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

REGULAR MEETING

DECEMBER 8, 1998

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

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This regular meeting of the Santa Fe Board of County Commissioners was called to order at 5:10 p.m. by Chairman Marcos Trujillo in the Santa Fe County Commission Chambers.

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

Members Present

Commissioner Marcos Trujillo, Chairman
Commissioner Joe Griñé, Vice Chairman
Commissioner Paul Duran

Members Excused

Commissioner Javier Gonzales
Commissioner Richard Anaya

DAVID WOLF (County Manager): Mr. Chairman, I'm sorry. Commissioner Gonzales called earlier and asked that if he could be excused. He has meetings with the White House regarding Social Security and the payment in lieu of taxes that we receive from the Forest Service. So he asked me to pass that on to the chair.

CHAIRMAN TRUJILLO: Thank you, David. And I understand that Commissioner Anaya is sick, so he won't be here either today.

IV. INVOCATION

An invocation was given by Brother Bryan Dubowski from the College of Santa Fe.

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V. APPROVAL OF AGENDA

CHAIRMAN TRUJILLO: David, do we have any changes

MR. WOLF: Mr. Chairman, it's my understanding that items 10 and 11 under the Land Use Items, part F, 10 and 11 are requested to be tabled.

CHAIRMAN TRUJILLO: Table 1 through 11 in the Land Use items?

MR. WOLF: Just 10 and 11, Mr. Chairman.

CHAIRMAN TRUJILLO: Table 10 and 11, okay.

COMMISSIONER GRIÑÉ: Also, Mr. Chairman, my understanding from Rudy Garcia is La Mirada Subdivision still has to go before the City Council tomorrow to settle their water issue and therefore I think it would be appropriate to go ahead and table it here at the County Commission tonight.

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

CHAIRMAN TRUJILLO: So we're going to table item 8, La Mirada Subdivision.

MR. WOLF: And Mr. Chairman, there's also two items on the agenda that had been requested by Commissioner Gonzales. One is the water policy, and the proposed moratorium for La Cienega. I'm not sure how the Commission would like to proceed on those, whether to hear them or to table.

COMMISSIONER DURAN: Mr. Chairman, I spoke to Commissioner Gonzales a couple of days ago about the water policy. One of the reasons he had considered tabling it, he was wondering if any of us still needed to review it. And I've met with Estevan and David, so I have no problem with the water policy as it's being presented tonight. On that issue, I don't think there's a problem about that.

I also talked to him about the La Cienega moratorium. I think that it's such a big issue it might not be a bad idea if we tabled that one so that we have the entire Commission here to make a decision on that.

COMMISSIONER GRIÑÉ: Is that item C?

CHAIRMAN TRUJILLO: That's item C, Ordinance placing a moratorium on La Cienega.

Commissioner Duran moved to table VII. C, the La Cienega moratorium. He was seconded by Commissioner Griñé and the motion passed by unanimous voice vote.

CHAIRMAN TRUJILLO: Okay, so we're going to listen to the ordinance amending, let's see, on the establishment of the Santa Fe County Water Resources Management Plan, and we'll table the ordinance regarding the moratorium in La Cienega.

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Anything else, David?

MR. WOLF: No, Mr. Chairman.

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

VI. APPROVAL OF MINUTES: November 24, 1998

CHAIRMAN TRUJILLO: Any changes, additions, deletions, any comments on the minutes? If not, what is the desire of the Commission?

Commissioner Griñé moved to accept the November 24, 1998 minutes. Commissioner Duran seconded the motion, which passed by unanimous voice vote.

VII. STAFF AND ELECTED OFFICIALS

A. Update by County Treasurer, Phillip Trujillo

PHILLIP TRUJILLO (County Treasurer): Mr. Chairman, Commissioners, in November, at the November meeting, and it was a little untimely actually, because we had just begun [audio difficulties] The report that I gave you in November was untimely, only because we had just begun the tax collections and financially we didn't have a lot to report and at that time I would return during December to update the Commission as to the progress of our collections on property taxes. Let me tell you that during the month of November we collected \$14,137,000.

In December, which really we're just into December now, we have already collected \$5,600,000. In the sense of historic comparisons, last year, by the end of November, we were at 23% of collection of our total of what we anticipate to collect for the entire year. This year at the same time, at the end of November, we were at 28%. So we were five points up from last year. It's difficult to attribute that increase to any one particular factor. I'm only happy to report that we are 5% higher than we were last year at least at the end of November.

Now, keep in mind that the deadline of December 10 is just a few days away and the closer you get to the tenth of December the heavier the collection rate. So if I was reporting to you next week, let's say, after the tenth, I would probably be reporting, I would say anywhere from three to four million dollars more than I am at this time. The mortgage companies, escrows, savings and loans, banks, any type of escrow that is paying on a taxpayer for obvious reasons, they wait until the midnight hour. They wait to the very end to pay because they hold on to the money as long as they can. They invest the money of

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course, and they don't invest monthly or even weekly like is a general practice, they invest by the hour. They are gaining interest on large sums of money by the hour, actually. So I would say that on December 9, even at the very late hour we will receive considerable amounts of money, particularly from Transamerica Tax Service and by First American Real Estate Tax Service, who are probably the two largest tax services and do escrowing for 755 of all savings and loans, banks, credit unions and banks across the country.

I don't know what more to report to you other than the fact that from the money that we have received, which is to date, is about \$20 million, \$19,786,000 to be exact, we have already invested \$10 million of that. It's already been sent to our brokers on a very short term. Very, very short term, shorter than even 30 days, because, keep in mind, that this money that we're receiving one month, the next month we just turn around and distribute it back out. And as you well know that the lion's share of our taxes is going to education. It goes to the public schools, it goes to the community college, so out of that \$19 million, probably I would say close to over \$10 million, probably closer to \$12 million will go right out immediately.

But as long as we can keep it, because we do our distributions somewhere between the 15th and the 20th of the month, we too, like the escrow companies, we'll hold on to that money as long as we can. And as long as we have it we try to get a good yield on that money. That reminds me by the way that we are meeting with our finance director, with Donna Gary, as a matter of fact tomorrow morning, we have an appointment with her to meet on the investment policy. We're taking a real good look on the investment policy and something that hopefully, the County Commission, you gentlemen will be comfortable with and that we can both agree upon and agree that we are making the best, wisest investment on our money that we possibly can.

Besides our brokers that we use, of course we do invest still and have for many years now, with the State Treasurer in the overnight investment pool. Although we do not get the rate of return that we get with our own brokers we do keep money with them because it's very liquid. If we invest it one day and we need it the next, we can immediately draw on that pool and get our money back. Gentlemen, that's pretty much the extent of it. We will be collecting when the dust clears in May of next year, at the deadline of May 10 for '98 taxes. We will be collecting about \$52 million, \$51,735,000. So as you can see to date, we've got \$20 million of that \$51 collected, pretty close to \$20 and with the deadline of the tenth growing close in the next few days I'm sure we will be running, I would say anywhere from four to five percent over what we were last year. And we had a good year last year. So we're right on schedule.

You're certainly welcome to come into our office any time you'd like and sit down with Angie or myself and review any of our investments or review any of the collections. I'm sure that from time to time too, you people get calls from the constituency who feel for one reason or another that they have a complaint about their taxes. Kindly forward those on to us, or visit with us personally and if there's any particular concern that you have about

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how things might be progressing with the Treasurer's Office. And with that gentlemen, I close and if you have any questions at this time I'll be happy to answer them for you.

CHAIRMAN TRUJILLO: Are there any questions of Felipe? Thank you very much.

MR. WOLF: Mr. Chairman, Philip, if I could just ask a quick question. You might have addressed it and I missed it, but of the approximately \$19.8 million that's been collected, how much of that goes into the County's coffers, into our general fund?

MR. TRUJILLO: I think probably operational would be I would say somewhere around, right now, I would say probably around a million and a half, perhaps.

MR. WOLF: Okay. That's it then.

MR. TRUJILLO: Because you figure that from that nineteen, about twelve is going to go to the schools -- to the college. That's going to leave us about seven. And out of that seven, we're going to have the state debt service, we're going to have City, plus our own operational plus the debt service. So I'm just taking a real wild guess here David. It's probably somewhere around a million to a million and a half. If you like, we can meet in the morning and I can give you to a penny what that might -- you're talking about County operational? Not the debt service.

MR. WOLF: Yes, Mr. Chairman, Phillip. Yes, I'm just curious. We've got a total budget of property taxes of \$15.1 million I'm just curious --

MR. TRUJILLO: How much of that will --

MR. WOLF: Yes, and that will help us project how we're going to meet our budget estimates on the property taxes which is a significant component of the general fund.

MR. TRUJILLO: I could have prepared that. I don't have that right at my fingertips here. As a matter of fact I could probably go back to my office now and try and calculate that for you and bring that back to you or if you like, we can meet in the morning. Whatever.

CHAIRMAN TRUJILLO: If you can get that information to David, that will suffice. Commissioner Grifé has a question. Are you done, David?

MR. WOLF: Yes.

COMMISSIONER GRIÑÉ: Of the distribution that was over-distributed last year. Those funds, I understand would be collected on this cycle and also on the May cycle on a 50% rate. Now those funds, where do they end up at, which was almost close to \$2.4 million or something like that.

MR. TRUJILLO: They come back, and they're coming back to us from the public schools and the community college only. The others were already taken care of. All the other over-distribution was settled. The City settled theirs and all the other entities: Pojoaque schools, Española schools, all those got taken care of. As the schools and the college pay, this goes right back in and goes directly to the appropriate line item where those belong. Some of that does go back into the County. It's being accounted for, like you said,

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in this cycle. It's being applied to the appropriate place where they should have been in the first place.

CHAIRMAN TRUJILLO: Any other questions of Felipe? Thank you, Felipe.

MR. TRUJILLO: You're welcome. Thank you, gentlemen. And David, we'll meet in the morning or I'll have this information for you and take it right up to your office.

VII. B. MATTERS FROM THE COUNTY MANAGER

- 1. Request authorization to amend the operating agreement with Cornell Corrections, Inc. for the Santa Fe County Adult Detention Facility**

MR. WOLF: Thank you, Mr. Chairman. The first item, we're requesting that certain amendments be made to the operating agreement with Cornell Corrections for the adult facility. That agreement was approved by the Commission just recently. However, we had to then send that agreement to the Attorney General's Office for their review. They've suggested -- well, they've asked that we make some minor changes to that contract. Those changes have been worked out with Cornell Corrections, and now we come before the Commission for the Commission to approve those changes to meet the Attorney General's requests. I'd be happy to go through those amendments with you if you'd like. There's no financial impact to them on behalf of the County.

CHAIRMAN TRUJILLO: I think we already went over those the last time and we understand what the changes are that need to be incorporated. So thank you.

Commissioner Griñé moved to approve the amended agreement with Cornell on the Adult Detention Facility. Commissioner Duran seconded and the motion passed by unanimous voice vote.

- VII. B. 2. Request authorization to enter into an operating agreement with Cornell Corrections, Inc., to operate the Santa Fe County Youth Development Program**

MR. WOLF: Mr. Chairman, there's one more item. This item is we request that you approve the operating agreement between Santa Fe County and Cornell Corrections to provide for the operations of our juvenile facility. The major terms of the agreement were worked out in a letter agreement between the County and Cornell Corrections back in August and those terms and conditions were approved by the Commission. Since that time we have

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now incorporated, we have now executed an agreement between staff and Cornell Corrections to bring to the Commission for approval. The significant issues of the contract, the major components of the contract are very similar to the operating agreement and they already include the changes that were requested by the Attorney General's Office.

But the major component that we've agreed to with Cornell Corrections and we're asking for your approval on, is Cornell Corrections will pay \$300,000 a year rent on that facility to the County, and we've agreed to pay \$100 per juvenile that the County houses in that facility. I think of the whole agreement, that's a major component that I want to make sure that you're aware of. And the rent is off-set, the rent that Cornell pays us on a monthly basis is off-set against the amount that we owe Cornell that we owe Cornell for taking care of our juveniles is the way we net it out and we pay anything over and above what the rent would amount to.

CHAIRMAN TRUJILLO: Are there any questions of David? If not, what is the desire of the Commission?

Commissioner Duran moved to approve the agreement on the juvenile detention center. Commissioner Grinë seconded and the motion passed by unanimous voice vote.

VII. MATTERS OF PUBLIC CONCERN - NON-ACTION ITEMS

CHAIRMAN TRUJILLO: Is there anybody from the public that would like to address the Commission? Let's try and keep it as brief as possible. Get to the issue and we'll consider it.

FONDA OSBORN: My name is Fonda Osborn and I work at St Vincent Hospital and I understand that a meeting will be set on the hearings that we'll be having on St. Vincents in January, a date will be set tonight. So I hope that's a situation. I have some petitions from community members of about 140 signatures basically applauding the County Commission for holding hearings to discuss the financial situation of St. Vincents as well as the quality of care. And who would I give these to?

COMMISSIONER DURAN: Mr. Chairman, I had heard from Commissioner Gonzales and he was hoping that when we got to Matters from the Commission, maybe we can just do it now, that we find some dates in January that we can reschedule these meetings concerning the health care issues.

CHAIRMAN TRUJILLO: I'm available pretty much any time in January.

COMMISSIONER GRINÉ: Mondays. I would suggest any Monday.

MR. WOLF: Mr. Chairman, Commissioners, just so you're aware, Chris Rael with St. Vincents called this morning and he asked if the Commission would consider possibly the 11th of January for the meeting, and the 25th I believe, and I don't know what your schedules are like.

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COMMISSIONER GRINÉ: Eleventh and twenty-fifth, those are Mondays.
Is that okay with you, Paul?

COMMISSIONER DURAN: I don't even have a calendar, so sure.

MR. WOLF: Those are both Mondays.

COMMISSIONER DURAN: Those are both Mondays. At what time?

MR. WOLF: The 18th is a holiday, so the 11th and the 25th are both Mondays.

COMMISSIONER DURAN: What time?

MR. WOLF: I didn't have a discussion about the time. I don't know what would work best for you guys.

CHAIRMAN TRUJILLO: Six o'clock?

COMMISSIONER DURAN: So what were those dates, David?

MR. WOLF: The 11th and the 25th.

CHAIRMAN TRUJILLO: Anybody else that wants to address the Commission from the public?

VII. D. MATTERS FROM THE COMMISSION

1. Status on PNM issues

MR. WOLF: Mr. Chairman, Commissioners, I can give you a brief update on PNM. We found out yesterday that they were beginning to -- last week they were constructing on Indian land. This week they began to construct on public land. Denice, our County Attorney, drafted a temporary restraining order and obtained that this afternoon at about 3:30 or 4:00 and I think that has been now submitted to PNM. That's basically where we stand. I don't know if Rudy has anything to add to that, or --

COMMISSIONER DURAN: Mr. Chairman, I had heard that PNM over the weekend when all of us weren't working, went out there and started erecting their powerlines or the poles. So was the TRO signed by a judge today?

MR. WOLF: Yes, Mr. Chairman, Commissioner Duran, it was signed by Judge Encinias.

COMMISSIONER DURAN: And what happens now? PNM gets served the TRO? You want to wait until Denice comes in? If you could just give us a break-down on how that TRO works and how that's going to prevent them from going forward.

DENICE BROWN (County Attorney): Mr. Chairman, Commissioners, we presented an application for a temporary restraining order this afternoon. It was heard by Judge Encinias. He granted the temporary restraining order. It basically requires PNM to halt any work out there on this construction line that's on state, federal, private land. The temporary restraining order can only last for ten days. We are set for hearing on the 16th at 1:30 before Judge Encinias at which time he will decide to either continue the restraining

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order as a preliminary or permanent injunction or quash the restraining order. There's also a possibility that PNM could come in and challenge the TRO within the next eight days, I think that is. Some time before the 16th. They could file a motion asking that it be quashed, in which case we'll be in court sooner.

