

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

**REGULAR MEETING
(Public Hearing)**

November 9, 1999 - 5:00 P.M.

Amended Agenda

- I. Call to Order**
 - II. Roll Call**
 - III. Pledge of Allegiance**
 - IV. Invocation**
 - V. Approval of Agenda**
 - A. Amendments**
 - B. [REDACTED]**
 - VI. Approval of Minutes**
 - VII. Staff and Elected Officials:**
 - A. Presentations and Awards:**
 - 1. Recognition Award to Apolonio G. Moya for His Twenty-Five Years of Service to Santa Fe County**
 - B. Matters from the County Manager, Samuel O. Montoya**
 - C. Matters of Public Concern - NON-ACTION ITEMS**
 - D. Matters from the Commission**
 - E. Matters from the County Attorney, Denice Brown**
 - 1. Executive Session:**
 - a. Discussion of pending litigation - Santa Fe County v. PNM**
 - b. Discussion of Possible Acquisition of Real Property**
- VIII. Public Hearings:**
 - A. Resolution No. 1999- A Resolution Amending the Traditional Community Boundary of Sombrillo Pursuant to County Ordinance 1998-5, the Community Planning Process (First Hearing)**

B.

C.

Ordinance No. 1999- An Ordinance Prohibiting the Use of Engine Retarders on State Route 599 from U.S. Highway 285 to Interstate 25, on 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

D.

Land Use Department Items:

1. **CDRC Case #V 99-5500.** Steve Smail Variance. Steve Smail, applicant, requests a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow a second dwelling unit on 2.63 acres. The property is located on Oak Road in the South Fork area, within Section 31, Township 15 North, Range 9 East (Commission District 3). Frank White
2. **AFDRC Case #Z 99-5300.** Plants of the Southwest. Plants of the Southwest, applicant, David Perrigo, agent, request a master plan zoning amendment with preliminary and final development plan approval to allow for an increase in the size of the seed barn to 1,550 sq. ft. and to add another office/staff area of 950 sq. ft. The property is located in the traditional community of Agua Fria, within Section 32, Township 17 North, Range 9 East (Commission District 3). Vicki Lucero
3. **CDRC Case #V 99-5490.** I.M. Roybal Variance. I.M. Roybal, applicant, Jim Siebert, agent, request a variance of Article III, Sections 4.1 and 4.2 (types and locations of commercial districts) of the Land Development Code to allow commercial zoning outside of a potential commercial district on four lots totaling 19.342 acres. The property is located off U.S. 285 in Cuyamungue, within Section 28, Township 19 North, Range 9 East (Commission District 1). Penny Ellis-Green
4. **CDRC Case #Z 98-5430.** Mesa Steel. Stephen and Joyce Dennis, applicants, Jim Siebert, agent, request a variance of Article III, Section 4.2.3 of the Land Development Code to allow for an extension of the 2,500 ft. radius of the boundary of the major center commercial district at the I-25 and State Road 599 Interchange to incorporate their 4.5 acre lot. The applicant

- is also requesting master plan zoning approval for commercial uses to include a building contractor, steel manufacturing, sale of welding supplies and recycled wood materials. The project is located off of State Road 14, north of the intersection of NM 599 and SR 14, within Sections 25 and 26, Township 16 North, Range 8 East (Commission District 3). Vicki Lucero
5. **CDRC Case #MIS 99-5550.** La Bajada Ranch Master Plan Time Extension. Los Atrevidos Ltd., applicant, Jim Siebert, agent, request approval to allow for a 24 month extension to the expiration date of a master plan for a 97 lot residential subdivision on 4,272.67 acres (La Bajada Ranch Subdivision) which was approved by the Board of County Commissioners on April 11, 1995. The property is located north of the Cochiti and Waldo interchanges of I-25, east of State Road 16, within Sections 8 through 17 and 20 through 23, Township 15 North, Range 7 East (Commission District 3). Penny Ellis-Green
 6. **EZ Case #DL 99-4750.** James and Mary Butler. Jack Horne, agent for James and Mary Butler, requests plat approval for a family transfer to divide 4.0 acres into two tracts. The described property is located off Calle Carla Road, within Section 25, Township 17 North, Range 8 East (5 Mile EZ District). Oliver Garcia
 7. **EZ Case #S 99-4720.** Rancho De Los Ninos Subdivision. Rio de Caja LLC, applicant, Isaac J. Pino, agent, request preliminary and final plat/development plan approval for a 24-lot subdivision within a tract of land consisting of 79.86 acres. The property is located in Township 17 North, Range 8 East, Section 23 off the Caja del Rio Road within the five-mile Extraterritorial Zoning District, northwest of the City of Santa Fe (Commission District 1). Audrey Romero

IX. 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).

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BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

REGULAR MEETING

NOVEMBER 9, 1999

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

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

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November 9, 1999

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 5:25 p.m. by Chairman Joe Griñé in the Santa Fe County Commission Chambers.

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

Members Present

Commissioner Joe Griñé, Chairman
Commissioner Richard Anaya
Commissioner Paul Duran, Chairman
Commissioner Javier Gonzales [late arrival]
Commissioner Marcos Trujillo

Members Absent

none

IV. INVOCATION

An invocation was given by Dr. Harold Chiolero from the Temple Baptist Church.

V. APPROVAL OF THE AGENDA

- A. Amendments**
- B. Tabled or withdrawn items**

SAMUEL MONTOYA (County Manager): Mr. Chairman, members of the Board. We have two amendments tonight under item VII. E, Executive Session. The first being pending litigation between Santa Fe County and PNM, and the second being the possible acquisition of real property.

We do have two items that are tabled for this evening. Under item VII. Public Hearings, that would be item B. Amending traditional community boundary of El Valle de

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Arroyo Seco and D. 4, which is CDRC Case Z 98-5430, Mesa Steel.

