SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS **COUNTY ADMINISTRATION BUILDING**

REGULAR MEETING

(Public Hearing)

October 10, 2000 - 1:30 P.M.

Notice of Meeting

Notice is hereby given that the Santa Fe Board of County Commissioners will hold a regularly scheduled meeting on Tuesday, October 10, 2000 at 1:30 p.m. in the Commission Chambers at the County Administrative Building, 102 Grant Avenue, Santa Fe, New Mexico.

Among the items to be heard during the afternoon session beginning at 1:30 p.m., will be the first public hearing to consider adoption of an Ordinance Amending the Santa Fe County Land Development Code to Create a New Article XV, Santa Fe Community College Zoning District. Land Use Cases will begin at 5:00 p.m.

Copies of the Agenda for the October 10, 2000 meeting will be available at the office of the County Manager prior to said meeting.

The County of Santa Fe makes every practical effort to assure that its meetings and programs are accessible to the physically challenged. Physically challenged individuals should contact Santa Fe County in advance to discuss any special needs (e.g., interpreters for the hearing impaired or readers for the sight impaired)

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SANTA FE

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

October 10, 2000

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

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

October 10, 2000

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:40 p.m. by Chairman Richard Anaya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:	**Members Absent:**
Commissioner Richard Anaya, Chairman	None
Commissioner Joe S. Griñé, Jr.	
Commissioner Paul Duran	
Commissioner Javier Gonzales	
Commissioner Marcos Trujillo	

IV. INVOCATION

An invocation was given by Subdivision Engineer Tom Dominguez.

V. APPROVAL OF THE AGENDA

A. Amendments

B. Tabled or withdrawn items

SAMUEL MONTOYA (County Manager): Mr. Chairman, members of the Board, good afternoon. We do have some amendments and some tablings, Mr. Chairman. The first item for consideration, Mr. Chairman, I'd recommend to the Board that we move item VIII. B. 3 to the Public Hearing section, that it be the first item under the Public Hearing section, item IX, that it be moved to that area.

COMMISSIONER GRIÑÉ: What was that?

MR. MONTOYA: Mr. Chairman, yes, I'm recommending that item VIII. B. 3, a resolution granting a six-month extension of the franchise with Mickelson Media, that it be placed under the Public Hearing section, under item IX, and that it be the first item of business.

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Secondly, Mr. Chairman, the second amendment is on page 2, item VIII. D. 1. Mr. Chairman, this is an amendment under the County Manager's business. This is approval of a schedule for RFP relative to the adult detention and the juvenile detention facility. Mr. Chairman, we're asking the Commissioners to review and approve that schedule. Those are the two amendments, Mr. Chairman.

The tablings for today, there are two. Under section IX, on page 2, Section IX. B. 1. This is CDRC case 98-5580, Son Broadcasting variance. We're proposing that that be tabled for today, Mr. Chairman. The second tabling is item IX B. 7. CDRC Case 00-5390, relative to Charles Ortiz variance of easement width. Mr. Chairman, we're proposing that that also be tabled for today. Those are the amendments and the tablings for today, Mr. Chairman. I'd stand for any questions.

CHAIRMAN ANAYA: Thank you, Sam. Are there any questions of our County Manager?

Commissioner Trujillo moved to approve the agenda as amended. Commissioner Griñé seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales and Commissioner Duran were not present for this action.]

VI. APPROVAL OF THE MINUTES: September 12, 2000

Commissioner Griñé moved to approve the September 12, 2000 meeting minutes. Commissioner Trujillo seconded.

STEVE KOPELMAN (County Attorney): I'm sorry, Mr. Chairman. I just noticed on page 37, towards the bottom, there's a word left out. This is under a comment that I had made toward the bottom of the page. It's the third to last line. It says, "...have a restrictive covenant that would permit them to do that." It should be "that would not permit them to do that." So the word not should be inserted after would on the third line from the bottom.

The movant and second accepted the amendment and the motion passed by unanimous voice vote. [Commissioner Gonzales and Commissioner Duran were not present for this motion.]

VII. PRESENTATIONS AND AWARDS

A. Recognition of the National Association of Counties Award given to Santa Fe County's regional paramedic program

STAN HOLDEN (Fire Chief): Good afternoon, Mr. Chairman, members of

the Commission. We know the Commission has a full agenda today and we appreciate the time and the opportunity to present this award to the Commission on behalf of the National Association of Counties. As you know, in 1997, this Commission was responsible for approving the County Fire Department's regional paramedic program in which we placed paramedic firefighters in Pojoaque, La Cienega, Hondo, and Edgewood, to cover the entire Santa Fe County constituency.

This service now has been available and on operation now for almost two years and it's provided an extremely useful and valuable service to the citizens of Santa Fe County. The National Association of Counties was petitioned on behalf of the County Fire Department. We sent in an application requesting recognition for this award. It went through a finalization process and we were one of two programs selected nationally for this achievement award. So it's a recognition on behalf of this Board, this government Board for its vision in helping the Fire Department implement this program countywide so that your constituency and the citizens of Santa Fe County have emergency services available 24 hours a day, seven days a week throughout Santa Fe County.

At the time we put together this program, the Commission was very adamant that we were not in the process of replacing our volunteer firefighters and EMTs. And this program has been embraced not only by the citizens but by our volunteer firefighters and EMTs as well.

So on behalf of the Santa Fe County Fire Department I would like to read to you a short sentence that was written by NACo executive director Larry Naake. "Congratulations. I am pleased to announce that your program, the Fire Department's paramedic program, has been selected for 2000 NACo achievement award in this 31st year of the achievement award program, NACo is extremely pleased with the high caliber of your county program. NACo is proud to confer this award and recognize your hard work to promote responsible, responsive and effective county government."

So, members of the Commission, if you would come down in front of the podium and County Manager Sam Montoyo, if you would also come forward, we'd like to present this award.

[Commissioners Gonzales and Duran join the proceedings.]

Commissioners, on behalf of the Santa Fe County Fire Department, but more importantly on behalf of the citizens of Santa Fe County, we'd like to stand and appreciate your support of the Santa Fe County Fire Department. Thank you, Mr. Chairman, that concludes our presentation.

CHAIRMAN ANAYA: Thank you very much for the courtesy and thank you, Commissioner Gonzales for your effort in this.

COMMISSIONER GONZALES: It's the Fire Department's effort. Good job.

VIII. STAFF AND ELECTED OFFICIALS

A. Assessor's/Treasurer's Office

1. Request approval of a written order setting the tax rates on the net

taxable value of property allocated to Santa Fe County

PHILLIP TRUJILLO (County Treasurer): Chairman Anaya, Commissioners Gonzalez, Trujillo, Griñé, Duran. Phillip Trujillo, your County Treasurer, and I'm here in my annual duty, my annual chore right before the tax season in November to present to you the tax rates as they have been developed for our County specifically from Local Government, Department of Finance and Administration. Before we actually get the bills out to print and before we do any more work relative to the tax bills, we have to come to you so that you can review the rates and receive your approval on these.

I believe that you have been given the tax rates. I believe that they're in your packet. I do have last year's rates, the 1999 rates here and can give you a copy of those as well so that you can compare them. Ralph Jaramillo, the chief Deputy Assessor in the absence of my fellow elected official, Benito Martinez, the Assessor, who is in Europe, I'm happy to say. He's taking some time with his family to visit Europe and along with myself and Ralph Jaramillo is our chief deputy in the Treasurer's Office, Matt Rivera, so that we can cover any questions you might have either on specific rates areas of the value.

One thing I would like to call attention to is at the very, very beginning of the tax rate schedule at the very top, where you see the net taxable value. I understand from our chief Deputy Assessor that that figure has increased by $211 million, which represents the efforts of the Assessor's Office to pick up net new value out in the communities, out in the county. If there's any specific questions you have at this time, I'd like to entertain an opportunity to answer any questions between Mr. Jaramillo and Rivera and myself.

CHAIRMAN ANAYA: Thank you, Phil.

COMMISSIONER TRUJILLO: Phil, does this number represent evaluations in the billions of dollars?

MR. TRUJILLO: Yes. Billions of dollars. Absolutely, $3,443,074,870.

COMMISSIONER TRUJILLO: And that goes up $211 million more?

MR. TRUJILLO: Yes. Oh, that is the total now. Last year, it was $3,231,000. So it has increased by $211 million.

CHAIRMAN ANAYA: Okay, are there any other questions of our County Treasurer?

COMMISSIONER TRUJILLO: Just one. We don't have last year's sheet to do the comparison?

MR. TRUJILLO: Yes, I'm going to give you those now, and if you'll notice, those are total. It doesn't give you the breakdown like the year 2000, but I'll tell you what I will do. As soon as I leave here, I'll go back down to my office and we will copy last year's. Do you have them, Matt? Oh, Matt has them. He's way ahead of me. Make sure that you have those before you leave this afternoon.

COMMISSIONER TRUJILLO: Thank you.

MR. TRUJILLO: Just as a point of information, Commissioners. I'm happy to say that we are on schedule. We have been working hand in glove with the printer, Don

Anderson with Ink Impressions. We are working very, very closely with First State Bank, our fiscal agent to make sure that all goes well with the lock box. We're way ahead of where we were last year at this time and we are extremely careful this year that we cover any time of computer applications and all so that we don't have any problems in the printing of the tax bills. We are on target. We should be mailing the bills out late October, early, early November. They are due on November 10, become delinquent on December 10, at least for the first installment if people wish to pay in first and second halves.

This year, as a matter of fact, I'd like for the media to pick up on this. We're hoping to have a satellite paying station where people can go at another site and pay their tax bills as well as coming here and of course, they always have the option of paying by mail. I know that our County Clerk, Ms. Bustamante had so much luck in her voting procedures by setting up a satellite voting place at the extension service that we kind of took a lesson from that and I think if we can avail ourselves of the same opportunity to maybe have a place on the other side of town, on the south side of town where people can go and pay there. We're looking of course at all of the logistics, the computer, we would have to have a computer on site there and all of the technicalities that go with that, with being able to set up a paying station there, but we're certainly looking at that and hopefully, we will be able to do that now in the November and December peak times.

CHAIRMAN ANAYA: Phil, are you coordinating security efforts with the Sheriff's Department?

MR. TRUJILLO: That is a very important issue, Chairman Anaya. I will certainly have to work with Sheriff Sisneros and Benjie Montano on that because of the amount of monies that are taken in. And of course being able to print receipts – everything that would be done in our office would have to obviously be able to be done at another location. We will certainly take the security into consideration.

CHAIRMAN ANAYA: Any other questions of Phil? Thank you, Phil. Ralph, would you care to address?

RALPH JARAMILLO (Deputy Assessor): Just asking for a motion to approve the rates.

Commissioner Griñé moved to approve the tax rates and Commissioner Trujillo seconded. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

VIII. B. Land Use Department

1. Update on the Eldorado moratorium

KATHERINE YUHAS (County Hydrologist): Chairman Anaya, Commissioners, I'd first like to apologize to you that you didn't have this information a little sooner. I just got the graphs that I wanted to give you this morning in the mail. I'm here to

present an update on the status of the water supplies of Eldorado Utilities. A provision of Ordinance 2000-2, which placed a moratorium on development using EDU requires an update to the Commission 180 days after adoption of the ordinance. The ordinance does not need to be amended or replaced at this time, you just need to listen to me tell you what the status is.

Essentially, nothing has changed since the ordinance was adopted in March of 2000. Eldorado Utilities has not provided the County any new information on either water availability or water rights. John Shumaker and Associates, an Albuquerque geo-hydrologic consulting firm, are at work on a comprehensive watershed-wide report that covers the Eldorado area but it hasn't been finalized at this time.

The graphs that are in your packet are from that report. They are a finalized portion that they've provided to me. What the graphs show are declining water levels in all of the Eldorado Utilities' wells. Some are declining more than others and the significance of that decline will be more discussed in the Shumaker report.

COMMISSIONER TRUJILLO: Excuse me, I see on the graphs some fluctuations. They go down and then they go up. What does that mean?

MS. YUHAS: Some of those wells, they stop pumping them and then they start using them again, so that some of the significance of going up and down is when they've turned the pumps off to let the well rest and sort of recover and come back.

COMMISSIONER TRUJILLO: But the water's not being replenished? There's no return flow?

MS. YUHAS: That is essentially the situation. I don't want to make the full analysis because Shumaker is working hard on that and doing a lot of more modeling than I can do, but that's what I would say the situation is right now. That's a good analysis.

Thirty-three additional connections have been made to Eldorado Utilities since the beginning of the year. That's 32 residential connections and one public connection. That's about two less per month than what we saw n 1999. Water use, however, is up for customers of Eldorado Utilities. They have used 11,782,400 more gallons than they had during the same period last year. And I expect that that's due to the drought that we had this year.

Finally, next month we'll be having the first hearings for an amendment to the moratorium and the second hearing on that amendment will be at the December 12 meeting. That amendment covers allowing commercial development that is on Eldorado Utilities to proceed. That's my whole report.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Katherine, I have a couple questions. Can you tell me what method Mr. Shumaker is using in his study to actually quantify the aquifer in the Eldorado area?

MS. YUHAS: Chairman Anaya, Commissioner Duran, I don't know. I haven't seen the full report. I've seen these graphs and I've seen a draft of the executive summary, but that doesn't go into all of their methodology at this point.

COMMISSIONER DURAN: Can you tell me what are the possibilities in

being able to determine the actual depth and size of the aquifer?

MS. YUHAS: Chairman Anaya, Commissioner Duran, I think that's exactly what the report will be addressing. I know that some of what I've read in their report says that the way you see the water levels dropping in the wells, that that is just right around the well. Their supposition, I suppose is that the whole aquifer is not dropping, that it's just a cone of depression right around the well, and as soon as you stop pumping, their theory is that the water levels would come back up.

COMMISSIONER DURAN: Because in 1983 is about the time that Eldorado actually took off as a subdivision. So it's obvious that the wells would drop, or the water level would drop. But I'm really concerned about how do we actually go about quantifying the size of the aquifer, because if they're doing the study over there, we should be able to apply the same sort of methodology or the same sort of technique in other sensitive areas in the community or in the county. I would be curious to know if you could find out for me if they're actually going to – how they're going to do that.

MS. YUHAS: Chairman Anaya, Commissioner Duran, I'd be happy to provide that information to you. And I think the report is going to be finalized in a couple months and certainly when that's available, I'll make it available to all of you along with some brief summary from me.

COMMISSIONER DURAN: Okay. Thank you.

COMMISSIONER TRUJILLO: The graphics represent a five-year snapshot? Is that right? No, some of them more than that. Essentially, the question that I have is what can we derive from these graphs to show the long-term effect on sustainable water supply to this area?

MS. YUHAS: Chairman Anaya, Commissioner Trujillo, I'm not sure that these graphs are the best tool for looking at long-term water supply. I've provided them to you because one, they are finalized and two, they give you some picture of declining production from the wells, or at least declining water levels in the wells which show that the aquifer is being depleted to some extent. I know that they're doing some modeling as part of the Shumaker report and that will probably give us a better picture of how much water is really in the aquifer, how much they can reasonably take out, and answer some of those sorts of questions.

COMMISSIONER TRUJILLO: Because we need to make decisions on whether there's enough water to sustain that area immediately or if we need to wheel water from other sources into that vicinity, into that area.

MS. YUHAS: Chairman Anaya, Commissioner Trujillo, those are exactly the questions that the report is designed to answer, and I hope that they will once we see it.

COMMISSIONER DURAN: Excuse me, Mr. Chairman, Katherine, is it possible for you to send a letter to them before they complete the study telling them that we have some concern relative to the actual quantity of water that's in that aquifer and can they give us some idea as to how they plan on being able to make that determination?

MS. YUHAS: Chairman Anaya, Commissioner Duran, I'd be happy to do

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that. I've been at some meetings with Shumaker and Associates at the State Engineer's Office where they were asking for comments, so I know that they are amenable to hearing what it is we'd like to see in that report.

COMMISSIONER DURAN: I've had this conversation with Estevan a couple times and I guess what I'm leading up to is that the oil industry has a method of being able to determine how much oil is underground. It's quite expensive but I think that we need to find out what that costs and use that same type of technology to actually quantify the aquifer. So if you could find out from them if they are planning on bringing us any information relative to that concern, I'c appreciate it.

MS. YUAHAS: I'd be happy to do that.

COMMISSIONER DURAN: Okay. Thanks.

CHAIRMAN ANAYA: Any other questions of Katherine? Thank you, Katherine.

VIII. B. 2. Resolution No. 2000-134. A resolution supporting trail design, development and maintenance of the County Picacho Peak property

ALINA BOKDE (Planner): Mr. Chairman, Commissioners, Dale Ball, former executive director for the Santa Fe Conservation Trust has worked with the County for the past several years to support the purchase of the 176-acre Hughes Picacho Peak property through the wildlife, mountains, trails and historic places program. In May of 2000, the County Open Lands and Trails Planning Advisory Committee, COLTPAC, recommended purchase of the property and the Board of County Commissioners approved the purchase.

The County purchased the property at the end of this past month, the end of September. Mr. Ball has recently formed a new organization, the Foothills Trails Trust and has approached the County with an offer to design and build a trail system on this recently purchased property and on adjacent City-owned and Forest Service land with private donations in the sum of $180,000. The City of Santa Fe is proposing a similar resolution on October 11, 2000 supporting the trails system.

One of the private donors has specified that the trail system be named the Dale Ball Foothills Trail System. The resolution before you, the resolution supporting design, development, and maintenance of trails on County-owned Picacho Peak property basically outlines that the County, that the Foothills Trails Trust will design and develop the trail system, which will be between 17 and 18 miles and will connect all the various properties and you can see in the map before you, those are where the proposed trails are going to be going, as well as to connect with some of the existing trails in the area.

Staff would like to recommend an amendment to the resolution that's before the Board today. On the second page, under number 3, it says the County will enter into a contract with the Santa Fe Conservation Trust to provide maintenance on a trail system for one year for a fee not to exceed $8,000 for the portion of the trail system that is on the County-owned land, and also including the Santa Fe County Rail Trail. So the $8,000 would pay the Santa Fe

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Conservation Trust to maintain the trails that would be built as part of the $180,000, as well as the Santa Fe Rail Trail.

Commissioner Gonzales moved to approve Resolution 2000-134, supporting trails on the Picacho Peak property with the amendment as suggested, and a heartfelt thanks to Mr. Ball. Commissioner Griñé seconded and the motion passed by unanimous voice vote. [Commissioner Duran was not present for this action.]

VIII. C. Public Works Department

1. **Request authorization to enter into a professional services agreement with Dennis Engineering for design and construction staking of the County Road 84-G low-water crossing project**

JAMES LJAN (Public Works Director): Good afternoon, Mr. Chairman, members of the Commission. Yes, this is a professional services agreement to enter into a contract with Dennis Engineering for the amount of $13,313.93 to design and construction stake the low-water crossing at 84-G in Nambe. Also, before you go on, there's an error on the agreement itself. On page two it says, actually under project description, it would be page 1, "Santa Fe County received funding from the state legislature..." This is not correct. This is general fund money that was approved by the Commission. So I just wanted to clarify that and we'll make the changes on that. Thank you.

CHAIRMAN ANAYA: Okay. Are there any questions of James?

Commissioner Trujillo moved to approve the professional services agreement with Dennis Engineering and Commissioner Gonzales seconded. The motion passed by unanimous voice vote. [Commissioner Duran was not present for this action.]

VIII. D. Matters from the County Manager

1. **Approval of RFP schedule for operation of adult detention facility, juvenile detention facility and electronic monitoring program**

MR. MONTOYA: Mr. Chairman, members of the Board, in your packet you'll find a memorandum drafted to you from my office. Mr. Chairman, members of the Board, it relates to the RFP for the adult, the juvenile facility, and the electronic monitoring program that the County has in place currently. Mr. Chairman, the Board of County Commissioners has instructed the administration to draft a request for proposals and to submit it out to the open market.

Mr. Chairman, the following memorandum will have the specificity related to how the

process will work and if Mr. Chairman will indulge me, Mr. Chairman, I'd like to read those dates and stand for any questions. Secondly, we ask that the Commissioners endorse this schedule and concur with the dates that will be discussed with you shortly.

Mr. Chairman, the request for proposal will be put out to the open market no later than end of business, Monday, October 16, 2000, which is next Monday. The pre-bid conference, which includes a tour of all of the relative facilities, including the adult detention facility, the juvenile detention facility and then the electronic monitoring reviews or inspection of facility will also be available. That will take place Wednesday, November 1 of 2000.

The potential vendors that are interested in this type of business and responding to our RFP will be required to do so by no later than the end of business Friday, December 15 of 2000, which basically gives the private sector or any other interested vendor an opportunity to put a program together within a 45-day window.

Mr. Chairman, then the proposals that come into the County by the due date will be reviewed by the review committee and ranked by no later than Friday, January 19, 2001. Mr. Chairman, we will then take the number one ranked vendor and negotiate the best and final proposal between January 22, 2000 and February 28, 2001, basically about a month to allow us to negotiate. Quite simply, we might be able to be done much sooner than that, but we're giving ourselves a month to negotiate the detail and also to draft the actual instrumentality or the document, the contract, that will deliver the actual particulars of the contract.

Mr. Chairman, and then we're hoping to bring the actual recommended product to you by no later than March 27, 2001, which is the last business meeting for March of 2001. Mr. Chairman, I would also like to go over the recommended members of the two committees that will be working on this process. The first is the evaluation committee, which basically will review and rank the proposals that come in. And that committee is proposed to be staffed in the following way: that Sheriff Sisneros be the chairman, that the chief judge from the district court be a member of that committee, that there be a representative from the Legal Department of the County, that there be a representative from the Finance Department of the County, that the County Manager's Office be represented, and that there be a representative from the City of Santa Fe.

Again, Mr. Chairman, this committee will do the review and ranking of the proposals that are submitted by the due date.

COMMISSIONER GONZALES: Sam, can I ask you a question on that issue, Mr. Chairman? As to the issue of the City of Santa Fe representative, how were they added to the evaluation team and if them, why not a member of the Pueblo community and any other external users?

MR. MONTOYA: Mr. Chairman, basically, what we attempted to do here is to bring one of the users of the facility and since we have been working with the City of Santa Fe to work out some of the particulars relative to their contract and they are a heavy user of the facility as well, we felt, Mr. Chairman, that in the spirit of cooperation with the City of Santa Fe that we would bring a representation from the City. It does not preclude us, Mr. Chairman, to add an additional member, should the Board want to expand the committee by one. But we

felt that the City of Santa Fe would be a good contributor to the process.

COMMISSIONER GONZALES: Okay. Thank you.

CHAIRMAN ANAYA: Are there any other questions of Sam?

MR. MONTOYA: Mr. Chairman, I just simply wanted to point out one additional thing, that the negotiating team is a smaller committee that is comprised of some of the same people that will be on the evaluation committee. Mr. Chairman, I would stand for any questions and would ask that the Commissioners endorse this calendar, and this will actually be the time lines that will be pursued after you have given your concurrence, Mr. Chairman.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Sam, who's going to be on the negotiating – tell me about the negotiating team. Once the selection committee has made the selection, then you go into negotiations with the successful bidder?

MR. MONTOYA: Chairman Anaya, Commissioner Duran, the process, as we envision it, Mr. Chairman, Commissioner Duran, will be that after we have ranked all of the proposers, that we work with the number one proposer and that we try to extrapolate the best and final product, and the negotiating team, Mr. Chairman, will work out all of the finite details, all of the issues relative to the fiduciary matters, the time lines, how they will provide their services. And that committee, Mr. Chairman, will be comprised of Sheriff Sisneros as the chairman, someone from the Legal Department, which will probably be Mr. Kopelman, someone from my office, and someone from Finance, which will probably be Ms. Miller.

Mr. Chairman, that particular committee will then prepare the instrument that we can bring to you for final review and hopefully concurrence.

COMMISSIONER DURAN: Mr. Chairman, Sam, that's fine, but it's not entirely acceptable to me. We had talked about having our legal counsel, the guy in Texas, I forget his name, involved in the negotiations. And then what happened last time, we are not masters in negotiating these contracts and Cornell Corrections are. And I would like for this Commission to consider having a professional negotiator such as Mr. Crane—

MR. MONTOYA: Mr. Chairman, we were proposing to bring Mr. Crane in as a consultant to the negotiations.

COMMISSIONER DURAN: But I would like for him to be involved from the very beginning. We paid him $20,000 last time, and I think that it was well worth it. And we ended up spending that on nothing because the immigrant prison didn't come. But this I think is very important to our community and I think that we need to have a professional negotiator on the team from day number one.

MR. MONTOYA: Mr. Chairman, and I would like to point out that that's an excellent point, Mr. Chairman, and I did not mean to leave that out. We were going to use Mr. Crane as the consultant on this program because we will actually be using the prototype of the contract instrument that he drafted when we were working on the first piece, because it has some of the same components. Mr. Chairman, we intend to bring Mr. Crane in and I concur

with Commissioner Duran that he should be brought in earlier and we will move to do that, Mr. Chairman.

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

COMMISSIONER GONZALES: I want to concur also with what Commissioner Duran indicated and also I support it at this time and also a reminder, which Katherine doesn't often do, but this is a large contract, that on any of the RFP, the Commissioners are prevented from having any discussion with any perspective contractor on this. Is that right? And are they notified that when you sent out the bidding proposals that they cannot get in touch with any Commissioners for any discussion?

KATHERINE MILLER (Finance Director): That's' included in the RFP packet, not to contact anybody expect those listed in the procurement packet.

MR. MONTOYA: Mr. Chairman, I'd like to add one additional thing, that we will be bringing then to you at the administrative meeting, a contract to expand on Mr. Crane's services to the County because I believe, Ms. Miller, if I'm not wrong, that think his contract has expired or his limits have expired. We'll need an amendment.

MS. MILLER: We'll need to write a new contract.

MR. MONTOYA: Okay. Thank you, Mr. Chairman. I just want to point that out to the Board.

CHAIRMAN ANAYA: Thank you. Any other questions? If not, what's the pleasure?

Commissioner Gonzales moved to approve the RFP schedule, with Commissioner Duran's direction. Commissioner Trujillo seconded and the motion passed by unanimous voice vote. [Commissioner Griñé was not present for this action.]

VIII. E. Matters of Public Concern - NON-ACTION ITEMS

CHAIRMAN ANAYA: Is there anyone in the audience that would like to address the Commission, please come forward.

ELAINE CIMINO: Good afternoon. My name is Elaine Cimino from La Cieneguilla. I'm before you today to request that I be put on the agenda on the next Commission meeting in October to request to present problems surrounding the Santa Fe Municipal Airport, the development issues and the impacts to county residents surrounding the airport and its issues.

I had put forth an e-mail, I believe, to all of you and also to Sam Montoya and to Mrs. Bustamante. And I was hoping to hear from you without having to come forward here but I was directed by Land Use to come before you and request this on the record, because they had been, I guess requested by you not to put any other items that were administrative by nature on an agenda, or land use items on the administrative agenda.

So I would like you to consider some of the problems that we're facing out there and

what the County maybe responsibility to some of the county residents out in that area surrounding these issues. And I don't want to take too much of your time, but to have me on the agenda so I can make that presentation for the next Board meeting.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Gonzales.

COMMISSIONER GONZALES: Let me make a suggestion, because I know that Ms. Cimino is one of many individuals in that area that are concerned with the direction of the airport, had meetings with people in Las Acequias and there are similar concerns. What I'd like to suggest, Mr. Chairman, is that we actually hold a public hearing out in that area of the community to make it easier for people to come in, to hold a public hearing on the state of the airport and ask the City to be there to go over with us, which I've not been contacted by the City, so I don't know what their plans are for the master plan of the airport, what they're planning on doing out there in terms of how it's growing and what the noise issues are and the pollution, as you mentioned to me in many respects, Ms. Cimino.

So I think it might be helpful for us if we can direct the staff to work with our schedules and set up a separate public hearing. And I know that in the past, we've actually had the public hearings out at the airport, but I don't know if the City would let us use the airport to have a public hearing or not, but if not, we can probably ask the school districts to let us have the public hearing over at Sweeney.

But I think it's something that there are a lot of people in addition to Ms. Cimino who are very concerned who would like to have access to the Commission to express their concerns and a public hearing is a proper forum to do that but I think we need to have, to ask the members of the City management team who oversee this to come in and do a presentation before the Commission, so we know what the issues are and what's going on. So I'd recommend that to the Commission, if that's okay with you.

COMMISSIONER TRUJILLO: That's fine. I also understand that there's a search process going on on a manager of the airport and I would like to direct staff to contact the City and impress on them that the community needs to get involved in that search process to designate and select a manager that is willing to work with the community and identify the appropriate air corridors and quality of life in the immediate area. So I agree with Commissioner Gonzales. A public hearing would be a perfect springboard to have the City there and the County to listen to the community and understand their concerns.

MS. CIMINO: Thank you.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I agree with Commissioner Gonzales and Commissioner Trujillo. I think the only concern that I have is that we don't have it either here or at the City Chambers, the Council Chambers, you're going to dilute the number of people or the number of officials that are going to show up. And it's hard to get them all together to have so many meetings to go to. I would like to suggest that before you actually suggest a location, if it's not here or at the City, that you poll those individuals to see if you can get a commitment

from them that they'll show up.

COMMISSIONER GONZALES: Commissioner Duran, what I was actually asking was that the Commissioners convene a hearing out there. I don't think they're going to have any problem getting people from the community to show up to that area and then having members of the City management team, not so much the Council, doing the presentation, holding the public hearing, and then from there we may develop a list of issues that we want to take to the Council that after that, maybe we can have a joint meeting with them or through the RPA, propose some issues that we're hearing out of this public hearing.

COMMISSIONER DURAN: So the Commission would actually be there with staff.

COMMISSIONER GONZALES: The Commission would meet out there and hold the public hearing and we would ask City staff to make a presentation on the airport master plan to tell us what's going on with the issues. We'd allow for the community to basically come forward and talk on their issues and then from there develop basically whatever plan that we'd like to take forward to the City Council, whether it's through the RPA or through a joint meeting, as to what we found out by holding this public meeting.

COMMISSIONER DURAN: I understand. I agree.

COMMISSIONER GONZALES: I know there's a lot of people who would probably rather go closer to home than have to drive all the way downtown and find a parking spot.

MS. CIMINO: Thank you. We definitely need to have some of these issues addressed and we appreciate your concern. Thank you.

CHAIRMAN ANAYA: Thank you, Ms. Cimino. Anybody else like to address the Commission?

COMMISSIONER GONZALES: Just on that time line, can we work on a reasonable time line? I know that we're real busy, but I know that this is a pressing issue for that area, so sometime within the next month to six weeks I think would be an appropriate time.

MS. CIMINO: And who do I – should I talk to Sam Montoya?

COMMISSIONER GONZALES: Well, I think what we'd do is once we'd notice it, or once we select a date, we'll notify you and some of the other individuals out there to get the word out.

MS. CIMINO: Okay. Great. Thank you.

CHAIRMAN ANAYA: Anyone else like to address the Commission? Carolyn? Let's move on then.

COMMISSIONER TRUJILLO: One thing. I heard today that the hospital acquisition where that bidder fell through. Is that right?

MR. MONTOYA: Mr. Chairman, I only know what I read in the paper but I understand that the state of New Mexico rejected all proposals relative to the second attempt to find a buyer. So, Mr. Chairman, we did receive a letter from Councilor Martinez asking that the County and the City sit together to think about a possible joint acquisition of that facility. And I did want to ask the Commission for some guidance on that point, because we have not

responded to the Councilor, but he did send a letter to all of you and also to the RPA asking that there be some discussion about that. So Mr. Chairman, I don't know if it will be on the RPA agenda coming up next but I think that's the appropriate place for it. But we'll stand for any guidance from you on that issue there.

COMMISSIONER GONZALES: Commissioner Trujillo, it is on the RPA agenda, which the meeting takes place next Tuesday for discussion and some direction. I do know that Carolyn actually has met – she has some pretty interesting information that she determined, which I think would be helpful if she could keep it very condensed.

CAROLYN SIGSTEDT: I'll keep it really short. I talked to David Ortiz who's under General Services, and he's a very nice gentleman and easy and open about discussing this. He indicated that the state felt that the City wanted to get it for free, so they weren't willing, there wasn't much need for conversation, any further dialogue. But I said that that wasn't' true and I told them as well that the County might have an interest and that the dialogue was important to keep open. My feeling was not that we'd get it for free or anything, but I think the appraised value, going for highest and best used, which is the way the real estate market works for all these real estate dealings in the state, I think it's sort of unfair if we're trying to keep a property in the public domain.

I think there needs to be a category of appraising properties as public domain properties, which might bring the price down to something that our community might be willing to consider. So I think there's lots of dialogue. I'm actually going to go before the governor on the 19th and it's his open house day and I would suggest you all just sign up at 8:00 and stand in there for five minutes.

COMMISSIONER GONZALES: I think along with Carolyn's point, it seemed that communicated to me, Carolyn, was that David Ortiz indicated that if it's a different class or a different category, that the state would view their own appraisal, or the appraisal on that property as reflecting the use. So for government use it would be much different than from a retail use, therefore the appraisal that we've been seeing, the eight to nine million dollars, or ten million, could actually be less, because of its government use.

MS. SIGSTEDT: What I want to do is to go to the Trust for Public who deal in these type of situations and they might classify it as I classify it as public domain. But there might actually be a category that they know about. So before I go to the governor I will go see them.

COMMISSIONER GONZALES: Okay. Thank you.

CHAIRMAN ANAYA: Thank you. Anyone else under Matters of Public Concern.

VIII. F. Matters from the Commission

COMMISSIONER DURAN: Mr. Chairman, I had two items. Let's see if I can remember them. One of them was having to do with the Agua Fria area and the Public

Works Department. James, if you could just give me an update on where the plans are for Phase 2. My understanding and the Agua Fria Village understanding is that there might be some major problems with the archeological survey work that needs to be done, and it could even prevent or block any future progress that you have planned out there in terms of Phase 2 and Phase 3.

MR. LUJAN: Mr. Chairman, Commissioner Duran, yes, we just - Ted Barber left last week and we're revamping that and looking into that portion of it. We'll be in contact this week with the State Archeological Office, the State Preservation -

COMMISSIONER DURAN: Ted left? He's not with the County anymore?

MR. LUJAN: No. He resigned as of last week. So I have somebody else on that project and we are looking at it, but we feel is there's some criteria we have to fulfill and he left us - we're going to be meeting with the state this week. We're also meeting with Wilson and Company, who originally designed Phase 2 and we're going to go over the redesign of what took place at the committee meeting.

COMMISSIONER DURAN: Okay. Can you get back to me on that?

MR. LUJAN: Yes, I sure will.

COMMISSIONER DURAN: Because I have a meeting with the village in the first week of the month in November. So if you could let me know before then so I could report back to them.

MR. LUJAN: We'll definitely have something, Commissioner.

COMMISSIONER DURAN: And then the other thing, Sam, at the Regional Planning Authority, we developed or agreed with the City that we would create a task force, a water task force, is that what it was called?

COMMISSIONER GONZALES: Something like that.

COMMISSIONER DURAN: And nothing's -I've never been contacted or I don't know who's leading the charge on that but I sure would like to find out who from the City has been appointed to that task force. I was out of the room when we actually created the task force. I know that I'm on there. Are you on there too?

COMMISSIONER GONZALES: No, I think it was up to the chairman to make the appointments.

COMMISSIONER DURAN: Oh, okay. There's going to be three of us on there?

COMMISSIONER GONZALES: It would be three Councilors and three Commissioners. I don't know - did the chair already make those appointments?

CHAIRMAN ANAYA: No.

COMMISSIONER GONZALES: I don't think he made those appointments yet.

COMMISSIONER DURAN: Okay.

COMMISSIONER GONZALES: Is that right, Estevan? Was it three Councilors and three Commissioners to come forward with the plan?

ESTEVAN LOPEZ (Land Use Administrator): Mr. Chairman, Commissioner

Gonzales, that's correct. That's what the resolution calls for and I guess I may as well ask for this clarification right now because Bill Landin talked to me about who had been appointed to this. Mr. Chairman, when the resolution was passed, you stated that the remaining Commissioners in the room, I think it was Commissioner Trujillo, Commissioner Griñé and Commissioner Duran, were on it. I'm not sure if that was made in jest or not.

CHAIRMAN ANAYA: It was actually said in jest but if there's some kind of volunteer effort in that direction there's no problem with me.

COMMISSIONER GONZALES: I don't mind serving with Commissioner Duran on the committee.

COMMISSIONER DURAN: The reason I brought it up is there's a lot of community awareness and concern about the water issues we're facing. I know I've talked to the mayor about working diligently on trying to find new points of diversion and even going directly to the Rio Grande, and we talked about that the other night. But I really think that the dialogue needs to take place amongst all of the elected officials that are going to be on this task force and not just at the City and not just here at the County. Because it's a regional issue, I think it's time we get together, we put our heads together and collectively figure out how we're going to deal with this.

COMMISSIONER GONZALES: It would probably make sense for three of the RPA members since whatever comes forward is going to be dealt with from a regional standpoint. And speaking of that issue, myself and Commissioner Duran were under some heat at the RPA meeting for not having a County quorum there so if the next meeting one of you guys could make it that would be great.

CHAIRMAN ANAYA: We will truly consider that.

COMMISSIONER DURAN: So, Estevan, could you put it on the agenda for the next RPA that we actually appoint, before the next RPA meeting, I'd like to have the appointments made from the Commission so that we can decide when we're going to meet, the days the task force is going to meet and start working on it.

MR. LOPEZ: Mr. Chairman, Commissioner Duran, I think this is the last BCC meeting before the RPA meeting. I'm not sure if it's possible that the appointment could be made here today or not.

COMMISSIONER DURAN: Is there any reason why the chairman couldn't appoint us?

MR. KOPELMAN: Mr. Chairman, Commissioners, it's not on the agenda as an action item. I would think that the chairman could certainly come up with some names and you can ratify that at the next meeting if you wanted to move forward.

COMMISSIONER DURAN: Well, what if you just appointed –

CHAIRMAN ANAYA: My thinking was, and like I said in jest last time, Joe and I are gonzos and it would really be the best for the County to have the continuance. It would be of course, Commissioner Gonzales, Commissioner Trujillo and yourself.

COMMISSIONER DURAN: I hope. Just let them know at the RPA for the other program or set of meetings. That's all. Thank you, Mr. Chairman.

COMMISSIONER GONZALES: I have a couple of issues. One, Corky, relating to the website. I think it looks great. I just wondered if you could convey that to Agnes and her group. I think it's a really good start and I hope we get a lot more interaction from the community on that. I'm just anxious to see what kind of marketing plan we're going to put together to let the community know that that's a place they can go to if they need their roads taken care of or if they need some resources from the Clerk's Office, or whatever it might be.

So, can you, maybe at the next administrative meeting have something for us that will tell us how you're going to try and get the word out that the website is available. I know we were trying to find an easy County domain name, so I'll be anxious to see what that is. But I think it looks great. Right on target, so make sure you thank the group.

And then, I was just wondering, I know we're tackling a lot of meetings, but at some point, maybe after the first of the year, or whenever there's a break, it might be helpful if we have a meeting with the Road Advisory Committee, because I'm getting a lot of angry people calling out of Silverado who really enjoyed the County being out there and I know we pulled the plug. But I want to take a look at, examine our policy on the acceptance of new roads and start having a dialogue on that again. I know it's not something our Finance people and our Public Works people really like because it's going to cost more money, but I tell you there's just a lot of roads out there that we're not tending to because they don't meet our criteria and it is posing a health and safety issue.

So we just, we need to start having a pretty honest dialogue on how we're going to address some of those individuals out there. So if we can have it this year, I think that would be great but I know we've got a lot of stuff on our plate. If not, James, maybe you can keep that on your radar screen and if we can have that with the Road Advisory, I think that would be really helpful. We've never met with them that I know of, have we Robert? I don't think we've ever met with the Road Advisory and I think it would be really helpful to sit down with them and talk with them and try and figure out how we take care of all these roads that aren't on the County road system because it's a daunting task for many individuals who have to go home, especially during the winter months. Some of these roads are not properly cared for.

CHAIRMAN ANAYA: Commissioner Gonzales, we went through some lengthy hearings on the Silverado roads and my recollection is that we came to an agreement with them that it would be an assessment type of approach and I can't remember what happened, why -

COMMISSIONER GONZALES: I think there are a lot of reasons, but Silverado, unfortunately, many of the people out there - not unfortunately, fortunately - but their situation is, many of them are very working class individuals who have a tough time paying additional taxes and it's a tough burden to place on these individuals and I think that in the end, whether it was keeping more money in their pocket or having the roads, they kept more money in their pocket to deal with some of their own stuff.

But those roads are continuing to deteriorate very quickly and I think we need to reexamine our policy and see if there's a way that we can take on some of these roads that don't

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meet the County condition and figure out how we can provide some assistance up there because it's created – there's a lot of dangerous situations out there. And our answer has been, well, we can't take care of it because it's not a County road and it's not a County road because it doesn't meet the criteria. I know it's going to be tough road to go down but we've got to have this conversation to figure out how we can help out some of these individuals.

CHAIRMAN ANAYA: I thought we'd come to an agreement with them. I think what happened there is we had an arbitrary figure at first and the estimates exceeded that figure. Maybe what we could do is maybe subsidize it some way. I think they would have to come up with at least the original figure and then from there on I think we could lend our own troops, so to speak, to finish the whole – appropriations, right. And finish up the whole scenario out there. Maybe that's one direction to go.

COMMISSIONER GONZALES: Just so we can start having that discussion, I think it would be helpful.

COMMISSIONER TRUJILLO: At the other extreme, there's a road in the northwest sector, the Fin del Sendero Road, that has been upgraded and brought up to standards. In fact, it's beyond County standards and the community is looking at dedicating that road to the County. I don't have any problem with that. That's part of the overall Arterial Roads Task Force distribution of traffic in that area. It's going to require nominal maintenance because it's in really good shape and it's good for the community. It's part of the overall planning efforts of that area, so I would advocate that that road be dedicated to the County. And they're going to come forth with the appropriate request.

CHAIRMAN ANAYA: Any other matters from the Commission?

COMMISSIONER DURAN: I had one more but I'm getting old. I forgot it. Can I bring it up later?

MR. MONTOYA: Mr. Chairman, I'd just like to advise the members of the Board that Mr. Dale Lezon, who was covering us from the *Journal North* has moved to Houston, Texas. And we want to wish him the best. He did a good job covering the County and I just thought I'd pass that on to the Board that he's moved on.

CHAIRMAN ANAYA: He was very fair. So Mike Navrot? Miguel Navrot.

MR. MONTOYA: We'd like to welcome Miguel as well to the County and look forward to working with him.

VIII. G. Matters from the County Attorney

MR. KOPELMAN: Thank you, Mr. Chairman, members of the Board. We have some very brief matters that we can deal with in executive session. I assume because the public hearings, you'd probably want to put that toward the back.

CHAIRMAN ANAYA: Executive session towards the back?

MR. KOPELMAN: Yes, if that's okay. It won't take very long but I think in light of the fact that we have a lot of folks here.

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CHAIRMAN ANAYA: Okay. Let's do that then. We'll move that.

IX. PUBLIC HEARINGS

2. Resolution No. 2000-135. A resolution granting a six-month extension of the franchise with Mickelson Media, Inc./Adelphia Communications Corporation to operate a cable system in the Agua Fria, La Cienega, Dinosaur Trail and Turquoise Trail areas of Santa Fe County

PENNY ELLIS-GREEN (Review Specialist): Mr. Chairman, Commissioners, Mickelson Media and Adelphia are in the process of negotiating a new franchise agreement with the County and are requesting an extension of the current franchise for six months to allow time to finalize the new franchise agreement. The resolution is attached and staff recommends approval of the resolution.

Commissioner Griñé moved to approve Resolution 2000-135 and Commissioner Duran seconded.

CHAIRMAN ANAYA: Any further discussion?

COMMISSIONER TRUJILLO: Yes. Now taking my Commission hat off and being a user of Adelphia Communications, we run into a lot of problems in the reception that we get in the northern part of the county. On a regular basis, a slight wind will interrupt reception. Thunder or lightning, you lose reception for a day or so or two or three hours. All of a sudden the community that's paying into this system loses reception so I'm wondering how this service will be provided to this new set of users.

TONY HOTTER: Thank you, Mr. Chairman and members of the Commission. What we continue, what Adelphia does, will continue to make improvements and our customer base continues to grow in Santa Fe County. There's actually two cable providers within Santa Fe County. One is the former TCI or AT&T cable system, and then most recently Adelphia. I'll be happy to provide Mr. Chairman and the Commissioners numbers where if any of your constituents or you are having problems with your cable service, you can get immediate contact, our call center. That's the best way to report a complaint. And we can roll trucks and technicians out so that it's repaired. I'd be happy to provide each of you via letter so that you have immediate access to my office or if you have comments or complaints from your constituents that they have the same numbers as well.

COMMISSIONER TRUJILLO: I understand that you're trying to enhance your infrastructure, your lines going to whatever, fiberoptics or whatever, but that's been happening for the last couple of years. Where are you at with that?

MR. HOTTER: Mr. Chairman and Commissioner Trujillo, we continue to make system improvements. We are installing fiberoptic within the cable system. It is

basically, we have less than a thousand subscribers in the County of Santa Fe so we don't really have the customer base to go out and support a lot of new services, but we do intend on launching new services within the next year or so. There's also a good possibility, just for your own information that you may or may not be aware that ComCast will soon be the major player, not only in Santa Fe but in major portions of New Mexico and there's – I can't really guarantee or comment when, but those two systems more than likely will merge within the very near future.

COMMISSIONER TRUJILLO: Thank you.

CHAIRMAN ANAYA: Thank you. Any other questions?

MS. ELLIS-GREEN: Mr. Chairman, I believe this is a public hearing.

CHAIRMAN ANAYA: Okay. Is there anyone in the audience like to address the Commission on this issue?

The motion passed by unanimous voice vote.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I remember what I was going to ask. Could I interrupt just one moment?

CHAIRMAN ANAYA: Okay. Go ahead.

COMMISSIONER DURAN: I'll only take one quick second. Steve, we had talked about discussing at some point impact fees and how we can implement those in the county. And I was wondering if you have checked into that, or maybe I didn't have that conversation with you. If I didn't, could you find out how we can implement impact fees on development out there so they can kind of help pay for the impact?

MR. KOPELMAN: Mr. Chairman, Commissioner, we have developed some material that we can share with you. Basically though, to summarize real quickly, the state Development Fees Act has certain requirements. They require public hearings. They require the development of land use assumptions in terms of the future infrastructure and capital requirements, and then they also require a capital plan. So we can bring to you at the next meeting some different options very generally, and maybe get some direction from the Commission. But I will share with you the information, Land Use has developed some data. We can get that over to you.

COMMISSIONER DURAN: Before that? Okay. Good. Okay, thank you. Thank you, Mr. Chairman.

IX. A. Resolution No. 2000-136. A resolution amending Resolution No. 1999-137, the Santa Fe County Growth Management Plan, to adopt and incorporate the Santa Fe Community College District Plan

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JACK KOLKMEYER (Planning Director): Thank you, Mr. Chairman. I have a couple of maps I need to get in place here if I could take just a second to do that please. Mr. Chairman, Commissioners, good afternoon. Thanks for starting the meeting a little bit early this afternoon to accommodate our discussion with you on the Santa Fe Community College District Plan. As you know, this has been now a year and a half in the works with the committee appointed by you last year to specifically prepare this plan and work towards this. But it even goes back further. It goes back six years in terms of the Santa Fe County General Plan, which evolved into the Santa Fe County Growth Management Plan, so there's been quite a bit of work that's gone into this and we're very happy to be here with you today to present what is truly a unique and interesting plan.

COMMISSIONER DURAN: Jack, I have one question.

MR. KOLKMEYER: Already?

COMMISSIONER DURAN: I have the draft here, and then there are these amendments.

MR. KOLKMEYER: I'm going to go over I'm going to explain what we have and what we're going to do. There'll be kind of two parts. I'd like to – I'm going to lead you through the plan itself, which is this document, and go over with you the basic principles in the design of the plan. There have been some amendments that came forward from the EZC/CDRC meeting, as well as some amendments that came up at the public hearing that night. We'll do those, Judy will do those, go through those with you after I've finished doing an explanation of the plan. Then what we'd like to do is have a question and answer session with you and with staff and members of the committee to go over any concerns that you have before we go into public hearing and have public hearing and perhaps do a question and answer session again. But all those amendments, Commissioner Duran would be explained in detail.

I don't want to get to the amendments right now, because they're sort of precedent on some of the concepts of the plan.

COMMISSIONER DURAN: I was just trying to figure out how we had amendments before we even went over the draft.

MR. KOLKMEYER: Well, they come from the EZC/CDRC joint session and a public hearing at that time. Any other questions before I begin?

COMMISSIONER GONZALES: Just one more question. As to the term of this planning process, it began in July of '99, is this concurrent with other planning documents that have come forward in terms of their length of work that's been compiled? Cerrillos, Tesuque, La Cienega. It seems to me – what do the dates range? Are we comfortable with the time that's been allotted to bring this plan forward?

MR. KOLKMEYER: Commissioner Gonzales, you mean in terms of the total length that it took to put the plan together?

COMMISSIONER GONZALES: Yes. It looks like up to now it's about a year and four months or so that we've been since the Commission adopted this in July of '99.

MR. KOLKMEYER: Yes, all of the plans, most of the plans that we've done in the area, for Tesuque, for La Cienega, for the Highway Corridor and for the Community

College have taken in the range of from a year to two years, sometimes a little bit longer, but they're tending to take us around a year and a half to two years from the time that we start.

COMMISSIONER GONZALES: So the benchmark is – are we meeting the benchmark for other plans?

MR. KOLKMEYER: Yes. We feel – and in particular as I mentioned when I started, if you go back and you look at, the fact of the matter is that we introduced the new community district concept almost four years ago so a lot of work went into refining that before we even kind of jumped into the Community College District Plan. So we're on target with that.

COMMISSIONER GONZALES: Okay, and just one more thing. In terms of the Community College District, is it similar to the SNAC proposal that came forward where the community got together and met over a period of time, large landowners and small landowners and that came forward to us for adoption of the plan as well?

MR. KOLKMEYER: Commissioner Gonzales, yes it is. There are some different characters, very different characters in this case. We have some institutional uses that we did not have, like for example in the SNAC area. We have some very large landowners, but we've tried to be inclusive of everybody within this district as it is composed, and then we've also done a series of meetings with some of the communities on the outside. We met with La Cienega and we had a really great meeting in Eldorado last night with quite a few people that turned out.

Every property owner within the district, and within a hundred feet of the district was notified about this plan and the meetings that are unfolding according to the addresses that we have in the Assessor's Office. We're finding out that some people didn't get notifications, but we used the list from the Assessor's Office that is available to us, so if there were problems with the mailings it was in that and we hope, we understand a lot of people got those notifications but some people didn't.

COMMISSIONER GONZALES: I just want to make sure that the planning process that took place here is not different or unlike any other planning process to date.

MR. KOLKMEYER: No, it's very similar to the ones that have unfolded. Are there any other preliminary questions? Okay, what I'd like to do is, the meeting at the EZC/CDRC took us about two hours. It was a long one, but it was very thorough and I'm not sure we need to go in the same manner that we did then. The meeting last night in Eldorado took us about an hour, so, since I'm lopping about 50 percent off per meeting, what I'd like to do is spend a good 20 to 30 minutes going over all the aspects of the plan with you and then as I mentioned, have Judy McGowan follow me for a brief period of time in case I missed anything, and to go over the amendments with you and then for you to have a question and answer session with us to answer any questions that you have about the plan.

So without further ado, you have a memo from us. I won't read that; I'll just launch into what we're going to talk about here, but the memo is to go over, we're doing this according to resolution. We're asking you to adopt a resolution with some amendments that we have already presented and any other ones that come up which you feel are necessary to adopt a

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resolution this afternoon. So that's our task.

I'd like to start off and continue just very briefly with some of the issues that Commissioner Gonzales started to touch on and I'll use my little laser pointer and some of the maps over here so that people in the audience can see the maps as I get into the plan, the ones that you have in the plan.

The Community College District Plan is an outgrowth and an element of the County Growth Management Plan. And this is turning out to be really pretty remarkable where we've gone and what we've done, because the challenge presented to us six years ago was we need to get a handle on sprawl and growth in the central portion of the county. Well, what does that mean? Sprawl, in most people's minds has come to mean strip commercial development, large-lot subdivisions that don't take really a very efficient use of infrastructure such as sewer, water and roads.

So the challenge for us is to address sprawl head on and to go after the things that our community perceives as sprawl, the questions become, what are our choices and how are we able to be able to do that. If you look at our growth management plan it becomes pretty interesting about where we really can grow. The Tesuque Pueblo to the north and a lot of BLM land, we're really limited into where we can grow to the north. With the national forest to the east, we're not going to grow to far to the east. Same to the west, with forest and BLM state land. There's a large area in here where we have already seen large-lot, single family units develop, and that's more or less the way we think that's going to continue to grow in that area and we have a SNAC plan for that area already which helps us address some of the issues.

As you may remember, we had this whole area up there also identified as a new community district, but decided that the way growth is occurring, it's going to go a little bit to the east and the rest of the growth is going to occur south of the City of Santa Fe. So our real effort has to be to look at what's going to happen in that area and what we can do about making that growth different or not sprawling as people in our community are perceiving that.

So, as you know, we have worked on diligently looking at these districts to contain a strong urban form in the city to help the city contain a strong urban form, and then outside of that, look for a different development pattern, more in line with the traditional villages of Tesuque, La Cienega, and Cañada, that is the denser settlement areas that have open space and then an efficient use of infrastructure that has developed for many years in those kinds of areas.

We knew that this is the area that we had to look at, and we knew also that this area had one single large landowner in Rancho Viejo, and several other large property owners like the State Land Office, where we had an opportunity to work directly with developers and the neighbors in that area and some of the neighbors in the surrounding area to determine what would be the best way for us to look at developing this area.

So we created the Community College District boundaries, and this is right out of the General Plan again, to follow along I-25, Route 14, the rail line to the east, and then swung over to go down through the middle of these mountains that are over here just off to the west of I-25, to follow along the top of Eldorado, across the grasslands and back to Route 14. Those were the initial boundary lines that we had on that map. This is also very consistent now with

the amount of p anning that we have been doing with the Regional Planning Authority, and as you see on the map that we've been using with the Regional Planning Authority, we now have – it's the yellow areas on here that are the only areas that we haven't done planning.

So with the institution of the Community College District Plan, we've made huge strides to planning the highway corridor, working jointly with the City on Airport Road to do that plan, La Cienega with a community plan coming forward, hopefully by the end of the year, and the big challenge was the Community College District Plan. The area around the airport is still problematic, and that's one of the initiatives that we'd really like to focus on after the first of the year and go in there and do a plan when we have this one done, with the City. We have this area taken care of and then that becomes an area that we really need to start to work on.

From the regional perspective and in relation to the growth management initiatives we've put forward, we're right on target with the initiatives we've been working so hard at. So this then is the Community College District that we have been working on. We've changed the boundaries a little bit from the boundaries that I just showed you, and we decided to take in this portion here along I-25 that wasn't on the initial one because it made sense to get the economic opportunities here more in alignment with the mixed-use opportunities that are open to us in the Community Co lege District.

We also decided to move the boundary from the center line of this mountainous area all the way over to I-25. So we've enlarged it somewhat, and it now is in the neighborhood of around 17,000 square acres for the whole Community College District. And I want to start off the discussion of the actual district now, first of all by just making a couple of other comments about the scope of the plan. When we get into talking about the villages and how much housing and commercial we're looking at, some of the numbers get kind of large and some folks get immediately a little bit unsettled by the magnitude of what we're talking about.

But 17,000 acres is a planning area that we're looking at over a 50-year period. Now one way to put that into perspective for ourselves is to think of Santa Fe 50 years ago. Javier, you weren't even born then. But to go back to that, and it's really interesting because we weren't even out to St. Michael's Drive at that point. So that's how far in the future we're talking about. We think there are certain phases over this that goes out over a period of time that really makes a lot of sense for us to start planning this way so that we've contained things in an area that we're not going to get the kind of sprawl that occurred, at the rate that it occurred from 1950, 1960 up through the ages and in particular in Santa Fe.

So it's a 50-year plan and we want to keep emphasizing that all the way through. That's a long, long time into the future, but there are some immediate things that will happen and then some other things that will come along. But the first place that we begin with our plan is to really take a look at the land. We wanted to start with the land as being the basic principle for the whole plan. And several interesting things occur in this area. One is that you can see that the area is characterized by some of the major arroyos in the area. They run east to west and they tend to run towards La Cienega. The watershed, this is right in the center of the La Cienega waters ied so there are some very important watershed and water issues that we can't

address immediately in this plan. We don't even know what some of the ramifications of some of them may be, but we do know that this is really like the heart of a lot of the watershed and drainage areas that are in the whole regional watershed. So we need to be very concerned about the land becomes the principle feature of the whole area.

Then we have the fringe areas of the arroyo, and they're shaded a slightly different color and then the areas that really become developable within this whole area are the yellow areas. So we can see pretty immediately that where we actually can and should build in this region by looking at the land first, becomes fairly paramount, by using the land as the principle planning feature. That's the very first map in the series. We will reference a number of them as we go through. This is the very last map. This is where we ended up, but I want to start with this and to explain what some of the principles are here so you can follow along the vision of the area and some of the planning principle by how the land has been reorganized for the plan.

First of all again, there are certain areas that would come out of the plan. In other words, development would not occur in these areas, and that again is the green areas where the arroyos are, as I just explained. The areas that are left, the yellow areas then, become potential areas where we can have villages. That is discrete areas that have residential, commercial, institutional uses, community uses among them. And there's quite a few of them. But we went through each one and we investigated what was there now. There are some existing subdivisions in the area, Arroyo Hondo West, Vista Ocaso, Valle Lindo and some of the areas that are already there and determined that there would be quite a few areas where we could actually have these village areas.

Within each village area then, there's the opportunity to have discrete neighborhoods. There's the opportunity to have village centers, and those are the red dots on there. This is one of the first principles of the vision, that we wanted to see this area be able to develop with compact development forms as opposed to or compared to subdivisions. That is, if we're going to get open space, and we're really going to be able to have affordable housing and we're really going to be able to have choice in housing, we're going to have to have more compact areas that allow us to have those choices.

Secondly, what this rearrangement of neighborhoods and new community centers allow us is to have central places again. As popular and as beautiful as some of the subdivision areas around this area in the city are, such as Eldorado or Nine Mile or Arroyo Hondo and some of the subdivisions here and even in the city, they're not characterized by having gathering places or central places like a plaza or a main street or a cross roads. And we have this opportunity to create those kinds of places so we have community from the very, very beginning. Secondly, it allows us to gain open space because we're having slightly higher density. We're being more compact. That means we have the opportunity to have more things open and then, in alignment with the drainage areas and the arroyos, about half of the whole area has the potential to remain open in perpetuity.

It also allows us to connect things in a different way than we have before, to make real efficient use of a road system that connects the dots, if you will, and we don't have to go back

and try to figure out how to connect all the houses that we built without some kind of centeredness. It gives us a whole different way to have connections. The it allows us to connect the arroyos with the central places to the roads and then to the major highways like the interstate, but also the rail line as well. So we have some connection opportunities in this area that we don't think we've ever had the opportunity to try to pull together before.

And then what it really does, it gives us opportunities to have community in a way that we haven't before: gathering places, places to have local businesses that are available to the people who live there, even people to the outside who would choose to come in, but it also takes advantage of a couple of other really important things too. The district is characterized by the Community College. That's why we call it the Community College District, of course. But we're really lucky to have a major employment center, education center, gathering place, to be the whole central focus for a large portion of the area as well as IAIA, which has developed a campus out there, and Santa Maria de la Paz Church as well.

So we have some institutional uses that have developed around the centers. The red lines around the red centers show the walkability of the areas. In other words, it's a half-mile radius so it shows you where you can easily walk to and fro. And if you start to look at how things piece together, many of the major institutional uses in the community centers turn out to be walkable in that area and that's an incredible landscape. So again, the connectedness, the compactness, the centeredness, all lead us to having opportunities for community that we don't think that we have had before.

Thirdly, it brings into play then a balance of community, residential, institutional, with employment. We think employment is extremely important in this whole new Community College District because if we provide employment opportunities in the new community centers and in institutional places, and in other areas designated for employment, what we do, ultimately is we provide jobs, a wide variety of jobs for people who are living in that area and thus reduce the need to travel a lot. But this mixed use concept, an important principle is that we're cutting down on the traffic throughout the area.

We have already seen that there are three potential areas for employment centers to develop in relation to the new community centers. That is the area off of I-25, the area known as Oshara and Taurus up here, the area along I-25 and Route 14, which is already developing as commercial but has a whole regional potential in this area too, and then the County Business Park down here next to the State Land Office. These are slightly different areas because they do have either immediate access from the highway, as is the case of the County Business Park, or potential future use. There's an interchange for the purple area over here off of Richards Avenue.

We think that looking at the opportunity of having it one job per dwelling unit is not unreasonable. In fact, in that area right now it's slightly higher than that. I believe it's like 1.2 jobs per dwelling unit right now. That's very healthy and we'd like to be able to see that develop in the future. As we grow from the western portions and the northwestern portions to the southeasterly portions, we think there'll be some other opportunities, particularly in the Rancho Viejo properties over here, and also particularly with a rail spur that would connect to

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the Santa Fe Southern Rail Line that's there right now so that we could have not only community centers, institutional uses continuing to develop in relation to the Community College, but a whole new employment center that has road and rail connection as well.

Into the future, we don't know, this is probably 30 years in the future, this one here, but we don't know, we don't really have an idea what that might be yet but we wanted to make sure that we had designated some areas there into the future for that.

COMMISSIONER GONZALES: Jack, which are the State Land properties?

MR. KOLKMEYER: The State Land properties are basically these three sections here, where the San Cristobal project is being master planned, and then they have another piece which is this section right in here.

COMMISSIONER GONZALES: So in particular to the second piece that you pointed, is it the wishes of the State Land – there's no employment centers in that piece for the State Land Office or is that –

MR. KOLKMEYER: This is a school, actually I believe. This is an elementary schoo.. Again, this is fairly far into the future so we're not exactly sure, but we know there would be a relationship of this center to this center and that employment may shift around in there in the future, but I think by recognizing this area here and not looking so much at who owns it or what its ownership is, but this, because of the potential rail spur we think probably lends itself more to looking at that as an employment center for the moment.

COMMISSIONER GONZALES: But in terms of supporting the new community centers, you have some where there's just a school that's around that new community center, as opposed to any type of employment base. So even looking 30 years out or 50 years out, you're saying that individuals in this far corner would basically still need to get into a car and drive.

MR. KOLKMEYER: No, these are employment centers also, they're mixed use.

COMMISSIONER GONZALES: So they're mixed use.

MR. KOLKMEYER: Yes, yes, that's a good point. So we're clear on that. Every one of the red centers is commercial/residential/institutional. This just means that it might be bigger or accommodating some uses that wouldn't be necessarily appropriate in a town center. But I appreciate that's a good point because they're all commercial, they have commercial in them to serve the neighborhoods.

COMMISSIONER DURAN: Excuse me, Jack. So is our, is the County's Business Park within the Community College District?

MR. KOLKMEYER: Yes, it's right here, Commissioner.

COMMISSIONER DURAN: It's that kind of light purple.

MR. KOLKMEYER: Yes, sir.

COMMISSIONER DURAN: Okay, good. Thank you.

MR. KOLKMEYER: Again, what this points to is this is the notion that as it becomes a really sustainable community in and of itself, it has employment, it has institutional uses, it has schools. We've identified potentially 17 school sites in the area, elementary, junior

high and high school sites to serve the population that could be anywhere from 20,000 to 30,000 people over a 50-year period. Again, those numbers, you go, Whoa, those are big numbers but again, if we start off in certain phases and move through that, then we're accommodating everything as we move into those points in the future, but 17 schools could be identified as possibilities within that district.

Water. The basic water premise is that the development of this nature, mixed use villages, occurs only on community water systems. That is the County water system, the City water system or a community water system. If they cannot be accommodated that way, then in a sense there's no development but we want to be clear that development could continue as very large-lot, on-site wells and septic tanks, but the point of the district is we want to see future development develop entirely on sewer and water systems. We'll get into more of that as we have questions and answers.

Currently, a number of places are already served by water: Rancho Viejo, Community College, David Thornburg has water, Oshara has some water, State Land Office has some water. So those developments would proceed according to what water they had, but they would proceed by being these new community, new village concepts that we're proposing.

The connections, I've spoken a little bit about the connections and the roads. An important principle that we're trying to move towards here is we don't want the Community College to be a short-cut east-west or north and south. In the meeting in Eldorado last night, there was a lot of concern that people would use this as a short-cut. But if you look at the roads, you notice that they go to centers, they stop, they go in another direction, and they may go through, but the traffic is immediately being slowed down. In other words, the traffic calming device is really the village itself. You have to go from one point to another point. It would be very difficult to move through this in a short-cut fashion.

The rail line becomes extremely important. I was at a conference all last week, a Railvolution conference in Denver and it was really exciting to know that we're sitting on $10 million, which only a handful of other communities in the whole country that have that kind of an opportunity. We want to really get moving on that as we move forward with the Community College District because we really believe that it can work and we want to move forward with that.

The road issues tend to focus on a couple of things. One is Richards Avenue. And there's a great deal of concern, we're already working on some plans to turn Richards Avenue more into a boulevard, but it's still the only way in and out of the Community College District, except for over here. We're developing more and more ways to get in and out, and that's part of the problem with Richards, it needs to have some traffic relief, particularly as we move into more intense development. One of the things that will help Richards Avenue is we want to see a connection that goes from the Community College up this way and over here, up to St. Francis and up that way.

There were earlier plans to connect St. Francis, as some of you know, to come down across Arroyo Hondo and over to the rail line and all the way down, and again, we don't think that developing that straight shot into Eldorado is going to really behoove the development of

this area. It becomes more of an access route before Eldorado and the City of Santa Fe. But if we can do this connection, this one here, this one, and another connection over this way and up through here, we've had an opportunity to relieve a lot of the traffic on Richards Avenue. So those are the key road elements there.

COMMISSIONER GONZALES: Jack, in terms of funding the major arterials and how they'll be paid for, what have been some of the ideas? Is that where the need for an impact fee would come in, for an off-site improvement like that, or is that something that's going to be borne entirely by –

MR. KOLKMEYER: Well, roads right now are borne primarily by the developers and so that's for the moment the way that we're looking at initial development of the roads. In looking at this connection here, for example, we found out that this is a good one because there's only approximately, I think it's a half a mile that would need to be built to connect that. So that's really a good opportunity to get over here. Now some of the people who are having more traffic go through here won't be all that happy, but nor are the people that live on Richards Avenue at the moment, so we're going to have to share this around.

Rancho Viejo built Avenida del Sur, right now that goes into their first village, so that's going to help. The State Land Office will take care of some of the road building and we'll have to rely on the development community in part for that.

COMMISSIONER GONZALES: I just want to make sure that it's not pie in the sky, that these major arterials are going to come into play when we don't have a method to fund them.

MR. KOLKMEYER: Well, how this connection down here, that might be pie in the sky, but again, since that's 30 years away, that's kind of good pie in the sky for the moment until we can see how some of these other things connect.

COMMISSIONER GONZALES: It is realistic that those arterials that you're indicating now, that we would probably see in these first phases would be built out then?

MR. KOLKMEYER: It would be possible through the development schemes that are already coming forward.

COMMISSIONER GONZALES: And that would be tying any development plans that come into participation into off-sites improvements such as those rail networks. Is that correct?

MR. KOLKMEYER: That's correct. Yes, that's the way that we're looking at it now. So a principle concern in doing the Community College District was Richards Avenue and the neighbors who lived around Richards Avenue and what some of the road concerns were. Another issue is Eldorado and we've shown two potential connections to Eldorado, particularly if there would be need to access a high school or elementary schools, which are the light blue, which would affect Eldorado, or a potential depot that would be in this area.

We've gone through some pretty intense discussions with the residents of Eldorado and what our plan suggests at this point is we think these are logical, good places to connect. Same with making a connection potentially into Nine Mile or Arroyo Hondo. But we've been very careful to say that this plan is not recommending those connections. Whether those connections

occur or not, we really believe need to be up to Eldorado or to Nine Mile. So those communities are going to have to come forward with some kind of plan and back to you to say, no, we don't want those connections, or yes we do.
We went through a lot of that last night in Eldorado and reiterated to them several times that this plan is not recommending a connection either here or there, but it's saying those are two good possibilities but we need for the community of Eldorado to come forward and let you know how they feel about that.

Each neighborhood center, as I had mentioned, would be mixed use. There would be mixed housing as well as mixed use, and mixed use doesn't just man a mix of commercial, it means commercial, residential, institutional, and that the housing itself is mixed. The plan right now is recommending that in each of these centers we have 15 percent of the housing is affordable housing. So in other words what this plan will do will be an affordable housing plan. It will mandate, not just encourage, but it will mandate that a certain percentage of the housing built in those areas be affordable housing. And that each one of those areas should be a range of housing, too. There may be townhouses, single family attached. We might even see apartments built somewhere, manufactured housing, mobile homes, they're all permitted.

They will be permitted according to design standards that will come forward with the ordinance, but we want to see a mix of housing because the whole idea here is choice. So again, this presents us with opportunities we haven't had. We've been searching for affordable housing ordinances and techniques and this is the one that really starts to work. You have to build affordable housing into your projects from the very beginning.

COMMISSIONER GONZALES: Is there room for – or would there be room for performance zoning, or would there not be a need for that if we were to adopt the plan like it is. You bring up the issue of affordable housing and 15 percent is a long way where we've been but does it really accomplish our need to create access to housing for every individual in Santa Fe.

MR. KOLKMEYER: Well, what this kind of housing does also is it doesn't isolate it so we have affordable housing projects that may be isolated in places where they don't have jobs, where they don't have schools, where they don't have access to transit. The City transit runs right to the Community College right now but we want to work with the City on trying to develop some loops that might go through here so that people could actually not have to depend on their automobile for jobs. The employment centers could provide jobs for people living in affordable housing so there's an integration in that that again, we haven't had in the past that really allows us – affordable housing means more than just the cost of the housing.

It does mean access to schools and jobs and those kinds of things as well. In terms of standards, we think that developing the kind of design standards that we would look at in terms of what development looks like, how tall it is, how dense it is, would be able to help us keep control of what the housing looks like so we're not creating unwanted housing, that it gets integrated into desirable housing.

COMMISSIONER GONZALES: I think that's a good point because I think there could be a concern that we'd see a continuation of the subdivisions that we're seeing on

the west side go up in this Community College District. We all know the west side subdivisions are very difficult to get for many local people who just have an average job. So what are some of the things - which I know make sense - some of the things in here would be the employment centers that would allow people to have access to jobs and therefore have access to enough money to be able to afford some homes in that area, which is very different from the west side, I guess.

MR. KOLKMEYER: Yes, if you go back and you start to look at it, again, to use the example going back 50 years. How old are you? You go back over a time span, when you go back and you look at some of the neighborhoods that have really come to characterize what we consider the beautiful elements of the City of Santa Fe and Santa Fe County, when you look at the neighborhoods, they were really very mixed. Palace, Canyon Road, there big houses, there were small houses, there were guest houses, there were even duplexes and apartments in all those areas.

In a way, this is that three-dimensional planning idea that we like to talk about is that the really good planning that occurs in Santa Fe County and in the City of Santa Fe is planning that respects the past, the present and the future. So the idea of having all the housing mixed together with commercial where there used to be the Palace Grocery Store and Tino's Grocery and all those kind of places that were built into neighborhoods, that's really what choice of housing is all about, and affordable housing is all about, because then it doesn't discriminate against who's who and it really contributes to that idea of community.

And we're seeing those opportunities in the first project in Rancho Viejo. They've mixed some different types of housing together already, and we know that they're really anxious to get into some of the other aspects too, because they see opportunities now because the market for them has been good to be able to contribute to that concept as we move forward.

I want to conclude with just a couple things. We talked a little about jobs and economic, employment. As I said, Judy will pick up a couple things I missed. But there are a couple of challenges for the County. One of the challenges, of course is going to be open space, parks and trails. We've already embarked on a pretty ambitious open space program. And we know that if we go into this kind of scheme, there's going to be an added role for us regarding parks and trails and trail development, open space maintenance. And I'm sure we're going to come back and ask you for some commitments to that over the next couple of years as we move forward with that, but we also think that things can be managed differently in this way. Homeowners associations can have parks. The trail system that we have along the railway right now is really still an awesome undertaking, but there's lots of trash. We have management problems even with that one.

So as we embark on the trail and open space program we know that we're going to have to come to grips with how we deal with parks in the county, what that means to us. So this is going to, I think, not only challenge us on that front but help us because it's a fairly discrete area. That will be a big challenge for us too. Open space and fringes, I want to address just briefly, because the whole point of having compact development, having things closer together is that it gives us a huge amount of open space. Approximately 50 percent of the whole area

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would remain in open space.

What it also does though, by being compact and being a different pattern than this one or this one here, it's also going to take the pressure off of having to grow further to the south. So that going back to the growth management plan map that we had is we've now encircled the city, the urban area, the compact urban area with ways to have different development patterns to be open, to have connectedness, to have parks that help us really define the edges and the fringe, of not only the metropolitan area, but where the rural area really starts to occur.

The protection of the rural areas, then, is really important. And as you see large areas in here that remain open and down here, we have herds of antelope that live there and we don't want to see them leave. We think those kinds of opportunities again are very unique with the unique landscape and the flora and the fauna that are in that area. There's no reason that the design of this area can't help us to do that.

COMMISSIONER GONZALES: In fact, I just want to say that I just came in from the north Cascades of Washington and they actually have zoning in place that allows for migration patterns for the elk and the mule deer that go through lots of these subdivisions. Is that what you'd be envisioning for something like this, where you'd actually have areas that they would be able to migrate through? So that the population stays alive in that area?

MR. KOLKMEYER: Yes, well with the antelope, this area is indigenous to them. The stay there and live there and we'd be driving them somewhere or eliminating them if we didn't protect that. And also Rancho Viejo has made a very strong commitment to keeping this open as a ranching area and also there are some ranches that are out there already and again, that's a unique characteristic of this because these compact places can develop at the same time where ranches can stay. You notice along here that we have fringe areas clearly defined.

We know that we have to be careful of respecting Eldorado and Nine Mile. So those fringe areas would be protected almost as if that were a corridor all the way through, all the way around the edges of the whole area.

COMMISSIONER GONZALES: Can I ask you a question? I know that this was brought up at one of our previous meetings, but we're in the process of looking at the transfer of development rights as being a tool to preserve open space and vacate areas that people don't want to see development on. Would this – I know that this area was classified as being a potential receiving area but in your discussions and in the dialogue that's taking place with many of the property owners and residents, do you feel that this in fact would be conducive to a receiving area or not necessarily?

MR. KOLKMEYER: Well, that's a really good question also, because actually, what we're doing here is by doing the compact development we're really transferring the development from all the other areas into these more compact areas. Because initially, when we set out to do the TDR program, we had singled this out as a receiving area. That's changed somewhat. There may be a potential in this area for transfer of development rights to be taken in but we don't think it's the focus of the area anymore.

Let me just address that real briefly here again in the terms of the regional construct of

the area because again, it's an important question. What we're looking at for using the transfer of development rights, and Mr. Pruetz is really cranking on some numbers now so in November we're going to have his options start to come forward. But the idea, of course is to take development off of the bypass and I-25 and put them somewhere else that can be identified as a growth area. This was one of them.

But what we're seeing now is that it might be more appropriate to do this in concert with the City, because we've already identified the area south of Villa Linda Mall and south of Tierra Contenta as real growth area in the urban context. So these two have now kind of pushed themselves up as primary receiving area. There is a third one, but it's a controversial one, and that's the airport area. And we have a lot of work that we need to do with the neighborhoods in that area as to what redevelopment means there and how it would affect them. They don't want to see these areas, as we've been told before, as dumping grounds for a lot of development. It doesn't necessarily have to be that way, but this area could certainly absorb something.

Then the other issue is that we're looking trying to save the agricultural lands in La Cienega through a TDR program where we could take the development rights that the agricultural rights would have and send them elsewhere. We still think that there may be some relationship between that and the Community College District, for example. We're not sure what that is.

COMMISSIONER GONZALES: Which may make sense to some degree because La Cienega rely on the watershed.

MR. KOLKMEYER: All the downflow recipient of that. So there's a relationship, but we want to be real careful and move through it real slowly. And then as the Downs develop, that might be another opportunity for us to look at shifting some development opportunities to that kind of a project, to allow them to absorb some development but also to be able to protect the agricultural uses in La Cienega. It's going to be a battle but why not open that dialogue now to try to use these kinds of tools we have in that regard. So this has shifted dramatically, the use of TDRs.

COMMISSIONER GONZALES: So it wouldn't – right now it's not going to be considered as a receiving area?

MR. KOLKMEYER: At the moment. We're going to look at some of these other areas.

COMMISSIONER GONZALES: That's good. I agree with that.

MR. KOLKMEYER: That seems to be working in that regard. So that does it for me. I'd like to turn it over to Judy for a moment to pick up anything that I've missed and to go over some of the amendments with you, and then we'll open it up for questions and answers. And I would like, before I do that, there's quite a few members from the committee, I won't identify them all at the moment, but there's lots of resources here that we'd like to be allowed to have them to participate in the questions and answers with us, with you as well. Thank you.

COMMISSIONER DURAN: Jack, I've got a question. It says that these

amendments were approved by the CDRC and the EZC and then there are amendments proposed in response to public testimony comments received. How do we know which are the ones that were approved by the CDRC and EZC?

MR. KOLKMEYER: Judy's going to explain those to you.

JUDY MCGOWAN (Senior Planner): The CDRC and EZC did an interesting motion. In essence they said, staff, look at the testimony. Decide what you think needs to be amended and forward that, and we agree with that. And in addition, they also did look at some pages of amendments. In fact the amendments that you received in your packet with the memo were the amendments that were presented to the EZC and the CDRC.

COMMISSIONER DURAN: So all these amendments that you have brought forward then came out of the CDRC/EZC meeting?

MS. MCGOWAN: They came from the CDRC/EZC meeting. What was presented to them as amendments going in and also from, directly from testimony or suggestions or submittals that were made at that meeting or immediately following that meeting.

COMMISSIONER DURAN: So everything in this packet has been through the public process and has been through the committee process.

MS. MCGOWAN: In a sense.

MR. KOLKMEYER: Well, they have, but not exactly. The information from La Cienega was passed out at that meeting, for example. In order to include the La Cienega watershed, Mr. Varela Lopez gave us a letter. The Richards Avenue South Neighborhood Association position paper, they're not amendments from us, they are a letter that has been submitted to you. The amendments are only – the amendments that we have reviewed are only the amendments that are on page 1, 2, 3, 4 and 5 of the handout that you have.

COMMISSIONER DURAN: So then the presentation you're making to us should only be these amendments. And then the Richards Avenue Neighborhood association should come from them as comments from the public. Is that not the way that should go?

MR. KOLKMEYER: That's correct. And there's also a letter from Elaine Cimino, which should technically be reviewed in the same manner.

COMMISSIONER DURAN: Okay, so that we're clear about this, the amendments that are coming forward being presented by Judy are the ones that the CDRC and the EZC suggested they approve. And although it was a wide-brush approval of it, what's in this document, page 1 through 5 is what you're going through?

MR. KOLKMEYER: Yes.

MS. MCGOWAN: That's correct.

MR. KOLKMEYER: Commissioner Griñé's got the movement. That's it. And then you've got the first portion –

COMMISSIONER DURAN: I'm not saying that we shouldn't consider this, but I want to make sure that whatever you're bringing forward has gone through the process.

MR. KOLKMEYER: And page 1 through 5 has gone through that process that we have so far, but like for example, the letters from Richards Avenue, I believe those were submittals after the CDRC/EZC meeting that we had, so we wanted to make sure – and the

same with Elaine Cimino's letter to you, that we wanted to make sure that you had that information because that came from that meeting was not reviewed in the same manner.

COMMISSIONER DURAN: I'm concerned about the integrity of the process and I'm glad that you explained that to me. Thank you.

MS. MCGOWAN: I do have to point out, there is one amendment that's on a separate sheet that's titled page 37, General Services that was also at your places up there, and this is an amendment that was submitted today, and it's in response to a concern from the County Fire Department. So this one was not viewed by EZC and CDRC. You also have one sheet that is the last page of the minutes that gives the motions that were made by EZC and CDRC.

COMMISSIONER DURAN: Okay. Thank you very much.

MS. MCGOWAN: Okay, I tried to keep track and come up with a few things that I thought needed to be either reinforced or added to Jack's presentation. One that I want to emphasize is, there were the four C's and the small s. The small s is sustainability, which we've defined as developing in the present in a way that preserves resources to serve the future. That's a paraphrasing of it, but that's the basic idea.

The concepts of sustainability are in the plan as a separate action section, but they also permeate all the other elements of the plan. So it involves preserving the arroyos as open space so that they can be used as recharge, so that they are preserved as wildlife corridors and as natural habitat corridors. It involves trying to maintain a ratio between the number of jobs available in the district and the number of housing units in the district so that in some manner, there is less commuting. It means maintaining walkability, which is the whole idea of the village zones and the centers. It is very important to the issues of water and sewer and drainage in the district. And the idea there is that you manage with traditional and new techniques your water supply, your wastewater processing and your management of drainage in a way that you accomplish some overall conservation and protection goals. In other words, if you manage those together, you can reuse water for landscaping, both wastewater and run-off that you've saved and preserved. You can protect the arroyos so we don't get the scouring and some of those problems that have happened in some areas, especially the Santa Fe River is a prime example. And it preserves options for the future for being able to reuse water, which is the major conservation challenge for the future. So sustainability issues permeate the plan.

Another word I heard used, and of course, Commissioner Gonzales is gone; he's the one who used it. I want to make sure that you understand that as part of this plan, when the zoning ordinance comes forward, we're proposing new road standards. And the word "arterial" won't appear. So the preliminary circulation map has on it, primary roads, which I guess you could call arterials, but we're proposing to turn the road standards around.

In order to help us do that we had a workshop and we brought the engineer in who designed, who came up with the neo-traditional road standards for the Institute of Traffic Engineers. It's a national organization and they've done that publication. He came and spent a workshop day with us and gave us his information. It was a very exciting workshop and told us how to go about revising standards. So what happens now in the County road standards and

most road standards is that you have the standard that applies to a hierarchy of roads and then the land uses adapt themselves to the roads. What we're proposing is that we develop where the land uses go first and then the roads will adapt to the land uses.

So instead of having arterials, collectors, local roads, we will have that equivalent of type of roads, there'll be big roads and smaller roads, but they will be called transit priority roads, and that's where traffic, the automobiles take priority and the road is designed primarily to accommodate cars, living priority roads, which will be in all the village centers and the neighborhoods, and that is where the pedestrians take priority over cars on the roads. So those roads will be smaller, very slow speeds, under 35 miles an hour, which is the speed at which any contact between pedestrians and automobiles are almost always fatal. And in between those, there will be a mixed priority roads and those are areas that are kind of transitionary as between your villages and your traffic priority roads. So there will be new road standards, and we've been working with the Fire Department and with Public Works and development review to come up with those new road standards.

The issue of affordable housing, the plan has said that we would like to work on a housing plan specifically for this area. Hopefully, it could be a model that we could then expand for other parts of the county to look at what kinds of units are needed for affordable housing. Do we need all single-family? What size families do we need to be accommodating? Are we accommodating a lot of elderly people? To have a better feel for that. And then also to develop some rules for how you would determine eligibility for affordable housing so that everybody's playing by the same rules.

