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SANTA FE

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

December 12, 2000

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

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This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 5:05 p.m. by Chairman Richard Anaya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

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

IV. INVOCATION

An invocation was given by Reverend Frank Tercero.

V. APPROVAL OF THE AGENDA

A. Amendments

B. Tabled or withdrawn items

CHAIRMAN ANAYA: Let's move on to Approval of the Agenda. Are there any amendments or changes, additions or deletions?

SAMUEL MONTOYA (County Manager): Mr. Chairman, good evening. There are three amendments, Mr. Chairman. The first is under Section VIII. A. 2, which would add to the agenda a request for adoption of findings of fact and conclusions of law relative to Sunrise Springs and the amended master plan. The second amendment, Mr. Chairman, is item VIII. A. 3, which is an update on the La Cienega Community plan. The

third and final amendment, Mr. Chairman, is on page 2, item VIII. D. 5, which is Election of a Board of County Commission chairman and vice chairman.

Mr. Chairman, the tabled items for this evening are items VIII. B. 1, which is under the County Manager's matters and relates to an operating amendment or agreement with Cornell Corrections that we will defer to the 26th, Mr. Chairman. I stand for any questions.

CHAIRMAN ANAYA: I stand for any questions of Sam?

COMMISSIONER TRUJILLO: I don't have any questions, Mr. Chairman, but it has been brought to me through a petition from the community of Arroyo Seco to ask for tabling CDRC Case Z/V 00-5930. I want direction from the Commission to see how they want to look at this proposal.

COMMISSIONER GONZALES: Mr. Chairman, I recuse myself from this discussion at this point.

CHAIRMAN ANAYA: Well, personally, Commissioner Trujillo, I see no reason to table it. It's not going to change anything one way or the other as far as what the proposal presented to us stands for. So I would recommend that there be no change in it and be presented tonight. Commissioner Griñé, what do you think? But thank you for bringing it forward. Are there any other changes?

Commissioner Griñé moved to approve the agenda as amended and Commissioner Trujillo seconded. The motion passed unanimously with Commissioner Gonzales abstaining from the vote.

VI. APPROVAL OF THE MINUTES: November 21, 2000 (Joint City/County Special Meeting)

Commissioner Griñé moved to approve the minutes as submitted. Commissioner Gonzales seconded and the motion passed by unanimous voice vote.

November 22, 2000 (Special BCC Meeting)

Commissioner Gonzales moved approval of the minutes of the November 22, 2000 meeting as presented and Commissioner Griñé seconded. The motion passed by unanimous voice vote.

November 28, 2000 (Regular BCC Meeting)

Commissioner Griñé moved to approve the November 28, 2000 meeting minutes and Commissioner Trujillo seconded. The motion passed by unanimous voice vote.

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VII. ADMINISTRATIVE ITEMS

A. Committee expirations, resignations, vacancies

1. County Development Review Committee

2. Agua Fria Development Review Committee

COMMISSIONER GRIÑÉ: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Griñé.

COMMISSIONER GRIÑÉ: I move for approval to retain the existing membership on the County Review Committee.

CHAIRMAN ANAYA: There's a motion and those review committee members -

MR. MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Yes sir.

MR. MONTOYA: Mr. Chairman, members of the Board, the item under item VII. A. Mr. Chairman, is merely to advise the Board of County Commissioners that there will be vacancies under the CDRC and those particular individuals are Mike Anaya, Louis Gonzales, Chris Martinez and Eduardo Vigil. Their terms expire December 31 of 2000. Also, Mr. Chairman, the Agua Fria Development Review Committee will have several members that their terms will expire as well, and they are William Mee, Lee Romero, Mel Gallegos, Rudy Martinez, Gene Leyba and Robert Mier. Mr. Chairman, this is an informational item for your consideration for future appointments to these two committees, Mr. Chairman. I'll defer to Mr. Lopez if there is any additional information here.

ESTEVAN LOPEZ (Land Use Administrator): Mr. Chairman, as Mr. Montoya just stated, this is an informational issue but we would also like to get direction as to whether this Commission would like for us to contact the individuals whose terms are expiring and ask which ones want to continue to serve and so forth, and to the extent that any do not want to continue on that service, whether you want to give us any direction as to how we should fill the additional vacancies.

COMMISSIONER TRUJILLO: I know, I talked to Chris Martinez this afternoon in fact, and he will continue to serve. I will recommend that he continue to serve. Eduardo Vigil has expressed that he will not want to continue to serve in the CDRC, so I will be looking for somebody from the northern part of Santa Fe County to replace him.

COMMISSIONER GONZALES: I think, Mr. Chairman, it's appropriate to find out if they're willing to continue to serve and then bring back their names.

MR. LOPEZ: To the extent that any of them other than Mr. Vigil might not be interested in continuing to serve then, we'll notify the Commissioners and ask for perhaps some candidates.

MR. MONTOYA: Mr. Chairman, one additional item. If we do receive notice from the individuals that serve on these committees in their capacities, that they no longer wish to serve, we will proceed to draft a letter and thank them for their service and their long hours in relation to their service to the community.

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CHAIRMAN ANAYA: I can appreciate that. I spent ten years on CDRC and a thank you letter would certainly be in order.

BECKY BUSTAMANTE (County Clerk): Mr. Chairman, several people are indicating to me they can't hear in the back, so if we could ask you to speak into the microphones.

CHAIRMAN ANAYA: Thank you Becky.

VIII. STAFF AND ELECTED OFFICIAL ITEMS

A. Land Use Department

1. Request authorization to publish the title and general summary of an ordinance establishing the rules and regulations for County parks, trails and open space areas

ALINA BOKDE (Planner): Mr. Chairman, Commissioners, currently the County has purchased ten properties protecting approximately 2400 acres through the open space program. These properties are designed for inclusion as County parks and trails. With the onset of these new properties, the issues of safety and enforcement are now becoming more prominent. Staff is currently working with community members, non-profit organizations, and local and federal agencies to develop interim and long-term management policies for properties acquired through the open space bond.

Staff has received many complaints about off-road vehicles, gun-play and littering on some of these properties, including the Rail Trail. This proposed ordinance will establish the rules and regulations for use on these open space properties. The ordinance will also allow staff to prohibit illegal activities as defined within the ordinance with the intent of protecting significant resources identified on these properties, and will assist in providing an enjoyable experience to all visitors using these open space parks.

The proposed ordinance establishes the rules for use of the open space properties including vandalism, fire arms, camping, motor vehicles, domestic animals, signage, advertising, research, fire, commercial use, alcohol use on premises, trash, closure areas and penalty fees.

Staff is requesting authorization to publish title and general summary for the ordinance titled "Rules and Regulations for County Parks, Trails and Open Space Areas."

Commissioner Gonzales moved to approve publishing title and general summary and Commissioner Griñé seconded. The motion passed by unanimous voice vote.

VIII. A. 2. Request adoption of finding of fact and conclusions of law. Sunrise Springs master plan and preliminary development plan. Case #Z 98-5552

CHRIS GRAESER (Deputy County Attorney): Thanks, Mr. Chairman. As you may know, we went to court last Thursday on the appeal of this grant of this master plan. The judge saw it our way in most of the issues that were raised but he did ask us to go back and adopt a more detailed findings of fact and conclusions. So what you have in front of you in the front of your packet, you've had an opportunity to review staff's determination after going through the record of what that decision was based on and we ask you to adopt that.

Commissioner Gonzales moved to adopt staff's findings and conclusions. Commissioner Trujillo seconded and the motion passed by unanimous voice vote.

MR. GRAESER: Mr. Chairman, just a clarification. Was that, to the motion maker, was that the adoption of both the development plan and the preliminary findings? There's two parts. It was for both. Thank you.

VIII. A. 3. Update on the La Cienega Community Plan

PAUL OLAFSON (Planner): Good evening, Mr. Chairman and Commissioners. I want to give a brief presentation tonight outlining the La Cienega Community planning process and also describing a process to begin local development review committee for the La Cienega area. First of all, I'd like to announce there's a new staff planner, Mr. Robert Griego has started to work with us on the La Cienega Plan. Secondly, the community planning process is moving along well. The plan is being developed by representative local bodies that represent different geographic areas as well as property owners, business owners and active community members.

There's approximately 45 individuals that have been participating in the process since 1997. There have been regular meetings since 1997 and since June of this year, we've been meeting more than monthly and in the past few weeks, weekly.

We've hired a facilitator to help direct meetings and also to help in the presentation of a final draft plan to the community that we're scheduling for the beginning of next year. There's been several community wide meetings held throughout the three-plus year process and in the past year—last year, not this year, there were bi-weekly discussion sessions held at the local community center to get community input and ideas for the plan and comments as well as the process, as the plan was being drafted.

Right now we have a tentative working schedule to have a completed draft plan by December 31. We'd like to have that plan then reviewed, a final review by the planning committee between January 11 and February 1. On February 11 and 18 we'd like to schedule community meetings to review the plan and have public input on the plan. February 23, we'd like to start the process of bringing it forward to the CDRC or the LDRC, whichever is up and running at the time. And scheduling for the first meeting of March, the Board's first meeting of March to present our plan. And again, this is a tentative schedule and it's a little bit

ambitious but we think we can get—

CHAIRMAN ANAYA: I don't think they can hear you in the back so you'll have to speak a little louder or into the mike.

MR. OLAFSON: Okay. So that's the brief outline of the community planning process to date. Next I'd like to describe it. As you may have noticed, I sent a memo to the Board that staff has been instructed to begin a nomination process for a local development review committee and within the development review committee for the La Cienega and La Cieneguilla traditional historic community area. And that area was designated in May of this year by the Board. The committee must have no less than five members and the members must be residents, operate a business or own property within the traditional historic community area. The majority of the members must reside within the area.

Planning staff will present a resolution to establish a local development review committee for this area on the December 26 meeting and staff will also present a list of nominees for this committee on the December 26 meeting as well.

We sent out about 860+ letter to inform residents of the area that this process was going on and also to inform them how to proceed with the nomination process. We've had one community meeting with the community planning committee on November 30 and we're having a public meeting on tomorrow evening, the 13th, to also present the nomination process and to help let people know what's going on and get them involved if they so wish.

At the last meeting there was a list of suggestions for how a committee might be developed, and of course it's up to the Board's discretion how a committee is selected but the community wanted to let the Board know that they were interested in including some issues and one was that it would be representative of the geographic diversity, meaning La Cieneguilla, Upper La Cienega and Lower La Cienega, as well as a representation of local acequias. They're also interested in including people with knowledge of water issues, water resources, the area's history and culture, knowledge and understanding of the environment and how it impacts the planning area or the traditional community area, the ability to be flexible and have good communication skills, representation of agricultural interests in the area, representation of business owners and large property owners, knowledge of governmental structure and how it functions as well as ability to address the case loads of review and development cases, and also that the persons should be a resident of the area for a year or more. And those are just suggested criteria from the community to provide input to the Board of what the community would like to see. And that's the end of my report.

CHAIRMAN ANAYA: Thank you. Are there any questions of staff?

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I actually asked the Land Use Department to give us a report on the La Cienega Community Plan, because my understanding is that there might be a little bit of disruptive behavior taking place in these meetings. So I have a couple of questions for you. Who is the one that's responsible for chairing these meetings?

MR. OLAFSON: We don't have a chair in the meetings. We have a facilitator

that helps direct the discussion and our meetings are run through consensus.

COMMISSIONER DURAN: So does the facilitator do anything in terms of keeping control of the tempo, the outbursts by people within the meeting? Is there anyone that controls that kind of behavior?

MR. OLAFSON: Mr. Chairman, Commissioner Duran, yes, I believe the facilitator does make efforts to direct discussion and also to temper passions when they arise and again, these meetings tend to touch on issues that are very important to people and people get sometimes passionate and are meetings are open to the public and they encourage diversity of opinion and at times the meetings do get a little bit heated. I believe the facilitator does take efforts and strives to control and direct discussion.

COMMISSIONER DURAN: I fully understand the passion that they might be experiencing but I really believe that in order for this plan to come forward and be effective and a true representative of what the community wants that passion needs to be curtailed a little bit and more understanding of how this process is going to be put in place in a more effective manner needs to be—the people that are attending these meetings need to be aware of that. So I would just like for you to send that message from me at the next meeting that these plans only work if there's cooperation and respect for one another.

MR. OLAFSON: Mr. Chairman, Commissioner Duran, I agree completely and I will pass that message along.

COMMISSIONER DURAN: Thank you.

CHAIRMAN ANAYA: Commissioner Duran, I agree with you also. I think the whole Commission is supportive of you in this effort. So let them know that the whole Commission is concerned about that matter.

MR. OLAFSON: Mr. Chairman, I will. I also just want to reassure, I think the process is moving along and there is a good plan being developed and just to re-emphasize that as well as there are moments of up and down and heat and passion, but I think the product is going to be developed that is good and represents the community.

CHAIRMAN ANAYA: Good. Are there any other questions? Thank you very much.

VIII. B. Matters from the County Manager

2. Request authorization to enter into Richards Avenue road improvements and development agreement with Rancho Viejo for construction of road improvements

MR. MONTOYA: Mr. Chairman, members of the Board, before you we have an improvement and development agreement between Santa Fe County and Rancho Viejo Corporation. Mr. Chairman, the agreement contemplates improvements to Richards Avenue or County Road 64-L and goes directly to issues relative to capacity, safety for pedestrians and bicyclists, Mr. Chairman. It also relates directly to average daily traffic and I would defer to

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Mr. Kopelman for the specifics, Mr. Chairman.

CHAIRMAN ANAYA: Steve.

STEVE KOPELMAN (County Attorney): Thank you. Mr. Chairman, members of the Commission, you have a copy of the proposed agreement that's Richards Avenue road improvement and development agreement. It's only a three-page, four-page document. And basically, what this agreement does is provide that Rancho Viejo will actually be paying for the design costs and also for the base bid construction including contingencies and including inspection for specified improvements on Richards Avenue.

As indicated in the memo, the improvements include, among other things, constructing two traveling lanes of 12 feet in width, one in each direction, an asphalt overlay of the existing pavement, and two six-foot shoulders to serve as bicycle and pedestrian lanes. The base bid looks like it's going to be somewhere in the vicinity of a little over a million dollars and Rancho Viejo will be paying the money to enable the construction to go forward.

In return, what the County would be agreeing to in this document is that for the next 6,000 ADT's, or for 10,000 years, whichever comes sooner, that Rancho Viejo would not be required to make any additional improvements to Richards Avenue. That's basically the gist of it. So what it comes down to is it's approximately $2,000 per residential unit that Rancho Viejo would be paying for these off-site improvements per residence.

This agreement has been negotiated really over the last several weeks and we would ask the Commission to consider this and act accordingly. Also there are representatives from Rancho Viejo here as well as representatives from our Public Works Department. We are requesting one change in this document which is on page 2, on lines 9 and 10.

COMMISSIONER TRUJILLO: We don't have the agreement. It's not in our packet.

MR. KOPELMAN: I'm told that it's in your inside cover. It's been added in there. I'm sorry.

COMMISSIONER DURAN: Steve, could you explain that once more to me. They're going to contribute $1.3 million and what about the ADT's?

MR. KOPELMAN: Okay, the way the agreement is tailored is that in return for the payment and to make the current improvements, which are some important safety improvements as well as increasing the capacity that the County would not require Rancho Viejo to make any off-site road improvements for the next 600 residential units or the equivalent of approximately 6,000 average daily trips. And that comes out to about $2,000 a residence in return for this arrangement.

COMMISSIONER DURAN: So each residence—excuse me, Mr. Chairman.

CHAIRMAN ANAYA: Go ahead.

COMMISSIONER DURAN: So each residence generates ten ADT's?

MR. KOPELMAN: That's a rough estimate. It depends on the size of the family and how often they travel, but I think that's a generally accepted estimate from the engineers.

COMMISSIONER DURAN: And what happens—I had some discussion with

somebody if there's another—what happens to the rest of the development or the rest of the property owners out there who come forward with developments? I thought that we had talked about some kind of reimbursement for those ADT's that they would be generating?

MR. KOPELMAN: Mr. Chairman, Commissioner Duran, I think that it started to get very complicated because the other property owners weren't parties to this agreement. And so it seemed the easiest to do, come up with this formula. Now there's two options when other developers come in. They can make a contribution to the County for future off-site improvements, or they can make the off-site improvements required by that development at the time. So it doesn't preclude or change the approach that the County has taken and will take under the Community College District Ordinance.

COMMISSIONER DURAN: So the $1.3 million improves the road to provide how many more ADT's?

MR. KOPELMAN: I believe it's approximately 3,000 ADT's and then the substantial safety improvements.

COMMISSIONER DURAN: So would Rancho Viejo be the only one able to take advantage of this increase in the ADT ability of that road?

MR. KOPELMAN: Mr. Chairman, Commissioner, again it would depend on the development that came in. If it was a large development that was going to be using Richards, that developer would be required in all likelihood to make additional off-site improvements or to make a payment to the County for future improvements. So everybody should be treated the same way and the issue here really is that the safety improvements are really necessitated now and we were able to negotiate an arrangement with Rancho Viejo whereby they're willing to make those payments at this time in order that the construction project can go forward.

COMMISSIONER DURAN: Well, let me ask you a better question and maybe you can answer it. So, if other development that occurs off Richards Avenue would not be prevented from obtaining approval based on the total number of ADT's that that road is capable of handling, because Rancho Viejo has 6,000 ADT's. Is it 6,000 ADT's?

MR. KOPELMAN: That's the additional number that they would get in return for the payment to do these road improvements, that's correct.

COMMISSIONER DURAN: So if they get 6,000 ADT's, and we're at 8,000 right now?

MR. KOPELMAN: I believe that's approximately correct.

COMMISSIONER DURAN: And the maximum number of ADT's that that road can handle—

MR. KOPELMAN: I believe it's about 18,000 to 19,000 after the construction improvements.

COMMISSIONER DURAN: So the balance of the remaining ADT's would be allocated to, I mean are available for the rest of the land development in that quadrant.

MR. KOPELMAN: That's correct, Mr. Chairman, Commissioner. And again, any development of any magnitude would be required to make additional off-site improvements

or to pay the County for the County to be making those improvements down the road. But the thing to remember is that in this agreement, I don't think it's contemplated that Rancho Viejo will get to that number for at least five to ten years in all likelihood. So this is really more long term planning.

CHAIRMAN ANAYA: Any other questions of staff?

COMMISSIONER DURAN: I still have some more questions. I guess I'm only concerned that if development occurs out there besides Rancho Viejo that because we're allowing Rancho Viejo to improve that road and then be able to use the rest of the ADT's, all the ADT's that are going to be generated out of these road improvements that—again, in my initial conversation with you, and I'm surprised it changed at such a late date, I thought that we were going to allow people to reimburse and take advantage of some of the ADT's that were available based on the $1.3 million investment.

MR. KOPELMAN: Mr. Chairman, Commissioner, that will happen. Like I said, any developers coming in will make a pro rata payment to the County. And so development approval will hinge on either the new developers coming in and making the improvements to the road as mandated as necessary, or making a pro rata payment. That's what will happen. And so it may well be that future improvements to the road may not happen for another five years, and the County then would have a sum, a fund of money that it would be able to put towards future improvements at the time when they're necessitated.

CHAIRMAN ANAYA: That makes good sense.

MR. KOPELMAN: So I think it's still going to work the same way, Commissioner Duran. I think it's just done in a slightly different manner because it's a lot simpler to do it this way from a bookkeeping standpoint and from a legal standpoint. I think it makes a lot more sense for the County to be the one that actually would have to impose the conditions and one of the conditions for the development may be to pay a pro rata share.

COMMISSIONER DURAN: So these improvements don't include expanding it to four lanes?

MR. KOPELMAN: Mr. Chairman, Commissioner Duran, at this point that's correct.

CHAIRMAN ANAYA: Steve, just a point of clarification here, this money will go into a certain fund and be kept in that fund until there is a demand to improve the road in its entirely?

MR. KOPELMAN: Mr. Chairman, the money that Rancho Viejo is paying is going into a construction fund. It will go to pay the contractor to make the improvements that are explained briefly in the memo, that is the additional shoulders and the additional paving. And James Lujan is here also from Public Works. He can go into a lot more detail on this particular project, but then the idea, Mr. Chairman, is if future developers come in and want to use or need to use Richards Avenue, they would end up paying a pro rata share that would go into a fund that would be used for future road improvements. That's correct.

CHAIRMAN ANAYA: I see.

COMMISSIONER DURAN: And that would be adequate? Okay, I guess I

understand.

COMMISSIONER GONZALES: Mr. Chairman, if I understand it correctly, the primary issue surrounding Richards Avenue and the improvements is a safety is that I understand the County is concerned about. Is that correct in its current state?

JAMES LUJAN (Public Works Director): Mr. Chairman, Commissioner Gonzales, that is correct. The design is for two twelve-foot driving lanes and two six-foot shoulders with a future capacity it's designed for a four-lane on the south side of the interstate.

COMMISSIONER GONZALES: But we're getting to the point where we're addressing safety is where the additional capacity is going to come in and Rancho Viejo is going to get that capacity because they're putting up the million dollars to create the safety. Is that correct?

MR. LUJAN: That is correct. And in future development, it is designed for a four-lane that can come in and we can expand that at any time as future developers come in as Steve stated and they would expand and put into this so we could expand that.

COMMISSIONER DURAN: I just have one last question. So the future expansion of Richards Avenue then would not be a burden that Rancho Viejo would participate in?

MR. LUJAN: No.

COMMISSIONER DURAN: So once they spend the $1.3 million, that's it.

MR. LUJAN: If they exceed the capacity of the 600, then they will kick in more if we have to go to future expansion.

COMMISSIONER DURAN: Okay.

CHAIRMAN ANAYA: Steve.

MR. KOPELMAN: Thank you, Mr. Chairman. There was one minor change that we're proposing. It's on line 9 in Article II, Section 2.2. It now reads that all interest shall accrue for use on the project and shall be deposited in the construction escrow. We propose to delete that because I think the interest from that is really going to go into the general fund and there's no way to account for it separately. So we don't think that that provision is necessary.

COMMISSIONER GONZALES: We don't have a copy.

COMMISSIONER DURAN: We don't. We have two copies of the Sunrise Springs thing.

MS. BUSTAMANTE: We don't have a copy for the public record either.

COMMISSIONER DURAN: Mr. Chairman, would you mind if we just tabled this for a couple items?

CHAIRMAN ANAYA: We can bring it up at any time.

COMMISSIONER DURAN: I'd like to be able to look through it before I vote on it.

MR. KOPELMAN: I'm sorry, Mr. Chairman, members of the Commission. I was under the impression that it had been distributed. I apologize.

CHAIRMAN ANAYA: That's fine.

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

CHAIRMAN ANAYA: Anybody want to address the Commission under Matters of Public Concern? Let the record show that no one came forward.

VIII. D. Matters from the Commission

1. Resolution No. 2000-__. A resolution supporting sole community provider status

COMMISSIONER DURAN: Mr. Chairman, I had asked staff to prepare this resolution only because of a concern that I have that the services and the benefits that St. Vincent Hospital offers to our community might be in jeopardy, and I just wanted to have a resolution here that basically outlined the feelings of the Commission and, so if you don't mind, I'll just go ahead and read it into the record.

CHAIRMAN ANAYA: Please do, Commissioner.

COMMISSIONER DURAN: So it's Resolution No. 2000-164, a resolution supporting sole community provider status. Whereas, St. Vincent Hospital is a non-profit, tax-exempt corporation providing hospital inpatient and outpatient services for residents of the County and surrounding areas; and

Whereas, St. Vincent Hospital recognizes its responsibility to provide health services to all members of the community and refuses no one access to their facility for health care; and

Whereas, reduction in public funding necessitates intensive community-wide planning and coordination of health care service delivery; and

Whereas, Santa Fe County and St. Vincent Hospital desire to facilitate the effective and efficient delivery of health services to the residents of Santa Fe County and the surrounding regional area by increasing the availability of funds for these services; and

Whereas, Santa Fe County and St. Vincent Hospital have worked diligently to obtain State and federal funding to promote the delivery of health services for the under-insured, uninsured and indigents; and

Whereas, Santa Fe County desires to continue to assist and enhance the current health services available to all recipients of health care by and through St. Vincent Hospital; and

Whereas, Santa Fe County and St. Vincent Hospital's joint efforts have been successfully based on St. Vincent's historical sole community provider status; and

Whereas, any attempts to redefine St. Vincent Hospital as our sole community provider may obstruct our mutual goals and diminish our joint efforts in acquiring funding that benefits the community as a whole;

Now therefore be it resolved that Santa Fe County Board of County Commissioners strongly supports the historical status of St. Vincent Hospital as our sole community provider, appreciates that this status continues to provide the opportunity for Santa Fe County and St.

Vincent Hospital to cooperate in bringing State and federal funds back into our community to improve and enhance our current levels of health service, and opposes any attempts to undermine that status.

So I would ask that the Board of County Commissioners adopt this resolution, Number 2000-164.

CHAIRMAN ANAYA: Any questions of Commissioner Duran?

COMMISSIONER TRUJILLO: I have a question, Commissioner Duran. Essentially, what are you trying to do with this resolution? Are you trying to stifle opportunity by other entities to bring in a hospital, or what is it that you're trying to do with this resolution?

COMMISSIONER DURAN: I guess what I'm trying to do is just make it know that this Commission is behind the sole community provide status that St. Vincent has and the services it provides. We receive $8 million in federal funds to provide services. They pretty much manage the indigent fund. We've worked with them to divert other funds into our emergency medical services departments to provide medical services to residents out in the county. My only concern is that there might be an effort to undermine that sole community provider status that they have which would greatly affect the residents of Santa Fe.

I don't have any information directly that there is any attempt to undermine that effort, and if there is I'd like to hear about it. I've heard some rumors but no one has ever come before this Board of County Commissioners and made a representation to us as to how, if a new hospital comes into this community they're going to protect the community and the services that are provided through this federal and state funding.

So if there is a new hospital proposed, I'd like to hear about it. I'd like to understand how they plan on coming into the community without affecting or undermining this effort that we have all worked so hard to build.

COMMISSIONER TRUJILLO: Then, isn't this resolution a little bit premature, until we understand if anybody else is coming in to provide health services to the community and understand what they're wanting to provide. We might be in a position to say that there can be two health service organizations providing health care to the community.

COMMISSIONER DURAN: And there possibly could be. I think it's our responsibility to the community though to ensure that this $8 million. It was $8 million this year; who knows what it's going to be the next year. I think it's our responsibility to make sure that whatever services come into our community that that entity is aware that we risk losing that money under the wrong set of circumstances.

COMMISSIONER TRUJILLO: My problem is that I don't want to condone a monopoly if you will. One health care in town and that's all. I think competition is healthy. I think competition gives impetus to better service and for the benefit of our community and by no stretch of the imagination do I want to condone any sort of monopoly if you will.

COMMISSIONER DURAN: And I'm not condoning a monopoly. I think if you look at what's out there basically, what I'm asking for us to say is that we—that any attempt to undermine the health services that we as a Commission have adopted, that we oppose it. And if there is another hospital considering coming into the community and all they're

coming in to do is—whatever they're going to do, ultimately undermines that, the health services, then I'm opposed to that. I can't imagine that you wouldn't be opposed to that.

And perhaps the other facility could share in that service, but again, no one's contacted me. I don't know if they've contacted you. I hear a lot of rumbling out there, but no real information. And I think that if we're going to be making decisions, that we're in charge of our indigent fund and it was because of our cooperation with St. Vincent that we were able to get this $8 million. I think that if there is an effort to bring in a new hospital that it's time that they come before this Board of County Commissioners and make a presentation to us.

COMMISSIONER GRIÑÉ: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Griñé.

COMMISSIONER GRIÑÉ: Commissioner Duran, I guess the problem I have is that what if they go before the City Council and they get approval to build this hospital. Then where does this Commission or the next Commission will be at?

CHAIRMAN ANAYA: Well, it's merely a resolution is what it is, a resolution merely, that's a platform of what we believe should occur in the future and it can always be dissolved. A resolution can always be dissolved. Commissioner Gonzales.

COMMISSIONER GONZALES: Well, Mr. Chairman, I think that both Commissioner Trujillo and Commissioner Duran send out some very good messages. I mean, one, we have always advocated for stronger, more accessible health care and quality being the primary and underlying value in that. And I think that what Commissioner Duran indicates is very important, that we have struggled for a very long time to get to a relationship with St. Vincent that have proved to be very productive and beneficial for people all over this county. What Commissioner Trujillo indicates is very important as well is that there is a need to, however we do continue to improve the quality of service. What I would ask, Mr. Chairman and Commissioner Duran, if you're interested, I would like to ask the chair to appoint myself and Commissioner Duran to basically to an ad hoc committee that would basically reach out to the private doctors that we know are wanting to build this hospital, and to St. Vincent and to begin a dialogue with them so we more thoroughly understand what the impact of a private hospital would have on our sole community hospital.

I think we always need to stand behind that sole community hospital, because they're the ones that take care of the uninsured. They're the ones that take care of the poor. They're the ones that are going to be really the safety net for our community when it comes to health care. And we don't want to create the kind of environment or be a part of the environment that would jeopardize that delivery of health care. I think it's a little early for us to really know what the impacts would be, and there may be, if we move quickly, some legislation that we might be able to enter that would protect our sole community provide.

So what I'm proposing and maybe Commissioner Duran could join me in basically reaching out to both sides and bringing them to the table and seeing if we could kind of get through this. I want to say for the record, I'll always stand behind St. Vincent because of the important role that they play, but I don't understand enough of what the impact of another hospital would have on this community and how it would jeopardize our sole community

provider status. If it comes to that point, absolutely I think we need to do what we can to protect the hospital because again, they are the safety net for the poor people, for the uninsured, for everybody. And we can't afford to create the environment that will cause that hospital to suffer continued financial dire that they have in the past.

So, Commissioner Duran, would you be willing to do that with me maybe over the next month and come back to the Commission possibly at our first meeting in January with some kind of report as to what we've discovered by meeting with both sides and seeing if there's some type of workable solution that we could find?

COMMISSIONER DURAN: I would be willing to do that. I would be willing to table this. I think that by introducing this resolution I pretty much have spoken my peace. I think the message has gotten out there.

COMMISSIONER GONZALES: I think it sends out a strong message that I think any Commissioner up here would be prepared to support if in fact we're going to see a deterioration in the quality of services at St. Vincent. But I'd like to join with you in trying to reach out with the private doctors and with Dr. Lucas at St. Vincent, sit him down at the table and have a very healthy discussion as to what the intentions are. And hopefully we can play a role, Mr. Chairman, that will lead to more of a quality service of health care in this community and certainly accessibility is something that's very important as well.

CHAIRMAN ANAYA: I would agree with that, Commissioner Gonzales. Commissioner Duran, would you be agreeable?

COMMISSIONER DURAN: Yes, so I would make a motion to table this resolution.

CHAIRMAN ANAYA: Wait, before we go on to table, I want to make a comment as far as competition between hospitals, I think the competition that would be generated would be more among the doctors themselves, because then the profit motive enters into a new hospital versus a non-profit hospital such as St. Vincent Hospital. So as you two Commissioners go forward with this, please look at all, study all the angles and all the side effects, so to speak as to what might occur. I think this might turn out to be a very good resolution.

Commissioner Duran moved to table the resolution and Commissioner Griñé seconded. The motion passed by unanimous voice vote.

VIII. B. 2. Request authorization to enter into Richards Avenue road improvements and development agreement with Rancho Viejo for construction of road improvements [continued]

CHAIRMAN ANAYA: Commissioners, do you need some time to look over the –

COMMISSIONER DURAN: Just a couple minutes if you don't mind.

CHAIRMAN ANAYA: Not at all.

COMMISSIONER TRUJILLO: Just one question. Is Richards Avenue a City street or is it a County road?

MR. KOPELMAN: Mr. Chairman, Commissioner, this is a County road.

COMMISSIONER TRUJILLO: County road. So if need be and we were stretched in trying to improve that road, we could include any improvements in this road in our capital improvements, our plan to the legislature.

MR. KOPELMAN: Mr. Chairman, Commissioner Trujillo, that's true. That's certainly a possibility.

COMMISSIONER DURAN: Excuse me, Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: So we're going to expend $170,000?

MR. KOPELMAN: Mr. Chairman, Commissioner, that's correct. That's how much we have appropriated for this project.

COMMISSIONER DURAN: And then on paragraph 2.1, what amount goes in there?

MR. KOPELMAN: Mr. Chairman, Commissioner, that amount will be—it looks like it's going to be $1,040,156 based on the bid openings. That's not 100 percent official, but that's very, very close to the number. And again, remember, add on to that the amount that's paid for engineering costs and design. And if I could make one other point real quickly on that proposed change on Article II, Section 2.2, I have talked with the Finance Director, Katherine Miller and she's indicated that the interest will be rebudgeted back into this construction account so it may not be dollar for dollar and we don't have a construction escrow, but all the money for this will go into these road improvements.

CHAIRMAN ANAYA: That's good. It keeps with the intent of the fund. Are there any other questions? Would you like to address the Commission? If not, what's the pleasure?

Commissioner Gonzales moved to approve the agreement with Rancho Viejo with the amendment to Section 2.2 as recommended by staff. Commissioner Griñé seconded and the motion passed by unanimous voice vote.

VIII. D. 2. Request authorization to enter into a memorandum of understanding with the New Mexico Department of Health, Eight Northern Indian Pueblos Council, Rio Arriba County, Rio Arriba Family Care Network, Santa Fe County Health Planning Commission, the District II Public Health Office, Hands Across Cultures Corporation and the Santa Fe Community Partnership to Implement and Oversee an Mobilization Plan to Prevent Heroin and other Drug Use in the targeted two-county areas

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RUDY GARCIA (Policy Analyst): Mr. Chairman, Commissioners, this year Senator Pete Dominici sponsored a bill for $690,000 which was appropriated by the federal government. This money was given to the Department of Health in New Mexico. This is to fight black tar heroin in northern Santa Fe County as well as Rio Arriba County. The Department of Health required the two counties to come up with a committee made up of the above-mentioned. Just to let you know, myself, Robert Anaya and Commissioner Trujillo have been involved with this planning issue with the above-mentioned parties.

Actually, I would suggest that if Commissioner Trujillo would like to remain on the representation of Santa Fe County that the Commission appoint him as representation for Santa Fe County.

CHAIRMAN ANAYA: Okay, any questions? Just a matter of information, what I heard on the news earlier today that President Clinton has supported Governor Gary Johnson as far as the effort. I didn't get the whole hearing about it but it's interesting that that's coming forth now. Any questions?

COMMISSIONER TRUJILLO: Thank you, Rudy.

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

COMMISSIONER GRIÑÉ: Mr. Chairman, I also make the recommendation appointing Commissioner Trujillo to this.

CHAIRMAN ANAYA: Do you want to get appointed? Okay. Commissioner Trujillo is appointed.

COMMISSIONER DURAN: Second.

CHAIRMAN ANAYA: All in favor? [Unanimous 3-0. Commissioner Gonzales was not present for this action.]

VIII. D. 3. Appointments to the Extraterritorial Zoning Authority

COMMISSIONER DURAN: I guess I'll make the recommendations, Mr. Chairman.

CHAIRMAN ANAYA: Does the chair have the discretion?

MR. KOPELMAN: Mr. Chairman, the chairman generally would make the recommendation and then it would just be ratified by the full Commission.

CHAIRMAN ANAYA: Okay, so starting January 1, I appoint Commissioner Paul Duran, Commissioner Marcos Trujillo and Commissioner Javier Gonzales. Motion for ratification?

Commissioner Duran moved to ratify the nominations to the EZA and Commissioner

Griñé seconded. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

VIII. D. 4. Appointments to the Regional Planning Authority

CHAIRMAN ANAYA: Are there any volunteers?
COMMISSIONER DURAN: I'll volunteer.
COMMISSIONER TRUJILLO: So will I.
CHAIRMAN ANAYA: Okay. You're appointed. Commissioner Gonzales and Commissioner Paul Campos, I think would serve well on that one. So those are my recommendation. Is there a motion for ratification?

Commissioner Duran moved to ratify the nominations to the Regional Planning Authority. Commissioner Griñé seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

VIII. D. 5. Election of County Commission Chairman and Vice Chairman

COMMISSIONER GRIÑÉ: Mr. Chairman.
CHAIRMAN ANAYA: Commissioner Griñé.
COMMISSIONER GRIÑÉ: I make the recommendation for Commissioner Paul Duran.
CHAIRMAN ANAYA: Commissioner Paul Duran as chairman of the County Commission starting January 1.
COMMISSIONER DURAN: Do you want me to second it?
COMMISSIONER GONZALES: Second.
CHAIRMAN ANAYA: The motion was made by Commissioner Griñé and seconded by Commissioner Gonzales. All in favor of this? [Unanimous 4-0]
Vice chairman, any recommendations?
COMMISSIONER GONZALES: Mr. Chairman, I'd like to nominate Commissioner Trujillo to serve as vice chair of the Commission.
COMMISSIONER GRIÑÉ: Second.
CHAIRMAN ANAYA: All those in favor? [Unanimous 4-0]
COMMISSIONER GONZALES: Mr. Chairman, there's a couple of, one issue I have under Matters from the Commission. I know that a couple of weeks ago we had listed a priority of property for the transfer of development rights. Or a priority area to be considered as a receiving property for the TDR program. Are we moving? I want to make sure that this TDR program is continuing to move. Do we feel a level of comfort that there is a property out there that we might be getting to start working with to begin to vacate that 599 corridor?

MR. LOPEZ: Mr. Chairman, Commissioner Gonzales, my understanding following the meeting at which Rick Pruetz gave the presentation as to the alternatives and so forth, and you gave direction as to the priorities was that he would then go and actually evaluate these, the various priorities according to the direction given by the Commission and start working on a specific program that will work.

COMMISSIONER GONZALES: I guess what I'm asking is is there a willingness by these properties to consider the program.

MR. LOPEZ: We have gotten at least some preliminary acknowledgement from some of the property owners and a willingness to participate, yes.

COMMISSIONER GONZALES: I just want to make sure that there's at least some willingness to participate and that we're not spending or spinning our wheels focused on some properties that will not work.

MR. LOPEZ: I believe that there is a willingness to participate by some of those properties.

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

COMMISSIONER DURAN: Mr. Chairman, Commissioner Gonzales. Wasn't that the Airport Road District? I forget what it's called. I can never remember.

COMMISSIONER GONZALES: It was the Airport Redevelopment.

COMMISSIONER DURAN: I think the redevelopment was in existence—

COMMISSIONER GONZALES: The Airport Redevelopment District.

COMMISSIONER DURAN: What's the one just north of that? The Airport Redevelopment was around the node and all that stuff.

COMMISSIONER GONZALES: It was 599 and all that area.

COMMISSIONER DURAN: But the industrial area that we were talking about—

COMMISSIONER GONZALES: That was the primary one.

COMMISSIONER DURAN: Right.

COMMISSIONER GONZALES: And then the secondary one was the, I believe the Komas property, which is on 599 and I-25, and then as a last, as a third we said, I had said I wanted to proceed with that cautiously because of its impacts with the Community College District, or parts of it that might be eligible, but I don't think that it's—I think it would have to be the right property. But the amount of density, I don't know if it will be a proper place for it.

COMMISSIONER DURAN: So since we did prioritize that property and now the Planning Department has some free time on their hands, maybe we should give them some direction to start working on creating the ordinances or the plan for that particular area. It's not the redevelopment district, but it's the development district, I think that's what it's called.

COMMISSIONER GONZALES: I think Commissioner Duran's right. I'd like with concurrence from the Commission to send that direction to begin work on the plan to be brought forward before the Commission and then we can start working on the ordinances. I just want to make sure that there are willing people to participate in this program.

MR. LOPEZ: Again, Commissioners, I believe that the priorities were heard and some of the property owners have stepped forward and expressed a willingness to participate and Mr. Pruetz, as far as I understand, is working on developing that program and your direction is well taken. We'll continue to work on developing the ordinances that are necessary to make that happen.

COMMISSIONER DURAN: Can you give us a report at the end of the month? Just give us an update on what the—maybe you can develop a plan of action.

MR. LOPEZ: Sure.

CHAIRMAN ANAYA: Okay, thank you, Estevan. Any other Matters under the Commission?

VIII. E. Matters from the County Attorney

1. Resolution No. 2000-164. A resolution establishing the rules of order for Santa Fe Boards and Commissions, repealing Resolution No. 1999-154

MR. GRAESER: Thank you, Mr. Chairman. What the proposed resolution does is allows the chairman of the Board of County Commissioners to vote in the regular course of business, not just when there's a tie. This will just apply to the Board of County Commissioners, not any of the other boards or committees. It would change the provision of appointment of the chairman to allow the Board to appoint a new chairman upon request of the majority of the Board. So in other words, the chairman would serve at the pleasure of the Board.

It also provides, in the case of a tie, because you don't have the chairman—the chairman now is voting so you don't have the chairman to vote now to break a tie. If you only have, say four people and you get a 2-2 tie, because someone's absent, the motion gets tabled until the next meeting when there's enough people to decide the issue. If you have four because one of the Commissioners has recused himself or is somehow disqualified from voting then the motion wouldn't pass because there's not a majority. That's all it does.

CHAIRMAN ANAYA: Are there any questions?

COMMISSIONER DURAN: I just have one, Mr. Chairman. In the case of a tie, when a member is absent, prior to tabling it, could there be further discussion to see if there might be a change of heart based on the discussion and debate surrounding the issue, and then table it? Or would it automatically—would be have the ability to continue to discuss it?

MR. GRAESER: Commissioner Duran, I didn't actually provide for that one way or the other. If you'd like to add that amendment now, we could certainly do that.

COMMISSIONER DURAN: Well, I would think that we probably would have the right to do that anyway. Okay, never mind.

CHAIRMAN ANAYA: Any other questions? What's the pleasure?

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Commissioner Duran moved to approve Resolution 2000-164 and Commissioner Trujillo seconded. The motion passed by unanimous voice vote. [Commissioner Gonzales and Commissioner Griñé were not present for this action.]

VIII. E. 2. Executive session

MR. KOPELMAN: Mr. Chairman, there's nothing for executive session tonight.

CHAIRMAN ANAYA: There's nothing.

[The Commission recessed from 6:10 to 6:20.]

CHAIRMAN ANAYA: I'm going to call this meeting back to order. If anybody has had the opportunity to go outside, you can see that the snow's coming down pretty hard and there might be a chance that we're going to recess this meeting tonight if it continues this way. So, just to alert you all.

COMMISSIONER TRUJILLO: On another note, Mr. Chairman, during the break I had some people go up to me and tell me that they're having a hard time in the back hearing. They can't hear so can we turn up the volume or something so that the people can hear us?

CHAIRMAN ANAYA: What are the wishes of the Commission? Should we continue or recess?

COMMISSIONER GRIÑÉ: Continue.

CHAIRMAN ANAYA: Continue? Okay.

IX. PUBLIC HEARINGS

A. Resolution No. 2000-165. A resolution amending Resolution No. 1990-137, the Santa Fe County Growth Management Plan, as amended to adopt and incorporate the Rio Tesuque Community Comprehensive Land Use Plan (second public hearing)

JUDY MCGOWAN (Senior Planner): Mr. Chairman, Commissioners, as you know, you've heard this last month and I think it's correct, we'll separate the plan and the ordinance so it's less confusing. You authorized this plan in 1995, along with the EZA. Since then, Tesuque has become a traditional historic community and is subject just to County regulation and the County Codes and plans and so the committee is coming forward to the BCC for final adoption.

They have prepared the land use plan. They have also completed the traditional historic community designation. They've completed a sewer feasibility study and a traffic impact study for the village. And the sewer feasibility study in particular is an item of concern

when we get into discussing the ordinance. Two public meetings were held within the community as required by our Code and some amendments to the plan and the ordinance were incorporated on the basis of those meetings.

Subsequently, the plan and the ordinance were taken to the Tesuque Development Review Committee, and they held a hearing on October 26 and review the plan and the ordinance and recommended approval with some amendments. I have to admit I had a senior moment and I forgot to put those amendments into your packet so I'll pass those out to you. In addition, in the plan draft there were to sections that said "to be inserted" under soils and we have that insertion. It's a very simple amendment tonight to the plan and I'll hand those out to you also.

I'd like to point out for interested people in the audience that there are copies of all the documents up here on the table that can be picked up so that you can follow along. At the last public hearing, on your November 14 meeting there were quite a few people who spoke and again submitted recommended amendments. Most of those amendments had to do with the ordinance and that's a separate item. But we have, where we could, incorporated those amendments into the plan and the ordinance.

So for the plan item, what you have in your packet is the draft resolution and a packet of amendments to the Rio Tesuque Comprehensive Land Use Plan that were discussed either at the last meeting or in your packet at the last meeting. You also had a page on both sides that was amendments that were worked out with the planning committee and the acequia commissions. And those are proposed amendments to the plan and the language is very carefully drafted so that it helps protect the acequias but does not impinge on the authority or the jurisdiction of those acequia commissions.

What I have just handed out to you now includes the two amendments that were recommended by the TDRC and we are asking that you ignore the first amendment having to do with the acequia systems and instead consider the amendments that were worked out with the acequia commissions as applying in the plan. And then the second amendment from the TDRC had to do with the trail implementation strategies, just stating that it's not the intent of the plan to encourage public access trails across private property except where the public access easement already occurs.

And then the final amendments that are being proposed, which I've just handed out to you would go on pages 16 and pages 28 of the plan, and that is some text having to do with the soil types and potential soil limitations that exist in the Tesuque area. Basically, the actions that are proposed are to develop some detailed soils mapping and that would be done with the help of the Natural Resources Conservation Service, who is supposed to be completing more detailed soils mapping for the entire county. It's years behind at this point. That the community work with the New Mexico Environment Department to develop any kind of guidelines that might be needed for soils that are not appropriate or liquid waste or that need some special consideration for liquid waste systems.

Also, final action is to use a detailed soil survey information to identify soil areas that recharge the aquifer and develop some strategies to protect those areas. So those are future

actions that the community might consider. But the direction would be given in the plan; they wouldn't actually implement them at the moment.

Staff is recommending that you consider the plan, hear any other comments and approve it with the amendments that have been proposed. And I believe the planning committee, Rod Rempel would like to make a statement or presentation on the plan also.

ROD REMPEL: Thank you, Judy. Members of the Commission, I want to thank you for scheduling Tesuque in for the second of our public hearings tonight and I want to thank the community for braving the storm to come out tonight. I had not realized before today that this would most likely be the last meeting for this particular body of Commissioners, in that the Commissioners Anaya and Griñé will be ending their terms. I feel really good that we have gotten our task accomplished while still under the watch of this same group with whom we started out on this lengthy process and from whom we've gotten so much support. I want to thank you for that.

I'm not going to take up a lot of time tonight, repeating the presentation we gave a month ago. I would like to point out that as a result of that meeting, several additional comments and suggestions were incorporated into the amended plan and ordinances. I think resulting from last meeting, the most concern we heard was from Commissioner Duran's questions of the plan's proposal to change the minimum lot size in the traditional village portion of our planning area from ¾ to one acre lot size minimum, based primarily on groundwater protection issues.

This issue has been a major component of our plan from the beginning for a number of reasons. As previously stated, we had no negative feedback on any of our community meetings regarding this change, other than to question the existing exemption for family lot transfers from this lot size minimum change. Family transfers, it is stated in the plan and the ordinance, will continue to be allowed at ¾ acre. In addition, we have gotten legal opinion from attorney Kopelman on the matter in regards to whether or not this minimum lot size change would be a taking in any way. As to those questions and in particular in concern for those who would be denied to splitting 1 ½-acre parcels as previously allowed, we have proposed an amendment to the ordinance which states that a 1 ½-acre parcel will be allowed a primary dwelling in addition to a guest house with the provision that a secondary or enhanced septic treatment system is installed. Further lot splitting of such a parcel of 1 ½ acres of a dwelling and a guest house would not be permissible at a later time.

I'd like to restate our position that our ultimate goal in this lot size issue is to effect a step toward protecting Tesuque's groundwater. We realize this is only a partial answer to existing and future contamination problems. Our hope is that the use of secondary treatment systems such as this does not in any hinder our efforts at getting participation in a community treatment system in the near future, which will of course be the only real and lasting protection strategy for our groundwater problems.

That's really the only major change and a point I wanted to make in addition to the last meeting's presentation and I'll turn it over to you for any questions.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Gonzales.

COMMISSIONER GONZALES: Thank you. Let me also begin by thanking you for all the enormous hours I know that you've put in and many members of that community to see this plan become a reality. And I support the community in wanting to go to one acre, but I want to talk specifically to what the amendment that you came up with and that is, if I understand you correctly, if you have 1 ½ acres, you could basically have one dwelling unit plus a guest house?

MR. REMPEL: Correct.

COMMISSIONER GONZALES: And I guess I kind of—to me it sounds like it works opposite of tradition families' needs. In all the lot splits I've seen where traditional families have been able to take advantage of living in a traditional community is that they have created a separate lot, a ¾-acre lot and they have passed that on to either their children or someone in their family who has needed it and that individual was able to choose the type of dwelling unit that they chose to go forward. It seems to me by this amendment that you would be supporting in fact that it might go to the more wealthy people in the community who could afford to build a guest house who otherwise wouldn't get that chance to build a guest house through this amendment that you're providing.

The idea of the ¾-acre to me was to assure that traditional families stayed in traditional communities.

MR. REMPEL: Correct.

COMMISSIONER GONZALES: And you wanted to lower the lot sizes to assure that that would happen. There's not a lot of traditional families that I've come across who will chose to build a guest house for their kids or often have the money to go out and build a guest house for their kids, but we do see a lot of wealthy people who could come in and build a guest house for whatever dwelling they want. So I'm a little concerned as to who would actually use that provision of the amendment and whether it would really help traditional families try to accomplish the goal of keeping their families in the traditional communities.

MR. REMPEL: Commissioner Gonzales, the tack we took once again was to continue allowing ¾-acre minimum lots for family lot splits. The concern was that there are individuals in the community who have purchased in the past 1 ½ acres and that we would be denying them permission to adequately use that 1 ½ acres in that we were saying that they would no longer be able to split down to two ¾-acre parcels and that's why we made that recommendation.

COMMISSIONER GONZALES: So you're saying that individuals that are holding ¾-acre lots right now, they're okay.

MR. REMPEL: Correct.

COMMISSIONER GONZALES: Individuals that are holding a quarter and half, right, the minimum lot size is one acre so they couldn't go to a lot split. They couldn't create two ¾-acres.

MR. REMPEL: Correct. Unless they are doing a family lot split.

COMMISSIONER GONZALES: Okay, so they do a family lot split. They

can go to ¾ acres.

MR. REMPEL: Correct.

COMMISSIONER GONZALES: Okay. That's great. Now, where's the attachment of the guest house though? How did that come into play?

MR. REMPEL: Why does that make any sense?

COMMISSIONER GONZALES: Yes.

MR. REMPEL: Once again, it was a consideration given to individuals who have purchased 1 ½-acre lot size and who had hopes of splitting it in half or doing something additional with that acreage. Our concession was to them that yes, you cannot split that parcel any smaller. You can put a guest house on, but you're going to have to put in a secondary treatment system.

COMMISSIONER GONZALES: Is there a provision in our County Code that prevents guest houses right now on minimum lots?

COMMISSIONER DURAN: Mr. Chairman, Commissioner Gonzales, right now, in the traditional community, you can only have one dwelling with a kitchen on ¾ of an acre. And the minimum size lot is ¾ acre.

COMMISSIONER GONZALES: I understand that. But I think that if the goal is to again, go back to preserve traditional families and traditional communities and address the environmental issues at the same time, I guess I'm hung up on the issue of being able to have a dwelling. I know you're trying to make a compromise for everyone in the community so that they'll feel good about the plan. I think that's good, but I thought that we disallowed guest houses in the county, which doesn't have any bearing on this, because this is your community plan, but what I'm wanting to do is make sure that we're equitable also and we're trying to take all that into account as well.

MS. MCGOWAN: Mr. Chairman, Commissioner, I'll try to explain a little bit. Right now the County treats guest houses that have kitchens as dwelling units, as a second dwelling unit. And the specific concern that was raised in the last public hearing was, well, a lot of people have purchased lots of an acre and a half in Tesuque with the idea of putting a guest house on there and that if we changed the minimum lot size to one acre they will no longer qualify to put a guest house on and the compromise was simply to meet that specific situation.

COMMISSIONER GONZALES: I'll let it go but isn't—I mean the purpose of the plan is to also assure that the groundwater quality stays intact, that that whole part of quality of life is not further jeopardized as it seems to me by that concession that that could very well take place. I understand if someone moved in, we're always hearing the speculative side of things, people moving in, buying land and wanting to do something. I'm okay with that. I think everyone deserves a fair break. But I just don't want to make sure that the compromise that was done contradicts what the underlying value was and that was to preserve the groundwater quality and to assure that from an environmental standpoint that that village continues to enjoy the same quality of life that they have.

MS. MCGOWAN: We agree. That's why the condition of having to use an

advanced treatment liquid waste system in order to have the two units.

COMMISSIONER GONZALES: Right. Okay. I'm all right. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Gee, I think that at the last meeting my concern, the example that I gave was that someone who had an acre and a half under this new plan wouldn't be allowed to have two dwellings, but the truth of the matter is that it's not just someone who has an acre and a half, it's someone who might have three acres that want to have four residences. There is a man out there whose name is J. R. Chavez. He's lived there all his life and he owns a large tract of land and he, for his estate planning, for his children, he created about four or five ¾-acre lots.