CHAIRMAN GRINÉ: Thank you, Sam. Can I have a motion to approve the agenda as amended?

Commissioner Anaya moved to approve the amended agenda and his motion was seconded by Commissioner Trujillo. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

VI. APPROVAL OF MINUTES: October 6, 1999

CHAIRMAN GRINÉ: Are there any changes or amendments?

Commissioner Anaya moved to approve the October 6, 1999 meeting minutes. Commissioner Duran seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

VII. STAFF AND ELECTED OFFICIALS

A. Presentation and awards

- 1. Recognition award to Apolonio G. Moya for his twenty-five years of service to Santa Fe County**

CHAIRMAN GRINÉ: I guess I turn this over to the County Assessor.

BENITO MARTINEZ (County Assessor): Mr. Chairman, members of the Commission, fellow elected officials, managers, members of the public, it gives me great joy and much blessing to stand before you to recognize George Apolonio Moya. George was hired in 1974, August 23, as an appraiser, worked for two years and moved into the drafting. At that point there were only eight people working in the Assessor's Office. There were six or seven assessors, I'm not exactly sure.

But we have lost a walking resource in George Apolonio Moya. He is a personal friend of mine for over fifteen years now. Worked side by side with him and am extremely proud of his accomplishment of working 25 years in the same office, the Office of the County Assessor. So with that, with much adoration, I wish to wish George Moya and his family the very best. We were blessed with him working with us and I want to thank you George and want to tell you in public, I love you.

VII. B. MATTERS FROM THE COUNTY MANAGER

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None were presented.

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

CAROLYN SIGSTEDT: My name is Carolyn Sigstedt and I just want to emphasize what happened last night at the Public Works Committee at the City regarding the railyard corridor. Actually, there were some dissenting votes on the part of Art Sanchez and Jimmie Martinez to pull up the tracks. I'm advocating tonight that there are many citizens of Santa Fe that feel that those tracks coming to the center of our city are very important. And you all were quite involved with the TEA-21 money, so I would just ask you in the next month to be in partnership with the City so that we have supportive votes to keep the tracks alive. Thank you.

CHAIRMAN GRINÉ: Thank you, Carolyn. Anybody else in the audience?

PAGE MORGAN: Good evening, Commissioners. My name is Page Morgan. I'm the coordinator of the Santa Fe Watershed Association. And I'm here with several members of the Watershed Association here this evening. I figure I must be familiar because this is my third time to be before you in about six weeks, I think. The first time was at the special meeting when you all approved the purchase or the negotiation for purchase of the open space parcels including four parcels in the Santa Fe River, one of which was a proposal that we had originated to purchase the M & R sand and gravel mine and convert it into the Agua Fria River Park and I passed you out a picture like that and the next time was to come before you with the Resolution 57 Committee and describe the findings of that committee, which had to do with trying to work on a whole watershed basis to repair the problems of the river and the watershed and to do the networking that was necessary to learn what's going on and then to work collaboratively on these efforts.

And tonight I'm here to bring your attention to the plans for the San Isidro Crossing. This is a project that has been kicking around since about 1992. The environmental assessment for it was done in 1993. There were different things that happened. The County wasn't able to fund their part. And then the Corps didn't have it funded and it's been back and forth for a long time. But it's been reactivated and to our knowledge, those of us that do try to keep our ears to the ground on what's going on with the river and the Agua Fria area, there has been no opportunity for public input on this project.

We see a lot of problems with it. We're talking about a million-dollar project. That's \$250,000 of County match and the balance of it comes from the Corps of Engineers. When the Corps of Engineers puts in a million-dollar project, you're basically talking about a lot of concrete. When you put a lot of concrete in any river system you have major ramifications and I actually brought to you all last summer, if you'll let me pass some of these things out to you -- I brought up to you last summer that there were major issues regarding the design of anything that would go into to try and stabilize that crossing. We have made, several of us have made repeated efforts to try and find out from the County

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how plans were progressing and so forth. There really has been no opportunity for us to raise these issues with the people that are doing the design.

As we learned with the Resolution 57 Committee, it takes a lot of learning from each other just what's going on. This isn't a simple matter. So now they're telling us that they want to take the project to bid in December. We are pleading with you to make the opportunity to have public input on this project before we go the route of another big ugly. If you all remember, that was the name that was given actually by the City Engineer, I think, to the project that was constructed just below the St. Francis Drive Crossing. There was a big Highway Department, City project where they put in a bunch of gabions, poured a bunch of concrete and people just went ballistic and said surely we can do better than this for our river.

It started the process whereby now they have this nice new, recently completed section of restored river, which may not be entirely to all of our tastes but represents a good start. They spent \$2.5 million on it. And that was on top of what had gone in with the original fix at the big ugly. So I would really like to see the County avoid throwing good money after bad on putting in a design that is not going to address our needs.

If we have a hardened crossing, basically what they want to build, if you take a look at the Lopez Lane structure photograph in that set that I passed out to you, they basically want to build a concrete step structure like that. If you look closely at those pictures you can see the downstream erosion that's caused at that structure. The river park that you all have approved beginning negotiating for is 200 yards downstream of the San Isidro Crossing. The San Isidro Crossing will just shoot water straight at that little park and would undo everything we want to try to do to start healing the river in that section.

I would like to read you some comments that I got from the Corps of Engineers. By the way, I met with Corps representatives and the new Public Works Director and I really want to commend Orlando Garcia for being the first of the people in Public Works that were quick to make arrangements to meet with us and listen to our concerns. So I do appreciate that level of attention to these issues now. But the Corps representative brought some history of this project with him and here are the comments that came from the Fish and Wildlife Service in '98, and mind you, all this time we were saying, what's going on with this project and not able to have any opportunity for public input.

