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BOARD OF COUNTY COMMISSIONERS

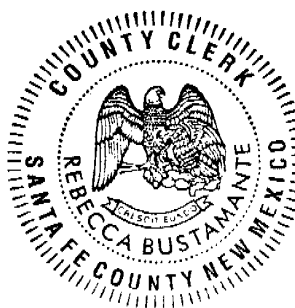
SANTA FE, NEW MEXICO

REGULAR MEETING

OCTOBER 12, 1999

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

Javier Gonzales, Commissioner [excused]



COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO 1095) 084
I hereby certify that this instrument was filed
for record on the 27 day of Oct A.D.
19 99, at 3:54 o'clock P m
and was duly recorded in book 1702,
page 193-221 of the records of
Santa Fe County.

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

Veronica Clayton
Deputy

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

October 12, 1999

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

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

Members Present

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

Members Excused

Commissioner Javier Gonzales

V. APPROVAL OF AGENDA

SAMUEL MONTOYA (County Manager): Mr. Chairman, before we go on to the amendments and the tablings for today's agenda, I do want to point out that Commissioner Gonzales left a message that I transmitted to the Chairman for the record.

CHAIRMAN GRINÉ: I just saw it here now. Do you want me to go ahead and read it in?

MR. MONTOYA: Please.

CHAIRMAN GRINÉ: Commissioner Gonzales is unable to attend today's Commission meeting. Commissioner Gonzales flew to Washington, D.C. today to meet with Department of Energy officials. He will be meeting with DOE building technology state and community programs office to discuss how the DOE can enhance coordination and cooperation between the department and local governments and community based organizations. In particular, Commissioner Gonzales will discuss Santa Fe County relationships with DOE and the Los Alamos National Labs in an attempt to build a better relationship between those entities. Sam.

MR. MONTOYA: Thank you, Mr. Chairman. Mr. Chairman, members of the Board, there are four amendments to today's agenda. The first being item VII.C.1.a,

which is a committee appointment to the Valuation Protest Board. The next amendment to the agenda is item VII. E.1, a resolution requesting Governor Gary Johnson to visit Santa Fe County regarding the deadly heroin and marijuana problem experienced by our residents. And there will be a resolution to deal with that more specifically.

The next amendment, Mr. Chairman, would be VII.F.1 a. and b., a being a discussion of possible acquisition of water rights in executive session and item b, also an executive session item being discussion of purchase of real property within Santa Fe County for a possible site for a judicial complex.

The tabled items, Mr. Chairman, are under item VII. B. 1, would be a resolution adopting or approving the Public Housing budget for fiscal year 2000 and the last item for tabling is VIII. B, which is a resolution amending the traditional community boundary of El Valle de Arroyo Seco, pursuant to County Ordinance No. 1998-5, the community planning process and this was the second public hearing. I stand for any questions on the amendments or tablings, Mr. Chairman.

CHAIRMAN GRINÉ: Any questions of Sam?

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

VII. STAFF AND ELECTED OFFICIALS

A. Presentations and Awards

1. Recognition award to Andrew Chavez for his years of service to Santa Fe County

CHAIRMAN GRINÉ: Andrew Chavez came to Santa Fe County in February 1996 and has contributed on various levels to the success of the County. Before his service with the County Andrew had over 20 years of public service as a teacher working for the state of New Mexico. Andrew has served Santa Fe County as a Personnel Director, Administrative Service Director and is currently the Health and Human Services Director. Among other things, Andrew has served on the Multi-line Pool Board, Rio Arriba E-911 Board, participates in the Maternal and Child Health Council and the Santa Fe County Management Negotiating Team for the union negotiations.

Andrew has always had the employees' interest at heart. He has volunteered his time to teach and tutor accounting to employees enrolled in accounting courses through Santa Fe Community College. This is but one example of Andrew's commitment to the employees of Santa Fe County. As we bid farewell to Andrew, I want to thank him for his dedication and commitment to Santa Fe County and wish him well in his retirement. Andrew, will you come forward, please.

ANDREW CHAVEZ: Mr. Chairman, I wanted to slip away without saying

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anything but they said I needed to say something. May I? Thank you very much, Mr. Chairman, Commissioners, County Manager. The staff, almost all of them know how much I appreciate their work here and their support and I have to say that I've enjoyed working in Santa Fe County or at Santa Fe County and I wish all the employees, the Commission, and the County Manager the best of luck and keep up the hard work. Thank you very much.

CHAIRMAN GRINÉ: Thank you, Andrew.

COMMISSIONER TRUJILLO: Mr. Chairman, I'd just like to say that I came into the Board right around the time that Andrew was hired by Domingo Sanchez and it's been a pleasure working with Andy and I like his grass-roots approach to doing things. He's always open to communicating with the community, always giving impetus to the best resolution to problems. If it can't be solved, at least the community knows that he's there to address the situation and that things never fall in a vacuum. I wish you all the luck in the world and good luck with whatever endeavors you seek in the future.

COMMISSIONER ANAYA: Mr. Chairman, likewise Andrew, I echo what Commissioner Trujillo has just stated and you're an excellent person, a good man and I'm sure you'll succeed in any venture that you enter. So the best of luck to you, sir.

COMMISSIONER DURAN: We'll miss you, Andrew.

CHAIRMAN GRINÉ: Good luck, Andrew, but I understand you already have something cooking in the pot already, so I'm sure you won't starve. You'll do well in your future endeavors. Good luck.

VI. APPROVAL OF MINUTES: September 14, 1999

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

Commissioner Trujillo moved to approve the minutes as submitted and Commissioner Duran seconded the minutes passed by unanimous voice vote.

CHAIRMAN GRINÉ: Now we go down to item VII, letter C, Matters from the County Manager, Sam Montoya.

MR. MONTOKA: Mr. Chairman, members of the Board, we are expecting someone from the Assessor's Office to make this presentation. We'd like to ask that you temporarily pass over this item at this current time?

CHAIRMAN GRINÉ: To later?

MR. MONTOKA: Yes, sir.

CHAIRMAN GRINÉ: All right. Thank you.

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

CHAIRMAN GRINÉ: Anybody want to address the Commission?

CAROLYN SIGSTEDT: My name is Carolyn Sigstedt and I just want to recognize and actually congratulate the County Manager and staff and the Commissioners, actually, particularly Javier, for the work that you all did in securing this TEA-21 money. It's really an important thing that happened for the county and the city, actually, and I believe that the County led the effort and you can take credit for it and in my opinion it's going to be hard for some of the Councilors, perhaps City Councilors that didn't understand the significance of this, to scoff at a few million dollars. So I'm very excited and just like agrarian land, once it's lost, once the railroad corridor is lost you can never get it back so you've done something in my opinion for future generations which is the way I think government should take place.

And then, also I want to mention for your executive session, I would like you to not totally drop the idea of the federal -- having the possibility of a block of courthouses, the federal courthouse and then the County judicial complex in that block. I know that that is a lot more work and it's not as expedient as going to a private land seller or owner. But in my opinion, when it comes to government, the expedient answers aren't always the best. You have to take this issue to the people as a bond, I would assume, to raise the money, and you want them to be in favor of it.

I know if it were in that back block if it's at all possible you'd be contributing something architecturally that -- so many people look at all the old buildings in Santa Fe and everybody talks about how important they all are, including this building, but nobody, you can ask anyone and nobody can think of a new building that's monumental and that really contributes to our community. I actually think the location in that block is that significant and I ask you to muddle through some federal redtape and seriously at least see if it's a possibility. Thank you.

CHAIRMAN GRINÉ: Thank you, Carolyn. Anyone else want to address the Commission?

VII. E. MATTERS FROM THE COMMISSION

- 1. Resolution No. 1999-128. A resolution requesting Governor Gary Johnson visit Santa Fe County regarding the deadly heroin and marijuana problem of our residents and request that he take a leadership role in combatting the drug problem**

CHAIRMAN GRINÉ: Whereas, studies and statistics show the use of heroin is increasing rapidly in northern Santa Fe County; and

Whereas, studies and statistics show that marijuana use is a precursor to further

substance abuse; and

Whereas, Santa Fe County is ranked above the state average in alcohol and drug related mortality; and

Whereas, Santa Fe County is designated as a "high intensity drug trafficking area" by the Office of the National Drug Control Policy; and

Whereas, six overdoses and two deaths were reported in a period of one week in Santa Fe County; and

Whereas, many families suffer the pain and helplessness of a family member falling prey to marijuana use and heroin addiction; and

Whereas, these families have few resources in their community to assist them with the complex and multiple problems that infiltrate their lives by suffering through a family member's addiction; and

Whereas, substance abuse specialist, therapists and counselors are in agreement that our government can do far more than it has to educate, intervene and prevent heroin use; and

Whereas, Governor Johnson's public statements favoring the legalization of marijuana and heroin use are a blatant misdirection of the problem; and

Whereas, Governor Gary Johnson's statement of our current treatments show a lack of knowledge and sensitivity to the problem in his own state; and

Whereas, as the state's highest elected official, Governor Gary Johnson's position, public exposure, and statements on this subject do not support our current law.