I'm sure that he's not the only individual who has lived out there forever and has children that he wants to leave his land to or leave a tract of land to. I guess Mr. Rempel, I'm wondering have you seen the amendment in Section 3.4.1, traditional village zone where it stated the minimum lot size is one acre per dwelling and only one dwelling unit shall be permitted per acre. The problem that I have with this, and this is somewhat of a compromise, but it still doesn't address the takings issue that I think occurs when you basically say the minimum size lot is one acre.

This Commission in the past has always preserved the minimum size lot that is in existence, not only in traditional communities, but out in the northwest quadrant when there was an effort to change the minimum size lot to ten acres when we were going through our general plan. And for the same reason that we didn't approve a ten-acre minimum or a five-acre minimum out there when the 2 ½ is allowed, I think should be the reason why we would be opposed to an increase in the minimum size lot out there. I think the reason that you're doing this is to preserve the aquifer, or not the aquifer, but to preserve your groundwater and I would like to suggest that a change be made to this that would go something like this: That the minimum lot size is one acre. Three-quarter-acre lots shall be permitted only if advanced liquid waste systems with back-up vault holding tanks are installed, etc. Which is the balance of that paragraph.

I think it addresses your concern that there is contamination of your water resource and yet is still provides for the people who bought—not everyone bought an acre and a half assuming that they were going to split it in two. There are people who bought out there or who have owned property for a long time that had the intentions of leaving it to their family. And what's wrong with someone even subdividing and making a profit off it to enhance their lives? I think that if we adopt it the way that I just suggested that the community benefits because you basically have addressed your concerns about the groundwater, and we have preserved the property rights that people have out there by allowing them to go down to ¾ acres provided that they address the health and safety issues that are a concern of your community.

MR. REMPEL: Commissioner Duran, we have discussed that just briefly as we heard about that being a possible amendment suggested this evening. In part we had a very strong feeling as an organization that such a lot change to reduce the potential density on

ingrowth based on groundwater as well as—drinking water as well as where's the septic treatment going was a valid response to that problem. We did feel that we adequately handled problems such as Mr. Chavez' problem by allowing the traditional family lot splits down to ¾ acre.

That's really all I can respond with that.

COMMISSIONER DURAN: So do you think you would have a problem with allowing the lots—we could say that if one acre is the minimum if they don't provide advanced liquid waste systems, but if they do, they can go to ¾-acre lots?

MR. REMPEL: I still question, Commissioner Duran, then what would we do with the traditional family lot splits? Would we also require them to provide the secondary treatment, which is in this plan we have not done, and it would turn out that folks who were not traditional families and doing family lot splits could come in and afford the 20,000 extra dollars to provide that secondary treatment. So I think it kind of gets confusing here with the traditional family issue.

COMMISSIONER DURAN: Well, we leave the traditional family issue separate. It's not part—they get to go the ¾ of an acre without having to do an advanced treatment if it truly qualifies for a family transfer. I think if we don't do it the way that I suggest that this Commission and the Commissions from here on out are going to be defending this in court and in my opinion I think that we're going to lose because I really believe is what you're basically doing here is taking away about $200,000 worth of value from someone who wanted to create a ¾-acre lot and we have imposed a one-acre minimum there.

I also think that it creates an elitist community. It actually increases—the only way that the individual can still obtain the same kind of, or receive the same kind of benefit from his property is by raising the price of the property he's trying to sell, and the only people who can afford it are rich people. So I have some concern about how this affects the ability for an average person, or someone less that rich can afford to live there. And I think that you promote that by taking away that ability.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Trujillo.

COMMISSIONER TRUJILLO: I've seen this process go on for a long time and I want to commend the community and I'm really happy that it's finally come to fruition. And I understand what the community's intent is with a one-acre minimum lot size. The essence of the plan is to protect the traditional community. Inherent in the plan is also to afford traditional families the opportunity to continue to split their lots and pass them off to their offspring at a minimum of ¾ acres. All the issues that have been taken into consideration regarding water, regarding liquid waste, regarding traffic, have been discussed with the community. The community has decided that they want a minimum lot size of one acre, and I support that.

The community struggled with the issue of family transfers and protecting traditional rights and protecting the acequias, and protecting the whole gamut of quality of life in the village of Tesuque and everybody agrees in the community that one-acre minimum lot size is

appropriate and it will not have a disparate impact on the continued conveyance of land for traditional family transfer purposes. In fact, this program, this plan, has received support because of the inertia, because of the involvement of the community from surrounding communities, Chupadero, Rio en Medio, all of those areas.

This is a model program, a model plan in Santa Fe County. This is the altruistic community planning effort that the community has made their decisions stand by themselves.

COMMISSIONER DURAN: Mr. Chairman, I agree with you entirely. The plan is perfect in every way except for one and that is the minimum size lot, the change in the minimum size lot. I know a lot of time has gone into this. I know that you believe, and you might be right, that this is, that everybody in the community is behind this. My concern is that there is someone out there that is not that can come up here and end up taking us to court and we have exposed our community to pay out thousands of dollars because we have adopted an ordinance that is based on takings.

COMMISSIONER TRUJILLO: What I'm saying is that the community, through self-determination, has taken that into consideration.

COMMISSIONER DURAN: This is more than just Tesuque. This is the community of Santa Fe. What we are exposing Santa Fe County to major litigation in my opinion, by allowing this kind of a taking to be adopted.

COMMISSIONER TRUJILLO: The essence of community planning is self-determination. The decision making process goes to the community. The community decides how they want to master plan the community over a long period of time. I respect that. I accept that the community of Tesuque went through that process. We should adhere to the plan of one-acre minimum lot size.

CHAIRMAN ANAYA: Let me ask this of Judy or Steve Kopelman. Is there a potential of the variance approach to accommodate Commissioner Duran's concerns?

MR. KOPELMAN: Mr. Chairman, I think generally speaking when you establish a minimum zoning size, that really is what the Code allows for then and I think that to expect that variances are going to take care of an issue like this is probably not well founded from a legal standpoint.

CHAIRMAN ANAYA: Okay. Thank you. Okay, continue debate.

COMMISSIONER DURAN: Again, I'd just like to state that I know that a lot of time, a lot of effort went into this plan. I know that it's community based. I know that this Commission has made every attempt to empower the communities to bring forward a plan, but I think that as the Board of County Commissioners it's our responsibility to analyze and review the community plans to make sure that conflict does not exist, that we are not exposing the entire community of Santa Fe to major litigation.

We haven't adopted any plans, we haven't entertained any suggestions, any efforts from any community that has made any effort to reduce, or to increase the minimum size lot for the same reason that I'm bringing it up tonight is that it's a takings issue. We've never done it for anyone else. I don't think we should do it here. I think that if the true reason for raising the minimum size lot to one acre is because of the health and safety issues associated with the

groundwater, I think that if we require that individuals come in with an advanced liquid waste system that that takes care of the concern. Is there another concern other than that?

CHAIRMAN ANAYA: Okay, let's go into closing this debate.

COMMISSIONER TRUJILLO: I conjecture that we're looking at augmenting the minimum lot size in Tesuque. If I look at Pojoaque where we have a quality of water issue, and we implement an infrastructure that takes care of that, then I see through the community planning effort, through the decision making process within the community, that minimum lot size can go down. It can work both ways, because now there is ample potable water and liquid waste infrastructure to justify a minimum lot size going down. So I leave that up to the community. The community decides what they want to do. That is part of the community planning process. It is self-determination and I respect that.

CHAIRMAN ANAYA: Okay, Commissioner Trujillo is suggesting there is flexibility in the plan now to accommodate your concern, Commissioner Duran.

COMMISSIONER DURAN: Where do you see that?

CHAIRMAN ANAYA: Well, he's suggesting it. I'm going to ask Steve Kopelman, is there a potential of any kind of litigation as to Commissioner Duran's concern should be adopt this plan the way it is?

MR. KOPELMAN: Mr. Chairman, members of the Commission of course there's always chances for litigation. There's no guarantee we're not going to get sued, and I can't guarantee what the result would be. But I think that generally speaking, it's hard to establish a takings, but we don't have very much case law in this state at all on that issue.

CHAIRMAN ANAYA: Please continue the public hearing.

MS. MCGOWAN: Mr. Chairman, could I just get a clarification, because it seems like we jumped from discussion of the plan into discussion of the ordinance. Are you hearing both at this time? Is that what you would like to continue?

COMMISSIONER DURAN: I think we all love the plan. It's this particular section in the ordinance that's causing us some heartburn.

CHAIRMAN ANAYA: I don't know how to resolve this debate except perhaps to open it up to a motion. The motion on the argument that Commissioner Duran is suggesting. Okay, we'll finish the public hearing and then take it from there. Okay, anyone else like to address the Commission please come forward.

MIKE FINNEY: Thank you, Mr. Chairman, Commissioners. We've spent a lot of time talking about the whole issue of water and water quality relating to the one-acre limit on divisions, but in honesty, there's a great deal more than just that. There's also the issue of maintaining enough open space in the village to actually have it still have a rural character. The more ¾ lot splits you have the more buildings you're going to have, the less open space you're going to have.

In addition to that, that means more people are going to live there. That means the traffic impact is going to increase. That means that Bishop's Lodge Road, already over-taxed is going to be even more over-taxed in the future. In addition the more buildings we allow, the more of the natural landscape that you allow to be disturbed, and if you're trying to protect the

rural character of a village, I think it's very important to think about all those issues. What it essentially means is if you've got a five-acre lot and you want to split to ¾ you can build six houses on it as opposed to just five houses the way that Commissioner Duran is proposing this.

The greatest problem that I have, and this is personal, you cannot take this as me representing the Rio Tesuque Land Alliance, is it seems as though you're placing an unequal burden on those seeking a ¾-acre lot split. The way you position this, you would be requiring them to spend $20,000 on a very sophisticated wastewater management program, and that would fly right in the face of us trying to provide affordable housing in Tesuque for people who are poor. It also, again, it could put the people that are family transfers at risk of having to spend an extra $20,000, because how are you going to allow them not to do it, yet you're going to force somebody else that comes into the community with a ¾-acre lot split.

I think you're actually opening yourself up to more legal problems by trying to impose this on the plan than you're actually going to relieve yourself from. The only I would say is consider this: In the area that is most densely developed in Tesuque, the older part of the village, which is up above what is called the triangle. Because of the number of lot splits that have taken place, because of the number of septic systems there, and because all of those homes' waste systems flow into a system that goes downhill, the Rio Tesuque's school's water has not received good ratings the last time it was tested. That's justification enough for me to not encourage dense development. Because the more densely development happens, the more at risk that aquifer is going to be, the more at risk families with children are going to have to suffer as a result of potential contamination of groundwater.

I just urge you all to consider what the consequences of that kind of an amendment would be long-term, as opposed to short-term. Thank you.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Gonzales.

COMMISSIONER GONZALES: Sir, could you real quickly please state your name for the record.

MR. FINNEY: I'm sorry. I'm Mike Finney. I'm the vice president of the Rio Tesuque Land Alliance.

COMMISSIONER GONZALES: Mr. Finney, looking at the amended public hearing draft, I guess, page 4, on commercial uses, the minimum lot size is ¾ acre?

MR. FINNEY: Yes.

COMMISSIONER GONZALES: So you're proposing a ¾-acre for commercial designation but not allowing residential to go to ¾ acres. In that are you possibly creating an environment where an individual owns 1 ¾ acre lot will be able to achieve a ¾-acre density would be to come in and commercialize the property?

MR. FINNEY: Actually, that section of the ordinance and the land use plan was an attempt to again, meet the communities needs and expectations regarding commercial development as well as meet the County's requirements regarding multiple use. And what we did—

COMMISSIONER GONZALES: It seems very conflicted.

MR. FINNEY: Actually, I can see how that would appear that way and I have to say that we don't consider it that way because what that does is it controls the size of any type of a commercial enterprise that might come in and then they can only take up 20 percent. The enterprise can only occupy 20 percent. You have to understand, we created this entire land use plan based on the premise that was given to us, actually the dictates of our community, which was to protect the rural character of the village.

And because we knew we'd have to allow commercial development because of the multi-use criteria in the County plan, we thought okay, if we're going to do that, then keep those lot sized small, ¾ acres to 1.5 acres and keep the footprint on that acreage small, 20 percent. And then have all kinds of requirements that also sort of like decrease the impact, the visual impact, the traffic impact, all of those types of things.

COMMISSIONER GONZALES: Are you requiring the upgraded septic system in that commercial use, the ¾-acre lots?

MR. FINNEY: Yes.

COMMISSIONER GONZALES: It is a requirement of the commercial ¾-acre lot that they have an upgraded septic system?

MR. FINNEY: It's not in there now.

COMMISSIONER GONZALES: It's just that I've seen a lot of—I understand that you're responding from what your community is asking for but again, it just seems that it's a little conflict in here where you're requiring 1.25-acre with a guest house to have an upgraded system but you're not allowing a commercial business with a ¾ acre to have it. We're allowing family transfers to occur at ¾ acre but if you have a quarter and a half, the only way you're going to get to a ¾ acre is if you want to commercialize your property. And that seems to go contrary to trying to maintain some type of rural atmosphere.

I'm really trying to understand the intent here by looking at what you've presented.

MR. FINNEY: Well, you also need to understand that we're suggesting that any commercial development happen within the center, the already commercially developed center of the village.

COMMISSIONER GONZALES: That's where you're suggesting it, you're saying?

MR. FINNEY: Yes. And so again, some of those lots have already been divided. It's not as though anywhere in the village you're going to have free rein to create a ¾ acre lot split and create a grocery store.

COMMISSIONER GONZALES: So I guess my point is, wouldn't it be more appropriate to move that ¾ acre to a one-acre lot as a minimum commercial lot size?

MR. FINNEY: Yes.

COMMISSIONER GONZALES: If the Commission was going to stay focused on the one-acre minimum lot size.

MR. FINNEY: We would support it.

MR. REMPEL: Commissioner Gonzales, the way we came about that as you see as a conflict in lot sizing right now is in the realization in that water studies show that

commercial uses use a lot less clean water and produce a lot less septic, and we felt we were on very solid ground creating a difference between the two, commercial and residential lot sizes. We gave that a good deal of thought.

COMMISSIONER GONZALES: But if you have that argument as Commissioner Duran is bringing up focusing on the water quality, why wouldn't you then allow for the advanced septic system on a ¾-acre lot. I want to make sure we stay consistent through the whole plan, just in case it is challenged, that everything is tied together and I guess my point out of all this is I'd rather see a one-acre minimum lot size because the community feels that to protect the rural nature, a business should only be on one acre, than to say, yes, it's okay for commercial but not okay for residential. And yes, it's okay for one to have an advanced septic system but the other it's not when we know that all of it contributes to more groundwater contamination.

MR. REMPEL: Yes, we were attempting to be somewhat scientific here in the amount of septic production and whatnot. So that is how we came up with that. And if you feel like that would be much clearer to work with, we could go along with that I'm sure. We wanted to leave a little bit larger spread in terms of lot size per commercial so that we would be allowing someone who wanted to come in with a mom and pop sized store for the community, services for the community to do so. We were attempting to make some allowances here.

COMMISSIONER GONZALES: So in that example thought, if someone's minimum density is a half acre and they want to come in with a mom and pop and the minimum lot size is ¾ acres you're saying that wouldn't be allowed.

MR. REMPEL: That's correct.

COMMISSIONER GONZALES: If they've already got the legal plat.

MR. REMPEL: That's correct.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I will withdraw my concern about the increase in the density and let the plan move forward.

CHAIRMAN ANAYA: Okay. With the consensus of course that Commissioner Gonzales brought up for the purpose of consistency. I think that would be an adequate approach.

COMMISSIONER GONZALES: Mr. Chairman, all I would add is I'll stay with supporting the ¾ minimum on commercial but I think that there should be a provision that if the Land Use staff determines that an advanced septic system is needed on whatever the type of use is that they could impose the advanced septic system.

CHAIRMAN ANAYA: Okay. With that then, let's continue. Is there anyone else that would like to address the Commission? Please come forward.

KENN HOLSTEN: Thank you. My name is Kenn Holsten. My wife, Christine Warren and I live on County Road 73 about half a mile south of the Tesuque market. And I unfortunately am not as well versed on the proposal as I should be, but I wanted just a little clarification as to whether the proposed commercial zone is actually intended to promote

more commercial goings-on in Tesuque, or whether it is something that is required by the County to be provided for and is intended to actually limit or control commercial development.

CHAIRMAN ANAYA: Okay, Judy, can you answer that?

MS. MCGOWAN: I will attempt to. Yes, the Community Planning Ordinance provides that community plans have to be developed under the general policy of the County Growth Management Plan. And the County Growth Management Plan has a couple of pages in it that lays out what the issues for planning will be and what the policy will be for traditional communities and another couple of pages about contemporary communities.

There is quite a bit of discussion of mixed use, having to provide mixed use and having to provide some kind of commercial use. It's left up to the communities to determine what kind of use best fits the community. And in Tesuque's case, they struggled with this a long time. It's been a very difficult issue for them but there is quite a bit of commercial in the community right now. It is focused at the triangle, but there are other home occupations and other types of commercial scattered throughout the community that are quite small. Some of the commercial that's there right now of course at the triangle is much larger than would be allowed under the current ordinance.

The way the planning committee chose to respond to the requirements for mixed use was to come up with some fairly restrictive standards for commercial use that would keep commercial uses at a very small scale that would fit in with the community. They also at the same time, relaxed one of the requirements for home occupations to allow crafts people and artists in the community to sell out of their home. So that is something that would be a little bit different from the County Code also.

So definitely, they have to provide—the County has maintained, County staff has maintained and backed up with opinions from the legal department that mixed use means you have to provide some kind of commercial that will provide for your own needs in the community. We don't require traditional communities to provide for commercial needs for the region. We wouldn't of course require a supermarket or something big like that in Tesuque.

The other requirement that's in the County General Plan that we're requiring all of these community plans to address is at some level to provide the option for affordable housing to be provided. And we understand that in many of these communities it's going to be quite difficult. The way it's stated in the Tesuque ordinance is that affordable housing could have smaller lots if it meets the affordable housing requirements of the County and is on both community water and community sewer systems.

CHAIRMAN ANAYA: Thank you, Judy.

COMMISSIONER TRUJILLO: The plan isn't intended to support commercial development in the area, right? It's to control it, it's to designate it in a given area and that's what the plan is all about.

MS. MCGOWAN: It recommends that commercial happen within the already established commercial node, which is a small-scale node. It would be possible for someone who had a lot in another part of the community to come forward and request one of those small commercial uses. And it's also possible to do home occupations. But yes, the plan does not

provide for large commercial uses that would be regional in nature, or for highway commercial uses.

CHAIRMAN ANAYA: Thank you for the clarification.

COMMISSIONER GONZALES: Mr. Chairman, Judy, just real briefly, what came to be of the Yamada property? What came to be of it in the community plan?

MS. MCGOWAN: The Yamada property is in the area that's designated Basin Fringe. You may not be able to see the map very well. And so the minimum lot size in that area is 12.5 acres, so under the ordinance it would not qualify for commercial. It would qualify for home occupation.

COMMISSIONER GONZALES: I'd like to ask one of the community leaders on that issue. Knowing that a large part—the Yamada property is something that really mobilized, I think, the community and focused the Commission on the efforts to allow for time to create some planning, but nevertheless, you can't negate the fact that a large part of that area is going to be overrun with heavy highway development. Is it realistic to expect that anyone would want to have a residence under that type of environment?

MR. REMPEL: Commissioner Gonzales, we spoke to issues of the entire area along the highway in a section on a scenic corridor, which as best we could reflects the highway metro plan of the County and City, which would not, which being a portion of a scenic corridor in this instance, allow for commercial development anywhere along that corridor.

COMMISSIONER GONZALES: Was the Yamada family invited or did they participate in any of this planning process?

MR. REMPEL: They have had access, yes, to all of the community meetings.

COMMISSIONER GONZALES: Did they participate?

MR. REMPEL: Yes, they did. And I might add for fairness that they were not in agreement with that.

COMMISSIONER GONZALES: I probably would either if that was my property sitting under all those lights.

CHAIRMAN ANAYA: Commissioner Duran

COMMISSIONER DURAN: Judy, I just have a question. If we were to adopt this plan this evening in its entirety without any amendments except for the ones that you suggested in your hand-out, we would be adopting it as it's stated in paragraph 3. I mean we would be adopting paragraph 3.4.1, which deals with the minimum size lot and we would be adopting it as it has been presented to us. Is that correct?

MS. MCGOWAN: You're referring to the ordinance. That's correct.

COMMISSIONER DURAN: Right.

MS. MCGOWAN: I did have one other note, since we're lapping between the ordinance and the plan here is that the GIS has prepared an official zoning map that has the parcels on it and is more correct than the little sketch that was attached to the draft ordinance. There is one error on that map, which we will correct, and that is that the boundary for the MSRD is still shown lapping over into Tesuque, and that's incorrect. The MSRD is part of the

Extraterritorial Zoning Ordinance and doesn't apply at all to anything in Tesuque.

CHAIRMAN ANAYA: Thank you, Judy. Anyone else, please come forward.

PAUL GOLDING: Chairman Anaya, Commissioners, my name is Paul Golding. I'm a resident of Tesuque and I have a comment on the ordinance. And it's not clear to me if you're taking comments on the ordinance or the plan.

COMMISSIONER GONZALES: Both.

CHAIRMAN ANAYA: Both.

MR. GOLDING: Both. Okay, then I'll proceed. One, just a note from outside. It's very difficult for people to get over the hill, on Bishop's Lodge Road to get up over the hill so that may be affecting attendance for this and later issues before the Commission.

With regard to my comments for the ordinance, in performance standards for rural character, on page 2, item 3.3.1.h it says noise standards should be strictly enforced. To my knowledge there are no adequate noise standards in the Land Use Plan. There are no adequate noise standards in the County. Nor are there any means of enforcement. By no adequate noise standards for the County, I mean the ordinance that exists now seems to require 12 hours of continuous noise.

The County does not own a device to measure noise. There is no Code enforcement person available to operate such a device after 5 p.m. At the same time there are several sources of noise in Tesuque which make a mockery of the idea of rural character. At the southern end of Bishop's Lodge Road, the Lodge blares amplified music to the neighborhood, two to three times a week in the summer until late at night. In the middle of Bishop's Lodge Road, Shidoni operates at hours in violation of its agreement with the County to the tune of 80 substantiated violations over a one and a half year period and the neighbors have been unable to take them to court. Finally, at the northern end of Bishop's Lodge Road, with this ordinance's new commercial node, I think we can count on another problem in the future there.

It seems to me there's a need, at least in Tesuque and perhaps in the entire county for noise standards that are appropriate for rural character, and an effective means to enforce them. Thank you.

CHAIRMAN ANAYA: Thank you very much sir. Anyone else like to address? George.

GEORGE AMOS: Mr. Chairman, Commission, my name's George Amos. I'm a resident of Tesuque and I want to express my appreciation to you and to this committee that's worked so hard for years on this and also to say that I've worked with them, particularly with Rod and with Judy about some of these issues and I think that the things that I'm talking about here will probably just support what they're trying to do and I'm happy to get their reaction to it.

The sheet that I've handed out, down about a third of the way has some language that starts: It is not the intention of this plan to encourage establishment of public access to trails across private property against owners' wishes where clear and unquestionable public access rights have not been established. That's not in your original plan. It was adopted by the TDRC. And what I would propose, as a reflection of that, going up to the top of this page, are

a couple of changes where it says that the trail plan would be implemented through community surveys and so on, to identify and map all existing and previous trails. And I would suggest that that be changed to: To map all public trails within the community, including those that access the national forest. And that just reflects the language that the TDRC adopted there. Particularly, I think there would be a concern about trying to map previous trails.

This distinction, and then I would like you to consider adding the next language. It's not the intention, however, to encourage the distribution or publication of maps, including trails traditionally used by residents only. Strict guidelines for County staff and community members must be created to that end.

For instance, there's the danger of a trail that my neighbor and I've created going back and forth to visit. That's just a trail from my property to his property. And that could be, things like that that are used just by people who live there could be in danger of being mapped and so this language is intended to protect against that. And I would hope that you would adopt this language.

If you are considering the ordinance as well, if you look at pages 5 and 6 of the ordinance that you have, I also have the language here. At the bottom of page 5, the Section 3.8.2 that's entitled Architectural and Appearance Standards, was originally entitled, I believe Hilltops and Ridges or something like that. And so some of us proposed applying some of these standards for visibility and so on to places other than hilltops and ridges and so this change was made. But in that change, in B, there was another change that kind of went against that. I want to point out to you where it says these standards apply to all new buildings in addition to existing structures. Period. That's the way the draft that you have now reads. And it used to read that it applied to development sites on slopes and ridgetops.

So what I'm suggesting there is that these standards apply to all new buildings in addition to existing structures in areas designated herein, because as you go on down it says there's some standards for height on ridgetops and there are other standards for glazing when it's visible and so on. There are two areas there where if we don't do this, this could be construed to apply to everything and I don't believe the intention was for it to apply to everything.

For instance, the first one here, exterior walls, façades shall be darker shades and natural tones and so on. Now originally, that was put in there as something that would apply to ridgetops and slopes. And so some language could be put in there like on hillsides or ridgetops or on 15 percent slopes and ridgetops.

And then I talked with Judy about this last one, landscaping, where it says, and I don't have all the language there. I guess it went off the bottom of my computer or something. Indigenous evergreen trees at least five feet tall and approximating the original density and type. And that goes on to read existing on the site prior to disturbance shall be used for screening and buffering of structures and cuts and fills in order to maintain year-round screening. I believe, actually what Judy intends here, is where screening is required in the rest of the ordinance these kinds of trees should be used, and I think that language should be inserted there so it doesn't confuse somebody and they think that anything that they build has to be screened.

CHAIRMAN ANAYA: Thank you, Mr. Amos. Anyone else?

COMMISSIONER DURAN: Mr. Chairman, I have a question for the committee. What do you think about those amendments, Mr. Rempel?

MR. REMPEL: Excuse me while I confer with Judy McGowan. Frankly, Commissioner Duran, we're both confused. Several of the features that we changed in the ordinance were at the request of Mr. Amos at the last meeting and we changed those and apparently now it appears confusing to him again so I'm not sure how to respond to your question about whether we approve these or not.

COMMISSIONER DURAN: Okay. So I could just say that if we adopt this plan, those amendments could always be brought forward after further discussion has occurred. Okay.

CHAIRMAN ANAYA: Anyone else?

CATHERINE MACKEN: My name is Catherine Macken. I live in Tesuque on Bishop's Lodge Road and I'm also a member of the Tesuque Development Review Committee. And the last hearing that we had pointed out something that I'm concerned about. The hearing was about a proposed building on an area in Tesuque that used to be in the Mountain Special Review District and now is not in that district because of the traditional historic community. This is a building that under the Mountain Special Review District would have had very strict screening standards applied.

It's a house that's built on a somewhat sloping piece of land and the slope I guess was over 15 percent. According to the County Code, which I guess is what the Land Use Plan is tracking, the visibility standards for screening to be applied when the house is visible from a public way. And I'm not quoting sections or anything here, but that was very clear from our hearing that the standards for visibility were as seen from a public way.

In this case the house couldn't be seen from, really the only public way in Tesuque which is Bishop's Lodge Road. It's not possible to see it. It's very possible to see it in a lot of the surrounding area that's being developed by non-public roads, and in fact that's really the way development has gone in Tesuque. And I was concerned at this hearing that if we applied the County Code literally, this house wouldn't have very strict screening standards because it couldn't be seen from Bishop's Lodge Road and would have a very negative impact on a lot of people who were building their houses off on these side roads that weren't public.

And so what, I guess what I'd like to just sort of ask for you to consider was that the screening standards not just be applied literally from as seen from a public road or public place, but that somehow it could be broadened so that it would apply to people who are building on these side roads and getting up into the hills. It's an issue I guess just hilly areas in general and it seems to me that something reflecting the Mountain Special Review District when the area is hilly might be more appropriate than just saying screening if it's visible from a public way.

CHAIRMAN ANAYA: Thank you for your concern.

MIKE HYATT: Mr. Chairman, members of the Commission, my name is Mike Hyatt. I'm a resident of Tesuque. I'm concerned about several things, three specifically. I don't think Mr. Amos is confused at all. I think that when he makes reference to the section

on page 6 of the ordinance, specifically subparagraph B. This is a new line out item from the last time any of us have looked at this ordinance and what it effectively does is it takes the standards that used to be applied to essentially the hillier of the mountainous zones it applies it to every portion of Tesuque including the valleys.

So now what it means is if I want to paint my house purple, it's no longer permitted because the standards applies everywhere. I think that's a substantial change. That points out as an example of what has been wrong with this process in my mind all along. We do not as we stand here know what the plan is. Perhaps we know more about the plan than we know about the ordinance. As you are looking at your package, it's not complete. It wasn't complete at the last public hearing. No one has ever seen a complete package for this ordinance.

And we're at our last public meeting. I think it's unfair to the opposition to some of these provisions, and there are opponents. I think it's a myth that everyone in the community is happily going along with this plan. They're simply dropping out because in some cases their needs are being met and in other cases they think in general, it's going to be okay. But every time we come to a meeting, we have something new.

We had a new revelation this evening in regard to the minimum lot size. It's not just about water. It's about open space. And I think that very seriously speaks to Mr. Duran's issue. It's a whole lot harder to defend an open space taking than it is one that is directly related to public health issues such as water. And I would encourage you to give this some time. I don't think any of us have thought about the final plan or the final ordinance, certainly, because we haven't seen it.

I think it's perfectly appropriate to find out what the ordinance is, table it until the next meeting until we can all review it and take a look at what we're actually doing here. This thing is burdened with amendment after amendment. I don't understand it. Maybe I'm the only one. But I think it's a serious problem. I think it's a serious problem as the ordinance goes forward in the future. We've been working on it for five years. Very hard. No one questions that this group has worked very hard. But not everyone agrees with them philosophically.

Some of us believe that takings do occur. And this ordinance shouldn't be passed until we know what it is. So I would encourage you to table it for further study on these very issues.

CHAIRMAN ANAYA: Thank you very much sir. Anyone else?

TOM WHITE: Mr. Chairman and members of the Commission, I'm Tom White. I'm a property owner in Tesuque. I've had property there for 19 years. I support Mr. Hyatt's recommendation that the ordinance, at least be put in final shape before it's considered for adoption. To follow up on what he said, and I've spoken with Ms. McGowan on this, some of the things that were added at the last minute were added in a way where there's even a mistake. Under 3.8.2 on pages 5 and 6, essentially on 6, number 2 and number 2, Ridgetop and Shoulder, those are intended to be definitions, but they fall under a section where it's no-build. It is an error and it should be moved.

That's an example of why we ought to see this in its final form and have further public comment on it. Also on page 6 under Ridgetop, and that was a new addition, item 2 on

number 3, and the areas they apply to were not part of the last amended proposed ordinance. This was thrown in here just between then and tonight. And as far as I know, there's been no public discussion on this 20 versus 30 percent.

The County rule on this deals with slopes of 30 percent as a break point and this one uses a break point of 20 percent. As far as I know, there's been no public discussion or hearing on the difference and without a hearing, I would just saying that pulling 20 percent out of the air is arbitrary unless someone has some scientific evidence or some other reason for making this different from the County plan. The County plan under 3.4 uses a 30 percent slope and this all of a sudden comes up with a 20 percent. Why is this inconsistent?

I haven't heard any hearing on it. So for those reasons I'd suggest that we go back and review those inconsistencies and have a final plan to review in a further hearing. Thank you

CHAIRMAN ANAYA: Thank you Mr. White. Anyone else?

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: If there's no one else, I would like to make a motion to table this until the public has the right to look at the new amendments and that this Commission has the right or the ability to review a document in its complete state. I am in favor of it. I have even reconsidered my objection to the minimum size lot, but in all fairness to the other residents in the community, and obviously they're long standing residents, I think that they deserve the right to fully digest this plan prior to us making a decision because they may have further comment that could affect our decision here.

I agree. I have come concern about changing the County Code which designates 30 percent down to 20 percent. I think that actually is a taking of some sort. So I need more time to consider the impact that that's going to have on the County and on the plan.

CHAIRMAN ANAYA: Commissioner Duran, your motion to table is specifically to address those concerns that surfaced tonight.

COMMISSIONER DURAN: Right.

COMMISSIONER TRUJILLO: Discussion, Mr. Chairman.

CHAIRMAN ANAYA: Hold on. There's a motion but no second. Once there's a second, there's no discussion so discussion will be allowed now before a second.

COMMISSIONER TRUJILLO: You know that this process has been going on for a long time and we can detail the plan to death. There's a lot of idiosyncrasies out there. A lot of opinions that the community has. We're not going to—we can strive, if you will, for excellence in everything that we do but perfection is in the hands of God. We will never achieve that, okay?

The thing is that this is a blueprint. This is a cornerstone of development in the community. This will guide development in the area of Tesuque. This is a dynamic process. It will continue to change. The community will continue to be involved. This is a first step of master planning, of community planning in the Tesuque area. Again, the process is dynamic and will continue to change. There's the Development Review Committee. Any project that goes forth in the community will be reviewed by the community and recommendations are

made within the community for the community. I don't think that we should table the plan as it stands now.

COMMISSIONER GONZALES: Mr. Chairman, is it possible to get some feedback from the community leaders? Ask if there's—it's beginning to be a long night, but just a yes or no of whether you're in favor of tabling.

CHAIRMAN ANAYA: Let's keep in mind this is just to address those issues that surfaced tonight.

MR. REMPEL: Commissioners, our committee certainly would not be in favor of tabling the plan tonight. The plan I think is getting very little public opposition at this point. If you feel that the ordinance structure is worth looking at a while longer, I think primarily it is going to be a matter of educating folks who have not been able to keep up with this amendment process, that the ordinance could be tabled for now. But I would very much support the plan going forward.

I'd just like to respond to the community having never seen this plan together. I think it's a fairly serious accusation. I think more than anything, what it reflects that we have so many draft copies over here and amendment copies is that our committee has been working on a daily basis to keep up with even late minute suggestions, such as Commissioner Duran's concerns last meeting about the lot sizes. I've been on the phone almost daily with Mr. Amos trying to work on this ordinance structure and we truly feel, although some people have not had a chance to look at it every day it does reflect very strongly how we have attempted to respond, not only to the community but to the TDRC's comments as well as your own. Thank you.

CHAIRMAN ANAYA: Thank you. Do you choose to make a motion?

COMMISSIONER DURAN: Well, I made the motion to table but—

CHAIRMAN ANAYA: There's a motion to table to address those concerns that surfaced tonight. Is there a second? Motion dies for lack of second.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Trujillo.

COMMISSIONER TRUJILLO: I make a motion to approve the, I guess we're looking at the ordinance. Okay the resolution for the Tesuque Community Planning effort. My motion is to approve it.

COMMISSIONER DURAN: We're talking about the plan and the ordinance? Two separate things, right?

COMMISSIONER TRUJILLO: The plan and the ordinance. Or do we have to make two different motions?

MR. KOPELMAN: Mr. Chairman, members of the Commission, I think it would be preferable to do separate motions and vote separately on each matter.

COMMISSIONER TRUJILLO: So the first one would be the ordinance or the plan?

COMMISSIONER GRIÑÉ: On the plan.

COMMISSIONER TRUJILLO: The plan. I make a motion to approve the plan.

COMMISSIONER DURAN: I second the plan.

CHAIRMAN ANAYA: Okay, there's a motion and a second by Commissioner Duran on the plan.

COMMISSIONER GRIÑÉ: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Griñé.

COMMISSIONER GRIÑÉ: Just for clarification, that's going to Resolution No. 2000-165, right Becky?

MS. BUSTAMANTE: Yes.

CHAIRMAN ANAYA: Is there any further discussion?

MS. MCGOWAN: Mr. Chairman, a question. Are you recommending that the amendments that have been brought forward to you be also approved as far as the plan is concerned?

COMMISSIONER TRUJILLO: Yes.

COMMISSIONER DURAN: I thought those were to the ordinance.

MS. MCGOWAN: There are, the amendments in the package that are separate are amendments to the plan. Any amendments to the ordinance are actually incorporated in the ordinance underlined.

COMMISSIONER DURAN: Okay. Thank you.

COMMISSIONER TRUJILLO: Inclusive then of the amendments.

CHAIRMAN ANAYA: Okay. All in favor? [Unanimous 4-0] Opposed? Motion carries.

IX. B. Ordinance No 2000-13. An ordinance amending Article XIV, Traditional and Contemporary Community Zoning Districts, of Ordinance 1996-10, Santa Fe County Land Development Code, as amended, to add a new section, Tesuque Community Zoning District (second public hearing)

COMMISSIONER TRUJILLO: I'll make a motion to approve the ordinance.

MS. BUSTAMANTE: It will be 2000-13.

COMMISSIONER GONZALES: Mr. Chairman, I second for discussion.

CHAIRMAN ANAYA: Okay.

COMMISSIONER GONZALES: I'd like to ask the maker of the motion if they would allow an amendment that relates to commercial uses on the minimum lot size, that we'd add an amendment that would allow the staff to determine whether a traditional or an advanced septic system would be needed to support the commercial development. Is that okay?

COMMISSIONER TRUJILLO: That's okay.

COMMISSIONER GONZALES: Are you okay with that? Okay.

CHAIRMAN ANAYA: Any other discussion?

COMMISSIONER DURAN: Just one. If this does get adopted, I would like for it to be adopted with the understanding that if there are some concerns that the community

and the residents that have some objection to the ordinance get together and find that they are in agreement with some amendments or that even if someone wants to bring an amendment forward that we have the ability, that we sit down and consider those amendments.

CHAIRMAN ANAYA: Thank you, Commissioner Duran. I was going to do the same suggestion.

COMMISSIONER GONZALES: And Mr. Chairman, Commissioner Duran, we could do the same thing that we did last night with the Community College District Plan where we send direction that a period of time be allowed to pass in order that the ordinance come back for affirmation or modification at some point after community leaders have had a chance to continue to work with the community on what the issues are. So if you want, you could set a specific time in the future that the ordinance will be brought back for either modification or to affirm it.

COMMISSIONER DURAN: I don't think I need a date, just the ability for the community and the public, the residents out there to bring their concerns forward for consideration is adequate.

CHAIRMAN ANAYA: That's good.

COMMISSIONER DURAN: I still have some concern about the minimum size lot but I will withdraw any objection to it and just see how it pans out.

CHAIRMAN ANAYA: Okay. Good. With that then, can we have roll call, Becky.

The motion passed by unanimous roll call vote with Commissioners Gonzales, Trujillo, Duran, Griñé and Anaya voting in the affirmative.

CHAIRMAN ANAYA: It's duly passed. A lot of good work. Congratulations.

COMMISSIONER TRUJILLO: Congratulations.

IX. C. **Ordinance No. 2000-14. An ordinance amending Ordinance No. 2000-02, (declaring a moratorium on new subdivisions, land divisions, and master plans for projects served by Eldorado Utilities, Inc. and encouraging conservation measures with the Eldorado Utilities, Inc. service area) to allow water from Eldorado Utilities, Incorporated, dedicated to approved and platted residential lots to be transferred to commercial development (second public hearing)**

KATHERINE YUHAS (County Hydrologist): Mr. Chairman, Commissioners, an amendment to Santa Fe County Ordinance 2000-2 has been proposed to allow water from Eldorado Utilities approved for use on residential lots to be transferred to commercial lots provided that the residential lots are not developed for the length of the moratorium. A copy of

1845561

the proposed Santa Fe County Ordinance, 2000-14 containing the amendment language is attached to this memo for your reference.

Staff recommends denial of this ordinance amendment. At the last Commission meeting, I read through all of staff's concerns with the amendment. Would you like for me to go through them again?

CHAIRMAN ANAYA: No, I don't think that will be necessary.

MS. YUHAS: Okay. In addition, at the last Commission meeting, I entered into the record a petition in opposition to the amendment and also 19 letters of support and 51 letters of opposition. If the amendment is to go forward, staff has the following recommendation. One, the amount of water which could be transferred be limited to a maximum of the water from five residential lots. So that would be a maximum of a transfer of 1.25 acre-feet and added to the .25 that would be on the lot, they would get a total of 1.5 acre-feet for the commercial development on any one lot, so as to allow a minimum of additional demand on Eldorado Utilities while still allowing commercial development to proceed. And the second condition would be that any residential lots, or residential lots that no longer have Eldorado Utilities be restricted from any transfer, with the exception of a transfer for a permanent conservation easement or for open space.

And finally, at the last Commission meeting, Commissioner Duran has some questions for me about how many lots had originally been designated as commercial in the Eldorado Subdivision, Units 1, 2 and 3, and I have some information on that. There were nine commercial lots, eight community services lots and three were designated for schools. And I have a map showing all of those if you'd like to look at it.

COMMISSIONER DURAN: How many are left that have not been developed?

MS. YUHAS: We looked through them and it's thought that most of them are not developed. Two are, so that's seven that are left.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Gonzales.

COMMISSIONER GONZALES: I have a question and I'm not sure if we need a member of the planning staff to answer this. But is there currently an Eldorado Community Plan?

MS. YUHAS: No, there is not.

COMMISSIONER GONZALES: Basically, it's just the Land Use Code that governs development in the Eldorado area?

MS. YUHAS: That is correct. And I should perhaps—and I hope I say this correctly since I'm not part of the Development and Review staff. That those lots that were in this original plan shown as commercial or community service, they still needed to come back in for zoning. They lost the status when the Code came into effect. Is that right? Is it the Code or the General Plan? When the Code came into effect.

COMMISSIONER DURAN: Which Code?

MS. YUHAS: The County Code. So they needed to come in and rezone commercial. And there are currently three commercial nodes in the Eldorado Subdivision that

1845561

are approved.

COMMISSIONER GONZALES: There are approved nodes in the Eldorado Subdivision?

MS. YUHAS: Yes, that's correct.

COMMISSIONER GONZALES: Okay. Can you just repeat real quick what you—

MS. YUHAS: Oh. She says to tell you that it's potential.

COMMISSIONER DURAN: And this property falls within one of those?

MS. YUHAS: Yes, that is correct.

COMMISSIONER GONZALES: Well, are we considering a property tonight or an issue of the ordinance? What's—

MS. YUHAS: Tonight is just an amendment of the ordinance for any purpose.

COMMISSIONER GONZALES: Okay. So let me ask you this. How long has the moratorium been in place? Three years? Four years?

MS. YUHAS: The moratorium went into effect in 1996.

COMMISSIONER GONZALES: Has there been an effort by the Eldorado community to develop a community plan that addresses residential and commercial development in these last five years?

MS. YUHAS: Chairman Anaya, Commissioner Gonzales, to my knowledge there has not been and I'll defer to staff if there are.

MR. LOPEZ: Mr. Chairman, I don't think that there's been any work, coordinated effort yet but there's certainly a desire on the part of the community to get going on such a plan and they've communicated that to our staff.

COMMISSIONER GONZALES: Okay. Thank you.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I have one question for staff. The conditions that you suggest need to be approved—let me back up. The conditions that you have if these meets approval, could you explain to me the reason for limiting it to five residential lots?

MS. YUHAS: Mr. Chairman, Commissioner Duran, the thinking behind limiting it to five residential lots was that Eldorado Utilities does not have a proven 100-year water supply and it would be prudent to try and limit development on that water supply to the extent possible. Given that there is a need for commercial out there, if we can make sure that it's a minimal water use sort of commercial development that would be best.

COMMISSIONER DURAN: Thank you.

MR. LOPEZ: Mr. Chairman.

CHAIRMAN ANAYA: Estevan.

MR. LOPEZ: If I may. This afternoon before the meeting the proponents of the amendments to this Eldorado moratorium presented us with some revised language that at least in part goes towards incorporating some of our suggested language, our suggestions should you decide to go forward. And I believe that the proponents will be providing copies of that.

CHAIRMAN ANAYA: They'll be addressing that issue. Are there any other questions of staff. Will the proponents please step forward. Let me ask this. How many people in the audience are here to speak for passage of this ordinance? How many in the audience are here to speak against? Okay, so we have a big show of hands speaking against. We've already had one public hearing on this. We don't want repetition from the last public hearing so if you guys can coordinate yourselves as to how you're going to address the Commission without redundancy from the previous hearing for the sake of time, please be prepared to do that. Steve.

MR. KOPELMAN: Mr. Chairman, if I could also just ask a question or make a point. At the last hearing there was a lot of discussion about a particular property and a particular proposed development and I just want to make it clear that that development is not before the Commission, and that this is an amendment to an ordinance, and that if the ordinance is amended then that development plan would have to come forward at another date. So really the focus here would be on this ordinance amendment as opposed to a particular development plan.

CHAIRMAN ANAYA: Thank you very much, Steve.

ROSANNA VAZQUEZ: Good evening Mr. Chairman, Commissioners. What is being passed out to you and the public is a copy of the ordinance which basically had general clean-up language to it amending the history, but also it took into consideration some of the concerns that staff had and some clarification of some issues. It is essentially the same ordinance; we just added a couple of issues and I'll summarize for you what those are.

If you go to paragraph 4, which is on page 4, this is the meet of the ordinance amendment. And as stated earlier, it basically allows the Land Use Administrator to accept and process requests for master plan, preliminary and final. and issue development permits. It limits, allows only .25 acre-feet of water to be transferred from a residential lot to be used to be used on a lot for zoning for commercial property. It is still limited to the Eldorado Subdivision which is outlined on this map that we've got before you, and I believe that Mr. Kinsel has passed out a smaller one for you to look at.

The reason that the amendment is limited to the Eldorado Subdivision is because the Eldorado Subdivision was a master planned development that included some residential and commercial areas in order to put together a community. Similar to many of the plans that you've been hearing today, I think that was the intent of the Eldorado Subdivision at the time, and that was why we limited that area.

By limiting the area to the Eldorado Subdivision, you've limited the number of residential lots where water can be obtained from. You've limited the amount of commercial space that it can be transferred to and that in essence gets to the amendment that's been proposed by County staff.

Mr. Chairman, Commissioner Duran, the issue of the five lots, the request by County staff to limit the five lots I think is basically covered already in the amendment to the ordinance in that the application is very limited here. In addition, I think we also need to consider that in order for an applicant to use this paragraph four, they would need to have a residential lot to

take water from and they would need to have a commercial lot to transfer it to. Or they would need to buy a lot to do so. Currently, lots in this subdivision are running about $50,000, so I believe that through the market and the limitations set forth in the ordinance that the concern about not transferring too many rights to a commercial development is covered.

The limitation to the Eldorado Subdivision satisfies any potential legal challenge to the moratorium because it still maintains the integrity of the moratorium while allowing some development. The amendment also proposed restrictions on the lot from which the water is taken. We amended the language that was in the original ordinance to include the concern of staff that it not be sold or conveyed in any way. That language is found in paragraph 4f. And we've also included the language allowing the property to be put into permanent open space or a conservation easement as well.

By transferring the water, there was a concern at the last meeting that by transferring the water from a residential lot you would be in essence creating a dry lot and I don't believe that it's so because what the New Mexico Subdivision Act talks to with respect to dry lots is that when you're splitting a piece of property that that lot have sufficient water for it to be used. In this case, these lots have already been created and it is, as I stated earlier, the equivalent of putting a conservation easement on it and no development would occur.

The ordinance amendment maintains the integrity of the moratorium because its essential element is that no new water will be utilized. If you take a look at the findings that were put together by staff on the original ordinance amendment, it refers to, and if I can point to the paragraph, it points to a current number of residential lots that are available for EDU service. That number I believe is 400 lots. Those lots are undeveloped, but approved and platted lots. Those lots can be built on. The essence of this amendment is to simply take one of those approved, platted lots, limit the water to .25 acres, and transfer that water to a commercial piece of property.

So the essence and the intent of the moratorium and its concern for water and development is still maintained by this amendment. One other issue that this ordinance does, that this amendment does is that currently the ordinance says that all residential lots out there are limited to .22 acre-feet of water. However, that's very difficult to catch when it's building permits and building permits come in and in essence, those building permits aren't given a condition of the .22. I did a little bit of research on that and pulled a couple of permits that demonstrated that. What this ordinance amendment does is actually require that the only amount that can be transferred from a residential lot at this point is .25.

I want to talk a little bit about what this ordinance doesn't do. I think that there's been a great concern for this ordinance and there's been a concern that there's going to be rampant commercial development and there's going to be huge growth as a result of this. This ordinance again, does not use any new water. It refers back to the 400 lots that are referred to in the current ordinance. It does not allow for rampant residential development for two reasons. One, it still keeps intact the entire zoning process that the County Land Development Code has. It also—so through that development process you have to have a water budget. You have to get master plan zoning first. You've got to have the water to transfer to that master

plan zoning and you have to have a water budget that demonstrates that use.

People who want to develop in this area are still going to need to come through and get your zoning, but they'll need to have, they'll need to take additional steps. They'll need to have water from one of those residential developments. With respect to the conditions, the amendment that you have before you takes into consideration staff's concerns with respect to conveyance of the property. It clarifies the issue as to the .25 acre-feet on the commercial lot that would be used, and it clarifies the phasing issue. And I believe that there are sufficient elements within the ordinance that would limit development and the five-lot limitation would be unnecessary. I stand for questions.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Gonzales.

COMMISSIONER GONZALES: I'm sorry, Rosanna. Who do you represent again?

MS. VAZQUEZ: I represent Monte Alto Homes.

COMMISSIONER GONZALES: And what is the current Monte Alto, their current entitlements for residential water use?

MS. VAZQUEZ: Hold on. I'm going to have to ask Dennis to answer that question. With the Eldorado at Santa Fe they've got 65 residential lots.

COMMISSIONER GONZALES: And each of those residential lots, that currently are vacant lots?

MS. VAZQUEZ: Yes.

COMMISSIONER GONZALES: Okay, so each of those lots are entitled under existing lots today to have a water hook-up. Is that right?

MS. VAZQUEZ: That's correct, Commissioner. They are approved platted lots so they could get a home put on them and hook up to EDU water.

COMMISSIONER GONZALES: Is there a maximum amount, have we quantified that in terms of acre-feet? Of what those are entitled to under residential?

MS. VAZQUEZ: The original master plan for the Eldorado didn't have any water restrictions placed on the lot. When the ordinance came into effect there is some language in here limiting water use for each of them and there's a question at whether that's actually applied at building permit stage. It's a little harder to catch at that stage. I did pull a couple permits that showed that there wasn't a restriction on water at that point and so therefore I think that the argument could be made that there was no water restrictions on those lots, although it is law in the ordinance and in the moratorium language.

COMMISSIONER GONZALES: We're trying to determine what amount of water usage the 65 residences would be using if they were fully built and hooked up. Do you know what it would be?

MS. VAZQUEZ: I believe that the County uses a .25 acre-feet of water, not including fire protection, which would bring it up to .3 or .31 I think. So that would be the average use.

COMMISSIONER GONZALES: So about 20 acre-feet of water? Is that right?

I'm trying to ascertain—

MS.YUHAS: Could you repeat the question?

COMMISSIONER GONZALES: My question is of the Monte Alto homes, they're stating tonight that there's 65 residential lots that are currently undeveloped in the Eldorado moratorium area. What I'm asking, do we have a general idea as to the amount of water that those lots would be using if they were sold and hooked up to the Eldorado water system?

MS. YUHAS: Approximately 16 acre-feet.

COMMISSIONER GONZALES: Now tell me what this ordinance does in terms of transferring residential, they're proposing to transfer part of that 16 acre-feet of residential use to support a commercial development if in fact that commercial development is approved through the zoning process.

MS. VAZQUEZ: That's correct. If you would just take four residential lots out of that map there and exe them out, and those .25 acre-feet from each of those four would get transferred to where you see the little red arrow. And it would be in the proposal that would be submitted to you for zoning approval and preliminary and final development plan approval.

COMMISSIONER GONZALES: But is there a restriction—I'm sorry, you may have just said that and I didn't understand it. Is there a restriction on the amount of water that be transferred from residential use to commercial?

MS. VAZQUEZ: County staff is recommending that should this ordinance be approved that that be limited to five residential lots.

COMMISSIONER GONZALES: Okay. Are you agreed with that position?

MS. VAZQUEZ: Our position is that the amendment as is written now has safeguards to protect for an over-abundance of transfers. And they are one, a person who wants to do any sort of master plan zoning, commercial development, would have to have residential lots. If they didn't have residential lots to transfer from, they'd have to buy them at $50,000 a lot, essentially. They would also have to show a water budget, and they'd also have to have land on which to develop a commercial piece of property. And it would all have to be within the Eldorado Subdivision.

COMMISSIONER GONZALES: So you're not in favor then of—

MS. VAZQUEZ: We would be opposed to that amendment, yes.

COMMISSIONER GONZALES: Maybe staff can help us clarify that.

CHAIRMAN ANAYA: Steven.

MR. KOPELMAN: Mr. Chairman, members of the Commission, I need to just disagree with that last comment that was made. There is no lot restriction here and staff feels it's important that if this is passed that the five-lot restriction be included. I don't believe that there's anything in here that limits the number of lots at this point. I just want to make that one point.

COMMISSIONER GONZALES: Limits the number of residential lots that could be thrown in?

MR. KOPELMAN: That's correct. The way it reads now is if a property owner or a developer is able to amass 15 or 20 residential lots, arguably they could then try to transfer those lots for commercial purposes under the way this is drafted now.

COMMISSIONER GONZALES: Let me just go to the point about the issue that Ms. Vazquez addressed concerning the commercial designation right now. If this ordinance were to be amended this evening, does it bring along with it any zoning rights or any vested—someone comes forward with water and says I have water. I'm eligible in a commercial node. You have to give me commercial designation. Is that a scenario that people are protected under or you don't have any guarantees. If they transfer the water, there's no guarantee that the zoning will take place.

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, there is no guarantee of zoning at all based on this ordinance. An applicant would still have to come in and apply for master plan zoning. So at this point it's a potential commercial area and it would still have to be approved by the Commission and rezoned.