This is quoting Fish and Wildlife Service: "This site, as well as many others upstream and downstream along the Santa Fe River has suffered from long term destabilization of the river channel, and excessive maintenance for many years. The channel is deeply incised and the rapid and unchecked channel degradation has caused continuous failure of construction and maintenance efforts of the San Isidro low-water crossing. The Santa Fe River, especially through the Santa Fe area is plagued with long term destabilization from a variety of factors including increased run-off, highly erodible soils and a multitude of structures and maintenance efforts designed to fix a localized problem without addressing upstream and downstream issues within the watershed.

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"To be effective, erosion control should be addressed on a watershed basis. Individual erosion control projects may only treat the symptoms, may be ineffectual, or may create new problems up and downstream of the action and cause cumulative impacts within the watershed." It goes on to recommend a watershed management plan and to set up your erosion control projects in that context.

Using the information provided our analyses indicate the proposed action will not result in long term stability of the stream channel. The proposed construction could result in further erosion upstream, downstream, and at the periphery of the proposed gabion bank. Streambed and bank stabilization projects should incorporate natural stream geometry and functions that result in long term stability of the stream channel and flood plain. And it goes on.

And then there's a letter from the Environment Department that concurs with all of that and says, "The Bureau concurs. If this project proves to be inadequate to control erosion, or causes future channel and streambank erosion, the Bureau, being the Surface Water Bureau of the Environment Department, will require the Corps to modify the structure design to remain stable." And then it has comments on what future projects for this section should include.

Finally, there's a concern on the part of the Public Works Department and I think yourselves that this has been such a long time coming, we don't want to lose this money. The memorandum -- it says this is your section for authorization document coming from the Corps, says that the time limit for completing the work authorized ends on December 31, 2001. We have time. I'd like for a couple of other members of the association to give you their input on this issue.

OLIVIA TSOSIE: Good evening. I'm Olivia Tsosie from Agua Fria. As you know, I've been a long time follower of the projects on the river and I'm a completely lay activist in this matter. I don't have any professional expertise. But since the State Historic Preservation Office came out, we've had the discovery of new archaeological resources right at San Isidro Crossing on the surface above where the low-water crossing is.

I'm a past president of the Community Water Association and our well is right there. I didn't see anything in the documents that Page got from the Corps of Engineers that showed that they had given any active forethought to how they're going to protect the community well, and then there are all the private wells that are around there which are much shallower than my well, which is only a mile downstream. I think these are issues that the professionals in the Corps of Engineers should be able to address fairly quickly, but they really ought to give the community evidence that they have really considered this and aren't just going to put it out to bid and have a guy in a back-hoe come and see what happens when he starts digging. Thank you very much.

COMMISSIONER DURAN: Mr. Chairman, Page, what was that date, and was it for completion or when it can begin?

MS. MORGAN: The time limit for completing the work authorized ends on

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December 31, 2001. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached. So it's not only, yes, it's completion.

COMMISSIONER DURAN: And what has the Public Works Director told you the time to construct will take? What's that period of time?

MS. MORGAN: I can't remember actually, whether this is the Corps of Engineers that was speaking. It was probably in that group meeting. The intention was to go to bid on this project in mid-December and complete it by the end of this spring, basically before the run-off started in the spring. They wanted to have the project completed. They were very concerned that if there was any redesign or opportunity for public input on this project it would set the project back. But I believe that there are ways around this. I believe that there is a more limited project that could be begun now while we're in the context of looking at how to handle these issues that we know exist.

COMMISSIONER DURAN: So if we waited until the spring of 2001 -- I'll pay attention this time. What's the date for completion?

MS. MORGAN: The date for completion? With extension potential --

COMMISSIONER DURAN: Without extension.

MS. MORGAN: Okay, without extension, it would be the end of December 2001. So in other words, if we started reconsidering the design right now we could get into redesign and construct by the next dry water, low-water season.

COMMISSIONER DURAN: And in your conversation with the Corps of Engineers, are they willing to work with a redesign?

MS. MORGAN: What they say is that the County is the client. They're just humble consultants. They act at your pleasure. If the County tells them they want to redesign, they'll redesign.

COMMISSIONER DURAN: And I heard you say that the design didn't take into account the effect it's going to have upstream or downstream?

MS. MORGAN: That's correct. They looked at a -- they did add from the original design in '92-'93, they added a big gabion blanket on the south of the stream upstream of the crossing recognizing that things have gotten even worse, there was even more erosion up there, so basically what you get is more gabions to deal with the upstream issues.

COMMISSIONER DURAN: Thank you.

MS. MORGAN: Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman, Robert, do we have any idea what the redlining of the existing design will do to the cost? Or Orlando?

ORLANDO GARCIA (Public Works Director): Mr. Chairman, Commissioners, I want to thank Page for her kind words. We did have a meeting. Unfortunately I did not gather the same impression that I think Page has related to you. I think that we need to be complete by February of 2000. The project is about a million-dollar

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job. It will take about 210 working days to construct from Public Works' perspective. It is a good job and I think it's necessary that we proceed with it.

We are in jeopardy of losing that structure. I understand that this project has been in the works for several years and that we did in fact not lose the project but I guess what I want to say, Commissioners, Mr. Chairman, is that the Corps was kind to us once before and reappropriated the monies and I'm not certain they'll be as kind to us again. My understanding is that the monies are budgeted on an annual cycle and that is my concern.

CHAIRMAN GRINÉ: I guess, Orlando, Commissioner Trujillo said that if by chance it went for redesign or whatever, that probably more likely it will change the cost too, of what monies that are available already for it, wouldn't you say?

MR. GARCIA: I would be speculating, Mr. Chairman. If the scope were to change, I'm not certain how the scope would change but at this point I'd be speculating if I said it either went up or went down. I'd also like to mention that as part of the development of this project, easements from adjoining neighbors were negotiated and we made a promise to those folks to install sanitary sewer lines to connect them to the City service that exists on the opposite side of the crossing.

