that is marked in orange, they are proposing that to be a two-acre minimum, and that's within the water service area boundary. And then the area that is within the yellow but outside the orange is a ten-acre minimum. So they're proposing a density that is centered around the nine-block area and continues to go out. And then outside of that boundary we would jump up to the homestead zone again which would be the 160 minimum zoning.

The intent behind the two-acre zoning is based on the Department of the Environment recommends that when you have individual well or septic that you have a two-acre minimum to protect water quality and so that's where a two-acre proposed density came from. Then the ten-acre minimum was just a negotiation between all the folks that came to the meetings.

The other zoning proposal that the community is bringing forward, Cerrillos traditionally had been a historic mining community and when the community was first platted out by the railroad, they created railroad lots that were each the size of 25 X 100 feet. There's concern about the high density that would result from these lots. So the community is proposing that there be a minimum of two lots, or a minimum of 5,000 square feet for a development permit to be issued. So you would be merging two of these railroad lots together. So that is the final part of their zoning proposal that is before you this evening.

You can stop me at any time.

COMMISSIONER DURAN: Alina, I have a couple questions. It seems to me that the community has decided that they want to maintain the residential aspect of the downtown area because there area very few commercial sites. Most of it is yellow, which is residential. But the green indicates it's vacant. What does that mean in terms of its future use?

MS. BOKDE: The next section of the plan talks about commercial uses and the community is proposing designating a commercial district within the community within the nine-block area and there's a map actually in the plan that delineates that district. All of the existing uses that are there currently for the village would continue to exist even after the adoption of the plan. This plan is only making recommendations as to what will happen for future lots splits or future zoning proposals that come before the board.

COMMISSIONER DURAN: So this isn't really a zoning or land use -- the colors here don't designate the type of use that the property is restricted to, rather it's showing us what the use is right now?

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MS. BOKDE: Yes, Commissioner Duran, the colored map you're holding up before you is actually the existing uses as they exist today. And so those uses, any lot splits, any uses that exist in the community would still exist after the community plan becomes adopted. It would not void the existing uses.

COMMISSIONER DURAN: My concern was the neighborhood's needs from a commercial standpoint.

MS. BOKDE: Commissioner Duran, the community has looked at what the commercial needs are and they really want to bring people in to the community to be able to come to their commercial district and support locally based smaller businesses. That's really what they're proposing as part of their plan.

COMMISSIONER DURAN: Thank you.

MS. BOKDE: Under the residential section, what I went through, those three zoning districts are the gist of the first part of the residential section. And then the other part that I would like to draw your attention to is the fact that the community would like to make a stronger tie between a development permit and water availability. And they would like to require that the applicant submit a water resource plan as part of their development permit so there is some acknowledgement about where the water source would come from.

The next section is the commercial development section, and the primary actions that come from this section, there are three pages that spell out some actions and then the last page will show you the commercial district, what they want to designate as areas that would be -- an applicant who owned property within the commercial district would be able to come before the board and seek commercial zoning. Currently the Code allows commercial uses anywhere within a traditional community. So the community looked at what was existing there and this is their proposal.

Any home businesses would still be encouraged outside of the commercial district and even what we're calling owner-occupied businesses, where you could still come in for commercial zoning but the owner would live with the commercial use. Those would be allowed outside of the commercial district. The primary criterion for the commercial district is that the owner would not have to live in the community to be able to come in and open up a business there.

And before you, they've looked at issues such as parking and some of the design guidelines such as lot coverages, setbacks and signage. And then they are wanting to bring before the Commission some commercial types that they would not like to see approved within their boundary.

The next section is the water and fire protection. There is a mutual domestic water association in the community of Cerrillos that was actually established back when the railroad came into town and a lot of their actions that they are proposing in the community plan is that they would develop a 40-year water resource plan that would look at water supply and demand projections for the community, look at developing some type of overlay zone to protect the springs and other water resources and water management systems, what

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it is that provides the water to the community as well as protecting the infrastructure that exists for the community.

Other actions are to work with the County to do the ICIP program to help fix the leaky dam that they have to try to capture more water for the community water system. Then another part of this plan addresses some other fire protection issues that the community is concerned about in terms of improving the fire protection, which actually assists the community in getting more commercial development within the community. That is a struggle currently because the fire protection is minimal right now in Cerrillos.

The next section is the road section and some of the actions they are proposing before the Commission is if the County adopts a speed hump policy that the community would work with the County to develop a speed hump in the entrance in to the village to slow traffic down before entering the village. Also the entry road into the community, currently there is some dispute as to whether the County or the state actually owns or should maintain that road, and so the community would like to work through the adopt-the-road program, the Public Works program to approach the County about adopting the road and maintaining the road. And that's the road into the community, which receives a lot of traffic.

The last part of their actions under the road section deal a lot with working with the State Highway Department to address safety issues of entering into the village into highway and exiting into Highway 14. The next section in the plan deals with pollution and the two main issues that the community is concerned about in this section is that solid waste disposal is an issue within the village as it is with many communities in the county. So they want to look at what would be a viable solid waste program for the community in terms of maybe trying to get a dumpster within the village and working with the County on some of those issues. And then the other one is working with tourist buses and trying to minimize the dust and the noise and the exhaust that come from tourist buses that visit the village.

The last section of the plan is the community facilities and environment. I'm quickly going through this, so any questions, please feel free to stop me. This section deals mostly with the recreation needs and wastewater facility. They would like to look at the possibility of getting an affordable wastewater system within the community as well as finding sources to upgrade existing individual septic tanks to protect the water quality in the community and to look at different funding sources to try to get a community center within the area that would service some of the recreation needs that exist for the youth as well as the elderly in the community.

The last part is the plan just has some photos of the community of Cerrillos and some of the surrounding areas and these are just photos that the community wanted to put as part of the plan that acknowledges what's important for the community in terms of their area that they are settled in. And the last section, the very last map shows the proposed boundary amendment, which again is just an expansion of the boundary to the east, which includes the entry into the village and that's why they moved the boundary to the east.

COMMISSIONER TRUJILLO: Mr. Chairman, I'd just like to comment that

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wherever this leads, that this is a great job of community planning between County government and the community of Los Cerrillos. It's comprehensive and it captures and addresses a lot of areas that will give impetus hopefully to the appropriate quality of life in that community.

CHAIRMAN GRIÑÉ: Thank you, Alina.

MS. BOKDE: I'd like to read one more thing if possible, Mr. Chairman. I have a statement from Commissioner Javier Gonzales since he was not able to be here tonight.

CHAIRMAN GRIÑÉ: This is the first public hearing. He's going to be here probably the next time.

MS. BOKDE: He may not be here at the next public meeting.

CHAIRMAN GRIÑÉ: Read it then. We have a long land use agenda.

MS. BOKDE: Okay.

CHAIRMAN GRIÑÉ: Any questions of Alina? Anybody in the public like to address the Commission? This is the first public hearing. You're going to have another chance to speak for the record.

RICHARD KROMBIE: Good evening, Commissioners. My name is Richard Krombie, a resident of the village and former president of the water board for about four years and still currently on the water board. It was in the capacity of president that I initiated the planning process in the village three years ago. I would also like to compliment the County staff for the work that was done.

We believe Cerrillos to be one of the last funky traditional villages that really hasn't been changed very much by progress. The plan basically reflects our intent to keep it that way pretty much, so you don't see a great expansion, for example, in the commercial area. We really wanted to retain the village as a residential community. It was three years ago and it certainly was 100 meetings ago when we started this and I think the village is to be complimented on two accounts. Number one, for hanging in there so long. And number two, for doing its utmost to make sure that the people in the village were informed about forthcoming meetings, about contents of meetings that had already taken place and decisions that were made.

There was a very strong effort in that regard to include everyone and we would appreciate your support.

CHAIRMAN GRIÑÉ: Thank you, Richard. Anybody else in the audience?

CARLOS KINSEY: My name's Carlos Kinsey and I'd just like to voice my support for the plan. A lot of hard work went into it and we think Alina did a great job, but I'd also like to recognize the people that came out tonight from Cerrillos to support this plan and maybe they could stand up so you could see the people that are here. [Approximately 20 people stood.]

CHAIRMAN GRIÑÉ: I'm sure you know where the vote's going to be but you still have the right to come before the Board and say a few words. No more? Okay,

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that's the first public hearing. We're going to have another one next month and then we'll vote at that time.

I believe we still have somebody in the audience that wants to address the Commissioners under public concern.

VII. D. MATTERS OF PUBLIC CONCERN

ELAINE CIMINO: Good evening. My name is Elaine Cimino. I have a citizens' petition here about the wastewater treatment plant. I'm a resident of La Cieneguilla. It has come to our attention that the Santa Fe City's wastewater treatment plant does not have the capacity to function if it is without electricity for more than three hours, that the City is without generators needed to provide electrical power in the event of an outage.

We respectfully petition the City of Santa Fe, the County of Santa Fe, the state of New Mexico and the federal Environmental Protection Agency to protect the health, safety and welfare of the people of La Cieneguilla, La Cienega, and other downstream residents including the Cochiti Pueblo from the high potential of water contamination by doing the following: 1. To take action to ensure that the City's wastewater treatment facility comes into compliance with EPA standards on the treatment of its effluent and that it has a viable solution for emergencies such as spillages, or dumping of seven to seventeen million gallons of waste that could occur if the facility is without electricity for longer than three hours.

2. To take action to ensure that the waste does not spill into Santa Fe's water ways, arroyos, rivers and thereby contaminating downstream surface and groundwater resources. to take action to provide that the wastewater treatment facility, with the generators and equipment needed to sustain a level of electricity needed to prevent a major environmental disaster in Santa Fe County. To take action to develop an independent assessment by which water contamination levels before and after the year 2000 electrical outage can be measured.

This is what we're asking the City. We had our water tested two weeks ago. ED came back with nitrates in our water from 5.1 to 6.8. This was an EPA study that was done about ten years ago that found that this nitrate plume stemmed from the effluent from the wastewater treatment plant. I have been to the City, I have been to City staff. I've been in meetings with the City Manager. What I'm coming tonight here to ask you is to give a call to the City and to request that these, or whatever you do, to request that these generators be put on their system.

Right now, they're only requesting one generator, which will only handle some of the critical equipment, but it will not handle the UV. The UV quits immediately when the electrical quits. We have a serious potential for some spillage. The other night there was an outage. Last Tuesday evening there was an outage and I received a phone call from the plant saying that the entire plant was out. Now they have denied this in various -- in the

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media and at various meetings, but what I found out, I took a sample of the water that evening. I took it in to ED. And it ended up being spilled down the drain, accidentally.

I think that we do have some concerns here and I hope that -- I will submit this petition. We have 200 names on it from the La Cienega area and La Cieneguilla area. When we go to the City Council meeting and submit this petition to them, I will then make a copy and submit it to Mr. Gonzales' office for you to see. I just wanted to put this on the record, that I've come before the Board and that I have voiced these concerns.

CHAIRMAN GRIÑÉ: Thank you. I need a motion to go into Executive session.

VII. F. MATTERS FROM THE COUNTY ATTORNEY

1. Executive session

- a. Discussion of purchase of real property within Santa Fe County for possible site for judicial complex**
- b. Discussion of pending or threatened litigation with San Ildefonso Pueblo**

Commissioner Duran moved to go into executive session to discuss the above-named matters. Commissioner Anaya seconded. The motion passed upon roll call vote with Commissioner Anaya, Commissioner Duran, Commissioner Trujillo and Chairman Griñé voting in favor.

[The Commission met in executive session from 6:35 to 7:05.]

Commissioner Anaya moved to come back into regular session, having discussed purchase of real property and threatened litigation. Commissioner Trujillo seconded. The motion passed by unanimous voice vote.

VIII. F. LAND USE DEPARTMENT ITEMS:

- 3. EZ Case #A 99-4471. Carlos Gallegos Appeal. Rudy Garcia, agent for Carlos Gallegos, is appealing the decision of the EZC to deny a division of 2.62 acres into two 1.25-acre tracts for the purpose of a family transfer. The property is located off Mutt Nelson Road, within Section 13, Township 16 North, Range 8 East**

OLIVER GARCIA (Review Specialist): Thank you, Mr. Chairman, Commissioners. Staff recommendation: The proposed family transfer meets the requirements of the Extraterritorial Subdivision Regulations. This case was previously heard

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and denied by the EZC on July 8, 1999. The EZC denied the request because they did not feel it met the intent of the Family Transfer Ordinance. Staff recommends approval subject to the following conditions:

[Staff conditions are as follows:]

1. The applicant must record water restrictions simultaneously with the plat of survey imposing .25 acre-feet per year per lot. Water meter report for each subject parcel must be submitted at the County's request if and when deemed appropriate. Proof of a water meter on Tract 12A-1 must be provided prior to plat recordation.
2. The applicant must submit Family Transfer Affidavits and Deeds of Transfer to be recorded simultaneously with the plat of survey, including family members' names on plat.
3. The applicant is required to contact Rural Addressing for assignment of address for lots.
4. EZO regulations require a solid waste fee be assigned for all newly created parcels. The assessment on this subdivision is \$78.03. This must be paid prior to recording the plat.
5. Compliance with Fire Marshal review.
6. Submit covenants subject to approval by County staff.
7. Submit a school impact report per County Code.
8. The applicant must obtain approval from NMED for the proposed liquid waste disposal plan.
9. A retention pond must be constructed to retain excess drainage caused by the existing development on Tract 12A-1.
10. The following note must be added to the plat of survey: "If any part of this property division reverts back by conveyance, default, assignment or real estate contract or any other method to any person in the previous chain of title except the immediate owner/seller, or to any relative or employee of that person or any entity involving such entity or person then this property division is void and shall be considered reconsolidated."
11. The portion of private road adjacent to the property must be developed meeting SFC Common Roadway Standards prior to recording the plat of survey or the applicant must provide Santa Fe County with a certified engineer's cost estimate to develop the access. A financial guarantee acceptable to the County in the amount of the approved cost estimate must be included.
12. The applicant must address all minor correction by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Oliver E. Garcia, Development Review Specialist, within the Land Use Department. These plans must be resubmitted with the mylar prior to recordation.

CHAIRMAN GRINÉ: Is there any questions of Oliver? Oliver, why did the EZC deny it?

MR. O. GARCIA: There is a lady, Ms. Soveranze came up and said that there were three or four mobile homes on the property but there isn't. There's only one mobile home. And also they were saying like two or three families living in the mobile home.

CHAIRMAN GRINÉ: Okay, thank you. Any questions of Oliver?

COMMISSIONER TRUJILLO: One question, Mr. Chairman. I'm sorry if I didn't get it. What's the minimum lot size in that area? Five acres?

MR. O. GARCIA: It's 2.5 acres.

CHAIRMAN GRINÉ: Any other questions of Oliver? If not, Rudy are you here for Mr. Gallegos?

[Duly sworn, Rudy Garcia testified as follows:]

RUDY GARCIA: My name is Rudy Garcia. My address is 09 Ya Callette Lane, Santa Fe, New Mexico, 87505. Mr. Chairman, Commissioners, I'm here representing Carlos Gallegos, Sr. He would like to do a family transfer. The minimum lot size in this area is 2.5, however, the County Code does allow you to go down to 1.25-acre lots through a family transfer if you've owned the property for five years. Mr. Carlos Gallegos, Sr. has owned the property for five years, more than five years and he is doing a family transfer to give it to his son, which is Carlos Gallegos, Jr.

I guess there's been question at the EZC and even tonight at whether or not there is a Carlos Gallegos, Jr. and a Sr. Mr. Sr., I think we all know him as a City Counselor in Las Vegas, so there is a Sr. and a Jr. and Sr. does own the property and he is transferring it to Junior. Staff does recommend approval of this. However, the EZC did deny it for a few reasons. If I can pass out this letter to you, this is a letter from Mr. Stuart Stein who lives in the area.

COMMISSIONER TRUJILLO: Where is this at?

CHAIRMAN GRINÉ: At 599 and Racetrack.

COMMISSIONER TRUJILLO: Oh, the racetrack. Oh.

CHAIRMAN GRINÉ: It's across from the racetrack.

COMMISSIONER DURAN: Mr. Chairman, Rudy, does the property -- both lots will be serviced by one well?

MR. R. GARCIA: Mr. Chairman, Commissioner Duran, that is the intent is for both lots to be serviced by one well.

COMMISSIONER DURAN: Okay. Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman, Mr. Garcia, is this area going through the La Cienega planning exercise?