And we have provided that there should be 15 percent affordable housing. It's very general in the plan right now. The intent is to get more specific later and to tie that down in ordinances at a later date. And the percentage might change. The type of housing that we would be focusing on could change also.

I think we talked a little bit – I think the concept of the internal transfer of development that we've done is very important because when we first conceived of this new community district, we were thinking of the old way of doing density bonuses to achieve affordable housing. Density bonuses to achieve open space. And as we worked on this, and worked especially with property owners, it became clear that it was a lot simpler, a lot more direct, and it was also acceptable to property owners to just trade the density up front. In other words, half of their land will be open space with no density assigned to it, and that density then has been transferred to the other portions of the land in the villages zones where they will have a minimum average density that they must achieve when they develop. So that's an internal transfer that's happened.

COMMISSIONER TRUJILLO: Mr. Chairman, Judy, the densities being transferred are a minimum lot size? What are the densities being transferred?

MS. MCGOWAN: The densities overall in the plan, the Growth Management Plan, said that we should achieve at least, at a minimum, an average density of one dwelling unit per acre in the new community districts, not just the College District, the new community districts. And that is what, ironically, because we didn't start with that number when we

worked with the land and determined which areas were more able to achieve density and which should be protected, and then ran the numbers at the end, it came out to be that we're in that parameter. It's about one dwelling unit to the acre overall.

But the density's being assigned differently than we normally do it the county. So that the open space areas essentially have no density assigned to them at all. They're open space. The village areas we're asking for a minimum of 3.5 average density. That means you can do some lower density, some higher density, as long as you maintain that average in the village zone. And it works out for the whole district to be an average of one dwelling unit to the acre, just a little over that.

COMMISSIONER GONZALES: Judy, how do we assure that the open space remains vacated in perpetuity? As opposed to some future Commission granting additional densities to be in the area? Who's going to hold them to that?

MS. MCGOWAN: Well, a couple of ways. For a lands that go through the development process, the plat will be - the land will be dedicated, easements placed in some way, either public or private for the open space. So that's a permanent condition that will go forward with deeds to the land. As far as future changes, it's true. A future County Commission could look at this area and decide to do a rezoning or amend the plan and change that.

COMMISSIONER GONZALES: What could you do to put them in some type of protection or some type of - how could you permanently vacate it though? So that couldn't happen.

MS. MCGOWAN: The only way I can think of is that you could, that property owners would have to do that voluntarily. If they did it in advance of development. And the plan does provide that a property owner could do that.

CHAIRMAN ANAYA: Good question.

COMMISSIONER GONZALES: Yes, I think that somewhere down the line the community can be concerned that a Commission may change the density requirements out in that area and some of the open space might end up being lost. So I don't know if maybe we could incorporate it maybe into our open space program where either maybe the title's turned over to the County or something like that so that we can be assure that they stay vacated in perpetuity.

MS. MCGOWAN: That's a possibility. One point that's important is that, I think Jack pointed out how we started with the land and did an analysis of the land to determine which land should be protected, which land is definitely available for the denser development. And that's the village zones. And then in between is the fringe area in which some development can happen. We're estimating that about half the fringe areas will remain open space, maybe private open space instead of public open space.

But it's also adjacent to the arroyo corridors so it's contiguous open space. But this map is done based on USGS slope analysis and the vegetation analysis at that scale. So what the plan says and what the ordinance will say is that the actual limits of where your village zone is and where your fringe areas are in the exact boundary of your open space will be determined

when you develop. In other words, at that time, developers will do more intense analysis, better slope analysis, better topographic and vegetation and soils analysis and the determination will be made at that time exactly which part is open space and which part is to be developed at higher densities.

So based on this plan right now, it might be kind of difficult to do the kind of dedication you're talking about.

COMMISSIONER GONZALES: I think though, that as we go through this process, we need to figure that out. We need to figure out what language is going to make the community feel comfortable that – because we are talking about such a large land area, we need to make sure that this 50 percent ratio that we're saying will be protected is going to be protected. So we need to figure out what kind of language we can go for to assure that that takes place.

Because it also makes the plan work. But Commissions change every two years so there's got to be something built in here to make sure that the community out there feels that the plan, that if we adopt it as it is, will stay that way.

MS. MCGOWAN: One of the things that is built into the ordinance in draft where it is right now and that will come forward to unchanged is that landowners will have to show 50 percent open space when they develop.

COMMISSIONER DURAN: Fifty percent?

MS. MCGOWAN: Yes. Some of them have already done more than that.

COMMISSIONER GONZALES: So they would have to plat the open space. That would be on the plat. But then they could come back and then they could ask for an amendment to the plat to allow for more densities. Could they not?

MS. MCGOWAN: You'd have to ask the attorney about that. I'm not sure. If you've platted and deeded and put a deed restriction on, I'm not sure you can –

COMMISSIONER GONZALES: Because that may accomplish what we need to have accomplished anyway.

MS. MCGOWAN: I'm sure we can figure out some wording.

COMMISSIONER GONZALES: Can they come back and figure out some amendment to a plat to allow for more density, Steve? In the future, if it's open space in another plat and they want to add more density on to that, and the Commission were to allow them to do it?

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, if on the face of the plat there is a restriction, they can always try to come back and have that amended. That's always a possibility, because it's not as though you're getting some type of conservation easement that would have to be in perpetuity with tax ramifications. So having a restriction on the face of the plat and having – is valid and legitimate but it could be changed down the road, of course.

COMMISSIONER GONZALES: So would that be one of the means that we'd go about preserving it in perpetuity? Requiring them to put it into a conservation easement? Could we require that at the time of development approval?

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MR. KOPELMAN: Mr. Chairman, Commissioner, we certainly can try to go that route and build in language in the ordinance that would deal with making sure that the open space is protected in perpetuity.

COMMISSIONER GONZALES: I just want to make sure you guys work on that language.

COMMISSIONER DURAN: Mr. Chairman, couldn't they ask for – didn't they get increased densities if they got approved for smaller lots? They can keep the 50 percent open space, and rather than have a 10,000 or 6,000 square foot lot, they can come in and ask for a 2,000 square foot lot and still meet he 50 percent open space requirement. Couldn't we tie this into a minimum size lot requirement?

MS. MCGOWAN: No.

COMMISSIONER DURAN: Are we going to want 2,000 square foot lots?

MS. MCGOWAN: Actually, we're providing, we're anticipating lots under 2,000 square feet would be possible. The idea is to have a minimum density, so that you provide enough density for the jobs and the village centers and for transit connections, rather than maximum density. So without dedicating, without impinging on the open space, you could increase density in the future in a development. That's correct.

COMMISSIONER DURAN: And I guess, we want to prevent that. Is that what you're leading to?

COMMISSIONER GONZALES: No, what I was leaning towards is just 50 percent of the 17,000 acres, 8,5000 acres, we're saying to the community out there with the adoption of this plan, will be permanently in open space. And then what we're doing is we're leaving the other 8,500 to the development community and everyone else to be able to develop design standards that meet our goals, which you may have three per acre or four per acre or one per acre. We're going to leave it up to them because the overall density is one per acre, to decide how that works. But what my point was, how do we assure that those 8,500 acres remain permanently vacated from development and not subject to any future Commissions who may decide, well, we're going to go ahead and ease what the plan calls for and allow for more open space to go into development, whether it's 50 years from now or 80 years or whatever.

So what I was asking is what kind of language we can have in place to make sure that that open space stays in place in perpetuity.

COMMISSIONER DURAN: Okay. So we're not going to tie them to a density of minimum size lot? Okay. That's fine.

MS. MCGOWAN: The other question that came up, and I'm probably not the best person to speak to this, but I heard some questions also about operations and maintenance. We had another workshop which I didn't get to attend, so I'm not the best person to speak to, and had an expert come and lead a workshop on how you begin to do operations and maintenance. What kinds of legal vehicles and financial vehicles are available for this type of district. That's presuming that the developers are going to provide up front most of the capital improvements. At some point it needs to be determined what the County's going to take over, what they're going to keep in some other kind of management arrangement.

The plan does not provide an answer, but it provides some more answers than we had in the past and some more options. There are non-profit corporations and civic leagues that can be developed that can take on management of parks, trails, public facilities, or semi-public facilities. The idea is to have something that will address things district-wide, rather than have it being done by each individual homeowners association, which becomes real top-heavy, real hard to administer, and probably begins to put an awful lot of financial responsibility inequitably on homeowners associations.

One of the problems with doing impact fees in this area is that by law you can't collect the impact fee till building permit stage, and for many of these developments you need the capital improvements before you get to the building permit stage.

COMMISSIONER GONZALES: Could you use the same means to put in lots of the infrastructure in Rancho Viejo, this state law that allows us to create assessment districts through property tax elections and then we basically go out and we pay for the infrastructure and that's passed on through the form of a property tax. Could you do the same assessment for maintenance and preservation of this open space and things of that nature?

MS. MCGOWAN: No, I think that's the problem with the assessment district route. You can do your capital improvements through assessment or improvement districts, but you can't do the long-term maintenance. So that's' why the other options were being looked at.

COMMISSIONER GONZALES: Is there any type of bond that allows for that to happen? Is tha: pretty much –

COMMISSIONER TRUJILLO: Are you looking at regional liquid waste and water systems in that area? Regional? Even though these cluster developments will take place one at a time?

MS. MCGOWAN: We're looking at community water and sewer systems for the denser developments. Not necessarily in the existing neighborhoods that are in the area. That community water may be – will probably primarily be the County water system. It could also be the City water system. They also supply in that area. If someone had water rights and wanted to their own community water system, I suppose that's a potential too, although the preference would be to have the water system connected.

For liquid waste, it probably make the most important thing for liquid waste is to have some kind of overall management. But it might be multiple liquid waste treatment plants because it's easier to do some of the recharge/reuse and treatment of liquid waste if you keep it closer to the site rather than pumping everything, or having everything go by gravity flow to one main plant. So there's a number of options that might happen for liquid waste.

COMMISSIONER GONZALES: You said it's easier, is it easier from an efficient or a logistical standpoint?

MS. MCGOWAN: I'm not sure I understand the difference.

COMMISSIONER GONZALES: You're saying it's easier to have the individual package plants throughout the Community College District. Are you saying it's because from an efficient standpoint or a logistical standpoint in these areas as opposed to –

MS. MCGOWAN: It's easier to achieve, I believe, and once again I'm not the

expert on this and there may be a variety of things that could be looked at. But it's easier to achieve some of the recharge and reuse of effluent scenarios with multiple plants rather than one major plant where you have to pump everything back uphill.

COMMISSIONER GONZALES: Because this is going on the record, does the water department concur with that. I don't want to put Judy on the spot but I think that's an important point in terms of infrastructure. Are there are areas throughout here that would be more conducive for recharge so that we would have to create a network around those areas or can the recharge occur at any point on the Community College District?

MS. YUHAS: Commissioner Gonzales, I think what Judy's saying is correct that it would be easier to achieve some of the goals for recharge and reuse in discrete areas where it's going to the water treatment plant and then goes back to recharge that way, rather than having to take it farther and send it back.

COMMISSIONER GONZALES: Okay. Thank you. Judy, nice job.

MS. MCGOWAN: I can't see anymore after this process. Can't talk very well either. Would you like me to go through the proposed amendments one by one, individually, or just kind of give you a general description of what they are?

CHAIRMAN ANAYA: Individually? Individually.

MS. MCGOWAN: Okay. We recompiled the amendments all into one document today because we thought that was better than trying to shuffle around many pages of paper so we ended up with one document and an extra page. So it's the document that says September 10 at that top and in red, "Compiled Amendments" so that we're all working off the same page. And you may have some amendments come from the floor when you open up to public input also.

After the draft was put out on September 20, the committee had looked at the concept of employment centers and reworked some of that, so there's some additional language that we're inserting for those. It does not change the concept radically. So that's the first page, almost the first two pages. It's just a reprint from the draft showing what's been added as underlined and what's been deleted as interlineated.

COMMISSIONER DURAN: What's FAR?

MS. MCGOWAN: FAR is floor area ratio.

COMMISSIONER DURAN: Floor area ratio?

MS. MCGOWAN: Yes. It's a concept that works better for intensity, measuring intensity and regulating intensity when you're doing mixed-use developments, because the concept of one or two or five DU's to the acre doesn't work when you're mixing residential in with buildings that also have commercial or office or whatever.

First amendment is just to explain clearly that employment centers are areas where businesses with special needs for access, technology, storage or size can locate. And these are businesses that might not fit in a new community center, which has a more main street look and feel to it. Or where they need to have the ability to expand over a large area over time.

COMMISSIONER DURAN: Was there much public comment or concern about these amendments at the time they were presented?

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MS. MCGOWAN: I think there's some comments from the Richards Avenue people in your packet, that they still have some reservations. Other than that, we haven't gotten a lot of comments on these employment centers. No.

Another concept that we came up with was to designate some employment centers that have a more regional focus and either have existing access or potential access to I-25 as edge employment centers. So that's the paragraph that was added, the fourth paragraph.

COMMISSIONER GONZALES: Can you just tell me basically on the last line it says, "Establishing the relationship and phasing of these developments with the new community centers and village zones is important." I think to me it seems a known issue that the jobs have to be there before the housing necessarily takes place, right? Are you discouraging that from happening here?

MS. MCGOWAN: No. The issue is that we think the employment centers are going to function differently, depending on their location, and the ones at the edge are likely to have demand to be able to develop the jobs in advance of the housing.

COMMISSIONER GONZALES: Right.

MS. MCGOWAN: So you want to make sure that the housing comes also.

COMMISSIONER GONZALES: At the same time though? Is it realistic to think that they can come at the same time?

MS. MCGOWAN: To a certain extent. Now whether it's a one-to-one ration, I don't know, but it's to a certain extent. Whereas the employment centers that are internal are going to have the converse problem. It's going to be easier for them to do the housing and harder for them to attract the employment centers, which area likely to come later. I believe there is one further amendment in that sentence, where it says "establishing the relationship and phasing of these developments with new community centers and village zones is important..." We should probably just say with residential uses and new community centers.

COMMISSIONER DURAN: Mr. Chairman, Judy, I have a question. How do we deal with the sunset provision of these centers if we're waiting for the neighborhood to be developed in order to support the economic opportunities, how do we ensure that five years down the road that the applicant's not going to have to come back here and have to go through a whole new process and then the neighborhood opposes it?

MS. MCGOWAN: Very good point. We're proposing – the adoption of the plan won't do this but the adoption of the ordinance will. We're proposing that this land use map be a zoning map, and that when you approve the ordinance, you will be zoning the land. So there will not be a master plan, the individual properties will not be coming back to the Commission for master plan zoning with a five-year limit. They will be coming back to the Commission or the EZA as the case may be, with master plans that are more detailed concept plans that will demonstrate how they propose to meet the principles of the plan and of the ordinance. So they will in effect have the zoning already and that five-year sunset law won't be there.

The only other amendment is the next paragraph down. We've designated one very large employment center that we're proposing should be reviewed, have a special review

because of its size. The idea of that employment center area is just to reserve an area in case there's a large employer that would want to locate in the area. We know that's been a problem in the past that employers come and look around and leave because it's a two-year process to get the land zoned so that they can develop.

The only other two amendments that are proposed are on the next page under item number two and number six, which are the characteristics that we want to apply to employment centers through the ordinance, and they have to do with balancing the jobs to residents requirement. Under number two we've just added a phrase, to assure a balance of jobs to residents, the district ordinance will have mixed use phasing requirements. We don't know what those are yet, but we think that it's important to do.

And then in number six, we've settled on that new community centers should be with a one-half mile radius of an employment center. Or employment centers should be with a one-half mile radius of new community centers, and that employment centers should be developed somehow concurrently with or after their adjacent new community center.

The point of that is that it's the new community centers that are the center of where the civic and the social and the retail function is going to be and that the employment centers are to support them, not to usurp their place in the community.

Oh, and one on number eight. I didn't notice that. It just says that we'll develop standards for mass and scale of buildings.

COMMISSIONER GONZALES: So, can I ask you a question, Judy. In areas like area 2 on the map, and 4 – you don't have employment centers in those areas, so are those areas that are excluded? I'm assuming, is that a one and a half mile radius the red circle?

MS. MCGOWAN: No. That's a half a mile.

COMMISSIONER GONZALES: Okay. So it's half a mile and now it's changed to one half mile. So those red circles will actually – no they won't. I see what you're saying. I've got it.

MS. MCGOWAN: Next amendment –

COMMISSIONER GONZALES: So just real quick, on item six then, that wouldn't include an employment center, or would it still?

MS. MCGOWAN: I'm not following. What is item 6?

COMMISSIONER GONZALES: Area 6 of the map.

MS. MCGOWAN: Oh, those are buffer areas.

COMMISSIONER GONZALES: I know, I know. But I'm talking about the new community centers in those two areas, will be the only areas that will be excluded from having employment centers then?

MS. MCGOWAN: Oh. I see what you mean. Those areas are to the southeast of the district, those two new community centers. At this time we're not proposing employment centers attached with those. The major employment would be in the new community center itself.

COMMISSIONER GONZALES: Do we need to have clarifying language for that or is it okay the way the language exists then? It's not a big deal to me –

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MS. MCGOWAN: They could - this language provides that you could propose an employment center in the future in those locations, I believe.

COMMISSIONER GONZALES: Okay. Thank you.

MS. MCGOWAN: The next amendment came from the EZC/CDRC hearing and the plan provides that ranching uses can continue and we're basically taking away the 2.5-acre basin zone from properties in this district and replacing it with other zoning. Property owners felt that they needed to be some kind of underlying zoning in case that the County water system could not provide water for some of these village developments. So this is the solution that was proposed. It says, "Allow development of rural home sites and accessory structures for ranch uses on large lots of not less than 500 acres, developed on domestic and agricultural wells." So that would be the underlying zoning in those larger areas.

COMMISSIONER GONZALES: One lot for 500 acres.

MS. MCGOWAN: That's right.

COMMISSIONER TRUJILLO: One lot is one home and one accessory structure for 500 acres?

MS. MCGOWAN: One home, yes. I'm sure you could have more than one accessory structure. You could have barns and stables. Whatever. That's correct.

COMMISSIONER TRUJILLO: Is that realistic?

MS. MCGOWAN: The property owners seem to feel it is.

COMMISSIONER GONZALES: Which property owners are proposing this?

MS. MCGOWAN: It's Rancho Viejo who affects, primarily.

COMMISSIONER GONZALES: So who proposed this amendment?

MS. MCGOWAN: Rancho Viejo Partners.

COMMISSIONER DURAN: Are they going to do a 500-acre subdivision out there?

COMMISSIONER GONZALES: So what does that do to individuals that don't have that large a land? If they only own ten acres. In effect, are we preventing further subdivision unless they're able to get access to imported water?

COMMISSIONER DURAN: They'll have to buy 490 more acres.

COMMISSIONER GONZALES: From Rancho Viejo.

MS. MCGOWAN: That's a point which I think I forgot to mention also. As you'll notice on the map, we have outlined what we're calling existing neighborhoods, and those are the areas where those smaller lots exist. Those existing neighborhoods will continue to be governed by the zoning that's in place now. We're not proposing to change the zoning on those areas. There are a couple of properties that are smaller that are outside one of those existing neighborhoods, and I think through the ordinance we should provide those owners with an option out if they can't develop a village ordinance.

COMMISSIONER GONZALES: Okay. Thank you.

MS. MCGOWAN: Next amendment, page 27 in your plan, this came also from a public comment to clarify about the cultural resources and we had just assumed and I guess we have to clarify that most of this area is classified as either high or moderate

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archeological potential on the County archeological district maps. We're not proposing to change that map or to remove that requirement that developers do archeological surveys and protection plans.

This is an easy one. On the top of page 3 is simply a clarification. We had said there were three potential crossings and then we only described two of them so we've added the third one in.

Page 34, that amendment we had used the term "individual wells." We had a request from a member of the public to specify "domestic, commercial or industrial well" so we've done that.

The next two items also came from comments from the public and they have to do with water. On page 34, paragraphs 3 and 4, just to add the language that developments will continue to provide water budgets which will address water use and availability and demonstrate the use of techniques to lower water consumption.

The following paragraph is a similar amendment. The County currently has a water line extension and water allocation policies which help to enforce conservation, and we actually are proposing that we be able to do a little better on conservation and that if you can show us by actual use or some kind of system in your water budget that you can use far less than a quarter acre-foot a year, then that should be the allocation for your dwelling unit. We're trying to encourage people to use less water rather than more. So we're saying the water allocation policies will be enforced to be adjusted for actual use as conservation improves.

The next one, page 35, is also an amendment on water, and that is to work with New Mexico Environment Department to develop water quality regulations for recharge and aquifer injection wells.

The next amendments are entirely new languages. This was a section of the plan that should have been in the draft on September 20 but it got lost in cyberspace, so it didn't arrive here until October. It is principles for managing the drainage in the district and also a drainage plan and drainage plan actions that would go into the section for infrastructure. Basically, it sets out that we're going to build on now in the County for terrain management and drainage, but we want to specify that we go even further in trying to use alternative engineering practices for drainage. And that involves being able to reuse water for landscaping, being able to due water harvesting, capture of rainfall and run-off and build your drainage into your infrastructure and your improvements rather than them being just kind of separate little ponds that the water runs in and out of. That's the basic idea. Once again, the idea is that you manage the stormwater close to where the run-off happens, rather than shuttling it into arroyos and managing it further away.

On page 5, County Hydrologist had proposed this amendment. It's a slight amendment to the definition of the balance of the aquifer that's in the plan.

And we have a couple of amendments to the land use zoning map that were pointed out at a community meeting last week and they involve the property line between what we're calling the West Arroyo Hondo neighborhood – I'm not sure what the community calls it out there, and the Oshara-Taurus property. We inadvertently lapped the institutional use over into

1) Like other areas of the District, Employment Centers are to be mixed use and include commercial uses and services such as recreational amenities, parks, trails, retail and restaurants so employees can walk to lunch, recreation, and services.

2) Residential may or may not be included in Employment Centers depending on the characteristics of individual centers, though Employment Centers are to have a wide range of nearby housing opportunities allowing access by walking or bicycle or a short vehicular journey. For planning purposes a two mile radius is considered to be walking and biking distance from an Employment Center. To assure a balance of jobs to residents, the District Ordinance will have mixed use phasing requirements.

3) Employment Centers should serve the District and Greater Santa Fe community, and be connected by public transit, trails, walkways and small roads.

4) Employment Centers should be a focal point for multi-modal transportation facilities for goods, services and people.

5) Walkway systems within Employment Centers should connect all areas of the center to each other and the District.

6) Employment Centers may be included within or as extensions of New Community Centers or should be within a one half mile radius of New Community Centers. ~~or one half mile radius of a Neighborhood Center.~~ Employment Centers should be developed concurrently with or after their adjacent New Community Center.

7) Buildings within the Employment Centers shall be oriented to the street, and keep the parking and storage areas to the rear of the buildings, to maintain the mixed use intent on the Plan and to create active urban street spaces reminiscent of town plazas or traditional main streets.

8) Where the physical relationship allows, feature buildings should provide focal points that visually connect Employment Centers to adjacent centers and neighborhoods and provide the value of their architectural image to the District. Standards for mass and scale of buildings will be developed.

9) Employment center facilities may be the result of joint action and investment by public agencies and developers to ensure that local services and infrastructure meet anticipated demand, for example, wideband communications.

10) Training programs may be provided by the Employment centers in coordination with local governments and educational and other institutions and agencies.

11) The maximum FAR is 3.0; the minimum size is 5 acres with a maximum size of ~~360~~ 100 acres.

Page 25, bottom:

2) Allow development of rural home sites and ~~agricultural~~ accessory structures ~~where they support the continuation of working ranches.~~ for ranch uses on large lots of not less than 500 acres, developed on domestic and agricultural wells.

Page 27, Open Space Elements:

3) Important Cultural Resources Areas are to be protected within the District because of the role they play in maintaining the record and evidence of human history within the District. Most of the District is shown as having high or moderate archaeological potential on the County Archaeological Districts Map. Archaeological surveys and reports will continue to be submitted by developers.

Page 30, paragraph 5:

There are two barriers to creating a transportation network in the District. First, connections across I-25 are limited because of the expense of building an over or underpass. The extension of Camino Carlos Rey has been eliminated by the County of Santa Fe and the State Highway Department, due to potential drainage problems, the presence of a sensitive archaeological site, and an existing neighborhood. Three other potential crossings at I-25 have been identified on the plan: at Yucca, a connection to Governor Miles between Cerrillos and Richards, and a connection east of Richards to Old Agua Fria Road and St. Francis. But at least two of these potential connections – at Yucca and between Cerrillos and Richards - will require further study for engineering and neighborhood impacts. Second, north-south connectivity is complicated by a series of wide and/or deep east-west arroyos. The network minimizes the number of arroyo crossings to preserve open space contiguity and minimize costs to future developers, however, this means that some north-south road connections (such as Richards Avenue) may bear a slightly disproportionate amount of traffic.

Page 34, paragraph 1:

The District will be supplied by imported water and by groundwater in order to provide a diversified, and thus more dependable, long range supply. The Plan limits development on ~~individual~~ domestic, commercial and industrial wells in order to protect the quality of the aquifer and its use for storage and recharge for the future.

Page 34, paragraph 3 & 4:

The County benchmark will continue to be 100 year water availability, with a goal of long term sustainability. Article III, Section 11 of the County Land Use Code allows developments which import water to have density determined by meeting criteria for traffic generation, energy consumption, provision of public facilities and services and compatibility with adjoining residences. Developments in the District will meet these criteria based on the principles of this Plan. Developments will continue to provide water budgets which will address water use and availability and demonstrate use of techniques to lower consumption.

Balancing water taken out of the aquifer with recharge to lower (minimize) consumptive use of water from all sources is integral to sustainability. Strategies to lower consumption include: enforcing the County's line extension and water allocation policies, to be adjusted for actual use as conservation improves; capture and use of gray water and rain water for irrigation; and use of catchments and infiltration basins for run-off from impervious surfaces to irrigate and to protect habitat and prevent erosion.

Page 35, bottom:

3) Work with NMED to develop water quality regulations for recharge and aquifer injection wells.

Insert a new section C at the top of page 12 and renumber the remaining sections:

c. Drainage

1. Manage storm water runoff in a manner that minimizes flooding, erosion, non-point source pollutant loading, changes in water runoff water temperature, reduced infiltration and ground water recharge and the associated impact on the environment.

2. Utilize alternative storm water management practices that are non structural, with a more creative approach that is more biologically complex but that will still involve some structural components. This can include use of porous paving, strategic vegetative planting, contour grading, drainage across lawn areas, rain barrels, cisterns, vegetated swales, back yard depressions, infiltration trenches, shallow topographic depressions and reduced roadway and driveway drainage structures.
3. Base storm water management plans in the College District on the premise that storm water is most effectively controlled at or near the source using alternative management practices that utilize source controls to minimize drainage leaving the site and thereby prevent pollution pick-up by runoff.
4. Utilize local structural methods like Stormceptors and Vortech units to remove most contaminants, and lined containment ponds near storage or potential spillage areas to provide that treated runoff can be recharged into the groundwater or discharged into arroyos.

Insert the following section on page 36 and renumber the following sections:

C. DRAINAGE PLAN

As the proposed development in the Community College District progresses, the increase in storm water runoff will impact the hydrologic regime of each water shed and arroyo within the District. In order to adequately manage storm water runoff in the Community College District both quality and quantity of runoff is to be addressed. The available management options are generally called best management practices, which can be classified into two broad categories - traditional and alternative.

Traditional management practices are highly engineered structural methods that use concrete, rip rap, soil cement and other hard channel lining or piping materials. Traditional practices often result in large-scale projects and focus on storm water management at the outfall locations. Alternative storm water management practices are often non structural, with a more creative approach that is more biologically complex and focus on storm water management at or near the source. Some structural components are still involved. This can include use of porous paving, strategic vegetative planting, contour grading, drainage across lawn areas, rain barrels, cisterns, vegetated swales, back yard depressions, infiltration trenches, shallow topographic depressions and reduced roadway and driveway drainage structures. This District Plan emphasizes alternative management practices.

Santa Fe and ultimately the College District will be required to manage water quality in surface water runoff. Under Phase II of the U.S. EPA Storm water Management Rules (Oct.29, 1999), in which Santa Fe County is identified as a designated area requiring storm water permits, storm water from construction and urbanized areas will have to be permitted for water quality control.

Drainage Plan Actions

1. Develop an information and education program on the hydrologic regime in the District and alternative surface water management practices for developers, engineers, government agencies and the general public.

2. Develop the varying levels of operations, maintenance and monitoring, and public and private cooperation required to implement alternative surface water management practices.

3. Convene a working group of land owners, local government representatives, public interest representatives and consultants in drainage engineering, hydrologic and hydraulic

modeling, landscape architecture, urban planning and engineering and communication to prepare more specific balanced environmental, social and economics objectives for storm water management in the District.

P.55, Glossary, replace definition as follows:

Balanced aquifer is a condition in which all withdrawals and discharges from the aquifer are equal to all the sources of recharge to the aquifer. This may be achieved through aquifer storage and recovery, recharge with effluent, stormwater infiltration and/or reduction of current ground water well production.

Land Use Zoning Map

Institutional use (blue) on east side of Oshara property should end at property line, not extend into Santiago Subdivision.

Label the buffer to the west of the west Arroyo Hondo Existing Neighborhood.

Preliminary Circulation Map

A number of comments have been made about specific roads that are labeled for further study. Staff has recorded this information and it will be included as the final roads plan is prepared. Tmodel and field analysis as well as review of existing and potential easements or rights-of-way and continued consultation with neighborhoods remain to be completed for a final Circulation Plan. When complete the roads plan will be proposed for adoption as the final section of the Santa Fe Urban and Extraterritorial Future Roads Plan.

Other Maps:

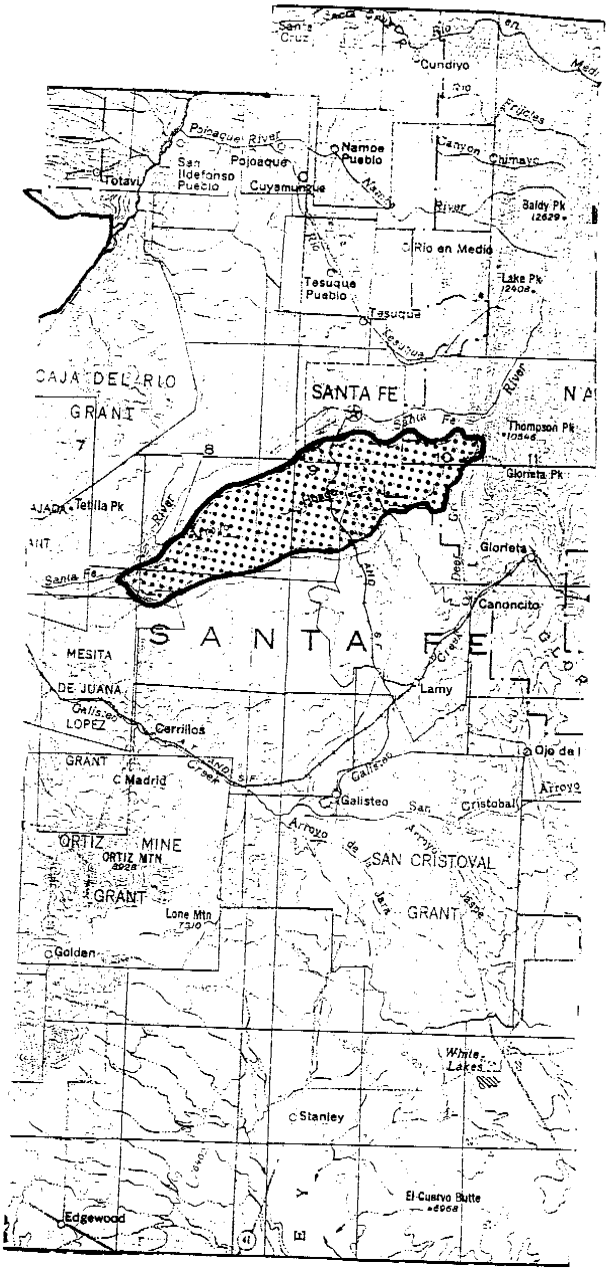
Add a Map to the Appendix showing the La Cienega watershed in relation to the District.

Comments from La Cienega

1. **Include maps of La Cienega watershed.**

2. **Memo from Jose Varela Lopez, La Cienega Valley Association Board Member**

1826434



scale one mile

Figure 1. Location of La Cienega Watershed in Santa Fe County.

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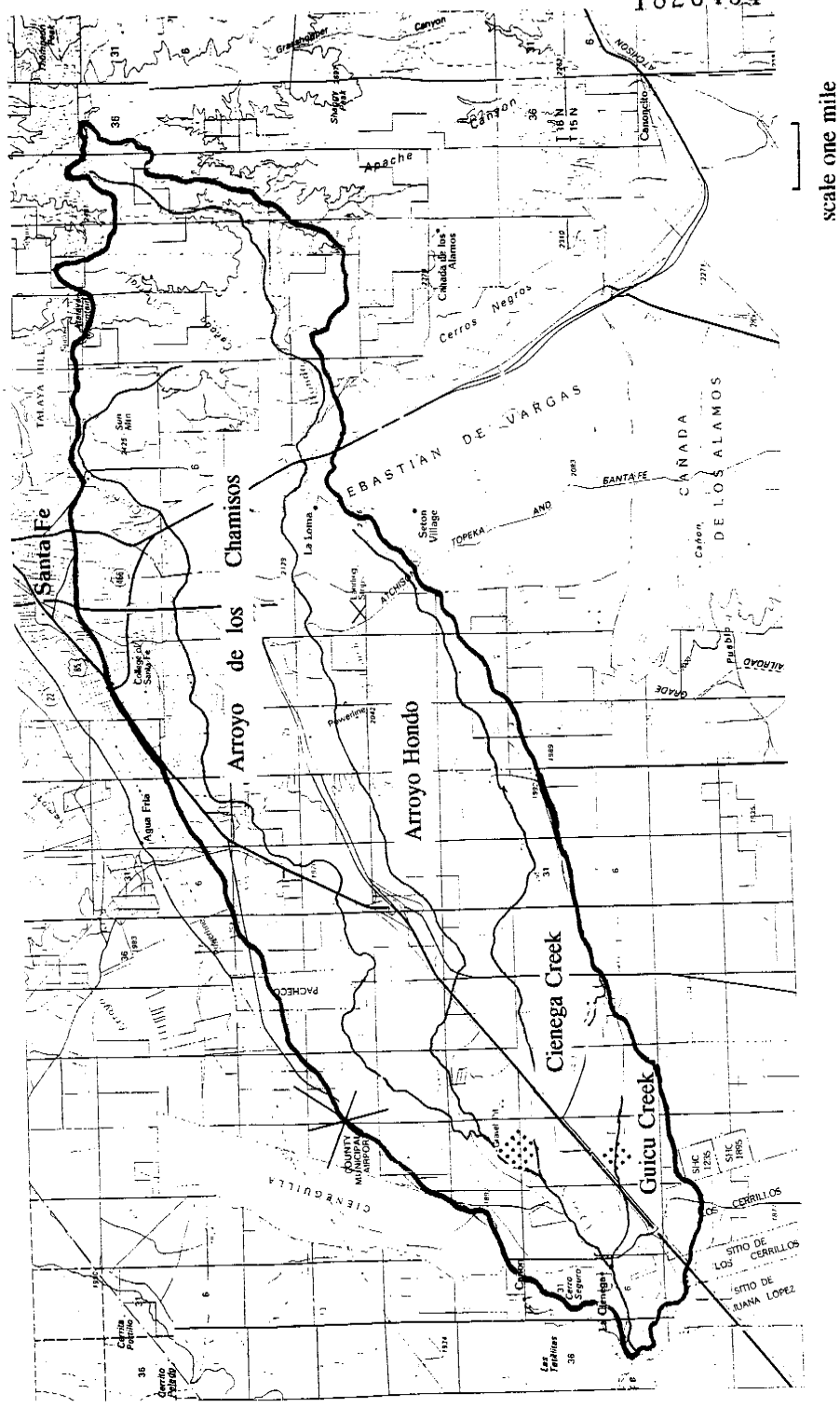


Figure 3. Ephemeral Water Courses and Springs in La Cienega Watershed. (idealized spring areas dotted)

1826434

September 28, 2000

To: Santa Fe Community College District Planning Committee Members
From: Jose Varela Lopez, La Cienega Valley Association Board Member

It has come to my attention that the proposed ordinance language for the Community College District does not directly address the issues of aquifer depletion and aquifer recharge which are of utmost importance to the people of the La Cienega Valley. As such, I have addressed these concerns by proposing two additional regulations to the Extraterritorial Zoning Ordinance for your consideration. They are as follows:

I. All water systems within the Santa Fe Community College District will, as part of their master plan applications for development approval, submit to the County of Santa Fe a detailed Hydrologic Report stating acre feet to be used by said development at full build out; source of water rights, imported or basin, surface or groundwater, etc.. A detailed report of no detrimental impact to the aquifer will also be submitted as part of said application, and accompanied by the signature of a reputable hydrologist. If a statement of no detrimental impact cannot be proven development permits will not be issued until such time that the applicant can procure a source of water which does not affect aquifer depletion in the La Cienega Valley.

II. All Subdivisions within the Santa Fe Community College District will, as part of their development applications, submit to the County of Santa Fe a detailed plan of Storm Water Management, for the purpose of proving quantifiable aquifer recharge within the La Cienega Watershed, as it relates to their specific development plan. This recharge will be independent of any recharge due to storm water runoff associated with the numerous arroyos within the District. No development permit will be issued until said Storm Water Management Plan, with acknowledgement by a reputable hydrologist, is included as part of the Development Master Plan.

RICHARDS AVE SOUTH NEIGHBORHOOD ASSOCIATION

DEVELOPMENT POSITION STATEMENT

1826434

In light of the continued demand for new developments in the Richards Ave / Community College area, we propose that:

• Any application for zoning variance for development on land adjoining Richards Ave be approved only after collaborative meetings with this association where consensus has been met

• Residential development is most suited for lands adjoining Richards Ave from Rodeo Road to the Community College; commercial development should be minimized

• Any future community development plans maintain the tone of a country residential environment to include parks and light recreational facilities with walking, biking and horse riding trails, in keeping with the present home and family theme of churches and schools already in place and approved along Richards Ave.

• Infrastructure should always precede any developments and promised improvements should be in place before an approved development proceeds to construction

• There be no new developments approved, nor additional phases of developments started, in the Community College District until Richards Ave is improved adequately to handle the added traffic to be generated and the actual funding for these improvements in place

• Official traffic counts be taken yearly along Richards Ave to track traffic volume

• A traffic control light be installed at Governor Miles Rd and Richards Ave, at the earliest opportunity

•Richards Ave be designated a scenic boulevard as entrance to the Community College District with minimums of 300-foot frontage setbacks from the edge of a four-lane arterial to maximize and preserve the view corridors of this road

• Richards Ave be upgraded to include shoulders, bicycle lanes, and turning lanes for the safety of all that use it; this should be completed before any other considerations for development are made

• The planned interchange at I-25 and Richards Ave be modeled after that at Old Pecos Trail, be non-commercial and retain the natural beauty of the area as Gateway Entrances to the City of Santa Fe and the Community College District

Jane Petchesky, Chairman
Jim Klemmer, Vice Chairman
Pat Baca, Secretary

RICHARDS AVE SOUTH NEIGHBORHOOD ASSOCIATION

October 2, 2000

Re: OHARAR/TAURUS PLAN

1826434

500 acres total
100 acre "employment center", commercial zoning, few restrictions
mixed use village center, 25% residential requirement
mixed use neighborhood centers, 25% residential requirement

Of 250 acres of developable land, 150 acres is slated for commercial development

This plan - adds a potential of 3000-4000 trips per day to Richards Ave
-delays mixed use development further into the district where residential bldg is taking place
-adds the potential of unsightly commercial development along the Highway Corridor
-adds commercial at the proposed interchage of I-25 & Richards Ave

This plan has many problems: it is too dense, especially in commercial development; is too tall, as the district plan applies; generate large amounts of traffic along Richards Ave; has the potential to be an eyesore and a sprawling mess.

We recommend that Richards Ave be designated a scenic highway as a gateway entrance to the Community College District
The area of an "employment center" be removed from the plan
The residential segments of the plan be allowed to proceed once Richards Ave has been upgraded
The commercial mixed use aspects of the plan be reviewed for development only after Richards Ave has become a four lane arterial
The proposed interchange be classified non-commercial and modeled after the interchange at Old Pecos Trail
The design standards of a Scenic Corridor of the Highway Corridor Plan supercede the Community College District Plan for properties adjoining I-25

Fax Transmittal Cover Sheet

To: Judy Mc Gowan Paul Olafson, - County land use

From: Elaine Cimino, La Cienega Valley Citizens for Environmental Safeguards

Fax Number: 505 424 3630

Date: Fri, Oct 6, 2000 • 9:51 AM

1826434

Pages, including cover: 6

If there is difficulty with this transmission, please call: 505 424 3630

Note:
Please ignore previous fax sent on the Oct 5th. This is the updated version. thank you, Elaine Cimino

La Cienega Valley Citizens for Environmental Safeguards
49 Camino Torcido Santa Fe, NM 87505 505 424-3630

Suggested Changes to the SFCCD Plan which should be reflected in the Ordinance

1826434

[Ordinance changes will follow Oct. 6, 2000]

Page 34 Water

Insert paragraph under the heading Water

The provisions of this section are not applicable until there has been a substantial showing and a public hearing held to the County on water availability for any portion of this plan.

Paragraph 1

Changed the words... Individual wells... to say "domestic, commercial and industrial

Add Paragraph between 2&3

Each development within the SFCCD and each of the developers within the Community must submit a Masterplan Pre-application which shows a Water budget. The Water Budget must address the entire districts water budget in both beneficial and consumptive use and will not be allowed to exist on "Virtual water".

By "Virtual water" it is meant that the County will not enter into agreement with developers to sign agreement allowing the development to begin with a promise that water would be supplied by the county sometime in the future.

Para 4 Water "Take out" define this term - pumped or recovered?... with "clean water" recharge to lower beneficial & consumptive use.

Delete the Sentence "Treated wastewater used...." Restructure this sentence "Treated wastewater used only for graywater landscape and or infiltration systems."

Add to the Last sentence within this paragraph.....
by **not** directly injecting effluent of any quality into the principal sole source aquifer.

Page 34 Water Plan Water System

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'That any water that is pumped from the Native Basin will not be returned for return flow credit (rfc) to the Rio Grande via the Buckman line for either present and future RFC.

Page 35 Water Plan Action

Para. #2 is very Vague. This section of the Community plan suggests that Developers and the County have already determined to directly inject effluent into the aquifer and apply for certain pilot projects. This plan has the opportunity to be progressive in that it should not even conceivably think that the Public and especially the people of La Cienega and La Cienguilla want to drink the Rancho Viejo Sewer Water. The only thing that would be acceptable would infiltration galleries through natural infiltration of effluent that has been polished up to 5 or less mg/L. The area of potential hydrological effects is inclusive of the all wells, springs and seeps in the La Cienega Valley Area. The use of direct injected effluent would be seen as a violation of water rights to down gradient users.

Page 25 Waste water Plan Action

Para #3...But not to consider effluent direct injection at any time because of the potential contamination of the aquifer which would result in rising and falling water levels and the continual recycling of this water has serious public health risks. One of the potential problems is that there are remediation program or even areas where the groundwater is known to be contaminated and that rising water levels will change the migrating contaminated to further cause and even more serious health risk. So much has not been determine, especially within projects in California and Arizona, that to continue to look to this "resource" as a sustainable water supply puts at risk the quality of life for future generations.
The NMED nor the SEO have the regulations in place to enforce the proper water quality safeguards on such a project.

A report hydrological comments will be submitted at the public hearing if requested by staff.

Page 18 Drainage

1. Has anyone of the developers or staff planners analyzed the hydrological cross sections to check storm water run-off and the amount of flows headed downstream during a 100 year event under the natural undeveloped and developed conditions?
2. Does anyone know what the csf is of the Arroyo Hondo?

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3. If this was not done then what was the process in which setbacks 25' -50' from the arroyos and natural waterflows were established?
4. From the FEMA maps and Hydrological reports Arroyo Hondo has approximately twice the flow of the Arroyo Chamisos which is over 8000 cfs (100 year event).

Archeological Study

- The archeological and cultural resources of this area has not been addressed in this plan.
- Has there been a survey of the entire arroyo and the sister arroyos to determine the cultural sites and sensitive areas.
- What cultural resource protection was planned for these sites and how does one know whether the 50 ft setback would be appropriate?
- Does the planning staff and community planners know the scope of the potential area of effect in the County College area?
- Has a full EIS been done to determine these concerns?

Bob Taughtin General manager for the Development in a presentation to the La Cienega Community Planning Group said that there was only one ARMS finding in the area of the 1st phase of the entire development , but other searches were not done.

Our research has found that other sites exists which need to be recognized within this plan. Please Check LA12, LA191, LA76.

F. Alternatives to Open Space Requirements

This item is in the ordinance but it does not appear in the SFCCD Community Plan.

The Ordinance reads as follows:

F. (1.) Owners of properties that have over 50 % mapped open space in the Land Use Zoning Map, may sell open space easements to receiving Community College District property owner through legally binding contracts. Upon the receipt of such recorded, legally binding contracts, the Land Use Administrator may count land within such areas toward meeting open space requirements of the buyer. [An option is that property owners within the la Cienega District could sell Open Space easements to receiving Community College District owners at an acreage ration of 1:1. One Acre of La

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Cienega land would be placed in an open space easement and counted toward meeting one acre of the Community College District Open Space requirement. In this Case, the open space requirement would be 52%. The value ratio of La Cienega Land to the Community College District is approximately 1:4].

The Santa Fe County Land use Code Section 10.5.7 Criteria for Development Reads as follows:

B. Open Space Requirement: All development, including housing units, infrastructure, commercial. industrial and public buildings shall be limited to 40% of the parcel of the land. The remaining 60% may be used fro recreational uses and activities including, but not limited to, trail, horse stables and ball fields. The use of common areas within the developed area, such as plaza and trail connection to larger open areas are encouraged and will count toward the 60% open space requirement. Except for parking lots, the open space provided around schools can be used toward the 60% open space requirement. The location of the undeveloped 60% shall take into account the preservation of ridgetops, important viewsheds, cultural sites and environmentally sensitive areas.

This section of the ordinance should be DELETED, because it ties the hands of the La Cienega Community while they are working on their community plan.
Furthermore, this language reduces the intent of open space and gives the developers property rights arguments to increase the density to 52% -48%. All this goes against the intent of what open space stands for. The 12% increase in density contradicts one of the intentions of traditional and historic community land use plans, created to establish density reduction.

This section of the Ordinance was NOT discussed in any Community Planing meeting with the whole planning group in La Cienega.

The approval of this ordinance as it stands will show the shortsightedness of the land use planning staff and the commission.

If you do not delete this section altogether then please include some balancing language. The residents of the La Cienega Valley Area interests are not protected in this ordinance. As is stands developers, planners and their lawyers are trying to adopt language which could be copied and set precedence in future land use ordinances. This is an attempt to overcome the language in the recent case of "Los Veccinos", The Greater Callecito, or formally known as Hyde Park Vs. City Council of Santa Fe.

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Moreover, this language Establishes Density for Transfer of Developments Right's (TDR's) and could be copied into other development ordinances.

The Balancing language states in new paragraph under the title,

F. Alternative to Open Space Requirements (page 24 of 44)

The Following section of this ordinance is may only apply if it can be shown in pre-application to the master plan and in a separate public hearing that the Public, Health , Safety, and Welfare is not adversely affected by such a proposal and development issue.

I submit theses changes to be reflected in the ordinance for reflection and insertion by Santa Fe County Staff.

See pages 18, 34 and 35 of the SFCCD Plan.

P.37, General Services and Facilities:

1) That services and facilities provided by the County, including police and fire protection, senior and health services, libraries and the like, be planned as part of a Capital Improvements Plan for the District. Planning and design of County facilities will be comp'eted with the applicable County departments, including the County Fire Department in matters of fire, life safety and emergency services and the County Sheriffs Department in matters of community protection, to ensure that service standards are met.

Santa Fe Community College District
Presentation Outline

1826434

District Vision

- **Compact development**
- **Central, mixed use places**
- **Connections**
- **Community**
- **Sustainability**

Principles/elements

1. **Land types determine zones**
2. **Water & sewer & drainage = conservation, recharge, recycling; community systems**
3. **Circulation = network of smaller roads, trails, bus & rail transit; walkability; new road standards**
4. **Mixed housing/affordable housing = range of house types & incomes; located near schools, parks and centers with shopping, jobs,**
5. **Jobs & economic development = balance jobs with residents; jobs close to homes**
6. **Community services & facilities = school sites, park & trail standards; management & funding**
7. **A long range plan = 50 year growth horizon**

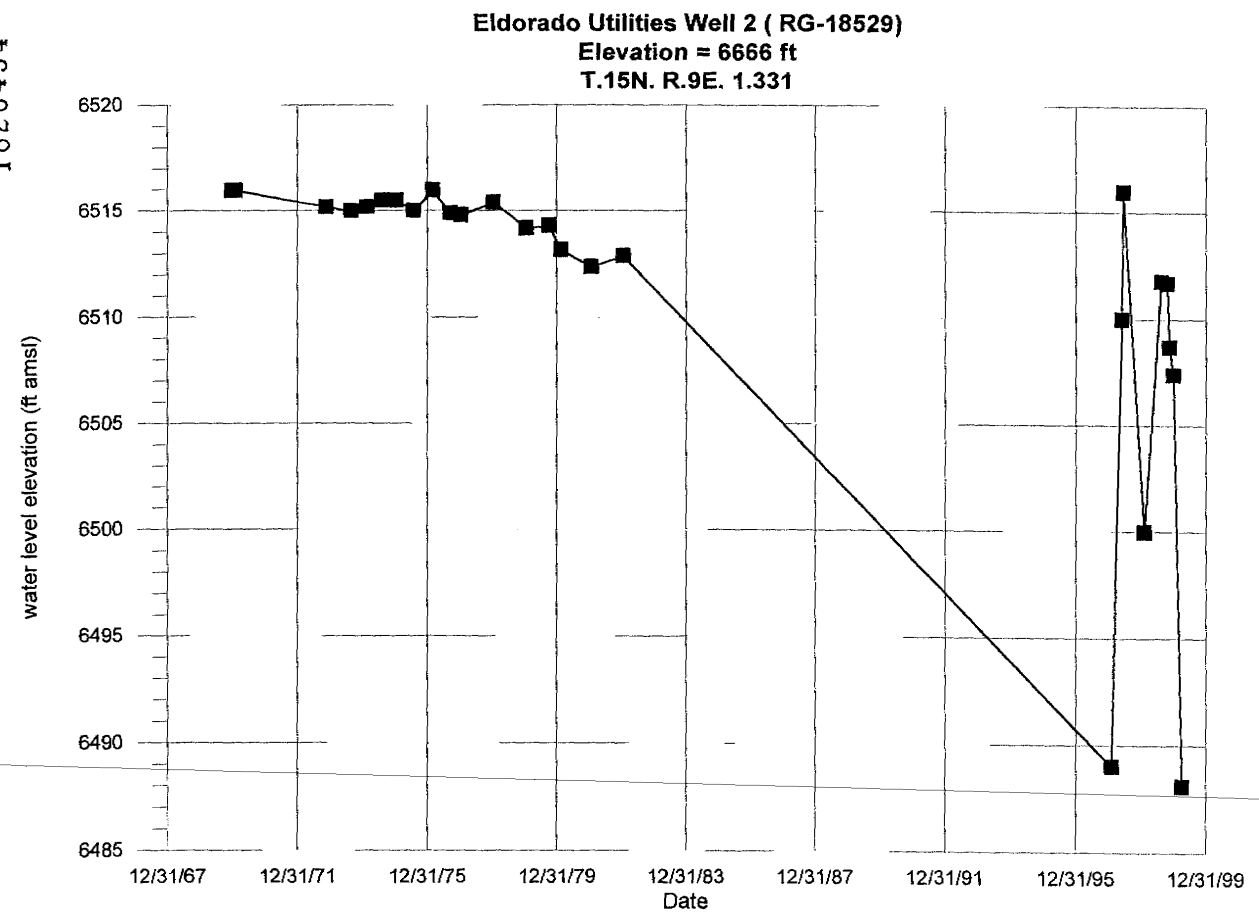
The District Plan

The land use zoning map provides for development located in centers or clusters:

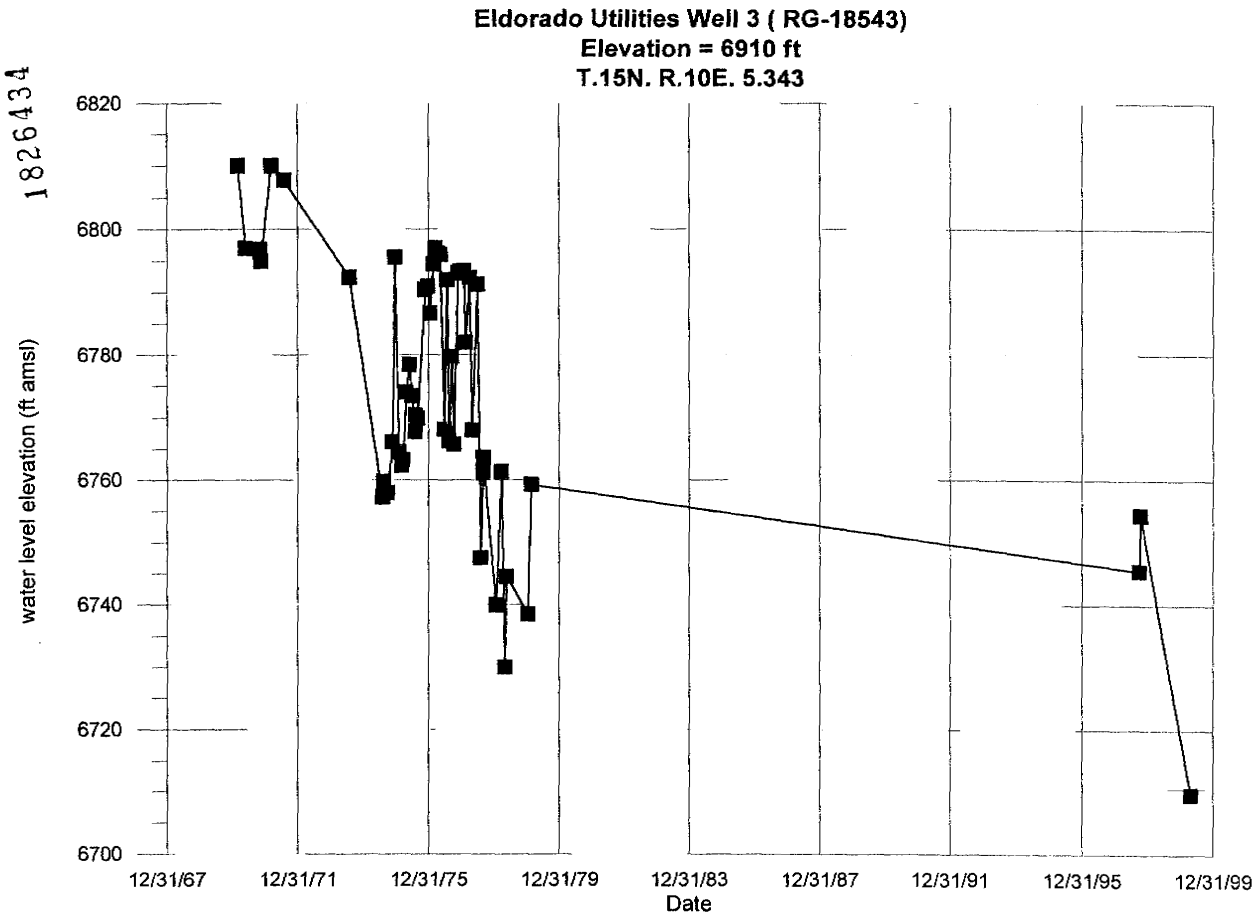
- **Village zones** located in the flatter terrain. They include:
  - Residential **neighborhoods**, clustered, and with a variety of housing types and lot sizes, including affordable units. To insure sustainability of the district supporting transit and community centers, a minimum density of 3.5 dwelling units per acre is required in villages..
  - A limited number of larger mixed use **New Community Centers** distributed throughout the district. These centers must include 25% residential use, be organized around a town plaza or main street, and be located within walking distance of residents
  - Smaller and more frequently placed **Neighborhood Centers** with 25% residential use located within walking distance of residents
  - Seven **Employment Centers** located throughout the district to provide for employment and economic sustainability within proximity of neighborhoods. Though intended to be mixed use, predominant uses may include commercial and light industrial uses, such as offices call centers, business incubators, research, product development, light assembly and manufacturing, and distribution.
  - **Institutional Campuses** such as the Santa Fe Community College, IAIA, public and private schools, community centers and civic buildings.
- **Open Space Areas** protect the steeper slopes and arroyo drainages and separate the various village areas from each other and from adjacent existing neighborhoods. Open space is both public and private and includes a public equestrian and pedestrian trail system. Open Space will account for 50% of the entire district or 8,500 acres. **Village Separators** separate villages into compact walkable areas.

- **Fringe zones** allow limited low density development on the slopes between the Village Zones and the Arroyo Corridors. Development will maintain the character of wooded hillsides; half of the fringe will be protected as open space.
- **Rural Areas** are located where the topography is not suitable for concentrated development. Density would average 1 unit per 5 acres and may be clustered loosely around facilities such as dude ranches, retreats, or country stores
- **Existing Neighborhoods** will retain the current Hydrologic zoning and densities unless through neighborhood planning or owner application Village zoning is requested.
- **Ranching uses** can continue until development is proposed.

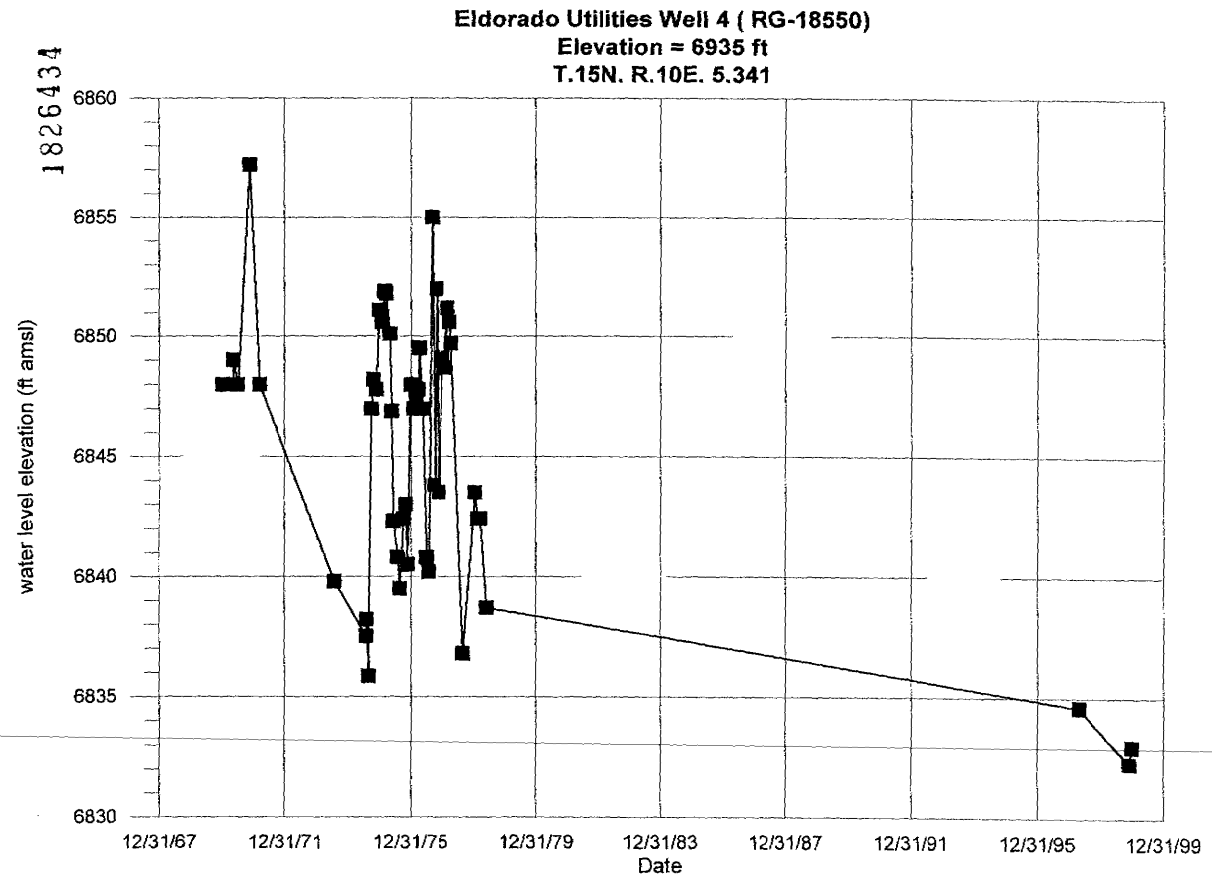
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Eldorado Utilities Well 2 (RG-18529)
Elevation = 6666 ft
T.15N. R.9E. 1.331
water level elevation (ft amsl)
6520
6515
6510
6505
6500
6495
6490
6485
12/31/67
12/31/71
12/31/75
12/31/79
12/31/83
12/31/87
12/31/91
12/31/95
12/31/99
Date

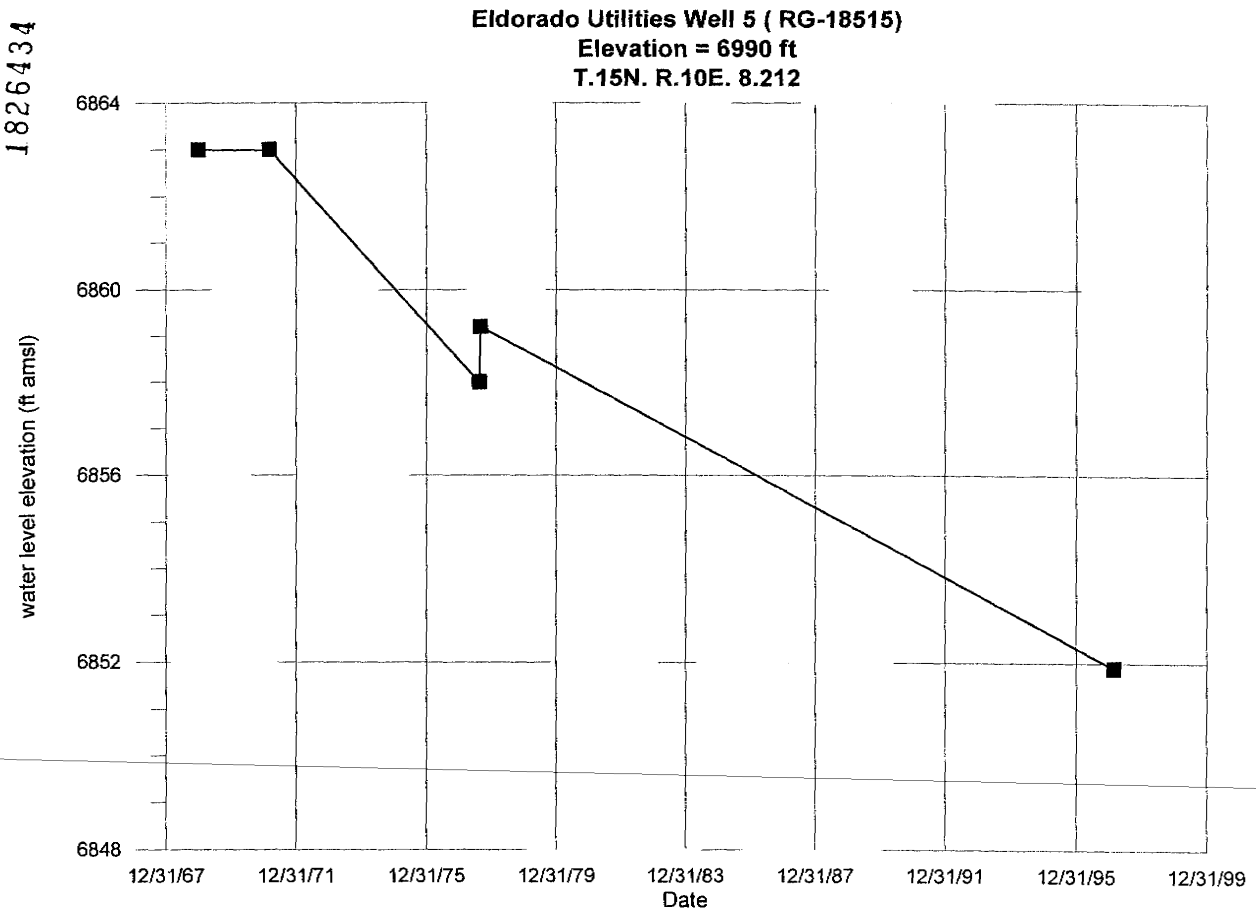
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Eldorado Utilities Well 3 (RG-18543)
Elevation = 6910 ft
T.15N. R.10E. 5.343
water level elevation (ft amsl)
6820
6800
6780
6760
6740
6720
6700
12/31/67
12/31/71
12/31/75
12/31/79
12/31/83
12/31/87
12/31/91
12/31/95
12/31/99
Date

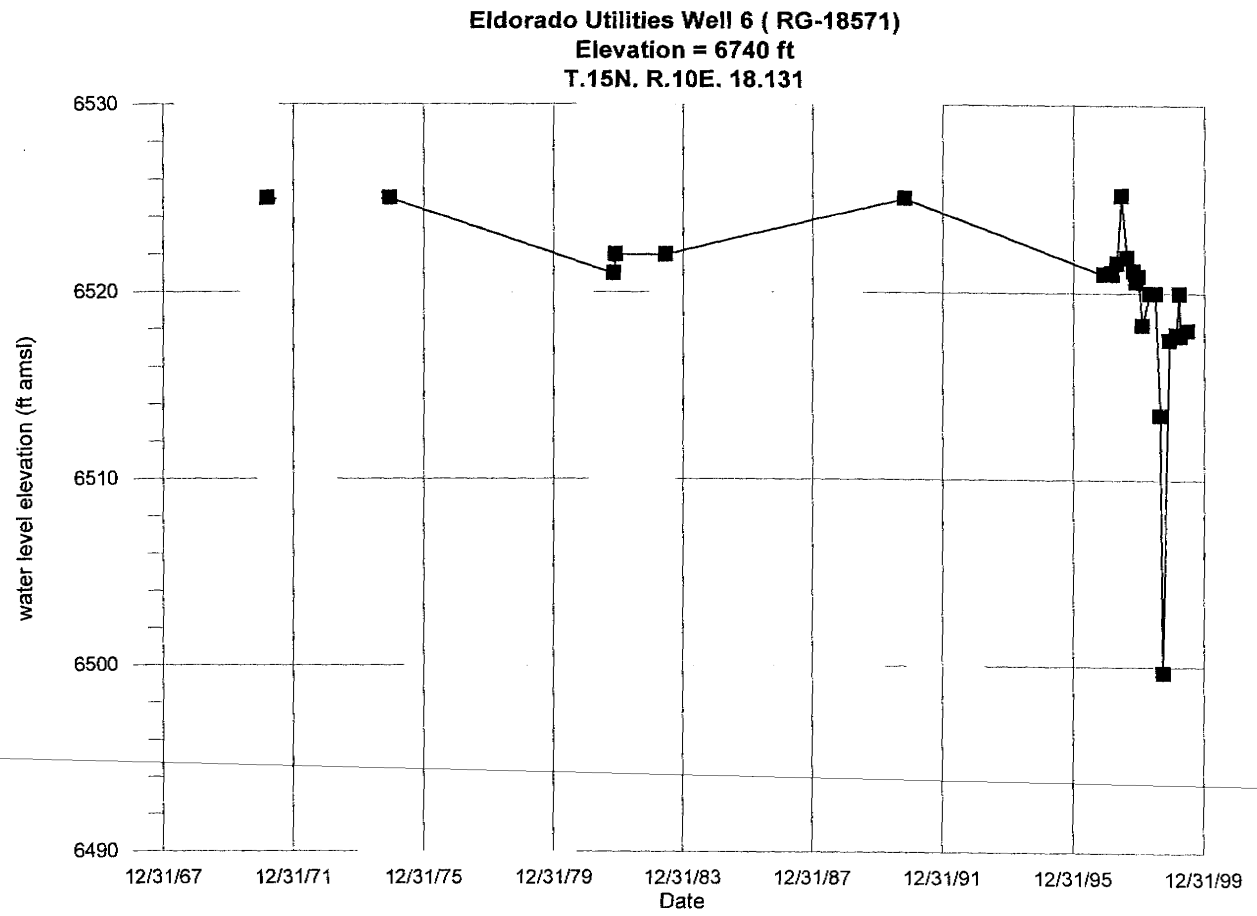
1826434


Eldorado Utilities Well 4 (RG-18550)
Elevation = 6935 ft
T.15N. R.10E. 5.341
water level elevation (ft amsl)
6860
6855
6850
6845
6840
6835
6830
12/31/67
12/31/71
12/31/75
12/31/79
12/31/83
12/31/87
12/31/91
12/31/95
12/31/99
Date

1826434

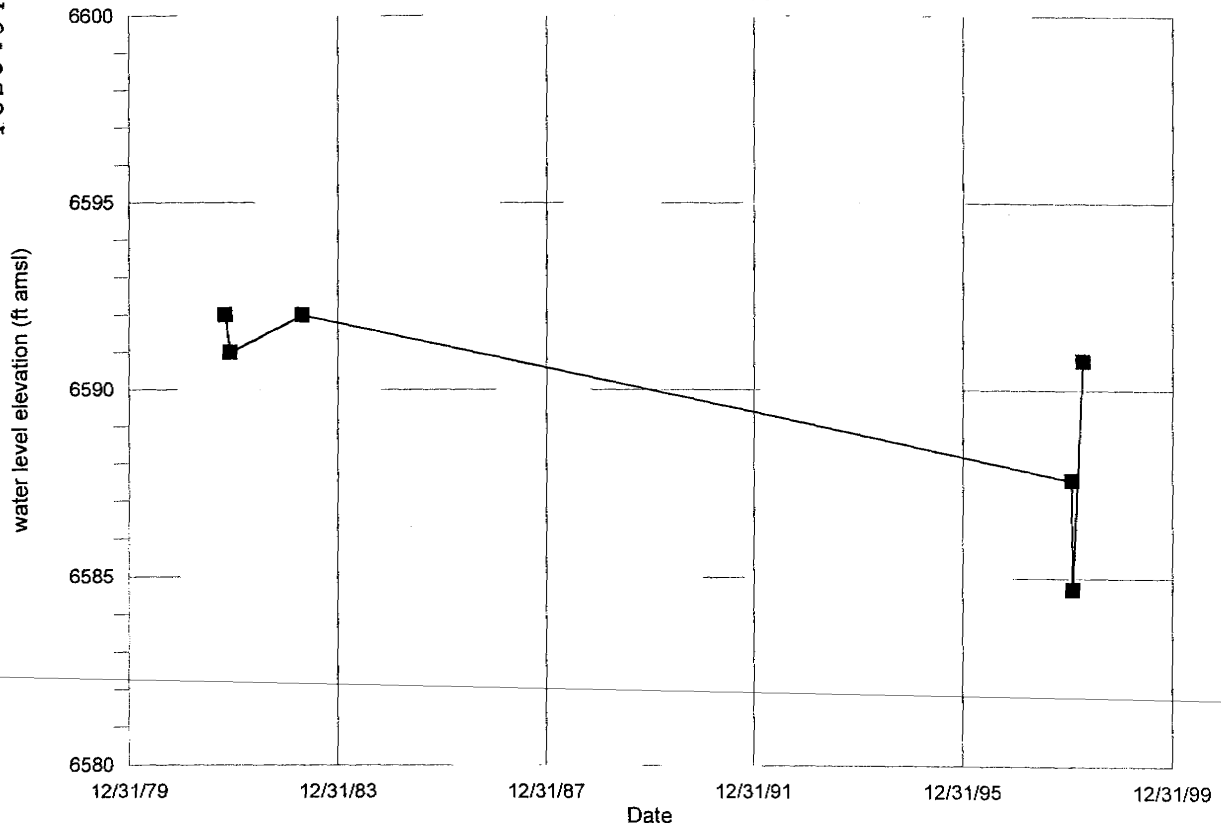

Eldorado Utilities Well 5 (RG-18515)
Elevation = 6990 ft
T.15N. R.10E. 8.212
water level elevation (ft amsl)
6864
6860
6856
6852
6848
12/31/67
12/31/71
12/31/75
12/31/79
12/31/83
12/31/87
12/31/91
12/31/95
12/31/99
Date

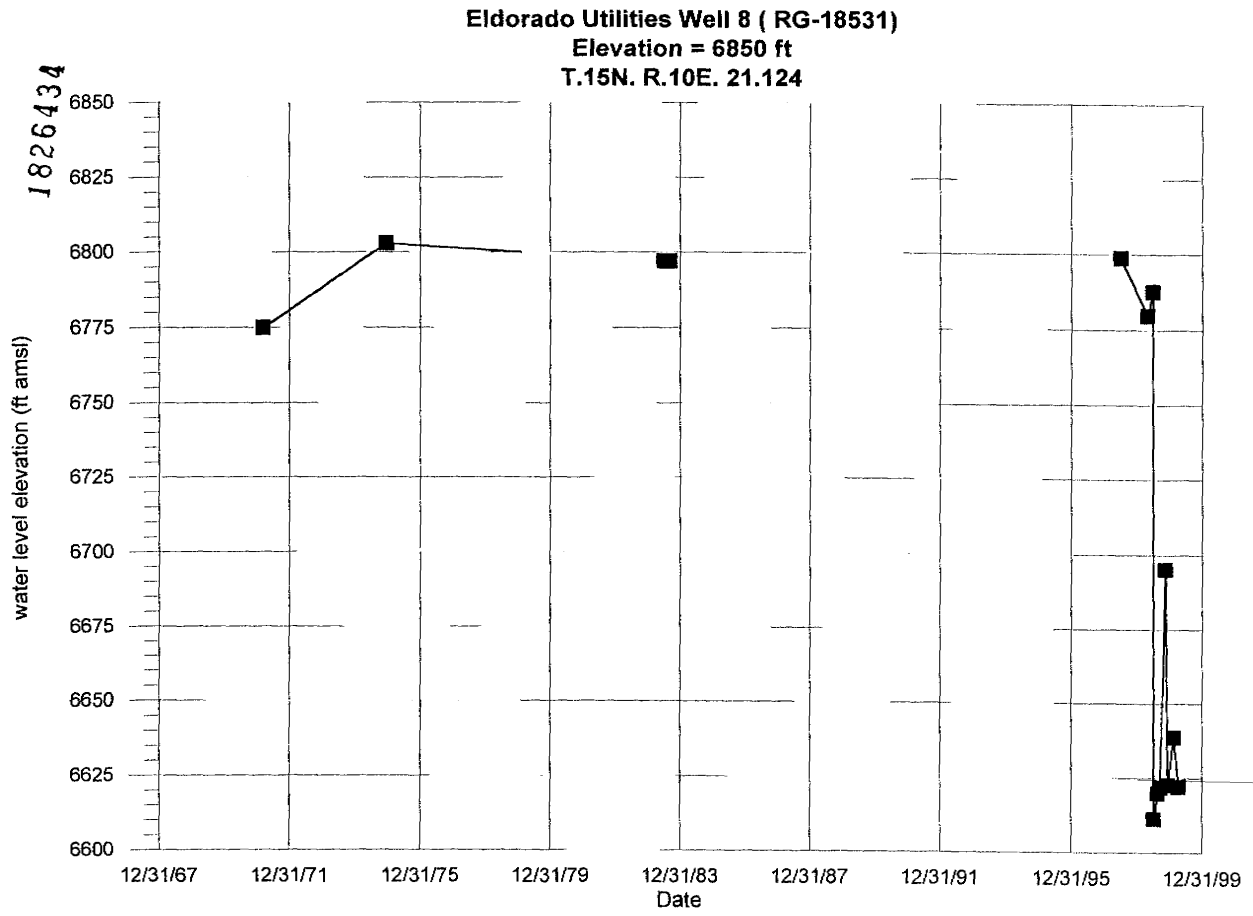
1826434


Eldorado Utilities Well 6 (RG-18571)
Elevation = 6740 ft
T.15N. R.10E. 18.131
water level elevation (ft amsl)
6530
6520
6510
6500
6490
12/31/67
12/31/71
12/31/75
12/31/79
12/31/83
12/31/87
12/31/91
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12/31/99
Date

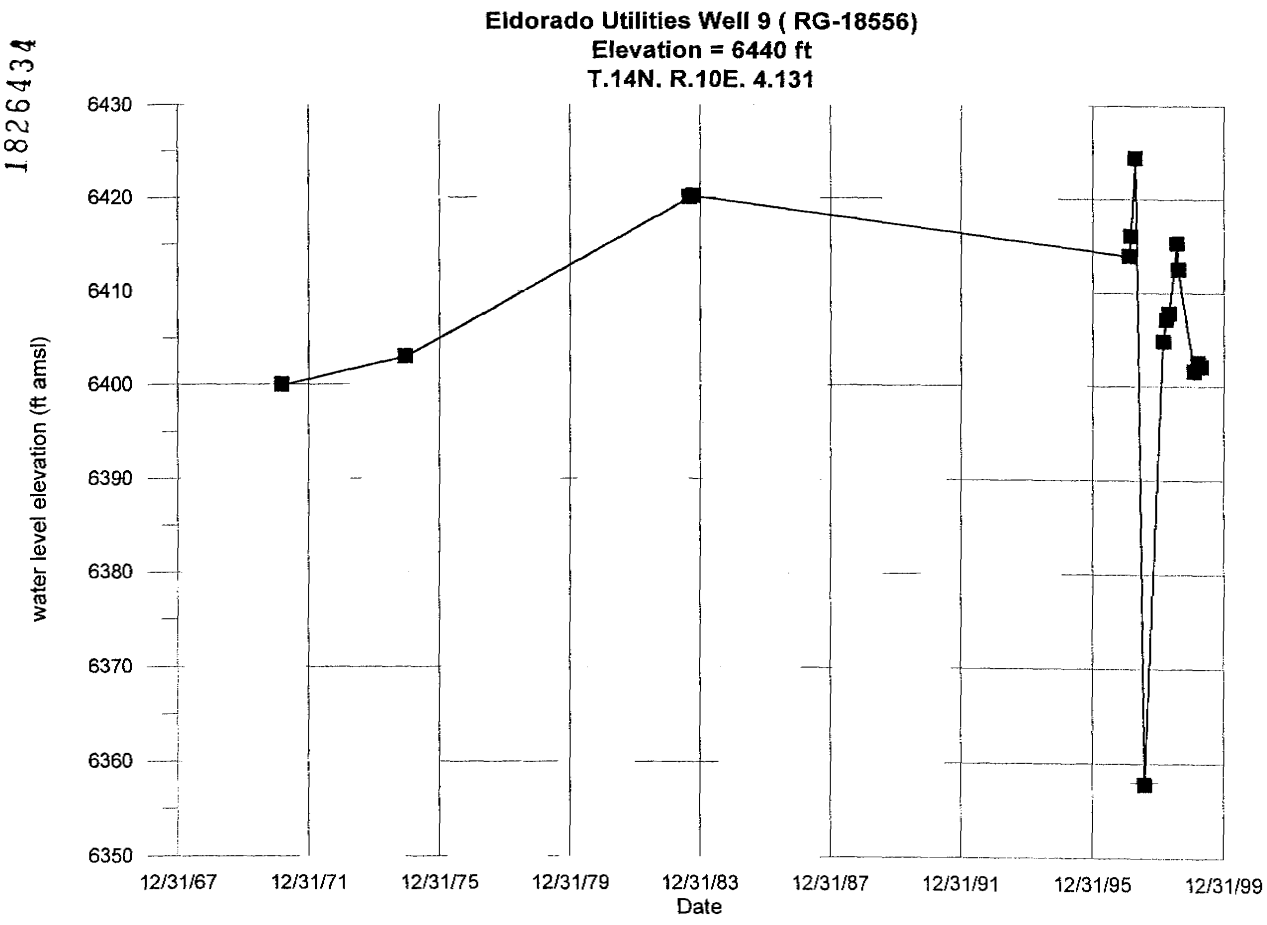
1826434

Eldorado Utilities Well 7 (RG-18595)
Elevation = 6760 ft
T.15N. R.10E. 19.211



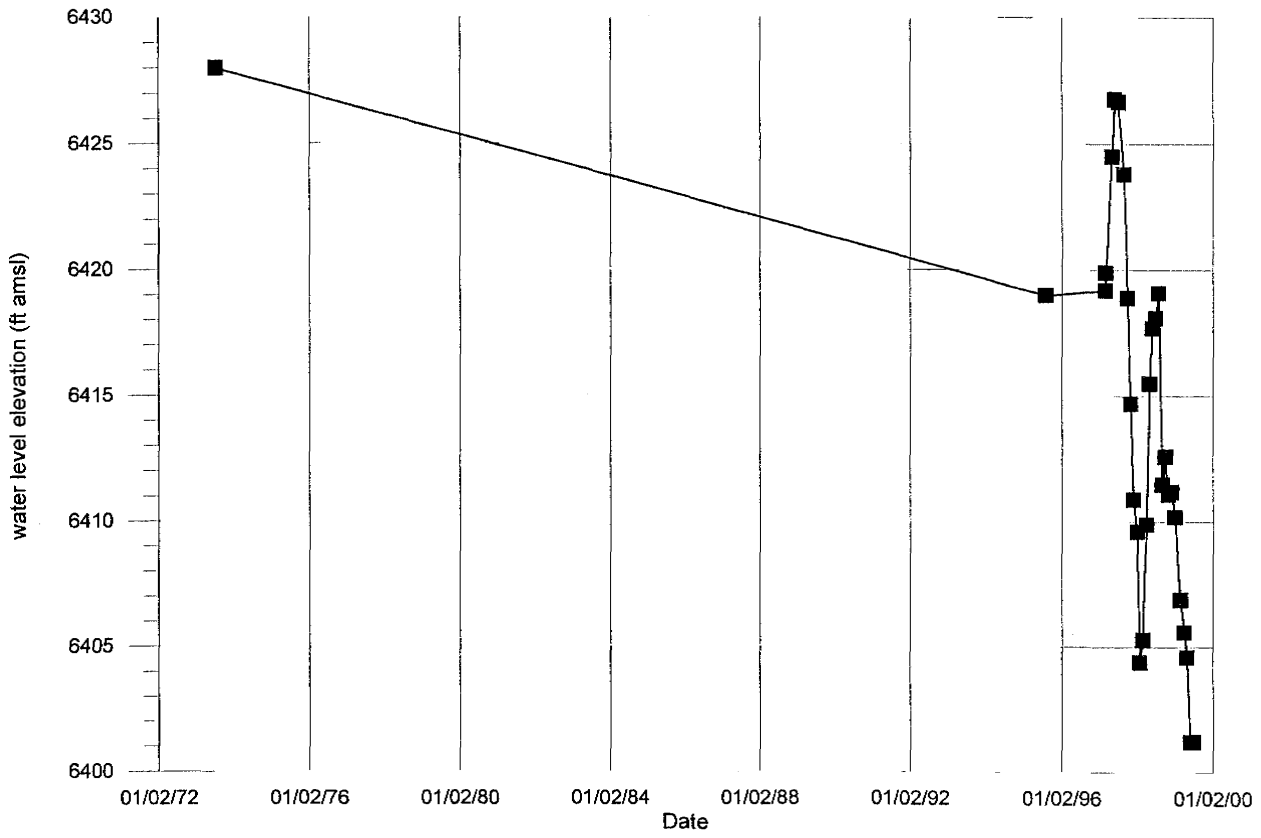

Eldorado Utilities Well 8 (RG-18531)
Elevation = 6850 ft
T.15N. R.10E. 21.124
1826434
water level elevation (ft amsl)
6850
6825
6800
6775
6750
6725
6700
6675
6650
6625
6600
12/31/67
12/31/71
12/31/75
12/31/79
12/31/83
12/31/87
12/31/91
12/31/95
12/31/99
Date

1826434


Eldorado Utilities Well 9 (RG-18556)
Elevation = 6440 ft
T.14N. R.10E. 4.131
water level elevation (ft amsl)
6430
6420
6410
6400
6390
6380
6370
6360
6350
12/31/67
12/31/71
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12/31/95
12/31/99
Date

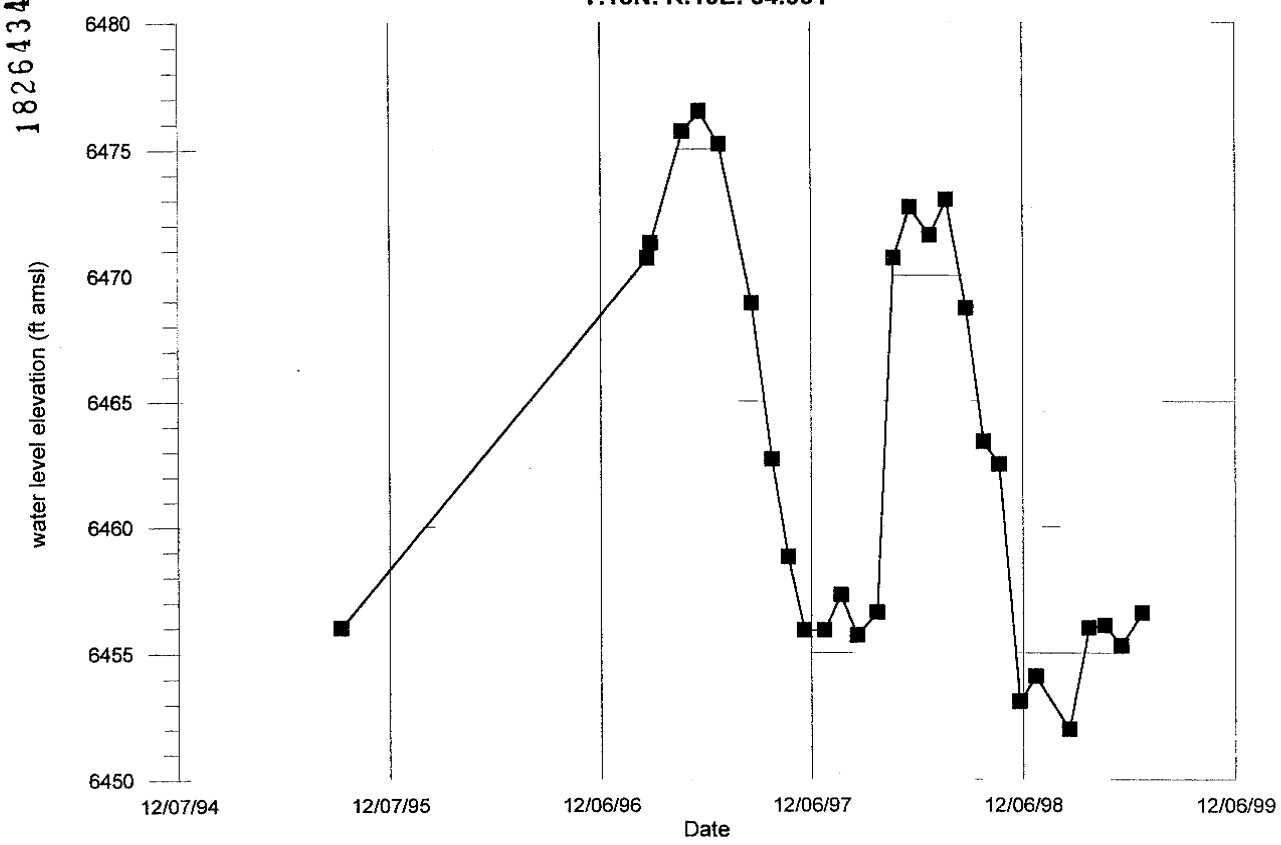
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Eldorado Utilities Well 10 (RG-18524)
Elevation = 6441 ft
T.14N. R.10E. 4.124



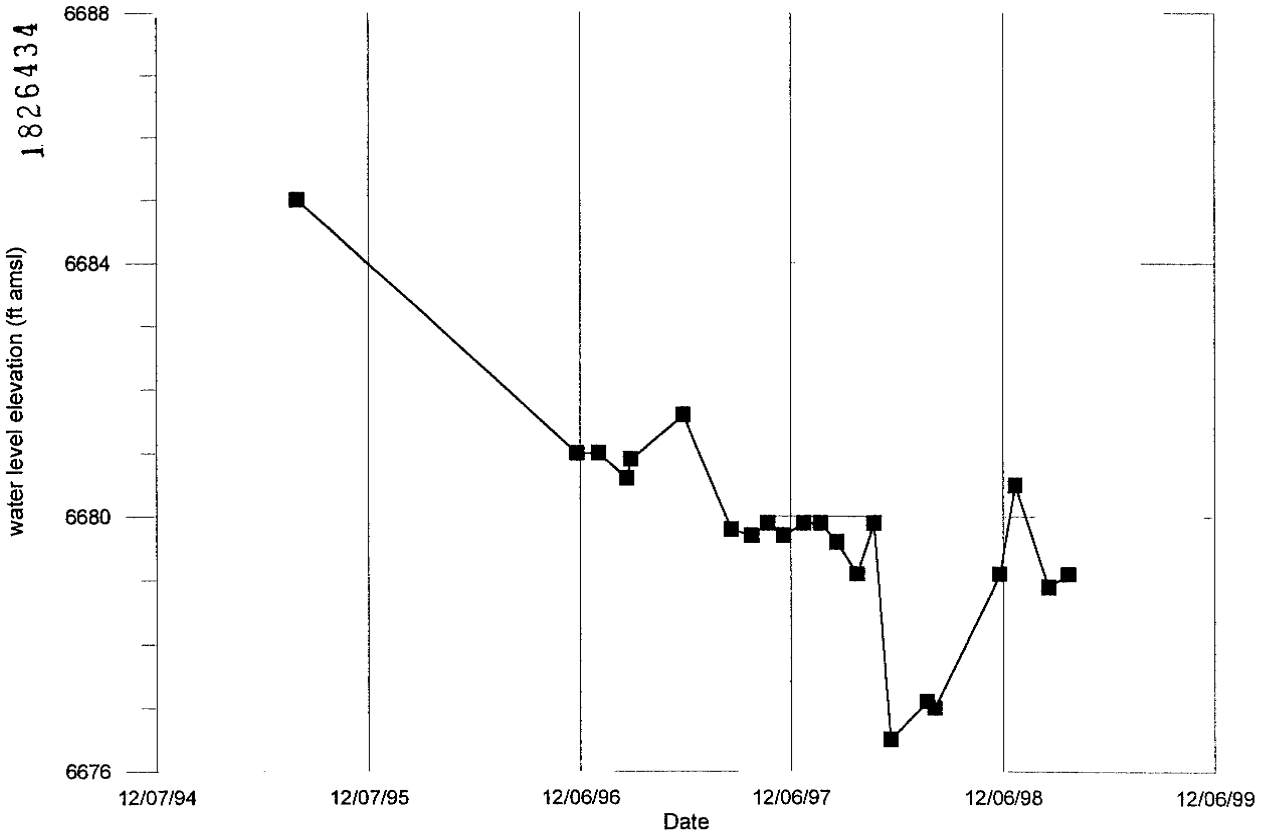
1826434

Eldorado Utilities Well 11 (RG-18523)
Elevation = 6490 ft
T.15N. R.10E. 34.331



1826434

Eldorado Utilities Well 13 (RG-62602)
Elevation = 6880 ft
T.15N. R.10E. 17.141



Marcos P. Trujillo
Commissioner, District 1

Paul Duran
Commissioner, District 2

Javier M. Gonzales
Commissioner, District 3

Richard D. Anaya
Commissioner, District 4

Joe S. Griñé, Jr.
Commissioner, District 5

Samuel O. Montoya
County Manager

MEMORANDUM

TO: **Vicki Lucero, Development Review Specialist II**

1826434

FROM: **Katherine Yuhas, County Hydrologist** KY

DATE: **October 10, 2000**

RE: **EZ CASE # S 00-4281 Roybal Subdivision**

I have reviewed the hydrogeological report submitted by Dennis Cooper for a well located on the Roybal Subdivision property.