MS. VAZQUEZ: Mr. Chairman, Commissioners, those potential commercial areas in the Eldorado Subdivision are smaller commercial areas. Those designated in the County Code as neighborhood centers, so they're going to be a little smaller than your traditional larger commercial areas. So that would also limit the amount of commercial activity that would be located in those areas. Also, just as a point of clarification, I referred to the 400 lots that's referred to in the moratorium ordinance currently. Those 400 lots are in the EDU service area. There are sufficiently smaller numbers in the Eldorado at Santa Fe. Any other questions?

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I have a couple. Rosanna, do you know how many lots AMREP still owns in the subdivision?

MS. VAZQUEZ: Mr. Chairman, Commissioners, they no longer own any.

COMMISSIONER DURAN: And the other—the designation that this piece of property has, that Monte Alto owns, and the other lots that are designated for proposed commercial, they do have a designation of non-residential, is that correct?

MS. VAZQUEZ: That's correct.

COMMISSIONER DURAN: Is that—Estevan, is that—I know they're in a proposed node, but my understanding is that they are specifically designated non-residential. I'm asking staff.

PENNY ELLIS-GREEN (Review Specialist): Mr. Chairman, Commissioner Duran, the 1970 plats that Katherine had identified, I believe nine commercial lots. Anything that wasn't developed as of 1981 when our Code came into effect has lost any kind of commercial status on there. In 1981, if you were going to develop something commercial, then you needed to go through a zoning process. And if they have not gone through a zoning process, they are not commercial, they would need to follow the County Code, which means commercial districts and a master plan to zone the piece of property commercial.

COMMISSIONER GONZALES: So the only real designation they have is that

they fall into a proposed commercial node.

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Duran, they're not all in potential commercial districts. At the moment they hold residential status until they are zoned otherwise.

COMMISSIONER GONZALES: So this particular Monte Alto piece of property, what kind of designation? Does it fall in a proposed node? I thought we said that it did.

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Duran, it does fall within a commercial district. There was a commercial district established I believe in 1994 on a tract of property the other side of Vista Grande. It created a commercial district. But the designation on this piece of property is residential at the moment.

COMMISSIONER GONZALES: But the original master plan for the Eldorado Subdivision, independent of what occurred in '81 or in '95, the original subdivision designated these as non-residential commercial lots. Is that correct?

MS. ELLIS-GREEN: Correct. That property was designated in, I think it was 1974 as commercial.

MS. VAZQUEZ: I just want to point out on the map, in the legend at the bottom, the areas in gray are the areas that were in the master plan non-residential lots. They are, some are institutional schools and different uses. But you can take a look at the legend to see their original designation under the master plan.

CHAIRMAN ANAYA: Okay. Any other questions of Ms. Vazquez? Anyone else like to address the Commission for?

MS. VAZQUEZ: Mr. Chairman, we've got two more speakers on behalf of—

JIM SIEBERT: Mr. Chairman, my name's Jim Siebert, planning consultant representing Monte Alto Homes. One of the issues that came up the last meeting was a kind of comparative review of the commercial versus residential water use. What I'd like to do is go over very quickly with you how the two relate. What we did is we did an indoor evaluation since the—better to compares to apples. The indoor use tends to be more standardized since there's a greater variance in terms of landscape preferences.

What we did, the reason we used two standards, which I think you'll find interesting, is one is a national standard, and the other is a standard using local EDU water data. And what happens, if you take a look at the national standard, and we used a fixed square feet in terms of number of square feet being 1920, both from residential and commercial. Within that structure, how many gallons would you use. On the national level, we estimated it to be about 30,000 gallons for commercial use and about 110,000 gallons for residential use. Approximately you could say that commercial use is about a third of the water of residential.

On the other chart, where it has at the top 48,792 on the left hand bar, what we did is we used the local data and what we found is that it actually shrinks if you use actual data so that the water use of an office building is about half of a residential building. I think part of this, too, is the interesting evaluation is that in terms of residential use, that the local water use in Eldorado is about half of the national, less than half the national standard, which is a real

testimony to water conservation measures that the residents use in Eldorado.

The commercial also is considerably less than the national standard, about a third. The other way of looking at this is that if you use the national standard, you get about three times the area of commercial building versus residential. If you use the local standard, you'd probably get a little over half the building, twice the commercial size for a building versus residential. Thank you.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Jim, why would you use water use in the months of December, January and February?

MR. SIEBERT: Well, what we did, the reason we did that is we're using only indoor use. So we assume that during those months, there is no irrigation taking place outside. It's kind of a similar process that the City uses when the calculate sewer rates. And then we simply multiply, if it's four months we multiply it times three and if it's three months we multiply it times four to get the annual water use.

COMMISSIONER GONZALES: Okay. Thank you.

COMMISSIONER GONZALES: Your basic statement here is that an office—although this probably isn't the form for it because it's not a zoning request, but the office space uses less water than residential.

MR. SIEBERT: On a per-square-foot basis. Correct.

COMMISSIONER GONZALES: Are there any comments by staff concerning that statement?

MR. LOPEZ: Mr. Chairman, I don't think we take issue with that statement per se. However, I don't think that there's anything in the proposed language that's saying we'll take the water that would be used for one residence and simply apply it to a single office of the same size.

COMMISSIONER GONZALES: But in general though, is that the right—in general, do residential uses use more water than an office uses on a square-foot basis?

MR LOPEZ: I believe that's correct.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN ANAYA: Thank you, Mr. Siebert.

MARYANN STICHLER: Chairman Anaya, Commissioners and staff, my name is MaryAnn Stichler and with my husband, Dennis Kensil, I own a piece of property called tract G that is located in an existing approved commercial node in the subdivision of Eldorado Santa Fe. I'm here to speak in support of passing this amendment that would allow the transfer of existing water allocations from residential lots onto commercial property so that additional services can be provided in this area that's been experiencing a very rapid growth in residential development and has not kept pace with services to those residents.

I feel that this is well written and well conceived because it does not ask for a variance. I does not ask for any new water. It simply asks for the opportunity to use the existing allocations under the existing moratorium to provide some services to these residents. I think

there's just two points of clarification that I would like to make relevant to Commissioner Gonzales' comments. One is that I believe that staff has actually verified for us that our property is in an existing commercial node, not a potential existing node, and also, with regard to Chairman Anaya's request that people raise their hand if they were here prepared to speak in favor of the amendment, we had previous to this hearing asked people not to take time to speak in favor of the amendment in the interest of keeping this presentation as brief as possible. We feel like we've presented all the evidence in terms of land use, water resource management, law, application, process at previous hearing and we didn't want to be repetitive and abuse our time in having this heard. So there are more people than came here tonight that are in support of it that showed in their show of hands.

That was due to our specific request that they give up their time that they would be allowed for public comment. We also would like to keep our presentation very brief and allow the opposition time to speak, but perhaps with the opportunity to reserve maybe five minutes for rebuttal if we feel like any new issues come forward that haven't been heard in previous testimony. Thank you.

CHAIRMAN ANAYA: Okay. Those wishing to speak against, please come forward.

MS. YUHAS: Before we move forward, I would just like to take one more opportunity to talk about the limitation to five lots for transferring. And the reason staff is so concerned about that is because Eldorado Utilities has not proven a 100-year water supply for the lots that are approved. So it is not necessarily true that water exists in the ground for all the lots that have approval to build out. So the more strain we put on the system, the more concern there is that we won't have the water supply available to people who are already there.

CHAIRMAN ANAYA: Okay. Thank you.

COMMISSIONER DURAN: Mr. Chairman, I have just one question.

CHAIRMAN ANAYA: Go ahead, Commissioner Duran.

COMMISSIONER DURAN: Katherine, in terms of the services that the community was originally anticipating to be built on these sites, do you believe that one and half acre-feet would be adequate for the property owners, for those property owners to provide the services that were originally intended? Does that make sense?

MS. YUHAS: I'm sorry, Commissioner Duran. I'm not sure I understand your question.

COMMISSIONER DURAN: Okay. Well, let's say that the Monte Alto site is, let's say that is receives master plan approval. Does the 1.5 acre that we have limited this development to because of the five lot maximum, does that provide enough water for a development that again provides services to the community that was originally intended?

MS. YUHAS: Commissioner Duran, I think I understand your question now and based on the information they've provided on how little water commercial uses, yes, I think it ought to be plenty.

COMMISSIONER DURAN: Okay. Thank you.

COMMISSIONER GONZALES: Mr. Chairman, Katherine, can I ask you a

question specific to that point? So if Monte Alto owns 16 lots, then conceivably under this condition, would they be able to transfer five residential lots to one commercial section, another five lots to another, another five residential to another?

MS. YUHAS: Mr. Chairman, Commissioner Gonzales, yes, that is true. They would be able to do that.

COMMISSIONER GONZALES: So if they have the ability to do that, that doesn't necessarily ease the strain on the water company because they're just going to spread out whatever use they would have with those 16 lots over three individual commercial lots.

MS. YUHAS: Mr. Chairman, Commissioner Gonzales, that's true. I think that the thought behind that was any one developer probably does not have more than one commercial lot and the ability to develop that many residential lots on that system. That may be incorrect.

COMMISSIONER DURAN: I think they own 65 lots.

COMMISSIONER GONZALES: I'm sorry, 65 lots that relate to 16 acre-feet.

MS. YUHAS: I understood your question.

COMMISSIONER GONZALES: Right. I'm just trying to think if it really accomplishes what you ask that it accomplish, a minimal easing of the water system, if that's the case. I don't know if it necessarily does that. But I understand your point. Let me ask you this question. If at master plan approval they come in and there are issues surrounding the Eldorado Water Company which demonstrate at that time that it is insufficient even with the available water that they say they have to deliver, that they are incapable of delivering this amount of water. There's enough concern by the County staff. Could that be a reason for denial?

MS. YUHAS: Mr. Chairman, Commissioner Gonzales, I think that the County Code provides for analysis of their water supply at master plan approval and I would be inclined to look at their water supply at that time.

COMMISSIONER GONZALES: So at master plan approval you're concerned with whatever comes in, whether it's five acre-feet or ten acre-feet, that the system, the Eldorado system in its capacity at that point cannot handle it, that analysis gives you the right to basically issue a "no" recommendation because of the system?

MS. YUHAS: Mr. Chairman, Commissioner Gonzales, we actually discussed that among staff and there was some concern that that would be perceived as unfair to an applicant because they had this special provision and I'm going to ask for help from legal here and the other people who are part of the discussion. But that they now had this special provision, based on this amendment to the ordinance and we were now taking them kind of through the backdoor type of thing to say no they could not proceed, even though this amendment was in place.

According to the County Code, nothing on Eldorado should develop because they don't have a 100-year water supply and they can't prove it.

COMMISSIONER GONZALES: Even the residential lots that are within the moratorium that have been developed and have received all their planning, you're saying that

the Code should not allow those lots to receive residential permits?

MS. YUHAS: They can, with the provisions that are in the moratorium, if they use less than a quarter acre-foot.

COMMISSIONER DURAN: A quarter acre-foot or less.

MS. YUHAS: Yes, that's correct.

COMMISSIONER GONZALES: Well, Steve, can you answer the question, if at the time that a master plan comes forward for a commercial development and the system is not at a point obviously, where it is today and can't handle any future capacity, is that grounds for denial?

MR. KOPELMAN: Mr. Chairman, Commissioner, I normally would say yes but if you read the moratorium language carefully, when the moratorium was originally adopted, the Commission made a policy decision to allow residences that already were approved to come forward. In other words, you had individual property owners who had bought a lot and were approved. They had final development plan. They bought a lot from a subdivision and the Commission made a determination that those folks could come forward and would not be prevented from doing so by the moratorium.

And so the problem I think we'd run into is that the argument would be made that these folks are similarly situated and that they should be permitted to come forward and I think it could give rise to litigation. I don't think it's fully clear.

COMMISSIONER GONZALES: Let me just along those points talk specific to the issue of the moratorium as a whole. I understood moratoriums as being a tool to provide temporary assistance so that the local government could go in and provide solutions to problems that exist. We're moving into our sixth year of this moratorium. Is there a concern on the legal staff that we're pushing the envelope a little bit in terms of a challenge or a legal challenge that this is not a temporary tool in place to fix a problem? I know it's outside the purview of this, but it rises. We continue to ask that question every year when the moratorium comes forward for renewal.

MR. KOPELMAN: Mr. Chairman, Commissioner, I think that because it's brought forward every year, and the Commission and staff are examining the situation, I think it's legally supportable. Again, I think the fact that the moratorium is in place because the water supply is inadequate and the water rights are inadequate, and if they remain so, I think there is a valid, legal basis to continue the moratorium.

COMMISSIONER GONZALES: Is there also the alternative to drill wells? Is that also an alternative at this point, that if they've proved up water they can do that?

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, the moratorium does allow that with limitations. I think the lot size is 12.5 acres in that case. So that is a possibility. But again, the applicant in that case would have to prove up adequate water supply. That's going to be pretty difficult at this point I believe.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN ANAYA: Any other questions of staff? Okay, would the opponents come forward please. Mr. Basham, are you going to be the spokesperson for the

entire group?

MARK BASHAM: Chairman Anaya, no I'm not, but I too tried to streamline the opposition's presentation so that we weren't redundant. And I got thrown off a little bit when you asked when people who'd be speaking in opposition to raise their hand. If you could do that again, maybe I could get a better feel.

CHAIRMAN ANAYA: Okay, could I have a show of hands of those wanting to speak in opposition? Okay, if you recall at the last hearing, my direction to you was to take home and digest what was heard that night and not to come back repetitive. I would appreciate that courtesy.

MR. BASHAM: Chairman Anaya, I did see that the majority of the hands are people that I represent, so what I'd like to do at this point is go ahead and have Bob Clark, Barbara Medina, Alex Stango, Peter Merrill, and then myself testify, and then anyone remaining who feel we have not addressed their issues, they can come up and follow up if that's okay.

CHAIRMAN ANAYA: That's okay.

MS. BASHAM: Thank you.

BOB CLARK: Good evening, Mr. Chairman, Commissioners, concerned members of the public. My name is Bob Clark. My wife and I moved into our home at 4 Monte Alto Circle on August 21 of this year. We knew that water was a matter of serious concern but we had been advised that a water moratorium was in place and that officialdom would guarantee and protect our water for at least a century. I'm getting news tonight that that is not the case, which surprises me.

Within four days of moving in, we heard about a proposed amendment to the water moratorium. It involved a scheme to trade water from one lot to another, then an attempt to rezone that residential lot to commercial. Needless to say we were amazed and very alarmed, but officialdom would protect us, we assumed. The only connection that actually took place at that first meeting to water was the fact that an organization called Monte Alto Homes, or in this case, Monte Alto Plaza, maintained that they were a water-neutral project.

The hearing very rapidly then devolved into a discussion about a particular office complex on a particular lot. And the claim to be water-neutral was based of course on the amendment being adopted and if they got their zoning properly. In no way is their proposal water-neutral. While I've only been here roughly five months, I've averaged 3,000 gallons a month. Extend that to a year, it's 36,000 gallons. According to EDU, the average home in Eldorado uses 60,000 gallons per annum.

Also according to EDU, the Sierra Plaza, a very small office complex in Eldorado, only—let me check the number—only 4,500 square feet, uses 108,000 gallons of water per annum. The Agora across the street from the Sierra Plaza, which is 32,165 feet, uses 1,160,000 gallons of water per annum. Frankly, the claim that commercial uses less than residential is clearly unsubstantiated and laughable. The fact of the matter is we heard comparisons of a 2,000 foot house to a 2.000 foot commercial property. No one builds a 2,000 foot commercial property. It is not viable.

The fact of the matter is the average of 60,000 gallons per annum in Eldorado actually is 39 percent less than a quarter acre-foot, the amount we are hearing is going to be transferred per lot, so there's a net loss there. There is also the fact that if in fact the moratorium is lifted, those lots from which the water had been transported will come back on line and again we'll have an additional quarter acre-foot for each of the five lots that have been in fact newly created as dry lots to transfer water.

The biggest question in my mind quite frankly is is there adequate water. I now hear there's less than I was told when I came. I also now find that the Community College project is moving ahead. Fortunately and thankfully in that issue, they are required to prove their water before in fact any building takes place. We haven't even addressed the question yet of what happens to the wastewater of a proposed single residential lot that now becomes a commercial lot with water transferred from all over Eldorado.

There are far too many questions and unsubstantiated claims to invade the sanctity of our protective water moratorium at this time. For a rational, reasoned and cogent evaluation of all the facts and truths in this issue, I humbly beseech you to table this proposed amendment until in the fullness of time, all the questions are answered. Too often hasty legislation presents new and more difficult problems to be addressed, if not actually a threat to public safety. Thank you for your time and your attention.

CHAIRMAN ANAYA: Thank you very much. Next.

BARBARA MEDINA: Chairman Anaya and Commissioners, I'm Barbara Medina. I reside in Eldorado at 2 Valencia Loop. I purchased this home in July of 1999. It's just across the road from the proposed project here, Monte Alto. It's been reported by the developers that the properties in this area were sold at a lower price because of this and I wanted to just report to you that according to my appraisal, there's nothing in that appraisal to indicate that any property, my property had been devalued because of a proposed commercial project across the road.

An appraisal is usually compared to properties in a larger surrounding area of a similar type, not just right in the same vicinity. So I'm afraid, as a matter of fact, that if this is passed that my property would devalue. Had I known that this office complex was being proposed here, I would not have purchased this place and I respectfully request that this be denied. Thank you very much.

CHAIRMAN ANAYA: Thank you Ms. Medina. Next speaker please. All you people that are going to speak, can you please just form a line to save time. We're almost at the 9:00 hour and we still have a long agenda before us.

ALEXANDRA STANGO: Chairman Anaya and County Commissioners, my name is Alexandra Stango. I live at 9 Monte Alto Road, which is adjacent to the property in question. I organized the petition drive opposing the project, opposing the project and the amendment to the building moratorium. I am also one of the authors of the flyers distributed to the Eldorado community to inform the community of these issues. I would like to correct for the record statements put forth by Dennis Kensil at the November 14 meeting regarding the credibility of the petitions and the nature of the petition drive.

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First of all, there were two separate petitions. One marked "Eldorado residents opposed" and the other marked "Citizens opposed." Each signatory was questioned as to whether they lived in Eldorado or not, and asked to sign the appropriate petition. A sample of each petition is attached with remarks that I will give to staff for the record. The petitions were kept separate. The persons who signed the citizens' petition were for the most part shopping at the Agora Supermarket on the days that we collected the signatures and in fact the overwhelming majority of these people live within the Eldorado Utilities water district.

No children were permitted to sign the petitions. The over 1,000 signatures were collected at a meeting we neighbors held on October 31 to inform the community about the project and over a 29-hour period spanning four partial days on September 16, 17, 23 and 24 and the 30th. There was no organized door-to-door canvassing. There was no attempt to collect further signatures after September 30 as five days later on October 5, the person I worked very closely with on organizing the petition drive, Maggie Wagman, a neighbor and a mother of two young boys was tragically killed by a speeding car while walking near her home. In grief for Maggie, I didn't have the heart to continue the petition drive.

Regarding information in the flyers, representations made regarding the size and nature of Monte Alto Plaza project came from the developers themselves. The square footage of the Agora Plaza, used as a comparison figure, came from the managers of the Agora. The residential zoning status of the property in question, and its zoning history came from public records provided by the County Land Use staff. We have taken the utmost care to represent all our facts accurately and to inform our neighbors accordingly.

The overwhelming support of the Eldorado community to a very brief organized effort clearly demonstrates that the residents do not want this project, nor do they want you to amend the building moratorium to allow the transfer of water from residential properties to commercial use. I just want to thank you, Commissioners, for your time. Those are my comments.

CHAIRMAN ANAYA: Thank you for your comments.

PETER MERRILL: Mr. Chairman, members of the Commission, my name is Peter Merrill. I am the year 2000 president of the New Mexico Homebuilders Association. I was the president of the Santa Fe Area Homebuilders Association in 1994. Many of you I know from that. And I do want to say that a couple of the comment I did make last time but Commissioner Gonzales was not here and I think he deserves the right to hear some of the things that we have said before as he was not here at the last meeting.

When the original developers laid out the first plat for Eldorado, they did plan for a mix of light commercial and residential lots. However, over a period of approximately 30 years, Eldorado has developed into a mature residential community. Last year, through a very comprehensive survey, which had an excellent response ratio, 89 percent of the residents clearly stated that the wanted Eldorado to remain as it is, a beautiful, quiet, and peaceful bedroom community, with commercial development only located near the entrances of the community, for example the Agora, the Sierra Plaza, and not mixed into the residential neighborhoods.

In 1994, as I mentioned, I was president of the Santa Fe Area Homebuilders Association and I remember a similar situation on the east side of Santa Fe in the city. The east

mountain area had a request to change three residential lots into one commercial lot. The neighbors vehemently objected as we are here to this thing, and the Santa Fe County Commissioners listened. They voted it down, they turned it down. And it's interesting to note today that that area still has not got one single commercial lot. It is a residential community in answer to what these people had requested. They said leave it that way. This is how we want it. And again, the Commissioners listened and they granted that to them.

Our situation is similar, only involving four residential lots on this Monte Alto Plaza project. It's interesting that at this time you are considering the water issue only since no one has requested this change, as was mentioned earlier, for commercial lots. We're talking about residential lots. Your honoring this water-related request will not only allow all residential lot owners to apply for a change to commercial, but in my opinion you will be encouraging it. People will be selling lots to commercial developments to transfer their water rights, things along that line and to me it's being encouraged that we're going to make this change with nobody having their application in to change to commercial.

I also want to address one other thing that Commissioner Gonzales asked about a group that would like to develop this. In October there was a request made by a group of people in Eldorado, 15 of them, and might I also say, Monte Alto's Maryann Stichler is on that group, in that group, to take hold and to form our own contemporary planning group. We dropped letters off here in October to each of the Commissioners. Got no response. Found out that most of the Commissioners never got the letters. Where they went, who knows. In November we addressed the letters individually to each of the Commissioners instead of just dropping them off, and we dropped them off at each individual Commissioner's office. And here today I'm hearing, Gee, is there an effort to make this happen?

We're scheduled for the January 9 meeting according to Jack Kolkmeyer to come up here as a group to represent Eldorado and to help determine our own destiny as to how we want things to be done. We wanted to table this thing, or at least get this group organized and let them handle this. Let them decide how Eldorado should develop. Granted, this is again just an advisory group to you guys. You're the ones who make the decision. And as I mentioned last time, Eldorado chose not to incorporate, not to do it because we have the confidence again in you guys to do what you're doing. And we still have that confidence.

We'd like that opportunity. If you don't table the motion tonight to allow this group to be approved, which I guess is January and February, we have two hearings to get this approved. You have the letters, we have the group organized. We're ready to do our thing. Let us do it. Don't sneak this in the backdoor before the end of the year. That kind of a situation. If you do vote on it, please turn it down. Let Eldorado stay just the way it is. Okay? Don't encourage—I don't want to encourage you to spoil out beautiful neighborhood. Leave it the way it is so we can enjoy living in Eldorado as we do know. Thank you.

CHAIRMAN ANAYA: Thank you very much.

MR. BASHAM: Again, my name is Mark Basham. Mr. Chairman, Commissioners, I'm here to speak against the proposed amendment. Outgoing Commissioners Griñé and Anaya, you have served the citizens of Santa Fe County well and I want to thank

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each of you, however, I urge you and the other Commissioners to vote this proposed amendment down. As former mayor of Albuquerque Marty Chavez used to say, "All it takes to file a lawsuit is $97 for the filing fee." But that is not the case here. This is not frivolous. As the proposed amendment is presently written, it invites the real possibility of expensive litigation.

Now this is not a threat from me, but understand. It is a real possibility. Under the legal principle of the recent US Supreme Court Case, *Ollick v. City of Willowbrook*, if you approve this amendment, you are handing an individual an easy civil rights claim for which the County could be responsible for damages and attorney's fees. In Ollick, the court held that a single individual could bring an equal protection claim. It used to be that you used to have a class of people, or you had to be a member of a suspect class and that's all based on race, sex, gender, national origin, things of this sort. But under Ollick, they're saying a single individual can state an equal protection claim if they are treated differently by a government than they're treating someone else.

In light of Ollick, what this proposed amendment does is carve out a special exception for one type of party, thereby creating an equal protection issue, because this creates a disparate treatment of similarly situated individuals. That is, people outside the subdivision are unfairly targeted by this action and are being left out for no rational reason. In other words, this amendment effectively carves out one parcel for substantially different treatment without a rational basis or reason. Indeed, I believe the converse is true. There's many rational reasons for denying it.

In addition, as it now stands, the moratorium is of an indeterminate length. It might never be lifted if all the conditions for lifting it are never met. This means that such disparate treatment could continue for an extremely long period of time, possibly even becoming a permanent condition. And not only does this reinforce the differential treatment problem, that is the creation of the equal protection claim, it is also the building block for a possible takings claim.

Finally, the amendment as proposed also creates an effective "selective enforcement of the moratorium" which has been acknowledged as yet another separate basis for equal protection claim. That is, other EDU customers outside the subdivision, but within the moratorium area could readily argue that this specific exception being carved out creates an inequitable enforcement of the moratorium's intent. And not only would that be an attack on the amendment itself, but that would be a direct attack on the moratorium.

Again, as it presently stands, the proposed amendment is fraught with the potential for solid legal challenges which could provide for the payment of damages and attorney fees. As such, on behalf of the citizens of Santa Fe County, I would urge you Commissioners to not approve this amendment. Now, one might say that the simple solution to legal challenges I've previously mentioned, is to simply amend the proposed ordinance to include the entire moratorium area. But I suggest that can't be done at this time. To do so at this stage creates an Open Meetings Act problem. The Open Meetings Act is all about notice. To alert a reasonable person about potential official action so that they may exercise his or her right to attend and

listen.

Pursuant to the Open Meetings Act, any official action taken in violation of it will be declared null and void. If there were to be such an amendment to the proposed amendment, notice could be consider vague, such that a reasonably prudent person would not be informed of the potential impacts this amendment could have. Such a significant change to the substance of the amendment would require that the public be put on notice of this change such that they would be given an opportunity to participate in its consideration. A change such as the one possibly contemplated here is significant, in that it represents a significant departure from the intent of the original amendment to the moratorium and as such requires at least reasonable notice that would inform a member of the public as to its effect.

Now, I'm not saying that this body does not have a right to make amendments. However, to make one as significant as potentially this one to solve those legal problems without proper notice, would in my opinion violate the Open Meetings Act. Now, some might argue that by putting a broad notice or caption on the agenda is sufficient notice for purposes of the Open Meetings Act. I suggest putting too broad a notice is actually no notice at all. The proposed amendment specifically excludes those outside the Eldorado Subdivision, and at the first public hearing on this matter, it was made clear that it would be limited in that regard. Therefore a reasonable person who would object to the amendment being expanded would have seen no need to be here tonight to be here tonight to speak in opposition to the possible amendment to the proposed amendment.

To me, this is somewhat reminiscent of the Alley case. There, a State District Judge initially struck down the Mountain Ordinance due to the volume, and I believe this is the word, the radicalness of the amendments. In any event, again I would ask that you vote down the proposed amendment, or, at a minimum, table this matter to eradicate the potential legal challenges and to provide sufficient notice consistent with the Open Meetings Act. Thank you.

CHAIRMAN ANAYA: Thank you, Mr. Basham.

COMMISSIONER GRIÑÉ: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Griñé.

COMMISSIONER GRIÑÉ: You know, Mr. Basham, I take personal issue for what you've commented here because you were the legal head counsel for the City, and the City's left in a mess while you were chief counsel there. And they still haven't paid those debts and I take personal issue that you come here and take some strikes at us like that, whether it's the MRC or whether we're lame ducks up here.

CHAIRMAN ANAYA: Joe.

MR. BASHAM: Chairman Anaya, Commissioner Griñé, I don't see where I took any personal attacks. In fact I was very complimentary of the work you've done at the beginning and to the extent that I'm responsible for some of the situations that the City is now experiencing I will take responsibility for that. But I don't see where I've made any personal attack whatsoever.

CHAIRMAN ANAYA: Thank you, Mr. Basham.

MR. BASHAM: Sure.

CHAIRMAN ANAYA: Anyone else, please come forward. Anyone else wishing to speak? Okay, rebuttal. Can you please come forward like I asked to stand in line and wait please. That way we'll know how much time to allow people.

GARY EMMONS: Chairman Anaya, Commissioners, I'm not scheduled to speak, but I was pleased to see Commissioner Duran'' question about the history of this particular piece of property. I want to talk a little bit about some history. One of the things that hasn't been discussed in all this discussion about water and legalities, is the location of this property, which is about a quarter mile directly uphill from an elementary school and we already know the story of one of our neighbors who was killed. My name is Gary Emmons and I'm about a hundred yards downhill from the proposed entry to Monte Alto Plaza.

This site is going to dramatically increase traffic and is going to do it right in the middle of a bunch of kids who are running around. I have a 14-year old daughter and if this progresses as everyone tells me it's going to progress, she'll probably be driving herself and I'm not so worried about her being hit on her bike when she is riding around.

But the history of this particular property is something that hasn't been fully discussed and that is the developers at one time lived on Monte Alto. When I attended my first meeting regarding this development, one of the developers mentioned, and these are his words, that as a defensive strategy, they purchased this property when they lived on Monte Alto. They didn't want to expose their children to what they're preparing to expose our children to. And for all of the reasons that you've heard by everyone who's spoken before me, I'd like you to add one more reason and that is it's unsafe. It's not going to be good for those kids to live there.

And since I've been in education since 1973, I think about kids, not just my own daughter. One of my favorite characters in literature is a fellow named Atticus Finch, who delivers a pretty impassioned plea before a jury in a case that he ultimately loses, and after he makes his plea, he simply charges the jury to do one thing and he says, "Do your duty." This is residential property. These are kids. The developers had the good sense to move out before they decided to impose on us what they wouldn't impose upon themselves. Please reject this amendment. Thank you.

DOUGLAS TREN: Hello. My name is Douglas Tren. I live at 103 Moya Road. I'm a professional ecologist. Rather than speaking to the proposed development I'd like to speak to water. We all know that we have very serious long-term water issues here. My concern is that changes this amendment would encourage the use of more water. I don't have details about how quickly these lots might be sold. How quickly residence might be taken up in them, but I do feel that if you amend this amendment I guess it is, it will encourage development and it will put developments into place that will start using water sooner than if you leave them in residential lots. Thank you.

CHAIRMAN ANAYA: Thank you. Anyone else?

NATHAN OTTMAN: I'm Dr. Nathan Ottman. I spoke two weeks ago, last month at the first meeting. I've got a very brief comment to make now.

CHAIRMAN ANAYA: You're the dentist, right?

MR. OTTMAN: No, I'm not the dentist. I'm a physicist. At the last meeting

I gave you a detailed calculation of four configurations of office space, including doctor and dental offices. The minimum water usage configuration, it involved just plain office space, and that calculation gave at least, at that time, two acre-feet per year. At that time he only had one acre-foot per year allotted to them. Now they've jacked it up to 1.5 which I didn't know about. The only point I want to make is I'm really challenging Mr. Siebert, who is their land expert and how he got his figures from the local regions which indicates commercial space uses at least a third of residential space.

I've made specific calculations for both and it's not the case here, and I challenge him with his figures. And I think that's a very important issue here. I think it may be the crux of whether you decide to vote for this amendment or not. Thank you.

CHAIRMAN ANAYA: Thank you sir. Anyone else in opposition?

COMMISSIONER GONZALES: I have a question.

CHAIRMAN ANAYA: Any questions of staff?

COMMISSIONER GONZALES: Let me ask this question again and it goes back to, I know a lot of people here are concerned about this action tonight equating to some commercial action. I know that to try and see through a lot of the emotion tonight that this is a request to modify the ordinance to allow for transfer from approved residential lots to potentially approved commercial lots. It's not, are there existing commercial lot around today that cannot be developed because of this moratorium? The answer to that question is yes. Will this moratorium allow those residential lots, or those commercial lots to basically come into existence? And I'm asking that question because I asked earlier if this brings along any zoning rights or will allow an automatic trigger of automatic commercialization as has been indicated tonight.

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Gonzales, this amendment would not allow all of those commercial lots to come forward, because those commercial lots aren't all in the Eldorado Units 1, 2 and 3. What this would allow to happen is an applicant to make an application for master plan using Eldorado Utilities. At the moment that is not allowed under the ordinance.

COMMISSIONER GONZALES: Okay, but it doesn't grant automatic commercial use. So at that point is where the actual community input comes in terms of whether commercial is appropriate or inappropriate. Is that correct?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Gonzales, that's correct. An applicant would need to make his submittal for master plan. That is a discretionary zoning and the Board can look at the suitability of the site for commercial development, the intensity of the commercial development, issues like that, when you're making your decision whether or not to grant the zoning approval.

COMMISSIONER GONZALES: Okay, so at the master plan approval, it can either be approved or denied at that point, commercial zoning?

MS. ELLIS-GREEN: That's correct.

COMMISSIONER GONZALES: Okay, as to the issue brought tonight, I'm glad to hear that on the 9th we're going to be acting on an Eldorado committee to come

forward. What I understood tonight is there's already an approved commercial node. That's very different from having commercial zoning, is that right? For individual properties.

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Gonzales, there is a commercial node at this intersection.

COMMISSIONER GONZALES: It's been approved, or eligible?

MS. ELLIS-GREEN: It was approved when a piece of property in 1994 came in for commercial zoning the other side of Vista Grande. That has created a commercial district. That gives properties within that commercial district the potential to request rezoning.

COMMISSIONER GONZALES: The potential. But it's not there today.

MS. ELLIS-GREEN: No. The properties in there are not automatically zoned commercial.

COMMISSIONER GONZALES: Will it be there if in fact the Board adjusts the moratorium ordinance? Will that zoning take place?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Gonzales, no. That would not rezone pieces of property.

COMMISSIONER GONZALES: Okay. So my next question is, if in fact the Eldorado community comes forward with a plan that basically does what we did, basically on the Highway Corridor where we eliminated commercial nodes, that plan could basically dictate or drive what happens through all these areas. Is that correct?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Gonzales, the plan is likely, as other plans that you've seen, it's likely to determine where commercial development should take place. Bearing in mind, in order to get a plan written and then an ordinance into effect, you're talking about maybe several years to get that process completed.

COMMISSIONER GONZALES: Well, how long did Tesuque take? That's been about a two-year process?

COMMISSIONER TRUJILLO: Four years, four to six years.

COMMISSIONER GONZALES: Four to six years that Tesuque did? Okay, that's helpful.

CHAIRMAN ANAYA: Anyone else speaking against? Rosanna, I've been advised by our legal staff that rebuttal is not in order as far as an ordinance is concerned. Rebuttal is in order on the land use case of neighbor versus neighbor. This is an ordinance case so I have to heed our legal staff's advice.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: The reason I believe this amendment is before us is that there were some people that recognized that the Eldorado community as it was created many years ago does not provide some of the services that I think that it needs to provide to the community. And my thought from day number one was that this was an appropriate process to undertake based on the fact that I have friends that live out there. I know people that live out there and they have to drive miles and miles to get services that should be provided.

CHAIRMAN ANAYA: Please. Let him finish.

COMMISSIONER DURAN: And that is why I felt it was an appropriate amendment to the moratorium. There are services that need to be provided to such a large community. And with that I'd like to make a motion that we approve this amendment with the conditions set out by staff.

CHAIRMAN ANAYA: There's a motion for approval.

COMMISSIONER TRUJILLO: Discussion.

CHAIRMAN ANAYA: Is there a second?

COMMISSIONER GRIÑÉ: Second for discussion.

CHAIRMAN ANAYA: Second by Commissioner Griñé for discussion.

COMMISSIONER TRUJILLO: Yes, I'm listening to a community that is solidified against this moratorium. What I see, this moratorium is essentially a euphemism. On the surface, it doesn't seem like it's offensive, but as Mark Basham said, underlying, there might be some dramatic liability implications here. It seems like we have an existing moratorium in the Eldorado area but what this amendment is doing, it's circumventing that moratorium. Water is an issue. Whether we agree with it or not, water is an issue.

We're going to move it from one place to another, from residential to commercial. That still exists. It's still there. I would like to see this process, the developer, work with the community to identify and designate commercial areas that everybody supports, that everybody adheres to. Make the process a win-win situation for everybody. I would like to see this proposal tabled until the community has the opportunity to participate in the process and again, make this a win-win situation for the Eldorado community. Not one side or the other side.

CHAIRMAN ANAYA: Commissioner Trujillo, in order to address your concern in this direction, there would have to be approval of this, passage of this ordinance tonight in order to come into the master planning of where this commercialism is going to exist, if it's going to exist. To me.

COMMISSIONER TRUJILLO: I don't see that as being the case. I see that we can table this and discuss it and work with the community to implement a win-win situation.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I'd just like to say that this amendment does not grant any zoning or give approval to any development. It opens up the door for further discussion.

CHAIRMAN ANAYA: Precisely.

COMMISSIONER DURAN: For further discussion on services that I believe the community needs.

CHAIRMAN ANAYA: Furthermore, I'd like to state that a moratorium, there's always an intent to a moratorium and first of all, I personally think the moratorium can be construed as unconstitutional. And to use it as a tool, unless there is a very, very desperate need out in the community. The community has had this moratorium for years.
The problem out there and in four years this problem should have been addressed. Because Mr. Basham is right because there's rights taken away from one side and affecting another side. Or if we deny it, then the rights reverse.

So we're caught in a Catch 22 here. And I have some very in-depth concerns as to when we can lift a moratorium. And how we, as a Commission or the Commission that's coming, can actually act to bring out the true nature of the intent of the moratorium and resolve these problems that are in Eldorado.

My personal feeling as far as this moratorium was enacted was for the areas outside of the actual Eldorado. This is within Eldorado. That was Dos Griegos, for example, those communities like Dos Griegos, where the utilities were extending beyond their boundaries. And I think that was the main intent to the moratorium.

COMMISSIONER TRUJILLO: The community is going through a community planning process, excuse me—

CHAIRMAN ANAYA: Go ahead.

COMMISSIONER TRUJILLO: Why don't we let the community speak. Why don't we let them--

CHAIRMAN ANAYA: Well, we have let them speak, Commissioner.

COMMISSIONER TRUJILLO: We're speaking through both sides of our mouth. On the one hand we have a moratorium that regulates water. On the other side we're saying that we can move from to the other and for commercial purposes it can happen.

CHAIRMAN ANAYA: But I feel uncomfortable because the proponents do have these water--actual water tapped in, the availabilities, on hand. And I'm soul searching on that and I wonder why impose that kind of hindrance if he can direct the same usage of water in another direction. I'm going to call for the question. All those in favor?

COMMISSIONER GRIÑÉ: Roll call.

CHAIRMAN ANAYA: Excuse me. This is an ordinance. Can we have roll call, please, Becky. Thank you.

The ordinance passed by majority [4-1] roll call vote as follows: Commissioner Griñé, Commissioner Gonzales, Chairman Anaya, Commissioner Duran voting aye and Commissioner Trujillo voting against.

CHAIRMAN ANAYA: Thank you.

MR. LOPEZ: Mr. Chairman, if I may, I would ask for some clarification. First, I think the motion was made with in support of staff limitations, suggested limitations, is that correct?

CHAIRMAN ANAYA: That's right.

MR. LOPEZ: Second, I think that even with respect to the limitations on sales of the lots and so forth, I think that we've got some language clean-up that we would just like to be allowed to work. So there is those restrictions that are supportable and the ordinance language.

COMMISSIONER DURAN: That's fine. Would you bring it up forward as--when are you going to bring those forward.

MR. LOPEZ: We could bring those forward at the next meeting on the 26th or something along those lines.

COMMISSIONER DURAN: Well, whenever you can. I don't think that anything's going to happen relatively soon. I think you have plenty of time.

MR. LOPEZ: It fairly narrow. It's just clarifications.

[The Commission recessed for five minutes.]

IX. D. Land Use Department

1. CDRC CASE #V 00-5740. Thomas Heine. Thomas Heine, applicant, requests variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow for the placement of a second dwelling on 2.5 acres. The property is located at 03 East Trail in Edgewood, within Section 30, Township 10 North, Range 7 East

WAYNE DALTON: Thank you, Mr. Chairman. Thomas Heine, applicant requests a variance of Article III, Section 10 of the Land Development Code to allow a second dwelling unit on 2.5 acres. There is currently one home and one septic system on the property. Existing residence is currently served by Entranosa Water.

The applicant intends to use the second residence for his son and his son's wife. The applicant states he needs someone close by for the following reasons:

1. The applicant is permanently dependent on crutches for mobility and is about to undergo radical consecutive shoulder surgeries which will require full time care for an extensive period of time.

Recommendation: Staff recommends denial of the variance based on Article III, Section 10 of the Land Development Code which states the minimum lot size in this area is 20 acres per dwelling. The decision of the CDRC was to recommend approval of a variance of Article III, Section 10 of the Land Development Code to allow a second dwelling on 2.5 acres subject to the following conditions. Mr. Chairman, may I enter the conditions in the record?

CHAIRMAN ANAYA: You may add the conditions.

[The conditions are as follows:]

1. The existing driveway will served the proposed residence.
2. The applicant must follow all other building permit regulations including construction of a retention/detention pond.
3. Failure to comply with all conditions shall result in administrative revocation of the variance.

CHAIRMAN ANAYA: Are there any questions of staff. Is the applicant present? Please be sworn in sir.

[Duly sworn, Thomas Heine testified as follows]

THOMAS HEINE: My name is Thomas Heine. I live in the Edgewood area, 03 East Trail.

CHAIRMAN ANAYA: Do you have any—are you in agreement with the conditions imposed by staff and CDRC?

MR. HEINE: I'm not sure I heard all the conditions. Oh, no, not at all.

CHAIRMAN ANAYA: You are in agreement?

MR. HEINE: Yes.

CHAIRMAN ANAYA: Okay. Are there any questions?

MR. HEINE: No.

CHAIRMAN ANAYA: Is there anyone in the audience who would like to address the Commission either for or against this proposal? What is the pleasure?

COMMISSIONER GRIÑÉ: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Griñé.

COMMISSIONER GRIÑÉ: I move for approval of Case No. V 00-5740.

CHAIRMAN ANAYA: In support of the CDRC recommendation?

COMMISSIONER GONZALES: Second.

CHAIRMAN ANAYA: Second by Commissioner Gonzales.

COMMISSIONER GONZALES: With a variance criteria to be entered into the record.

CHAIRMAN ANAYA: With the variance criteria to be entered into the record. All those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. Good luck to you sir.

THOMAS HEINE: Thank you and I appreciate the brevity. It's a late hour.

IX. D. 2. CDRC CASE #V 00-5720. Larry Harms Variance. Larry Harms, applicant, requests a variance of Article III, Section 2.3.3.a of the Land Development Code to allow for a proposed 1,900 sq. ft. residence to disturb 30% slopes and a variance of Article III, Section 2.3.6.b.1 of the Land Development Code to allow the residence to be 21 feet in height instead of the Code required 18 feet. The property is located at #19 County Road 78, within Section 6, Township 19 North, Range 10 East

FRANK WHITE: Thank you Mr. Chairman, Commissioners. Larry and Katherine Harms, applicants, request a variance of Article III, Section 2.3.3.a of the Land Development Code to allow for a proposed 1,900 sq. ft. personal residence to disturb 30% slopes and a variance of Article III, Section 2.3.6.b.1, height restrictions, of the Land Development Code to allow for residence to be 21 ft. in height instead of the Code required of 18 ft. This is on 3.03 acres.

The applicants state that there is only one buildable area on the lot. And unfortunately this lot contains a portion of 30% slopes. The applicants state the proposed location for the residence is a 38 x 38, which is 1,440 sq. ft. path.

Recommendation: Staff recommends approval of the variance request of Article III, Section 2.3.3.a, Slope, of the County Code since the site chosen is the only buildable site on

the property.

Staff recommends denial of the request of the variance of Article III, Section 2.3.6.1.b, Height Restrictions of Land Development Code. The intent of this section of the Code is to limit that height of any dwelling or residential accessory structure located on land which has a natural slope of 15% or greater to be 18 ft.

The decision of the CDRC was to recommend approval for a variance of Article III, Section 2.3.3.a, Slope, and Article III, Section 2.3.6.1.b, Height Restrictions, with the following conditions entered into the record.

CHAIRMAN ANAYA: Entered into the record. Thank you Frank.

[The conditions are as follows:]

1. The applicant's proposed residence shall consist of earthtones, to be approved by staff.
2. The structures proposed shall consist of a non-reflective material.
3. Buffering is required along County Road 78 to further screen the proposed home, to be approved by staff prior to development permit issuance.
4. Applicant will comply with all building permit submittals, including the construction of retention ponding and payment of fire impact fees.
5. All disturbed areas shall be revegetated.
6. All proposed cut and fill slopes shall be stabilized and revegetated.
7. The applicants shall contact the Land Use staff for a final inspection upon completion of project.
8. Density tests will be required for all proposed fill. Fill is to be placed and compacted to 95% minimum utilizing 18" lifts maximum.
9. No parking is to be allowed in the County right-of-way.

CHAIRMAN ANAYA: Is there any questions of staff? If not, is the applicant present? Please come forward.

[Duly sworn, Larry Harms testified as follows:]

LARRY HARMS: My name is Larry Harms, Route 4, Box 62-C, Santa Fe, New Mexico.

CHAIRMAN ANAYA: Are you in agreement with all the conditions imposed by staff and possibly CDRC?

MR. HARMS: Yes, I am.

CHAIRMAN ANAYA: Okay. Are there any questions? Is there anyone in the audience that would like to address the Commission either for or against this proposal?

COMMISSIONER DURAN: I move for approval Mr. Chairman.

CHAIRMAN ANAYA: Motion for approval, Commissioner Duran. Second Commissioner Gonzales. Any further discussion? All in favor? [Unanimous] Motion carried.

COMMISSIONER GONZALES: Mr. Chairman, I'd like to recuse myself from this case.

LARRY HARMS: Thank you very much.

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[Commissioner Gonzales recused himself from this case.]

IX. D. 3. CDRC CASE #V 00-5341. Donald Miller Variance. Donald Miller, applicant, requests a variance for the placement of two wind generators 58-feet in height to serve as accessory structure and a future residence on 30 acres. The property is located at 7 Paseo Sudeste Road within Section 33, Township 14 North, Range 7 East

WAYNE DALTON: Thank your Mr. Chairman. Donald Miller, applicant, requests approval for two wind generators, each to be 58 feet in height to serve an accessory structure and future residence on 30 acres.

On June 29th, 2000, CDRC approved a request by this applicant for two wind generators at 45 feet in height. Under oath, during public hearing, the applicant stated that the two proposed generators and additional solar panels would provide a strong balance system of energy.

At the same hearing, Val Fisher, the applicant's electrical contractor explained that 45 feet was the bare minimum height and due to this the two towers were probably required.

The applicant stated that ground drag and turbulence mandate the height of the tower and have conducted appropriate studies.

Recommendation: Staff recommends denial of the wind generators at 58 feet in height based on the previous public testimony which stated that two wind generators at 45 feet would be sufficient and because no report has been provided showing the amount of power produced by the solar panels and the two generators at 45 feet compared to 58 feet and whether the increase in height is required.

The decision of the CDRC was to deny a variance of two wind generators 58 feet in height to serve an accessory structure and a future residence. Thank you.

CHAIRMAN ANAYA: Thank you. Are there any questions of Wayne?

COMMISSIONER DURAN: Mr. Chairman?

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Wayne, so we approved two 45 foot towers back in October?

MR. DALTON: Back in June, CDRC approved two towers 45 feet in height.

COMMISSIONER DURAN: Have those been erected?

MR. DALTON: No.

COMMISSIONER DURAN: Okay. That's fine. Thank you.

CHAIRMAN ANAYA: Any further questions of staff? Is the applicant present?

[Duly sworn, Donald Miller testified as follows:]

DONALD MILLER: My name is Donald Miller. I live at 21 Vallecitos Road in Tijeras.

CHAIRMAN ANAYA: Do you have any question for Mr. Miller from the Commission? There are none. Is there anyone in the audience that would like to address the

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Commission either for or against this proposal? Please come forward. Can you hand her the -- Would everybody that's going to address the Commission on this issue please come forward.

[Duly sworn, Pat Miller testified as follows:]

PAT MILLER: I'm Pat Miller. The wife of the applicant, same address. First of all, I would like to say that the reason that we first requested 45 feet was that was our understanding of process. To first request 45 feet which the ordinance allowed for and then this variance for the additional height.

I'd like to point out that due to my disability we have special needs and we can provide for our own -- with our own technology and at our own cost without undue hardship by a small accommodation that we're asking for the additional 13 feet for the towers.

So the only issue being seen here is the additional 13 feet. We're not asking for 58 feet to be approved. Because, as you know, the 45 feet have been approved. I'm sure you realize that people with disabilities receive protection under our laws, under the Civil Rights Act, the American Disabilities Fair Housing Acts.

We're requesting, basically, equal access to the use of our property that other people have because we can't use it without the ability to generate the necessary electricity.

With the accommodation to allow the additional 13 feet of tower height to ensure the provision of power, safely and effectively, in sufficient quantities for my special needs, that can be accomplished.

Without the accommodation, my personal health and safety could be jeopardized and would likely suffer a great hardship to have to add that amount of additional PV power and damage to the wind system.

So we ask that the accommodation be made because there is no health and safety hazards to any others for adding the 13 feet of tower height. And we would hope that you would weigh the additional abilities that I will be afforded by having this sufficient power to our home against the fact that disallowing it doesn't harm anybody. When you look off in the distance, the difference in a tower height from 45 to 58 feet looks like the difference from this to this. It just simply doesn't seem to present a problem anyone else. And we hope that you will see fit to approve these towers. We thank you.

COMMISSIONER DURAN: Mr. Chairman?

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I just have one question of Mrs. Miller. The CDRC unanimously disapproved the application because of lack of proof that 45 feet was not adequate.

MS. MILLER: We have provided that information by a professional engineer, employed by the State, that the 58 feet is actually the minimum that would be feasible in this area because a height of 30 feet above any ground obstructions in the area is required.

And of course, there're our buildings and trees and bushes in the area of approximately 13 to 15 feet. So we're trying to achieve the minimum feasible height.

COMMISSIONER DURAN: And you provided that information to staff?

MS. MILLER: We did.

COMMISSIONER DURAN: And staff's recommendation, based on that information, is still to recommend denial?

WAYNE DALTON: Mr. Chairman, Commissioner Duran, that is correct. The applicant did submit that information but they did not submit information stating the power that would be produced by the wind generators 45 feet in height plus the solar panels. They did not produce that information.

COMMISSIONER DURAN: Okay, thank you.

CHAIRMAN ANAYA: Next speaker please. There's four people that were sworn in. Would you all come forward, please.

[Duly sworn, Elizabeth Andrews testified as follows:]

ELIZABETH ANDREWS: Thank you, Mr. Chairman, Commissioners. My name is Elizabeth Andrews. I reside at 6 Paseo Sudeste, directly across the street from the proposed property in question. I've testified at the last two hearings that the committee has had on both the 45 foot structures and the 60 foot structure.

I'm most directly affected by this on the closest in proximity of any of the neighbors to this proposed request for the variance, 300 feet exactly to the lot line a little bit further to the proposed towers.

In my previous testimony, I mentioned to the committee members that I had a couple of concerns. One of them had to do with the lack of site monitoring to even determine if there is adequate wind for any wind generation. And I had concerns even about the 45 foot. I don't have a problem with wind generation or alternative energy. That's why I'm living out there. I mean it's a largely a solar energy generation neighborhood.

But I do have concerns that there has been a lack of information saying what can be generated by being in that area. I've been on the property, day and night, while I'm building my own home for the last six months. And there's not a whole lot of wind. Perhaps it comes at other times of the year.

But I did want to mention that I was concerned about the placement of the tower since I know that that was already approved by the committee. And my concern is that they get placed in such a way that they're not visually intrusive.

As I said, I'm most directly affected because I'm directly across the street from this. And I also have restrictions on my own property as to where I can build my house.

Mr. Miller doesn't have any restrictions on his property as to where he can build his accessory structures, his home or anything else.

And I appreciate the fact that the CDRC was attentive to that and stipulated that Mr. Miller would need to meet with the affected neighbors. There's three of us right now. And with the Santa Fe County staff regarding the placement. So I do appreciate that.

I still have concerns about the request for the variance for additional height. There has not been any demonstrated need of this because there hasn't been any demonstration of what amount of wind is even generated on a yearly basis in that area. So we still don't know how much generation can be derived from the wind in that area.

There are a lot of long-term residents out there. People that have lived out there more

than ten years. I spoke with Mr. Miller last week to see if he had contacted them to get some of the long-term history of the wind in that area and he hadn't.

So I think there's still information that any decision-maker would need to make a determination here. The other thing is their demonstrated feasibility for these structures. And I don't think that's been shown either.

And the third thing I'd like to mention is has Mr. Miller addressed the concerns of adjacent property owners in his request for additional height. And I don't think that criteria has been met either.

Nevertheless, as I said, I've spoken with Mr. Miller. I'm willing to work with him and the other neighbors as to the placement of the 45-foot towers that were already approved. But I do not think that Mr. Miller should have his request for the variance granted at this time. That's not to say that it might be -- he might not have the information a year from now, bring it forward to the Commission. That's fine. Let's look at the information. But at this time, there's not that information, I don't think, to make that determination.

There is also concerns about the noise of these. Mr. Miller doesn't think that they make any noise. I don't know. I'm not familiar with the particular type of structure that he's looking at. He could not tell me the amount of decibels that it's going to produce in terms of noise.