MR. R. GARCIA: Mr. Chairman, Commissioner Trujillo, this property I believe is within that community planned area. I don't remember what the actual boundaries are of the community plan but I believe it may be in there. I'm not to sure, to be honest

with you.

COMMISSIONER TRUJILLO: I got a call from some people from La Cienega and they're really concerned that this proposal is a subterfuge to the family transfer policy of Santa Fe County. They're saying that the community is going through a master planning effort, that they should get the opportunity to put that in place before things like this go through.

MR. R. GARCIA: Mr. Chairman, Commissioner Trujillo, if I could go through this letter, there are a few brief comments in here that I'd like to address also. That is one of the comments as to whether or not this is going to be against the subdivision regulations on whether or not it's going to be for sale or for rent. According to the applicant this property is going to be left to his son so he can put another home on the property for his son and it will not be sold. If there's a condition that needs to be on there that it will not be sold for a period of five, ten, fifteen years, we'd be willing to have that condition on there.

Also why the EZC did deny this is because a lady, as well as Mr. Stuart Stein's letter says there, except the lady came up and said that there was three Mexican families living on the property and that there was three homes on the property. There is not three families living on this property and there is not three homes on this property. There is only one single wide mobile home on this property. Once again, the property is allowed one home for 2.5. If you do go through a small lot family transfer you'd be allowed the two homes on the 1.25-acre lots.

There is an issue on here that Mr. Stein brings up in the third paragraph here that says that a few years ago, Mr. Gallegos did plan on putting another home on there and the Land Use Department did go out there and stop them, and he was cited by the Code Enforcement and he did move that out and they told him here at the County that he would be able to deal with in five years if he could go through the family transfer process and that's what he's here for tonight.

And I guess one of Mr. Stein's other letter is that the notice for the EZC wasn't properly posted but we did meet the Code requirements. We put up a sign. We sent it to everybody within 100 feet which required us to send it to four people and we actually did send it to eight or nine people. So we have met those notice requirements as well.

CHAIRMAN GRINÉ: Any questions of Rudy? Thank you, Rudy. I guess I do have one question. Are you in compliance with all the conditions, if it does go through?

MR. R. GARCIA: Mr. Chairman, yes, we are in agreement with all the conditions proposed by staff.

CHAIRMAN GRINÉ: Thank you. This is a public hearing. Anybody else who would like to address the Commission on this case? Please state your name and address and get sworn in.

[Duly sworn, Stuart Stein testified as follows:]

STUART STEIN: Stuart Stein, 79 Cerro del Alamo, Santa Fe. The people who are here tonight are going to speak against this, we're all neighbors within a quarter mile in the same Mayfield Subdivision. Firstly, since the agent brought my letter of July 7, 1999 to the attention of the Commission, I think we should talk first about that. The second paragraph of my letter talks about that this a 2.5-acre parcel was once part of a five-acre parcel. The five-acre parcel was owned by Charles Rudolph, who I believe is related to the petitioner.

In the letter it made very clear that on the 2.5 acres that were not sold to Mr. Gallegos, Mr. Rudolph had three family units. And so what the point of the letter was is that on these five acres, we now have four family units. The agent is correct that on the 2.5-acre parcel that is before you today on appeal, there is only one. But it was clear from the beginning that they were going to use the family transfer as a subterfuge, ultimately to get another trailer on there. I think it's important also for the Commission to know that Mr. Gallegos owns a company that sells mobile homes. That's where he got that other mobile home that he put on there five years ago that we forced him to get off. And now he's coming back again to try and do the same thing.

The other issue that we don't know is that we don't know who owns the land and who the petitioner is. For the first time here, we hear from the agent that the petitioner is Carlos Gallegos, Sr. None of the neighbors of this property have ever met him. I guess he's familiar to some of the members of the Commission as was said by the agent. I've never met him. I know Carlos Gallegos, the person who has stayed there, who has lived there, approximately 35 years old.

We did a little research, because when we got the notice for this hearing, and let me pass this out if I could. May I approach? What I've submitted is a xerox copy of a letter that was sent to Gail A. Gash who is a neighbor, with the address and the notice of public hearing. If you notice on the envelope, the return address is 706 Sperry Drive, Las Vegas, New Mexico. When we saw the return address, we wondered what was going on, because the Carlos Gallegos that we knew, allegedly lived in the trailer on the property. So we went up to that address and we found this house.

CHAIRMAN GRINÉ: Is this in Las Vegas?

MR. STEIN: That's in Las Vegas. That is 706 Sperry Drive, Las Vegas, New Mexico. So we took a picture of the house, but we still didn't know who lived there. So we called up the Tax Assessor's Office to see who was there and then we also made a call to the Board of Elections, the Voter Registration Office, both in San Miguel County and in Santa Fe County. We found that at the address on this property that's before you today in La Cienega, there is registered to vote at that address a Carlos D. Gallegos, Jr.

We then called up the Voter Registration in San Miguel County, and at this address, on the current records for voters in San Miguel County are two Carlos Gallegos, Sr. and Jr. So we now have found out perhaps, that a neighbor of ours may be involved in felonious voter fraud. But putting that aside, I don't know who owns this property. He has not been

identified. One of the issues is that the only Carlos Gallegos known in La Cienega is about 35 years old and from the Voter Registration his birthday is 2-23-64, he's 35 years of age. The only adult child that he could have, assuming that he had a child at 18, would be 17 years old.

I now find out tonight that the claimed owner of the property is Sr. handing it to Jr. who's been living there for five years, who's registered to vote there, who's also registered to vote up in Las Vegas. We don't know who the owner is. They haven't identified until tonight it was the son. This should be rejected. This entire request is to get around the subdivision rules. It is the subterfuge that we have seen in La Cienega for years and we want it to stop. We need it to stop. Considering that the fact that the man may be involved in voting in two precincts, which I think is indicative of maybe somebody not telling the truth, concerning that he did try in the past to illegally put another situation there, and then I want to introduce the following, because the person who testified the last time is not able to be here, Caroline -- and let me give the original to the clerk and the letter --

CHAIRMAN GRINÉ: I don't think it's necessary for you to read it. We'll go ahead and read it as we go through the case. We still have about three more people.

MR. STEIN: Okay, and the only reason that I -- I just wanted to highlight. I'm not going to read it into the record. I agree that that would be wasteful. But here is a sworn affidavit by the neighbor's father that is attached as Exhibit A talking about how he met a Mr. Carlos Gallegos, and was talking about how he was going to put a trailer on that property without telling the County and that once it's up, nobody can do anything, and that later on you can do that too.

This man is trying to trash our valley. He hasn't lived there. We haven't seen him in months. He's looking to do this lot split and candidly, I don't know who the owner is.

COMMISSIONER DURAN: Excuse me, Mr. Chairman. Excuse me, Mr. Stein, I have a question for Land Use. Is there a requirement in the Code that says that a landowner has to reside on a piece of property that he's coming forward for a family transfer? He can live anywhere he wants? Were you aware of that, Mr. Stein?

MR. STEIN: Oh, I'm aware of it.

COMMISSIONER DURAN: So your point that he doesn't even live there, how valid is it? What does that do for us?

MR. STEIN: Well, what it does is the following, Commissioner. We have somebody who has resided there, who has said to the neighborhood that he is the owner. Nobody goes -- if I see somebody move next door to me and they come in and they say, Hello, my name is John Jones. I just bought this property. I'm living here. That is acceptable. You believe that. For five years we thought he was the owner. For five years. He says to the father of a neighbor that he's the owner. He says to other neighbors who would testify here that he's the owner. He's living here. And yet we find that he's lying to us.

Now, we haven't checked -- I'll be candid, we haven't checked if he has been

registered to vote in San Miguel County for the last five years.

COMMISSIONER DURAN: Excuse me, he lied to you. What does that have to do with his father making application for a family transfer?

MR. STEIN: I don't know if it is his father. I think we have a real identity problem here, Commissioner Duran. I don't know who it is. Look at the signature on the notice that was handed to you. It says Carlos Gallegos. No Sr. No Jr. I don't know who this is. I think this is a legitimate question on who owns the property. It's a legitimate question on who is the son, who is the father, who is the owner. If the son in fact, if it's true that he bought the property, that he fixed it up, that the son, the 35-year old man who we saw on the property year after year after year, if he is now saying that he's not the owner, I think that this Commission, I think that the staff would have the duty to investigate to see if it is.

I will tell you this, that if I was in court, and Mr. Gallegos came here, and I would say to him, could you pull out your driver's license, can I see if this is your signature, son or father, that's what I would do. If the father owned the property and allowed the son to lease it there for five years, was he paying rent? Let me see your 1040's.

CHAIRMAN GRINÉ: I think we're getting out of line now.

MR. STEIN: Well, we may be.

CHAIRMAN GRINÉ: We've got to stay to the issue for exactly what the intent is here.

MR. STEIN: This is, Commissioner, Mr. Chairman, the issue is who is the applicant? Who is the owner? We don't know that. And based upon the statements that the son has made that he is the owner, based upon the statements that we don't know.

CHAIRMAN GRINÉ: Sir, we heard you quite well, and it's getting redundant now. Thank you. Please, don't get repetitious on what we already heard on the rest of the people coming up before us. Next speaker please.

MR. STEIN: The only reason I was only answering Commissioner Duran, if somebody lies to one person, they would lie to the other, and I wanted to make a point, which I think was made -- you're correct -- that he certainly --

CHAIRMAN GRINÉ: Sir, we have a long night and there's other people with due respect for that time. Your name, please, your name and address and you're already sworn in, right?

[Previously sworn, Michael Romero Taylor testified as follows:]

MICHAEL ROMERO TAYLOR: That's correct. Mr. Chairman, members of the Commission, my name is Michael Romero Taylor. I live at 52 Sunset Road and that piece of property is immediately adjacent to the applicant's property and to the north. I've lived on that property for sixteen years. My wife has lived there for 21 years. The original intent of our area, the Mayfield Subdivision, was five-acre lots with the understanding that those could be split up into 2.5-acre lots. With that understanding, the community, the neighborhood really gets along well there.

It's a fantastic place. It's a little cul-de-sac just off Los Pinos near Sunrise Springs if you haven't been there before. We have a ten-year old son. We really believe in family lot splits the way that it's written up in the Santa Fe County regulations. But the way that it's written up in the Santa Fe County regulations is to really keep the land within the families and to keep the families living on that land. Just to quote one small area, one small part of this inheritance and family transfer divisions of land, it states that the purpose of the family lot split is to maintain local cultural values by perpetuating and protecting a traditional method --

CHAIRMAN GRINÉ: Michael, we've heard those many times.

MR. TAYLOR: Thank you for reminding me of that. I would imagine that you have many times. The point I'm trying to make is that if indeed the applicant and his immediate family is going to be living on the land with a family lot split invoked, I think that's great. Myself and my neighbors have serious doubts about the intent of the applicant. We feel that there's going to be rentals there. We feel that it's not going to be a true semblance of what this family lot split should be. I stand for questions if anybody has any.

COMMISSIONER DURAN: Mr. Chairman -- I'm sorry, I didn't catch your name.

MR. TAYLOR: My name is Michael Romero Taylor.

COMMISSIONER DURAN: Michael, I'm wondering, this lot is in the Mayfield Subdivision and it's down right now to 2.62 acres, why didn't the subdivision try to enforce the restrictive covenants at the time that it went down to 2.6?

MR. TAYLOR: Mr. Chairman, Commissioner Duran, my understanding -- I may be wrong on this -- my understanding is that a property owner could buy a five-acre lot at the time and then split it into two 2.5-acre lots and that that was legitimate according to the Santa Fe County Land Use at the time.

COMMISSIONER DURAN: But the restrictive covenants prohibit that? That's what Mr. Stein told us.

MR. TAYLOR: No, I don't believe that's what Mr. Stein said. I may be wrong.

COMMISSIONER DURAN: Well, actually, can you tell me if the restrictive covenant prohibit --

MR. STEIN: The restrictive covenants prohibit commercial use and what I'm saying in the letter was that they're looking to do this lot split as a subterfuge to rent out two of the properties to the non-landowners.

COMMISSIONER DURAN: Mr. Stein, please answer one question to me.

MR. STEIN: Yes.

COMMISSIONER DURAN: Do the restrictive covenants prevent the property from being less than five acres?

MR. STEIN: No, they do not.

COMMISSIONER DURAN: Okay, thank you.

MR. STEIN: It was the use that we were talking about.

CHAIRMAN GRINÉ: Any questions for Michael? Thank you, Michael.

MR. TAYLOR: Thank you very much.

CHAIRMAN GRINÉ: Please don't be repetitive. Tell us something that we haven't heard, okay?

[Previously sworn, Camille Bustamante testified as follows:]

CAMILLE BUSTAMANTE: Okay, my name is Camille Bustamante. I live at 04 Cerro del Alamo. I'm also here as a representative of the La Cienega Valley Association, the treasurer-secretary and the representative for Upper La Cienega. As all of you are aware, we're in a planning process right now. We are working to get a traditional historic designation in the area. We're diligently working on controlling the overgrowth and density issues and managing that in an appropriate manner.

You're very well versed in what a family transfer is intended for. At this point, for the record, we are asking, because there are too many questions with regard to the legitimacy of this lot split, that as soon as our plan is approved and even in that process that this go through the La Cienega Valley Association. We have an opportunity to review the legitimacy of the issue before it's approved upon here. There are too many questions that are unanswered. And right now, it does exceed the density that is allowed for that particular area if it's not a legitimate transfer we're not convinced or comfortable with the amount of information that we have to make that determination. There are too many questions that lead to the potential that this is not a legitimate transfer for the purposes of those transfers.

CHAIRMAN GRINÉ: Thank you, Ms. Bustamante. Any questions?

COMMISSIONER DURAN: Mr. Chairman, I would just like to say it is my understanding that the community plans will not interfere with the family transfer process that exists in the Code right now and as it's approved at the state level. That was my understanding when we approved the community plans as a form of communities shaping their future.

MS. BUSTAMANTE: That is the truth.

COMMISSIONER DURAN: Whether this is legitimate or not, it's not, in my opinion the question here. But maybe it is. We'll see as we go on.

CHAIRMAN GRINÉ: Thank you, Commissioner. Thank you, Ms. Bustamante. Anybody else want to address the Commission on this case? Do you want to rebut, Mr. Garcia?

MR. R. GARCIA: Mr. Chairman, Commissioners, I don't know if I should be rebutting or not, but Mr. Gallegos, Sr. does own several properties in San Miguel County, Las Vegas. He does own some in Las Cruces and I think some in Albuquerque. This is the piece that he does own here in Santa Fe and this is the piece he'd like to give to Jr. whether he's voting here or not. I don't know if you can be a voter everywhere you reside in or not, but he's chosen to have his voter registration in San Miguel County. He is a City Councilor there.

Once again, the density, we do meet density. It is a 2.5-acre minimum. If you do allow a family transfer you are allowed to go down to one home per every 1.25-acre lot.

COMMISSIONER DURAN: Mr. Garcia, I have one question. Is the person who has made application for this family transfer the one who owns the property?

MR. R. GARCIA: Mr. Chairman, in speaking with Mr. Sr. and Jr., yes, it is Sr. that does own the property who is making application. He has signed the family transfer affidavits that he is the father of Jr. and he is the one that is making application.

COMMISSIONER TRUJILLO: Mr. Chairman, to ease my mind regarding the subterfuge and the exploitation issue, is it true that if this is approved as a family transfer the resident, the owner must reside in that piece of land for five years before it is sold or got rid of?

MR. R. GARCIA: Mr. Chairman, Commissioner Trujillo, staff can correct me if I'm wrong, the County Code or the EZ Code does not say that the person must reside on this property for five years. It says he must have owned it for five years. For an example, if somebody might have purchased a 2.5-acre piece of property ten years ago and there isn't no houses on there and they have two children, through the Code, they are allowed to split that 2.5 acres into two 1.25-acre lots without living there for the last past ten years for their children.

COMMISSIONER TRUJILLO: And that's my concern that it seems that in this case we're circumventing the true character of what a family transfer conveyance should be. In a traditional community, you live in a piece of land. You've got a minimum lot size 3/4 acres. You give it to your offspring and on and on and on. We don't buy it if you reside somewhere else and manipulate the sale of the land for an exploitive perspective. It's nebulous. I have a hard time understanding that this is the true form of a family transfer.

COMMISSIONER DURAN: Just one quick question. Rudy, the applicant would agree to a condition where he would keep it for five years at least?