Now, therefore, be it resolved by the Santa Fe County Board of County Commissioners that they request Governor Gary Johnson to visit our County law enforcement, treatment facilities, substance abuse specialists, emergency room doctors, counselors, therapists and addicts and their families to become better informed of our marijuana and heroin problems so that he may provide the leadership necessary to combat the problem.

Okay, do I have a motion for approval of this resolution?

COMMISSIONER ANAYA: Mr. Chairman, I have a question. Who's the sponsor of this particular --

CHAIRMAN GRINÉ: I am.

COMMISSIONER ANAYA: That's all I need to know. Thank you, Mr. Chairman.

CHAIRMAN GRINÉ: And just for information, you know. I will be making, attending a press conference that will be at the County Jail tomorrow at 10:00 and also we'll make this presentation over there too and it's being put on by several of our leaders in the County of Santa Fe.

COMMISSIONER TRUJILLO: I think that that is the appropriate message to send the Governor, Mr. Chairman. And so I make a motion to approve this resolution.

COMMISSIONER DURAN: Second.

CHAIRMAN GRINÉ: I have a motion to approve motion 1999-128 made by

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

COMMISSIONER ANAYA: Mr. Chairman, may I make a personal request? I should have done this under the amendments? If we can move executive session to towards the tail end. There was a death in the family and I need to attend a wake tonight and I'd like to get to the business items. I think the executive session matters can pretty well be taken care of by the other three Commissioners. If you don't mind.

CHAIRMAN GRINÉ: You want to move it to the end of the Land Use items too?

COMMISSIONER ANAYA: To the very, very end.

COMMISSIONER TRUJILLO: There's only six Land Use items.

CHAIRMAN GRINÉ: Is that fine with the rest of you? Okay, then we'll move it.

MR. MONTOYA: Mr. Chairman, might I ask the Chairman and the Board to revisit item VII. C. We do have that presentation ready for you.

VII. C. MATTERS FROM THE COUNTY MANAGER

1. Committee appointments

a. Valuation Protest Board

CHRIS LIEBSON (Administrative Assistant): Mr. Chairman, Commissioners, I'm here -- I'd like to have the reappointment to the Protest Valuation Board of Eloy Valdez and Glenn Vogel to the Valuation Protest Board for this cycle.

CHAIRMAN GRINÉ: We need to reappoint them?

MR. LIEBSON: Yes, their appointments expired at the end of last month.

Commissioner Anaya moved to reappoint Eloy Valdez and Glenn Vogel to the Valuation Protest Board. Commissioner Duran seconded and the motion passed by unanimous voice vote.

VIII. PUBLIC HEARINGS

A. Resolution No. 1999-129. A resolution adopting the Los Cerrillos Community Plan pursuant to County Ordinance 1998-5, the Community Planning Process, and incorporation of Los Cerrillos Community Plan into the Santa Fe Growth Management Plan (second hearing)

ALINA BOKDE (Planner): Mr. Chairman, Commissioners, this is the second public hearing for the adoption of the Los Cerrillos Community Plan. In your packets for tonight's meeting, I didn't actually include the community plan, but if you'd like I have

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copies with me. If there are any questions regarding the plan I'd be happy to answer those at this time. I do have a statement from Commissioner Javier Gonzales that I would like to read very quickly for tonight's record before any questions. Are there any questions from the Commissioners regarding the plan?

This is a statement on the resolution adopting the community plan for the traditional community of Los Cerrillos. "I apologize I'm unable to be here today with the people of Cerrillos to introduce their community plan, but I would like to make a few comments on the historic event. I want to congratulate the community of Los Cerrillos for their hard work, time and commitment that went into their community plan. Not only are they the very first traditional community in the county to put forth a community plan, but they have put together a terrific plan that is well-thought out, practical and sensitive to the needs of this community.

"Truly this plan was a plan that grew from the grass roots. I know the community participated in dozens of meetings and spent many hours taking the time to construct this plan. Los Cerrillos stands as a wonderful example of the community planning ordinance at work and demonstrates that Santa Fe's communities can come together as a group and map out the future for their community. The people of Los Cerrillos should be very proud of what they've accomplished. I am proud of what you have accomplished and the effort put forth to make Los Cerrillos an outstanding community. Again I congratulate the community of Cerrillos and commend your efforts to enhance your community. Sincerely, Commissioner Javier Gonzales."

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

COMMISSIONER TRUJILLO: So this is the first completed master plan in Santa Fe County?

MS. BOKDE: Mr. Chairman, Commissioner Trujillo, this is the first traditional community completed plan that has come before the Board. There was a plan that came before the Board that was adopted last month, the SNAC plan, but that was a contemporary community. This is the first traditional community plan that's come forward.

COMMISSIONER TRUJILLO: And we have quite a few others in motion, right? Throughout the county?

MS. BOKDE: Commissioner Trujillo, yes we do. We have nine others that are actively engaged in the planning process right now. So there will be a number of plans that will come before the Board, I anticipate in the next year.

COMMISSIONER TRUJILLO: Thank you.

CHAIRMAN GRINÉ: Any other questions of Alina? If not, this is a public hearing and it's for action tonight. Is there anybody in the public that would like to address the Commission?

COMMISSIONER DURAN: Mr. Chairman, if there's no public comment, I'd like to make a motion to approve the Los Cerrillos Community Plan, and I agree with Commissioner Gonzales that I think the people that were instrumental in putting this plan

together should be commended. It's very concise and it's clear and it's an example of what a community can do when they pull together. And I'd like to commend you all.

COMMISSIONER ANAYA: Second, Mr. Chairman.

The motion to approve Resolution No. 1999-129 passed by unanimous voice vote.

COMMISSIONER DURAN: I'd also like to thank staff, Mr. Chairman, because I think they did a wonderful job with the community also.

CHAIRMAN GRINÉ: Thank you also.

VIII. C. LAND USE DEPARTMENT ITEMS

1. **CDRC Case #Z 99-5510. Marty Sanchez Clubhouse. City of Santa Fe, applicant, requests master plan zoning with preliminary and final development plan approval for a clubhouse associated with the municipal golf course which will include a restaurant with alcohol sales. The property is located at the Marty Sanchez Municipal Recreation Complex located on Caja del Rio within Section 23, Township 17 North, Range 8 East**

PENNY ELLIS-GREEN (Review Specialist): Mr. Chairman, Commissioners, the clubhouse and restaurant were constructed in 1998 as part of the municipal golf course. The City is requesting a governmental license for the sale of alcoholic beverages at this facility. To obtain such a license the County must acknowledge that the property has been zoned for alcohol sales. Thus the City has applied for zoning approval.

Recommendation: The decision of the CDRC was to recommend master plan zoning with preliminary and final development plan approval for the club house and restaurant with liquor sales subject to the following conditions:

1. A final inspection by the Fire Marshal of all structures shall be required prior to business license approval.
2. The applicant shall submit a water budget, proof of water meter, and proof of well permit and record.
3. The applicant shall submit proof the water supply is registered as a public water supply with the Environment Department.
4. The applicant shall submit a copy of the Environment Department liquid waste permit.
5. The above conditions shall be complied with prior to the Land Use Administrator signing any liquor license zoning statement.

And Mr. Chairman, the conditions two and four have already been met by the applicant.

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

[Duly sworn, Greg Smith testified as follows:]

GREG SMITH: Thank you Mr. Chairman, Greg Smith representing the City of Santa Fe, 200 Lincoln Avenue.

COMMISSIONER ANAYA: Greg, the City is in agreement with all the conditions imposed by staff?

MR. SMITH: We are and as noted by the staff, we are in compliance with two of the conditions. The third condition, the applicant shall submit proof that the water supply is registered as a public water system, the City is in the process of having the Sangre de Cristo Water System take over the operation of the water system.

COMMISSIONER ANAYA: This will be the second governmental license owned by the City, I believe. The third. Municipal Airport, Sweeney, and this one.