COMMISSIONER DURAN: Mr. Chairman, I was involved, and I think you were with me one time, Commissioner Trujillo, with the Corps of Engineers. Weren't you there with me?

COMMISSIONER TRUJILLO: I was.

COMMISSIONER DURAN: And I have some real concern that if we don't do this project now that we lose that money because I was there when the Corps of Engineers told us that we were lucky that we got this money. And my only concern is that we try to send this thing back for redesign and we don't meet the deadline and we've lost this opportunity. But my question is Page says December 2001 and you say February 2000.

MR. GARCIA: Mr. Chairman, Commissioner, my note says that the County must be completed by 2/00, February of 2000. That's the note that I took in our meeting of November the fourth.

CHAIRMAN GRINÉ: Do you want to add to that, Robert?

ROBERT MARTINEZ (Deputy Public Works Director): Yes, Mr. Chairman, Commissioner Duran. Basically when a 404 permit is obtained by the Corps of Engineers, you're given a certain time frame to construct the project or repair a certain project. That basically doesn't coincide with their budget cycle. Basically, what Page is referring to I believe, is how long the permit is for. But the budget cycle is from year to year, so if we go to 2001, that \$750,000 may not be available from the Corps.

COMMISSIONER TRUJILLO: Mr. Chairman, this Commission is totally sensitive to environmental negative impacts in that this design or this construction, can it be retrofit in the future when more monies are gotten to give impetus to more of the issues that Page has brought up? Can we retrofit the design to do that?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, I'm not sure. It

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was designed by the Corps of Engineers so we're not just constructing a project that came out of the blue. It was fully engineered by the Corps. We are using colored concrete, stamped to give the appearance of stones, so it is something that has a nice appearance. But as far as engineering, I don't know if the Corps would be able to retrofit something else at a later time or not.

COMMISSIONER DURAN: Mr. Chairman, just one last thing, and I'm also aware of the problems that that County has had in negotiating the easements with the property owners and the commitments that we've made to them to provide this sewer and I know that it's a pretty -- it could turn into a real explosive situation between the property owners themselves if we can't deliver what we've committed to deliver to them. It took a lot of work and negotiating to get them to agree to that.

CHAIRMAN GRINÉ: This gentleman here and then we've got to move on. Okay?

RICHARD JENNINGS: My name is Richard Jennings. I'm a member of the Watershed Association. My concern is with the talk of the budget and how we're going to get this money and spend it is, in the long term if it's wise to do this or is it going to cost more down the road. You've appropriated, or at least agreed to go after the Agua Fria River Park which is immediately downstream from this and I've not seen anyone look at the potential damage to that land and that area that's going to be caused by this structure.

This structure to me looks like a water canon that's aimed directly at the park. To say that we need to spend the money, we need to build this structure without looking at the whole thing, is perhaps a short-sighted way to approach the problem. Thank you.

CHAIRMAN GRINÉ: Thank you. Anybody else in the audience? Go ahead, sir.

NEAL WILLIAMS: Thank you, Commissioners. I'm Neal Williams, a registered engineer here in town and also was the co-chair of the City's river task force. We developed a river corridor master plan and we had some consultations with the Corps of Engineers on precisely this type of design issue and they also told the river task force, this will be back in '96 that if the City, which was the proponent in the case of that effort, if the City wanted the Corps of Engineers design to follow the river corridor master plan they could work with the design guidelines.

I think that's what we're asking for is to come back and say now the County would like to pursue the possibility of a design that meets the river corridor master plan guidelines and I think the odds are pretty good that you wouldn't waste any time if you just had an opportunity for public input with the Corps and we might then get some answers to these questions about the money and could it be extended. So I'm hoping we could at least have at least one public input opportunity and as an engineer who has looked at the M & R gravel site in detail, I think that the million-dollar budget proposed for the San Isidro Crossing would be adequate if it was spent in a way consistent with the corridor master plan. I think you could do the M & R site and the San Isidro Crossing for approximately the same amount

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using a different approach. So I would like to run those possibilities by the Corps.

COMMISSIONER DURAN: Mr. Chairman, what if rather than -- can we give staff direction, since we have a little bit of time, could we give staff direction to work with the Corps and with Page's group, the Watershed Association, and at the next meeting make a presentation to us as to what they've come up with and we could make a determination at that point.

CHAIRMAN GRINÉ: It's up to you. Is that the direction you want to send?

COMMISSIONER DURAN: Well, yes. I'd rather do that than just say right now at this point that we're going to do it. I think public input is important. My only concern is losing this opportunity. And I think your association can bring forward information that can better inform us and maybe you can negotiate with the Corps of Engineers to extend that time and actually bring us some hard facts. I don't think that we want to rush to do this thing, but I think we do want to make sure that we don't lose the opportunity. That would be my direction.

CHAIRMAN GRINÉ: Does everyone agree with that? That's fine then. You heard that Robert and Orlando? Anybody else want to speak to the Board? Come forward.

RUTH MERIA: My name is Ruth Meria and I live in Pinon Hills. And I've been crossing over Lopez Lane and San Isidro Crossing for about 25 years or more. And I know what happened at Lopez Lane when they put in the bridge and the step system. The river dropped about -- I don't know -- ten or twelve feet. Before there was just a culvert over there, a dirt culvert and we could go right over it. And I know that if the San Isidro Crossing, because of all the water run-off from the roads and everything that that has been dropping precipitously.

And I think that you do need to do things like do something with the water that is coming off the roads. You have to do that kind of upstream to slow down the water so that it, I don't know, goes into fields or dams or something along the river edge so it doesn't all just pour from the sewer system down into the river. Because that seems to be what's turning it into a real torrent that's eating away all the land.