MR. R. GARCIA: Mr. Chairman, Commissioner Duran, yes the applicant would agree to that and he'd also even agree to putting that on the plat, because sometimes, a lot of times, applicants are up here and they agree to all these conditions. Somebody comes in and the property is sold and they don't know anything about it until they actually read the plat.

COMMISSIONER DURAN: Both properties, he would hold both lots for five years?

MR. R. GARCIA: Yes. Five years, seven years, whatever you put a condition on.

CHAIRMAN GRINÉ: Thank you, Rudy, what's the wishes of the Board?

Commissioner Anaya moved to approve EZ Case A 99-4471 with staff condition and an additional condition that the lots may not be sold for five years, to be on the plat. Commissioner Duran seconded and the motion passed by majority [2-1] voice vote with

Commissioner Trujillo voting nay.

MR. R. GARCIA: Mr. Chairman, Commissioners, thank you for having this in front of you.

VIII. F. 4. EZ Case #A 99-4420. Humberto Solis Appeal. Bob Perea, agent for Humberto and Martha Solis, is appealing the decision of the EZC to deny a division of 2.50 acres into two 1.25 acre tracts for the purpose of a family transfer. The property is located off Mutt Nelson Road, within Section 13, Township 16 North, Range 8 East

MR. GARCIA: Thank you, Mr. Chairman, Commissioners. Staff recommendation: The proposed subdivision meets all requirements of the Extraterritorial Subdivision Regulations. This case was previously heard and denied by the EZC on July 8, 1999. The EZC denied the request because they did not feel they met the intent of the family transfer ordinance. Staff recommends approval subject to the following conditions. And the conditions could be entered into the record because they do agree with them.

[The conditions are as follows:]

1. The applicant must record water restrictions simultaneously with the plat of survey imposing .25 acre-feet per year per lot. Water meter report for each subject parcel must be submitted at the County's request if and when deemed appropriate. Proof of a water meter on Tract 12A-1 must be provided prior to plat recordation.
2. The portion of private road adjacent to the property must be developed meeting SFC Common Roadway Standards prior to recording the plat of survey or the applicant must provide Santa Fe County with a certified engineer's cost estimate to develop the access. A financial guarantee acceptable to the County in the amount of the approved cost estimate must be included.
3. The applicant is required to contact Rural Addressing for assignment of address for lots.
4. ESR regulations require a solid waste fee be assigned for all newly created parcels. The fee on this subdivision is \$86.00.
5. The applicant must obtain approval from NMED for the proposed liquid waste disposal plan.
6. The following note must be added to the plat of survey: "If any part of this property division reverts back by conveyance, default, assignment or real estate contract or any other method to any person in the previous chain of title except the immediate owner/seller, or to any relative or employee of that person or any entity involving such entity or person then this property division is void and shall be considered reconsolidated."

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7. Applicant must submit a Deed of Transfer to be recorded simultaneously with the plat of survey. Include family members' names on plat.
8. Compliance with Fire Marshal review.
- 9.. The applicant must address all minor correction by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Oliver E. Garcia, Development Review Specialist, within the Land Use Department. These plans must be resubmitted with the mylar prior to recordation.

COMMISSIONER DURAN: I have a question for you, Oliver. Is this real similar to the last one?

MR. GARCIA: No, this is a little different than that one.

COMMISSIONER DURAN: What's the difference?

MR. GARCIA: The difference is the reason this one was denied, it was because there was a little thing going on, I don't know if it's the surveyor -- these people are Spanish and he didn't understand what they were saying. What they said was that it was doing a family transfer to the sister. And he told them they cannot do a family transfer to the sister, you have to do it to the child, either to the son or daughter, so that's what happened. So it kind of like went on and on like that so they kind of denied because of that because it was something like what if you give it to the son and then the son gives it to the sister?

COMMISSIONER DURAN: They should have had a bilingual surveyor.

MR. GARCIA: Yes, exactly.

CHAIRMAN GRINÉ: Any questions of Oliver?

COMMISSIONER TRUJILLO: If you compare both cases, this is a family transfer.

MR. GARCIA: This is a family transfer. The family is here too.

COMMISSIONER ANAYA: I think they both were family transfers.

CHAIRMAN GRINÉ: Any questions of Oliver? Thank you, Oliver. Mr. Perea. Sorry to hear about your brother.

[Duly sworn, Robert O. Perea testified as follows:]

ROBERT PEREA: My name is Robert O. Perea. I live 1506 Cochiti, Santa Fe, New Mexico, 87505. I'm representing the Solis family. They don't speak English and the problem that Oliver was referring to is the fact that on the letter of intent for the split, we had listed the sister. Once they understood how the family transfer worked, they went ahead and put the property to the son, who is Jose Alejandro Solis and he's of a majority age wise. So that was basically the problem. And we do agree with all the conditions in there.

CHAIRMAN GRINÉ: Thank you. Any questions of Mr. Perea? If not, this is a public hearing, anybody would like to speak for or against this case in the audience? No? Then what is the wishes of the Board?

Commissioner Anaya moved to approve EZ Case A 99-4420 with staff conditions. Commissioner Trujillo seconded and the motion passed by unanimous voice vote.

VIII. F. 5. EZ Case #V 99-4390. Patrick Gallegos Variance. Patrick and Doris Gallegos request a variance to the Extraterritorial Subdivision Regulation Roadway Standards. The property is located off Governor Miles Road, within Section 9, Township 16 North, Range 9 East

MR. GARCIA: Recommendation: At the regularly scheduled meeting of August 14, 1999, the EZC recommended approval of the request subject to the following condition:

1. A note is placed on the plat reserving an additional eleven feet on the applicants' property adjacent to the existing 16-foot easement to allow for the future potential widening of the road to County standards.

CHAIRMAN GRINÉ: Any questions of Oliver?

COMMISSIONER TRUJILLO: Is there agreement by the applicant to this condition?

MR. GARCIA: Yes, there is.

CHAIRMAN GRINÉ: And the EZC recommended approval, right?

MR. GARCIA: Yes, Mr. Chairman.

CHAIRMAN GRINÉ: Okay, thank you, Oliver. Is the applicant here? Patrick and Doris, you guys are in complete agreement with the conditions?

[Duly sworn, Patrick Gallegos testified as follows:]

PATRICK GALLEGOS: Yes.

CHAIRMAN GRINÉ: Any questions of the applicant? Okay, thank you. This is a public hearing. Anybody would like to address the Board for or against come before us sir. You can go ahead and sit down, Patrick and Doris. Thank you.

[Duly sworn, Kurt Young testified as follows:]

KURT YOUNG: My name is Kurt Young. I'm at 118 Berger Street, Santa Fe, New Mexico. Essentially, we hadn't heard of the EZ case before we saw the board outside of their property. I'm here representing members of the community who weren't able to make it on short term notice of the meeting. What we had come together and decided, approximately 300 homes surround this proposed development and land split. These homes include the planned communities of Nava Ade, Tom Young Subdivision and Pueblos del Sol. The average price of each of the homes in that area is approximately \$300,000.

If the lot split is approved, it will decrease the value of the land quite drastically.

CHAIRMAN GRINÉ: Hey, Kurt, I don't feel sorry for those people at all.

MR. YOUNG: Well, let me just get a little further. The question here is right now what exists in this area is a mobile home and most of the family homes that exist there are single family dwellings. And the problem is that we believe that the proposal is that more mobile homes will be put on this lot and the thought is that the mobile homes will devalue the properties in the tens of millions of dollars given the surrounding areas.

It is in direct contradiction with the planned usages of the area with the residents involved. The other question I had, and I'll address it to the Board, Mr. Chairman and Commissioners, is what is the EID recommendation in terms of the septic and the water conditions for this proposed split? Have they been addressed? Have they been met?

The second question is was the EZ properly informed of the type of structure that was to be built in the area with regard to the surrounding residences and their type of construction? Did it meet the conformity that the people who initially moved into these homes, did it meet the conformity of those homes? Was there consistency in the development plan?

My other thing that I would like to address would be that I would like the Commissioners to sort of decide in terms of this project and if the development is to go forward with the land split, it is in the proposed new Community College District and this district, we believe, will be heavily eyed in the future as a factor of major growth in the Santa Fe area. We think that this is going to be a very big area of growth and we'd like to maintain a consistency in the type of construction that arises in this area.

The last thing I'd like to address is is it possible that more community members might be advised of this type of construction? We're not opposed to necessarily the split up of the land, but rather the type of construction and development that takes place, and is it possible to have a community meeting before this development takes place?

CHAIRMAN GRINÉ: Any questions of Kurt? Thank you. Anybody else? What's the pleasure of the Board?

[Previously sworn, Doris Gallegos testified as follows:]

DORIS GALLEGOS: Okay, I just wanted to say a couple of things. First of all, in the Governor Miles Subdivision the covenants and restrictions do not allow mobile homes, so no trailers or that could be put there any way, which is the reason we even bought the land because we were concerned of the same problem. In this division there were several five-acre lots. We are the last of which lot is being split to 2.5 acres. Therefore, I think it would be unfair for them not to allow us to split our five-acre lot being that it is the last piece there and every other five-acre lot has been split.

CHAIRMAN GRINÉ: Thank you, Doris. That's enough. Anybody else?

Commissioner Anaya moved to approve EZ Case V 99-4390 with staff's condition, and Commissioner Trujillo seconded.

COMMISSIONER DURAN: I just wanted to say, that's with all the findings of fact?

COMMISSIONER ANAYA: Correct. I'm sorry, inclusive of the findings of fact.

MS. BROWN: Just for clarification, Mr. Chairman. This is a variance request, so there isn't a recommendation from staff.

The motion passed by unanimous voice vote.

VIII. F. 6. CDRC Case #Z 99-5220. Church of the Holy Cross. Reverend Charles Boldine, applicant, requests master plan zoning approval for a church facility with supporting offices and classrooms on 9.4 acres which will be done in three phases. This request also includes preliminary and final development plan approval for Phase 1. The property is located approximately 3.5 miles north of I-40 on State Road 344 in Edgewood, within Section 4, Township 10 North, Range 7 East

VICKI LUCERO (Review Specialist): Thank you, Mr. Chairman, Commissioners. The applicant is requesting master plan zoning for a church facility composed of three phases. At this time the applicant is also requesting preliminary and final development approval for Phase 1 only. Phase 1 consists of a 3,584 square foot modular building and 30 to 40 parking spaces. The building will contain a 100-seat sanctuary, six office/classrooms, two bathrooms and an entry area to be used as a parish hall and for general use.

Recommendation: It is staff's position that this application is in accordance with the County Land Development Code. Staff's recommendation and the decision of the CDRC was to recommend approval for master plan zoning for the entire project, with preliminary and final development plan approval of Phase 1 only subject to the following conditions.

[The conditions as imposed by staff are as follows:]

1. The applicant will obtain a driveway permit from the State Highway Department prior to recording the master plan. They will pave SR 344 to the edge of right-of-way.
2. The master plan with appropriate signatures will be recorded with the County Clerk.
3. Final placement of the fire hydrants shall be coordinated and approved by the Santa Fe County Fire Department prior to installation.
4. The water system and hydrants shall be in place, operable, and tested prior to the start of any and all building construction. It shall be the responsibility of the

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- developer to notify the Fire Prevention Department when the hydrant is ready to be used.
5. Further development, other than Phase I, shall not take place until water infrastructure upgrades are complete and provide the minimum commercial flows of 1,000 gpm with a residual pressure of 20 psi.
 6. Structures shall meet all requirements of Life Safety Code for given type of occupancy and use.
 7. Handicap spaces shall be labeled and handicap access must be approved by the State Construction Industries Division.
 8. All utilities must be underground.
 9. If wastewater flows exceed 2,000 gallons per day for the entire project a discharge permit from the State Environmental Department will be required.
 10. The applicant must submit the following prior to master plan recordation:
 - A. Grading and drainage plan with calculation
 - B. Signage plan
 - C. Outside lighting plan for Phase I
 - D. Detailed landscaping plan showing planting locations, types and sizes of trees and shrubs
 - E. Letter of Commitment from Entranosa Water Co-op to serve the project
 11. Structure shall not be higher than 24' above natural grade or finish cut grade as per County Code.
 12. All proposed future construction shall be subject to CDRC approval.
 13. Parking lot for Phase II shall be relocated to avoid road frontage.
 14. Exterior colors shall be approved by staff and shall be earthtones.
 15. Water restrictive covenants of 0.25 acre-feet for Phase I and 0.5 acre-feet for the entire project must be recorded with the master plan. A revised water budget which includes landscaping must be submitted prior to recordation of master plan. Use shall be metered and low water use fixtures are required. Consideration should be given to using the treated wastewater effluent for landscape irrigation. Drip irrigation system is required.
 16. At development plan stage of Phases II and/or III the applicant must submit a letter from Entranosa Water updating the status of their water availability.
 17. Compliance with the applicable review comments from the following:
 - A. State Engineer
 - B. State Environment Department
 - C. State Highway Department
 - D. County Subdivision Engineer
 - E. County Fire Marshal
 - F. County Public Works
 18. If feasible, the applicant will move the landscape buffer along SR 344 100 feet from

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the property line.

CHAIRMAN GRINÉ: Any questions of Vicki? Thank you, Vicki? Is the applicant here, please? State your name, address, and get sworn in by the County Clerk, please.

[Duly sworn, Charles Boldine testified as follows:]

CHARLES BOLDINE: My name is Charles Boldine. I live at 4 Spring Court, Edgewood, New Mexico, 87015.

CHAIRMAN GRINÉ: Charles, are you in full agreement with staff's recommendations and also by staff recommendation?

REV. BOLDINE: Mr. Chairman and Commission members, yes we are.

CHAIRMAN GRINÉ: Are there any questions of Mr. Boldine? Thank you, Mr. Boldine. This is a public hearing. Anybody want for or against this case? Thank you. What's the pleasure of the Board?

Commissioner Trujillo moved approval of CDRC Case Z 99-5220 and Commissioner Duran seconded. The motion passed by unanimous voice vote. [Commissioner Anaya was not present for this vote.]

VIII. F. 7. CDRC Case #V 99-5340. Cliff Macias Variance. Cliff Macias, applicant, Garcia Planning, agent, request a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow for a second home on ten acres. The property is located off of Pine, east of State Road 14, within Section 6, Township 14 North, Range 10 East

MS. LUCERO: Thank you, Mr. Chairman, Commissioners. This property is located within the Basin Fringe Hydrologic Zone where the minimum lot size is 50 acres per dwelling unit, or 12.5 acres per dwelling unit with proven water and restrictions of .25 acre-foot per year. The applicant and his son currently live on the property. The second home is requested for the applicant's brother and his family.

Recommendation: Staff recommends that the intent of the Code is to set minimum lot size in this area at 12.5 acres per dwelling unit with water restrictions and proven water. Therefore staff recommends that the request for a variance be denied. The decision of the CDRC was to recommend approval of the variance request to allow two homes on ten acres subject to the following conditions.

[The conditions are as follows:]

1. A temporary permit will be issued for a period of one year, to be approved for additional one-year periods by staff. The applicant at that time must provide an

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- affidavit to prove that the hardship and need for the second home still exists.
2. The applicant will record temporary water restriction covenants of 0.25 acre-feet per year between the two homes and will provide annual water meter readings to the County Hydrologist. Staff will be allowed to verify the meter readings.
 3. The second home will use the existing well and will have its own septic system.

CHAIRMAN GRINÉ: What about the CDRC, did they deny it?

MS. LUCERO: Mr. Chairman, CDRC recommended approval with three conditions.

CHAIRMAN GRINÉ: Any questions of Vicki?

COMMISSIONER DURAN: What's the minimum size lot out there?

MS. LUCERO: Mr. Chairman, Commissioner Duran, the minimum lot size if 12.5 acres with proven water and water restrictions of a quarter acre-foot.

COMMISSIONER DURAN: And in a family transfer they could go down to --

MS. LUCERO: They could possibly to down to 6.25 acres.

COMMISSIONER DURAN: Apiece?

MS. LUCERO: That's correct.

COMMISSIONER DURAN: So there could be two dwellings on there if they did the family transfer route?

MS. LUCERO: That's correct.

COMMISSIONER TRUJILLO: Are there any restrictions to the water?

MS. LUCERO: Mr. Chairman, Commissioner Trujillo, in order to get down to that lot size without a family transfer they would have to prove water availability and also sign water restrictions of a quarter acre-foot.