MR. SMITH: I believe that's correct, although I'm not certain that's the case.

COMMISSIONER ANAYA: I see the expert, Maurice Bernal nodding his head yes. Are there any questions of the applicant? Anybody in the audience like to speak either for or against? Mr. Chairman, I turn it over to you.

CHAIRMAN GRINÉ: Commissioner Duran.

Commissioner Duran moved to approve CDRC Case #Z 99-5510, the Marty Sanchez Clubhouse. Commissioner Anaya seconded and the motion passed by unanimous voice vote.

- VIII. C. 2. CDRC Case #MIS 99-5321. Mickelson Media. Mickelson Media, Inc., doing business as Century Communications Corporation, has requested a renewal of their cable television franchise in the Agua Fria, La Cienega, Dinosaur Trail and Turquoise Trail areas.
3. Resolution No. 1999-130. A resolution granting an extension of franchise to Mickelson Media, Inc. to operate a cable television system within the area of Agua Fria, La Cienega, Dinosaur Trail and Turquoise Trail areas

CHAIRMAN GRINÉ: Can we do both of them together, Oralynn?

ORALYNN GUERRERORTIZ (Subdivision Engineer): Yes, sir. We can. They're both related.

Mr. Chairman, Commissioners, in August the BCC approved a franchise agreement for the same organization, the Tesuque area. This serves southern -- just outside the city limits on the south side. We are doing something a little unusual at the request of the County Manager, we're only requesting a one-year extension instead of the normal 20-year,

and that's because we're considering making some modifications to the existing cable ordinance. So what's before you is just granting an extension of one year to this cable company.

CHAIRMAN GRINÉ: Okay. Any questions of Oralynn? If not, is the applicant here? State your name and raise your right hand to take the oath.

[Duly sworn, Tony Hotter testified as follows:]

TONY HOTTER: Thank you, Mr. Chairman. My name is Tony Hotter and I reside at 921 Capulin Street in Los Alamos. As Oralynn mentioned, we had originally applied for a franchise per the request for the County Attorney's Office, Santa Fe County's Attorney's Office, they did request a one-year extension which we have agreed to accept and so we'll resume franchise negotiations once they review their ordinance and feel like it's in compliance with federal law.

CHAIRMAN GRINÉ: Any questions of Tony?

COMMISSIONER TRUJILLO: Mr. Chairman, is this -- are you affiliated with Century Cable out of Los Alamos?

MR. HOTTER: Yes, Commissioner, actually it's kind of funny. As of October 1 we're no longer Century Communications. We merged or were bought out by Adelphia Communications but yes, in all systems, I actually manage Los Alamos, Tesuque, Pojoaque, parts of south Santa Fe and also Jemez Springs which all systems are now Adelphia Communications. There no longer is a Century Communications. This process began before that merger was complete.

COMMISSIONER TRUJILLO: Thank you.

CHAIRMAN GRINÉ: Any other questions of Tony? If not, this is only for an extension. What's the pleasure of the Commission? Is there any public comment on this case from the audience?

Commissioner Trujillo moved to approve CDRC Case #MIS 99-5321 and Resolution 1999-130. Commissioner Anaya seconded and the motion passed by unanimous voice vote.

VIII. C. 4. CDRC Case #Z 99-5410. 3HO Office-Sombrillo. Gurujiwan and Livtar Khalsa, applicants, request master plan zoning with preliminary and final development plan approval for a 925-square foot office for the 3HO Foundation. The property is located at 30 Sombrillo Road in Sombrillo within Section 7, Township 20 North, Range 9 East

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the applicants are requesting master plan and development plan approval for a 925-square foot office for the 3HO Foundation which is considered a community service facility. The 3HO Foundation

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is a non-profit educational corporation which provides classes for physical, mental, emotional and spiritual development for all ages. The proposed structure is for the financial offices only and no classes will be taught from this property.

The recommendation: The decision of the CDRC was to recommend master plan zoning with preliminary and final development plan approval for a 925-square foot office for the 3HO Foundation subject to the following conditions:

[The conditions are as follows:]

1. All Fire Marshal conditions regarding access, defensible space, Uniform Fire Code and Life Safety Code requirements will be met. The applicant will request a final fire inspection prior to business license issuance.
2. All conditions and improvements, including parking areas, fire protection and retention ponding will be in place within 90 days of final approval of this project.
3. All outside lighting on the property will be shielded.
4. All staff redlines will be addressed. Original redlines will be returned with final plans.
5. Water use is restricted to 0.4 acre-feet per year. Water restriction covenants will be recorded by the applicant with the master plan/development plan. Annual water meter readings will be submitted to the County Hydrologist.
6. The applicant will record the master plan/development plan with the County Clerk's Office.
7. A business license is required and shall not be issued until all of the above conditions have been met.
8. The applicant will file a change of ownership of the well and a change of use of the well with the State Engineer's Office.
9. All parking spaces will be defined.
10. The applicant will connect to any regional wastewater or water system within 200 feet of the property if available in the future.

CHAIRMAN GRINÉ: Is there any questions of Penny? If not are the applicants present? Would you like to come forward please?

[Duly sworn, Livtar Khalsa testified as follows:]

LIVTAR KHALSA: My name is Livtar Khalsa. My street address is 30 Sombrillo Road East, Española, New Mexico.

CHAIRMAN GRINÉ: Are you in agreement with staff recommendations?

MS. KHALSA: Yes.

CHAIRMAN GRINÉ: Is there any questions of the applicant?

COMMISSIONER TRUJILLO: Mr. Chairman, yes, I have a question. This facility will serve only the community of the Sikhs in Sombrillo? Or --

MS. KHALSA: It does serve the Sikhs but anybody else who comes to the classes are served as well.

COMMISSIONER TRUJILLO: So members from the immediate area can

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also utilize this facility?

MS. KHALSA: Yes. The other people come to the classes there. But the classes aren't at this facility.

COMMISSIONER TRUJILLO: What's already existing in the area? Is this a new building or will this expand an existing building?

MS. KHALSA: This building is already on the property. We had a temporary permit and with the condition that we would go through this process.

COMMISSIONER TRUJILLO: Did you do any -- were there any traffic impact studies that were done?

MS. KHALSA: I believe that somebody came out from their department.

COMMISSIONER TRUJILLO: And what did those show?

CHAIRMAN GRINÉ: Did Tom Dominguez do anything on this, Penny?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Trujillo, I believe that Public Works went out to visit the property and they also reviewed this application and they didn't believe there was any access or parking issues.

COMMISSIONER TRUJILLO: Was there any communication with the immediate area, with the community regarding the project and what do the residents feel about the project?

MS. ELLIS-GREEN: Mr. Chairman, committee members, the applicant did have to send out certified letters to all surrounding property owners. A yellow public notice board was posted and there was a legal notice in the *New Mexican*. There is I believe attached as you exhibit -- there's a petition attached as your Exhibit "H" in the file. But that was the only feedback that we had from the community.

CHAIRMAN GRINÉ: Any other questions?

COMMISSIONER DURAN: Mr. Chairman, Ms. Khalsa, where are the classes given?

MS. KHALSA: Some of them are in the neighborhood at a facility that is for that purpose. And then different people offer courses in different places around the Santa Fe and Española area.

COMMISSIONER DURAN: So you don't have one specific facility that --

MS. KHALSA: Well, we have one main facility.

COMMISSIONER DURAN: Where is that?

MS. KHALSA: In the Sombrillo area also.

COMMISSIONER DURAN: And that's open to anyone in the community?

MS. KHALSA: Yes.

COMMISSIONER DURAN: Okay. Where is all this taking place right now, the office work?

MS. KHALSA: They are currently on the property. We are there with a temporary permit. And we have done a lot of the things already on this list.

COMMISSIONER DURAN: I think that's great. I think that any time we

can help the physical, mental and emotional and spiritual development of anyone is a worthwhile cause.

CHAIRMAN GRINÉ: Any other questions?

COMMISSIONER TRUJILLO: I just have a comment. My concern is that Santa Fe County is working with Hands Across Cultures to put in place a teen center in that area and I understand that the Khalsa community is one of the biggest entities that's against the teen center because of the augmentation in traffic, because of the impact on the Sombrillo area and the immediate community. That would also be serving not only the Española Valley but all of northern Santa Fe County and southern Rio Arriba County and it's a project that's beneficial. It's very much needed to help direct the youth of the community.

That's my concern, that one project is good from a spiritual, education and other perspective, while the other one for the youth of the community is not and the biggest obstacle is the Khalsa community.