COMMISSIONER DURAN: We would be in court sooner?

MS. BROWN: Right, if they file a motion to quash the TRO.

COMMISSIONER DURAN: And if they quash the TRO, is it a dead issue then?

MS. BROWN: Well, it's not, because we also filed a complaint at the same time we filed the request for the temporary restraining order. So we have a lawsuit, basically, pending against PNM requesting injunctive relief and declaratory judgement asking the court to declare that the ordinance is a lawful ordinance and that it applies to PNM's activities. And then the injunction of course is asking the court to permanently enjoin them from moving forward, working on the transmission line until they get a development permit from Santa Fe County.

COMMISSIONER DURAN: So how far can we take this if a judge quashes the temporary restraining order?

MS. BROWN: Then we would pursue the litigation and the complaint that we filed and I simultaneously filed a motion for an expedited hearing on the -- let me back up. I also filed at the same time as I filed the complaint, a motion for a preliminary and permanent injunction. This gets a little bit confusing but we basically decided to cover all of our bases and go both routes in the event that the TRO wasn't granted, that we would have a lawsuit on file, and a request for injunctive relief, and a request for an expedited hearing on that motion. So should we lose on the TRO, should it be quashed in the meantime or should it not be extended into a permanent injunction on the 16th, we will pursue the litigation and ask for a hearing on the motion for an injunction.

COMMISSIONER DURAN: And no construction can take place during this period of time?

MS. BROWN: Right. Unless they come in and get the TRO quashed, there shouldn't be any construction until the judge makes a decision on the 16th.

COMMISSIONER DURAN: And after the 16th. I guess I'm still not clear, after the 16th, if the judge rules against us --

MS. BROWN: The TRO will be quashed and it won't be in existence anymore so they won't be restrained.

COMMISSIONER DURAN: And what other remedy do we have to prevent them from -- can we not appeal that judge's decision?

MS. BROWN: Can we appeal his decision to quash a TRO? I actually don't know the answer to that. I'd have to look into that. I don't know.

CHAIRMAN TRUJILLO: The essence of the TRO is so that PNM comes to the County to get a permit, right?

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MS. BROWN: Actually the essence is that until the judge has a full-blown hearing on this, they have to stop doing what they're doing. It's sort of a stop-gap measure, if you will, until the judge can have a full-blown hearing on it on the 16th. So they are not permitted to do any work out there at all. They could, however, come into the County and start going through the permit process. But that TRO will still be in effect until the judge makes his ruling on it. Until he agrees to lift it.

CHAIRMAN TRUJILLO: What we're asking for is for them to get a permit, for PNM to get a permit to construct the lines.

MS. BROWN: That's correct.

COMMISSIONER DURAN: So, excuse me, Mr. Chairman. So Denise, a full-blown hearing where all the issues come out would be done on the 16th?

MS. BROWN: That's correct.

COMMISSIONER DURAN: The judge will review all the arguments for having them come to the County for a building permit.

MS. BROWN: Exactly.

COMMISSIONER DURAN: And their arguments for not having to come before us.

MS. BROWN: Exactly. Right.

CHAIRMAN TRUJILLO: Based on the emergency ordinance.

MS. BROWN: Exactly. Yes. Correct.

CHAIRMAN TRUJILLO: Okay. Thank you.

VII. D. 2. Resolution No. 1998-137. A resolution recommending that Los Alamos National Laboratory continue to promote initiatives that benefit northern New Mexico

CHAIRMAN TRUJILLO: Essentially, what this resolution is asking the laboratory to do is to reinforce their commitment for the initiatives started under Tom Garcia for the LANL Foundation, community development, educational outreach, economic development, the -- diversity and that the national laboratory continue to partner with surrounding areas and local communities in all of the areas. The position for Tom Garcia's vacancy is going to be advertised and this resolution asks that the laboratory be sensitive in attracting and retaining a qualified person that is sensitive to the needs of northern New Mexico and the surrounding areas and to partner with local communities. So I need a motion on the resolution.

Commissioner Duran move to approve Resolution No. 1998-137. Commissioner Griñé seconded and the motion passed by unanimous voice vote.

COMMISSIONER DURAN: Mr. Chairman, I have a couple items from Matters from the Commission. With Frijoles Village and La Mirada more than likely getting approval from the City Council to extend water to them, we're going to be receiving the water rights that we have allocated to those projects. I would like to ask this Commission to direct staff to work on creating a water policy whereby we would have some criteria to follow so that we can distribute those water rights based on our water policy, our water ordinance that we're going to adopt and the vision that we have. So with your permission, I'd like to get some consensus that staff is hereby directed to create a water policy on the water rights.

CHAIRMAN TRUJILLO: Do you understand the direction?

COMMISSIONER GRINÉ: Is there a motion?

COMMISSIONER DURAN: I don't think it's a motion, more than just a direction.

MR. WOLF: Mr. Chairman, Commissioner Duran, I think that's appropriate. We may have some water now that we would be able to commit and an allocation policy is definitely appropriate for staff to prepare and bring to the Commission for their consideration.

COMMISSIONER DURAN: Because right now we don't have a policy at all. A project comes up, makes application and there's really no set of parameters that they need to follow to get the water rights. Is that correct?

MR. WOLF: Mr. Chairman, Commissioner Duran, that's correct. And Jack Frost was just telling me that staff has started to recognize the importance of this and they've started to work on that. I think we just need to make sure that we need to get working and bring that back to you fairly soon, if that's the direction.

COMMISSIONER GRINÉ: Mr. Chairman, I think that I would say that most of these water rights that Commissioner Duran is -- we know we allocated more rights than what we had available, acre-feet. And I would say the majority of these acre-feet are pretty much going to take care of the overdistribution of these acre-feet.

COMMISSIONER DURAN: I think if that's the case, that's fine, but I still think we need some kind of policy if we're successful in getting water rights transferred to a point of diversion and we're able to allocate more water rights through the wheeling agreement with the City so it's just not a hit and miss thing. That the projects actually fit within our vision with the water ordinance that we're going to adopt.

CHAIRMAN TRUJILLO: Are you saying, Commissioner Duran, paper water rights need to be attached to real water. Because the County might have copious paper water rights and there's not the water there to sustain or satisfy the water rights that Santa Fe County confers.

COMMISSIONER DURAN: Actually, what I was trying to get to was, let's say we have 100 acre-feet left, or 50 acre-feet left, I'm just trying to figure out a way of how we would distribute those water rights and if a project came in asking for the right to

hook up to our water system, would that project meet the criteria that we need or that we would establish to allow them to hook up to our system. So I'm just trying to find a way of ensuring that the water rights aren't given away on a political basis, that there really is some need and some criteria that one needs to follow.

MR. WOLF: I think, Mr. Chairman, maybe to follow up and give you an example, we have a wheeling agreement with the City for 500 acre-feet of water. We've committed 50 acre-feet of water to Frijoles Village. If their development gets -- if the support by the City Council to supply that project with water, that will free up some water then that we've allocated. I think what Commissioner Duran is asking for is that we establish some guidelines and a policy statement for the Commission to consider that then would determine how we would allocate those remaining water rights in the future if they're freed up.

COMMISSIONER DURAN: This might be a moot point because we may need all the water rights we have left for our economic park. But if we are successful in getting more water rights allocated through our wheeling agreement it would be nice to have something in place that would give us some guidance on how we would approve a project that requests to be hooked up to our system. Using our water rights, but using the ones that we have.

CHAIRMAN TRUJILLO: Okay. Do you understand the direction?

MR. WOLF: Yes, Mr. Chairman.

CHAIRMAN TRUJILLO: I'd just like to announce that the La Cienega moratorium ordinance has been tabled. So if anyone's waiting for that, that will be tabled until the next meeting.

COMMISSIONER DURAN: And Mr. Chairman, just one last thing. The MIS department has brought us a non-paper agenda and I'm playing with it tonight. But I was wondering if I could ask the recorder to somehow get the minutes so that they were, so that you could incorporate them into this format and also even have them available on the web. I think that's pretty easy. You just need to talk to MIS and I think that the format that you're using right now would work. We're in the process right now of getting our webpage up to acceptable standards and one of the things that I'd like to see is that the agenda is on the web and old minutes so if the public or if any of us wanted to access it from the Internet we could do so and actually keep track of what's going on.

CHAIRMAN TRUJILLO: Any other Matters from the Commission? Do we need to go to executive session, or can we wait until after the public hearings? What does the Commission prefer? Okay, so we'll do executive session after the public hearing.

MR. WOLF: And actually, Mr. Chairman, I don't think we have any items that we need to discuss during executive session.

CHAIRMAN TRUJILLO: Okay. Very good.

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VIII. PUBLIC HEARINGS

A. Preliminary hearing on certain road and water system improvements and proposed improvement district property tax within the proposed Santa Fe County Rancho Viejo Improvement District

ROBERT STRUMOR (Bond Counsel): Mr. Chairman, members of the Commission, my name is Robert Strumor and I'm serving as bond counsel with regards to the proposed improvement district. The item for tonight is a preliminary hearing which has been noticed by publication according to the County Improvement District Act, and the purpose of the hearing is to permit members of the public to attend and comment or object to any portion of the district or the creation of the district and that is the purpose of the meeting tonight. It is not an action item, but for the purposes of the agenda item it would be appropriate for the Commission to formally open the preliminary hearing pursuant to the resolution that was adopted on October 27. I don't remember the number. It was 90, I believe, but I'm not sure. It was an amendment amending and restating Resolution No. 1998-90, relating to the proposed Santa Fe County Rancho Viejo, New Mexico Improvement District, accepting plans, rather estimates of cost and a plat and directing a hearing, so now is the time for the members of the public to comment.

CHAIRMAN TRUJILLO: Do we have any input from the public on this issue?

BOB TAUNTON: Mr. Chairman, members of the Commission, I'm Bob Taunton. I'm vice president of Rancho Viejo and I'd just like to express our support for the improvement district. We are the primary property owner within the district and believe that this is going to be a huge benefit to the future residents in Rancho Viejo.

CHAIRMAN TRUJILLO: Thank you, Bob. Any other public input on this issue? This is a non-action item.

MR. STRUMOR: Mr. Chairman, if there are no comments from members of the public and the Commission has received no written comments, it would be appropriate then to close the hearing, noting for the record that there was a comment made by the representatives of the Rancho Viejo District and that the Commission received no other oral presentation or written comment.

CHAIRMAN TRUJILLO: That will be part of the record.

MR. STRUMOR: Right. Thank you.

COMMISSIONER DURAN: Mr. Chairman, Bob, I have a question for Bob Taunton. Bob, are you the main person that's going to be affected by this assessment.

MR. TAUNTON: Mr. Chairman, Commissioner Duran, the district involves all of the property that is owned by Rancho Viejo de Santa Fe, so we will bear the primary burden of the debt service on the bonds until such time as there enough taxable evaluation from the sale or development of improved properties in Rancho Viejo.

COMMISSIONER DURAN: And that gets disclosed to anyone buying --

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MR. TAUNTON: That's correct. We have actually closed on two lots, so of the 2500 acres that we own, there's an acre and a half that's owned by two other people. And there's specific disclosure in our sales contract that deals with this. It's been reviewed by Mr. Strumor and by our council and actually, the people that have purchased those lots, one is an employee of the company and the other is the daughter of an employee. So they were very well informed about the prospect of the improvement district. And I might say, that in all of the folks that we're speaking to, we have several contracts, there has been no concern on the part of the public.

COMMISSIONER DURAN: What does that assessment turn out to be on a monthly basis?

MR. TAUNTON: Well, it's based on a taxable evaluation, and we're setting the maximum at \$10 per \$1000 of taxable evaluation. Now we haven't actually set the rate. That will be done in the ordinance, but it's a maximum of \$10.

COMMISSIONER DURAN: Per thousand?

MR. TAUNTON: Per thousand, yes.

COMMISSIONER DURAN: So if I bought a \$125,000 house it would be --

MR. TAUNTON: Well, the evaluation is one third of that. And then you divide by 1000, then times \$10.

COMMISSIONER DURAN: So do the math for me.

MR. TAUNTON: Thank you. There must be someone with a calculator. Here's \$100,000, so the taxable evaluation would be say \$33,000.

COMMISSIONER GRINÉ: It would be about \$4000?

MR. TAUNTON: Yes.

COMMISSIONER DURAN: And that is stretched out over how long?

MR. TAUNTON: The bonds are payable over twenty years.

COMMISSIONER DURAN: So you can amortize that \$4000 over twenty years?

MR. TAUNTON: So the payment would be on the County tax bill as a specific tax from the district. And the bonds are payable over twenty years. So this is a payment that they make through their regular property tax impound accounts if they have a mortgage.

COMMISSIONER DURAN: So on a monthly basis, can you tell me how much that would be?

MR. TAUNTON: If you give me a minute I can work it out.

COMMISSIONER DURAN: Just ballpark would be fine.

MR. TAUNTON: It's in the order of \$30 a month, that sort of thing.

COMMISSIONER DURAN: For the twenty years?

MR. TAUNTON: It's the twenty years -- the tax rate could vary during that twenty year period. It all depends on the taxable evaluation and how that meets the debt service on the bonds. For example, if we have some commercial development, which we

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plan to within the village. That would have a much higher taxable valuation for property tax purposes and that would help to generate annual cash flow that would reduce then the tax rate to meet the annual debt service.

COMMISSIONER DURAN: Thank you for the lesson, Bonds 101.

MR. STRUMOR: Mr. Chairman, members of the Commission, presuming no other challenges occur in the next thirty days, we are intending to come to the Commission for notices of intent, for a) adopt an election procedures ordinance, which would apply to all improvement districts in the future on how these tax elections would be conducted. It would be modeled after the Arizona model, which has been doing this for about ten years. And the other ordinance would be the specific Rancho Viejo Ordinance, which would essentially set forth, as Mr. Taunton said, the actual maximum amount of bonds, the maximum levy and the details of the bonds. And that would be the authorization and notice to publish. If that occurs in December, then there would be an ordinance adoption scheduled for either late January or early February and hopefully by March the bonds are issued and the improvements are acquired. Thank you.

CHAIRMAN TRUJILLO: Thank you. Any other questions or comments.

VIII. B. Ordinance No. 1998-16. An ordinance establishing provisions for extensions of sewer service; adopting operating and management procedures; setting rates; and establishing design standards for Santa Fe County wastewater utility (second hearing)

DOUGLAS SAYRE: Mr. Chairman, Commissioners, staff and ladies and gentlemen, my name is Douglas Sayre and I'm director of the water and wastewater utilities portion of the Utilities Department. And we come before you again to consider Commission action on this ordinance, which is as you discussed, adoption of an ordinance establishing provisions for extension of sewer service, adopting operating and management procedure, setting rates, setting an area of use, and also establishing design standards for the Santa Fe County wastewater utility.

To provide a little bit of background, I won't try to go over this too much unless there's questions. But the Utilities Department took over operation of the New Mexico State Penitentiary wastewater system in March of 1998. This ordinance will provide guideline to cover the County's provisions for sewage treatment services at this facility and specify rates which will be charged for that service. Presently we treat wastewater from the State Penitentiary, the New Mexico National Guard, and from the new County jail facility. Of course the wastewater facility is in an area that will be feasible to handle additional wastewater treatment from the area east of the prison as well as to the west in the area that's similar to the water service area. What we're trying to do is establish a zone that's similar

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to that to provide wastewater treatment for the area, basically, somewhat south of I-25.