There are eight other property owners within a half a mile of his property that, I know, have objections related to the noise. I don't know because I just don't have that information.

So in any case, I just want to let the Commissioners know that I'm still willing to work the Santa Fe County staff and Mr. Miller regarding the placement. I still have serious concerns about the lack of information that there isn't any to make a decision about 60 feet at this time. That concludes my testimony and if there's any questions for me, I'd be glad to answer them. Thank you.

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

[Duly sworn, Bud Ryan testified as follows:]

BUD RYAN: Hi, Mr. Chairman, Commissioners. My name is Bud Ryan. I live at 79 Paseo Sudeste. My wife and I have been residents of the Cerro Chato area for seven years. Almost all the people who live where we do have that have wind generators, they're 30 feet or above, got them during the Carter administration tax credits for alternative energy. Out of the 4 or 5 wind generators that are of this type, at least 3 are turned off for lack of substantial wind except in the spring.

In an area that has no power or telephone lines, there are a very noticeable part of the landscape. And since there is a lack of continuous wind, except for the thee-plus weeks in the spring, there has not been any wind generators of this height erected since the late 1970s.

Mr. Miller, to my knowledge, has not spoken to any long-time resident to find out about the viability of wind generators as a power source in our area. He, also, has not taken into account the sound disturbance that would affect him and his neighbors.

Within the past year or so, three of my neighbors have gotten small wind generators as a supplement to their solar power that did not exceed 20 feet in height with blades that are approximately 18 inches. Which is minute by what Mr. Miller intends. And they still can be

very noisy if your house happens to be downwind.

In a recent article in the *New York Times* which trumpeted wind generators as a growing source of power in places like South Dakota and East Texas, where there is a constant supply of wind, the only complaint registered in the article was the noise level.

If Mr. Miller had wanted to be a good neighbor, he would have talked to his neighbors to learn of their concerns and what their knowledge about the local feasibility of wind as a power source was. He would have found out that he, pretty much, was wasting his money investing in wind generation and alienating his neighbors needlessly. Thank you.

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

[Duly sworn, Kim Bowker testified as follows:]

KIM BOWKER: My name is Kim Bowker. I live at 37-A La Posta Way in Santa Fe. I think that it's really touching that the neighbors have such concern for Mr. Miller's investment in talking about the resource. How windy is it in the area.

The fact of the matter is, they don't know what the wind is because they haven't done testing either. And I would suspect that the wind turbines they're talking about that are not working, it's not because of a lack of wind, it's because they're the water pumper type windmills, many of whom just aren't working anymore, because the equipment has gotten run down.

So I really doubt that it's lack of wind, because there is actually quite a lot of wind in that valley. And there's quite a lot of wind in Santa Fe County, in general. And there's all kinds of documents available through the American Wind Energy Association and the National Renewable Energy Lab where you can go and see exactly what the wind resource is in different areas. So, I think that his investment in a technology is his business.

But, I also think that he should be allowed to optimize his investment. And by requiring him to stick with a 45-foot height limit, you're actually restricting the output of those turbans by bout 25%. So there is a very clear number that we can come up with that shows what the 45-foot height will give them and what the 58 feet height will give them, regardless of anything else.

And so again, you are, by restricting the height, you're not allowing him to make the most of his investment. And that he should be allowed to get the most out of what he has spent.

I also think the stress that the neighbors are putting on the height differences, pretty negligible. I mean, a difference of 13 feet from a half mile away or a quarter mile away is not hardly going to be noticeable. It's going to be a very, very small amount to them. But it's going to be a big amount to the Millers in terms of providing for their overall power needs.

And I think that they should be applauded for what they're doing. Anybody who is living off grid, whether they're running off the PVs or wind or whatever they're doing, they're taking responsibility for their energy consumption. And the Millers have special needs where they need more electricity, maybe than the average household, but they are taking control of that. They've purchased the equipment to generate that electricity.

And they're not running a generator that is going to be loud for their neighbors, that's

going to be smelly for their neighbors and you could argue that wind generators are part of this landscape. If you look at water pumpers that have been around for 60 years, long before the Carter Administration dollars came along.

So, again, I think it's just a responsibility issue. And I think they're taking responsibility. And they should be allowed to optimize that and not have to resort to a generator. Photovoltaics can be more expensive than a wind generator. So they have made a choice, an economic choice. And they should be able to use it to its fullest. I think that's about all I have to say. So I'll stop.

CHAIRMAN ANAYA: Thank you very much. Next and final speaker. Please come forward.

COMMISSIONER DURAN: Mr. Chairman, I just have one quick comment.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Is it possible to build these 45-foot towers and if it's determined that they're not adequate, add the other 13 feet?

MS. BOWKER: It's not easy.

COMMISSIONER DURAN: Not easy, but it is possible? Is it impossible?

MS. BOWKER: Well, certainly, nothing is impossible.

COMMISSIONER DURAN: Okay, good. Thank you.

MS. BOWKER: It would not be practical but it is not impossible.

CHAIRMAN ANAYA: Okay sir, you have been sworn in. State your name for the record.

[Duly sworn, Monty Ogdahl testified as follows:]

MONTY OGDAHL: Yes, good evening. My name is Monty Ogdahl. And I just want to clear up a few things about this particular granting. #1 is I grew up with a Jacob Wind Electric on a ranch very similar to the one Don has. We had numerous ones around our community.

So, unfortunately, there is a lot of bad reputation of certain wind generators. There are some of the wind generators that are noisy. And that has created a bad reputation.

The Jacobs Wind Machine was designed, originally started in the 20s and 30s. And we'd probably have a lot more of them today if it hadn't been for the REA Program that came in and effectively the government program bought them out.

However, if a machine that was designed to be very compatible, an old farmer is a fellow that doesn't like noise when he doesn't want it. And if a quiet running machine is designed -- however, also to operate at 60 feet or higher, the old timers will tell you that the higher you get it, the better it will work.

That not only means the output of the power, that also means the quietness of the machine. The higher it is the quieter it is. Even though, at a lower elevation, it's still not noisy as in some of the more flimsy or newer machines they talked about that they rapidly put out on the market in 1970s.

Also a little bit about the environmental part. PVs are great devices. I use them myself at my location. However, if you want to be environmentally correct, PVs do cause

considerable degradation to the economy when they're manufactured.

In the contrary, by using a wind machine that's a recycled wind machine, this is a machine that Don has meticulously had rebuilt so that it's in prime condition ready to go up on the tower and run without problem for numerous years.

A little point, also, is that, yes, if you live in Wyoming, you would be able to get by with lowering the tower of the machine and still get the wind. Because you've got a very, very flat surface. You've got very high winds. They run well in that, as well.

But, at the application it's being applied to, with the tree, the ground cover, it needs the optimum height for the machine, which is 60 feet or above.

That's basically a little bit of clearing up of this particular machine. And for your advise, I think you are correct in being cautious about allowing anything to be put up versus a particular quality machine. And the stats can be provided to prove this if you have further need to.

CHAIRMAN ANAYA: Thank you very much, sir. With that, what's the pleasure of the Commission?

COMMISSIONER TRUJILLO: Mr. Chairman?

CHAIRMAN ANAYA: Commissioner Trujillo.

COMMISSIONER TRUJILLO: I make a motion to approve the variance based on the information that has been provided today. That there is a distinct difference in power between 45 and 58 feet.

CHAIRMAN ANAYA: Okay. There's a motion for approval. There's a motion for approval of the high tower. We need a second. There's a motion for approval. Motion died for lack of second.

COMMISSIONER DURAN: Mr. Chairman?

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I make a motion to deny and uphold the CDRC's recommendation.

COMMISSIONER GRIÑÉ: Second.

CHAIRMAN ANAYA: Motion and a second for denial. Any further discussion. All in favor? [2-1] Let the record show that Commissioner Trujillo voted in the negative. [Commissioner Gonzales recused himself from this case.]

IX. D. 4. CDRC CASE #V 00-5840. Gilbert Velarde. Gilbert Velarde, applicant, requests a variance of Article III, Sections 4.1 and 4.2 (types and locations of commercial districts) of the Land Development Code to allow expansion of an existing commercial use outside of a potential commercial district on his 1 acre piece of property. The property is located at 8 Camino Chato in the Remuda Ridge Subdivision, within Section 24, Township 16 North, Range 8 East

WAYNE DALTON: Thank you Mr. Chairman.Gilbert Velarde, applicant, is requesting a variance of Article III, Sections 4.1 and 4.2 (types and locations of commercial districts) of the Land Development Code to allow expansion of an existing commercial use outside of a potential commercial district on 1 acre.

The subject property is a legal non-conforming lot and is designated as being in the residential area of the Highway Corridor Plan. The property is located between two major commercial districts.

In 1984, the applicant received approval from the EZA for a 4200 sq. ft. building to be used for commercial purposes. Since that time zoning has expired on the property.

Recommendation: Staff's position is that this application is not in accordance with Article III, Section 4.1 of the Land Development Code. And in granting this variance the purpose of the Code to stop strip development would be violated. Therefore staff recommends denial of the requested variance. The decision of the CDRC was to recommend approval of the variance request to allow expansion of an existing commercial use outside of a potential commercial district subject to the following conditions. Mr. Chairman, may I enter the conditions into the record.

CHAIRMAN ANAYA: They may be entered into the record.

[The condition is as follows:]

1. The applicant must clean up junk from the property as Code enforcement dictates.

CHAIRMAN ANAYA: Any questions of Wayne? Thank you Wayne. Is the applicant present? Please come forward, raise your right hand, sworn in.

[Duly sworn, Gilbert Verlarde testified as follows:]

GILBERT VELARDE: My name is Gilbert Velarde. My address is 1302 Agua Fria.

CHAIRMAN ANAYA: Are you in agreement with the conditions imposed by staff and CDRC?

MR. VELARDE: No, Mr. Chairman, at this point, I was wondering if I could give you a packet of handouts, that I put together for you, with a blown up version of --

CHAIRMAN ANAYA: Okay, please come forward.

COMMISSIONER GONZALES: Mr. Velarde, can I ask you real quick, while you're doing that, which condition you're specifically opposed to?

MR. VELARDE: Actually -- according to your packet I'm going for rezoning. And I feel that my property is already zoned commercial because I bought it that way on the covenants' restrictions when the subdivision first came in. If I could show you the packet, it would be a lot clearer.

COMMISSIONER TRUJILLO: There's only one condition, am I correct?

MR. VELARDE: Yeah.

COMMISSIONER TRUJILLO: There's only one condition and that condition is the applicant must clean up junk from the property as Code Enforcement dictates. That's the

only condition that I see.

MR. VELARDE: Well, Mr. Chairman, what I'm really after is I'd like to go back to 1984 when my property was approved for an expansion of my --

COMMISSIONER GONZALES: Right. That's what the CDRC approved.

MR. VELARDE: Oh, I see. Okay.

COMMISSIONER GONZALES: So assuming the Commission were to agree with the CDRC, in what they approved last year, do you agree with the condition that you've got to -- if the Code Enforcement determines you've got to clean up your property, that you'll --

MR. VELARDE: That would be fine. So what we're saying is we're going back to 1984 and I take off from there with architectural works. So I can continue?

CHAIRMAN ANAYA: That's the ruling of the CDRC?

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, if I can just clarify what the CDRC did. The CDRC recommended approval of a variance of a locational criteria. The subject property is a legal non-conforming property. Under the County Code you cannot expand the intensity of a legal non-conforming property unless you meet Code requirements. Which means that for a commercial piece of property, you have to be in a commercial district.

Back in 1984, those commercial districts weren't in effect. The applicant has got approval for the structure in 1984, did not build that structure and has lost that approval.

So now, in order for him to move forward and request approval to build this structure, he would need to be in a commercial district.

COMMISSIONER GONZALES: Or have the variance granted.

MS. ELLIS-GREEN: Or have the variance granted.

COMMISSIONER GONZALES: The CDRC granted that variance?

MS. ELLIS-GREEN: The CDRC recommended approval of the variance.

COMMISSIONER GONZALES: Okay.

MS. ELLIS-GREEN: And the Board approves the variance and the applicant can move forward and request the additional building on his property.

COMMISSIONER GONZALES: And that's what he's wanting. He's wanting to go back to the approval that was given in 1984 to construct the building?

MS. ELLIS-GREEN Mr. Chairman, Commissioner Gonzales, that would be his next step. That he could request that at that point.

COMMISSIONER GONZALES: Mr. Velarde, do you understand. If the Commission approves your variance, tonight, you can go forward and come in for the building permit for your building. That's what you're asking for?

MR. VELARDE: Right.

COMMISSIONER GRIÑÉ: No, Mr. Chairman, for clarification of Commissioner Gonzales, also he want's to get reinstated what he had back in 1984.

COMMISSIONER GONZALES: Reinstated?

CHAIRMAN ANAYA: Under this application.

MR. VELARDE: Mr. Chairman, according to my taxes, I, you know, right on

my tax reports it says that my property is commercial already, you know? That's why I wanted to distribute my packet. Plus, the surrounding properties around it, are commercial as hell burns, there's roofing companies, there's several others.

COMMISSIONER DURAN: Mr. Chairman?

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Based on what was noticed that we are going to approve or disapprove here, and we can only approve or disapprove what was heard at the CDRC case. So, when you said he wants to go back to his original plan, was that brought up in the CDRC? Was that approved by the CDRC?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Duran, no. What was approved by the CDRC or recommended for approval was the variance. Staff has had several meeting with the applicant to explain what the process is and that the first step would be to request this variance. And if this variance is approved, then the applicant may make a submittal to expand his business.

COMMISSIONER DURAN: And that's not what's being heard tonight?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Duran, no, that is not what's being heard tonight.

COMMISSIONER DURAN: Okay. I guess the point in question is if this -- the applicant's request was approved at one time but because of non-action staff is disallowing it.

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, it was approved in 1984. And it was not built out and therefore that approval was -- has been lost. The commercial district came into effect in 1989. And any project, commercial project, after then, after that date, would actually need to be located within a commercial district. But that's what the applicant is requesting the variance from.

CHAIRMAN ANAYA: I see. Any other questions?

COMMISSIONER GONZALES: Mr. Velarde, just to go back, you understand that the action tonight is to grant you the variance -- if the Commission approves, you'll get a variance which is are -- you'll get your commercial designation.

MR. VELARDE: Mr. Chairman, I've been working commercially out in the area for twenty years now.

COMMISSIONER GONZALES: Right. But officially to be recognized by the County, you'll be recognized as having a commercial lot.

MR. VELARDE: So, what I have now is really grandfathered in. What I'm asking for is an expansion. An expansion to my building, that's it.

COMMISSIONER GONZALES: Okay. So to go along with Commissioner Duran, as he indicated, so that noticed? Can we properly act no that this evening?

MR. KOPELMAN: Mr. Chairman, members of the Commission, the only thing that you can act on under the Open Meetings Act is the grant the variance. He has the next step to come in and to actually apply for permit to expand. I don't believe that has to go to the Commission, does it? It does. Okay, but that's his next step. It's not packaged in one,

that he can get the variance and the approval for the expansion. He's going to have to come back for the expansion. That's how it was noticed and that's all the Commission can act on.

CHAIRMAN ANAYA: The variance is approved through to his request then be acted on administratively?

MR. KOPELMAN: Mr. Chairman, I believe that has to go through the Commission. I wasn't sure either. But under Land Use Code, he does have to come back to the Commission again.

CHAIRMAN ANAYA: Okay, with that then, does anyone in the audience would like to speak for or against this proposal? What's the pleasure?

COMMISSIONER GONZALES: Mr. Chairman, I'd like to move to approve the variance as it's been noticed this evening and acted on by the CDRC.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN ANAYA: Motion is seconded by Commissioner Trujillo. Any further discussion? All those in favor? [Unanimous.] Opposed? Motion carries unanimously.

COMMISSIONER GRIÑÉ: Mr. Chairman, just so the applicant is aware of, when is the next CDRC meeting?

COMMISSIONER DURAN: The 24th. No, that's the EZC.

MR. DALTON: Mr. Chairman, that would be the 21st.

COMMISSIONER GRIÑÉ: 21st. He'll have to go back to the CDRC first before it comes to the BCC, right? With his application?

MR. DALTON: Mr. Chairman, Commissioner Griñé, he would have to make an application and then go before the CDRC and then in front of the Board.

COMMISSIONER GRIÑÉ: Okay, just so the applicant is aware of that.. You understand that, Gilbert?

MR. VELARDE: Yes, Commissioner, I sure do. I still feel, you know, like the process is kind of like --

COMMISSIONER GRIÑÉ: It didn't get noticed, you know. And that's how come we can't do it today. As our legal advisor advised us that it was not noticed for that purpose.

COMMISSIONER GONZALES: Mr. Chairman, Mr. Velarde, what got approved today is your official designation -- your re-designation by the County as a commercial lot. So that -- and then, for whatever reason, your work with the staff didn't include the expansion of the building. I know in our discussions that you had talked about that but it's not part of the packet that's made it up this way. So the next step now, is that you're basically just going to submit for your expansion of your building. And it will end up before us in a couple of months for to be acted upon again.

MR. VELARDE: Thank you very much.

IX. D. 5. TDRC CASE #Z 9905052. Bishop's Lodge. Value Enhancement

Fund II, applicant, Design Enginuity, agent, request approval for a master plan amendment of the previously approved Bishop's Lodge master plan and preliminary and final development plan for 34 condominiums and preliminary and final plat and development plan for a 48 lot residential subdivision. The request also includes a variance of Article VII, Section 3.4.1.c of the Code for disturbance of some 30% slopes for roads, driveways, parking lot, tennis court and condominium units, a variance of Article V, Section 8.2.7.c of the Code to allow for one portion of the loop road to be 12.9% grade and a variance of Article III, Section 6.3.3 of the Code to allow several condominiums to be located within 50 feet of an internal property line. The property is located east of bishop's Lodge Road, within the Traditional Historic Community of Tesuque, in Section 4 and 5, Township 17 North, Range 9 East

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the Value Enhancement Fund II, applicant, Design Enginuity, agent, request approval for a master plan amendment of the previously approved Bishop's Lodge master plan and preliminary and final development plan for 34 condominiums and preliminary and final plat and development plan for a 48 lot residential subdivision. The request also includes a variance of Article VII, Section 3.4.1.c of the Code for disturbance of some 30% slopes for roads, driveways, parking lot, tennis court and condominium units, a variance if Article V, Section 8.2.7.c of the Code to allow for one portion of the loop road to be 12.9% grade and a variance of Article III, Section 6.3.3 of the Code to allow several condominiums to be located within 50 feet of an internal property line.

The current Bishop's Lodge Master Plan was approved in 1991. Final approval has been granted for all areas other than areas A, B, and F. The 1991 master plan identifies Area A as having 12 condo units, Area B as having 22 condo units, and Area F as having 48 residential lots.

The applicant's request: Master plan amendments. The applicant is now requesting to revise the remaining portions of the master plan as follows: Area A, 7 condo units, Area B, to continue and expand the recreational uses to include a tack room, a club room, stables, pool, and picnic area, and Area F to contain the remaining 27 condo units moved from Areas A and B on two tracts. And a Type II subdivision of 48 single family residential lots ranging in size from 1.03 acres to 3.29 acres.

The applicant is also requesting preliminary and final development plan approval for the condo units and the recreational uses.

COMMISSIONER GONZALES: Can I ask the chairman, if I can ask you to enter that into the record, if you've had the opportunity to read it.

CHAIRMAN ANAYA: That will be fine. It's entered into the record.

COMMISSIONER DURAN: And can I make a recommendation?

MS. ELLIS-GREEN: Mr. Chairman, if I could get into the recommendation.

The TDRC did recommend approval of all three variances and the master plan and the preliminary development plan and plat, subject to 18 conditions and I could enter those conditions into the record and then add that due to the fact that the applicant has submitted the information requested in condition 2, and this has been approved by the County Hydrologist, staff recommends final plat and development plan approval and that condition 2 be deleted.

And Mr. Chair, Commissioners, I have handed out two letters of objection.

[The conditions are as follows:]

1. All redline comments will be addressed. The drainage and grading plan is to be approved by the Development Review Division Director. Original redlines will be returned.
2. ~~The applicant shall submit proof of long-term water availability for full build-out of the project by updating the water availability assessment by performing a 96-hour pump test with a 10-day recovery period, with the final development plan submittal to be approved by the County Hydrologist. Proof the work has been completed on wells 5 and 6 shall be submitted to the County Hydrologist.~~
3. All waterlines serving fire hydrants shall be eight-inch minimum. Final placement of all fire hydrants shall be coordinated with the County Fire Marshal prior to installation. All hydrants shall flow at 500 gallons per minute with a 20 psi residual pressure. The applicant will install Knox Lock cabinets and will identify fire access lanes and defensible space as required by the Fire Marshal.
4. Fire hydrants shall be in place, operable, tested and approved prior to building construction. The applicant will submit for final fire inspection prior to building occupancy.
5. An automatic fire protection sprinkler system will be required in all buildings. Designs for this to be approved by the Fire Marshal prior to permit issuance.
6. The disturbances on Pulitzer Trail shall be minimized by the use of retaining walls, the design of which is to be approved by staff.
7. All lighting must be shielded. The applicant shall provide cut-sheets for all outside lighting.
8. All utilities must be underground.
9. The master plan and development plan will be recorded with the County Clerk's Office.
10. Water use shall be restricted to 0.4 acre-foot per year for each condo unit and each residential lot. Water restrictive covenants shall be recorded.
11. The applicant shall submit a maintenance agreement to include the maintenance of drainage structures, roads, sewer facility, fire protection and waterlines.
12. The applicant shall submit a final landscape plan identifying existing and proposed trees. Ridgetop screening shall be complied with for areas A and B. Upon completion of landscaping, staff may require additional screening if structures are highly visible.
13. The applicant shall submit the redesign of Bauer Road and or/or approved reduction

in the speed limit on Bishop's Lodge Road with the final development plan.

14. The secondary access road shall be basecoursed to a width of 20 feet. Any gates shall remain unlocked at all times.
15. The applicant shall submit an NPEDS permit as required by the Environment Department.
16. The reduced setbacks for the condo units shall be noted on the plat and in the disclosure statement.
17. Compliance with applicable review comments from the following:
    a. State Engineer Office
    b. State Environment Department
    c. State Highway Department
    d. County Fire Marshal
    e. County Public Works
    f. Development Review Division Director
18. The applicant will send out a mailing to Tesuque residents advising them of a name, address and phone number to contact if they have any problems or questions regarding Bishop's Lodge.

CHAIRMAN ANAYA: Okay, are there any questions of staff?

COMMISSIONER GONZALES: So, Penny, this was approved by the Tesuque Development Review Committee?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Gonzales, yes. They heard it on October 26th and they recommended, at that point, staff was only recommending preliminary plat and plan. Due to the fact that condition #2 needed to be complied with. Since then, the applicant has submitted a 96-hour pump test and additional geo-hydrological work and that has been reviewed and approved by our County Hydrologist, therefore staff recommends final approval and condition 2 be deleted.

COMMISSIONER GONZALES: So I'm assuming that the Tesuque Development Review Committee approved it because it's in conformance with their views of a community in their plan?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Gonzales, it was reviewed for conformance with the Land Development Code. At the same meeting, they did hear this, the Tesuque Plan and the Tesuque Ordinance and they recommended approval of both of those. But at that point, the Tesuque Ordinance was not in effect.

COMMISSIONER GONZALES: Okay. Thank you.

CHAIRMAN ANAYA: Okay, any other questions of staff? Is the applicant present?

[Duly sworn, Steve Flance testified as follows:]

STEVE FLANCE: Mr. Chairman, my name is Steve Flance. I'll be speaking, Mr. Sommer will be speaking, Ms. Guerrerortiz will be speaking, Mr. Guerrerortiz will be speaking.

CHAIRMAN ANAYA: Okay, Mr. Flance, we've all had the opportunity to

read over the packet and everything like that. So if you can be brief, we're at a very late hour and so we pretty well know what the details and everything else. So--

MR. FLANCE: Okay, I'll be brief.

CHAIRMAN ANAYA: Is there anything that you'd like to add that's not in the packet?

MR. FLANCE: I think -- let me just make a couple of comments, Mr. Chairman, about the process that we've gone through cause I think it's important.

This plan was first developed in 1985 and has been through multiple reviews by first, the Extraterritorial Zoning Commission. Subsequent to that, the Board of County Commissioners and ultimately, since Tesuque established a Traditional Community, first by the County Development Review Committee and then by the Tesuque Development Review Committee.

At this most recent proposal that's before you tonight, it the last phase of development and we've had 7 phases so far at the Bishop's Lodge. All of the approved by this body pursuant to the original master plan.

The change that's before you in the master plan, tonight, is to move 22 condominium units that were originally approved for a ridge that runs along the Bishop's Lodge Road frontage, to the back of the property. Up near where we have a water tank currently sited, a 250,000 gallon water tank.

The attempt in moving -- or the idea in moving those units to the back of the top was to further protect the corridor along Bishop's Lodge Road. And to comply with the desire expressed to me by representatives of the Tesuque Land Alliance, the people who put together the Tesuque Plan that you approved earlier, and other neighbors in the immediate area.

In doing that, we substituted those units with additional equestrian facilities. Part of our plans that have already been approved and permitted by the County, include development of new guest units in areas where we currently have corrals and we have a 16 to 20-stall barn. That barn will be rebuilt along with the corrals and a small club room and tack room for people who what to do horseback riding up on that front mesa.

CHAIRMAN ANAYA: Okay. I'm sorry go ahead.

MR. FLANCE: I just want to add that all of our work that's been done includes consultation, I should say, with representatives of the Rio Tesuque Land Alliance, the Santa Fe County staff, and of course, the Tesuque Development Review Committee which has recommended approval to you tonight. So with that I'll stop and I'll say that we certainly concur with the staff recommendations that are before you and the recommendations of the Tesuque Development Review Committee.

I would like an opportunity, because I think you're going to hear from some of the neighbors, to respond to issues they may raise, will raise, probably, about their concerns about noise that has more recently, last summer, been generated by nighttime activity at the Bishop's Lodge. And if I can respond to those issues, I'm happy to do that.

There's also a letter of objection from Ms. Macken who voted in favor of the project on the Tesuque Development Review Committee but has raised subsequently some concerns about

water use and reclamation of the Rio Tesuque.

Briefly, on the water use issue, I think her calculations are much higher than what would actually happened with the small swimming pools we're proposing to distribute around the property to try and decentralize some of the guest activity at the Bishop's Lodge. And her concern about Rio Tesuque is a valid one. We have a permit from the County for a temporary low-water crossing to facilitate our construction vehicles in and out of the property so that we don't disrupt the guest operations and we will be replacing a bridge across the Tesuque as part of this proposal for you tonight.

When that bridge is in, the low-water crossing will be eliminated and the riverbank along the Rio Tesuque will be reclaimed. And returned to its natural condition.

So with that, that would be my presentation this evening --

CHAIRMAN ANAYA: Commissioner Gonzales?

COMMISSIONER GONZALES: I appreciate Mr. Flance the fact hat you've all worked for the community. I think that's important. But I think in the interest of time, what might be helpful is that we go ahead and allow the people that are opposed to the development to go ahead and step forward. I've had a chance to read the packet and then at that point, giving your team an opportunity to respond to any issues that you feel aren't necessarily part of the plan as you presented it.

MR. FLANCE: That's fine. Mr. Sommer would like to add one matter. And I'm going to put these maps over here so you can just look at them.

COMMISSIONER GONZALES: Okay.

[Previously sworn, Karl Sommer testified as follows:]

MR. SOMMER: Mr. Chairman, members of the Commission, I'm Karl Sommer, P.O. Box 1984, I've been sworn in. I've handed out to the Commission a findings of fact, grant of variance and a grant of master plan amendment and final plat and plan approval which tracks the findings of fact that are required by law. And I understand that legal staff will be back in front of you if this matter is approved later. But I just wanted to put those in the record and we'll address those after the parties who want to speak about this. We can go through those specifically.

So I won't address them now. But I want to know -- I wanted to let the court reporter know that they're in the record and that all of you have a copy of them including the County Clerk.

CHAIRMAN ANAYA: Thank you. Anyone else? Is there anyone else in the audience that would like to address the Commission on this issue? How many people wish to speak against it? Okay. Can you call come forward and sit in the front pew, somewhere in front where you don't have to crawl over everybody and let's all be sworn in at the same time. And also I hope everybody has something different to say. If somebody else has already said it, please don't repeat it.

Are you people all against?

[Duly sworn, Paul Golding testified as follows:]

PAUL GOLDING: My name is Paul Golding. I live at 33 Lamy Drive in

Tesuque right opposite Bishop's Lodge in Bishop's Lodge Estates. The first thing I want to say is that Mr. Flance is generally been assiduous in involving the immediate neighbors in his plans. In this case, he was not. This time he did not call a meeting of the neighbors to tell us what he was proposing to do. I think that's interesting and curious.

Basically, I'm asking you to deny the petitioner's amendment to the 1985 master plan. I'm also speaking with a group of neighbors from Bishop's Lodge Estates and Pedregal. We all live across the street who feel similarly.

I'd like to make a few brief preliminary comments and then address what I call the plan for the outdoor nightclub on our doorstep. After the neighbors speak our attorney, Frank Herdman, will talk about the variance issue I raise in my letter which I assume is one of the letters of protest that you received. It's point #1.

We have attempted over the last month, on 3 occasions, to negotiate a noise covenant with the representatives of the owners of Bishop's Lodge. The results have been unproductive. The most the owners have conceded is to do a study of the noise issue and they're even unwilling to put that inadequate response in writing. This afternoon, Mr. Flance who has been out of the country on vacation for the last couple of weeks, wanted to discuss an agreement. I suggested he table the case which he has obviously refused to do. I think it's too bad that he did that. He didn't accept my suggestion, and hope that the commission will, if not turn down their case, then please table it and let us talk some more so we can come to an agreement on this very troubling issue for us.

Otherwise, we're left with no other position than to oppose the petitioner's request to amend the master plan. We oppose this on the basis of 2 issues which are linked by the amendments to the master plan. Variance for slopes in an excess of 30% and variances for roads on slopes in excess of 11%, and noise.

We are not against the original master plan proposal to build condominiums in Area B. We are not opposing the petitioner's right to build condominiums in Area B. I repeat that. And moving the condominiums from Area B to Area F, the petitioner's creating a need for more variances in Area F and this is unsightly for us.

At the same time, he is proposing to replace the condos that were in Area B with essentially an outdoor nightclub. This is an area from which we already have a noise problem and I would like you to turn it down for that reason.

Area B, by the way, is a mesa here, we live here, in an area surrounding this. There's nothing in-between us. It's a 1/4 mile or 1/2 mile away from most of our homes. Noise carries very easily in that situation.

In the old days, Area B was a minor entertainment site. Now it's a major noise nuisance. The petitioners present it as an equestrian center. However, there is a live entertainment area from where we already hear a lot of noise. There is a request in this application for a clubhouse that frankly looks like a bar. Not a bar that you and I would go to, but one that the people who rent the space for events will be able to use. Mr. Flance has told us that we'll be able to get a -- or one will be able to get a beer there who attends these events.

Then there's the other feature of the pool and the hot tub. What I asked does a pool, a hot tub and a bar have to do with an equestrian center? Thank you very much for your attention.

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

[Duly sworn, Andrew Sobel testified as follows:]

ANDREW SOBEL: Yes, Mr. Chairman, my name is Andrew Sobel. I live at 11 Bishop's Trail which is in the neighborhood directly opposite the Bishop's Lodge.

CHAIRMAN ANAYA: And you were sworn in?

MR. SOBEL: And I was sworn in. I also would like to recommend that the amendment proposal be either rejected or at least tabled until we can reach agreement on several issues. Variances and the noise.

You may wonder why we're so concerned about these 2 things. And I would like to enter into the record, a panoramic photograph that's taken with a normal 50 millimeter lens of the property in question taken from the front of my house, which is typical of most of the homes in the Bishop's Lodge Estates Subdivision.

This photograph is taken from in front of my house of the area in question. And what the photograph shows is the Bishop's Lodge property, as well as the Area B, which is this ridgetop, are contiguous with our neighborhood. At the closest point there's probably 100 feet between them. That's Bishop's Lodge Road, at the most probably 1500 feet, maybe 1800 feet, at the very back west end of our subdivision. And so we are essentially very close neighbors.

Historically, the owners of the Lodge have used its facility and that little ridgetop that you see, Area B, for a variety of very discreet, appropriate activities. I, in fact, worked for the Thorpe Family summers when I was at college. I actually serviced some of those breakfast rides and cookouts they had up in Area B and I've lived opposite it for 7 years.

The activities were always appropriate, they were cookouts. They might have a cowboy singer. It all seemed part of the Tesuque rural landscape.

When the lodge changed ownership 2 years ago, this situation dramatically changed. There was a dramatic escalation in the noise and the late night party events coming out of the lodge. Both from the main lodge facility, but in particular, on the ridgetop, Area B, which in some cases, as I said, is probably as close as 600 or 800 feet from some of our homes.

Many of us were kept up well past midnight last summer. They had a large white tent with a capacity perhaps for several hundred people erected on that mesa top. This went on all summer.

This fall, we got together as a group to decide how we would respond to this. Because, again, we want to be good neighbors with the lodge as we hope they want to be with us. Some people in our neighborhood said, "Let's hire lawyers. Let's publicly go against this."

Others said, "No. Let's meet. Let's settle this the way we've settled other disputes in this community. Let's meet with them privately. We're asking for commonsense things. We're asking for a 9:00 curfew on Area B so that there would not be late night parties and we're asking for a partial or total ban on outdoor amplified music in Area B." We said, "That's very reasonable. Let's go talk with the developer and with the owner."

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We held a series of meetings over the 6 weeks. At no time would they give any assurances to us, verbally or in writing, that they would be willing to, in any way, curtail any of these activities.

The final suggestion was to do a study. This is for us a non-starter for 2 reasons. First of all, you don't need to do a big noise study to ascertain that there should be a 9:00 curfew on a mesa top that's right next to a rural residential neighborhood. I don't think we have to do a big study to determine that. Most communities have those kinds of things.

Secondly, it would take at least 1 year to do a proper study. Because the noise occurs in the spring, summer and early fall. And so essentially the owner was saying, "Let's study it for a year." In the meantime, this development will be underway and probably be approved. At that point, we as neighbors will have no leverage and no say whatsoever, quite frankly. Our only recourse at that point will be in a court of law.

Tonight is our chance to bring these concerns and the reason we're asking you to, at least, table this proposal is to give more time, both to examine whether the variances are necessary, because I think they have to show real hardship to get them from the legal perspective. And secondly, to allow us, hopefully, to reach a private written agreement with the owner of the lodge that will protect the peace and tranquility of its neighbors. Because I do believe one of the factors in considering approval of a master plan is any adverse impacts to adjacent property.

This process has only been going on for a couple of months. Most of us found out about this about 6 or 8 weeks ago. There has not been enough time for us to resolve this with the owners privately, which we would like to do, rather than bringing it here or into a court of law. As well as to look at other potential impacts on the residents around the lodge. Thank you very much.

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

MR. SOMMER: Mr. Chairman, I just have a few questions...

CHAIRMAN ANAYA: You can cross-examine.

MR. SOMMER: Are you're asking, essentially, that Bishop's Lodge sign a covenant with you individually and give you an individual right to impose a curfew as a matter of covenant and property law? Is that what you're asking.

MR. SOBEL: With me personally?

MR. SOMMER: Yeah.

MR. SOBEL: We're asking them to offer an agreement.

MR. SOMMER: [inaudible]

MR. SOBEL: To be honest with you, I don't know if it would be by me personally or all of the neighbors.

MR. SOMMER: And you said you wanted the opportunity, as a neighbor, to enter into a private agreement to enforce a curfew and noise levels.

MR.SOBEL: No, we want the lodge owners -- its very simple. We don't have to be legalistic about it. We want the lodge owners to give a concrete, written, and I would hope, enforceable, but obviously attorneys need to work this out. Hopefully enforceable

assurances of a couple of basic principles regarding noise containment on Area B which overlooks out neighborhood. It's that simple.

MR. SOMMER: My question is more simple.

MR. SOBEL: Okay.

MR. SOMMER: Are you asking for that right individually? Or are you saying that some entity should have that right? Mr. Chairman, this is part of the problem that we have here. We have Mr. Sobel saying he would like the individual right--

MR. SOBEL: I did not say that.

MR. SOMMER: Okay. That's all I'm just trying to get at. Who we're dealing with?

CHAIRMAN ANAYA: Okay. I think you have your answer, Mr. Sommer.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Wouldn't you be dealing with the County? I mean, wouldn't the County be the one imposing that requirement? I mean they're asking us --

CHAIRMAN ANAYA: That would be a good question --

COMMISSIONER DURAN: They're asking the County to oppose that requirement on behalf of community.

MR. SOMMER: Not from your testimony I heard. I heard about private agreements --

MR. SOBEL: Well, I never used the words "private agreement." Karl, I don't know where that came from. And as I said, this process has been going on for such a short period of time. As I said, as opposed to having a meeting at the lodge where people -- this was explained to everyone in the neighborhood, with ample time to consider it, study it, talk to attorneys and so on. Over the last 6 weeks we've been trying to meet, unsuccessfully, with representatives of the owner and at the end they said, "We're not give you any assurances and we'd perhaps would like to study it."

So we haven't even gotten to the point, frankly, of what the technical legal nature and who would enforce it and so on. We're not even at that point. We're at the point where they refuse to give us any assurances.

CHAIRMAN ANAYA: Okay.

COMMISSIONER DURAN: Mr. Chairman, just one last thing. Last year, a year and a half ago, Mr. Flance brought a proposal together for Sol y Sombra. And we had -- the neighborhoods had the same concerns. Noise, hours of operation and the likes. And I think, Steve, we -- and the owner of the property agreed to certain kinds of conditions and I guess I kind of see the same scenario and request being made tonight. I don't -- is there a problem with trying to work it out with the neighbors?

MR. FLANCE: The problem, Commissioner Duran, has been -- let me answer it directly. I think that if the Commission feels that it wants to hear from us about what we have and will do to deal with perceived or actual noise problems, I'm prepared to make that testimony. I didn't do it earlier because I was asked to be brief.

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I think our position is that this is a zoning issue. And if it is to be worked out, it would be worked as it was in Sol y Sombra with the Commission. And I think that --

COMMISSIONER DURAN: Well, we did that on public input too. I mean, it wasn't something that we came up with. The hours of operation wasn't a suggestion that I came up with, or the other Commissioners.

MR. FLANCE: Well, I can suggest -- I mean there are hours of operation that we are comfortable with that are reasonable for a commercial establishment. Actually much more in a commercial nature as a resort hotel than Sol y Sombra was. And I'm happy to get into that. And maybe I should wait until after the rest of the testimony. But Commissioner Duran, I'll address that directly with you then.

CHAIRMAN ANAYA: Okay, we've already heard about the noise problem. Next speaker, please.

[Duly sworn, Joyce Salhood testified as follows:]

JOYCE SALHOOD: My name is Joyce Salhood. And my husband and I live at 17 Lamy Drive. We live on the hill right across from the Area B. And just want to address 2 things, the noise pollution and what will eventually be the visible impact of all of this, of the variance for redistribution of land, whatever the appropriate terminology is.

Our experience with the noise is not perceived. It is real. We spent our first spring, summer and fall in Santa Fe and planned to live there for future years. The noise is still real. We cannot sleep when these parties are going on --

CHAIRMAN ANAYA: We have heard that already, ma'am.

MS. SALHOOD: Well, he had mentioned perceived. And I want it to be clear. This is real. This is disturbing the way we live. The other point is that we object to the proposed variance to redistribute 31,000 feet of land. We think that will be an eyesore. We will have to look at it constantly. Whereas, at least, noise comes and goes, we will have a visible eyesore. But this is impacting our way of life.

COMMISSIONER TRUJILLO: I've got a question of this lady. That whole area, at one time was pristine. It was not scarred. There was nothing there. And then people started moving in. I feel that the applicant has the right to develop their land according to Land Use Code and regulations.

Again, people went into that area and scarred a pristine environment is essentially what happened.

MS. SALHOOD: I think there are certain things that are compatible with kind of a neighborhood. And I think that there are some issues here which are simple not compatible.

CHAIRMAN ANAYA: Okay, thank you very much. Next speaker, please.

[Duly sworn, Ulrich Franzen testified as follows:]

ULRICH FRANZEN: Mr. Chairman, Commissioners, my name is Ulrich Franzen. I live at 27 Lamy Drive, Bishop's Lodge Estates. I'd like to make a -- just a general statement as an architect. I'm a former chairman of the committee on design of the American Institute of Architects. I think it's a process that has been ongoing here in the Commission a

moment ago, referred to -- that we have to sort of suffer with different kinds of uses next to each other. It's rather unusual.

I think you have to see historically that at one time there was, of course, no community around the Bishop's Lodge. But at the same time, that area was a lovely, nicely maintained family business. Very much in keeping with the present Tesuque historic rural character. Over the years, this has obviously changed.

And the new developers that have come in have a whole series of different ideas. I personally think that to put a major commercial and entertaining enterprise into a settled residential area that close, where the 2 will disturb each other not only depreciates land values and property values, but is poor planning.

Now it's not very much we can do about it. And I think it is tragic that on the same, practically the same day, that the historic Tesuque Comprehensive Plan is being adopted, that we are also at the same time finding that someone, a developer, comes in here and is projecting a major huge commercial enterprise into this relatively peaceful area.

I also wanted to say a couple of things on the reason the attorney over here was yelling at one of my colleagues here. I think you have to realize we only had 6 weeks to get ourselves organized. There has been very little, if any, indication of what the real plans are. We notice that the placards that are posted around the Bishop's Lodge only have text. They don't have the required map next to it. If they were required, map people would have realized, probably more quickly what was going on here.

Again, we are not totally organized. We have an attorney. But we will be organized. And some of us have slightly different ideas of how this problem should be dealt with.

I have a very simple recommendation. And that is 2 variances. Primarily, the one for a change use in the area of Area B from residential to entertainment should be denied. I think that's simply inappropriate. I think the residential use of that area would be perfectly acceptable.

The other one is equally disturbing and that is the request for some 31,000 - 32,000 sq. ft. off an area which would be subjected to development above the standard 30% slope. I think what this will happen is that this lodge area would then be covered with changed slopes, cutting, filling, retaining and so forth. It would certainly demolish a magnificent portion of the scenic treasure that belongs to the whole community in the whole area.

We, I think most of us here, we might go back and forth and the sort things we would accept as a resolution of it. But I think the simplest resolution is simply for the Commission to deny the 2 variances requested. I think there's no particular great reason for them to occur, except for reasons that the developer may have. But which are certainly community based. Thank you.

CHAIRMAN ANAYA: Thank you. Next speaker, please.

[Duly sworn, Alan Lerner testified as follows:]

ALAN LERNER: My name is Alan Lerner and my wife and I live at 111 Pedregal Place in the development that is right across from the Bishop's Road from Area B. And I am primarily here to indicate the full support of the residents of Pedregal Place, most of

whom I have spoken to in the past day or so, to the change in the plan, particularly in Area B.

It's one thing to put condominiums and houses in an area that visually see other condominiums and houses. It's another thing to build this big recreation area with 120 ft. barn. It's the scale is just vast. And it's intruding. And it's visible pollution. And we strongly oppose that, as well as noise and the lights that come from that area from this intended use. Thank you.

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

[Duly sworn, Frank Herdman testified as follows:]

FRANK HERDMAN: Mr. Chairman, members of the Commission, my name is Frank Herdman. My address is 123 East Marcy Street and I am sworn. I'm the attorney representing the individuals whom have just heard are opposing this project.

My clients have asked me to address the legality of the 3 variances that are being requested as part of this project. These are variances, if granted, will result in disturbances to the land that will be visible from my clients' parcels.

The applicable standard for granting a variance is found in New Mexico statutory law, as well as New Mexico Courts Decisions and the Santa Fe County Land Development Code. The standard requires the applicant to prove to you that 2 things are true.

First, the applicant must prove that the parcel in question, is different from other parcels that are subject to the zoning restrictions for which a variance is requested.

Second, the applicant must prove that because of those differences, the owner will be deprived of a reasonable return on his property, under any use, virtually any use, that is permitted by the applicable zoning laws.

The New Mexico Court of Appeals has offered the following explanations of what is required in order to grant a variance. And I quote:

"The purpose of a variance is to prevent zoning regulation from operating to deprive a property owner of all beneficial use of his property."

"Variances should be granted sparingly. Only under exceptional circumstances. To do otherwise would encourage destruction in planned zoning."

"The ultimate question to be answered is whether the applicant has shown unnecessary hardship. To prove unnecessary hardship, the applicant must prove that 'no reasonable use can otherwise be made of the land.'"

"A showing that the owner might receive a greater profit if the variance is granted is not sufficient justification, in itself, for the issuance of a variance."

Those are all verbatim quotes from the New Mexico Court of Appeals case explaining what is required for the issuance of a variance. The County's Land Use Development Code employs the same standard to be used by the BCC in considering a request for a variance.

Section 3.1 of the County's Land Use Development Code, states that a variance is appropriate only in those rare circumstances where strict compliance with the Code will result in "extraordinary hardship." The Code goes further to state that the BCC can grant a variance only if there is "adequate proof that compliance with the Code will result in an arbitrary or unreasonable taking of property."

Under New Mexico law, a taking occurs only if the property owner can demonstrate that the regulation will deprive the owner of all or substantially all beneficial use of the property. In short, the standards for granting a variance are set extremely high.

In this case, there is virtually no evidence that the property owner has satisfied these requirements. And, in fact, I submit to you, as a matter of fact, the owner cannot. There is no evidence that the terrain of the parcel in question, is different from surrounding parcels. Anyone who's familiar with the area along Bishop's Lodge Road knows full well that this is hilly terrain.

The variances in this case are being requested because of features in the topography that are, in fact, common to the entire area and not unique to this particular parcel.

In addition, the applicant has offered no evidence that it will suffer loss of all, or substantially all, of its beneficial use of this property if the variances are granted. The applicant's own application materials that you have before you show that the existing parcel is currently being used for a substantial commercial enterprise, in particular, Bishop's Lodge.

The Land Use Development Code also explains that the conditions necessitating a variance cannot be something that arise from the property owner's own actions. In this case, the need for a variance purportedly arises out of the particular development plan that the owner has decided to pursue.

In addition, it is my understanding that the parcel was purchased, by the applicant, within approximately 2 years ago. At which time, the terrain regulations for which a variance is being requested or variances are being requested, were already in place. As a consequence, the need for the variances is self-imposed. And for that additional reason, they may not be granted.

I would also like to point out that in considering whether to grant master plan approval, the BCC is required to consider, among other things, the suitability of these site to accommodate the proposed development. The impact on adjacent lands, and the county as a whole, as well as the project's compliance with applicable law in the Land Use Development Code.

Master plan approval in this case is inappropriate because there is virtually no factual basis for the variances. If the County were to grant the variances under this circumstances, I submit to you, it would have an adverse effect on the county as a whole, because it demonstrates that the County does not insist on strict compliance with its own land use regulations.

You have heard from my clients the request to have this matter tabled in order that they can confer and consult with the property owner to address the concerns that they have raised. I believe that that would be the appropriate course of action, alternatively, as a matter of law and as a matter of fact, the application must be denied because the applicant cannot demonstrate the necessary requirements for the variances.

Lastly, I would request that I have an opportunity to cross-examine any witnesses who will be testifying, on behalf of the applicant in this matter, on rebuttal. Thank you.

CHAIRMAN ANAYA: Thank you.

COMMISSIONER GONZALES: Mr. Chairman, I have a quick question. Mr. Herdman?

FRANK HERDMAN: Yes.

COMMISSIONER GONZALES: I have a question. So you're asking the Commission to table this so that members of your group could work out an agreement with the developer and your citing the issue of variances. Are you saying that if your representatives were to work out a agreement with the applicant that the issue of variances, here this evening, would go away? That your applicants would not be as concerned with the variances if the issue of noise or some other type of use were put into play that were acceptable for them?

MR. HERDMAN: As I understand it, my clients have 2 concerns. They involve both the variances, as well as the noise issue. I believe my clients would like the opportunity to address both of those issues. And to see if an appropriate compromise can be reached.

COMMISSIONER GONZALES: So you're saying there's a compromise that still requires a variance that your clients would be willing to accept that?

MR. HERDMAN: I believe it's premature to answer that question. I think that the clients have not had a meaningful opportunity to consult with the applicant. I think my clients have concerns with the issue of variances under any circumstances. Especially those that would result in a substantial amount of area being disturbed that exceeds 30% slope.

COMMISSIONER GONZALES: So basically, to go to what your clients are indicating, there is going to be no compromise in terms of the variance issues, under your presentation before the Commission.

MR. HERDMAN: Mr. Chairman, Commissioner Gonzales, I'm not saying that. I believe that the process should be allowed to proceed to give my clients an opportunity to consult with the applicant in this case, to address all of these issues. And as far as I'm aware, maybe there is a compromise that does not require these particular variances. To my knowledge, that issue has not been explored.

I believe that they have those concerns. And I believe that my clients have stated unequivocally, that they have not had an opportunity to consult with the applicant to address their concerns. I see no prejudice, whatsoever, or no harm whatsoever, to the applicant to allow that process to take place. And therefore, I think it would be very wise for the BCC to table this in order that the process can take place.

If it doesn't result in compromise, if it doesn't result in something that's mutually agreeable, then we can come back and you can render your decision.

COMMISSIONER GONZALES: Thank you.

MR. HERDMAN: Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman, I'm a little perplexed. Tonight, we approved a master community planning process for the community of Tesuque. Inclusive of that process is the local development review board -- review committee. I understand, as Commissioner Gonzales said, that this went before the local development review committee, which is the voice of the community, and was approved at that level. Where were

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these people at that time?

And in fact, I think there was a person, named Katherine, sitting here that voted for this development. Okay. So where were these people then? And that's the voice of the community. And this same project was represented at that time. And we're looking at another layer in the ubiquitous review process.

MR. HERDMAN: Mr. Chairman, Commissioner Trujillo, I believe that that question is better proposed to the individual clients or my individual clients who already spoke to you tonight. But I understand that the notice for that proceeding was -- they considered it inadequate and I believe that there was not a meaningful opportunity to participate in that process.

So -- and I believe that you also heard from them on the issue of finding out about this relatively late. And their testimony that they have not had a meaningful opportunity to participate. They have concerns with this project. Again, I reiterate that I can't imagine why it would be of any detriment to the property owner to allow that process to take place.

CHAIRMAN ANAYA: Any other questions? Please come forward sir.

[Duly sworn, Catherine Macken testified as follows:]

CATHERINE MACKEN: My name is Catherine Macken. I have been sworn in. I live at Rt. 4, Box 2-B, Tesuque. I am a member of the Tesuque Development Review Committee and I'd just like to give you a little bit about the context of how it is that this hearing came forward.

It was a very -- well for most of us, on the Tesuque Development Review Committee, that's the very first time that we sat at a hearing and --

CHAIRMAN ANAYA: Hold on just a minute. Steve, I have a question. Since she serves at the pleasure of the Commission on the TDRC, can you give us some guidance?

MR. KOPELMAN: Mr. Chairman, I guess the question I have is, you sat and you heard this matter already?

MS. MACKEN: We have set -- yes, we did sit, we heard this matter. There was 2 people from the public that had input on the matter. It was -- I really would like to just give you a little bit of the context so that you can evaluate what it means to have gone in front of the TDRC.

MR. KOPELMAN: I guess the question I have is whether you're speaking as a member of the development review committee and whether you're authorized to do so?

MS. MACKEN: I'm speaking for myself in my own personal experience on the TDRC and that may not be the experience of other people of the TDRC.

CHAIRMAN ANAYA: And you did vote in favor of this proposal?

MS. MACKEN: I did vote in favor and I would like to explain.

CHAIRMAN ANAYA: Okay, go ahead.

MS. MACKEN: It's the first time that I've set on the board like this. And I did a little research on the project before I sat up there. I had misgivings, but quite frankly, I will address one of them, again, tonight and that's the issue of the dry river crossing and what's

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happening with the little Tesuque Creek.

But more substantively, I had a misgiving about the variances. And one of the things that we were instructed when we took this position was that we had to look very carefully at the justification for variances. I asked Mr. Flance for a justification and it's in the record that I asked to say -- for him to show why there was hardship if he was not granted the variances. And his response to me was, "Well, if you don't give us these variances, we'll do something else."

Quite frankly, I don't feel capable of dealing with this yet. Hopefully, as I learn from the way you act here, and the way see other people acting at meetings, I'll learn. But, I didn't feel capable of taking on the force of Mr. Flance in this situation. I was not happy with it.

To me, it seemed like we either voted for the proposal or -- or I should say I, I either voted for or I voted for or tried to make some amendments. In fact, I did put forward an amendment which is part of presumably what's come to you now. Or I could vote against. And I couldn't see voting against it was exactly the right answer. Because I couldn't see that I was trying to throw out the whole project. But I did feel that it needed an amendment. I just couldn't see how to do it.

So, I'd like you to just know how this result came -- how I voted for it. There were 5 votes for and 1 vote against. I was one of the votes for. And you would have to ask the other members of the TDRC.

At the time, it was also at the end of a very long day. Staff was trying to hurry us out of the room because, I think, the County Development Review Committee was coming on after us. And quite frankly, we didn't have a lot time.

So I would like to just address a couple of the issues that though, at the time and since that meeting, I thought, you know, I really felt unsatisfied about my experience on the TDRC. I'd like to learn. I'd like to do a better job. And I'd certainly like to represent the community.

And so my letter to you is my thoughts partly, just, now I'm speaking as a person, my own personal self, not as a member of the TDRC. But some of what I've written here comes as a result of the work that I did in trying to understand the case before it came before us.