MS. KHALSA: My understanding is that, although I haven't been directly involved is that the Khalsa community has actually been very supportive. The problem that came later was when they chose to put it in an area that was right by the school. It was going to serve a much larger population than this little office will. There was real concerns about the septic situation with that big of a project there. And the other concern that I heard was that it was going to be right across the street from residences. And I don't think it was just the Khalsas that were having a hard time with that location. I think everyone in the neighborhood did. Although the project is definitely a good one. And I do think that there were people that have helped and tried to solve that problem so that they could find another location in the area.

COMMISSIONER TRUJILLO: And hopefully we can work together to help that thing come to fruition because it's needed in the community.

MS. KHALSA: I agree.

CHAIRMAN GRINÉ: Any other questions of the applicant? This is a public hearing. Anybody in the audience like to address this case?

[Duly sworn, Paul Garcia testified as follows:]

PAUL GARCIA: My name is Paul Garcia. I'm from Sombrillo. Members of the Santa Fe County -- I am totally aghast at this kind of business because the people that live in the area have asked me to be their spokesman. There was a petition signed by almost all the neighbors in the area that this thing, this project is being asked for. The last time I was in front of the planning commission, they gave me four or five minutes to say something. I don't believe that's right because a guy doesn't have a chance to explain that is happening in the area. First of all let me tell you that these people that live south of this particular area that is being asked for a building or from what I read in the manuscript it was something like a building for offices with approximately four cars doing the traveling on the road. But down just a little below that if you have a copy of that, you will see where they are planning a community health center or something like that.

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Now, just a little over a month ago at the beginning of August there was a certain young gentleman that wanted to ask for permission to establish a youth center on the school property that was going to be leased to them south of the school. And lo and behold, there was an uproar in not the community itself but the people in the Khalsa outfit. Mostly, Khalsas. Mostly. They objected because of the traffic, County Road 90 East is very narrow and only the traffic that goes to and from the school and beyond is limited. With a youth center, it would have probably increased.

But they didn't hesitate to stop there with the traffic. They immediately foresaw, predicted, that there were going to be drunks all over the place. They predicted all this. That there were going to be bottles all over the place and this kind of stuff to stop them from using up the part that was going to be leased by the schools to the youth center of Española. That was objected to. Thrown out.

Now this thing comes up. It may not be as much traffic. I don't predict the traffic. I don't predict drunks over there, but at the same time, people that have been living there for 30 or more years have been very happy and very quietly doing their business right there. No stores, nothing that has to do with business. Nothing. And the road itself, Sombrillo East, County Road 90 East is narrow. They would have to go through that little road then up to another alley actually to get to them. That's only the transportation.

Then comes the water and the sewer systems and those things that we as a community have been trying. You gave us permission to go ahead and work on a traditional community for the area. We have been doing that. We have been working very hard at it. Most of the time, only the people that are there, that have been there forever show up at the meetings to discuss the particular plan for a traditional community. We have gone beyond just talking. We have gone to try to secure a water system for it. We are trying to get everything else. I don't see any of these people out there helping out.

They say that they are for the community. I don't think they are for the community. They're for themselves. And if you don't believe me, just go ahead and give them that little step in there and you'll see the expansion movement going each way. And the people that are living there are going to be shut out. The water is going to be polluted. Too many septic tanks before you know it and before we even get a chance to at least try to get a water system in there.

Since the youth center was disapproved and because of the traffic, I think that this thing should not be allowed, not in that area. That area is a home area for people who have been living there forever. These people have one double-wide there and they themselves stated that they are sharing the water with somebody else and somebody else's well, which, from what I gather is illegal. The one well is for one house. Not for that one. Now they're trying to put another one in there, there'll be another one added to that. And another septic tank, probably. And before you know it, you do not know. You have to go and take a look at some of those things.

I have asked Chris Vigil to come on up and take a look at some of those things that

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are up there and he has been up there. He has cited some of them with several citations. And yet they want to get permission to do their thing after the fact, after they've started all this thing. And I think that's wrong. And these people asked me to come to talk for them. I am talking. I am stating that this thing should not be approved. I thank you.

CHAIRMAN GRINÉ: Thank you, Paul. Anybody else in the audience want to address the Commission?

MS. KHALSA: Could I respond to that?

CHAIRMAN GRINÉ: Go ahead.

MS. KHALSA: First of all, with all due respect, we are part of the community, and if he's referring to the Khalsas, we do serve the community. We're part of it and we do serve other people even if he is not one that partakes. We do not need to put in another septic. We have in our packet some approval for sharing the septic, which we've already done. We do have a shared well agreement. There's nothing illegal about that. They will be -- I didn't quite understand all he was saying about the traffic, but you take County Road 90 and then you turn on to our driveway. It's not a -- I didn't quite understand his objection to that.

We won't be having classes at this facility and he was raising the objection, comparing it with the school project that didn't happen and I think it's on a much different scale. We're talking about an administrative office with four or five people in it. There won't be much impact. They're sharing a septic. The only water use is bathroom use and evaporative coolers. If you have any other questions, that's all I can think of at the moment.

COMMISSIONER DURAN: Mr. Chairman, Ms. Khalsa, how much longer is your temporary permit good for?

MS. KHALSA: I think it was good for six months originally and we were allowed, because we were in the process, they said that it would be extended until we completed this process.

COMMISSIONER DURAN: It seems to me that there's a lot of issues here that still need to be resolved. I'd like to make a motion that we table this for further discussion and analysis and I would be willing to meet with you to help you work through the problems along with you, Mr. Garcia. I don't know if we can really tie both those issues together, the approval of this or disapproval of this with the teen center. I think they are two separate issues and two governing bodies making a decision on those issues, so I don't know how we can tie those together to make a decision tonight, but I do respect your concerns and think if there is time within your permit to table this for some further analysis, then I'd like to make that motion.

COMMISSIONER TRUJILLO: Mr. Chairman, second for discussion, but I would like to see this project be congruent with the community development plan, the master planning that's taking place in the community. I understand that the Khalsa community is participating, is a positive influence in that area but we need to give impetus to harmony for everybody because there's a perception out there that the Khalsa community is driving development in that area, is the community that's getting what they want at the

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expense of everybody else, okay?

Given the fact that we need to give impetus to harmony and the Khalsa community is a positive impact in that area but we need participation from the long term residents of the area that are residents of that area and that look at that community as a residential community. They need to participate in what that community is going to look like, not only now but from this day forward.

So I'd like to see that this development be tabled until everybody gets the opportunity to decide what that community is going to look like in the future, including participation from every sector of the community.

CHAIRMAN GRINÉ: I also make a recommendation to Commissioner Duran, I don't know if you've been to this place, I've had the opportunity to be there twice already. It's quite a well place, I think has always been there for the need of the good. I'm not familiar because that's not my district, but I'm sure Commissioner Trujillo is well aware of what goes on in that area, but I would just ask, make sure that you guys go over there and visit and see exactly what's taking place before it comes back up to the Commission.

COMMISSIONER DURAN: Mr. Chairman, I would be willing to do that and I welcome that opportunity to work with you on those issues. My only concern is that the table -- I'd like to table it for until the next meeting a month from now so that we can have a report. I'm not sure that we can tie this in to some community plan if we're talking about something ten years down the road. I don't know how long it's going to take to have a community plan but it seems to me a relatively insignificant use of the property and the benefits are so great that we can't resolve the issue within a reasonable amount of time, 30 days or even 60 days.

So with all respect, Commissioner Trujillo, would you mind if we brought this up in 30 days for analysis of where we are on this situation?

COMMISSIONER TRUJILLO: Commissioner Duran, I think we need to look at this project from a big picture perspective and like Commissioner Griné was saying, you need to go out there and look at the situation. There's the density -- it's augmented, it's real high. There's issues with water quality. There's a shallow water table. There's traffic issues. I think we need to look at this project along with other projects in that area in the big picture.

We can't -- I don't see any reason of tabling it for a month and coming back because the situation exists and it's not going to rectify the way that it is now and everybody should have a voice on how that community is going to look like. I think that it's imperative that it be part of an overall master planning of the area.

COMMISSIONER DURAN: Commissioner, the request is for 925 square feet, not for 30,000 square feet of office use. I don't see how you could tie a small office into -- I understand that it has some significance in the overall development of the area. All I'm asking for is 30 days and I guess I have a question for the attorney. What is typical on a table? If we table it tonight, how long is a table for?

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DENICE BROWN (County Attorney): There is no typical tabling deadline.