The rates we looked at. Well, let's go back a little bit. The ordinance was prefaced on being guided by the existing ordinance that you have on sewer service, and also the City of Santa Fe so that we basically coincide with sewer provisions similar to the City of Santa Fe so we wouldn't get certain people thinking that they could maybe establish in certain areas and not have to treat wastewater to the provisions that are presently available for sewer service. The rates we've established on the basis of the costs that we think are necessary to operate that facility. Basically the rates for residences would be a minimum rate of \$6.54 for a residence that only discharges less than 2,000 gallons a month. For a discharge of 5,000 gallons a month, the rate would be approximately \$17. And for a discharge of 6,000 gallons per month, the rate would be about \$20.50.

For large volume discharges or large quantity or quality dischargers, the rate would be up around \$837 for say .25 million gallons a month. And for about 1.8 million gallons it would be about 6,000 some dollars a month. We haven't had any significant changes brought to our attention since presentation of this ordinance at the last meeting. Therefore we're recommending to the Commission that you consider adoption of this ordinance for use by the Utilities Department. Thank you.

CHAIRMAN TRUJILLO: Thank you for the concise synopsis. This is the second public hearing. Do we have anyone from the public that wishes to talk to this issue. This is the ordinance adopting operating and management procedures, setting rates, establishing design standards for the Santa Fe County wastewater utility.

Commissioner Duran moved to approve Ordinance No. 1998-16. Commissioner Grinë seconded the motion. Upon roll call vote Commissioner Duran, Commissioner Grinë and Commissioner Trujillo all voted in the affirmative.

MR. SAYRE: Thank you. We appreciate your taking action on this item.

VIII. D. Ordinance No. 1998-___. An ordinance establishing the Santa Fe County Water Resources Management Plan, and adopting policies and guideline for the use, conservation and preservation of water resources with the County (first hearing)

JACK FROST (County Hydrologist): Staff has developed broad goals to follow through on the policy. Goal one relates to planning and land use activities. This ordinance, this proposed ordinance was the number one water-related action item of last December's growth management plan. The intent of this plan is to dovetail with ongoing planning activities, including updating the growth management plan and local community planning. Among the proposed activities, goal one action items describe gathering

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information and building links to communities and public water supply systems.

Goal two connects the County water and wastewater utility to the growth management plan and the County Land Use Department. Goal two sets out necessary accomplishments to build the utility and to serve both existing services areas and flexibly assist more rural communities and rural water users. This policy and its actions items were resolved in staff bringing future requests to the board that may affect budget staffing and planning. This ordinance by itself does not have a specific fiscal impact on the County. Estevan Lopez, Robert Kidd and myself and many other have contributed to writing this ordinance. Thank you.

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

COMMISSIONER DURAN: I have one question, Mr. Chairman. Jack, has there ever been some thought about having a committee within the County to deal with our water issues, one that would be comprised of yourself, say, Mr. Kidd, Estevan and two Commissioners?

MR. FROST: There was a Metropolitan Water Board for the greater Santa Fe City area that existed for many years. It was effectively sunsetted when the City bought Sangre de Cristo Water Company. It consisted of appointed and elected members.

COMMISSIONER DURAN: I was thinking of a committee within the County.

MR. FROST: Within County staff?

COMMISSIONER DURAN: County staff and Commissioners.

MR. FROST: Has there been anything like that? No. I think it's a good idea. Essentially you have a little water team that's comprised of Estevan, Robert and myself and others plugging in and out. We basically in the past have fit in the activities that this policy establishes as a priority. For example, Estevan is right now at a regional water planning meeting in Española. So, I like that idea, Commissioner.

COMMISSIONER DURAN: I just think that as elected officials we probably need to get more involved in water issues that the County's faced with. I'd like to be involved in it a little bit more than I am right now. Maybe we could put something together to bring to the Commission for their consideration, but I think it would be a good idea.

MR. FROST: I think we can do it. I'd be happy to work with you on that.

COMMISSIONER DURAN: That's all. Thank you.

CHAIRMAN TRUJILLO: As you say, Estevan is working or involved with the liquid waste regional meeting tonight and that is the essence of that committee is participation by the communities, irrigation districts, acequias, local Indian Native American community, the whole gamut of the spectrum of the community. It's working very good.

MR. FROST: May I add to that, sir? It's something of a case of lead, follow or get out of the way in water issues in New Mexico today. This plan has an objective that we will be a leader, led by the Commission of course, and by good planning and good thinking that can be drawn from throughout the southwest.

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CHAIRMAN TRUJILLO: Since the beginning we've talked about a comprehensive quantitative, qualitative water plan for Santa Fe County, and like Commissioner Duran is talking, it is imperative that some sort of plan or position be put in place with criteria and everything else. This is a public hearing.

DAVID BACA: Thank you for the opportunity. My name's David Baca. I live here on Agua Fria, 1715 Agua Fria. This water issue, I think the Commissioners here and everyone in this room should understand that the United States Congress, the united City of Santa Fe, their municipality water rights. Okay, I understand that we're still in an adjudication process and I think part of your water policy should include that the legislature, or your representatives from the legislature and US commissioners should address this issue of the City of Santa Fe, because basically, I believe that they are illegally running a water company, because they have no municipality rights under the United States Congress.

There has been a piece of the puzzle for the last -- since 1901 that has never been told to the people of the county. Back in 1901 the United States Congress created this Santa Fe grant and in the process the City of Santa Fe was denied its municipality water rights. We're talking about this Metropolitan Water Board back in 1978. I went to the City Council and proposed the concept or the idea. But in the process you all know very well that Max Coll, the representative from Santa Fe approached the legislature to create a regional water authority and it was cut down by the legislature. They did not approve it.

Now I hear rumors about the County and the City forming some kind of joint powers agreement and they're not addressing that issue. And what has happened over the last -- the adjudication was here in Santa Fe with Santa Fe water bases, started in 1914. And then it was for some reason, the State Engineer went out and did his hydrology study and then they dropped it. They did an incomplete hydrology study. And then in 1970 they started another hydrology study.

So the issue here is one of litigation and adjudication. You talk about quantitative and qualitative water. The County itself and the City have to sit down and say who really owns the water really will superior surface water rights, those paramount water rights that are owned by the acequias and those individuals that have surface water rights, those are the people that have more priority and have more right than the City or the County. And I could spend hours talking historically what happened in the development of water, water issues of Santa Fe, but the main issue is that in order for you and the City to create some kind of regional water system, the United States Congress and the state of New Mexico have to create some kind of municipality water right or create this regional authority, which they haven't.

Now as a board, as Commissioners, you need to take the leadership and force the government some way or another to finalize the adjudication of waters in this whole basin, in Santa Fe, the Anaya, the Aamodt, Galisteo Basin and the other areas. And if that is not quantitatively done and then the rules are set where x-amount of water belongs to x-person or x-entity, there's no real water policy because what we're doing now is having a fallacious,

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false water policy because it's not based on true law and it's not going according to the letter of the law. Nobody wants to address this. Nobody wants to address this primary issue. I as a Santafean have lived here all my life. I've seen the acequias here disappear and they're starting to disappear in La Cienega and in other areas. What's going to happen? This adjudication is never finalized and there is not a quantitative result in who really owns the water. My understanding is the County in itself, if it's found that the City has no municipality water rights, the City's going to have to do like they did in Tierra Contenta, create some kind of non-profit board and hand over this water company to a non-profit board. So here we're going to have another private utility company.

Back in 1924 there was a major drought in this town. And there was a company here called Santa Fe Produce. And they reorganized and renamed themselves New Mexico Products. Back in 1924 there was a major drought and for four of five years there was no water. It was really a bad drought. Well, this company who in turn filed a suit against PNM and the City of Santa Fe for damages and impairment to their rights. It started off in District Court. It went all the way to the New Mexico Supreme Court and the ruling in the process the City of Santa Fe was thrown out of the suit because they had no municipality water rights. This individual named Kenny who was the owner of the New Mexico Products Company won a judgement for \$33,000 for impairment and damages by PNM and that specifically states that the City of Santa Fe is without pueblo rights, without the rights from the King Estate.

I'm not going to get all those details but your lawyers, your water county managers and all those people that sit down and address these issues. Because what we're doing is we're creating a false water company. Because when the final adjudication does come down and the Watermaster from the United States Congress comes down and hits the gavel, what we're doing is we're creating this quagmire, this nightmare. There's still the issue you talked about the Native Americans, I think it was the Cochiti Pueblo that has some rights on the Santa Fe River, and yet they haven't filed their priority rights on the Santa Fe River. And since they have indigenous pueblo rights, their rights have to be adjudicated first. So all these issues have to be cleared out, the legal aspects of this water policy.

It's just not a matter of you and I and the County and everybody getting together and saying let's form this and make it, let's make it something that is just and right according to the law. That's all I have to say. I hope this County -- it's a tough issue. I just came here as a concerned citizen, a person whose family owns water rights here in Santa Fe and I'm not against anyone living or making a living in this town or in this county. But part of the problems that we've had with water and water development is that there's no guidelines like you were talking. There's no real management of -- the issue here is if you control the water, you control the growth. And people aren't going to let you control their water and the way the law is set up the state and only the courts of the state of New Mexico have the right to adjudicate and litigate water. That's all I have to say.

CHAIRMAN TRUJILLO: I have a question for Jack. Jack, is the intent of

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the ordinance to do what this gentleman is talking about, to adjudicate water. I understand that the Aamodt Case has been going on for over 30 years, that's something that I don't think this entity can control. Is that the intent of the County water plan?

MR. FROST: It's our intent to work within the existing system and the point that Mr. Baca makes which is quite true is we have to live with the equities, the rights of people within the system and balance those against the wet water. We, the County at this time does not possess water rights that are involved in these issues, but it could at some point in time.

MR. BACA: Can I just -- just historically, I want to fill in a little bit about this issue with the 1901 because the United States Congress established the Santa Fe Grant and in the process of establishing the grant the reason they rejected these pueblo rights and this municipality right is because they deemed that the title of the City of Santa Fe was imperfect. In other words, the City of Santa Fe did not have the actual document from the king of Spain, the landgrant. And the City claimed it was burned in the pueblo revolt. Well, the United States Congress in turn proved that because -- they even used the law from the Leyes de las Indias, the laws created by the king of Spain. And there is an article or section there in the Leyes de las Indias that says even though a city has all the trappings of a pueblo, it has the mayor, the council, the judges and everything, if it has no deed, actual title from the king of Spain, it's regarded a renegade pueblo and without merit.

It was also recognized as a municipality under Mexican rule and you know when Kearny came here, General Kearny, he incorporated the City of Santa Fe as a municipality under United States law. And he in turn recognized the power that pueblo landgrants had. The word they use is ayuntamiento. And what that is that the city -- there's a case study that has been done by Malcolm Ebright. It's called Water Priority Study that you can go get from the State Engineer's Office and he talks about these issues. Kearny made the City of Santa Fe a viable community that was able to adjudicate water issues within the city of Santa Fe, within the landgrant. But what happened is that the City of Santa Fe in 1852 unincorporated. What does this -- I'm trying to address the issue for the County here, when the City did that they abrogated the rights to adjudicate the water in the canyon for the use of the city and they County took over the rights. Okay?

So the first water utility company was given rights by the County. It was called Santa Fe Water Works. It was a company out of New Jersey back in 1871. But they were given only the right to 25 acre-feet with a condition that they could not impair or damage prior existing water rights. Those are the acequia rights. And the same thing holds -- the City then later on incorporated in 1901. Well, actually they incorporated in 1891, but for some reason they were unincorporated and found not to be a legal corporation.

And that's where Thomas V. Catron and an associate of his of the name of Pool in 1895 applied to the Spanish titles and private land claims court in Congress for the pueblo rights for the City of Santa Fe, which were rejected.

CHAIRMAN TRUJILLO: Mr. Baca, I'd like to sit down with you and

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understand the historical aspect.

MR. BACA: I'd just like to tell your attorney here that these are law cases that he can go down to the New Mexico Supreme Court and get. They are record of law. Somebody has to take a leadership and I think the County has that power to do that. That's all I have to say.

CHAIRMAN TRUJILLO: Thank you, sir. Anybody else want to talk to this ordinance?

REBECCA FRANKEL: My name is Rebecca Frankel. I am here speaking on behalf of the League of Women Voters of Santa Fe County. For 35 years, the League of Women Voters has been studying and speaking out with regard to water policy. This includes not only the local leagues in Santa Fe, but leagues throughout the United States. Only last year, the League of Women Voters of the United States hosted regional workshops for water policy makers and planners. One of those was a closed-circuit workshop in Santa Fe for the southwestern region.

Members of the League of Women Voters of Santa Fe County have been studying and following water issues in the Santa Fe area for 30 years. We currently have members serving on the City-County water conservation committee, and the newly organized Jemez y Sangre Water Planning Council, which you've mentioned, Mr. Trujillo. Today Mr. Frost, the County Hydrologist has presented you with a draft a proposed County water resources management plan. The League congratulates you and your staff for recognizing the importance of addressing this issue. Many citizens, including many of our members, their children and grandchildren who live in the county, are concerned about water resources and the need to protect and conserve them.

Last month, a citizen from the southern part of the county presented you with a comprehensive view of the problems in the south county area. We support your plans to cooperate with other governing bodies in the county and to develop renewable resources to meet the increasing demand. We too are concerned about the public health, safety and welfare for our region and for those downstream from Santa Fe. All of us are dependent on a safe and sustainable supply of water. The proposed ordinance contains several positions which are supported by the League. It recognizes the importance of considering future land use and development within the limits of water availability. Conservation and protection of watersheds and groundwater sources, provision for conservation and the monitoring of water use throughout the county, assisting localities to assure a safe water supply for their citizens, cooperation with and between community water systems and the County.

At this time, we are not commenting on the future development of the County water utility. The League supports cooperation with other entities in our region and wants to study the details of any proposed expansion. We believe a Santa Fe County Resources Management Plan deserves support and we urge you to provide funding and staff support for a detailed study and implementing proposal. The day will come when water is no longer a right, but a privilege. Thank you for your attention.

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CHAIRMAN TRUJILLO: Thank you.

RITA HORTON: Commissioner Trujillo, my own Joe Griñé and Commissioner Duran, you all know me and I've spoken often about water. In 1986, I met with Steve Reynolds to see how we could create an entity from which we could money to study the Estancia Basin in southern Santa Fe and Tarrant County. He said create a water board, which had to be in Estancia. I have here the regional water plan. It is the studies of others but it's insufficient for us. Your plan to protect watersheds, groundwater sources - definitely. No more construction of homes in arroyos. Fire protection. The fire department should have access to any and all fire plugs close to a fire. Establish and foster communications with and between community water systems throughout the county, which does not mean that you're going to take the water rights. Fund regional water level and quality monitoring. I believe that every large production well should have that water monitoring equipment hanging in it.

They say, Oh, no. Put it to the side. We don't want it in the big irrigation wells. Forget it. It can go down that well hole the same as anything else. I have a one-inch line strapped to a turbine. I know what's happening. I've known for years what's happening. We need your help in a regional water resource management plan. We have tri-county, Bernalillo, Tarrant and Santa Fe County. We need for each county to establish where their water is coming from, how much, what they have to work with and not be writing checks on a red-hot bank statement, which is what we're doing right now. I thank you.

I see no place here -- there's one word which says allocate water, both surface and groundwater. You can help us plan. We need help. More than that, we need funding for the Estancia Basin study. IN 1996, Gary King carried a bill for me to both houses. It passed both houses. I was requesting \$69,000 for data loggers to go all over the basin. Those cones of depression are frightening. We've got to know what's happening. And our latest documentation is 1989. It was worked on by Robert White from the State Engineers and USGS. I think he's USGS. It was very revealing of the fact that we need more documentation in that valley. Thank you.

CHAIRMAN TRUJILLO: Thank you, Ms. Horton.