The information presented demonstrates that Mr. Roybal has more than adequate water to meet his request for a seven-lot subdivision with .31 acre-feet of water per year for each lot.

A water quality report was not yet available for his well, but based on the water quality test data submitted from a nearby well, I anticipate that water quality will be acceptable for the subdivision.

I recommend approval of the plan with the following conditions:

1) Each lot is restricted to .31 acre-feet of water per year. This will be noted on the plat.

2) Each lot must install a water meter and report meter readings to the County Hydrologist annually.

3) Once the water quality report is available it must be submitted to the County Hydrologist for review. Any deficiencies in water quality must be noted on the plat.

1826434

Michael Trujillo
Public Affairs Officer
995-8679

"For Immediate Release"
10/9/2000

1826434

County Fire Dept Receives Award from National Association of Counties

(Santa Fe, NM) The National Association of Counties (NACo) recently presented Santa Fe County with its Achievement Award for 2000. The award was in recognition of Santa Fe County Fire Department's successful implementation of the Regional Paramedic Program. The program approved by the County Commission in 1998 and fully implemented in 1999 placed paid firefighter/paramedics in the four geographic regions of Santa Fe County to support services provided by the departments volunteers. The firefighter/paramedics are now on-duty 24 hours a day, 7 days a week and stationed in Pojoaque, La Cienega, Hondo and Edgewood and provide emergency services throughout Santa Fe County. The award was officially presented to the department on July 16th at NACo's 65th Annual Conference in Charlotte, North Carolina and was formally presented to the Santa Fe County Board of County Commissioners at its meeting today by County Fire Chief Stan Holden. The Executive Director of NACo, Larry E. Naake said in conferring the award, "NACo is proud to confer this award and recognize your county's hard work to promote responsive, responsible and effective county government."

For More information, Contact Stan Holden Santa Fe County Fire Chief 992-3077.

###

October / Sept. 10, 2000 Amendments proposed by Oshara / Taurus Judy

Compiled Amendments & insertions to the Community College District Plan draft of September 20

including amendments approved by CDRC/EZC on October 2, 2000 and amendments proposed in response to public testimony and comments received

Page 23-24. insert the following text: 1826434

8. Employment Centers

Employment Centers are zones within the District where businesses with special needs for access, technology, storage and size can locate and support the New Community Centers by providing additional economic opportunities in close proximity for residents.

It is the intent of the District Plan that as many commercial and employment uses as possible be integrated into New Community and Neighborhood Centers. There are situations however where the size, type, and FAR of commercial uses may be inconsistent with the desired characteristics of these centers. Potential locations for Employment Centers include:

- Santa Fe County Business Center at San Cristobal.
- Areas west and east of the Community College.
- Areas along Highway 14 and 1-25 which lead into the College District.

Commercial and light industrial uses such as offices, call centers, business incubators, research, product development, light assembly and manufacturing, testing, showroom and distribution, may be provided in a concentrated, planned, multi-use environment within Employment Centers. Specialized business clusters, selected in cooperation with local government and economic development entities, will be allowed. Employment Centers are intended to provide a return to the community in taxes, jobs, wages, and sales, enhancing employment growth in the area and helping to meet the community goal of economic sustainability.

Edge Employment Centers are those centers which will serve the region as well as the District because of their location on or near the major highways and roads, in particular 1-25. ~~Because these areas will have pressure to develop in advance of residential development, establishing~~ the ~~relationship and phasing of these developments with New Community Centers and Village Zones~~ is ~~important.~~ ~~their interest to the CCD~~

Amendment: Establ. the relat. and the phasing of the developments w/ the intent of the CCD is important

The Employment Center along the railroad spur shown on the Land Use Zoning Map between Santa Fe Community College and Santa Fe Southern Railroad is intended as a reserve for a very large employment center user. Its location and shape are based on terrain and the access to the rail line. It will also connect to the adjacent New Community Center at either end. Development of this or other large Employment Centers will require special review because of its size and potential impacts.

Employment Centers are shown on the Land Use Zoning Map to the extent that they have been identified.

The intent is that Employment Centers be developed with the following characteristics:

* time to work out in ord

1) Like other areas of the District, Employment Centers are to be mixed use and include commercial uses and services such as recreational amenities, parks, trails, retail and restaurants so employees can walk to lunch, recreation, and services.

2) Residential may or may not be included in Employment Centers depending on the characteristics of individual centers, though Employment Centers are to have a wide range of nearby housing opportunities allowing access by walking or bicycle or a short vehicular journey. For planning purposes a two mile radius is considered to be walking and biking distance from an Employment Center. To assure a balance of jobs to residents, the District Ordinance will have mixed use phasing requirements, where applicable

3) Employment Centers should serve the District and Greater Santa Fe community, and be connected by public transit, trails, walkways and small roads.

4) Employment Centers should be a focal point for multi-modal transportation facilities for goods, services and people.

5) Walkway systems within Employment Centers should connect all areas of the center to each other and the District.

6) Employment Centers may be included within or as extensions of New Community Centers or should be within a one half mile radius of New Community Centers. ~~or one half-mile radius of a Neighborhood Center. Employment Centers should be developed concurrently with or after their adjacent New Community Center~~, where applicable stet

7) Buildings within the Employment Centers shall be oriented to the street, and keep the parking and storage areas to the rear of the buildings, to maintain the mixed use intent on the Plan and to create active urban street spaces reminiscent of town plazas or traditional main streets. same as #1

8) Where the physical relationship allows, feature buildings should provide focal points that visual y connect Employment Centers to adjacent centers and neighborhoods and provide the value of their architectural image to the District. Standards for mass and scale of buildings will be developed. Work out in Ordinance

9) Employment center facilities may be the result of joint action and investment by public agencies and developers to ensure that local services and infrastructure meet anticipated demand, for example, wideband communications.

10) Training programs may be provided by the Employment centers in coordination with local governments and educational and other institutions and agencies.

11) The maximum FAR is 3.0; the minimum size is 5 acres, ~~with a maximum size of 360 100 acres.~~ Dealt with in Ordinance because of present problems

Page 25, bottom:

2) Allow development of rural home sites and ~~agricultural~~ accessory structures ~~where they support the continuation of working ranches.~~ for ranch uses on large lots of not less than 500 acres, developed on domestic and agricultural wells.

Page 27, Open Space Elements:

3) Important Cultural Resources Areas are to be protected within the District because of the role they play in maintaining the record and evidence of human history within the District. Most of the District is shown as having high or moderate archaeological potential on the County Archaeological Districts Map. Archaeological surveys and reports will continue to be submitted by developers.

Page 30, paragraph 5:

There are two barriers to creating a transportation network in the District. First, connections across I-25 are limited because of the expense of building an over or underpass. The extension of Camino Carlos Rey has been eliminated by the County of Santa Fe and the State Highway Department, due to potential drainage problems, the presence of a sensitive archaeological site, and an existing neighborhood. Three other potential crossings at I-25 have been identified on the plan: at Yucca, a connection to Governor Miles between Cerrillos and Richards, and a connection east of Richards to Old Agua Fria Road and St. Francis. But at least two of these potential connections – at Yucca and between Cerrillos and Richards - will require further study for engineering and neighborhood impacts. Second, north-south connectivity is complicated by a series of wide and/or deep east-west arroyos. The network minimizes the number of arroyo crossings to preserve open space contiguity and minimize costs to future developers, however, this means that some north-south road connections (such as Richards Avenue) may bear a slightly disproportionate amount of traffic.

Page 34, paragraph 1:

The District will be supplied by imported water and by groundwater in order to provide a diversified, and thus more dependable, long range supply. The Plan limits development on ~~individual~~ domestic, commercial and industrial wells in order to protect the quality of the aquifer and its use for storage and recharge for the future.

Page 34, paragraph 3 & 4:

The County benchmark will continue to be 100 year water availability, with a goal of long term sustainability. Article III, Section 11 of the County Land Use Code allows developments which import water to have density determined by meeting criteria for traffic generation, energy consumption, provision of public facilities and services and compatibility with adjoining residences. Developments in the District will meet these criteria based on the principles of this Plan. Developments will continue to provide water budgets which will address water use and availability and demonstrate use of techniques to lower consumption.

Balancing water taken out of the aquifer with recharge to lower (minimize) consumptive use of water from all sources is integral to sustainability. Strategies to lower consumption include: enforcing the County's line extension and water allocation policies, to be adjusted for actual use as conservation improves; capture and use of gray water and rain water for irrigation; and use of catchments and infiltration basins for run-off from impervious surfaces to irrigate and to protect habitat and prevent erosion.

Page 35, bottom:

3) Work with NMED to develop water quality regulations for recharge and aquifer injection wells.

Insert a new section C at the top of page 12 and renumber the remaining sections:

c. Drainage

1. Manage storm water runoff in a manner that minimizes flooding, erosion, non-point source pollutant loading, changes in water runoff water temperature, reduced infiltration and ground water recharge and the associated impact on the environment.

COMMISSIONER GRIÑÉ: Next speaker.

JACK SULLIVAN: My name is Jack Sullivan. I live at 49 Churchill Road. Like the former speaker and like Ms. Petchesky, I live in the district as well as own property there. I believe the Community College District plan, which I have participated in as others have over the last six months or so when it's been active, is started in the right direction. I don't think it's ready for adoption. I sense, however, that there's a strong thrust and desire to adopt it, and for that reason then I would offer five suggestions, which I would ask the Commission to consider as conditions in its adoptions.

The first would be that the plan contain population projections. I haven't really seen any plan that's come from the City or County or regional plans that don't deal in a population projection. I think that's important for people to know what the planners are basing the plan on, ten years from now, twenty years from now, fifty years from now. So we have seen numbers and we've heard in meetings numbers of 17,000 homes. That translates into 40,000 in 50 years. If the district were to develop out at its current pace, it would be about 15,000 people. So we're seeing a three-fold increase in the size of the district. And we've all heard the reasons for that. This is the growth area of Santa Fe and so forth. But I think it's good and important to know and perhaps that would wake the City up to the fact that here is the second Santa Fe, 40,000 people. So I would like to see a population projection. That would be condition or request number one.

Number two, I would like to see the areas that are shown as colored blobs quantified. We have blue areas and yellow areas and purple areas and there is no acreage or percentage of coverage or anything associated with those, so we really can't say that there is x-amount of commercial, x-amount of residential. There's yellow areas and purples areas. I think fairly easily and believe probably staff already has those figures, we can quantify those areas. We can take a look at how much commercial, which is now called employment centers, is there and do we really think there is a market and a need for that much commercial in this 17,000 acre district. So my second request and condition would be that the areas be quantified by acreage.

The third request and condition that I would ask the Commission to consider is that the staff prepare a water budget. I understand the background, the philosophy of the plan being let's get the land use right and let's hope that the water will follow. If it doesn't follow we won't proceed with the land use. I think it would also be very useful to know what the water budget is. We ask, we require, as was just stated by Mr. Kolkmeyer, developers provide a water budget. I think we the County can do the same. By providing a water budget we would see, of course, what the deficit is. If that deficit is 6,200 acre-feet as the former speaker mentioned, or if it's 620 acre-feet, that would be of real value to Mr. Sayre and the County water system to know how much water rights he needs to plan for over the next 20-year period, the next 50-year period. So I think the third item would be to have a water budget included in the plan as a condition.

The fourth item pertains to the roads. I would ask and suggest as a condition that the roads which have been an item of considerable controversy throughout the process and those which have been controversial are now designated as roads requiring further study, that those

requiring further study be deleted from the plan. We have heard over the last year that once the T-model is done, once the T-model is done. The T-model is obviously not done, so I don't think these roads should be included on the plan at this time. Once the T-model is done, then we can put these roads on if the Commission agrees with it, onto the countywide plan.

A comment at the joint meeting a week ago Monday regarding this was, well, it's better to have more roads on the plan because it's easier to take them off than it is to put them on. While I don't disagree with that from a political standpoint I think it's better to have the right roads in the first place. So I'd suggest, you've heard the issues regarding the Eldorado connections that have been brought up. You've heard some issues regarding the Nine Mile connections. I'll point out to you one other, which is the remainder of the dotted roads. In the northwestern portion of the district, there are several of these dotted, dashed roads. One community meeting was held at Vista Ocaso at one of the homeowner's homes and the issue was brought up, why do we need these roads? And there was no really good reason for that. There is an underpass here that's been on a number of County plans apparently for some years that's left in that does just what we don't want to do in this plan and that's provides a short cut to a yet unspecified development on the other side here and probably might be a short cut over to Villa Linda Mall in the future.

So there's an additional one here that parallels Dinosaur Trail that goes through a platted subdivision and in fact it goes through an existing home and barns and stables and corrals. That road also goes down a drainage basin. So that road would probably be better right up along the frontage road where it is now where the cars at that same level that they are now.

I point these out because in each one of these cases, there's some serious issues about these road connectors that the staff hasn't been able to resolve yet, and I'm not blaming them for that. It's not an easy thing to resolve, but I suggest they be deleted.

COMMISSIONER GONZALES: But Jack, if our efforts are to alleviate the traffic on Richards Avenue, we're going to have to find alternative roads to alleviate that traffic. And while I understand, I don't know if it was Jack or Judy brought this up, at every point you create an alternative road you're going to jeopardize some neighborhood or some area like that but minus proposing alternative roads, how do we alleviate traffic on Richards? How do we make sure that people don't continue to use it? You talked about that possibly being used as a short cut to Villa Linda Mall, would your proposal be that they would use Richards as opposed to that roadway, or how would you find another route towards the commercial center district?

MR. SULLIVAN: I certainly wouldn't propose that route because it goes right through Nava Ade and of course we have an extension of Governor Miles going across over here to Cerrillos. I think if you're in this area you have the route that Rancho Viejo has already built that takes you out to 14. That's convenient. Right up Cerrillos Road is recently being reconstructed.

COMMISSIONER GONZALES: I guess my whole point on this is you're not opposing multiple access roads into the property, you're just wanting to see things other than what's listed.

MR. SULLIVAN: I think there may be some other possibilities. I don't think really any of these roads that are shown in the dashed contribute to alleviating traffic on Richards Avenue.

COMMISSIONER GONZALES: So how would you alleviate the traffic on Richards Avenue then?

MR. SULLIVAN: Well, I think one proposal's been made up here, that is not dashed that is in a solid. I don't see this as alleviating any traffic to Richards Avenue. I certainly don't see anything going into Eldorado alleviating traffic to Richards Avenue and I don't see anything going over to Nine Mile Hill alleviating traffic to Richards Avenue. My point on these is that these are connections that they haven't even been justified technically, let alone politically with the neighborhood, so let's leave them off until we figure it out. They're not needed.

COMMISSIONER GONZALES: What I'm wanting to see from you is what you are thinking would be the alternatives, discounting these other ones, you're right. Those are 20 years down the road and you're probably right about eliminating them. I don't think that's necessarily such a big deal, going down to Eldorado or Rabbit Road. But in terms of the short-term of trying to get traffic off Richards Avenue, I think we need to be realistic that we're going to have to find alternative routes and it's going to be difficult because a lot of the existing growth that has occurred is between some of these neighborhood centers and town. So we're going to have to define what these alternative routes are going to be and we're going to have to go with them.

MR. SULLIVAN: Mr. Chairman, Commissioner Gonzales, then my suggestion in response to your question would be, in this area that I was just referring to, I would follow the existing frontage road that's there. That Dinosaur Trail is there. It's not a County road but it's an access that's used, it's available. It serves traffic back and forth now to the Community College is how people get to the Community College. It won't be as heavily traveled once there's an interchange there, but I think that's a far better alternative. One thing that you're doing is you're replacing the traffic up at the same level as the interstate. So you're not bringing the traffic down into the valley here, where the traffic becomes your visual component, as opposed to the amenities of the valley.

COMMISSIONER GONZALES: In that area, the question would be, rather than, right, rather than the people that are going to be living in that area going right onto Richards, right, we would have to find and entice them enough to take a left and go out all the way down to where 14 and Cerrillos meet to go back up and I don't know how realistic that is.

MR. SULLIVAN: They can go either way. I think either way would be preferable since Richards is eventually going to be four lanes, to going straight up this way and going through Nava Ade and whatever's going to happen here.

COMMISSIONER GONZALES: Again, without having to prolong this, it would certainly be my goal and from what I understand the planners' goal is to assure that we don't have, as the growth occurs on this area that we don't have more intensity placed on Richards than has already been placed on it. But I think we should continue to talk about that.

MR. SULLIVAN: So that's the fourth suggestion. Again, just to recap, population projections would be a condition. Quantifying the areas by acreage would be a condition. Preparing a water budget so we can see what our deficit is so we can plan for it in the county. Eliminating the roads that aren't roads, that staff hasn't recommended them as roads yet. And the final recommendation would be, with regards to Richards Avenue and the area mentioned previously by the Richards Avenue South Association, would be to, for the time being, eliminate that commercial area shown there. There's already commercial within the village area but eliminating that large purple commercial area.

Now, the reason I say for the time being is that that commercial – let me point it out one more time – this large blob of commercial which is a couple hundred acres, 150 or so, is a fringe, this is an edge employment center. You were going through the draft amendments and one of those amendments is edge employment center. The definition of an edge employment center is a center which will serve the region because of their location on or near major highways and roads. The real function of that edge employment center, it would come into being once the I-25 interchange came into being. Until that's there, that's not an edge employment center.

As mentioned previously, it impacts Richards Avenue easily to the tune easily, of 3,000 to 4,000 vehicles per day. So there may be a future need for some commercial or institutional there. And it may be appropriate. It could even be a high school or a middle school. It would be a convenient location at least for buses to go there. Can't quite say. But it's certainly not an edge center now. And what the staff tells us in meetings so far is that it's five to ten years from now till we get an interchange at Richards Avenue, primarily because the money is being spent in Albuquerque in the big I. The money's just not there. It's not that the Highway Department doesn't agree with it; it's just that they don't have the money.

CHAIRMAN ANAYA: But the Richards Avenue interchange is a priority.

MR. SULLIVAN: It's in the priority. That's correct, Mr. Chairman. It's on the priority list. The City has changed its mind about it. In prior years it was against it. It's now for it.

CHAIRMAN ANAYA: Jack, do you have anything else to add?

MR. SULLIVAN: Five to ten years. So those five issues I would ask the Commission to consider as conditions to their approval of this plan. Thank you very much.

CHAIRMAN ANAYA: Next speaker please.

AL PITTS: My name is Al Pitts. The previous speaker referred to the absence of estimates here. There have been estimates done. There was one working paper that was prepared about two years ago. In addition to that, we have some updates that are underway. It develops that at present, the population of that area will probably reach about 4,000 under the present Code. It would run somewhere between 6,000 and 9,000, depending on what sort of market share you believe that the district will take.

As far as road issues are concerned, Commissioner Gonzales had it right. We do need more connections northward in order to take some of the heat off of Richards. We're fast running out of those. We can no longer do the St. Francis connection downward, largely

because of new technical issues that have come up there. In the case of Yucca and the case of Carlos Rey, those connections have been struck because of archeological and engineering concerns. As far as the connection over on the west that he referred to is concerned, that area leads into a portion of the city that is being earmarked in its zoning plan for future commercial development. It's currently vacant.

An additional reason for the roads that are heading north in that area was that the Churchill Road area has long lacked secondary access. It's been a major issue that's come before the EZ again and again and again. These are not easy problems to solve. But the roads were not just kind of scatter-shotted on that map. There are estimates. It is very clear from those estimates that even if you leave the Code intact, development of this area will be large and severe. What we're really into, with this plan is trying to find some way to mitigate future impacts. Thank you.

CHAIRMAN ANAYA: Thank you, Mr. Pitts. Next speaker please.

ELAINE CIMINO: Hello. My name is Elaine Cimino. I'm from La Cieneguilla and La Cienega's Citizens for Environmental Safeguards. I agree with this plan in its cluster housing. There's some problems with the water. We just need to tweak this plan. We need to take some appropriate measures here just to safeguard what we're talking about in water, storm drainage and open space and densities.

So the first thing that we need to define and have to have the hydrologist define is really what a water budget is, and that has to be included in the glossary as to what a water budget is. We need to find where the sustainable water is for the next 100 years. The water budget figures, the consumptive use less the beneficial use to have what we have as the net. And most important aspect, I think, to the idea of this water plan, is that effluent, direct injection of effluent should not be an option for the aquifer storage and recovery of this section.

If you want to drink effluent, I will bring you a grab sample from the Santa Fe River and show you what the quality of that water is. We do not have the technology, the chemistry, to give us the proper safeguards against effluent direct injection. If you want this plan to be progressive, then put in this plan that you will not do effluent direct injection. This is different from effluent filtration and the types of recharge that can happen through the arroyos here. If there's anything that needs to be looked at thoroughly it is this.

I have been working out – it says in here that they made an amendment to this that they will follow whatever ED has to say about this. They will work with ED to develop water quality regulations for recharge and aquifer injection wells. Clean water only needs to be worked on as far as water banking. It's important. It's going to be an important resource for our future, but not effluent. There's too many problems in that regard and I just wanted to point that out in a report that was written by Zane Spiegel, our hydrologist, who stated in a public hearing with the State Engineer's Office on the Aquifer Storage and Recovery Act. I will submit this to the Clerk and it will be available for you to look over.

Part of the problem here is that direct injection of effluent has some very unknown and suspected toxins, limits that are set at microgram and nanogram levels, and there's not the chemistry involved here with the technology in order to support the effluent probability being

injected into this aquifer. There is no guidelines with ED and the State Engineer's Office at the present time that regulates rising and falling levels in the aquifer through this water banking process that would control the contaminants being spread through the entire aquifer.

Now if there's a plume, which we know there are plumes available in this area where this has been suggested that direct injection of effluent would happen, you would set a very bad precedent in allowing this to come forward. There's been ten years of research in California and in Arizona and I know in El Paso they're doing this. But this is the only water we have. It's a sole-source aquifer and we cannot afford to contaminate it. Clean water only as a priority on this for direct injection of water.

The other thing that I would like to bring up is that I believe that in one of these road areas there is an archeological site that needs to be addressed and it has not been addressed at this point. And neither has the archeological surveys on the entire Arroyo Hondo area and other arroyos in the area. How can you set forth a plan that hasn't addressed these issues of where these sites are. I also have a report here that was done by –

CHAIRMAN ANAYA: Ms. Cimino, I think there was reference earlier made to the Yucca Extension and also the Camino Carlos Rey Extension that they were not taking into consideration because of the archeological impacts. So I question the validity of what you're saying.

MS. CIMINO: From what I understand is that not only are these potential road impacts happening here, because one of your planning staff had even mentioned that to me that it's been a concern of theirs, how to address the archeological sites within these pathways. So I'm just bringing this up again, even though there has been some that have been taken out, I think there's some that still need to be addressed and this report addresses it and I just want to – I leave this for staff also to copy.

CHAIRMAN ANAYA: I'm just trying to avoid redundancy. I think you're repeating a lot.

MS. CIMINO: I understand. Another thing here, one more thing is that I would concur with Commissioner Gonzales that a conservation easement needs to be looked at as far as the open space problem. Already the antelope have been affected in this area. And furthermore, in the ordinance as is stated now, that the density for open space is 52 percent to 48 percent open space. This gives for Land Use Code for the County is 40/60. I would like to know, why if the Code states 40/60, why was the increase of density given at 52/48 as it's written into the ordinance now. And giving a 12 percent increase on density issues there, where does that go and what is inclusive of that? I'd like to have some answers to that that maybe I could readdress at a later time.

And another time in point, I did bring this up at the hearing last week on the effluent issue and it was in the record and some of the people on the board has suggested that those be included into this amendment. And I believe that that is on the record. So I would appreciate it if you would look into that. Thank you very much.

CHAIRMAN ANAYA: Thank you, Ms. Cimino. Next speaker please.

ZANE SPIEGEL: Honorable Commissioners, I am going to read a paragraph

or two from something dated April 1978. None of you were on the Commission at that time, I don't think. The title of this little report is "A Review by Zane Spiegel" – that's me – hydrologist in Santa Fe County since 1951 and in New Mexico since 1949. I'm not a Santafesino but I've lived here longer than most of them.

The review in April 1978 was of a document – it's only been around, what? 22 years. I did give a copy to the Commission at that time. I gave a copy to the City of Santa Fe and when the Metropolitan Water Board was created I gave a copy to Tony Maes, the former director and he looked at it and said, "Zane, if I try to utilize this report they'll fire me."

First paragraph, the Santa Fe County General Plan relies heavily on certain erroneous concepts in hydrology [inaudible] various reincarnations since 1978 and very little has changed. They're still using, you are still using erroneous concepts. In fact, although we all know and are very proud of the title of New Mexico as being the land of enchantment, I think we can think of Santa Fe County as being the land of three lies. And those three lies, two of them are in this report, and the third one is in a new report, the Santa Fe Community College District Plan.

First lie is about safe yield. Safe yield refers to the amount of yield from an aquifer that you may withdraw safely. Sometimes called a steady state condition. Well, the proper definition of safe yield and it's in most hydrology text books on groundwater for the past 20 or 30 years, is the amount of water that can be withdrawn without causing undesirable consequences. Now, is a desirable consequence the drying up of all the springs in La Cienega and the springs that supply all of the water for the Village of Cerrillos? Are those desirable consequences? That's what your 1977 plan is doing.

One of the major ditches in La Cienega is already down to 50 percent or less of its flow as measured by me and other people working for the geological survey at that time and since then and by the State Engineer Office for many years in 1951 and '52. The second lie is the phrase and I've heard it spoken today. It says they are going to go on the current use of the term water availability. Well, the water availability in the Santa Fe General Plan of 1977 and of all plans since then involves lie number one. So therefore the term water availability becomes lie number two.

The third – well, let me finish reading my paragraph. The principle deficiencies are in references to steady state – relation of steady state recharge, steady state withdrawal of water, of course, by wells, the failure to relate steady states to the diversion of natural discharge used by existing water rights claimants – people in La Cienega, Cieneguilla and Cerrillos, not to mention Tesuque and all the Pueblos to the north. Failure to recognize the environmental and economic disasters which would occur in traditional irrigation centers as a result of the operation of the plan in the associated code, the omission of any maps or tables showing specific springs and acequias which depend entirely or partly upon groundwater discharge. The omission of historical developments which have already affected natural discharge to springs and adversely affected local irrigated land.

I will now go to the last paragraph in these eight pages, or the last page in any case. I said this in 1978. In recent years the trend of water levels and spring flow has become

downward nearly everywhere but near the Santa Fe Wastewater spreading area. That's below the present sewage disposal plant and the former one on Siler Road, which was built or rebuilt in 1948.

CHAIRMAN ANAYA: Where are you going with this sir? Is there a conclusion to this?

MR. SPIEGEL: I just want to read just one more paragraph and then we'll go on to the third lie. Most of these new withdrawals are not set off by reduction of irrigation rights in the natural discharge areas. Therefore the total water rights that have become established now far exceed the pre-well aquifer discharge which is now decreasing. As the drawdown cones of more and more wells expand to the areas of natural aquifer discharge, water shortages in the spring-fed acequias will increase. And if a drought period equivalent to the 1946-51 period were to return, there would be alarming water shortages and serious economic hardships. Does that sound like it's ever happened since 1951?

On page 9 of your new draft district plan, there's a paragraph at the bottom of the page which probably was an afterthought. The fact that it's at the bottom of the page is sort of an indicator that it might be, and it says that the concept of sustainability will be applied to all future development within the district. Sustainability means meeting the needs of the present without compromising the ability of future generations to meet their own needs. Well, the concept of sustainability when it applied to water in general has been a lie because you cannot sustain a water resource in a groundwater reservoir by reuse and recycling. Because you know what happens to the water when you reuse it and recycle it? Some of the water becomes evaporated, but the salts of various kinds, including the nitrates and chlorides, do not evaporate. They stay in the water. So if you take water that is already at or close to the NMED standards or the EPA standards, which are based on recommendations made more than 70 years ago and are a little bit out of date now, because there's a lot of evidence that that value is not safe for a lot of people, not just for infants under 18 months, but for a lot of other people.

That water that's recycled into the aquifer and then pumped out again has become more and more concentrated and eventually becomes unusable. So the concept of sustainability related to the aquifer use is a lie, unless you absolutely restrict water recycling to deliberate recharge of drinking-quality water.

CHAIRMAN ANAYA: Thank you very much sir. A lot of these concerns will be addressed when this goes into the ordinance stages of the public hearing. At this point, there's merely a resolution, just to sort of set direction, so most of your concerns will be addressed at the ordinance portion of the public hearing.

MR. SPIEGEL: At that point it will be too late.

COMMISSIONER TRUJILLO: Mr. Chairman, I think there's a fallacy in this gentleman's presentation. That area, the water table will not be tapped into, will not be mined. What the resolution and ordinance say is that water will be brought into the area from a sustainable water source. There won't be individual wells and individual septic tanks in that area mining the water table. The water will be imported.

MR. SPIEGEL: It doesn't make any difference if there are individual septic

tanks. I've heard several times today that they're going to be group systems, where the water will not be exported some place else or taken a long distance, but will be returned within the basin. And that, whether it's spread out into individual wastewater systems as it is now, in what is already existing or platted, or put into one or five larger systems. If it goes into the aquifer, it makes the aquifer unsustainable. The only solution is if you're going to bring water in as in the forest, you pack it in, you pack it out. The City of Santa Fe is already considering in the '98 report as the best solution is to build a pipeline for effluent and take it back out to the Rio Grande where it will be coming from in the future.

CHAIRMAN ANAYA: Okay. Thank you very much. Next speaker please.

MARGARET GRAY: Commissioners, my name is Margaret Gray. I've been a part of this planning process and live in Eldorado. I'm particularly speaking to the sustainability issues, because that has been the part that I have been most involved with over time. However, I was ill over the last month and I have one suggestion to make that I think will not be difficult for the committee as we go into the ordinance process.

There is a sustainable action plan which is general but very good, along with a matrix, which is in the plan, and I would like to suggest that as we go into the ordinance stages that the County Planning Department come back to us looking at some of these sustainable issues such as water, energy, building materials and all of the matrix that was put together with a more defined and a little stronger kind of a study so that new technologies, many of which are very exciting and which we had a number of presentations about during our meetings, could be codified and solidified and understood by the community a little bit better than what we have at the plan. Thank you very much.

CHAIRMAN ANAYA: Thank you very much. Anyone else like to address the Commission?

BILL CONWAY: Yes, sir, Commissioner, thank you. My name is Bill Conway. I promise to be brief. I want to speak generally about the employment center and its importance to the overall plan that is before you for consideration. The employment center concept is one where, as was explained by Jack, where we can provide future residents with the county with employment opportunities in balance with the number of households that are expected to be created in the College District.

The employment center lands in this district plan were selected very carefully. They provide both a near term opportunity and a long term opportunity to create this balance. The employment centers are probably the smallest designated category of land use in this entire plan. It represents less than 5 percent of the area, but its critical importance to achieving a balance in this long term goal to reduce traffic, provide walkable job opportunities and to create a balanced land use mix is one that I think you should treat especially carefully in your considerations of the plan. That's all I have to say and thank you very much.

CHAIRMAN ANAYA: Thank you very much, sir. Next speaker please.

JOHN MCCARTHY: Chairman Anaya, members of the Commission, my name is John McCarthy. I've been involved with the State Land Office portion of the development planning for the last five years and have worked also with the Community College

District plan evolving. I would like to invite the Commission's attention to the fact that the New Mexico Subdivision Act specifically instructs and addresses water quality and water quantity issues being a mandate at preliminary and final platting stages for any element of this district plan. So the valid concerns have a mechanism in place now to be addressed that was not in place prior to the act.

In addition, to me, the Community College District plan represents an opportunity for something that has nothing to do with real estate zoning, infrastructure or roads. It represents to me an opportunity to allow community to emerge. There is a lot of valid concern about sprawl and sprawl could be considered a manifestation of the amount of time that we have to spend in our cars because our lots are so large, or we have to go out quite a distance to find something that we can afford. So by having compact density, compact development forms, we have chances to allow interactions between different elements of our community, social and economic elements, as well as allowing our elders to be in contact with our children and other members of the family.

In conclusion I strongly support the Santa Fe Community College District plan for that reason and request that you approve it as proposed. Thank you.

CHAIRMAN ANAYA: Thank you very much sir. Next speaker please.

ROSANNA VAZQUEZ: Good evening. Thank you. I'll be brief. I've got a couple amendments that I'd like to propose for the plan, and I'll give Judy a copy so she can follow along. The first amendment would be with respect to the definition on edge employment centers, we would respectfully request that the last line of that be taken out and instead add the language as follows: "Establishing the relationship and the phasing of the developments with the intent of the Community College District is important." Instead of tying the development to the new community centers and the village zones. The reason for this amendment is simple and that is that there are some property owners within the Community College District that do not have employment centers and that do not have village zones, I mean that do not have village zones and new community centers. So we would be tying their hands to the time when another developer decided to come in with that development. So if we could leave the language more broad and deal with some of these issues in the ordinance where it will be dealt with, it would be preferable.

The second amendment would be on page 2, paragraph number 2, and the line that was added to this is: To assure a balance of jobs to residents the District Ordinance will have a mixed use phasing requirement, and I would just add where applicable. Again, it's the same issue with respect to properties that do not have community centers and village zones to tie that phasing to. I will point out, however, that the ordinance will in the master plan section of it require phasing schedules and require a review of the mixed use development requirement in the ordinance, where applicable.

Paragraph number 6 should be amended to state: Employment centers should be developed concurrently with or adjacent to new community centers. I would request that that line be again taken out for the same reasons.

Paragraph number 11 deals with the maximum size of employment centers. Currently

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there is on the property that is closest to the 599 interchange, the employment center is larger than 100 acres. I would request that we take that out of the plan so that we've got some time to study it and it would be something that would be put into the ordinance as a maximum requirement for employment centers.

And the last amendment I would request is on page 5 under the land use zoning map, and that is that there are some discrepancies with the zoning map that we've been looking at that don't tie in to the way that the circulation map and the underlying map show some of the centers. And I would request that we would have time to work with staff to make sure that the zoning map is completely accurate.

Lastly and in closing, I'd like to say thank you for your patience and I would again reiterate on behalf of the Community College District that there are limitations on development in this district and those limitations area simple. They are roads, they are water, they are the market place and there will be limitations placed through the ordinance on the requirements that will be needed for development. And I would request that you approve this plan. Thank you very much. My name is Rosanna Vazquez. I'm at 530-B Harkle Road. Thank you.

CHAIRMAN ANAYA: Thank you, Ms. Vazquez. Anyone else like to address the Commission? We've been very patient up here listening to a lot of redundancy and everything else but it sure merits the effort, that's for sure. Commissioner Duran

COMMISSIONER DURAN: I'd like to make a motion to approve Resolution No. 2000-136 with the following provision: That all the amendments brought forward by all the neighborhoods, by all the concerned citizens, be provided – that they provide copies of those amendments to our Land Use Department for their review, and their recommendation, analysis and at the next meeting we would then incorporate or amend the resolution based on that, or maybe you could advise whether we need to consider that in the ordinance. But I think that to try to incorporate all of the amendments there when it's brought forward tonight is going to be virtually impossible, especially since a lot of them haven't had our Land Use Department's review. So I would like to make that motion that we approve it subject to the recommendation of the amendments submitted by the public by our Land Use Department.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN ANAYA: Motion and a second by Commissioner Trujillo. To understand your motion, Commissioner Duran, you are including all the amendments that have come forward tonight.

COMMISSIONER DURAN: No, I'm not including them at all. I'm not including any and I'm not excluding any. What I'm saying is that for us to sit here and piece through all the amendments that have been brought forward for us to consider, and to do that tonight without having our Land Use Department have any opportunity to review them and advise us, I think it wouldn't be appropriate. But adopt it the way it is and make the amendments –

CHAIRMAN ANAYA: At the ordinance stage.

COMMISSIONER DURAN: I don't think not even at the ordinance stage but maybe at a later date when the Land Use Department has had the opportunity to review the

amendments and advised us appropriately.

COMMISSIONER GRIÑÉ: Mr. Chairman, just for clarification now. We are adopting as proposed now, right?

COMMISSIONER DURAN: Right?

COMMISSIONER GRIÑÉ: And the amendments to send direction to staff to review and make recommendations to the Commission?

CHAIRMAN ANAYA: That's' correct. All in favor?

COMMISSIONER DURAN: Steve wants to say something.

MR. KOPELMAN: Excuse me, Mr. Chairman, members of the Commission. Just a point of clarification. Staff did put a number of amendments in the packet that came from the CDRC and the EZC. Not the ones that were brought forward tonight separately. And the question, we just want clarification as to whether those would be adopted tonight or whether you want to hold off on those too.

COMMISSIONER DURAN: No, adopt them – again, they could be amended by other suggestions by the public has had, but we would adopt them this evening, because you have had the opportunity to review them and you are advising us that they should be incorporated in the plan. Is that correct?

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Duran, I'm not entirely comfortable yet with those amendments. I know we went over them briefly but, why couldn't we adopt the plan as it was proposed and then go through the amendments, both what staff has supported and do them all at one time concurrently so that there's not confusion as to what's been approved.

CHAIRMAN ANAYA: Well, that would come up at the ordinance hearing.

COMMISSIONER GONZALES: Well, there's going to be amendments that we know we need to make and I'd rather I'd rather, that way we're not confused, amending the amendments or doing the amendments, we ought to just have time for us to go back and look at what we've received from the staff and from the public and then that will give us a chance to agree with staff what we do and then we can do them all at once as to how we would like.

COMMISSIONER DURAN: So all the amendments would be considered at a later date. I'll accept that.

CHAIRMAN ANAYA: Okay. With that then, all in favor signify by saying "aye." [Unanimous] Opposed? Motion carries unanimously. That was a long one.

MR. KOPELMAN: Excuse me, Mr. Chairman, if we can get some direction from the Commission, do you want us to bring this forward then at the October 31 meeting?

COMMISSIONER GONZALES: Yes.

CHAIRMAN ANAYA: Which will be the first hearing on the ordinance, is that correct?

MR. KOPELMAN: I don't believe so. No.

CHAIRMAN ANAYA: Okay. That sounds good.

COMMISSIONER GONZALES: But two weeks is enough I think to be able to digest everything that we've been given.

MR. KOPELMAN: Mr. Chairman, excuse me. It is actually supposed to be the first hearing for the ordinance also.

CHAIRMAN ANAYA: Yes, that's what I thought.

COMMISSIONER GONZALES: The amendments, I would hope we can get through. And I just want to compliment Jack and the community out there who worked on this. This is I think a very, very bold step and as I indicated before, I would rather go forward with the bold plan than to live what we've had in the past. I know it's tough for a lot of people to embrace because it is so big, but minus it means that we get the same-old, same-old and we've heard time and time again from our communities that's not what they want, so nice job.

CHAIRMAN ANAYA: I think this is one of the better plans I've ever seen in my tenure here. Really good.

COMMISSIONER DURAN: Just one direction to staff. Is it possible for you, Judy and Jack when you bring these amendments up for us to consider, that you do it like we did the general plan so that we would go through them. I'm trying to figure out how we would adopt them because there's so many. Would we adopt them individually?

MR. KOLKMEYER: It would probably be best if we did them individually and in the sequence of the plan document. So we'll just have to go after it, like you said, like we did before and delete and add certain things so it's real clear how it's fitting back into the document so that you understand it and just go through them. We'll have it set also so we'll make sure that it's clear that certain things are plan amendments and other things will be ordinance related. We'll clarify that so we can keep those two things separated.

COMMISSIONER DURAN: So you'd make the presentation to us and we would approve or disapprove it –

MR. KOLKMEYER: Each one at a time.

COMMISSIONER DURAN: Individually. Yes. Okay.

MR. KOLKMEYER: We can do it that way if you'd like.

COMMISSIONER GONZALES: I think that's the preferable way so that everyone understands what's been changed.

MR. KOLKMEYER: We'll be happy to do it that way

[The Commission recessed from 6:05 to 6:15]

IX. B. 2. **CDRC Case #Z 00-5480. Giant Four Corners Liquor Zoning. Giant Four Corners, applicant, Maurice Bonal, agent, requests zoning approval for the Mustang gas station to allow for the sale of liquor. The property is located east of US 84/285, north of the intersection with County Road 88, within Section 18, Township 20 North, Range 9 East**

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MS. ELLIS-GREEN: There is currently a Mustang gas station and convenience store on this property which has a current Santa Fe County business license. Gasoline sales and a convenience store have been in existence on this site prior to the effective date of the Code. This use is therefore considered to be grandfathered. In order for the applicant to request a liquor license from the state, the County must acknowledge that the property has been zoned for alcohol sales. Thus, the applicant is applying for zoning approval. The sale of alcohol is the only change to the property proposed by the applicant.

Recommendation: The decision of the CDRC was to recommend denial of the request to allow for liquor sales within the existing convenience store. The decision was based upon the location being inappropriate due to traffic and other development in the area. Thank you.

CHAIRMAN ANAYA: Thank you, Penny. Are there any questions of staff? Is the applicant present?

[Duly sworn, Karl Sommer testified as follows:]

KARL SOMMER: Mr. Chairman, members of the Commission, my name is Karl Sommer. My address is P.O. Box 1984, Santa Fe, New Mexico. I represent Giant and they are the applicant and owner of this facility. I have, if I may approach the Commission, a packet of documents for you all.

Members of the Commission, I have with me tonight Ms. Hillary Noskin who is employed by Giant and she is their local representative here. She will speak this evening regarding Giant's efforts in this community. What I intend to do is go through the legal issue that's before you and the factual setting and what I've given you here in the packet is a letter addressed to me from Mr. Mike Gomez. He was here this afternoon to testify but unfortunately he had to leave because the hours ran on.

He has the traffic data. We've employed him to give us an analysis of this intersection and this location. That's what's there. I have also in front of you, because I didn't know if it was in the packets that you received, the minutes of the CDRC meeting from August 31, and also you will find four photographs of this area. Those photographs are simply this: I had Mr. Gary Dawson, who is a local surveyor, fly over the site at various elevations and give me the radius of what is within 1000 feet, what's within 300 feet, so that the Commission have an idea of what we were talking about, what the intersection looks like today. The old photographs from the Highway Department don't show the improvements and that's what we did.

What we're here tonight on is somewhat odd in the sense that as you all know, in order to apply for a liquor license, you must have a zoning letter in order to make your application complete at the Licensing Division. The issue in front of you is plain and simple: Is this property zoned for the use? Staff has presented this to you as a zoning issue, and really what it is is a confirmation of the zoning by this Commission and staff has put it in front of you. The way we see this issue is the property is grandfathered in as a retail use in this location and the simple legal issue is is the use of retail sales allowed?

I know that staff takes a position that the question of alcohol sales as a separate retail sales presents a different issue. We're prepared tonight to talk about the factual issues related

to the sales, what's going to happen at this facility, what the traffic impacts are, what the traffic conditions are today, and to talk a little bit about the testimony that was heard before the CDRC, because I think you can expect much of the same testimony this evening.

Essentially, this property is grandfathered in as a location for a gas station with retail sales of goods in the location. And as a grandfathered use we are not expanding the square footage, we're not reducing, we're not changing the site in any respect. It is essentially adding a product for sale. In that regard, we believe the zoning is in place for this and that the letter should issue. The question of traffic comes up and what we had done so that there wouldn't be any speculation about this intersection or the safety of this intersection, I hired Mr. Gomez after reading the testimony from the CDRC, and I had him go do an analysis and pull together the records so that the Commission and all of us would have the facts with respect to the traffic.

And they are simply this, and his conclusion is in the middle of his letter to me. It says there is adequate sight distance for all legs of the intersection. With the newly installed traffic signal at the intersection, the existing Mustang gas station appears to operate satisfactorily and has adequate capacity. He attaches the data he received from the Highway Department to show what the average daily traffic is in this location over the past three years. He attaches also the intervals that the traffic signal has allowed, which has made this intersection safe, and he has given you the accident information at this intersection in 1999, which is different from what it is today.

I'd like to start with the traffic information with respect to the accidents. There –

COMMISSIONER TRUJILLO: Just one question, Karl.

MR. SOMMER: Sure.

COMMISSIONER TRUJILLO: When you say there is adequate sight distance for all legs of the intersection, you mean that for a person that's driving that has not consumed any alcohol or anything like that, right?

MR. SOMMER: No, I mean the sight distance is the distance when you're in a vehicle that a person is able to see, not taking into account any particular individual. There is a distance that you are able to see there which is in excess of 1,000 feet.

COMMISSIONER TRUJILLO: What if somebody stops at this station and is inebriated and cannot focus and cannot see the intersection, the distance doesn't make a difference, because they'll be driving out of this gas station, they'll stop, buy liquor, get into the highway, sometimes go up the wrong side of the road. And this intersection is quite dangerous. Eight-eight and 84/285 is very dangerous.

MR. SOMMER: We would not be serving alcohol here, so people would not come and consume alcohol on the premises and then get back on the highway here.

COMMISSIONER TRUJILLO: But people would be drinking and stopping there to get more alcohol and then get on the road again.

MR. SOMMER: And I think that the statistics that I have in front of you go directly to the issue, Commissioner. Every accident in 1999 at this intersection, every single

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one of them, involved accidents that had nothing to do with alcohol. There was not a single accident in 1999 at this intersection involving alcohol.

COMMISSIONER TRUJILLO: But in 1999, the design of the intersection was a lot worse. We don't want to exacerbate the problem now by introducing alcohol into the mix.

MR. SOMMER: Well, what I think I am indicating to the Commission is that the traffic data is that the signalization has improved the efficiency at the intersection, that the intersection is not now traveled by people who are having accidents as a result of alcohol consumption, and we're not proposing as a part of our use, to serve alcohol on the premises. What this license does is there is a license in Nambe that is owned by Cordelia Roybal and she is selling the license and we are moving it a number of miles to this location. So it is a license in the district already. That's the essence of what's going on here. We're not introducing a new license into this community; we are moving a license within the community.

COMMISSIONER TRUJILLO: It's ironic that when you drive heading north into this community, the first thing that you see is a sign with four teenagers that have died as a result of alcohol. Okay? And now we're introducing into this community, Arroyo Seco, there doesn't exist any liquor sales in Arroyo Seco. This will be the first.

CHAIRMAN ANAYA: Commissioner Trujillo, I think you can save that for your argument at the time of the motion. He should be allowed to do his presentation.

COMMISSIONER TRUJILLO: I just want for Karl to address the issue.

MR. SOMMER: I am attempting to address the issue related to traffic and the data is that there are no accidents at this intersection involving alcohol. We're not proposing to serve alcohol on the premises here. We're moving the license from down the road to this location and I believe that that addresses whether or not alcohol is a factor on this particular highway. And in addition, what I'm attempting to address is that the signalization at this intersection has improved both its safety and its efficiency.

So the question, and the reason I brought this up and the reason I went out and got the facts was so that you don't have people telling you things that simply aren't true. And that is that this intersection is dangerous, that it's not operating efficiently. We hired somebody to go answer that question. And Mr. Gomez is a well respected traffic engineer. You all have relied on this opinions for years in the Commission with respect to their accuracy and that's the reason why we went out and got the data is so that the facts would be known on the traffic.

With respect to the signalization, what that has done is allowed for temporary gaps so that people entering and exiting this property as it is right now are entering and exiting in a safer and efficient and effective manner. And that's what the data showed to Mr. Gomez. He shows that there are intervals of 15 to 20 seconds, 42 to 52 seconds on green lights, which is adequate time for entrance and exit onto the highway here in a safe and efficient manner.

The other thing I'd like to point out is that the average daily traffic in this area over the past three years has increased about eight percent a year. This roadway is not either at a level service that is below a level service B. It is operating efficiently and effectively

according to the data. And particularly at this intersection. And I wanted you all to have that, because as we proceed tonight, you're going to get a lot of testimony about what the facts are and those are the facts from Mr. Gomez and I'd like to make that part of the record.

The other thing is we've given you the photographs that show you – one is at a lower elevation, has one circle on it and it's at 300 feet. That shows what's within 300 feet, which is the statutory limitation of this particular facility. And as you can see, there is very little within 300 feet. That's what the statute deals with in respect to schools and churches. There are no schools and there are no churches within 300 feet.

I had Mr. Dawson do it at 1,000 feet, and there are no schools or churches within 1,000 feet of this property. And that's the purpose of those photographs, so that you would see exactly what is around this facility.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Mr. Sommer, where is the license located right now?

MR. SOMMER: Currently it sits in the village of Nambe, which is about 10 minutes away from here – further south.

COMMISSIONER DURAN: Actually in the village?

MR. SOMMER: It is in – Mr. Bonal can – it's right downtown in Cordelia Roybal's establishment.

COMMISSIONER DURAN: Okay. It's not on the highway right now?

MR. SOMMER: No, it's right in the center of Nambe.

COMMISSIONER DURAN: Okay. And just one other question. The median right here, is it such that if someone pulled out of this they couldn't hop over that thing?

MR. SOMMER: If I may approach over to show you what I'm referring to. I'm referring with the photograph with the 300-foot line on it.

COMMISSIONER DURAN: I understand that but the median right here, what's the design of that? Is it – I guess what I'm saying is it such that if someone pulled out here and if they were going the wrong way, they would know because they'd jumped over that?

MR. SOMMER: That's correct. There are two issues. One, you can't take a left there, you'd have to come out of this one over here. That's the way the station is designed. There's a right in there and a right out over there. People do not come out this direction because they don't come in this direction. They would be coming in through the furthest south entrance and then out the north entrance. That's the way it's designed.

COMMISSIONER DURAN: And there's turn lanes for people traveling south? There's a median and a turn lane in there?

MR. SOMMER: That's correct. And as the Commission can see, the median is almost twice the width of the lanes there.

COMMISSIONER DURAN: Right.

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MR. SOMMER: I have with me tonight Mr. Hillary Noskin, who works for Giant and I'd like to turn the microphone over to her to describe for you what Giant's participation is in New Mexico generally and in the community locally with respect to its responsible sale –

COMMISSIONER DURAN: Karl, before you go from the podium, I have a couple more questions if that's okay, Mr. Chairman.

CHAIRMAN ANAYA: That's fine. Go ahead, Commissioner Duran.

COMMISSIONER DURAN: Is the principle purpose of this place to sell liquor or to sell gas?

MR. SOMMER: It sells gas principally. That is Giant's chief business.

COMMISSIONER DURAN: So the signage that you would be using there, is it going to be predominantly gas signage or are you going to have big signs saying liquor?

MR. SOMMER: The principal use on this site will remain a Mustang gas station selling gas primarily. And Ms. Noskin can address that specifically with respect to Giant's practice on signage and that sort of thing. But it will remain and is a gas station.

COMMISSIONER DURAN: And if you were to get approval this evening, is there a way – I have the same concern that Commissioner Trujillo has in that if someone's driving down, either traveling north or south and stops to pick up a six-pack and they're already intoxicated, that they get back in the car and start going the wrong way. And if you look at the median, if they pull in there, I think that it would be appropriate that you would be required to put big signs, for instance I guess that would be the southeast corner of the property that would say "wrong way" and maybe even on the other side, so that that doesn't occur. Or require the Highway Department – I don't care who does it.

MR. SOMMER: We don't have a problem with the indication that it is a wrong way exit and that sort of thing, Commissioner, at all. With respect to the question of somebody stopping who's already inebriated, that's a problem that you posit that exists in the world today. This is not the cause of that. Driving drunk occurs, as the statistics show, mostly from people who leave bars.

COMMISSIONER DURAN: I know, but if we could prevent a head-on collision at every opportunity we can, I think we have a responsibility to do that.

MR. SOMMER: Certainly. Certainly. We would agree certainly to conditions such as that. So with that, I'd like to turn over –

COMMISSIONER GONZALES: I have a question, Mr. Chairman, for Karl, Mr. Sommer. In terms of back to addressing your question of the zoning of the property, you're basically stating that because the property was zoned retail, that that retail umbrella would include anything that would consumably be sold as a retail item?

MR. SOMMER: So long as you weren't changing the square footage of the building, if you were selling retail products and goods, I believe you come within the zoning.

COMMISSIONER GONZALES: I just wondered, because I think it's really important. You believe, or that's what the law states?

MR. SOMMER: Well, I can be very specific. The Code does not address the sale of alcohol. And this particular site does not have a condition on it that prohibits the sale of alcohol. What we have here is a grandfathered in retail sales facility with no condition prohibiting the sale of alcohol, and the Code doesn't say you can't sell alcohol.

COMMISSIONER GONZALES: So why does the state require you to come to the County on an issue like this that's already been zoned to specifically state then that alcohol is allowed here.

MR. SOMMER: I can tell you as I started at the beginning that it's a fairly odd thing that we're here. In the City of Santa Fe, for the same letter, you walk over and you make a request for the zoning and they issue you a letter. You include that in your packet and then the case comes back to the governing body for a hearing. And here, staff has chosen to bring this before you. I'm not exactly certain why. Staff recommended approval below to the CDRC with respect to the zoning and the use as a confirmation. I'm sure that every community, there are communities that handle it differently. I'm just familiar with the fact that Santa Fe County's zoning Code does not deal with this issue specifically and normally what you would do is get a letter issued by the – in this case it would be Mr. Estevan Lopez' office confirming that the zoning is retail sales that does not prohibit the sale of alcohol. That would make the application complete and then this case would come back to you all for a public hearing.

COMMISSIONER GONZALES: Well, in terms of this property – maybe this question would be for Roman, is there a list of uses that were stated at that time the property became a business, there wasn't an established list of uses?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, it is staff's position that this is a non-conforming use and the Code addresses non-conforming uses. Specifically, it states that the reuse, expansion or extension, it state that you can grant, the BCC can grant a reuse or expansion or extension to non-conforming uses that do not alter the character of the non-conforming use on the site. It is staff's position that this property is non-conforming and it does not have the zoning for liquor sales and that's why we're here before the BCC this evening. They're requesting zoning approval.

COMMISSIONER GONZALES: Okay, so Karl, to your point of what the staff had indicated, you're saying that the staff indicated that they did support this.

MR. SOMMER: They did, the CDRC, Ms. Ellis-Green and staff from the Land Use Department recommended approval with certain conditions which were acceptable to the applicant. So, what I believe that Mr. Abeyta is indicating that a legal non-conforming use, you cannot expand that use or change its character and I don't believe we're doing anything that expands the use. We are not doing anything that changes the character from retail sales. I understand Mr. Abeyta's position, certainly, but I believe that as a legal non-conforming use, retail sales are allowed.

COMMISSIONER GONZALES: Let me ask this question of the staff, how you would handle a situation. If they were proposing, if they bought the property and they were proposing to change it to a McDonalds or a Taco Bell, which significantly changes the

types of use on the property, would that require them to come before the Board to allow for that type of business, or would that – all they would need to do is basically, because it's already zoned, would it need to do with the County?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, we would take the position that that's an expansion of that non-conforming use, and we would require them to come before the Board of County Commissioners and have a master plan approved.

COMMISSIONER GONZALES: How would you determine that? Based on what?

MR. ABEYTA: Based on the proposal and the intensity of it. We would take a look at what's there now and what they're proposing.

COMMISSIONER GONZALES: So then, all things being equal, if there was a change in the types of uses, are you saying you would require it or you would not require it?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, if there was a change in the type of uses, we would require it.

COMMISSIONER GONZALES: Types of retail uses.

MS. ELLIS-GREEN: Mr. Chairman, Commissioners if I could just add something. We look at the intensity to maybe traffic use, water use, liquid waste. Something like a McDona ds would obviously have higher water use. The liquid waste would be a different issue, maybe traffic would be a different issue than the gas station. What we look at here is what is it grandfathered in for and staff has to write a letter to the State Alcohol and Gaming stating before they do that preliminary, stating that this property has the correct zoning for alcohol sales. And since there hasn't been alcohol sales on this property, staff has consistently stated that the zoning has to be either specific for alcohol sales, or if it's grandfathered in, there needs to have been alcohol sales on this property before.

So if for example, there was already alcohol sales and now a new owner came in and wanted to transfer the license from the old owners to themselves, then there could be the correct zoning. But what we've got here is a gas station, that's grandfathered in for a gas station with a convenience store, but it's not sold alcohol before.

COMMISSIONER GONZALES: So when you recommended approval, Penny, were you recommending that it is commercial and if the BCC would approve it for alcohol sales, you were asking for conditions to be attached. Is that why you recommended it, because it met all the requirements for alcohol to be allowed to be sold on the designated property?

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, that's correct. Staff's memorandum is in your Exhibit B. This is also a community center commercial district, which is one of the larger commercial districts, which does allow the sale of alcohol in those districts.

COMMISSIONER GONZALES: Okay, and more particularly to this area, the Arroyo Seco Café, did that – how far is that from this property and are they still open and selling liquor?

MS. ELLIS-GREEN: Which property?

If you'd like to know anything more about our policies or programs, I'd be happy to answer that also. Thank you.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Gonzales.

COMMISSIONER GONZALES: What would the hours of operation at this store?

MS. NOSKIN: Till midnight.

COMMISSIONER GONZALES: From what time to what time?

MS. NOSKIN: I'm going to say six or seven a.m. to midnight.

CHAIRMAN ANAYA: I think it's seven a.m. to midnight.

COMMISSIONER GONZALES: Seven a.m. until midnight?

CHAIRMAN ANAYA: Except for Sundays it's noon to midnight.

COMMISSIONER GONZALES: Does anywhere else in the Giant chain of store limit the hours of sale of alcohol?

MS. NOSKIN: Well, according to the state statutes.

COMMISSIONER GONZALES: Well, but according to any types of local zoning requirements?

MS. NOSKIN: Not to my knowledge but I'm not positive on that. I do know, election dates, we follow the state statutes.

COMMISSIONER GONZALES: In terms of any fines that have been assessed against Giant for selling to minors, or selling to intoxicated minors, do you have a report on that or can you tell us from an industry standard where you stand?

MS. NOSKIN: Yes, from an industry standards we are among – with the best record. I'm not saying we're perfect, and we are working on it, but we do, if you compare us to some other convenience stores, we do have one of the best records in New Mexico.

COMMISSIONER GONZALES: So is there something that's published that states that or is that just basically an internal review by the state, or how –

MS. NOSKIN: It was presented in front of the state Liquor, Gaming Division a couple of –no, last year before a hearing. I don't have anything like that with me. But I can supply that if necessary, but we do, in the industry have that.

COMMISSIONER GONZALES: Let me ask you this question. Is there such a thing as performance zoning in this area where if there was a continuous violation of state laws selling to minors or selling to intoxicated individuals that their zoning could be revoked for this?

MR. KOPELMAN: Mr. Chairman, Commissioner, I believe when a situation like that occurs they're under the auspices of the Alcohol, the state agency that regulates alcohol and I think then they would probably end up having to be called before that particular agency.

COMMISSIONER GONZALES: There's nothing from a local standpoint that could be done to tie the zoning to that.

MR. KOPELMAN: Mr. Chairman, Commissioner, basically when the zoning is granted, it's granted. And then if there's irresponsible sales, etc., again, I think it falls more under the auspices of the State Alcohol and Gaming Commission.

CHAIRMAN ANAYA: That's not totally true because any local sheriff's department, anybody can police any liquor establishment at any time.

MR. KOPELMAN: Excuse me, Mr. Chairman, I meant in terms of being able to revoke zoning.

CHAIRMAN ANAYA: That's correct. That's correct.

COMMISSIONER TRUJILLO: I have a question, outside of this situation being totally commercial, money-making venture, where have your efforts been in working with communities that don't want liquor sales in their communities?

MS. NOSKIN: I'm sorry, I really don't understand your question.

COMMISSIONER TRUJILLO: If a community does not want liquor sales in their community, what efforts do you make to acquiesce those positions, those desires?

MS. NOSKIN: Well, I'm not sure that I can answer that in a general way, if I think I understand your question, but on a case by case basis, I know that we offer discussions and negotiations and those kinds of things prior to anything happening. So, in a general sense, we work with communities to the point that we can.

COMMISSIONER TRUJILLO: But you always try to implement it based on money-making, based on a commercial endeavor of profit for the company.

MS. NOSKIN: I'm not sure I agree with that standpoint because –

COMMISSIONER TRUJILLO: Arroyo Seco is a community that doesn't want liquor sales in their community. What would you do to accommodate that?

MS. NOSKIN: Again, I can say that there were discussions and offers of negotiation made ahead of time, but we are a business. We are a business.

COMMISSIONER TRUJILLO: That's right.

MS. NOSKIN: But I can tell you that we don't generate any great profit from working with MADD or Drive Sober New Mexico. I can tell you that.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Steve, let's get back to what Commissioner Gonzales was suggesting. There is no zoning. This is a non-conforming use is what I heard the Land Use Department say. So in a non-conforming use, we're actually going to grant them zoning. And I know that when someone comes in for a special use permit, like to have a school or some other kind of business, if that business ceases to exist at that location, that the zoning also – of the use also exists. I'm kind of in favor of that Commissioner Gonzales was leading to, that if this gets approval that we put some kind of condition that if they are cited for selling to minors a certain number of times, or if accidents start to occur there, that this Commission could revoke the license.

MR. KOPELMAN: Mr. Chairman, Commissioner Duran, I don't think –

COMMISSIONER DURAN: Not revoke the license but revoke the use.

MR. KOPELMAN: I don't think the County has that authority under state law. I think, again, I think this is a situation, as Roman indicated, I think it is a non-conforming use. This property was operating as a gas station prior to the adoption of the County Code. They've never

formally come in for master plan zoning. Normally, they would come in, they would go through a public hearing, they'd have their list of proposed uses, and one of those would probably be retail liquor sales. And then the Commission would hold a public hearing to make a determination whether the sale of liquor is suitable and appropriate in this particular location.

It's my legal opinion that the Commission does have that authority under the County ordinances. So I think really this is a case where there is some discretion vested in the Commission. I don't believe that they have the legal authority right now to sell liquor, but again, I think that's something that the Commission has a certain amount of flexibility and discretion in making a decision tonight. But I think you can limit hours. I think you can reasonably limit hours, but I don't believe that you can – and again, in this situation, I think because it is a commercial area, I think you'd be hard-pressed to have a good basis to say they can't operate past seven, for example. I don't think you can do that. But I think that again, once they are granted zoning, I don't believe you can take the zoning back if they have a poor performance record. I think then the Commission probably would have to take the case to the Alcohol and Gaming Commission.

CHAIRMAN ANAYA: There's a provision, Commissioner Duran, in the liquor statutes that should any entity that's selling alcohol become a public nuisance under the public nuisance clause, they'd be taken to the state.

COMMISSIONER DURAN: Okay.

CHAIRMAN ANAYA: And it could be revoked through that.

COMMISSIONER DURAN: Well, Karl, I have a question for the representative from Giant. Relative to your training procedures, I have a concern that whoever you have working there would do a couple things. One of them would sell to minors and the other one would be that they sell to someone who's already obviously intoxicated. And I'd like to know what kind of training you do for your employees, since you are really – selling liquor is something that we shouldn't take lightly and I'd like to hear how you deal with that.

MS. NOSKIN: Again, we have a state-approved provider, and we are the provider. And what we deal with is exactly that. We deal with how to recognize minors, how to recognize intoxicated people. We have a policy that we're instituting, anybody that looks under 30 we ID them. And we also have instantaneous termination for people who get caught doing these kind of things. We have other things. We participate in the Secret Shopper program that none of the other stores do, which helps ensure that we don't sell and that we catch ourselves if something's going wrong.

These are all things to prevent. We do train on that. We are an approved provider, and we do reinforce it through our human resources policies and in our actual policies for the managers and people going into the stores.

COMMISSIONER DURAN: So if I apply for a job tomorrow to work for you, do you just take my social security card and put me behind the cash register, or what do you do with me?

MS. NOSKIN: I take you to training. You have to go to training.

COMMISSIONER DURAN: And where does this training take place?

MS. NOSKIN: It's in Albuquerque at our district office, with our approved provider.

COMMISSIONER DURAN: Okay.

MR. SOMMER: If I may add something that wasn't made clear, Giant has a point of sale policy where a driver's license number must be entered into the register before it will open. You can describe that. You described it, but in terms of selling to people with an ID, there is a point of sale precaution that must be entered into the register and you described it a little earlier, but she went over it a little quickly. So there is a mechanism at the register. They must enter a license number.

COMMISSIONER DURAN: What if it's from out of state?

MR. SOMMER: It still must be entered. The license number must be entered,

COMMISSIONER DURAN: So they enter it.

MR. SOMMER: Excuse me. The date must be entered. The person must see the card and enter the date into the register before it will open.

COMMISSIONER DURAN: Oh, okay. So – I see what you're leading to. Okay.

MR. SOMMER: So that the person who's doing the sale, must –

COMMISSIONER DURAN: Must actually look at it.

MR. SOMMER: That's right. Not just let it go.

COMMISSIONER DURAN: Okay.

MR. SOMMER: The only thing I'd like to emphasize is staff here recommended to the CDRC an approval. And I think that the photographs that we've provided you show you what the character of the district is and I think that that underlies staff's recommendation below. They see these cases a lot. This is in a commercial node. This is not a residential node. And I've given you the photographs so that you can see what the character of that district is within that node, and there won't be any speculation about it.

We certainly would stand for more questions.

COMMISSIONER TRUJILLO: Karl, I'd just like to – this photograph does not give the true picture. From this intersection, about ¾ of a mile to the east, there's a proposed teen center. This is going to be the main intersection, the main route for teenagers to get to that teen center. In and around this area there are three churches, regardless of the 1,000 feet from the business, there are three churches in this area. So this picture does not do justice to what exists in that community. Right across the road, Rodrigo's wanted to bring in a liquor license, the community sat with him and he decided against bringing in a liquor license because of the desires of the community.

This is a tightly knit community. They work together. Giant is going to be headquartered somewhere else dictating and having a disparate impact on this community. So you need to look at the holistic, the whole picture in the community, not 1,000 feet around the business.

MR. SOMMER: My reference, members of the Commission, was simply to the character of the commercial node, which the Code identifies. I wasn't attempting to characterize the entire Arroyo Seco area. Obviously, a photograph doesn't show that. So with that, we would

sand for any further questions that you might have, and we would like an opportunity at the end, Mr. Chairman, a brief opportunity to – I'm sorry, Mr. Bonal is going to talk about the liquor license particulars, but I would like to reserve an opportunity at the end to rebut anything that might occur.

CHAIRMAN ANAYA: Sure.

[Duly sworn, Maurice Bonal testified as follows:]

MAURICE BONAL: My name is Maurice Bonal, 685 Callecita Pecos, here in Santa Fe. Mr. Chairman, members of the Commission, I was called by Cordelia Roybal who owns Roybal's Groceries and Liquors in Nambe. Her husband passed away here, oh a little over a year ago, more than a year ago, and she was saddled with having to run the grocery store and liquor store. Over the years, they put their kids and their grandkids through college and raised their kids, actually out of the grocery store where the liquor license currently exists.

And they educated their kids and they did a wonderful job and I think we probably know some of those kids, Mrs. Nancy Romero, Mr. Robert Romero's wife from Jacona, and on and on. And Mr. Robert Romero, a grandson who's a wonderful engineer at the Highway Department. But Mrs. Roybal is at a ripe old age that she wants to retire and the reason she called me was to sell this license in Santa Fe County. This is a Santa Fe County license and would remain in Santa Fe County. I obliged and I looked around for nearly eight months and finally found that just up the street there in Arroyo Seco there was a location that could utilize the services of a liquor license.

I will tell you that there will be no new liquor licenses in this area. This license exists in Nambe and will be moved up the street to the Arroyo Seco site. Later in the agenda, I believe, item number 13, you have an item actually taking a license, or moving a license from Pojoaque to north 14, State Road 14. One thing that – we can go on and on about licenses and there's a lot of misinformation on traffic. There's a lot of total misinformation about liquor licenses. I could probably be here all night and not cover all the aspects of a liquor license.

But I will tell you this that we as a state and we as a county were very remiss in 1997 when a change to the liquor control act occurred and we as a county, you as a Commission, me as a member of this community, did nothing to prohibit the tribes from issuing themselves licenses. We haven't seen the tip of the iceberg from the tribes yet and the pueblos. What we have here in this case is a case of one private owner selling a license to another private owner, actually retiring and selling it – getting out of life what they worked for their entire life, the 50 years that they've had this license, but getting back to that pueblo issue, we have, starting with San Juan, Santa Clara, San Ildefonso, and keep going up the corridor, Nambe, Pojoaque.

Little is known about what happens on the pueblo lands to you as administrators of the County. To date, Pojoaque has issued themselves six, Commissioner Trujillo, six liquor licenses. Not moved one up the street or down the street. It has created six new liquor licenses at Pojoaque. San Juan has issued themselves one. Soon to be two. Santa Clara is in the process of doing the same thing. They have a convenience store. They do not have to come to me as a broker and get a license, all they do, they go to their governor and they will just issue themselves licenses.

Now let's move down the corridor. Let's go to Nambe. Nambe has not yet even, they're going to get there. They're not there yet. They're going to be wet, what I consider wet.

They are next door to Pojoaque who is already wet, and as I explained to you, issued themselves six liquor licenses. We can continue going down the corridor but it doesn't have any relevance to this case. Santa Ana has issued themselves three. Isleta has issued themselves three. Jicarilllas have issued themselves two. The Mescaleros have issued themselves three. Now this is expanding from the pool of licenses that already exist. They're just issuing themselves licenses on a case by case and need by need basis. But I tell you that we were very remiss in 1997 by not opposing this provision of the Liquor Control Act or this law, because I think what you're going to see in the years to come, up and down the Rio Grande corridor, tribe by tribe, pueblo by pueblo, is an infiltration and a proliferation of these liquor licenses. Not belonging to Mrs. Roybal. Not belonging to Maurice Bonal, moving from one place to another, but creating new licenses and I just – it's after the fact. How do they say, the horse is out of the corral? But maybe not. Maybe we can go back and amend that provision of the act.

CHAIRMAN ANAYA: Mr. Bonal, can I ask you a question. On the – all these licenses that are on pueblo lands and everything, the newly created licenses, the gross receipts tax does not come to the County. Am I correct?

MR. BONAL: Mr. Chairman, that's correct and incorrect. There are some tribes like Nambe, San Ildefonso, I believe those are the only two tribes in Santa Fe County that have entered into an agreement with a state agency, the State Taxation and Revenue Department. Now, whether they have come to the County and actually perfected that agreement, I don't know, but there's a provision in the law where they must come to the County and of the gross receipts tax collected by non-tribal entities on Nambe and on San Ildefonso, they must share 25 percent with the County and they keep 75 percent.

The other tribes don't have such an agreement or are not covered by the tax code and it is correct, they keep their gross receipts tax. They charge it, they keep it in Santa Fe County.

CHAIRMAN ANAYA: Another point of clarification for Commissioner Duran's concern. Could you elaborate on what each server has to go through to become a certified alcohol server?

MR. BONAL: Under the Liquor Control Act, any server or anybody who touches or sells or serves alcoholic beverages must have a server's trainer permit. Now these permits are provided by – they're not provided by the state, however, the state oversees the program of what they call providers, that actually hold these classes and actually train people who sell, serve and even I as owners and lessees of licenses, I don't have a business that sells and serves alcohol. In my other life I have licenses that I lease. But I as an owner must also have that server training permit and what it is, the state requires any person selling or serving alcoholic beverages to be server trained by a sanctioned provider in the state.

CHAIRMAN ANAYA: And these people are all registered with the state and there's penalties provided should somebody hire somebody without the certificate?

MR. BONAL: Mr. Chairman, that is correct. In fact, under the Liquor Control Act, no one may sell or serve, and serve is other than – everybody thinks you must have to sell alcoholic beverages. Well, there are functions that do not require sales but service. Anyone who

serves or sells alcohol must have that permit. Now, those are licensees. The state has control over people that have licenses, because they can issue citations, they can fine them. They can bring them in and issue more citations or enter into formal agreements.

But there are some – let's face it. You take the pueblos, for example. They don't fall under the Liquor Control Act. They do not need server training permits under the state law. Now, they themselves may impose their own type of permits. I don't know. But a licensee, a person who operates under New Mexico license, must, his employees to sell or serve alcohol must be server trained. Correct.

COMMISSIONER TRUJILLO: But we have to get off this position that we're going to correct a wrong with a wrong. We cannot correct a wrong with a wrong. You're saying about Cordelia Roybal in Nambe and the Romero family in Pojoaque. I know Robert Romero. I talked to Robert. I talked to Nancy. They'd be the first to say that if the community does not want this liquor license, they're going to back off. Ms. Roybal has nothing to lose. She has a liquor license. She can locate it wherever in Santa Fe County if somebody wants to buy it. Okay, that liquor license can be liquidated whenever. It can be located in Santa Fe County, in any other part wherever. And they'd be the first to say – in fact I talked to Robert and he said, if the community doesn't want it, they don't want it.

MR. BONAL: Mr. Chairman, Commissioner Trujillo, I work for Mrs. Roybal and I've had no discussions to that effect. In fact I called her earlier today. She wished me luck. So I don't know what to say in that regard. She's the owner of the license, Mrs. Roybal. And to finish this up, there was some discussion earlier about traffic going across the median, coming back across the median, going up the street, down the street. Giant does not anticipate any significant increase in the business that it now has at that site in Arroyo Seco. And I would repeat that. They do not anticipate any significant increase in the business traffic and business – well, I shouldn't say business, because they would be introducing liquor sales, but in traffic at that site in Arroyo Seco.

CHAIRMAN ANAYA: Are there any questions of Mr. Bonal? Thank you.

MR. BONAL: Thank you.

CHAIRMAN ANAYA: Anyone else want to address the Commission for the proposal? How many people are here against this proposal? Okay, I'm not going to allow everyone to talk so you're going to have to organize perhaps, maybe I might let five people talk at the most. Okay? Because I think you're all going to tell us the same thing. So if you can just choose who your speakers are going to be.

COMMISSIONER GONZALES: Mr. Chairman, just for clarification if I might, to those who are wanting to address, what the chairman has asked that if the majority of you can find a speaker to speak for you who's going to say and allow testimony to represent the majority of the views, that's helpful. However, Mr. Chairman, if what the views have been – the views that are presented don't represent what others in the audience may be talking, we're not limiting them from coming forward and expressing something different. Is that correct?

CHAIRMAN ANAYA: That's correct.

COMMISSIONER GONZALES: We're just wanting to prevent a duplication of the same information that will be provided over and over, so if someone steps up to speak and by

the time the speakers are concluded, they haven't represented something that's pertinent to this case, then the mike's open.

CHAIRMAN ANAYA: That's correct. In other words, if you have something new to add, fine, but if you're going to be redundant, please don't come up. Sir, first speaker. And those of you that are going to speak, if you'd just line up over here.

[Duly sworn, Danny Erkhardt testified as follows:]

DANNY ERKHARDT: My name is Danny Erkhardt. I live at 05 Dos Osos. I'm here tonight, I think Mustang has done a tremendous job with their gas station. The way they've lit it up, the way they've beautified the place, they way they've fixed it up really looks sharp. I'm also on the Arroyo Seco Board, as a board member. I'm also a business there. I have Two Bears Emergency Roadside Service, so I'm out on this road 24 hours a day. Morning, night, all hours. I never know when I'm going out till the phone rings.