COMMISSIONER DURAN: Well, then my motion is to table it for 60 days.

COMMISSIONER TRUJILLO: Commissioner Duran, the community is going through an extensive master planning process now that everybody is participating in and that project I don't think is going to last ten years or five years. I think if Alina were here she would be able to represent how far along they are in the master planning effort. This process has been going on for the last year and they're moving right along. I anticipate that maybe it will be another year, six months or so, a year, before it's completed, with participation from everybody.

COMMISSIONER DURAN: Okay, Commissioner, I have a solution. What if we table it until that plan comes forward and at the same time we grant them a permit for the use that they have been granted until that process has been completed?

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

COMMISSIONER ANAYA: Mr. Chairman, before you go into motion --

COMMISSIONER DURAN: I'd like to add some discussion there. Is that -

COMMISSIONER TRUJILLO: Would you repeat that again?

COMMISSIONER DURAN: Well, right now, they're using the building as a temporary -- they have a temporary permit to have their offices in there. What they're coming forward tonight for is the request to have this office as a permanent office. So all I'm asking is that if we table it, are you suggesting that they shut down and stop using it? Or that they get to continue using this until --

COMMISSIONER TRUJILLO: They can continue using it temporarily until the master plan is finalized.

CHAIRMAN GRINÉ: Even if it takes several months and years?

COMMISSIONER TRUJILLO: Yes.

CHAIRMAN GRINÉ: Okay, do you want to restate your motion, Commissioner Duran?

COMMISSIONER ANAYA: Mr. Chairman, before you go into tabling, protocol says that there is no discussion where there is a motion for a tabling and a second. I just wanted to state to Mr. Garcia that I'm listed, my name and number are listed in the telephone directory. I would like to get together with you and with you also to go down and see exactly what's occurring in the Sombrillo area. It's been a while since I visited that area and please, at your leisure please call me and I'll try and coordinate some time to go down and see it. Now you can make a motion.

COMMISSIONER DURAN: Call us both. I'll go with you. So by motion is to table, but to --

CHAIRMAN GRINÉ: Allow the existing use to continue until we can decide as a Board what is appropriate. If this is an appropriate use on a permanent basis.

CHAIRMAN GRINÉ: I've got a motion from Commissioner Duran.

COMMISSIONER TRUJILLO: I'll second that.

COMMISSIONER ANAYA: This is to table?

CHAIRMAN GRINÉ: It's to table. So we don't need to have any further discussion then. All those in favor signify by saying "aye." [Unanimous]

So I guess we need to get together and organize, maybe through Penny and maybe these two Commissioners can -- Penny, and try to meet with Mr. Garcia.

COMMISSIONER DURAN: Mr. Garcia, I'd like to meet with you also and we can do the whole thing.

CHAIRMAN GRINÉ: Okay, the temporary use to continue.

- VIII. F. 5. **CDRC CASE #Z 98-5453. R. L. Leeder Commercial Zoning and Height Variance.** R. L. Leeder, applicant, Jim Siebert, agent, request master plan zoning approval for commercial uses on 16.9 acres. Uses to include batch plant, offices, security trailers, storage of equipment and materials. This application also includes a variance of Article III, Section 4.4.4c of the Land Development Code to allow for a 42-foot high batch plant. The property is located north of State Road 599, north of the intersection of Airport Road within Section 2, Township 16 North, Range 8 East

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, mining uses have previously been approved by the CDRC and the Board on this property. On June 8, 1999, the Board approved a variance request to allow for an extension of the major commercial district at the Airport Road and State Road 599 intersection to include this property. In accordance with this, the applicant is now requesting master plan and development plan approval for commercial uses on the property.

The variance request, the asphalt batch plant is proposed to be 42 foot in height. The height restriction in a major center commercial district is 36 foot. Therefore the applicant requests a variance for the additional six foot in height.

The recommendation: The decision of the CDRC was to recommend approval of the variance request and the decision of the CDRC was to recommend master plan zoning approval for commercial uses to include a batch plant, crusher, material bins, storage, office building, maintenance building, equipment storage and two security trailers subject to the following conditions. And Mr. Chairman, may I enter the conditions into the record?

CHAIRMAN GRINÉ: That would be fine, Penny. Thank you.

[The conditions are as follows:]

1. The applicant will submit a water availability study including conservation measures proving long term water availability for full build-out of this project, to be approved by the County Hydrologist.

2. The applicant will provide a fire protection plan to include signage, emergency disconnects, extinguishers, and details of the use of treated effluents for fire protection with the preliminary development plan submittal, to be approved by the Fire Marshal.
3. The applicant will submit a revised water budget for total project build-out.
4. The drainage and grading plan is to be approved by the Subdivision Engineer.
5. The applicant will submit plans for the deceleration and signage on State Road 599 and a driveway permit with the preliminary development plan.
6. The applicant will submit engineered plans for the truck tunnel with the preliminary development plan application.
7. All signage will comply with Article VIII of the County Code.
8. The applicant will obtain approval from the City of Santa Fe for the use of treated effluents for dust control and landscaping prior to preliminary plan submittal.
9. The master plan will be recorded with the County Clerk.
10. The applicant will request a final fire inspection.
11. The applicant will provide cut sheets for all outside lighting on the property.
12. The applicant will address all staff redline comments. Original redlines will be returned.
13. The applicant will comply with applicable review comments from the following:
 - a. State Engineer's Office
 - b. Environment Department
 - c. State Highway Department
 - d. Fire Marshal
 - e. Subdivision Engineer

CHAIRMAN GRINÉ: Any questions of Penny?

COMMISSIONER DURAN: Mr. Chairman, Penny, was this the case where the applicant agreed to relocate to a more suitable area or another area if one was developed?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Duran, the applicant has stated all of these facilities are within a five-mile radius of this site, so if this is approved, the applicant would move all of their facilities to this site.

CHAIRMAN GRINÉ: That's from Agua Fria too?

MS. ELLIS-GREEN: That's correct.

CHAIRMAN GRINÉ: Right. I remember now. Any questions of Penny?

COMMISSIONER DURAN: I might have more later.

CHAIRMAN GRINÉ: Jim Siebert, the applicant, please come forward. State your name and take the oath.

[Duly sworn, Robert Hostick testified as follows:]

ROBERT HOSTICK: I'm Robert Hostick and I'm with Siebert and Associates. We represent the Leeder Company. 1106 Don Gaspar.

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CHAIRMAN GRINÉ: Any questions of the applicant?

COMMISSIONER DURAN: Mr. Chairman, I'm sorry your name was Mr. -

MR. HOSTICK: Hostick.

COMMISSIONER DURAN: You're right on 599. I thought that you were -
- Jim, maybe you can answer this for me. I thought that one of your clients had agreed that if they received master plan approval, that if another area was created where the type of industry -- this type of industry could be relocated so it would be so visible that they had agreed to that. Was that a different applicant?

[Duly sworn, Jim Siebert testified as follows:]

MR. SIEBERT: My name is Jim Siebert. My address is 915 Mercer. The condition that you're referring to was, I'm sure, was imposed on the La Farge request. They agreed to it within a ten-year time frame. Now, on this one, I'm not so sure, and Penny's looking back through the file to see if that was a condition at any point during these several development approvals that have taken place.

COMMISSIONER DURAN: And again, my concern is that we created this Airport Redevelopment District, or this Airport -- I forget what it's called in our General Plan, so that we could relocate some of this type of use to an area that's not so visible along 599. So I'm wondering, if we approve this, the batch plants and all the other mining equipment would stay there, crusher, the materials, the bins, all that would stay there forever and we'd never get that off 599,

MR. SIEBERT: Mr. Chairman, Commissioner Duran, as I recall the discussions that I had with Roddy on this matter -- Penny seems to think that that condition was part of perhaps the variance, but for the record, let me say that the discussions I've always had with Roddy, that he would move the -- at such time as that there's an alternative location and I think it was a five-,mile area, within a five-mile radius, that he would move his, the crusher and the asphalt batch plant, those kinds of facilities just like the La Farge facilities would be relocated, but he would continue to maintain his company location at that point. Is that an acceptable solution?

COMMISSIONER DURAN: That he would consider moving the batch plant and all that?

MR. SIEBERT: Correct. It's the facilities associated with the mining operations that would be located within that ten-year period. So in other words, the crusher, the asphalt batch plant, those kinds of facilities would be relocated.

COMMISSIONER DURAN: Do you think that that would be adequate in your professional opinion, knowing what we're trying to do is to preserve that view corridor. My concern is that we're granting approval for this type of use when for the last nine months or so the Highway Corridor Committee was concerned about how to beautify that corridor.