And you've got my letter. I won't go into it in detail. I would say that in the fifth point in my letter where I talk about the amount of evaporation that's lost, those are figures that I got from the book of Design Enginuity. I did not do my own calculations. Those calculations come from Design Enginuity. So the .31 acre-feet per year that's lost to evaporation is a number that I got from the applicant.

The water allocations to condominiums, I mean, you can make up your own mind about that. I think it's excessive. I think there's other ways of dealing with the use of water there. Basically, and this is a personal opinion, but I feel very strongly, that it's just not -- it's not no longer adequate to say what is your water right? It's is this an appropriate use of the water that you have access to?

And quite frankly, I think there's ways that the water use could be ameliorated.

The last point that I do want show you a little bit about is my concern about the little Tesuque Creek. And again, just to give the history, I've been here on 3 other occasions

addressing issues about the ways the Tesuque Creek looks and those sort of impacts it is subjected to around Bishop's Lodge.

And at a hearing, I think in front of you, about 3 years ago, under then the Thorpe Family, applied for a housekeeping and corral unit, I addressed the problem of runoff from the corrals. And at that time, Joe Catanach, who was sitting over there, said that his clients, the Thorpe Family had offered to dig a depression in the ground and line it with an impermeable membrane and use it that as collection from the corrals and then pump it out.

These corrals are very close to the creek and so there's basically a slope from the corrals, there's corrals on both sides of the creek and it slopes from the corrals into the creek and my concern was that there was nothing stopping the wash from the corrals going into the creek.

So what I have here is some photographs and I'd like to use these to just help you understand what I'm saying. I don't have copies for everyone.

So the first picture is showing what's called a dry river crossing. I asked Mr. Flance about this at the hearing. I said why is it that the dry river crossing is there. And he said, "Well, we're allowed to use that during construction." But as you've heard, construction has been going on for many, many years.

I would also say that upstream from that dry river of the crossing, you go about 30 yards and there's a big substantial bridge that's the guest bridge into the lodge. You go downstream about 20 yards and there's a bridge that in Bauer Road. And it's for all of the people on Bauer Road.

What I don't see is why we have to have a dry river crossing that's clearly, there's no construction going on right now. But if you'll look at those photos, there's new tire tracks. It's clearly a heavily used river crossing. I don't see why it's necessary.

The next series of pictures that I've numbered 2 and 3, the picture 2 demonstrating the conditions around the corrals. At the top left you have a picture of a trench that's been dug to collect the runoff from one of the corrals that's currently overflowing.

At the bottom left, you have the runoff from a corral that has no trench at all. It's just erosion straight into the creek. Top right is what Mr. Catanach had, I thought, led me to believe was going to be a depression that was dug out lined with something impermeable and used to catch the runoff. And it's currently acting as a rubbish dump.

The bottom right is something that I just noticed last weekend as I was taking photos. It's a concrete mixer with concrete spilling out on the ground probably 3 feet from the creek. So I think the pictures tell the story. And I would just like -- I mean I was very disappointed that the remedy that was offered at the last time I spoke about the corrals hasn't been implemented. This is an opportunity to, now, actually see if there's something to be done to sort of clean up around the creek. I did include a photo of the creek in its pristine condition which just by the bridge and guest area of the lodge. Thank you.

COMMISSIONER DURAN: Mr. Chairman?

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I would just like to say, Catherine, that I respect

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your right to come up here and offer testimony for or against any development. I'm not convinced that as a member of the Tesuque Development Review Committee that you can use the excuse that you are too green to understand what's going on. Because you've been involved in public hearings for the last 10 years, as far as I know. I've been at public hearings with you at least starting back 10 years ago.

So, I'm just -- this is just a comment. I don't think that you are very convincing, to me, that you are too green to make a decision.

MS. MACKEN: No, I'm not too green to make a decision. I am too green to take on some major issues. Some of the neighbors here, I think, are taking on those issues. I really cannot take on the issue of variances. That's one that I think maybe I'll be able to take it on. But I really didn't feel able to take it on at that point.

I would also say, as you may know up there, when you sit there, there's very hard sometimes, at least what I've found is, and I've been to 2 of these. I've only sat on that side of the bench twice. It's very hard to do very much without public input. There was no public input. There was, as I said, the 2 people, Bishop's Lodge Development.

So, yeah, I mean, you can believe me or not. Actually, I would say I'm quite capable of making decisions on things that I think are my size. And as I get used to the job maybe I'll take on bigger decisions.

COMMISSIONER DURAN: I think you are quite capable.

MS. MACKEN: Thank you.

[Duly sworn, Reese Fullerton testified as follows:]

REESE FULLERTON: My name is Reese Fullerton. I live at 36 Bauer Road. And it hasn't been Bauer Road until just recently. It was through the service gate, past the horses, past the maintenance yard and up the road.

I'm here not to be -- not to testify against the master plan. I just want to really tonight show my appreciation for how this is unfolding. I'm a professional facilitator and I do public involvement process as a professional.

My first contact with this land, I guess, started in 1913 when my father ran a fish hatchery in the Big Tesuque. My wife and I and family built a home there in 1978 behind the horses and the maintenance yard. In the 80s, the neighbors were brought in by the Thorpe Family and shown a master plan that we're talking about tonight.

Recently, there have been many meetings that many people from the Tesuque committee have been involved in and we filled up one full room two different times to see what was going on. In each phase, people have come, the neighbors have come, and people from Tesuque have come.

I'm now on the southern boundaries and so I can't speak and I will not speak to the issues that the others neighbors have spoken to. My property lines runs the whole north line of Bishop's Lodge. And so we're probably the largest neighbor that the lodge has.

When we've had issues with the lodge, we've been able to take them up with the lodge and deal with them and we've been successful.

In this case, the Flance Company has invited our input, has moved things because of

our input, has walked the land with my wife because she walks those trails daily. Some of the variances, and I'm not sure if they're the variances that we're talking about are there because they will be better for the land. They will be better for existing trails to continue where they are. And the lighting, the covenants, et cetera, we have had the kind of input that if I achieve with agencies that I've worked with as a professional, I feel like I've been a success.

The meeting before the TDRC was not to involve myself in Paul's and Catherine's communication. But I complimented Catherine on coming up with two questions that my son and my nieces, who are in law school, and my other sons did not come up with and pound away at the Flance Company because we had at them with as many questions as we could come up with. And the long hearing that they had was filled with dozens and dozens of questions and answers and dialogue and discussion. And which I thought was full, completely full.

And so, once again, I'm here to say that the input, the kind of input that we've had about this master plan has been as good as I could ever achieve as a professional. I thank the Flance Company and I just want to share that with you because I think there has been tremendous input from the 80's until present for this master plan. Thank you.

CHAIRMAN ANAYA: Thank you, Reese. Have you been sworn in?

[Duly sworn, Rod Rempel testified as follows:]

ROD REMPEL: Yes, I was. Rod Rempel, Rt. 4, Box 17-A. And I'm sort of in a funny position in testifying here tonight in that I'm able to look at both sides of this issue here tonight. I have worked extensively with Steve in reviewing some of his plans. He was first asked to come as one of the community members to review one of the early drafts of our Land Use Plan because he had helped put together the 1978 Land Use Plan.

Subsequent to that, when he saw the direction our Land Use Plan was going he called me on a fairly regular basis to pass ideas by me as to whether what they were planning within the context of their previously approved master plan were a fit with our Land Use Plan. And I reminded him, all along, I could not give any approval or anything of that nature, however, having had access to the community's viewpoints in meetings and in surveys, I could tell him where he was going to get into some trouble.

One thing is, a community like Tesuque is very fearful of any project as large as Bishop's Lodge. It has a very big impact on our community. And so there is a lot of suspicion.

The second thing I told him was that coming down Bishop's Lodge Road a set of condominiums on that first knoll known as Area B was going to be something that people would notice immediately and have some feelings about.

Subsequent to that, they changed Area B to be the Equestrian Center feeling that that would fit into the rural atmosphere, the rural goals of our Tesuque Land Use Plan. The whole time we talked there was a realization that Bishop's Lodge would not be dealt with under the Tesuque Land Use Plan, most likely.

We also discussed some of the other issues that our Land Use Plan stands for with groundwater issues, open space, preservation of slopes, slope management, trails. And Steve

did pay attention to and did keep a lists of the way he felt that they were fitting into our Land Use Plan.

Now to speak on the other side of this issue. I believe the community whom I have been speaking to are very concerned about the swap that was made in Area B from residential, which I think originally looked like a rather large impact condominium unit, to a lower impact in the drawings I've seen, Equestrian Center.

There is concern now that either those drawing do not truthfully represent how that swap will bear out, which one will have the largest impact, and as you've heard here tonight, there's a lot of question about what that center is going to be. Is it going to be a entertainment center? Is it going to be an Equestrian Center? Is there going to be a pool? Just how is it going to be used? Will the tent be set up? Will the music be shut off at the right time?

I think these are very real concerns, not only for these neighbors here tonight, but for Bishop's Lodge's fit into our rural community. And I think some of the concerns that the neighbors are saying are very real here tonight. I thank you for the opportunity for the community to come together and have input on this and I hope I haven't muddied the waters by speaking for both sides. Thank you.

CHAIRMAN ANAYA: Thank you. Anyone else?

[Duly sworn, Warren Thompson testified as follows:]

WARREN THOMPSON: My name is Warren Thompson. My mailing address is P.O. Box 236, Santa Fe. I represent Flora Atherton who owns the property immediately south of Area F. And I have not been sworn. I don't care to appear to speak for or against this project but would ask the applicant to address a couple of concerns that we have.

There's a water tank that is shown on top of the ridge there on the south end of the property and I don't know if that's above ground or below ground or how it will be screened. So we're curious about the impact that will have.

And then there are four lots that run down that ridge. And we just want to understand where those building envelopes are. If they're on top of the ridge and how visible those lots are lots are going to be. It appears that two of the lots, Lot 41 and 42, the slope on them, from the map I'm looking at is in excess of 15 degrees on the whole lot. So if I could just understand those elements then we'll know what we'll be looking at. That would be very helpful. Thank you.

CHAIRMAN ANAYA: Anyone else?

MR. FLANCE: Thank you Mr. Chairman. I'll be as brief as I possibly can. I appreciate the comments from the neighbors. I think there's been some misconception, whether it's honest misunderstanding or helps promote the case, I'm not sure.

But the meeting that I had with -- one of the meetings I had with Paul Golding and Herve Juris representing Bishop's Lodge Estate, the question came up about the purpose of the Equestrian Center. And I think what I want to show you is -- so you can see it, what the Equestrian Center is. Could I have...thanks.

This is Area B here. What we did is we took to condos off of this ridge and we pushed them back about a half mile back up into the property in the area behind the major ridge where

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we have a water tank.

What we're proposing to build on Area B is a large corral. This is paddock which is a series of stables, 16 stables are shown here. A tack room, a club room, a small swimming pool and a hot tub. And this is the existing picnic area which will be retained for campfires and that kind of activity.

We have tried to create a low-impact, and low-profile kind of development here. If you just would wait a second, this is what the buildings will look like. They're "pueblo-style" buildings and a very traditional style configuration. These are the stalls for the stable. This is the club room and tack room. And these are different profiles of the buildings.

COMMISSIONER DURAN: What's the height of them?

MR. FLANCE: 12 - 14 feet max.

CHAIRMAN ANAYA: Do you have the square footage of each?

MR. FLANCE: Well, I was going to get to that. You're ahead of me.

CHAIRMAN ANAYA: Okay.

MR. FLANCE: This is the floor plan, right here, for the club room and the tack room which are being represented to you as a nightclub and an entertainment center. The idea of the club rooms, members of the Commission, is that people who -- we were trying to create an activity center for horseback riding and for people who come to the lodge, to come up, go for a ride, be around the horses, have a small swimming pool where they can come in to the club room which has a men's room and a women's room, change take a dip, come in, have a sandwich, a soda or a beer, and that was where the comment about beer was picked up by Mr. Golding when he asked me what it would be for. And I said it would be for a place for people to come after a ride and have something to eat and a soft drink or a beer and relax.

It seems like a reasonable use within a resort that is a guest ranch. And what we've been doing is trying to -- this is the club room which is, I believe, 1200 sq. ft. And the tack room which will hold the saddles and bridles and other gear which is 800 sq. ft.

So we're talking about a really small facility in terms of the scale of what we're talking about. It will be in somewhere between 12 and 14 feet in height. Thank you.

COMMISSIONER TRUJILLO: Steve, you've heard the concerns regarding noise?

MR. FLANCE: Yes.

COMMISSIONER TRUJILLO: And how that affects the community. What are your feelings about that and how you propose to work with the community regarding noise containment and/or mitigation?

MR. FLANCE: Commissioner Trujillo, I'll be perfectly candid with you. I was unaware of the noise problem and we've been through several hearing until I was contacted by Mr. Sobel and another member of the association about a month ago, or maybe it was six weeks ago. And they told me that there had been a tent placed on that ridge last summer and that there were parties with music that were disturbing the neighborhood. I believe that this was a new situation.

It's my understanding that that had not been done and had not been the practice of the

Bishop's Lodge even under the new ownership. And I believe that there may have been some abuse of the time during which the music continued.

Bishop's Lodge has a self-imposed series of curfews of 10:00 at night for outdoor events, for music, and for 12:00 at night for indoor events. This is an operating hotel. People sometimes have parties around the swimming pool Those have to end at 10:00 if there's any kind of outdoor music. I suppose the gathering can continue but the music has to stop.

I think that there probably were exceptions to that last summer. And I think that's what's created the opposition or some of the opposition that we are hearing this evening. And I am sympathetic to that. And what I can say to the Commission is that the Bishop's Lodge, having had this brought, very clearly to our attention, is committed to enforcing its own curfews of 10:00 p.m. for outdoor events on music and any other amplified activities and 12:00 p.m. for indoor events. You know for receptions, parties and what have you that are occurring indoors.

So I'm sensitive to the problem. I think that there were some, probably, events that went beyond that outdoor curfew last summer. And I've apologized to the neighbors. But I think it's something we, as a hotel, want to be able to manage. We recognize that there is a County noise ordinance. We want to observe that ordinance. We will live by the law.

I think that the other issues are being raised in an attempt to force the tabling of the -- or convince you to table the case tonight, and create some leverage on the Bishop's Lodge to enter into a private contract or covenant with either individual neighbors or associations. And we are not willing to do that.

We are willing to work with the County to see that we are willing to work with neighbors, because we're good neighbors, but we're willing to work with the county to assure you that we will not allow this to happen again. I'm sorry it happened last summer. But as I've said, we do have these self-imposed curfews.

There are a couple of other points, if I may, I need to respond to. One, I met extensively, not only with Mr. Fullerton and other adjacent property owners, but I met several times with the president of the Bishop's Lodge Estates Homeowners Association to review these plans. I gave him copies of these plans well before we went to the Tesuque Development Review Committee.

The impression that I was not responsive to their interests is incorrect and I was told by the head of the association that was not necessary for me to meet with other members of the association. I had no idea we had a problem on noise until, as I said, about six weeks ago. I was approached by Mr. Sobel and one other member of the association. I think the issue of the outdoor pools, we've had a lot of discussion of that, and the variances that Ms. Macken raised.

The issue of the variances, just from a planning standpoint, is that if you look at that map with the green on it, we have over 200 acres of open space that we've established within the Bishop's Lodge. We've expanded that by this latest proposal that's before you. And we've added another 20 or 25 acres of open space as we moved the condominiums from that front ridge to the back of the property and we have condensed the area that we are building on it forces, in some cases, relatively minor encroachments in the 30% slopes for roads, which is

just a function of the topography. And my response, and I'm being very brief about it tonight, to the Tesuque Development Review Committee, was not, "If you don't like it this way we'll cram something down your throat." It was, "Look, you know, we're trying to do some clustering here to promote additional open space. And if you're not comfortable with that -- because the question was asked, "if we don't grant you the variances, then what will you do," my response was, "We'll go back to the original plan which extended the development over a greater area but gave us less pressure, if you will, to request these variances that are before you this evening. That was the nature of that discussion.

I want to emphasis we are not proposing a nightclub. We are not proposing an entertainment center. We are proposing an equestrian facility that will have relatively low-impact and low-key facilities for people who want to ride horses and spend a half a day up around the horses in the corral and take a dip in the pool and have a sandwich and have something to drink. That's what we're talking about.

COMMISSIONER DURAN: Steve, I have a question for you.

MR. FLANCE: Yes.

COMMISSIONER DURAN: The club room, tack room, I see that you have the north portal, which I guess is where a lot of the activity will take place. Is it possible to skew that thing a little bit and have that north portal where I think a lot more activity is going to take place than the entry portal. Is there any way of skewing that so that it's facing east?

MR. FLANCE: Sure, we can turn the building.

COMMISSIONER DURAN: I think that would mitigate some of the noise that would come from there just because the portal, the north portal, I think is going to be an outdoor area.

MR. FLANCE: The east and west are the big views, Commissioner.

COMMISSIONER DURAN: Correct.

MR. FLANCE: And we actually -- you know, that was simply a convention of how we set it up with the corrals on one side and the paddocks and then we wanted the entry portal or of facing the paddock but it can come in off the side. That's something we could certainly accommodate. And there are other things that --

COMMISSIONER DURAN: It wouldn't destroy the integrity of the plan?

MR. FLANCE: No. And we'd certainly accept that as a recommendation from the Commission.

CHAIRMAN ANAYA: Any other questions of Steve?

COMMISSIONER DURAN: Well, I had one other one. The lighting, do you plan on using lighting that throws the light down on the ground and on the buildings, if used?

MR. FLANCE: All of the lighting will be down-lit. And our tendency is to use low bollards. So we won't have any high -- high standards or anything like that. Typically, what we use is pathway lighting which is anywhere from 6" to 18" off the ground, up to some bollards that might be as much as 3-1/2 to 4 ft. This is level off the ground. We would not do any wall washing. If there's any lighting on the wall, like a wall sconce, it will put the lighting down. So then there would be no high light standards and everything will be

down-lit.

COMMISSIONER DURAN: And my last question. Is there anyway of bridging the little Tesuque River?

MR. FLANCE: Yeah, let me address that quickly.

COMMISSIONER DURAN: The little Tesuque Creek. Sorry. It's not a river, I guess.

MR. FLANCE: I guess it's relative. The low-water crossing was permitted by the County. We actually have a permit for that. The construction has continued. Ms. Macken's mistaken in her testimony to you. In fact, we just initiated construction about 6 weeks ago on a new meeting hall and banquet facility that is currently under construction. It's being built by Bradbury & Stamm. And we have permits from the County to build another 33 guest rooms and a spa complex.

This project, which is totally separate from what I call the resort development, will rebuild the bridge on that north entry road that goes back to Mr. Fullerton's property and goes back behind there.

COMMISSIONER DURAN: Which is low water-crossing right now?

MR. FLANCE: Well, right now the lower water crossing is south of there. It's between that bridge and the bridge going into the main resort.
The reason we had to do the low-water crossing is because we had Clif Walbridge and the structural engineer tell us that neither of the bridges could support concrete trucks and other heavy equipment that we needed to have coming back and forth the Tesuque in order to do our construction under the County permits.

So when this project is approved, we will be rebuilding the north bridge and widening it to two full traffic lanes. Right now the bridge is about 10' wide or maybe 11' wide. And it's basically dirt over a culvert. Actually there is no culvert. It's just dirt over a wood bridge.

So it was -- the reason for the low-water crossing was that we didn't have a safe crossing for our construction vehicles. We needed the low-water crossing. When this new bridge is built we will eliminate the low-water crossing and use the new bridge for our construction vehicles. And at that point, we will reclaim the river bank on with Tesuque.

The issue of drainage into the Tesuque from the corrals is something we dealt with on a previous application with the County. And there will be berms built along the corrals to contain any runoff from the corrals from getting into the Tesuque River.

CHAIRMAN ANAYA: Okay. Any other question?. Okay.

COMMISSIONER GONZALES: Mr. Chairman, I guess I'm finished up. I think that based on what we've heard I'd make a motion for discussion.

CHAIRMAN ANAYA: Commissioner Duran.

MR. FLANCE: Can I ask -- Mr. Sommer needs to address the variance issue which I've tried not to address. If he could address that briefly, Mr. Chairman?

CHAIRMAN ANAYA: Okay. Thank you.

COMMISSIONER DURAN: Mr. Chair. Karl when you do that -- my understanding is that the variance for the road actually has to deals with your desire to make it

less visible along that slope. Could you tell us a little bit about that?

MR. SOMMER: Sure. And our design engineer consultant can elaborate if necessary. The variance with respect to the 30% grades and on the road are designed to lessen the impact, the visual impact of this road, from, in one part, a public way and in another part from other portions of property adjacent to. That's the whole purpose behind that is to reduce the scarring that would be otherwise created by this road. And the variances necessary to do it, it is a minimal variance, and that's really what I want him to get up and talk about. I'll be very quick and brief because I know it's late. And I know you have other cases.

I put in front of you some findings of fact, a grant of variances and a grant of master amendment, final plan and plat approval. As you all know from the last Mr. Herdman had in front of you, although it went to district court and now it's back in front of you on the Sunrise Springs. Your decisions have to be in writing and you have to make findings regarding it.

And I don't want to see this case go up to district court by Mr. Herdman or anybody else and have omitted to make findings that were in writing and they've become part of your decision.

I know that Mr. Kopelman intends to bring written findings of your decision more comprehensive from a staff standpoint back, probably, at your 26th meeting. But I'm requesting that these be incorporated into that and so you've had an opportunity to look at them.

With the respect to the variance standards in the State of New Mexico, your ordinance clearly complies with state law. State law sets a very broad set of criteria that you can grant a variance upon under your own ordinances. Your ordinances follow that criteria. And they are that due to some condition in the land that is not a self-inflicted condition, that there is some hardship, unnecessary hardship, upon a owner with a strict application of the law is applied.

Your ordinance goes into much detail. And what I have tried to do here is to go through the elements that we believe the evidence in the record, and I'd like to make the plans part of the record because I don't think that they're in front of you all. If anybody intends to take the case up, the plans out to be in front of them and part of the record because they show precisely what this variance is all about.

This property is mountainous. It's heavily wooded. It's steep. And those are topographic conditions on this property. Your ordinance deals with a condition in the land. And it says specifically, topographic or other special conditions.

Well, what are the special conditions here? These property is sensitive terrain. It is heavily wooded. It is steep and it's mountainous. Those are the kind of conditions that case law around the country recognize as conditions in the land.

Why is the variance needed? Because if you do a strict application of the law, then the use of the property that has been permitted by the master plan already, would not be allowed without a minor variance.

What are we trying to promote in your Code? You're trying to promote the preservation of the character of the land. You're trying to promote the use of density transfers and clustering to promote open space. These are words right out of your Code. You're trying

to prevent the creation of unsightly scars through the careful placement in construction of roadways. That's what your Code says, and, you're talking about, in your Code, encouraging the preservation in natural terrains for the use of appropriate terrain management plans which respond to the unique characteristics of the land being developed.

That means that you have some flexibility when it comes to a property like this, that you don't have to apply the strict rule if it will create a hardship. And in this case it would create the hardship of preventing the construction of the road completely without the variance.

And what we are trying to do is promote those ideas. Density transfers as Mr. Flance talked about. Clustering, the increase of open space. Careful placement of roads. That's all what we're trying to do and that's what these variances that we requested go to exactly. And you'll see that in the request of Findings of Fact 1 through 4, we deal with that specifically.

And the record in front of you, despite what Mr. Herdman has said, is replete with information about slopes, terrain, open space, careful placement of roads and the like.

Are we asking for huge variances? No. We're asking for very minimal easing of those standards and your County staff has imposed and proposed conditions that help maintain the integrity of your overall ordinance.

So the variances don't grant some special use to this property owner that you might not grant to other property subject to the same regulations.

Mr. Herdman said -- he started out by telling you that the variance standard deals with -- you have to compare this property to property subject to the same regulations. And then he turned around and said that it dealt with surrounding properties. That's not the rule. This area is unique. And variances might be necessary in this area. It's not just surrounding properties.

The property that we're dealing with here is unique. It has conditions that are not self-imposed or self-created hardships. And I think that this falls squarely on all fours under the laws of the State of New Mexico with respect to the granting of variances.

We've also added a request for finding 6, 7, 8, 9, dealing with the general compliance as your staff has told you that this application in accord with the County Code.

I know it's late and we could go on with this for hours and hours. I think two things are simple. One, this is a condition of land. And two, we're asking for a minimal variation. And we're keeping intact and we're preserving the integrity of your policies and encouraging the purposes behind your Code. Thank you.

CHAIRMAN ANAYA: Thank you very much. Commissioner Gonzales for the motion.

MR. HERDMAN: Mr. Chairman, just for the record I would the opportunity to cross examine.

CHAIRMAN ANAYA: No, we could go on for ever. He cross-examined you and he rebutted to what you had said, sir.

[inaudible]

CHAIRMAN ANAYA: That's not appropriate, is it?

MR. KOPELMAN: Mr. Chairman, we just litigated this issue in the district court this last week on the Sunrise Springs case and the court held in that case that there was no

constitutional right to allow cross-examination other than for parties. And I don't believe that Mr. Herman's a party. I think that there's some discretion, Mr. Chairman. He's representing, I think, most of the people who spoke, but I don't believe that there is an absolute legal right that he has to cross-examine. I think you have some discretion in that area.

CHAIRMAN ANAYA: That's what I thought.

MR. SOMMER: [inaudible] next month that he didn't have the right to cross-examine us. I don't have any objection to asking and having questions asked of me because I don't want this claim to be made in the district court that they didn't have the right to cross-examine somebody.

COMMISSIONER GONZALES: Mr. Chairman, don't have to go down the road where we have both lawyers representing the applicant and the parties to engage in the debate and a dialogue. This is about the applicant. This is about the affected parties. I see no reason why Mr. Herdman and Mr. Sommer need to stand in front of us and cross-examine each other. Because Mr. Sommer is just going to ask the same thing. He's going to come back and he's going to say--

MR. SOMMER: I don't have any questions. I just don't want there to be a claim made that they didn't have the right to cross-examine somebody. So, if it please the Commission -- and you have the right to limit it by the way.

CHAIRMAN ANAYA: Thank you, Karl. What's your pleasure?

ORALYNN GUERRERORTIZ: If I might because of the potential of litigation. There's just a couple of things I need to put on the record and it's in regards to the design. I think there's been lawyer talk about the design, but let's get down to practicality. I'd like to at least speak about that.

This is the road right here that's 12.9%. This is the road here. It's about this long. It's at 12.9%. Code is 11%. This road could have been designed with two cul-de-sacs. It would have met the letter of the County Code. It would have reduced the amount of 30% disturbance and would have met the profile of the County Code.

But it's not the best design. A better design is a loop road, especially in a heavily wooded terrain. So there was a lot of consideration. You know, I don't like asking for variances but it's a better design. It's a safer design for the community. And that's the reason it's there.

There's other locations also, where we could have put the road in a different location. It would have met the Code. It would have reduced the amount of 30% disturbance. But it would have been more visible and it would have been an uglier scar. So I just wanted you to also recognize that there were other factors.

COMMISSIONER GONZALES: Ms. Guerrerortiz, this is part of the record, is that correct?

MS. GUERRERORTIZ: Yeah.

COMMISSIONER GONZALES: Okay. I just want to make sure. I know for a fact having worked for you, you do absolutely despise the variances.

CHAIRMAN ANAYA: What's the pleasure?

COMMISSIONER GONZALES: I'm going to move approval of this case with the findings of fact that has been presented by the applicant and state that I think it's important to know a couple of issues.

One, Bishop's Lodge is a part of this community. It has been for way before I was born. And certainly what they're asking for this evening seems to be a continuation of what that lodge has provided our community for many years. So I think that it's important to continue to support the lodge in its efforts.

I think that it's important to support the Tesuque Development Review Committee who I believe had opportunity to review, to study, to discuss, whether this was appropriate for that community or not. And I think especially now in the early stages of the Tesuque Development Review Committee that we support developments that they've found acceptable to that community. And with that I make my motion for approval. Once again, with the cases presented, that's TDRC Case Z 99-5052 and enter into findings of fact that grant the variances and the grant of the master plan Amendment, final plat and plan approval as well.

COMMISSIONER TRUJILLO: I second that Mr. Chairman.

CHAIRMAN ANAYA: Is there any further discussion?

COMMISSIONER DURAN: Mr. Chairman?

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Could we make part of the record -- the fact that Bishop's Lodge has self-imposed curfews relative to music at 10:00 a.m. indoors -- outdoors and 12:00 outside. It that -- yeah right?

CHAIRMAN ANAYA: And also how about the bridge structures that will come after the construction?

COMMISSIONER DURAN: Well, I think that's part of their plan.

CHAIRMAN ANAYA: Is that it? Okay. All right then. All in favor signify by saying "aye." [Unanimous]

COMMISSIONER GONZALES: Mr. Chairman, for the following case I'd like to recuse myself, ZV00-5930 because I am related to the applicant.

CHAIRMAN ANAYA: Let the record show that Commissioner Gonzales has recused himself. For this, the final case. Should we take a short break? Okay. We'll move onto CRD Case ZV00-5930.

IX. D. 6. <u>CDRC CASE Z/V 00-5930</u>. Gonzales Cellular Tower. Estevan Gonzales, applicant, requests master plan zoning for a 198-foot-high cellular tower to co-locate 10 communications providers. This request also includes a variance of Article 4.4.4.c (maximum height) of the Land Development Code to allow a cellular antenna to be placed over the County required 24-foot height limitation.

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The property is located off US/285, within the traditional community of Arroyo Seco, within Section 19, Township 20 North, Range 9 East.

MR. WHITE: Estevan Gonzales, applicant, requests master plan Zoning approval for the cellular facility to include 198' height cellular tower and equipment building at a variance of Article III, Section 4.4(C) which is maximum height of land development Code, to allow for a cellular tower to be 198" in height. And for all antenna accessories to be placed above 24' in height in 1.49 acres.

The property is located within the traditional community of Arroyo Seco within Section 19, Township 20, North, Range 9, Use Commission District No. 1. The average antenna size will be mounted on the tower is 6' tall by 6" wide. The average linear spacing between the antennas is 7'. The tower and antennas will be painted to reduce visual obtrusiveness.

The applicant is also requesting a variance of Article III, Section 4.4(c) of the Land Development Code to allow the antennas and structures to be mounted over 24' in height. The applicant states that this tower will provide quick, efficient, and effective services to other providers of telecommunications services to the public.

The applicant states that the granting of the variance for the construction of the tower will be in compliance with the 1996 Telecommunications Act, to encourage the joint use of new tower sites at a primary option rather than the construction of additional single use towers.

The applicant states that the proposed will allow for use by other telecommunications providers and therefore fewer additional single use towers within the county will not be necessary.

The applicant requests to obtain all necessary approval to minimize approval process for each client that wishes to locate on the tower.

Therefore, the preliminary development plan submittal must include information regarding the number of users, locations, size and type of antennas.

Recommendation. Staff recommends denial of the requested height variance. The intent of Article III, Section 4.4.4(c) is to limit heights to 24'. The recommendation of the CDRC was to grant Master Plan zoning approval for a cellular facility to include a 198' height cellular tower and equipment building and recommend approval of a variance of Article III, Section 4.4(c), Maximum Height of Land Development Code to allow for a cellular tower to be 198' in height and for all antennas and accessories to be placed about 24' in height, subject to the following conditions.

If I may --

COMMISSIONER GRIÑÉ: Just add it into the record, Frank.

1. Either the applicant must submit a development plan for all co-locators to include microwave dish and antenna size, type, location, and placement, or individual co-locators must submit their own development plans. Development plans are to be approved by CDRC.
2. The following must be noted and recorded with the master plan: *Approval of the*

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master plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely unless the detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time. Each phase of the development plan must be considered on its own merits.

3. The master plan will be recorded in the County Clerk's Office.
4. The master plan is valid for a period of five years. If development has not proceeded within five years, the master plan is null and void. This must be noted and recorded with the master plan.

MR. WHITE: That's fine.

COMMISSIONER GRIÑÉ: Any questions of staff? Okay. Thank you, Frank. Is the applicant here?

[Duly sworn, Estevan Gonzales testified as follows:]

ESTEVAN GONZALES: Mr. Chairman, my name is Estevan Gonzales. My address is P.O. Box 1088, Santa Fe, NM 87504. May I take a brief moment to hand out some literature and to set up?

CHAIRMAN ANAYA: Go ahead.

ESTEVAN GONZALES: Mr. Chairman, what I'm about to read to you is a telecommunication waiver request asking why we are here. And then I have prepared a presentation for the benefit of the Commission and also for the benefit for the people that have traveled here.

Pursuant to Article II, Section 3.2 of the Santa Fe County Land Development Code, the Board of County Commissioners may grant a waiver of the Code requirements. The variance request complies with the Code requirements for granting a variance as follows:
Section 3.1 Provisions.

1. Strict compliance with the requirements of the Code with a 24 height limitation will result in extraordinary hardship because of unusual topography and because of the unusual requirements of the telecommunications industry. Which requirements are not determined by the applicant.

It is impossible to construct the telecommunication facility within the height limitation of the Code that would provide any service whatsoever to any wireless provider. Therefore the Code height restriction essentially eliminates the ability to provide the necessary telecommunications infrastructure as mandated by the FCC for wireless services. It is undisputed that the wireless facilities are necessary in this area and will demonstrated by the applicant.

The topography in this area is such that the hills and mesas degrade and essentially block signal transmission unless the facility is tall enough to mitigate the topography of the area. The height variance requested is the minimum height needed for the effectiveness of the antennas to be placed on the tower and in order to reduce the proliferation of multiple towers in the area.

2. Strict compliance with the Code will exact hardship and the variance requested will not result in conditions injurious to health or safety. Strict compliance with the Code height

restriction, will exact hardship because the applicant would be completely prohibited from constructing a needed telecommunications facility as just described. The grants requested will not result in conditions injurious to health and safety because Congress has determined, within the Federal Telecommunications Act, that the facilities will comply with the FCC standards which is monitored solely by the FCC are environmentally safe and present no health risks for humans.

In fact state and local governments may not regulate replacement or construction of wireless service facility on the basis of environmental safety.

Section 3.2 of the Code.

The variance requested is not more than a minimum easing of the requirements.

1. The height requested is the minimum height necessary to provide telecommunication services in the area. This has been covered with response to 3.1 of the provisions above. In addition, a 198' tower at this specific tower is needed for the following reasons:

1. It meets the radio frequency engineering needs of wireless service providers.
2. It enhances the quality of services offered to the general public.
3. It enhances the number of services offered to the general public.
4. It minimizes the number of towers in El Valle de Arroyo Seco because it provides a facility necessary for a multiple number of carriers, thereby minimizing the aesthetic impact from multiple towers or slum yards. El Valle de Arroyo Seco presents many engineering complexities that could potentially impact quality of service from wireless service providers.

Signal degradation, dropped calls, busy signals, and lost data packets result from a less than desirable quality of service. Therefore a 198' tower at this specific location in Arroyo Seco, is a minimum height needed to support the engineering needs of wireless service providers.

The inherent nature for US 84/285 highways presents many curves and bends in El Valle de Arroyo Seco area. This tower would allow wireless signals to be transmitted around the bend and to the north and south of US 84/285.

The nature of the Arroyo Seco area includes mesas and hills that can impede signal strength. This tower height is required to allow signals to transmit over the topography and allow the wireless signals to reach greater distances with the needed quality of service.

2. It will either ameliorate the adverse impacts of antenna and tower proliferation or the adverse impact of requiring new construction of towers and antennas.

Granting the waiver will be in compliance with the stated purpose of the 1996 Telecommunications Act Ordinance to encourage the joint use of new tower sights as a primary option rather than construction of additional single use towers.

3. The availability of suitable existing towers or other structures. There are no other available towers in this area. This site has been identified as a search-ring allowing carriers to provide needed service.

CHAIRMAN ANAYA: Thank you Mr. Gonzales. Are there any questions of Mr. Gonzales?

ESTEVAN GONZALES: I just have a --

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CHAIRMAN ANAYA: Oh, I'm sorry.

ESTEVAN GONZALES: I'll continue on. First this is a brief one and I'll go as quickly as possible in the interest of time. This is an overview of what we talked about. Basically we talked about the objective of why we're here, about the word of wireless communications because we have to understand why it is we're putting up a tower, demonstrate the need that's here, go through the site selection process that we go through in picking this site, talk about our proposed site. We're going to talk a little bit about the Telecommunications Act. Why specifically this site and why this height for a tower? We talk about the benefits for the community and the community feedback that we've received.

Our objective is to provide a communications facility that allows carriers to deliver state of the art wireless services to citizens, businesses, and government entities through a 198' self-supporting tower. Another objective is that we're asking for a variance of Article 4.4.4(c) for the maximum height.

A little bit about the company. We're a local ,family owned business. Our domain experiences in business, zoning and engineering. I have studied at New Mexico State University and Stanford University. My background is in telecommunications and digital wireless communications, specifically.

We have an established track record in the tower industry that spans over 9 years with 3 towers constructed. And our clients accrued major telecommunication companies.

Now we'll discuss -- we'll talk a little bit about the world of wireless communications as to why we need this tower because essentially this tower is the tool for these wireless communications. The number of subscribers in the U.S. are currently are 100,000,000 issuers. By the year 2005, we'll have 170,000,000 users of wireless telephony.

The services include enhanced a E911 service. E911 is a new technology that has been mandated by the FCC so that in case anyone is in an emergency situation, they can press a button on their cellular phone and their latitude and longitude coordinates are determined and so they can get help.

Better voice quality to a text messaging between pagers, wireless e-mail, wireless internet, wireless video, and wireless commerce applications.

And in the interest of time we won't go over all these but we have included a number of articles that have talked about the world of wireless communications. Alltel is now offering wireless internet banking services. Sprint is delivering broad band services to peoples' homes. The list goes on and on. So we can see that the dawn of this new era has arrived.

The future services are the third generation services that we are talking about. Future cell phones would not only function as a phone, but also as a computer, a television, a pager, a video conference center, a newspaper, a diary, and even a credit card.

For these services, communication towers are needed. This was taken by the International Telecommunications Union. So as we can see, this is not scientific fantasy. It is actually a reality. Who uses these services? Police and other law enforcement officials use these services. Fire and emergency safety officials such as La Puebla Fire Department and Arroyo Seco Sub-Station can benefit from such wireless services. The residents and businesses

of Arroyo Seco and surrounding areas. And also the commuters on US 84/285.

Now it's not everyday that a good article comes out in the paper but today we happened to found a article in the *New Mexican*. It talks about the auction that's coming up by the FCC, where they're going to be auctioning new wireless spectrum. New wireless spectrum means new services offered. This also means more wireless service providers in the industry, which means there's going to be more clients out there that need tower space.

How is the site selected? Well, it's selected through careful consultation with wireless service providers, with their engineers and with their site acquisition specialists. The selection criteria that is chosen is based upon the topography of the area, the capacity of their system, the quality of service that they offer to their end users and an need demonstrated by multiple wireless service providers is how we select a location to place the tower.

So the proposed location is at Mile Marker 184.7. And as we can see that it's right here on the corner. This tower will service both this northern area of Arroyo Seco and also the southern area.

The property that we are proposing to place the tower on will have a 150' setback from US 84/285 and 25' from our nearest neighbor. It also resides on 1.4991 acres of land.

The 1996 Telecommunications Act, Section 704 specifically ensures wireless service providers have access to communication facilities and communities. And also these facilities have an exemption on the basis of environmental effects of radio frequency emissions.

If I could turn our attention to specifically to the text that we have included in the packets that you've received for the Telecommunications Act, it talks about the regulation and the placement and construction of wireless service facilities.

So why this site? This site is a common site to support the greatest number of carriers that wish to deliver service. As we can see, this site right here has been chosen by already four wireless carriers. We have four letter of intent that prove that they can use this site, that this is their desired choice for a tower. On the right-hand side that's just an example of wireless carriers that are licensed to do business in New Mexico.

Now how is height determined? It is determined by the topography and it's kind of hard to see on there but that's a mountain that's -- or a mesa that's in Arroyo Seco that presents engineering complexities.

Topography, more or less, approximates the lowest point on the tower where a carrier can be located. Secondly, height is also determined by the space that's needed to support carriers. Their antenna size and the separation distance between antennas so that they don't interfere with each other.

So why 198'? Well we feel, through careful analysis, that this height provides space for co-location for multiple service providers.

The other challenge besides the height of mesas or the topography, is the Land Use Code, the 24' maximum height. At 24' there can be no wireless service. There cannot be any facilities constructed to support any services. Now this is a well-understood concept.

And it's well understood by our neighbors to the north, who operate their hand-radio service. This is a picture of his facility at his house. As you can see it's placed on a hill where

he has placed his antenna. The one on the left -- he has two different antennas. The one on the left and the one on the right. Now this is a shot taken on the other side facing his property. So we can see that in order for him to get reliable communications, yet, his antenna has to be elevated as well. There it is again. It shows that the little hill there, not quite sure what the height is. It's not my property. I'm not allowed to climb it or take measurements. And that's the height of the tower.

So our proposed tower is going to be at the bottom there. Where you see the bottom red line. That's where the legs of our tower will stand.

So co-location. We can place all these carriers on one tower. Or what's going to happen is if we don't have this we're going to have multiple tower requests by wireless service providers or tower companies. And this could result in the proliferation of towers across El Valle de Arroyo Seco. This is fact.

Alternatives to obtaining a variance. There's always ways to get this done. There are government agencies that have no zoning process. And the pueblos are sovereign. They too have no zoning process and have no height requirements. This is an example of what can happen. These two towers are in Cuyamungue which are south of Arroyo Seco.

Now these two towers happen to be higher than the towers that we propose. These two towers have red lights. These towers are also painted red and white. And that's because they're about 200'. Our tower is going to be 198'. According to the FAA, anything less than 200' does not need to be colored a specific color, such as red and white, nor have a annoying light.

Now this is good. It's good for economic development. We could see that what we have here is people demanding services. Growth is occurring. Growth is occurring in northern New Mexico, Arroyo Seco. Many businesses are in Arroyo Seco. And many businesses which can actually benefit for the use of wireless services, if not already.

Our goal is to provide infrastructure for wireless communications. Our goal is to be sensitive to many people's needs, to our neighborhoods, to our wireless service providers. And how are we sensitive? We're sensitive by taking a co-locatable site. This serves multiple services wireless providers so there's no need for more towers.

The benefits to the community are safety, quicker emergency response time. 911. We talked about that. In the year 2000, there was 45,000,000 wireless 911 calls made. That's 30% of all the 911 calls made throughout the United States. By the year 2000, they predict the National Emergency Number Association, the 911 Association predicts that there will be 100,000,000 wireless calls, E911 calls, which are going account for the majority of 911 calls across the country.

Also, it enhances the quality of life. The children of the area, the businesses, the government agencies have access to more and newer technologies. School systems also have access to newer technologies. Higher productivity and more economic development. All of which depend on wireless services.

We have listened. We have talked to our neighbors. The lights, there's not going to be any lights on our tower. It's less than 200'. I've covered that. Lightening, well, there's a

ground system that's safely engineered that no danger is caused to anyone. We believe that the property valuation will remain constant. We have a couple of examples. One, we have the tower that we placed on the west end of town of Santa Fe. That has not degraded the property valuation of the lots in Las Campanas.

Also, there's a tower downtown Santa Fe, right by the Santa Fe *New Mexican* which we believe has not devalued the property in that area. And finally down on Airport Road and Cerrillos Road. There is one and it has not devalued the property.

Now we have a good neighbor to the north of ours who operates a ham radio operation. He's to be commended because it provides a good service. He's concerned that we're going to interfere with him. To him, I say we're not. There's always an engineering solution that can be reached to make sure that that does not occur.

In conclusion, there is a need for a site in Arroyo Seco. Specifically, this is the best site if we only want one tower in Arroyo Seco. This is the best site. A tower needs to be built. Our tower provides co-location. It eliminates the need for other towers. Believe it or not, this is prudent development. One tower is best, not more. And it enhances wireless services. Better safety, better quality of life and better economic development.

Finally, in conclusion, this, our request, was unanimously passed by the CDRC the time. However, we are opposed to the conditions set by the CDRC except for condition number 4, which talks about the master plan being valid for a period of 5 years. We have established a general set of criteria that each of our clients have. A general size of antenna, and a general spacing that occurs between antennas.

It's very difficult to go ahead and say a specific here, is going to be located at a certain height or what their antenna size is going to be until they actually sign on as a provider. So, what it is we'd like to see happen, is that basically a permit is the only process that has to come through for a carrier to go ahead and put their equipment on our tower.

Finally, we understand that the County attorney, Mr. Kopelman, will incorporate our proposed variance criteria in a written decision with the findings to the BCC. And that's all I have. I entertain any questions.

COMMISSIONER GRIÑÉ: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Griñé.

COMMISSIONER GRIÑÉ: Steve, you're opposed to condition number 4, is that what you said?

ESTEVAN GONZALES: No, all of the except number 4.

COMMISSIONER GRIÑÉ: Well, you're opposed to 1, 2, and 3?

ESTEVAN GONZALES: Yes sir. I'm opposed to the 1, 2, and 3. Basically, the number 1 talks about we have to submit a development plan for all the co-locators to include their antennas and where they're going to be placed and what their size is going to be. All that changes from site to site. And that's very difficult.

COMMISSIONER GRIÑÉ: And you're okay with condition no. 4, then?

ESTEVAN GONZALES: Yes sir. So we're opposed to conditions 1, 2, and 3 for the record. And we're not opposed to condition no. 4. Thank you.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran. I think I'm backwards. Why would you be opposed to recording the Master Plan with the Santa Fe County clerk?

COMMISSIONER DURAN: Basically -- I defer that to my brother.

PATRICIO GONZALES: Mr. Chairman, my name is Patricio Gonzales and my business address is 102 Taos Street, Santa Fe, New Mexico 87504. The reason we're opposed to conditions 1, 2, and 3, Commissioner Duran, is that currently right now and in working with the carriers, it depends which carrier we're working and what height they need to be at. And for us to come in and submit a master plan to you and should those heights change, then the master plan wouldn't be legally recognized a master plan. And that's why we request -- it's been another sites here in the City that we've done. The only thing they've required is that we come in and inform the County and it goes to the building permit process.

COMMISSIONER DURAN: My understanding is that the tower is going to--it would basically say that there wouldn't be any humongous dishes on there. I mean is there a maximum size you could say would still be able to provide the service and provide the service to your co-locators? My only concern about number 1 is there are some big dishes and I don't see, I mean, why you would be opposed to limiting it at least to make sure to the community that there's not going to be a 30' dish on that.

PATRICIO GONZALES: Yes sir. Mr. Chairman, Commissioner Duran, I wouldn't be opposed to maybe a 4' dish, maximum size, 4' dish.

COMMISSIONER DURAN: Is that radius?

PATRICIO GONZALES: In diameter.

COMMISSIONER DURAN: In diameter.

PATRICIO GONZALES: Yes sir.

COMMISSIONER DURAN: If you need 5. You know better than I what size would be adequate to provide the service that you're trying to provide to the community.

PATRICIO GONZALES: Yes sir.

COMMISSIONER DURAN: Is 4 adequate?

PATRICIO GONZALES: Well, Mr. Chairman, Commissioner Duran, like I said, I think the necessity for a dish would be until we get tech service out there, which is phone lines out there. I believe there are phone lines out there at the present time. But like I say, until we get it to the property and I think that's the only way that they need a dish.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Patricio, what is the protocol for co-location? Somebody approaches you and asks that they want to set up an antenna in that same infrastructure and what happens?

PATRICIO GONZALES: Mr. Chairman, Commissioner Trujillo, that is correct. In working with carriers in the past, they've informed us of their intentions and of what they need and once we find out what one carrier needs, we'll go to the other carriers to make sure that this one site can accommodate them and this way we're able to eliminate the

need for more towers.

And it's been proven at the other sites that we've done here in Santa Fe. We have a site at the northwest quadrant that we put up a tower two years ago and there have been no requests in the City of Santa Fe at the northwest quadrant for any towers because they've been able to co-locate at our tower.

COMMISSIONER TRUJILLO: So essentially what happens is that you retro-fit the co-locator in the existing infrastructure. And not exceeding the granted maximum height variance, right?

PATRICIO GONZALES: Mr. Chairman, Commissioner Trujillo, we do exceed the height variance because it is only 24' in the County. But --

COMMISSIONER TRUJILLO: But the variance that has been approved, it will remain within that --

PATRICIO GONZALES: Correct.

COMMISSIONER TRUJILLO: If it's approved.

PATRICIO GONZALES: Correct.

COMMISSIONER TRUJILLO: It will remain at 198'?

PATRICIO GONZALES: Yes, Commissioner.

COMMISSIONER DURAN: I have one more question.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: Patrick, of the other towers that you own, what's the largest dish that a co-locator has constructed on the tower?

PATRICIO GONZALES: Mr. Chairman, Commissioner Duran, right now there are -- the largest is a 2' dish.

COMMISSIONER DURAN: So 4 would be okay.

PATRICIO GONZALES: Four would be okay.

COMMISSIONER DURAN: Okay, thank you.

PATRICIO GONZALES: Thank you, sir.

COMMISSIONER DURAN: So that would be the maximum depth, the maximum impact, the individual impact would be 10 - 4' dishes?

PATRICIO GONZALES: Mr. Chairman, Commissioner Duran, not every carrier will use a dish. So I would doubt that that -- there's a --

COMMISSIONER DURAN: Well, what would they use, just an antenna?

PATRICIO GONZALES: Well, they'd use their antenna and their phone service that's available out there.

COMMISSIONER DURAN: Okay.

PATRICIO GONZALES: If there is a dish, it would be temporary in order to accommodate their needs until they're able to get phone service there.

COMMISSIONER DURAN: So technology, basically, is going to do away with the dishes, ultimately?

PATRICIO GONZALES: Correct. Well, I don't know if they're going to do away with them but mainly that they use the dish in order because there's no phone service.

That's why you'll see those dishes out there. So ultimately, it would be a minimal -- it would be minimized. The rest would be minimized as technology progresses.

PATRICIO GONZALES: Commissioner Duran, yes sir.

COMMISSIONER DURAN: Okay, thank you.

CHAIRMAN ANAYA: No other questions of the applicant? How many people would like to address the Commission on this issue?

COMMISSIONER DURAN: Mr. Chairman, could I just make one comment.

CHAIRMAN ANAYA: Okay, hold on.

COMMISSIONER DURAN: Just prior to the public comments because I know there's going to be a lot of people that might want to say something relative to the environmental effects of the radio frequencies. And I'd like to read something out the Telecommunications Act that needs to be said. That is that no state or local government or instrumentality thereof, may regulate the placement, construction, the modification of personal wireless services facility on the basis of the environmental effects of radio frequency transmissions.

So, as you come forward to discuss your concerns, the radio frequencies emissions cannot be considered by this Commission.

CHAIRMAN ANAYA: Okay. And also please avoid redundancy. You know, if you can just organize what you're going to speak about and let perhaps 3 or 4 speakers relay what everybody else feels. Can everybody start getting in line and come forward please and stand in line? Okay, you have been sworn in. Could you state your name for the record please.

[Duly sworn, Nancy Williams testified as follows:]

NANCY WILLIAMS: Yes, my name is Nancy Williams and I live at 04A Everett Ridge Drive in Arroyo Seco. And I am also the president of the Arroyo Seco Community Board. Although you state that the FCC does not -- you can not, based upon information, deny the placement of these towers, you can decide where they are placed. You can't deny them, that's true but you can decide where they are placed, per that same Code.

CHAIRMAN ANAYA: Are you saying can or cannot?

MS. WILLIAMS: You can. You have the right, per that Code, the wording of it, to decide on the placement.

CHAIRMAN ANAYA: Okay.

MS. WILLIAMS: I just wanted to clear that up because that was brought forward. All right. First off, Mr. Chairman, members of the committee, thank you for you time and I do realize this is late. So we all will try to move forward and maybe everybody's patience can hold out a little bit longer.

As you can see from the package I handed you, there's over 220 signatures from concerned citizens from the community of Arroyo Seco. And that does come in to play later on. We're asking you to take into consideration their wishes in making your decision on this issue. Please take into consideration our health, the health of our children and the health of our future.

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You, not only have the right, you have the obligation as an elected official to listen to and protect us citizens represented here tonight.

As a County official, you also have an obligation to abide by established zoning Codes and requirements. As we see it, 8.2 times the 24 height Code regulation is not a minimum easement by any means as is allowed.

Although, per the FCC Code Act of 1996, Section 704, Local Government, doesn't have the right to prohibit the tower. Local government under the act of 1996, Section 704, does have the right to regulate placement of these towers. Okay?

Now this right should be exercised, if nothing else, to ensure the health and safety of the well-being of the community members of Arroyo Seco. There are other locations available for this particular tower away from our schools, churches and from our traditional residential area.

Yes, we understand that there is a cost to the Gonzales Brothers associated with these other locations. But if they want this so bad, they should be willing to pay for it without putting a dollar sign on human life, which I might remind you, none of us have the right to do.

You will find in front of you a video tape entitled "Public Exposure, DNA, Democracy in the Wireless Revolution." This is a preview edition and it's 47 minutes long. In order not to take up a lot of time we chose not to show this. And I'm just going to highlight some of the areas.

This tape is for you guys to keep and for you to watch at your leisure. It's very educational and it points out issues which none of us, I am sure, we're aware of. Just as most people who smoke, were not aware, until lately, of the problems associated with smoking. But it's too late for many of them. That's not have that happen now because of these towers.