RICHARD CHENAULT: Mr. Chairman, Commissioners, my name is Richard Chenault. I'm the chairman of the Eldorado Area Water and Sanitation District, a local government body representing the Eldorado area, about 2200 water users in the area. I'm here informally, if you will. We have not as a board taken an official position on this proposed ordinance. We have, however, discussed it at our last monthly meeting in November so I can offer some informal comments regarding it.

First of all, I think everybody recognizes that we do have a current and a pending water problem in Eldorado, particularly under drought conditions. So we are extremely interested in solving the problems in that area and I've undertaken some long-term studies and we have a long-term strategic plan. A major portion of that plan is to expand our water resources and to try to use some access to surface water because we have limited

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groundwater in our area as you well know. To a large extent, we've been participating in all the regional water planning activities that we can. In fact the reason that I'm here and the other two board members are not is that they were at the regional water planning meeting this afternoon.

We would like very much to continue to do those kinds of things because we believe we've got to do that to coordinate things and to get some progress and save us all from some of the long range productions that could really put us in big trouble. We have looked at the draft policy, ordinance and we would like to throw our support behind it in the sense that we really believe that the County currently lacks a coherent policy, needs a coherent policy, and this is certainly a good start. I can't say that we would stand up for every word right now, but we would certainly like to participate in the development of this thing to where it could be a meaningful document that would help us all find our way out of the woods. Thank you.

CHAIRMAN TRUJILLO: Thank you.

RICHARD TUTOR: Mr. Chairman, Commissioners, my name is Richard Tutor with the Edgewood -- water district. I live in the southern part of the county and I'd like to thank you for this ordinance and thank you for what you've done for us already. Entramosa water rights comes first to mind. The Estancia Basin water planning committee - your support on that is much appreciated. Designating Santa Fe County's portion in the Estancia Basin as a special groundwater management area is much appreciated. Encouraging watershed protection areas in this document, thank you.

We have almost 400 acres, our water conservation district of conservation watershed property and we're working to build more and this is a step in the right direction.

CHAIRMAN TRUJILLO: Thank you.

ROBERT ROMERO: Good evening. I had a few points I'd like to speak upon regarding this plan. I think it needs some work. Generally in the wording, I see a lot of things regarding the community planning process and I think this draft, it needs some work on it as our draft of our community plan does. It kind of raises the question as to how successful this plan will be if our community plan is put into place and if it is set forth to work with the community as such.

Right here on item, on the goals, number two in item four, Create an allocation policy to prioritize the allocation of water to private and County-sponsored developments. I think the wording needs to be added in here to recognize the priorities. As the gentleman who first spoke up here before mentioned something about priorities, La Cienega, the acequias in La Cienega do have priority. The majority of developments and residents north of them. I don't think this has been taken into considerations as well as the residents and acequia members would like it to be. I think the wording in here should include the recognition of those priority rights that date back to the early 1700's and help better protect those rights as well. We shouldn't be having to rely on supplemental wells and wastewater to be put into our acequias to accommodate that.

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If you think about it, the first real rural water utility in this area was the acequias. The acequias not only provide for water for irrigation, they provided for water for livestock and agriculture of that sort. And I just read an article in the *Journal* of a small community, San Antonio which is located down by Edgewood where they're still utilizing that water for domestic purposes off of the acequia, and as a child growing up I caught the very end of that where my grandmother still utilized that water on the acequia for the same purposes and I don't foresee anybody in La Cienega taking a sip out of the ditch at this point in time.

I'm neither opposed nor supporting this at this point in time. I think it is an admirable effort on the County's part to move forward on such a plan, but I think it's contingent upon the community planning and how much involvement and how successful that is. It also stresses the need for this type of community planning.

Also, in light of priority, there's several developers already in the Santa Fe area already that have been charged with over-usage. It says here on number five, anticipate and acquire sufficient water rights, production and infrastructure to provide for all needs of planned growth, concentrating on renewable sources of supply. That would in effect be the ideal situation, but in regard, I kind of heard Mr. Duran speak of Frijoles Village and La Bajada earlier today in this session. I think we need to concentrate on those individual developers who are already over-pumping and already in trouble and supply them with water. They should be priority to the County water system.

My experience has been that the County water system is being driven by development for the infrastructure when it was initially planned to provide for communities such as La Cienega which were in need of such a supply. And it seems to be concentrated around increased development. Although I'm not against development. I'd like to state that also. I feel there is a need for positive growth in the Santa Fe area to provide for jobs and provide for the people of the community as well. We need to stress our priorities and get them straight before we finalize this draft. That's about all I've got to say on this matter. Thank you.

CHAIRMAN TRUJILLO: Thank you, Mr. Romero.

PHILIPPE REGISTER: My name is Philippe Register. I'm an architect here in Santa Fe and I'm not sure that this ordinance is exactly the place for this but I simply wanted to emphasize that I think it would be a wonderful thing if new construction, new county public buildings that have flat roofs, which most of them have, can have internal drains and can save the water and put them in cisterns which can be used for either drinking water or fire protection or irrigation purposes. I think this would go along way toward helping the water situation and if something like that could be put in there, I think it would be a good thing, and that's what I wanted to mention. Thank you.

CHAIRMAN TRUJILLO: Thank you, sir. Anybody else want to talk to the water ordinance. This is a first hearing. We'll have another hearing on this ordinance.

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VIII. E. Ordinance No. 1998-___. An ordinance amending the Santa Fe County Land Development Code, Article VII, Section 2 "Liquid Waste Disposal" for the purpose of modifying in what case a liquid waste system with nitrate removal is needed, and requiring system testing

ORALYNN GUERRERORTIZ (Subdivision Engineer): Thank you, Commissioner Trujillo, Commissioners. The last time I was before you this proposed ordinance was tabled. Again, it's coming from the CDRC as a recommendation. It has three major issues. One, it says commercial developments that have wastes typical of domestic waste can use a conventional septic system, and does not have to go to an expensive wastewater system. It also says if a nitrate removal system is required, you will have to annual tests to prove it's working properly. It also says that in residential developments when you have inadequate soil of less than four feet, then you need to go ahead and have an advanced nitrate system.

Just for your information, the Environment Department does regulate that issue. In addition, they state if you don't have at least four feet of adequate soils you can't use a conventional system. So it's a question of whether this section of the Code is really necessary because it is regulated by the Environment Department. And you may choose to that removed and leave that in their jurisdiction rather than ours.

CHAIRMAN TRUJILLO: That is the removal of vaulted systems for residential.

MS. GUERRERORTIZ: That's correct and on the second page it's basically everything at the bottom that is bold and underlined, we would just, if you wanted to remove that, you would just ask that section be deleted and then we wouldn't be affecting residential development.

COMMISSIONER DURAN: What section is that?

MS. GUERRERORTIZ: It is on the second page and it's the table itself, 7.1, and it's these three lines here that are bold and underlined. Those are the ones that were raised as an issue at our last meeting.

COMMISSIONER DURAN: Mr. Chairman, Oralynn, why was this tabled at the last meeting?

MS. GUERRERORTIZ: I think that there were concerns raised about the fact that why were we putting an ordinance into effect that the Environment Department already has on the books. And it is an additional expense to the public and is it really necessary? I had discussed it with a couple of Commissioners and I think there is a desire to not over-regulate with regard to these residential developments.

COMMISSIONER DURAN: So has the ordinance been amended to address those concerns?

MS. GUERRERORTIZ: Well, as CDRC recommended three modifications. There's been a suggestion that one of those modifications be dropped. We still allow that

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commercial development with typical domestic waste not have to have advanced systems. They're really not necessary. They've got waste very similar to what we're flushing down our toilet, so they don't need an advanced system. It's very appropriate. But this question about whether or not advanced systems would be necessary in soils of less than four feet, in areas where there are improper soils or poor soils, again, the Environment Department doesn't allow conventional septic systems in areas where you have inadequate soils and do we want to do the same thing that they do or just let them go ahead and regulate that issue?

CHAIRMAN TRUJILLO: This is for commercial development?

MS. GUERRERORTIZ: The commercial development section is on the second page here. The section that affects residential development is here on this first page. You may want to strike that. Again, this is our first public hearing so we won't make any final decisions tonight, but if you want to give direction to staff at this point or just take comments, we can go either way.

CHAIRMAN TRUJILLO: I think what I'd like to do is ask staff right away for staff to take off the residential part of the ordinance.

MS. GUERRERORTIZ: I'm unsure. Do I need a motion for that?

CHAIRMAN TRUJILLO: Or direction. Then when we approve it, we'll approve it with those changes.

MS. GUERRERORTIZ: Okay, sir. I'll make sure that's taken care of.

CHAIRMAN TRUJILLO: Any other questions or comments for Oralynn?

COMMISSIONER DURAN: I just have one question. Are you sure that's the only reason it was tabled? I don't remember.

MS. GUERRERORTIZ: That was the critical issue, sir. The other issue with regards to commercial developments having a reduced standard, I think no one finds objectionable. Where it came up was that cabinetry manufacturing shop that was proposed on 599. I saw it at BCC earlier. Those gentlemen are just going to have coffee pots, a sink and a toilet, and yet they were going to have to have a nitrate removal system that costs about \$8,000. Your normal septic system costs about \$1200, \$1500. It's an unreasonable requirement, frankly, and we think it's appropriate to remove it from our Code.

CHAIRMAN TRUJILLO: Okay. This is a public hearing. Do we have any input on this ordinance, for or against?

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VIII. LAND USE DEPARTMENT ITEMS

1. F. **CDRC Case #V 98-5241. Robert Boissiere Variance.** Robert Boissiere, applicant, requests a variance of Article III, Section 4.1 (location of commercial districts) of the Land Development Code to allow commercial zoning outside of a potential commercial district on his 5-acre piece of property. The property is located east of US Highway 285 in Cuyamungue, within Section 28, Township 19 North, Range 9 East

VICKI LUCERO (Review Specialist): Thank you, Mr. Chairman. On October 29, 1998, the CDRC met and acted on this case. On May 29, 1998, the applicant went before the CDRC to request a similar variance of Article III, Section 4.1 for an adjacent five-acre parcel of land. The CDRC recommended approval of the variance. On June 9, 1998, the BCC met and acted upon this case. Their decision was to grant the variance. Article III, Section 4.1 of the Code states that commercial and industrial non-residential uses are permitted only in zoned districts. Commercial districts are allowed at qualifying intersections and are specifically not allowed to develop as strips along a highway. The size and type of uses allowed in a district are based on the capacity of the roads at the intersection. Mr. Boissiere's property is located in an area where there is no qualifying intersection.

Recommendation: Staff's recommendation and the decision of the CDRC was to recommend denial of the variance request.

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

COMMISSIONER DURAN: Mr. Chairman, Vicki, why wasn't this brought forward to the County when he made the first application for a variance?

MS. LUCERO: Mr. Chairman, Commissioner Duran, actually, I guess Mr. Boissiere was advised by staff to do one parcel at a time.

COMMISSIONER DURAN: And why would that --

RUDY GARCIA (Land Use Administrator): Mr. Chairman, Commissioner Duran, Mr. Boissiere asked me a long time ago what his -- he has two five-acre lots, and he asked me a long time ago how the County would look at recommending a positive recommendation for this variance and I told him we couldn't recommend a positive recommendation because it doesn't meet Code. So I said you might want to try for one of the five-acre pieces if that's your wishes and desire and that's why he came forward with just only one piece.

COMMISSIONER DURAN: My understanding was the last time he was up here we granted the variance because we felt that it was somewhat of a hardship for him. Is this another hardship? How many more hardships does he have?

MR. GARCIA: Mr. Chairman, Commissioner Duran, you might want to ask Mr. Boissiere to address that.

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COMMISSIONER DURAN: What other use could this property have besides a commercial designation, Vicki? Do you have any idea?

MS. LUCERO: Mr. Chairman, Commissioner Duran. It's actually residential now so as of right now the only thing that's gone there is residential units.

COMMISSIONER DURAN: And the minimum size lot would be --

MS. LUCERO: It would be large enough to put a residential unit on there?

COMMISSIONER DURAN: Would it be 2.5 acre minimum, or this is the smallest lot he could get under the current water zoning?

MR. GARCIA: Mr. Chairman, Commissioner Duran, this is in the 2.5 acre minimum.

COMMISSIONER DURAN: Okay, thank you. Thank you, Vicki.

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

[Duly sworn, Robert Boissiere testified as follows:]

ROBERT BOISSIERE: Thank you. Gentlemen first of all I'd like to apologize for my voice. I have a touch of laryngitis and this is not my usual voice. I would like you to know first before [inaudible] In 1995 I split 18 acres of land so that I could survive financially and pay property taxes. [inaudible] Lots 1 and 2 have been on the market for years, but with residential zoning it's inappropriate on both. [inaudible] I need a commercial variance to increase interest.

[At this point in the meeting the public microphone fails]

CHAIRMAN TRUJILLO: Are you done, Mr. Boissiere? Are you done with your presentation, sir? Do we have any questions of Mr. Boissiere?

COMMISSIONER DURAN: I have some questions. Mr. Boissiere, I understand that you have sold the parcel of land that was granted the variance.

MR. BOISSIERE: [inaudible]

COMMISSIONER DURAN: I guess I should have said, have you sold the property that --

MR. BOISSIERE: No, not yet.

COMMISSIONER DURAN: How are you representing the use that is allowed on that property? What type of use are you trying to

MR. BOISSIERE: Right now, because I have no one interested in it????

COMMISSIONER DURAN: Well, my understanding is when we granted the variance the last time you were up here was that the use was to be a low-intensity use. It could not be a high-intensity commercial use. A gas station wasn't permitted.

MR. BOISSIERE: That's correct. I still stand on the same grounds.

COMMISSIONER DURAN: So if you were to get an approval tonight, you would agree to the same kind of restrictions, that it would be a low-intensity use, and maybe Rudy can help me with that. Do you recall what uses were permitted at the last variance? So you would agree to whatever those uses are, the uses that were approved at the last variance, when we granted you the last variance, you would agree to that.

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MR. BOISSIERE: Yes, I would follow the same principles.

COMMISSIONER DURAN: Would you also agree to conform to the architectural guidelines and design standards that the Highway Corridor Committee, that the Board of County Commissioners adopts when the Highway Corridor Committee brings them forward as a recommendation.

MR. BOISSIERE: Absolutely. I have always backed up the architecture. And Gabriel's is an example of that.

COMMISSIONER DURAN: I agree with you. I think the reason you probably haven't sold it as a residential piece of property is that nobody wants to live on that highway. But I do feel that any development on that corridor should have some architectural guidelines and design standards that they need to follow. So if you would be willing to do that, I think that would be a reasonable additional requirement to your application.

MR. BOISSIERE: I do agree.

COMMISSIONER DURAN: I just have one last comment. The setback -- Rudy, do you recall what kind of setback from the highway? Is it 150 feet? Actually I take that back. You weren't at that meeting. At the last Highway Corridor meeting they proposed a 150 foot setback

MR. BOISSIERE: The Highway Department said some of my property by the highway [inaudible]

COMMISSIONER DURAN: I would leave it up to the board. They have recommended a 150-foot setback and based on the information we have here, the front part of your property is pretty much unbuildable. Is that correct?

That's okay. I hope that I get to be 84 years old some day. My understanding is the front part of the property is essentially. It's pretty steep. It's hard to build on the front part of it. On both of them.

MR. BOISSIERE: It's only on the parcel number 1, which I am asking a variance for. There is a hill, which is right here.

COMMISSIONER DURAN: So you're here for lot number one?

MR. BOISSIERE: Yes.

COMMISSIONER DURAN: I don't recall when you came up for lot number 2 if we asked you to agree to the Highway Corridor Committee, but if you were granted the variance tonight, would you also agree to conform -- have lot two conform to those same standards.

MR. BOISSIERE: Yes.

CHAIRMAN TRUJILLO: Mr. Boissiere, what is the ingress -- what entrance do you have to your properties? Is it going to off the highway or is it through this road, which is not a County road.