MR. SIEBERT: Right. I don't know if recall, but th*p1835Wid that e
will be actually doing sand and gravel operation. When he's competed that operation his asphalt batch plant and crusher and his own facilities would go at the bottom of the pits. So

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what, the only thing that would be visible from 599 would be the very top of the asphalt batch plant. If that's relocated, if you're driving along 599 you won't see anything. There will be absolutely nothing that will be visible from 599 once the asphalt batch plant is removed.

CHAIRMAN GRINÉ: Any other questions?

COMMISSIONER TRUJILLO: Jim, is that facility going to remain there in perpetuity, for a long time?

MR. SIEBERT: The asphalt batch plant?

COMMISSIONER TRUJILLO: Yes.

MR. SIEBERT: Well, the idea is that if there is an alternative location, that he will relocate it to the alternative location. If not, he would like to continue to maintain his facilities where it's proposed.

COMMISSIONER TRUJILLO: But the alternative location, that's sort of nebulous. That might never happen. And again, like Commissioner Duran is saying, the essence of the master plan corridor is to protect aesthetics in that area, to retain and preserve nice views, the corridor going into Santa Fe.

MR. SIEBERT: If you take a look at the diagram, I think we've responded to that as well. Even with the asphalt batch plant there, the top of the asphalt batch plant is -- what is it -- ten feet above grade and it's only about, it has six feet of visibility from 599. With the planting of trees, it's totally obscured.

CHAIRMAN GRINÉ: It's pretty much what we've done previously with La Farge, right? That's what you did too, Jim, didn't you?

MR. SIEBERT: Well, La Farge was a little different because they're just a little more distant from 599. They're actually outside the 1000-foot corridor.

COMMISSIONER TRUJILLO: That's the line of sight there. I guess I'd like to see a more aggressive condition in there to relocate. Leave it status quo but make sure that this thing is moved within a reasonable time period. Something that would make sure that it is accommodated somewhere else.

MR. SIEBERT: What if we put a sunset clause on the asphalt batch plant. We set out after five years that there would have to be a review before the County Commission to determine if it's still in compliance with the intent of the corridor and not only that it will give it a chance for once it's up for people to really see that it really has very little impact.

COMMISSIONER TRUJILLO: I think that would be totally appropriate.

MR. SIEBERT: Okay.

COMMISSIONER DURAN: So it would be a three-year permit that we would be granting here, or four years?

MR. SIEBERT: I think I was saying five years, at which time, Mr. Leeder would come back to the County Commission and say okay, this is the status today. We'd like to have another five-year period.

CHAIRMAN GRINÉ: Any other questions? This is a public hearing. Anybody for or against this? Mr. Baca.

[Duly sworn, Phillip Baca testified as follows:]

PHILLIP BACA: My name is Phillip Baca. My address is 2902 Karen Drive, Las Cruces, New Mexico. Mr. Chairman, I appear here before you sort of with mixed feelings. I know that Mr. Leeder's asking for some rezoning there and I think the Commission doesn't really have a choice there because the Commission back almost 20 years ago passed an airport noise zone ordinance that covers his property and the property that we own immediately adjacent to Mr. Leeder's property. Under an airport noise zone you are dictated by the ordinance as to what kind of uses you can have as far as the land is concerned.

So from that point of view, I do not have a lot of problems with the request of the applicant as far as changing the use of the land to conform with something that can be acceptable under the airport noise ordinance. I do have great concern with a crusher and the asphalt batch plant going into that location. We have been approached by La Farge, Western Mobile and other operators to see if we would be interested in leasing some of our property for a batch plant and we have refused them all in that area for the main reason that a batch plant and a crusher is a dirty industry. It's a noisy industry and we've been putting up with batch plants over there for over 40 years.

There's nothing we could do about them because all of them were located on State Land Office property and as we all know, the Land Commissioner can do whatever he damn pleases out there and doesn't have to come to local government for any kind of permission.

We were real happy to hear a couple of years ago that the Land Office was getting in motion some recommendations to eliminate all these batch plants on state land and we were real happy about it because finally, we'd be getting rid of all the smells of asphalt, all the dust and pollution problems, all the noise problems. When these big pieces of equipment, one you can for miles is those beepers that they have on big pieces of equipment when they're backing up that OSHA requires. We hear them when they're going on over at the dump from about three miles away. Especially in the fall and in the winter.

Mr. Leeder says that the thing will not be visible from anyone. Well, if you look, and I don't know if you all have a copy of the site plan with you, if you look at the site plan that the gentleman is holding up before you, there is a 50-foot easement that goes right through the middle of our property. That easement belongs to us and it's the access to our property to the west. Immediately to the west of Mr. Leeder's property we have approximately 100 acres adjoining this piece of property. Another half mile further west, we have over 2,000 acres and this will be one of the main roads into the property we have to the west.

So if we look way into the future, if our land even gets developed to the west of it, anybody going to our land will be going right through the middle of this property and looking at a batch plant, looking at a crusher, all the smells, the dust and all the pollution

that goes with it. Now this had come up before last summer in some of the hearings of the task force. At that time, I addressed the task force and I told the members of the task force that we were against any kind of heavy industry going in this area. I think we can find some nice clean industry that would be compatible. We understand that because of the airport noise zone, it's going to be some kind of a commercial area, but I think we can find something that is compatible to make a transition between 599, the airport noise zone, with clean industry, maybe offices or things of that nature, and then go on into what will probably be one of the more desirable residential areas in the northwestern Santa Fe.

There's quite a bit of private land in there. The City of Santa Fe has invested millions and millions of dollars for a recreational complex in that area, and then the Land Office owns a lot of land there. More than likely, most of that land will go residential. There's already some residential developments north of 599. And I think residential will complement all the recreational facilities and anything else that the City is building.

As I indicated to the task force last summer, and Commissioner Duran was there, our feeling is that the batch plants and heavy industry, the heavy, noisy, dirty stinky industry, should go by the dump. Our family would consider leasing to some of these people if they're interested, some land that we own adjacent to the dump. And let's get all the dirty and noisy and crappy stuff all in the same place and not have little islands coming up here and there. La Farge, if this Commission would have taken a fairly strong stance, they had talked to us about leasing some land out there by the dump. But the Commission got soft and you let them come in by 599. We have the same indication over here. If you let them go in there, if you say temporarily, there's temporary things in this town that are already 50 or 60 years old and they just stay there.

Temporary things just keep on going. And we object to it and the next objection I have, I guess my brother's late, there's a technical problem with this application. I was notified as a property owner by registered mail, return receipt requested. My two brothers were not notified. My brother Antonio found out about it yesterday. He came from his ranch in Colorado and he called me and we were talking about it and I asked him if he had received a notification of this and he had not. He called my other brother in Las Cruces and he had not received it either. I'm the only one that received it so there's two property owners immediately adjacent that by law are required to be notified and they were not notified. So I do not think that you could take a decision to take action on it because property owners were not notified.

And again, what I object to is the dirty part of the industry request over here. The rezoning, I think you're stuck with some way or another because of the airport noise zone. But I think that this Commission and the property owners in that area can come up with some good, clean industry uses that can be set on that property that belongs to Mr. Leeder and the property we have adjacent to them, and maybe some of the -- there's a little tiny bit of state property that is also under the airport noise zone. But I think we can come up with something that this community can be proud of and not something that we can be ashamed

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of.

As you ride through that area any day of the week now, I was out there this afternoon and it's a crying shame to see all the dust blowing, all the noise and the machinery, all the trucks going back and forth hauling asphalt and everything else. Let's do something good for that area for a change. Thank you. I'd be happy to answer any questions if you have them.

CHAIRMAN GRINÉ: Any questions? Okay, this is a public hearing, anybody else?

COMMISSIONER TRUJILLO: I have a question for Penny. Is the situation there with Mr. Leeder, is that the status quo? Is it existing or is this a brand new operation?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Trujillo, at the moment there are mining uses taking place there but these commercial uses are not taking place on the property at the moment.

COMMISSIONER TRUJILLO: They're not taking place.

MS. ELLIS-GREEN: No, they're not.

COMMISSIONER TRUJILLO: So there's nothing there at this time.

MS. ELLIS-GREEN: There's just mining uses at the moment. One other thing is I did hand out a letter dated June 9, 1999, which is the conditions that the Board set to the variance request. It did include a relocation condition, condition number three.