COMMISSIONER TRUJILLO: And they don't have to do it if it's a family transfer?

MS. LUCERO: I guess Mr. Chairman, Commissioner Trujillo, they would because it wouldn't be 12.5 acres in size.

CHAIRMAN GRINÉ: Thank you, Vicki.

[Previously sworn, Rudy Garcia testified as follows:]

RUDY GARCIA: Mr. Chairman, Commissioners, Commissioner Duran, just to answer your question, it is a 12.5-acre minimum, but they don't have to if it's a family transfer. If we were able to do a family transfer, we would. This is so Mr. Macias' sister-in-law can live close to him and babysit his children that are in school.

On condition number one that the CDRC imposed, they imposed a temporary permit to be reviewed on a yearly basis by staff but we would like to see if the Commission would have any consideration to remove this condition.

CHAIRMAN GRINÉ: Which condition?

MR. GARCIA: Number one. And that condition is is because if we do have

a temporary basis due to some manufactured housing requirements, you have to anchor double-wides down now sort of permanently. There's not really a temporary block thing that you can do now according to the manufactured housing regulations. There has to be some sort of anchoring, cemented into the ground of some sort, so we would like the Commission to reconsider that condition and remove that if possible.

CHAIRMAN GRINÉ: Any questions of Rudy?

COMMISSIONER DURAN: I just have one. Rudy, the water restriction covenant that's in place right now is a quarter acre-foot?

MR. GARCIA: Mr. Chairman, Commissioner Duran, right now, currently on the property there is no water restriction on the property. The applicant may believe there's a full three acre-feet but however, according to the State Engineer's Office there's probably one acre-foot to that.

COMMISSIONER DURAN: I'm only worried about this second condition because it says they'll agree to a water restrictive covenant of .25 acre-feet and we all know that that's only adequate for one family. Do you know why they required to be a quarter acre-foot and maybe not something a little more like a third or .40, .50?

MR. GARCIA: Mr. Chairman, Commissioner Duran, I didn't really review the condition now until you read that and staff can address that, but however we feel that we have an acre-foot of water and they should have allocated a quarter acre-foot per dwelling, but the way that condition reads it says between the two homes. I don't know if staff wants to address that because a quarter acre-foot would not allow two homes to be on a piece of property, wouldn't support two homes, right?

CHAIRMAN GRINÉ: So you want a quarter acre-foot per lot?

COMMISSIONER DURAN: I'd like to suggest it if we approve this, that it gets approved with a half acre-foot of water to accommodate, because you can't live on a quarter.

CHAIRMAN GRINÉ: All right. Thank you. Any other questions of Rudy? Thank you. This is a public hearing. Any people want to speak for or against this case? Thank you. What's the wishes of the Board?

Commissioner Anaya moved to approve CDRC Case V 99-5340, deleting condition number one and amending condition number two to read .50 acre-feet per year. Commissioner Trujillo seconded and the motion passed by unanimous voice vote.

VIII. F. 8. CDRC Case #V 99-5290. Jose Sanchez Variance. Jose Sanchez, applicant, requests a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow a second dwelling unit on 3.289 acres. The property is located off of State Road 14 in the North Fork area, within Section 25, Township 15

North, Range 8 East

MS. LUCERO: Thank you, Mr. Chairman, Commissioners. The property is located within the Basin Fringe Hydrologic Zone. The minimum lot size in this area is 12.5 acres per dwelling unit with proven water and restrictions of .25 acre-feet per year. There is currently one mobile home on the property. The applicant wishes to place a second mobile home on the property for his aunt to live in. She is in need of medical attention and the applicant would like to provide home health care for her.

Recommendation: Staff recommends that the BCC uphold the Land Use Administrator's decision and deny the variance as it does not meet the Code requirements for lot size. The CDRC's decision was to recommend approval of a temporary permit that will be reviewed administratively for renewal every year. Renewals will be based on the hardship presented by the applicant at the time of this hearing. A doctor's note must also be provided. Thank you, Mr. Chairman.

CHAIRMAN GRINÉ: Thank you, Vicki. Any questions of Vicki?

COMMISSIONER DURAN: Mr. Chairman, so the recommendation was, staff recommends to uphold the Land Use Administrator's decision, but the CDRC approved it with a temporary permit?

MS. LUCERO: Mr. Chairman, Commissioner Duran, that's correct. That would be reviewed every year for approval.

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

[Duly sworn, Jose R. Sanchez testified as follows:]

JOSE R. SANCHEZ: My name is Jose R. Sanchez, Route 2-28, Sandia, Santa Fe, New Mexico.

CHAIRMAN GRINÉ: Are you in agreement with the CDRC decision?

MR. SANCHEZ: Yes, I am.

CHAIRMAN GRINÉ: Is there any questions of Mr. Sanchez? Okay, thank you, Mr. Sanchez. Is there anybody here that would like to speak for or against this case?

Commissioner Trujillo moved to approve CDRC Case V 99-5290 and Commissioner Duran seconded. The motion passed by unanimous voice vote.

- VIII. F. 9. CDRC Case #A 99-5211. Barclay/Dant/Di Carpenga Legal Lot Appeal. Leslie Barclay, Rufo Di Carpenga, Guelfo Di Carpenga and Richard Dant, applicants, James Alley, agent, request an appeal of the County Development Review Committee's decision not to recognize three BLM "lots" as legal lots of record. The property is located south of County Road 42 within Section 24, Township 14 North, Range 8 East and Section 19, Township 14**

North, Range 9 East

MS. LUCERO: Thank you, Mr. Chairman, Commissioners, in 1941, the subject property was conveyed by patent to Tobias Anaya. It was described as the southeast quarter of the northeast quarter of Section 24 in Township 14 North, Range 8 East and the lot two and the southeast quarter of the northwest of Section 19 in Township 14 North, Range 9 East of the New Mexico Meridian, New Mexico, containing 119.17 acres.

The property has been conveyed to numerous owners with the property description as above totally 119.17 acres. In 1992 the land was conveyed to Leslie Barclay. Again this property was described the same way as in the 1941 patent totaling 119.17 acres. In 1995, Leslie Barclay conveyed one lot of 44.37 acres to her son, Guelfo Di Carpenga and one lot of 39.29 acres to another son, Rufo Di Carpenga. In 1999, Guelfo Di Carpenga sold his lot to Philip Pfeiffer and Christine Moravec. Rufo Di Carpenga and Leslie Barclay have contracted to sell their lots to Richard Dant.

This property is located within the Homestead Hydrologic Zone. Minimum lot size in this area is 160 acres. Lot size may be reduced with proven water supply.

Recommendation: It is staff's position that this is one legal lot of record of 119.17 acres in size. Staff recommendation and the decision of the CDRC was to deny the appeal. With proven water supply, the applicant may legally divide the land into three lots following current Code requirements.

CHAIRMAN GRIÑÉ: Thank you, Vicki. Any questions of Vicki? Thank you, Vicki.

[Duly sworn, Jim Alley testified as follows:]

JIM ALLEY: My name is Jim Alley. My address is 7501 Old Santa Fe Trail, where I've lived for the last 35 years. I represent Leslie Barclay, her two sons, Rufo and Guelfo, and I have permission to represent one of their buyers tonight, which is Richard Dant. In addition to myself tonight, we have two surveyors here who will also speak briefly.

First I'd like to tell you one quicky thing though. I think it might be nice for you to hear. The Land Use staff has been exceedingly courteous and helpful to me, even though they might be taking the wrong legal position. We're disputing them, but I want to particularly say Vicki Lucero even called me and told me how the agenda was going. I thought that was well above and beyond the call of duty. And Penny before her, Penny Ellis-Green was very helpful. She's away on vacation and I always had good fights but always very cordial ones with Oralynn. So I think you have a great staff, and I wish I could say the same about some lawyers with the same courtesy that the staff has shown us.

So, going from there, I would like to go over with you just the basic facts. Leslie Barclay in 1992 buys from Arnold Horwitch, a ranch along the Galisteo River. It's about 11,000 acres but 120 of those acres are separate and they're surrounded by BLM land and they contain, we think, three lots. Why do we think they contain three lots? They're

completely isolated from the rest of the ranch, they're contiguous. There was a survey prepared for the buyer by Gary Dawson, who's here tonight. It's very customary as Commissioner Duran will tell you as a realtor, that the seller hires a surveyor. Gary Dawson was hired by the seller, here Arnold Horwitch.

He did a survey. It's the survey you see right there. I can move it over if you haven't seen it in your packet before. He got the survey which shows three lots. And they were -- it was signed off by the County Land Use Administrator. The County Land Use Administrator says I am signing this, but I'm not creating a subdivision by it. We don't think he was creating a subdivision by it because these lots had already been created back by the BLM or the US government well before the patent was created in 1941.

The surveyor advises my client at the time that these are three legal lots of record based on his understanding of the patent and the descriptions and the deeds and his knowledge of the background. I advise my client, Leslie Barclay, that they're legal lots of record, and why do I do that? Well, I want to give you, so you have it right in front of you, the definition of a legal lot of record.

And why? First of all, you look at the definition. A lot, a legal lot of record is a lot which either was created prior to the date of any applicable provision of law which required it to be approved as part of a subdivision or land division or it's a lot that was duly created pursuant to subdivision law. Well, at the time these lots were created it was well before there was any local County Code or subdivision law.

So I think right there we have the lots that were created prior to the date of any applicable provision of law which required it to be approved as part of a subdivision. These were created. They appeared on the -- if you read the patent here, I don't know if you have a copy of the patent in your packet or not.

CHAIRMAN GRINÉ: Yeah, we got them, Jim.

MR. ALLEY: The patent refers to these three lots and one of the lots is in a different section and in a different range than the other two lots. I think Gary Dawson will tell you they were surveyed at different times by the land use, by the government. They appear on the official plat of survey of said land on file in the general land office.

Now if you're continuing to look at the definition of legal lot of record it says in the second sentence, proof of legal lot of record may be provided by a duly recorded plat. We've got a duly recorded plat here. Or by a written instrument which adequately -- and we've got a duly recorded plat. It was in the government land office, not in the County office, but it's one that people have relied on for many land transfers in New Mexico. So we have a duly recorded plat, both here and the County, and we have a duly recorded plat showing, several plats that show this in the land office.

Also it says, or it can be shown, proof of legal lot of record may be shown by a written instrument, which adequately describes the lot and is recorded with the County Clerk.

COMMISSIONER DURAN: Mr. Alley, was there ever a building permit

issued on any of these lots?

MR. ALLEY: No.

COMMISSIONER DURAN: Okay.

MR. ALLEY: No building permit. So, this is why I advised my client in 1992 that, yes, you've got legal lots of record and I think the surveyor's right. And he says you've got legal lots of record based on his experience. Now, so here's what happens. 1995, Mrs. Barclay's owned this now since 1992. She decides to give one lot to one son, one lot to another son, and she keeps another. Then in 1999, they put it on the market, these three lots and one is sold to Mr. Pfeiffer and his wife, and that's done by Guelfo, and that's one lot that's in the section to the west. It's the western section and in a different range too.

And then in March of this year, two lots were sold to Mr. Dant. Well, Mr. Dant's sale has a little problem in it because although Mr. Pfeiffer was represented by good counsel, Art Lofton, he didn't raise the question. He thought it was legal lots of record like I did. Like Gary Dawson did. But Janet McKay who works pretty actively here, she said I think that the County's taking a different position now and they may not recognize this as a legal lot of record, so I want to make sure my client has one recognized by the County Land Use Office before the client closes.

That is how this case arises. We get a ruling. She gets a written opinion from Emilio Gonzales saying that the County Land Use Office doesn't recognize these as legal lots of record. And then, everything hits the fan of course. Mr. Pfeiffer, he's shouting, oh, misrepresentation. You've defrauded us and I want to rescind or I want damages. And Mr. Dant says, well, I'll still buy these two lots, but I want a substantially lower price. So that's where my client is now and this is how this case arose.

I say to them, no, those are legal lots of record. You read the law. Here's the law and here's what it says. If the government, if the County has decided now, County Land Use has decided well, we're not going to recognize lots that are created by the government, they could have changed the law. But the law wasn't changed. The law doesn't say a lot which was created prior to the date of any applicable provision of law, except the lot which was created by the government. If you ask me, I think a lot which was created by the government should have more dignity and standing than a lot that was created by an individual prior to 1981.

There were a lot of crazy lots created prior to 1981, as you know, by individuals to get under the law. But these were done -- and these are big lots. We're not dealing with small -- we're talking about 40-acre lots give or take. There's one that's 44 acres, one that's 39-something. So we're not dealing with lots that are small. So I wanted to show you also that the BLM has always called these lots from a legal subdivision because I have here this evening a glossary of BLM surveying and mapping terms and I have a couple copies which I'd like to give out.

COMMISSIONER DURAN: Mr. Chairman, Mr. Alley, in 1993, that's when

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Ms. Barclay took title to the property?

MR. ALLEY: That was a correction deed in 1993. The original deed was in 1992.

COMMISSIONER DURAN: And when he took title in '92, was it conveyed as one parcel?

MR. ALLEY: It was conveyed, the description in the deed describes it as --

COMMISSIONER DURAN: Do you have a copy of that deed?

MR. ALLEY: Yes, I do.

COMMISSIONER DURAN: Do we have one in here?

MR. ALLEY: I don't know if you have it, but I have a copy here and I'll be glad to make it available to you.

COMMISSIONER DURAN: I'd just like to take a quick look at it.

MR. ALLEY: They're described in Exhibit B to this deed.

COMMISSIONER DURAN: In looking at all these deeds. There was a deed in 1942 that describes it as one parcel. Tobias Anaya to Frank Ortiz y Davis.

MR. ALLEY: One's called lot two, one's called -- I have that deed too.

COMMISSIONER DURAN: It says the southeast quarter of the northeast quarter of section 20 blah blah blah containing 119 acres.

MR. ALLEY: Right. That's the total area, yes.

COMMISSIONER DURAN: So it was conveyed as one parcel from Anaya to Davis in 1941. I guess my question is was it ever conveyed and described as anything less? I understand the issue about it being on a map as three different parcels, but I'm wondering was it ever conveyed as anything less than 119 acres up to the point that Ms. Barclay took title to it?

MR. ALLEY: Well it was always -- this block of land contained three lots but it was referred to of course as the total area, but that's the total area. But a subdivision has a total area of 160 acres, but it's got four lots in it.

COMMISSIONER DURAN: But was it ever described as lots one, two, three and four?

MR. ALLEY: Yes, one was described as lot two, because that's the description of one of the lots. The other one's described as the southeast quarter of the northeast quarter of section 24, and another one's described of course as the southeast quarter of the northwest quarter and they're described that way in the deed of Mrs. Barclay in Exhibit B.

COMMISSIONER DURAN: And on what deed is that?

CHAIRMAN GRINÉ: Denice, do you want to say something?

MR. ALLEY: Exhibit B of Mrs. Barclay's deeds describe it as the three --

COMMISSIONER DURAN: But prior to Ms. Barclay's ownership. I'm just trying to find a deed that describes it as the four lots. Do you have one that does that?

MR. ALLEY: Well, the patent does from the beginning, I think, doesn't it?

COMMISSIONER DURAN: Well, I don't know. You're asking the wrong person.

COMMISSIONER TRUJILLO: Mr. Chairman, I'd like understand legal's opinion of this.

MS. BROWN: Mr. Chairman, Commissioner Trujillo, this issue has arisen a number of times. I don't know if any of you are familiar with them because they haven't come before this body, but we have dealt with and worked with Rhonda King and Karl Sommer on some property that the Kings own. Also with some folks who own what's called Thorton Ranch and their attorney, Jan Ahern. A number of these types of situations have arisen over the past four years that I've been here and we have consistently taken the position that if the property is deeded out from the federal government as a single parcel and a legal division did not occur before 1981 when our Code took effect, then it is a single parcel of land. The term, the word lot, I agree with Mr. Alley about one thing, he said, well, that's just how it was described. It doesn't say lots one, two and three, because it was just described that way and that's exactly our position.

The term "lot" was used to describe property. The BLM was not a developer and when they surveyed, the federal government surveyed the property out west it was not for the purpose of subdividing land, it was for the purpose of describing it so you could find it because we had such vast, wide open spaces. There's only one jurisdiction I'm aware of in the country who's directly addressed the issue. That's California and they held that those lots were not subdivision lots, even though the word lot sometimes appears and in fact, in parcel four, this property is repeatedly -- in answer to Commissioner Duran's question -- is repeatedly transferred as a 119.17-acre parcel up until the current applicant attempted division.