The main reason I've lived here in New Mexico for 18 years. And the main reason I chose Arroyo Seco to become a landowner again, was because of the community, because of the businesses, and because of the people in the community. This is a very tight-knit community. For a person like me to come in, be accepted and make friends and get to know people, I've enjoyed it immensely. On the board, I've been asked to go out and talk to people. Well, I've gone out and talked with people all over Arroyo Seco. People that normally don't come out because they're scared of things. They're scared of the situation of just the way things go in a community. Okay?

I have a list here I would like to give the Board if I may please approach. There's approximately 20 pages of signatures, both from businesses, some from businesses, some from teenagers, and mostly adults. And we spent a lot of time going out and compiling all this, getting people's opinion about this situation. And like I said, I chose this place to live because mainly I've dealt a lot with problems with liquor and this situation here, this is a community that is really neat. I don't want to elaborate on things, but the reason we chose this community to live here, pay gross receipts taxes and everything was because the way this community is formed.

We have liquor on the north end of us and the south end of us, which is within 10 minutes drive from the center of Arroyo Seco easily. So I feel that we don't really need another liquor license moved into our community. I don't want to elaborate or anything like this but that's my feelings as a landowner, as a businessman operating a business there and as a lot of the members in the community, I thank you for your time.

CHAIRMAN ANAYA: Thank you very much, sir. Next speaker, please.

[Duly sworn, Darryl Abeyta testified as follows:]

DARRYL ABEYTA: My name is Darryl Abeyta. I live on 038 El Camino Solo. I have a diagram I'd like these two young ladies to hold up for the Commissioners. I've got some photographs, if I could approach the Commissioners. Okay, I made five copies, or one copy of each if you guys can pass those down. I've got copies, I'll go through them with you guys. I appreciate it.

Okay, photo number one as they go the line there, that's a shot heading northbound on

84/285. You can see the volume of traffic. This is about 8:30 a.m. in the morning. The volume of traffic heading southbound, you can see there's clearance there. You can see there's a lot of signage. If you take a look on the right hand side next to the Mustang gas station, there's quite a few signs and it's a real busy intersection, not just with traffic but with signs and it really distracts a driver from really looking what's in there.

Photograph number two kind of shows a little bit more traffic. Kind of shows some of the heavy equipment that we have there. There's quite a few independent truckers in the area and they use this road extensively between Española and Santa Fe and we get a lot of traffic and that's just one of them right there on the photograph in front of you there. Again, it shows some volume of traffic.

Photograph number three. This is a little frontage road that I'm going to show you gentlemen right here. Coming out of the Mustang gas station right here, there's a frontage road that has been established by local traffic, right in this area right here, and that's where this photograph number three was taken from. You can see there's a fence that's been placed right there. And also if you look in the middle of photograph number three, there's a pick-up truck and that truck exited from the Mustang gas station. As you can see, it has to cross the northbound traffic over in a dangerous situation to get to go southbound towards Santa Fe. That would be right here at this intersection right here.

Photograph number four shows coming across some more vehicles. They have to come across this intersection out of the gas station. And also if you look, there's that pick-up truck coming out there. He's in competition, coming out of this road right here, this County road right here, he's having to come out of the same exit right here to get to go southbound towards Santa Fe.

I have an interesting photograph, number five. I want this to catch your attention. I was sitting on that frontage road, and you can see that car coming at me on the shoulder. He's on the northbound shoulder heading south. And this must happen quite a bit because there's a lot of tire tracks on that road there. What they're doing is they're coming out right here, getting on the shoulder and they're getting on this road and then they're coming back under this County road back over here that goes to La Puebla, and they're either coming back to go to Santa Fe or they're heading back towards La Puebla. And that happens quite a bit.

Since we knew this was going to be brought up to this Commission, I sat there for some time waiting for things to happen and they happen quite a bit. Okay. We're from the community and we see a lot of close calls that aren't in the accident reports that were brought up. I've seen a lot of people running the red lights. They speed. The posted speed limit, if you're not sure of it, it's 45. Well, if you're not doing 55 or 60 through there, you're getting run over. People do not follow the posted speed limit. That's nothing we can do, but they're coming through that red light. They're speeding up to get through that intersection.

We have New Mexico Highway Transportation numbers. We just had a meeting there in Arroyo Seco and they're saying that currently, we're getting 22,000 vehicles per day in that intersection, on that road right there. That's the only road up to northern New Mexico, Taos, the northern communities. And they're expecting by the year 2025, 65,000 cars a day going

through there. That's a lot of vehicles passing in front of that intersection. With the teen center going up, right across the road we have the fire station. Fires or any emergency that they respond to, they've got to cross into this real tight intersection right here, which is dangerous even for emergency vehicles because I'm part of an emergency organization.

Right across we've got a shop that exits onto southbound 84/285. We have Hands Across Cultures right here real close. We have Church of the Living God. We've got the Church of the Latter Day Saints, Valley Bible Baptist Church, Kingdom Hall Jehovah's Witnesses and many other businesses that frequent this road. And we know coming off out of Española, heading southbound, it's a downhill slope and to hold a speed of 45 miles an hour is almost impossible unless you're really paying attention. When you're inebriated, things don't matter and we just need to keep that in mind.

We have some folks that live right on the other side of this arroyo here and they're a witness and they're here today and can tell you. Somebody brought up the issue of minors drinking, underneath this bridge, underneath the highway, they can see straight underneath that bridge from their home, there's always minors, there's always drunks under there. You can go there and see it yourself. They said they're always there. So if you bring alcohol closer it's going to happen more frequently.

And it was brought up about the pueblos having their own liquor licenses, we'll we've got Pojoaque to our south. We've got San Juan to our north and if they're issuing so many licenses, I know this is not a new license, this just wants to be transferred, we don't want it in our community. They're saying that Giant doesn't foresee any increase in traffic, well, we as a community do see an increase in traffic, just because you can tell the amount of homes going up, the population is increasing in our community.

So from our community to you folks, we'd appreciate it if you would deny the liquor license to this outfit.

CHAIRMAN ANAYA: Thank you very much for your presentation. Next speaker please.

[Duly sworn, Charles Maestas testified as follows:]

CHARLES MAESTAS: Gentlemen, how are you this evening? I will try to be brief as possible. My name is Charles Maestas. I live at 54 Sombrillo Road, Española. I'll try to be as brief as possible. Some of the issues that have come up and is the proximity. I don't really believe that picture tells the whole truth. I have a letter here from the pastor of the Church of the Living God, who physically went out there with a physical tape and it is 650 feet from the boundary of his church, which is also a school, sanctioned by the state. It's a school kindergarten through 12th grade to the boundary of the Mustang Ranch.

And there's also a matter of, I hate to reiterate, but Mr. Abeyta brought up Hands Across Cultures. Fifty feet from the Church of the Living God we have Jesus Christ of the Latter Day Saints. A hundred yards from that is our church, Valley Bible Baptist. On their original application, Mustang Ranch indicated that the closest church was a mile and a half. I don't know if you've seen that on your application. It's not. It's not.

Another issue I want to bring up is the matter of statistics. I went to the State Police

and I wanted to get the statistics for that intersection as far as accidents occurs. The problem was the New Mexico State Police kept certain statistics and the Santa Fe County kept another. I could not compile them together into something that would make sense is really what it was. The reason that light was put on there was because of the number of accidents that were occurring there. The statistics he's reading from 1999 indicate the light. Prior to the light, the statistics were much higher.

Now I understand that the company has – they're coming to you and they're saying, okay, here's the issue. The issue is we have set these guidelines. There's these guidelines. We've followed all these guidelines. We've done everything that needs to be done. We've done this, we've done that. They're following the letter of the law, sir. They're following the letter of the law. But I come to you and I tell you, it's not the letter of the law, here, it's the want and the will of the community. We don't want this here.

I've made efforts to contact Giant myself personally, to sit down with them and point out to them. I've called the president. Mr. Chairman, I've spoken to his aides. I've spoken to a local representative and told them, this is not what the community wants. As County Commission, you can say, well the letter of the law states this, but you have to consider the want of the community. The substructure of the law says, what is more important? Profit, or the want of the community? That's really the issue. The issue is not here of grandfathering in. That's not the issue. The issue here is the want of the community versus profits for a company.

Mr. Trujillo indicated to you the churches, the Hands Across Cultures. He's brought a lot of issues and I really appreciate that. Thank you, Mr. Trujillo. But what I want to stress to you is we have enough alcohol. And it's so ironic that you're going to allow these people to sell alcohol when right up the street is this beautiful poster board of these beautiful children that are gone. They're deceased because of drunk driving. And you go a little further, there's that little big sign there that tells you that if you drive – it's gone now, but if you drive you will lose your license. You'll be walking.

You gentlemen have seen it. What does this message send to the community? What does it send to the youth? If right across the street you're going to have Hands Across Culture for disadvantaged youth that are having problems with alcohol and drugs, and then open a liquor store across the street. What's the message here? We have a problem with alcohol in Rio Arriba and Santa Fe County. Rio Arriba and Santa Fe County are closely mixed. They're intertwined. The line is hard to define. An alcoholic is not going to walk in here and tell you, let me make my alcohol, allow me to get the alcohol easier.

CHAIRMAN ANAYA: Sir, do you have anything new to add?

MR. MAESTAS: Well, I just want to say a couple of things. That this is the issue. It's not a matter of grandfathering. It's the want of the community.

CHAIRMAN ANAYA: Okay.

MR. MAESTAS: Please take that into consideration. And I just humbly and respectfully request you people to deny the application. I have a letter here from the Church of the Living God, the pastor. He apologizes that he wasn't able to come in.

CHAIRMAN ANAYA: Would you just turn it in to the – because you're starting to repeat yourself.

MR. MAESTAS: Okay. Thank you.

CHAIRMAN ANAYA: Thank you very much for your input. Next speaker please.

[Duly sworn, Brian McMath testified as follows:]

BRIAN MCMATH: My name is Brian McMath. I'm pastor at Valley Bible Baptist Church. We're located half a mile from the stated place of business. We also have within our church a Christian school. We have approximately 40 students in our school. I first of all would like to affirm, I appreciate the business very much, Mustang gas station. We frequent it often. Many of our people, our students, frequent the business. We appreciate it as it exists and have appreciated it through the past.

However, and I believe the heart cry of our community is that we have a safe haven for our children. I'm very thankful for our community. I'm very thankful for it as it now exists. It's very tight, it's an unusual community, a very tight community. And as I speak to people in the community, the heart cry of the community, and we humbly beg of you that you would hear our appeal for the sake of our children, for the sake of future generations.

As a pastor, I deal with the spiritual aspect of what alcohol causes. Mr. Chairman, members of the Commission, with your permission, I have one student here today who would like to give a personal testimony, very brief testimony, as to what alcohol has cost in their life. Would that be possible?

CHAIRMAN ANAYA: It's possible. It's really not the issue, but we'll allow it.

[Duly sworn, Ermelinda Martinez testified as follows:]

ERMELINDA MARTINEZ: My name is Ermelinda Martinez from Valley Bible Baptist Church, home of Valley Baptist Academy, and I'd just like to give a personal testimony about my father whom I never knew. My father, because of alcohol, he beat my mom, and while she was expecting me he beat my mom and my brother saw everything. He was five years old. About seven months after I was born, he died because of alcohol and I never knew my dad. All I have is a picture of him, but it's so hard to fathom his presence. It's so hard to fathom the affection that a father can give.

I now teach children. I've grown to love children and some, I deal with some kids who come from homes where drinking is just a norm. And it's really heart-breaking. I just humbly ask you to please, don't accept this license for the sake of our children who are our next generation and for the sake of their families so that they can have a privilege to know their families and to have a family bond together. From my own heart, it really hurts to never know my father.

I know that many other kids whom I deal with are in the same boat. And I would just ask that you consider this appeal and I thank you.

CHAIRMAN ANAYA: Thank you very much.

MR. MCMATH: Mr. Chairman and members of the Commission, I'd like to

have the members of our church who have come today just to stand so that they can be recognized. I appreciate them very much coming out today to express their opposition.

CHAIRMAN ANAYA: Okay.

MR. MCMATH: And our church, as I say, is a half mile from this location.

CHAIRMAN ANAYA: Thank you very much.

MR. MCMATH: Thank you.

CHAIRMAN ANAYA: Is there anyone else like to address this Commission? Please don't repeat what's been said before.

[Duly sworn, Charles Romero testified as follows:]

CHARLES ROMERO: I'm Charles Romero and I live about approximately a quarter mile from the Mustang gas station. I'm a property owner there in Arroyo Seco and I'm a business owner there. And I myself have been brought up around liquor all my life. I've been in situation where liquor's close by my house. Right now, if you allowed this license to go through, I've seen what happens to families. Right now I'm raising kids and I've seen what happens to families in situations like this. I've been around this all my life. Right now, Arroyo Seco doesn't have any liquor sales and all I can ask is that this doesn't go through because I know what it does to families. I've been there. I've drank myself. It's out of my life.

CHAIRMAN ANAYA: Thank you, Mr. Romero. Anyone else?

[Duly sworn, Harry Montoya testified as follows:]

HARRY MONTOYA: My name is Harry Montoya. I reside at Route 1, Box 204 in Arroyo Seco. I'm also the CEO for Hands Across Cultures and I think what people have said, express the same viewpoints that we have regarding the location of a liquor establishment so close to a center that we're going to be putting that's exactly in line, actually in opposition to what is occurring here in terms of this request and that's that we're trying to teach and educate our youth in our community that liquor and consumption of alcohol and drugs is not something that is conducive to a healthy lifestyle.

Automatically, by putting this type of establishment that sells this type of product, essentially, we're saying it is okay to promote alcohol sales alcohol consumption and that's already probably the biggest thing that we're dealing with in our community in terms of trying to turn around this attitude that it's okay to drink. I think that the decision that is before you is much more than just a legal decision. It's probably a moral and ethical decision also in terms of the lives of the children that we want to save in terms of the what we've heard, the testimony of the young lady and testimonies of the other people that have come before you.

So I would just urge you to uphold the non-approval that the CDRC has brought before you for this case, number 5480.

CHAIRMAN ANAYA: Thank you very much. Okay, it seems like there's a lot of repetition coming forth any more, so I think I'm going to turn this over to the Commission, unless there's something totally different that somebody needs to add.

[Duly sworn, Rob Younghirsh testified as follows:]

ROB YOUNGHIRSH: My name is Rob Younghirsh and I live on 911 Stagecoach Road. I just wanted to add based on legal remarks that were made, does this

fundamentally change the character of the business we're dealing with? And I think the character issue is very essential here because I think the community has spoken very loud and clear that this does change the character of their community.

They have spoken that the character is going to be different in that community if liquor were allowed to be sold there. I just wanted to appeal to you five gentlemen to search your own character in making your judgement on this issue because I think in New Mexico where we have the highest rate of fatalities due to drinking and driving in the nation, or one of them. This is a community that's trying to take action and show a noble leadership in trying to take action to do something about it. If that's not local democracy at its best, I don't know what it. So again, I appeal to you to search your character.

CHAIRMAN ANAYA: Thank you very much. Rebuttal.

MR. SOMMER: I've just two points to make and I'll make them very quickly. Thank you, Mr. Chairman. First of all, there is no denial here by anybody that people in Arroyo Seco, some people in Arroyo Seco purchase and consume alcohol. I don't think that that is a sustainable position that that doesn't occur. I'm not saying that people drink like wild in Arroyo Seco but people are buying alcohol in the community of Arroyo Seco, just like they're buying it in Santa Fe, Pojoaque and in Nambe right now.

So what does that mean? They're driving to other places, into other neighborhoods to buy the things that they normally buy. Buy a six-pack on the way home with their groceries to enjoy. That means they're driving somewhere else, into somebody else's community. And I'm suggesting that the store and the character of this particular facility is not going to change. It's going to allow people in Arroyo Seco, who choose to buy alcohol and who choose to consume alcohol in a responsible fashion, the convenience that everybody else enjoys, without having to drive to somebody else's community and then drive back. I think that's only fair. I think it goes into the calculus in what you have to look at.

The other thing I'd like to reiterate is, there's been a lot about traffic here tonight. I brought the numbers for one reason and one reason only, so you would see what the numbers are in traffic. The average daily traffic is 11,000 cars a day going in one direction, 10,000 going in another direction. There is, there has been a vast reduction in the number of accidents and this traffic facility is operating effectively and efficiently. Giant is not attempting to change the character of the community. This is merely the transfer of a license, not far away from that location to this location, and I don't believe that there is a basis before you tonight that supports a denial of this particular change. We would request that you grant the zoning letter so that we can perfect our application and it would come back to you for what's known as a 66-B hearing. We would stand for any questions that you might have as a Commission. Thank you for the time in allowing me to respond to some of the things that were said.

CHAIRMAN ANAYA: Okay, before we go on to the pleasure of the Commission, I'd just like to caution the Commission as to occurrences that have happened. Issues like this are not new. The first thing that comes to mind is the Giant here in Santa Fe next to the Potter House that was denied and City Hall was challenged on this issue and City Hall lost on this issue. I'd like to also point out to members of the Commission that liquor

licenses co-exist right next door to many churches. St. Francis Cathedral for example, La Fonda right across the street. Esteban's Restaurant, which was also court-challenged against the City, on church property, right across from Guadalupe Church and La Tertulia, which was actually on church property. Again, with the situation of the pueblos and their access to liberalized liquor licenses, I think it would be detrimental to the Roybal family should this not happen, this not occur. With that, I'll leave it up to the pleasure of the Commission. Certainly showing direction.

COMMISSIONER GONZALES: Mr. Chairman, I have a question. This goes to any representative of the Giant team that's here tonight. Can you address the issue of just basic lack of community support. I know Commissioner Trujillo asked about that tonight. But if in fact you're asking to serve the community in terms of being able to provide them with liquor sales and the community is, seems to me, unless you dispute this, overwhelmingly has said they don't want to be served with that, how you address that issue and that point. It's not something you can just negate or move to the side. So how have you dealt with that internally, knowing that this community that you're wanting to service just doesn't want liquor in it.

It's very difficult to discount the number of signatures that are here tonight opposing this. You can't just move it to the side. So, I don't know. Any one of you can offer a response to how, if we're talking about the character of the property, or the character of the business not changing and that business is defined by the community that it serves, and the community that it's serving has indicated that this is not something that they believe is representative of their character, I'm really running into some conflict on this, because I know, from a legal standpoint I understand what Mr. Sommer has indicated. I think he's articulated it very well in terms of zoning being in place. However to grant the use, I think is a discretion on the Commission that we need to exercise tonight. And we exercise that use based on when that business component meshes with the character of the community that it's going to serve. I need some understanding from you as to how you believe that this addition to the Giant store will serve this community that doesn't want it.

MR. BONAL: Mr. Chairman, Commissioner Gonzales, the best way I can answer that is that I think the traffic study you have in front of you shows that there's 11,000 cars pass in front of that store every day. I would argue that 11,000 people don't live in Arroyo Seco. I would also argue that any business along that corridor, 84/285, is a commercial, are of commercial uses, and of varying uses. And they range from, as a speaker earlier said, from a wrecker driver or a tow truck driver to Nambe Mills to Mustang's. We've seen Jackalope-type operations, and I guess the best answer, Mr. Chairman, Commissioner Gonzales, is that that is located in a commercial node, commercial area, was signalized for that purpose and it isn't necessarily to just serve the community of Arroyo Seco, but to actually serve the entire area of those 11,000 cars that pass through every day.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN ANAYA: What's the pleasure?

COMMISSIONER TRUJILLO: I'd just like to say that this Commission has

worked well with the community of Arroyo Seco. In fact, the teen center's going up as a result of a CDBG grant given to Hands Across Cultures. There's a substation, a fire station that has been built in the community of Arroyo Seco. There's a bridge that was put across a very treacherous arroyo during rains. There still a lot of needs in the community of Arroyo Seco. We need to address water issues, liquid waste issues, improve roads and everything like that. And we should continue on the same trend that we started.

We don't want to approve a liquor license and get away from addressing the real issues of the community. The community has spoken. They do not want a liquor establishment in their community and I think that this Commission should take that to heart.

CHAIRMAN ANAYA: Thank you, Commissioner Trujillo. Any other discussion? What's the pleasure?

COMMISSIONER TRUJILLO: And with that, I make a motion to uphold the decision of the CDRC to deny the liquor license to the Mustang company.

COMMISSIONER GONZALES: Second.

CHAIRMAN ANAYA: There's a motion and a second.

COMMISSIONER DURAN: I'd like to just say one word.

CHAIRMAN ANAYA: Go ahead, Commissioner Duran.

COMMISSIONER DURAN: I've always been pro-business. I'm a businessman myself here in the community, and have been for 23 years. But this Commission has always taken into consideration what the community has wanted, and I can see that this community doesn't want a liquor license out there. My family, my father, also lived in Arroyo Seco and was a member of the Valley Baptist Church and I can see him out there in the audience asking me to vote against this. So I'm going to vote against it.

COMMISSIONER TRUJILLO: I'm voting against it too.

CHAIRMAN ANAYA: All those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. The liquor license is denied.

IX. B. 3. EZ Case #S 00-4281. Roybal Subdivision. Glen and Audrey Roybal, applicants, request final plat approval for a 9-lot residential subdivision on 17.88 acres. The property is located on the southeast intersection of Caja del Rio Road and Camino de Rey, within Section 23, Township 17 North, Range 8 East

VICKI LUCERO (Review Specialist): Thank you, Mr. Chairman. The applicants are requesting approval of a 9-lot residential subdivision. The property was originally part of a three-lot subdivision. The applicant is proposing to divide one of these lots into seven residential lots. Lot sizes will range from 2.51 acres to 2.77 acres.

Recommendation: Staff's recommendation and the decision of the EZC was to recommend final development plan and plat approval for a nine-lot residential subdivision, subject to the conditions one through seven as listed in the staff report. Mr. Chairman, if I

could just draw your attention to condition number 8, which required an on-site hydro-geologic investigation to be conducted. The applicant has submitted this to the County Hydrologist. She has prepared a memo which has just been handed out to you and it states that there is adequate water to meet the needs of this development and she recommends approval subject to the three conditions as listed at the end of the memo. The applicant is in agreement with these three conditions, and I believe it's actually covered under the EZC recommended conditions, under condition 1.e, which requires compliance with review comments from the County Hydrologist.

COMMISSIONER GRIÑÉ: Thank you, Vicki. Are there any questions of staff.

COMMISSIONER GONZALES: Yes, I have a question.

COMMISSIONER GRIÑÉ: Commissioner Gonzales.

COMMISSIONER GONZALES: Vicki, on this particular subdivision, it seems that I'm starting to see like month after month in this same area, subdivisions coming in that continue to be cut that were part of one large piece or parcel. Are we making sure that there's not a serial subdivision working here, or that there's not any bypassing of the Code that's taking place?

MR. DOMINGUEZ: Mr. Chairman, Commissioner Gonzales, we have noticed the same thing coming up. We are currently working with the County Attorney with Land Use Department and Planning and we've pulled maps of the areas and we're looking at – you're exactly right. There was a large tract of land that has been split and the way it's been split, we've been looking at it.

COMMISSIONER GONZALES: Wouldn't it be best to hold it up? Are you concerned enough that you're at least looking at it that if we were to hold this up then you would be able to address it? If we approve it tonight, the lot splits, and you determine that there's an issue out there after the fact, is there any recourse that we could go back in to address some of these issues?

COMMISSIONER DURAN: It's harder, isn't it?

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, the problem is that if it's approved, and it's later determined that there was a problem, usually by that time some of the lots have been sold off and you're implicating other people.

COMMISSIONER GONZALES: So is the answer from staff that you're looking into this area and some of the splits that have occurred? Because I keep seeing these nine-lot subdivisions coming up in the same area, coming off the same tract. So I don't want to be unfair or anything, but is it enough for us to question the issue?

MR. ABEYTA: Mr. Chairman, we looked at that with this one application and the ones that came before it and this is part of the reason why this gentleman is here before you and we're calling it a nine-lot subdivision. In actuality, it's just, I believe, seven lots that he's creating but we're counting two of them against him already that were previously divided. So that's why we're calling it a nine-lot subdivision but our preliminary indication is that we're not at a critical number yet with these and the next one that comes in though, we are definitely going to take a different position with it.

COMMISSIONER GONZALES: Well, is there a concern from the gentleman if we were to table this for one month for you to be able to go in and do some type of review and to determine the questions as to whether this is a serial subdivision occurring or not?

MR. ABEYTA: Mr. Chairman, I haven't spoken with the applicant on that issue. I don't know what his position would be, but that's something that staff does not object to.

COMMISSIONER GONZALES: Well, I certainly understand the holding of the land is difficult because you want to get it processed in time to be able to start selling so that your land costs wouldn't be so expensive, but I guess I'm just concerned as to an 88-acre tract, from what I understand, broken three ways and then those are sold and now those are coming in. And I thought that we had safeguards in place to prevent that from happening.

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, we're looking into that to see whether or not we do indeed have the safeguards to prevent that. And again, we've recognized the same thing you have and this gentleman has been in the process for a couple months already and that's why we continued to move him forward. But I can – I guarantee this Commission that you will not see another subdivision in this area before you without us having explored all of those options and looked for those safeguards.

COMMISSIONER GONZALES: If we find out that there has been a serial subdivision, would he have to bear an unfair disadvantage because he was in the process when there was a serial subdivision occurring, or how do – or would he just be allowed to continue going forward and we would catch the next one that's submitted?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, I'd have to defer to legal for that.

COMMISSIONER GONZALES: I mean, what rights does he have thus far in relying on the system of being able to move forward, because I think you've got to look at that side as well.

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, to take one month to have us examine it very carefully, I think is probably prudent. I don't believe that it really implicates in any way any property interest per se. I think it's something that as Tom pointed out, is within the purview of this Commission.

COMMISSIONER GONZALES: Mr. Chairman, I just think to be safe than sorry, I'd rather table it with some direction to go in and review that and determine definitively whether there's some issues that are occurring or not. If they're not occurring, that's great. Let's, in fact, if you can get him on sooner, that will be great so we can get that addressed. But if there are, let's step in and make sure whoever's doing this subdividing is starting to follow the County Land Use Code that requires lots more to be done on a 24-lot subdivision as opposed to a 9-lot subdivision. So, especially because we know there are five tracts out there, and we know that I think three of those tracts have been sold and there's two left, or whatever, if I understand that right. So I think we need to make sure we catch these in place and make sure that as those 80 acres are being developed they're following the full process of the Code from an infrastructure standpoint and everywhere else. We have fire protection and everything

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like that in place.

COMMISSIONER GRIÑÉ: Commissioner Gonzales, you want to proceed forward or –

COMMISSIONER GONZALES: Well, I would keep it for discussion, but I think we should table it and allow the staff to do a thorough review to see if there is some serial subdividing going on in this area.

COMMISSIONER GRIÑÉ: Is that in the form of a motion?

COMMISSIONER DURAN: Can I just ask one question? I want to ask Katherine Yuhas, our County Hydrologist a question. Your report indicated that the hydrological information submitted by Mr. Roybal is insufficient. Has he given you anything else for you to remove that concern?

MS. YUHAS: Mr. Chairman, Commissioner Duran, yes, and I reviewed that just today, and I think that they handed out – did you Vicki? a copy of my memo to all of you. And my review indicates that there is sufficient water to supply the entire subdivision.

COMMISSIONER DURAN: Okay. Thank you.

COMMISSIONER GONZALES: And I just think that that's one component. The other is obviously fire protection and the access and the conformity from subdivision to subdivision so that we have a good thoroughfare. And I don't know if that's happening. It may be happening already. It may not, but we have to make sure, so I'd move that we table it and direct the staff to determine whether there's serial subdivision that's taking place and if there is, to bring back steps that we need to bring them into conformity.

COMMISSIONER GRIÑÉ: I've got a motion to table.

COMMISSIONER DURAN: Second.

COMMISSIONER GRIÑÉ: I've got a motion to table by Commissioner Gonzales to table, seconded by Commissioner Duran. Any further discussion? If not, all those in favor, signify by saying "aye." [Unanimous.] Ayes have it.

[Action taken on page 101.]

IX. B. 4. CDRC Case #A/V 00-5500. Edwina Quintana. Edwina Quintana applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow for the placement of a second dwelling unit on 1.25 acres. The property is located at 38 Camino Torcido Loop in La Cieneguilla, within Section 20, Township 16 North, Range 8 East

WAYNE DALTON (Review Specialist): Thank you, Mr. Chairman, Commissioners. There is currently one home and one septic system on the property. The property is served by an on-site well which serves the existing residents. The applicant states she intends to help her son and his family who cannot afford to reside in Santa Fe due to the high cost of living. The applicant also states that when she purchased the property in the

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1970's, the original covenants guaranteed her certain rights. The applicant feels that one of those rights was to build a guest house no smaller than 600 square feet.

Recommendation: Staff recommends denial of the variance, based on Article III, Section 10 (Lot Size Requirements) of the Land Development Code which states the minimum lot size in this area is 50 acres per dwelling. The decision of the CDRC was to recommend approval of the variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow two homes on 1.25 acres, subject to the following conditions. Mr. Chairman, may I enter the following conditions into the record?

[The conditions are as follows:]

1. No additional permanent structures to be erected on site to support either dwelling.
2. The existing driveway will serve both homes.
3. Failure to comply with all conditions shall result in administrative revocation of the variance.
4. Applicant shall sign a "Temporary Density/Area Variance Conditions of Approval" affidavit accepting the conditions of approval as set forth by the County Development Review Committee.

CHAIRMAN ANAYA: Okay, are there any questions of staff? Thank you. Is the applicant present? Please come forward.

[Duly sworn, Edwina Quintana testified as follows:]

EDWINA QUINTANA: My name is Edwina Quintana. I reside at 38 Camino Torcido Loop.

CHAIRMAN ANAYA: Edwina, are you in agreement with all the conditions imposed by staff?

MS. QUINTANA: We actually haven't heard them yet.

COMMISSIONER GRIÑÉ: Didn't you hear them in the CDRC?

MS. QUINTANA: Yes.

CHAIRMAN ANAYA: Well, they're the same conditions that were imposed by the CDRC. Are you in agreement with those?

MS. QUINTANA: Yes. Yes.

COMMISSIONER GONZALES: The conditions are, just to review them real quick are that
no additional permanent structures to be erected on site to support either dwelling; the existing driveway will serve both homes; failure to comply with all conditions shall result in administrative revocation of the variance., which means they'll pull your ability to build a lot; and the applicant shall sign a "Temporary Density/Area Variance Conditions of Approval" affidavit accepting the conditions of approval as set forth by the CDRC.

MS. QUINTANA: Yes. Yes.

CHAIRMAN ANAYA: Okay, is there anyone in the audience that would like to speak either for or against this proposal? If not, what's the pleasure?

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Commissioner Griñé moved to approve CDRC Case #A/V 00-5500. Commissioner Duran seconded and the motion passed by unanimous voice vote.

IX. B. 5. CDRC Case #A/V 00-5520. Mary Ortega. Mary Ortega, applicant, requests an appeal of the Land Use Administrator's decision to deny the placement of a second home on 3.4 acres which would result in a variance of Article III, Section 10 (lot size requirements) of the Land Development Code. The property is located at 65 Sandia Road, within Section 25, Township 15 North, Range 8 East

MR. DALTON: There are currently two homes and one septic system on the property. The property is served by an on-site well which will serve both dwelling units. The applicant states the hardship came about when her brother passed away two months ago. The applicant's brother left behind a mobile home that was located in a mobile home park. The applicant and her family were issued an eviction notice, with one month to remove the mobile home. The applicant then moved the home on her property for another brother who needs a place to live.

Recommendation: Staff recommends denial of the variance based on Article III, Section 10 of the Land Development Code which states the minimum lot size in this area is 50 acres per dwelling. The decision of the CDRC was to recommend approval of the variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow two homes on 3.4 acres subject to the following conditions. Mr. Chairman, may I enter the following conditions into the record?

[The conditions are as follows:]

1. A temporary permit will be issued for a period of two years, to be approved for consecutive two-year periods by staff. The applicant at that time must prove the hardship still exists.
2. No additional permanent structures to be erected on site to support either dwelling unit until second dwelling unit is removed.
3. The existing driveway will serve both homes.
4. The mobile home is not to be placed on a permanent foundation.
5. Failure to comply with all conditions shall result in administrative revocation of the variance.
6. Applicant shall sign a "Temporary Density/Area Variance Conditions of Approval" affidavit accepting the conditions of approval as set forth by the County Development Review Committee.

CHAIRMAN ANAYA: Are there any questions of staff? Thank you. Is the applicant present? Please come forward.

[Duly sworn, Mary Ortega testified as follows:]

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MARY ORTEGA: Mary Ortega, Number 65 Sandia Road.

CHAIRMAN ANAYA: Are you in agreement with all the conditions imposed by CDRC and staff?

MS. ORTEGA: Yes.

CHAIRMAN ANAYA: Are there any questions of the applicant? Is there anyone in the audience that would like to address the Commission either for or against?

Commissioner Duran moved to approve CDRC Case #A/V 00-5520 and Commissioner Griñé seconded. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

IX. B. 6. CDRC Case #V 00-5490. Bohlman Variance of Easement Width. James and Krista Bohlman, applicants, request a variance of Article III, Section 2.4.2b.3a3, and Article V, Section 8.2.1c of the Land Development Code, to allow for an existing County Road easement width to remain, instead of the Code-required easement width of 50 feet. The property is located off County Road 67A within the traditional community of Cañada de los Alamos, in Section 27, Township 16 North, Range 10 East

MS. ELLIS-GREEN: Mr. Chairman, Article III, Section 2.4.2 of the Land Development Code states: *When a tract to be developed borders an existing road having a right-of-way insufficient to conform to the minimum standards required by these regulations, which right-of-way will be used by the proposed development, sufficient right-of-way shall be platted and dedicated or reserved in such a way as would make the resulting right-of-way or road conform with road requirements.* Article V, Section 8 of the Code requires an easement width of 50 foot. Therefore staff is requesting an additional easement on the two subject properties to increase the right-of-way to a total of 25 foot from the center line of this road. So it would be an additional right-of-way on the applicant's property.

The applicants are requesting a variance of this requirement. They state that there is an existing fence and landscaping along the property boundary and that the requirement would bring the easement up to their portal and to the wall and front door of their neighbors' house. The rear portion of the property is sloped and the flat area is around the house and the road.

The recommendation: The decision of the CDRC was to recommend approval of the variance of the easement requirements of the Code to allow the existing easement width to remain.

CHAIRMAN ANAYA: Okay, Penny, are there any additional conditions?

MS. ELLIS-GREEN: Mr. Chairman, no. This is part of a lot line adjustment.

CHAIRMAN ANAYA: Okay. Are there any questions or staff?

COMMISSIONER DURAN: Just one real quick one, Mr. Chairman.

CHAIRMAN ANAYA: Okay.

COMMISSIONER DURAN: Penny, could you get with me some time in the next week or so to talk about this kind of situation? I'd like to know more about it. A 50-foot driveway on a lot split, I think is a little excessive.

MS. ELLIS-GREEN: Mr. Chairman, Commissioner, the 50-foot would actually be for the County road. So that's where we're requiring the easement. It's not on a private driveway. That Article III, Section 2.4.2 of the Code does not allow staff any discretion as to where the property is located in the county and the situation on the County road or the road that's in question. That's why the applicant is in front of you asking for the variance.

COMMISSIONER DURAN: Okay.

CHAIRMAN ANAYA: Are there any questions of staff? Is the applicant present? Please come forward, raise your right hand and be sworn in.

[Duly sworn, James Bohlman testified as follows:]

JAMES BOHLMAN: James Bohlman, 53 Cañada Village Road, Santa Fe, New Mexico.

CHAIRMAN ANAYA: Are there any questions of the applicant? Are you in agreement with the – you said there were no conditions. You're in agreement with everything staff has – you're in concurrence? Okay. Anyone in the audience like to speak either for or against this? What's the pleasure?

Commissioner Griñé moved to approve CDRC Case #V 00-5490. Commissioner Gonzales seconded and the motion passed by unanimous voice vote.

IX. B. 3. EZ Case #S 00-4281. Roybal Subdivision.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN ANAYA: Yes, sir.

COMMISSIONER GONZALES: Just for the record, I consulted with the Land Use staff. I know we need to stay progressing, but I made an erroneous assessment on the Roybal Subdivision. I was under the impression that the 9-lot subdivision would throw it over the criteria that would qualify for a subdivision that would have other requirements and so I asked to table until we could determine whether it was serial. And in fact, by adding the nine, it will not throw it into a different stage of criteria, so it's not necessary to hold up this application, but – so I'd like to bring it back off the table when it's appropriate tonight.

COMMISSIONER GRIÑÉ: Let's do it now.

COMMISSIONER GONZALES: Well, if we could, then I'd like to bring it off the table, Mr. Chairman, to hear and keep the direction in place for the staff in terms of holding up any more subdivisions in this area until we determine whether that's taking place. But again, to reiterate, Mr. Chairman, it's that my concern, my original concern was that the nine lots were going to throw it up into a different threshold that we would require different County

requirements. It will not. So whether this is approved tonight or not, isn't going to have any bearing on the County requirements.

CHAIRMAN ANAYA: Okay, this has already been heard then?

COMMISSIONER GONZALES: Yes, and I consulted with the County Attorney and there wasn't anyone here to address the issue other than the Roybals themselves according to the staff, so we can bring it back off the table. Mr. Roybal's still here I believe.

CHAIRMAN ANAYA: I want to hear a motion then to take it off the table.

COMMISSIONER TRUJILLO: So moved.

COMMISSIONER DURAN: Second.

The motion to take EZ Case #S 00-4281 off the table passed by unanimous voice vote.

CHAIRMAN ANAYA: It's back on the floor. It's been heard before.

COMMISSIONER GONZALES: Mr. Chairman, I guess we need to open it up for public hearing to see if there's anyone who wants to address this or not.

CHAIRMAN ANAYA: Okay, is there anyone in the audience that would like to address the Roybal Subdivision? We've already heard from the applicants? We have not heard from the applicants.

COMMISSIONER GONZALES: But are they in agreement with the hydrologist's report that's been submitted with the conditions?

MS. LUCERO: Mr. Chairman, Commissioner Gonzales, they are.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
   a. State Engineer
   b. State Environment Department
   c. Soil & Water District
   d. State Highway Department
   e. County Hydrologist
   f. County Development Review Director
   g. County Fire Marshal
   h. County Public Works
   i. County Archeologist
2. Drainage calculations must be stamped by a professional engineer.
3. Approval of road names/addressing.
4. Final plat shall include but not be limited to the following:
   a. Compliance with plat checklist
   b. Prohibit driveway access off Caja del Rio
   c. Delineate 100-foot radius setback for septic systems from cluster wells
   d. Adequate vicinity map
   e. Signature lines for utility companies, committees
   f. Jurisdiction statement for City and County
   g. Right-of-way dedication width for Caja del Rio

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h. Reference recorded covenants binding on property

5. The applicant must submit engineered road plans to be reviewed and approved by County staff prior to plat recordation.
6. Submit solid waste fees as required by subdivision regulations.
7. Submit cost estimate and financial surety for completion of required improvements as approved by staff.
8. An on-site hydro-geologic investigation proving adequate water must be submitted before this case is heard by the BCC.

The County Hydrologist imposed the additional conditions:

1. Each lot is restricted to .31 acre-feet of water per year. This will be noted on the plat.
2. Each lot must install a water meter and report meter readings to the County Hydrologist annually.
3. One the water quality report is available it must be submitted to the County Hydrologist for review. Any deficiencies in water quality must be recorded on the plat.

CHAIRMAN ANAYA: Would you come forward please and be sworn in?

[Duly sworn, Glen Roybal testified as follows:]

GLEN ROYBAL: My name is Glen Roybal and my address is 715 Navarro Way, Albuquerque, New Mexico.

CHAIRMAN ANAYA: Okay, you're in agreement with the conditions imposed by staff?

MR. ROYBAL: Yes, sir. I am.

CHAIRMAN ANAYA: Anyone in the audience like to address this issue, either for or against? What's the pleasure?

Commissioner Gonzales moved to approve EZ Case #S 00-4281 with conditions as amended and Commissioner Duran seconded. The motion passed by unanimous voice vote.

COMMISSIONER GONZALES: I apologize, Mr. Roybal, for the misunderstanding in that.

MR. ROYBAL: Thank you for reconsidering.

IX. B. 8. <u>CDRC Case #A/V 00-5430</u>. Catherine Ducaj. Catherine Ducaj, applicant, requests an appeal of the Land Use Administrator's decision to deny a land division of two acres into two lots, one consisting of a home and a guest house on .67 acres and one lot consisting of 1.33 acres. The property is located at the southwest

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corner of the intersection of US 285 and Santa Fe County 84E, within the traditional community of Pojoaque, Section 7, Township 19 North, Range 7 East

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the property is located with the traditional community of Pojoaque. Article III, Section 10 of the Land Development Code states the minimum lot size within traditional communities is .75 acre per dwelling unit. The applicant states that she is seeking a variance of the lot size requirements to divide two acres into two lots, one consisting of a home and a guesthouse, so two dwelling units, on 0.67 acres, and one vacant lot consisting of 1.33 acres.

Recommendation: The decision of the CDRC was to grant the appeal and recommend approval of the variance of Article III, Section 10 to allow for land division of the two acres into two lots. They requested that one lot be 1.25 acres in size and consist of the house and the guesthouse, and one lot of .75 acre, which is the vacant lot, subject to the following five conditions. And Mr. Chairman, may I enter them into the record?

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet per year per lot. Well shall be metered and water restrictions shall be recorded.
2. The applicant shall provide a shared well agreement. The agreement shall be recorded in the County Clerk's Office.
3. The applicant shall comply with all other land development requirements.
4. The applicant shall provide a liquid waste permit for the main home and the accessory structure, indicating lot size.
5. Failure to comply with all conditions shall result in administrative revocation of the variance.

CHAIRMAN ANAYA: Are there any questions of staff?

COMMISSIONER DURAN: Yes, Mr. Chairman. I spoke to the applicant and she was hoping, if you look at the plat, she indicated to me that she was hoping that this Commission would consider allowing her to have a division which would create a larger lot of vacant land and let the main house and the existing guesthouse to remain on that smaller lot. And the reason for that was even on the bigger sized lot, she's still only going to be allowed one residence. Is that correct?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Duran, that's correct. I guess the discussion at CDRC with the one lot of .67 acres with two homes on it, so two dwelling units may have an issue with the septic tank permit. Usually, a house would require .75 acre for one septic permit. Here we've got two homes on possibly .67 acre. The Environment Department does require that if an applicant is changing anything on the site, and that includes changing the lot size, that the go back to the Environment Department and they get their septic permit revised.

I believe that is a condition of approval, and this applicant will find it difficult if not impossible to get the same septic tank permitted at .67 of an acre. Therefore CDRC

recommended that the two homes be on 1.25 acres and they believed that that was a minimal easing of the requirement.

COMMISSIONER DURAN: Okay. I stand corrected. She's not here anyway. I don't see her.

CHAIRMAN ANAYA: Okay. Are there any questions of staff? Is the applicant present?

MS. ELLIS-GREEN: Mr. Chairman, the applicant was present a few minutes ago.

COMMISSIONER GRIÑÉ: She's in agreement?

MS. ELLIS-GREEN: She was in agreement, but I believe –

COMMISSIONER DURAN: Why don't you see if she's out in the hallway real quick.

CHAIRMAN ANAYA: Anyone in the audience like to either speak for or against this proposal?

COMMISSIONER DURAN: Mr. Chairman, since she's not here, could I make a request that we table this until she comes back from where she is?

CHAIRMAN ANAYA: We could do that.

[Action taken on page 108.]

IX. B. 9. CDRC Case #Z 00-5330. Valerie McIntosh. Valerie McIntosh, applicant, requests a master plan, preliminary and final development plan approval for a Montessori preschool/daycare for 12 children on 2.51 acres. The property is located at 37 State Road 503, within the traditional community of Pojoaque, within Section 3, Township 19 North, Range 9 East

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the applicant is requesting approval for a preschool/daycare for twelve children. The applicant occupies the existing residence and the school is to be operated out of an existing guesthouse. The proposed operation would be open five days a week from 7:30 in the morning. to 5:30 in the evening.

Recommendation: The decision of the CDRC was to recommend master plan zoning with preliminary and final development plan approval for a Montessori School to serve 12 children on 2.5± acres with the following conditions. And Mr. Chairman, may I enter them into the record?

CHAIRMAN ANAYA: You may enter them into the record.

[The conditions are as follows:]

1. All staff redlines will be addressed; original redlines will be returned with final plans.
2. The applicant will request a final fire inspection prior to occupancy of six additional children.

3. All improvements, including parking areas, liquid waste, fire protection and retention ponding will be in place prior to the occupancy of the building.
4. All outside lighting on the property will be shielded. Cut-sheets will be permitted for all new lighting.
5. No off-site advertising is allowed. Any directional sign must meet Code requirements and be approved by staff.
6. Water conditions:
   a. Water usage for the school shall be restricted to 0.25 acre-feet per year.
   b. Water usage for the entire property shall be restricted to 1.0 acre-feet per year.
   c. One water meter shall be installed on the house and the other on the line to the school. Water meter readings shall be recorded upon meter installation and annually thereafter. Water meter readings shall be submitted to the County Hydrologist upon request. [Changed at motion.]
   d. Prior to approval of the project, the applicant shall submit to the County a water quality analysis in accordance with Article VII, Section 6.5 of the Santa Fe County Land Development Code.
7. The applicant will record the master plan/development plan with the County Clerk's Office.
8. A driveway permit must be obtained from the State Highway Department prior to recording the development plan.
9. Compliance with the applicable review comments from the following:
   a. State Engineer's Office
   b. State Environment Department
   c. State Highway Department
   d. County Development Review Division Director
   e. County Fire Marshal
   f. County Public Works
10. A business license is required and shall not be issued until all of the above conditions have been met and administration approval is granted.

CHAIRMAN ANAYA: Are there any questions of staff?

COMMISSIONER TRUJILLO: Just one question. Was the community notified of this project?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Trujillo, the standard legal notice was done, so a yellow posterboard was put up for both the CDRC meeting and the Board meeting for 21 days. The notice was put in the newspaper 21 days ago and certified letters were sent to surrounding property owners within 100 foot of this subject property.

COMMISSIONER TRUJILLO: And what was the response?

MS. ELLIS-GREEN: Mr. Chairman, I don't believe we had a response. No.

CHAIRMAN ANAYA: Are there any questions of staff?

COMMISSIONER TRUJILLO: Maybe the applicant can address that.

CHAIRMAN ANAYA: Is the applicant present? Please come forward, raise your right hand and be sworn in.

[Duly sworn, Valerie McIntosh testified as follows:]

VALERIE MCINTOSH: Valerie McIntosh, 37 State Road 503, Pojoaque, New Mexico.

CHAIRMAN ANAYA: Okay, are you in agreement with the conditions imposed by staff?

MS. MCINTOSH: No.

CHAIRMAN ANAYA: You are not in agreement?

MS. MCINTOSH: No, I have one issue that I'd like to discuss with you concerning the two water meters that had been recommended to put on the well. I've had a well specialist out, two of them in fact, and they would have to take down a wall to the school to be able to put the one meter in the well situation. It's a very small, cramped room. I would be pleased if you would allow me to have just one meter instead of the two.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: I just have a question for staff. What was the reason for metering two wells, or having two meters?

MS. YUHAS: Chairman Anaya, Commissioner Duran, the reason for having two meters was to ensure that the school was only using a quarter acre-foot per year. The Code calls for commercial development to only use a quarter acre-foot per year or they need to do some further geo-hydro work. So that was sort of my way to try and ensure that they would only be using that much water. But it would be acceptable to me if this is an economic hardship for them to put one meter on the property and ensure that the whole property will only use one acre-foot per year or less.

COMMISSIONER GONZALES: You can monitor it from one well?

MS. YUHAS: That would be acceptable. Yes.

MS. MCINTOSH: Thank you very much. I don't own this property. I'm leasing it from Juan Gabriel. And so it's difficult for me to dump a lot of money into the property at this time. I prefer to put the money into equipment and materials for the students. The school has been going for a year now. I'm into my second year. The reason I started the Montessori School in Pojoaque was because the people in that area encouraged me to do so. I was working in a Montessori School in Eldorado. And there's no preschool for children in Pojoaque unless you're a tribal member and then you can go to the Nambe or the Pojoaque daycare centers. There was a need for it. I have a waiting list of 17 students. I think if you're familiar with Po'oaque there are a lot of people there that are raising their grandchildren and –

COMMISSIONER GRIÑÉ: Mr. Chairman, I don't' think we have to go into the discussion here.

CHAIRMAN ANAYA: We're comfortable with that.

COMMISSIONER GONZALES: Mr. Chairman, as a parent of a Montessori toddler I think it's good to have this in the area.

COMMISSIONER DURAN: My daughter went to Montessori school.

COMMISSIONER GRIÑÉ: My daughter did too.

CHAIRMAN ANAYA: I did a lot of study work on Montessori when I was getting my degree.

COMMISSIONER TRUJILLO: This is a Montessori Commission.

MS. MCINTOSH: I guess it is.

CHAIRMAN ANAYA: Would anybody in the audience like to speak either for or against? What's the pleasure?

Commissioner Gonzales moved to approve CDRC Case #Z 00-5330 with the amendment that only meter be required. Commissioner Trujillo seconded and the motion passed by unanimous voice vote.

IX. B. 8. CDRC Case #A/V 00-5430. Catherine Ducaj.

CHAIRMAN ANAYA: Catherine Ducaj, please come forward and be sworn in please.

[Duly sworn, Catherine Ducaj testified as follows:]

CATHERINE DUCAJ: Yes.

CHAIRMAN ANAYA: Your case has already been heard without you. We're just wondering if you're in favor of the conditions imposed by staff.

MS. DUCAJ: What were the conditions?

COMMISSIONER GRIÑÉ: Same ones that did in the CDRC.

MS. DUCAJ: I was going to request that the – the CDRC Board asked that I – I had asked for the lot to be larger, 1.3, I think it was 1.3 acres below and I keep .75 acre on top, and they reversed it because they thought that with two dwellings it would benefit probably the property having more land, but as I look at it, I think that it would benefit – I wouldn't use the land below. So I was trying to take a lot split at a bigger lot, at 1.3. It says 1.25 here though.

COMMISSIONER DURAN: Cathy, I tried to make that presentation and Penny said that you wouldn't be able to get a septic permit like you have right now.

MS. DUCAJ: That's fine then. It was sort of a waste of land use, but that's fine.

CHAIRMAN ANAYA: So you're in agreement then with all the conditions?

MS. DUCAJ: Sure. I'm grateful that you'll give me the split.

CHAIRMAN ANAYA: Is there anyone in the audience like to speak, either for or against? What's the pleasure?

Commissioner Griñé moved to approve CDRC Case #V 00-5430 and Commissioner Trujillo seconded. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

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IX. B. 10. CDRC Case #Z 00-5290. Joni Conrad-Neutra and Greg Neutra Bed and Breakfast. Joni Conrad-Neutra and Greg Neutra, applicants, request master plan approval with preliminary and final development plan approval for a two-bedroom bed & breakfast on 0.41 acres. The property is located within the traditional community of Madrid within Section 25, Township 14 North, Range 7 East

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, Joni Conrad and Greg Neutra applicants request master plan zoning with preliminary and final development plan approval for a two-bedroom bed and breakfast to be operating out of their existing residence. The property is located at 14 Opera House Road within the traditional community of Madrid within Section 25, Township 14 North, Range 7 East.

The recommendation: The decision of the CDRC was to recommend master plan zoning with preliminary development plan approval for a two-bedroom bed and breakfast subject to the following 15 conditions. And Mr. Chairman, may I enter them into the record?

CHAIRMAN ANAYA: We'll enter them into the record.

[The conditions are as follows:]

1. The final development plan will be reviewed and approved administratively when all conditions of approval are met.
2. All staff redlines will be addressed; original redlines will be returned with final plans.
3. The applicant will request a final fire inspection prior to the occupancy of the building.
4. All improvements, including parking areas, liquid waste, fire protection and retention ponding will be in place prior to the occupancy of the building.
5. All outside lighting on the property will be shielded. Cut-sheets will be submitted for all new lighting.
6. No off-site advertising is allowed. Any directional sign must meet Code requirements and be approved by staff.
7. The dumpster will be screened on all four sides by a solid wall or fences and a solid gate. A letter of solid waste disposal service is required from Environmental Control, Inc.
8. The applicant will submit an approved food preparation permit from the Environment Department prior to recording the development plan.
9. The applicant will submit a revised water budget for full development to include reasonable irrigation water to be approved by the County Hydrologist.
10. Water use is restricted to 0.25 acre-foot per year. Water restriction covenants will be recorded by the applicant with the master plan./development plan. Quarterly water meter readings will be submitted to the County Hydrologist. If the water exceeds 0.25 acre-foot the bed and breakfast will be required to close for the rest of that year.

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11. The applicant shall submit a revised and approved permit for the liquid waste system for the proposed use.
12. The applicant will record the master plan/development plan with the County Clerk's Office.
13. Compliance with the applicable review comments from the following:
    a. State Engineer's Office
    b. State Environment Department
    c. State Highway Department
    d. County Development Review Division Director
    e. County Fire Marshal
    f. County Public Works
14. Prior to development plan recordation, the applicants shall remove either the kitchen or the bath from the existing studio in order to comply with the Santa County accessory structure standards and prior approval in 1993. A final inspection will be conducted by staff.
15. A business license is required and shall not be issued until all of the above conditions have been met and administrative final approval is granted.

CHAIRMAN ANAYA: Are there any questions of staff? Is the applicant present?

[In the absence of the applicants, the case was deferred. Action was taken on page 130.]

IX. B. 11. CDRC Case #Z 00-5530. Vista Clara Liquor Zoning. Transwest Hospitality Development Corporation, applicant, Maurice Bonal, agent, requests zoning approval for the Vista Clara Ranch to allow for the sale of liquor in the existing restaurant. The property is located off State Road 41, north of Galisteo, within Section 25, Township 14 North, Range 9 East

MS. ELLIS-GREEN: Mr. Chairman, in 1988 this property was granted development pan approval for a health resort consisting of ten guest rooms and pool, spa and fitness facilities. At that time there was no specific request for alcohol sales within the restaurant. The applicant is now requesting zoning to allow for the sale of alcohol to guests at the resort.

Recommendation: The decision of the CDRC was to recommend zoning approval for the sale of alcohol within the restaurant to resort guests subject to the following four conditions. And if I could enter those into the record.

CHAIRMAN ANAYA: You may enter them.

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[The conditions are as follows:]

1. An inspection by the Fire Marshal of all structure shall be required of all structures prior to the issuance of a zoning statement.
2. Under this approval, the restaurant will serve only resort guests and will not be expanded to serve non-resort guests.
3. The applicant will meter all wells. Initial readings and annual readings thereafter shall be submitted to the County Hydrologist.
4. The applicant shall apply for a special use permit for any special event serving alcohol outside of the restaurant area.

CHAIRMAN ANAYA: Are there any questions of staff? Is the applicant present? Please come forward, raise your right hand and be sworn in please.

[Duly sworn, Kay Sanford testified as follows:]

KAY SANFORD: My name is Kay Sanford. I live at Vista Clara Ranch in Galisteo, New Mexico.

CHAIRMAN ANAYA: Are you in agreement with the four conditions imposed?

MS. SANFORD: Yes, I am.

CHAIRMAN ANAYA: In agreement. Any questions? Is there anyone in the audience that would like to speak, either for or against?

Commissioner Griñé moved to approve CDRC Case #Z 00-5530 and Commissioner Duran seconded. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

IX. B. 12. CDRC Case #MIS 00-5690. Agora Liquor License. Gary Boyle, applicant, requests approval to allow a transfer of ownership and location of liquor license No. 2529 from Coronado Ramada Limited Company at the Ramada Inn in Santa Fe to B.H Assets, LLC within the Agora Shopping Center in Eldorado. The Agora property is located at #7 Avenida Vista Grande, unit B-6, within Section 9, Township 16 North, Range 8 East

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, Gary Boyle, applicant requests approval to allow a transfer of ownership and location of liquor license No. 2529 from the Ramada Inn in Santa Fe to B.H Assets, LLC within the Agora Shopping Center in Eldorado. The property is located at #7 Avenida Vista Grande, unit B-6, within Section 9, Township 16 North, Range 8 East. Liquor license No. 2529 is currently owned by the Coronado Ramada Limited Company and is located at the Ramada Inn in Santa Fe. The owner is proposing to transfer the ownership and location of this liquor license to B.H. Assets, LLC, to be located within the Agora Shopping Center.

Recommendation: Staff recommends that a transfer of ownership and location of liquor license No. 2529 to granted.

CHAIRMAN ANAYA: Okay, are there any questions of staff? Is the applicant present? Please come forward, raise your right hand and be sworn in.

[Duly sworn, Gary Boyle testified as follows:]

GARY BOYLE: Gary Boyle, 830 Acequia Madre.

CHAIRMAN ANAYA: Okay, this is merely a liquor license transfer. Are there any questions? Anybody in the audience like to speak either for or against this? Is there any further discussion? If not, what is the pleasure?

Commissioner Griñé moved to approve CDRC Case #MIS 00-5690. Commissioner Duran seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

IX. B. 13. CDRC CASE #MIS 00-5670. Allsup's Liquor License Transfer. Allsup's Convenience Stores, Inc., applicant, requests approval to allow a transfer of Liquor License No. 946 from the Allsup's store in Pojoaque t the Allsup's store off of State Road 14 at the intersection with Vista del Monte. The property is located east of State Road 14, south of Vista del Monte, within Section 25, Township 16 North, Range 8 East

MS. ELLIS-GREEN: The liquor license is currently owned by Allsup's and located at the convenience store in Pojoaque. The owner is proposing to transfer this liquor license to the Allsup's at the intersection of State Road 14 and Vista del Monte. On October 24, 1989, the BCC granted approval for this property with a use list which included liquor stores. That's attached as your Exhibit D. Therefore this property has the required zoning to allow for the sale of alcohol.

Recommendation: Staff recommends that a transfer of location of Liquor License No. 946 be granted. Thank you.

CHAIRMAN ANAYA: Any questions? There are none.

COMMISSIONER GONZALES: So just real quick, you're saying that this property already has its zoning in place for the sale of liquor. Did you say that?

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, that's correct. They were granted by the BCC in 1989 zoning approval with adoption of a use list and that is attached as your Exhibit D, which included liquor stores and I believe restaurants. And restaurants.

COMMISSIONER GONZALES: Okay, and so the uses is still valid because the property is in place and up and running and functioning?

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, that's correct.

COMMISSIONER GONZALES: So this is an issue as we've talked about, vested rights at master plan level and then vested rights after preliminary and final and Steve, just maybe a quick review. The rights have been vested more so at the final plat filing those vested rights were attached to the owner and the property for a liquor license?

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, this situation is governed directly by state statute. State statute provides that if the state has already approved, it goes to the County Commission or the local governing body. But there's very, very stringent restrictions that are placed on a commission or a city council in denying a liquor license such as this when the zoning is already there. There has to be a very tangible demonstration of harmful effects for the health or safety. And it has to actually be enunciated in such a way that you've got hard evidence to show that this will actually cause severe problems.

I need to point out that I've reviewed at least close to a dozen cases and I haven't found one case where the New Mexico Supreme Court has actually upheld the denial of a license in a case like this. So there has to be some very, very tangible evidence and in almost – in every case that I've seen so far the Supreme Court has said that's not enough. There have been several cases in the City of Santa Fe. The Agua Fria Brew Pub case, where the court basically said you have to have a traffic engineer showing how the additional traffic is going to be causing sufficient harm, significant harm.

So again, there has to be more than opinion evidence. That's one thing the courts have made very clear. So it's not a question so much of vested rights so much as the legal standard that the courts have interpreted the state statutes is extremely stringent.

CHAIRMAN ANAYA: Okay, any questions of staff? Is the applicant present?

TED HARTLEY: I'm Ted Hartley, attorney from Clovis. I represent Allsup's Convenience Stores. I live at 205 Innsdale Terrace.

Briefly, there will be some opposition, so briefly, I would like to give you just about two minutes of background because I think the law is well settled as Steve has explained. What we have is a license in Pojoaque. The traffic has changed in Pojoaque to the extent that Allsup's is going to close their store in Pojoaque and we seek to move that liquor license over to the Highway 14 location. This location of Allsup's has been in existence for ten, twelve years now and it's an established location.

In 1989 we came to the Commission to ask for approval to operate a liquor license at that location. The Commission at that time, for various reasons, turned it down. It went to the district court and the district court turned the Commission around. It went to the court of appeals and on a procedural issue, we lost on a procedural issue. We could have come back to the Commission at any time over these ten years but Mr. Allsup chose to wait. And probably would not have come back now except we've got this license that needs to have a home in Santa Fe County.

We believe that there's no legal reason that this license won't be appropriately operated at that location. Different from the zoning question, we've got the zoning.

We've got approval from the State Alcohol and Gaming. The only issue possibly here would be that of traffic safety and I would point out to you that there's a traffic light out there. There are turning lanes. It's a well organized, signalized traffic pattern.

I would like to reserve some rebuttal if necessary.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Sir, are you in agreement with staff recommendations? Are there any?

COMMISSIONER GRIÑÉ: No.

MR. HARTLEY: Yes, I am. They moved that you approve it without any restrictions.

CHAIRMAN ANAYA: How is this different from the Arroyo Seco situation? It's no different.

MR. KOPELMAN: Mr. Chairman, Commissioners, the difference here is that they already have zoning. The zoning has already been granted in the past, so the property is zoned for liquor sales. They came in –

CHAIRMAN ANAYA: And Arroyo Seco's was zoned for commercial and commercial is a blanket word over the whole zoning issue.

MR. KOPELMAN: Well, in Arroyo Seco, they actually never came in for zoning. They had the gas station there prior to the adoption of the Code. So the gas station itself is a grandfathered use but there was never any formal zoning. And again, they would need to come in then and have that zoning approved.

CHAIRMAN ANAYA: Okay. Any questions? Anyone in the audience like to address the Commission, either for or against, please come forward and be sworn in.

[Duly sworn, Patty Burks testified as follows:]

PATTY BURKS: My name is Patty Burks. I live at 14 Vista del Monte. I've lived there since '78 and I've watched that area grow. So I'm here to answer any questions that you might have concerning the operations of Allsup's, what we have experienced as neighbors of Allsup's, and to give you some background as to when they got their final plat approval and the conditions that were imposed on them to get their development approval.

I do want to say that Allsup's did get us as neighbors in on the development process in the way that they mitigated our concerns before they received approval for that project. And our concerns, there were three major concerns. One of them was that they would not sell liquor out of that establishment. We were concerned about our neighborhood's character, the litter, just the egress and the ingress to the site itself, and the traffic safety on Highway 14.

The road here at this location is on a hill and it's at a major intersection. So the whole intersection has been zoned with that use list, but we did negotiate in good faith with Allsup's back in '89 before they even got their approval to establish that Allsup's, and we

told them of our three concerns, the landscaping buffer for that property so that it wouldn't be such an imposition on the neighbors. The liquor - we never wanted them to sell liquor out of that property, out of that location, and the fence that they needed to put up so that we wouldn't see the bright lights of people coming in and out with the gas station.

There's evidence that that location is a very busy location. It's probably - you might want to ask the Allsup's firm here just how good they're doing in volume sales alone.

COMMISSIONER DURAN: While you're gathering your thoughts, I have one question, Mr. Chairman.

CHAIRMAN ANAYA: Go ahead.

COMMISSIONER DURAN: When Allsup's got their approval for their business there, was there a condition of approval to not sell liquor out of this location?

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, in Exhibit D of your packet is a follow-up letter from a Board of County Commissioners meeting and condition number nine states adoption of a use list. The page after that states that there's a use list for the neighborhood center district for Allsup's Convenience Store and it includes a liquor store. So when I'm reading that from a previous file, it's my understanding that the Board approved this with the sale of liquor.

COMMISSIONER DURAN: All right. It didn't restrict the sale of liquor?

MS. ELLIS-GREEN: That's correct.

COMMISSIONER DURAN: Okay. Thank you.

CHAIRMAN ANAYA: And this is back in 1989?

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, yes. It was - the Board heard this October 24, 1989.

CHAIRMAN ANAYA: That's before I got here. Go ahead, Patty.

MS. BURKS: Okay. Well, what I want to say is the New Mexico State Alcohol and Gaming through their ordinances has made it appropriate for the local governing body to view this matter and see what the neighbors have to say about the liquor being sold out of their neighborhood. That's why they have created stringent guidelines. I just want to say that we, in just the approval process of the Allsup's being built, they let us in on the decision making and we did tell them that those were are three concerns and they agreed that they would keep liquor from being sold out of that property and do the landscape buffer, and then the fence.

And they did it. It was a done deal and we were happy, and the County Commission at that time did approve it. Of course then we went into some legal battles later on because Allsup's, all of a sudden, started selling liquor out of the establishment without any warning whatsoever to the neighborhood. And we had to go back into the process of talking to the County, the State Regulation and Licensing and then a family court judge overturned the County Commission approval and said that on a technicality, because it hadn't been, because they hadn't received the County decision within 30 days, it was like 32 days, on that technicality they were able to grant permission for sales. So they

went ahead and put it in.

After we put them on - well, the County came to our need at that point, and Terry Brennan was the attorney then and he filed an injunction on Allsup's, and we still had to wait three months before Allsup's pulled the booze out of there. So we've gone through some battles with Allsup's and it turned out, it started pretty nice, but then they started trying to sneak it in and we had to go through so many different hoops to try to get it out. We've really enjoyed the way it is now where we go in there as a convenience. It's a convenience store. We go for groceries, little things, and we go for gas and to bring in liquor right now would change the whole character of the place. We don't need it in that community, in that area. We have low income housing right across the road. We have vagrancy.

Just Friday night, the Sheriff's deputies were going through our backyard because they had stopped somebody at Allsup's and he ran from his car. And they were searching for him in our backyard, in all of Valle Lindo. So I think that the state has come up with these strict guidelines and these stringent guidelines to say, hey, the neighborhood has a right to be heard about, because they're the one that's going to have to live with it.

So, just one other thing to say is that I've just seen the decline of the management of Allsup's and we're going to address that also. We see that they're not keeping up with their trash receptacles. They've got a high volume and I'd be really interested to find out just how high their volume is with just gas and groceries and they don't need to put liquor in there. We have quite a few places, I think, in Santa Fe, to buy our liquor, and my whole thing, why I'm here, and closing thought is that State Road 14 services a lot of different neighborhoods. And it's really the only route that we have to get to our homes.

So it's not like a Giant on Airport Road where you can approach it from one way or the other, or down Cerrillos Road where you have several accesses to get to your house and not be in the line of someone who has just bought liquor and is maybe doing the wrong thing and drinking while they're driving. So it's just not the trend to have alcohol in the same establishment where gas is being sold. I think we could really do good on a national level. Everybody looking at the papers and seeing that the Commission and the local governing bodies are doing something about this combination. So I thank you for your time and there are several other people who are going to talk tonight. And if you have any questions, let me know.

CHAIRMAN ANAYA: Next speaker please. Anybody who wants to speak, let's all come forward and raise your right hand and be all sworn in together please. And please try to avoid redundancy please. We've already heard what Ms. Burks had to say and we don't want to hear it again.

[Duly sworn, Keith Burks testified as follows:]

KEITH BURKS: Unfortunately, I just walked in halfway through so let me know if I'm covering something. My name is Keith Burks. I'm Patty's husband. We live in the second closest house to the Allsup's. I've been in on this store, involved with this store longer than anyone except for Allsup's and Cameron Builders, the people that we worked with

in the planning before they ever moved any dirt.

It is a fact that the agreement we made to allow them to put that store in the residential area, agreed on by both sides, the fine gentleman from Allsup's and the neighborhood, was to put up a buffer out in front, to put a nice fence of our choice on the side between them and to not sell alcohol. And then, as you've heard, alcohol showed up in the store. We found out that somehow, without us being known in a meeting, they went backdoor, got a family court judge to write a letter ruling, saying that it was approved.

Of course, that got reversed and that was one of the reasons why that judge was removed from that seat he was in. He was fired. And so I'm here to try to make sure that we keep these gentlemen to their word on what happened in fact. From the dealings we've had with them before, I'm sure they're going to say, well, I don't remember that. I don't recall saying that we're not going to have liquor. I can get signed affidavits from the two owners of Cameron Construction that built the building that were in the meeting that will tell you that that was an agreement in the meeting they were at. I can also get signed affidavits from myself, neighbors, or whoever you'd like that that was in fact the decision that allowed both sides to agree on that store going in.

I'll tell, you my dad passed away two days ago and this is the last place I need to be. I need to deal with my family and everything like that, but I thought it was important enough to come here to keep these fine gentlemen to their word, to keep them honest. And I'm hoping that the Councilors can help myself and our neighbors keep them to their word. Thank you, gentlemen.

CHAIRMAN ANAYA: Thank you, Mr. Burks. Next speaker please.

[Previously sworn, Tommy Segura testified as follows:]

TOMMY SEGURA: My name is Tommy Segura and I live right next door to the Allsup's. They're 200 feet away from me. As Patty and Keith mentioned, there's several people going to - we don't want to elaborate on the same thing. I go in that Allsup's every day and I have a problem with Allsup's bringing in booze for a lot of different reasons but I'm only going to talk about one. Obviously when you start selling liquor or anything, you have to have responsible people selling it. Like I say, I've been there since they opened it and they have had, I'll venture to say, at least 30 to 35 managers in that place. Something's wrong with that picture.

The other thing that we have is also, as far as sales and stuff, they're doing very well because I happen to know that they have promotions for their companies on ice. And that store, I believe, for the last five years has won that particular promotion. They get a trip to Mexico or something with it. So they're doing volume business. They're doing good.

As far as the upkeep on the store, there's some pictures there. The trash and stuff, it's all over the place. We go out there, mostly Patty to be honest, and she tries to pick up all that trash. We help, my wife does. There's trash all over the place. Management is a problem there. They also have - I was going to mention something else about it. There's an empty lot right between me and the Allsup's. As you can see, there's some pictures

there where, they're not even selling liquor there but you can see pictures of empty beer bottles and it's a problem.

I think if they bring it in, it's going to be worse. The other thing that I want to say is the traffic situation there is not good. It's definitely we have a problem there early in the mornings when Allsup's delivers. Like I say, I'm there all the time. They get their trucks between 6:00 and 6:30 in the morning to deliver their groceries and stuff and a lot of people are getting out of work at the state pen at that time and to make that turn in there when you have a semi driving in there too. It's tough. So traffic is a problem also.

I'll let the other people elaborate on the other problems that we're having there. Thank you.

CHAIRMAN ANAYA: Thank you, Mr. Segura. Next speaker.

[Previously sworn, Karen Brown testified as follows:]

KAREN BROWN: Good evening. My name is Karen Brown. I live at 37 Browncastle Ranch. I'm also the co-owner of Santa Fe Skies RV Park at 14 Browncastle Ranch. We're one half mile, the RV park is one half mile from the Allsup's and my home is one mile from the Allsup's. I come to you as a mother. I have children. Their safety is of the utmost concern to me.

Right now you have a problem with that intersection in that the lights are horrible. People pull out in front of you at the Allsup's. That Allsup's is my worst nightmare. I have two teenagers behind the wheel right now and every night I pray to God that they will come home in one piece. That somebody at the Allsup's won't pull out in front of them and kill them. And you want to put liquor in this place?

Look at your stuff tonight. You've gone through four liquor licenses. What are we becoming, an alcoholic county? I think it's time to say no. As a property owner, I'm with my neighbors. Every night when I come home when the liquor was being sold at Allsup's, we could see beer bottles, beer cans. They're all over the road. Do you really want that in your neighborhood? I don't.

As the owner of an RV park, I don't want easy access to my customers to liquor. It's a whole lot easier to deal with a person who's sober than to deal with a person who's drunk. I know because I've had to do it on occasion.

They need to do a traffic study. I know that when we were going to put in the RV park that we were required to sit for days and hours and endlessly at the corner to find out how much traffic came down the County Road. So I think that Allsup's should be required now, even if they've done a preliminary study in 1989, this is the year 2000. I think that they need to do a traffic study and give you an idea of how much traffic is going in and out of their store, how much traffic - by putting in an RV park down the road we've increased the traffic in front of their store. Now we're putting a lot more people at risk.

I know that when the Allsup's had liquor, that frequently I would have teenagers who would illegally get the liquor from the store and bring it down and they somehow got this concept that our road would take them into town. And so they'd go off into our road and get drunk. Leave their cans and bottles so of course there wouldn't be any open liquor

in their car and drive off and go back to town. And I really just don't want to subject people coming to visit Santa Fe County to that kind of an impression of us. We are a good county.

So my biggest concerns are safety and protection of property, right there on the wall behind you. Thank you.

CHAIRMAN ANAYA: Thank you very much. Next speaker please. Again, please do not be redundant, not to repeat other people.

[Previously sworn, Becky Segura testified as follows:]

BECKY SEGURA: I'm Becky Segura. I live at 12 Vista del Monte. I have lived in Santa Fe all my life. The Allsup's is located 200 feet from our property. My question to all of you is would you like to have a liquor establishment that close to you? And I ask that you vote not to allow this. Personally, I have lost two family members because of alcohol. I drunk driver hit my aunt, killed her, and my cousin. I don't want to lose any more.

Ten years ago I stood here and asked the same thing. At that time, I had a ten-year-old. He's now 20; he's a student in college. My 15-year-old now is driving. I plead with you to listen to the people and not to big business. Thank you.

CHAIRMAN ANAYA: Next speaker please.

[Previously sworn, Joanne Lamoreux testified as follows:]

JOANNE LAMOREUX: Joanne Lamoreux, 8 Tranquil Trail. And what I have is the DWI arrest report for Santa Fe County from January 2000 to current. This includes 28 DWI arrests alone in that area. Two of them at Allsup's. And I agree with my neighbors. Please, we do not need liquor to be more convenient in our neighborhood. Thank you.

CHAIRMAN ANAYA: Rebuttal? Oh, wait. We have one more speaker. I'm sorry.

[Previously sworn, Mark Segal testified as follows:]

MARK SEGAL: Mark Segal, 61 Camino Vista Grande. Mr. Chairman, Commissioners, ten years ago we stood in this exact same place going over these exact same figures and although there were different attorneys and there were several different people on the Commission at the time, I'm not quite sure what Mr. Kopelman's comments were supposed to mean because I personally talked to Father Terry Brennan last week and he told me that the County Clerk has all the records of what transpired as far as all these things we've heard of tonight.

You personally said to us that you would not a move a problem liquor license to one part of the county to another just to alleviate the problem that was going on in Pojoaque and because they're closing the store doesn't mean we need to create another problem in our neighborhood.

I'll be glad to try to find the minutes because I couldn't get anybody at the County Clerk's office to dig them up for us. But the minutes of what transpired ten years ago and I'll be glad to give you all copies of what we actually said that night. There might have been a different representative of Allsup's, but we are still the same neighbors. We've all

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been there for almost 20 years and it's been made more than obvious to all of you tonight that we don't want any more trouble in our neighborhood than the people down in Arroyo Seco wanted in theirs.

And I have to ask the Allsup's people what is the hurry to hurry up and get this thing over here because suddenly Wolf Canyon closed so now they're in a hurry to put liquor in our neighborhood. There was a liquor establishment. There was a closed drive-up window where you got out of your car and went to the window like whatever they've done to all the other drive-up windows. And since Wolf Canyon managed to put itself under the ground for a while, until that establishment gets reestablished, there is a perfectly useful brew pub going on when it comes back around. I don't know that they're going to be able to sell any liquor when that place comes back.

The other thing we have a problem with, and I'm not here to point fingers because I don't know any of them, but I know for a fact when my nephew worked at Wolf Canyon that the people that we hire to watch over our criminals in both the state and the County establishments would be up there drinking on their off hours and leaving their mess. In fact, I'm sure that their mess is still there since – and they've been closed for the last four or five months. We don't want that in our neighborhood either.

Like they've said, they've had to clean up constant trash. I had a couple more things. Obviously what we've said, and these figures speak for themselves. Like I said, the County Attorney said that we need concrete proof. Well, I don't see how much more proof you need than the State Transportation figures from the county and the State Highway Department. If anything, you'll find that since the increased volume of traffic since 599 has become a four-lane open thoroughfare at 45 miles an hour, and the installation of that traffic light, there have been more accidents than there were ten years ago when there was only a stop sign and we lived in a rural area.

There is still no overhead lights. We don't want lights in our neighborhood. They have all the lights that they need as far as that's concerned. But that traffic light has not made any difference in the amount of accidents that occur. So, like I say, I don't want to rehash everything, but like I say, ten years ago, I remember exactly what you said to me: We're not going to move this liquor license from one part of the county to alleviate a problem there and incur another problem.

So what I want to know is why they just can't take the liquor license to some other Allsup's in the state. It's a state-run, regulated operation. It doesn't have to stay in this county. And it's been made more than obvious tonight that with the liquor license that the Indian Pueblos can incur on themselves that we have more than enough liquor establishments and liquor licenses in the county to take care of everybody who needs to buy alcohol. Thank you.

CHAIRMAN ANAYA: Thank you, Mr. Segal. Rebuttal?

MR. HARTLEY: Only briefly, because it seems that –

COMMISSIONER GONZALES: Mr. Chairman, we usually allow rebuttals on appeals. Is that how it works? I think that anything the individuals from Allsup's say,

we should allow for members of the community to be able to address those issues as well, is all I'm saying. If this is a case where we're allowing for rebuttal. I don't mind if we allow -

MR. HARTLEY: I don't care.

COMMISSIONER GONZALES: I'm just saying I want to make sure that the community can come back and offer whatever they say.

CHAIRMAN ANAYA: Okay, so this is rebuttal to what the community has said. Is that correct?

MR. HARTLEY: Yes, this is only in response to what was heard by the community members, and I'll limit it to that very briefly. There has been discussion by the people in the community about some agreement that was made about liquor. I wasn't there and I don't know what the agreement was and I'm not going to call anybody a liar. The only thing in a lawyer's sense that came from 1989 as far as the use of this property, is contained in the County Commissioners' approval in November of 1989 and that is the thing that Ms. – Penny, and I can't think of her last name although she's been delightful – includes the sale of liquor. And that's the document that we have to go on. The rest of this would just be you said/I said.

And I would say that there hasn't been anything presented, I don't believe that in law, I don't think there could be anything presented to this Commission which would uphold denial of this transfer.

COMMISSIONER GONZALES: Mr. Chairman, I have a question.

CHAIRMAN ANAYA: Go ahead, Commissioner Gonzales.

COMMISSIONER GONZALES: I'm sorry, what was your name, sir?

MR. HARTLEY: Ted Hartley.

COMMISSIONER GONZALES: Mr. Hartley, in reference to the property itself and its current and its current condition, I tend to agree with the residents, as I've traveled past the property as to its state of disarray. And I've had the opportunity to see lots of Allsup's properties around this state and there are some that are very well maintained. And you should be commended for that in these neighborhoods. Especially all the way on down Agua Fria Road, there's some Allsup's that are well maintained, but this one, particularly, seems, every time I've driven in to get gas there, always I can point to trash and empty beer bottles and I know it's not of your issue – the empty beer bottles aren't of your issue, but it's accumulating on your property and I think issues of management, while they're not indicative of what we do as zoning, I do believe they are indicative of the type of community that you represent, or the type of business that you want to have for that community.

I'd just like to know what you guys are going to do to address moving the liquor issue to the side for the moment, but being that we have this venue, what you're going to do to address that property, because I think that it is turning into a dump and we need to figure out how we can make it at least a nice, respectable business that Allsup's is in many other parts of the county and other parts of the state.

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MR. HARTLEY: I'm going to respect what you said, because you're right. The time that I've been up here working on this particular transfer this last week or two, and I've reacquainted myself with the other stores in this community, and that particular location. Some of the things that have been said have been accurate. We've had changes of management out there, and there needs to be an upgrade and there needs to be some more attention given to that store. I reported that to Mr. Allsup.

Sometimes those things slip through the cracks, and you're right to report it, some locations they are bad. I'll take that home with me and you're right. There are some problems out there that need to be corrected. But they don't have anything to do with –

COMMISSIONER GONZALES: So that I'm going to ask our County Land Use staff and Code Enforcement to be even more diligent on that property and to be as much a thorn in Allsup's side as we can possibly be until that property is cleaned up. And if Allsup's wants to enjoy any kind of reputation in this county for future zoning or anything, I think you need to take that into account and tell Mr. Allsup that if he's going to do business in this town that he should be, that his stores should be clean stores throughout, especially since they do serve a purpose.

I just think that I've been very disappointed with this particular property because it is noticeable and it shouldn't have to be at that level and the community shouldn't have to bear what the property has to look like. There should be common respect that's given. I guess I just expect more from you as a business in terms of how that property's taken care of.

As to the issue of the fencing of the property, and the buffering of the property, is that not been done?

MR. HARTLEY: Yes, most of that stuff that was discussed was done.

COMMISSIONER GONZALES: So there's a fence around the property? I can't recall, because I haven't been looking around there –

MR. HARTLEY: There's a fence that was built some time ago that needs to be repaired. You're exactly right. There needs to be some work done out there to clean that store up. But I'll take that message home as constructive criticism and we'll try to do better.

COMMISSIONER GONZALES: But if we go ahead and we allow or not make an issue of this license, and I've got some questions for Mr. Kopelman. What's to assure that there's actually going to be action on this?

COMMISSIONER GRIÑÉ: Commissioner Gonzales, I'd like to make a comment.

COMMISSIONER GONZALES: I guess that – as part of the condition of requirement, will you accept redoing this fence and bringing it up to standards where it needs to be and redoing the landscaping around this area to make it a more presentable property?

MR. HARTLEY: I know that you'd like to make that as a condition and I'd like to accept that as a condition. Let me say that I would rather that we do our job as we

ought to do it. If you want to make that a condition to the approval, then I'll take that, I'll take that condition if that's what you would like to do. It needs to be done anyway, is what I'm trying to tell you.

COMMISSIONER GRIÑÉ: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Griñé.

COMMISSIONER GRIÑÉ: I represent the left hand side of that district and Commissioner Gonzales represents the right hand side. And I've got to admit that of all the times that I've traveled in those areas because of my – because of the issues that have taken place over the years, and I was quite disappointed of the conditions that I used to see out there. They will all speak for themselves by the public hearing.

I would like to make a recommendation that we don't make a decision on this tonight. Whether up or down. Just to see what Allsup's can do in a matter of a month, and then we should bring this back up and see if they take us seriously enough to take care of the concerns out there.

COMMISSIONER GONZALES: What would be helpful is if you could, if the Commission tables this for a month, Mr. Hartley, if your planners can create a landscaping plan and renovation plan to clean up that property and get it into a state where it's actually respectable for that neighborhood and what that neighborhood deserves, and then take that into consideration with this issue. Because I trust you are a very good and honest individual but you're going to go back to Clovis and go to work and we're going to be left here with the property.

MR. HARTLEY: Let me just – I need to discuss something with the County Attorney just a second. There may be a legal problem in doing that.

COMMISSIONER GONZALES: Sure.

COMMISSIONER DURAN: I want to know, which is the left and which is the right hand side.

COMMISSIONER GONZALES: The one that has more beer bottles is Commissioner Griñé's.

MR. KOPELMAN: Mr. Chairman, members of the Commission, we have a concern that under state law, the state agency requires that a decision is reached within 45 days, I believe, from the date that the application is sent over to the local governing body. And I believe – Penny's doing some calculations that we're relatively close to that.

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, we received this late August, so if we waited a month, then this would not be heard within the 45 days as required.