CHAIRMAN GRINÉ: Thank you. Anybody else want to address the Commission?

VII. D. MATTERS FROM THE COMMISSION

None were presented.

VII. E. MATTER FROM THE COUNTY ATTORNEY

1. Executive session

- a. Discussion of pending litigation - *Santa Fe County v. PNM***
- b. Discussion of acquisition of real property**

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Commissioner Anaya moved to go into executive session for the purpose of discussing pending litigation and acquisition of real property. Commissioner Trujillo seconded. The motion passed by unanimous roll call vote with Commissioner Anaya, Commissioner Gonzales, Commissioner Trujillo, Commissioner Duran and Chairman Griñé all voting in favor.

[The Commission met in executive session from 6:05 to 6:43.]

Commissioner Anaya moved to come out of executive session having discussed pending litigation and possible acquisition of real property and his motion was seconded by Commissioner Duran. The motion passed by unanimous voice vote.

VIII. PUBLIC HEARINGS

- A. Resolution No. 1999-__.** A resolution amending the traditional community boundaries of Sombrillo pursuant to County Ordinance 1998-5, the community planning process (first hearing)

KEN PIN (Planner): Mr. Chairman, Commissioners, staff is requesting amendments to the Sombrillo traditional community boundary which is only for planning purposes. When we were working with the community of El Valle de Arroyo Seco and their request to amend their boundaries, we found that we had overlapped boundary areas, so in order for [audio difficulties]

There was no one from the public wishing to address this issue.

- VIII. C. Ordinance No. 1999-12.** An ordinance prohibiting the use of engine retarders on State Route 599 from US Highway 285 to Interstate 25, on US 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 US 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 Ordinance 199808 and 1999-9

CHRIS GRAESER (Assistant County Attorney): Thank you, Mr. Chairman. What this ordinance does is two things. One, it repeals the two emergency ordinances and enacts it with the public hearings and everything anyone wanted to be heard on it. I don't know if there's anyone here to talk on it today or not. It also adds one more area to the areas in the County where jake brake use is prohibited and that is on 599 from Airport Road

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up to 285.

CHAIRMAN GRIÑÉ: Okay. Any questions of Chris? Anybody in the public like to address this ordinance? If not, what's the wishes of the Board?

Commissioner Anaya moved to approve Ordinance No. 1999-12 and Commissioner Duran seconded. The motion passed by roll call vote with Commissioner Anaya, Commissioner Trujillo, Commissioner Duran and Chairman Griñé voting for the ordinance. [Commissioner Gonzales was not present for this motion.]

VIII. D. LAND USE DEPARTMENT ITEMS

1. **CDRC Case #V 99-5500. Steve Smail Variance.** Steve Smail, applicant, requests a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow a second dwelling unit on 2.63 acres. The property is located on Oak Road in the South Fork area within Section 31, Township 15 North, Range 9 East

FRANK WHITE (Review Specialist): Thank you, Mr. Chairman, Commissioners. The applicant is requesting a variance of a lot size requirement of the Land Development Code in order to place a second dwelling unit on the property. There is currently a dwelling unit, a garage, a well and septic on the property. The second dwelling unit will be used by the applicant's daughter and her son.

Recommendation: Staff recommends that the intent of the Code is to set minimum lot size in this area at 12.5 acres per dwelling unit. Therefore staff recommends that the request for a variance be denied. The CDRC's decision was to recommend approval of a variance of Article III, Section 10 of the Land Development Code to allow two homes on 2.63 acres subject to the following conditions.

[The conditions are as follows:]

1. Temporary two years to be approved administratively if existing hardship continues.
2. Provide Environmental Division permit to serve both homes.
3. Existing driveway will serve both homes.

CHAIRMAN GRIÑÉ: Are there any questions of Frank? Thank you, Frank. Is the applicant here? Come up and get sworn in and give us your name and address.

[Duly sworn, Nicole Maes testified as follows:]

NICOLE MAES: Nicole Maes, Route 2, Box 624, Santa Fe.

CHAIRMAN GRIÑÉ: Are you in agreement with the conditions of the CDRC?

MS. MAES: Yes I am.

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CHAIRMAN GRINÉ: Are there any questions of the applicant? Okay, thank you. This is a public hearing. Anybody want to speak for or against this case? If not, what are the wishes of the Board?

Commissioner Trujillo moved to approve CDRC Case #V 99-5500 with conditions. Commissioner Anaya seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

VIII. D. 2. AFDRC Case #Z 99-5300. Plants of the Southwest. Plants of the Southwest, applicant, David Perrigo, agent, request a master plan zoning amendment with preliminary and final development plan approval to allow for an increase in the size of the seed barn to 1,550 square feet and to add another office/staff area of 950 square feet. The property is located in the traditional community of Agua Fria, within Section 32, Township 17 North, Range 9 East

VICKI LUCERO (Review Specialist): Thank you, Mr. Chairman, Commissioners. On May 28, 1991, the Extraterritorial Zoning Authority granted master plan zoning approval of a wholesale/retail business of native southwest seed and plants, which includes a 1800 square foot retail office, a 625 square foot seed barn, a 1000 square foot greenhouse, a 1000 square foot caretaker residence and four separate residential units of 1000 square feet.

On September 12, 1991, the Extraterritorial Zoning Commission granted development plan approval of Phase I, which has already been constructed. The applicant wished to amend phase I to allow a seed barn of 1,550 square feet and an office/staff area of 950 square feet. Proposal of phases II and III will not change.

Recommendation: It is staff's position that this application is in accordance with the County Land Development Code, Article V, Section 5.2 for master plans and Article III, Section 4.4 for development plans. Staff's recommendation and the decision of the AFDRC was to recommend approval of the master plan zoning amendment and preliminary and final development plan approval subject to the following conditions:

[The conditions are as follows:]

1. All previously imposed conditions for future development must be followed.
2. All utility lines to the proposed buildings must be underground.
3. The amended master plan with the appropriate signatures will be recorded with the County Clerk.
4. All existing lighting must be shielded.
5. Structure shall not be higher than 24' above natural grade or finish cut grade as per County Code.