CHAIRMAN GRINÉ: Okay. Any questions of Penny? Anybody else in the audience want to address the Commission?

COMMISSIONER DURAN: Mr. Chairman, I have one question. Penny, did you look at the notification?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Duran, both the CDRC and at the Board level, they did notify the state and I believe Phil Baca. They didn't notice anyone else.

COMMISSIONER DURAN: Is there anyone else of record as owning the -- is Phil Baca the agent for that property?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Duran, I'd have to check with the Assessor's Office. We usually go by their data. If all of the pieces of property have Phil Baca's name on it, then that would be who the applicant would usually notify.

COMMISSIONER DURAN: And if there were multiple names on it?

MS. ELLIS-GREEN: In that case, the applicant would not have met their noticing requirements.

COMMISSIONER DURAN: Okay. Mr. Chairman, I have a question of Mr. Siebert. Jim, were you the one in charge of doing the noticing?

MR. SIEBERT: Yes I was.

COMMISSIONER DURAN: Do you recall if the tax, the Assessor's Office had all three Baca family members on it?

MR. SIEBERT: I don't recall. I can tell you that Phil's been at my office

a couple times to discuss the case and pick up plans, so I assumed that there was probably ample time to inform his brothers.

COMMISSIONER DURAN: If there were three addresses on the Assessor's bill, you would send notice to all three addresses?

MR. SIEBERT: That would be correct. That would technically be the requirement.

COMMISSIONER DURAN: So if there is one address on there, that's where it would have gone?

MR. SIEBERT: That's right.

COMMISSIONER DURAN: Thank you.

CHAIRMAN GRINÉ: Any other questions? What's the Board's pleasure? Do you have something to say?

GREG SMITH: Yes, could I please?

[Duly sworn, Greg Smith testified as follows:]

MR. SMITH: My name's Greg Smith. I'm with R.L. Leeder Company, the general manager. I'd like to respond to one of the items that Mr. Baca brought up. I'm not going to say that there is no dust down there. We've got the bypass construction going on. We've got lots of road construction in that area. There's dust all over. Right within 500 feet, maybe 1,000 feet, there's another asphalt operation that was approved within the last year or two years.

We do have three air quality permits from the United States government, the EPA. One on the crusher, another one on a smaller crusher, and one on the hot plant. They are certified by EPA. They do have the latest technology for dust control. It can't control 100%. It's impossible. But we do have those permits and we do the best that we possibly can on dust control. During the day, when we're running the crusher, we've got water running on that to keep down the dust. We also water the roads. And that's part of our permit process that we have to abide by. So we try to keep up with it. We try to be a good neighbor.

As far as us staying there ten years or fifteen years, that really we don't know and I agree with Jim, if we could revisit in five years. If it doesn't work, then we'd probably have to move. But it is a logical place for a hot plant in my estimation because we're in the airport noise zone. What is that property good for? Hospital? Cemetery? It's not good for much. Thank you.

CHAIRMAN GRINÉ: Thank you. Any questions? If not, what's the pleasure of the Board?

COMMISSIONER TRUJILLO: I'll make a motion to approve, but I'd like to see the statute of limitations on the sunset go down to three years so that we can give impetus to a more aggressive study of the relocation and agreement with Mr. Baca that business probably does not belong there. It's in the Highway Corridor. It's outside of the commercial area if you will. It perpetuates the noise pollution, the dust pollution, the

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scarring of the area. I think we need to move it out of there and we need to move it out of there as soon as possible.

CHAIRMAN GRINÉ: I've got a motion.

COMMISSIONER DURAN: Second for discussion.

CHAIRMAN GRINÉ: Motion by Commissioner Trujillo, second by Commissioner Duran for discussion.

COMMISSIONER DURAN: I just want to say that I think that that area is going to experience a lot of growth in the next few years. The County water line will probably be extended out in that area. We've created a new district in our General Plan. Maybe today it doesn't look like anything, but in the future, I'd like to see it become more than just a batch plant corridor. I agree that I think three years, based on what's going to happen out there is an appropriate period of time to reevaluate your approval or your use. Again, with my second.

CHAIRMAN GRINÉ: I guess the way we originally worked with the City of Santa Fe, we're going to deliver a lot more trash through there too, so I don't know what the best uses would be further than that. And WIPP, that's a WIPP route. So I don't know.

COMMISSIONER ANAYA: That's true. The history of that particular area has been nothing but mining and so forth, and Mr. Baca you have stated that you wanted to relocate it back to your property. You had asked for, or actually offered leases to your property next to the solid waste landfill. So I think three years offers a little bit of time both ways, to see if there's any form of adjustment, perhaps redevelopment district planning might be in the process, so three years I feel comfortable with. Mr. Chairman, call for the question.

CHAIRMAN GRINÉ: Okay, call for the question. Any further discussion? If not, all those in favor signify by saying "aye." [Unanimous] Ayes have it.

COMMISSIONER ANAYA: Mr. Chairman, at this time, I'd like to be excused for what I mentioned previously about the hardship in the family.

[Commissioner Anaya leaves the meeting at this point.]

VIII. C. 6. EZC Case #S 96-4172. La Vida Subdivision. Michael Hurlocker, applicant, Jim Siebert, agent, request a second extension of time to file the final plat of survey for this 24-lot subdivision on 70.43 acres. The property is located south of Camino La Tierra and east of Camino Las Campanas, within Township 17 North, Range 9 East

MS. GUERRERORTIZ: Good evening, gentlemen. In March of '97 it got final approval on this project. About a year ago they asked for a one-year extension. They're here again asking again for a year-extension. They need this time to finalize the engineering drawings and they anticipate some delays in the approval process with the City

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because the City's lacking a subdivision engineer again. So there's some delays over there.

Staff's recommending extension to October 12, 2000, subject to the original conditions of approval.

CHAIRMAN GRINÉ: Any questions of Oralynn? What's the pleasure of the Board? It's a public hearing. Anybody like to comment on the extension on this case? If not, what's the wishes of the Board?

Commissioner Trujillo moved to grant a one-year extension on EZ Case #S 96-4172. Commissioner Duran seconded and the motion passed by unanimous voice vote.

VII. F. MATTERS FROM THE COUNTY ATTORNEY

1. Executive session

- a. Discussion of possible acquisition of water rights**
- b. Discussion of purchase of real property within Santa Fe County for possible site for judicial complex**

Commissioner Duran made a motion to go into executive session for the purposes of discussing acquisition of water rights and real property. Commissioner Trujillo seconded. The motion passed by unanimous roll call vote, with Commissioner Duran, Commissioner Trujillo and Chairman Griné voting in favor.

[The Commission met in executive session from 6:30 to 7:00.]

Commissioner Duran moved to come out of executive session, having discussed acquisition of real property and water rights, and Commissioner Trujillo seconded. The motion passed by unanimous voice vote.

CHAIRMAN GRINÉ: Also we need one more correction, Denice.

MS. BROWN: Just two brief matters, Mr. Chairman. The first is a joint resolution that was proposed by the City back in July, on July 27, 1999. You all adopted it at your Commission meeting. It's a joint resolution directing the creation of a task force to develop policy recommendations regarding adoption of a joint water management plan for the greater metropolitan area's water resources. The City has never adopted the joint resolution and the County Clerk had asked me and I'm asking you for direction on whether it should be recorded without the City's participation, or if you want to hold the resolution in abeyance and not record it until the City agrees as well.

CHAIRMAN GRINÉ: Not record it until the City has agreed, I would say. Is that okay?

COMMISSIONER TRUJILLO: I agree because I think that without the City's acquiescence on the resolution, it doesn't have any teeth. So it doesn't make sense to record

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it. So I think we need to keep it in abeyance.

CHAIRMAN GRIÑÉ: Do we need to vote on that, Denise?

MS. BROWN: No, I understand your direction.

COMMISSIONER DURAN: Mr. Chairman, could we request that staff write a letter to the Mayor and maybe all the Commissioners saying that this is a concern of ours and we need some direction from them what they're going to do so we can let the County Clerk know? Something like that? Would that be fine?

CHAIRMAN GRIÑÉ: That's fine, if that's what you want.

COMMISSIONER TRUJILLO: I agree.

MS. BROWN: Okay.

COMMISSIONER TRUJILLO: I think that sends another message to them.

COMMISSIONER DURAN: Just so they know we're waiting for them.

MS. BROWN: Okay. I can do that. I have one other item. Mr. Chairman, there was a mistake in the numbering of the resolutions earlier and I told the Clerk that I would fix them, so I'd like for the record to correct the resolution number. *[The resolution numbers as they appear in the minutes are the corrected versions.]*

ADJOURNMENT

Chairman Griñé declared this meeting adjourned at approximately 7:05 p.m.