COMMISSIONER GONZALES: Well, let me ask this, just from the issue of the legal standpoint. Again, just to reiterate, you're saying that this property already has zoning to sell liquor. So from the standpoint of the transfer, is it a mere administrative process that the state asks local governments to do, or is there more flexibility in determining whether liquor should be sold at this property or not?

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, the

neighborhood has brought up some issues that none of us have been able to find any documentation to. If we had documentation, that might alter the opinion, okay? But basically, what I'm saying is that the way the courts construe the state statutes that give local governmen: the right to review and to approve or disapprove a license, the New Mexico Supreme Court requires very specific, tangible evidence in order to deny a transfer like this when a property already has the zoning.

So basically, if the Commission is going to vote against this application, what the Commission needs to do is specifically state for the record what the basis for the decision is going to be. That is, for example, traffic issues, but again, the New Mexico Supreme Court has indicated that opinion testimony is not adequate. There needs to be something documented.

COMMISSIONER GONZALES: When is the 45 days over with?

MS. ELLIS-GREEN: Mr. Chairman, I actually don't have the date that we received it. The xerox didn't come out. Let me check on the files.

COMMISSIONER GONZALES: In the event that we don't act on it within the 45 days, then what happens?

MR. KOPELMAN: Mr. Chairman, Commissioner, I don't know definitively. I'm under the impression that at that point the state agency can automatically approve it. Again, it's possible that we may be able to communicate with them, let them know that these issues came up. They may be willing to extend the time period. That's something we could look into. I can't tell you definitively; I don't know the answer.

MS. ELLIS-GREEN: Mr. Chairman, we received the letter August 25.

CHAIRMAN ANAYA: Pretty close.

MS. ELLIS-GREEN: So we're close to the 45 days.

MR. HARTLEY: Let me suggest that in the event that the Commission were to table it - that's why I'm making an issue of this, because I want to be upfront with you. If the Commission tables this, the 45 days, I believe will run. If the 45 days run, the statute says that they'll deem it an approval. So if you want us to do some things specifically, why don't you make it a condition of your approval, even though I don't think you can do that, and let us agree to do it.

COMMISSIONER GONZALES: I guess I just don't feel comfortable enough yet with Steve, in your issue of you stating - it seems to me that we're kind of locked in here in approving the transfer because you're stating there's not documentation that supports that this was never properly zoned?

MR. KOPELMAN: Mr. Chairman, Commissioner, no. What I'm saying is the only documentation we found in the file was the zoning done in 1989, which expressly provided that liquor sales or a liquor store was part of the rezoning. So basically, the evidence that we have, the documentation we have and that we've reviewed, indicates that this property already has the zoning and are coming in for the liquor license, and again, in order to deny this, the Commission has to - there needs to be some very specific, tangible basis for it.

I'm not - this is your decision. This is the Commission's decision to make. All I'm saying is that if you do decide to deny it, you need to specify all of the specific reasons why. And again, I think that the New Mexico Supreme Court has been very, very stringent in how it approaches this. That's all I'm saying.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: With all due respect, I think we've heard enough. I'd like to make a motion, if I could.

COMMISSIONER GRIÑÉ: Go ahead.

COMMISSIONER DURAN: The motion is to approve the transfer of the liquor license with the condition that Commissioner Gonzales mentioned, which was that you were going to repair the fence, clean up the site - I'm in the middle of a motion. Thank you - clean up the site, and what else was there?

COMMISSIONER GONZALES: Well, if there's a second I'll offer -

COMMISSIONER GRIÑÉ: Second for discussion.

COMMISSIONER GONZALES: I think what needs to happen, what I'm asking for is a landscaping, a new landscaping plan to be submitted to the Land Use Department. What's a reasonable period of time? Fifteen days? To be approved by the Land Use Department which will call for the construction of a new wall and the landscaping plan for it to get those weeds that are cleared out, because there are a lot of weeds out there.

COMMISSIONER DURAN: To replace the existing wall?

COMMISSIONER GRIÑÉ: Fence.

COMMISSIONER GONZALES: To get up a clean fence in the area.

MS. ELLIS-GREEN: For clarification, is that a wall or can it be a fence?

COMMISSIONER GONZALES: Well, I think that they need to meet - I'd like to also throw in there to see if we can get the Land Use staff for them to meet with members of the community to go over that landscaping plan, so that they can offer input. So I don't know whatever the reasonable time period would be to allow for that to take place, but I think they should meet with the homeowners association to review that landscaping plan and offer input. And then make it acceptable to the Land Use Department so that it doesn't have to come back.

If the Land Use Department doesn't accept it then we've got some issues. But what if we don't approve this landscaping plan? I'm trying to figure out what recourse, or if Allsup's doesn't own up to the commitment that they're making tonight, to basically go ahead and do as the community is wishing to get the property cleaned up and to keep it cleaned.

COMMISSIONER DURAN: Well, we can go to court.

MR. DOMINGUEZ: Mr. Chairman, Commissioner Gonzales, the paperwork that Penny has presented to us, we have to notify the Gaming Department in 30 days and I believe we could probably tie this to that 30 day period, if you're asking how

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we can hold them to it.

MS. ELLIS-GREEN: Mr. Chairman, that's correct. We have 45 days to hear the public hearing and then it states that in 30 days after your public hearing you are to notify this division. So if we request that the plan comes in within 15 days, we can get that approved within the 30 days, and we can hold the approval letter that would go to the state and still meet the state's requirement of getting it to them within 30 days.

COMMISSIONER GONZALES: So if we don't accept the plan as being something that's reasonable and something that can be accomplished, would this be voided then, this approval. We make it part of the condition if we don't approve this plan that's submitted?

MR. KOPELMAN: Mr. Chairman, Commissioner, if they voluntarily enter into this agreement, I think that it gives us a stronger basis to do this.

COMMISSIONER GONZALES: You're agreeing to come in and submit this?

[Duly sworn, Russell Hailey testified as follows:]

RUSSELL HAILEY: My name is Russell Hailey. I live at 1200 Sheldon, Clovis, New Mexico. I have worked for Allsup's for 23 years and I met with this same neighborhood and remember the discussions. I agree –

COMMISSIONER GONZALES: Mr. Hailey, what are you going to do to clean up that property?

MR. HAILEY: I will tell you that I only answer to the owner of this corporation and he will have the people jumping by the time I have a conversation with him in the morning. I resist a little bit here to give a new landscaping plan because I have landscaping out there that's ten years old. We have drip systems on it to keep it done. I will not resist the attitude of let's clean up the property. Let's fix the fence and get the weeds out of the landscaping. And if there is new landscaping that needs to be put in because the old died, yes, sir, we will do that. But to make us present a new landscaping plan to do it all over again –

COMMISSIONER GONZALES: Sir, but considering the fact that if not for the fact that our attorneys are telling us that legally, we're bound to approve this transfer you'd probably have it denied, why wouldn't you –

MR. HAILEY: I've agreed to fix the landscaping as it was necessary back when we opened the store. That landscaping has grown up. If it's dead, if it needs attention, we'll take it out and we'll replace it as anybody should. We will clean up the property and we will keep it clean. We have fired three people in this district in the last 30 days for pure bad management. We have a new man in here. He is very promising for Santa Fe and you will see a difference in all of our stores in Santa Fe, New Mexico.

COMMISSIONER GONZALES: Sir, what I've told the staff, and Mr. Chairman, thanks for indulging. I'll end with this, is that I ask that a reasonable land use plan, or a reasonable landscaping plan be submitted. So we're going to be reasonable if you agree to this and what is accepted and not create a situation that you just obviously

couldn't comply with, but I think that Allsup's has an obligation to do a little bit more than what you've done or demonstrated to that community, and I'm just asking you here tonight.

I don't think it will take very much to develop a landscaping plan in consultation with the community out there as to getting that property cleaned up and submitted to the staff that's reasonable. And if we can both agree that reasonable is a pretty fair place to be where we'll all be bound to, then I think that I'll be satisfied. I'm opposed to liquor being in that area but if we're bound by law to be able to –

CHAIRMAN ANAYA: I don't agree with that, Commissioner, because there's inconsistency happening here tonight as far as the decision with Arroyo Seco's concerned. Regardless of this presentation of a use list. We need to be consistent. If we denied Arroyo Seco, we need to deny this. Because both businesses are already in operation and everything like that and to me, it would fall under that same purview, regardless of whether one's grandfathered in, the other one's been approved in in 1989. We need to show some consistency. I know there's a motion on the floor but we can always pull that.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran

COMMISSIONER DURAN: Commissioner Gonzales, would you agree that reasonable could even be whatever they had agreed to when they got approval at the beginning, depending on – we don't know what that is, but –

COMMISSIONER GONZALES: I think that the parties can determine what that is and Mr. Chairman, I think what you're stating here tonight is incorrect, that they're not two of the same cases.

CHAIRMAN ANAYA: No, I'm not incorrect. I've seen so many things happen with the –

COMMISSIONER GONZALES: The Arroyo Seco case had not been zoned for liquor use.

CHAIRMAN ANAYA: It was zoned for commercial use.

COMMISSIONER GONZALES: There are two different aspects to that point.

MR. HAILEY: May I just add something here? We will agree to work with staff on the landscaping, and we'll agree to fix the fence the way it was in the beginning, and we will clean up the area and keep it clean and if you'll make those conditions of this approval, I personally will make sure that it's taken care of as an assistant to Mr. Allsup.

COMMISSIONER DURAN: Well, my motion would include what you just said.

COMMISSIONER GRIÑÉ: Second.

MR. HAILEY: Your motion can include that and we'll do it.

COMMISSIONER DURAN: So that's my motion and the second and I

have a question.

CHAIRMAN ANAYA: Well, you people have the floor. No, there's no rebuttal, Patty. There's only one-way rebuttal and that's they can speak against the people from the floor, from what I've seen happen before and this could go on all night --

COMMISSIONER GRIÑÉ: Call for the question.

CHAIRMAN ANAYA: -- if we allow it. Yes, he did say that, but you can carry rebuttal forever.

MR. SEGURA: It's not a landscape issue.

CHAIRMAN ANAYA: Hold on, or I won't allow anybody to talk. Okay, Patty, you come forward. You be the only one to rebuttal.

MS. BURKS: There were conditions on that approval back in '89 for this Allsup's to be built. There were conditions. It was in the file. The file is open. Penny told me, when I first contacted her, she said you come on over, look through the files, see what information you need. She invited me to look through the files. So that means the files are free for everybody to go through, take what they want, whoever, and it didn't get back into the files.

People cannot find the conditional approval for Allsup's development to even place one brick or even one scoop of dirt on that property. At the very, very beginning, those conditions were created. And it's in - it's got to be in the record. If it's not in the record, we can get sworn statements from those who were in the meeting to mitigate our concerns as neighbors.

If you allow the state to pressure you guys into making a conditional approval tonight, just because of landscape issues, that is like - we didn't come here to discuss landscape issues. We came here to discuss the idea that we gave permission to Allsup's, go ahead, build your convenience store. Make your money. Sell gas. Sell groceries, but don't sell liquor. And that is written somewhere. And conveniently, we can't find it.

You cannot go forward tonight with an approval tonight. We have to get down to the bottom of this thing. And I'm speaking on oath, that these things took place. There were developers, there were representatives from Allsup's. They mitigated our concerns, we allowed them. They snuck in the liquor a year later. We had legal battles. We had court appeals. We had overturning of the court of appeals for a state judge who they got on the case.

Now tonight, we left, I left my house where I lost my father-in-law two days ago. That was pretty stressful.

CHAIRMAN ANAYA: Patty -

MS. BURKS: Wait. Let me just tell you.

CHAIRMAN ANAYA: Stay with the issue.

MS. BURKS: And I took the time out of my - I thought this was important enough for you to understand the history behind this case. You cannot just give it a conditional approval based on landscape issues. They - it's their trash, it's their management. They're not ready for liquor sales in that thing. And that is why the state

has allowed you guys to talk, to listen to us. And based on the neighborhood wanting it or not wanting it, and the character that it's going to provide, going to impact on the community, that's the important thing and that's what you guys need to decide. You can't be pressured by the state and their 45-day deadlines.

And also, Commissioner Griñé, my husband saw you on Friday and he told me –

COMMISSIONER GRIÑÉ: Let me get something straight here.

CHAIRMAN ANAYA: Hold on. You're not getting anything personal. This is nothing personal.

MS. BURKS: No, it's not personal.

COMMISSIONER GRIÑÉ: It's not personal or nothing but you know what? I met with legal and all I gave to – what's this gentleman? That you're speaking about?

MS. BURKS: My husband.

COMMISSIONER GRIÑÉ: Oh, your husband. Well, that's exactly what legal has given me. So that's all I'm doing. I'm at legal's advice in order to deliver my decision.

MS. BURKS: Well, my husband came home and told me that the Commissioners knew how they were going to vote on this issue. And the only way that as neighbors we could get it removed is after your approval, because they already had the votes and getting, filing a court suit.

COMMISSIONER GRIÑÉ: You know what? I was going to vote against it, but you're making me to vote for it.

CHAIRMAN ANAYA: Hold on.

COMMISSIONER GRIÑÉ: You're making me vote for it.

MS. BURKS: This is a serious situation –

COMMISSIONER GRIÑÉ: And I was going to vote against it.

MS. BURKS: This is a serious situation.

CHAIRMAN ANAYA: The things are going to be –

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

CHAIRMAN ANAYA: Good. Reconsideration, I was going to ask for that.

MS. BURKS: You cannot allow the state to –

CHAIRMAN ANAYA: There's a withdrawal of the –

COMMISSIONER DURAN: I move to table this matter until information –

CHAIRMAN ANAYA: I would suggest that we be consistent with Arroyo Seco and if there's court action coming from either way, let it go to that.

COMMISSIONER DURAN: Well, but the reason I'm asking to table is –

CHAIRMAN ANAYA: It's the same issue. It's neighborhood concern.

COMMISSIONER DURAN: My motion is to table, Mr. Chairman.

CHAIRMAN ANAYA: The neighbors didn't want it.

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COMMISSIONER GRIÑÉ: Second.

CHAIRMAN ANAYA: Okay, there's a motion to table and a second. All in favor signify by saying "aye." [Commissioners Duran and Griñé voted for tabling.] Opposed? [Commissioners Gonzales and Trujillo voted against.] The chair votes no. Let's put our guts on the line.

COMMISSIONER GONZALES: Mr. Chairman, I'd like to move that we deny the liquor transfer.

CHAIRMAN ANAYA: Good motion.

COMMISSIONER GONZALES: If we've got to move to court, then we move to court on this issue.

COMMISSIONER GRIÑÉ: Second.

CHAIRMAN ANAYA: There's a motion for denial, second by Commissioner Griñé. Any further discussion? All in favor signify by saying "aye." [Unanimous 4-0] Opposed? Motion carries. This is denied.

IX. B. 10. CDRC Case #Z 00-5290. Joni Conrad-Neutra and Greg Neutra Bed and Breakfast.

COMMISSIONER GRIÑÉ: Let's go back to number 10, Penny. Is the applicant here, Joni? Are you in agreement with recommendations?

[Duly sworn, Greg Neutra testified as follows:]

GREG NEUTRA: Greg Neutra. Yes.

COMMISSIONER GRIÑÉ: Is there anybody in the audience wants to speak for or against this case? Okay, what's the favor of this Board?

Commissioner Duran moved to approve CDRC Case #Z 00-5290 and Commissioner Trujillo seconded. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

IX. B. 14. CDRC Case #DP 00-5470. Cricket Communications. Cricket Communications, applicant, requests preliminary and final development plan approval for a cellular facility on the existing water tank at the National Guard Armory and a variance of Article III, Section 4.4.4c of the Land Development Code to allow for the antennas to be mounted 162 feet high and a microwave dish to be mounted at 100 feet. The property is the National Guard Armory, within Section 2, Township 15 North, Range 8 East, and Sections 34 and 35, Township 16 North, Range 8 East

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COMMISSIONER GRIÑÉ: Penny, just enter the case into the record and ask the applicant to come forward.

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, this is a request for a variance to allow six cellular antennas to be mounted 164.5 feet in height on the existing water tank of the National Guard. They will not exceed the height of the water tank.

Recommendation: The decision of the CDRC was to recommend approval of the variance .

COMMISSIONER DURAN: Mr. Chairman.

COMMISSIONER GRIÑÉ: Commissioner Duran.

COMMISSIONER DURAN: It's 160 feet high?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Duran, the water tank is a little higher than that. It will not exceed the height of the tower.

COMMISSIONER GRIÑÉ: Okay, is the applicant here?

[Duly sworn, Peter Armijo testified as follows:]

PETER ARMIJO: Peter Armijo, agent for Cricket Communications, 2825 Broadbend Parkway NE, Suite E, Albuquerque, New Mexico, 87107.

COMMISSIONER GRIÑÉ: Are you in agreement with the requirements?

MR. ARMIJO: Yes.

COMMISSIONER GRIÑÉ: Are there any questions of the applicant? Is there anybody in the audience want to speak for or against? If not, what's the wishes of the Board?

Commissioner Duran moved to approve CDRC Case #V 00-5470 and Commissioner Trujillo seconded. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

IX. B. 15. CDRC Case #DP 00-5380. US West. US West, applicant, requests preliminary and final development plan approval for a cellular facility on an existing lattice tower at 4040 Cerro Piñon Road and a variance of Article III, Section 4.4c of the Land Development Code to allow the antennas to be mounted 43 feet high. The property is owned by the Bureau of Land Management and is located at 4040 Cerro Piñon Road within Section 8, Township 19 North, Range 10 East

COMMISSIONER GRIÑÉ: Penny, enter the case into the record and bring the applicant forward.

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MS. ELLIS-GREEN: Mr. Chairman, Commissioners, again, this is a height variance request for six cellular antennas to be mounted 43 foot in height on an existing lattice tower. Again, the antennas will not exceed the tower height.

The recommendation of the CDRC was to recommend approval of this variance request.

COMMISSIONER GRIÑÉ: Okay, come forward, get sworn in.

[Duly sworn, James Service testified as follows:]

JAMES SERVICE: I'm James Service. I'm representing Qwest Wireless. My address is 400 Tijeras NW, Suite 550, Albuquerque, New Mexico.

COMMISSIONER GRIÑÉ: Okay, are you in agreement with all the recommendations by staff?

MR. SERVICE: I am, Mr. Chairman.

COMMISSIONER GRIÑÉ: Okay, thank you. Are there any questions of the applicant? Anybody in the audience wants to speak against this case, or for? If not, what's the wishes of the Board?

Commissioner Duran moved to approve CDRC Case #V 00-5380 and Commissioner Trujillo seconded. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

ADJOURNMENT

Vice Chairman Griñé declared this meeting adjourned at approximately 9:30 p.m.

Approved by:

Board of County Commissioners
Richard Anaya, Chairman

Respectfully submitted:

Karen Farrell, Commission Reporter

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ATTEST TO:
Marcella Salazar for:
REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK

COUNTY OF SANTA FE) SS
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 14 day of NOV A.D.
20 00 at 8:09 o'clock a m
and was duly recorded in book 1826
page 434 of the records of
Santa Fe County.
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.
Marcella Salazar
Deputy

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Sept. 10, 2000

Compiled Amendments & insertions to the Community College District Plan draft of September 20

including amendments approved by CDRC/EZC on October 2, 2000 and amendments proposed in response to public testimony and comments received

Page 23-24, insert the following text:

8. Employment Centers

Employment Centers are zones within the District where businesses with special needs for access, technology, storage and size can locate and support the New Community Centers by providing additional economic opportunities in close proximity for residents.

It is the intent of the District Plan that as many commercial and employment uses as possible be integrated into New Community and Neighborhood Centers. There are situations however where the size, type, and FAR of commercial uses may be inconsistent with the desired characteristics of these centers. Potential locations for Employment Centers include:

- Santa Fe County Business Center at San Cristobal.
- Areas west and east of the Community College.
- Areas along Highway 14 and 1-25 which lead into the College District.

Commercial and light industrial uses such as offices, call centers, business incubators, research, product development, light assembly and manufacturing, testing, showroom and distribution, may be provided in a concentrated, planned, multi-use environment within Employment Centers. Specialized business clusters, selected in cooperation with local government and economic development entities, will be allowed. Employment Centers are intended to provide a return to the community in taxes, jobs, wages, and sales, enhancing employment growth in the area and helping to meet the community goal of economic sustainability.

Edge Employment Centers are those centers which will serve the region as well as the District because of their location on or near the major highways and roads, in particular 1-25. Because these areas will have pressure to develop in advance of residential development, establishing the relationship and phasing of these developments with New Community Centers and Village Zones is important.

The Employment Center along the railroad spur shown on the Land Use Zoning Map between Santa Fe Community College and Santa Fe Southern Railroad is intended as a reserve for a very large employment center user. Its location and shape are based on terrain and the access to the rail line. It will also connect to the adjacent New Community Center at either end. Development of this or other large Employment Centers will require special review because of its size and potential impacts.

Employment Centers are shown on the Land Use Zoning Map to the extent that they have been identified.

The intent is that Employment Centers be developed with the following characteristics:

2. Utilize alternative storm water management practices that are non structural, with a more creative approach that is more biologically complex but that will still involve some structural components. This can include use of porous paving, strategic vegetative planting, contour grading, drainage across lawn areas, rain barrels, cisterns, vegetated swales, back yard depressions, infiltration trenches, shallow topographic depressions and reduced roadway and driveway drainage structures.
3. Base storm water management plans in the College District on the premise that storm water is most effectively controlled at or near the source using alternative management practices that utilize source controls to minimize drainage leaving the site and thereby prevent pollution pick-up by runoff.
4. Utilize local structural methods like Stormceptors and Vortech units to remove most contaminants, and lined containment ponds near storage or potential spillage areas to provide that treated runoff can be recharged into the groundwater or discharged into arroyos.

Insert the following section on page 36 and renumber the following sections:

C. DRAINAGE PLAN

As the proposed development in the Community College District progresses, the increase in storm water runoff will impact the hydrologic regime of each water shed and arroyo within the District. In order to adequately manage storm water runoff in the Community College District both quality and quantity of runoff is to be addressed. The available management options are generally called best management practices, which can be classified into two broad categories - traditional and alternative.

Traditional management practices are highly engineered structural methods that use concrete, rip rap, soil cement and other hard channel lining or piping materials. Traditional practices often result in large-sca e projects and focus on storm water management at the outfall locations. Alternative storm water management practices are often non structural, with a more creative approach that is more biologically complex and focus on storm water management at or near the source. Some structural components are still involved. This can include use of porous paving, strategic vegetative planting, contour grading, drainage across lawn areas, rain barrels, cisterns, vegetated swales, back yard depressions, infiltration trenches, shallow topographic depressions and reduced roadway and driveway drainage structures. This District Plan emphasizes alternative management practices.

Santa Fe and ultimately the College District will be required to manage water quality in surface water runoff. Under Phase II of the U.S. EPA Storm water Management Rules (Oct.29, 1999), in which Santa Fe County is identified as a designated area requiring storm water permits, storm water from construction and urbanized areas will have to be permitted for water quality control.

Drainage Plan Actions

1. Develop an information and education program on the hydrologic regime in the District and alternative surface water management practices for developers, engineers, government agencies and the general public.

2. Develop the varying levels of operations, maintenance and monitoring, and public and private cooperation required to implement alternative surface water management practices.

3. Convene a working group of land owners, local government representatives, public interest representatives and consultants in drainage engineering, hydrologic and hydraulic

modeling, landscape architecture, urban planning and engineering and communication to prepare more specific balanced environmental, social and economics objectives for storm water management in the District.

P.55, Glossary, replace definition as follows:

Balanced aquifer is a condition in which all withdrawals and discharges from the aquifer are equal to all the sources of recharge to the aquifer. This may be achieved through aquifer storage and recovery, recharge with effluent, stormwater infiltration and/or reduction of current ground water well production.

Land Use Zoning Map (inaccuracies w/Plan → req. to be allowed to work w/staff. to clean up

Institutional use (blue) on east side of Oshara property should end at property line, not extend into Santiago Subdivision.

Label the buffer to the west of the west Arroyo Hondo Existing Neighborhood.

Preliminary Circulation Map

A number of comments have been made about specific roads that are labeled for further study. Staff has recorded this information and it will be included as the final roads plan is prepared. Tmodel and field analysis as well as review of existing and potential easements or rights-of-way and continued consultation with neighborhoods remain to be completed for a final Circulation Plan. When complete the roads plan will be proposed for adoption as the final section of the Santa Fe Urban and Extraterritorial Future Roads Plan.

Other Maps:

Add a Map to the Appendix showing the La Cienega watershed in relation to the District.

La Cienega Valley Citizens for Environmental Safeguards
49 Camino Torcido Santa Fe, NM 87505 505 424-3630

1826434

Moreover, this language Establishes Density for Transfer of Developments Right's (TDR's) and could be copied into other development ordinances.

The Balancing language states in new paragraph under the title,

F. Alternative to Open Space Requirements (page 24 of 44)

The Following section of this ordinance is may only apply if it can be shown in pre-application to the master plan and in a separate public hearing that the Public, Health , Safety, and Welfare is not adversely affected by such a proposal and development issue.

I submit theses changes to be reflected in the ordinance for reflection and insertion by Santa Fe County Staff.

See pages 18, 34 and 35 of the SFCCD Plan.

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1826434

Cienega land would be placed in an open space easement and counted toward meeting one acre of the Community College District Open Space requirement. In this Case, the open space requirement would be 52%. The value ratio of La Cienega Land to the Community College District is approximately 1:4].

The Santa Fe County Land use Code Section 10.5.7 Criteria for Development Reads as follows:

B. Open Space Requirement: All development, including housing units, infrastructure, commercial. industrial and public buildings shall be limited to 40% of the parcel of the land. The remaining 60% may be used fro recreational uses and activities including, but not limited to, trail, horse stables and ball fields. The use of common areas within the developed area, such as plaza and trail connection to larger open areas are encouraged and will count toward the 60% open space requirement. Except for parking lots, the open space provided around schools can be used toward the 60% open space requirement. The location of the undeveloped 60% shall take into account the preservation of ridgetops, important viewsheds, cultural sites and environmentally sensitive areas.

This section of the ordinance should be DELETED, because it ties the hands of the La Cienega Community while they are working on their community plan.
Furthermore, this language reduces the intent of open space and gives the developers property rights arguments to increase the density to 52% -48%. All this goes against the intent of what open space stands for. The 12% increase in density contradicts one of the intentions of traditional and historic community land use plans, created to establish density reduction.

This section of the Ordinance was NOT discussed in any Community Planing meeting with the whole planning group in La Cienega.

The approval of this ordinance as it stands will show the shortsightedness of the land use planning staff and the commission.

If you do not delete this section altogether then please include some balancing language. The residents of the La Cienega Valley Area interests are not protected in this ordinance. As is stands developers, planners and their lawyers are trying to adopt language which could be copied and set precedence in future land use ordinances. This is an attempt to overcome the language in the recent case of "Los Veccinos", The Greater Callecito, or formally known as Hyde Park Vs. City Council of Santa Fe.

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3. If this was not done then what was the process in which setbacks 25' -50' from the arroyos and natural waterflows were established?
4. From the FEMA maps and Hydrological reports Arroyo Hondo has approximately twice the flow of the Arroyo Chamisos which is over 8000 cfs (100 year event).

Archeological Study

- The archeological and cultural resources of this area has not been addressed in this plan.
- Has there been a survey of the entire arroyo and the sister arroyos to determine the cultural sites and sensitive areas.
- What cultural resource protection was planned for these sites and how does one know whether the 50 ft setback would be appropriate?
- Does the planning staff and community planners know the scope of the potential area of effect in the County College area?
- Has a full EIS been done to determine these concerns?

Bob Taughtin General manager for the Development in a presentation to the La Cienega Community Planning Group said that there was only one ARMS finding in the area of the 1st phase of the entire development , but other searches were not done.

Our research has found that other sites exists which need to be recognized within this plan. Please Check LA12, LA191, LA76.

F. Alternatives to Open Space Requirements

This item is in the ordinance but it does not appear in the SFCCD Community Plan.

The Ordinance reads as follows:

F. (1.) Owners of properties that have over 50 % mapped open space in the Land Use Zoning Map, may sell open space easements to receiving Community College District property owner through legally binding contracts. Upon the receipt of such recorded, legally binding contracts, the Land Use Administrator may count land within such areas toward meeting open space requirements of the buyer. [An option is that property owners within the la Cienega District could sell Open Space easements to receiving Community College District owners at an acreage ration of 1:1. One Acre of La

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'That any water that is pumped from the Native Basin will not be returned for return flow credit (rfc) to the Rio Grande via the Buckman line for either present and future RFC.

Page 35 Water Plan Action

Para. #2 is very Vague. This section of the Community plan suggests that Developers and the County have already determined to directly inject effluent into the aquifer and apply for certain pilot projects. This plan has the opportunity to be progressive in that it should not even conceivably think that the Public and especially the people of La Cienega and La Cienguilla want to drink the Rancho Viejo Sewer Water. The only thing that would be acceptable would infiltration galleries through natural infiltration of effluent that has been polished up to 5 or less mg/L. The area of potential hydrological effects is inclusive of the all wells, springs and seeps in the La Cienega Valley Area. The use of direct injected effluent would be seen as a violation of water rights to down gradient users.

Page 35 Waste water Plan Action

Para #3...But not to consider effluent direct injection at any time because of the potential contamination of the aquifer which would result in rising and falling water levels and the continual recycling of this water has serious public health risks. One of the potential problems is that there are remediation program or even areas where the groundwater is known to be contaminated and that rising water levels will change the migrating contaminated to further cause and even more serious health risk. So much has not been determine, especially within projects in California and Arizona, that to continue to look to this "resource" as a sustainable water supply puts at risk the quality of life for future generations.
The NMED nor the SEO have the regulations in place to enforce the proper water quality safeguards on such a project.

A report hydrological comments will be submitted at the public hearing if requested by staff.

Page 18 Drainage

1. Has anyone of the developers or staff planners analyzed the hydrological cross sections to check storm water run-off and the amount of flows headed downstream during a 100 year event under the natural undeveloped and developed conditions?
2. Does anyone know what the csf is of the Arroyo Hondo?

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49 Camino Torcido Santa Fe, NM 87505 505 424-3630

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Suggested Changes to the SFCCD Plan which should be reflected in the Ordinance

[Ordinance changes will follow Oct. 6, 2000]

Page 34 Water

Insert paragraph under the heading Water

The provisions of this section are not applicable until there has been a substantial showing and a public hearing held to the County on water availability for any portion of this plan.

Paragraph 1

Changed the words... Individual wells... to say "domestic, commercial and industrial

Add Paragraph between 2&3

Each development within the SFCCD and each of the developers within the Community must submit a Masterplan Pre-application which shows a Water budget. The Water Budget must address the entire districts water budget in both beneficial and consumptive use and will not be allowed to exist on "Virtual water".

By "Virtual water" it is meant that the County will not enter into agreement with developers to sign agreement allowing the development to begin with a promise that water would be supplied by the county sometime in the future.

Para 4 Water "Take out" define this term - pumped or recovered?... with "clean water" recharge to lower beneficial & consumptive use.

Delete the Sentence "Treated wastewater used...." Restructure this sentence "Treated wastewater used only for graywater landscape and or infiltration systems."

Add to the Last sentence within this paragraph.....
by **not** directly injecting effluent of any quality into the principal sole source aquifer.

Page 34 Water Plan Water System

Fax Transmittal Cover Sheet

To: Judy Mc Gowan Paul Olafson, - County land use

From: Elaine Cimino, La Cienega Valley Citizens for Environmental Safeguards

Fax Number: 505 424 3630

Date: Fri, Oct 6, 2000 • 9:51 AM

1826434

Pages, including cover: 6

If there is difficulty with this transmission, please call: 505 424 3630

Note:
Please ignore previous fax sent on the Oct 5th. This is the updated version. thank you, Elaine Cimino

Comments from La Cienega

1826434

1. **Include maps of La Cienega watershed.**

2. **Memo from Jose Varela Lopez, La Cienega Valley Association Board Member**

1826434

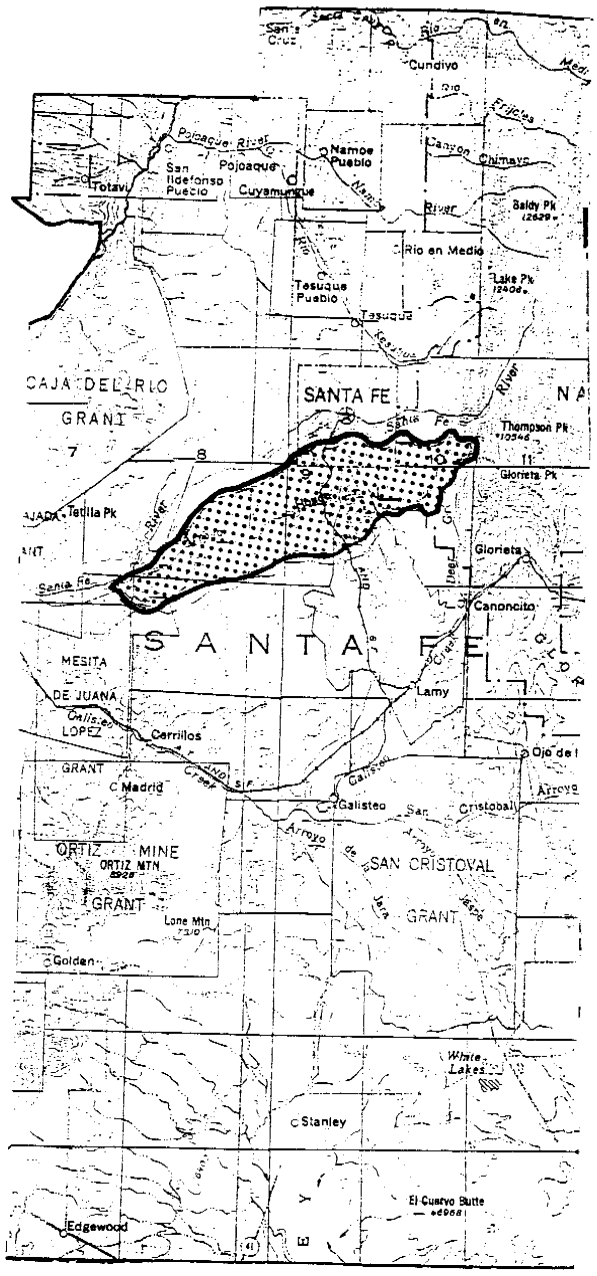


Figure 1. Location of La Cienega Watershed in Santa Fe County.

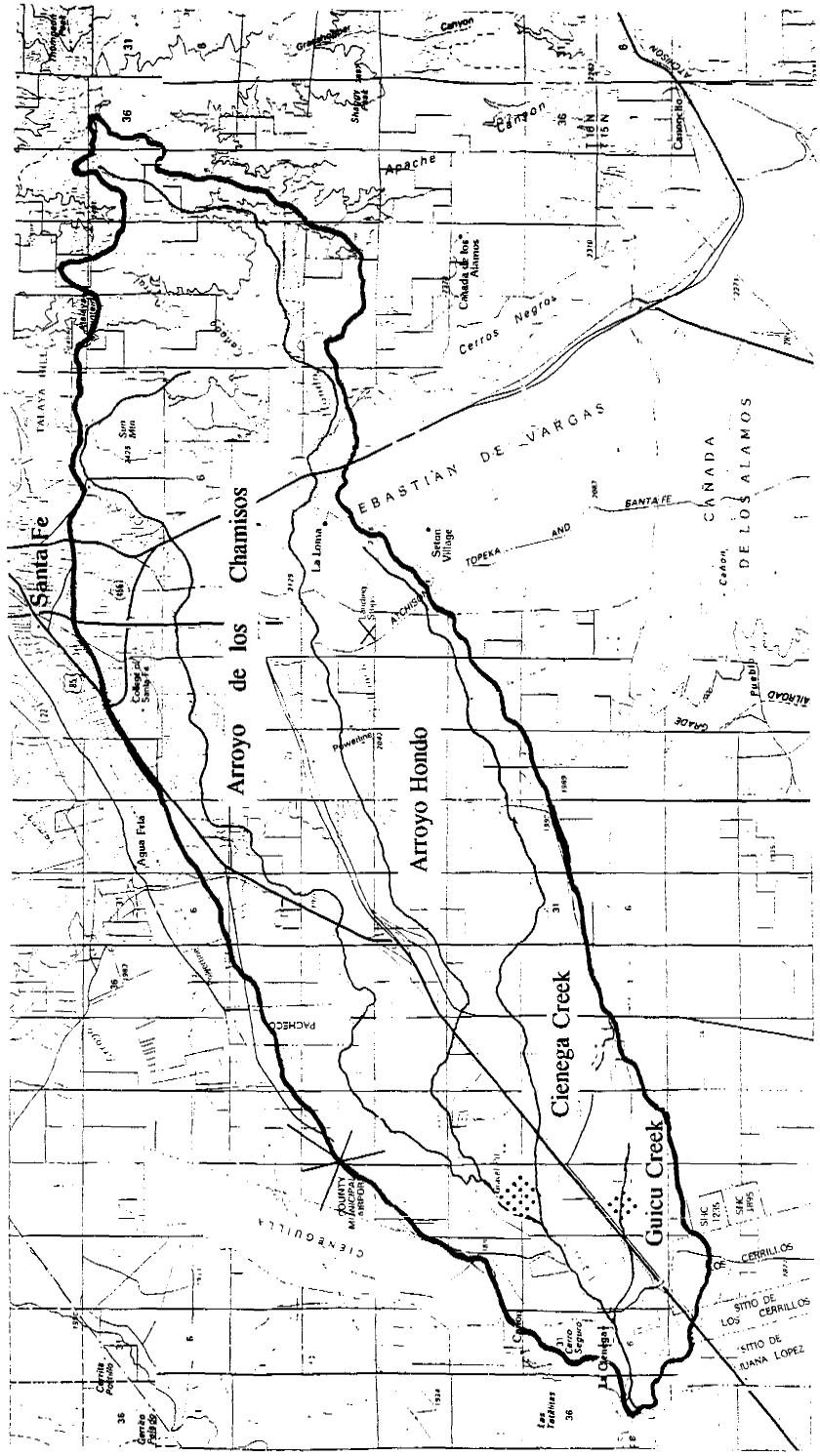


Figure 3. Ephemeral Water Courses and Springs in La Cienega Watershed.
(idealized spring areas dotted)

September 28, 2000

1826434

To: Santa Fe Community College District Planning Committee Members
From: Jose Varela Lopez, La Cienega Valley Association Board Member

It has come to my attention that the proposed ordinance language for the Community College District does not directly address the issues of aquifer depletion and aquifer recharge which are of utmost importance to the people of the La Cienega Valley. As such, I have addressed these concerns by proposing two additional regulations to the Extraterritorial Zoning Ordinance for your consideration. They are as follows:

I. All water systems within the Santa Fe Community College District will, as part of their master plan applications for development approval, submit to the County of Santa Fe a detailed Hydrologic Report stating acre feet to be used by said development at full build out; source of water rights, imported or basin, surface or groundwater, etc.. A detailed report of no detrimental impact to the aquifer will also be submitted as part of said application, and accompanied by the signature of a reputable hydrologist. If a statement of no detrimental impact cannot be proven development permits will not be issued until such time that the applicant can procure a source of water which does not affect aquifer depletion in the La Cienega Valley.

II. All Subdivisions within the Santa Fe Community College District will, as part of their development applications, submit to the County of Santa Fe a detailed plan of Storm Water Management, for the purpose of proving quantifiable aquifer recharge within the La Cienega Watershed, as it relates to their specific development plan. This recharge will be independent of any recharge due to storm water runoff associated with the numerous arroyos within the District. No development permit will be issued until said Storm Water Management Plan, with acknowledgement by a reputable hydrologist, is included as part of the Development Master Plan.

1826434

RICHARDS AVE SOUTH NEIGHBORHOOD ASSOCIATION

DEVELOPMENT POSITION STATEMENT

In light of the continued demand for new developments in the Richards Ave / Community College area, we propose that:

• Any application for zoning variance for development on land adjoining Richards Ave be approved only after collaborative meetings with this association where consensus has been met

• Residential development is most suited for lands adjoining Richards Ave from Rodeo Road to the Community College; commercial development should be minimized

• Any future community development plans maintain the tone of a country residential environment to include parks and light recreational facilities with walking, biking and horse riding trails, in keeping with the present home and family theme of churches and schools already in place and approved along Richards Ave.

• Infrastructure should always precede any developments and promised improvements should be in place before an approved development proceeds to construction

• There be no new developments approved, nor additional phases of developments started, in the Community College District until Richards Ave is improved adequately to handle the added traffic to be generated and the actual funding for these improvements in place

• Official traffic counts be taken yearly along Richards Ave to track traffic volume

• A traffic control light be installed at Governor Miles Rd and Richards Ave, at the earliest opportunity

•Richards Ave be designated a scenic boulevard as entrance to the Community College District with minimums of 300-foot frontage setbacks from the edge of a four-lane arterial to maximize and preserve the view corridors of this road

• Richards Ave be upgraded to include shoulders, bicycle lanes, and turning lanes for the safety of all that use it; this should be completed before any other considerations for development are made

• The planned interchange at I-25 and Richards Ave be modeled after that at Old Pecos Trail, be non-commercial and retain the natural beauty of the area as Gateway Entrances to the City of Santa Fe and the Community College District

Jane Petchesky	Jim Klemmer	Pat Baca
Chairman	Vice Chairman	Secretary

RICHARDS AVE SOUTH NEIGHBORHOOD ASSOCIATION

October 2, 2000

1826434

Re: OHARAR/TAURUS PLAN

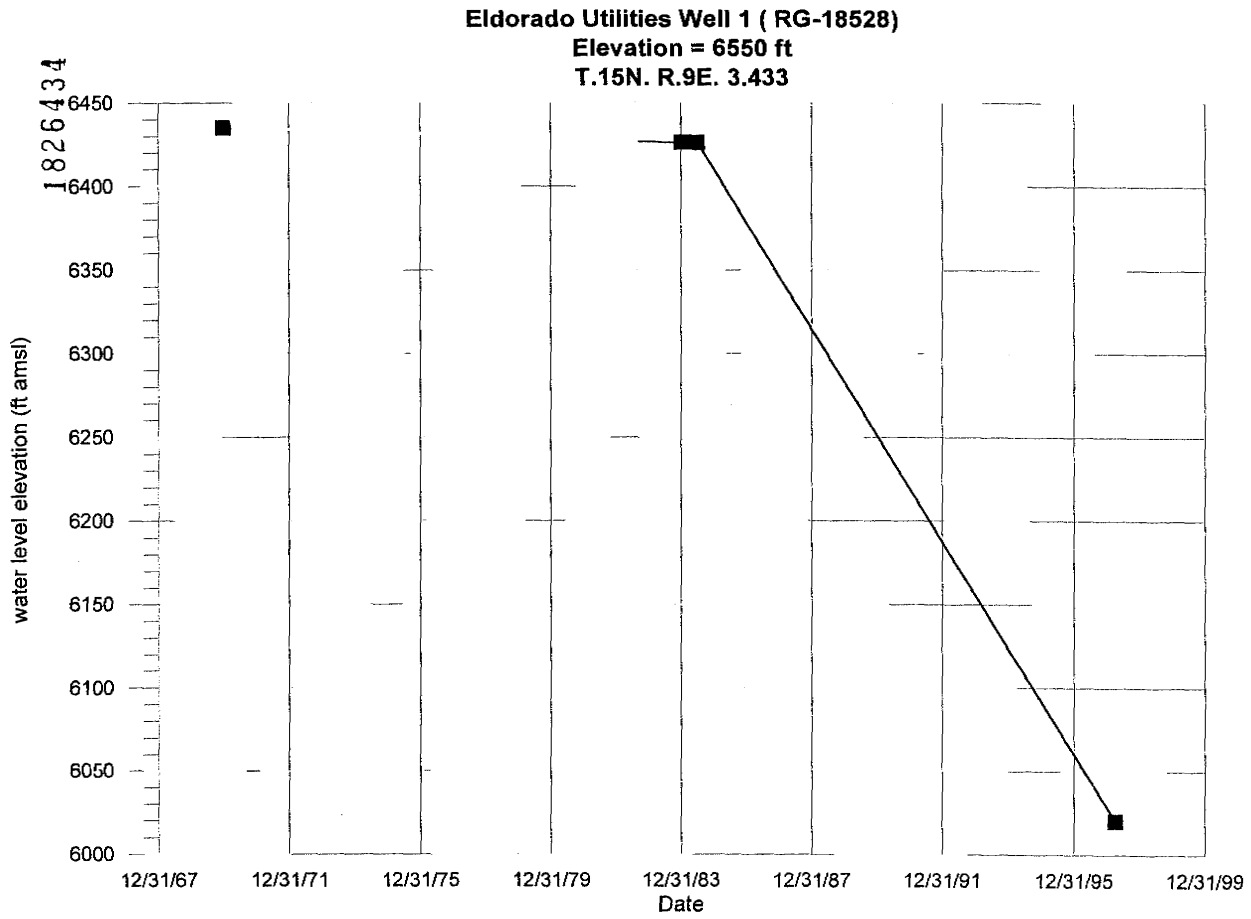
500 acres total
100 acre "employment center", commercial zoning, few restrictions
mixed use village center, 25% residential requirement
mixed use neighborhood centers, 25% residential requirement

Of 250 acres of developable land, 150 acres is slated for commercial development

This plan - adds a potential of 3000-4000 trips per day to Richards Ave
-delays mixed use development further into the district where residential bldg is taking place
-adds the potential of unsightly commercial development along the Highway Corridor
-adds commercial at the proposed interchage of I-25 & Richards Ave

This plan has many problems: it is too dense, especially in commercial development; is too tall, as the district plan applies; generate large amounts of traffic along Richards Ave; has the potential to be an eyesore and a sprawling mess.

We recommend that Richards Ave be designated a scenic highway as a gateway entrance to the Community College District
The area of an "employment center" be removed from the plan
The residential segments of the plan be allowed to proceed once Richards Ave has been upgraded
The commercial mixed use aspects of the plan be reviewed for development only after Richards Ave has become a four lane arterial
The proposed interchange be classified non-commercial and modeled after the interchange at Old Pecos Trail
The design standards of a Scenic Corridor of the Highway Corridor Plan supercede the Community College District Plan for properties adjoining I-25


Eldorado Utilities Well 1 (RG-18528)
Elevation = 6550 ft
T.15N. R.9E. 3.433
1826434
water level elevation (ft amsl)
6450
6400
6350
6300
6250
6200
6150
6100
6050
6000
12/31/67
12/31/71
12/31/75
12/31/79
12/31/83
12/31/87
12/31/91
12/31/95
12/31/99
Date

Marcos P. Trujillo
Commissioner, District 1

Paul Duran
Commissioner, District 2

Javier M. Gonzales
Commissioner, District 3

Richard D. Anaya
Commissioner, District 4

Joe S. Griñé, Jr.
Commissioner, District 5

Samuel O. Montoya
County Manager

1826434

MEMORANDUM

TO: **Board of Santa Fe County Commissioners**

FROM: **Katherine Yuhas, County Hydrologist** KY

DATE: **October 10, 2000**

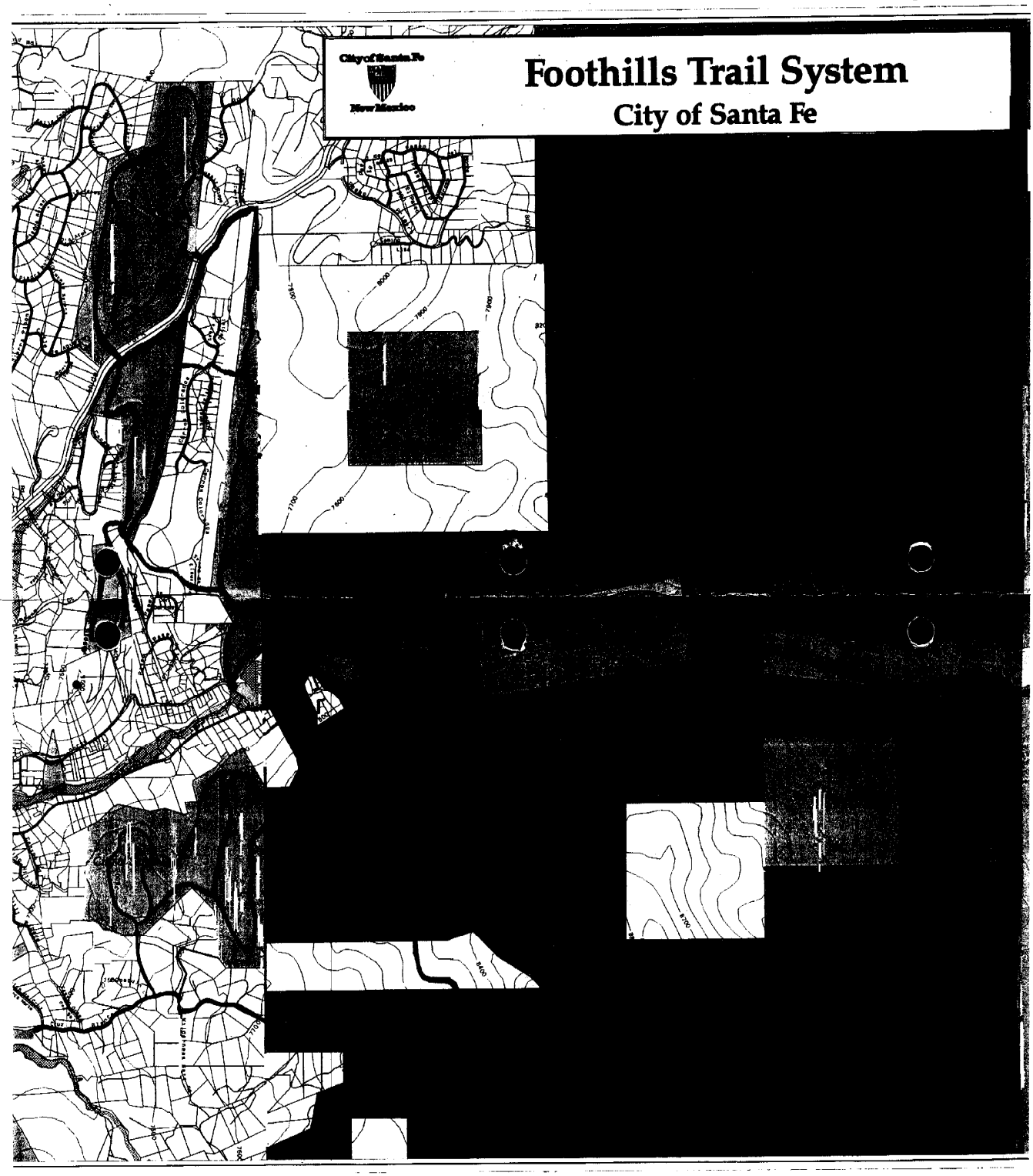
RE: **Update on Ordinance No. 2000-02, "An Ordinance Amending and Replacing Ordinance 1999-4 and Declaring a Moratorium on New Subdivisions, Land Divisions and Master Plans for Projects Served by El Dorado Utilities, Inc. and Encouraging Conservation Measures within the El Dorado Utilities, Inc. Service Area."**

A provision of Ordinance 2000-02 is that County staff provide an update on conditions at El Dorado Utilities, Inc. (EDU) 180 days after the Ordinance was passed. The ordinance will not need to be amended and replaced until March 2001.

Conditions have not changed significantly since Ordinance 2000-02 was adopted on March 15, 2000.

- No new information has been provided to the County regarding water availability or water rights by EDU.
- John Shomaker and Associates, Inc. are preparing a comprehensive, watershed wide hydrologic study in the Eldorado area, but it has not yet been finalized. A few of the graphs of water levels in EDU supply wells from the Shomaker and Associates, Inc. report have been provided to you with this memo.
- From March through July of 2000 an additional 33 connections (32 residential and one public) have been made to EDU. This is approximately 8.25 connections per month which is less than the 1999 average of 10.58 connections per month.
- From January through July of 1999, EDU used 82,690,300 gallons of water. From January through July of 2000, EDU used 94,472,700 gallons of water. This is 11,782,400 more gallons of water this year.
- At the November 14, 2000 Board of County Commissioners meeting, a proposed amendment to Ordinance 2000-02 will be heard which requests changes to the moratorium in order to allow commercial development using EDU to proceed.

1826434


City of Santa Fe
New Mexico
Foothills Trail System
City of Santa Fe

Marcos P. Trujillo
Commissioner, District 1

Paul Duran
Commissioner, District 2

Javier M. Gonzales
Commissioner, District 3

Richard D. Anaya
Commissioner, District 4

Joe S. Griñé, Jr.
Commissioner, District 5

Samuel O. Montoya
County Manager

MEMORANDUM

TO: **Vicki Lucero, Development Review Specialist II**

1826434

FROM: **Katherine Yuhas, County Hydrologist** KY

DATE: **October 10, 2000**

RE: **EZ CASE # S 00-4281 Roybal Subdivision**

I have reviewed the hydrogeological report submitted by Dennis Cooper for a well located on the Roybal Subdivision property.

The information presented demonstrates that Mr. Roybal has more than adequate water to meet his request for a seven-lot subdivision with .31 acre-feet of water per year for each lot.

A water quality report was not yet available for his well, but based on the water quality test data submitted from a nearby well, I anticipate that water quality will be acceptable for the subdivision.

I recommend approval of the plan with the following conditions:

1) Each lot is restricted to .31 acre-feet of water per year. This will be noted on the plat.

2) Each lot must install a water meter and report meter readings to the County Hydrologist annually.

3) Once the water quality report is available it must be submitted to the County Hydrologist for review. Any deficiencies in water quality must be noted on the plat.

102 Grant Avenue • P.O. Box 276 • Santa Fe, New Mexico 87504-0276 • 505-986-6225 • FAX: 505-986-6389

Marcos P. Trujillo
Commissioner, District 1

Paul Duran
Commissioner, District 2

Javier M. Gonzales
Commissioner, District 3

Richard D. Anaya
Commissioner, District 4

Joe S. Griñé, Jr.
Commissioner, District 5

Samuel O. Montoya
County Manager

MEMORANDUM 1826434

To: Santa Fe County Board of Commissioners

From: Samuel O. Montoya, County Manager

Subject: Jail RFP Timeline

Date: 10-4-2000

By means of this correspondence, I am forwarding to you a proposed timeline for various detention issues which the County of Santa Fe is proposing to RFP. The intent of the information provided to you is to seek your input and your concurrence on the methodology and timeframes proposed to accomplish completion of the RFP process.

Methodology:

The RFP document is drafted to provide a new feature, which in simple terms will allow the county the option of granting three separate contracts, if desired, or the option of granting one contractor all contracts in area of Adult Facility Management, Juvenile Facility Management and Electronic Monitoring services. The current RFP presents each separate management component as a free standing segment of the entire RFP, and allows a qualified company to propose on all or some of the respective components based on their respective abilities and capabilities.

Timelines:

- RFP to potential vendors: No later than end of business, Monday, October 16th, 2000
- Pre-Bid Conf. (Includes tours of facilities): Wednesday, November 1st, 2000
- Return of RFP Proposals to SF Co.: No later than end of business, Friday, December 15th, 2000
- Review of Proposals by Review Committee: No later than Friday, January 19th, 2001
- Negotiations of Best and Final Proposal: January 22nd through February 28, 2001
- Recommendation to the BCC: No later than March 27th, 2001

Evaluation Committee:

Members of the Evaluation Committee will review and rate the Request for Proposals.

Sheriff Sisneros, Chair
Chief Judge
Legal Department Representative
Finance Department Representative
County Manager's Office Representative
City of Santa Fe Representative

Negotiating Team Recommendations:

Negotiating Team members will be asked to negotiate with the number one vendor to determine and draft the detail which will go into the binding legal document for the respective service. As mentioned earlier, there could be as many as three different contracts prepared for execution.

Sheriff Sisneros, Chair
Legal Department Representative
County Managers Office Representative
Finance Department Representative.

Please feel free to comment on any of the proposed methodologies, timelines and memberships to the respective committees. Thank you for your participation.

working hard to make sure existing lots are excluded from the well restrictions. The ordinance might be able to provide opting out in certain limited circumstances. To allow that to help with the bulk of the large parcels would take away the incentive for planning. She said if 2.5-acre parcels are allowed, the plan is lost. She said she understood the need for a fall-back position and hoped Mr. Sommer would help draft some language to take care of that. Commissioner Gonzales voiced his approval of that suggestion.

Commissioner Van Peski said she could envision Mr. Sommer appearing before the Commission, arguing his client should not be denied his rights to develop.

Chair Long noted the road issue was a sensitive one and asked that the statement, "Residents will have the opportunity to extensively review and comment on routes" should be strengthened by adding "and provide input as to whether any route should be developed or not."

CDRC ACTION

Member Anaya thanked staff for their work and the public for their comments. He asked how the public comments were to be incorporated. Commissioner Medrano suggested that the plan be forwarded as written, with staff's recommendation regarding the evening's testimony.

Member Pi nock moved that the CDRC recommend approval to the Board of County Commissioners for the resolution adopting the Santa Fe County Community College District Plan, and amending the Santa Fe County Growth Management Plan to incorporate it with staff's amendments. Member Anaya seconded and the motion passed by unanimous voice vote.

EZC ACTION

Commissioner Medrano moved that the EZC recommend to the Extraterritorial Zoning Authority an ordinance adopting the Santa Fe Community College District and amending the Santa Fe Comprehensive Extraterritorial Plan to incorporate it, together with staff recommendations on the public testimony. Commissioner Mier seconded. The motion passed by unanimous voice vote.

Ms. McGowan asked for clarification on the attached amendments [Exhibit ???]. Commissioner Medrano said his motion included those amendments as well as staff's comments on the public input including the suggested amendments of Mr. Sommer. The second agreed.

ADJOURNMENT

DRAFT

Sept. 10, 2000

Compiled Amendments & insertions to the Community College District Plan draft of September 20

including amendments approved by CDRC/EZC on October 2, 2000 and amendments proposed in response to public testimony and comments received

Page 23-24. insert the following text: 1826434

8. Employment Centers

Employment Centers are zones within the District where businesses with special needs for access, technology, storage and size can locate and support the New Community Centers by providing additional economic opportunities in close proximity for residents.

It is the intent of the District Plan that as many commercial and employment uses as possible be integrated into New Community and Neighborhood Centers. There are situations however where the size, type, and FAR of commercial uses may be inconsistent with the desired characteristics of these centers. Potential locations for Employment Centers include:

- Santa Fe County Business Center at San Cristobal.
- Areas west and east of the Community College.
- Areas along Highway 14 and 1-25 which lead into the College District.

Commercial and light industrial uses such as offices, call centers, business incubators, research, product development, light assembly and manufacturing, testing, showroom and distribution, may be provided in a concentrated, planned, multi-use environment within Employment Centers. Specialized business clusters, selected in cooperation with local government and economic development entities, will be allowed. Employment Centers are intended to provide a return to the community in taxes, jobs, wages, and sales, enhancing employment growth in the area and helping to meet the community goal of economic sustainability.

Edge Employment Centers are those centers which will serve the region as well as the District because of their location on or near the major highways and roads, in particular 1-25. Because these areas will have pressure to develop in advance of residential development, establishing the relationship and phasing of these developments with New Community Centers and Village Zones is important.

The Employment Center along the railroad spur shown on the Land Use Zoning Map between Santa Fe Community College and Santa Fe Southern Railroad is intended as a reserve for a very large employment center user. Its location and shape are based on terrain and the access to the rail line. It will also connect to the adjacent New Community Center at either end. Development of this or other large Employment Centers will require special review because of its size and potential impacts.

Employment Centers are shown on the Land Use Zoning Map to the extent that they have been identified.

The intent is that Employment Centers be developed with the following characteristics:

1) Like other areas of the District, Employment Centers are to be mixed use and include commercial uses and services such as recreational amenities, parks, trails, retail and restaurants so employees can walk to lunch, recreation, and services.

2) Residential may or may not be included in Employment Centers depending on the characteristics of individual centers, though Employment Centers are to have a wide range of nearby housing opportunities allowing access by walking or bicycle or a short vehicular journey. For planning purposes a two mile radius is considered to be walking and biking distance from an Employment Center. To assure a balance of jobs to residents, the District Ordinance will have mixed use phasing requirements.

3) Employment Centers should serve the District and Greater Santa Fe community, and be connected by public transit, trails, walkways and small roads.

4) Employment Centers should be a focal point for multi-modal transportation facilities for goods, services and people.

5) Walkway systems within Employment Centers should connect all areas of the center to each other and the District.

6) Employment Centers may be included within or as extensions of New Community Centers or should be within a one half mile radius of New Community Centers. ~~or one half mile radius of a Neighborhood Center.~~ Employment Centers should be developed concurrently with or after their adjacent New Community Center.

7) Buildings within the Employment Centers shall be oriented to the street, and keep the parking and storage areas to the rear of the buildings, to maintain the mixed use intent on the Plan and to create active urban street spaces reminiscent of town plazas or traditional main streets.

8) Where the physical relationship allows, feature buildings should provide focal points that visua ly connect Employment Centers to adjacent centers and neighborhoods and provide the value of their architectural image to the District. Standards for mass and scale of buildings will be developed.

9) Employment center facilities may be the result of joint action and investment by public agencies and developers to ensure that local services and infrastructure meet anticipated demand, for example, wideband communications.

10) Training programs may be provided by the Employment centers in coordination with local governments and educational and other institutions and agencies.

11) The maximum FAR is 3.0; the minimum size is 5 acres with a maximum size of ~~360~~ 100 acres.

Page 25, bottom:

2) Allow development of rural home sites and ~~agricultural~~ accessory structures ~~where they support the continuation of working ranches.~~ for ranch uses on large lots of not less than 500 acres, developed on domestic and agricultural wells.

Page 27, Open Space Elements:

3) Important Cultural Resources Areas are to be protected within the District because of the role they play in maintaining the record and evidence of human history within the District. Most of the District is shown as having high or moderate archaeological potential on the County Archaeological Districts Map. Archaeological surveys and reports will continue to be submitted by developers.

Page 30, paragraph 5:

There are two barriers to creating a transportation network in the District. First, connections across I-25 are limited because of the expense of building an over or underpass. The extension of Camino Carlos Rey has been eliminated by the County of Santa Fe and the State Highway Department, due to potential drainage problems, the presence of a sensitive archaeological site, and an existing neighborhood. Three other potential crossings at I-25 have been identified on the plan: at Yucca, a connection to Governor Miles between Cerrillos and Richards, and a connection east of Richards to Old Agua Fria Road and St. Francis. But at least two of these potential connections – at Yucca and between Cerrillos and Richards - will require further study for engineering and neighborhood impacts. Second, north-south connectivity is complicated by a series of wide and/or deep east-west arroyos. The network minimizes the number of arroyo crossings to preserve open space contiguity and minimize costs to future developers, however, this means that some north-south road connections (such as Richards Avenue) may bear a slightly disproportionate amount of traffic.

Page 34, paragraph 1:

The District will be supplied by imported water and by groundwater in order to provide a diversified, and thus more dependable, long range supply. The Plan limits development on ~~individual~~ domestic, commercial and industrial wells in order to protect the quality of the aquifer and its use for storage and recharge for the future.

Page 34, paragraph 3 & 4:

The County benchmark will continue to be 100 year water availability, with a goal of long term sustainability. Article III, Section 11 of the County Land Use Code allows developments which import water to have density determined by meeting criteria for traffic generation, energy consumption, provision of public facilities and services and compatibility with adjoining residences. Developments in the District will meet these criteria based on the principles of this Plan. Developments will continue to provide water budgets which will address water use and availability and demonstrate use of techniques to lower consumption.

Balancing water taken out of the aquifer with recharge to lower (minimize) consumptive use of water from all sources is integral to sustainability. Strategies to lower consumption include: enforcing the County's line extension and water allocation policies, to be adjusted for actual use as conservation improves; capture and use of gray water and rain water for irrigation; and use of catchments and infiltration basins for run-off from impervious surfaces to irrigate and to protect habitat and prevent erosion.

Page 35, bottom:

3) Work with NMED to develop water quality regulations for recharge and aquifer injection wells.

Insert a new section C at the top of page 12 and renumber the remaining sections:

c. Drainage

1. Manage storm water runoff in a manner that minimizes flooding, erosion, non-point source pollutant loading, changes in water runoff water temperature, reduced infiltration and ground water recharge and the associated impact on the environment.

2. Utilize alternative storm water management practices that are non structural, with a more creative approach that is more biologically complex but that will still involve some structural components. This can include use of porous paving, strategic vegetative planting, contour grading, drainage across lawn areas, rain barrels, cisterns, vegetated swales, back yard depressions, infiltration trenches, shallow topographic depressions and reduced roadway and driveway drainage structures.
3. Base storm water management plans in the College District on the premise that storm water is most effectively controlled at or near the source using alternative management practices that utilize source controls to minimize drainage leaving the site and thereby prevent pollution pick-up by runoff.
4. Utilize local structural methods like Stormceptors and Vortech units to remove most contaminants, and lined containment ponds near storage or potential spillage areas to provide that treated runoff can be recharged into the groundwater or discharged into arroyos.

Insert the following section on page 36 and renumber the following sections: 1826434

C. DRAINAGE PLAN

As the proposed development in the Community College District progresses, the increase in storm water runoff will impact the hydrologic regime of each water shed and arroyo within the District. In order to adequately manage storm water runoff in the Community College District both quality and quantity of runoff is to be addressed. The available management options are generally called best management practices, which can be classified into two broad categories - traditional and alternative.

Traditional management practices are highly engineered structural methods that use concrete, rip rap, soil cement and other hard channel lining or piping materials. Traditional practices often result in large-scale projects and focus on storm water management at the outfall locations. Alternative storm water management practices are often non structural, with a more creative approach that is more biologically complex and focus on storm water management at or near the source. Some structural components are still involved. This can include use of porous paving, strategic vegetative planting, contour grading, drainage across lawn areas, rain barrels, cisterns, vegetated swales, back yard depressions, infiltration trenches, shallow topographic depressions and reduced roadway and driveway drainage structures. This District Plan emphasizes alternative management practices.

Santa Fe and ultimately the College District will be required to manage water quality in surface water runoff. Under Phase II of the U.S. EPA Storm water Management Rules (Oct.29, 1999), in which Santa Fe County is identified as a designated area requiring storm water permits, storm water from construction and urbanized areas will have to be permitted for water quality control.

Drainage Plan Actions

1. Develop an information and education program on the hydrologic regime in the District and alternative surface water management practices for developers, engineers, government agencies and the general public.

2. Develop the varying levels of operations, maintenance and monitoring, and public and private cooperation required to implement alternative surface water management practices.

3. Convene a working group of land owners, local government representatives, public interest representatives and consultants in drainage engineering, hydrologic and hydraulic

modeling, landscape architecture, urban planning and engineering and communication to prepare more specific balanced environmental, social and economics objectives for storm water management in the District.

P.55, Glossary, replace definition as follows:

Balanced aquifer is a condition in which all withdrawals and discharges from the aquifer are equal to all the sources of recharge to the aquifer. This may be achieved through aquifer storage and recovery, recharge with effluent, stormwater infiltration and/or reduction of current ground water well production.

Land Use Zoning Map

Institutional use (blue) on east side of Oshara property should end at property line, not extend into Santiago Subdivision.

Label the buffer to the west of the west Arroyo Hondo Existing Neighborhood.

Preliminary Circulation Map

A number of comments have been made about specific roads that are labeled for further study. Staff has recorded this information and it will be included as the final roads plan is prepared. Tmodel and field analysis as well as review of existing and potential easements or rights-of-way and continued consultation with neighborhoods remain to be completed for a final Circulation Plan. When complete the roads plan will be proposed for adoption as the final section of the Santa Fe Urban and Extraterritorial Future Roads Plan.

Other Maps:

Add a Map to the Appendix showing the La Cienega watershed in relation to the District.

Comments from La Cienega

1. Include maps of La Cienega watershed.

2. Memo from Jose Varela Lopez, La Cienega Valley Association Board Member

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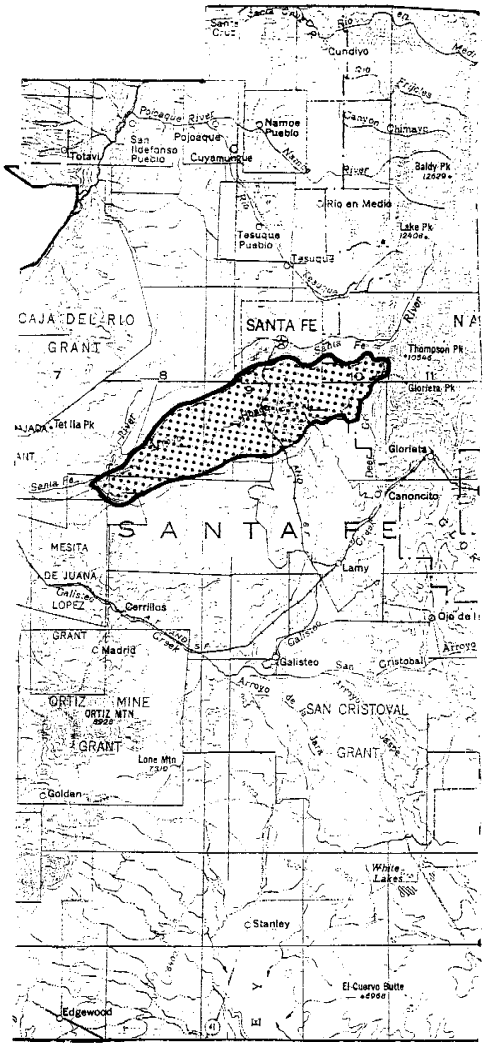


Figure 1. Location of La Cienega Watershed in Santa Fe County.

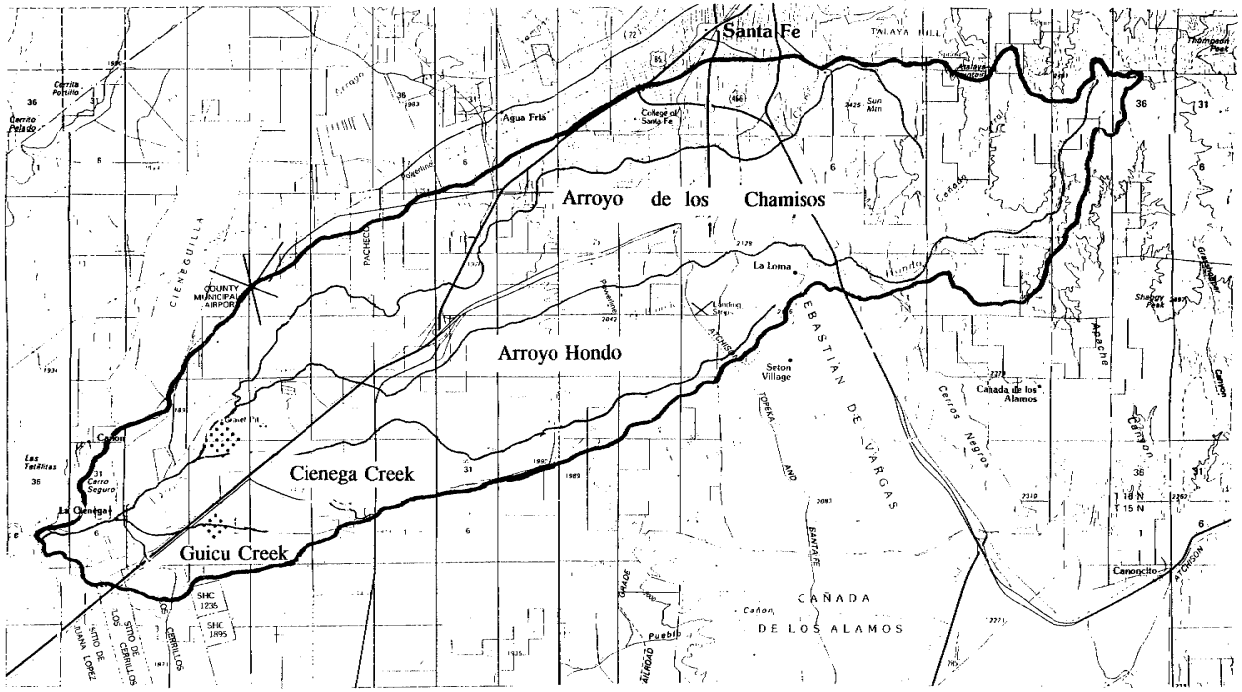


Figure 3. Ephemeral Water Courses and Springs in La Cienega Watershed.
(idealized spring areas dotted)

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September 28, 2000

To: Santa Fe Community College District Planning Committee Members
From: Jose Varela Lopez, La Cienega Valley Association Board Member

It has come to my attention that the proposed ordinance language for the Community College District does not directly address the issues of aquifer depletion and aquifer recharge which are of utmost importance to the people of the La Cienega Valley. As such, I have addressed these concerns by proposing two additional regulations to the Extraterritorial Zoning Ordinance for your consideration. They are as follows:

I. All water systems within the Santa Fe Community College District will, as part of their master plan applications for development approval, submit to the County of Santa Fe a detailed Hydrologic Report stating acre feet to be used by said development at full build out; source of water rights, imported or basin, surface or groundwater, etc.. A detailed report of no detrimental impact to the aquifer will also be submitted as part of said application, and accompanied by the signature of a reputable hydrologist. If a statement of no detrimental impact cannot be proven development permits will not be issued until such time that the applicant can procure a source of water which does not affect aquifer depletion in the La Cienega Valley.

II. All Subdivisions within the Santa Fe Community College District will, as part of their development applications, submit to the County of Santa Fe a detailed plan of Storm Water Management, for the purpose of proving quantifiable aquifer recharge within the La Cienega Watershed, as it relates to their specific development plan. This recharge will be independent of any recharge due to storm water runoff associated with the numerous arroyos within the District. No development permit will be issued until said Storm Water Management Plan, with acknowledgement by a reputable hydrologist, is included as part of the Development Master Plan.

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RICHARDS AVE SOUTH NEIGHBORHOOD ASSOCIATION

DEVELOPMENT POSITION STATEMENT

In light of the continued demand for new developments in the Richards Ave / Community College area, we propose that:

• Any application for zoning variance for development on land adjoining Richards Ave be approved only after collaborative meetings with this association where consensus has been met

• Residential development is most suited for lands adjoining Richards Ave from Rodeo Road to the Community College; commercial development should be minimized

• Any future community development plans maintain the tone of a country residential environment to include parks and light recreational facilities with walking, biking and horse riding trails, in keeping with the present home and family theme of churches and schools already in place and approved along Richards Ave.

• Infrastructure should always precede any developments and promised improvements should be in place before an approved development proceeds to construction

• There be no new developments approved, nor additional phases of developments started, in the Community College District until Richards Ave is improved adequately to handle the added traffic to be generated and the actual funding for these improvements in place

• Official traffic counts be taken yearly along Richards Ave to track traffic volume

• A traffic control light be installed at Governor Miles Rd and Richards Ave, at the earliest opportunity

•Richards Ave be designated a scenic boulevard as entrance to the Community College District with minimums of 300-foot frontage setbacks from the edge of a four-lane arterial to maximize and preserve the view corridors of this road

• Richards Ave be upgraded to include shoulders, bicycle lanes, and turning lanes for the safety of all that use it; this should be completed before any other considerations for development are made

• The planned interchange at I-25 and Richards Ave be modeled after that at Old Pecos Trail, be non-commercial and retain the natural beauty of the area as Gateway Entrances to the City of Santa Fe and the Community College District

Jane Petchesky	Jim Klemmer	Pat Baca
Chairman	Vice Chairman	Secretary

RICHARDS AVE SOUTH NEIGHBORHOOD ASSOCIATION

October 2, 2000

Re: OHARAR/TAURUS PLAN

1826434

500 acres total
100 acre "employment center", commercial zoning, few restrictions
mixed use village center, 25% residential requirement
mixed use neighborhood centers, 25% residential requirement

Of 250 acres of developable land, 150 acres is slated for commercial development

This plan - adds a potential of 3000-4000 trips per day to Richards Ave
-delays mixed use development further into the district where residential bldg is taking place
-adds the potential of unsightly commercial development along the Highway Corridor
-adds commercial at the proposed interchage of I-25 & Richards Ave

This plan has many problems: it is too dense, especially in commercial development; is too tall, as the district plan applies; generate large amounts of traffic along Richards Ave; has the potential to be an eyesore and a sprawling mess.

We recommend that Richards Ave be designated a scenic highway as a gateway entrance to the Community College District
The area of an "employment center" be removed from the plan
The residential segments of the plan be allowed to proceed once Richards Ave has been upgraded
The commercial mixed use aspects of the plan be reviewed for development only after Richards Ave has become a four lane arterial
The proposed interchange be classified non-commercial and modeled after the interchange at Old Pecos Trail
The design standards of a Scenic Corridor of the Highway Corridor Plan supercede the Community College District Plan for properties adjoining I-25

Fax Transmittal Cover Sheet

1826434

To: Judy Mc Gowan Paul Olafson, - County land use

From: Elaine Cimino, La Cienega Valley Citizens for Environmental Safeguards

Fax Number: 505 424 3630

Date: Fri, Oct 6, 2000 • 9:51 AM

Pages, including cover: 6

If there is difficulty with this transmission, please call: 505 424 3630

Note:
Please ignore previous fax sent on the Oct 5th. This is the updated version. thank you, Elaine Cimino

La Cienega Valley Citizens for Environmental Safeguards
49 Camino Torcido Santa Fe, NM 87505 505 424-3630

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Suggested Changes to the SFCCD Plan which should be reflected in the Ordinance

[Ordinance changes will follow Oct. 6, 2000]

Page 34 Water

Insert paragraph under the heading Water

The provisions of this section are not applicable until there has been a substantial showing and a public hearing held to the County on water availability for any portion of this plan.

Paragraph 1

Changed the words... Individual wells... to say "domestic, commercial and industrial

Add Paragraph between 2&3

Each development within the SFCCD and each of the developers within the Community must submit a Masterplan Pre-application which shows a Water budget. The Water Budget must address the entire districts water budget in both beneficial and consumptive use and will not be allowed to exist on "Virtual water".

By "Virtual water" it is meant that the County will not enter into agreement with developers to sign agreement allowing the development to begin with a promise that water would be supplied by the county sometime in the future.

Para 4 Water "Take out" define this term - pumped or recovered?... with "clean water" recharge to lower beneficial & consumptive use.

Delete the Sentence "Treated wastewater used...." Restructure this sentence 'Treated wastewater used only for graywater landscape and or infiltration systems."

Add to the Last sentence within this paragraph.....
by **not** directly injecting effluent of any quality into the principal sole source aquifer.

Page 34 Water Plan Water System
Prepared and submitted by Elaine Cimino

La Cienega Valley Citizens for Environmental Safeguards
49 Camino Torcido Santa Fe, NM 87505 505 424-3630

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'That any water that is pumped from the Native Basin will not be returned for return flow credit (rfc) to the Rio Grande via the Buckman line for either present and future RFC.

Page 35 Water Plan Action

Para. #2 is very Vague. This section of the Community plan suggests that Developers and the County have already determined to directly inject effluent into the aquifer and apply for certain pilot projects. This plan has the opportunity to be progressive in that it should not even conceivably think that the Public and especially the people of La Cienega and La Cienguilla want to drink the Rancho Viejo Sewer Water. The only thing that would be acceptable would infiltration galleries through natural infiltration of effluent that has been polished up to 5 or less mg/L. The area of potential hydrological effect is inclusive of the all wells, springs and seeps in the La Cienega Valley Area. The use of direct injected effluent would be seen as a violation of water rights to down gradient users.

Page 25 Waste water Plan Action

Para #3...But not to consider effluent direct injection at any time because of the potential contamination of the aquifer which would result in rising and falling water levels and the continual recycling of this water has serious public health risks. One of the potential problems is that there are remediation program or even areas where the groundwater is known to be contaminated and that rising water levels will change the migrating contaminated to further cause and even more serious health risk. So much has not been determine, especially within projects in California and Arizona, that to continue to look to this "resource" as a sustainable water supply puts at risk the quality of life for future generations.
The NMED nor the SEO have the regulations in place to enforce the proper water quality safeguards on such a project.

A report hydrological comments will be submitted at the public hearing if requested by staff.

Page 18 Drainage

1. Has anyone of the developers or staff planners analyzed the hydrological cross sections to check storm water run-off and the amount of flows headed downstream during a 100 year event under the natural undeveloped and developed conditions?
2. Does anyone know what the csf is of the Arroyo Hondo?

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3. If this was not done then what was the process in which setbacks 25' -50' from the arroyos and natural waterflows were established?
4. From the FEMA maps and Hydrological reports Arroyo Hondo has approximately twice the flow of the Arroyo Chamisos which is over 8000 cfs (100 year event).

Archeological Study

- The archeological and cultural resources of this area has not been addressed in this plan.
- Has there been a survey of the entire arroyo and the sister arroyos to determine the cultural sites and sensitive areas.
- What cultural resource protection was planned for these sites and how does one know whether the 50 ft setback would be appropriate?
- Does the planning staff and community planners know the scope of the potential area of effect in the County College area?
- Has a full EIS been done to determine these concerns?

Bob Taughtin General manager for the Development in a presentation to the La Cienega Community Planning Group said that there was only one ARMS finding in the area of the 1st phase of the entire development , but other searches were not done.

Our research has found that other sites exists which need to be recognized within this plan. Please Check LA12, LA191, LA76.

F. Alternatives to Open Space Requirements

This item is in the ordinance but it does not appear in the SFCCD Community Plan.

The Ordinance reads as follows:

F. (1.) Owners of properties that have over 50 % mapped open space in the Land Use Zoning Map, may sell open space easements to receiving Community College District property owner through legally binding contracts. Upon the receipt of such recorded, legally binding contracts, the Land Use Administrator may count land within such areas toward meeting open space requirements of the buyer. [An option is that property owners within the la Cienega District could sell Open Space easements to receiving Community College District owners at an acreage ration of 1:1. One Acre of La

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La Cienega Valley Citizens for Environmental Safeguards
49 Camino Torcido Santa Fe, NM 87505 505 424-3630

Cienega land would be placed in an open space easement and counted toward meeting one acre of the Community College District Open Space requirement. In this Case, the open space requirement would be 52%. The value ratio of La Cienega Land to the Community College District is approximately 1:4].

The Santa Fe County Land use Code Section 10.5.7 Criteria for Development Reads as follows:

B. Open Space Requirement: ~~All~~ development, including housing units, infrastructure, commercial. industrial and public buildings shall be limited to 40% of the parcel of the land. The remaining 60% may be used fro recreational uses and activities including, but not limited to, trail, horse stables and ball fields. The use of common areas within the developed area, such as plaza and trail connection to larger open areas are encouraged and will count toward the 60% open space requirement. Except for parking lots, the open space provided around schools can be used toward the 60% open space requirement. The location of the undeveloped 60% shall take into account the preservation of ridgetops, important viewsheds, cultural sites and environmentally sensitive areas.

This section of the ordinance should be DELETED, because it ties the hands of the La Cienega Community while they are working on their community plan.
Furthermore, this language reduces the intent of open space and gives the developers property rights arguments to increase the density to 52% -48%. All this goes against the intent of what open space stands for. The 12% increase in density contradicts one of the intentions of traditional and historic community land use plans, created to establish density reduction.

This section of the Ordinance was NOT discussed in any Community Planing meeting with the whole planning group in La Cienega.

The approval of this ordinance as it stands will show the shortsightedness of the land use planning staff and the commission.

If you do not delete this section altogether then please include some balancing language. The residents of the La Cienega Valley Area interests are not protected in this ordinance. As is stands developers, planners and their lawyers are trying to adopt language which could be copied and set precedence in future land use ordinances. This is an attempt to overcome the language in the recent case of "Los Veccinos", The Greater Callecito, or formally known as Hyde Park Vs. City Council of Santa Fe.