MR. BOISSIERE: This is by lot number two. And the lot I'm asking for a variance today is number one, which is here. Now, the only hilly part of it is right here. And 2/3 of the property still can be built on.

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CHAIRMAN TRUJILLO: How are you going to access this property?

MR. BOISSIERE: The Highway Department is going to have --

CHAIRMAN TRUJILLO: Frontages? Frontage roads, right?

MR. BOISSIERE: Yes.

CHAIRMAN TRUJILLO: Okay. So your access is off of the frontage road on the redesign of the highway.

MR. BOISSIERE: Thank you for your patience.

COMMISSIONER DURAN: I had dinner at your restaurant 22 years ago.

CHAIRMAN TRUJILLO: Are you done, Mr. Boissiere? Are you done with your presentation? Do we have any comments from the public, either for or against the project? If not then, what is the desire of the Commission?

Commissioner Duran moved to approve the variance, CDRC Case #V 98-5241, with the conditions that the Highway Corridor Committee proposals that are adopted by the BCC are adhered to on this lot and on the previously granted variance. Commissioner Griñe seconded the motion, which passed by unanimous voice vote.

- F. 2. CDRC Case#Z 98-5590. Fleming Commercial Office. Bill Fleming, applicant, requests master plan zoning for a commercial development with approximately five office units. The property is located east of State Road 344, north of Dinkle Road within Section 15, Township 10 North, Range 7 East**

ROMAN ABEYTA (Review Specialist): Thank you, Mr. Chairman. The property is located within a designated community center, commercial district. The district has been established at the Dinkle Road-State Road 344 intersection. The Fleming parcel is located within the northeast quadrant of this district. The applicant's request is for master plan zoning for a single 4,800-square foot building for a maximum of five units on 3/4 of an acre. The application was reviewed for access, water, liquid waste, solid waste, fire protection, terrain management, landscaping, signage and lighting.

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

Recommendation: It is staff's position that this application is in accordance with Article III, Section 4.4.1 of the County Land Development Code. Staff recommended master plan zoning to the CDRC subject to the conditions listed in the staff report. However, on October 29, the CDRC recommended denial due to concerns raised regarding compatibility of the proposed use with neighboring residential properties. And Mr. Chairman, I would just like to enter the conditions one through eleven into the record as

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written in the staff report.

[The staff conditions are as follows:]

1. The applicant must comply with review comments from the following:
 - a. State Environment Department
 - b. State Engineer's Office
 - c. Soil and Water Conservation
 - d. County Fire Marshal
 - e. County Public Works
2. The master plan will be recorded with the County Clerk.
3. A water service contract must be submitted with the preliminary development plan application.
4. A permit from the NMED must be submitted at the time of preliminary development plan application.
5. Pre- and post-development calculations and required ponding size must be submitted with the preliminary development plan application.
6. A detailed landscaping plan in accordance with Article III, Section 4.4.4f must be submitted with the preliminary development plan.
7. A wall or fence will be required on the eastern property boundary to buffer the office use from the adjoining residential property.
8. A driveway permit from the State Highway Department must be submitted at the time of development plan application.
9. The applicant must provide documentation from Thunder Mountain Water company verifying a flow rate of 1000 gpm for two hours at 20 psi residual pressure.
10. All redline comments received by the County Subdivision Engineer must be addressed prior to recording the master plan.
11. Driveway access of State Road 344 must be granted for public use for the purpose of a shared access for the property to the south.

CHAIRMAN TRUJILLO: Thank you, Roman. Any questions of Roman?
Is the applicant here? Step forward please.

[Duly sworn, Bill Fleming testified as follows:]

BILL FLEMING: My name is Bill Fleming. My address is Post Office Box 115, Tijeras, New Mexico. Mr. Chairman, members of the Commission, thank you for this opportunity to speak with you this evening. I'm seeking master plan zoning approval for a small office building in southwest Santa Fe County in the Edgewood vicinity. As Roman just stated staff recommended approval and then October 29, the CDRC recommended denial based on an understanding on their part that this was a lot that was in the middle of a large group of residential lots and that the commercial development would have major impact on surrounding residential lots. I've provided for you a copy of a map --

CHAIRMAN TRUJILLO: We've got it here.

MR. FLEMING: Oh, okay. And everybody has copies? I feel like this

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interpretation of the property location is not correct. As I was trying to show you on the map, the project site is the small area with the red boundary and it is located in any area, very much of a mixed-use type area. The orange high-lighted areas are non-residential uses. Across the street there's a school. To the south of the property is a church and other commercial developments. I'm very much in support of the idea that if you have a residential lot that's surrounded by other residential lots it's not a suitable commercial development but I don't feel that this property falls into that category.

If you look in the eastern portion of the commercial district and the southwest portion of the commercial district, those are primarily residential lots and I'd truly be opposed to a commercial development in that area. But this property I don't feel falls into that category. Also there was some concern about the impact of the commercial development. What I'm proposing here is approximately 4800 square foot, single story building. It would be approximately four to five offices. The design of the building would be similar to surrounding, both residential and non-residential structures in the area. And I don't feel that there is going to be any sort of significant impact of this building on the surrounding area.

In summary, I would like to say that I do agree with the position that a commercial building should not be developed within an area that's in the middle of residential development. In looking for a property for this proposed office building and finding this particular property I had the same concerns and picked this property specifically for those reasons. It is in an area where it is surrounded by non-residential use and many parcels in the vicinity of this property. And also this property is located directly on State Highway 344 which is a main north-south route out of Edgewood. It's a heavily traveled road. I offer that this particular lot would actually not be a good candidate for a residential development because it's a small lot. It's right on 344 and it's access would be directly from 344. And for that reason I don't think it would be a very safe place for a residential development.

CHAIRMAN TRUJILLO: Thank you. Anyone have any questions of the applicant?

COMMISSIONER DURAN: I do. Mr. Fleming, you don't have any architectural drawings of the building you're proposing?

MR. FLEMING: Just a general floor plan that was included in the submittal package.

COMMISSIONER DURAN: But no elevations?

MR. FLEMING: No, but it would be a single story building with probably a pitched metal roof.

COMMISSIONER DURAN: With a pitched metal roof? Is it possible for you to put the parking off the main street, like have the predominant elevation would be building, not parking lot?

MR. FLEMING: The parking is off the main street. The parking is south and east of the building, which is more on the north side.

COMMISSIONER DURAN: As you drive down State Road 344 what you'll

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see is the building and not parking, and then the building?

MR. FLEMING: Yes. Primarily the parking is south and east of the building.

COMMISSIONER DURAN: So what would be in between the street and the building?

MR. FLEMING: The driveway -- the building would be part of it and the other part would be the driveway entrance off State Road 344 into the parking lot.

COMMISSIONER DURAN: I'm sorry. I didn't understand. Between State Road 344 and the actual building, what is between those two? Landscaping or is it --

MR. FLEMING: Yes, there's a landscaping buffer zone.

COMMISSIONER DURAN: So there's no parking in between those two. Visually, what you'll see is a landscaping buffer and then the building?

MR. FLEMING: Right. There's parking -- yes, exactly. And then on the south portion of the property is the driveway entrance to the parking lot, which goes past the building.

CHAIRMAN TRUJILLO: Any other questions of the applicant? If not, this is a public hearing? Anybody want to talk for or against the project?

[Duly sworn, Rick Thompson testified as follows:]

RICK THOMPSON: I'm Rick Thompson. I live in Edgewood. I live north of where Mr. Fleming wants to put his office building. I drive down that road 100 times a day and it's a totally appropriate use for that property he's got there. I'm here on an unrelated matter, but we need that kind of stuff in Edgewood. We don't have any office space and from what he's described it would be a good thing. We need that.

CHAIRMAN TRUJILLO: Thank you, sir. Anybody else want to talk for or against? If not then, what is the desire of the Commission?

Commissioner Duran moved to approve CDRC Case #Z 98-5590 with the understanding that there be a landscape buffer between the main road and building. Commissioner Grifé seconded, and the motion passed by unanimous voice vote.

F. 3. CDRC Case #Z 98-5600. Entranosa Water Tank. Entranosa Water and Wastewater Cooperative, applicant, requests master plan zoning with preliminary and final development plan approval for 250,000 gallon water storage tank and pump station. The property is located west of State Road 344, south of Frost Road within Section 33, Township 11 North, Range 7 East

PENNY ELLIS-GREEN (Review Specialist): Mr. Chairman, Commissioners, the applicant is proposing to construct a 250,000 gallon steel water storage tank, 42 foot in diameter and 42 foot in height, with a pump station which will be within a 1440 square foot

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building. the applicant states that this project will provide a second pumping facility for the Entranosa Water system and also will increase the capacity of the system and reduce the load and the current location. It will also improve system pressure.

Recommendation: Staff's recommendation and the decision of the CDRC is to recommend master plan zoning with preliminary and final development plan approval subject to the following 12 conditions. Mr. Chairman, may I enter the 12 conditions into the record?

CHAIRMAN TRUJILLO: Yes, please.

[The conditions are as follows:]

1. The applicant will install a fire hydrant on Frost Road near the entrance to this project.
2. Access to the project will be via the platted access easement at the west of this property. The proposed fence will be relocated to the east boundary of the access easement. The access road must be paved to the edge of County road right-of-way.
3. The underground storage tank must have a child-proof locked riser.
4. All lighting on the property will be shielded. Type of lighting is to be approved by staff prior to building permit issuance.
5. All parking spaces will be defined.
6. The tank will be painted a tan earthtone color, to be approved by staff.
7. The master plan/development plan will be recorded with the County Clerk.
8. The applicant will submit drainage calculations prepared by a professional engineer to size the detention pond, to be approved by the Subdivision Engineer.
9. All Subdivision Engineer redlines will be addressed. Original redlines will be returned with final plans.
10. A financial guarantee will be required for all improvements, including parking areas, access road, landscaping and retention ponding prior to building permit issuance.
11. A landscaping plan be submitted by the applicant meeting code requirements and be approved by staff prior to obtaining a building permit.
12. The height of the tank will not exceed 20 feet.

CHAIRMAN TRUJILLO: Any questions of Penny?

COMMISSIONER DURAN: Penny, do we have a site plan in here?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Duran, the site plan is in Exhibit "G".

COMMISSIONER DURAN: And the land around these tanks, is it residential?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Duran, some of the land around there is residential. It is actually within a commercial district as well. There's a commercial district at the intersection of State Road 344 and State Road 472 which is a 1750 foot commercial district.

COMMISSIONER DURAN: Do you know what color the tanks will be?

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MS. ELLIS-GREEN: Mr. Chairman, Commissioner Duran, we've requested that they be a tan earth-tone color.

COMMISSIONER DURAN: No more questions.

CHAIRMAN TRUJILLO: No more questions. Is the applicant here?

[Duly sworn, John Jones testified as follows:]

JOHN JONES: I'm John Jones, P.O. Box 2380, Tijeras, New Mexico, 87059. I'm a water guy, not an electrician. Mr. Chairman, Commissioners, the Entranosa Water and Wastewater Cooperative desires to construct a pumping station and water tank in the vicinity of Frost Road and 344. The purpose of the facility is to provide a redundant capacity or capability to our current facility and improve the reliability of the Entranosa system. Entranosa is a non-profit water cooperative serving and unincorporated area of Bernalillo and Santa Fe County. We provide service to approximately 1900 families, about 1/3 of which live in Santa Fe County.

Every drop of water that will be pumped to our members today, to our customers, goes through a single pumping facility. If something happens to that facility whether it was natural disaster, vandalism or mechanical failure, the system stops working. We need an additional capacity. We need some reliability and redundancy. This station provides the required redundancy we so desperately need. The facility also provides additional capacity to the system. We'll also be able, with this station in place, we'll be able to split the system into two components, a northern and southern section. It will give us the ability to maintenance on a station, take it down completely and revamp, if that's necessary.

Our application has been protested by several people, some of which argue that it will reduce property values within that area. It's mostly vacant land. There is a home, probably 1000 feet to the west, but it is within a commercially zoned district. Some of the other protestants are arguing, arguably, under the aegis of fighting the export from the Estancia Basin. Our purpose to put this tank in, or this pumping station and tank, is for the redundancy and reliability of the system. If there's water that's going to go through there coming out of the basin, it could just as easily go through our existing pumping station as through this one. We desperately need this tank.

CHAIRMAN TRUJILLO: Any questions of the applicant?

COMMISSIONER DURAN: I'm sorry sir, I didn't get your name.

MR. JONES: John Jones.

COMMISSIONER DURAN: Mr. Jones, will any of the water that will be stored in this tank be exported out of the immediate community?

MR. JONES: It will, as is water from our current pumping facility.

COMMISSIONER DURAN: How much of it?

MR. JONES: I couldn't tell you that. It will take water out of the basin that is owned by another entity and deliver it to that customer up in Bernalillo County. But that water could just as easily go through our current facility just as well.

COMMISSIONER DURAN: So the immediate community really won't be

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benefitting from this tank?

MR. JONES: No, sir, it does. For the reasons of reliability and redundancy.

COMMISSIONER DURAN: But the community is being taken care of right now with the existing system?

MR. JONES: Yes sir, they are. And again, if something happens to that single pumping station, every drop of water goes through that single pumping station. If something happens to that thing, the system shuts down. Fire protection goes out the door. People can't drink. It's a critical point. It's a choke point. It's a single point failure waiting to happen.

COMMISSIONER DURAN: And do you need this large of a tank?

MR. JONES: A quarter million gallons really isn't that much. In the winter we pump 300,000 gallons a day. In the summer we'll do a million, a million-two.

COMMISSIONER DURAN: How big is the existing tank?

MR. JONES: It's 160,000. It's undersized.

COMMISSIONER DURAN: Okay. Thank you.

CHAIRMAN TRUJILLO: You say, just to clarify what Commissioner Duran is saying, about 1/3 of the residents reside in Santa Fe County. That means that 2/3

MR. JONES: Are in Bernalillo County.

CHAIRMAN TRUJILLO: Are in Bernalillo County.

MR. JONES: That's correct.

CHAIRMAN TRUJILLO: So the majority of the service will be rendered outside of Santa Fe County?

MR. JONES: That is correct.

CHAIRMAN TRUJILLO: Thank you. Any other questions. Thank you, sir. This is a public hearing. Do we have anybody who wants to talk for or against the project. Rita Horton.

[Duly sworn, Rita Horton testified as follows:]

MS. HORTON: I am Rita Horton. I live at 294 Broken Arrow Trail, Edgewood, New Mexico. In 1986, we demanded of Entramosa Water Cooperative a good pump station and sufficient storage. We have been begging for that for many, many years. We gave them the land the present small pump station and small tank is on. We would give them land for a larger pump station and storage tank. Moriarty has 500,000 gallon tanks adjacent to their pumps on the surface. They can outpump Entramosa many ways from Sunday, but they cannot handle the volume. Well, that's all I have to say on that.

Santa Fe County has a hundred-year water requirement for subdivision approval. The State Engineer has approved 70-year water for exportation to Bernalillo County and it could go on to Sandoval County to fill their needs. There is no protection to the public, public welfare because every drop of water in southern Santa Fe County can be -- it can be totally dewatered. It can be exported. Using the maps of the basin -- in the upper left hand corner you see Edgewood water. It quit irrigating in 1965. It has never recovered because the

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aquifer has been damaged. As you go around the perimeter you see the profiles, the hydrographic profiles. I'm getting old; my memory's bad. What you see is decline, all except the one that is close to Antelope Springs. It misbehaves. I wish we had others that misbehaved like that.