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6. The applicant must modify the current liquid waste permit with the Environment Department to reflect changes proposed in this amendment prior to building permit issuance.
7. Roof shall be constructed of a non-reflective material.

CHAIRMAN GRINÉ: Are there any questions of Vicki? Okay, Vicki, thank you. Is the applicant here? Come forward please.

[Duly sworn, David Perrigo testified as follows:]

DAVID PERRIGO: My name is David Perrigo.

CHAIRMAN GRINÉ: David, are you in agreement with the conditions?

MR. PERRIGO: Yes.

CHAIRMAN GRINÉ: Okay, are there any questions of the applicant? No questions. Thank you. This is a public hearing. Anybody for or against? If not, what are the wishes of the Board?

aa moved to approve AFDRC Case #Z 99-5300 with the conditions of staff. Commissioner Trujillo seconded and the motion passed by unanimous voice vote. [Commissioner Duran was not present for this vote.]

- VIII. D. 3. CDRC Case #V 99-5490. I.M. Roybal Variance. I.M. Roybal, applicant, Jim Siebert, agent, request a variance of Article III, Sections 4.1 and 4.2 (types and locations of commercial development) of the Land Development Code to allow commercial zoning outside of a potential commercial district on four lots totaling 19.342 acres. The property is located off US 285 in Cuyamungue, within Section 28, Township 19 North, Range 9 East**

PENNY ELLIS-GREEN (Review Specialist): Mr. Chairman, Commissioners, the applicant is requesting a variance of Article III, Sections 4.1 and 4.2 of the Code to allow his property to be zoned for commercial uses. The applicant states that his property is located in a predominantly commercial area of Cuyamungue. A plan showing existing uses is attached as Exhibit E and shows a gas station, Duran Lath and Plaster, a rock yard and storage sheds to the south of the subject property, latilla sales to the north of the property and an Allsup's, trailer sales, a retail store, and an inn to the southeast across 284.

Recommendation: Staff's position is that this application is not in accordance with Article III, Sections 4.1 and 4.2 of the Land Development Code. Therefore staff recommends denial of the variance request. The decision of the CDRC was to recommend approval of the variance of Article III, Sections 4.1 and 4.2 to allow for commercial zoning outside of a potential commercial district on four parcels of land totalling 19.3 acres subject

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to the following conditions:

[The conditions are as follows:]

1. Existing uses are to remain the same until the frontage road is built out.
2. Access to US 285 is to be limited to the existing access point. Further access points will not be permitted until the frontage road is in place.

CHAIRMAN GRINÉ: Thank you, Penny. Any questions of staff? Jim?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name is Jim Siebert. My address is 915 Mercer. I have an exhibit here.

CHAIRMAN GRINÉ: Jim, are you okay with the conditions?

MR. SIEBERT: Yes, except maybe if I could have a little bit of discussion on condition number one. The existing uses are to remain the same until the frontage road is built out. The Roybals really don't have a problem with that. The problem is that even under the existing Code, they can add on to 50% of the existing structure. I think the concern is what would happen, say, right now the construction -- if something unusual happened. Say it burned down. Under that condition, would they have a right to rebuild? I think we would like some clarification that should something like that happen, could there be some minor expansion?

CHAIRMAN GRINÉ: Do you want to address that, Oralynn?

ORALYNN GUERRERORTIZ (Subdivision Engineer): Mr. Chairman, Commissioners, I think there is some confusion. You're thinking of the EZ Code. The County Land Development Code [audio difficulties]

MR. SIEBERT: Well, I think, let's say it's five years before the frontage road gets built and they want to add a shed --

MS. GUERRERORTIZ: Mr. Chairman, Commissioners, it would depend on whether it would affect the intensity of the project. [inaudible] Mr. Roybal's property is sort of on the north fringe of that. The first condition was amended to read "Modifications may occur providing they do not increase intensity."

[The audio system begins to cut out at this point of the hearing]

There was no one from the public present to address this case.

Commissioner Trujillo moved to approve CDRC Case #V 99-5490 with staff conditions, the first condition amended to include: Modifications may occur providing they do not increase intensity. Commissioner Anaya seconded and the motion passed by unanimous voice vote.

- VIII. D. 5. CDRC Case #MIS 99-5550. La Bajada Ranch Master Plan Time Extension. Los Atrevidos, Ltd., applicant, Jim Siebert, agent, request approval to allow for a 24-month extension to the expiration date of a master plan for a 97-lot residential subdivision on 4,272.67 acres (La Bajada Ranch Subdivision) which was approved by the Board of County Commissioners on April 11, 1995. The property is located north of Cochiti and Waldo interchanges of I-25, east of State Road 16, within Sections 8 through 17 and 20 through 23, Township 15 North, Range 7 East**

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, Article V, Section 5.2.7 of the County Code states that master plans are valid for a period of five years from the date of approval by the Board. Upon request of the subdivider, master plan approvals may be extended for additional two-year periods by the Board. The current master plan is due to expire on April 11, 2000. The applicant requests a two-year extension to the expiration date of the master plan.

The applicant states that the project has been delayed due to planned utility extensions to the property; the cost of extending US West service is currently prohibitive. Also, the applicant states that they are holding off on the project until the La Cienega Valley Community Plan is prepared and they have a chance to review it.

Recommendation: Article V, Section 5.2.7 of the County Land Development Code allows an extension of time of up to two years to be granted by the Board. Staff recommends approval of the two-year extension to the master plan subject to the following conditions:

1. When this project moves forward the applicant must comply with all current Code requirements.
2. The applicant will attend and be involved in the La Cienega Valley Community Plan meetings.