La Cienega Valley Citizens for Environmental Safeguards
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Moreover, this language Establishes Density for Transfer of Developments Right's (TDR's) and could be copied into other development ordinances.

The Balancing language states in new paragraph under the title,

F. Alternative to Open Space Requirements (page 24 of 44)

The Following section of this ordinance is may only apply if it can be shown in pre-application to the master plan and in a separate public hearing that the Public, Health , Safety, and Welfare is not adversely affected by such a proposal and development Issue.

I submit theses changes to be reflected in the ordinance for reflection and insertion by Santa Fe County Staff.

See pages 18, 34 and 35 of the SFCCD Plan.

P.37, General Services and Facilities:

1) That services and facilities provided by the County, including police and fire protection, senior and health services, libraries and the like, be planned as part of a Capital Improvements Plan for the District. Planning and design of County facilities will be completed with the applicable County departments, including the County Fire Department in matters of fire, life safety and emergency services and the County Sheriffs Department in matters of community protection, to ensure that service standards are met.

Marcos P. Trujillo
Commissioner, District 1

Paul Duran
Commissioner, District 2

Javier M. Gonzales
Commissioner, District 3

Richard D. Anaya
Commissioner, District 4

Joe S. Griñé, Jr.
Commissioner, District 5

Samuel O. Montoya
County Manager

MEMORANDUM

1826434

TO: **Board of Santa Fe County Commissioners**

FROM: **Katherine Yuhas, County Hydrologist** KY

DATE: **October 10, 2000**

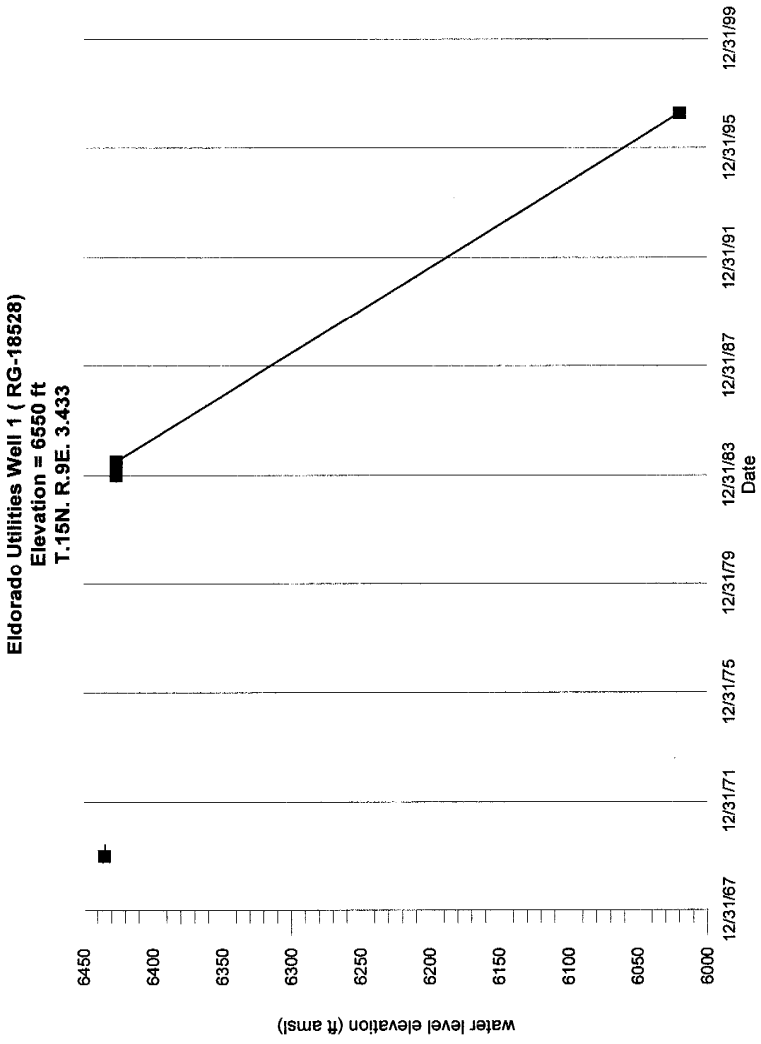
RE: **Update on Ordinance No. 2000-02, "An Ordinance Amending and Replacing Ordinance 1999-4 and Declaring a Moratorium on New Subdivisions, Land Divisions and Master Plans for Projects Served by E Dorado Utilities, Inc. and Encouraging Conservation Measures within the El Dorado Utilities, Inc. Service Area."**

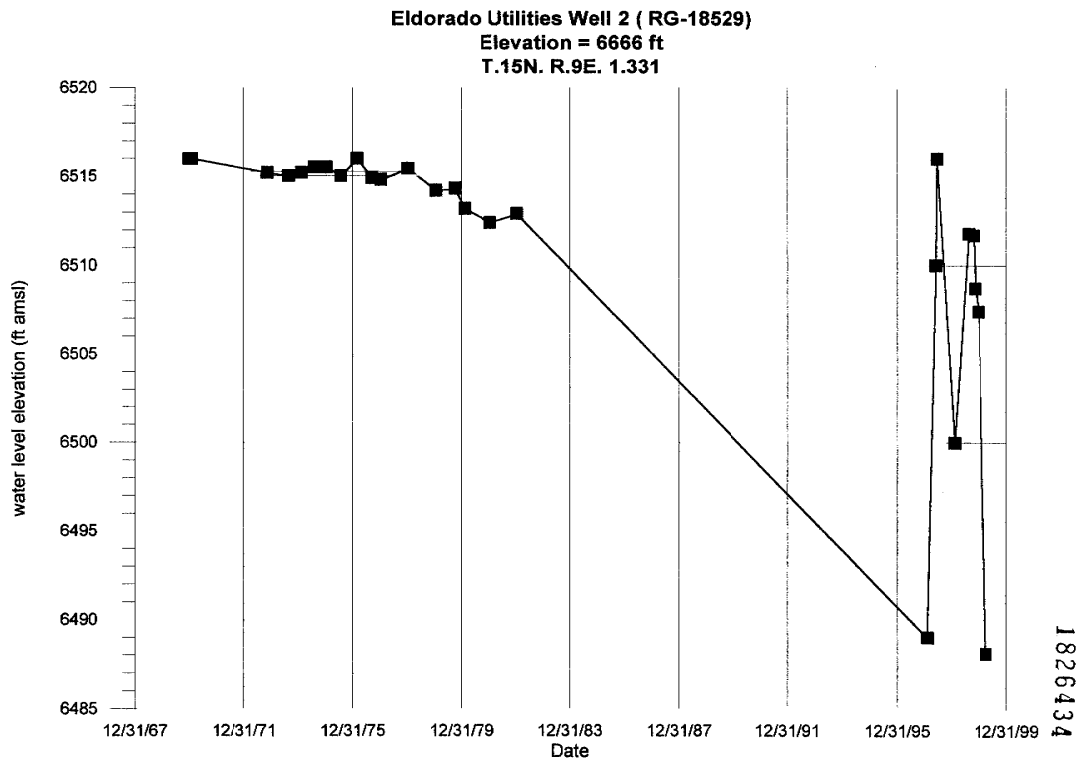
A provision of Ordinance 2000-02 is that County staff provide an update on conditions at El Dorado Utilities, Inc. (EDU) 180 days after the Ordinance was passed. The ordinance will not need to be amended and replaced until March 2001.

Conditions have not changed significantly since Ordinance 2000-02 was adopted on March 15, 2000.

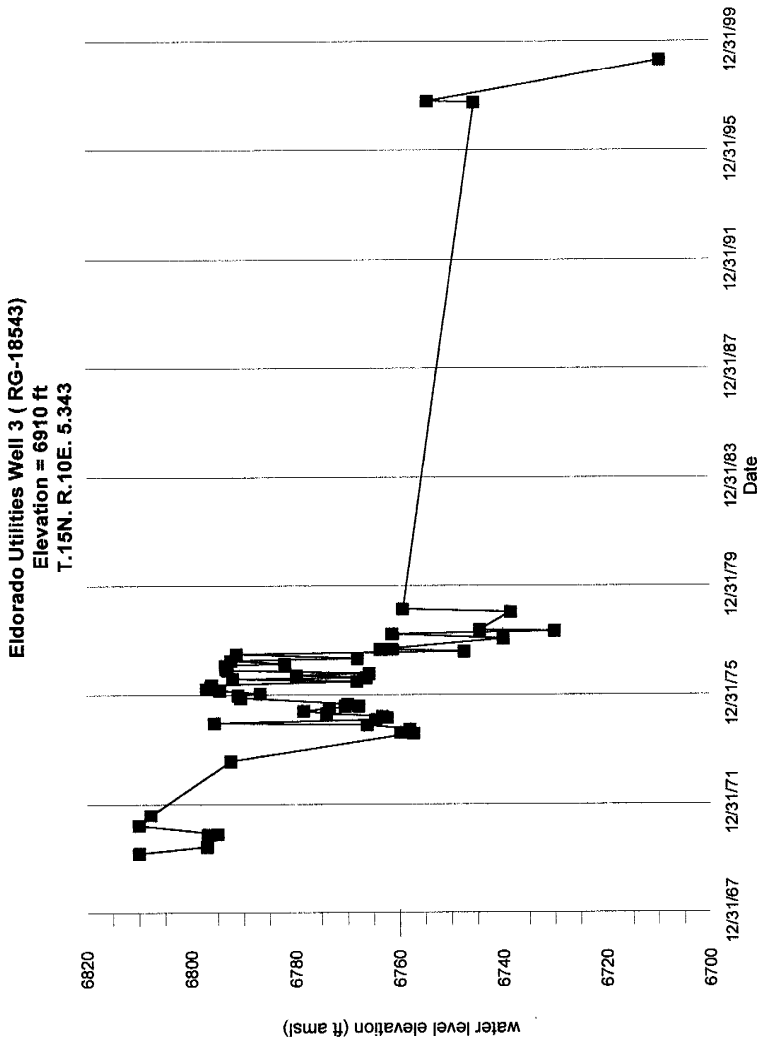
- No new information has been provided to the County regarding water availability or water rights by EDU.
- John Shomaker and Associates, Inc. are preparing a comprehensive, watershed wide hydrologic study in the Eldorado area, but it has not yet been finalized. A few of the graphs of water levels in EDU supply wells from the Shomaker and Associates, Inc. report have been provided to you with this memo.
- From March through July of 2000 an additional 33 connections (32 residential and one public) have been made to EDU. This is approximately 8.25 connections per month which is less than the 1999 average of 10.58 connections per month.
- From January through July of 1999, EDU used 82,690,300 gallons of water. From January through July of 2000, EDU used 94,472,700 gallons of water. This is 11,782,400 more gallons of water this year.
- At the November 14, 2000 Board of County Commissioners meeting, a proposed amendment to Ordinance 2000-02 will be heard which requests changes to the moratorium in order to allow commercial development using EDU to proceed.

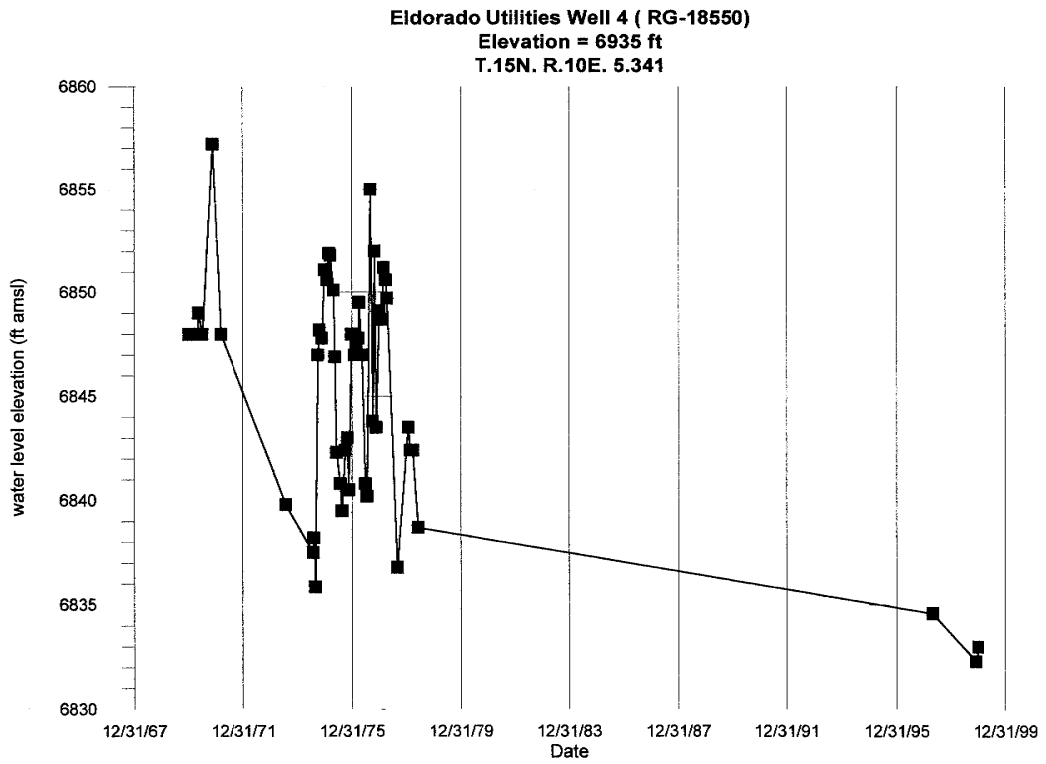
102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6225 · FAX: 505-986-6389


Eldorado Utilities Well 1 (RG-18528)
Elevation = 6550 ft
T.15N. R.9E. 3.433
water level elevation (ft amsl)
6450
6400
6350
6300
6250
6200
6150
6100
6050
6000
12/31/67
12/31/71
12/31/75
12/31/79
12/31/83
12/31/87
12/31/91
12/31/95
12/31/99
Date


Eldorado Utilities Well 2 (RG-18529)
Elevation = 6666 ft
T.15N. R.9E. 1.331
water level elevation (ft amsl)
6520
6515
6510
6505
6500
6495
6490
6485
12/31/67
12/31/71
12/31/75
12/31/79
12/31/83
12/31/87
12/31/91
12/31/95
12/31/99
Date

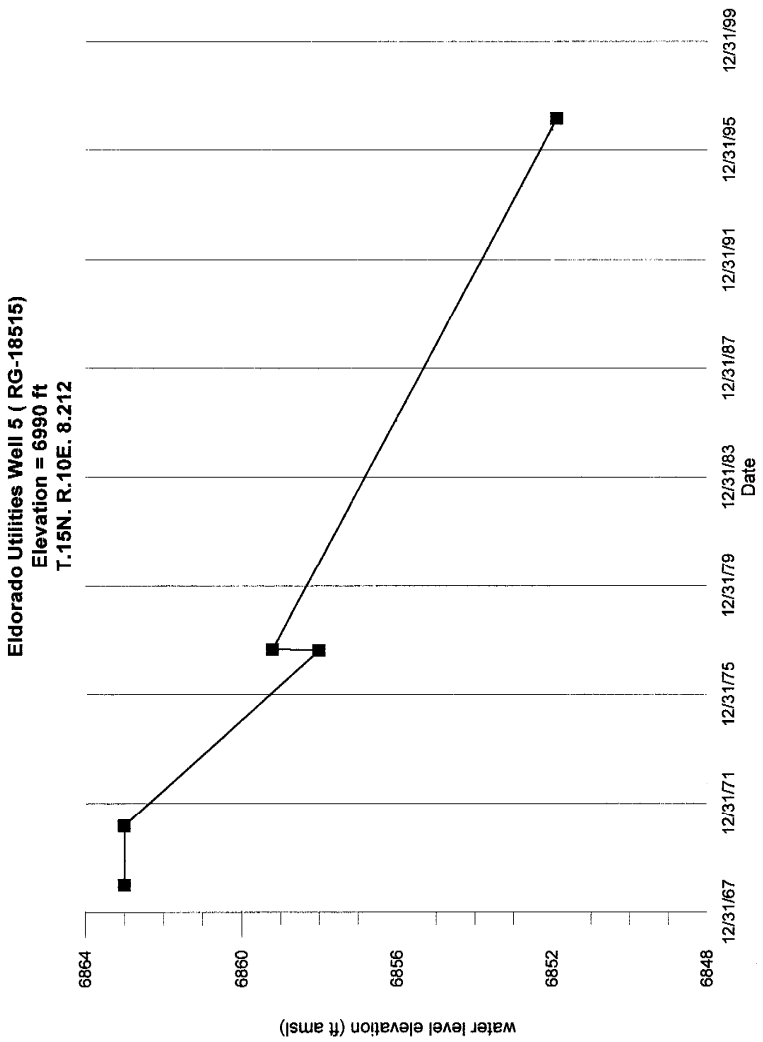
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Eldorado Utilities Well 3 (RG-18543)
Elevation = 6910 ft
T.15N. R.10E. 5.343
water level elevation (ft amsl)
6820
6800
6780
6760
6740
6720
6700
12/31/67
12/31/71
12/31/75
12/31/79
12/31/83
12/31/87
12/31/91
12/31/95
12/31/99
Date


Eldorado Utilities Well 4 (RG-18550)
Elevation = 6935 ft
T.15N. R.10E. 5.341
water level elevation (ft amsl)
6860
6855
6850
6845
6840
6835
6830
12/31/67
12/31/71
12/31/75
12/31/79
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12/31/95
12/31/99
Date

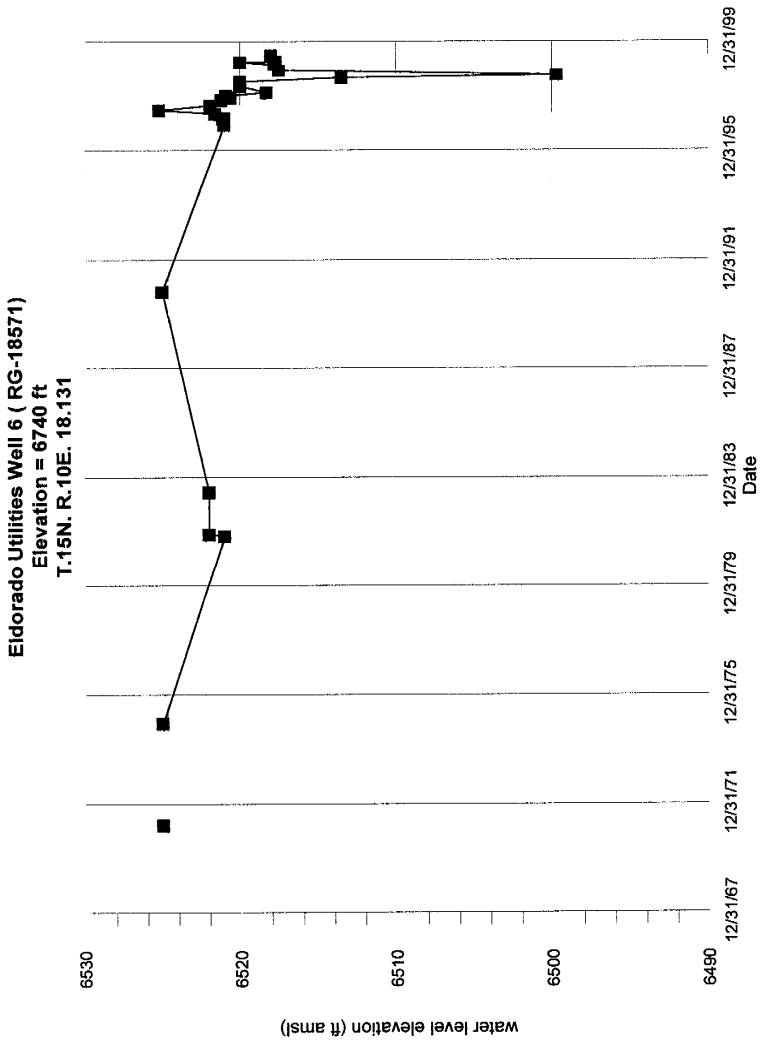
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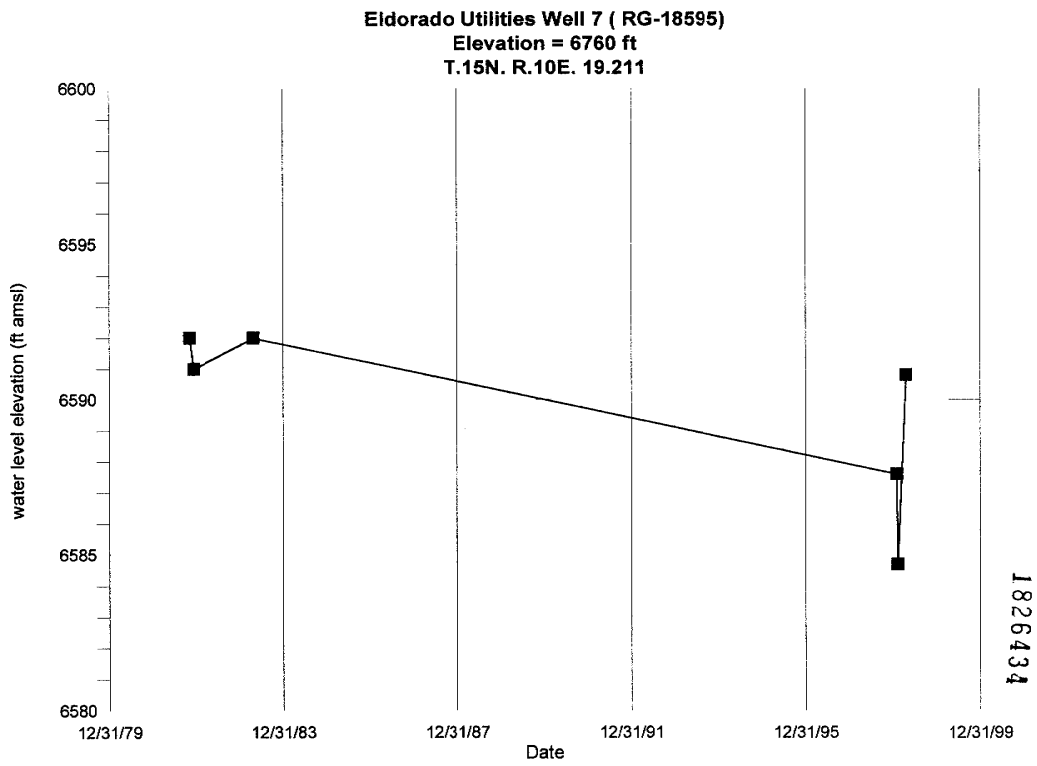


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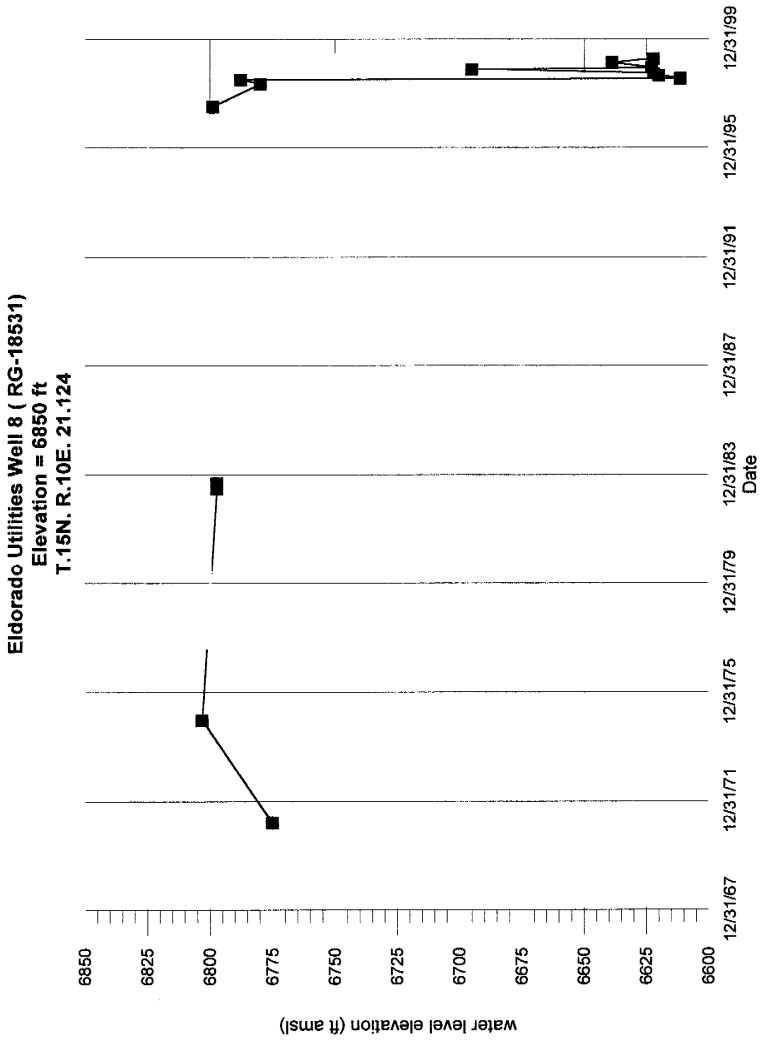


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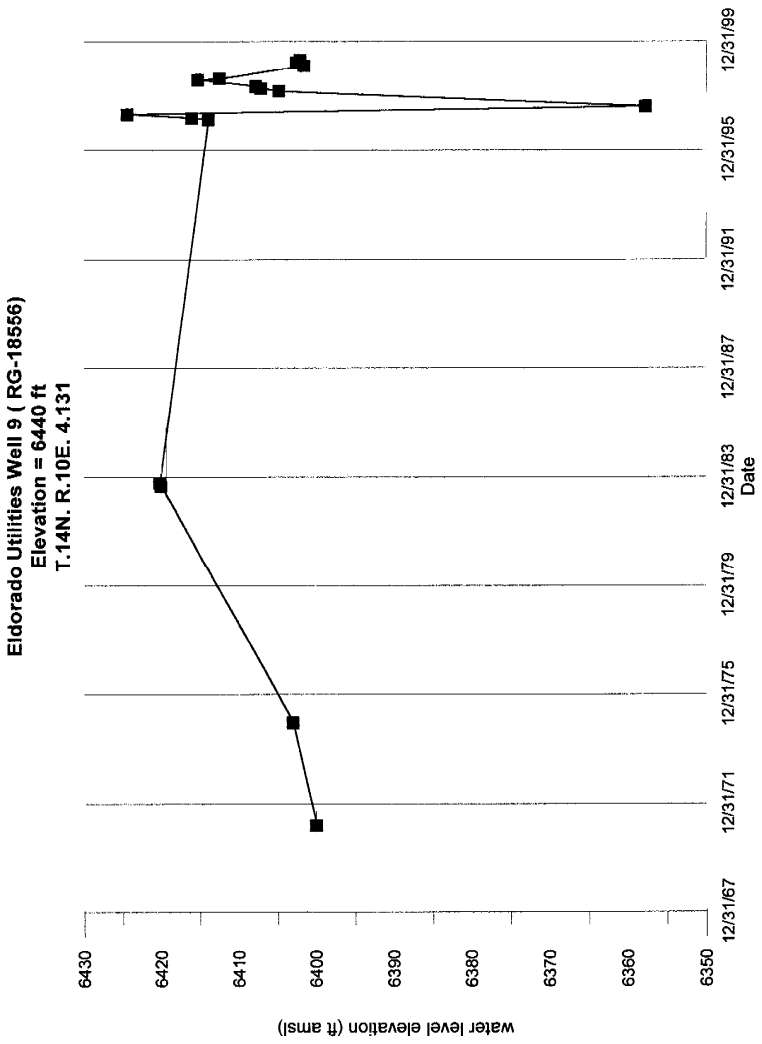


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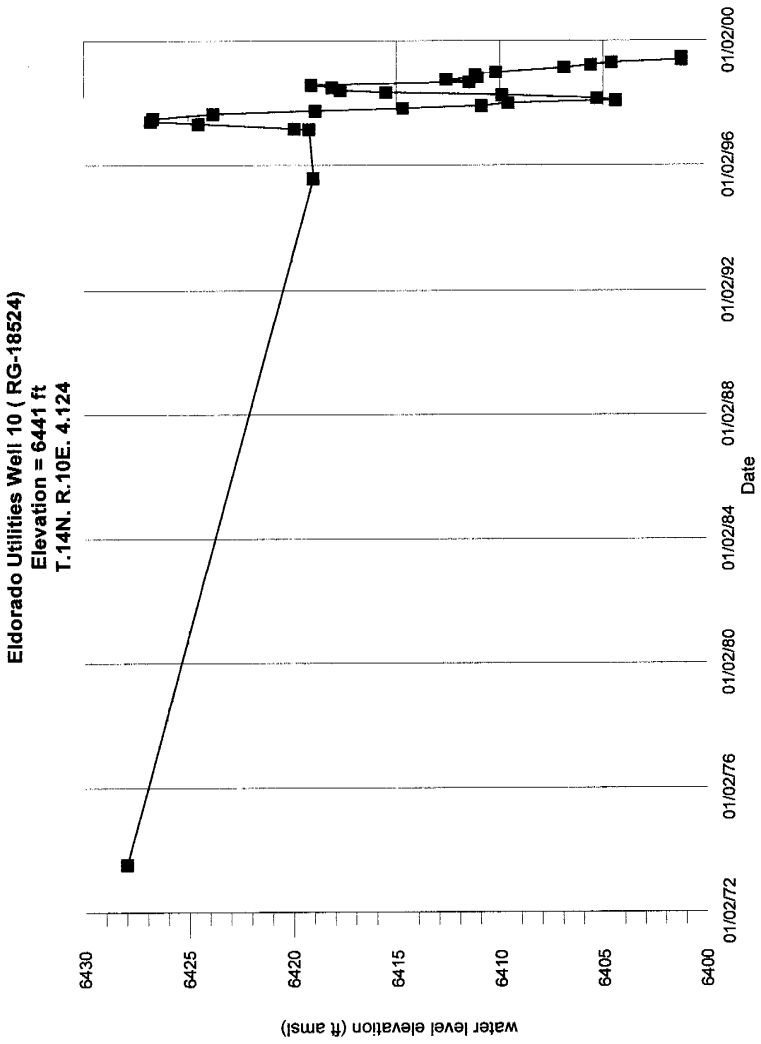

Eldorado Utilities Well 8 (RG-18531)
Elevation = 6850 ft
T.15N. R.10E. 21.124
water level elevation (ft amsl)
6850
6825
6800
6775
6750
6725
6700
6675
6650
6625
6600
12/31/67
12/31/71
12/31/75
12/31/79
12/31/83
12/31/87
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12/31/95
12/31/99
Date

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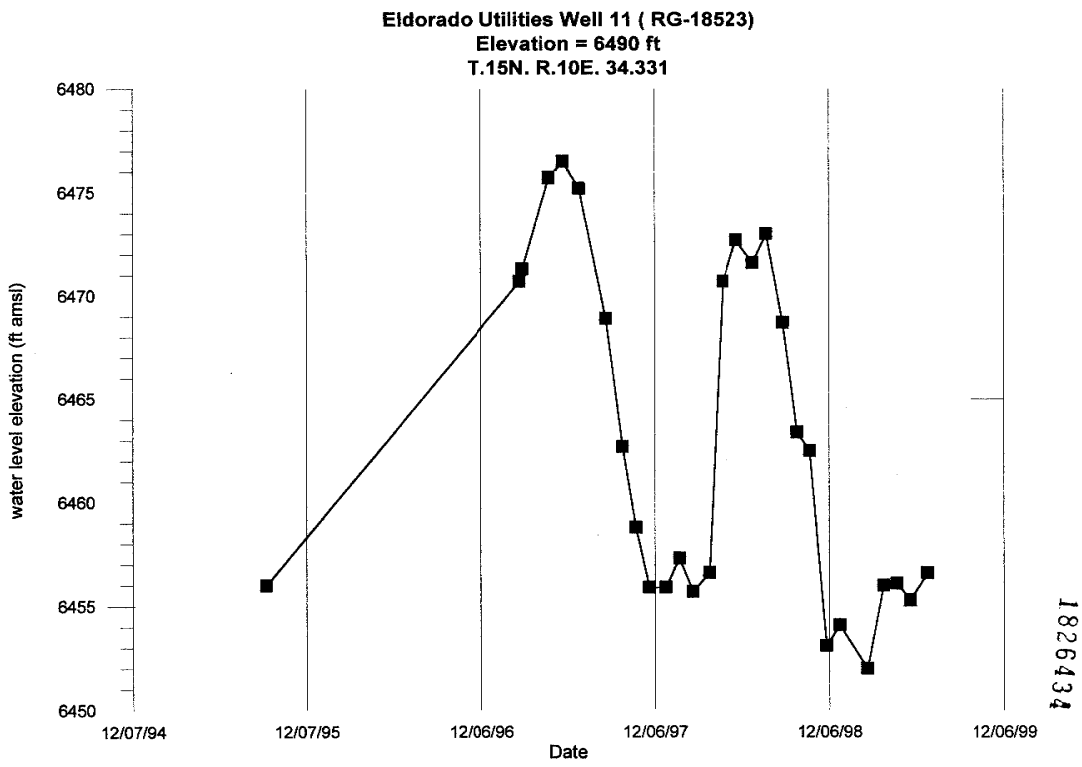


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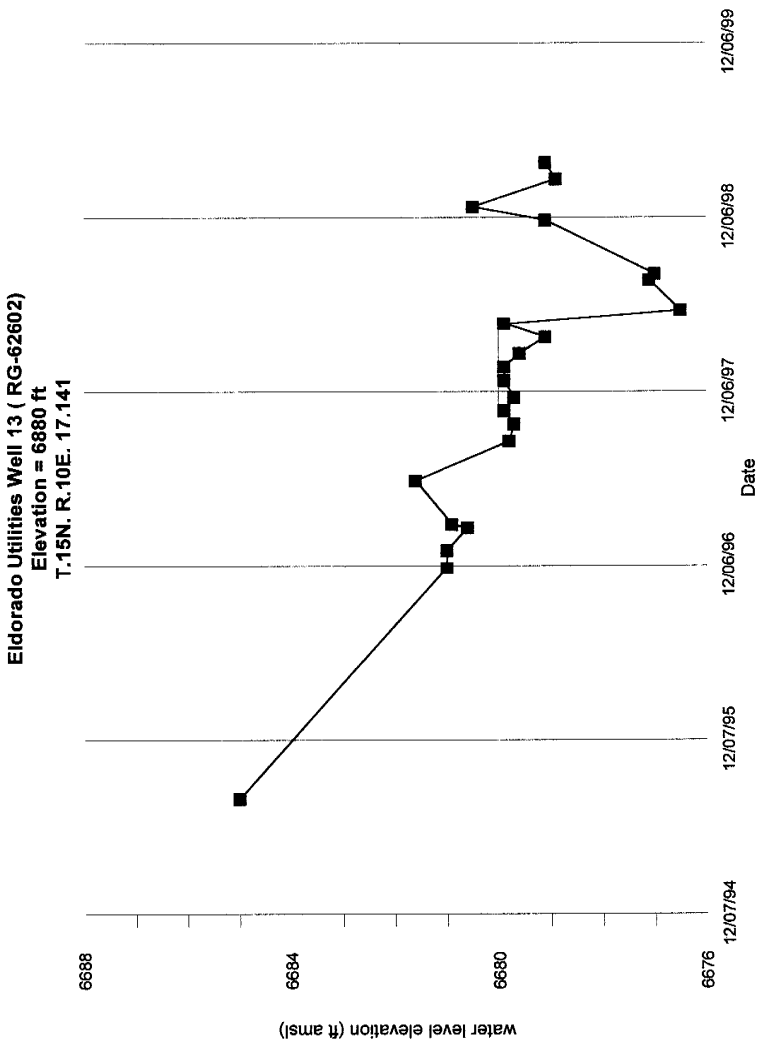
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JOHN SHOMAKER & ASSOCIATES, INC.

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JOHN SHOMAKER & ASSOCIATES, INC.

La Cienega Valley Citizens for Environmental Safeguards
49 Camino Torcido Santa Fe, NM 87505 505 424-3630

Suggested Changes to the SFCCD Plan which should be reflected in the Ordinance

[Ordinance changes will follow Oct. 6, 2000]

Page 34 Water 1826434

Insert paragraph under the heading Water

The provisions of this section are not applicable until there has been a substantial showing and a public hearing held to the County on water availability for any portion of this plan.

Paragraph 1

Changed the words... Individual wells... to say "domestic, commercial and industrial

Add Paragraph between 2&3

Each development within the SFCCD and each of the developers within the Community must submit a Masterplan Pre-application which shows a Water budget. The Water Budget must address the entire districts water budget in both beneficial and consumptive use and will not be allowed to exist on "Virtual water".

Water Budget -

By "Virtual water" it is meant that the County will not enter into an agreement with developers or sign agreements allowing the development to begin with a promise that water would be supplied by the County "sometime in the future".

Para 4 Water "Take out" define this term - pumped or recovered?... with "clean water" recharge to lower beneficial & consumptive use.

Delete the Sentence "Treated wastewater used...." Restructure this sentence "Treated wastewater used only for graywater landscape and or infiltration systems."

Add to the Last sentence within this paragraph.....

by **not** directly injecting effluent of any quality into the principal sole source aquifer.

Page 34 Water Plan Water System
"That any water that is pumped from the Native Basin will not be returned for return flow credit (rfc) to the Rio Grande via the Buckman line for either present and future rfc.

1826434

Page 35 Water Plan Action
Para. #2 is very Vague. This section of the Community plan suggests that Developers and the County have already determined to directly inject effluent into the aquifer and apply for certain pilot projects. This plan has the opportunity to be progressive in that it should not even conceivably think that the Public and especially the people of La Cienega and La Cienguilla want to drink the Rancho Viejo Sewer Water. The only thing that would be acceptable would infiltration galleries through natural infiltration of effluent that has been polished up to 5 or less mg/L. The area of potential hydrological effect is inclusive of all wells, springs and seeps in the La Cienega Valley Area. The use of direct injected effluent would be seen as a violation of water rights to down gradient users.

Page 35 Waste water Plan Action
Para #3...But not to consider effluent direct injection at any time because of the potential contamination of the aquifer which would result in rising and falling water levels and the continual recycling of this water has serious public health risks. One of the potential problems is that there are remediation program or even areas where the groundwater is known to be contaminated and that rising water levels will change the migrating contaminated to further cause and even more serious health risk. So much has not been determine, especially within projects in California and Arizona, that to continue to look to this "resource" as a sustainable water supply puts at risk the quality of life for future generations.
The NMED nor the SEO have the regulations in place to enforce the proper water quality safeguards on such a project.

A report on hydrological comments will be submitted at the public hearing if requested by staff.

Page 18 Drainage
1. Have either of the developers or staff planners analyzed the hydrological cross sections to compare storm water run-off flow

volumes headed downstream during a 100 year event under the natural undeveloped and developed conditions?

2. Does anyone know what the cfs is of the Arroyo Hondo?
3. If this was not done then what was the process in which setbacks 25' -50' from the arroyos and natural waterflows were established?
4. From the FEMA maps and Hydrological reports, Arroyo Hondo has approximately twice the peak flow of the Arroyo Chamisos (the Arroyo Chamisos has a flow of over 8000 cfs for a 100 year event).

Archeological Study 1826434

- The archeological and cultural resources of this area has not been addressed in this plan.
- Has there been a survey of the entire arroyo and the sister arroyos to determine the cultural sites and sensitive areas.
- What cultural resource protection was planned for these sites and how does one know whether the 50 ft setback would be appropriate?
- Does the planning staff and community planners know the scope of the potential area of effect in the County College area?
- Has a full EIS been done to determine these concerns?

Bob Tauton, general manager for the Development in a presentation to the La Cienega Community Planning Group said that there was only one ARMS finding in the area of the 1st phase of the entire development , but other searches were not done.

Our research has found that other sites exist which need to be recognized within this plan. Please Check LA12, LA191, LA76.

F. Alternatives to Open Space Requirements

This item is in the ordinance but it does not appear in the SFCCD Community Plan.

The Ordinance reads as follows:

F. (1.) Owners of properties that have over 50 % mapped open space in the Land Use Zoning Map, may sell open space easements to receiving Community College District property owner through legally binding contracts. Upon the receipt of such recorded, legally binding contracts, the

Land Use Administrator may count land within such areas toward meeting open space requirements of the buyer. [An option is that property owners within the la Cienega District could sell Open Space easements to receiving Community College District owners at an acreage ration of 1:1. One Acre of La Cienega land would be placed in an open space easement and counted toward meeting one acre of the Community College District Open Space requirement. In this Case, the open space requirement would be 52%. The value ratio of La Cienega Land to the Community College District is approximately 1:4].

The Santa Fe County Land use Code Section 10.5.7 Criteria for Development Reads as follows: 1826434

B. Open Space Requirement: All development, including housing units, infrastructure, commercial. industrial and public buildings shall be limited to 40% of the parcel of the land. The remaining 60% may be used for recreational uses and activities including, but not limited to, trails, horse stables and ball fields. The use of common areas within the developed area, such as plaza and trail connection to larger open areas are encouraged and will count toward the 60% open space requirement. Except for parking lots, the open space provided around schools can be used toward the 60% open space requirement. The location of the undeveloped 60% shall take into account the preservation of ridgetops, important viewsheds, cultural sites and environmentally sensitive areas.

This section of the ordinance should be DELETED, because it ties the hands of the La Cienega Community while they are working on their community plan.
Furthermore, this language reduces the intent of open space and gives the developers property rights arguments to increase the density to 52% -48%. All this goes against the intent of what open space stands for. The 12% increase in density contradicts one of the intentions of traditional and historic community land use plans, created to establish density reduction.

This section of the Ordinance was NOT discussed in any Community Planing meeting ~~with~~ the whole planning group in La Cienega.

The approval of this ordinance as it stands will show the shortsightedness of the land use planning staff and the commission.

If you do not delete this section altogether then please include some balancing language. The residents of the La Cienega Valley Area interests are not protected in this ordinance. As is stands developers, planners and their

lawyers are trying to adopt language which could be copied and set precedence in future land use ordinances. This is an attempt to overcome the language in the recent case of "Los Veccinos", The Greater Callecito, or formally known as Hyde Park Vs. City Council of Santa Fe.

1826434

. Moreover, this language Establishes Density for Transfer of Developments Right's (TDR's) and could be copied into other development ordinances. This act sets up a property right for the developers, ties the hands of future commissioners and establishes a precedence on other development.

The Balancing language states in new paragraph under the title,

F. A ternative to Open Space Requirements (page 24 of 44)

The Following section of this ordinance may only apply if it can be shown in pre-application to the master plan and in a separate public hearing that the Public, Health , Safety, and Welfare is not adversely affected by such a proposal and development issue.

I submit theses changes to be reflected in the ordinance for reflection and insertion by Santa Fe County Staff.

See pages 18, 34 and 35 of the SFCCD Plan.

Ordinance Changes for the SFCCD Plan
Submitted by
La Cienega Valley Citizens for Environmental Safeguards

Page 16 Water

1826434

Insert paragraph under the heading Water

The provisions of this section are not applicable until there has been a substantial showing and a public hearing held to the BoCC, the County on water availability for any portion of this plan.

Page 9 of 44 add

2 (f 1.) Drainage should be manage in a natural way as not disturb the arroyo silting and natural arroyo modeling.

(f.2.) To mitigated additional storm run-off flow by allowing aquifer recharge.

3. (f.1.) Drainage should be manage in a natural way as not disturb the arroyo silting and natural arroyo modeling.

(f.2.) To mitigated additional storm run-off flow by allowing aquifer recharge.

Page 17 of 44 add

D. Water & Liquid Waste Disposal Requirements

[or c. (c.) under Additional Water Resources]

e. The Land use Administrator shall not to consider effluent direct injection at any time because of the potential contamination of the sole source aquifer which would result in rising and falling water levels. The continual recycling of this water poses serious public health risks. One of the potential problems is that there are remediation program or even areas where the groundwater is known to be contaminated which rising water levels will change the migrating contaminated to further cause more serious health risk. So much has not been determine, especially within projects in California and Arizona, that to continue to look to this direct effluent injection as a "resource" as a sustainable water supply puts at risk the quality of life for future generations.

Neither NMED nor the SEO have the regulations in place to enforce the proper water quality safeguards on such a project.

(Suggestion: Amend the County land use Code to include this addition to protect the aquifer.)

E. TERRAIN MANAGEMENT 1826434

A. Add to the last sentence but not to include direct injection of wastewater flows

B. (1) not to include the cementing or walled flood control at any time now or in the future of the arroyos.

C. Storm Water Management (Page 18 of 44)

6. There shall Not be cement or walled flood control channeling measures of any type of/in the arroyos throughout the SFCCD.

7. The low roads crossing through the arroyos do not mitigate natural filtration of aquifer recharge or cause erosion on either side of the crossing.

8. That an analysis of the hydrological cross sections to check storm water run-off and the amount of flows headed downstream during a 100 year event under the natural undeveloped and developed conditions be provided as part of the pre-application process to the Master Plan.

9. That the Cubic Feet per Second (cfs) of the Arroyo Kondo is not increased due to any development.

10. An analysis must be provided to determine the appropriate setback requirements. A miminum of 150' setback from the arroyos and natural waterflows is the appropriate requirement.

Section 13. Cultural Resources
Archeological Survey **Need to add to Document**

- A. The archeological and cultural resources must be followed as per the Santa Fe County Land Use Code Section 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7

- B. The SFCCD will provide a archeological and cultural resources survey of the entire arroyo and the sister arroyos to determine the cultural sites and sensitive areas.
- C. The SFCCD Plan and developers as part of any previous approved or pending Masterplan, will provide cultural resource protection plan for any sites found as part of the survey of cultural sites and the arroyos
- D. That the appropriate setbacks will be determined by the SHPO
- E. Provide a scope of the potential area of effect in the County College area as part of the EIS.
- F. An EIS is mandated to address any of the above environmental concerns.

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Ordinance Changes for the SFCCD Plan 1826434
Submitted by
La Cienega Valley Citizens for Environmental Safeguards

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10/10/00

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Public, Health , Safety, and Welfare is not adversely affected by such a proposal and development issue.

I submit theses changes for insertion in the Santa Fe Extra Territorial Zoning Authority Ordinance of the SFCCD Plan by Santa Fe County Staff.

Elaine Cimino

1826434

Prepared by Elaine Cimino

October

~~Sept. 10, 2000~~

Amendments proposed by Oshara / Taos Judy

Compiled Amendments & insertions to the Community College District Plan draft of September 20

including amendments approved by CDRC/EZC on October 2, 2000 and amendments proposed in response to public testimony and comments received

Page 23-24. insert the following text: 1826434

8. Employment Centers

Employment Centers are zones within the District where businesses with special needs for access, technology, storage and size can locate and support the New Community Centers by providing additional economic opportunities in close proximity for residents.

It is the intent of the District Plan that as many commercial and employment uses as possible be integrated into New Community and Neighborhood Centers. There are situations however where the size, type, and FAR of commercial uses may be inconsistent with the desired characteristics of these centers. Potential locations for Employment Centers include:

- Santa Fe County Business Center at San Cristobal.
- Areas west and east of the Community College.
- Areas along Highway 14 and 1-25 which lead into the College District.

Commercial and light industrial uses such as offices, call centers, business incubators, research, product development, light assembly and manufacturing, testing, showroom and distribution, may be provided in a concentrated, planned, multi-use environment within Employment Centers. Specialized business clusters, selected in cooperation with local government and economic development entities, will be allowed. Employment Centers are intended to provide a return to the community in taxes, jobs, wages, and sales, enhancing employment growth in the area and helping to meet the community goal of economic sustainability.

Edge Employment Centers are those centers which will serve the region as well as the District because of their location on or near the major highways and roads, in particular 1-25. ~~Because these areas will have pressure to develop in advance of residential development, establishing~~ the ~~relationship and phasing of these developments with New Community Centers and Village Zones~~ is ~~important.~~ ~~that of the rest of the CCD~~

Outback meets the hogs don't

Amend ment: Establ. the relat. and the phasing of the develop ments w/ the intent of the CCD is important

The Employment Center along the railroad spur shown on the Land Use Zoning Map between Santa Fe Community College and Santa Fe Southern Railroad is intended as a reserve for a very large employment center user. Its location and shape are based on terrain and the access to the rail line. It will also connect to the adjacent New Community Center at either end. Development of this or other large Employment Centers will require special review because of its size and potential impacts.

Employment Centers are shown on the Land Use Zoning Map to the extent that they have been identified.

The intent is that Employment Centers be developed with the following characteristics:

* time to work out in ord

1) Like other areas of the District, Employment Centers are to be mixed use and include commercial uses and services such as recreational amenities, parks, trails, retail and restaurants so employees can walk to lunch, recreation, and services.

2) Residential may or may not be included in Employment Centers depending on the characteristics of individual centers, though Employment Centers are to have a wide range of nearby housing opportunities allowing access by walking or bicycle or a short vehicular journey. For planning purposes a two mile radius is considered to be walking and biking distance from an Employment Center. To assure a balance of jobs to residents, the District Ordinance will have mixed use phasing requirements, where applicable

3) Employment Centers should serve the District and Greater Santa Fe community, and be connected by public transit, trails, walkways and small roads.

4) Employment Centers should be a focal point for multi-modal transportation facilities for goods, services and people.

5) Walkway systems within Employment Centers should connect all areas of the center to each other and the District.

6) Employment Centers may be included within or as extensions of New Community Centers or should be within a one half mile radius of New Community Centers. ~~or one half-mile radius of a Neighborhood Center.~~ ~~Employment Centers should be developed concurrent y with or after their adjacent New Community Center~~, where applicable stet

7) Buildings within the Employment Centers shall be oriented to the street, and keep the parking and storage areas to the rear of the buildings, to maintain the mixed use intent on the Plan and to create active urban street spaces reminiscent of town plazas or traditional main streets. same as pg 1

8) Where the physical relationship allows, feature buildings should provide focal points that visual y connect Employment Centers to adjacent centers and neighborhoods and provide the value of their architectural image to the District. Standards for mass and scale of buildings will be developed. Work out in Ordinance

9) Employment center facilities may be the result of joint action and investment by public agencies and developers to ensure that local services and infrastructure meet anticipated demand, for example, wideband communications.

10) Training programs may be provided by the Employment centers in coordination with local governments and educational and other institutions and agencies.

11) The maximum FAR is 3.0, the minimum size is 5 acres, ~~with a maximum size of 360 100 acres.~~ Dealt with in Ordinance because of present problems

Page 25, bottom:

2) Allow development of rural home sites and ~~agricultural~~ accessory structures ~~where they support the continuation of working ranches.~~ for ranch uses on large lots of not less than 500 acres, developed on domestic and agricultural wells.

Page 27, Open Space Elements:

3) Important Cultural Resources Areas are to be protected within the District because of the role they play in maintaining the record and evidence of human history within the District. Most of the District is shown as having high or moderate archaeological potential on the County Archaeological Districts Map. Archaeological surveys and reports will continue to be submitted by developers.

Page 30, paragraph 5:

There are two barriers to creating a transportation network in the District. First, connections across I-25 are limited because of the expense of building an over or underpass. The extension of Camino Carlos Rey has been eliminated by the County of Santa Fe and the State Highway Department, due to potential drainage problems, the presence of a sensitive archaeological site, and an existing neighborhood. Three other potential crossings at I-25 have been identified on the plan: at Yucca, a connection to Governor Miles between Cerrillos and Richards, and a connection east of Richards to Old Agua Fria Road and St. Francis. But at least two of these potential connections – at Yucca and between Cerrillos and Richards - will require further study for engineering and neighborhood impacts. Second, north-south connectivity is complicated by a series of wide and/or deep east-west arroyos. The network minimizes the number of arroyo crossings to preserve open space contiguity and minimize costs to future developers, however, this means that some north-south road connections (such as Richards Avenue) may bear a slightly disproportionate amount of traffic.

Page 34, paragraph 1:

The District will be supplied by imported water and by groundwater in order to provide a diversified, and thus more dependable, long range supply. The Plan limits development on ~~individual~~ domestic, commercial and industrial wells in order to protect the quality of the aquifer and its use for storage and recharge for the future.

Page 34, paragraph 3 & 4:

The County benchmark will continue to be 100 year water availability, with a goal of long term sustainability. Article III, Section 11 of the County Land Use Code allows developments which import water to have density determined by meeting criteria for traffic generation, energy consumption, provision of public facilities and services and compatibility with adjoining residences. Developments in the District will meet these criteria based on the principles of this Plan. Developments will continue to provide water budgets which will address water use and availability and demonstrate use of techniques to lower consumption.

Balancing water taken out of the aquifer with recharge to lower (minimize) consumptive use of water from all sources is integral to sustainability. Strategies to lower consumption include: enforcing the County's line extension and water allocation policies, to be adjusted for actual use as conservation improves; capture and use of gray water and rain water for irrigation; and use of catchments and infiltration basins for run-off from impervious surfaces to irrigate and to protect habitat and prevent erosion.

Page 35, bottom:

3) Work with NMED to develop water quality regulations for recharge and aquifer injection wells.

Insert a new section C at the top of page 12 and renumber the remaining sections:

c. Drainage

1. Manage storm water runoff in a manner that minimizes flooding, erosion, non-point source pollutant loading, changes in water runoff water temperature, reduced infiltration and ground water recharge and the associated impact on the environment.

2. Utilize alternative storm water management practices that are non structural, with a more creative approach that is more biologically complex but that will still involve some structural components. This can include use of porous paving, strategic vegetative planting, contour grading, drainage across lawn areas, rain barrels, cisterns, vegetated swales, back yard depressions, infiltration trenches, shallow topographic depressions and reduced roadway and driveway drainage structures.
3. Base storm water management plans in the College District on the premise that storm water is most effectively controlled at or near the source using alternative management practices that utilize source controls to minimize drainage leaving the site and thereby prevent pollution pick-up by runoff.
4. Utilize local structural methods like Stormceptors and Vortech units to remove most contaminants, and lined containment ponds near storage or potential spillage areas to provide that treated runoff can be recharged into the groundwater or discharged into arroyos.

Insert the following section on page 36 and renumber the following sections:

C. DRAINAGE PLAN

As the proposed development in the Community College District progresses, the increase in storm water runoff will impact the hydrologic regime of each water shed and arroyo within the District. In order to adequately manage storm water runoff in the Community College District both quality and quantity of runoff is to be addressed. The available management options are generally called best management practices, which can be classified into two broad categories - traditional and alternative.

Traditional management practices are highly engineered structural methods that use concrete, rip rap, soil cement and other hard channel lining or piping materials. Traditional practices often result in large-scale projects and focus on storm water management at the outfall locations. Alternative storm water management practices are often non structural, with a more creative approach that is more biologically complex and focus on storm water management at or near the source. Some structural components are still involved. This can include use of porous paving, strategic vegetative planting, contour grading, drainage across lawn areas, rain barrels, cisterns, vegetated swales, back yard depressions, infiltration trenches, shallow topographic depressions and reduced roadway and driveway drainage structures. This District Plan emphasizes alternative management practices.

Santa Fe and ultimately the College District will be required to manage water quality in surface water runoff. Under Phase II of the U.S. EPA Storm water Management Rules (Oct.29, 1999), in which Santa Fe County is identified as a designated area requiring storm water permits, storm water from construction and urbanized areas will have to be permitted for water quality control.

Drainage Plan Actions

1. Develop an information and education program on the hydrologic regime in the District and alternative surface water management practices for developers, engineers, government agencies and the general public.

2. Develop the varying levels of operations, maintenance and monitoring, and public and private cooperation required to implement alternative surface water management practices.

3. Convene a working group of land owners, local government representatives, public interest representatives and consultants in drainage engineering, hydrologic and hydraulic

modeling, landscape architecture, urban planning and engineering and communication to prepare more specific balanced environmental, social and economics objectives for storm water management in the District.

P.55, Glossary, replace definition as follows:

Balanced aquifer is a condition in which all withdrawals and discharges from the aquifer are equal to all the sources of recharge to the aquifer. This may be achieved through aquifer storage and recovery, recharge with effluent, stormwater infiltration and/or reduction of current ground water well production.

Land Use Zoning Map (inaccuracies w/Plan → req. to be allowed to work w/staff. to clean up.

Institutional use (blue) on east side of Oshara property should end at property line, not extend into Santiago Subdivision.

Label the buffer to the west of the west Arroyo Hondo Existing Neighborhood.

Preliminary Circulation Map

A number of comments have been made about specific roads that are labeled for further study. Staff has recorded this information and it will be included as the final roads plan is prepared. Tmodel and field analysis as well as review of existing and potential easements or rights-of-way and continued consultation with neighborhoods remain to be completed for a final Circulation Plan. When complete the roads plan will be proposed for adoption as the final section of the Santa Fe Urban and Extraterritorial Future Roads Plan.

Other Maps:

Add a Map to the Appendix showing the La Cienega watershed in relation to the District.

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Moreover, this language Establishes Density for Transfer of Developments Right's (TDR's) and could be copied into other development ordinances.

The Balancing language states in new paragraph under the title,

F. **Alternative to Open Space Requirements** (page 24 of 44)

The Following section of this ordinance is may only apply if it can be shown in pre-application to the master plan and in a separate public hearing that the Public, Health , Safety, and Welfare is not adversely affected by such a proposal and development issue.

I submit theses changes to be reflected in the ordinance for reflection and insertion by Santa Fe County Staff.

See pages 18, 34 and 35 of the SFCCD Plan.

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Cienega land would be placed in an open space easement and counted toward meeting one acre of the Community College District Open Space requirement. In this Case, the open space requirement would be 52%. The value ratio of La Cienega Land to the Community College District is approximately 1:4].

The Santa Fe County Land use Code Section 10.5.7 Criteria for Development Reads as follows:

B. Open Space Requirement: All development, including housing units, infrastructure, commercial. industrial and public buildings shall be limited to 40% of the parcel of the land. The remaining 60% may be used fro recreational uses and activities including, but not limited to, trail, horse stables and ball fields. The use of common areas within the developed area, such as plaza and trail connection to larger open areas are encouraged and will count toward the 60% open space requirement. Except for parking lots, the open space provided around schools can be used toward the 60% open space requirement. The location of the undeveloped 60% shall take into account the preservation of ridgetops, important viewsheds, cultural sites and environmentally sensitive areas.

This section of the ordinance should be DELETED, because it ties the hands of the La Cienega Community while they are working on their community plan.
Furthermore, this language reduces the intent of open space and gives the developers property rights arguments to increase the density to 52% -48%. All this goes against the intent of what open space stands for. The 12% increase in density contradicts one of the intentions of traditional and historic community land use plans, created to establish density reduction.

This section of the Ordinance was NOT discussed in any Community Planing meeting with the whole planning group in La Cienega.

The approval of this ordinance as it stands will show the shortsightedness of the land use planning staff and the commission.

If you do not delete this section altogether then please include some balancing language. The residents of the La Cienega Valley Area interests are not protected in this ordinance. As is stands developers, planners and their lawyers are trying to adopt language which could be copied and set precedence in future land use ordinances. This is an attempt to overcome the language in the recent case of "Los Veccinos", The Greater Callecito, or formally known as Hyde Park Vs. City Council of Santa Fe.

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3. If this was not done then what was the process in which setbacks 25' -50' from the arroyos and natural waterflows were established?
4. From the FEMA maps and Hydrological reports Arroyo Hondo has approximately twice the flow of the Arroyo Chamisos which is over 8000 cfs (100 year event).

Archeological Study

- The archeological and cultural resources of this area has not been addressed in this plan.
- Has there been a survey of the entire arroyo and the sister arroyos to determine the cultural sites and sensitive areas.
- What cultural resource protection was planned for these sites and how does one know whether the 50 ft setback would be appropriate?
- Does the planning staff and community planners know the scope of the potential area of effect in the County College area?
- Has a full EIS been done to determine these concerns?

Bob Taughtin General manager for the Development in a presentation to the La Cienega Community Planning Group said that there was only one ARMS finding in the area of the 1st phase of the entire development , but other searches were not done.

Our research has found that other sites exists which need to be recognized within this plan. Please Check LA12, LA191, LA76.

F. Alternatives to Open Space Requirements

This item is in the ordinance but it does not appear in the SFCCD Community Plan.

The Ordinance reads as follows:

F. (1.) Owners of properties that have over 50 % mapped open space in the Land Use Zoning Map, may sell open space easements to receiving Community College District property owner through legally binding contracts. Upon the receipt of such recorded, legally binding contracts, the Land Use Administrator may count land within such areas toward meeting open space requirements of the buyer. [An option is that property owners within the la Cienega District could sell Open Space easements to receiving Community College District owners at an acreage ration of 1:1. One Acre of La

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'That any water that is pumped from the Native Basin will not be returned for return flow credit (rfc) to the Rio Grande via the Buckman line for either present and future RFC.

Page 35 Water Plan Action

Para. #2 is very Vague. This section of the Community plan suggests that Developers and the County have already determined to directly inject effluent into the aquifer and apply for certain pilot projects. This plan has the opportunity to be progressive in that it should not even conceivably think that the Public and especially the people of La Cienega and La Cienguilla want to drink the Rancho Viejo Sewer Water. The only thing that would be acceptable would infiltration galleries through natural infiltration of effluent that has been polished up to 5 or less mg/L. The area of potential hydrological effects is inclusive of the all wells, springs and seeps in the La Cienega Valley Area. The use of direct injected effluent would be seen as a violation of water rights to down gradient users.

Page 25 Waste water Plan Action

Para #3...But not to consider effluent direct injection at any time because of the potential contamination of the aquifer which would result in rising and falling water levels and the continual recycling of this water has serious public health risks. One of the potential problems is that there are remediation program or even areas where the groundwater is known to be contaminated and that rising water levels will change the migrating contaminated to further cause and even more serious health risk. So much has not been determine, especially within projects in California and Arizona, that to continue to look to this "resource" as a sustainable water supply puts at risk the quality of life for future generations.
The NMED nor the SEO have the regulations in place to enforce the proper water quality safeguards on such a project.

A report hydrological comments will be submitted at the public hearing if requested by staff.

Page 18 Drainage

1. Has anyone of the developers or staff planners analyzed the hydrological cross sections to check storm water run-off and the amount of flows headed downstream during a 100 year event under the natural undeveloped and developed conditions?
2. Does anyone know what the csf is of the Arroyo Hondo?

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Suggested Changes to the SFCCD Plan which should be reflected in the Ordinance

[Ordinance changes will follow Oct. 6, 2000]

Page 34 Water

Insert paragraph under the heading Water

The provisions of this section are not applicable until there has been a substantial showing and a public hearing held to the County on water availability for any portion of this plan.

Paragraph 1

Changed the words... Individual wells... to say "domestic, commercial and industrial

Add Paragraph between 2&3

Each development within the SFCCD and each of the developers within the Community must submit a Masterplan Pre-application which shows a Water budget. The Water Budget must address the entire districts water budget in both beneficial and consumptive use and will not be allowed to exist on "Virtual water".

By "Virtual water" it is meant that the County will not enter into agreement with developers to sign agreement allowing the development to begin with a promise that water would be supplied by the county sometime in the future.

Para 4 Water "Take out" define this term - pumped or recovered?... with "clean water" recharge to lower beneficial & consumptive use.

Delete the Sentence "Treated wastewater used...." Restructure this sentence "Treated wastewater used only for graywater landscape and or infiltration systems."

Add to the Last sentence within this paragraph.....
by **not** directly injecting effluent of any quality into the principal sole source aquifer.

Page 34 Water Plan Water System
Prepared and submitted by Elaine Cimino

Fax Transmittal Cover Sheet

1826434

To: Judy Mc Gowan Paul Olafson, - County land use

From: Elaine Cimino, La Cienega Valley Citizens for Environmental Safeguards

Fax Number: 505 424 3630

Date: Fri, Oct 6, 2000 • 9:51 AM

Pages, including cover: 6

If there is difficulty with this transmission, please call: 505 424 3630

Note:
Please ignore previous fax sent on the Oct 5th. This is the updated version. thank you, Elaine Cimino

Comments from La Cienega

1. Include maps of La Cienega watershed.

2. Memo from Jose Varela Lopez, La Cienega Valley Association Board Member

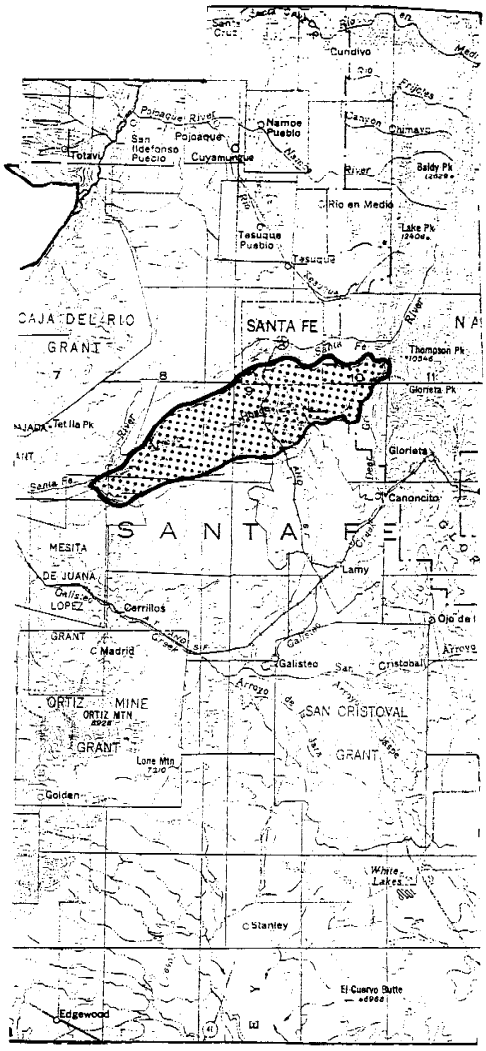


Figure 1. Location of La Cienega Watershed in Santa Fe County.

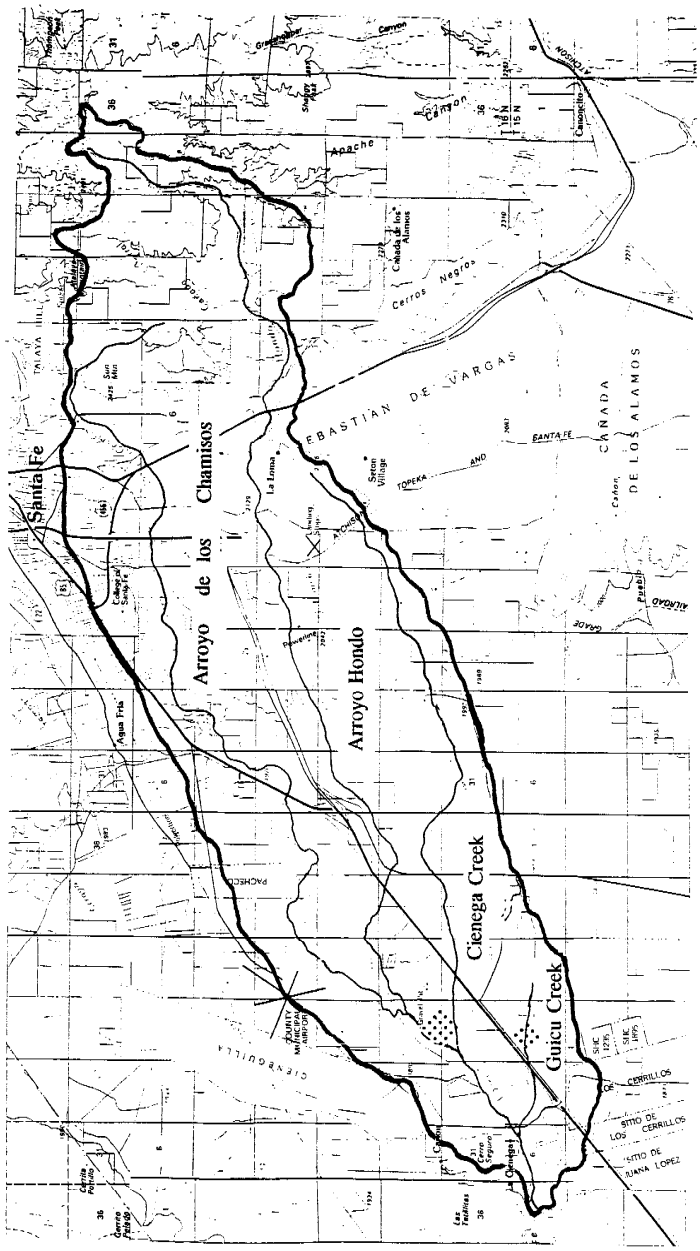


Figure 3. Ephemeral Water Courses and Springs in La Cienega Watershed.
(idealized spring areas dotted)

September 28, 2000

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To: Santa Fe Community College District Planning Committee Members
From: Jose Varela Lopez, La Cienega Valley Association Board Member

It has come to my attention that the proposed ordinance language for the Community College District does not directly address the issues of aquifer depletion and aquifer recharge which are of utmost importance to the people of the La Cienega Valley. As such, I have addressed these concerns by proposing two additional regulations to the Extraterritorial Zoning Ordinance for your consideration. They are as follows:

I. All water systems within the Santa Fe Community College District will, as part of their master plan applications for development approval, submit to the County of Santa Fe a detailed Hydrologic Report stating acre feet to be used by said development at full build out; source of water rights, imported or basin, surface or groundwater, etc.. A detailed report of no detrimental impact to the aquifer will also be submitted as part of said application, and accompanied by the signature of a reputable hydrologist. If a statement of no detrimental impact cannot be proven development permits will not be issued until such time that the applicant can procure a source of water which does not affect aquifer depletion in the La Cienega Valley.

II. All Subdivisions within the Santa Fe Community College District will, as part of their development applications, submit to the County of Santa Fe a detailed plan of Storm Water Management, for the purpose of proving quantifiable aquifer recharge within the La Cienega Watershed, as it relates to their specific development plan. This recharge will be independent of any recharge due to storm water runoff associated with the numerous arroyos within the District. No development permit will be issued until said Storm Water Management Plan, with acknowledgement by a reputable hydrologist, is included as part of the Development Master Plan.

1826434

RICHARDS AVE SOUTH NEIGHBORHOOD ASSOCIATION

DEVELOPMENT POSITION STATEMENT

In light of the continued demand for new developments in the Richards Ave / Community College area, we propose that:

• Any application for zoning variance for development on land adjoining Richards Ave be approved only after collaborative meetings with this association where consensus has been met

• Residential development is most suited for lands adjoining Richards Ave from Rodeo Road to the Community College; commercial development should be minimized

• Any future community development plans maintain the tone of a country residential environment to include parks and light recreational facilities with walking, biking and horse riding trails, in keeping with the present home and family theme of churches and schools already in place and approved along Richards Ave.

• Infrastructure should always precede any developments and promised improvements should be in place before an approved development proceeds to construction

• There be no new developments approved, nor additional phases of developments started, in the Community College District until Richards Ave is improved adequately to handle the added traffic to be generated and the actual funding for these improvements in place

• Official traffic counts be taken yearly along Richards Ave to track traffic volume

• A traffic control light be installed at Governor Miles Rd and Richards Ave, at the earliest opportunity

•Richards Ave be designated a scenic boulevard as entrance to the Community College District with minimums of 300-foot frontage setbacks from the edge of a four-lane arterial to maximize and preserve the view corridors of this road

• Richards Ave be upgraded to include shoulders, bicycle lanes, and turning lanes for the safety of all that use it; this should be completed before any other considerations for development are made

• The planned interchange at I-25 and Richards Ave be modeled after that at Old Pecos Trail, be non-commercial and retain the natural beauty of the area as Gateway Entrances to the City of Santa Fe and the Community College District

Jane Petchesky	Jim Klemmer	Pat Baca
Chairman	Vice Chairman	Secretary

RICHARDS AVE SOUTH NEIGHBORHOOD ASSOCIATION

October 2, 2000

Re: OHARAR/TAURUS PLAN 1826434

500 acres total
100 acre "employment center", commercial zoning, few restrictions
mixed use village center, 25% residential requirement
mixed use neighborhood centers, 25% residential requirement

Of 250 acres of developable land, 150 acres is slated for commercial development

This plan - adds a potential of 3000-4000 trips per day to Richards Ave
-delays mixed use development further into the district where residential bldg is taking place
-adds the potential of unsightly commercial development along the Highway Corridor
-adds commercial at the proposed interchage of I-25 & Richards Ave

This plan has many problems: it is too dense, especially in commercial development; is too tall, as the district plan applies; generate large amounts of traffic along Richards Ave; has the potential to be an eyesore and a sprawling mess.

We recommend that Richards Ave be designated a scenic highway as a gateway entrance to the Community College District
The area of an "employment center" be removed from the plan
The residential segments of the plan be allowed to proceed once Richards Ave has been upgraded
The commercial mixed use aspects of the plan be reviewed for development only after Richards Ave has become a four lane arterial
The proposed interchange be classified non-commercial and modeled after the interchange at Old Pecos Trail
The design standards of a Scenic Corridor of the Highway Corridor Plan supercede the Community College District Plan for properties adjoining I-25

1822959

SANTA FE

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

September 26, 2000

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

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

September 26, 2000

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:35 p.m. by Chairman Richard Anaya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:	Members Absent:
Commissioner Richard Anaya, Chairman	None
Commissioner Joe S. Griñé, Jr.	
Commissioner Paul Duran	
Commissioner Javier Gonzales	
Commissioner Marcos Trujillo	

CHAIRMAN ANAYA: The Chair would like to recognize the presence of Commissioner Gilbert Apodaca from Dona Ana County, a long-time friend of mine and a colleague, so to speak. Welcome to the Santa Fe County Chambers.

IV. APPROVAL OF THE AGENDA

A. Amendments

B. Tabled or Withdrawn items

STEVE KOPELMAN (County Attorney): Mr. Chairman, members of the Commission, there's only one matter that we would ask to be withdrawn at this time. It's matter IX.G. 1. There's just some minor matters that still need to be worked out on that contract with the teen parent center. Nothing major. We should be able to bring that one back at the next meeting for approval.

CHAIRMAN ANAYA: Okay. Are there any other changes. If not then, what's the pleasure?

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

V. APPROVAL OF THE MINUTES: August 29, 2000

Commissioner Griñé moved to approve the minutes of the August 29, 2000 meeting as submitted. His motion was seconded by Commissioner Trujillo and the motion carried by unanimous voice vote.

MR. KOPELMAN: Excuse me, Mr. Chairman, if I might, before we get to the consent agenda, if I could just read into the record the amendments that were approved. The amendments to the agenda are the following. It's under item IX.C. 2, Request authorization to publish the title and the general summary of an ordinance amending Ordinance No. 2000-02, declaring a moratorium on new subdivisions, land divisions and master plans for projects served by Eldorado Utilities, Inc. and encouraging conservation measures within the Eldorado Utilities Inc. service area to allow water from Eldorado Utilities Inc. dedicated to approved and platted residential lots to be transferred to commercial development.

The next change is C. 4. Resolution No. 2000-__. A resolution authorizing Samuel O. Montoya or Estevan Lopez as signature authority, and Joe Maestas as grantee representative for the New Mexico Environment Department grant agreement No. SAP 00-1239-STB and grant agreement No. SAP 00-0060-STB (Cuatro Villas MDWUA Water System Feasibility Study).

The next amendment is G.3, Resolution No. 2000-__. A resolution amending Section 3-A of Resolutions No. 1997-87, and No. 2000-07, modifying membership categories of the DWI Planning Council. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Thank you, Steve. Commissioner Griñé, Commissioner Trujillo, do you recognize the amendments?

COMMISSIONER GRIÑÉ: Yes, we do.

COMMISSIONER TRUJILLO: Yes, we do.

CHAIRMAN ANAYA: Then it's amended as such.

September 5, 2000

CHAIRMAN ANAYA: Any corrections? If not, what's the pleasure?

Commissioner Duran moved to approve the September 5, 2000 minutes as presented. Commissioner Griñé seconded and the motion passed by unanimous voice vote.

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VI. CONSENT CALENDAR

A. Resolution No. 2000-120. A resolution requesting a budget decrease to the road projects fund (311) to realign the appropriated fiscal year 2001 budget with the final grant awards as approved by the NM State Highway Department for expenditure in fiscal year 2001

B. Resolution No. 2000-121. A resolution requesting a decrease to the GOB Series 1997 proceeds fund (350)/water systems phase budget to realign the appropriated fiscal year 2001 budget with the available cash balance for expenditure in fiscal year 2001

C. Resolution No. 2000-122. A resolution requesting an increase to the general fund (101) Maternal Child Healthcare grant program to realign the appropriated fiscal year 2001 budget with the final grant award as approved by the NM Department of Health for expenditure in fiscal year 2001

D. Resolution No. 2000-123. A resolution requesting an increase to the Community Health and Economic Development fund (230) to budget a federal grant received from the US Department of Justice for expenditure in fiscal year 2001

E. Resolution No. 2000-124. A resolution requesting an increase to the Community, Health and Economic Development fund (230)/drug elimination grant and a decrease to the Housing Development programs to realign the appropriated fiscal year 2001 budget with the US Department of Housing and Urban Development (HUD) approved budget for expenditure in fiscal year 2001

F. Resolution No. 2000-125. A resolution requesting a transfer from the public safety facility bond proceeds fund (370) to the general fund (101) budget for expenditure in fiscal year 2001

G. Resolution No. 2000-126. A resolution donating a passenger vehicle to the NM District Court juvenile probation office

H. Resolution No. 2000-127. A resolution to surplus vehicles from the Santa Fe County Sheriff's Office

I. Resolution No. 2000-128. A resolution donating a surplus fire tanker to San Miguel County

J. Resolution No. 2000-129. A resolution authorizing Samuel O. Montoya, County Manager, as signature authority and James Lujan, Public Works Director, as grantee representative for the New Mexico Environmental Department grant agreement No. SAP 00-0101-STB (Agua Fria sewer line)

K. Request authorization to accept and award a price agreement to the lowest responsive bidder, IFB 21-16, for the printing of the 2000 tax bills

L. Request authorization to accept and award a construction agreement to the

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lowest responsive bidder, IFB 21-17, for roofing of County Administration, County Judicial Complex and Public Works Facility

M. Request authorization to accept and award multiple price agreements to the lowest responsive bidders, IFB 21-03, for road maintenance and construction materials

N. Request ratification of the following amendments entered into by the County Manager under the authority of Resolution No. 1997-83:

1. Change order number one and two to construction agreement #20-0156-GS, with Sarcon Construction for the Vista Grande Public Library

2. Amendment number six to the professional services agreement, #98-48, with Edith L. Powers for the Santa Fe County Maternal and Child Health Program to include increased funding for office space rental

O. Request ratification of reimbursement for actual travel expenses for Commissioners

COMMISSIONER GRIÑÉ: I ask the Commission to move for approval of the Consent Calendar unless the Commissioners want to isolate a specific one.

CHAIRMAN ANAYA: Okay, there's a motion for approval. I still think it needs to be read into the record.

MR. KOPELMAN: Mr. Chairman, members of the Commission, I think that there's no need to read each item into the record. I think that the agenda items stand on their own.

CHAIRMAN ANAYA: Thank you, Steve. There's a motion by Commissioner Griñé for blanket approval of the Consent Calendar as presented.

COMMISSIONER DURAN: Second for discussion.

CHAIRMAN ANAYA: Second, Commissioner Duran.

COMMISSIONER DURAN: If I could just have a few minutes to read through it and isolate any items we might want to isolate.

CHAIRMAN ANAYA: You have the time, Commissioner.

COMMISSIONER DURAN: I'd like to isolate item J, Mr. Chairman, just for further explanation.

CHAIRMAN ANAYA: Item J.

COMMISSIONER DURAN: That's it, Mr. Chairman.

CHAIRMAN ANAYA: Item J. That's a resolution authorizing Samuel O. Montoya, County Manager, as signature authority and James Lujan, Public Works Director, as grantee representative for the New Mexico Environmental Department grant agreement No. SAP 00-0101-STB (Agua Fria sewer line). Staff?

COMMISSIONER DURAN: Do we need to vote on it now?

CHAIRMAN ANAYA: You need an explanation. There's a motion and a

second and you want and explanation and James, you have the floor.

JAMES LUJAN (Public Works Director): This is a grant that was from the Environment Department and what it was was giving the County Manager signatory authority and myself as representing the grant. It's for the Agua Fria sewer line part of the Phase 2 project.

COMMISSIONER DURAN: And what does that mean? Does it mean that any changes, any costs related to this are –

MR.LUJAN: We're representing the grant, yes. There won't be any costs. It's already earmarked for the sewer line on that project.

MR. KOPELMAN: Excuse me, Mr. Chairman, Commissioner Duran. The Environment Department requires that the party that receives the grant designate individuals who are authorized as representatives of the grantee. It's really a formality more than anything else.

COMMISSIONER DURAN: So the Agua Fria line project still has to go through the public process, right? I mean, it doesn't circumvent any public review process that might come up or be required.

MR. KOPELMAN: Mr. Chairman, Commissioner, I don't believe so. I think that the legislature had recognized that there were some deficiencies in the system and allocated funds and it's come down through the Environment Department to work on these problems.

COMMISSIONER DURAN: Okay. That's good.

CHAIRMAN ANAYA: Does that clarify everything, Commissioner Duran?

COMMISSIONER DURAN: Yes, sir.

CHAIRMAN ANAYA: With that then, all in favor signify by saying "aye." [Unanimous.] Opposed? Motion carries.

VII. ADMINISTRATIVE ITEMS

A. Committee expirations/resignations/vacancies

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I just have a question. Maybe Estevan can answer this for me. There still is a vacancy at the EZC, which is the member that is appointed at large by the EZC. I suggested several months ago, or a month or so ago, recommended the name of Fred Raznick, and I was wondering if anyone else has brought forward a name or – because I think that position has been vacant for several months now.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Gonzales

COMMISSIONER GONZALES: Is this the – you said this is the at-large that's selected by both city and county members?

COMMISSIONER DURAN: Yes sir.

COMMISSIONER GONZALES: Are you wanting us to make an official recommendation to them? Because I don't know if we've ever – not that we shouldn't, but I don't think that we've ever been involved in that process.

COMMISSIONER DURAN: I really don't care. I'm just wondering what the status of it is.

ESTEVAN LOPEZ (Land Use Administrator): Mr. Chairman, Commissioner Duran, my understanding is that we've submitted the name of the individual you suggested to them but as yet they've not taken any action on it.

COMMISSIONER DURAN: Okay.

CHAIRMAN ANAYA: Estevan, I'm not sure whether he would qualify, because he does live in Eldorado, and if it's a city –

COMMISSIONER GONZALES: Where does the seventh member come from? Is it defined by the geographic area or does it matter?

ROMAN ABEYTA [Deputy Land Use Administrator]: Mr. Chairman, Commissioners, the seventh member has to reside outside of the city limits and outside of the Extraterritorial District. So I believe Mr. Raznick would qualify if he lives outside of the city.

CHAIRMAN ANAYA: For the EZC?

MR. ABEYTA: For the EZC as the seventh member, that the EZC appoints.

CHAIRMAN ANAYA: That's interesting.

COMMISSIONER DURAN: And I'm not advocating for or against Mr. Raznick. He just sent us a letter and I'm just kind of following up on whether or not the committee has made their recommendation or if they're going to appoint anybody soon. And only because the vacancy has been there for several months.

MR. ABEYTA: Mr. Chairman, Commissioner Duran, as Estevan stated, we did submit the name to the EZC and I would expect that they would be making a decision now, at their next hearing in October. But I'll place a call to the Chair and follow up on that.

COMMISSIONER DURAN: Thank you.

CHAIRMAN ANAYA: Then ultimately it would come to a vote over here?

MR. ABEYTA: No, Mr. Chairman. That's appointed by the EZC itself.

CHAIRMAN ANAYA: I see. Okay. Thank you.