If you even look on your Exhibit F, it's an '82 deed, it describes the entire 119 acres as parcel four. It's on the second page of your Exhibit F. It's consistently described in a number of deeds as parcel four, a 119.17-acre parcel.

I will tell you the only -- I have spoken with a number of attorneys in this community on this issue. I spoke at a land use seminar on this issue and have invited lawyers, not only from Santa Fe but from Albuquerque and other parts of the state who attended the seminar I spoke at to come forward with some additional information or cases or support, other jurisdictions, maybe, that are recognizing these and so far we haven't been able to find any other jurisdiction that has agreed to recognize these parcels.

I think it's because of the ramifications. What you would in effect be doing is recognizing hundreds if not thousands of lots that wouldn't have access or water or any of the other things we typically look at when someone does get in the business of subdividing property. So it's basically our position, the federal government wasn't being a subdivider even though they used the term lot to describe some of these parcels. They were just surveying the property so people could find it. It's unfortunate that that same term, that word lot sometimes appears on our Code, but they are two different mechanisms. One is

a subdivision of property and the other was simply a description through surveying.

COMMISSIONER DURAN: Denice, would it be reasonable for someone in this situation to come make application to create those lots in a more formal fashion? Obviously, this is not going to meet the minimum size lot, or would it meet the minimum size lot?

MS. BROWN: Mr. Chairman, Commissioner Duran, yes, they could lawfully divide this property with a geo-hydro. So it's not impossible to divide it into the three parcels.

COMMISSIONER DURAN: It's not a matter of not meeting the minimum size lot, it's they're claim that the lots exist.

CHAIRMAN GRINÉ: That they're legal lots of record.

MS. BROWN: Yes, that is correct, Mr. Chairman.

COMMISSIONER DURAN: Okay. Thank you.

MR. ALLEY: Mr. Chairman, in response to County counsel, I'd like to point out a couple of things. One, the case they're relying on, California, relies specifically on the California Subdivision Map Act, which has a different definition than our County Code has for recognizing legal lots. That act required, they said that legal subdivisions are exempted that we created prior to that time, but they had to be recorded with the County Recorder for them to be recognized. This case doesn't say that. This law that we are interpreting here today is a lot created prior to any applicable provision of law.

When a layman, think of a layman. They see they're buying lot two, what do they expect? They're getting a legal lot. Supposing the BLM had conveyed three of these lots to different people? Does that make them any different? They were created by the government. The government either creates legal lots or it doesn't create legal lots and whether it's conveyed to three different people or not, or to one person, it doesn't make any difference when they're described separately that way.

Ms. Wallace says there isn't any case law on this --

COMMISSIONER DURAN: Mr. Alley, I just have one quick question. The title policies -- one lot was conveyed already, right?

MR. ALLEY: All three of them have been conveyed.

COMMISSIONER DURAN: And was title insurance provided to them?

MR. ALLEY: It certainly was.

COMMISSIONER DURAN: Because in those title commitments, the title company should have made exception to -- they're real good at this. I don't know where you got your title policy but most of them are pretty good at recognizing or disclaiming any coverage on whether or not the lot met, is a legal lot of record. These plats that don't have the signature of the Land Use Administrator --

MR. ALLEY: That's the one of record. That's the plat.

COMMISSIONER DURAN: And it has the Land Use Administrator's signature?

COMMISSIONER ANAYA: Gilbert Chavez.

MS. BROWN: Mr. Chairman, it also has a note from the Land Use Administrator on it that you might want to read. It says that it does not create subdivided lots.

COMMISSIONER DURAN: And where's the note?

MR. ALLEY: The note she's referring to is up here and states that it's not being filed for the purpose of creating a subdivision or lots for the purpose of development. We agree. They didn't need to create any because these were already in existence.

COMMISSIONER DURAN: So, do you have a copy of their title policy?

MR. ALLEY: There's no exceptions in both cases the parties were represented by counsel.

ORALYNN GUERRERORTIZ (Subdivision Engineer): Can I say something?

CHAIRMAN GRINÉ: I just wanted to point out something. Commissioner Duran, you might recognize that language. It's the public notice statement language that is typically used today when the Land Use Administrator doesn't review a project and it gets filed with the County Clerk. That was done in '92 and I think that was just an early version of it, but that's the same language you'll see on a public notice statement, which we've all seen many times before.

COMMISSIONER TRUJILLO: And that's missing from here?

CHAIRMAN GRINÉ: No, it's on there.

MR. ALLEY: Mr. Chairman, I'll just wind up here. My question is really why shouldn't you recognize lots created by -- why not recognize lots created by individuals? The government should have better standing. My clients acted -- put yourself in the position of my clients. They're advised by their surveyor. They're advised by their lawyer that these are legal lots of record. The law you have in your Code indicates that they meet the definition. The only thing, if you wanted to change this and not recognize it and that's what happened. There was a policy that was changed sometime in 1995 or '96, the Land Use Office decides, well, we're not going to recognize government lots, but they recognized them before and you'll hear from Mitch Noonan briefly on that point.

But we ask you, Commissioners to overrule the CDRC and recognize these three lots of legal lots of record within the meaning of this Code. Now if you want to change that, you can amend this Code, but people rely on your law and not on changing interpretations of an administrative body when there's no publication of those changed interpretations. That's what I ask you to do.

CHAIRMAN GRINÉ: Thank you, Mr. Alley. I guess the other two gentlemen who want to speak before the Commission.

COMMISSIONER DURAN: I'd just like to say one thing, Mr. Chairman. I'm not sure that the surveyor has said that these are legal lots of record because he actually had to put that statement on the plat that it doesn't constitute a subdivision of the property.

CHAIRMAN GRINÉ: I'm just going to tell you two gentlemen, please don't

repeat what Jim Alley's already told us. We heard it once and if you've got anything new to add go ahead and add it on, but nothing that we've already heard already.

[Previously sworn, Gary Dawson testified as follows:]

GARY DAWSON: Gary Dawson, 575 Armenta, Santa Fe. And I'm going to keep this real short. So far you've been dealing with the patent and the descriptions on the patent and the description on a patent is the same as if you buy a deed to a lot. Let's say that you go out to Las Campanas and you buy lot 200 and 201 in Estates IV. Right next door to Estates IV is Estates V which is a separate plat and you might buy lot 300 there. But all of those three lots are contiguous and you have a deed from Las Campanas for lots 200, 201 and 300 of Estates V and VII or whatever it is. That doesn't combine them.

Now, the deed from the government here is a patent. And it came in 1941. But just the same as Las Campanas, the plot may have been created in 1985, the deed may have come in 1990. Well, the plat for these patents were created in 1858 and 1900, so that's 40 years apart. So they can't be contiguous lots. I should have made several copies of these, but I'll give these to you just so that you can look at them and you can pass them around if that's okay.

CHAIRMAN GRINÉ: Thank you, Gary. Any questions of Gary?

COMMISSIONER DURAN: I have one, Mr. Chairman. Maybe it's to the Land Use Department or the legal staff. I know that when we have questions about legal lots of record, we oftentimes allow someone to come in and show us that they have a survey dated before such and such a date. If that survey in the Land Use Administrator's opinion is a valid survey we oftentimes recognize those as legal lots of record. So I'm wondering, I'm looking at this patent back in 1941 and it describes it as 119 acres according to the official plat of the survey of the said land on file in the general land office. Does that survey show the property as four lots?

MR. DAWSON: I'm sorry, which one?

COMMISSIONER DURAN: In this plat that Mr. Alley gave me which is dated 1941, it describes the property and then it says according to the official plat of the survey of the said land on file in the general land office. So I'm wondering, do we have that, a copy of that survey, Jim.

MR. DAWSON: That's the copy that I just gave you.

COMMISSIONER DURAN: And this shows that there's four lots?

MR. DAWSON: Three. Yes.

COMMISSIONER DURAN: So my question is, if we did that on other properties, would you, couldn't you assume that this is a similar situation?

MS. BROWN: Mr. Chairman, Commissioner Duran, we don't believe that the federal government was in the process of creating lots when they had the federal land surveyed. So although the County Code says if you can bring in proof of lots created prior to the Code, we don't think the federal government was creating lots. They were surveying the property so you could locate it. And that's why we take a different stance with respect

to if a private individual came in and said Look, I've got a survey from 1941 and it shows a parcel of -- it shows I have three lots from my grandmother. We would recognize that because individuals -- we do, we are in the business of developing land, but we don't believe that was the federal government's objective when they were surveying the federal land.

COMMISSIONER DURAN: But it was their business at that time to convey property out.

MS. BROWN: Sometimes they did and sometimes they kept it. Yes.

COMMISSIONER DURAN: But it was still a conveyance.

MS. BROWN: Right. They did convey it as 119 acres.

COMMISSIONER DURAN: Just to make my point, I don't see a difference in the two. It seems to me to be the same thing. This one references a plat and we approved lots as legal lots of record by a plat being provided to us showing that it pre-Code.

COMMISSIONER ANAYA: Mr. Chairman, my major concern is how bound are we as County Commissioner or County to honor the signature of a past Land Use Administrator authorizing this particular plat?

COMMISSIONER DURAN: He didn't authorize it though.

CHAIRMAN GRINÉ: But there's language on there too.

COMMISSIONER DURAN: He disclaims it as a subdivision.

COMMISSIONER ANAYA: He disclaims it as division.

MS. BROWN: Actually, the language, Commissioner Anaya, is the Santa Fe County Land Use Administrator has reviewed this plat before filing in the office of the Santa Fe County Clerk's Office and states that it is not being filed for the purpose of creating a subdivision or lots or for the purpose of development as the term is used in the Santa Fe County Land Development Code.

COMMISSIONER ANAYA: Okay, I was a little confused on that issue. Thank you for the clarification.

CHAIRMAN GRINÉ: Thank you, Gary.

MR. DAWSON: Okay, is there any questions?

CHAIRMAN GRINÉ: No. Sir, you're next. Give us your name, address and please don't tell us -- give us some new information, nothing that's been already told to us.

[Previously sworn, Mitchell Noonan testified as follows:]

MITCHELL NOONAN: Yes, sir. My name is Mitchell Noonan. I'm a professional land surveyor. My office is 1114 Hickox here in Santa Fe, 87501. Commissioners and Chairman, I have been a practicing land surveyor in this county as well as Rio Arriba County, San Miguel County and Mora County since 1979. When the County Land Use Code was created in 1981 there was quite a few changes. I have found that consistently, since 1981 until 1995 the County Land Use Office has approved government created lots as legal lots of record. Consistently. I have numerous plats at my office. I brought one with me today.

I have had no deviation from that. Since 1995, I have not had the occasion to submit a plat of this kind to this county. In March of this year, and I have with me a letter from the head of the Land Use Office, Hilario Rubio, San Miguel County, authorizing me to split off a piece of land because it's a government lot of record. In Rio Arriba County, numerous volumes of government plats were recorded by the county, the purpose of which was to make it clear that they were legal lots of record.

So I found counselor's statement that other counties do not recognize this to be not my experience. Additionally, the government land office files these plats. They're public and they are lots. They are separate parcels of land in my opinion. And these records are available to any member of the public. And I think it clarifies the point of them being recorded. Thank you all. Are there any questions?

CHAIRMAN GRINÉ: Thank you. Anybody else would like to address the Commission? What's the pleasure of the board?

COMMISSIONER DURAN: Mr. Chairman, I'd like to make a motion to overturn the Land Use Administrator's -- to overturn the CDRC's denial and recognize these lots as three legal lots of record. I'm saying that only because of the fact that I stated earlier. An individual can come forward with a plat that was created prior to the Code and we've recognized it as a legal lot of record. And I believe that the applicant has done the same thing this evening.

COMMISSIONER TRUJILLO: Second for discussion. And I'd like to ask Denice, did you hear this gentleman, the surveyor? Did you have that information the last time during the CDRC hearing? The fact that there's precedence that these lots are recognized in Rio Arriba --

MS. BROWN: Commissioner Trujillo, they did used to be recognized in Santa Fe County. When I was first asked the question I found an old letter from a former County Attorney with no research attached to it and everyone I've asked what research did you do to come up with your opinion the answer has been none. They just decided we ought to. So that's certainly your prerogative. Like I said, there isn't a decision in New Mexico. The only decision we have that's addressed it is California. I also am aware that Montana was looking at some legislation a couple years ago to recognize government lots as legal lots of record but that did not pass.

So it's certainly your decision to make. If you'd like Santa Fe County to recognize those lots, you just need to be aware of the ramifications. We are talking about 250 lots for the Kings, 280 for the Thornburgs, I don't know how many others. But it's a question of whether or not that's what you mean in your Land Use Code when you say we're going to recognize lots that were created prior to the Code. Is that what your intent was when that was passed to allow hundreds if not thousands of lots to be created with no roads, no infrastructure, basically. We don't believe that was the intent of the Code, and that's our best advice to you.

COMMISSIONER DURAN: I understand, Denice, the concern that the

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Thornburgs might come in with all these lots and whoever else, but I think that we have the prerogative at that time to deny or grant approval of those lots as we do on this on. And I think that if they meet the minimum size lot, it's a three-lot subdivision, it's not 250 lots, I don't see how we can really think about it in that context at this point. I agree that if Thornburg comes up with the same argument, it's a different animal.

MS. BROWN: Mr. Chairman, I guess I just would state, Commissioner Duran, they already have. They did come in and we turned them away and told them that was our legal position and they chose not to appeal it. So I'm not talking about hypotheticals. These are real cases.

COMMISSIONER DURAN: Won't they come back again?

MS. BROWN: They will come back again, believe me. Word on this will spread like wildfire.

COMMISSIONER TRUJILLO: This does meet the minimum lot size? If we can do it on the basis of the minimum lot size, these meet the minimum lot size. If they go the regular route, they would get approved without a hydro study.

MS. GUERRERORTIZ: They could get approved with a quarter acre water restriction. There are no water restrictions. There are no access to these lots. There's no access shown on the subdivision plat that's in front of us.

MR. ALLEY: That's not true. There's a right of way from BLM to all three lots.

MS. GUERRERORTIZ: It's just not shown on the survey plat.

CHAIRMAN GRINÉ: There's a motion made by Commissioner Duran for approval and it's seconded by Commissioner Trujillo for discussion. Any further discussion? All those in favor signify by saying "aye." [Unanimous] The ayes have it.

VIII> F. 10. **CDRC Case #Z 99-5480. Alamosa/Sprint PCS. Frontage Road Site. Alamosa/Sprint PCS, applicant, Omni America, agent request master plan zoning with preliminary and final development plan approval for a cellular facility. The property is located south of I-25, on East Frontage Road at the existing TV and radio station, within Section 29, Township 16 North, Range 8 East**

FRANK WHITE (Review Specialist): Mr. Chairman, Commissioners, my name is Frank White and I'll be presenting this case for Penny Ellis-Green.

Recommendation: Staff's position is that this application is in accordance with Article V, Section 5, master plan procedures, and Article III, Section 4, development plan procedures of the County Land Development Code. The recommendation of staff and the decision of the CDRC was to recommend master plan zoning with preliminary and final

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development plan approval subject to the following conditions. Mr. Chairman, if you want to make the conditions as part of the record as written.

[Staff conditions are as follows:]

1. All colors to be reviewed and approved by staff prior to construction permit issuance.
2. The master plan/development plan will be recorded with the County Clerk's Office.
3. If the technology changes and these antennas become obsolete, they will be removed by the applicant. This will be noted on the master plan.
4. A Knox lock entry system will be installed on both the gate to the equipment compound and the gate at the frontage road to be approved by the Fire Marshal.
5. The antennas will not exceed 45 feet in height.
6. Any expansion or change of use of this tower will require BCC and CDRC approval. This will be noted on the master plan/development plan.
7. A six-foot high stuccoed wall and iron fence will surround the equipment and tower. Any graffiti will be removed immediately.

CHAIRMAN GRINÉ: Thank you, Frank. Is the applicant here, please.

[Duly sworn, Diane del Rosso testified as follows:]

DIANE DEL ROSSO: My name is Diane del Rosso. I'm the project manager on behalf of Alamosa/Sprint PCS, and on behalf of Alamosa/Sprint PCS we do agree to all the conditions. I would just like to add for the record that in developing a network for Sprint PCS we are 100% co-located throughout Santa Fe County and the City of Santa Fe, creating no new infrastructure to be built, in light of the recent article.