The tape, just to highlight a few, there's documented evidence of probable link between radiation and the alteration of the cellular tissue of the brain. Since 1975, there's been a 25% increase of brain tumors in the United States and a 300% increase worldwide.
Marin County, California has a highest percent of breast cancers in the world. They also have any large radar stations and towers. And they have one of the largest percentages of prostrate cancer in the world. It has been proven that any distance from this site promotes safety. And this is what we are asking is that you put this away from our residential area, our community residents.

Tests in Cape Code show that 45% of the women with breast cancer live near towers. San Francisco, they have test reports that people living across the bay from these towers are affected. And they say that our bodies absorb radiation according to our size, which mean our children and babies absorb the radiation a lot quicker than we adults do.

The tape about 23 studies that have been done and that show an increase in brain tumors, cancers, and the most prevalent, leukemia. Exposure began during the Second World War. The data has been collected documenting headaches, cataracts, cancers and mutations.

Case study in 1998, Mark Hart was a former telecom executive. He was asked to use a prototype cell phone by his company. In 1999, he suffered a seizure. After extensive hospital stay, they found a 5-1/2 centimeter brain tumor. And per the doctors, the growth of the brain

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tumor coincides with the time frame that he would use the phone. The doctors suggest that the phone was the culprit.

Towers should not -- this is another study, towers should not be located in residential areas, near schools, churches or hospitals. A study which shows actual brain absorption of cell phone radio frequencies setting an adult versus a 10 year old child and an adult versus a 5 year old child is on that tape. And I think that any of you that watch it would be very, very concerned for your children or grandchildren.

DNA studies submitted by an employee of Motorola were found. And he was urged not to publish his findings by Motorola. Another thing it points out and has proof to back it up, is on all Motorola phones, there's a statement attached to the phone. And it says, "Do not hold the unit in such that the antenna, is in contact with exposed body parts, especially the face or the eyes or the ear while the unit is turned on." It talks about the telecommunications industry and how they're putting dollar signs ahead of human life.

Yes, this is all associated DNA problems. We don't want to put our children at this risk. We don't want to put our community at this risk. And another thing is you'll find several signatures on the pages that you have there of people from the companies that were shown by the Gonzales', in Arroyo Seco, that have signed the petition opposing the erection of the tower at that site.

And we also have a legalized recognized or legal, recognized community board which the Gonzales' never approached as a neighbor to discuss the issues with the community members.

Now, that out of the way, I'll get to the meat of the matter. We have here and you have a copy of it, it's to the Board of County Commissioners of Santa Fe County:

The undersigned residents, and it's from the traditional community of Arroyo Seco. The subject is the application of the Sky High Communications LLC, Estevan Gonzales to construct 198' communications tower in a traditional community of Arroyo Seco. Background. Arroyo Seco is a traditional community located in Santa Fe County as established by the Land Development Code. The undersigned are residents of the Arroyo Seco Traditional Community and it's the site of the proposed tower is located in the community on a residence property which Sky High Communications has entered into a contract to purchase from Robert V. and Jenny Marquez."

CHAIRMAN ANAYA: Are you going to read the entire thing to us?

COMMISSIONER DURAN: Mr. Chairman, I understand the front part. But we can have them site the sections of the Code and read those into the record. Would that be acceptable?

CHAIRMAN ANAYA: That would be acceptable. If you would highlight --

COMMISSIONER TRUJILLO: Well, it's not that long. There's that first page and then an attachment and then there's a signature pages. Not a copious document.

CHAIRMAN ANAYA: To appease it's fine. But it's like -- we're treated like third graders that we can't read for ourselves, you know.

MS. WILLIAMS: That's not the point.

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CHAIRMAN ANAYA: Okay. Go ahead and read them then.

MS. WILLIAMS: Okay, thank you. Sky High has filed two applications in connection with the matter. First, an application to rezone the Marquez property from residential to other development. Under Article III, Section 8.1 as the Code and second, the application for a variance from the maximum height of 24' prescribed by Article III, Section 4.4(c) to allow for a 198' communications tower. On November 30, 2000, Sky High's application were presented to the County Development Review Committee. Four of the five committee members present voted to recommend approval to the County Commission.

Rezoning. As to rezoning, Article III, Section 8, Other Development, is not applicable because Section 8.1 relates to all uses not otherwise regulated by the Code. And because uses in the traditional community of Arroyo Seco are otherwise regulated by the Code. Specifically by Article III, Section 4.2.2 of the Code which reads as follows:

Traditional Community District. Mixed uses permitted. Traditional community district established by the Code are intended to accommodate a mixture of uses such as agriculture, residential, large-scale residential, community service, institutional, non-residential, or recreational use anywhere inclusive of the boundaries of the village provided the performance standards and criteria set forth by the Codes are met.

COMMISSIONER TRUJILLO: Nancy I think you can enter this into the record because are familiar with the Code and we understand that and we can proceed to the next page.

MS. WILLIAMS: Okay, first off, let me go ahead down to the commercial. If you'll look down at B it says that:

The rezoning could be approved in similar and type and scale to those uses suggested for the neighborhood. Small scale. The rezoning is compatible with neighboring uses which is not in our area. D. It is a consensus of the local community to allow the proposed rezoning... and it goes on. And you can see by the petition in front of you that that is not the consensus of the community. And it's maybe seeing the above section for this:

Rezoning in a traditional community from residential to commercial for like industrial zoning if, and only if the standards and criteria set forth in Section 4.2.2(b) are met. The applicable criteria are: similar uses have been established as nonconforming on adjoining locations in the community. An applicants have not shown the existence of any other communication to residents in Arroyo Seco.

The rezoning should be approved at similar in type and scaled to those uses suggested for neighborhood district by Article III, Section 4.3.2 of the Code.

The 198' tower which applicants to build in Arroyo Seco, is just similar and type and completely at a scale with any of the commercial uses listed in Article III, Section 4.3.2

There's a copy of the tower attached. And while the applicants that this time are asking for a height of 198', the drawing shows the tower to be 400'. The zoning is compatible with neighboring uses. The 198' communications tower would be totally incompatible with existing neighborhood uses in Arroyo Seco which are primary residential in nature.

1D. It is the consensus of the community to allow the proposed rezoning in use. Here

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the clear and perhaps unanimous consensus of the local community is not to allow the proposed 198' tower. And there you can see the signatures.

Since Sky High Communications does not meet any of the criteria for commercial rezoning in the traditional community of Arroyo Seco, this application should be denied. On the variance. Sky High Communications has also applied for a variance for maximum height limitation of 24' prescribed by Article III, Section 4.4.4(c) of the Code.

Variances are governed by Article II, Section 3.1 and 3.2 of the Code. Section 3.1 provides that only for an applicant can show that strict compliance with requirements to Code would result in extraordinary hardship to the applicant should a variation be considered. And that in no event, should a variance be recommended by the Development Review Committee or granted by the Board, if, by doing so, the purpose of the Code would be nullified.

Here there is nothing to suggest that the denial of this application would be an extraordinary hardship on applicant. Applicant could find another site for its tower outside of the Arroyo Seco Community in a location where the tower would be less visible and less intrusive. To allow this huge tower in the middle of Arroyo Seco would infect and nullify its zoning as a traditional community.

Also Section 3.2 provides:

In no case shall any variation or modification be more than a minimum easement of the requirements. An increase from the Code from 24' to a height of 198' is more than 8 times the maximum height allowed by the Code and that does not qualify its minimum easement.

The undersigned residents of Arroyo Seco ask that the application of Sky High Communications to inflict this 198' tower on their community be denied.

To allow these applications would be arbitrary and capricious, would not be in accordance with the zoning regulations of the County Land Development Code, and would be an injustice to the residents of Arroyo Seco. And these signatures along with the other 220 of what were submitted to you.

COMMISSIONER TRUJILLO:: I think I'd like to make a comment. As you know, Nancy, the community of El Rancho took a strong stance regarding the electrical sub-station. Even at that, that electrical sub-station is up. It come to fruition. Before Judge Mechem and then taking off on what Commissioner Duran has said, health and safety issues were not listened to at the district level in the district court.

MS. WILLIAMS: I understand.

COMMISSIONER TRUJILLO: Besides that, even after the sub-station went up, that did not nullify the designation of El Rancho which is hundreds of years older than Arroyo Seco as a traditional community. El Rancho continues to be a traditional community. And in fact, it's given impetus to a community planning process in that regard.

Again, the thing went up. Even if -- because it was needed by the surrounding community. Even of the residents of El Rancho took a strong stance against it and Judge Mechem did not want to listen to anything regarding health and safety.

MS. WILLIAMS: Okay, I understand that and I stated that. However, I do think it's important that we do understand the risks involved with this. Whether they can be

taken into consideration or not, as human beings, we need to understand those risks.

Another thing is the Board is also to take into consideration the community's requests, what the community wants too. And you should listen to the community. There are other locations for this tower that are in that same line, if you will, and sure, they're going to cost the Gonzales Brothers. Because the people want a percentage.

But it's not stuck right in the middle of our community, by neighbors who have family and maybe you guys can't take the health issues into consideration. But you know we, as humans, can. We as members of a community can worry about our children and their health. Their future, our grandchildren's health. They talk about computers coming along. These reports talk about mutations. How are our kids going to use computers they're talking about supplying if down the road gene mutation causes them to be without an arm? You know, yeah, you can't take that into consideration, but we can.

COMMISSIONER GONZALES: And the reality is, Nancy, that if you go to Cuyamungue, there's two cellular towers there that went up over night. Surrounding Arroyo Seco there's Pojoaque Pueblo. So that's a strategic location for a cellular tower. It's going to happen in that area. In this regard, there's review. If it goes to the Native American jurisdiction, there's no review. The thing just happens and it can be higher than 198'.

Just to bring in that perspective and to enter the picture, we are surrounded by Native American land. It's going to happen. Whether it happens here or it happens in Native American land, there's control here, there's a maximum height. Native American land, there's not and there's lines. And it's very conspicuous to be put on top of the hill.

CHAIRMAN ANAYA: Wait. I don't chose to have debate between us and the presenters. Anyway we'll save the conclusions for later.

MS. WILLIAMS: Can I ask the maximum that you're talking about? The Code requires 24'. This is 8-1/2 times higher. That's not a real control on it. Per the Code. And we have Codes that should be followed.

CHAIRMAN ANAYA: Next speaker please. And you heard what she already said, so please don't repeat it.

[Duly sworn, Janet Degan testified as follows:]

JANET DEGAN: Janet Degan. 125 Paseo Primera, Santa Fe, 87501. I'd like to present this for the record.

CHAIRMAN ANAYA: You're not going to read this. Okay. Signatures okay.

MS. DEGAN: What this consists of is additional signatures bringing to a total of over 1,000 concerned citizens of Santa Fe County who signed petitions against locating telecommunication industry microwave transmission antennas in residential areas.

I'm speaking on behalf of the Santa Fe Citizen Task Force on Microwave Antennas. Microwave use, towers and antennas belong in designated industrial areas away from homes, schools and churches. We are writing in support of the residents of Arroyo Seco who oppose the location of this new tower, within their residential community.

Respectfully we urge your most careful consideration of this issue tonight. We urge

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you to delay this decision, to allow time for the study and discussion this deserves and to deny the permit for the construction of this tower in this residential area.

This tower violates existing residential zoning which limits heights to 24'. There is abundant vacant land for tower building and telecommunication service provision nearby at a safer distance from homes, schools and churches.

Allowing construction in violation of this community's wishes would be a serious abdication by Santa Fe County of the County's primary responsibility towards the citizens, which must include their need for safety in their homes.

We would like to see our County encourage economic growth in a responsible way which furthers rather than sacrifices the well-being of our citizens. So that was 840 signatures in addition to the over 200 that Nancy Williams submitted. And Mr. Gonzales had mentioned about collecting sites based on topography, system, capacity, quality service.

And I would like to point out that he omitted the community's concerns by locating it in a residential neighborhood rather than locating it in a non-residential neighborhood. And he claimed to be sensitive to neighborhoods but in order to be sensitive to neighborhoods he would not locate it in a neighborhood. Thank you.

[Duly sworn, Marilyn Meyer testified as follows:]

MARILYN MEYER: My name is Marilyn Meyer. I live at #6 Maya Road in Arroyo Seco. In view of the size and the unknown properties of this proposed tower and in view of their being no submittal by Sky High Communications, such as terrain management, we thought it wise that we go into the Santa Fe Code and take a short look at what is required under terrain management.

Under Article III, Section 3. Terrain Management. I read to you the purpose and intent.

The intent of these terrain management regulations is to protect and promote the health and safety and welfare of citizens and land owners in Santa Fe County.

Under other developments, 3.2.2:

An application for development permit involving a subdivision large-scale residential or non-residential development including minor uses and all other development shall include a terrain management plan as described in Section 3.2 of this Code.

3.3.6 Construction Schedule. Prior to issuance of a development permit and prior to commencing construction, the applicant shall submit an estimate schedule of construction. And there are sub-listed below that from A through I. The start and finish -- a lot of criteria. Under 3.4, Performance Standards. They have to meet all required standard setbacks or ridgetops. Now there is a ridgetop on that piece of land. At the back end of it there is a very large ridgetop. They have not addressed that. Under #4, Development site. I would go down to -- let's see if I could do this, #D4. That deals with the development site on a ridgetop. Now under D-4-A,1,2,3.

The siting of structures so that their form does not dominate prominent skylines or disrupt significant use or unique land forms which have been identified by the County."

Under grading and clearing, 3.4.3:

A detailed grading schedule shall be followed.

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Under B: All grading shall be performed in a manner which has no adverse affect on adjacent properties. And shall be kept to a minimum and stabilization of their surfaces shall begin promptly. The point of this is these are requirements of the Santa Fe County Code. None of these have been fulfilled by Sky High Communications.

Here is what they say on the subject of terrain management. One sentence: The proposed facility will not require any severe grading or terrain alteration to the purchased area. Therefore, it is our, Sky High Communications, it is our opinion that a terrain management plan is not necessary.

So you have Sky High Communications deciding which part of the plan they're going to obey. Now they have not, as of, and as a requirement under zoning requirements for cellular towers, they have not provided a site plan that includes all that is required. They have provided a very, well it's an inaccurate map to tell you the truth.

In big letters, the site must be staked to allow staff to conduct a site visit prior to the meeting date. As of 1:00 yesterday afternoon, that site was not staked in any way and I would ask the County, whoever responsibility it is, did they make a site visit?

These things have not been fulfilled which they would be required if we were doing it. They have not certified that the tower meets FCC requirements. And they have not provided the number of watts produced by the tower as is required.

Nowhere in the Code was liability for these towers addressed that I could find. There might be but I couldn't find it. So I would ask you what type of liability would Sky High Communications assume should the tower fall.

One reason I ask this is the site where they propose to put their tower is on a filled in arroyo. They have not done any soil studies which are also required by the County Code. And for these things, I think at least it should be tabled and since they have not met the criteria.

The criteria they give for protection, we'll put a locked gate on it. That's in their submittal. We'll put a locked gate on it. That doesn't address -- the tower is 198'. On either side, if the tower fell, it would either hit across the highway, it would hit on the Chavez's house, or would go on to Dr. Pauley's land. And nowhere in the Code is this addressed as to who is going to be the responsibility for this kind of danger.

So I respectively submit that they have not fulfilled the requirements for their development variance.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Duran.

COMMISSIONER DURAN: I was just wondering, has the site analysis -- has the site visit been done?

MR. WHITE: Yes, a site visit was performed by the staff, as well as the CDRC.

COMMISSIONER DURAN: CDRC, right.

COMMISSIONER TRUJILLO: A site visit was done by staff and by CDRC. They went out there.

MS. MEYER: Could I ask the date on that please? And why wasn't it staked?

COMMISSIONER TRUJILLO: I don't think it was staked.

COMMISSIONER DURAN: Is it fenced? Why don't we move on with the next applicant, Mr. Chairman.

MS. MEYER: Yes, I would like an answer to that.

COMMISSIONER TRUJILLO: You have the information, right?

MR. WHITE: Mr. Chairman, Commissioners, it must have been early November. The exact date we'll have to look at our records. 27th or 28th of November.

MS. MEYER: I beg your pardon.

MR. WHITE: 27th or 28th of November.

MS. MEYER: Why wasn't it staked?

MR. WHITE: It will be staked at development plan stage. In fact a lot of the issues that you brought up will be mentioned and submitted at development plan. Not at Master Plan. Master Plan is very conceptual at this point. Development plan is where the applicants will tell all the details regarding the project.

MS. MEYER: It says Zoning requirements in big letters. It has to be staked prior to a meeting.

CHAIRMAN ANAYA: Ma'am, that's prior to the second meeting when they come for development plan approval. Okay?

MS. MEYER: No, it's not okay.

CHAIRMAN ANAYA: Well, okay.

MS. MEYER: This doesn't say that. It says prior to a meeting in big letters. It doesn't say to what meeting or to zoning. This says this is your zoning regulations for a cell tower. Do you have this? This is all to be done prior to a hearing, prior to the meeting.

CHAIRMAN ANAYA: Well, there will be another hearing, is what I'm trying to say and that's when this will be done because that's when the master plan is staking and everything is set forth. This is merely the master plan, the concept of it. Okay.

COMMISSIONER DURAN: I don't think there's another meeting. Is there another meeting?

MS. MEYER: I'd also like to point out that the map they showed up on there -- well the first map they submitted was very, very inaccurate. This map is inaccurate too. It's not to scale at all. And we have done a redesign on it. It you take this -- well the first map they had 86'. It's 186'. And if you do this and do this you can see this can't be 300. So they haven't even got the trouble of submitting an accurate map.

CHAIRMAN ANAYA: Next speaker, please.

[Duly sworn, Jack Pauley testified as follows:]

JACK PAULEY: Good evening. Commissioners. My name is Jack Pauley. And I live in Arroyo Seco. My mailing address is P.O. Box 3471, Pojoaque Station, Santa Fe, 87501. My wife and I reside at the 18479 Highway 285/84 in Arroyo Seco. Our property joins this property to the north. And we are very much concerned about the safety issue. Some of that's already been discussed. In case something falls. I'm also a ham radio operator. I'm licensed by the Federal Communications since 1947 and I have an extra class license. That's

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the highest class you can get.

I'm also a member of the New Mexico Civil Emergency Radio Communications Service. And also been licensed by the Department of Defense through the U.S. Navy, Marine Corps Morse Affiliated Radio Station. We operate on military frequencies and we work for the benefit of personnel in the service.

Now I looked through some of this stuff that the Gonzaleses put up on the board there and the first thing you thing, well, it's a Utopia for Arroyo Seco. We need all this stuff. We don't need all this stuff. In fact, enhanced 911 won't be ready for another 5 years.

And then everybody's going to have to have new telephones. And the telephone you have in your car is going to have to have an outside antenna because it relies on the Global Positioning System that give you your latitude and longitude. This technique was developed by the ham radio operators years ago and it's used in New Mexico right now in their search and rescue missions. So we know how it works.

Also, in order to have enhanced 911 you have to have a public safety answering point. There's not public safety answering -- none of this has been developed. And in 5 years, towers are going to be obsolete because I see in the paper just the other day, we already have a circling satellite that's going to start taking internet service.

Now, as we read on down to public safety issue of it, Commissioner Duran is correct in what they give him to read about the emissions. The FCC controls a lot. I know. I have the Telecommunications Act of 1996. And there are some sections in there that the Gonzales didn't read you. Which give you a lot more power than you think.

COMMISSIONER DURAN: I'm sorry sir. The Gonzales didn't give that to me to read.

MR. PAULEY: Pardon me.

COMMISSIONER DURAN: The Gonzales didn't give me what I read to read.

JACK PAULEY: They handed stuff out to you. I assumed. I don't know what you --

COMMISSIONER DURAN: I got this from the Santa Fe County attorney, sir. Right out of the Telecommunications Act. Please insinuate that I got that from the Gonzaleses.

MR. PAULEY: I'm sorry.

COMMISSIONER DURAN: I accept your apology.

MR. PAULEY: You can see I'm suspicious. They claim that I am --

COMMISSIONER DURAN: Well, don't accuse me of something that you don't have any proof of, please.

MR. PAULEY: Okay.

COMMISSIONER DURAN: Go on.

MR. PAULEY: Now they say they had executed a search ring. I see no evidence of that. I don't know what that means. So identify that. And I see that some of the information they turned in to you concerning carriers they are going to hold and it's very interesting, I look over these things, I see no telephone numbers, no addressees, no way that I can change or check on it to see, for sure, what's going on here. And so I have a question

about that.

Now in regards to what they didn't read you, is Section 253 of the Telecommunications Act of 1996. It's Section B down there:
State Regulatory Authority. I won't read the whole thing but it says down here:

Nothing in this section shall affect the ability of the state to impose...and it goes on down:

Requirements necessary to preserve and advance universal service, protect the public safety and welfare. They give you that right. And in Section 704 which they read part of it but they didn't read the top part: General authority except as provided in this paragraph. Nothing in the act shall limit or affect the authority of a state or local government or instrumentality thereof or decisions regarding the placement construction and modification of personal wire services.

We have more places in Arroyo Seco than they can think of. Just east of me, we're at 5,800'. Just east of me on BLM land. Some of that is on the topography map at 5,900'. That would be more advantage. In fact, if they were located there they'd have a better avenue south and towards Española than what they have now. And they wouldn't have to have such a high antenna. So there are other places. The rest that I have here has already been discussed.

There's one thing I just want to remind you of, that if you guarantee this, the purpose of the Code would be nullified and in no case shall any variation or modification be more than a minimum easing. And that's been stated before. It's not minimum. It's maximum. In fact, what they're going to build there is a big colossal antenna. The base of it is 55'. That's the distance from this table all the way down to the other end of the room. That's between each foot. That's a monster.

Now it's designed for 400'. They they're not going to use 200'. Why would you go to all that expense to buy that kind of a big antenna if you weren't going to come back later on and say, "well, we got this here now. Let's have some more height."

Now I want to talk about what the FCC gives you the right to do. Of the FCC, a news item here and the title is "FCC And Local Government Advisory Group Release Plain English Guide To Antenna Emissions Health And Safety Designed to Help Local Officials and Communities."

The purpose of the guide is to inform citizens and to help state and local government officials to play an important role in ensuring that innovative and beneficial communication services in wireless telecommunications broadcast industries are provided to the public in a manner consistent with public health and safety.

It goes on to state: The FCC and the LSGAC (that's the local group here, advisory group) said that this handbook highlight many of the most common concerns and questions connected with the process of setting wireless telecommunications broadcast antennas.

They say they will allow officials to make initial judgement whether RF emissions are, and should be, of concern consistent with the FCC regulations. And is designed to ensure that the FCC and the state and local governments can work together to ensure public health and safety.

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Gentlemen, they give you that responsibility. They have that manual published. I have one of them right there. Your Land Use Office did not have one. I, at my own expense, the other day printed up and gave it to them. This tells you how to compute whether it's going to be a public health issue from those antennas. And now they are asking for a blanket approval for 10 antennas.

According to this, every time another antenna or a transmitter is added, the sum must be computed to see where the area of danger is. We are right close to it. We're under it. The Chavezes are closer than we are. That will make one acre of my land unusable and unsalable.

And anybody says it's not going to hurt real estate value, then let them come buy my place. In fact, I offered it to Mr. Estevan at the last meeting. And he said to me, " I don't have enough money to buy it." Where's the money coming from for a big antenna, a big tower. That's not the reason. He don't want to sit there and absorb all that.

COMMISSIONER GRIÑÉ: Sir, you know, just stay strictly with the subject of why you oppose it and let's don't get into the personal issues of the thing.

MR. PAULEY: I understand, Commissioner.

COMMISSIONER GRIÑÉ: You know, the longer you keep us here, sometimes it goes against you.

MR. PAULEY: Okay. Well, you know, we've been sitting here an awful long time. And we'd like to have our voice.

Now this guide Mr. Gonzales has, because he has submitted to you the Appendix C outlined down here, Limitations, but he ignored the top part, which essential says the same thing. That you have the right to where you want to put these things.

And I had also turned in to you, since I'm a ham radio operator, we have to do the same thing to our own antennas. This is an easy guide to follow, rather than this other one. You have to have a lot of engineering experience.

I am very much concerned. I'm a heart patient and had a triple bypass and almost had to have a pacemaker. And I argue very hard to get rid of -- not to have that. Because you can't be near transmitters or radio towers. And I'm concerned about people coming up and down the highway. That's close to the highway, that big tower.

And some of those antennas will be, if they have pagers on them, I understand they run a. kilowatt or more. Those antennas are 6' and those are gain antennas and that means they amplify what they do, in or out. The picture that he showed you of my place, Mr. Gonzales, Estevan, doesn't know anything about ham radio, because he didn't even know I was there until I got him on it. He didn't even know of all the interference that we're going to have. Now I am agreeable that this is a FCC matter and I have taken it up with him but I think you people should know what's going on here.

CHAIRMAN ANAYA: Okay, sir. Can you start wrapping it up, please.

MS. PAULEY: Excuse me.

CHAIRMAN ANAYA: Can you start wrapping it up. I'm going to ask you a question? Does your antenna, according to an earlier claim, does it transmit a health problem?

MR. PAULEY: It's going to cause problems, yes sir.

CHAIRMAN ANAYA: Your antenna, yours?
MR. PAULEY: Yes. May I explain it, sir.
CHAIRMAN ANAYA: My question was --
MS. MEYER: He asked if "your" antenna transmits a health problem.
JACK PAULEY: Oh mine? Oh no. I've already computed mine.
CHAIRMAN ANAYA: You don't need to elaborate any further.
MR. PAULEY: I'm going to have a hard time hearing you sir. That antenna he showed you up on the hill, that's my TV antenna. It doesn't transmit anything. Albuquerque is to the southwest and that hill is right in our way. We have to have it up there and it still don't work that good.
CHAIRMAN ANAYA: Okay. I'm going to have to start cutting you short, sir. It's going to be 1:00 in the morning, so, please. Do your presentation and try to highlight it and bring it to the point.
MR. PAULEY: I'm going to bring the part right now. Please do not destroy Arroyo Seco traditional community. Please do not destroy the residences of the Pauleys and the Chavez. You put us in period that I don't think we should have to have.
And if it does happen to happen like that, we will have to leave. Please do the right thing. Use your wisdom and foresight. Once you open this up, it's going to be all over. Because they're going to use that as your approval for other traditional communities. Thank you for your time and consideration and I hope --I'm tired.
COMMISSIONER DURAN: Yeah, and we've heard a lot of repetition here.
CHAIRMAN ANAYA: Are many are still wanting to speak? I need a hand count, please. 1,2,3,4,5,6,7,8. Two minutes, three minutes, that's half an hour.
MS. MEYER: I can speak for the community members. The others don't have very long. The longest are over with.
CHAIRMAN ANAYA: Okay, good. All right, go ahead.
[Duly sworn, Mark Roybal testified as follows:]
MARK ROYBAL: Mr. Chairman, committee Commissioners. My name is Mark Roybal. I live in Arroyo Seco at 048A Everett Ridge Drive. I live and attend school approximately half a mile from the proposed cell tower site in Arroyo Seco.
This has been a topic of conversation at my school of the older students. All of the older students at my school are against this tower. We all want to be safe and at this time our safety cannot be guaranteed by you or anybody else if this tower is erected.
There are definite health risks from these towers. We want to be safe in our homes and we want our future families to be safe. You hold our futures, my future, in your hands tonight.

Therefore, we're asking you to please help protect our lives, our safety, and our future. Please don't approve this request. Thank you.
CHAIRMAN ANAYA: Next speaker please.
[Duly sworn, Camilla Trujillo testified as follows:]
CAMILLA TRUJILLO: My name is Camilla Trujillo. I live at 18461 Arroyo

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Seco, just the other side of the Chavez's. I've lived in Arroyo Seco for 30 years and this property has been in my family for close to 100 years. And actually my grandfather sold this piece of property to Ruby Smith who sold it the Marquez's. So I have a deep appreciation for the landscape and the natural beauty of this place.

I have three observations. One is the Gonzaleses stated that they have a tower up at Las Campanas. My question is, is it placed right in between two homes at Las Campanas? I doubt it.

Secondly, we didn't even know about this tower until almost two weeks before the 30th of November meeting. So our community of Arroyo Seco has not been consulted or considered in regards to this tower. And I'm wondering why it has to be shoved down our throats. And thirdly, more people would have been here tonight but it's so late. We're working people in Arroyo Seco. We're family people. I have a middle school asleep on the bench back there. I'm a single parent. And it's unfair. We're all tired and I just wanted to make comment that why are these meetings held so late and why were we put last?. It seems really unjust, unethical, ineffective and very impolite. And that's all I have to say.

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

[Duly sworn, Judy Erkheart testified as follows:]

JUDY ERKHEART: I'm Judy Erkheart and I live at 05 Dos Osos Lane in Arroyo Seco. We've lived there for about 2-1/2 years. And we also have a business there out our home, Two Bears Emergency Roadside Service. Yes, we do need a cell tower. We do need better cell towers near us. Our business thrives on cell phones. It's our lifeline. It's our livelihood. Our cell phones. But as much, as I want a tower, I do not want, in my neighbors' backyard. Because I know for a fact that I would not want it in my backyard and I know that each one of you, gentlemen, would not want it in your backyard. I think you wouldn't anyway. I might be wrong.

What is our world coming to? I did not understand, sir, your statement when you said, "This does not involve health," something to that affect.

CHAIRMAN ANAYA: Are you asking me? I said that?

MS. ERKHEART: Pardon?

CHAIRMAN ANAYA: Are you asking me that question?

MS. ERKHEART: One of you, and I believe it was the gentlemen on the end here, saying something about this did not -- we cannot relate to health matters or did I misunderstand.

CHAIRMAN ANAYA: That's correct ma'am. That's already been addressed and if you missed it, I'm sorry. But it was Commissioner Duran that brought the FCC regulations to perspective. And that's what happened.

COMMISSIONER DURAN: It was environmental issues, ma'am, is what I said, not health.

MS. ERKHEART: What do you say about health?

COMMISSIONER DURAN: I didn't say anything about health. I said --

MS. ERKHEART: Well, this gentlemen on this end, I'm sorry.

COMMISSIONER TRUJILLO: I'm the one that touched on health and safety. Because through experience in a sub-station in the community of El Rancho we went before District Judge Mechem and he did not want to consider anything to do health and safety, EMF and anything like that. It's an issue that's not even considered at this district court level.

MS. ERKHEART: But that's what I say. This is what this is all about. What does our world--

CHAIRMAN ANAYA: Okay, we've already heard that ma'am. Please, it's already 1:00. Do you have anything else to add?

MS. ERKHEART: Yes I do.

CHAIRMAN ANAYA: Would you please --

MS. ERKHEART: Since I can't talk about health. I would like to talk about how it's stated that our homes will not be devalued. We are different from the areas where these other cell towers were put up. And they would be devalued. I sure would not buy a home with a cell tower 50' from my property line. I mean who would want that? I think that is very rude, and very ugly. Oh, excuse me. I'm not supposed to say things like that.

Okay, it would devalue our property in Arroyo Seco. It would devalue their properties. Nobody would want to buy a home next to this cell tower. We are different from the other cities that you spoke about. We are different. And we do not want the cell tower in our area for all the many reasons that have been stated. And I plead to you, gentlemen, that you would listen to our cause. Thank you.

COMMISSIONER TRUJILLO: And just for the record and not to prolong this, I would invite this lady to go visit the community of El Rancho. Where you, as you cross, as you go into the community, right at the threshold of the community, there's an electrical sub-station that has been there for the last 9 years. That is next to a community center that is next to a designated area where the Matachines del Rancho used to dance.

And that sub-station was mitigated by the Jemez Co-op and it has not had a disparate impact on value of land. People still are buying land in that area. And people are moving in that area. And the people that reside there have not moved out. That sub-station is at the threshold to the community of El Rancho.

CHAIRMAN ANAYA: Okay, let me tell you my story. I was going to wait till the end. But I was born just two blocks away from here in Miriam Hall, the very oldest hospital, not the newer model. And I was raised about another block away from there on Otero Street and what is now Paseo Peralta, it was called Hillside.

And since I was born, the KTRC tower has been present there. I'm 58 years old and I still run a little bit. And you look at the tower, right down town Santa Fe, and downtown Santa Fe. And you come and argue that those property values have gone down, I beg to differ. Because the evidence is right there. Okay, ma'am.

MS. ERKHEART: Did you say downtown?

CHAIRMAN ANAYA: Downtown Santa Fe. If you go out the door, just go up Marcy Street and you'll see the tower and you look up, 250' up there.

MS. ERKHEART: Yes, I understand.

CHAIRMAN ANAYA: Okay. Let's --
MS. ERKHEART: And you are saying downtown..
CHAIRMAN ANAYA: Downtown Santa Fe.
MS. ERKHEART: This is not downtown.
CHAIRMAN ANAYA: Okay, ma'am. You made your statement.
MS. ERKHEART: There's going to be a cell tower --
CHAIRMAN ANAYA: That's a cell tower.
MS. ERKHEART: Here, and here's a house right next to it. BCC this is house, it's not downtown.
CHAIRMAN ANAYA: Ma'am, there were houses all around there. That's where I lived. And they'll still be there. There's still homes, there's still people living there working there every day, commuting through there, okay, ma'am. Next speaker, please. You've made your point, please. Next speaker please.
MS. ERKHEART: Thank you sir.
CHAIRMAN ANAYA: I don't want to debate.
[Duly sworn, Connie Chavez testified as follows:]
CONNIE CHAVEZ: My name is Connie Chavez. And I live north to the property of the proposed tower site. And I'm here because I oppose it because it's too close to our front door. It's approximately -- maybe less than 100' from the tower site. And I'm concerned because I'm home everyday and all week and every morning I get up, I'll looking at the tower. It's right in front of my front window.
And a tower, a 200' tower right there would be an eyesore to us and everybody else in the area. And not to mention the annoying whistling noise that it will produce when it's windy which is most of the time. As everybody knows in Arroyo Seco. And I just want to tell you to consider the concerns of the community. Thank you.
CHAIRMAN ANAYA: Thank you. Next speaker please.
[Duly sworn, Kathryn Chavez testified as follows:]
KATHRYN CHAVEZ: Good morning. My name is Kathryn Chavez. 720 Sandy Lane, Española. I'm here on behalf of my parents, Paul and Connie Chavez and the entire valley of Arroyo Seco. And I'm here to firmly oppose the erection of this tower. It is a eyesore to the community. It is an eyesore to tourists travelling to Taos, commuters travelling to work. It is an eyesore. It's ugly.
The proposed building site is in the center of a residential community. And there are several "what ifs" regarding health hazards, regarding the decrease of value of property in the surrounding area.
Please listen to us. Listen to the community of Arroyo Seco. You protect property, religion and language. The community doesn't want it there. I don't want it there. My parents already--
CHAIRMAN ANAYA: Thank you very much.
MS. CHAVEZ: Excuse me.
CHAIRMAN ANAYA: Are you finished?

MS. CHAVEZ: No.

CHAIRMAN ANAYA: Okay, will you please.

MS. CHAVEZ: I was still talking. You say you protect property, you know, protect my parents' house. Protect the health of the community. Thank you for your time, of 3 minutes, approximately.

CHAIRMAN ANAYA: Thank you.

[Duly sworn, Carolyn Sigstedt testified as follows:]

CAROLYN SIGSTEDT: Good morning, my name is Carolyn Sigstedt. I live at 237 E. De Vargas. And I think we actually have an opportunity here. But I think, as I stated in the paper, this is a very complicated issue. And I don't think it should be decided at 1:00 in the morning after we've all be through a long, long night.

What we're doing is we're setting a precedent. And we're opening a door that's going to bring a flood in. This is an industry that is growing by leaps and bounds. This is a problems that is pervasive across the whole country. It's not just here in Santa Fe. Other states and counties are dealing with this very, very same problem.

And in fact, I looked to see what some other progressive counties or how they were addressing it. And they do it through zoning. So we're in the right place. I'm just not sure it's the right time.

They restrict towers to establish zones in remote areas away from residences, churches and schools. This a very progressive concept. Counties --

CHAIRMAN ANAYA: Carolyn.

MS. SIGSTEDT: Well, hold on a second. This is really important.

CHAIRMAN ANAYA: Well, I'm going to state something right now. I know where you're going with this and we all know where you're going with this. Let me tell you, all along that corridor, picture this, visualize this, you know where the flea market is right next the to opera? There is no leverage on our part that the sovereign nations can't come and direct one right there all along that corridor.

MS. SIGSTEDT: I'm saying we take control --

CHAIRMAN ANAYA: If you're referring to zoning, that's true, we are in zoning.

MS. SIGSTEDT: No, no, no, I'm --

CHAIRMAN ANAYA: But they are not under any rules or regulations.

MS. SIGSTEDT: You haven't let me speak. Here's the deal. I actually think the Gonzales Family is a wonderful family. And I think they have the talent and experience to run this operation better than anyone. I actually thing their heritage is with towers, you know. And politics.

And I personally feel we should combine the private sector in this area with the public sector, government. Because this is an industry that we do need to control. And I don't think everything needs to be controlled. But for our community's sake and our community's needs, we all love that cell phone. We should bring these two together. And work together.

There are counties in our country that are making revenues. That are making money

from this industry. And we could work with the Gonzales Family as a partnership and we could put these towers on county land in remote areas. We have lots County land that's at all different elevations in many appropriate places. Perhaps, but this is a concept that hasn't even been looked at and it's worth considering.

Because that means that we just don't have people pouring in here saying, ad hoc-ly, piecemeal, I want a tower here, here, here, here, here. With no master plan. What you need, like anything else we do with the County is a master plan. And that plan, I'm sure, the Gonzales Family can help us with.

They're doing it right by locating a lot of service folks in one location, making these towers multi-location. They have many of the right concepts. We, though, as a governmental agency, need to protect our highways. Need to protect our traditional communities. But we have some powers here because we own some land and we can maneuver things that average citizens can't.

CHAIRMAN ANAYA: In Santa Fe County it will never work. Starting to Santo Domingo to Cochiti and everything like that.

MS. SIGSTEDT: Well, if you believe it won't, it won't.

COMMISSIONER GRIÑÉ: Your idea is wonderful but it will not work in Santa Fe County.

MS. SIGSTEDT: I'm just saying table this tonight. And study this in a real way and have the Gonzales Family master plan this. Have them study it but bring a concept that actually weds government and the private sector. And I think we both can gain. And the communities will have their service. And communities will also keep their welfare safe. Thank you.

[Duly sworn, Orlando Coriz testified as follows:]

ORLANDO CORIZ: Good morning, Commissioners. My name is Orlando Coriz and I reside at State Road 76, Chimayó, New Mexico. I'm here to represent the Chavez Family along with the community members of Arroyo Seco.

And as I've sat here through the night, I like the sign that you guys have right behind you, "Protection of Property." As you guys took offices, you guys sit here before us. I believe you guys stood before us in person and gave oath that you'd stand to protect our property. I as well know that oath because I'm a United States soldier. I know what it means to stand and to protect.

Now what I'm indicating to you, are going to be some of the topics that we have not spoke about tonight and that you have not heard of.

For example, #1, the Gonzales indicated that they were several wireless communication companies that were interested in having services with their cell tower. However, they failed to mention one of the companies that right now provides service to that area which is Alltel. Now they have to show us that there is no access to national telephone network by any provider in that area.

Mr. Gonzales did indicate that there is already telephone service there. He indicated that they were going to place satellite dishes on the towers. So that they could get network

service. However, there is already network service there. But, in fact, Sky High Towers have already been beaten to the punch of having a telephone communication system in that valley.

Now, we also need to talk about least intrusive alternatives. They haven't talked about those least intrusive alternatives. For example, design a cell phone tower that is disguised as a tree, as a flag pole or other existing structures. We have cell phone towers down at the opera. You can't even tell that they're towers or communication towers. You can't even tell that they're towers.

Now we have a radio frequency engineer who challenged the Gonzaleses and their capabilities and their knowledge of the cell phone tower. I don't have a degree from Stanford. I don't have an undergraduate or a graduate level study degree or certification or licensure from an institution. But I have morals. I have values. And that is more important in today's society.

Now I'm asking you, I'm pleading with you, take this into consideration. We, the valley members, the community members of Arroyo Seco are pleading with you to state or to look and review our case.

You wouldn't want this tower in your backyard. I'm a little reluctant to know that two of the Commissioners on board are in favor of the tower just by how they speak and what they've said in El Rancho and how they'd hope that a cell tower here in the valley, and downtown area.

CHAIRMAN ANAYA: It's true. Go look at it.

MR. CORIZ: Right. Now let me tell you something. And I'd like to indicate this for the record, as well, if a criminal who has been exposed to crime all his life, commits a crime, now that he's older it not going to phase him. It's not going to make him change because he is used to that crime as well as you are used to seeing the cell phone tower all your life.

We have not been to a cell phone tower. We do not have a cell phone tower. I grew up in Chimayó in the arroyos. I know what it's like to travel an arroyo. And the same with you that you traveled back in these streets. You know what they're like.

I'm saying, come on, review our case. That's all we're asking you. We, the public, the community members, ask that you review our case. Take time to oversee that. Thank you.

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

MS. BUSTAMANTE: Ma'am, were you sworn in?

[Duly sworn, Norma Moore testified as follows:]

NORMA MOORE: Yes, I held my hand up. I'm Norma Moore. I am at Route 1, Box 203, Española. And I would just like to reiterate what everyone else said. And we've all been here the same time -- (cell phone rings)

CHAIRMAN ANAYA: We are needed.

MS. MOORE: That's your wife. Tell her we're almost through. Anyway, from what I have heard it all boils down to what guys have in the law. And so I would like for you to remember what Nancy said, is that you, as the Commissioners have the duty to choose the place. So, here again, please choose another place. Thank you very much.

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COMMISSIONER GRIÑÉ: Thank you. Any other speakers. No sir. No. more. You're done. We don't want to hear from you no more. You already presented your case. That's it. No more. No more speakers. All right, that brings the public hearing to a conclusion and we'll wait for Chairman Anaya to come back to his seat. Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Griñé.

COMMISSIONER GRIÑÉ: I move for approval of this case and also to delete conditions 1, 2, and 3.

CHAIRMAN ANAYA: Okay, there's a motion for approval with deletion of 3 conditions.

COMMISSIONER DURAN: Second.

CHAIRMAN ANAYA: There's a second.

COMMISSIONER DURAN: For discussion.

CHAIRMAN ANAYA: There's discussion.

COMMISSIONER DURAN: I would just like to say that the reason that I seconded this motion was because of public testimony tonight. There are so many other potential locations. If we don't approve this tower of 198', the possibility of 10 other towers being spread along the highway corridor exists.

And I heard that you have some concern that your property rights may be affected by the placement of this tower at this location. But I can only tell you that I have always taken the position that residential use along this highway corridor is not appropriate.

And in the future if you find that you have been affected by the commercial use of this property, I would be open for you to come forward to talk about another type of use for zoning on your property. I don't believe a commercial use along -- I mean, that residential use along this corridor is appropriate.

So with that I second the motion.

CHAIRMAN ANAYA: Further discussion?

COMMISSIONER GRIÑÉ: Mr. Chairman. There's one thing that's a concern. Your informing me, Steve, that you've got to submit a development plan, the applicant?

MR. KOPELMAN: There is any requirement in the Code that a development plan will have to be provided. But there needs to be a development plan.

CHAIRMAN ANAYA: At least for the basis and the structure itself. Okay. And everything I've said, Carolyn, it's true. Because starting with Santo Domingo, Cochiti, we're surrounded by sovereign nations. And to take away an opportunity from a local family that's been established here in town, to me, I think is unmerited

Also, I've gave the example that I -- just go up the street here and you'll see that tower right down, downtown Santa Fe. It's been there forever and never bothered us. It's something that you learn to live with.

COMMISSIONER DURAN: Mr. Chairman. Can I just add one more -- offer an amendment or an addition to it. That the co-locators don't exceed 3' in diameter.

CHAIRMAN ANAYA: I thought it was 4'.

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COMMISSIONER DURAN: Okay, 4'.

CHAIRMAN ANAYA: Four feet in diameter in that amendment.

COMMISSIONER DURAN: Is that okay with the applicant?

CHAIRMAN ANAYA: They're shaking their heads yes, that they are in agreement.

MS. BUSTAMANTE: Mr. Chairman, I guess I need a clarification because there is one removal in regard to recording it in the County Clerk's Office. It's my understanding that all information or any approval by Commission needs to be a public record in the County Clerk's Office. So I need a legal interpretation.

MR. KOPELMAN: Mr. Chairman, Commissioners, the master plan does have to be recorded in the clerk's office in accordance with the Code.

CHAIRMAN ANAYA: Okay. So we will include that condition.

CHAIRMAN ANAYA: Okay. All in favor? [Commissioner Griñé and Commissioner Duran voted in favor] Opposed?

COMMISSIONER TRUJILLO: No.

CHAIRMAN ANAYA: You oppose? Let the record show that Commissioner Trujillo voted in the negative. Okay, that ends the meeting.

ADJOURNMENT

Chairman Anaya declared this meeting adjourned at approximately 1:15 a.m.

Approved by:

Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:
Karen Farrell, Commission Reporter

ATTEST TO:
REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK

1141.721
COUNTY OF SANTA FE } SS
STATE OF NEW MEXICO }
I hereby certify that this instrument was filed for record on the 10 day of Jan A.D. 20 01 at 2:31 o'clock P.m and was duly recorded in book 1845 page 561 of the records of Santa Fe County
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.
Deputy

1845561

Attached Exhibits:

Exhibit 1: Additional Amendments to the Rio Tesuque Comprehensive Land Use Plan
Exhibit 2: Z 99-5052 Findings of Fact – Biships Lodge submitted by Karl Sommer
Exhibit 3: Z 99-5052 Ulrich Franzen letter
Exhibit 4: Document against Skyhigh Tower
Exhibit 5: Petition against Skyhigh Tower
Exhibit 6: Petition against Skyhigh Tower
Exhibit 7: Bishop's Lodge Hills design engineering plans
Exhibit 8: Skyhigh Packet
Exhibit 9: Video tape: Democracy and the Wireless Revolution

[redacted]

Additional Amendments to the Rio Tesuque Comprehensive Land Use Plan

Approved by the Tesuque Development Review Committee on October 26, 2000

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Page 27:

Please note that since the TDRC meeting, the Planning committee has met with the Acequia commissioners and is proposing alternative language to this amendment.

4. Acequia System:

~~The New Mexico Office of the State Engineer document all surface water rights in 1964. The Hydrographic Survey should be updated to determine the rate of change of water rights ownership in the Village. In addition,~~ The community should meet with the various acequia majordomos to review current and historic water availability information to see if there is a difference between the water rights and what is actually available. The Tesuque acequias ~~should~~ could consider developing a community water bank at the discretion of the acequia commissions for dormant surface water rights. These water rights should not be allowed to leave the community. Decisions made in the present about the sale of water rights to other communities may in the future severely limit Tesuque's planning options not to mention the visual appearance of the valley. Residents and developers must adhere to State criteria for regulations on any construction proximal to acequias that in any way affect the nature and purpose of the acequias.

Page 32, under Specific Trail Implementation Strategies, add a new point:

5. It is not the intention of this plan to encourage the establishment of public access to trails across private property against the owner's wishes where clear and unquestionable public access rights have not been established.

Date: 12 December 2000

To: RTLA

From: David B. DiCicco, Planner

Re: Soil Changes for plan

1845561

5.2 Natural Resources

Soil:

According to records at the US Natural Resource Conservation Service office in Santa Fe, The Tesuque Valley and surrounding foothills contain more than 24 soil types that are subject to development; most particularly individual on-site sewage disposal systems. The soils range in type from highly porous, those that allow water to pass quickly through, to occluded, those soils that block or severely slow the passage of water. The more porous soils are those that can act as aquifer recharging areas. Granular porous soils also erode more easily although some of the silt and clay soils also produce large amounts of fine particles easily transported by flood waters or blown by wind. Both of the two general soil types are scattered throughout the valley, so it is difficult to characterize general areas as either porous or occluded. General mapping is available at the USNRCS office. More specific soil type parcel mapping would be most useful in evaluating development proposals.

Section 7.2 Natural Resources

Specific Soil Protection Implementation Strategies:

1. **Detailed Soil Survey:**
   Develop a detailed soil type mapping data base to assist landowners in planning development projects and to assist the County Development Review staff in evaluating development proposals.

2. **On-Site Individual Liquid Waste Disposal Guidelines:**
   Work with the New Mexico Environment Department and Santa Fe County to develop on-site liquid waste disposal system design criteria that more accurately addresses the soil type on each development site.

3. **Identify Aquifer Recharging Areas:**

Use the detailed soil survey information to identify soil areas that recharge the aquifer. Develop strategies to protect those areas from development impacts that would affect the ability to send clean water to the aquifer.

[redacted]

FINDINGS OF FACT, GRANT OF VARIANCES AND GRANT OF MASTER PLAN AMENDMENT FINAL PLAT AND PLAN APPROVAL

1845561

Upon a motion duly made and seconded, and based upon the submittals by the Applicant, the information provided by staff and the information provided at the public hearing on December 12, 2000, the Commission finds:

1. That the property contains unusual topographic conditions including steep slopes and sensitive terrain, and heavily wooded terrain which is visible from surrounding properties;

2. That strict compliance with the requirements of the Code would result in extraordinary hardship to the Applicants because of the conditions of the property described above in paragraph 1;

3. That the conditions of the property described above are not self-inflicted conditions described above in paragraph 1;

4. If strict compliance with the Code is required, the conditions of the property would, result in inhibiting the achievement of the purposes of the Code, including without limitation, the purposes:

   A. Preserving the natural character and conditions of the mountainous terrain within the property;

   B. Encouraging density transfers and clustering of buildings to protect open spaces from development;

   C. Preventing the creation of unsightly scarring through the careful placement and construction of roadways;

   D. Encouraging the preservation of natural terrain through the use of appropriated terrain management plans which respond to the unique characteristics of the land being developed;

5. The variances requested are no more than a minimal easing of the requirements and all state review agencies have found that the application conforms to the requirments of the Code and state law;

6. The conditions of approval imposed by the Commission, in its judgment, secure substantially the objective of requirements which are the subject of the variance

requests and the Commission finds that variances will not result in conditions injurious to health and safety;

7. The application (including the variances requested) complies with requirements of the Code as applied and interpreted by Santa Fe County for the granting of an approval for a master plan amendment, final plat and plan approval as described in the application ;

8. The variances are hereby granted based upon findings one (1) through seven (7) above;

9. The application for a master plan amendment, final plat and plan approval, with staff conditions, is hereby granted.

Santa Fe County Commission

By:_____
Chairman
Dated: December 12, 2000

Approved as to form by:

Santa Fe County Attorney

_____
Steven Kopelman

Attested to by:

By:_____
Santa Fe County Clerk

E:\mdr\khs-grant.approval.wpd



December 12, 2000 Page One

1845561

To: Land Use Administration, Santa Fe County

To: Commissioners of the Board of Santa Fe County

Re: Bishop's Lodge CASE # Z-99-5052

I represent residents of the Bishop's Lodge Estates community located directly across the street and adjacent to the Bishop's Lodge.

On the same day that the "Rio Tesuque Comprehensive Land Use Plan" is going to be adopted, establishing a protective shield over the Historic Tesuque Basin, a request by an Australian developer to amend the huge residential and commercial complex in the Traditional Village Zone will be heard. A development totally out of character with the rural and intimate community of Tesuque.

Unfortunately, this development itself was approved in 1991. However, this [redacted] developer, ~~looking to maximize his return~~, is now proposing variances to the original plan.

These variances, specifically the proposed alteration Of Area B from residential to entertainment use is totally unacceptable. The Bishop's Lodge over last summer and fall staged outdoor, heavily amplified musical entertainment at this location. The resulting amplified noise lasting sometimes until midnight has been a major disturbance. An intolerable nuisance has thus been created and will be further increased if Area B becomes in the words of the developer - "a place where a man can get a beer".

We urge you to not approve this request for turning a residential area into a commercial, outdoor nightclub. We strongly urge also that in the entire development there be a ban on all amplified outdoor music.

To: Land Use Administration, Santa Fe County

To: Commissioners of the Board of Santa Fe County

Re: Bishop's Lodge CASE # Z-99-5052

The second variance requested proposes to disturb 30% slopes over an extensive area of 31,000sq.ft. The mountain slopes where the development is located are scenic treasures. Development of these slopes must be done in a manner that shows the utmost respect for the splendid scenery which stands at the entrance of the Tesuque Scenic Corridor.

The proposed 30% or greater slopes and the necessary cutting and filling, as well as retaining, would simply demolish a significant part of this scenic treasure that belongs to the whole community.

We are strongly opposed to having this variance granted.

Respectfully submitted,

Ulrich Franzen
27 Lamy Drive, Bishop's Lodge Estates
Santa Fe, New Mexico 87501

[redacted]

TO: **The Board of County Commissioners of Santa Fe County**

FROM: **The undersigned residents of the Traditional Community of Arroyo Seco**

SUBJECT: **Application of SkyHigh Communications, LLC (Estevan Gonzales) to construct a 198-foot high communications tower in the Traditional Community of Arroyo Seco**

1845561

BACKGROUND: Arroyo Seco is a Traditional Community located in Santa Fe County as established by the Land Development Code.

The undersigned are residents of the Arroyo Seco Traditional Community and the site of the proposed tower is located in the Community, on a residence property which SkyHigh Communications has entered into a contract to purchase from Robert B. and Jenny Marquez.

SkyHigh has filed two applications in connection with the matter, first, an application to rezone the Marquez property from Residential to "Other Development" under Article III, Section 8.1 as the Code and, second, an application for a variance from the maximum height of 24 feet prescribed by Article III Section 4.4.4.c of the Code, to allow for a 198-foot high communications tower.