Mr. Siebert stated they were in agreement with the conditions.

Duly sworn, Carolyn Sigstedt asked if there was a limitation on the number of times extensions could be sought and granted. The Chairman said there was no limitation.

Also placed under oath, Robert Romero from La Cienega stated he was speaking as a private citizen and not in his capacity as president of the La Cienega Valley Association. Mr. Romero quoted from the language of the original language of the land grant which stated that the land was to be used for pasturage. He said he took that to mean it was intended as grazing land "in perpetuity."

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In response to questions from Commissioner Gonzales, Warren Thompson, speaking under oath, stated they had already allocated 1,700 acres out of the 5,800 as open space and were amenable to looking at concepts such as clustering or changes in configuration that make the most sense.

Ms. Sigstedt expressed her concern about applicants being allowed indefinite time to complete their projects.

Commissioner Duran moved to approve CDRC Case #MIS 99-5550, granting an extension to La Bajada Ranch, with the two staff conditions. Commissioner Anaya seconded and the motion passed by unanimous voice vote.

VIII. D. 6. EZ Case #DL 99-4750. James and Mary Butler. Jack Horne, agent for James and Mary Butler, requests plat approval to divide 4.0 acres into three tracts for the purpose of family transfer. the property is located within Pinon Hills Subdivision, off Calle Carla Road, Section 25, Township 17 North, Range 8 East

OLIVER GARCIA (Review Specialist): Staff recommendation: At the regularly scheduled meeting of October 14, 1999, the EZC recommended approval of the request subject to the following conditions:

[The conditions are as follows:]

1. The road on the eastern boundary of the property from Calle Carla Road to the cul-de-sac must be developed meeting SFC Common Roadway Standards prior to recording the plat of survey or the applicant must provide Santa Fe County with a certified engineer's cost estimate to develop the access. A financial guarantee acceptable to the County in the amount of the approved cost estimate must be included.
2. Cul-de-sac shall be located between Tract A-2 and Tract A-3.
3. The applicant must record water restrictive covenants simultaneously with the plat of survey imposing .25 acre-feet per year per tract. Water meters for each subject parcel must be installed to monitor water use. Annual water consumption reports must be submitted at the County' request if and when deemed appropriate.
4. The applicant must contact Rural Addressing for assignment of addresses for the proposed tracts. Addresses must be added to plat.
5. EZO regulations require a solid waste fee be assessed for ally newly created parcels. The fee for this subdivision is \$129,01.
6. The applicant must prepare and submit covenants for the use and development of the property.

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

Applicant Mary Butler was sworn in and stated she agreed with staff conditions.

Speaking from the public and duly sworn was Saguna Severson from the West Santa Fe Association. She stressed that they had no specific complaint against the Butlers, but noted that the Pinon Hills Subdivision has numerous problems stemming from its non-conforming status, including adequate fire protection, water and sewer concerns. She passed out information from a government task force on septic pollution containing 50 citations.

She reiterated that they were not there to oppose the Butlers but rather to ask for the County's help with roads and other problems associated with growth.

Ruth Meria, 30 Calle Carla, duly sworn, voiced her opposition to the sizes of the lots.

Speaking under oath, David Gold, 70 Sloman Road expressed concern about lot divisions leading to additional safety hazards. He said it was up to the County to help bring the subdivision up to minimum safety standards.

Previously sworn, Ms. Sigstedt pointed out that unbridled land division would inevitably place too great a strain on the existing infrastructure. She objected to people taking advantage of the family transfer laws for private financial gain.

Commissioner Anaya moved to approve the application. The motion died for lack of a second.

Commissioner Duran approved the request for two lots only. Commissioner Trujillo seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

[At this point of the hearing, the audio resumes.]

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COMMISSIONER ANAYA: I just have to make a statement just for the record. Boots has been a teacher for years and years in what is now, what was alternative B.F. Young, I believe it was. These are people that have been here, solid in the community, way before many other members of the community came in to argue against our decision making tonight. And I take issue to that. I know, but I had to make a statement. People have to know the history of people in this town and those are the people that we need to help.

COMMISSIONER DURAN: Let me just say that I agree with that, but we also took an oath to uphold the ordinances and the laws that we've adopted.

COMMISSIONER ANAYA: There isn't anything wrong with that because it was an honorable family transfer.

VIII. D. 7. EZ Case #S 99-4720. Rancho de los Ninos Subdivision. Rio de Caja, LLC, applicant, Isaac Pino, agent, request preliminary and final plat/development plan approval for a 24-lot subdivision within a tract of land consisting of 79.86 acres. The property is located in Township 17 North, Range 8 East, Section 23 off the Caja del Rio Road within the five-mile Extraterritorial Zoning District, northwest of the City of Santa Fe

AUDREY ROMERO (Review Specialist): Thank you, Mr. Chairman. In summary, at the regularly scheduled meeting of October 14, 1999, the Extraterritorial Zoning Commission met and acted on the above-referenced case. The decision of the EZC was to grant conditional approval.