CHAIRMAN GRINÉ: You're in agreement with the recommendations?

MS. DEL ROSSO: Yes, I am sir.

CHAIRMAN GRINÉ: Okay, Diane. Any questions of Diane? No? Thank you, Diane. Anybody want to speak for or against this case? If not, what's the wishes of the Board?

Commissioner Duran moved to approve CDRC Case Z 99-5480 and Commissioner Trujillo seconded. The motion passed by unanimous voice vote.

VIII. F. 11. CDRC Case #Z 99-5370. SEMA Construction Mining. SEMA Construction, applicant, requests the creation of a mine zone with master plan zoning and preliminary and final development plan approval for mining 11.5 acres of material from US 285 construction. The property is located west of 285, north of State Road 41, within Section 6, Township 14 North, Range 10 East

ROMAN ABEYTA (Review Specialist): Thank you, Mr. Chairman,

Commissioners. Recommendation: On July 29, 1999, the CDRC recommended approval subject to conditions 1 through 12 as listed in the staff report. And I would ask, Mr. Chairman, that those be entered into the record as written.

[The conditions are as follows:]

1. SEMA Construction must grant inspection and enforcement access to the County during regular business hours. County enforcement officers may halt all operations in the presence of evidence of unpermitted activities outside the 11.5 acres, or a contradiction to the permitted plans of operation and reclamation and conditions of approval.
2. The 11.5 acre mining area shall be visibly defined by permanent monuments and markers. All mining shall be confined to the defined 11.5 acres.
3. No post-reclamation shall exceed 30%.
4. SEMA Construction must keep the mine access road watered to control dust.
5. All trucks will have tarps completely covering their loads. Truck bumpers and step sides will be cleaned of loose material prior to exiting the mine site.
6. The temporary liquid waste disposal unit must be in place prior to operations commencing. A contract with a licensed company for unit maintenance must be submitted.
7. The approval is for removing construction material for US 285 road project only. A crushing and screening operation is strictly prohibited.
8. A trash collection bin must be located on site for the collection of solid waste. All solid waste collected must be transported to a state-approved landfill on a regular basis.
9. A Knox lock must be installed on any proposed gates for emergency vehicle access.
10. A cost estimate and financial guarantee acceptable to the County to ensure project reclamation must be submitted prior to the granting of a development permit.
11. Comply with review comments from the County Inspection and Enforcement Supervisor.
12. This approval is for the 11.5 acres only. Upon completion of the proposed four-mile construction of US 285 this zoning will expire and the property will revert back to residential.

MR. ABEYTA: I also want to add, Mr. Chairman, that I have received letters and petitions from neighboring property owners. [Exhibits 3, 4, 5, and 6] I passed them out before the meeting. A concern has been raised by these landowners regarding the hours of operation, lighting, and noise related to the mining. Therefore, the BCC may want to consider limiting the hours of operation from 9 am to 5 pm.

CHAIRMAN GRINÉ: From 9 am to 5 pm? Would that be one of the conditions?

MR. ABEYTA: Mr. Chairman, that was not a condition of CDRC, but since

we received these letters, we just thought we'd bring it to your attention.

CHAIRMAN GRINÉ: That would be fine. We'll add it as a condition.

COMMISSIONER DURAN: Mr. Chairman, I don't seem to have that in my packet. Oh, I do. Never mind.

CHAIRMAN GRINÉ: Any questions of Mr. Abeyta? Is the applicant here, please?

[Duly sworn, Bill Elsberry testified as follows:]

BILL ELSBERRY: My name is Bill Elsberry. I'm with SEMA Construction. Address, 5160 San Francisco NE, Albuquerque. We are a subcontractor on the US 285 project under Western Mobile, currently under construction. This permit is for this one project only. The hours of operation originally we thought we were going to be work more hours. The State Highway Department now has us cut back. They've got us cut back now to actually, in Eldorado from 8:30 to 4:30. In order for that operation to happen, we have been having the crew go out at seven to start the equipment and let it warm up and actually start loading at eight.

We start loading at eight and that puts the first loads up there about 8:30 so we're in compliance of no loads before 8:20. And then shutting down in the evening, it's normally 5:00 or 5:30. We quit loading at four, between four and 4:15 to where the last load is up on the job by 4:30 and then we shut the equipment down to where it's 5:00 or 5:30 before we're out of there. So I've said 7:00 to 5:30 as far as any equipment running in the pit.

CHAIRMAN GRINÉ: Thank you, Bill.

MR. ELSBERRY: But the State Highway Department and Eldorado landowners have limited our hours.

CHAIRMAN GRINÉ: Thank you. Any questions of Bill?

MR. ELSBERRY: We are in agreement with all the stipulations.

CHAIRMAN GRINÉ: Thank you, Bill. Anybody in the audience would like to address this issue? So we have four people? One, two, three, four, five. Okay, people, let's try to keep this short and brief. If you're all from this area, I think we're all in full agreement that we need it upgraded to carry that plutonium down south.

[Duly sworn, Gerald Dukeminier testified as follows:]

GERALD DUKEMINIER: My name is Gerald Dukeminier. I would like to present a letter for the record. My family has owned property adjacent to the proposed mine site for 39 years. I'm here to take issue with the CDRC's procedural errors and the lack of compliance with the Santa Fe County Code requirements for the creation of this mining zone. The recommendation of approval of this mining zone is an error. I'm here to take issue with the misinformation and lack of information contained in the permit application.

CHAIRMAN GRINÉ: Bill, I don't want you to read this stuff into the record. Summarize it and get brief.

MR. G. DUKEMINIER: On July 29, the CDRC improperly held a meeting with the lack of notice. The information and testimony at the meeting was prejudicial and

incomplete. The permit application deliberately misrepresented the distances to the mine site to the nearest residences. It misrepresents the tradition use of the surrounding property to be grazing and ranching. It is also residential and not mining. The applicant has not sufficiently demonstrated compliance with the Land Use Codes for landscaping. It is out of compliance with the location standards.

CHAIRMAN GRINÉ: Hey, Bill, I don't think so. Staff made the recommendations or findings and we can't come here and say that the County has not reviewed this process. We don't want to make those allegations because that's not correct. You're actually telling us that our staff is not qualified to review this process.

MR. G. DUKEMINIER: I don't question their qualifications. I'm questioning their judgement. It's the burden of the applicant to demonstrate that the mining use is reasonably compatible with the other uses in the immediate area. He has not done so. It is the burden of the applicant to demonstrate that the mining use is particularly suited for the proposed mining site in comparison with other areas. He has not done so. We're concerned about the health and safety of the area residents. We're concerned about the devaluation of the property values and the quality of life by the creation of a mining zone.

COMMISSIONER DURAN: Excuse me, Mr. Chairman. Do you know this thing is only for several months and they're going to reclaim it after that? Did you know that?

MR. G. DUKEMINIER: Exactly.

COMMISSIONER DURAN: And you say that even after they've reclaimed it that it's still going to impact property values?

MR. G. DUKEMINIER: Yes, I do.

COMMISSIONER DURAN: And you believe that it's going to go on forever?

MR. G. DUKEMINIER: I do not. I believe it's going to permanently scar the landscape.

CHAIRMAN GRINÉ: The road improvement is going to upgrade the property values out there.

MR. G. DUKEMINIER: Is it going to enhance the area? Is it going to protect the landscaping that is going to be ripped up? I don't think so.

CHAIRMAN GRINÉ: Bill, also, you live in Albuquerque, so it's not going to impact you personally.

MR. G. DUKEMINIER: The way it's going to affect me is that I am renting my home that I built, that I will be moving back into. I have tenants in that home. They are threatening to move out due to the construction. Due to the nuisance that it's going to create. The Highway Department has already torn up the highway and --

CHAIRMAN GRINÉ: Bill, I don't want to get into a dialogue but I'm going to be honest with you, if they don't take a site, it's going to have to be driven in from somewhere else.

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MR. G. DUKEMINIER: Exactly.

CHAIRMAN GRINÉ: And I'm sure the ECIA and the 285 Coalition have addressed a lot of these issues already with this company. Because it's never been brought to my attention on a personal basis that they have a problem or concern, because you know what, those people will call me immediately.

MR. G. DUKEMINIER: My issue is this particular location for this site.

CHAIRMAN GRINÉ: Make it brief. I'm going to give you five minutes.

MR. G. DUKEMINIER: The applicant misrepresents the proximity of the local residences. This information was used by the CDRC to make an approval. There are several areas that this application is in conflict with the Code. I have outlined that in the letter. I would also like to state that the owner of the mining site property is a former CDRC member with obvious political ties who stands to make financial gain at the expense of others. The location of this particular site is unnecessary.

In a recent conversation with Mr. Elsberry, he acknowledged that there were probably other ridges in the area that could be used as a borrow site. There are other sites in the county existing that are better suited for this type of operation and the only reason to approve a mining site in this location would be to benefit a former CDRC member for the mere --

CHAIRMAN GRINÉ: Bill, you mention that one more time, an allegation, I'm going to stop you. I don't want no allegations made here. Those are hearsay. You state your reasons why you don't want it there and quit getting into allegations and accusations.

MR. G. DUKEMINIER: The only reason to approve this mining site would be for the mere convenience of SEMA Construction. There are other sites in the area. There are other existing sites in the county that would not have the effect on the area residents.

CHAIRMAN GRINÉ: I think you stated very clear your point already.

MR. G. DUKEMINIER: And also I understand there's a lot of political pressure for the completion of this WIPP corridor project at the expense of the quality of life of the residents in this traditional community. It is the obligation of this committee to uphold the Land Development Code and to provide for the protection and preservation of the environment in this traditional community.

CHAIRMAN GRINÉ: I think your point is well taken, Bill. You're against it. Thank you. Next speaker please.

[Previously sworn, Kathy Pilnock testified as follows:]

KATHY PILNOCK: I'm Kathy Pilnock. I live in Lamy.

CHAIRMAN GRINÉ: State your address, Kathy, for the record.

MS. PILNOCK: General Delivery, Lamy, New Mexico, 87540. Actually, I'm here to address one remaining concern that the 285 Coalition has about I guess the road construction project in general. Back in April of '98 we sent you guys a letter asking for

time of day restrictions on the WIPP shipments. And you guys responded by passing a resolution that requested the Highway Department to negotiate time of day restrictions for the WIPP shipments during the construction.

One of our people, Don Jarvis, on the Coalition has been attempting to stay on top of this, but our latest, best information is that the time of day restrictions on the WIPP shipments haven't been settled. Now, we know the Los Alamos shipments are fine because of their agreement with the City of Santa Fe. The Rocky Flat shipments, because they leave Rocky Flats at about three in the afternoon go through the 285 area before dawn. The Hanford shipment came through at 12:30 noon when the traffic on that stretch of road was like 700 cars an hour.

So I'm just here to let you know that we do have a continuing concern about these time of day restrictions and so far as we know, they haven't been agreed to by everybody. So I just wanted to let you know. And I just want to say as a resident of Lamy, I understand that this construction may be necessary but I think the dust is killing us all in Lamy. I know there are allergies, it's allergy season, but the dust is really aggravating it, and I suppose the Environment Department is keeping on top of that, but we're all pretty miserable. Thank you.

CHAIRMAN GRINÉ: Thank you, Kathy. Do we have anything in the conditions about make sure that they also water down to prevent the dust? Roman?

MR. ABEYTA: Mr. Chairman, yes we do. It's condition number four, Mr. Chairman.

COMMISSIONER DURAN: Mr. Chairman, Roman. So I'm looking at this map. Is this right on the road going into Galisteo? I'm confused here.

MR. ABEYTA: Mr. Chairman, I'm going to have the applicant address where exactly it's at.

CHAIRMAN GRINÉ: Is it opposite of the girls' ranch? Across the highway?

MR. ELSBERRY: No, it's before -- do you know where the main entrance is in to the Thornton Ranch? That gate? This is just down the road.

CHAIRMAN GRINÉ: Okay, so it would be like north of Galisteo.

MR. ELSBERRY: It's just down the road 1,000, 500 feet from the Thornton entrance, and it goes back west.

CHAIRMAN GRINÉ: Okay.

MR. ELSBERRY: We don't get down to the Galisteo at all.

COMMISSIONER DURAN: Why didn't they do this further into the Thornton property?

MR. ELSBERRY: There's three fingers in there. There's one ridge where the main road is, and there's this one, and then there's a main one that's very visible from 285. The Thorntons told me when we were first talking to them they wanted to go to this ridge because it was less visible from other people. The closest residence we have is 2,000

feet from our excavation. The Thorntons picked this one because it was less visible from Highway 285.

COMMISSIONER DURAN: Do you have another site like this some place in that area right now?

MR. ELSBERRY: No, we sure don't. We've scouted the county. We got the job several months ago and we've been all over the county. We're also working on the bypass, trying to find borrow there. We've been all over trying to find it and this is where the Thorntons wanted to get it out and that's where we went ahead.

COMMISSIONER DURAN: That's a very visible location.

MR. ELSBERRY: It's not visible from 285 at all.

COMMISSIONER DURAN: But it is from the road going into Galisteo.

MR. ELSBERRY: No. You can't see much. And we're not digging a hole.

CHAIRMAN GRINÉ: Roman, can you answer that. I'm sure you've had site visits.

MR. ABEYTA: Yes, Mr. Chairman, Commissioner Duran, this is not on the road to Galisteo. This would be further east from that. Much further east than the road to Galisteo.

COMMISSIONER DURAN: Maybe you can show me real quick because I'm having a hard time. And then the boundaries within the Thornton properties -- it's all this stuff here. Oh, okay. So it's within the Thornton property. Okay. Great. Thank you.

CHAIRMAN GRINÉ: Okay, our next speaker please.

[Previously sworn, David Crichton testified as follows:]

DAVID CRICHTON: My name is David Crichton. I live at the property of Gerald Dukeminier. It's 2814-B US 285 in Lamy, 87540. I share concerns that have been voiced already in terms of noise. The house is 2,000 feet from the proposed mine and we believe that we will be able to see this. I understand the gentleman from SEMA construction talking about trucks only warming up at 7:00 in the morning and not starting work until, I believe he said 8:00 or 8:30. I wake up every morning with the sound of trucks beeping as they back up and that's a mile away from my property.

This is a rural, secluded, very peaceful, quiet area and I'm quite concerned living there that that's going to be gravely disrupted and I'm not sure that it's going to be feasible for me to continue to live there. I'm also concerned about safety with traffic in general and also with the WIPP trucks. I drive in every day from here into town.

CHAIRMAN GRINÉ: David, you know that because of WIPP, an upgrading of the road is to the benefit of health and safety issue.

MR. CRICHTON: I do understand that, but I also believe from what I understand that this will be an increase in trucks. I've already been run off the road.

CHAIRMAN GRINÉ: It's going to be done one way or another regardless of where the materials come from. It's going to happen. As a matter of fact, 285 is

supposed to be expanded to two lanes each way. I think we got the bear some little bit I guess painstaking like it's going to happen in Albuquerque between I-40 and I-25 when the Big I goes into construction.

MR. CRICHTON: I do understand that, sir.

CHAIRMAN GRINÉ: It's going to impact millions of people going through the thing. Here, we're just talking about probably a short period.

MR. CRICHTON: But my concern is about the addition of 300 trucks a day right on that road, that it does seem unsafe from my personal experience. I've already been run off the road once by a truck.

CHAIRMAN GRINÉ: Two or three months.

MR. CRICHTON: I still have concerns about safety within that period, sir. I also have a petition, which I'd like to submit, which is different and separate than a petition from Mr. Dukeminier. It was from residents from Lamy and the area, if I could present that. [Exhibit 7]

CHAIRMAN GRINÉ: Fine. Go ahead and give it to us. And thank you. Your point is well taken. Next speaker please.

[Previously sworn, Caroline Dukeminier testified as follows:]

CAROLINE DUKEMINIER: I'm Caroline Dukeminier. P.O. Box 15005, Santa Fe. I believe that you have a copy of the letter that I wrote with the petition attached. I just want to state that it's an unfair burden to have one letter come to me when there are 16 owners of the Dukeminier Ranch. And one letter comes to me and now the burden is on me to pass the information around. I think that letters should have been sent to all of the owners, the owners of record, and that was not done. So in the short period of time that we had to prepare, I was asked to represent my mother, who was here earlier, my sister, who could not be. She's going to have a baby any minute. My brother is here to speak on his own behalf.

We protest this mine in this area. We think there are existing mines that could fulfill the need and also that there are other places that are not 2,000 some feet from an existing residence that would be more appropriate for this use.