On November 30, 2000, SkyHigh's applications were presented to the County Development Review Committee. Four of the five members present voted to recommend approval to the County Commission.

REZONING: As to zoning, Article III, Section 8 "Other Development" is not applicable because Section 8.1 relates to:

"all uses not otherwise regulated by the Code..."

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and because uses in the Traditional Community of Arroyo Seco are otherwise regulated by the Code, specifically by Article III, Section 4.2.2 of the Code, which reads as follows:

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4.2.2 Traditional Community Districts

a. Mixed Uses Permitted
Traditional Community districts established by the Code are intended to accommodate a mixture of uses such as agriculture, residential, large scale residential, community service, institutional, non-residential or recreational uses anywhere inclusive of the boundaries of the village, provided the performance standards and criteria set forth by the Code are met.

b. Commercial and Industrial Uses Requirements

1) Location. Commercial or light industrial zoning may be approved in the traditional community where no qualifying intersection appears to be present provided:

a) Similar uses have been established as non-conforming on contiguous and adjacent locations in the community;

b) The re-zoning to be approved is similar in type and scale to those uses suggested for neighborhood or small scale districts by Article III, Section 4.3.2;

c) The re-zoning is compatible with neighboring uses;

d) It is the consensus of the local community to allow the proposed re-zoning and use; or

e) The re-zoning is pursuant to a general plan amendment for a local land use plan for the community which establishes the location for a local or small commercial center.

2) Development and Design Standards and Review Criteria. Commercial, light industrial and other non-residential uses proposed for approval are subject to the requirements set forth by Article III, Sections 4.4.,4.5 and 4.6.

History: 1980 Comp. 1980-6. Section 4.2.2 is new material for non-residential uses in Traditional Communities areas added by County Ordinance 1990-11.

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As may be seen, the above Section permits rezoning in a Traditional Community from residential to commercial or light industrial zoning, if, and only if, the standards and criteria set forth in Section 4.2.2(b) are met. The applicable criteria are:

1 (a) Similar uses have been established as non-conforming on adjoining locations in the community. Applicants have not shown the existence of any other commercial communications tower in Arroyo Seco;

1 (b) The rezoning to be approved is similar in type and scale to those uses suggested for neighborhood districts by Article III, Section 4.3.2 of the Code, copy of which is attached to this document. The 198-foot tower which applicant wants to build in Arroyo Seco is dissimilar in type and completely out of scale with any of the commercial uses listed in Article III, Section 4.3.2 attached. As to scale, the manufacturer's drawing of the tower with SkyHigh'sapplication shows that the width of the base of the tower is in excess of 55 feet! Also, while applicants, at this time, are asking for a height of 198 feet, the drawing shows a tower of 400 feet! A copy of the tower drawing is attached.

1 (c) The rezoning is compatible with neighboring uses. A 198-foot communications tower would be totally incompatible with existing neighborhood uses in Arroyo Seco, which are primarily residential in nature.

1 (d) It is the consensus of the local community to allow the proposed rezoning and use. Here, the clear (perhaps unanimous) consensus of the local community is not to allow the proposed 198-foot tower.

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Since SkyHigh Communications does not meet any of the criteria for commercial rezoning in the Traditional Community of Arroyo Seco, its applications should be denied.

VARIANCE: SkyHigh Communications has also applied for a variance from the maximum height limitation of 24 feet prescribed by Article III, Section 4.4.4c of the Code.

Variances are governed by Article II, Sections 3.1 and 3.2 of the Code. Section 3.1 provides that only where the applicant can show that strict compliance with the requirements of the Code would result in "extraordinary hardship" to the applicant, should a variation be considered, and that in no event should a variance be recommended by the Development Review Committee or granted by the Board "...if by doing so the purpose of the Code would be nullified."

Here, there is nothing to suggest that denial of these applications would be an extraordinary hardship on applicant. Applicant could find another site for its tower, outside of the Arroyo Seco Community, in a location where the tower would be less visible and less intrusive. To allow this huge tower in the middle of Arroyo Seco, would in effect nullify its zoning as a Traditional Community.

Also, Section 3.2 provides:

> In no case shall any variation or modification be more than a minimum easing of the requirements.

An increase from the Code maximum of 24 feet to a height of 198 feet, more than eight times the maximum height allowed by the Code, does not qualify as a "minimum easing."

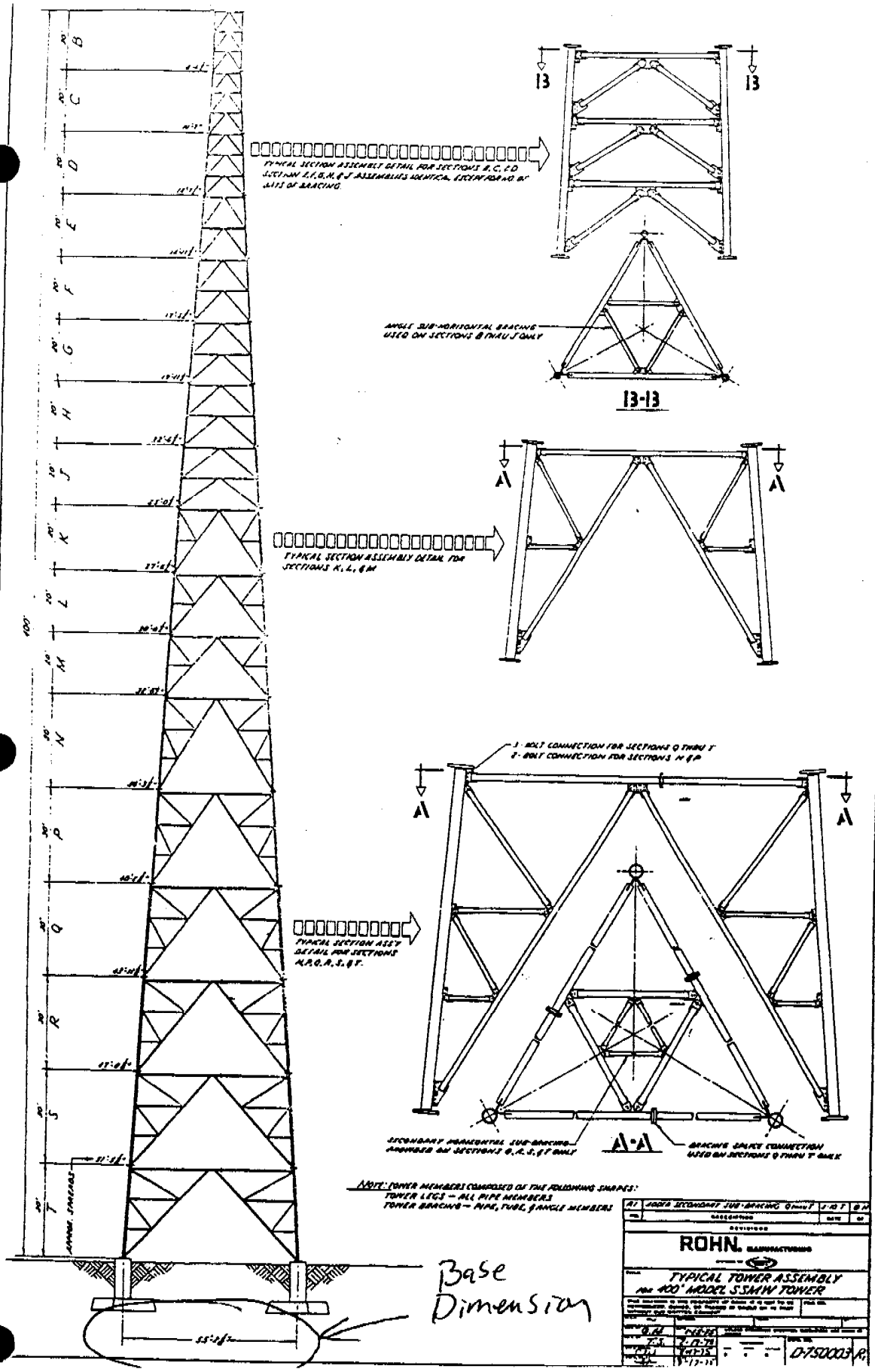
The undersigned residents of Arroyo Seco ask that the applications of SkyHigh Communications to inflict this 198-foot tower on their community be denied.

To allow these applications would be arbitrary and capricious, would not be in accordance with the Zoning Regulations of the County Land Development Code and, would be an injustice to the residents of Arroyo Seco

1845561

Dated December 12, 2000.

Name	Address
Nancy A. Williams President of El Valle De Arroyo Seco Board	04A Everett Rd. Dr. Española, N.M. 87532 P.O. Box 1160 Santa Cruz N.M.
Jan L R. Paule DVM	P.O. Box 3471 Pojoaque Stn Santa Fe, N.M 87501
M. June Paule	P.O.B. 3471 Pojoaque Station Santa Fe, N Mex - 87501
Lane Chavez	Rt 3 Box 202 BB Española, N.M.
Connie Chavez	Rt 3 Box 202 BB Española, N.M. 87532
Cassandra Lopez	P.O Box 4072 Fairview, N.M. 87533
Katharine Chavez	720 Sandy Lane Española, NM 87532
Fred Lopez	P.O. Box 4072 Fairview, N.M 87533
Jeff F. Chavez	720 SANDY LANE Española, NM 87532



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Meeting - 11-30-00 4 pm
12-12-00 5 pm

WE THE UNDERSIGNED CONCERNED CITIZENS ARE OPPOSED TO THE ERECTION, BY MR. ESTEVAN GONZALES, DBA - SKY HIGH COMMUNICATIONS, OF A 195' COMMERCIAL COMMUNICATION TRANSMISSIONS TOWER ON HIGHWAY 285 @ MILE MARKER 184. (VARIATION REQUEST #Z-005930).

1845561

NAME (please print)	ADDRESS	PHONE	SIGNATURE
Alton B. Walker	RT 1 Box 372 RIO Vista St.	753 4067	Alton B Walker
Suzanne Rayburn	53 Feather Rd Santa Fe	455-0388	
SHIRLEY MARTINEZ	BOX 5040 ESPAÑOLA	753-6660	Shirley Martinez
Jon M Tidwell	P.O. Box 1931 Española	753-7995	Jon M Tidwell
Delfina Rayburn	53 Feather Rd Santa Fe	455-0388	Delfina F. Rayburn
Valerie Sandoval	54 Sombrillo Rd Española	747-2681	Valerie Sandoval
Louis Sandoval	54 Sombrillo Rd Española	747-2681	
Amy Trujillo	156 Sombrillo Rd	747-2802	Amy Trujillo
CHARLES U MESTAS	Box 5058 ESPAÑOLA, NM	747-3750	
Dwayne Vigil	54 Sombrillo Rd	747-1102	Dwayne Vigil
Carmen Vigil	54 Sombrillo Rd Española	753-8916	Carmen Vigil
Jake Lovato	RT 21 #64 La Villita Española	852-4172	
Nita C Lovato	Rt 21 #64 La Villita Española	852-4172	
Mrs. W.R. Everett	63 Everett Ridge Dr.	753-4572	Norma Everett
DAVID SEYBOLD	RT 3 Box 151F ESPAÑOLA NM	753 8383	Cyd Seybold
[illegible] PAPILLION	RT 11 Box 20 [illegible]	455 2761	[illegible] Papillion
[illegible] PAPILLION	RT 11 Box 20 [illegible]	455 2761	[illegible] Papillion
Brenda Abeyta	P.O. Box 3977 Fairview NM 87532	753-3082	Brenda Abeyta
Darrell Abeyta	PO Box 3977 Fairview, NM 87532	753-3082	Darrell Abeyta
Nancy A Williams	C/A Everett Ridge Dr 87532	753 7515	Nancy A Williams

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WE THE UNDERSIGNED CONCERNED CITIZENS ARE OPPOSED TO THE ERECTION, BY MR. ESTEVAN GONZALES, DBA - SKY HIGH COMMUNICATIONS, OF A 195' COMMERCIAL COMMUNICATION TRANSMISSIONS TOWER ON HIGHWAY 285 @ MILE MARKER 184. (VARIATION REQUEST #Z-005930).

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
KATHRYN A JARRETT	P.O. BOX 1281, ESPANOLA, NM 87532	685-4476	Kathryn A. Jarrett
Bob Heckendorf	County Rd. 0113 House #10	753-4488	Bob Heckendorf
Julio Dieta	Rt 3 Box 193-A Española NM 87532	747-7162	Julio Dieta
Robert L. Lopez	Rt. 1 Box 374-C Esp.	753-8321	Robert L.
Arsenio Martinez Jr.	19 Camino Seco South	753-7038	Arsenio Martinez Jr.
Angelica Martinez	19 camino seco south	753-7038	Angelica Martinez
Lupe Gutierrez	PO Box 4394 Esp.	927-0348	Lupe Gutierrez
Penny Roth	PO Box 2034	753-2866	Penny Roth
Phillip Schofield	22 Camino Seco South	753-8433	P Schofield
JOHN BROADWATER	POBOX 197-2 ARROYO SECO ESPANOLA 87532	753 4484	JM Broadwater
Donald Baros	RT 5 Box 415 Española	455-2101	Donald Baros
Joy Lynn O'Brien	Buena Vista	—	Joy Lynn O'Brien
LINDA D MARTINEZ	RT 3 Box 413-11 ESPANOLA	747-7777	Linda D Martinez
Charles Romero	Rt 3 Box 142 A Española	753-1921	Charles Romero
Larry Medina	7 Hacha Rd Española	753-5886	L Medina
Albert Romero	Box 4496 Fairview	852-4157	Albert Romero
FLAVIO RAMIREZ	MARTINEZ LANE 1510 ESPANOLA NM.	—	Flavio Ramirez Sr.
Francisco Ramirez	Martinez Lane 1510 Española Nm		Francisco Ramirez
DICK HOGLE	21 NICKERSHAM LN 87532	753 6833	Dick Hogle
Todd Womack	16 Camino Arroyo Seco.	747 1570	Todd Z Womack
Claudia Domingue	P.O. Box 759 Española, NM	428-1724	Claudia Domingue
Ron Lynch	Rt 3 Box 4019 Arroyo Seco 87532	753-0413	Ron Lynch

WE THE UNDERSIGNED CONCERNED CITIZENS ARE OPPOSED TO THE ERECTION, BY MR. ESTEVAN GONZALES, DBA - SKY HIGH COMMUNICATIONS, OF A 195' COMMERCIAL COMMUNICATION TRANSMISSIONS TOWER ON HIGHWAY 285 @ MILE MARKER 184. (VARIATION REQUEST #Z-005930).

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
Bill HAYS	RTS-Box 350	455-2838	Bill Hays
Lyle Shepard	RT 1 Box 201	753-3335	Lyle Shepard
Robert Conley	Rt 1, Box 206	747-9627	Robert E Conley
Amanda Conley	Rt 1 Box 206	747-9627	A Conley
Wendy Conley	Rt 1 Box 206	747-9627	Wendy A Conley
Anita S. Raybal	P.O. Box 729 Espanola 87532 ITAFI Camino Solo	753-9873	Anita S Raybal
Joe E. VASQUEZ	RT. 1 Box 216B ESP	753-6433	Joe E Vasquez
JANIE VASQUEZ	Rt 1 Box 216B Espanola	753-6433	Janie M Vasquez
JEW METZ SACHZHAR	Rt 1 Box 213 Esp NM	753 32220	Jew Metz Sachzhar
ANGELA TILFORD	RT 1 Box 214 Esp. 18444 US 84/285	753-6182	Angela Tilford
Reyes GONZALES	Rt 3 Bizcocho Espanola	753-3292	Reyes Gonzales
Lydia A. Trujillo	P.O. Box 35 Espanola	753 337	Lydia A Trujillo
Camilla Trujillo	PO Box 604, Santa Cruz 87567 87501	747 8062	Camilla Trujillo
Rosa Weiss	205 Spruce Street S.F.	989-8945	Rosa Weiss
Eloy Gonzales	02 Serenisima Esp.	753-3512	Eloy Gonzales
Rabida Lopez	Rt 3, Box 204 Esp	747-4922	Rabida Lopez
Margaret Lopez	" "	" "	Margaret Lopez
Aurora Lopez	" "	" "	
Joseph Lopez	" "	" "	Joseph Lopez
~~Edward Lucero~~	~~Rt 3 Box 201 C Esp.~~	~~747-6070~~	
Edward Lucero Jr	Rt 3 Box 201 C Esp.	747-6070	Edward Lucero Jr
	07 Los Cerros	753-3156	

WE THE UNDERSIGNED CONCERNED CITIZENS ARE OPPOSED TO THE ERECTION, BY MR. ESTEVAN GONZALES, DBA - SKY HIGH COMMUNICATIONS, OF A 195' COMMERCIAL COMMUNICATION TRANSMISSIONS TOWER ON HIGHWAY 285 @ MILE MARKER 184. (VARIATION REQUEST #Z-005930).

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
Dollie Bustos	P.O. Box 431	7538051	Dollie Bustos
Jackie Quintana	P.O. Box 301	753-6449	Jackie Quintana
Geraldine Montoya	P.O Box 683	753-8363	Geraldine Montoya
Melody Blackshear	P.O BOX 4403 Fairview NM	7533161	Melody Blackshear
[illegible]	P.O. Box 276 Santa Cruz	75-3-4944	[illegible]
[illegible]	[illegible]	753-2517	[illegible]
[illegible]	PO Box 804 Alcalde	852-4613	[illegible]
[illegible]	PO Box 704 Alcalde	852-4673	[illegible]
[illegible]	P.O Box 2084 ESP 87532	753-8383	[illegible]
Ernest Chavez	Box 6 B Chimayo	351-4685	Ernest Chavez
[illegible]	P.O. Box 542 Espanola	753 3535	[illegible]
Joseph Maestas	PO Box 851 Espanola	852-4166	[illegible]
Rudy Servelo	P.O. Box 3645 Fls Espanola	753-2994	[illegible]
Alice Mandragon	P.O Box 212 Cordova NM 87523	351-4561	Alice Mandragon
Fred Lopez	P.O. Box 4072 Fairview, NM 87533	852-3057	Fred Lopez
Cassandra Lopez	P.O. Box 4072 Fairview, NM 87533	852-3057	Cassandra Lopez
Eddie Duran	1730 El Llano Rd Espanola NM 8732	753-1709	[illegible]
STAN ARCHULETA	P.O BOX 699 ESP NM 87532	852-9240	[illegible]
Edward A. Romero	31-A Calle Lla Santa Fe	455-2670	Edward A. Romero
Serafin Roybal Jr	Rt 1 Box 102-A SFE	455-7855	[illegible]
[illegible] Perea	1913 Shadowood Esp	753-6722	[illegible]
Pat Mares	103. S. Coronado	753-8926	[illegible]

(27)

WE THE UNDERSIGNED CONCERNED CITIZENS ARE OPPOSED TO THE ERECTION, BY MR. ESTEVAN GONZALES, DBA - SKY HIGH COMMUNICATIONS, OF A 195' COMMERCIAL COMMUNICATION TRANSMISSIONS TOWER ON HIGHWAY 285 @ MILE MARKER 184. (VARIATION REQUEST #Z-005930).

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
Laura Seals	P.O. Box 3826 Esp.	753-7472	Laura A Seals
Robert Seals	P.O. Box 3826 Esp	753-7472	Robert J. Seals
Katharine Chavez	720 Sandy Ln. Esp.	747-6706	Katharine Chavez
Jeff Chavez	720 Sandy LN. Espanola	747-6706	Jeff Chavez
David Chavez	Box 458 Espanola	753-4166	David Chavez
[illegible]	525 W Riverside	7532475	[illegible]
Eddie Trujillo	625 N Riverside Dr Esp	753-7777	Eddie Trujillo
[illegible]	1506 Riverside Dr Espanola	753-1608	[illegible]
STEVE MARTINEZ	Gen Del Espanola	753-2475	[illegible]
GARY Peters	1002 Bellas	753-2669	[illegible]
Beth Peters	1002 Bellas	753-2669	Beth Peters
Paul Chavez	Rt 3 Box 202 BB Esp.	753-9344	Paul Chavez
Connie Chavez	Rt 3 Box 202 BB Esp.	753-9344	Connie Chavez
[illegible]	P.O. Box 2 Abiquiu	685-4878	REYES J TRUJILLO
Albert Gutierrez	P.O. Box 301 Espanola	753-6449	Albert Gutierrez
Jorge L Borrego	Nee #36 SFCR 90, Espanola	7537003	Jorge L Borrego
Theresa Carmona	P.O. BOX 1416 Espanola NM 87532	747-2652	Theresa Carmona
Mabel Rendon	PO BOX 263 Velarde	----	Mabel Rendon
Kimberly Trujillo	P.O Box 94 Velarde	670-1368	Kimberly [illegible]
Patricia Vigil	PO Box 1025 Espanola	753 2599	Patricia Vigil
Rudy Martinez	PO BOX 919 San Juan	852-2794	Rudy Martinez
Stella Lopez	P.O Box 4465 F.V	747-1869	Stella D Lopez

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
Medina, Ray	P.O. Box 453 Chimayo		
Lovato Randy	P.O. Box 184 Espanola		
MANN KEVIN C.	1116 AZTEC AVE "Los Alamos		
Gutierrez, Daniel	50-D Camino Blanco Rd Santa Fe, NM		
Gutierrez Patrick	26 Camino Blanco Rd Santa Fe		
Bustos Robert	PO Box 305 Medanales		
GONZALES, GABRIEL S.	P.O. Box 58 HERNANDEZ, NM		
Vidal Felix	1421 McCurdy Circle Espanola		
Lovato, James	PO Box 622 Los Alamos		
Martinez Alicia	P.O Box 3581 Santa Fe NM		
High, Brian L.	P.O. Box 684 Espanola, N.M.		
Herrera Andrew J.	P.O. Box 5190 Espanola NM		
Martinez Virginia M.	P.O. Box 1094 Chama N.M.		
Quintana Johnny	Rt 2 Box 135-A Espanola NM.		
Martinez Jerry	Espanola NM		
Derrick Ronald	NBU Box 72		
David D DeAgnera	1152 Calle Verde Espanola		
Nowell Earl	460 Grand Canyon		
Martinez Gilbert	PO Box 513 Santa Fe NM		
Morales, Ray	326 Camino Cal Sol Espanola		
Vigil Denise	138 Feathercatcher Rd Cuyamunque		

WE THE UNDERSIGNED CONCERNED CITIZENS ARE OPPOSED TO THE ERECTION, BY MR. ESTEVAN GONZALES, DBA - SKY HIGH COMMUNICATIONS, OF A 195' COMMERCIAL COMMUNICATION TRANSMISSIONS TOWER ON HIGHWAY 285 @ MILE MARKER 184. (VARIATION REQUEST #Z-005930).

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
Leroy Quintana	Box 915 Espanola	—	Leroy Quintana
Suzanne Lopez	HCR 64 Box 1A Chimayo	351-2593	Suzanne Lopez
Orlando Lopez Jr.	HCR 64 Box 1A Chimayo	351-2593	Orlando Lopez Jr.
Martina Branch	Rt 3 Box 4029 Esp NM	753-5626	Martina Branch
JOHN ORTIZ	16 SHERIFF Rd Esp NM	753-6625	John Ortiz
Mary Ellen	16 SHERIFF Rd Esp NM	753-6625	Mary Ellen
Gabrielle Avila	Rt 3 Box 4099 Esp NM	753 8696	Gabrielle Avila
Gary Avila	Rt 3 Box 4099 Esp NM	753 8696	Gary Avila
Andrea Gentry	Po Box 886 Los Alamos	753-2576	Andrea Gentry
Walter Gentry	Po Box 886 Los Alamos	753-2576	Walter Gentry
Jeremy Taylor	Po Box 886 Los Alamos	753-2576	Jeremy Taylor
Cory Sparks	Rt 3 Box 4026 Espanola NM	747-3158	Cory Sparks
Davy Sparks	Rt, 3 Box 4026 Espanola NM	747-3158	Davy Sparks
ROBERT E. REYNOLDS	P.O. 27 HILL TOP RD. ARROYO SECO BOX 1154 SANTA CRUZ	753-5471	Robert E. Reynolds
LEED Gonzales	P.O Box 4465 F.V NM	7471564	Leed Gonzales
Annitta Lujan	P.O.B 371 F.V.	8522836	Annitta Lujan
Leonard Lujan	PO Box 371 F.V.	8522836	Leonard Lujan
Isabel Lujan	P.O. 471 Abiquiu NM	852 3134	Isabel Lujan

Meeting - 11-30-00 4 pm

WE THE UNDERSIGNED CONCERNED CITIZENS ARE OPPOSED TO THE ERECTION, BY MR. ESTEVAN GONZALES, DBA - SKY HIGH COMMUNICATIONS, OF A 195' COMMERCIAL COMMUNICATION TRANSMISSIONS TOWER ON HIGHWAY 285 @ MILE MARKER 184. (VARIATION REQUEST #Z-005930).

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
Michele Lucero	Rt 1 Box 392 Española	753 2150	Michele Lucero
Richard Moore	RR. 1 Box 203 Española	753 4821	Richard Moore
Juan E. Montoya	Rt 1 Box 204 Española	753-3058	Juan E. Montoya
Kent McClendon	5 Bar D 4 Rd Española	753-1920	Kent McClendon
Lynne Dalrymple	PO Box 877 San Juan Pueblo	753 1930	Lynne Dalrymple
Ken Baltz	5 Bar D 4 Rd Española	753-1920	Ken Baltz
Joy Hunter	65 Haze Dr. (Cty Rd 98 Esp)	753-3855	Joy Hunter
Sally Brant	5 Bar D 4 Road, Esp	753-1920	Sally Brant
Scott Carmody	18A La Resolana	753 3508	Scott Carmody
Jeanette Gallegos	#5 Old Pueblo	753-5023	Jeanette Gallegos
C. M. Boring	50 Ojito Dr. - Arroyo Seco	753-7204	C. M. Boring
[illegible]	[illegible]	[illegible]	[illegible]
Patricia Boring	50 Ojito Dr. Arroyo Seco MAILING P.O. Box 596 Española, NM 87532	753-7204	Patricia Boring
Brenda [illegible]	25 Calle Los Montes, Española NM	747-1849	Brenda [illegible]
Clarinda Roybal	1842 Ojito Dr. Arroyo Seco NM	753-8765	Clarinda Roybal
Ben Roybal	1842 OJITO DR ARROYO SECO	753 8765	Ben Roybal
Les Gonzales	18A Ave de Molino Arroyo Seco	747-9147	Les Gonzales
LINDA Gonzales	18 A Ave DE Molino Arroyo Seco	747-9147	Linda Gonzales
Amelia Martinez	P.O. Box 85 Hernandez	753-6140	Amelia Martinez

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WE THE UNDERSIGNED CONCERNED CITIZENS ARE OPPOSED TO THE ERECTION, BY MR. ESTEVAN GONZALES, DBA - SKY HIGH COMMUNICATIONS, OF A 195' COMMERCIAL COMMUNICATION TRANSMISSIONS TOWER ON HIGHWAY 285 @ MILE MARKER 184. (VARIATION REQUEST #Z-005930).

1845561

NAME (please print)	ADDRESS	PHONE	SIGNATURE
George D Griego	P.O. Box 757 Embudo Rd	753-9229	
Rosamond Martinez	P. O. Box 1241 Esp. 87532	747-3627	
DHARAM S. KHALSA	06 CALLE SECO, ESP. 87532	753-5721	
Gerald Woodson	#3 Box 93 B Esp 87532	753-8585	
Gary Koontz	680 Quince Circle	303 444 6697	
Elaine Trujillo	PO Box 958 Esp. 87532	753-6289	
Joe Arnold	P.O. Box 3860 SF - 87504	455-7789	
Adela Chavez	P.O Box 1486 Esp. 87532	747-7776	
Chuck Ohl	P. Box 185 Esp 87532	753-7572	
Tom Gozulski	R1 3 Box 12A Espanola 87532	747-1574	
Antonio Chavez	P. O. Box 1486 Espanola	747-7770	
Lupita Chavez	R1 3 Box 158	753-1680	
Martinez S	County Rd 120 #58	7031	
Christopher Salazar	P.O. Box 14 Espanola N.M. 87532	753-1020	

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
Bernice Coriz	Rt 1 Box 340-S	505 753-6080	Bernice Coriz
Chris L Maestas	Rt 3 Box 171-C	505-747-1579	Chris L Maestas
Erika Y Maestas	Rt 3 Box 171-C	505-747-1579	Erika Y Maestas
Orlando Coriz	Rt 1 Box 340-S	505-753-6080	Orlando Coriz
Anita Baca	Rt 5, Box 317-C	505-753-2501	Anita Baca
Desirae Coriz	Rt. 3 Box 171C		Desirae Coriz
Juan Coriz	Espanola	-	Juan Coriz
MICHELLE BALL	PO B 979	-	Michelle Ball
Alex Coriz	Chimayo		Alex Coriz
Michael Coriz	Chimayo NM		Michael Coriz
Jerry Chavez	Chimayo		Jerry Chavez

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WE THE UNDERSIGNED CONCERNED CITIZENS ARE OPPOSED TO THE ERECTION, BY MR. ESTEVAN GONZALES, DBA - SKY HIGH COMMUNICATIONS, OF A 195' COMMERCIAL COMMUNICATION TRANSMISSIONS TOWER ON HIGHWAY 285 @ MILE MARKER 184. (VARIATION REQUEST #Z-005930).

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
Joe C TRUJILLO	RT 3 345-33 Espanola NM	753-5066	Joe C Trujillo
Joan Murphy	136 S. R #503 Santa Fe	455-1617	
Mary Thomas	20 W. Gutierrez #202 Santa Fe	455.2170	Mary Thomas
Ana Mora	P.O Box 1845 Española	753-9278	Ana Mora
Nora J. Valdez	P.O Box 1007 La Joya St Española	747-3791	Nora J. Valdez
Tina Marie Gabaldon	100 B Paseo de Onate Esp.	753-3143	Tina Marie Gabaldon
Jessica M. Salazar	POB 2561, Espanola, NM	753-3143	Jessica M. Salazar
[illegible]	P.O. Box 301 Dixon, NM	579-4011	[illegible]
Michelle Atencio	P.O. Box 2315 Espanola NM	753-3143	Michelle Atencio
Myka E Horton	70 Bonehard Rd. ESPANOLA NM	753-5846	Myka E Horton

WE THE UNDERSIGNED CONCERNED CITIZENS ARE OPPOSED TO THE ERECTION, BY MR. ESTEVAN GONZALES, DBA - SKY HIGH COMMUNICATIONS, OF A 195' COMMERCIAL COMMUNICATION TRANSMISSIONS TOWER ON HIGHWAY 285 @ MILE MARKER 184. (VARIATION REQUEST #Z-005930).

1845561

NAME (please print)	ADDRESS	PHONE	SIGNATURE
Dr JACK R. PAULE	POB 3471 POJOAQUE STN SANTA FE NM 87501	753-6252	Dr Jack R Paule
M. JUNE PAULE	POB 3471 POJOAQUE STN SANTA FE, NM 87501	753-6252	Ms. June Paule
MRS. NORMA MOORE	RT 1 Box 203 ESP 87532	753-4827	Mrs Norma Moore
Mr. Matt Williams	04-B- Everett Ridge Dr. Esp. 87532	753-8781	[signature]
Ms Sonia Amador	109 Valley Drive, NM 87533	753-9331	Sonia Amador

6

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1845561

NAME (please print)	ADDRESS	PHONE	SIGNATURE
CHAD L. OLSEN	4129 S MEADOWS #16R	424-7089	
James B. MEYER	RT 1 BOX 40B TAOS 753	758-0450	
Marilyn K. Meyer	# 6 Meyers Rd.	753-4136	
James A. Meyer	#6 Meyer Rd.	753-4136	
Rebecca L. Meyer	#6 Meyer Rd, Espanola, NM	753-9509	
Florence M. Serna	#13 Gunbarrel Road Arroyo Seco	753-662X	

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1845561

NAME (please print)	ADDRESS	PHONE	SIGNATURE
Beverly Baca	PO Box 1713 Española 87574	753-2356	Beverly A. Baca
MARY GALLEGOS	PO Box 153 Tesuque NM 87574	455-9802.	Mary Gallegos
Vincent Ballonado	Box 63401 Española NM 87532	852-2732	Vincent Ballonado

405 Greg Avenue
Santa Fe, NM 87501
Phone: 983-8500
December 12, 2000

The Santa Fe County Commissioners

[redacted]

1845561

Dear County Commissioners,

I am writing on behalf of the Santa Fe Citizen's Task Force on Microwave Antennas. We represent over a thousand concerned citizens of Santa Fe County who have signed petitions against locating Telecommunications Industry Microwave Transmitter Antennas in residential areas. These towers and antennas belong in designated industrial areas away from homes, schools, and churches. We are writing in support of the residents of Arroyo Seco who oppose the location of a new tower within their residential community.

Respectfully, we urge your most careful consideration of this issue tonight. We urge you to 1) delay this decision to allow time for the study and discussion this deserves, or 2) to deny a permit for the construction of this tower in this residential area.

This tower violates existing residential zoning which limits height to 24 feet. There is abundant vacant land for tower building and Telecommunications service provision nearby at a safer distance from homes, schools, and churches. Allowing construction in violation of this community's wishes would be a serious abdication by Santa

Fe County of the County's primary responsibility toward its citizens - which must include their need for safety in their homes. We would like to see our County encourage economic growth in a responsible way which furthers rather than sacrifices the well being of our citizens.

1845561

Sincerely,
Merida Blanco, Ph.D.
for the Santa Fe Citizen's Task Force on Microwave Antennas
and more than 1,000 concerned citizens of Santa Fe County

P.S. Enclosed please find 840 signatures submitted in support of the petitions signed by Arroyo Seco residents.

Save Our Sweet Air -- Stop the Microwaving of Santa Fe!

We oppose U.S. West or any other Microwave Transmitter Antennas on La Casa Loma Apartments, the Unitarian Church, or in any other residential neighborhoods.

Santa Fe City and County must not allow for-profit corporations to override citizens' right to a choice about antenna siting where we live, work, study, or gather. Citizen choice must include:

* ***full disclosure of planned & existing antennas to property buyers, renters, neighbors, employees, students, visitors, and the public***
* ***neighborhoods' right to say no!***
* ***time limits on permits and citizen input on renewal***
* ***permit fees to fund local research on health & environmental impact***
* ***refuge and recourse for environmentally sensitive citizens***

1845561

Signature	***Printed Name***	***Address***
Nodiah Brent	Nodiah Brent	954 Cm. Santander SFNM
Carlos Lux	CARLOS LUX	954 CM. Santander SFNM 875
	PAUL BOTELL.	4 MONTE ALTO PLACE SF 87505
CATHERINE KROFCHECK		369 Hadsway AVE., SF. 875
Nina Sprotzk	Nina Sprotzk	852 Don Diego SF NM
Rita Reyes	Rita REYES	P.O. Box 8554 S.F. NM 875
Margaret S. Ater	Margaret Ater	P.O. Box 1052-
D. Atkinson	Danielle Atkinson	10 camino Cabo Santa Fe NM 87505
Mary Karlton	Mary Karlton	1727 Monterey Dr. 87505
Julie Rothschild	JULIE ROTHSCHILD	1120 N. Fuma SF 875
DONA Border	DONA Border	406 Griff. SF 875
	William Ruboff, my	117 Vigil Ln, SF 87501
		110 VIGIL LANE

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(1)

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1845561

Signature	*Printed Name*	*Address*
	OWEN NELSON	108 Vigil Ln
	~~ANNE~~ SEBASTIAN	108 Vigil Ln
	Mark Mulvaney	112 Vigil
	Marie Wilkinson	955 Camino Santander
	Cyril Christo	955 C. Santander
	Imerid Antony	621 Sanacacio
	Hattie Baca	959 Cam. Santander
	Kelly Miller	903 Cam. San Acacio
	Ken Miller	
	[illegible]	1029 CAMINO LA RESOLANA
	Heather Harrington	110 Delgado St Santa Fe
	Rebekah Azen	250 Comanche Rd. S.F. NM 87505
	Lucien Bellucci	1704B Llano

Please return to 405 Greg Avenue, Santa Fe 87501 (505-983-8500) PMB 257 87505

(11)

Save Our Sweet Air --
Stop the Microwaving of Santa Fe!

1845561

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**** There are already transmissions in the area whose effects are not measured or understood. What will more transmissions do to us?***

**** Research on long term exposure to microwaves links them to heart attack, birth defects, brain damage, and more.***

**** We favor a citizen's task force:***

- ***-- to monitor radiation from existing antennas***
- ***-- to find out plans for future growth of microwave technology in the City and County.***
- ***-- to make recommendations that give citizens a choice!***

Signature	*Printed Name*	*Address*	*Phone*
Janet Carney	JANET CARNEY	1610 W. ALAMEDA	986-5094
David R McCain	DAVID R. McCAIN	343 WASHINGTON SFE N.MEX	989-4678
Pat Donovan	PAT DONOVAN	Box 141 Lindrith 87029	—
Renate C Hamm	Renate C. Hamm	3920 Old Santa Fe Trail SF N. 87501	
Linda Wilson	Linda Wilson	324 Lomita St. SF	984-23.
Bruce Michelson	Bruce Michelson	500 N Guadalupe SF	982-3108
Elizabeth Rada	Elizabeth Rada	1501 Paseo de Peralta SF N.M. Paseo Conquist. 87501	same address
Craig Black	CRAIG BLACK	1501 PdeP SF Con.	
Laura E Diggs	LAURA E. DIGGS	734 DUNLAP ST SF NM 87501	
Diane Carey	Diane Carey	1705 W. Alameda St. Santa Fe NM 87501	
Andrew Byerly	ANDREW BYERLY	2938 SANTEROS Rd Santa Fe, N.M. 87501	

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(7)

Save Our Sweet Air --
Stop the Microwaving of Santa Fe!

1845561

We urge Santa Fe City & County to rewrite microwave antenna policy to ensure citizens' right to a choice about antenna placement where we live, work, study, or gather. Until then, we oppose all new microwave tower or antenna installations.

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* ***permit fees to fund local research on health & environmental impact***
* ***citizen's task force***
* ***refuge and recourse for environmentally sensitive citizens as per the Federal Americans with Disabilities Act.***

Signature	***Printed Name***	***Address***
A. Day	ALAN DAY	1220 MORELIA ST.
Helen M Geer	Helen M Geer	1216 Morelia St
Rhody Gilliam	Rhody Gilliam	201 Morelia St
Ryan Kruskamp	Ryan Kruskamp	231 Goldmine Rd.
Kate Pierson	Kate Pierson	1212 Morelia St.
Wade Lee	WADE LEE	1308 DON DIEGO
Gerald Lee		1200 Galisteo

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Don Goetchius
208 Camino de Los Marquez #210
Santa Fe, N.M. 87501
(505) 986-0525

(7)

TAKE CARE!

Save Our Sweet Air -- Stop the Microwaving of Santa Fe!

We oppose U.S. West or any other Microwave Transmitter Antennas on the Unitarian Church, or in any other residential neighborhoods.

Santa Fe City and County must not allow for-profit corporations to override citizens' right to a choice about antenna siting where we live, work, study, or gather. Citizen choice must include:

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- ***permit fees to fund local research on health & environmental impact***
- ***refuge and recourse for environmentally sensitive citizens***

1845561

Signature	***Printed Name***	***Address***
Patrick Arguello	Patrick Arguello	214 Camino De Los Marquez #1
Jesse Riesinger	Jesse Riesinger	288 camino de los marquez #24
Art Lopez	Art Lopez	208 Camino de los Marquez
Robert Elder	Robert Elder	15 Taylor Rd. Santa Fe, NM, 8755
Louise Shafer	LOUISE SHAFER	208 CAMINO DE LOS MARQUEZ
Scottie Daugherty	SCOTTIE DAUGHERTY	1207 ESCALANTE 87505
Anne Bourne	Anne Bourne	705 E Alameda #4

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PLEASE Sign!

Save Our Sweet Air --
Stop the Microwaving of Santa Fe!

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1845561

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- ***citizen's task force***
- ***refuge and recourse for environmentally sensitive citizens as per the Federal Americans with Disabilities Act.***

Signature	***Printed Name***	***Address***
Jamie Martin	Jamie Martin	2310 Calle Colibri S.F. Nu
Serena Veglia	SERENA Veglia	208 Camino De Los Marquez #106
Tom Nolan	TOM NOLAN	208 Camino De LOS MARQUEZ #106
Thelma Tjiema	THELMA TJIEMA	208 Camino Los MARQUEZ #205 SANTA FE
Ryan Ortega	Ryan Ortega	115 Don Diego Santa Fe
Brian King		208 Camino De Los Marquez #219
Deborah Walker	Deborah Walker	208 Cam. de Los Marquez #220 SF NM 87501
Carol Anglin	Carol Anglin	208 Camino de los Marquez #120 SF, NM 87
Wendy Brown	Wendy Brown	157 Calle Ojo Feliz O Santa Fe NM 87505
Michael Woehler	MICHAEL WOEHLER	157 Calle Ojo Feliz O Santa Fe NM 87505
Carmen Romero	Carmen R.	208 Camino de Marquez #11
James		208 Cm De Los Marquez # 214 S/Fe NM 87507

Please return to 405 Greg Avenue, Santa Fe 87501 (505-983-8500)

Don Goetchius
208 Camino de Los Marquez #210
Santa Fe, N.M. 87501
(505) 986-0525

(12)

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Signature	***Printed Name***	***Address***
Geraldine Jimenez	Geraldine Jimenez	935 W Alameda
Cindy (Garcia)	Cindy Garcia	370 Airport Rd
Jane Garcias	JANE GARCIA	152 LORENZO Rd
Helen Enders	HELEN ENDERS	1312 Luana St.
Jennie Salazar	JENNIE SALAZAR	46A County Rd 113 Sou SANTA FE, N.M 8750
Genevieve Montoya	Genevieve Montoya	3 16 airport Rd 89
	Chris Libson	208 Camde los Marq Apt 201
	Gordon McDonough	208 Camde los Mrq 200
Eva Rambo	Eva Rambo	208 Camde los Marques
Jason Lautter	Jason Lautter	208 Camde los marques #204
	Janal Lemvadi	#214
Cecilia Griffin	Cecilia Griffin	" " #105

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(12)

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Signature	***Printed Name***	***Address***
Heather Gaume	Heather Gaume	104A East Barcelona
Amy Luchetti	Amy Luchetti	3345 San Marcos
Harriet L. Hehr	Harriet L. Hehr	1204 Escalante
Martina Arval	Martina Arval	1200 Escalante
Douglas Meiklejohn	Douglas Meiklejohn	1304 Escalante
David Pearlman	David Pearlman	1310 Escalante
Ellen Pearlman	Ellen Pearlman	"
Michael Guttman	Michael Guttman	1319 Escalante
Michael Hatcher	Michael Hatcher	1301 Escalante
Michelle Rose Hatcher	MR Hatcher	1301 Escalante
Gloria Holladay	Gloria Holladay	1223 Escalante
Gina Kinstle	Gina Kinstle	1219 Escalante

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Don Goetchius
208 Camino de Los Marquez #210
Santa Fe, N.M. 87501
(505) 986-0525

(13)

Save Our Sweet Air -- Stop the Microwaving of Santa Fe!

We oppose U.S. West or any other Microwave Transmitter Antennas on the Unitarian Church, or in any other residential neighborhoods.

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1845561

Signature	*Printed Name*	*Address*
Mia Brown	Mia Brown	208 Caminocle los Marquez #1
Ginny Donnelly	Ginny Donnelly	" " " " "
Dick Phillips	Dick Phillips	" " " " "
Kate Phillips	Kate Phillips	" " " " "
Lise Goe	Lise Margaret	" " " " " 124
Della Lopez	Della Lopez.	" " " " " #115
Danielle Gonzales	Danielle Gonzales	" " " " #25
Aubrey Wolf	Aubrey Wolf	" " " " " #214
Donn J. Hurd	DONN J. HURD	104 B East Barcelona Rd
Meuna Morgan	MEUNA MORGAN	" " "
Kelly Anderson	Kelly Anderson	1216 Escalante
George Aigla M.D.	GEORGE AIGLA	1307 Escalante
Murphy O'Brien	Murphy O'Brien	1219 Escalante

Please return to 405 Greg Avenue, Santa Fe 87501 (505-983-8500)

Don Goetchius
208 Camino de Los Marquez #210
Santa Fe, N.M. 87501
(505) 986-0525

(10)

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Signature	***Printed Name***	***Address***
Martha J. Schlenk	MARTHA SCHLENK	1211 Escalante
Sharon L Flood	Sharon L Flood	1203 Escalante
Jane A. Crawford	JANE CRAWFORD	1220 Morelia
Alexandra Eldridge	~~ALEXANDRA ELDRIDGE~~	~~131 E SANTA FE AVE~~
Steve Fehringer	STEVE FEHRINGER	8 CAMINO QUIETO
Judy Prokopiak	JUDY PROKOPIAK	1203 MORELIA ST
Vody Gilliam	Vody Gilliam	1207 Morelia St
Little Richard	Little Richard	
John Alley	JOHN ALLEY	CAMINO LOS ABELLOS 262
Angela Lee Angelal ee		1200 Galisteo

Please return to 405 Greg Avenue, Santa Fe 87501 (505-983-8500)

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(1)

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Signature	***Printed Name***	***Address***
Jacqueline L Doyle	JACQUELINE DOYLE	1204 Morelia

Please return to 405 Greg Avenue, Santa Fe 87501 (505-983-8500)

Don Goetchius
208 Camino de Los Marquez #210
Santa Fe, N.M. 87501
(505) 986-0525

(6)

1845561

Signatures for Petition Against the Installation of U.S. West or any other industrial Microwave Transmitter Antennas on La Casa Loma Apartments, the Unitarian Church -- or in any other residential neighborhoods of Santa Fe:

Signature	*Printed Name*	*Address*
	IAN SALE	2021 Senda de Andres, SF 87501
	ANNIE SALE	2021 Senda de Andres SF 87501
Sallie Ruehmann	Sallie Ruehmann	2034 Senda de Andres 87501
	DAVID RUEHMANN	2034 Senda de Andres
	CONNIE NANNEY	1820 CERROS COLORADOS, SF 87501
	WAYNE NANNEY	1820 CERROS COLORADOS SF 87501

Please Return to 405 Greg Avenue, SF 87501 (phone 983-8500).

(6)

1845561

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- ***-- to make recommendations that give citizens a choice!***

Signature	*Printed Name*	*Address*	*Phone*
	IAN SALE	2021 Senda de Andres	983-2531
	ANNIE SALE	2021 Senda de Andres	983-2531
Sallie H Ruehmann	Sallie Ruehmann	2034 Senda de Andres	820-2218
D Ruehmann	DAVID RUEHMANN	2034 Senda de Andres	820-2218
Connie Nanney	CONNIE NANNEY	1820 CERROS COLORADOS	992-1971
Cooperating	WAYNE NANNEY	1820 CERROS COLORADOS	992-1971

Please return to 405 Greg Avenue, Santa Fe 87501 (505-983-8500)

(11)

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Signature	*Printed Name*	*Address*
Janet Carney	JANET CARNEY	1618 W. ALAMEDA SANTA FE, N.M 87501
David R McCain	DAVID R. McCAIN	343 WASHINGTON SANTA FE NMEX 87501
Pat Donovan	PAT DONOVAN	BOX 144 Lindrith, NM 87029
Renate C Hamm	Renate C Hamm	3920 Old SF Tr., SF NM
Linda Wiens	Linda Wiens	204 Lomita St SF NM 87501
Bruce McMackson	Bruce McMackson	500 N Guadalupe SFNM 87501
Elizabeth Rack	Elizabeth Rack	#C-1501 Paseo de la Conquistadora
Craig C Rack	CRAIG RACK	1501 SF NM 87501 (Some addresses)
Laura E Diggs	LAURA E. DIGGS	734 DUNLAP ST SANTA FE NM 87501
Diane Carey	Diane Carey	1705 W. Alameda Santa Fe NM 87501
Andrea Beam	ANDREA BEAM	2938 Santeros Rd. santa fe N.M. 87501

Please Return to 405 Greg Avenue, SF 87501 (phone 983-8500).

(1)

1845561

Save Our Sweet Air -- Stop the Microwaving of Santa Fe!

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* ***refuge and recourse for environmentally sensitive citizens***

Signature	***Printed Name***	***Address***
[signature]	Cynthia McDall	1105 Cam. San Acacio
[signature]	Gloria Mendoza	2917 Pueblo Tsankawi St
[signature]	P.J. Marion	417 Hillcrest, Santa Fe 87501
[signature]	[illegible]	1609 Camino la Canada 87501
[signature]	[illegible]	P.O. [illegible] Peralta, N.M. 87042
Hester v/d Hoeven	[illegible] dam	The Netherlands
Marian Merritt	Marian Merritt	1804 Mountain View P, Los Alamos

Please return to 405 Greg Avenue, Santa Fe 87501 (505-983-8500)

(1)

1845561

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* *refuge and recourse for environmentally sensitive citizens*

Signature	*Printed Name*	*Address*
Mary R Dykton	MARY R. DYKTON	1824 ARROYO CHAMISO RD SF 87505

Please return to 405 Greg Avenue, Santa Fe 87501 (505-983-8500)

or any other industrial Microwave Transmitter Antennas on La Casa Loma Apartments, the Unitarian Church -- or in any other residential neighborhoods of Santa Fe:

1845561

Signature	*Printed Name*	*Address*
Fred Burgett	Fred Burgett	60 Ca de Leon
Karen Welch		83 Encantado Loop, Santa Fe 87505
Sheri Kgsmoved		1907 Tijeras Rd SFe NM 87505
Bonnie Trujillo	Bonnie Trujillo	SHH SF NM 87525
Maria Varela	Maria Varela	12+1 15ox13 Colonia
Kathy Porello	Kathy Porello	99 Domino Rio SFe 87501
Nicole Wheeler	Nicole Wheeler	1421 Luisa St., Suite K, SF 87505
Marvin Phelps	Marvin Phelps	700 Piñon Dr. Santa Fe NM 87504
Dorothy Deam	Dorothy Deam	20 Quarter Trail, SF 87505
JANET CARNEY	JANET CARNEY	1610 W ALAMEDA ST. SF, 87501
Chris Dixon	Chris Dixon	903 W. Alameda SF. NM 87501
Susan Bades	SUSAN BADES	502 GARCIA ST. S.F. 87501
Georgelle Hartman	Georgelle Hartman	307 Montoya St. 875
Michael Buonaiuto	Michael Buonaiuto	131 San SF 87
David Bacon	David Bacon	54 San Marcos Rd [illegible] S.F. 87505
David Nelson	DAVID NELSON	PO BOX 22067 SF NM 87502
Tony Garcia	TONY GARCIA	[illegible] ALAMEDA SF 875

or any other industrial Microwave Transmitter Antennas on La Casa Loma Apartments, the Unitarian Church -- or in any other residential neighborhoods of Santa Fe:

Signature	*Printed Name*	*Address*
Richard Jennings	RICHARD JENNINGS	30 Cañada Sundeste
Don Gio	Don Gio	
Lucas Rch	Lucas Rch	600 W Alameda

52
7
#

1845561 (15)

Save Our Sweet Air -- Stop the Microwaving of Santa Fe!

We oppose U.S. West or any other Microwave Transmitter Antennas on the Unitarian Church, or in any other residential neighborhoods.

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* ***time limits on permits and citizen input on renewal***
* ***permit fees to fund local research on health & environmental impact***
* ***refuge and recourse for environmentally sensitive citizens***

Signature	***Printed Name***	***Address***
Linora Parkhurst	Linora Parkhurst	208 Camino De Los Marquez #C
Doreen Loretto	Doreen Loretto	215 Camino de los Marquez #6
TIFFANY RICE	TIFFANY RICE	208 Camino DE los Marquez #206
Richard Trujillo	Richard Trujillo	208 Camino de los Marquez
Priscilla Giboti	PRISCILLA GIBOTTI	208 CMNO D LS MARQUEZ
A. Luca Ceccarelli	A. LUCA CECCARELLI	1133 LOPEZ ST.
Kel Kenzie	Kel Kenzie	208 C. De L. M.
Alex Nuñez	Alex Nuñez	
John Murray	John Murray	207 Camino de los Marquez Santa Fe, NM 875
Everett E. Kemmers		207 Camino de los Marquez #6
Elizabeth Hedrick		207 Camino de los Marquez #7
R.J. Lyda		215 Camino de los Marquez #5 Santa Fe, NM
Jeffrey Bruhy		215 CAMINO DE LOS MARQUEZ #5 SE SF.

Please return to 405 Greg Avenue, Santa Fe 87501 (505-983-8500)

Don Goetchius
208 Camino de Los Marquez #210
Santa Fe, N.M. 87501
(505) 986-0525

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- ***refuge and recourse for environmentally sensitive citizens***

Signature	*Printed Name*	*Address*
	SHERYL MURATA	~~[illegible]~~ SANTA FE 86A W. COCHITI
	CHRIS DIESTLER	645 C East Palace / Santa F
	Arienne Ellis	Box 35 San fe
	RICHARD RICCI	228 FIESTA / SANTA FE
	Carol Carnicom	PO Box 4653 SF NM 87502
	Linda VanAckeren	228 Fiesta St, SF NM 87501
	CLIFFORD E CARNICOM	Box 4653 SF NM 87502
	CARLA CURIO	35 CANADA VILLAGE RD SF 87505
	SUZANNE CLARK	P.O. BOX 9107 SF NM. 87504
	STEVE MACOY	2500 Sawmill Rd #23 Santa Fe, NM 87505
	M.C. Richlmann	P.O. Box 40 T.S.V. NM. 87574
	Don Goetchius	208 Cam. de L. Marquez #210-S/Fe, NM 87501
	KUHNENA SANTO	3268 AVENIDA de SAN MARCOS S/FE, NM 8750

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Don Goetchius
208 Camino de Los Marquez #210
Santa Fe, N.M. 87501
(505) 986-0525

(12)

1845561

Save Our Sweet Air --
Stop the Microwaving of Santa Fe!