The red lines are the cones of depression. In 1989 it was estimated that the cone of depression around the well field north of Moriarty was only 50 feet. In the study I have over there on the bench shows that to be 60 feet with an 80-foot cone of depression. Now that doesn't mean how deep it is to water. These little hydrographs around the edge show how deep it is to water. There's one close to the Entranosa well that showed in 1985 -- no that's not the one. The one in 1985 shows a draw-down to 140 and another one shows other draw-downs. We do not have new documentation. This is over ten years old. We've got to have more knowledge for public welfare.

The exportation out of the basin fill, but that little narrow trench and you have a small map there that shows that little north-south trench. It is narrow. It is deep. When it is dewatered, well when the basin fill is dewatered, all of your people that are not in that trench will be out of water. Now that is frightening. Down in Estancia, the city of Estancia is out of water. They drilled a new well. They thought, Oh, goody. Now we can supply our public. They dig a new well about a mile and a half west of town, delivers 250 gallons a minute. Their faucets are dry.

The old irrigation wells west of 41, the biggest ones are dry. Irrigated agriculture in Torrance County is moving further east. There is a stratigraphic high that's north of Moriarty. They haven't pinpointed exactly where it is but it keeps water from flowing north out of Torrance County. Yet the water from Santa Fe County flows south. The Office of the State Engineer has been remiss in failing to further study the Estancia Basin in Santa Fe County before approving exportation rights to irrigational agricultural mining rights. The State Engineer has ignored public welfare from the eastern Sandia Mountain to the Glorieta uplift in allowing total dewatering of southern Santa Fe County.

Now, if it comes to a lawsuit it will be massive. The hydrographic map is antiquated documentation. Those well readings were from 1983 to 1989. When you look at the blue lines on the map you can see the water courses. No, water's not on the surface. It's down deep. Those are fractures. You can not only see where the water's coming from, you can see where it's going to and who is using it. The orange lines take you from the well location to the hydrographs. You can see what's left of ancient Lake Estancia which was full 250,000 years ago and it now almost dry. You can walk across most of it.

Until public welfare, the endangered public welfare is addressed by the Office of the State Engineer I am requesting an injunction to stop the wells from pumping and the tabling of the Entranosa request for approval of their tank and pump station until the Office of the State Engineer properly and adequately addresses the problem of the endangered public welfare of this mined and dewatered sole source of groundwater basin with only a desert hydrologic cycle for recharge. We are in danger. We are in bad danger. And you will not

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get the attention of the State Engineer unless you take action to stop this.

Now when Roger Cox wanted his golf course, 3,000 signatures were presented to the County Commissioners in Santa Fe County. A bunch of them were presented to the State Engineer. I saw some of those in the State Engineer's Office this past week. We will not get his attention. The public will not be protected until irrigation mining rights are not exported from the basin. Any mining rights should not be exported from that narrow little blue line that's on that map. That's a deep trench. How much water is there, we don't know. That's why I was asking the legislature two years ago for data-loggers. Past both houses but the governor vetoed it. We need help in southern Santa Fe County. Bernalillo County needs that help too, because they too will be dewatered. The Manzano Mountains can be dewatered by pumping out that basin and they have the legal right to do so. Thank you, gentlemen.

Did I say I'm requesting an injunction and tabling this until we can come up with a better answer from the State Engineer? If I didn't, I'll say it again. Thank you.

CHAIRMAN TRUJILLO: Thank you. Next.

[Duly sworn, Rita-Loy Simmons testified as follows:]

RITA-LOY SIMMONS: Rita-Loy Simmons, 88 Crestview Lane, Edgewood. First of all, I wanted to announce that her 80th birthday's Thursday. I have not so much statements as questions and primarily of John, so there exists a 12-inch line that has come from about six or six and a half miles east of 344. It's coming down the state highway right-of-way on 472. And I'd like to know what the source of that pipeline is, who has funded that pipeline and what is the source of the water that will be in that pipeline. What's its destination.

Also, I see that the pipeline has turned and gone north toward Cedar Grove. It seems to be about a mile. Now, the part about redundancy is well taken. The question about location of a tank that size is also well taken. There are several double-wide homes on ten acres adjacent. There's a ten-acre site available and I don't know how much land Entranosa plans to acquire. I think that the covenants on the land was residential. The County of course can overrule a covenant, but there are homes in the area and then the Edgewood South Mountain School is to the north about a quarter of a mile north of that tank site. I think you've seen that intersection.

So that's going to be an awfully large tank in that location. There are probably more appropriate locations for a tank and pump station that would be less conspicuous. As mother said, we have provided a number of sites for tanks to keep them well away from viewsheds, usually like to put it. But I would like to know where the line is and what is the plan.

There are a number of legal issues between Entranosa and its supplier. And the Entranosa Water system does have an application pending before the State Engineer's Office for 2400 acre-feet of water that it will bring from six or seven miles east of 344 in the vicinity of the King well fields. The Campbell farms has an application for 5,500 acre-feet of water north out in Sandoval and Bernalillo Counties and Santa Fe County. They own land

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in three counties. I think there's some 30,000 acres. They have applied for 49 wells and 5,500 acre-feet of water rights. So there's a lot of competition for the same water.

It is time to describe what appears to be a master plan to bring more water from the six and seven miles to the east of the intersection, put them through the Entramosa Water system and on into Bernalillo County. Not that I'm opposed to moving water into Bernalillo County. It's the amount that I'm questioning. But before I make any more statements, can I ask John to answer those questions?

MR. JONES: Mr. Chairman, Commissioners, there is a 12-inch line on State Road 472 coming from about 5.8 miles east of State Road 344 going on that east-west highway. The source of that water is coming from the Pine King Ranch area. There are two wells that have been bought by another entity along with water rights associated with those. The source of those water rights were retired agricultural rights, what we call consumptive use rights. For example if you were going to irrigate 1000 acres of alfalfa or corn you might use 2000 or 3000 acre-feet to do that. So the consumptive use would be the amount of water that is lost to the basin or the aquifer and there's a certain portion of that water that is returned to the aquifer.

So nominally, in this example, let's say that was 1000 acre-feet or even 500 acre-feet. This entity bought consumptive use rights and wants them transported into Bernalillo County. Entramosa's had a contract to do that for them for well over five years. So as far as handling that water, we're simply trying to execute that contract. Water is private property. It's certainly this person's right to do so. It's state law. Since it's a consumptive use right, it doesn't really matter if it was put in that corn field or sent to the moon, it's water that was going to disappear out of the basin. In fact this entity will probably pump much less than the consumptive use right that they've bought.

The line is being paid for by that entity. The wells are paid for by that entity. The line that Ms. Simmons mentioned going up State Road 344, one mile is actually an upgrade to our system that this entity has provided for us. It helps improve flows and distribution within our system. That's that story.

Covenants, I've seen some covenants associated with this particular 2.5-acre lot that we're looking at. They aren't residential covenants. They do talk about nuisance and other things, which most people I've talked to associate with, gambling, partying, drinking, making loud noises, firing guns and having a good time. We're talking about putting up a pumping station and a tank with electric motors that don't make a whole lot of noise. As for its viewability, there's probably not a whole lot you can do about a tank wherever you put it. And again, its size, it's about the size of a two-story house. It will be 20 feet high and 42 to 46 feet in diameter. You can paint it green, you can paint it brown but it's still a tank. It's still the size of a two-story house.

We do have an application for 2400 acre-feet that's pending before the State Engineer with a hearing in January or February. Santa Fe County is a participant in that hearing. Did I answer all the questions?

MS. SIMMONS: John, will that line also facilitate the water if you're application is approved? And how will you account for the water from your current supplier and account for the water that goes through there? Metering? Okay. I appreciate your candor. Thank you, gentlemen.

MR. JONES: But our application, our concern is redundancy and reliability in a system and frankly, whether we were applying for water rights or whether there was water coming in from the basin, we need that pumping station. It's one mile away from our current pumping station. We think a certain amount of distance makes sense. You don't put all your eggs in one basket. The situations I gave you were mechanical failure, natural disaster vandalism, two of three of those would knock out a co-located site. So that's one of the primary reasons for the separation of the two sites.

CHAIRMAN TRUJILLO: Would the redundancy and reliability be compromised if you were only serving residents in Santa Fe County?

MR. JONES: Could you say that again?

CHAIRMAN TRUJILLO: Would the redundancy and reliability be compromised if you were only serving residents in Santa Fe County?

MR. JONES: Even if our system stopped at the Santa Fe County line, we would still be pumping through a single station. I think that's dumb. That's the way you start; you start with one. But if you have the wherewithal and the ability, I think we have the responsibility to our members and to that community area to provide the redundancy and the reliability of a reliable water supply. That's part of our charter from the state when it was incorporated in 1981. It's a common sense move in my opinion.

COMMISSIONER DURAN: I have a few questions for Mr. Jones, then you can come up. How many -- are you allowing new homes to be hooked up to the system? Are you pretty maxed out?

MR. JONES: Do we still have room to hook people up? As far as available water rights, the answer's yes. We were contracted for I believe 1635 acre-feet from the Horton family and we probably dedicated 1550, so there is room. This tank is located within our service area. I was asked at the CDRC if people in the vicinity could hook up and the answer is yes. We are a membership cooperative, so there's a fee for that. However, part of that equation, to subdivide most of the land around there or subdivide any land within Santa Fe County you require a hundred year plan and that's not available at this point.

COMMISSIONER DURAN: You mentioned earlier you have some concern of the system's ability to provide adequate fire protection if the system was to go down. I'm wondering if you've had, number one, our fire department out there to look at the system, and two, has our County Hydrologist been given the opportunity to review and analyze the system and your claims.

MR. JONES: Both County agencies are familiar with the Entramosa system. We talked to Santa Fe Fire frequently and I talk with Jack Frost quite a bit.

COMMISSIONER DURAN: Have they actually gone out to see the system? Have they done any studies on your system to support your claims?

MR. JONES: I don't know. We're a private cooperative providing service to our membership. As far as the fire flows go -- and let me describe briefly how the system works. Water comes out of the well, goes to the pumping station. The pumping station pumps it to high elevation tanks which store the water and then it gravity flows throughout the rest of the system. So when the tank fills, yes there is some space within the system to accommodate repairs. If there's water in the pipes and water in the tanks at the higher elevations, and fire flow is provided by those higher elevations. But if the pumping station is down for an extended period of time, and that could be anywhere from two days in the summer to ten days in the winter, the system dies. And that's when the fire protection fails.

I did talk to Jack Frost, I don't want to put words in his mouth, but he said it made sense to him to have a redundant capacity for pumping.

COMMISSIONER DURAN: Thank you. Rudy, do you have a question?

MR. GARCIA: Mr. Chairman, I just have a question of Rita.

MS. SIMMONS: Once again, we question the location. We don't question the redundancy. We have asked that they put larger tanks than the one that's there. They have the smaller tank on Section 33, which is Nugent Road, a mile south. It's sitting in a valley. It's an obvious land tank. You may have seen it as you've gone past. That would certainly be an appropriate location for a larger tank. It really needs to be replaced. I still think that there are more appropriate locations for their storage tanks and we would like to see you table this until you have a little clearer picture of the overall plan and understanding. Also, you need to be a little better acquainted with some of the issues between the current suppliers and the cooperative. There are some legal issues outstanding that need to be resolved because other parties are introduced into the system. We might even have an appropriate location ourselves if that end of the picture are into the negotiations.

It is my understanding that it's Roger Cox's water line? Okay. So I know who the players are. We would appreciate a tabling of this at this time and we would like to sit down at a round table with Santa Fe County, Entramosa and whoever. Thank you.

CHAIRMAN TRUJILLO: Thank you

[Duly sworn, Richard Rose testified as follows:]

RICHARD ROSE: My name is Richard Rose. I live at 29 Scott Road in Edgewood. I'm also the chairman of the engineering committee for the Entramosa Water Cooperative. I am registered professional engineer and perhaps I can shed some light. There seems to be some questions about the siting of this tank and why we need this. The project actually started about three years ago. The engineering committee was looking at our system and we've done this constantly to look at weaknesses in the system to make improvements. And certainly it was identified that having a single pump station was a very weak point in that system.

Also, to put this more in perspective, Entramosa is a very large system. It goes from 344 west out to Highway 14 and south down to 217 to the other side of I-40. So one of the things that we've been looking at in the configuration of the system, one thing John alluded to was dividing the system into kind of north and south zones for pressure and water capacity. So by having this station located where it is, it helps to further that. We have water lines that serve and water tanks that serve that norther part up along Magic Valley and Entramosa Road. We also have tanks that serve the farther southern regions south of I-40.

So really the planning of this and the systems were engineering considerations that we started with three years ago and we started looking at how we can buttress this system and improve the supply and reliability. So all those other issues came into play as well, having a back-up pump station. The present pump station is old. If it does need rehabilitation or repair, it will allow us to have another source of the water and additional storage capacity. So those are kind of where this project started and why it was sited the way it was.

MS. HORTON: I am well aware of Mr. Rose's contention. In fact he turned down our request for a tank on Section 33. It was put elsewhere. There were two tanks placed, neither of which I think, we needed. On the top of section six, which we also gave him area for storage tanks. There's maybe a million gallons storage. There's storage all over that area. Now the aquifer from which they are drawing their water is not in basin fill. There's no way that we could capture the amount of water that's going through there. What I'm pleading for is the endangered public welfare of those who are taking their water from the basin fill and that basin fill is dry. You'll have a lot of people with no water. We will give Jack Frost pictures of the well that we drilled in 1981.

The State Engineer said, Well, you've got to go to 800 feet. That scared the daylights out of me and that type of cavernous limestone aquifer. We've stuffed every crevice above 450 feet full of junk. With a big turbine, and over two days surging, we have managed to clean it out. And yes, it's in a well test right now. It is not in basin fill. It is not in that little blue line of that narrow trench and I am pleading for the endangered public welfare. I know what they are. I've got friends down there. Thank you.

MR. THOMPSON: Gentlemen, I introduced myself earlier. I live in Edgewood. My name is Rick Thompson. I'm a member of the cooperative and I also represent the membership on the board of directors. I just want to say a couple things. Number one, as far as the station being an eyesore to the school, which was mentioned earlier, the school down the road has a shopping center across from it and I don't see anybody complaining about that. Number two, if our pump station goes down, we have 5,000 people without water, I think you be able to hear them scream probably all the way up here.

The proper use is smart design, water harvesting, conservation, they can get by on the own water. If some time down the line they run out, it will be their property values that will plunge, not ours. Some people look at Pakuo as a freak subdivision, I say, let them use

innovation to solve their problems. Please table this issue for now. Please don't let this proposed pump station and storage tank be a tragic symbol of our loss right next door to our elementary school. Thank you.

MR. ROSE: I have to say something about this issue about the water. Right now there's about 50,000 acre-feet per year that are exported out of the Estancia Basin. It's exported by evapo-transpiration. The Entramosa usage of that water is approximately 500 acre-feet. So there's 100 times more water that's used by agriculture presently than there is by domestic uses. Whether the agriculture sprays it on the ground or puts it in pipe, it still leaves the basin through evapo-transpiration. So this idea about exporting out of the basin is a little confusing and I think it's become a little distorted in this issue here. We're looking at a zoning issue and the water that we're using, whether you put it to domestic use or put it to agriculture use, you're still losing a certain amount of water out of that basin.

CHAIRMAN TRUJILLO: We don't want to get into a debate. I think we've listened to the issues. We understand what they are. Let's not get into a debate.

MR. ROSE: I'm saying that exportation here is kind of a relative term.

CHAIRMAN TRUJILLO: That's fine. Is there anybody else that wants to talk to this issue, please step forward. Anybody new.