CHAIRMAN GRINÉ: Caroline, if you wanted us to relocate this further away, then actually you're increasing the traffic hazard if this was to occur.

MS. DUKEMINIER: I do not think that having a gravel mine within 2,000 some feet of a residence is appropriate. I think that that is inappropriate and I think that the burden is on the people applying for that to find another site. So that's my belief.

CHAIRMAN GRINÉ: Thank you.

MS. DUKEMINIER: Thank you.

CHAIRMAN GRINÉ: Roman, what's the closest residence to this mine? Thorton Ranch is a pretty big ranch.

MR. ABEYTA: Yes, you're correct, Mr. Chairman. The Thorton Ranch is

1697458

16,000 acres. The closest residence is Mr. Dukeminier's, who spoke first, which is 2,000 feet away. And I'd just like to clarify for the BCC that this is not a typical mining operation that's going to have screening and crushing of material. They're going to go in and remove material and take it to the US 285, so there won't be any screening or crushing equipment or operation of any sort on this property. And we do have a condition that this approval is for this project only and once this project is completed, then the property reverts back to residential and agricultural zoning. So it's not going to be a mine zone afterwards.

CHAIRMAN GRINÉ: Thank you. Next speaker, please.

[Previously sworn, Joni Arends testified as follows:]

JONI ARENDS: Good evening. My name is Joni Arends. I'm the Waste Programs Director for Concerned Citizens for Nuclear Safety. I'm at 107 Cienega. I'm happy to hear that the transportation is going to be limited for these shipments of gravel and sand up to 285, but I am concerned with the US 285 Coalition, and our group is very concerned about limiting the WIPP shipments or providing escorts for the WIPP shipments during the time of the construction because although the City escorts the trucks from Los Alamos, there's no escorts --

CHAIRMAN GRINÉ: The City doesn't escort from Los Alamos. The City just escorts to the city limits.

MS. ARENDS: Yes, that's what I meant, right through the city limits.

CHAIRMAN GRINÉ: You know, they have their own escorts, too. You know that.

MS. ARENDS: No, they don't.

CHAIRMAN GRINÉ: Yes they do. Because they are followed by computer as to the exact site of those trucks.

MS. ARENDS: Right, with all due respect, I would request that during this construction period, while the road's torn up, while there's two lanes going on on 285 right now, that the County provide escorts when the WIPP trucks come through, just because of the increased danger. In this environmental impact statement, there's no consideration for excess construction in terms of the accident calculation and so it seems like it would behoove the County and public health and safety and property values to escort the trucks during that time. Because as Kathy said, the trucks have not been honoring the resolution that you put forward with respect to limiting the shipments and they're coming through when there's school buses.

CHAIRMAN GRINÉ: Erin, your point's well taken and I understand it because we heard from Kathy. You know what I will do personally? I will ask Ray Sisneros, he's an elected official, and see if he'll do it, but I don't think we can put it as a condition because we cannot enforce the Sheriff to do something like this. But I personally will request to see if we can work something out, maybe with the arrangement of these shipments, okay? I will do that personally. But we can't impose it as a condition.

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MS. ARENDS: Okay, because there's a Rocky Flats shipment that leaves tomorrow night at seven and will be coming through at about 7:00 pm.

CHAIRMAN GRINÉ: We're talking about only through the course of the construction.

MS. ARENDS: Yes, during the course of construction.

CHAIRMAN GRINÉ: And I will talk to Ray Sisneros personally myself.

MS. ARENDS: Thank you very much.

CHAIRMAN GRINÉ: You're welcome. Anybody else?

[Previously sworn, Michael Dukeminier testified as follows:]

MICHAEL DUKEMINIER: Hello, my name is Michael Dukeminier. My address is 147 Alamo Drive, Santa Fe, New Mexico, 87501. I just want to thank you for letting this be an open public process for hearing our concerns. I know that you have a lot of other issues. I just want to state that the process for approving this is in place for a reason and I know that you've already stated your opinions. We, again are of the opinion that there's been some neglect in the process and personally, I think it kind of makes a mockery of the system.

CHAIRMAN GRINÉ: Michael, that's not true. I represent that district and you know what, that is not true. These are my constituents that I have to deal with and I am concerned about their health and safety and welfare. And like I tell you, I have not had one call, anybody calling me of their concerns. Because let me tell you something, when some of the concerns are raised out there, that phone rings here, because I'm here full time.

MR. M. DUKEMINIER: Well, with all due respect, I am a property owner and you say you haven't gotten one call. Well, I haven't gotten any notice. This has all been grapevine.

COMMISSIONER ANAYA: Mr. Chairman, point of order, this is turning into an argument. Let's get --

CHAIRMAN GRINÉ: If you're opposed to it, please state your reasons and we hear you.

MR. M. DUKEMINIER: I am. I am here to encourage you to deny the permit. I would like to state that when I was out in the lobby I ran into a Mr. Louis Gonzales and he asked me what basically what I was here for. I said the SEMA hearing. He assumed I was a SEMA. He told me that in a few minutes he was going to be having dinner with one of you guys and he'd put a good word in for me, that all I had to say was we need roads, we need roads, we need roads. He kept assuring me that this is going to pass. Don't worry. He didn't know I was against it. That was his assumption. I would just like to say that if putting in a good word is more important than process regulation and upholding the law, then I don't know what to say. I want to believe that there is a fair process, a faithful following of the correct process to do as the banner above you says, which is protection of property.

1697460

CHAIRMAN GRINÉ: Michael, you're getting away from the issue here.

MR. M. DUKEMINIER: Okay, I'm going to wrap up, sir. If you don't protect the landowner, then nobody will. I would just like to say that this is supposed to be a public process with public input, but it feels like to me that you're trying to convince me that -- but your mind is made up. Your mind is already made up, that you're trying to convince me and that there really is no process. And I'd just like to believe that there's fairness. I also would just like to point out that you've been pretty hostile to us as landowners, as taxpayers and I just would like to state that. I appreciate your time, but your hostility is unwarranted.

CHAIRMAN GRINÉ: Point of order. Come on, Michael.

MR. M. DUKEMINIER: And I thank you.

CHAIRMAN GRINÉ: Yes, we understand you oppose it, the idea of this case. Anybody else want to address the Commission? If not, what's the wishes of the Board?

COMMISSIONER DURAN: Mr. Chairman, I would just like to say that -- well, I won't say anything. I move for approval.

COMMISSIONER ANAYA: I'll second, Mr. Chairman. And just there's a basic need for this type of product and right now we're going through that particular process and I myself live in an neighborhood right next to the hospital and I hear helicopters occasionally coming through and it's just one of those issues that nobody wants them in their backyard but it's a basic necessity and sometimes we have to swallow it and we have to take that need. It's a short-term event in your neighborhood so we'll try to keep it that way but right now it's a basic necessity for the community. Mr. Chairman, I did second the motion. Call for the question.

CHAIRMAN GRINÉ: Oralynn, did you have some comment?

MS. GUERRERORTIZ: Is this with staff conditions?

COMMISSIONER DURAN: Yes.

COMMISSIONER ANAYA: Yes.

CHAIRMAN GRINÉ: Okay, the motion was made by Commissioner Duran for approval of Case #Z 99-5370, seconded by Commissioner Anaya. Any further discussion? If not, all those in favor signify by saying "aye."
[Inaudible question from audience]

CHAIRMAN GRINÉ: No, supposedly they have agreed to 8:30 and 4:30. The construction company themselves agreed because I guess the Highway Department has worked it out with him.

The motion passed by unanimous voice vote.

1697461

ADJOURNMENT

Chairman Griñé declared this meeting adjourned at approximately 9:15 p.m.

Approved by:


Board of County Commissioners
Joe Griñé, Chairman

Respectfully submitted:

Karen Farrell, Commission Reporter

ATTEST TO:



REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1697462

**CONSTRUCTION AGREEMENT
FOR
COUNTY ROAD 64-L (RICHARDS AVE.) REPAVING PROJECT**

THIS AGREEMENT dated _____, 1999 is made and entered into by and between Santa Fe County, a New Mexico Municipal Corporation, hereinafter called the "County" and J.R. Hale Contracting, hereinafter called the "Contractor".

The County and Contractor agree as follows:

1. To perform this contract and construct the work in accordance with the terms and conditions of these Contract Documents, including the following documents;
 - a. Agreement (this instrument).
 - b. Addenda to Contract Documents.
 - c. Remaining Legal and Procedural Documents.
 - (1) Proposal and Bid Form
 - (2) Information for Bidders
 - (3) Advertisement inviting bids dated August 1, 1999
 - d. Supplemental General Provisions.
 - e. Special Provisions.
 - f. Supplemental Specifications.
 - g. Bonds:
 - (1) Performance Bonds
 - (2) Labor & Material Payment Bond
 - (3) Proposal Guarantee
 - h. The "New Mexico State Highway and Transportation Department Standard Specifications for Highway and Bridge Construction 1994, with all benefits, indemnities and obligations inuring therein to "The Department" read as benefiting, obligating to, and indemnifying "The County.
 - i. Plans and Drawings.
 - j. Everything else bound in these documents.

k. The sequence of construction and Traffic Control Plan.

1697463

In the event of a conflict in the terms of descriptions contained in the above documents, the documents shall be controlling in the precedence listed above.

2. The title or general description of the work is:
County Road 64-L (Richards Avenue) Re-paving Project – IFB #20-11
3. There are five (5) original signed copies of this agreement.
4. The contract price is \$ 247,883.29 including NMGRT. Unit prices for all contract work items, as listed in IFB 20-11, are specified in Exhibit “A”, attached hereto and made a part hereof.
5. The contract time is thirty (30) calendar days for the base bid and twenty five (25) calendar days for the additive alternate.

Substantial completion of the work shall mean completion and ready for acceptance of all work related to clearing, earthwork, base course, miscellaneous construction, construction of plant mix bituminous pavement, and striping.

1697461

IN WITNESS whereof the parties have executed this contract.

CONTRACTOR

SANTA FE COUNTY, NEW MEXICO

By:

Paul Duran, Chairman

By

(Seal)

Title

ATTEST:

and

Rebecca Bustamante, County Clerk

By

APPROVED AS TO LEGAL FORM:

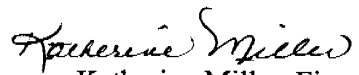
Title


Denice Brown, County Attorney

(Seal)

FINANCE DEPARTMENT:

New Mexico Contractor's License
No. and Type

 9/14/99
Katherine Miller, Finance Director

1697465

EXHIBIT " A "

**SANTA FE COUNTY
PUBLIC WORKS DEPARTMENT
COUNTY ROAD 64-L PHASE I (RICHARDS AVE.) REPAVING
BID #20-11**

ITEM #	APPROX. QTY	ITEM DESCRIPTION W/UNIT BID PRICE WRITTEN IN WORDS IN BLANK	UNIT PRICE DOLLARS CTS.	AMOUNT BID DOLLARS CTS.
401510	21000	2" PMBP TYPE I, GRADE B - PRICE PER SQUARE YARD	\$ 4.95	\$ 103,950.00
402000	2100	REMOVE AND REPLACE 3" PMBP PRICE PER SQUARE YARD	\$ 15.50	\$ 32,550.00
407000	14	BITUMINOUS MATERIAL WITH TACK COAT - PRICE PER TON	\$ 175.00	\$ 2,450.00
702800	1	CONSTRUCTION TRAFFIC CONTROL PRICE PER LUMP SUM	\$ 5,000.00	\$ 5,000.00
704000	55000	REFLECTORIZED PAINTED MARKINGS PRICE PER LINEAR FOOT	\$ 0.09	\$ 4,950.00
SUBTOTAL OF ALL BID ITEMS				\$ 148,900.00
NMGR AT 5.75%				\$ 8,561.75
TOTAL AMOUNT INCLUDING NMGR				\$ 157,461.75

EXHIBIT " A "**1697466**

**SANTA FE COUNTY
PUBLIC WORKS DEPARTMENT
COUNTY ROAD 64-L PHASE II (RICHARDS AVE.) REPAVING
BID #20-11**

ITEM #	APPROX. QTY	ITEM DESCRIPTION W/UNIT BID PRICE WRITTEN IN WORDS IN BLANK	UNIT PRICE DOLLARS CTS.	AMOUNT BID DOLLARS CTS.
401510	12000	2" PMBP TYPE I, GRADE B - PRICE PER SQUARE YARD	\$ 4.95	\$ 59,400.00
402000	1200	REMOVE AND REPLACE 3" PMBP PRICE PER SQUARE YARD	\$ 15.50	\$ 18,600.00
407000	8	BITUMINOUS MATERIAL WITH TACK COAT - PRICE PER TON	\$ 175.00	\$ 1,400.00
702800	1	CONSTRUCTION TRAFFIC CONTROL PRICE PER LUMP SUM	\$ 3,000.00	\$ 3,000.00
704000	34500	REFLECTORIZED PAINTED MARKINGS PRICE PER LINEAR FOOT	\$ 0.09	\$ 3,105.00
SUBTOTAL OF ALL BID ITEMS				\$ 85,505.00
NMGRT AT 5.75%				\$ 4,916.54
TOTAL AMOUNT INCLUDING NMGR				\$ 90,421.54

1st Version

Proposed Changes to 1999 Growth Plan of Santa Fe County

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

1697467

Page/Item	Change	Question/Comment
X Restricted Land Uses Page 30, paragraph 2	Large scale businesses, industrial parks.....are not encouraged in the Rural Districts except as designated by a Community Plan or Highway Corridor Plan.	The language was deleted to allow more flexibility to provide for economic development opportunities in areas other than the Central part of the County.
Page 31, paragraph 3	Additionally, these uses must be located where infrastructure is already developed or is planned.	
X Minimum "Community Benefits" Page 34, paragraph 2 Page 41, Option E, other conditions	All development will contribute to....are adopted and applicable.	The fees might not be applicable to all developments.
X Page 41, Option F, other conditions September 14	Residential to be developed on least productive lands	Should be determined at the time the land use code is written.
X Page 42, Option I	Density Bonus units may.....as a receiving zone. in a community or the City	The receiving zone should not be limited to just a community or city.
Page 43, Estancia Basin District Meeting Aug. 10 minutes page 74	Community Plan/Contemporary Plan Zoning will not be changed while the district plan is prepared, unless there is a direct threat to the health, safety and welfare of the communities. No amendments to the Land Use Code for the Estancia Basin will be adopted until the District Plan is completed. unless there is a direct threat to the health, safety and welfare of the communities.	To be consistent with Staff amendment Page 30 paragraph 2
Page 64, paragraph 5 September 14 staff proposed changes	The area to the east and north of the Traditional Community	The area to the north of the traditional community has substantial development and should be considered for inclusion in a NCD
Page 64, paragraph 5 September 14 staff proposed changes	The area to the east.....and new town of Edgewood in the aquifer basin could be designated a NCD	A large portion of Edgewood along with the area to the east and north is not in the basin however it is logical that the entire area will eventually develop into a NCD
Page 64, paragraph 5 September 14 staff proposed changes	New Community District status..... developed when planned infrastructure and services will be available.	

Antenna

Location of Edition	Text of Edition	Explanation
Page 25, ¶ 4, Add sentence after sentence beginning with "This Plan anticipates that these areas will become Contemporary Communities . . . "	Vacant lands, whether or not previously divided, may be included within the boundaries of a Contemporary Community Plan or within the boundaries of any other community plan, provided the owners and residents preparing the plan submit a proposal which helps define and reinforce the unique identity of the area within the plan.	The idea here is to allow for the inclusion of vacant lands which are not part of any other development pattern in the boundaries of the plan - Contemporary Community or community plans.
Page 31, ¶ "Water Availability", last sentence should read:	Land development densities in such areas will change only if proposed and approved as part of a Community Plan, except as otherwise provided in the Land Development Code.	
Page 32 - 33 Maps, add this Clarification	Basic density in the Rural District depends on the underlying Hydrologic Zone as described in the General Plan maps adopted in 1981 as part of the Santa Fe County General Plan, which are described below:	This makes clear which maps are being referred to in this section.