VII. B. Committee appointments

1. El Rancho Community Center Committee

VINCENT OJINAGA (Resources Development Director): Mr. Chairman, Commissioners, we do have one reappointment for the El Rancho Community Center, Ms. Teresa Lujan, to serve a two-year term.

COMMISSIONER TRUJILLO: She's been on the board for the last six years, correct?

MR. OJINAGA: That's correct.

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Commissioner Trujillo moved to approve Ms. Teresa Lujan's reappointment to the El Rancho Community Center committee. Commissioner Griñé seconded and the motion passed by unanimous voice vote.

VIII. PRESENTATIONS AND AWARDS

A. Presentation by the Santa Fe County MIS Division regarding the new Santa Fe County webpage

AGNES LOPEZ (MIS Director): Mr. Chairman, Commission, the Santa Fe IT Department has been working in conjunction with the departments and their liaisons to create a new, more interactive webpage and we'd like to present that to you.

COMMISSIONER DURAN: You don't have the picture of me from the sixties, do you?

MS. LOPEZ: Unfortunately, we tried to dig it out, but we couldn't find it.

COMMISSIONER DURAN: Good.

CHAIRMAN ANAYA: That's an heirloom, Commissioner.

MS. LOPEZ: What we'd like to do is give an overview of our current initiatives that we tried to accomplish now, and our future initiatives which we will be looking at for the future. Our current initiatives are to design and update a more interactive webpage, serve out information to the public to eliminate unnecessary calls or trips to the courthouse, also saving time for the employees at Santa Fe County, keep enthusiasm high concerning the webpage so that the information stays current.

In order to do this, what we're doing is holding monthly web meetings with the liaison to give him new ideas and to help him along, give us some training, so that they know how to update their own page as well. This is a diagram of our current infrastructure. What we did was, the data that we planned to serve out to the public is a static file which we put outside the firewall, which means it's not being hit dynamically. The information is updated weekly and so they'll be getting dated information. That's the way that we have it set up now.

Our future initiatives are to allow constituents to pay taxes and bills electronically, allow businesses to review our fees and submit bids, allow constituents to submit requests for services, submit land use applications, etc. via the web.

In order to do this, we need for the constituents to hit the database dynamically, which means they come through our firewall and hit our data as it's updated, so that they can get updated information. This is going to require more software and hardware and probably some more training on my IT staff. So I'll let Chad go ahead and show you what he's done.

CHAD OLSON: Mr. Chairman, members of the Commission, I'd like to show you a little bit of what we have in mind for this. Based on our current initiatives, we wanted the site to be more navigable from the very first page, instead of digging through information time and time again to try to find the things that you're looking for. We developed a pop-down

menu which has basically the things that a constituent would want to ask frequently, such things as meetings agendas will all be kept on the front page, whether they're BCC or EZA or EZC, all these development committees.

The tax evaluation info, just stuff that basically people need access to without, like I said digging through a lot of information. What we like about this is we've developed a customer service request for Public Works work orders. Instead of the piece of paper that they fill out, now they can go on line and if their road name isn't listed they wouldn't be able to submit a request. You'd just be able to type in your name, your call-back information, exactly what you need done, and you can submit that and it goes to a database and they'll be able to log their work orders in that manner.

On a similar way, we have Code violation complaints, which are for the Code Enforcement Division, which are also filled out by hand, which will now be on line as well. You can select from the type of violation and then the area that they're in, and then submit that. And that's logged in the database as well. And when this is submitted, actually an e-mail is sent to each of the Code Enforcement officers, so the officer with the appropriate area will be able to pick that up.

Some of the other things we'd like to show you is the on-line poll, which we think would be very handy. Now a constituent, if there's a countywide issue, you can get feedback on it by saying if they like a certain issue or they're going to vote for it or whatever. Javier, Commissioner Javier, excuse me, had the idea of a poll on his page as well, so he would also have one to the right. As an example, if you don't agree with this, you can vote, and then a results page will pop us, so you can log it and check how people are responding to certain pending issues.

COMMISSIONER GONZALES: On the issues itself, is there going to be, on the poll, is there an opportunity where they can get a background on a question that's being asked, like the issue of the TDR, if we wanted a summary page where we would be able to say – actually where it says transfer of development rights, could that be underlined to where if they clicked on it, it would take them to a summary page that would describe what that program is. Or if there's another question that we might be asking, can we set it up to where you could take another hit that will take you to an explanation page of the questions being asked?

MR. OLSON: Commissioner Gonzales, as the polling software is now, that cannot be done. But if we were to acquire our own polling software, then yes.

COMMISSIONER GONZALES: But in terms, maybe not so much on the software, but could it be maybe under the – maybe at that point that we learn more about the TDR program and they click on that.

MR. OLSON: Yes.

COMMISSIONER GONZALES: So we can do that.

MR. OLSON: Yes. This website is very versatile. We can do quite a bit with it. One last thing I'd like to show you is some of the databases that we're working on. Agnes had alluded to static data and how you can, how we're hitting AS 400 data dealing with tax information. So if you were to key in your tax ID, it will bring up your tax location ID and

your information, your tax district, your address, your map code. And here's the assessed value of your land and the taxes due.

Now if there's a figure here, you will be able to click on it and it will bring a year by year breakdown so you can see that taxes are due for the years '97, '98 and '99. This database is also accessible by name, so you could type – and this will bring up the same record as well. So you're able to do it with either tax ID or your name.

COMMISSIONER GONZALES: That's all public information anyway, right?

MR. OLSON: So it's just a matter if I wanted to get information this area, I could come down and get it. So we're not providing anything that people wouldn't have access to. The voter database is another, it works on a similar principle.

MS. LOPEZ: The voter database is going to save a lot of time for the Clerk. We work really closely with the Clerk to construct this page and during voting times, they get inundated with calls of people asking where they vote, the location and what precinct they're in. So they can come over here and look up my name, find their name, click on it, and it will bring up all their voting information and exactly where they go to vote.

COMMISSIONER GONZALES: So will that be changed during municipal elections? Because their voting places change during municipal elections. So we'll be able to keep that up to date and current.

MS. LOPEZ: Yes. Are there any questions?

COMMISSIONER GONZALES: What's the area of recent use? What are you proposing to put there?

MR. OLSON: We would like this to be a database as well where it could link you to the on-line poll if there's a new issue up, or County events that are going on, like the Employee Appreciation Day and stuff like that. Anything that could be of use – also dealing with the web, press releases –

COMMISSIONER GONZALES: What about general questions that the public might have, for instance on our solid waste program where they're wanting to get some information on where they can buy, or – is there a question area?

MR. OLSON: In that, we're going to be generating a general frequently asked questions. This is a small example of everything from directions to where they would get a marriage license and issues like that. And it will be indexed as it gets bigger.

COMMISSIONER GONZALES: In terms of the agenda, one of the things that we had talked about was to show the meeting agendas, do you have the ability to go to a particular agenda there?

MR. OLSON: Yes. Here's one.

COMMISSIONER GONZALES: So, is there an opportunity, do we have the software where you roll down and someone had a comment on the Consent Calendar and couldn't be there at the meeting but wanted to address an issue that's Resolution No. 2000-4, a resolution requesting a budget increase, if there was a general question from a citizen or someone who wanted to say no to that issue or basically lodge their concerns, is there a way in our software where they can click and basically put that down and then submit it back to us so

that when we ge: our packets we'd have some feedback.

MR. OLSON: Some feedback. Yes. Absolutely.

COMMISSIONER GONZALES: And can you do it though – and some people may want to do it where they don't want their name necessarily known to the public, can you do it in a manner where it just comes to the Commissioners and for the record, as opposed to where the general public can look at some of the comments that are coming in. Because I think that would be really helpful on the agenda where a lot of people who can't make it down to a County Commission meeting could actually go on to the website and we can give them up to a certain point and then they can actually log some comments in and have them submitted to us for the record. So could we have that in place?

MS. LOPEZ: Commissioner Gonzales, we rely very heavily on the different departments to provide us with this and a lot of the times, it's very time consuming for the different departments to do these things, but we do need them and we appreciate their help, but we do need them to take the initiative on their part to provide that to us in the format. And we can do all the training that needs to be done, but we need to rely on the different departments to provide it to us in the format.

COMMISSIONER GONZALES: Okay, so in terms of the level of commitment from the departments, without putting them on the spot, though, do you feel that that's there?

MS. LOPEZ: They would provide a base on this form when they provide it to us.

COMMISSIONER GONZALES: Okay, so the departments would actually go on to the web themselves and they would provide the link.

MS. LOPEZ: Right. The person submitting the form to us.

COMMISSIONER GONZALES: So if we wanted an issue for Finance, then, that would be up to Katherine Miller to provide that link? If there was an issue that was related to land use, it would be Estevan or Roman that would have to do that.

MS. LOPEZ: Well, in this case, the agenda is prepared by Deborah in the Manager's Office. So I think that it would be up to her to hit those things to make each title so that they could hit the link.

COMMISSIONER GONZALES: Okay.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Agnes, when you get to the individual Commissioner's page, if I had an issue that I wanted to poll the community, I could, in that little box that was in there say something like, the following issue is coming before the Board of County Commissioners in their December meeting and I'd like to have some idea as to how you feel about this and to have a couple responses that they could check, if we could do it that way too.

MS. LOPEZ: Yes, Commissioner Duran. Yes, you could do that.

COMMISSIONER DURAN: So we could individualize the polling –

MS. LOPEZ: And have individual databases that you could see for your own constituents separate from the others.

CHAIRMAN ANAYA: That's a good idea, Commissioner. Okay, any other questions?

COMMISSIONER GONZALES: How hard is it to put information in the database, going back to the agenda issue, if someone wanted to review the agenda and get the same material that we have here in the packet, how difficult and time consuming would it be for them to access that on the web?

MS. LOPEZ: As long as MIS gets the information in electronic format, we can put it up.

COMMISSIONER GONZALES: So is everything done in electronic format right now?

MS. LOPEZ: I believe we do get things that come in to the Manager's Office, and that's been a big problem is that they do get things that come in in hard copy. So it's not in electronic format. We've been looking at ways that we can get everything to Deborah in electronic format, because it would make it much easier to get everything out on the web. Also we could give the whole agenda to the Commission electronically as well. So that's been an issue, but yes, they do get hard copies coming in.

COMMISSIONER GONZALES: But in terms of, like land use again, you prepare everything on electronic file, right? Roman? Estevan? So that that should be fairly easy to do. I think we should do that. The other thing is, is there a place where people can access our Code on here, the Land Use Code?

MS. LOPEZ: Yes.

COMMISSIONER GONZALES: Where would that be?

MS. LOPEZ: It's on the old webpage. We haven't moved it over, but it will be moved over.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Commissioner Gonzales, just another question to tie into what Commissioner Gonzales just brought up. If they can access the Code, is it possible to key in a key word? Rather than scroll through the whole document, if I wanted to know something about the EZ commercial nodes, something like that. Is there a way that you could query the database by a few key words?

MS. LOPEZ: Mr. Chairman, Commissioner Duran, yes, we can do that. However, right now we have it set up so that it's searchable by certain words. What we're trying to do is also get it searchable by the index, so that they can click on a certain portion of the index and it will pop into that place.

COMMISSIONER DURAN: It will pop right to it. Okay.

MS. LOPEZ: Right. This is one of the major efforts. We're working with Land Use to help train them on how to create those links and go to those individual areas. And it's not difficult, it's just extremely time consuming.

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COMMISSIONER DURAN: Thank you.

COMMISSIONER GONZALES: In terms of, back to the Public Works requests for grading roads, is there a method where the Commissioners can go into the database and get a list of the roads that are continuously being asked, and is there – do the means exist on the software to enter a date where the road has been taken care of, so we can monitor the time that the request is coming in and the time that it's actually taken us to go out and take care of the road, and that way we would – could we access that without having to go through the Public Works Department?

MS. LOPEZ: Mr. Chairman, Commissioner Gonzales, yes, this database will feed an access database. We do not have a report right now that summarizes that information, but that can easily be created and put in a place that the Commission will have access to. So you can either print it out or view it on line to see which roads are being requested.

COMMISSIONER GONZALES: Great. I'd like that, and also on the Land Use Code also so we can – I think it would be helpful for us to be able to access some of the violations that are going on in the districts and maybe try and spot trends that might be occurring. I think that might be very helpful.

Then in terms of marketing it out to the public, one of the things that I had asked is that we consider a domain name that people could easily remember that we'd be able to tie in. Because I know we have to have this string, I guess, that's attached to the domain name, but were we able to secure one?

MS. LOPEZ: Yes, we requested Santafeco.com and .net as well. So we're in the process of acquiring those two.

COMMISSIONER GONZALES: Santafeco.com. Great. And then in terms of marketing it out to the general public, have we developed a strategy on how we're going to make this aware to the public that it's a tool that they can use?

MS. LOPEZ: Not as of yet. We are working with, or will be working with the County Clerk who has a idea of how she wants to present this for her election. So I think that will be a beginning.

COMMISSIONER GONZALES: One of the things that might be helpful, Deborah, is that if we actually attach the domain name on our letterhead on everything that goes out, and on our business cards. And people will know that there's a web address that they can go to. So I think that will be helpful. I just want to compliment you. I think you guys have done a good job. It's something that we ask for and you've responded. It appears exactly what I was looking for and what I was asking and again, the whole idea, Commissioners, is to try and get the public more involved electronically with how we do business here in the County and how we can serve them more efficiently. So I think that this is a good first step. Is it on-line now or when do we anticipate?

MS. LOPEZ: No, we're looking at October 1, going on line.

COMMISSIONER GONZALES: Okay. Great. We'll just monitor it. Thank you, you guys are doing a great job. Mr. Chairman, I think they're doing a good job.

CHAIRMAN ANAYA: I think they're doing an excellent job.

COMMISSIONER DURAN: Mr. Chairman, I have a question, Agnes. Do we have – this thing just goes on forever, but do we have our health, the health package on here. If I wanted to know about the Indigent Fund and what programs, what providers are part of the Indigent program, is that on the page right now, on our site right now? And if not, is it possible to get it on there? And the other thing is, can we tie that into St. Vincent's site? Because they probably have an indigent care fund or Medicare fund page on their site. So I think that whatever community health plans that we have should also be included on the website.

MS. LOPEZ: Mr. Chairman, Commissioner Duran, yes, I believe the Community Health Department has done a good job of presenting all the plans that they have out there. We do not have a current link to the hospital, but we can certainly put that out there.

COMMISSIONER DURAN: Okay.

COMMISSIONER GONZALES: The other thing that I just want to make sure – and Commissioner Duran is absolutely right, this can go on forever because it's very exciting, but that we do get the economic development plan that's in place and that way, if people wanted to access what tools are available for them, if they want to come and set up shop in Santa Fe County that we would have that available. And I also think, just quickly, being that we're getting ready for October 1, and the Lodgers' Tax Advisory Board will probably put in a link to all the county lodging areas. To some degree, let's see if we can support that. So, I don't think that's a real issue, Steve, right, to have links to private companies on our website if we're supporting them. Meaning like if we wanted to have a link to the Bishop's Lodge, or to Rancho Encantado, or some of the bed and breakfasts around the county off the website, that's not an issue, right?

MR. KOPELMAN: Mr. Chairman, Commissioner, I think that we could certainly assist local businesses through the website. I think it would have to be the kind of situation where we're being even-handed though and we're not favoring one business over another.

COMMISSIONER GONZALES: It might be helpful if we had a Lodgers' Tax, or a Lodgers' link there and then kind of link them into some of the hotel groups around the county, and the bed and breakfasts.

MS. LOPEZ: Mr. Chairman, Commissioner Gonzales, I'd like to say also that this webpage is a work in progress so we'll be putting in initiatives to keep it up to date and some procedures to make sure that each page is kept up to date and we welcome any suggestions that you might have.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Just one last comment. Why are we not using Santa Fe County.com?

MS. LOPEZ: Dot-com?

COMMISSIONER DURAN: You said you secured Santafeco. Is that separate than Santa Fe County.com?

MS. LOPEZ: Mr. Chairman, Commissioner Duran, I believe we've looked for Santa Fe County.

COMMISSIONER DURAN: What would be easier to say, Santa Fe County.com, rather than –

[A discussion ensued regarding name copyright]

COMMISSIONER GONZALES: No, you wouldn't. Ask George Bush. There's a guy who got George Bush.com and he's really putting up a lot of interesting stuff about the governor and the governor can't do anything because he owns the domain name.

COMMISSIONER DURAN: Oh, really?

CHAIRMAN ANAYA: That's interesting. Any other questions?

BECKY BUSTAMANTE (County Clerk): I just wanted to comment that Commissioner Gonzales, you asked the question if we could do it on the small elections, I'm also sure we can, but we could put a page in front of it saying that if your polling place was such and such at the small elections it will be here. So I just wanted for the record to make sure that we understand that.

COMMISSIONER GONZALES: Becky, in terms of registration on-line, do the laws allow you to register the public on-line to vote?

MS. BUSTAMANTE:: Mr. Chairman, Commissioner, there are registrations on the line. The thing is that they have to download them and they have to sign them and they have to have an original signature.

COMMISSIONER GONZALES: What about now that Congress is allowing for electronic signatures to be valid?

MS. BUSTAMANTE:: We aren't recognizing them in New Mexico yet.

COMMISSIONER GONZALES: Oh so we need enabling legislation in New Mexico to allow that to happen.

MS. BUSTAMANTE:: There's still a lot of questions on it as to how do you identify it, so in New Mexico, no. But they can pull off the registration off some websites, but as long as we receive them in their original signatures.

COMMISSIONER GONZALES: So they can download the registration form, fill it out, sign it, and then they'd have to mail it. They couldn't fax it or any other –

MS. BUSTAMANTE:: Right. They cannot fax it.

COMMISSIONER GONZALES: But I think that's still good.

MS. BUSTAMANTE:: And a lot of people are doing it.

COMMISSIONER GONZALES: Good.

MS. BUSTAMANTE:: Thank you

COMMISSIONER GONZALES: Thank you.

CHAIRMAN ANAYA: Is there anything further that you wish to add.

COMMISSIONER GONZALES: Good job. Very nice.

CHAIRMAN ANAYA: Thank you.

VIII. B. Presentation by Alex Martinez with SER Jobs for Progress, Inc. regarding Chimayo welfare to work program

ALEX MARTINEZ: Mr. Chairman, Commissioners, ladies and gentleman. My name is Alex Martinez, the director of SER, Jobs for Progress here in Santa Fe. With me is Horacio Trujillo, who is our program manager for Project SST, which is a competitive, national welfare to work grant that we originally received for Taos and Mora County. Let me mention that we are currently in about our 19th month of operation in trying to serve welfare recipients, help them transition from welfare to work in those particular counties.

A few months ago, the US Department of Labor visited with us here in Santa Fe, primarily to talk about the expenditure rate that we had and also the enrollment rates. One of the things they recommended is that we had a couple of options, one of them was to take the money that we were not projected to spend back to Washington, or secondly, to look at other jurisdictional areas in New Mexico that we might be able to serve, that is the welfare recipients. As a result of that, we went ahead and submitted a modification to our original grant to include Rio Arriba and Santa Fe County also. We were very fortunate to meet with Commissioner Trujillo and County Manager Samuel Montoya to talk about the potential of expanding into the Chimayo area.

At this particular time, I have Horacio Trujillo with me, our project manager, and Horacio is really the individual that conceptualized the social economic development in rural communities model. He went out and partnered with various organizations. SER was brought into the picture because of our reputation in Washington as far as our workforce development initiatives with youth and adults. With that, he will go ahead and give you a quick presentation on our project and hopefully we can get an approval to move into that area. Thank you.

CHAIRMAN ANAYA: Thank you, Alex.

HORACIO TRUJILLO: Mr. Chairman, Commissioners, thanks for having us here. I'm Horacio Trujillo. I'm from Taos, the same place as your County Manager. We're the Project SST, and what I've handed out is a synopsis that you can read at your leisure, and then some pages out of out power point presentation. It keeps getting larger so we didn't want to subject you to the entire thing.

Project SST, the initials, basically stand for our service sequence: Survive, Strive, Thrive. Not only individuals but also the communities. If you look at our logo, the heart behind the initials stands for love and compassion for our communities, and the residents of those communities. The pyramid has several symbols. One is the hierarchy of needs. Two is from the hexagram in the I Ching, the tower, basically discusses leadership by example. Being upfront, being honest, being on the tower. Two is also a step pyramid, acknowledging our indo-hispano roots and that's the pyramid. And then of course it's also a symbol of the montaña del norte de Nuevo México.

The next page, Project SST, as Alex said, is basically a joint venture. The joint ventures include from Mora, Helping Hands, Inc. From Questa, San Jose Questa in Taos, there's Ojalá Consulting Associaties and of course, Santa Fe. We primarily focus on rural

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social economic development. Our work with welfare to work is because the Welfare Reform Act is also part, it's also a subset of comprehensive systems-based socio-economic development. So we focus on those two things, on the individual families and also on enhancing the infrastructure of the community.

The next sheet that you see is what we call the heart model. Basically, what we're proposing is decentralization without fragmentation, meaning that instead of people having to come into an urban area to access services, that we can take the services out to the community. That's basically what we're doing.

The next page, the goals, again the service sequence, survive, strive, thrive. Next page is the strategy that we're dealing with, a three-pronged strategy. One is case management, direct services to clients, two infrastructure enhancement, both human, physical, technological and organizational, and then of course entrepreneurship.

The next slide you see are our service centers. We currently have two in Mora. One in Mujeres Unidas, the other in Helping Hands. One in Peñasco at that community center, one at the Taos County Housing Authority, one in Taos Pueblo, one in Questa and one in Santa Fe at the academy [inaudible]

We're proposing several other ones, [inaudible] Chama, we're in contact with some folks in Chama right now trying to get that going, and Chimayo, basically that's the reason we're here. And then we'll have a SISCO academy at headquarters and that is in Taos.

The next slide is basically our service functions, and the next one outlines our customer services. The next few slides are basically a client profile. One by age. The next one by head of household. If you notice, predominantly female head of households. Ethnicity is the other one, by ethnicity. As expected, Hispanics and Native Americans are over-represented on the welfare roles. By family size, the smallest family that we have, a lady in the third trimester of pregnancy and the largest one is nine. And the most part, it's a single mother with two children.

By marital status, overwhelmingly single, either divorced, widowed, separated or never been married. The next slide is the number of months on TANF. This is welfare. We have six families that have been on TANF, or FDC, its predecessor, for over 100 months. One family has been on TANF for 172 months. That's almost 15 years.

Next slide shows you a breakdown of how they score in the intelligence tests of adult basic education. This is a difficult job. The vast majority score less than eighth grade. However, 50 percent of them have either a GED or are high school graduates, yet they're still scoring below eighth grade on the TAB, which is an indication of possible social promotion in schools.

The next slide is what we've done with respect to staff development in order to empower our staff to better be able to serve the clients. We've taken them through an entire case management series. Total quality management and several of them are now A+ certified, Microsoft certified, MOUs, which is Microsoft Office Users, and we're now undergoing a SISCO networking course. What we'd like to do in each center, set up a technology center. We already have that.

The next slide is the definition of social entrepreneurship. Basically, that's what we need to do. It's folly for us to think that we're going to place people in jobs, particularly in rural villages; there aren't any. So we're approaching that we need to create those jobs in some form or fashion. The next to the last slide is what we would like to do in these community centers and establish a kind of 21st century general store. If you look at 12 o'clock, traditional community center functions, such as meetings for local groups. The next one, going clockwise is a technology center. And in each center we have tech computers tied to computers, tied to the server, tied to the Internet. We have instant Internet access. Each one of those centers has the capacity right now of being an Internet service provider and that's the intent.

We recently submitted an application to the Department of the Treasury to establish a community developed financial institution in each one of these centers also to deal with micro-enterprise lending and venture capital. [inaudible] something like a cyber cafe, where somebody could have some espresso and connect to the *Wall Street Journal* on the Internet. And of course at 6:00 is multi-generational family activities. We have $20,000 earmarked as equivalent for an early childhood development center or daycare center.

Business planning, and again a retail shop and preventive health-type of activities. And the last slide that you have is our model of positive community based social and economic development. What we did there in developing that is that we looked at the question of economic development and answered the three fundamental business planning questions. What's the current state? Where would we like to be? What's the desired state? And what's the transition phase? Project SST is basically designed to facilitate with that transition phase.

The reason we're here, is that as Alex said, we'd like to expand into the Chimayo area, and we'd like to invite you folks to enter into a partnership with us by providing us a building, and what we'd do is we would staff the building, provide programs in there to try to develop a 20th century general store there. Thank you very much. If you have any questions, I'll go into that.

CHAIRMAN ANAYA: Thank you very much sir. Are there any questions?

COMMISSIONER GONZALES: Mr. Chairman, Mr. Trujillo, thank you very much for being here. So you would go into Chimayo and work with TANF families? Is that right? These are families that have a difficult time, that are needing some government assistance to be able to get off of welfare? Is that right?

MR. TRUJILLO: That is correct. These are the families, the primary customers would be those folks that are receiving public assistance or welfare. What they're calling it now is TANF. It used to be FDC. Now it's Temporary Assistance for Needy Families.

COMMISSIONER GONZALES: So these are all the individuals that the government has stated need to move off the welfare roles and into employment?

MR. TRUJILLO: Right.

COMMISSIONER GONZALES: So they've got a limited time to receive government assistance. Is that correct?

MR. TRUJILLO: They have 60 months from July of '97.

COMMISSIONER GONZALES: They have 60 months? Five years? So that's 2002, July of 2002?

MR. TRUJILLO: Right.

COMMISSIONER GONZALES: How many families do you believe that you could help out in Santa Fe County?

MR. TRUJILLO: I'm not sure. We're helping 100 right now at the SER center. And we have 172 in both Taos and Mora County and Santa Fe. We're going to get a lot more. Depending on the families, I'd say 100.

COMMISSIONER GONZALES: So the cap is 500 families? Is that correct? Or 500 individuals?

MR. TRUJILLO: That's the target. If we have more, and we have enough funds to serve some more, we'd be more than glad to do that.

COMMISSIONER GONZALES: And that target was created out of the grant that you received, is that correct?

MR. TRUJILLO: That's correct.

COMMISSIONER GONZALES: So up until now, in Mora and Taos, are you able to come to Santa Fe County because you don't believe that in Mora and Taos you'll reach that 500?

MR. TRUJILLO: That's exactly why we requested that modification of the grant.

COMMISSIONER GONZALES: Okay, so if in the event that we see some changes though in the demographics where, maybe in Mora/Taos, which I believe probably is the primary areas for the grant, are going to be needing it, would that mean that you might have to cut back on the families that you would be assisting in Santa Fe?

MR. TRUJILLO: Not necessarily. Once we're committed to that site, we have to stay there for the life of the grant as far as I'm concerned, as far as Alex is concerned.

COMMISSIONER GONZALES: So that's a commitment that basically you'll make to us is that you'll stay in Santa Fe, regardless of the changing demographics that might end up competing with Santa Fe.

MR. TRUJILLO: Yes.

COMMISSIONER GONZALES: Okay. Thank you. And thank you for the work in this area. It's very important.

CHAIRMAN ANAYA: Are there any further questions?

COMMISSIONER TRUJILLO: I'd just make a comment. So we'll make the Chimayo Community Center available to this program for implementation by Mr. Trujillo and Mr. Alex Martinez?

CHAIRMAN ANAYA: Is there consensus?

COMMISSIONER GONZALES: Yes.

CHAIRMAN ANAYA: There is consensus.

MR. TRUJILLO: Thank you very much.

CHAIRMAN ANAYA: You have some utilization there.

right now, or at least that we started on, on this EIS, would have us finishing next spring. And we wanted to start implementing projects the summer of 2001. And when I talk about implementing projects, I'm talking about whether it be thinning or any prescribed burning.

But that plan went up in smoke, literally, this summer as we've had to spend a lot of time dealing with fires across the country. So our time line is a little off schedule and we're trying to set a new time line, which hopefully will still be in 2001. What we're proposing, the Santa Fe Watershed is approximately about 17,000 acres, and we're not planning on treating every acre in the watershed. Forty percent of the watershed is in the Pecos Wilderness. The other percent is in within the watershed, the lands that we could practice multiple use management.

What is being planned is to go in there and do some thinning, and follow some burning. And the big problem with the watershed right now is that it's been left untouched and well protected for about 70 years and it's been completely overstocked by a lot of trees. Our concerns is that the aspect of the watershed being the Southwest, any fire that would hit that watershed is going to cause a catastrophic event.

The biggest concern is that if you look at the fires that we had this summer, both the Viveash and the Cerro Grande, both of those fires in one day, one day only, each one, the Cerro Grande burned 22,000 acres in one day. The Viveash fire burned 20,000 acres in one day. We're concerned that if any fire that comes into the Santa Fe Watershed from the outside, could totally consume the full 17,000 acres. So you can see we're concerned with the threat of a catastrophic event in that area. And we're still – we have a collaborative effort ongoing with the City. We're still on a schedule to try and complete the planning this winter and hopefully start implementing projects next summer.

There's a lot of issues to deal with. Primarily, if you look at the road, the Canyon Road that is primarily access to the Santa Fe Watershed, any thought of removing products from the Santa Fe Watershed is going to be a big concern for the City and the County and of course the residents of this area. So you can see we've got a lot of issues to deal with, but we're hoping that together, we can come out with some proposals that in the end, will help us protect this very important watershed. And I'll be available for questions.

CHAIRMAN ANAYA: Commissioner Gonzales.

COMMISSIONER GONZALES: Mr. Atencio, thank you for being here. I just have a couple of questions concerning the current status of the watershed. You're saying right now it's basically overstocked in terms of trees?

MR. ATENCIO: Trees per acre.

COMMISSIONER GONZALES: And the level of fuels in that overstocking, you're saying creates a situation that can lead to a catastrophic situation. Can I ask you a question, in terms of when you actually begin doing the thinning and the planned burns, are you going to have to wait until after the EIS is completed before you can do that?

MR. ATENCIO: Right now, Commissioner Gonzales, the area of the watershed itself is broken out into – there's two different owners that own the watershed. The City of Santa Fe owns some lands, and I'll have Craig talk specific about their proposal on

what they can do on their lands that are different than what we can do on Santa Fe National Forest lands. On Santa Fe National Forest lands, we can not initiate any kind of action out on the ground until we complete that planning process.

COMMISSIONER GONZALES: So is there a concern though, that when you go through the process of doing an EIS that in fact, a fire can occur out there and you're doing the plan to prevent it while the fire occurs? Isn't there some venue within the federal government that will allow you to move quicker or to actually begin the thinning, if you know that that's what the end result is going to be, thinning and planned burns in the area?

MR. ATENCIO: Until we actually get all the work completed in the Santa Fe Watershed, the best thing all of us can do is pray and hope that nothing happens. But in the meantime it's going to take many, many years to do all the work that's necessary up there. But yes, we have to complete the planning and go through all that process before we can actually do any work on the ground. We wish we could do it faster. Mayor Delgado would like for us to get started sooner, and we're trying to just move as quickly as we can on that.

COMMISSIONER GONZALES: So in terms of the current status of the forest, why is it, is it federal policy that's allowed it to grow to the point where it is in this status where it's overstocked, or is it – why is it that we're in this situation today as opposed to not being in this situation. Why have we not thinned the forest and why have we not done more controlled burns so that we wouldn't be in this heightened level of danger?

MR. ATENCIO: It's probably a combination of all those, Commissioner. Everything from when we quit, when we started to put out fires, for example, in the 1800s, 1700s, a lot of these fires were allowed to burn the area. That is one. We're not doing as much logging as we've done in the past in this whole area. If you look at the forested areas they have grown faster than we have removed any material. So you have all those factors that played into it. And we've just got a big problem.

Plus, we have more people. The population in this area in the Santa Fe National Forest has doubled in the last 20 years so we have a lot more people that are living out in forested areas, which is now making it more difficult for us to reintroduce prescribed fire, for example, as a tool. So it's not going to be an easy solution.

COMMISSIONER GONZALES: So in terms of the long-term solution and going through this EIS statement and then going through the years of thinning and doing the controlled burns, do you feel comfortable that -- I'm assuming that this is a long-term solution and not something short-term, to get the forests to where they're not a fire danger anymore, and then all of a sudden they grow, and then they do become a fire danger and then we go back into this point. Are we at a point now where there's federal policy in place that will allow the continued maintenance and the continued health of the forest to be administered through some of the areas, or through some of the processes that you've described, such as thinning and controlled burns?

MR. ATENCIO: Unfortunately, the Cerro Grande awoke a lot of people too late as to the dilemma that we have out here. It's going to take a while. We're only talking about the Santa Fe watershed at this point. However, we have 1.8 million acres on the total

Santa Fe National Forest and many of those areas need attention. Even in other areas in Santa Fe County, for example.

COMMISSIONER GONZALES: So, but it is a long-term strategy to keep the forest healthy, to keep them thinned and managed so that we don't find our way into this spot again.

MR. ATENCIO: And just for everybody, what we see coming very shortly and should be long-lasting, is a great influx of dollars coming to this part of the world for us to begin to prioritize all the different watersheds. And our priorities will be based on where people and the land live together in key watersheds, for example, like Santa Fe. Those will be addresses first, and hopefully the dollars will continue to come to help us address this situation. We're looking at five to ten years out.

COMMISSIONER GONZALES: Just one last question, Mr. Chairman. In your experience, and in the position you hold, is there any other alternatives to thinning and the planned controlled burns that would achieve the same objective?

MR. ATENCIO: Anything that removes the bio-mass from our national forests is one way to help. Now you can take it out and it will go up in smoke, is one way, or you can take it out in chips or lumber. The Santa Fe Watershed, we can do some burning, but any time you do burning, remember smoke at night comes downhill and we will create a hazard in the communities any time we burn. Anytime you start removing those products, whether it be in logs or chips through communities, you also create different kinds of hazards. So it's not going to be easy in this case.

But in other areas where we don't have those kinds of problems, logging would be another option. But anything that removes the bio-mass, I think would reduce the catastrophic fire.

COMMISSIONER GONZALES: So the EIS will determine how that means will take place, or have you already determined how that means will take place?

MR. ATENCIO: Now, for the Santa Fe, specifically, watershed, the EIS, we're looking at several alternatives right now that will address the situation here.

COMMISSIONER GONZALES: As opposed to thinning or having controlled burns.

MR. ATENCIO: It will include, could include thinning and putting the stuff on the ground and letting it rot, and then eventually burning it. It could include thinning and being piled by people, and then we would burn those piles. It could include thinning and we could remove those products either for firewood or for other products that could be used, whether it be for vigas, latillas or posts, or even some lumber.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN ANAYA: Mr. Atencio, like Paige mentioned earlier, I had the opportunity to go up and visit the watershed. It seems to me that out of the 1.8 million, you are prioritizing the Santa Fe Watershed as a priority factor endeavor. One of the concerns that was raised is the utilization, like you've stated. What's going to be done with the cuts and everything like that and of course consideration into your EIS should be that Canyon Road

cannot be utilized. I'm sure the City would object to that. But there's other points of access and one of them is from Cañada de los Alamos, which I'm sure Paige wouldn't want the traffic flow there either.

But my question is this. As the road extends on further, it was mentioned to me, I'm not sure how accurate it is, that it comes out around the Dolphin Canyon area up in Pecos. And in your EIS, perhaps you might take that into consideration as an access point for removal of any substances that may need to be removed in lieu of controlled burning. It seems to me like such a waste if you're going to cut it and then burn it right on site. There seems so much potential for utilization of whatever activity you do in the watershed. But I would like for you to consider that in your EIS, for sure.

MR. ATENCIO: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Are there any questions of Mr. Atencio?

COMMISSIONER DURAN: I have one, Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Mr. Atencio, who is charge of getting the federal funding for this effort?

MR. ATENCIO: We get our funding though Congress, so we're working with the New Mexico delegation, as with the US Forest Service Region in Albuquerque, and the Forest Service nationally, because this is a problem nationally. It is our understanding, Commissioner, that for the 2001 budget, is that we will start getting these dollars to help address the situation.

COMMISSIONER DURAN: So there's really no risk of not getting the money? The reason I ask is that we have a lobbyist, or a couple lobbyists that work for us on behalf of Santa Fe County. And if you needed some assistance, I'm sure that we could ask them to intervene on our behalf.

MR. ATENCIO: All the tours that we took this summer in the Santa Fe Watershed, the Cerro Grande, the Viveash, and the attention that New Mexico received, we were very successful in getting the story across and what needs to be done.

COMMISSIONER DURAN: Good.

CHAIRMAN ANAYA: And I want to thank you for prioritizing the Santa Fe Watershed in your studies. It's so critical to the City of Santa Fe and the County of Santa Fe. We appreciate that.

COMMISSIONER DURAN: Thank you very much.

CRAIG O'HARE: Mr. Chairman, Commissioners, my name's Craig O'Hare. As Paige mentioned, I'm with the City of Santa Fe, Sangre de Cristo Water Division, and I'll just give a brief overview of the City's perspective on this whole watershed issue.

The watershed is, obviously, Santa Fe Canyon. It makes up about 40% of our water supply on an annual basis. It's extremely critical to us in meeting our summer peak water demands. We have a surface water treatment plant up on Upper Canyon Road that treats nothing but the water coming out of Santa Fe Canyon. As you're well aware, we're in a drought emergency this year. The reservoirs are about 20 percent full. Our big concern is that

if we had a catastrophic crown replacement fire, similar to the Cerro Grande or the Viveash fires, that we would find ourselves with an enormous amount of sediment and ash through erosion in the rain events that would follow such a fire event. Both potentially filling up our reservoirs, or significantly filling up our reservoirs and rendering their storage capabilities not that effective, and also we feel that we'd have significant problems with our surface water treatment plant and its ability to handle that sediment and ash and very likely, compromising its ability to produce water that meets drinking water standards.

If that were the case, regardless of the amount of supply that was sitting up in the watershed, if we lost the surface water treatment plant as a source of supply, we would find ourselves in a Stage 4 water shortage emergency and only able to get by on our well production capacity. As you know, we're in Stage 3 now and so that is a big concern to us. We did have a lightning caused fire this year in mid-July. Luckily it happened about a week or two after we got at least some rain events up in the watershed and it was contained to three acres. If it had happened a month or so earlier, it would have been a significantly different situation up there.

Obviously we have a concern, and this would be a concern for the County as well, about the whole urban interface issue. There is a concern that a fast-moving crown fire could come out of the watershed and jeopardize structures in the immediate vicinity of the watershed. This issue particularly post-Cerro Grande fire, while we've been operating with the Santa Fe National Forest for a few years now, this issue is particularly sensitive to us since the Cerro Grande fire. Mayor Larry Delgado has made it one of his highest priorities. In fact, he's been instrumental in having a dialogue with Secretary of the Interior, Bruce Babbitt, who we took on a tour of the watershed just after the Cerro Grande fire. Forest Chief Don Beck, Representative Udall has been in our watershed, Senator Dominici has been working on the whole funding issue and making sure there's sufficient funding in the West for these issues. Governor Johnson, and there is probably a continued lobbying effort to make sure that the federal project continues to move along swiftly as it has been since all of this attention has been sort of directed towards the watersheds since the Cerro Grande fire.

We have two main concerns as far as the treatment program and the thinning program and the prescribed burning for the City of Santa Fe constituents, who are obviously your constituents as well. What are the neighborhood, impacts, as Leonard mentioned? We have the one existing ingress and egress is through Upper Canyon Road and Cerro Gordo Road. It is a big concern to those neighborhoods as far as truck traffic going up and down. I doubt we're really talking about large logging trucks, but we're talking about an even greater number of smaller trucks that would be hauling that material out of there.

And then as Leonard mentioned, there will be smoke impacts as well. Prescribed burning will be a necessity on a large portion of the treatment area, and there's going to be a recognition that particular during the evening when the prevailing air currents are generally draining out of the canyon that that smoke will come down into town.

Finally, as Leonard mentioned, 1000 acres of the 17,000 acres are owned by the City of Santa Fe and we are serious about doing something on this issue, even in advance of the federal project. Because it's City land and because we don't intend on using any federal dollars, we do

not have to participate in or have a National Environmental Policy Act that has a EIS requirement, and we have done an RFP and have selected a forest contractor, a local area forest contractor, to do some thinning on about 200 to 250 acres of our watershed of the lands that the City owns in close proximity to the single road that's up there. This will be going before our council in late October, and should they approve it, which I believe they will, we'll find ourselves getting going with some thinning in November that will carry through into May.

Finally, and again, we're spending our own funds on that and it's not going to significantly change the fire danger up there, treating 200, 250 acres, but we feel it's a good foot in the door and it's also a strong statement to the federal government that we mean business as far as this concern goes.

And then finally, as Paige mentioned, I would like to, as Commissioner Anaya as gone on, urge the other Commissioners to try to attend one of our watershed tours that we do cooperatively with the Santa Fe National Forest. In fact we have one this Saturday, where we meet up at our surface water treatment plant at 9:00. It takes about three or four hours if you do the short version of it. You can see the treatment plots, You can see the dog hair thicket forest that's probably ten times thicker than a healthy ponderosa forest ought to be and we do encourage you, if you can, to attend one of those. We've got one this Saturday, and then one in late October and one in late November, and then we'll start up again probably in March in April. Thank you.

CHAIRMAN ANAYA: Craig, I have a question of you. In your maintenance projections that you've done with what the City owns, are you taking into consideration the Hughes property that the County purchases open space, because it's right adjacent to the water treatment center. Did you contemplate on that in your planning?

MR. O'HARE: Commissioner, are you talking about in our effort just to treat some areas of City land?

CHAIRMAN ANAYA: In your thinning. You stated that the -

MR. O'HARE: No sir, we haven't. We'll probably have our hands full just with the 200 or 250 acres. It's a funding limitation. We're going to be spending about $300,000 on that effort, and I don't believe we have the funds to do an effort larger than that in this -

CHAIRMAN ANAYA: I'm not sure either, but there's some maintenance factors and concerns that came up in our purchases under the COLTPAC plan, the open space purchases. But you might coordinate with our staff on that effort. I'm not sure what direction the maintenance feature has gone so far, but it would behoove to coordinate in that direction. Are there any questions of Craig? Thanks, Craig. Paige, to close.

MS. GRANT: I promise I'd explain how it was that the Santa Fe Watershed Association got involved in all this, and I'll start by, just in case you don't have one of my flyers, I'll pass this out. About two years ago, the Forest Service made an opening, made an invitation to the environmental groups in town to come and sit down with them and read through the existing conditions report, which actually the City had put up the money for a consultant to look at the condition of the upper watershed. And it was pretty good way to

engage us because we all sat down and looked at the same body of information and did a lot of learning about what the problems were in the upper watershed and what a beautiful and valuable area it is and what a tragedy it would be to lose it.

As I say, that was about two years ago and I sort of went and stayed and got increasingly informed about the problems of trying to treat these areas. As you gentlemen have come up with Why can't you do this? What about a road from over here? Well, the president has a road list initiative in areas where there are no roads in national forests, and we're trying to avoid putting any further roads into them. People say, let's see, what about horses? Can't you do logging with horses? Well, there's problems with that.

We've sat on gone through all these various options and I just have a tremendous appreciation for the position the Forest Service is in where they have the environmental groups on the one side going, We don't know enough to treat this. You're going too fast. This is not a cautious approach. On the other hand you have local communities saying, What do you want to burn up perfectly good wood for when we can come in and take it out as firewood, and they're not looking at the limitations that Craig and Leonard both have mentioned as far as how you truck the stuff out down Canyon Road.

So what we've tried to do is be in a position where we can hear these issues and get the information out to the public. And I'd like to promote it to the County as a model for trying to get community input early in a complicated process like this. It's been an extremely effective one and one way that we have become involved in addition to helping to get the story out, which for instance, we were very much engaged in the Forest Forum that was put on at the end of June when we brought in some of the best researchers in the Southwest to explain what the condition of the forests were and what treatments have been taken to deal with them.

We've also worked with the Forest Service and the City on getting 319 funding, which is a source of funding through EPA and we're just at the point of crossing the T's and practically signing the grant agreement so that the Forest Service will get $419,000, I think it is, of federal funds to spend. As soon as those start to flow this fall, if only they could because of the constraints of the EIS process. But the Watershed Association, out of that funding, will be involved in starting to do the monitoring, doing some background monitoring before we even start treatment. We're hoping that by developing the data on what's there now, what changes take place when we put in the treatments, and what happens subsequently, that we'll be able to help demonstrate that these can be beneficial projects.

I guess I'll end there. Did you have a question?

COMMISSIONER DURAN: No, I was just wondering, I wanted to let the Commission know that I did receive a proposal from Santa Fe Watershed Association to provide some services to the County. And I don't know if you're through with your presentation –

MS. GRANT: Sure, I can do two things at once.

COMMISSIONER DURAN: And this Commission has always been supportive of the Watershed Association's efforts in preserving our watershed and the river, and actually bringing the river back to becoming a living river. And before Paige sits down, I'd kind of like

the Commission to recognize the efforts that they have made towards this effort and I've talked to Estevan. We have $600,000 in a grant that was given to Santa Fe County to work on watershed issues and – I don't know exactly what it is I know that some of the efforts of the Santa Fe Watershed Association is working fall within our ability to fund their efforts with this grant and I was wondering if this Commission would be supportive of having legal and the Land Use Department sit down and try to prepare some kind of service agreement with the Santa Fe Watershed Association to provide services to Santa Fe County.

I know Alina was the one working on this but now that Lesli is leaving, she's going to take over Lesli's open space programs. I think there's a real gap there that we need to take care of.

CHAIRMAN ANAYA: Steve and Estevan, is that a viable concept?

MR. LOPEZ: Mr. Chairman, Commissioner Duran, I believe we can certainly look into that and explore the possibilities and I think you're right. I think that the grant funding that we have right now is probably such that it's – subject to a legal review that I think that it might be usable in that regard.

CHAIRMAN ANAYA: I think that's an excellent direction. Commissioner Trujillo.

COMMISSIONER TRUJILLO: I agree. Estevan, this $600,000 that's available, how long do we have to use those funds and who's in competition for the money?

MR. LOPEZ: Mr. Chairman, Commissioner Trujillo, the money has been awarded to the County. I don't believe that we're in competition for it anymore. It's actually been awarded to us. I'm not exactly sure of the time frame within which we have to use all of that money, but I'm sure that we've probably got a couple of years, at least.

COMMISSIONER TRUJILLO: What projects in the county are competing for those moneys?

COMMISSIONER DURAN: Could I just address that real quick? One of the things that Estevan and his department has put together is a priority list of projects that we would spend this money on, and it has yet to come before the Board of County Commissioners for review or discussion. I would like, at the same time that you review this with the Santa Fe Watershed Association that the County start working on where we're going to implement – what programs are going to be implemented through this grant.

But for the time being, there's been no set process established as to where this funding would be spent. I'd like to see it spent on every district. Well, not every district but across the board in areas that we really need some study.

CHAIRMAN ANAYA: I think that's excellent direction. Do you have anything else to add, Paige?

MS. GRANT: No, thank you, unless you have questions.

CHAIRMAN ANAYA: We have no questions. Thank you all for your presentations.

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IX. STAFF AND ELECTED OFFICIALS ITEMS

A. Community, Health & Economic Development Department

1. **Request authorization to enter into amendment number three to the professional services agreement, #20-0037, with the Santa Fe Family Center for the Santa Fe Community Infant Project**

ROBERT ANAYA (CHED Director): Mr. Chairman, Commissioners, the amendment before you brings our contract to be more consistent with the actual billings that are necessary through the Santa Fe Community Infant Project. They'll be based on units of service. It also adds $37,500 that we received from the Frost Foundation to continue with our services. I stand for any questions, Mr. Chairman, members of the Commission.

COMMISSIONER GRIÑÉ: Thank you. Are there any questions of staff?

Commissioner Duran move to approve the amendment and Commissioner Trujillo seconded. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

IX. A. 2. **Request authorization to enter into a memorandum of understanding with the City of Santa Fe to provide DWI program services at the municipal court**

MR. ANAYA: Mr. Chairman, Commissioners, this is our annual memorandum of understanding with the City of Santa Fe to operate our Teen Court and our Drug and Alcohol Screening program through the municipal court. I stand for any questions, Mr. Chairman.

COMMISSIONER GRIÑÉ: Are there any questions of staff?

Commissioner Trujillo moved to approve the MOU. Commissioner Duran seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

IX. A. 3. **Request authorization to accept and award a contract to the lowest responsive bidder, IFB #21-04, for project #NM02-P050-007, Public Housing Development project for construction of new dwelling units, 20 units at Vista Verde Subdivision, 12 units at Valle Vista Subdivision, and 8 units at Santa Cruz Subdivision**

MR. ANAYA: Mr. Chairman, Commissioners, it brings me great pleasure to finally bring to you, the Commission, the award, or recommended award for construction to CDR Construction to begin construction on the 40-unit development that we're going to build at

the Vista Verde Subdivision, Valle Vista, and Santa Cruz Subdivisions. This has been a project, Commissioners, as you're aware, that's been in the works for several years. The funding was actually received from Santa Fe County Housing Authority in 1995.

This has been a long project that a lot of people have been involved in and I'd just like to take a brief moment to thank the entire Commission for your efforts in working with the Housing Authority in particular, this particular project. A special thanks to the Commissioners that won't be with us after the first of the year, Commissioner Griñé, Mr. Chairman, thank you, and Chairman Anaya. We'd like to thank them specifically and all the entire Commission but it's been a long project. Ralph Flores is our project manager. He's been working diligently on the project. I'd like to thank Diana Sena, our Housing Administrator, Steve Shepherd, Dodi Salazar, Larry Narvaiz. Mr. Ojinaga, who is the General Services Department Director also helped with this project, and Susan Lucero helped a lot on the project over the years as well as all the departments.

At this time, Mr. Chairman, Commissioners, I'd like to call forward Ralph Flores to answer any specific questions you might have on the project, and I believe he has some individuals he'd like to introduce and thank as well.

COMMISSIONER GRIÑÉ: Thank you, Robert.

RALPH FLORES: Mr. Chairman, Commissioners, my name is Ralph Flores. I'm the project manager for this project and again, I'd like to say that it's been about a year since I came on board and there was a lot of work that had to get done in a short amount of time. Sometimes it's a matter of having the right people at the right place. In this case we chose a firm, an architectural firm, Conron and Woods, that was exceptionally great. They really made my job easier.

We have also the general contractor, Rick Wilson from CDR that's going to be the contractor. But most of all I think I'd like to thank the many County employees, no matter what department or division I've gone to ask help for, they've been tough. They've told me this is what they require. But they also bent over backwards and have really made my job easy. They've always gone the extra mile to help me. So I want to thank the many County workers that did help out in this project.

COMMISSIONER GRIÑÉ: Thank you, Ralph.

COMMISSIONER DURAN: Mr. Chairman.

COMMISSIONER GRIÑÉ: Commissioner Duran.

COMMISSIONER DURAN: Mr. Flores, the homes that are going to be built, are they going to be similar in construction to the one house that I toured with you and Robert several months ago in the Valle Vista Subdivision?

MR. FLORES: Mr. Chairman, Commissioner, I feel that these ones are even going to be a little bit better. We're going to control the quality of concrete since the beginning with testing. The windows are going to be much better and generally, overall speaking they're going to be much better.

COMMISSIONER DURAN: Great. And once they're built, are we going to explore the possibility of selling these homes to the individuals? I remember we had talked

about starting a new homes, affordable home program where we would build this money out of the HUD money and that would initiate a program where we could sell them and replenish the fund and continue to offer affordable, low-income housing?

MR. FLORES: I'm going to turn this question over to Robert.

MR. ANAYA: Mr. Chairman, Commissioner Duran, in fact, yes, today, I received a Federal Express package from the Department of Housing and Urban Development in the Washington office that granted us approval of our homeownership plan. And our first phase of the homeownership plan, that's also been in the works for quite some time, will be the Valle Vista Subdivision, but we intend to include the Vista Verde Subdivision within the homeownership program. So the units we'll be constructing at Vista Verde, the 20 units at the site by the golf course, will be available for home sales.

COMMISSIONER DURAN: So I guess part of that is we're going to need to get hooked up with some kind of finance. Or do you think we might finance that in-house?

MR. ANAYA: Mr. Chairman, Commissioner Duran, we're going to pursue every available means to provide financing. We have two providers here in Santa Fe that we're going to look to. The Neighborhood Housing Services, who is actually working with us specifically on the homeownership project. We'll also pursue the Santa Fe Community Housing Trust, in addition to the New Mexico Mortgage Finance Authority, that has access to a lot of secondary money to be able to subsidize these projects. In addition, conventional financing could potentially be used as well with some of the clients.

COMMISSIONER DURAN: I just have one last question, Mr. Chairman. So, our existing units, can we use this HUD money at all to maintain or take care of any deferred maintenance that exists in the ones that we already own?

MR. ANAYA: Mr. Chairman, Commissioner Duran, we're in the process and have been, based on the recommendations of this Commission, remodeling and upgrading the existing unit to meet Code and to have individual gas meters and water meters. It's been a long process but we do in fact have some resources available to us that you've given us, the Commission, through the affordable housing fund that we have internally.

We've also through some of our existing capital funds that we get from the Department of Housing and Urban Development, been scheduling that work so that the upgrades can coincide somewhat with the home sales. But we do have access, in addition, once the home sales begin, we will also have the proceeds from those sales, that we'll be able to look to to either provide upgrades and/or what we envision is to work with the Commission to find other means to provide affordable housing in Santa Fe County.

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

CHAIRMAN ANAYA: Okay. Are there any further questions of staff?

Commissioner Griñé moved to approve the contract for housing construction. Commissioner Duran seconded and the motion passed by unanimous voice vote.
[Commissioner Gonzales was not present for this action.]

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IX. A. 4. Resolution No. 2000-130. A resolution approving the Public Housing Assessment System (PHAS) management operation certification

MR. ANAYA: Mr. Chairman, Commissioners, as you're aware, Santa Fe County Housing has undergone tremendous change over the course of the last couple of years, based on your direction. And we've also been working on trying to stay up with the necessary requirements that the Department of Housing and Urban Development places upon us. Currently, there's a new assessment tool. Prior to this document that you have before you, we were assessed by the Public Housing Management Assessment Plan.

HUD has decided that they were going to move to, in their viewpoint a more comprehensive approach to assessing housing authorities. What they do on a daily basis, how they perform their jobs, and in addition to the documentation that we have to provide as to when our units become vacant, how long it takes us to rent up units, and our financial status, we also have incependent contractors that come into the Housing Authority to inspect the physical condition of our units. There's also an assessment that takes place where review goes directly to the tenants of public housing to provide feedback on how they feel services are being provided.

This document brings us in line with the current requirements as set forth by HUD, and we will wait to see what our final score on this new system is. The score is not yet available. HUD has moved to electronic transmittals of just about all documents that they require. So we will electronical y submit this. It's been forwarded and we now wait for the official score from HUD. And we request your approval of the resolution for the submittal of the documents. I would stand for any questions, Mr. Chairman.

CHAIRMAN ANAYA: Thank you, Robert. Are there any questions of Robert?

COMMISSIONER TRUJILLO: I have a question.

CHAIRMAN ANAYA: Commissioner Trujillo.

COMMISSIONER TRUJILLO: What does the score do for this program? What are we competing with? What are we being rated against or compared to? What does it do?

MR. ANAYA: Mr. Chairman, Commissioner Trujillo, prior to the County taking over the Housing Authority, as you're aware, the Housing Authority was designated as a troubled status agency. The reason that that status was given was because some of the internal controls were not in place, relative to financial tracking, contract management, just the day to day operations. If you did not meet the threshold requirements as set forth relative to your daily operations, you could be subject to recapture of funds.

Mr. Chairman, Commissioner Trujillo, if you recall there was many an occasion when HUD was threatening our development project as one example, that they were going to take it back if we wouldn't put in place the necessary components to get out of troubled status. This

assessment could jeopardize your funding, number one, first and foremost, and also the service to your providers. The intent of the assessment is to make sure that we're doing our jobs and that we're doing what we need to do to keep the Housing Authority running appropriately.

COMMISSIONER TRUJILLO: Thank you, Robert.

CHAIRMAN ANAYA: Any other questions of staff?

Commissioner Duran moved to approve Resolution 2000-130 as presented. Commissioner Trujillo seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

IX. B. Finance Department

1. Request authorization to accept and award a professional services agreement to the highest qualified respondent, RFP #21-15, for the design of the Turquoise Trail fire station

KATHERINE MILLER (Finance Director): Mr. Chairman, Commissioners, the Finance Department and the Fire Department and also the Community Development Department solicited proposals for an architect to design the Turquoise Trail fire station. We received four proposals and of those four proposals, Terma Architects was scored the highest on their proposal and ability to design the fire station. We entered into negotiations with them and negotiated a contract approximately 8% of the construction estimate, and that came out to $42,000. And we're requesting authorization to enter into that agreement?

CHAIRMAN ANAYA: Any questions? If not, what's the pleasure?

Commissioner Griñé moved to approve the contract for design of the Turquoise Trail fire station. Commissioner Duran seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

IX. B. 2. Request authorization to enter into a professional services agreement, #21-0051-PW, with Souder, Miller & Associates for groundwater methane monitoring for the Agua Fria landfill

MS. MILLER: Mr. Chairman, Commissioners, the Public Works Department, specifically Solid Waste, negotiated the contract with Souder, Miller & Associates to monitor the Agua Fria landfill groundwater and methane levels and we're requesting authorization to enter into that agreement for $14,890.

CHAIRMAN ANAYA: Any questions?

COMMISSIONER TRUJILLO: This is the landfill being closed?

MS. MILLER: Yes.

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CHAIRMAN ANAYA: What's the pleasure?

Commissioner Trujillo moved approval of the contract with Souder, Miller & Associates for groundwater monitoring. Commissioner Griñé seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

IX. B. 3. Resolution No. 2000-131. A resolution adopting the per diem and milage reimbursement policy pursuant to Department of Finance and Administration Rule 95-1 and to rescind Resolution 1995-54

MS. MILLER: Mr. Chairman, Commissioners, at the request of the County Manager, we're bringing forward this resolution to modify the policy that Finance uses for reimbursement of travel. We currently do go by Rule 95-1 except there are some limits on reimbursement for lodging. The DFA Rule 95-1 is in accordance with the State statute, an we currently, if you look at the rule that's in your packet, under page 6, it lists some special areas. Those special areas, we limited the reimbursement on hotels to $190 or in other special areas $145 and that's been the policy that the Finance Department has reimbursed by for the last few years.

We're asking that we be able to just use the DFA rule, either this 95-1 or anything that replaces 95-1 as our guidance for reimbursements of travel. If you look on page 9 of that rule, this is where the difference comes in from the policies that we currently have and that is we would be allowed to reimburse up to $200 for actual hotel expenses if a public official or an officer or an employee travel and their hotel lodging is going to exceed $200, then they would need to come either to the County Manager or the Chairman and get prior approval for reimbursement on the encumbering document or on the purchase order in order to be reimbursed for more than $200 for their hotel.

The amount of $22.50 per day on meals, that's a statutory limit and that would stay the same. So the only difference is the reimbursement for the lodging, that if somebody does go up to $200, they can be reimbursed for that under actual, and if they exceed $200, they have to get prior approval from the County Manager or the Commission Chair.

CHAIRMAN ANAYA: Thank you, Katherine. Any questions? What's the pleasure?

Commissioner Griñé moved to approve Resolution 2000-131. Commissioner Trujillo seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

IX. B. 4. Report of fiscal year 2000 final revenues and expenditures and the fiscal year 2001 final budget

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MS. MILLER: Mr. Chairman, Commissioners, in your packet, there is a letter from DFA concerning our fiscal year 2001 budget approval, the approval of the final budget. It is a requirement to have that budget as a part of the minutes, which we did do except for the changes requested on the second page of that letter. Those four changes are not substantial changes to the budget. One and two are changes that we always make. Those are based on the final numbers that come from DFA and from those agencies that give us those funds. And three and four are adjustments made when we get our final numbers at the end of the fiscal year from June 30. So I just would like, as a matter of record, to let you know that the budget was approved by DFA with these four changes?

CHAIRMAN ANAYA: Any questions? If not, what's the pleasure?

Commissioner Duran moved to approve the budget report and Commissioner Griñé seconded. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

MS. MILLER: And then, Mr. Chairman and Commissioners, the item that Susan handed out to you, during the budget preparation for fiscal year 2001, I believe that Commissioner Duran had requested that we throughout the year give you some financial report as to how we're doing. In the interests of time, I'm not going to report on all 35 funds, but I thought that you might find it interesting to see how we did at the end of the fiscal year, and also to note that we're doing well so far as revenues go for this fiscal year. We're ahead of projected revenues by a small amount, which is always nice. And the report that was handed out to you is a budgetary report, more or less, how we did on budgeted revenues, what we budgeted and then what we actually did receive for last year, and also budgeted expenditures, what we budgeted to spend and what we actually did spend.

The first sheet is a recap of the budget of the revenues. As you can see in our property tax effort we were under budget a little. That was due to some of the issues that did come up during budget preparation, that is we had not accounted for the one percent fee that goes to the valuation fund. But that was offset by more than enough revenues in gross receipts taxes and shared taxes and miscellaneous revenues. The large amount that contributed to the miscellaneous revenues was in the ambulance billing. So you can see we came out ahead of budget about $623,000 in revenues.

The second sheet is on the expenditures side. Each department is given a budget for their expenditures and typically, we don't spend 100% of that budget but we try to hit it pretty well so that we aren't overbudgeting or underbudgeting. We came out with about $3 million of budgeted expenditures that we did not spend. That fall-out on the third sheet is typically what we use to fund our capital package in the following year. That third sheet is a summary of the additional revenues plus the budgeted expenditures that we did not use, for an excess of $3.6 million. We put $1.4 million of that into our cash reserve. That's required if – we always have to keep a 3/12 cash reserve requirement at the beginning of our next fiscal year. Due to

an increased budget over last year, we needed to up that reserve. So $1.289 million of that $3.6 million went to meet our cash reserve requirement.

Then the $2,112,000 is what we budgeted in cash this year, fiscal year 2001, for capital projects. Then also the road fund requires a cash reserve of 1/12, and we had to put $164,000 of that excess cash to the road fund. And that is essentially where our money went at the end of the year. I just thought that that would be helpful for you to understand how we ended up the year.

Then on the next two pages are special revenue funds and the road fund as to how they panned out. And if you have any specific questions I'd be happy to try to answer those.

CHAIRMAN ANAYA: I have none.

COMMISSIONER TRUJILLO: I have one. During the budget exercise we said we would set aside about $300,000 for special projects that the Commission thought that they might need. Is that money still available?

MS. MILLER: Mr. Chairman, Commissioner Trujillo, during the budget process you did indicate certain projects for a good portion of that money, probably about $210,000, $220,000 of that. Understand that has been built into the budget under the capital package for those low-water crossing and the various projects that you indicated you wanted. I believe Commissioner Gonzales was not here during that time so there was some left for him to put for projects in his district. That has still, to my knowledge, not been put to a specific project.

CHAIRMAN ANAYA: Thank you.

COMMISSIONER DURAN: Do you remember how much that was?

MS. MILLER: I believe it was $70,000 to $90,000, somewhere in there, to be attributed to specific projects. I can double-check on that and let you know exactly how much it was though.

COMMISSIONER DURAN: We could all, if we decided that it's not just up to Commissioner Gonzales to allocate out. Is that correct?

MS. MILLER: Mr. Chairman, Commissioner Duran, during the budget process, I believe that each Commissioner indicated in their district, projects that they wanted. And I think that Commissioner Gonzales was not here so he was not able to do that at that time, and you all did agree as to the projects that would be put forward to you so it is up to you how you'd like to spend that.

CHAIRMAN ANAYA: Okay, thank you.

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IX. C. Land Use Department

1. **Request authorization to enter into a memorandum of understanding among Santa Fe County, Cuatro Villas Mutual Domestic Water Users Association (Cuatro Villas MDWUA) and New Mexico Rural Water Association for the purpose of developing a feasibility study for a regional water system**

ROMAN ABEYTA: Thank you, Mr. Chairman, Commissioners. The County, Cuatro Villas Mutual Domestic Water Users Association and New Mexico Rural Water Association have partnered to work on developing a regional water system for the four communities of El Valle de Arroyo Seco, Cuarteles, Sombrillo and La Puebla. The State legislature appropriated an allocation of $65,172 for a feasibility study that would enable the County, Cuatro Villas and New Mexico Rural Water Association to work on acquiring funding towards a regional water system.

Requested action is that the BCC approve the memorandum of understanding summarizing the agreement between the County, Cuatro Villas and New Mexico Rural Water Association to work collaboratively to select a firm to conduct a feasibility study and manage the contract throughout its duration.

Mr. Chairman, I'd like to introduce to you Mr. Frank Lopez from the Cuatro Villas Association. He'd like to take a few minutes and address the Commission at this time.

CHAIRMAN ANAYA: Okay, Roman, actually, we're just acting as a fiscal agent on this matter. Is that correct?

MR. ABEYTA: Mr. Chairman, that's my understanding. Yes.

CHAIRMAN ANAYA: Sir, would you address the Commission, please.

FRANK LOPEZ: My name is Frank Lopez and I'm vice chairman of the Cuatro Villas Mutual Domestic Water Users Association Board of Directors. The four communities, La Puebla, Arroyo Seco, Sombrillo and Cuarteles, came together to address a common concern about increasing population density and increasing contamination well sites within those four communities. Our answer to this was to form the Cuatro Villas Water Association and consequently tackle the job of building a water system to serve those four communities.

We're here before you today to ask that the County approve this memorandum of agreement so we can start accessing those $65,000-plus monies that were appropriated by the legislature to us to advertise and subsequently get our feasibility study, which will then enable us to go after major funding for the system, which appears to be upwards of $9 million.

So I ask the Board to work swiftly in approving this memorandum of agreement and we look forward to working with the County to help gain the necessary monies to proceed with this project.

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Commissioner Trujillo moved to approve the MOU and his motion was seconded by Commissioner Anaya and passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

IX. C. 2. Request authorization to publish title and general summary of an ordinance amending Ordinance No. 2000-02 ("Declaring a moratorium on new subdivisions, land divisions and master plans for projects served by Eldorado Utilities, Inc. and encouraging conservation measures within the Eldorado Utilities Inc. Service Area") to allow water from Eldorado Utilities Inc. dedicated to approved and platted residential lot to be transferred to commercial development

MR. ABEYTA: Mr. Chairman, this is a non-action item. I'd like to clarify for the record that this amendment would allow existing taps or service from Eldorado to residential lots to be transferred to commercial properties so applicants could then come forward with their master plans, because they would have the water rights that they had transferred from a residential lot to a commercial lot. We received many letters of opposition and so for the record I would just like to clarify that this will be scheduled for the November 14th BCC meeting.

CHAIRMAN ANAYA: Okay, this is merely to request authorization to publish title and general summary, which will put it into a public hearing. What's the pleasure?

Commissioner Trujillo moved to approve publishing title and general summary to amend Ordinance 2000-02. Commissioner Duran seconded for discussion.

COMMISSIONER DURAN: I have received a lot of calls and I got a packet delivered to me today that had 750 signatures. This is a pretty hot issue for the community of Eldorado and my second of it, and if I decide to vote for it, it's not for approval of this but rather to bring the issue out forward so that we can have some community input and public participation. I would like to hear all of the concerns of the community.

CHAIRMAN ANAYA: In that case there's a motion and a second to move forward for public hearing. Is there any further discussion.

The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

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IX. C. 3. Resolution No. 2000-132. A resolution declaring the City of Santa Fe and Santa Fe County jointly establish a task force to develop policy recommendations for the governing bodies regarding the adoption of a joint water management plan (supercedes Santa Fe County Resolution 1999-95)

MR. LOPEZ: Mr. Chairman, Commissioners, I've just passed out an amended version of the resolution that's in your packet. The amendment is very minor. About a year ago or so, the County adopted a proposed joint amendment between the City and the County or a joint resolution between the City and the County that would have created a task force to work on a joint water management plan. That resolution was never acted on by the City and recently it's come up again in a slightly different form. What I've just passed out to you is the – as near as I can tell, that is the exact language that was adopted a couple of weeks ago by the City.

I do not yet have a signed version of that resolution, but I got this language from the Clerk this morning. The only change from what's in your packet is on page 2 of the resolution. We strike any reference to – on lines 14 and 15 of page 2, we strike the phrase through discussion and recommendation by the Santa Fe City/County Regional Planning Authority. The remainder of the resolution is as presented in the packet. So as it stands right now, the resolution would authorize the mayor and the chairperson of the County Commission to appoint three members from the Council and three members from the Commission to the task force. It would also authorize the City Manager and the County Manager to appoint staff to assist the task force. The task force would meet twice monthly for six months and make recommendations as quickly as possible.

CHAIRMAN ANAYA: That sounds good. One, two three: you are appointed. Any questions of Estevan?

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Estevan, does this new resolution incorporate all of the amendments we made to the one that was sent to us by Councilor Bushee?

MR. LOPEZ: Yes, it does, Commissioner. I would – it's pretty much exactly the same as what we recently worked with except that it's removed references to the RPA and that the members have to be members of the RPA. Otherwise, it's the same resolution that we worked on previously.

COMMISSIONER DURAN: So on page 2, line 6, Whereas the City and County are committed to investigate all water supply alternatives available to the region, this would allow us to have some discussion concerning other sources of water, like deep well exploration and those other things that we talked about. Going to the Rio Grande, working with the Pueblos –

MR. LOPEZ: Mr. Chairman, Commissioner Duran, that's correct. I think those were amendments that you recommended and I think that those were very useful in making clear that we want this to be a water management strategy that will look at all

alternatives, not solely what we're reliant upon today. And the other place where it should make very clear that we're exploring all alternatives is in the title of the resolution itself. The title includes the words "to include investigation, exploration and implementation of new and innovative supply resource alternatives for the greater metropolitan area.

COMMISSIONER DURAN: Just one last thing, Estevan. I've been contacted by some people who would like to reconstruct the reservoir, the reservoir up at the top of Canyon Road. Would this allow us to open up that discussion with the City as an alternative? Because I think that finding other methods of storing water might be something we would want to consider.

MR. LOPEZ: Mr. Chairman, Commissioner Duran, in my opinion this resolution is very flexible in terms of the latitude that it gives you to discuss water supply alternatives.

COMMISSIONER DURAN: Okay. Thank you.

CHAIRMAN ANAYA: Any other questions? What's the pleasure?

COMMISSIONER GRIÑÉ: I move to approve Resolution 2000-132.

MR. LOPEZ: Mr. Chairman, I would simply ask that – I've not yet gotten a signed version of this resolution from the City, so I would ask for a little bit of latitude so that if there are some slight differences that are not substantive, that I be allowed to make those administratively, rather than having to come back through this. But if there's anything of any substance, I would certainly bring it back through.

CHAIRMAN ANAYA: Is that agreeable to the motion maker?

COMMISSIONER GRIÑÉ: Yes, that's agreeable.

CHAIRMAN ANAYA: There's a motion by Commissioner Griñé incorporating your flexibility, Estevan. Is there a second.

Commissioner Duran seconded the motion and the motion passed by unanimous voice vote.

IX. C. 4. Resolution No. 2000-133. A resolution authorizing Samuel O. Montoya or Estevan Lopez as signature authority and Joe Maestas as grantee representative for the New Mexico Environmental Department grant agreement No. SAP 00-1239-STB and grant agreement No. SAP 00-0060-STB (Cuatro Villas MDWUA Water system feasibility study)

MR. ABEYTA: Mr. Chairman, this is in relation to item number one, the memorandum of understanding that was just approved.

CHAIRMAN ANAYA: Which we initially just passed? What's the pleasure?

Commissioner Griñé moved to approve Resolution 2000-133 and Commissioner Trujillo seconded. The motion passed by unanimous voice vote.

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IX. D. Public Works Department

1. **Request authorization to enter into the 2000 Severance Tax agreements with the New Mexico State Highway and Transportation Department (NMSHTD) for road projects**

JAMES LUJAN (Public Works Director): Mr. Chairman, Commissioners, the Public Works is requesting the approval of severance tax agreements with the exclusion on your list of Cerro del Olmo, Calle Victoriano and the Santa Fe Relief Route. Cerro del Olmo and Calle Victoriano have just been brought to my attention that they are private roads and we need to further study with the Highway Department why they're coming through us. And Santa Fe Relief Route is on the state highway right-of-way on 599, so we want to look into that one also. And we're requesting that you pass the resolution.

CHAIRMAN ANAYA: Are there any questions of James? What's the pleasure?

Commissioner Duran moved to approve the severance tax agreements and Commissioner Gonzales seconded. The motion passed by unanimous voice vote.

IX. D. 2. **Request authorization to enter into amendment number one to the severance tax agreement with the State Highway and Transportation Department (NMSHTD) for road improvements to County Roads 94B and 94**

MR. LUJAN: Again, this an amendment to include 94, it was originally just 94B and some work has been done to 94B and there's an amendment to include 94.

COMMISSIONER TRUJILLO: Where are these roads at?

MR. LUJAN: These are in Chimayo. County Road 94.

COMMISSIONER TRUJILLO: Thank you.

Commissioner Duran moved to approve the severance tax agreement to include County Road 94. Commissioner Griñé seconded and the motion passed by unanimous voice vote.

COMMISSIONER GONZALES: Mr. Chairman, before James leaves can I ask a quick question on Public Works?

CHAIRMAN ANAYA: You may. Commissioner Gonzales, you have the floor.

COMMISSIONER GONZALES: Thank you. James, I had put in a request during fiesta weekend to you that we put up some guardrails on Agua Fria, near the Sena

property where there's been some, I guess some people that have been overshooting that area. And Ms. Sena talked to me, I guess last week and indicated that your office stated that the guardrails weren't going to go up.

MR. LUJAN: What they stated, Commissioner, Mr. Chairman, what we stated to her is that we were going to study it and do a study. I have since talked to Traffic Engineering. I've got Dan looking into it. We're also looking at some alternatives to possibly make that a three-way intersection where they come to a stop. Because currently, right now, they have a mound of dirt and that's just making a ramp also. And also we feel that the guardrail may not work either. Because if they hit head on into that guardrail, they can still protrude through that guardrail and into those mobile homes.

COMMISSIONER GONZALES: I guess my point, James, is that her basic state of mind and concern in this area is such that thinks that a guardrail will help. And so, I don't know if I need to put it on an agenda to ask that that be done or if we can just jet it done. And I understand the studies and everything, I just assume – I asked Tom Dominguez to do this and he did the studies and said it didn't need to be done. I know the studies are probably going to say it doesn't need to be done but this is a state of mind more so than anything else. So I'd like to see if we can –

MR. LUJAN: Also, on your question that day is to get a price on it and we are getting a price on it. So we're looking at both ways, but if that's what needs to be done, we'll take a look at it and I can get a guardrail.

COMMISSIONER GONZALES: I actually want it done. Not if it needs to be done. And if you can have that basically brought back that would be great in a couple of weeks as to confirmation that it was done, that'd be helpful.

CHAIRMAN ANAYA: Thank you, cg. Are you done?

COMMISSIONER GONZALES: Yes.

CHAIRMAN ANAYA: James, another thing, my constituents were concerned about the possible paving of Double Arrow Road. I think they contacted you. At least they said they were going to contact you as to looking into that potential. That and some work on La Barberia. So I'm sure you can expect some contact from them.

MR. LUJAN: I will look into that.

CHAIRMAN ANAYA: I know there's a portion of Double Arrow Road that we've acquired maintenance of, I think it's the first portion of it. Anyway, they were asking to look into the possibility of paving that particular section. Commissioner Duran, did you have anything?

COMMISSIONER DURAN: I forgot what I was going to ask.

CHAIRMAN ANAYA: Good. Let's move on.

MR. LUJAN: Mr. Chairman, also on La Barberia, we did meet with some of the residents last week to go through on some of the items that they need to complete for the last, I think, .3 mile. So we did meet with some of them this last week.

CHAIRMAN ANAYA: There's a portion of it that has a high wash area. I think that's basically their main concern. Thank you, James.

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COMMISSIONER DURAN: Mr. Chairman, I remembered. Last month we approved an ordinance that allowed the sheriff to ticket cars in areas where it said "No Parking." I forget the name of the ordinance. But it also provided for fines up to $300. And I had an individual call who was wondering when these signs were going to be posted and was told by your department, I mean when they were going to be installed, and was told by someone in your department that they would not be installed because they believe the ordinance for some reason didn't allow them to post that $300 fine.

I guess I'm talking specifically about that area in Tesuque by the Tesuque Canyon. What is your department's plan to post those new signs saying that cars can be ticketed?

MR. LUJAN: Mr. Chairman, Commissioner, I believe some of those signs are already posted out there, No Parking.

COMMISSIONER DURAN: Well, there's No Parking signs, but there's nothing in there that indicates that there's a $300 fine.

MR. LUJAN: I'll have to look into that. This is the first I hear of it about not placing those signs.

MS. BUSTAMANTE: Mr. Chairman, I would just like to say for the record that it has not been recorded. It has not come to my office and I believe the law says that it's 30 days, it goes into effect 30 days after it's recorded. And for some reason I have not gotten it in my office. So I just bring that to your attention.

COMMISSIONER DURAN: Excuse me, you haven't gotten a copy of the ordinance?

MS. BUSTAMANTE: No, Mr. Chairman, many times you make some changes and stuff that has to come down. We try following up on it but until, I believe, and I can ask for a legal opinion, but to date, it hasn't been recorded.

COMMISSIONER DURAN: Can you check on where that ordinance change is?

MR. LUJAN: I sure will.

COMMISSIONER DURAN: Thank you.

COMMISSIONER TRUJILLO: I have one issue.

CHAIRMAN ANAYA: Commissioner Trujillo.

COMMISSIONER TRUJILLO: James, Robert, we're doing some construction on Camino Los Montoya. We have a project going on there. I guess this morning I got a call from Dr. Norsett. She was really concerned, alleging that the excavation was taking place in her private land and that some of her, well, the telephone lines were severed. So there was no communication from her house outside or back in. I don't know if Robert got a call from her or not, but that was the concern, that excavation was taking place on her land and that her telephone lines were severed. Can we take a look into that? This is Dr. Norsett.

MR. LUJAN: Mr. Chairman, Commissioner Trujillo, we did get a call this morning about the utility relocation, and I'm having somebody check into it. They were supposed to have been relocated as of six months ago. What we're also looking into, or my understanding is that in the private drops to the residents are not lowered until the time of

construction. So this may be one of the cases. But I will look into it.

CHAIRMAN ANAYA: Thank you, James.

IX. E. Matters from the County Manager

1. Request ratification of Bond Resolutions No. 2000-114 and 2000-115 with technical changes

MR. KOPELMAN: Thank you, Mr. Chairman, members of the Commission. As you recall, a special meeting of the Board of County Commissioners was held on September 5 and during that meeting, the Commission approved bond election resolutions 2000-114 and 2000-115, which authorized the four bond questions to be placed on the November 7 election for the ballot. Several technical changes needed to be made to those resolutions. None of the changes affects the substance at all of what the Commission approved. For example, there's a change in the language under the ballot resolution in Resolution 200-115 to conform to the language in Resolution 2000-114.

Becky Bustamante and I spent quite a bit of time going through and making sure that the language was appropriate. We ran it by bond counsel and again, what we'd like to do is have the Commission approve the technical changes and it would be retroactive to September 5, the date the bond resolutions were originally adopted.

CHAIRMAN ANAYA: Sounds good, Steve. Becky, does that address your concerns?

MS. BUSTAMANTE: Mr. Chairman, members of the Commission, at the time that this was adopted, I was concerned about what little thing. However, at that day, we got the resolution given to us that day. Upon looking at it, there were many, many changes that I felt needed to be made and so that's why we made them. Yes, it meets my – and for the record I would request that in the future any time it's going to affect my office I'd like to be involved in it.

CHAIRMAN ANAYA: Thank you, Becky for being so astute.

COMMISSIONER TRUJILLO: I really appreciate the scrutiny and your expertise in this effort, Becky. Thank you.

Commissioner Griñé moved to approve the technical changes to Resolutions 2000-114 and 2000-115. Commissioner Trujillo seconded and the motion passed by unanimous voice vote.

IX. F. Matters of Public Concern – NON-ACTION ITEMS

CHAIRMAN ANAYA: Is there anyone in the public who would like to address the Commission on any issue except the Eldorado vote that we have taken earlier. The reason I state that is because it would be redundancy, because it will be going to public hearing

and you will have the opportunity to address the Commission at that time, and that's fair. Anyone else like to address the Commission? Carolyn. Haven't heard from you in a long time.

CAROLYN SIGSTEDT: I know. It's been a while. Anyway, I was actually hoping that Javier, Commissioner Gonzales, would be able to hear this.

CHAIRMAN ANAYA: He can hear.

MS. SIGSTEDT: He can hear? Okay.

CHAIRMAN ANAYA: He has one of those tracking devices. We put in a tracking device to find out where he's at. He can hear. Go ahead, Carolyn.

MS. SIGSTEDT: Okay. Well, anyway, this is my last ditch effort to try to save the St. Vincent property and to try to hold it in the public domain. I believe that that property belongs in the public domain. I've stated this before. We own Cathedral Park, or at least the City does. We as a community own Cathedral Park. I see it as a wonderful opportunity for an administration building for the City and the County to use jointly as a joint venture.

And there are ways that we can go about doing this that would actually not affect the public's pocket. In other words, we've heard from the public that they aren't that interested in spending money for a bond to purchase this building. I personally feel it was mismanaged in terms of public relations, mostly on the City's part, because they continually, or they constantly connected it to a convention center, which blacklisted the whole idea. At any rate, here's my last proposal and I don't think it's too late for this to happen.

Number one, we are all the same taxpayers. Why should we as citizens of New Mexico, residents of Santa Fe County and citizens of the City of Santa Fe pay twice for this building. When St. Vincent was sold to the state, that was us, we, New Mexicans, who bought that building. When old St. Vincents moved to St. Michaels. So we've already bought that building once. We're all the same taxpayers as I believe it, and in my opinion, even through the City and the County have each – not jumped on this or mismanaged or PR'ed this incorrectly, any of those things. And any of those things can happen. I just do not want to see this building lost. I think it's monumental. I think it's worth preserving and I also am not enamored my another five-star hotel. But any rate, here's the deal. It is absolutely within constitutional and legal jurisdiction for the state to consider many kinds of arrangements, not just sale. It can be leased. It can be a joint powers agreement. I actually think of all the governmental levels, dealing with this property, the one that I think is mismanaging it the most seriously is in fact the state. What is the big hurry? What is the big hurry? They've got La Residencia. They've got a contract with these folks for at least 2 ½ years.

If you're dealing with government, i.e., the County, the State and the City, it takes time. It truly takes time. But back when old St. Vincents was sold, that went to the legislature, that went to our state legislature and we, as New Mexicans decided to purchase that building. I think it should go to the legislature again, or in fact, if there was a joint powers agreement, which would lease the property to us, then it would be a similar arrangement, actually, Javier, to what the Commission did with the state prison. In other words, I don't think we should pay

more than a buck a year for this place. I mean seriously. Or it should be something very, very nominal, very modest.

My feeling is that the state owns an awful lot of land in our county that is not taxed, we make no revenue on it. So the County can claim a lot of loss of revenue over the years from the state. The City and the County can claim a lot of wear and tear on roads. It's not cheap being a capital city. It does cost us in many ways. But mainly, more important than any of that stuff, is just at all levels of government, state, County, City, should get along and be good neighbors and share. The City leases the teen center for a buck at the railyards.

I don't think it's any different on the state level and I just don't understand why we don't stand up and demand that this happen.

CHAIRMAN ANAYA: Carolyn, we have. Believe me.