Approved by:



Respectfully Submitted:

Karen Farrell
Karen Farrell, Commission Reporter

Joe Griñé
Board of County Commissioners
Joe Griñé, Chairman

10/26/99

ATTEST TO:

Rebecca Bustamante
REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK

10/26/99

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

**REGULAR MEETING
(Administrative Items)**

September 28, 1999 - 1:30 P.M.

Amended Agenda

- I. Call to Order**
- II. Roll Call**
- III. Pledge of Allegiance**
- IV. Approval of Agenda**
 - A. Amendments**
 - B. Tabled Items**
- V. Approval of Minutes**
- VI. Consent Calendar:**
 - A. Resolution No. 1999-121 A Resolution Requesting a Budget Increase to the General Fund/MCH Grant Program to Budget Remaining Cash Balance from Fiscal Year 1999 Due to a Donation Received from the Frost Foundation for Expenditure in Fiscal Year 2000 (Health and Human Services Department - MCH Program)**
 - B. Resolution No. 1999-122 A Resolution Requesting a Budget Increase to the General Fund/DWI Screening Program to Budget Remaining Cash Balance from Fiscal Year 1999 for Expenditure in Fiscal Year 2000 (Health and Human Services Department - DWI Program)**
 - C. Resolution No. 1999-123 A Resolution Requesting a Budget Decrease to the General Fund/DWI Magistrate Court Data Entry Program Fiscal Year 2000 Budget Due to Non-Renewal of Grant Funding (Health and Human Services Department - DWI Program)**
 - D. Resolution No. 1999-124 A Resolution Requesting an Operating Transfer from the Contingency Fund to the State Special Appropriations Fund-Chupadero/Rio En Medio SAP to Appropriate Required Matching Funds for Expenditure in Fiscal Year 2000 (County Manager)**

- E. Resolution No. 1999-125 A Resolution Requesting an Operating Transfer from the General Fund to the Road Projects Fund to Increase the Budget for the Fin Del Sendero Construction Project for Expenditure in Fiscal Year 2000 (Public Works Department)**
- F. Resolution No. 1999-126 A Resolution Requesting a Budget Increase to the Emergency Medical Services Fund to Budget Remaining Cash Balance from Fiscal Year 1999 for Expenditure in Fiscal Year 2000 (Fire Department)**
- G. Request Authorization to Enter into Amendment Number Three to the Professional Services Agreement (98-00198) with Ralph Lopez for Region III Coordination Services (Sheriff's Department)**
- H. Request Authorization to Enter into Amendment Number One to the Professional Services Agreement (98-00217) with Frank E. Rael, Regional III Narcotics Agent, for the Drug Enforcement Task Force (Sheriff's Department)**
- I. Request Authorization to Accept and Award Multiple (2) Professional Services Agreements to the Highest Qualified Respondents, RFP #99-54 RB1, for Drug and Alcohol Screeners for the Municipal Court (Health and Human Services Department - DWI Program)**
- J. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder, IFB #20-12, for the Fin Del Sendero Road Paving Improvements Project (Public Works Department)**
- K. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Qualified Respondent, RFP #20-14, for the Media Literacy Program (Health and Human Services Department - DWI Program)**
- L. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder, IFB #20-15, for the Printing of the 1999 Tax Bills (Treasurer's Department)**
- M. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder, IFB #20-19, for the Camino de Jacobo Asphalt Paving Project (Health and Human Services Department - Housing Services Division)**
- N. Request Authorization to Enter into a Joint Powers Agreement with San Ildefonso Pueblo for a Youth Alcohol Prevention Program (Health and Human Services Department - DWI Program)**
- O. Request Authorization to Enter into a Joint Services Agreement with the City of Santa Fe for Extra-Territorial Zoning Authority Services (County Manager)**

- P. Request Authorization to Enter into a Joint Services Agreement with the City of Santa Fe for Parking Services (County Manager)**
- Q. Request Authorization to Enter into a Joint Services Agreement with the City of Santa Fe for ParaTransit Services (County Manager)**
- R. Request Authorization to Enter into a Joint Services Agreement with the City of Santa Fe for Senior Citizen Services (County Manager)**

VII. Administrative Items:

- A. Committee Expirations/Resignations/Vacancies:**
 - 1. Santa Fe County Maternal and Child Health Planning Council**
- B. Committee Appointments:**
 - 1. County Development Review Committee**
 - 2. Santa Fe County Road Advisory Committee**
 - 3. Valuation Protest Board**
 - 4. Extraterritorial Zoning Authority**

VIII. Presentations & Awards:

- A. Recognition Award to Eppie Herrera for Her Years of Service to Santa Fe County**

IX. Staff and Elected Officials Items:

- A. Quarterly Report**
 - 1. County Sheriff**
- B. Clerk's Department**
 - 1. Resolution No. 1999- A Resolution Increasing the Equipment Recording Fee for the County Clerk's Office**
- C. Finance Department**
 - 1. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Qualified Respondent, RFP #20-05, for the Architectural Design Services for the Rio En Medio Community Center Project (General Services Department)**
 - 2. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Qualified Respondent, RFP #20-08, for the Advertising Services for Santa Fe County**
- D. General Services Department**
 - 1. Review of the Draft Infrastructure Capital Improvements Plan (ICIP) for Fiscal Year 2000**

E. Health & Human Services Department

1. **Resolution No. 1999- A Resolution Approving the Public Housing Budget for Fiscal Year 2000**

F. Land Use Department

1. **Request Authorization to Publish the Title and a General Summary of an Ordinance to Amend Article VII, Section 6.6.2g of the County Land Development Code. The Amendment would Delete the Existing Prohibition of Swimming Pools on Lots Created After July 1, 1996**
2. **Request Authorization to Publish the Title and a General Summary of an Ordinance Amending Ordinance Number 1998-15 to Delete Service Lines**

G. Public Works Department

1. **Request Authorization to Enter into Amendment Number One to the Co-Op Severance Tax Agreement with the New Mexico State Highway and Transportation Department (NMSHTD) for the County Road 54 Project**
2. **Request Authorization to Enter into a Signal and Lighting Agreement with the New Mexico State Highway and Transportation Department (NMSHTD) for the Intersection of NM 599 and Airport Road**
3. **Request Authorization to Enter into Amendment Number One to the Co-Op Program Agreements with the New Mexico State Highway and Transportation Department (NMSHTD) for the County Road 73 Overlay Project**

H. Matters from the County Manager, Samuel O. Montoya

I. Matters of Public Concern - NON-ACTION ITEMS

J. Matters from the Commission

K. Matters from the County Attorney, Denice Brown

1. **Request Authorization to Publish the Title and a General Summary of an Ordinance Prohibiting the Use of Engine Retarders on State Road 599 from U.S. Highway 285 to Interstate 25, U.S. Highway 285 in the Vicinity of the State Route 503/Nambe Intersection and from the Intersection with Interstate 25 to the Intersection with County Road 33, on U.S. Highway 84/285 from the North Entrance of the Santa Fe Opera to the North Tesuque Interchange and on State Route 344 from Milepost**

16 to Milepost 17; Repealing Emergency Ordinances 1999-8 and 1999-9

X. Public Hearings:

A. Land Use Department:

- 1. Request Consideration of Amendments to the Santa Fe County Growth Management Plan, Part II, Submitted at the Public Hearing of September 14, 1999**
- 2. Request Authorization to Proceed with Negotiations for Initial Phase I Projects for the Wildlife, Mountains, Trails and Historic Places Program. These Recommendations are to Satisfy the County's Necessity to Spend Ten Percent of the General Obligation Bond Fund**
- 3. CDRC Case #99-5360. Arroyo Seco Head Start. Presbyterian Medical Services, Applicant, James Siebert, Agent, Request Master Plan Zoning for a Community Service Facility with Preliminary and Final Development Plan Approval of a 1,920 sq. ft. Head Start Center on 1.3 Acres. The Property is Located Off of US 84/285 Within the Traditional Community of Arroyo Seco, Within Section 30, Township 20 North, Range 9 East (Commission District 1). Vicki Lucero**

XI. Executive Session:

- A. Discussion of Pending Litigation in Santa Fe County v. PNM**
- B. Discussion of Possible Acquisition of Real Property**
- C. Discussion of Possible Acquisition of Water Rights**

XII. ADJOURNMENT

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).