Page 39, top of page.
The redraft should read
as follows and delete the
entire introduction:

The development of land depends upon certain choices made by the land owner. The County, through its general plan and Land Development Code, attempts to promote certain land use policies by providing incentives for land owners to make certain choices over others. Those incentives are designed to maintain the unique character of the various parts of the County, all of which are different from one another. For example, the rural communities in the southern part of the County differ significantly in character from the rural communities in and around the La Cienga area outside of the City of Santa Fe. Incentives of different types will be necessary to maintain the unique characters of each. The following tables provide only a few examples of the types of incentives which the County might use to preserve the character of each part of the County. The incentives finally chosen will be reflected in actual ordinance amendments. All or part of the potential density incentives may, for example, be achieved by "sending" Development Rights to a "receiving site" if areas within the Rural District are designated as part of a Transferable Development Rights (TDR) Program.

The idea here is to make clear that the table is only an example of the types of incentives which might be used and to make clear that other incentives may be chosen depending upon the area being dealt with by each plan or district.

1697470

Carolyn Dukeminier, P.O. Box 15005, Santa Fe, NM 87506-5005

Phone: 505/471-7060

Santa Fe County Land Use

Ms. Diana Lucero, Acting Land Use Administrator

P.O. Box 276, Santa Fe, NM 87504-0276

3 September, 1999

RE: CDRC Case # Z 99-5370 Mine Zone Request by SEMA Construction

Dear Ms. Lucero,

I am writing to PROTEST the creation of the above referenced mine zone which would be adjacent to property I co-own with sixteen (16) other people, known as Dukeminier Ranch. I have been asked by six of these co-owners to represent them, in addition to myself, in writing this protest on their behalf, due to the very short notice given to me by SEMA Construction regarding this case.

We are all OPPOSED to the noise, dust, and adverse environmental impact this mine would necessarily create. We are also concerned that the exponentially increased industrial traffic would be incompatible with the current peaceful residential / agricultural use of the area. There are EXISTING mines which could fulfill gravel requirements without destroying more land. We ask that you please deny this request by SEMA Construction.

As many co-owners as were able, in the short time we have had to prepare a protest, have signed the attached petition. I have also obtained signatures from other persons concerned about this proposed mine zone. Thank you for your consideration.

Sincerely,


Carolyn Dukeminier

Representing herself, her mother, and five siblings which are seven (7) of sixteen (16) Co-owners of Dukeminier Ranch.

PETITION TO THE
SANTA FE COUNTY BOARD OF COMMISSIONERS
AUGUST 1999

We oppose the approval of the SEMA Construction sand and gravel mine which is to be located in Lamy on the Thornton property. We are concerned about the following issues:

- Operating from 6am until 11pm is unreasonable - Noise from the mining operation and the trucks will disrupt the quiet, peacefulness of Lamy;
- 300 truck trips a day will cause serious traffic delays;
- We have safety concerns about mixing this amount of construction with WIPP-bound trucks which pass through several times per week;
- Permanantly scarring the landscape for construction materials.

* = CO-OWNERS OF DUKEMINIER RANCH PROPERTY (ADJACENT)

NAME

ADDRESS

PHONE

* CAROLYN DUKEMINIER P.O. ^{Box} 15005, Santa Fe NM 87506 411-7060

* Patti Delgado 59 Droege Rd. ^{Santa Fe} 87505 989-1875

JAMES DELGADO
James Delgado 59 Droege Rd SF, NM 87505 989-1875

AIMEE DUKEMINIER
Aimee Dukeminier 147 Alamo Dr SF NM 87501 989-4836

* MICHAEL DUKEMINIER 147 ALAMO DR. SF NM 87501 989-4836

* Kathleen L'Heureux 1016 Flora Dr. SFe NM 87505/471-1141
87506

Michael A. Martinez P.O. Box 16434 Santa Fe, NM 424-9740

Catherine Copeland Residence: 13 La Junta, LAMY NM 87540
Mail: 311-B MONTEZUMA, SANTA FE 87501 466-2685

Brian Arthur 544 1/2 Franklin Ave. Santa Fe, NM 87501
[820-0501]

Rebecca Persons P.O. Box 548 Santa Fe, NM 87504
473-1077

Dr. Gerald Dukeminier
217 Dartmouth N.E.
Albuquerque, N.M. 87106
H 262-0841 W 837-2400



1697472

SEP 1999
RECEIVED
Land Use Dept.

August 29, 1999

Santa Fe County Land Use
Diana Lucero, Acting Land Use Administrator
102 Grant Ave
Santa Fe, NM 87504

**NOTICE OF APPEAL OF CDRC DECISION AND RECOMMENDATION OF APPROVAL TO THE BOARD,
CDRC CASE # Z 99-5370, SEMA CONSTRUCTION-MINING**

Pursuant to Santa Fe County Development Code, Art. II, Sec. 2.3.4(c), this timely Notice of Appeal is hereby given by Gerald Dukeminier, of the CDRC decision and recommendation of approval for Case # Z 99-5370, SEMA Construction mining zone request and development plan.

This appeal comes forth as a result of the permit application and development plans lack of compliance with the SF County Land Use Code, Art II, Sec. 2.4; Art XI, Sections 1.1; 1.2.2; 1.2.4; 1.6; 1.9 (B)2, (B)3; Art. III, Sec. 4.4.4f(1)(a); Art III, Sec. 4.4.4 f(3)(a), (b)(2)(3)(4)(5), Sec. 4.4.4 f (4).

Art II, Sec. 2.4, Notice and Conduct of Public Hearing.

2.4.1 Notice by County

"Public hearing shall be conducted as provided by policies established by the body holding the hearing or as required by law. All interested persons shall be allowed a reasonable opportunity to be heard at a public hearing held under the Code."

2.4.2 Notice by Applicant

2.4.2a "For all zoning cases, development plans,...

The following public notice requirements shall be completed by the applicant at least twenty one (21) days prior to the public meeting.

ii. Certified letters, prepared by the Code Administrator, shall be mailed return receipt requested to all property owners within one hundred (100) feet (excluding rights-of-way) of the subject property.

iii. The subject property shall be posted in the manner outlined in Section 2.3.2c of this Article II."

- On July 29, 1999 the CDRC improperly held a public meeting without legally required notice to area residents and adjacent landowners and therefore did not allow interested persons a reasonable opportunity to be heard as required by the Code.
- Due to the lack of notice, the CDRC's approval of the permit was based on incomplete and prejudicial testimony and evidence presented at the July 29, 1999 "public hearing" and was also subject to erroneous information contained in the permit application.
- **Notice was not given 21 days prior to the "public hearing".**
- **Notice by certified letter was not given to all property owners within 100 feet of subject property.**

- **The subject property was not posted in the manner outlined in Section 2.3.2c of Article II.**
- On August 6, 1999, I was alerted by a neighboring landowner that the CDRC had recommended the approval of an 11.5 acre mining zone immediately adjacent to my property and to the Dukeminier Ranch property near Lamy, NM. Neither I nor any of the eleven owners of the Dukeminier Ranch, as well as several other adjacent land owners were notified by certified letter of the public hearing for the mining zone application as required by the SF County Land Use Code.
- Posted notice of a proposed zoning change was originally placed 45 feet inside the boundary of the Thornton property, with a no trespassing sign posted at the property entrance. This notice was torn and indicated the public hearing was to be held on Friday, August 13, 1999, when in fact, the matter was to be heard by the Board of County Commissioners at the August 10th meeting.
- On August 9, 1999, I sent a certified, return receipt letter to Roman Abeyta, CDRC Zoning Case Manager, verifying that not I nor any of the Dukeminier Ranch owners had received any notification about the proposed zoning change. I requested that any further approval of a zoning change be halted until all immediately adjacent landowners be properly notified as required by the Santa Fe County Land Development Code. On August 10th, I received a call from Mr. Abeyta stating that because of the lack of proper notification, that the issue would be tabled until September 14, 1999.

Approval of a mining zone at this site will have the following harmful, unnecessary and significantly adverse effects on adjacent residents and land owners:

- Health, safety and general welfare of the area residents due to the hazards of the traffic generation caused by 300 truck loads of material per day allowed by the permit.
- Heavy truck traffic without a coordinated traffic safety management plan to accommodate the hazardous waste WIPP site shipments constitutes the creation of extremely hazardous conditions injurious to the health and safety of area residents.
- Creation of unnecessarily excessive nuisance from noise, dust and air pollution due to the heavy traffic and the intended daily hours of operation from 6AM to 11PM, making living conditions unreasonable for area residents.
- De-valuation of property values and quality of life due to the creation of a mining zone adjacent to area residences and counter to historical and traditional land use.
- Permit application deliberately misrepresents the distance of the mine site to the nearest residence to be 0.75 miles.
- Distance from the proposed mine site to the nearest residence is approximately 2,112 feet, the proximity of which creates unnecessary and unreasonable living conditions.
- The mine site plan intends to take out a ridgetop which lies at the beginning of a large arroyo (the Los Angeles Arroyo) which also runs through a portion of Dukeminier property. This arroyo is a major drainage for the Gallstee basin. **Creation of a mining**

site and haul road and entrance in this location will negatively effect the existing watershed drainage and permanently scar the landscape, which is in direct conflict with Art. III, Sec. 4.4.4f(1)(a), To assure that new development creates an amenity and improves and enhances the visual quality of an area.

- The applicant has not sufficiently demonstrated compliance with Land Development Codes standards for landscaping, Art III, Sec. 4.4.4 f(3)(a), (b)(2)(3)(4)(5), and has not submitted a comprehensive Landscaping Plan that complies with Sec. 4.4.4 f (4).

The creation of this mining zone does not provide for:

The preservation of native vegetation, native trees, significant trees from slopes greater than thirty percent (30%), shrubs and other natural vegetation to stabilize steep slopes, retain moisture, prevent erosion, provide habitat for wildlife, play a role in the prevention of air and noise pollution and enhance natural scenic qualities.

- Art. XI, Sec.1.1 Applicability
Mineral extraction activity for construction materials, ... shall be allowed anywhere in the County, Provided the requirements of this Ordinance are met. **As is stated herein, the requirements of this Ordinance (Art. XI) have not been met.**
- Art. XI, Sec. 1.2 Location Standard for Creation of New Mining Zones
The Santa Fe County Board of County Commissioners may create new mining zones, provided the following location standards are satisfied. **This Section's required location standards have not been met by applicant, and the proposed mining zone location does not meet criteria as outlined in this Section of the Code.**
- **Permit approval is in direct conflict with Article XI, Section 1.2.2;** use of the land for mining uses. The proposed mining site is **NOT** reasonably compatible with other uses in the area affected by the mining use, including but limited to traditional patterns of land use. **It is the burden of the applicant to demonstrate that mining use is reasonably compatible with other uses in the immediate area and has not done so.**
- **Permit approval is in direct conflict with Article XI, Section 1.2.4;** the area designated is **NOT** particularly suited for mining uses due to the proximity of nearby residences and in comparison with other areas of the county with existing mining sites that will not have the negative impacts of a mining operation. **It is the burden of the applicant to demonstrate that mining use is particularly suited for the proposed mine site in comparison with other areas of the county with existing mining sites and has not done so.**
- Art. XI, Sec. 1.6 Performance Standard
"No mining use activity will be permitted if it is determined that the use will have a significant adverse effect on health, safety, morals, or general welfare of the County or its residents." **As stated herein and in evidence not yet presented, the approval of this mining permit will have a significant adverse effects on health, safety, morals, or general welfare of the County or its residents, and therefore, does not meet the performance standards outlined by the code.**
- Traditional use of the proposed mining site and surrounding property has been limited to grazing, ranching, and residential, not mining.

- The owner of the mining site property is a former Santa Fe County Commissioner with obvious political ties who stands to make substantial financial gain at the expense of his neighbors.

In conclusion, it should be noted that the CDRC recommended approval of this mining application is in direct conflict with the standards and requirements of the Code. The CDRC's approval was made without any opportunity for contrary evidence to be presented and with the understanding that there was no opposition by any adjacent land owners or residents, when in fact, the two nearest landowners with residences, as well as others were not notified of the proposed zoning change.

The applicant has not demonstrated that the creation of this mining site meets the Land Development Codes standards. The recommendation of approval of this zoning change to a mine site was premature and constitutes a breach of legal obligation to uphold the Land Development Code and to provide for the protection and preservation of the environment in traditional and historic communities.

I am requesting that the Santa Fe County Land Use Administrator:

A. Deny approval the permit application for the creation of a new mining zone due to the findings of fact and conclusions of law herein contained.

B. Make a comprehensive review of this and any future applications for mining in this community so as to ensure strict compliance with the Land Use Code;

C. Require that the CDRC hold a legally notified and publicized public hearing so that interested parties may voice their concerns contrary to the evidence thus far submitted, then re-evaluate their recommendation to the Board of County Commissioners (BCC).

D. Require legal compliance for the mitigation of harmful effects of an operation of this magnitude and in this location such as:

- Avoidance of the site by project design or other protective measures to provide for the health and safety of area residents and for the preservation of the environment in this traditional and historic community.
- Project hours of operation should be strictly limited to daylight hours.
- Compensation to adjacent land owners for the losses that will be incurred as the result of this mining operation making for harmful and unreasonable living conditions.
- Re-location of adjacent residents or tenants living in the immediate area whose safety and welfare will be threatened.
- Require that the applicant provide an environmental impact statement for the proposed mining use.
- Require a comprehensive description of each phase of exploration or extraction correlates to the reclamation plan as required by Code.
- Require that a timetable for each phase of operations and reclamation as required by Code.
- A description of the steps to be taken to comply with applicable air and water quality laws and regulations, and any health and safety standards concerned with traffic generation and scheduled hazardous material shipments through area to WIPP site.

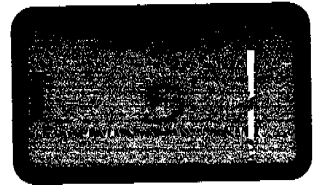
Your immediate consideration in this matter will be greatly appreciated.

Sincerely,



Dr. Gerald Dukeminier

RICHARD DANT
ROUTE 2 BOX 310 R.D.
SANTA FE, NEW MEXICO 87505
U.S.A.



RE: EZ CASE Z 99-5370
CORL CASE Z 99-5370

9.13.99

1697476

Dear Land Use Administrator,

This letter is to request
denial by SERTA Construction for
an 11.5 acre mining zone of Glade
Road 41.

The facility is too close to
residential area. Resultant air
pollution from the operation is
already intolerable. The truck
drivers cause congestion, pollution,
and many do not drive safely,
often speeding and driving recklessly.
Also the operation is at the head
of an arroyo, so downstream pollution
is problematical.

This severe impact on the
~~the~~ neighbors and the community
~~area~~ and the surrounding
environment should not be allowed
to continue, and certainly not
expanded.

Sincerely,
Richard Dant

1697477

PETITION TO THE
SANTA FE COUNTY BOARD OF COMMISSIONERS
AUGUST 1999

SEP 1999
RECEIVED
Land Use Dep.

We oppose the approval of the SEMA Construction sand and gravel mine which is to be located in Lamy on the Thornton property. We are concerned about the following issues:

- Operating from 6am until 11pm is unreasonable - Noise from the mining operation and the trucks will disrupt the quiet, peacefulness of Lamy;
- 300 truck trips a day will cause serious traffic delays;
- We have safety concerns about mixing this amount of construction with WIPP-bound trucks which pass through several times per week;
- Permanantly scarring the landscape for construction materials.

NAME

ADDRESS

PHONE

Lytle M. McSuffrin

*9103 Lazy Lane
Hitchcock Texas*

(409) 986-5737

BARTON C. MCSUFFRIN

*9103 LAZY LANE
HITCHCOCK TEXAS*

*(409)
986-5737*

PETITION TO THE
SANTA FE COUNTY BOARD OF COMMISSIONERS
AUGUST 1999

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NAME

ADDRESS

PHONE

Pete Rattley

HC 75 Box 439 Lamy NM 87540

Lisaleese [unclear] HC 75 BOX 30 Lamy NM 87540

Sam Trevathan P.O. Box 9676 SF NM 87504

Cokie Pierpont Gen. Del. Lamy NM 87540

Dan W. [unclear] 11 La [unclear] NM 87540

Bill Olson Gen. Del. Lamy NM 87540

Theresa [unclear] SF 87504

Mark Bee Gen. Del. Lamy NM 87540

Kathy R. [unclear] Lamy, NM 87540

David P. Crichton 28415(B) US 285, Lamy (P.O. Box 23237, Santa Fe 87502) 466-1617

Geralt Dukeminier 217 Dartmouth NE, Alb. NM 87106 262-0841

Alvin Green 217 Dartmouth NE, Alb. NM 87106 262-0841

Gene [unclear] P.O. Box 8313 SF, NM 87504