MS. SIGSTEDT: Okay. I'm just about finished. I just want to say that it's absolutely legally and constitutionally correct for them, the state to consider this. And also there are precedents throughout history, throughout our state, of the state leasing buildings for a buck a year. They're all over the place. And then, I personally feel the County could have a public/private joint venture with investors from either Las Cruces or Texas that are interested in not building a five-star hotel, but in fact a City/County joint administration building. And I don't think it's too late. Nothing's going to happen quickly with this little deal that we've been reading about in the newspaper. So I just say that we wake up the old deal. We go to the Board of Finance first. Javier, you put together the last arrangement with the prison. It's no different. And then we take it to the legislature and actually, all win. That's my idea.

CHAIRMAN ANAYA: Thank you. It's an excellent idea.

MS. BUSTAMANTE: Mr. Chairman, I want to apologize to the Commission. We have recorded 2000-110, which is that sign. It was recorded on September 13 so it will go into effect 30 days after September 13. My apologies to the staff. It was just an error on my part. Thank you

CHAIRMAN ANAYA: Any one else like to address the Commission?

COMMISSIONER TRUJILLO: That idea, I think that's a good idea.

CHAIRMAN ANAYA: I agree. I think it's ideal. Nearly ideal. The concept behind the taxpayers' money is that not only do the citizens of Santa Fe County or the City of Santa Fe lent this purchase of the old St. Vincents, but it's a generalized effort throughout the state. That's the reason for the variable of governments, you see. And it makes it very difficult to deal with the state, wishfully for one dollar. But we tried. There's no doubt we have tried.

COMMISSIONER TRUJILLO: But is it feasible to give impetus to getting some sort of agreement with the state for $1 per year like we did with the state prison.

COMMISSIONER GONZALES: Mr. Chairman, I think we're looking at two very different properties. Carolyn is right though. In an ideal world it would make sense to take the same approach on the old St. Vincents. It's all contingent on General Services and how they want to deal with these properties. And I would just keep in mind, part of the frustrating thing is the Commission couldn't even get to the point where we were talking about

whether we wanted to go forward for an actual bond vote or not on this. We couldn't put together a package. The state basically just kind of shoved us to the side and said we're going to go forward and we're going to solicit bids to purchase this property.

So you got to wonder really what's the intent of the state and are they as committed as the community is to see the old St. Vincent Hospital remain in the public domain. And thus far, I don't think that they've demonstrated it. They've demonstrated it in other areas that we're working with them on. We're leasing the pen water rights. That's going to be helpful so we can hopefully preserve some of the water in the La Cienega area and as Carolyn indicated the issue of the state prison facility. Those are two areas where General Services has been willing to work with the County. In this particular area, for whatever reason, Mr. Chairman, I am baffled as to why we haven't been able to even put together a proposal similar to what Carolyn had talked about, a public/private partnership or to solicit private partners to come in and see if they would participate with us.

I think that goes to what their intent is with the property. Do they really want it to remain in public hands or not? Thus far, through their own actions, I think they've demonstrated that it is not a priority that it remains in public hands.

CHAIRMAN ANAYA: That's true. There are so many variables out there.

COMMISSIONER GONZALES: But in the event, I think Carolyn's right. This is going to take a long time. I think we can decide as a County if we want to propose, go to the legislature and ask them to pass a bill. The Governor can always veto that bill as well. That's an issue also, that we'd have to deal with and I'm assuming that he's providing a lot of the direction on how to go forward on this.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: If Commissioner Gonzales is through. I think, I mean I have some information that would probably be helpful relative to what Carolyn brought up. The state is selling this property because they have a capital improvement plan and a campus, they're going to build a campus around the downtown area by the Bataan Building. And their plan is to sell this building. Sell St. Vincents. Use the proceeds to by the NEA Building, which would be the first part of their acquisition to build a campus in that location.

So I think that it's going to take an act of God to get the state to allow the County to lease it for a buck a year. Because they've been working on this plan for several years. The reason for this campus is so that they're not out there leasing property from private individuals. They would rather own their buildings. So that's what the impetus is behind acquiring the NEA Building and all those properties in that area.

What I think we should try to do is, to recognize the fact that although they have a $10 million offer on the table from Aurbach, I don't believe that this offer is going to be one that is not subject to numerous City approvals and it's going to take forever for that process to take place. In talking to Les Swindle, they, now that they have these two offers can pretty much pick and choose who they sell that building to. I think we should approach the state and ask them to sell it to Presbyterian Medical Services, allow those people that are in there right now

to remain there, and then go into a private partnership with Presbyterian Medical Services to move County/City offices to that locations, and let them stay where they are and provide the service that they provide to our elderly. That's the direction I think we should try to take.

CHAIRMAN ANAYA: That's a good notion.

COMMISSIONER DURAN: Because I really believe that this Aurbach project, this hotel, is just going to take forever to get approval, especially when we're talking about limiting building permits in the city and hotel rooms and excessive water usage. So is it possible to get – are those RFPs usually – Katherine, are those RFPs that we receive, are they public noticed immediately after being opened up? I'm trying to get a copy of the proposals submitted to the state from Presbyterian Medical Services, which was the $8.1 offer, and Aurbach Properties, and that was the $10 million offer. So my question is, when do those become public information?

MS. MILLER: If it was an RFP, those aren't public until after an award is made or if they cancel the solicitation because they probably have negotiations and it would compromise negotiations. So typically, if it's a bid, a straight bid, those are opened publicly and those are public information but if it's a proposal and has negotiations factors, those aren't public information until after the work.

COMMISSIONER DURAN: Could we try to get a copy of them anyway?

MS. MILLER: We could try. They probably wouldn't have to give them to us but they may have – usually it's [inaudible] public information but not where they rank out.

COMMISSIONER DURAN: But still, do you think it would be this Commission's desire to send a letter to the state, if that track could gather more information, that they would consider selling it to Presbyterian Medical Services. I guess we need to talk to Presbyterian Medical Services to see if it's something they would consider. But if they are in agreement to that, maybe we could petition the state to sell it to Presbyterian Medical Services with the understanding that we would go into a partnership with them on it.

CHAIRMAN ANAYA: If you choose to take that leadership, Commissioner Duran, why don't you go for it and then bring the proposal before us.

COMMISSIONER DURAN: Okay.

COMMISSIONER GONZALES: I mean, I think any way we can try and get in the door would be helpful. I would just – the thing that baffles me too, and maybe Les Swindle has talked to you about this, Commissioner Duran. The legislature hasn't appropriated money to relocate the PUC. They haven't relocated any of the other agencies that are in the Villa Real. And so the question is to any owner, how long are you going to have to basically be a landlord before you can do anything with the property either. If it was Aurbach – PMS is in the best position, but what in the world is Aurbach thinking that they can actually go and spend $10 million on a property. You have to inherit these people. They're not going to be able to just be moved. That's going to take a long time before the buy they NEA Building, clear it and build a new building and so unless the property is already paying for itself or could cover the $10 million debt, it just seems to me like – I'm just scratching my head wondering how these people can pull it off in the time remaining that they're wanting to pull it off.

MS. SIGSTEDT: But that's what shows us that there is more time.

COMMISSIONER GONZALES: Right.

MS. SIGSTEDT: And the government doesn't need to be putting these pressures - the state, excuse me, doesn't need to be putting these pressures on the County and the City in that way if they're actually serious, if you have serious intent. And the other thing is, Javier, I think we should definitely go before the legislature, but I think like tomorrow we should go before - it's the Board of Finance that we've got to win right now and then lobby. There's lobbying that goes on right now.

COMMISSIONER GONZALES: But there's no sense to go before the Board of Finance unless we have a contract, right? With the state. For them to review and approve. Is that right, Katherine?

MS. SIGSTEDT: I think a proposal, yes. You don't need a contract. Just something of substance to talk about, so they can begin to think about whether it's something they can even intellectually entertain. I don't think it's dead and all and I personally think there are many ways to get this property and we're not going to do it through a bond and paying for, but it still can be done and done very well.

CHAIRMAN ANAYA: Thank you, Carolyn. So Paul, are you going to spearhead that, check into that direction?

COMMISSIONER DURAN: I'll report back to you at the next meeting.

CHAIRMAN ANAYA: Okay. Sounds good.

IX. G. Matters from the Commission

1. **Request authorization to enter into amendment number one to the memorandum of understanding between the City of Santa Fe and the County of Santa Fe creating the position of Regional Planning Authority Policy Coordinator**

MR. KOPELMAN: Mr. Chairman members of the Commission, this memorandum of understanding between the City and the County was approved by the Board of County Commissioners at its August 29th meeting. Subsequently, there were some changes that the City had to make to the document to clarify certain provisions of the agreement with respect to the City's personnel rules and regulations. Unfortunately, in the process of the City making those changes, and the document is in your packet book, a paragraph was deleted. It's paragraph 7, which isn't in your packet. It would be termed "Salary" What the City has in its document is just that the salary for the RPAPC position shall be $58,500.

The original agreement had a provision though that the City would be responsible for the salary and the benefits for this particular position, and what we're proposing to add in here is a new paragraph 7 called "Salary" specifying what the salary is and adding a sentence saying the Count will not be responsible for the salary and benefits for this position. And this is really by way of clarification and then again to make sure that we reconcile the MOU approved by the City Council and then the one approved by the County Commission.

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CHAIRMAN ANAYA: Are there any questions?

COMMISSIONER DURAN: I just have one question for Commissioner Gonzales? At the RPA, didn't we say that we would fund this out of the RPA budget?

COMMISSIONER GONZALES: This is just actually some clean-up language that I think Katherine had that would just basically state in detail that the City will be responsible for the individual's salary completely. This doesn't have anything to do with the operational budget that the RPA was talking about funding. What the City did when they voted on this contract after we voted, I believe they omitted some language that presented some concerns to Katherine that didn't explicitly say that the City would be responsible for this policy coordinator's salary. So she's protecting us by making sure we insert it back in and that the City knows that they need to be – that was basically the arrangement.

The City would pay for the policy coordinator's position. The net payout would be zero to both the City and the County, but they didn't state that in the contract. They omitted that. So I think we're amending it to put it back in. Is that right?

COMMISSIONER GRIÑÉ: Is that in the form of a motion?

COMMISSIONER GONZALES: Yes.

COMMISSIONER GRIÑÉ: Second.

CHAIRMAN ANAYA: Is that clear? Clarification in mind?

COMMISSIONER GONZALES: We were just talking about operational money, Commissioner Duran, at the RPA level.

CHAIRMAN ANAYA: Commissioner Gonzales moved for approval with a second by Commissioner Griñé. Is there any further discussion? All those in favor? [Unanimous] Opposed? Motion carries.

IX. G. 3. Resolution No. 2000-___. A resolution amending Section 3-A of Resolutions 1997-87 and No. 2000-07 modifying membership categories for the DWI Planning Council

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I kind of asked this to come forward. I think all of us received a letter from Judge Gallegos relative to her concern that as a member of the DWI Planning Council she didn't have the ability to vote. And I spoke to Judge Dimas yesterday and he confirmed – his only concern, he had some concern, which was similar to the concern that we had when we made this change was that there might be a conflict of interest when the council was dealing with or deciding on allocation of monies that would go to the municipal court or magistrate court.

But in talking to Judge Dimas, he supported this changes so that those members that are on the council when they've spent all their time going over the issues that they do have the ability to vote on it. One little point of clarification that he would like is that when there is a

vote concerning an allocation of funds to any particular court that that particular court could not vote on it, so that there wouldn't be a conflict of interest, or that they would recuse themselves.

CHAIRMAN ANAYA: So you're requesting just expanding the voting membership, is what you're requesting.

COMMISSIONER DURAN: Well, put it back to all the members.

COMMISSIONER GRIÑÉ: Is that in the form of a motion?

COMMISSIONER DURAN: That's in the form of a motion.

COMMISSIONER GRIÑÉ: Second.

CHAIRMAN ANAYA: There's a motion and a second on the issue.

COMMISSIONER GONZALES: Mr. Chairman, just - so Commissioner Duran, but is the motion to amend it that it would prevent - I don't understand enough what the DWI task force does. I remember when we discussed this, that the issue had come up that, that was the number one issue that there wouldn't be a conflict where members could advocate for funding of a program -

COMMISSIONER DURAN: Right.

COMMISSIONER GONZALES: And then they'd be able to vote on it. I'm assuming that the regular function of the DWI Council is to talk about programmatic activity and what works, so maybe you can accomplish the technical aspect of them not voting but they're still going to be part of the dialogue to promote programs that would fall under their jurisdiction. So now -

COMMISSIONER DURAN: Well, I guess the bottom line is that we all have to recuse ourselves when there's a conflict of interest. It would be up to that individual party to recuse themselves if they're going to be benefiting from it. But the other thing is they're not benefiting from it personally. It's their -

COMMISSIONER GONZALES: Right.

COMMISSIONER DURAN: It's not they're going to go put money in their checking account.

COMMISSIONER GONZALES: They better not.

COMMISSIONER DURAN: They're not benefiting from it. The community's benefiting from it. I kind of think that just the way it's written right now that the members of the DWI Planning Council shall have the right to vote, including the *ex officio* members.

COMMISSIONER GONZALES: Well, so are you backtracking from the issue of them having to recuse themselves on votes that -

COMMISSIONER DURAN: I am. Because I think that they should be able to recognize when they need to recuse themselves.

COMMISSIONER GONZALES: Well, they're never going to have any issue that there's a direct conflict with them personally, but there is conflicts that exist for them from a professional standpoint in terms of programmatic activity. I would want to be on this DWI Council so I could get monies from my programs because I believe in my programs.

COMMISSIONER DURAN: Right.

COMMISSIONER GONZALES: So, if I also vote on that, is that putting any other programs at a disadvantage who aren't represented by a vote there?

CHAIRMAN ANAYA: What could be a conflict there, investments in acupuncture, investments in therapy, investments of any of this sort where funding is steered in that direction. That's about the only conflict that I can see in the DWI Planning Council.

COMMISSIONER GONZALES: Another question that might be helpful is – there's Robert – is what percentage is allocated to across the programs, Robert? How much –

MR. ANAYA: Mr. Chairman, Commissioner Gonzales, I don't have a percentage breakdown, but one of the things that the council has been doing over the last about a year or so is beginning to coincide the amount of money with the amount of clients being served. So when we look at the magistrate court of municipal court, their budgets reflect the amount of DWI cases that are being screened, which is a logical way to look at how much each respective court receives. In the past, they were receiving equal shares of money that weren't proportionate to the number of cases served.

But just one note that I'd like the Commission to consider, in the discussion of creating an *ex officio* you assured the municipal court and the magistrate court and the tribal court a seat at the council all the time. I would suggest that if you remove the *ex officio* status that appointments just be made based on the recommendations of the council and the ratification of the Commission, so that it's not automatically that from now on, the municipal court, the magistrate court and the tribal court will have a seat. With the *ex officio* status, you're assured that they have a seat and some discussion although they can't vote. They have discussion. So I would just suggest that if you remove the *ex officio* status that they be regular members and they don't necessarily, they won't necessarily serve always on the planning council or be on the council, that that be an issue that the Commission decides on a term by term basis.

One other point of clarification, Representative Knauer does not and will not vote on the DWI Planning Council because she has a specific concern relative to conflict of interest because she's a state legislator and she said. "I will not vote." So there's also the issue, I guess, of clarifying for me, who will be *ex officio* and who will not be so that we make sure that when we have an individual like Representative Knauer who has been very helpful on the DWI Planning Council, that they are also in a position to serve just items for your consideration.

COMMISSIONER DURAN: Mr. Chairman, it just seems a little bit more complicated than it actually is. So what's wrong with every member on the DWI Planning Council being able to vote and if Representative Knauer decides, feels she has a conflict of interest, well, then she doesn't have to vote. But if there are other members on there that feel that they don't have one they participate in the program, they offer their expertise, they should be able to vote.

COMMISSIONER GONZALES: What I heard, Commissioner Duran, was that that so much wasn't the issue as much as if we're going to remove the *ex officio* status of the electeds, that they would become regular members and subject to the appointment process every two years as opposed to having a standing seat.

COMMISSIONER DURAN: That'd be okay.

COMMISSIONER GONZALES: Right. So then we can rotate participation. That way it's not always stacked maybe in the court's favor, or there's other programs that will have a chance outside of the court's domain to maybe succeed. I don't have a problem with that either. If we're going to remove the *ex officio* status that we would move them to become regular members subject to appointments.

COMMISSIONER DURAN: This is how you have this prepared, Robert?

MR. ANAYA: Mr. Chairman, Commissioner Duran, I believe that would have to fall within any discussion we would have right now. Steve, maybe you have the answer to that, relative to them being able to make that change.

MR. KOPELMAN: Mr. Chairman, Commissioner, the way the resolution reads now is it's merely changing subsection 3-A, and all that it is adding here is that all members of the DWI Planning Council, including *ex officio* members shall have the right to vote. If you want to change the way the document reads and actually do away with the *ex officio* members, that will need to be brought back to the next meeting. Okay, all this is doing is saying everybody on the council, including the *ex officio* members have the right to vote. That's all this is saying. And so if you're going to change any section other than 3-A, I believe it has to come back again and be – an agenda item needs to be changed.

COMMISSIONER DURAN: So why don't we table it for the next meeting with that change?

CHAIRMAN ANAYA: That's a good idea.

COMMISSIONER GONZALES: That would be great.

COMMISSIONER DURAN: I move for a table.

COMMISSIONER GRIÑÉ: Second.

The motion to table the resolution amending provisions of the DWI Planning Council resolutions passed by unanimous voice vote.

COMMISSIONER DURAN: Are we through with Matters from the Commission?

CHAIRMAN ANAYA: Yes, we are.

COMMISSIONER DURAN: I had like three quick things.

CHAIRMAN ANAYA: Go ahead.

COMMISSIONER DURAN: Okay. One of them, I was just wondering, again in talking to Judge Dimas, in the budget process we approved some security – I guess Commissioner Trujillo you worked on this last month. And the Sheriff has removed the security person out there at magistrate court. He was told that it would only be for a couple of days and it's been like three or four weeks. And I'm wondering if we can just give some direction to the Sheriff. My understanding is he's short-handed. If he is short-handed, why can't we or why can't the Sheriff provide security out of his budget since he's not paying anybody right now by hiring Khalsa or someone to protect them out there. Because right now they don't have anybody.

COMMISSIONER TRUJILLO: This really concerns me. I talked to Sam three

COMMISSIONER DURAN: I remember that.

COMMISSIONER GONZALES: Is we funded a position for allow for that to happen. Now, what he did is what he's doing at the district courts and he's using part time positions so that he can free up full time positions that were at the district courts to get out of the district courts and on to the field. And so that's work that's provided him with additional manpower and he's using retired police officers.

So I think he's trying to pull this together. I'm not for just randomly pulling a position out of the Sheriff's budget and saying well, we're going to take it and get some security. I think we need to let him try and find some people and if it doesn't, let him say he can't find it.

COMMISSIONER DURAN: For how long?

COMMISSIONER TRUJILLO: This has been going on for about eight weeks. It's been going on for a long, long – all summer.

COMMISSIONER GONZALES: Well, it was going on long before we approved this position. I think he's trying to get someone in place.

COMMISSIONER TRUJILLO: But they had somebody there.

COMMISSIONER GONZALES: I don't know. What happened to it?

COMMISSIONER GRIÑÉ: They have a retired police officer, Dennis Miller, as a judge.

COMMISSIONER DURAN: I'm not pointing a finger at the Sheriff. All I'm saying is that someone has to take the bull by the horns here. Why don't we do it and hire somebody out of – let's do a budget adjustment. Get the money back over here so that we can hire somebody on a temporary basis and when the Sheriff finds somebody we'll give him back – do another budget adjustment.

COMMISSIONER GONZALES: Do you think that might be appropriate if we talked to him before we yanked the position?

COMMISSIONER DURAN: Well, I asked him to be here. Okay. I guess we could do that. Why don't you ask –

COMMISSIONER GONZALES: I don't want to put it – I agree with you. Let's just figure out how to do it right so we don't offend the Sheriff in what he's trying to do.

COMMISSIONER DURAN: The other issue is, we're all aware that the City is trying to – is really concerned about our water resource and they're implementing what has been – are we in a Phase 3 right now? Water? Has the County mirrored those, that effort?

COMMISSIONER GONZALES: Yes.

COMMISSIONER DURAN: So is it this Board's desire to continue to mirror whatever the City does in terms of – I'm sure it's our desire to continue that effort, right? To go along with the City? I guess the only problem is how do we enforce that at the County. I guess I'd just like to ask staff, Estevan's department to kind of check into how we might be able to ensure that there's not abusive use of our water resource. Because we're all going to suffer from it if we don't take care of it.

MR. LOPEZ: Mr. Chairman, Commissioner Duran, we have tried to mirror the City's water restrictions as closely as we can. In trying to do that, the ordinance that you

passed authorized either the utilities operators, our utilities operators, or our Code Enforcement folks to issue notices of violation of water restrictions and so forth. And we've tried to come together as a staff and go over what those restrictions are so that if people are out, driving around in our service territory and they see abuses going on that they can try and address those.

COMMISSIONER TRUJILLO: You can't do this on individual wells. You cannot do it on individual wells and we're proliferated with individual wells across the county. It's when the State Engineer gives a permit for an individual well, .25 acres and they use it the way they – and you can't preempt that.

MR. LOPEZ: Mr. Chairman, Commissioner Trujillo, that's correct. The ordinance that we've adopted relative to water restrictions, emergency water restrictions, applies only to the County water utility customers. We did, however, prior to that, this Commission approved a resolution requesting that all county residents voluntarily restrict water use and so forth. But I believe you're correct. Most – when developments happen on individual wells we've got much less control over that. We do, as part of our development approvals, often restrict the water that will be used from those wells to something considerably lower than what the State Engineer allows. The State Engineer allows three acre-feet. We typically allow one acre-foot at most and often a quarter acre-foot, but we do have an issue in terms of trying to enforce that. That's a humongous problem, trying to enforce that sort of thing.

COMMISSIONER TRUJILLO: The only way to do it is to give impetus to a major education process with the community. It's imperative that the community is educated. Water is a scarce commodity, that voluntarily that they should ration it or preserve it especially in dry times. But we should deal with it that way with the community from an educational perspective.

COMMISSIONER GONZALES: What about from our Code perspective? Are we requiring in building permits that they have plumbing and fixtures that preserve and don't use as much water? I thought we had discussed that when we were taking care of the subdivision laws a few years back that we had, in our ordinances the types of plumbing that was allowed in their homes.

MR. LOPEZ: Mr. Chairman, Commissioner Trujillo, we do have restrictive covenants and in fact when we allow a development to happen on a reduced portion of water for smaller than a minimum lot size, we require developers to demonstrate how they intend to promote conservation within their development.

COMMISSIONER GONZALES: So we don't require – we don't require the use of certain types of fixtures?

MR. LOPEZ: I don't think we have a specific list of fixtures.

COMMISSIONER GONZALES: Shouldn't we? Could we, or is that too much?

COMMISSIONER DURAN: Mr. Chairman, Commissioner Gonzales, I think when we put together this water task force committee, those are some of the things we'll probably have to talk about and agree regionally because there's water catchment systems that

are pretty inexpensive that we could require people to put in if they want to have a certain amount of landscaping. I have a friend that put one in very inexpensively and he has yet to use all the water that he's caught.

And then greywater systems. I know that these things add to the cost of building but if we could find ways of making sure that it's at least an option if not mandatory, it will help us in preserving our water resources. I think that through this regional planning water task force, we're going to touch on that and come up with some ideas.

The other thing is that – my only concern is that if everyone that has a well out in the county takes a position that they can draw out three acre-feet and they're out there watering lawns – I think that's very abusive and I'm not suggesting that we go after those people who have wells that need it to sustain a way of life but rather to curb the abusive use that some people may be doing.

CHAIRMAN ANAYA: Or go after the new ones to avoid any kind of litigation.

COMMISSIONER TRUJILLO: But it's hard to monitor because there is the control, especially in the Pojoaque Valley, with the Aamodt case, after 1981, if you could get a permit to dig a well, the only purpose that you can use it for is for domestic use. And people are using it to irrigate lawns and flowers and grass and that. Who's going to monitor that? Nobody.

CHAIRMAN ANAYA: There's an article in today's paper that the State Engineer is looking into this. I didn't read the entire article but even looking into monitoring devices required and the State Engineer I think is already heading in that direction.

COMMISSIONER DURAN: Well, I think that they're requiring metering of all new wells.

CHAIRMAN ANAYA: I'm not sure if it was in the *New Mexican* of the *Journal*. As a matter of fact, I think it was the headline of the *Journal* today.

COMMISSIONER DURAN: Okay, well, the only other item I had, Mr. Chairman, so that we can move along and I'll make it quick, is that several months ago we gave staff direction to put an RFP out for the operation of the County Jail. I just want to make sure that that's the process that we're following and that we are not negotiating with our current operator until such time as they are awarded the bid under the new RFP.

I want to the jail last week and saw, noticed a few things that I think we need to further investigate and I talked to Commissioner Gonzales about this a little bit. That was to appoint some kind of a citizens' task force to oversee some of the conditions out there. Not actually operating the jail, but just some of the inmate conditions. My understanding from Berron is that the existing contract with Cornell does not provide for that kind of review process. So I just wanted to make sure that when we put this RFP out, and I already spoke to Katherine about this, that the ability for this Commission to appoint a task force is in that RFP so that we can further investigate any – and I'm not suggesting that there are inhumane things taking place out there, but I think it's this Commission's responsibility to make sure that none exist.

COMMISSIONER GONZALES: I, along with Commissioner Duran indicated,

I think that furthering that direction, if we can get that RFP out, it would be helpful to know what kind of interest is out there. So I don't know if staff's waiting for direction, but I think that RFP should go out. Secondly, as to the issue that Commissioner Duran indicated, when our discussion with Commissioner Duran, we've been careful about talking about an oversight because the Sheriff already provides oversight. We've talked about a citizens' group that would be able to review the jail much the way we can right now ourselves, much the way we can appoint - we don't need it in the contract to basically ask the citizens' group to go in and tour the jail. In fact, I've encouraged the operator to basically allow the doors to be open at any point with any individuals who might want to go look at the facility. It's a public facility.

There's security issues, and we can work through that stuff but I think it would be, as we've talked about, a citizens' group that would be able to take a look at whether we're complying with ACA standards, That deals with over-crowding issues. Whether we're - and medical issues, providing medical access on a needed basis, and basically, looking at how the grievance process works. Because there's a grievance process now in the facility that they follow, and then the Sheriff reviews the grievance process. He has oversight of that. And then our contract monitor has oversight of that.

So I think it's important that the public understands that we've got independent mechanisms outside of the private operator that are reviewing the grievance process. And so the citizens' group wouldn't necessarily oversee that but maybe take a look at how the grievance occurs, because I think we need to be careful about records that we're showing to individuals that aren't associated with the County and what that in terms of privacy issues and how that leads. So I think we've got to be very careful in how we establish the role. But clearly having a group of citizens that are available to give time to help us deal with making the facility a better facility, I think is good.

I just want to make sure that we don't provide authority or powers to them that could jeopardize any privacy issues in the facility with inmates that they may be dealing with or files that they may be looking at. And just for the record, just to keep in mind that all of us have access to that facility any time we want. We have access to the inmates and also, so does the Manager and the contract monitor as well as the Sheriff.

So I'm in support of what you're talking about and I think we need to work on bringing some time of group up that will help us have a better facility and kind of be our eyes and ears out there from a community perspective. But I guess it would be helpful to know who's interested in operating this facility. I think that's why - I agree with you. We need to put out an RFP and find out if there's an interest out there or not. And do an objective evaluation of those that would be looking.

COMMISSIONER DURAN: Do you recall, there was a company called GRW that contacted me and I got them in touch with Katherine and she was able to provide them with all the operating contracts and all the stuff that's of public record. And their initial take on it was that they could operate the facility for so much less. So I brought that up and I think it would just behoove us to allow the RFP to go out to see if there is someone else. If someone can operate the facility for a million dollars less, I think we really need to investigate that. But,

and again, I'm not opposed to any, I'm not saying that Cornell is not doing a good job out there, I just think that it's our responsibility to see if there's anyone else out there. And the only other operator that's contacted me, which I sent over to the Finance Department was GRW.

COMMISSIONER GONZALES: And I just think, and I know we don't have to belabor this because I know we're obviously going to take a look at it, but lots of companies will come in and say they can obviously run the facility for less expensive.

COMMISSIONER DURAN: I agree.

COMMISSIONER GONZALES: So I would just, if we're going to do as you say and look at that seriously, I think we need to look at their - make sure that RFP has a process where we look at their experience in managing facilities, their depth of their management, all the things that are going to be important. This facility is finally stable. We were all in it together two years ago when there was a lot of concerns about the facility being able to get to a point. We were talking about ramping up. We were talking about hiring individuals. We were talking about taking over, all those things. And now we're at a point where it's a very stable facility in terms of its security and in terms of from what I understand how much they're actually turning over employees, to the oversight that we have now that we didn't have with CCA.

So I just want to - for everything you're talking about, Commissioner Duran, I just want to make sure that the staff prepares the RFP, that we don't just look to one aspect to create some instability in this at least, but clearly money is very important. That's why we built the facility as large as we did to help us manage our costs. If we could just make sure that in the RFP that it allows for a very thorough examination of the depth and the quality of individuals that are applying, then that might be helpful to us. I don't want to turn the keys over to a group that might allow for some type of incident.

COMMISSIONER DURAN: My only interest is in preserving the integrity of the process.

COMMISSIONER GONZALES: Great. I agree 100 percent in that.

CHAIRMAN ANAYA: That's it then?

MS. MILLER: Mr. Chairman, Commissioners, I want to give you an update on where we are. I've been working with Berron and we also want to go over with Sam when he returns, the RFP as we've put it together. The reason it is taking a while to put the RFP together is that it is a very complicated contract. It's not - we have to be concerned of the issues of the type of contractor, what they're able to do, and also if it did get awarded to another contractor, their ability to change over and take over the contract. That's a very critical factor for security reasons, for issues with the judges, with the Sheriff, all those factors have to be considered in putting the RFP together, as well as the cost.

We hope to have that ready. We've got a draft so far. We'd like to have that reviewed by legal counsel as well as go over that with the County Manager when he returns before we put it out for proposals. We do anticipate it will be about a 90 to 120-day proposal process because the contractor - this is a three-year contract worth over $30 million. I hope they take

a lot of time to put their proposals together. Equally for us to evaluate those proposals and negotiate with the successful proponent and it will take all those factors that Commissioner Gonzales mentioned into consideration.

CHAIRMAN ANAYA: Thank you. That ends the Matters from the County Commission. We're going to move executive session to the end of the agenda and go on to public hearings.

X. PUBLIC HEARINGS:

A. Ordinance No. 2000-11. An ordinance amending Ordinance No. 1997-10 to replace Article III, Section 10.5, affordable housing density bonus for new development within the service area boundaries of the Santa Fe County Water Company of the Santa Fe County Land Development Code (second hearing)

MR. ANAYA: Mr. Chairman, Commissioners, the ordinance before you, the document before you, Mr. Chairman, Commissioner Duran, as per the request of the Commission at the last meeting, the document that you have before you was two and a half times the size. This document contains the manufactured housing requirements that are proposed for the affordable housing ordinance of the state. It also includes the CID regulations required for construction and eight pages of minimum requirements.

As you recall, at the last meeting, I was given direction by the Commission to revise that down from quite a few pages, about twice the size of the that, and we came up with eight pages of County minimum standards and the other two are merely attachments to show that we would go with the Construction Industries Division regulations for both stick-built housing or conventional housing as well as manufactured housing.

The ordinance itself has the changes that have been made since the last time in bold lettering. One of the main things that was changed for this particular hearing was the provision to all for the development of affordable housing lots in addition to houses with lots. With that, Mr. Chairman, Commissioners, I would stand for any questions. There was one other change that was fairly substantial to change the open space to allow for the calculation of roads within open space. With that, I stand for any questions that you might have, Mr. Chairman.

CHAIRMAN ANAYA: Are there any questions of staff? This is a public hearing, is there anyone in the audience who would like to address the Commission? Let the record show that there is no one in the audience to address the Commission on this ordinance. What's the pleasure?

Commissioner Griñé moved to approve Ordinance No. 2000-11. Commissioner Duran seconded for discussion.

COMMISSIONER DURAN: One question. There was some concern, Robert,

about if it was a lot and it got sold at the initial acquisition. We have it in that it's a three-year hold period. Actually, let me back up. Within the three years from the initial purchase, anyone that buys it in that first three years has to meet the affordable housing, minimal affordable housing income criteria. Is that correct?

MR. ANAYA: Mr. Chairman, Commissioner Duran, that is within the amended document.

CHAIRMAN ANAYA: Okay, any further questions? Can we have roll call, Becky?

The motion passed upon roll call vote with Chairman Anaya, Commissioner Duran, Commissioner Gonzales, Commissioner Griñé and Commissioner Trujillo all voting in favor.

IX. H. Matters from the County Attorney

1. Executive Session
   - a. **Discussion of possible acquisition of real property or water rights**
   - b. **Discussion of pending or threatened litigation**
   - c. **Limited personnel matters**

Commissioner Griñé moved to go into executive session pursuant to NMSA Section 10-15-1 (1) to discuss the matters delineated above. Commissioner Duran seconded the motion which passed upon unanimous roll call vote with Chairman Anaya and Commissioners Griñé, Trujillo, Gonzales and Duran all voting in the affirmative.

[The Commission met in executive session from 4:45 to 5:20.]

Commissioner Gonzales moved to come out of executive session having discussed only the matters outlined in the agenda including condemnation procedures for the Hagerman well, and Commissioner Trujillo seconded. The motion passed by unanimous voice vote. [Commissioner Duran was not present for this vote.]

MR. KOPELMAN: Mr. Chairman, I'd ask that you take a vote to direct staff to prosecute that condemnation.

Commissioner Gonzales moved to give staff the direction to proceed with condemnation of the Hagerman well. Commissioner Trujillo seconded and the motion passed by unanimous voice vote. [Commissioner Duran was not present for this action.]

1822959

ADJOURNMENT

Chairman Anaya declared this meeting adjourned at approximately 5:20 p.m.

Approved by:

Richard D. Anaya
Board of County Commissioners
Richard Anaya, Chairman

Respectfully submitted:
Karen Farrell, Commission Reporter

ATTEST TO:

Rebecca Bustamante
REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK

COUNTY CLERK
REBECCA BUSTAMANTE
SANTA FE COUNTY NEW MEXICO

1134851

COUNTY OF SANTA FE) SS
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed for record on the 2 day of Nov A.D. 20 00, at 8:11 o'clock a m and was duly recorded in book 1822 page 959 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.
Deputy

1831402

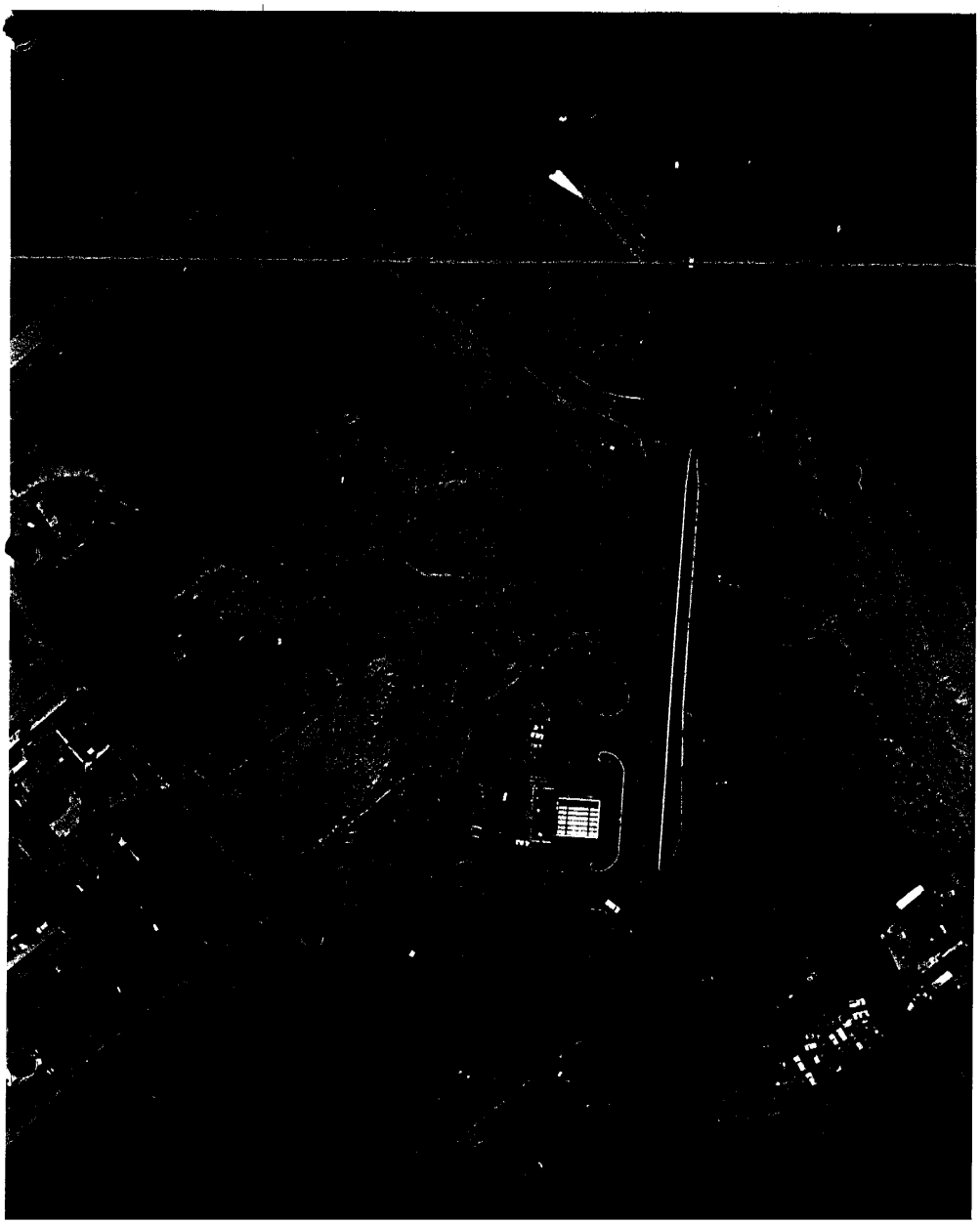
SANTA FE

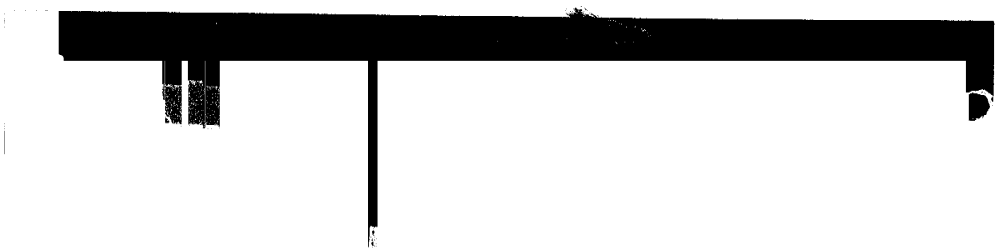
BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

November 14, 2000

Richard Anaya, Chairman
Marcos Trujillo
Javier Gonzales [Excused]
Joe Griñé
Paul Duran





TIERRA
ENGINEERING
CONSULTANTS,
INC.

1599 S. St. Francis Drive
Suite B
Santa Fe, NM 87505
(505) 982-2845
Fax (505) 982-2641

Engineering ■ Environmental ■ Construction Management

October 10, 2000

1826434

Mr. Karl Sommers
Sommers, Fox, Udall,
Othmer and Hardwick
200 Marcy Street
Santa Fe, New Mexico 87501

RE: Mustang Gas Station at the Intersection of the La Puebla Road (County Road 88) and US 84/285, Santa Fe County New Mexico

We have completed a preliminary analysis of the traffic situation for the above referenced project. This analysis includes the review of the following New Mexico State Highway and Transportation (NMSHTD) data:

- Accident Data for 1999
- Signal Timing Data
- AADT Traffic Data fom the NMSHTD

No accident data is available from the NMSHTD for the year 2000 (since the installation of the new traffic signal).

There is adequate sight distance for all legs of the intersection. With the newly installed traffic signal at the intersection the existing Mustang Gas Station appears to operate satisfactorily and has adequate capacity.

It is recommended that access be obtained from County Road 88 and that driveways to US 84/285 be closed.

The above preliminary review does not include site specific traffic counts. These should be done prior to any final analysis.

If you have any questions or desire additional information, please do not hesitate to contact me.

Sincerely,

Michael Gomez, P.E.
Tierra Engineering Consultants, Inc.

1826434

APPENDIX A

TRAFFIC DATA

POSTED ROUTE	BEGIN MPNT	D I R	FUNC CLS	COUNTY	T Y P	1999	1998	1997	METH	YEAR	TERMINUS	HEAVY COMM
US0084	183.226	P	PRAR	SANTA FE	2	10,810	10,982	9,721	COV	1999		7
	184.582	M			2	11,199	10,694	9,062	COV	1999		7
	184.582	P			2	10,810	10,982	9,721	COV	1999		7
	185.850	M			3	11,199	10,694	9,062	COV	1999		7
	185.850	P			3	10,810	10,982	9,721	COV	1999		7
	187.605	M			2	11,199	10,694	9,062	COV	1999		7
	187.605	P			2	10,810	10,982	9,721	COV	1999		7
	187.894	M			2	11,199	10,694	9,062	COV	1999		7
	187.894	P			2	10,810	10,982	9,721	COV	1999		7
	188.197	M			11	11,431	11,036	10,821	AGF	1997	JCT. NM 106/399 SOMBRILLO/LA MESILLA	8
	188.197	P			11	10,886	10,510	10,305	AGF	1997	JCT. NM 106/399 SOMBRILLO/LA MESILLA	8
	188.386	M			3	11,431	11,036	10,821	AGF	1997		8
	188.386	P			3	10,886	10,510	10,305	AGF	1997		8
	188.486	M			2	11,431	11,036	10,821	AGF	1997		8
	188.486	P			2	10,886	10,510	10,305	AGF	1997		8
	188.602	M			2	11,431	11,036	10,821	AGF	1997		8
	188.602	P			2	10,886	10,510	10,305	AGF	1997		8
	188.819	M			3	11,431	11,036	10,821	AGF	1997		8
	188.819	P			3	10,886	10,510	10,305	AGF	1997		8
	189.002	M			2	11,431	11,036	10,821	AGF	1997		8
	189.002	P			2	10,886	10,510	10,305	AGF	1997		8
	189.027	M		RIO ARRIBA	23	11,431	11,036	10,821	AGF	1997	SANTA FE/RIO ARRIBA COUNTY LINE.	8
	189.027	P			23	10,886	10,510	10,305	AGF	1997	SANTA FE/RIO ARRIBA COUNTY LINE.	8
	189.058	M			2	11,431	11,036	10,821	AGF	1997		8
	189.058	P			2	10,886	10,510	10,305	AGF	1997		8
	189.194	M			2	11,431	11,036	10,821	AGF	1997		8
	189.194	P			2	10,886	10,510	10,305	AGF	1997		8
	189.238	M			2	11,431	11,036	10,821	AGF	1997		8
	189.238	P			2	10,886	10,510	10,305	AGF	1997		8
	189.254	M			11	9,772	9,478	9,268	AGF	1997	JCT NM 369 (END OF ROUTE).	6
	189.254	P			11	9,000	8,730	8,536	AGF	1997	JCT NM 369 (END OF ROUTE).	6
	189.622	M			2	9,772	9,478	9,268	AGF	1997		6
	189.622	P			2	9,000	8,730	8,536	AGF	1997		6
	189.704	M			11	7,875	4,734	4,629	COV	1999	JCT. NM68 IN ESPANOLA.	4
	189.704	P			11	6,906	4,899	4,790	COV	1999	JCT. NM68 IN ESPANOLA.	4
	189.790	M			19	7,875	4,734	4,629	COV	1999	JCT NM 369 (BEGINNING OF ROUTE).	4
	189.790	P			19	6,906	4,899	4,790	COV	1999	JCT NM 369 (BEGINNING OF ROUTE).	4
	189.894	M			2	7,875	4,734	4,629	COV	1999		4
	189.894	P			2	6,906	4,899	4,790	COV	1999		4
	189.972	M			2	7,875	4,734	4,629	COV	1999		4
	189.972	P			2	6,906	4,899	4,790	COV	1999		4
	190.152	M			2	7,875	4,734	4,629	COV	1999		4
	190.152	P			2	6,906	4,899	4,790	COV	1999		4
	190.444	M			2	7,875	4,734	4,629	COV	1999		4
	190.444	P			2	6,906	4,899	4,790	COV	1999		4

1826434

New Mexico State Highway & Transportation Department

Signal Lab

Telecopier number 505-827-5596

Telecopier Transmittal

1826434

STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
THE NEW MEXICO

TO: Rusty Tambascio

ATTN:

DATE: 10-6-06

No. OF SHEETS: 2

Remarks:

Copy of Timing for the intersection of US84/285 / La Plata R.D.

SENDER: Anthony Sandoval BUREAU: Signal Lab

TELEPHONE: 505-827-5577

FORM A 717
Rev.11-87

New Mexico
State Highway and Transportation Department

INTERSECTION TIMING

INTERSECTION: US 84/285 / Ln Pueblo RD CITY: Ln Pueblo

Type and Serial No.:

Monitor Type And Serial No.

PHASE	INT	WALK	DON'T WALK	PASS	Max 1 / Max 2	YELLOW	RED	MODE
Ø1	3			1.0	15 / 20	3.0	1.0	N/L
Ø2	16	8	23	3.0	42 / 52	4.5	1.0	N/L
Ø6	16			3.0	42 / 52	4.5	1.0	N/L
Ø8	10	8	27	2.0	30 / 36	4.0	1.0	N/L

REMARKS:

INTERSECTION STATUS:

SIGNED: DATE:

TIME DATE:

1826434

1826434

New Mexico State Highway and Transportation Department

INSPECTION OF PUBLIC RECORDS

TO: Tierra Engineering **DATE:** October 6, 2000

ADDRESS: San Mateo Street

CITY: Santa Fe **STATE:** New Mexico **ZIP:** 87501

FROM: Gladys A. Tafoya (505) 827-5105

TITLE: Management Analyst

AGENCY: New Mexico State Highway and Transportation Department

ADDRESS: P.O. Box 1149 South Building One

CITY: Santa Fe **STATE:** New Mexico **ZIP:** 87504-1149

The public records you requested in writing on _____ to inspect, will be available for your inspection on:

COMMENTS: Payment for the Accident Datahe intersections of US 84 and CR 88 (Ls Puebla Rd) must be received in our office before data can be released. The amount due for this data is at $1.00 per page, total due is **$2.00**. Please make check payable to the **NMSH&TD**, mail payment to Gladys Tafoya at the above address.

Should this date be unacceptable, or if you have any questions, please contact the above individual at _____ Between 7:45 a.m. and 4:30 p.m. (except between 11:45 a.m. to 12:30 p.m.).

NOTE ON COPY CHARGES: Should you request copies of records, you will be required to pay the fees imposed by the State Highway and Transportation Department, pursuant to provisions of the Inspection of Public Records Act of $ 1.00 per page for 11 X 17 inches or smaller (other or additional fees may apply). You will not receive copies of any public records until you have paid the applicable fees.

US0084 BEGINNING AT MILEPOST 185.100 ENDING AT MILEPOST 185.600 FOR 1999

ACC NUM / DATE / TIME	PSTD RTE / MILEPST / MILELOG / MILEPNT	D / I / R	CITY / STREET / INTERSECT	SEVERITY / LIGHTING / WEATHER / ALCOHOL	VEHICLES INVOLVED / CLASSIFICATION / ANALYSIS	CONTRIBUTING FACTORS	INJ	FATAL
655266 07/11/99 16:00	US0084 185.500 24.700 186.285	M	US 84 00 MI. 0000 FT NORTH OF MP 185	NON-FATAL DAY LIGHT CLEAR	1 VEHICLE INVOLVED OVERTURN RIGHT SIDE ROAD			
VEHICLE: 01 TRAVELING SOUTH ON DRY ROAD NAME NOT AVAILABLE DOB: 11/04/59					HAD NOT BEEN DRINKING	OTHER MECH DEFECT OTHER NOT DRIVER ERR	1	
707226 09/03/99 07:45	US0084 185.500 24.700 186.285	M	US 84 00 MI. 0000 FT CR 88	PROPERTY DAMAGE DAY LIGHT CLEAR	2 VEHICLES INVOLVED OTHER VEHICLE ENTER ANGLE/BOTH TURN LEFT			
VEHICLE: 01 TRAVELING SOUTH ON DRY ROAD NAME NOT AVAILABLE DOB: 00/00/00					HAD NOT BEEN DRINKING	NONE		
VEHICLE: 02 TRAVELING WEST ON DRY ROAD NAME NOT AVAILABLE DOB: 00/00/00					HAD NOT BEEN DRINKING	FAILED TO YEILD ROW DRIVER INATTENTION		
707241 10/19/99 12:00	US0084 185.200 24.600 185.985	P	US 84 00 MI. 0000 FT MP 185	PROPERTY DAMAGE DAY LIGHT CLEAR	2 VEHICLES INVOLVED OTHER VEHICLE ENTER ANGLE/ONE LEFT TURN			
VEHICLE: 01 TRAVELING NORTH ON DRY ROAD NAME NOT AVAILABLE DOB: 07/16/82				PASSENGER VEHICLE	HAD NOT BEEN DRINKING	EXCESS SPEED		
VEHICLE: 02 TRAVELING WEST ON DRY ROAD NAME NOT AVAILABLE DOB: 07/24/18				PASSENGER VEHICLE	HAD NOT BEEN DRINKING	DRIVER INATTENTION		
077691 11/05/99 12:00	US0084 185.400 24.600 186.185	P	US 84 00 MI. 0000 FT CR 88	NON-FATAL DAY LIGHT CLEAR	2 VEHICLES INVOLVED OTHER VEHICLE ENTER ANGLE/BOTH GOING STRAIGHT			
VEHICLE: 01 TRAVELING WEST ON DRY ROAD NAME NOT AVAILABLE DOB: 12/29/78				PASSENGER VEHICLE	HAD NOT BEEN DRINKING	FAILED TO YEILD ROW DRIVER INATTENTION	1	
VEHICLE: 02 TRAVELING NORTH ON DRY ROAD NAME NOT AVAILABLE DOB: 03/23/75				PASSENGER VEHICLE	HAD NOT BEEN DRINKING	NONE	1	

1826434

US0084 BEGINNING AT MILEPOST 185.100 ENDING AT MILEPOST 185.600 FOR 1999

ACC NUM / DATE / TIME	PSTD RTE / MILEPST / MILELOG / MILEPNT	D I R	CITY / STREET / INTERSECT	SEVERITY / LIGHTING / WEATHER / ALCOHOL	VEHICLES INVOLVED / CLASSIFICATION / ANALYSIS	CONTRIBUTING FACTORS	INJ	FATAL
707506	US0084	P		PROPERTY DAMAGE	2 VEHICLES INVOLVED			
08/23/99	185.500		US 84	DAY LIGHT	OTHER VEHICLE			
12:00	24.700		00 MI. 9999 FT	CLEAR	ENTER ANGLE/ALL OTHERS			
	186.285		LA PUEBLA RD					
VEHICLE: 01 TRAVELING WEST ON DRY ROAD				TRUCK/RV	HAD NOT BEEN DRINKING	FAILED TO YEILD ROW		
	NAME NOT AVAILABLE			DOB: 12/08/48		DRIVER INATTENTION		
VEHICLE: 02 TRAVELING NORTH ON DRY ROAD				PASSENGER VEHICLE	HAD NOT BEEN DRINKING	NONE		
	NAME NOT AVAILABLE			DOB: 10/28/83				
707596	US0084	P		NON-FATAL	2 VEHICLES INVOLVED			
10/27/99	185.500		US 84	DAY LIGHT	OTHER VEHICLE			
12:00	24.700		00 MI. 0000 FT	CLEAR	ENTER ANGLE/ONE LEFT TURN			
	186.285		MP 185					
VEHICLE: 01 TRAVELING NORTH ON DRY ROAD				PASSENGER VEHICLE	HAD NOT BEEN DRINKING	NONE	1	
	NAME NOT AVAILABLE			DOB: 05/07/52				
VEHICLE: 02 TRAVELING WEST ON DRY ROAD				PASSENGER VEHICLE	HAD NOT BEEN DRINKING	FAILED TO YEILD ROW	1	
	NAME NOT AVAILABLE			DOB: 02/02/78		DRIVER INATTENTION		
133613	US0084	P		NON-FATAL	2 VEHICLES INVOLVED			
11/29/99	185.600		US 84	DARK (LIGHTED)	OTHER VEHICLE_HWY ELEM			
12:00	24.800		00 MI. 0000 FT SOUTH OF	CLEAR	ONE CAR/LEAVE DRIVEWAY ACC			
	186.385		MP 186					
VEHICLE: 01 TRAVELING WEST ON DRY ROAD				PASSENGER VEHICLE	HAD NOT BEEN DRINKING	NONE		
	NAME NOT AVAILABLE			DOB: 08/05/55				
VEHICLE: 02 TRAVELING NORTH ON DRY ROAD				PASSENGER VEHICLE	HAD NOT BEEN DRINKING	FAILED TO YEILD ROW	1	
	NAME NOT AVAILABLE			DOB: 08/30/57		DRIVER INATTENTION		
842754	US0084	P		NON-FATAL	1 VEHICLE INVOLVED			
03/03/99	185.600		US 84	DARK (NOT LIGHTED)	FIXED OBJECTS			
23:00	24.800		00 MI. 2100 FT NORTH OF	CLEAR	DITCH			
	186.385		MP 186					
VEHICLE: 01 TRAVELING NORTH ON DRY ROAD					HAD NOT BEEN DRINKING	AVOID NO CONTACT VEH	1	
	NAME NOT AVAILABLE			DOB: 02/22/78		DRIVER INATTENTION		

18264334

---------- ACCIDENT SUMMARY TOTALS ----------

TOTAL ACCIDENTS :	8		
FATAL ACCIDENTS :	0	TOTAL FATALITIES:	0
INJURY ACCIDENTS :	5	TOTAL INJURIES :	7
PROPERTY DAMAGE :	3		

! JOB REQUESTED BY : GLADYS L. TAFOYA !
! DATE OF REPORT : 10/06/00 !

1826434

El Valle De Arroyo Seco

Community Board
P.O. Box 1160
Santa Cruz, NM 87567

September 22, 2000

1826434

Santa Fe County Administrative Building
PO Box 276
Santa Fe, NM 87504-0276

REFERENCE: PROPOSED LIQUOR LICENSE/MUSTANG GAS STATION/ARROYO SECO, NM

Dear Mr.

We, the board members ourselves, and for the community of El Valle de Arroyo Seco are writing to humbly request your denial of the above referenced liquor license coming before you during the Board meeting on October 10, 2000.

Community residents, community business owners, community teens and other concerned persons have expressed great opposition to the requested liquor license. The numerous signatures we have obtained opposing the approval of this liquor license back up this statement.

We are all working hard to provide a safe, healthy and inviting environment in our community, and feel strongly that the approval of this liquor license would greatly jeopardize the Health, and especially the Safety of community members and those citizens traveling through our area.

Alcohol, the location, and parking at the station, the design of the intersection, entrances, exits, the amount of traffic mixed with speed, the lack of acceleration lanes/frontage roads, school buses and many teens traveling to and from the new teen center adds up to DISASTER. Something none of us want in our community. (Please see the attached news article from the Santa Fe New Mexican concerning speed and accidents in this area.)

PLEASE help our community; support us by helping keep our families and friends safe. ***Please deny this liquor license!***

Enclosed you will find a copy of a news report from our 9-17-00 "Community Day". We had a great time and a great turn out by the community. We had many requests to make this a yearly event, and we do plan on doing just that. We missed you all and hope you and your families will be able to attend next year. We plan on having a chili cook off and a salsa contest, so get ready!

Sincerely,

El Valle de Arroyo Seco Community Board Members

Nancy A. Williams – President
Katie Allison – Vice President
Rosebella Lineberry – Sec/Trea
Dean Dugan – Board Member
Donald Finely – Board Member
Dan Urquhart – Board Member
Judy Urquhart – Board Member

Cc: file

Hands Across Cultures group. 8/24/00

EMS student who don't want to see a Liquor Store in arroyo seco.

(49)

1	Stephanie*	P.O Box 1980 1826434	
2	Jaclyn	62 county Rd 10	TEENS
3	[illegible]	1915 east Shadow Wood lane	
4	Marcos	P.O Box 475	
5	melanie	po Box 611	
6	Camille	P.O Box 1227 santa cruz 87567	
7	Angelica	P.O. Box 4624 Fraview New Mexico 87533	
8	Shaylene	P.O. Box 21 Cordova NEW MEXICO 87523	
9	Shellie	P.O. Box 857 San Juan Pueblo, New Mexico 87566	
10	Miquela	P.O. Box B67 San Juan Pu. NM 87566	
11	Juan M	Santo Niño taber Park 220 Box 23	
12	Jesus J	Cooks Trale cort 69	
13	Jesus corrales	P.O Box 875 San Juan polden NM 87566	
14	Chamie T.	P.O. Box 212 chimayo	
15	David valdez	P.O. Box 276 velarde NM 87582.	
16	Fabian podilla	P.O. Box 6 # 818 ohkay	
17	Dimmitress Lawrence	P.O box 2013 Espanola 87532	
18	Michael Naranjo	P.O Box 664 chimayo N.M. 87522	
19	Henry Talachy	Rt 2 Box 230 San juan P.B.O.	
20	Reann Roybal	P.O Box 213 Española N.M. 87532	87566
21	Shannon Martinez	Rt 4 cnty rd 140 box 12 Hernandez	NM
22	Vanessa Montoya	PO Box 913 San Jun P.B.I.O	87557
23	DANIEL ROMERO	P.O. Box 115 Alcalde	
24	Agustin Mendez	P.O. Box 7 Santa cruse	
25	Kimberlee Martinez	P.O. Box 342 Chimayo N.Mex. 875	
26	Amanda Serneros	Po Box 1382 Espanola N.M. 87532	
27	Flora Ginn Cruz	1109 megill St Española N.M. 8753	
28	Candy Martinez	Po Box 1551 Espanola NM 87532	
29	gulba Carmona	po Box. Santa CRUZ NM 875 67	
30	Angelica Vasquez	P.O. Box 118 Santa Cruz NM 87567	
31	Audrey Hill	Po Box 837 Alcalde NM, 87511	
	Dario marquez	Chamita N=165 phone 852-93+42	

32. Leticia Delgado P.O. Box 1141 Española N.M. 87532

33. John Paul Fernandez P.O. Box 363 Santa Cruz N.M. 87567

1826434

TEENS

copy

1826434

WE THE UNDERSIGNED HEREBY PROTEST THE APPROVAL OF THE REQUESTED PERMIT FOR THE "SALE OF ALCOHOL" BY THE MUSTANG (GIANT FOUR CORNERS) GAS STATION LOCATED IN THE COMMUNITY OF EL VALLE DE ARROYO SECO, development permit #200-5480. THE APPROVAL OF THIS PERMIT WOULD BE VERY DETRIMENTAL TO NOT ONLY OUR COMMUNITY, BUT TO PUBLIC HEALTH, WELFARE AND SAFETY IN GENERAL AS THIS ROAD IS ONE OF THE MOST UNSAFE ROADS IN THE AREA. THEREFORE, WE ARE STRONGLY REQUESTING THAT YOU N O T APPROVE THE RE-ZONING OF THIS AREA AND DENY THE REQUEST FOR THE "SALE OF ALCOHOL" PERMIT, WHICH WOULD BE IN THE BEST INTEREST OF OUR COMMUNITY, ESPECIALLY OUR CHILDREN.

NAME (please print)	ADDRESS	PHONE	SIGNATURE
Annie Lovato	P.O. Box 610 Los Alamos, N.M. 87544	852-4172	Annie Lovato
Naomi McMath	R.T. 3, Box 145-C Española N.M. 87532	747-4205	Naomi McMa
Matthew Ismora	RT 1 Box 326 Santa Cruz N.M. 87567	753-1939	Matthew Ismora
Cordero Romero	PO Box 122 Santa Cruz N.M. 87567	753-1980	Cordero Romero
Jennifer Gurulé	P.O. Box 941 Los Alamos N.M. 87544	455-7580	Jennifer Gurulé
Jessica Gurulé	P.O. Box 941 Los Alamos N.M. 87544	455-7580	Jessica Gurulé
Jaclyn M. Abeyta	P.O. Box 3977 Española, NM 87532	753-3082	Jaclyn M. Abeyta
Thea Cata	P.O Box 0307 Española NM 87532	852-4126	Thea Cata
Karla Fresquez	1215 North Orchard Española 87532	747-6969	Karla Fresquez
Karina Vargas	Box 5008 Española N.M. 87532	747-0998	Karina Vargas
Andrew McMath	Rt. 3 Box 145-C Española NM. 87532	747-4205	Andrew McMath
Marc Roybal	04-A Everett Ridge Dr. Española N.M. 87532	753-7575	Marc Roybal
~~Armando Romero~~			
Armando Romero	18938 US 84-285 Española NM	753-1994	Armando Romero
María Fresquez	1215 north orchard Española 87532 NM	7476969	María Fresquez

-TEENS

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1826434

NAME (please print)	ADDRESS	PHONE	SIGNATURE
Tiffiney Maestas	P.O. Box 754 Española	753-4901	Tiffiney Maestas

BUSINESS

WE THE UNDERSIGNED HEREBY PROTEST THE APPROVAL OF THE REQUESTED PERMIT FOR THE "SALE OF ALCOHOL" BY THE MUSTANG (GIANT FOUR CORNERS) GAS STATION LOCATED IN THE COMMUNITY OF EL VALLE DE ARROYO SECO, development permit #200-5480.
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1826434

NAME (please print)	ADDRESS	PHONE	SIGNATURE
Boneyard	Rt. 3, Box 194AA, Espanola Arroyo Seco	753-3786	
Contreras Mini Mart	473 Box 1578 Espo.	753-2699	
E.E. Gonzales	P.O. Box 62 Espanola	753-6299	
Sanchez Service	P.O. Box 3309 Fairview	753-4723	
[illegible]	PO Box 1587 San Juan NM	753.0044	

(5)

BUSINESS

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1826434

NAME (please print)	ADDRESS	PHONE	SIGNATURE
DAVID SEYBOLD	RT 3 Box 151 E ESP. N.M.		
DUANE VIGIL	54 Sombrillo Road Esp NM		
Darrell ABEYTA	08A EL CAMINO Solo, Arroyo Seco		
Katt, Mark,	P.2-Box 952 Santa Cruz		
JOAN TIDWELL	P.O. Box 1937 ESPANOLA	Adults	
Pasquala Ortiz	Box 952 Santa Cruz		
Theresa Vigil	PO Box 52 Chimayo NM		
GEORGIA James	741 Box 228 Velarde		
[illegible] C Butler	Rt. 1 Unit 4 Box 5 Espanola	753-4457	
Claudine R. Holland	P.O. Box 1041, Santa Cruz		
PETE ZAMORA	Rt 1 Box 326 SANTA CRUZ		
Donna Zamora	Rt 1 Box 376 " "	753-1939	
Brenda Abeyta	08A El Camino Solo P.O Box 3977 Fairview, NM 87533	753-3082	
Ermelinda Martinez	Box 51008, Espanola, NM. 87532	852-4163	
Michael Nunez	RT 3 Box 257, Espanola NM 87532	753-4954	
Raffi Loyd	E3 Frontier Rd Santa Fe	455-0588	
ANDREZ PAPIBLON	[illegible] Cruz 159 Santa Fe	455-8276	
Abel Roybal	P.O. Box 1457 Espanola	351-1401	
Paul Martinez	P.O. Box 828 Santa Cruz	747-1125	
DON ACATO	PO Box 937 S. Juan Pueblo NM	753-9615	
NORMA EVERETT	03 Everett Ridge Dr.	753-4572	
Bennie McJenkins	P.O Box 2143 Ranchos de Taos, NM	758-0320	
C&C McJenkins	PO Box 2143 Ranchos de Taos	758-0329	

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1826434

NAME (please print)	ADDRESS	PHONE	SIGNATURE
Gina Chavez	P.O. Box 1013 Santa Cruz, NM	753-4311	Gina Chavez
Ross J Chavez	P.O. Box 1013 Santa Cruz, NM	753-4311	Ross J Chavez
Edith Gallegos	161 Feather Cedar Rd. SF	455-1672	Edith G. Gallegos
Carmen Vigil	54 Sombrillo Rd. Esp NM	753-8916	Carmen Vigil
Corrine Gurule	1215 N. Orchard Espanola NM	7470106	Carmen Vigil
Jeanette Platt	RT5, Box 318	455-2461	Jeanette C Platt
Serena Roybal	53 Feather Rd Santa Fe	455-0358	Serena Roybal
Alvino Gurule	10 Gurule Ln Santa Fe	455-7580	Alvino Gurule
[illegible]ITY ROYBAL	SO CR OJO ESPANOLA	747-3178	Christy D. Roybal
GABRIEL ROYBAL	SO CR OJO ESPANOLA	747-3178	
Jake Lovato	P.O. Box 610 Los Alamos NM 87544	852-4172	
Harold E. Garcia	P.O Box 1695 Espanola NM 87532	753-7779	Harold E. Garcia
Anita C. Lovato	P.O. Box 610, Los Alamos	852-4172	
Brian McMath	RT.3 Box 145-C Espanola	753-4617	Brian McMath
Sonia McMath	Rt 3, Box 145-C, Española NM 87532	747-4205	Sonia McMath
SHIRLEY MARTINEZ	BOX 50409 ESPANOLA, NM 87532	753-6660	Shirley Martinez
Charles Suina	616 Calle Chamisal #221	753-4617	Charles Suina
Karon Kraft	No! I do not want Achols Please review this		
Michelle Nunez	RT3 Box 257 Esp.	753-5922	Michelle Nunez
Janelle Vigil Maestas	St Sombrillo Rd.	753-8916	Janelle Maestas
Maria Martinez	106 Camino Cuatro SW	877 9676	Maria Martinez
CHARLES MAESTAS	Box 50808 Espanola NM	747-3782	
Valerie Sandoval	54 Sombrillo Rd Espanola nm	747-2681	Valerie Sandoval

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1826434

NAME (please print)	ADDRESS	PHONE	SIGNATURE
Billie Jones	Pt 3-193-1	753-9621	Billie Jones
Theresa A Castanon	72 Boneyard Road		Theresa A Castanon
Pat Castanon	Rt 1 Box 367 A	753 8761	P Castanon
Victoria A Castanon	85 City Rd 126B		Victoria Castanon
Brenda Trujillo	116 Loma Ln, San Pedro		Brenda Trujillo
Ernie Judd	04 Tres Familias Ln	747-8135	Ernie Judd
Joaquin A Ortiz	Cordova, N.M.	351-4933	Joaquin A Ortiz
V. Morris	702 Glenwood Ave. Espanola	6660-9606	Valerie Morris
Danny Esquibel	PO Box 3593 Santa Fe	753-8878	Danny Esquibel
Elaine Esquibel	Rt. 6 Box 131-C	753 8878	Elaine Esquibel
Jeanne Tenorio	PO Box 28141 Santa Fe NM	747-4082	Jeanne Tenorio
Robert Martin	P.O Box 90 Santa Cruz	753-3057	Robert Martin
George Trujillo	05 Boneyard, Arroyo Seco	753-9229	George Trujillo
Apolinario	14C Camino Seco N		Apolinario
Geraldine Dominguez	P.O. Box 755 Espanola		Geraldine Dominguez
Guadalupe C Hernandez	PO Box 531 Velarde NM	690 3305	Guadalupe C Hernandez
Robert Ellison	7 Cottonwood, Espanola, NM 87532	753-3081	Robert Ellison
Amelia Martinez	Rt. 1 Box 384 M	753-4391	Amelia Martinez
Gene Sanchez	RT 3 B24 F/D ESP	753-6261	Gene Sanchez
John Brewington	RT 3 Box 197-2 Esp.	753 4484	John Brewington
D. Duran	PO Box 733	780-3135	D. Duran
Lupe L. Garcia	Hwy-84-285 Arroyo Seco		
Lupe J. Garcia	P.O Box 160 Santa Cruz	753-2043	Lupe J. Garcia

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1826434

NAME (please print)	ADDRESS	PHONE	SIGNATURE
David Rodarte	208A State Rd 399, Espanola	753-9595	David Rodarte
KATHRYN JARRETT	P.O. BOX 1281, ESPANOLA	685-4476	Kathryn A. Jarrett
Marilyn Melito	Rt. 1, Box 374-A Espanola	753-9712	Marilyn Melito
JOHN MORRIS	300 PLACITA ROAD ESPANOLA	753-2553	
RAY ARCHULETA	PO BOX 1370 Espanola 87532	753.5794	Ray Archuleta
DELORES MOQUINO	P.O. BOX 2272. ESP. NM	747-1100	Delores Moquino
Beverly Baca	P.O. Box 1713 Esp. NM	753-7177	Beverly A. Baca
KATRINA R. MARTINEZ	P.O. BOX 340 ALCALDE NM	852-4264	Katrina R. Martinez
John Tapereb	Rt 3 Box 185 Espanola	747-1157	John Tapereb
Laura Chavez	POBox 2594 Espanola NM		Laura I. Chavez
Charles Romero	18538 US 84/285 Espanola	753-1994	
STEVE CORIEGO	CR 91 A #25 ARROYO SECO	753-6774	
Jesse Castanon	72 Ranneyard Rd.	747-0036	Jesse Castanon
Susan Martin	Rt 3 Box 352-1 Espanola	753-3026	Susan Martin
Jose J Palomares	Rt 3 Box 193 Espanola	753-3428	Jose J Palomares
JUAN E MONTOYA	Rt. 1 Box 204 Espanola	753-3058	
Lupita Chavez	Rt 3 Box 158 Espanola	753-7080	
RODRIGO CHAVEZ	PO BOX 4296 ESP. NM	753 2699	

Adults

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NAME (please print)	ADDRESS	PHONE	SIGNATURE 826434
Astor James McCoy	Box 79A Arroyo Seco Circle Espanola, NM	753-2896	James McCoy
Theresa McCoy	Box 79A Arroyo Seco Circle Espanola, NM	753-2896	Theresa McCoy
Ray Holmes	P.O. Box 343 Sp NM	753-2879	Cathy Holmes
cathy Holmes	P.O. Box 343 Sp, NM	753-2879	Ray Holmes
G. Mendez	Rt 3 Box 143 A Espanola NM 87532	753-3428	Gerald Mendez
Bertha Lujano	R.t Box 143 Esp	~~753-3548~~	
Martin Bustos	Rt. 3. 1492 Esp.	747-3548	Andrea Bustos
Zach Trujillo	08 Tres Familias Ln	747-1347	
Santiago Juarez	Rt 3 Box 189	753-9139	
Lloyd Trujillo	Rt 3 Box 150-B Espanola, 87532	753-7320	Lloyd P Trujillo
Merlin Trujillo	Rt. 3 Box 150-B Esp. N.M. 87532	753-2746	Merlin Trujillo
Gary Trujillo	RT. 3 Box 150-H ESP NM 87532	753-6358	
Patricia Vigil	213 Box 155 ESP. NM 87532	753-6160	Patricia Vigil
[illegible]	30 Arroyo Seco Circle	747-9336	
SARB KHALSA	8 WHEAT ST	747-1737	
Darcy Marino	10 Wheat St.	747-9331	Darcy Marino
~~Fred~~ Frayler	Rt 3 Box 147-A	753-7416	
Rosebella Lieberty	Rt. 3, Box 147	753-3360	Rosebella Lieberty
Rochelle Lieberty	Rt. 3, Box 147	753-3360	Rochelle Lieberty
PAtricia Vigil	Rt 3, Box 1913	—	Patricia Vigil
Kathy Buzzell	Rt 3 Box 147	927-1465	Kathy Buzzell
Brad Buzzell	RT 3 Box 147	670-0969	

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1826434

NAME (please print)	ADDRESS	PHONE	SIGNATURE
MARIA MARTINEZ	PO BOX 217. CHIMAYO	351.1719.	
Vincent C Lopez	Santa Cruz N.M.	7534649	
SIMRAN S. KHALSA	P.O. 1283 SANTA CRUZ NM	753-1653	
Aaron Sánchez	P.O.BOX 1125 Abiquiu NM	—	Aaron Sánchez
Richard Manzanares	Camino Arroyo Seco 23-C		Richard Manzanares
Margie Hall	Rt 1, Box 370, Esp.	753-7485	
JEANINE MTZ	P.O. Box 1223 Esp.	753-4787	
Carmen A MTZ	P.O. Box 1241	753-4785	
Klebesadel	55A Boneyard Road	753-8800	
Janice K. Lujan	# 10 Walnut Drive	753-6087	
CONSTANCE MOLONEY	RT 1 BOX 389E ESPANOLA	753 1157	
Jesse Romero	Rt 3 Box 524 Esp	753-7158	
Robert Vigil	Rt 1 Box 370-C Esp	753-3883	
Annabella Vigil	Rt 1 Box 370-C Espanola	753-3883	
James Perry	Box 1066 Espanola	753-492	
Nadi C. Martinez	Bx 318 Chimayo	351-4226	
José Chapin	P.O. Box 4294 Espanola, NM 87532	753-7880	
Jack Kentury	Kenny Ln Box 6 Espanola	753-6528	
	319 N Santa N. NO Espanola	753-1185	
Armando Gutierrez	Box 325 L Fairview NM 87573	753-8448	
Gerald Espinosa	PO Box 946 SC	351-9913	
Victoria Vigil	P.O. Box 1486	753-7870	

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1826434

NAME (please print)	ADDRESS	PHONE	SIGNATURE
Juan Patricio Po Box 344	Rt 3 Box 1940	753-[illegible]	
Ricky C Lopez	Rt 1 Box 364-9 Esp	753-5521	
Dino Martinez	102 W Riverside Dr Esp	753-3493	
Randy Pervaiz	PO Box 287 Santa Cruz	753-7595	
Don J Montoya family	San Juan Pueblo, N Mex.	—	Don Montoya
Brenda Law	Co Rd 76 House 48 Esp.	753-6267	Brenda J Law
Sydney Law	PO Box 81, Esp	852-2730	Sydney A Law
Victoria M. Vigil	90 Camino Seco South	753-1685	Victoria M Vigil
Salomon Velasquez	Rt 3 Box 124-15 Esp. N.M. 8750	753-5273	
Miguel Martinez	Po Box 1241 Espanola	747-3627	
Alvic Quintana	PO Box 4466 Espanola NM	753-0434	
Dorthia Trujillo	P.O. Box 1100 Espanola	747-4356	
Eloisa Garcia	Rt. 1, Box 370-13 Espanola NM	753-6515	Eloisa Garcia
Robert T Davis	RT 3 Box 352-1 Esp NM	753-3020	
Kay Boyball	RR 3 Box 195-8 Esp. NM	753-1863	
Ernestine G Martin	Rt 1 Box 385 Esp. NM	753-6094	Ernestine G Martin
Paul M. Johnson	Rt 3 Box 1941 Esp NM		Paul M. Johnson
[illegible] Judge	PO Box 607 Rancho de Taos	751 4648	
[illegible] Rodriguez	Box 1803 Espanola N.M.	753 8452	
[illegible]	Eugene Catanach Box 102 Espanola NM	690 0554	

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
Darlene Eckleberry	POB 1627 Esp. NM	753 7901	Darlene Eckleberry
Tiburcio Vigil	Chimayo, N.Mex	351-4845	Tiburcio Vigil
NORA COEN	PO Box 923 Santa Cruz NM	753-1148	Nora Coen
JAMES FORD	Box 51008 Esp.	852-4163	James Ford
David A. Montaño	RT 4 Box 216 Espanola NM 87532	753-3602	David A. Montaño
Jeanette Gurulé	P.O. Box 941 Los Alamos 87544	455-7580	Jeanette Gurulé
Louie Sandoval	Box 54 Sombrillo RD	747-2681	
Louie Roybal	Rt. 1 Box 203A #23 Juniper Hills	753-4617	Louie Roybal
Dennis Coen	P.O. Box 122 Santa Cruz	753-1980	Dennis Coen
Anna M. Coen	P.O. Box 122 Santa Cruz	753-1980	Anna M. Coen
Andy Romero	P.O. Box 122 Santa Cruz	753-1980	Andy Romero
Monica Arteaga	P.O. Box 52 Chimayo, NM	747-7206	Monica Arteaga

~~[redacted]~~ Adults

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
DANA + KATIE ALLISON	457 Arroyo Seco Cir. Espanola NM 87532	505-753-4163	Katie Allison Dana Allison
Richard Allison	857 Arroyo Seco Cr, Esp, NM 87532	(505) 753 4759	
Joe R. Garcia	55 Arroyo Seco Circle Espanola, N.M. 87532	505 753-7188	Joe R. Garcia
Mary Lou Bender	73 Arroyo Seco Circle Espanola NM 87532	505 753-5987	Mary Lou Bender
KEVIN N. AUSTIN	17 ARROYO SECO CIRCLE ESPANOLA, N.M. 87532	747-2444	Kevin N. Austin
Ross Sanchez	146 D RT 3 ESPANOLA N. MEXICO 87532		Ross Sanchez

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NAME (please print)	ADDRESS	PHONE	1826434 SIGNATURE
Florence M. Serna	13 Guabairel Road	753-6624	Florence M. Serna
William P Everett III	28 Wheat St	753-6572	William P Everett III
Norma Fisher Everett	28 Everett Ridge Rd	753-9572	Norma Fisher Everett

adenda

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
Marilyn Meyer	#6 Meyers Rd SF Co	753-4136	Marilyn Meyer
James Meyer	#6 Meyers Rd S.F. Co	753-4136	James Meyer

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
Mary Duran	Rt. 5 Box 245 Santa Fe, NM	455-7405	Mary Duran
Nancy A. Williams	C/A Everett Ridge Dr. Santa Fe	753-7575	Nancy A. Williams

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
Lee Garcia	84-285 Arroyo Seco	747-2992	Lee Garcia
Bobby Thorne	10 Tres Familias Ln Arroyo Seco	753-4243	Bobby Thorne
Myra Salazar	P.O. Box 1623 Espanola	None	Myra Salazar
Gertrude D. Moore	4 Peaks View Ln - La Puebla	753-4015	Gertrude D. Moore
Ina Garcia	PO Box 244 Ojo Caliente		Ina M. Garcia
Benerito Vigil	Gen. Del Chimayo	351-4640	Benerito Vigil
Alex Valdez	RT. 1 Box 2 Espanola, NM.	753-4222	Alex Valdez
Shirley Gentry	Rt 3 Box 194 SP 10	747-0244	Shirley Gentry
Betty Trujillo	Rt 3 Box 194 Sp 1	753-2965	Betty Trujillo
Jaime Trujillo	Rt 3 Box 194 SP 1	753-2965	Jaime Trujillo
Hani Khaled	8 SHADY LN	747 0827	
Cora Montoya	Box 4096, Pojoaque	852 1071	Cora Montoya
Dennis O'Brien	101 Acoma Ln Espanola	747 3328	D. O'Brien
Dharam S. Khalsa	06 Calle Seco	753-5721	Dharam S. Khalsa
Dio Domingues	P.O. Box 434 Truchas 87578	none	Dio Domingues
Loyola Marrufo	Po Box 1823 Espanola NM	747-0479	Loyola Marrufo
Kathleen McCampbell	Rt. 3 Arroyo Seco NM	747-6703	Kathleen McCampbell
Elaine Trujillo	PO Box 958 Espanola	753-6789	Elaine D. Trujillo
Judith Alarcon	1101 E. Bart #9 Las Cruces	522-7272	Judith Alarcon
Lucille La Rue	#46 La Puebla Rd. Espanola	753-7215	Lucille La Rue
Drew Richman	1228 Osage Ave Santa Fe NM	992-2535	
Michael Garcia	POB 599 Santa Cruz NM	—	Michael Garcia

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
Tommy Montoya	707 MEADOW VW	753-9677	
Verna Archuleta	P.O. Box 1151, Santa Cruz NM	753-3786	
Sidney McDermitt	RT 2 Box 10 Walnut Loop Espanola 87532	753-7831	
Shirley Lovato	C.R. 16 #108 Lower San Pedro Esp 87532	753-3173	
ART GARCIA	PO BX-1151- Santa Cruz	753-3786	
Leo D Urbina	PO Box 1665 Espanola	747-3467	
Debby Dolt	PO Box 874, Santa Cruz NM	753-3786 Mess	
Gilbert Olivas	Rt 1 Box 12 Santa Cruz	670-8402	
George A Luijan	Rt 1 Box 117-G Sandoval	455-7766	
PAT VALDEZ	112 Calle Valdez	747-1137	
Louis Gilbert Padilla	PO Box 1024 Abiquiu	753-3404	
[illegible]	PO Box 97 Los Alamos	672 9028	
[illegible]	190 Cowles San Pedro	747-9282	
[illegible]	Rt 5 Box 247-A Santa Fe	455-3234	
Charlotte Jaramillo	PO Box 455 Santa Cruz NM	753-3615	
Richard C. Ortiz	P.O. Box 321 Santa Cruz Nm	753-5791	
Lee A Seamon	Santa Fe	473-0422	
Ray Bonnell	13 old dump Road	920-4776	
[illegible]	15 arroyo chiquito	753-5607	
Sara Khalsa	15 Arroyo Chiquito Esp	753-5607	
Chris Martinez	Box 1501 [illegible]	685-0637	
[illegible]	Rt 5, Box 218, Santa Fe, NM	455-2832	

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
Tom Vilo	P.O. Box 685 Santa Cruz		Tom Vilo
Heralda Serrano	P.O. Box 914 Chimayo	351-1231	Heralda Serrano
George Hayes	Rt. 5 Box 339-A	455-2004	George Hayes
Mary Lopez	P.O. Box 3824 Fairview	747-2594	Mary Lopez
Gerald Trujillo	R. Rt 1, Box 206 A Esp.	753-2217	Gerald Trujillo
Homer	T.C.T. Fox 105 Santa Fe	455-[illegible]	Homer
Daniel Weybright	612 SIMMONS RD, STANLEY NM	920-6682	Daniel Weybright
James Fredericks	Rt 3 Box 12 Espanola NM	753-9354	James Fredericks
Carlos Vigil	Rt 1 Box 105 BB Santa	455-1350	Carlos Vigil
James Mason	34 Bonanza Rd - Santa Fe	753-3768	James Mason
Kenneth Viarreal	P.O. Box 9706 Santa Fe N. Mex	753-7264	Kenneth Viarreal
Leroy Gonzales	96 Hernandez	753-[illegible]62	Leroy Gonzales
Nora Rodriguez	PO Box 47 Santa Cruz, NM	753-0806	Nora Rodriguez
Benny Lopez	PO Box Esp NM		Benny Lopez
Jose Dl Nino	Box 849 Santa Cruz	753 1918	Jose Dl Nino
Jeff. Wheat	84 Hawk A T ST.	753-4578	Jeff. Wheat
Ron Gallegos	1800 Calle Rivera #8 Fairview	747-2285	Ron Gallegos
Reggie Maestas	10306 Hwy 84 St. Esp.	753-7446	Reggie Maestas
David F. Salazar	P.O. Box 922 San Juan Pueblo	852-2602	David F. Salazar
Benny Trujillo	PO Box 461 Chimayo	351-4953	Benny Trujillo
Robert Baker	P.O. Box 15915 S.F.	983 4333	Robert Baker
Lee Douglas	18A Ave. De Molino Espanola, NM	747-9147	Lee Douglas

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
[illegible]	Route 1 Box [illegible]	455-7928	[signature]
Lee H. Hickerson	P.O. Box 1464 San Juan Pueblo	753-2591	Lee H. Hickerson