[Previously sworn, Bill Fleming testified as follows:]

MR. FLEMING: My name is Bill Fleming. I was up here before but in addition to being involved in real estate, I'm also a licensed professional engineer in New Mexico and although I've never worked for Entramosa before I have been involved in the design of many critical systems and I think it's impossible to overemphasize the importance of redundancy in a critical system. Make no mistake, the Entramosa Water system is a critical system. If anything happened and it sounds like there is a single pump station. If something was to happen to that, hundreds of residents of southern Santa Fe County would lose their water service. So whatever you do decide to do on this issue, I think it's important for you to realize that there's a time-bomb existing there if they are looking at a single point where a failure could shut down their entire system. Thank you.

CHAIRMAN TRUJILLO: I have one question. This is not to augment the water supply. It's to make the distribution better?

MR. JONES: It doesn't do anything to the water supply. The water doesn't care whether it goes through that Nugent station or our proposed site there on Frost. Again the critical factor and Rich Rose has brought it up is we've been looking at this for years, is the redundancy and the reliability and frankly, as the general manager of Entramosa, it scares me to death not to have that station.

COMMISSIONER GRINÉ: Mr. Chairman, we could stay here and allow everyone just to go back and forth, back and forth. I represent that area and I do have some great concerns of what has been taking place. I think there's a lot of legal issues that have not been clarified through the State Engineer's Office, whether agriculture water rights can be transferred for domestic uses and those things. So I would like to take this time to just

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table this case and also participate in the southern part of the county to assist each other and to work in such a way that we can really answer what the needs are down there and how we're going to come to a solution. So I move to table it.

COMMISSIONER DURAN: Second.

CHAIRMAN TRUJILLO: With direction to staff that I think -- well, I know that staff needs to get involved in identifying what the capabilities of the infrastructure are and understand what needs to take place to improve the infrastructure. That is what needs to happen, but that dialogue needs to take place. So we've got a motion to table, seconded by Commissioner Duran. All those in favor? [Unanimous] Opposed?

- F. 4. **CDRC Case #Z 98-5530. Kantor Office Park. Robert Kantor, applicant, requests master plan zoning for an office park with general retail uses to include restaurants with liquor sales, pharmacy, book, jewelry, clothing, furniture, office supply stores, flower shops, beauty salons, art galleries, studios, gas stations, convenience stores, real estate, insurance, attorney and general offices such as chiropractor, optometrist and psychiatrist. The property is located in Edgewood, southeast of the intersection of Dinkle Road and State Road 344 within Section 22, Township 10 North, Range 7 East**

MS. LUCERO: Thank you, Mr. Chairman, Commissioners, on November 19, 1998, the CDRC met and acted on this case. The applicant was requesting master plan zoning for an office, retail, commercial development on four lots. The proposed buildings will be single story and will have a total area of 31,100 square feet. There will be a maximum of 31 units on the entire site.

Recommendation: Staff's recommendation and the decision of the CDRC was to recommend approval for master plan zoning with the proposed use list to included general office and retail uses with the sale of liquor in restaurants only, and to exclude gas stations, subject to the following conditions. Mr. Chairman, may I enter the conditions into the record?

CHAIRMAN TRUJILLO: Yes, please.

[The conditions are as follows:]

1. The applicant will obtain a driveway permit from the State Highway Department prior to recording the master plan.
2. The master plan with appropriate signatures will be recorded with the County Clerk.
3. A disclosure statement must be recorded with the master plan including the following:
 - a. All improvements must be made before business licenses are issued.
 - b. There must be similar architecture styles and landscaping on all lots.
 - c. Community water system must be used.

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- d. Common liquid waste system must be used and maintained by all owners/users.
- e. Common drainage area, roadways and parking must be maintained by all owners/users.
- 4. Draft agreement to ensure maintenance of common facilities shall be submitted and approved by staff prior to master plan recordation.
- 5. At development plan stage the applicant must submit a more detailed fire protection plan for review as per County Fire Dept.
- 6. Handicap spaces shall be labeled. The development must meet all ADA standards and be approved by the State CID.
- 7. A 50 foot access easement is required throughout the development.
- 8. Parking spaces along the access easement at the southern portion of Lot 42-B must be moved to the northern part of the lot to relieve traffic congestion at the entrance.
- 9. The wastewater system must meet code requirements per Article VII, Section 2. A discharge permit will be required if wastewater flow exceeds 2,000 gallons per day, or if restaurants or beauty salons are developed.
- 10. The applicant will submit the following with the preliminary development plan application:
 - a. Detailed landscaping plan within the parking areas and the landscape buffer areas to include size, type and location of trees and shrubs in the landscape buffer and within the parking area.
 - b. Signage plan.
 - c. Detailed outdoor lighting plan.
 - d. Elevations and floor plans of proposed buildings.
 - e. Revised water budget to include restaurant and beauty salon uses.
 - f. Letter of commitment from Thunder Mountain Water Company allocating a specific amount of water.
- 11. Landscaping shall meet Code requirements.
- 12. Exterior colors shall be approved by staff and must be earthtones.
- 13. All proposed future construction shall be subject to CDRC approval.
- 14. Water restrictive covenants will be required.
- 15. Depending on the use and building size, commercial fire suppression system may be required.
- 16. Development of high traffic uses (restaurant) may necessitate significant off-site road improvements. Updated driveway permits may be required prior to granting of business licenses.
- 17. Connection to north shall be developed per plans approved by the north land owner and staff. All associated improvement costs shall be borne by this project developer.
- 18. The entire project will be completed within five years.
- 19. Compliance with the applicable review comments from the following:

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- a. State Engineer
- b. State ED
- c. State Highway Dept.
- d. County Subdivision Engineer
- e. County Fire Marshal
- f. County Public Works

CHAIRMAN TRUJILLO: Okay, any questions of Vicki, first of all? Do you have any questions? If not then, is the applicant here? Step forward please.

[Duly sworn, Robert Kantor testified as follows:]

ROBERT KANTOR: Robert Kantor, P.O. Box 10252 in Alameda, New Mexico.

CHAIRMAN TRUJILLO: What does the community feel about this project? Have you had any --

MR. KANTOR: At the last meeting I spoke at length with the principal of the elementary school across the street who was very excited for it. People -- I haven't talked to everyone there but not one person has said anything negative about it, even the property owners on the sides of me. There's been only positive. Not a huge amount of positive, but nothing negative.

CHAIRMAN TRUJILLO: Anything else that you want to say about the project?

MR. KANTOR: From what I've heard, it's something that will be needed. There's only one small, little shopping center in that area, the John Brooks Center, which is full. I'm going to propose a much, I think, better built, not a metal building but a nicer, architecturally pleasing center with good parking and circulation for not only cars but for people. I think it will be a big plus. We're going to build it in phases, so we don't have a lot of empty space at once. As it's needed it will be built.

CHAIRMAN TRUJILLO: Any questions of the applicant?

COMMISSIONER DURAN: I just have one comment, Mr. Chairman. I like the fact that you've kept the parking inside the complex. From the outside it's building oriented.

MR. KANTOR: I agree. I like that inside. Thank you.

COMMISSIONER GRINÉ: You're name is Robert?

MR. KANTOR: Yes.

COMMISSIONER GRINÉ: Robert, are you in agreement with all the conditions that the CDRC gave you?

MR. KANTOR: Yes, I agree to all those. There was a modification regarding the septic tank in case there was any jewelry finding, I think they called them and we would eliminate that and I have no reason to have that, and we agreed with not having a gas station on the premises, particularly. We don't think that's something that we want.

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It's not on a big corner. It was easy to agree with that.

CHAIRMAN TRUJILLO: Thank you, Mr. Kantor. Is there anybody in the audience that wants to talk for or against the project.

There being no one wishing to speak, Commissioner Griñé moved to approve CDRC Case #Z 98-5530 with the conditions imposed. Commissioner Duran seconded the motion, which passed by unanimous voice vote.

- F. 5. CDRC Case #Z 98-5520. Skydancer Montessori School. Skydancer Montessori School, applicant, Associated Development Inc., agent, request master plan zoning for a 15,000 square feet school building and 10,000 square feet playground on 7.74 acres. The property is located north of I-40 Frontage Road on Horton Road within Section 20, Township 10 North, Range 7 East**

MS. LUCERO: Thank you, Mr. Chairman, Commissioners. On October 29, 1998, the CDRC met and acted on this case. The applicant is requesting master plan zoning for a 15,000 square foot school building and a 10,000 square foot playground on 7.74 acres.

Recommendation: Staff's recommendation and the decision of the CDRC was to recommend approval for master plan zoning subject to the following conditions. Mr. Chairman, may I enter the conditions into the record?

CHAIRMAN TRUJILLO: Please do, Vicki. Thank you.

[The conditions are as follows:]

1. The master plan with appropriate signatures will be recorded with the County Clerk.
2. The access road must meet standards as determined appropriate by the County Traffic Engineer.
3. At development plan stage the applicant shall submit a fire protection plan that will address the following concerns of the Santa Fe County Fire Department:
 - a. Water storage and capacity
 - b. Minimum fire flows
 - c. Automatic fire protection and alarm systems
 - d. Fire lanes and restricted access (Knox system)
4. Handicap spaces shall be labeled and handicap access must be approved by the State Construction Industries Division.
5. Prior to final approval, the applicant must submit an appropriate Environment Department permit. The wastewater system must reduce nitrogen per Article VII, Section 2.7.
6. The applicants will submit the following with the preliminary development plan application:

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- a. Parking layout to include handicap parking spaces.
- b. Detailed landscaping plan within the parking areas and the landscape buffer areas to include size, type, and location of trees and shrubs in the landscape buffer and within the parking lot
- c. Signage plan
- d. Detailed outdoor lighting plan
- e. Elevation and floor plans of proposed building
- f. Revised water budget to be approved by staff
- g. Modified liquid waste flow rates to reflect revised water budget
7. Structure shall not be higher than 24' above natural grade or finish cut grade as per County Code.
8. All proposed future construction shall be subject to CDRC approval.
9. Exterior colors shall be approved be earthtone and approved by staff.
10. Student drop-off/pick-up shall be at least 20 feet wide to allow cars to get around parked cars.
11. Compliance with the applicable review comments from the following:
 - a. State Engineer
 - b. State ED
 - c. State Highway
 - d. County Subdivision Engineer
 - e. County Fire Marshal
 - f. County Public Works

CHAIRMAN TRUJILLO: Okay, is the applicant here? Any questions of Vicki, first of all? Is the applicant here?

[Duly sworn, Tim Oden testified as follows:]

TIM ODEN: My name is Tim Oden, P.O. Box 5000, Moriarty. members of the Commission, Mr. Chairman, we have read and are in agreement with all the conditions. I'll answer any questions you have. The owner is also here, Lynn Harris of Scott Andersonr, LLC. If you have any questions of her as to operations of the Montessori School itself.

CHAIRMAN TRUJILLO: Do you have any questions? Okay, this is a public hearing. Do we have anybody from the audience who wants to talk for or against the project?

Commissioner Griñé moved to approve CDRC Case #Z 98-5520 and was seconded by Commissioner Duran. The motion passed by unanimous voice vote.

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- F. 6. **CDRC Case #Z 98-5550. Sunrise Springs. Megan Hill, applicant, Jim Siebert, agent, request master plan zoning for an expansion of a resort-type use to add 30 lodging units, eight casita lodging units, an arts and meditation building, and a restaurant with the sale of liquor with meals. The property is located south of County Road 54 within the traditional community of La Cienega in Section 28, Township 16 North, Range 8 East**

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, existing uses already approved on the property area as follows: administrative offices, a living center which includes conference and meeting spaces, a restaurant and bar area and 8 lodging units, the manager's residence, the Willows, which is a meeting/conference room area, the Garden Rooms North, which consist of 16 lodging units, Garden Rooms South, consists of 16 lodging units, a swimming pool, hot tubs, sauna, locker rooms, the Moon House, which is a conference room, office/resource center and a school currently leases some space within the existing buildings.

The proposed uses within the application are as follows: Phase 1 is a one-year time frame which consists of the Arts/Meditation building, a total square footage of 11,770 square foot, a two-story building with studio/gallery space on the first floor, and conference-meditation rooms on the second floor. The applicant has stated that the second floor may be used as a dorm facility for overnight lodging until the 30-unit new facility is constructed. Also in Phase 1 is the re-opening of the restaurant and bar to be leased to a second party.

Phase 2 is a two-year time frame -- 30 lodging units, either configured as dorms with common baths or as individual units with baths. That would be 17,700 square foot, a two-story building.

And Phase 3 within a four-year time frame are eight casita units, each with two bedrooms and two baths.

The recommendation: The decision of the CDRC was to recommend master plan zoning approval for Phase 1 only for the Arts and Meditation building, without the restaurant use, subject to the following fourteen conditions. And Mr. Chairman, can I enter those conditions into the record?

[The conditions are as follows:]

1. No liquor license will be acted upon while the school use exists on this site. If a liquor license is issued at this site, the school use will be deleted from the use list.
2. The applicant will submit a signage plan with the preliminary development plan. All signs will be located out of the line of sight for the driveway.
3. The casita units will be sprinklered. Final fire protection plans will be reviewed for approval by the Fire Marshal.
4. All lighting within the development is to be shielded. A lighting analysis will be submitted with the preliminary development plan.

5. The water budget will be revised to account for the manager's residence and water use and full development, to be approved by the County Hydrologist.
6. The applicant will enter into an agreement with the Santa Fe County Water Company to hook up for water service and retire its domestic and sanitation well demands when the water line is within 200 feet of the property and is available.
7. The applicant will obtain FEMA approval of a Letter of Map amendment prior to any construction with the existing designated flood hazard area. This will be noted on the master plan.
8. The master plan will be recorded with the County Clerk.
9. The applicant will register the wells as a public water supply with the Environment Department.
10. All redline comments will be addressed. Redlines will be returned with the preliminary development plan application.
11. The applicant will meter both wells and document water use. If this project fails to meet permitted water rights budget, the applicant must either acquire more water rights or take measures to limit water use. Two years of exceeding the water rights will result in the closing of the restaurant to the public and limiting the number of months the facility can be open.
12. The liquid waste system must reduce nitrate levels to 14 mg/l or less.
13. This property shall be subject to the La Cienega Watershed conditions. This shall be noted on the master plan.
14. The opening of the restaurant to the public is not approved as part of Phase 1 of this development.

CHAIRMAN TRUJILLO: Are there any questions of Penny? Is the applicant here?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name is Jim Siebert. My address is 915 Mercer, Santa Fe. Mr. Chairman, Commissioners, we've entered into an agreement with Robert Romero, who's president of the La Cienega Valley Association that we would request tonight only Phase 1 of the project, which is known as the Arts Building. The remainder of the master plan that we had originally presented would be held in abeyance. The school has a lease that would run through this year and through '99 or 2000 and that has one year that they could request an additional year on to the lease.

The school will be there for at least another year and a half or perhaps for another 2 1/2 years. Obviously, during that time, where the restaurant previously was is where the school is now, during the time that the school is in place the restaurant will not be re-opened. I think the staff did a very good job of presenting the plan. I'll answer any questions you may have.

CHAIRMAN TRUJILLO: Is Robert Romero and the community of La Cienega, are they receptive to your --

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MR. SIEBERT: Yes, in fact I can give you a copy of a letter that Robert signed in the hall.

COMMISSIONER DURAN: Mr. Chairman, Jim, is Mr. Romero opposed to the restaurant? Or can you tell me what his concerns are relative to the re-opening of the restaurant, because the property did have a restaurant there once.

MR. SIEBERT: There really haven't been any concerns expressed to me. The issue was more one of confusion I think, than anything else. And I'm just clarifying the fact that as long as the school is in place, the restaurant will not be re-opened.

COMMISSIONER DURAN: So as a matter of courtesy, you've agreed to not go forward with the restaurant?

MR. SIEBERT: Well, as a matter of courtesy, we've agreed not to proceed with the total scope of the master plan, which includes other elements to it, such as a 30-unit overnight lodging, eight casita units. We've agreed to hold those in abeyance until there's resolution of the moratorium issue.