[The conditions are as follows:]

1. Compliance with 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 Subdivision Engineer
 - g. County Fire Marshal
 - h. Santa Fe Public Schools
2. Approval of street names and rural addressing by County Public Works Staff.
3. Final homeowners documents (covenants, by-laws, articles of incorporation, disclosure statement) subject to staff approval and shall include but not be limited to

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the following:

- a. The maintenance and repair plan outlining periodic maintenance for quality and integrity of roads and common areas
 - b. Fire protection system maintenance
 - c. Taxes and liability insurance for common areas
 - d. Solid waste disposal issues
 - e. Water restrictions
 - f. Management and collection of monies associated with association expenses
 - g. Water conservation measures, including prohibiting swimming pools
 - h. Shared well agreements
4. Complete the final plat content subject to approval by staff, and shall include but not be limited to the following:
- a. Road and utility easements granted for public use
 - b. On-site terrain management plan in compliance with the County Land Development Code shall be required at the time a permit is requested for a residential unit
 - c. Legend and monuments
 - d. Plan indicating developable (build) and no-build areas
 - e. Delineate drainage easements for significant drainage courses on site development plan and maintain a minimum 25-foot building setback from natural edge
 - f. All utilities placed underground
 - g. Minimum setbacks of leach lines from cluster wells
 - h. Cross reference for recording disclosure statement
 - i. Compliance with plat check list
 - j. Standard noted on plat in reference to recommendations made by County Hydrologist
 - k. Prior to issuance of a building permit on individual lots, individual liquid waste systems will have to be approved by the Environment Department by Groundwater Protection Bureau if the system design is over 2000 gallons per day, or the Santa Fe Field Office if the design flow is 2000 gallons per day or less
 - l. Sanitary sewers are not available to serve these tracts. For this reason, on-site sanitary disposal is the responsibility of the owner
 - m. Easements for shared wells
5. Submit engineer's cost estimate with acceptable financial security for all required improvements. Include schedule of compliance projecting completion of improvements. Upon completion, submit a certification that improvements have been completed according to the approved development plan and as built plans both sealed by registered engineer.

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6. Submit solid waste fees in accordance with subdivision regulations.
7. On any corner lot, no fence, hedge or other planting or structure that will obstruct vision between a height of three feet and nine feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the site distance triangle required by AASHTO standards.
8. A cluster well water system serving no more than four lots per well will be utilized.
9. Each lot restricted to .25 acre-feet per year per 2.5-acre tract; one acre-foot per year per 10.0-acre tract; and any other tract be restricted to the prorated amount dependent on its size.
10. Proper well construction with pitless adapter, annular seals and 200 feet of water column below the water table.
11. A State Engineer's well record showing a properly drilled and constructed well must be submitted with building permit application on individual lots (i.e., wells must be drilled properly before the lots are developed.)
12. Submit revegetation plan including reseeding and replacement of dead or diseased plants and trees within construction area.
13. Water storage tank shall be completely buried.
14. Submit existing characteristics list of any utilities within 1000 feet of the tract including but not limited to location and size of any community liquid waste systems.
15. The developer must notify the County Sheriff of the proposed subdivision.
16. Submit a copy of the disclosure statement to the Attorney General upon plat recordation.
17. Submit plans showing cul-de-sac typical, basecourse road with 3% crown, well easements, designed check dams, proposed culverts, calculations of water drainage capacity.
18. Submit water drainage calculations for pre-development and post-development amounts showing no change in overall water flow from a professional engineer.
19. Submit access permit approved by the Santa Fe Public Works Division.
20. Submit a terrain management plan in accordance with EZO Section 12.1.
21. Submit a traffic signage plan.
22. Developer shall pay the fee-in-lieu of park dedication prior to recording of the final plat. The amount shall be calculated in accordance with Section 3.7.1 of the Santa Fe Extraterritorial Subdivision Regulations.

[Duly sworn, Isaac Pino testified as follows:]

IKE PINO: My name is Ike Pino, 1660 Old Pecos Trail.

CHAIRMAN GRINÉ: Ike, are you guys in agreement with the conditions set forth?

MR. PINO: Mr. Chairman, we are.

CHAIRMAN GRINÉ: Okay. Any questions of Isaac? No questions. This

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is a public hearing. Anybody want to address this case for or against? If not, what's the pleasure of the Board?

Commissioner Trujillo moved to approve EZ Case #S 99-4720 and Commissioner Duran seconded. The motion passed by unanimous voice vote. [Commissioner Anaya and Commissioner Gonzales were not present for this vote.]

ADJOURNMENT

Chairman Griñé declared this meeting adjourned at approximately 7:50 p.m.

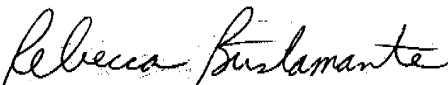
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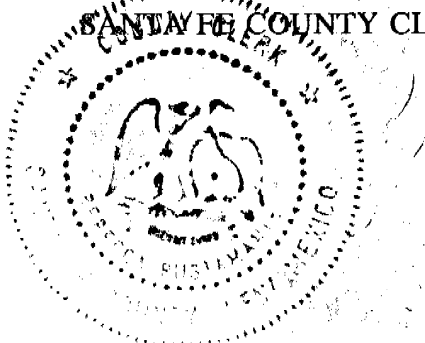
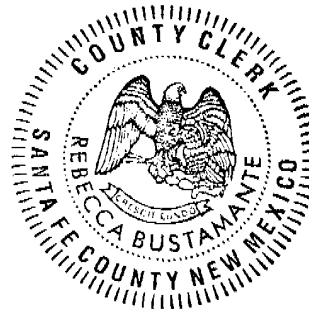

Board of County Commissioners
Joe Griñé, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

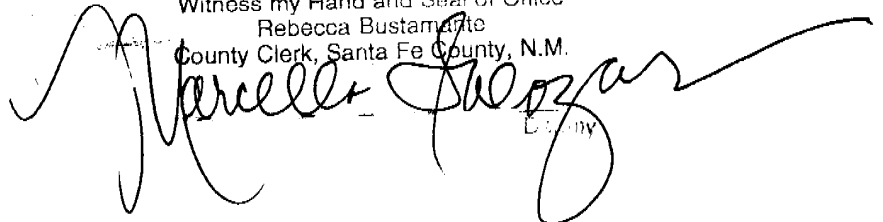
ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed
for record on the 1 day of Dec A.D.
19 99, at 10:28 o'clock a m
and was duly recorded in book 1712
page 967 of the records of
Santa Fe County.

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


County Clerk