CHAIRMAN TRUJILLO: Any other questions of Jim?

MS. GUERRERORTIZ: Is this just phase one?

MR. SIEBERT: No, what we're requesting tonight is what we're referring to as the Arts Building. Associated with the Arts Building is a small tea ceremony room and a water feature. We're not requesting the re-opening of the restaurant as part of Phase 1.

CHAIRMAN TRUJILLO: Thank you. Anybody from the audience? If not then, what is the desire of the Commission?

Commissioner Duran moved to approve CDRC Case #Z 98-5550 as amended by the applicant. Commissioner Griné seconded, and the motion passed by unanimous voice vote.

- F. 7. CDRC Case #V 98-5630. Herman Baca Variance. Herman Baca, applicant, requests a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow the placement of a second dwelling unit on 1.25 acres. The property is located off Camino Pasqual, south of County Road 54 within Section 33, Township 16 North, Range 8 East**

ROMAN ABEYTA (Review Specialist): Thank you, Mr. Chairman, Commissioners. The applicant currently lives on the property and is requesting the second home for his son and daughter-in-law. The applicant states that they are expecting a child in December and cannot afford to buy a home or pay rent in or around Santa Fe. The applicant states that the second home will share the existing well and will have its own septic system.

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Recommendation: On October 29, staff recommended that the CDRC deny the variance request. However, the decision of the CDRC was to recommend approval subject to the following conditions:

1. A financial need must exist for temporary approval of the mobile home.
2. The mobile home shall utilize existing well.
3. An advanced septic system approved by the Environment Department must be utilized.
4. The approval is limited to three years at which time an administrative extension is possible provided a financial need still exists.
5. The 1.25-acre track cannot be further divided.

Thank you, Mr. Chairman.

CHAIRMAN TRUJILLO: This is a temporary permit, right?

MR. ABEYTA: Yes, Mr. Chairman, subject to administrative review in three years. Thank you. Any questions of Roman? Do we have the applicant here? Step forward please.

[Duly sworn, Herman Baca testified as follows:]

HERMAN BACA: My name's Herman Baca. I live at 6 Paseo San Pasqual. I'm here requesting a variance on my lot to allow my son to put a mobile home on my lot. On the last meeting the recommendations I agreed to everything. It would be possible to allow this. The only question I have, on number 4 if it could be waived, since I'm putting all the expense to put the septic tank and sewer system in there, if it could change this to a permanent. If not, I'll agree with whatever.

CHAIRMAN TRUJILLO: Why do we have that condition of approval? Is that a policy to limit it to three years, at which time an administrative extension -- is that the way it's done?

MR. ABEYTA: Mr. Chairman, that was actually a condition that was raised by one of the CDRC members. It was an idea that was presented by the CDRC.

CHAIRMAN TRUJILLO: And if at that time, after three years, it stipulates here, if there continues to be hardship or a financial need that that can be extended. So if we keep that in place there's no reason to come forth at that time and if that situation continues, that term can be extended administratively. Okay? Any questions of the applicant? This is a public hearing. Do we have anyone from the public that wants to talk for or against?

COMMISSIONER DURAN: Mr. Chairman, I have one question. At which time, an administrative extension is possible, so he doesn't have to come to the committee to get the extension. What if he's denied the extension? He has the ability to appeal that. So if you go to staff and they don't grant you the extension, you could appeal that decision to that board and make your case again, present your case again.

CHAIRMAN TRUJILLO: And this is an issue that you're being afforded the opportunity to be able to put a trailer for your offspring there against the existing code.

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Because you only have 1.25 acres of land. So that's a benefit that is being provided to you. Okay? Thank you. Anybody else want to talk for or against the project? If not then, what's the desire of the Commission?

Commissioner Grifé moved to approve CDRC Case #V 98-5630 with staff conditions. Commissioner Duran seconded the motion, which passed by unanimous voice vote.

- F. 9. **EZ Case #S 96-4722. College Hills. Steve Flance, agent for the College of Santa Fe, requests final plat and development plan approval in accordance with an approved master plan for Chaco Hills, a 30-lot residential subdivision on 82 acres, and Anazasi Hills, a 58-lot residential subdivision on 146 acres. The request also includes a variance to exceed a 3% road grade at Arroyo Crossing. The property is located off Coyote Ridge Road and the Santa Fe Relief Route, within Sections 17, 20, 21, 28 and 29, Township 17 North, Range 9 East**

MR. ABEYTA: Thank you, Mr. Chairman, Commissioners. On May 14, 1998, the EZC granted preliminary plat and development plan approval for College Hills. The developer is now requesting final plat and development plan approval for both subdivisions. The final development plan was reviewed for access, water supply, liquid waste, terrain management, fire protection, archaeological review, and environmental review.

Required action: The BCC must review and consider the findings of the report. Action must be taken to approve with conditions, deny or table for further analyses. The BCC must review and making a finding of fact of the variance criteria listed in the staff report, items a through g. Action should be taken to approve, deny or table for further analysis of this request.

Recommendation: The final development plan and plat meets all requirements set forth by Section 3.3.5c of the Extraterritorial Subdivision Regulations. On November 10, the EZC recommended approval subject to conditions one through thirteen as listed in the staff report. And Mr. Chairman, I would ask that that be allowed to be entered into the record as written.

CHAIRMAN TRUJILLO: Very good. Thank you, Roman.

[The conditions are as follows:]

1. Compliance with review comments from the following:
 - a. County Subdivision Engineer
 - b. County Public Works Department
 - c. County Fire Marshal
 - d. Sangre de Cristo Water Company

2. Road names and rural addressing must be approved by the County Public Works Department.
3. Coyote Ridge Road must meet collector road standards to at least College Park Road entrance (curb and gutter not required). The Arroyo Trampas drainage structures shall be designed to safely pass the 100-year design storm flows per County and FEMA regulations.
4. The applicant shall provide proof of an agreement with the Coyote Ridge Road Homeowners Association to provide maintenance of Coyote Ridge Road, prior to recording the final plat.
5. The final homeowner's documents and disclosure statement are subject to review and approval by staff, and shall include but not be limited to the following:
 - a. the prohibition of guest houses
 - b. drainage flows remain in natural condition
 - c. maintenance of open space/recreational areas
 - d. protection provisions for archaeological easements
 - e. Homeowners Association responsibility for construction and maintenance of common detention ponds and roads
 - f. maintenance provisions for liquid waste systems
 - g. contract for solid waste disposal by licensed collection service
6. Detention ponding to be maintained by the Homeowners Association is required to meet pre-development conditions
7. The developer must submit a solid waste fee in accordance with subdivision regulations (\$43.00) per lot.
8. A contract must be executed for water service prior to any plat recordation.
9. Submit updated driveway permit for proposed intersection with the bypass.
10. A traffic signage plan must be submitted.
11. All lots shall be subject to standard county water use restrictions of 0.50 acre-feet per year per lot, low flow fixtures, no swimming pools, limited non-native vegetation and recorded with the final plat.
12. Submit an engineer's cost estimate with financial surety for all required improvements (street and traffic signs, pedestrian trail). Include schedule of compliance projecting time period for completion of improvements. Upon completion, submit a certification by registered engineer that improvements have been completed according to the approved development plan.

CHAIRMAN TRUJILLO: Any questions of Roman? Is the applicant here?
[Duly sworn, Steve Flance testified as follows:]

STEVE FLANCE: Steve Flance of Flance Company, 521 Weber Street, Santa Fe, New Mexico, 87501. Mr. Chairman, members of the Commission, we are here this evening to request final plat approval for Chaco Hills Subdivision and Anazasi Hills Subdivision. These two properties were master-planned by the College of Santa Fe. They

are owned by the College of Santa Fe. In 1996 the master plan was approved and has been recorded. The preliminary subdivision plats for these properties were approved in the spring of this year and we are now back asking for final subdivision plat approval.

We have reviewed the staff recommendations and concur with those recommendations and would be happy to answer any questions. I did bring a board showing the lay-out of the subdivision and I'll bring it up and put it in front. If there are any questions I'd be happy to answer them from the members of the Commission?

CHAIRMAN TRUJILLO: Do you have any questions of the applicant?

MR. FLANCE: I would only say that we've worked long and hard on this project. It's a project that will be owned and developed by the College of Santa Fe. The proceeds from the development of this property will go to benefit the college's endowment and other activities of the college. We've worked closely with the County staff and I'd like to compliment the staff on their review of a very complex project. For example, we ended up with 58 archaeological sites on this property and had to do substantial redesign of the property in order to avoid all but two of those sites.

The property will be served by City water. We will be bringing in other utilities and improvements and it's been a long process and I just want to thank the County staff for working with us. Also, the neighborhood associations, Chaco Hills Subdivision is directly adjacent to Coyote Ridge Subdivision and Cielo Lumbre Subdivision and we've worked hand in glove with the neighborhood associations on the development of these properties. They've been extremely cooperative with us and fair in our negotiations on how we deal with issues related to that subdivision. And finally, one major thing that's come out of this is the establishment of a trail easement that will run now from West Alameda through the College of Santa Fe's properties, under a bypass underpass that will be built by the State Highway Department and extend all the way north to the Frijoles Arroyo. That dedication of that easement is to be considered by the Santa Fe City Council tomorrow evening. We've worked closely with the County and the City on establishing that easement and again, the neighborhood association, it will provide for pedestrian and equestrian access for about three miles from West Alameda all the way up to the Frijoles drainage, and provide for major open space and trail network through that area.

That has all been done in conjunction with the neighborhood associations and the College of Santa Fe and the County staff and I just would like you to know that those are some of the benefits that have come out of this two-year process that we've been in. Thank you very much.

CHAIRMAN TRUJILLO: Thank you sir. Any questions of the applicant. If not then this is a public hearing. Anybody want to talk for or against the project?

[Duly sworn, Thomas Patrick Whelan, Jr. testified as follows:]

THOMAS PATRICK WHELAN, JR.: My name is Thomas Patrick Whelan, Jr., 435 South Guadalupe Street, Suite 6, Santa Fe, 87501. Mr. Chairman and members of the Commission, I'm a local attorney and I represent Helen Gallegos, Rudy Gallegos, Billy

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Gallegos and Lupe Gallegos Benavides, whose parents owned a 16-acre tract of land, it's only 100 feet wide that runs along just to the east of Coyote Ridge Road. I submitted a letter to you. I hope it made it into the packet, about the problem.

There is a potential problem here involving the Gallegos' access to the property.

[Mr. Whelan stands by the commissioner's table and is out of microphone range.]

The Gallegos have asked permission for to use, to access Coyote Ridge Road to access their lot and they have been negotiating in the past. They have not succeeded. At the November 12 EZC meeting the issue was presented again at the EZC, asked again that the college work something out with the Gallegos. The Gallegos, at the time that I submitted the letter on December 4, the college had promised to negotiate, but we haven't started the negotiations yet. Today, I met with -- well, the college's position is it's basically okay with us to grant you easements to the road, but you have to make an agreement with the homeowners associations across the street for two things. One, sharing the cost of maintenance of the road and some costs for building the road originally. And two, to put some restrictive covenants on your property like we have on the property across the street.

I met today with Al Pitts who's here. He is the representative from the Coyote Ridge and Cielo Lumbre homeowners associations that the Gallegos are supposed to deal with. We had a very productive meeting. We clarified some misunderstanding and have made some progress, but we weren't able to reach an agreement. I offered to meet the day after tomorrow again after I had a chance to redraft our proposal to them, but unfortunately Mr. Pitts is tied up, I think on County business until -- we have scheduled a meeting for Friday the 18th. He and I agreed that at that meeting we'll know whether or not we can reach an agreement on this.

The reason I ask you to table, or the Gallegos are asking to table the final approval is our concern about what the situation is if we can't reach an agreement. If the Gallegos cannot access their lot from Coyote Ridge Road -- [away from microphone]

CHAIRMAN TRUJILLO: Excuse me, I think the focus of the meeting tonight is on the proposed master plan final approval of the College of Santa Fe. I think any other thing regarding the road is an issue between the communities in the surrounding area and the property owners. Tonight I think we need to make the decision and we need to focus on the College of Santa Fe. Anything else on the second road, whether they can use the land or not use the land, that's an issue that needs to take place and addressed with the communities by the property owners, the Gallegos. And to get involved in that at this point will not add any value to this process. I think we need to stay focused on the applicant and final plan approval of that development. And the issue regarding the road is between the Gallegos and the surrounding communities.

MR. WHELAN: The reason that we brought it to your attention is we thought the Commission would be concerned about the potential traffic problems and environmental degradation caused by having two roads --

CHAIRMAN TRUJILLO: We've got a hundred foot piece of land that if the

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road is constructed essentially, it will make the land unusable. So how much traffic will be generate by four lots.

MR. WHELAN: Well, there are actually more lots now because I think they've been subdivided under the Family Transfer Act. I'm not sure of the exact number but there's probably five or six right now.

CHAIRMAN TRUJILLO: But I think it's an issue you need to address with the surrounding communities there.

MR. WHELAN: As I said, we only brought it to your attention on the thought that you might want to address some issues that are going to affect everybody who uses West Alameda that has to pass by this intersection, as well as the people who use this road who'll be looking at the scarring from another road if that's what happens. We'll continue with our efforts. What we asked you to do is that if we couldn't get an agreement, then it looked like there would be problems that you might be concerned about, you would still have an opportunity to address them before. Because I think that this final approval -- I'm not sure what your authority would be for continuing -- imposing conditions on them to do something about the access problem. Because Coyote Ridge Road is their access road to their subdivision and the college still has fee-simple title to the land and it's they who control the access.

CHAIRMAN TRUJILLO: We understand that. Anybody else want to talk for or against the project?

[Duly sworn, Helen Gallegos testified as follows:]

HELEN GALLEGOS: My name is Helen Gallegos. I just wanted to bring to your attention, the conditions for approval of the subdivision also say that the road will be used for public use. There has been a request for a clarification of that as to what public use means. The five-foot strip between us and the easement road, Coyote Ridge is I think a circumvention of that requirement by the County. And I think it very much is important in the final plat approval.

CHAIRMAN TRUJILLO: Anything else?

MS. GALLEGOS: If we're required to build a road alongside Coyote Ridge Road, my understanding is that there should be at least 200 feet between roads, that essentially makes it landlocked for us. We won't be able to get into our properties. I think it is a question for the board to consider right now. I think it's very much part of the approval of these two subdivisions. Thank you.

COMMISSIONER DURAN: Ms. Gallegos, I think there is a willingness on the part of the applicant to work with you. Just knowing who you're working with, knowing that the college has been a part of the community for so many years, I think that there is a willingness to work with you and that given the right set of circumstances that you could negotiate an access with them.

MS. GALLEGOS: Yes, we're in the process of working and I feel confident that we can do that, but I still feel that it's part of this whole process of getting final plat

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approval and I ask if you could please table it until we get this done.

CHAIRMAN TRUJILLO: Okay, anybody else, for or against the project.
If not then, what is the desire of the Commission?

Commissioner Duran moved to approve EZ Case #S 96-4722. Commissioner Grifé seconded the motion which passed by unanimous voice vote.

ADJOURNMENT

Chairman Trujillo declared this meeting adjourned at approximately 8:50 p.m.

Approved by:

Marcos P. Trujillo
Board of County Commissioners
Marcos Trujillo, Chairman

Respectfully submitted:

Karen Farrell
Karen Farrell, Commission Reporter

ATTEST TO:

Rebecca Bustamante
REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK

1055.367
COUNTY OF SANTA FE)
STATE OF NEW MEXICO)SS
I hereby certify that this instrument was filed
for record on the 30 day of Dec. A.D.
19 98 , at 9:27 o'clock A. m.
and was duly recorded in book 1585
page 198 of the records of
Santa Fe County.

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

Marcelle Tulozar
Deputy