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- ***permit fees to fund local research on health & environmental impact***
- ***citizen's task force***
- ***refuge and recourse for environmentally sensitive citizens as per the Federal Americans with Disabilities Act.***

Signature	***Printed Name***	***Address***
	Alexis McNaughton	847 Don Cubero
Laura M. Park	Laura Pasek	845 Don Cubero
JC Bustos	Frank Bustos	827 Don Cubero
	Frank Hatch	811 Don Cubero
	Adam Burns	816 Don Cubero.
	Joshua Bryant	820 Don Cubero
	Wilson Scanlan	836 Don Cubero
	Mikiel Fleming	848 Don Cubero
	Hal McCollum	811 Alencastre
	Jennifer Gonzales	3005 Sirings Rd.
	Dale McNeely	836 Don Cubero
	Kai Bernstein	818 Don Cubero Santa Fe NM

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Don Goetchius
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Santa Fe, N.M. 87501
(505) 986-0525

(13) Signatures Page 2

Save Our Sweet Air -- Stop the Microwaving of Santa Fe!

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1845561

Signature	***Printed Name***	***Address***
	SARA McFARLAND	6061 CALISTEO #3 SF NM 875
	Jamie Martin	310 Calle Colibri 87505
	Monica Garcia	209 Camino De los marquez #2
	Angelica Lovato	208 Camino De los Marquez
	Nicole Perez	202 camino De los Marquez #2
	Joseph D Pacheco	154 Mt Nelson
	Mary J Sinya	214 Camino de los Marquez #1
	F. Thomas McGee	208 Camino De Los Marquez
	Alessandro Ceccarelli	1133 Lopez ST.
	Nova Ceccarelli	208 Cam. de los Marquez S.F. 875
	Julie Naidich	208 Camino de los Marquez #217 SF 875
	James R. Wickser	208 CAMINO DE LOS MARQUEZ SF NM 87501

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Don Goetchius
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Santa Fe, N.M. 87501
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(7)

Save Our Sweet Air --
Stop the Microwaving of Santa Fe!

1845561

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- ***refuge and recourse for environmentally sensitive citizens as per the Federal Americans with Disabilities Act.***

Signature	***Printed Name***	***Address***
Bobbie Fleming	Bobbie Fleming	848 Don Cubero 87501
RL Palmer	RICK PALMER	902 DON CUBERO 87501
A. Turner	Andy Turner	1002 Don Cubero 87501
Christa J. Andrasik	christa j andrasik	1004 Don Cubero 87501
Jose R. Gonzalez	JOSE R. GONZALEZ	1016 Don Cubero
Dorothy Sprague	DOROTHY SPRAGUE	1104 Don Cubero
Judy Mayhon	Judy Mayhon	629 Alta Vista 87501

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Santa Fe, N.M. 87501
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1845561

Signature	***Printed Name***	***Address***
	ELISEO HERRERA	208 Los Marquez #19
Kathryn Ayotte	Kathryn Ayotte	208 Los Marquez apt 121
	Tod L Austin	" " Santa Fe, NM 87501
	Rose Giannotta	208 Camino de los Marquez #222
Deborah Brink	DEBORAH BRINK	208 Camino de los Marquez #221
Claire Gallinghouse	Claire Gallinghouse	" " " " #120
	Alison Ryan 988-9890	" " #223
	ElizabethDeKorne - ELIZABETH DEKORNE	208 Camino de los Marquez #116
	Amanda Maria Amanda Maria	208 Camino de los Marquez #110
		113 Camino de los
		Santa Fe, NM
	JOSEPH SENA	213 CAMINO CLASICO SANTA FE NM
	A.W. Paddy	201 4 Los Marquez St.

Please return to 405 Greg Avenue, Santa Fe 87501 (505-983-8500)

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(10)

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1845561

Signature	***Printed Name***	***Address***
Ramon Romero	RAMON ROMERO	207 Camino de los Marquez 11
Steve Martinez	Steve Martinez	207 camino los marquez #6
Eugene Pickard	-	207 Camino de los Marquez SF
Carrie A. Cooper	CARRIE A. COOPER	2076 SW WASHBURN AVE. TOPEKA KS 6606
Lisa Miller	215 De los Marquez #1	
Mary Pahl	215 DE LOS MARQUEZ #7	
Marjorie Phillips	" " "	#10
	John HEBERLE	208 Camino DE LOS MARQUEZ #110 Santa Fe NM 8
Jenny Williams	Jenny Williams	" " " " " "
Kay A. Bachman	Kay A. Bachman	208 Camino De los Marquez Santa Fe NM

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Don Goetchius
208 Camino de Los Marquez #210
Santa Fe, N.M. 87501

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Save Our Sweet Air --
Stop the Microwaving of Santa Fe!

We oppose any new microwave towers and antenna installations in Santa Fe City and County because:

**** There are already transmissions in the area whose effects are not measured or understood. What will more transmissions do to us?***

**** Research on long term exposure to microwaves links them to heart attack, birth defects, brain damage, and more.***

**** We favor a citizen's task force:***

- ***-- to monitor radiation from existing antennas***
- ***-- to find out plans for future growth of microwave technology in the City and County.***
- ***-- to make recommendations that give citizens a choice!***

Signature	***Printed Name***	***Address***
Deborah Keene	Deborah Keene	117 Duran St.
Sonja Swanson	SONJA SWANSON	6 HERKAS RD SF
Virginia J. Miller	Virginia J Miller	125 Calle Fresno SF 87501
[illegible]	[illegible]	[illegible]
Richard Mertens	Richard Mertens	730 Sandoval Santa Fe NM
Elliott Skinner	Elliott Skinner	925 Don Miguel Santa Fe 87501
Bill Thomson	Bill Thomson	POB 30032, SF 87592
Paul White	PAUL WHITE	RT. 4 / 138 X 61-H SF 87505
[illegible]	Mimi Tinkwhite	POB 22545, SF, NM 87505

Please return to 405 Greg Avenue, Santa Fe 87501 (505-983-8500)

(4)

1845561

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Signature	*Printed Name*	*Address*
[signature]	CARL GRU	1203 ½ Agua Fria
[signature]	R. ELLIOTT	1605 Don Gaspar Ave.
[signature]	MARY MCWHITTY	918 Rio Vista St.
[signature]	Lois Grossman	1362 Tano SF

Please return to 405 Greg Avenue, Santa Fe 87501 (505-983-8500)

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Signatures for Petition Against the Installation of U.S. West Wireless Antennas on the Unitarian Church, La Casa Loma Apartments -- or in any other residential neighborhoods

Signature	*Printed Name*	*Address*
Cynthia Louis	Cynthia Louis	551 Cordova SF
Stephanie Garcia	Stephanie Garcia	HC 70 Box 8A Glorieta
Judy Hevr	JUDY HEVR	1804 Tewa Rd
Jonathan Louis	JONATHAN LOUIS	551 Cordova Rd #112 Santa Fe, NM 87505 SF, NM 87501
Kirstie Newman	KIRSTIE NEWMAN	Po Box 9714 SF 87504
Andrea Kotch	Andrea Kotch	5 Mariana Rd SF, NM 87505
Lorraine Gilmore	Lorraine Gilmore	Eagle Pl 87505
Jessica Gilmore	JESSICA GILMORE	1 Eagle Pl. 87505
Tara Chandler	TARA CHANDLER	826 Fayette St 87505
Joseph Salaiz	Joseph SALAIZ	501 Rio Grande 87505
Harry Garcia	Harry Garcia	HC 70 Box 8A Glorieta, NM
S B Krueger	S B KRUEGER	1570 Don Gaspar 87505
Mary Underwood	Mary Underwood	1808 Plaza Del Sur Santa Fe, NM 87505
	AXIOM WEST	Santa Fe
	MARIA VALENTINI	2307 Rutas Este Santa Fe
	Charles Sweetbriar	Santa Fe
Linda Tragesser	LINDA TRAGESSER	PO Box 5074 ST NM 8750
Theresa Hendrix	Theresa Hendrix	PO Box 3179 Santa Fe, NM Zia St 87505

AZA ARAILLA

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1845561

Signatures for Petition Against the Installation of U.S. West Wireless Antennas on the Unitarian Church, La Casa Loma Apartments -- or in any other residential neighborhoods

Signature	*Printed Name*	*Address*
Mimi Chase Trujillo	Mimi Chase Trujillo	2079 Calle Loca SF 87505
Ocean Sunrise	Ocean Sunrise	276 Kinglet St 87505
Lon Rankin	LON RANKIN	502 N. Guadalupe St. Suite G-14 SF 87501
Suzanne Shakespeare	Suzanne Shakespeare	10 Rebecca Central SF 87505
Kim Jones	Kim Jones	10 Rosa de Castilla SF 87505
Jagdish Jentson	Jagdish Jentson	7518 Old Santa Fe Tr 87505
Q-T. Singh Khalsa	Q-T. Singh Khalsa	7757 B Old Santa Fe Tr. 87505

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(12)

Save Our Sweet Air -- 1845561
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Signature	***Printed Name***	***Address***
Marsha Aitken	Marsha Aitken	442C Jemez Rd Ste 87501
[illegible]	Richard Johnson	968 Camino Oraibi
Elizabeth Mitchell	Elizabeth Mitchell	721 Galisteo
MARION CARTER	MARION CARTER	2083 CAMINO LADO
Margaret Towner	Margaret Towner	614 Cortez St. S.F.
Donna Jaffe Fishbein	Donna Jaffe Fishbein	1112 Barcelona Rd. S.F.
[illegible]	[illegible]	1111 Galisteo St.
[illegible]	[illegible]	1110 Galisteo
Leon Miller	LEON MILLER	1202 GALISTEO St.
Melissa Morgner	Melissa Morgner	1204 Galisteo St.
Michael Morgner	Michael Morgner	1204 Galisteo St.
Stephen Clarke	Stephen Clarke	462 Jemez Rd.

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Signature	***Printed Name***	***Address***
Linda Karmand	LINDA KARMAND	704 E. Zia Rd. S.F.
Betty Garcia	Betty GARCIA	704 E. Zia Rd., S.F. 87505
Ellen Jacobs	ELLEN JACOBS	SANTA FE, NM 87505

Please return to 405 Greg Avenue, Santa Fe 87501 (505-983-8500)

(9)

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Signature	***Printed Name***	***Address***
Leslie Ames	Leslie Ames	551 W. Cordova Rd. SFNM 875
Gary Lawdan	Gary Lawdan	〃
Diana Hohn	DIANA HOHN	3811½ Cerrillos Rd #1 Santa Fe
Elaine Raybak	Elaine Raybak	1919 Ladera Dr. NW Albuq NM 8712
JOS MINE A RIGHT OUT		
KMHammer	Kathryne Hammer	1517 Cam. Sierra Vista
Liz Bessin	Liz Bessin	6 Vereda Mesita S.F. 9310
Katherine E Saul	Katherine E. Saul	100 Rio Vista Pl. #135 SF NM 8750
Hans L. Sisneros	Hans Sisneros	172 Delgado St. SFNM 875

Please return to 405 Greg Avenue, Santa Fe 87501 (505-983-8500)

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Signature	***Printed Name***	***Address***
	Antonio Lopez	723 N. Guadalupe #423
	Mala Malhotra	750 Alto Street

Please return to 405 Greg Avenue, Santa Fe 87501 (505-983-8500)

(1)

Signatures for Petition Against the Installation of U.S. West or any other industrial Microwave Transmitter Antennas on La Casa Loma Apartments, the Unitarian Church -- or in any other residential neighborhoods of Santa Fe:

1845561

Signature	*Printed Name*	*Address*
Ripley Shipman	Ripley Shipman	2229 Vuelta San Marcos SF, NM
E Walters	Eric Walters	1616 Calle de Oriente Norte 87505
Michael Heath	MICHAEL HEATH	209 SENA ST S.F. NM 87501
Jill Hardy	Jill Hardy	209 Sena St. SF, NM 87501
Andrea Fellows Walters	Andrea Fellows Walters	1616 Calle de Oriente Norte 87505
Gina Sandoval	GINA SANDOVAL	2580 CAMINO CAVERO SF, NM 87505
Sylvia Eytel	Sylvia Eytel	1237 San Jose Ave. SF 87505
James T. Wallace	James T. Wallace	P.O Box 8128 SF
R. Heide	Robert Heide	105 E. Marcy Santa Fe
Ben Callan	Ben Callan	46 Apache Plume Dr.
Kelley Callan	Kelley Callan	" Dito
		1481 Upper Canyon Steve Thompson
Al Tracy		120-C W Berger St SF, NM

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Signatures for Petition Against the Installation of U.S. West Wireless Antennas on the Unitarian Church, La Casa Loma Apartments -- or in any other residential neighborhoods 1845561

Signature	*Printed Name*	*Address*
[illegible]	NICOLE DE BREWER & PUERTA ANITA	SF NM 87501
Maria Gabrielle	MARIA GABRIELLE	17 CONDESA RD SANTA FE, NM 87501
Katherine Graham	KATHERINE GRAHAM	Goodard Dr, Lamy, NM 87540
Elizabeth H Haight	ELIZABETH H. HAIGHT	106 Moore St, 87501
Suzanne Cooter	SUZANNE COOTER	90 HERRADA RD SF NM 8750
Emory M Church	EMORY SCHWARTZ	2501 W. ZIA RD SF NM 87501

Please Return to 405 Greg Avenue, SF 87501 (phone 983-8500).

(12)

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Signature	***Printed Name***	***Address***
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
Lorraine Schachter	Lorraine Schachter	4521 Camino Sanfara
Mary M. Neikirk	MARY M. NEIKIRK	1515 N Calle Ojo Feliz SF 87505
Janet Carney	JANET CARNEY	
Katharine W. Wolfe	Katharine Wolfe	1303 morelia st. 87505
Marion Seymour	MARION SEYMOUR	2300 W. Alameda D2 87501
Nina Zelevansky	Nina Zelevansky	2214 C W. Alameda 87501
Carolyn Hastings	CAROLYN HASTINGS	2810 E. Waverly 87501
Vicki Karima Tatum	VICKI KARIMA TATUM	13 Dulce Rd 87505
K. Ulrich	KURT ULRICH	34 Chuska 87505
Meredith Machen	Meredith Machen	613 Nolan SF 87501

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(10

Signatures for Petition Against the Installation of U.S. West Microwave Transmitter Antennas on La Casa Loma Apartments, the Unitarian Church -- or in any other residential neighborhoods of Santa Fe:

184556

Signature	*Printed Name*	*Address*
Helen Kanni	Helen Kanni	64 Tano Point Ln
[illegible]	[illegible]	12 Calle del Valle
[illegible]	Paul Jaly	12 Calle del Valle
Ethel M. Bailey	Ethel M. Bailey	6440 Alta Vista #220
Priscilla Markham	Priscilla Markham	6440 Alta Vista #109
Dorothy Grayson	Dorothy Grayson	511 Loma
[illegible]	Steve Linger	2922 Alamosa Dr.
Siliviano C Talamante	Siliviano Talamante	Rt 6 Box 448
Grace M. Meyers	GRACE M. MEYERS	104 MICHELLE DR.

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1845561

Signature	*Printed Name*	*Address*
Melinda L Wolinsky	Melinda L. Wolinsky	410 Greg Ave
Nancy Soltero	Nancy Soltero	406 Greg Ave
Pamela J Colton	PAMELA COLTON	420 greg Ave
J. David Duran	J. DAVID DURAN	413 GREG Ave
Ed Lycus	Ed Lycus	409 Greg Av
Naomi I Salazar	Naomi I Salazar	411 Greg Ave.
Edward J Gonzales	EDWARD J GONZALES	408 Greg Ave
Shirley Christensen	Shirley Christensen	418 Greg Ave.
Kenneth Christensen	Kenneth Christensen	418 Greg Ave.
Camille P Clifford	Camille P. Clifford	422 Greg Ave
Julie Adams	Julie Adams	409 Greg Ave
Tor Christensen	Tor Christensen	418 Greg Ave
Rzelce Severson	R Zelce Severson	416 Greg Ave
James Hammerberg	James Hammerberg	412 Greg Ave.
B megaw	B megaw	416 Greg Ave

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(18)

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184556;

Signature	*Printed Name*	*Address*
	Kathleen Hannigan	OLD Galisteo SF, NM 87505
	Janet Regan	Janet Regan 2125 Paseo Primero Santa Fe NM 87501
	Philip Dearduff	2608 Algore Dr, SF, NM 87505
	Kathleen Murphy	125A-F San Antonio SF. N.M. 87505
	Naomi Milne	Naomi Milne 104 SPRUCE 8750
	LINDA TWANCHAYA	2710 Calle de Oriente Norte 87505
	Anna Mafchir	Anna Mafchir 103 old Galisteo Rd. 87505
	Michael DeLuca	SANTA Fe, NM
	PATRICIA PAOLUCCI	1715 MEDIO Santa Fe 87501
	CASE COHEN	BOX 203 DIXON NM 87527
	Nia White	Box 1513 EL PRADO, NM 87529
	Joel Norskog	1512 Conquistadora Santa Fe
	Claire Frye	24 Los Rostros Way Santa Fe 87505
		433½ SAN FRANCISCO ST SANTA FE NM
	SOUTH SEDLOW	1099 VILLAGE WAY SF 87501
	Stewart	135 Sam[illegible] Fe 87501
	Amy Cox	120 Quintana SF 87501
	Martha Callanan	501 Rio Grande Ave #D6 Santa Fe 87501

Please Return to 405 Greg Avenue, SF 87501 (phone 983-8500).

Signatures for Petition Against the Installation of U.S. West Microwave Transmitter Antennas on La Casa Loma Apartments, the Unitarian Church -- or in any other residential neighborhoods of Santa Fe: 1845561

Signature	*Printed Name*	*Address*
Amarante Chavez	Amarante Chavez	119 Placita de Oro, SF 87501
Karina Chavez	KARINA CHAVEZ	119 PLACITA de ORO SF 87501
Nikki Harnish	NIKKI HARNISH	104 PLACITA DE ORO SF 87501
Lois C Herrmann	Lois C. Herrmann	530 Calle Corvo SF 87501
Irene von Horvath	IRENE VON HORVATH	350 E Alameda (602) SF 87501
Eleanor Broh-Kahn	Eleanor Broh-Kahn	404 San Antonio
David M. Olson		1200 Cerro Gordo Rd 87501
Stefany Bunnes	Stefany Bunnes	1031 Calle de Suenos 87505
Paula M. Olson	PAULA M. OLSON	1200 Cerro Gordo, SF 87501
Lois Geary	LOIS GEARY	1930 Hopi Rd
P. van Hulsteyn		1833 Arroyo Chamiso, S.F., NM 87505
David van Hulsteyn		1833 Arroyo Chamiso, SF, NM 87501
Marilyn Adams	MARILYN ADAMS	2 Mayano Ln
Sherry Sandlin	SHERRY SANDLIN	2592 Calle Delfino, SF 87505
Hope Curtis	HOPE CURTIS	31 Piñon Jay Trail SF 87505
Donna Quastihoff	DONNA QUASTIHOFF	P.O. Box 2145, SF, NM 87504
Sy Baldwin	Sy Baldwin	121 Placita de Oro SF 87501

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Signatures for Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments -- or in other residential neighborhoods

1845561

Signature	*Printed Name*	*Address*
Sonia Rose Phillips	SONIA ROSE PHILLIPS	PO Box 22750 Santa Fe, NM 87502
Florence Pine	FLORENCE PINE	806 DON GASPAR SANTA FE, N.M. 87501
Kitty Shaath	Kitty Shaath	806 Don Gaspar Ave. Santa Fe, N.M 87501
Jan Kindel	Jan Kindel	3250 Cam. San Lucas S.F. 87505
Margaret A. Gray	MARGARET GRAY	PO BOX 359 Santa Fe NM 87504
Sonia Penny		102 Rio Vista NM 87501.
Pamela J Colton		420 Greg ave SFe NM 87501
Jeanne Miles		310 Rio Vista Place
Mrs Martinez (ob)	MRS. MARTINEZ	200 Michelle Dr. 87501
L. Brous		2709 Camino Arteseno 87505
Ann Auchutt		146 Rio Vista Pl S.F 87501

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Signatures for Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments -- or in other residential neighborhoods

1845561

Signature	Printed Name	Address
	KENNETH WHITE	184 Michelle Dr S.F 87501
Athene Freeman	ATHENE FREEMAN	4391 LAUGHING CROW S.F.
Kathryn Davis	Kathryn Davis	701 Franklin 87501
Stephen Tubbs	Stephen Tubbs	P.O. Box 9912 S.F
Deborah Allen	Deborah Allen	1209 Calle Luna
Judith Lear	Judith Lear	2714 Via Caballero del Sur S F 87501 87505
M. Costello	Michael Costello	2312 West Alameda SFNM 87501
E Shear	ED SHEAR	5111 JUNIPER DR SF
Jane Matthews	JANE MATTHEWS	109 Michelle SF 87501
Emily M Filley	Emily M Filley	145 Michelle Lane
Jeffery L. Pederson	Jeffery L. Pederson	103 Michelle Drive
Charlene Cook	Charlene Cook	6040 Griffin St. 87501
S Thornton	S THORNTON	SF NM 87507
	Maya Yu	920 Paseo Vista Santa Fe, NM 87501
Victor Rothschild	VICTOR ROTHSCHILD	1120 N. Lena Cir SF 87501
Julie Rothschild	JULIANA ROTHSCHILD	" "
Karen West	Karen West	2041 Placita de Vida SF 87505
	JANE GREGORIE	1022 Cerro Gordo SF 87501

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Signatures for Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments -- or in other residential neighborhoods

1845561

Signature	*Printed Name*	*Address*
	ANNA B. HEINIGER	710 DON FELIX 87501
	G.F. Kleinschmidt	932 Dunlap 87501
	Alex Mader	255 Camino del Olmo
	DAVID MITTLE	540 ACTO 87501
	JEROME GINSBURG	149 MICHELLE 87501
	SUSAN McMEANS	149 Michelle 87501
	Susan K Talkington	506 Evett 87501
	CHRISTINE CHALUPA	PO BOX 202 PLACITAS, NM 87043
	Glenda Jones	941 Calle Mejia #611 Santa Fe, NM 87501
	EDNA WILSON	808 Gildersleeve SF 87501
		808 Gildersleeve 87501
	EMILY RUCH	329 A Delgado St, SF, 87501
Lee Colton	123 Del Rio, Santa Fe, NM 87504	
	ANA MACARTHUR,	PO BOX 15234, Santa Fe, NM. 87506
	~~August Muth~~	
	August Muth	85 Paseo Ede Baca Santa Fe NM 87505
	LARS ANDERSON	1701 Santa Fe River Rd SFNM 87501

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Signatures for Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments -- or in other residential neighborhoods

1845561

Signature	*Printed Name*	*Address*
Quentin Nardi	Quentin Nardi	829 Dunlap St #3 Santa Fe NM
	Mike Rosenbaum	131 SPRUCE SF NM
	SASHA PERRIN	131 SPRUCE 87501
	Jason E Burstein	
	KARINA YAGER	624 Alto St 87501
	Charles Simmons	211 Sena St 87501
	Tim Strand	413 Alejandro SF 87501
	Elenore Pfirman	413 Alejandro SF 87501
	CHRISTINA P HERRERA	984-5180
	204 Alma Santa Fe NM	
	1954 San Ildefonso	SF NM 87505
	9 Red Sky Fr	SF NM 87505
	113 Michell Dr	
	711 PANORAMA LN	SF NM 87505
	157 Michell Dr	87501
	115 Canseco Santiago	SF NM 87
	CHRIS VILLANUEVA	3924 CALLE CISCO SF NM
	Tyson Reed	1019 Cam. del Rusto SF 87505

Richard Barr

Betsy Armstrong

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Signatures for Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments -- or in other residential neighborhoods

1845561

Signature	*Printed Name*	*Address*
[signature]	Stephen Soliz	803 Rio Vista S.Fe N.M. 87501
[signature]	Bruce McCormick	803 Rio Vista, Ste. NM 87501
[signature]	ANNETTE ENDAHL	100 RIO VISTA PLACE E APT #150 S F, N M. 87501-1503.
[signature]	Robert J. Knight	100 Rio Vista PL. S.F. 87501

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Signatures for Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments -- or in other residential neighborhoods

1845561

Signature	Printed Name	Address
Lynn Webb	Lynn Webb	246 Rio Vista Pl. S.F.N.M. 87501
Josephine Webb	Josephine Webb	246 Rio Vista S.F. NM 87501

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(5)

Signatures for Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments -- or in other residential neighborhoods 1845561

Signature	Printed Name	Address
R. Entezari	A. ENTEZARI	member: Nimatullahi Sufi Order 405 Greg Avenue, SF 87501
Robert F Williams	Robert F Williams	" "
Parvaneh Bakhtiar	Parvaneh Bakhtiar	" "
Mozafar Banihashemi	Mozafar Banihashemi	" "
Chara Nelson	CHARA NELSON	" "
Dante J.	DANTE Josef Raphael	" "
Alex Cowie	ALEX COWIE	" "
	REZI GHADIMI	" "
	Havva Houshmand	" "
	BEAU IVES	" "
	CHARLENE SHILDMYER	" "
Malcolm Moore	MALCOLM MOORE	" "
	Robert C Vawter	" "
M. Blanco	Merida Blanco	405 Greg Ave, SF 87501
R. Pramuqi	R. Pramuqi	" "

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Signatures for Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments -- or in other residential neighborhoods

1845561

Signature	*Printed Name*	*Address*
Erwin P Thomas	THOMAS	414 Greg

Please Return to 405 Greg Avenue, SF 87501 (phone 983-8500).

Signatures for Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments -- or in other residential neighborhoods

1845561

Signature	*Printed Name*	*Address*
	C.E. SIMPSON	196 MICHELLE DR SF
	R.N. Keys	196½ Michelle Dr. SF
	Deborah Binnion	113 Michelle Dr.
	marcia mikulak	2004 Riva Rd. SF NM
	Claudia Mcdonnell	2091 Calle Contento SF. NM 87505
	Carla Prince	264 Camino Del Olmo
	Patricia Shelton	2329 La, Casita 87501 Santa Fe, N.M. 87505
	Jessica Gottman	667 W. San Francisco
	Judith Newman	149 Alamo Drive Santa Fe NM 87501
	James R. Jurkiso	106 Michelle Dr.
	Ariel Mortensen	416 Salazar Pl SF NM 87501
	Donathan Adolph	416 Salazar Pl SF, NM 87501
	Doug Byers	220 villeros st #2 Santa Fe NM 87501
	LIZA RUMMELL	269 LOMA ENTRADA, SFE 875
	ANNA ROMERO	757 BACA St. Apt. #2 Santa Fe, NM 87501
	1844 DIANE FISH	Paige SF 87505
	LAURIE HUDSON	911½ DONIPAN

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(17)

Signatures for Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments -- or in other residential neighborhoods

1845561

Signature	Printed Name	Address
~~Charlotte Beardsley~~	CHARLOTTE BEARDSLY	#240
Sue Land	Sue Land	#141
	JESSE HERNANDEZ	207
Leigh Snead	Leigh Snead	210
Carter Snead	Carter Snead	210
		#114B
Alice Jackson	Alice Jackson	#220
		#116
		#114
Ice B. Schultz	ICE B. SCHULTZ	#252
Carl Szpakowski	Carl Szpakowski	#229
		#105
Lynzie Hall	LYNZIE HALL	250
Mona Hettich	MONA HETTICH	218

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Signatures for Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments -- or in other residential neighborhoods

Signature	Printed Name	Address	1845561
Shelli Brunko	Shelli Brunko	706 A Old Pecos Trail SF	
Sheila Trujillo	Sheila Trujillo	117A Rodriguez	
Jay Thibeault	Jay Thibeault	233 Lorenzo St. SF	
Pamela A Davis	PAMELA A DAVIS	P.O. BOX 32420 SANTA FE, NM 875	
Nancy Owens	Nancy Owens	231 Johnson #9	Santa Fe, NM 8750
Judy Frankel	JUDY FRANKEL	PO BOX 5856	SFe 8750
S. Assael	S. Assael	620 Alto St	SF 8750
Katherine L. Dodge	Katherine L. Dodge	400 Correz Pl.	S.F. 8750
Christine Yerkey	Christine Yerkey	932 Dunlap	Santa Fe
Dan Magalis	Dan Magalis	546 Franklin	Santa Fe 87501 8750
Margit Good	MARGIT GOOD	1302 LEJANO LN	SFE 8750
Elliot Steinberg	Elliot Steinberg	P.O Box 804	Tesuque
Eric Margeff	ERIC Margeff	102 Calle Largo	S.F. 87574 87501
Thomas Taylor	Thomas N. Taylor	1113 W. Plata Cr. SF	87501
Phyllis Gonzales	PHYLLIS NADINE GONZALES	3924 Calle Cisco SFe NM	87501
David T. Steele	David T. Steele	155-U Calle Ojo Feliz SF	87505
Judith L Francisco	JUDITH L FRANCISCO	508 Kathryn St Santa Fe	87501
Kathleen Knoth	KATHLEEN KNOTH	PO Box 681 Rancho de Taos	87557

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(2

SNAP!

1845561

Stop Neighborhood Antenna Proliferation!

Petition to Keep Residential Neighborhoods Microwave- Antenna Free

* ***Save our residential neighborhoods -- for residential use! Telecommnications Industry towers and microwave transmitter antennas violate City of Santa Fe Residential Zoning Codes and require "special exceptions". No special exceptions for special interests!***

* ***Microwave antenna intrusion is lowering residential property values across the nation -- homeowners should not be stuck with the hidden costs of telecommunications industry expansion!***

Microwave Antennas do not belong on the roofs of our homes and Towers do not belong in our yards!

Signed	*Printed Name*	*Address*
[signature]	ALI PERRIN	160 S BEN HUR DR SFNM 87501
[signature]	MATTHEW MARTIN	304 CALLE NO SFE 87501

Please Return to SNAP!, 405 Greg Ave., SF 87501 (phone: 983-8500)

Signatures for Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments -- or in other residential neighborhoods

1845561

Signature	Printed Name	Address
	Don Noorda	2941 Bellamah Dr Santa Fe NM -
	Tammy Rushton	1055 Cloisson St 231 NM
	Britta Carlson	1227 San Jose Ave. Santa Fe NM
	JULIE GIL	1227 SAN JOSE AVE SANTA FE, NM 87505
	JODI FUCHS	701 airport RD SF NM 87505
	HEDI HOUSKA	914 LOPEZ ST SF NM 87501
	Brian Samick	914 Lopez St. SF NM 87501
	Nancy Hamburger	1807 Arroyo Chamiso SF 87504
	Helen Pollock	Helen Pollock PO Box 656 Tesuque NM 87574
	STUART Engel	1004 Calle Don Roberto SF NM 87501
	Kim Martin-Engel	Kim Martin-Engel 1004 Calle Don Roberto SF 87501
	John Fousdale	68 Apache plume drive SF 87508

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(7)

SNAP!

Stop Neighborhood Antenna Proliferation! 1845561

Petition to Keep Residential Neighborhoods Microwave- Antenna Free

* ***Save our residential neighborhoods -- for residential use! Telecommnications Industry towers and microwave transmitter antennas violate City of Santa Fe Residential Zoning Codes and require "special exceptions". No special exceptions for special interests!***

* ***Microwave antenna intrusion is lowering residential property values across the nation -- homeowners should not be stuck with the hidden costs of telecommunications industry expansion!***

Microwave Antennas do not belong on the roofs of our homes and Towers do not belong in our yards!

Signed	*Printed Name*	*Address*
Jean Berinati	JEAN BERINATI	206 DE FOURI ST.
Stan Jamison	STAN JAMISON	605 BACA STREET
Barbara Fix	Barbara Fix	610 Alicia SF 87501
Allison Dellinger	ALLISON DELLINGER	827 Fayette 87501
Bob Sarr	Bob SARR	#4 LA TUSA ST. 87505
Lois Snyderman	LOIS SNYDERMAN	912 LOS LOVATOS
Laura E Wilson	LAURA E WILSON	1107 DON CUPERO 87501

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(6)

SNAP!

1845561

Stop Neighborhood Antenna Proliferation!

Petition to Keep Residential Neighborhoods Microwave- Antenna Free

* ***Save our residential neighborhoods -- for residential use! Telecommnications Industry towers and microwave transmitter antennas violate City of Santa Fe Residential Zoning Codes and require "special exceptions". No special exceptions for special interests!***

* ***Microwave antenna intrusion is lowering residential property values across the nation -- homeowners should not be stuck with the hidden costs of telecommunications industry expansion!***

Microwave Antennas do not belong on the roofs of our homes and Towers do not belong in our yards!

Signed	***Printed Name***	***Address***
[illegible]	Jay Sessions	216 Sombrio Dr.
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	Thornton Chamberlain	425 Calle [illegible]
[illegible]	Bill Galler	[illegible]
[illegible]	Michael Mandell	3031 Calle Caballero, S.F., NM 8750
[illegible]	JAMES REID	1221 Lujan St. SFNM
[illegible]	Priscilla Logan	3031 Calle Caballero SF 87505

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(4)

SNAP!

Stop Neighborhood Antenna Proliferation!

1845561

Petition to Keep Residential Neighborhoods Microwave- Antenna Free

* ***Federal Safety Guidelines for public radiation exposure from microwave transmitter antennas lack enforcement. Can we trust the Telecommunications Industry to police itself?***

* ***We want to keep our neighborhoods residential. Industry towers and antennas violate the City of Santa Fe Residential Zoning Code and require "special exceptions".. No special exceptions for special interests!***

* ***Antenna intrusion is lowering residential property values across the nation -- and ruining the beauty of Santa Fe's landscape and vistas!***

Microwave Antennas do not belong on the roofs of our homes and Towers do not belong in our yards!

Signed	***Printed Name***	***Address***
Charles Tschever	Charles Tschever	100 Rio Vista Pl. #315
W Hordijk	Wim Hordijk	100 Rio Vista Pl. #318
Stephanie Ibarson	Stephanie Ibarson	Box 10135 Santa Fe 87501
Charla A Phipps	Charla Phipps	820 Camino de las Trampas
Mary Claire Phipps	Mary Claire Phipps	820 Camino de las Trampas 87501
Teresa Franco	Teresa Franco	3101 old Pecos Tr. Santa Fe
Mark Rio Chilcott	Mark Rio Chilcott	100 Rio Vista Pl. #304
Gary Hamm	Gary Hamm	2 Calle Place Site 87507
Peggy Bonner	Peggy Bonner	1810 Calle de Sebastia #0-2

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(10)

SNAP!

Stop Neighborhood Antenna Proliferation!

1845561

Petition to Keep Homes and Schools Microwave- Antenna Free

Save our residential neighborhoods -- from industrial use! Telecommnications Industry towers and microwave transmitter antennas violate City of Santa Fe Residential Zoning Codes and require "special exceptions". No special exceptions for special interests!

Microwave Antennas do not belong on the roofs of our homes and schools and Towers do not belong in our yards!

Signed	*Printed Name*	*Address*
Fabriel Pittman	Fabriel Pittman	924 Rio Vista S.F. NM 87501
Miles Cleaver	Miles Cleaver	1347 Canyon Rd SF, NM 87501
Lydia Mueller	Lydia Mueller	PO Box 9433, Santa Fe, NM 87504
Michael Hepp	Michael Hepp	1603 Jay St. SF NM 87502
Dana Shenk	Dana Shenk	1603 Jay SF NM 87501
Derek Henry		#4 224 Artist Rd SF 87507
Jane Joy Cox		2442 Camellos Rd Ste 284 SF 87501
Pat Pena		2442 Camellos Rd Ste 284 SF 87501
James R. Martin	James R. Martin	PO Box 9038 SF NM 87504
~~Judith Gibbs~~	~~REZ 6 HHTA Hgt~~	~~BOX 4417 SF 87504~~

Please Return to SNAP!, 405 Greg Ave., SF 87501 (phone: 983-8500)

(12)

Save Our Sweet Air --
Stop the Microwaving of Santa Fe!

1845561

We oppose any new microwave towers and antenna installations in Santa Fe City and County because:

**** There are already transmissions in the area whose effects are not measured or understood. What will more transmissions do to us?***

**** Research on long term exposure to microwaves links them to heart attack, birth defects, brain damage, and more.***

**** We favor a citizen's task force:***

- ***-- to monitor radiation from existing antennas***
- ***-- to find out plans for future growth of microwave technology in the City and County.***
- ***-- to make recommendations that give citizens a choice!***

Signature	***Printed Name***	***Address***
	Barbara Fix	(c/o Alice) SF 87501
	Lisette Muller	81 Camino Cerro Rojo SF NM 87505
	Laura Liverman	PO Box 6718 SF 87502.
	M.C. Dimondi	Box 16048 SFe 87506
	Cally McMahon	POBox 22793 SF 87502
	SUSAN HIGGINS	POBOX 15242 SF NM 87506
	Michele Silver	52 Vereda Serena SF 87505
	LISA CAT	121½ Huddleson, SF
	Beth Viereck	121 Cristobal Jose SF
	SHELLEY COBAU	20 STAR VISTA, SF
	Hadassah Haskale	POB 9427 Santa Fe, NM 87501
	KAREN BRINT	PO Box 140 TESUQUE 87574

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Save Our Sweet Air --
Stop the Microwaving of Santa Fe!

1845561

We oppose any new microwave towers and antenna installations in Santa Fe City and County because:

**** There are already transmissions in the area whose effects are not measured or understood. What will more transmissions do to us?***

**** Research on long term exposure to microwaves links them to heart attack, birth defects, brain damage, and more.***

**** We favor a citizen's task force:***

- ***-- to monitor radiation from existing antennas***
- ***-- to find out plans for future growth of microwave technology in the City and County.***
- ***-- to make recommendations that give citizens a choice!***

Signature	***Printed Name***	***Address***
	Zak Grieger	1231 San Felipe Ave 87505
	Mary C. McGinn	2600 W. San Mateo #H14 87505
	DERK LOEKS	130 W. CORONADO SF 8750
	Betty Spurlock	918 D Acequia Madre SF 87501
	Diane Shenk	1603 Juan St SF 87501
	Althea Rewstle	Box 251 Cerrillos
	Deborra Y. Berlin	Deborra Berlin PO Box 184 Tesuque
	David Kay	Po Box 184 Tesuque NM 87574
	Ross Lockridge	po Box 22 Cerrillos NM 87010
	SUSAN Hicks	101 MESA VISTA 87501
	Denys Cope	4524 Calle Turquesa SFE, NM 87505
	Cary Arden	18 Stacy Rd Santa Fe NM 87505

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(4)

Save Our Sweet Air --
Stop the Microwaving of Santa Fe!

1845561

We oppose any new microwave towers and antenna installations in Santa Fe City and County because:

** There are already transmissions in the area whose effects are not measured or understood. What will more transmissions do to us?*

** Research on long term exposure to microwaves links them to heart attack, birth defects, brain damage, and more.*

** We favor a citizen's task force:*

-- to monitor radiation from existing antennas

-- to find out plans for future growth of microwave technology in the City and County.

-- to make recommendations that give citizens a choice!

Signature	***Printed Name***	***Address***
[signature]	VARDA BRAHMS	658 Alta Vista St. Santa Fe 87505
DAVID WOODWARD		141 CALLE DON JOSE
[signature]	Diane Fesserden	86 Quartz Trail SF 87505
Janet Regan	Janet Regan	2125 Paseo Primero SF 87501

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(11)

Signatures for Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments -- or in other residential neighborhoods

1845561

Signature	*Printed Name*	*Address*
[illegible]	SUZANNE GEETZ	100 RIO VISTA #107
[illegible]	PARRISH STAPLES	#320
[illegible]	MARTINEZ Cindy DIAZ	#148
[illegible]	RONALD CRESPIN	#101
Catherine Penny	CATHERINE S PENNY	#102
Alice J. Turner	ALICE TURNER	#103
[illegible]	PAUL GUTIERREZ	#204
Bobby Fernandez	BOBBY FERNANDEZ	100 Rio Vista Place, #2
Prissi Guider	PRISSI GUIDER	#201
[illegible]	Raul Martinez	#149
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	STEVE LOPEZ	100 Rio Vista #104
[illegible]	[illegible]	[illegible]
Lisa K Marone	Lisa K. Marone	#322
[illegible]	[illegible]	#249
[illegible]	[illegible]	#106
[illegible]	[illegible]	#107

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Signatures for Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments -- or in other residential neighborhoods

1845561

Signature	*Printed Name*	*Address*
[illegible]	Audrey Duffield	#108
[illegible]	[illegible]	# 110
[illegible]	RAYMOND W. DAVENPORT	# 111
[illegible]	M R RUSSELL	# 212
[illegible]	CHRIS BRINK	# 206
[illegible]	[illegible]	[illegible]
[illegible]	JOE SHOCK	# 205
[illegible]	Evelyn Young	# 115
[illegible]	[illegible]	# 113
[illegible]	David Parrish	# 216
[illegible]	FILMON STRUBLE	# 202
[illegible]	[illegible]	# 208
[illegible]	AARON NEWMAN	# 119
[illegible]	[illegible]	# 217
[illegible]	[illegible]	# 321

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Signatures for Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments -- or in other residential neighborhoods

1845561

Signature	*Printed Name*	*Address*
Jerre Davidson	#143	Rio Vista Place
Randolph Main	RANDOLPH MAIN	243 Rio Vista Place
Robert Miles	ROBERT MILES	310 Rio Vista Place

Please Return to 405 Greg Avenue, SF 87501 (phone 983-8500).

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Signatories to Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments

1845561

Date	Signature	Printed Name	Address & Phone
4/19/00	[signature]	Brenda Fantel	1023 Baca St 87505
4/19/2000	[signature]	Dana Piazza	865 Don Diego 87501
4.19.00	[signature]	VICTORIA RAUE	1022 CALISTEO ST 87501
4/19/00	[signature]	Clinton Hughes	409 Circle Dr 87501
4-19-00	[signature]	Jo HUGHES	P.O. Box 9266 986-1647
4-19-00	[signature]	ALEX PADILLA	751 Acequia Madre 984-8201
4-19-00	[signature]	MARY LOU PADILLA	751 Acequia Madre 984-8201
4-19-00	[signature]	KIM STRAUS	223 N. Guadalupe 989-5336
4-20-00	[signature]	Katherine Hanscom	983-4641 663 Washington-#53 (87501)
4.20.00	[signature]	Campbell Martin	612 Griffin St. 992.1467
4/20/00	[signature]	S. MARK BARHAM	
4/20/00	[signature]	Lane Church	125 W. Booth St. #27 67 Via Vendc Apt. #1 Santa Fe, NM 87501 424-1223
4-22-00	[signature]	PEGGY VICTORY	425 W. GRANT SANTA FE, NM 87501
4-22-00	[signature]	SUSAN SALES	1413 SECOND ST. #1 SANTA FE, NM 87505

Signatories to Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments

1845561

Date	*Signature*	*Printed Name*	*Address & Phone*
4/8/2000	Richard Dixon	Richard Dixon	137 Eleven S.E. 505-[illegible]
4/8/2000	Martha Sharp	Martha Sharp	1-505-988-1193
4/8/2000	Doreen Sutherland	Doreen Sutherland	505-466-1965

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Signatories to Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments

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Date	Signature	Printed Name	Address & Phone
4-8-00	[illegible]	SANDRA DAVIS	1896 LORRA DR. SF 455-7120
4/8/00	[illegible]	SIDNEY STOPER	201 Anita Place / 820-4249
4/8/00	[illegible]	JOSEPH GONZALE	901 LORENZO ST
4/11/00	[illegible]	Julian Gonzales	901 Lorenzo ST SF N.M.
4/11/00	[illegible]	Julian Gonzales	901 Lorenzo St. SF NM
4/11/00	[illegible]	1817 Cerro Colorado	SF 87501
4/11/00	[illegible]	David Miranda	524 Franklin Ave. 87501
4/11/00	[illegible]	Mindy McGovern	58 Vallecito Rd. SF, NM 87501
4/11/00	[illegible]	ROBERT FRANCIS	610-D PASEO DE LA CUMA SF, NM 87501 982-7570
4/11/00	[illegible]	Jose R Garcia	1809 Cm. La Cumbre SF NM 87501
4/11/00	[illegible]	Melinda Hamilton	223 N. GUADALUPE #428
4/11/00	[illegible]	Mari Hahn	SF NM 87501 & 2054 Placita de Paz SF NM 873
4/11/00	[illegible]	PHILIP WEITZMAN	517½ STAMM ST SF NM 87501
4/11/00	[illegible]	INEZ ZECLER	1E MONTOYA CIRCLE, SF, N.M. 87
4/11/2000	[illegible]	LESLIE Cook	10 Cerrado Rd. SFNM 8750

Signatories to Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments

Date	*Signature*	*Printed Name*	*Address & Phone*
			184556:
2/22/00		Tasso von Ferra	417 Greg Av. Santa Fe 87501
			100 Rio Vista Place SF, NM 87501 #103
		Murray Wilinsky	410 Greg Ave. 984-8385
		Ruth Thorny	414 Greg
		Ralph Mayes	104 Michelle Dr.
		Barb Jaruselski	#209 Rio Vista Pl. 988-2073
		Sara Gay	89 Rio Vista Pl 986-0296
		Barbara Chu	95 Rio Vista Pl 988-2494

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Date	*Signature*	*Printed Name*	*Address & Phone*

1845561

2/22/00 Maggie Lieuwen 407 Hey Ave

Signatories to Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments

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Date	Signature	Printed Name	Address & Phone
3/13/2000	R L Petty	R.L. Petty	100 Rio Vista Pl. #239 984-8053
03/13/00	Scarlett Green	Scarlett Green	100 Rio Vista Pl. #235 986-9126
3/13/00	[illegible]	[illegible]	[illegible]
03.13.00	Karen Eipel	KAREN EIPEL	100 Rio Vista Pl. Apt 219 SFNM 87501
7393			
3/13/00	[illegible]	[illegible]	[illegible]
3/13/00	[illegible]	[illegible]	[illegible]
3/13/00	[illegible]	DANIEL J. TAYLOR	100 Rio Vista Pl. #237 982-3247
3/13/00	Anna Zamora	ANNA RAMORA	100 Rio Vista Pl #224 988-1609
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	LOUISE BOLEN	100 RIO VISTA PL #236 983-1952
[illegible]	Karl Byrd	Karl Byrd	100 Rio Vista Pl. Lt 233 982-6173
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
3-18-00	Bette Tarrant	Bette TARRANT	100 Rio Vista Pl #138
3-18-00	Bethyla	Bethyla	100 Rio Vista Pl. #137 984-4529
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
3-19-00	[illegible]	[illegible]	37 Stone St, SF NM 87501 983-4245

Signatories to Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments

1845561

Date	Signature	Printed Name	Address & Phone
03-12-00		Jonathan Fesperman	100 Rio Vista Place #308 Santa Fe NM 87501
03/12		STAN THOMPSON	#307 100 RIO VISTA PL S.F.
03/12		Tom + Mary Marcus	#315
3/12/00		Charles Tichenor	#318
3/12/00		Dick LaVie	authorized signatures #319
3/12/00		Donna LaVie	
3/12/00		Wayne Lee	(authorized signature) #316
3/13/00		Jerry W. Fultz	- authorized signature #305
3/16/00		Nona Seigel	#311
3/16/00		Laura Miller	

Signatories to Petition Against the Instaliation of U.S. West Wireless Antennas on the Casa Loma Apartments

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Date	*Signature*	*Printed Name*	*Address & Phone*
3-21-00	Kenneth Martinez	Kenneth MARTINEZ	100 Rio Vista Pl. 984-2328
3-21-00	[illegible]	Lawrence Goodhue	100 Rio Vista PL 984-0054

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Signatories to Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments

1845561

Date	Signature	Printed Name	Address & Phone
March 26	marilyn Kutina	MARILYN KUTNER	100 Rio Vista PL #316
			100 Rio Vista PL #151
3.29.00		DAVID S. BRENES	301 N. GUADALUPE ST.
3-29-00	Efren Herrera	Efren Herrera	301 N. Guadalupe St.
3-29-00	Joe J Herrera		110 Spruce St Santa Fe NM 87501
3-29-00	Chris Garcia		
3-29-00			4 Red Hills Lane
3-29-00	Ann T. Parks	Ann Parks	2550 Ave. de Isidro Santa Fe, NM-87505
3-29-00	Susan Tyrrell		428 Santa Maria.
3-29-00	Margaret Pettengill	M. Pettengill	100 Mateo Circle 820-753
3-29-00	Cheryl Odom	Cheryl Odom	1152 Vuelta de las Acequias 424-144
3-29-00	Jo Fisher	Jo Fisher	157 Calle Cerrillos 87505 983-9364
3.29.00	Elizabeth Drussel	Elizabeth Drussel	405 Columbia 988-2744
3.29.00		Nathan Fodor	115C camino San acacio 982-7315
3.29.00	EVA GRANT	717 BACA ST	SF NM 87501 953-97

Signatories to Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments

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Date	Signature	Printed Name	Address & Phone
3/13/2000	Faith Garfield	Faith Garfield	128 Alamo Dr.
3-13-00	Michael J Gold	MICHAEL J. GOLD	126 PINE ST.
3/13/00	Sheila Gershen	Sheila Gershen	121 Placita de Dr
3/12/00	Aimee Dukeminier	Aimee Dukeminier	147 Alamo Dr
3/13/00	Molly Mehaffy	MOLLY MEHAFFY	918 RIO VISTA ST.
5/15/00	Dolores Vigil	Dolores Vigil	122 Cam. de las Crucitas
5/15/00	Michael Dukeminier	MICHAEL DUKEMINIER	147 ALAMO DR.

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Signatories to Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments

1845561

Date	Signature	Printed Name	Address & Phone
4/26/00		Roy Evans	1550 ~~Acacia~~ Acacia Portola CA 94128
4/26/00		Mary Rush	3101 Old Pecos Trail
4/26/00	Marla Thompson	Marla Thompson	2101 Old Arroyo Chamiso SF
4/26/00		Jody DeCaussin	99 Camino DeCouesin Caresso SF 986-2200
	John M. Good	John M. Good	2500 Sawmill Rd #822 983 2643

Signatories to Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments

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Date	*Signature*	*Printed Name*	*Address & Phone*
13MAR00	J T McElroy	JTMcElroy	100 Rio Vista Pl #130; 87501
13-MAR-00	FREIDA TIGHE	Freida Tighe	#228
13 March 13	Lisa Griego	Lisa Griego	#122
03-13-00	Daniel J. Bell	Daniel J. Bell	100 Rio Vista #133
03-13-00	Larry J. Dean	Larry J. Dean	100 Rio Vista # 134
7 March 13	Dorothy Lucero	Dorothy Lucero	100 Rio Vista #129
March 13	Lucille M. Percy	Lucille M. Percy	100 Rio Vista Pl. #231
March 13	Evelyn + Tate Hace		100 Rio Vista Pl #234
March 14	Katherine E. Saul	Katherine E. Saul	#135 Rio Vista Place
March 14	Lisa Archuleta	LISA ARCHULETA	#146 Rio Vista Pl.

Signatories to Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments

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Date	Signature	Printed Name	Address & Phone
03/30/00	[signature]	John L. Brown	3a A Peseo COPAL
3/31/00	[signature]	KEITH J. MATTON	223 N. GUADALUPE #162
3/31/00	[signature]	Christine Johansson	Po Box 22641, SF
3/31/00	[signature]	Gene Lujan	808 W. Manhattan, SF 87501
3/31/00	[signature]	ANDY JORDAN	48 Don Jose Loop 87505
3/31/00	[signature]	Larry E Carter	Larry E Carter 48 Don Jose Loop 87505
4-1-00	[signature]	FRANK ETTENBERG	2001 FORT UNION DR SANTA FE 87501
4-1-00	[signature]	Sandra Thomas	2425 Camino del SF 87501 Ofc
4-1-00	[signature]	JOHN H. RUBEL	24 Paseo Encantado SF
4-1-00	[signature]	MARK BENNETT	1435 SANTA CRUZ DR. SANTA FE NM
4-1-00	[signature]	JOHN COOK	1238 Madrid Rd. SF 87501
4/3/00	[signature]	MICHAEL RIVERA	[illegible] DE PERALTA SF, NM 87501
4/3/00	[signature]	GABRIEL BUSTAMANTE	3101 OLD PECOS TR #645 SF 87505
4/3/00	[signature]	SHEILA MARTINEZ	1231 St. Francis Dr Suite C
4/4/00	[signature]	Janel Abeyta	100 Rio Vista Place Apt 1143 SF NM 87501
4/4/00	[signature]	LINDA N. LUJAN	4405 Calle Tunque SF NM 87505
4/4/00	[signature]	Renee Haslett	25a Jaumin Rd Apt #12 Santa Fe NM 87505
4-4-00	[signature]	Jacob Yeider	607 E. Palace (505) 988
4-4-00	[signature]	Ricky Martinez	S.F. N.M 87501 382
4-4-00	[signature]	Linda Ponsen	2463 Alamo LN 875
4-4-00	[signature]	Helen Oates	RR 5 Box 14 PM 875 Espanola NM 875 900 Calle Vistoso SF, NM 87501

Signatories to Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments

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Date	Signature	Printed Name	Address & Phone
03/28/00		Suzanne Fuqua	476 Arroyo Tenorio 983-7383
3/29/00		Andrea Stubblefield	505 DeGaspar 988-3702 SF, NM
3/29		Dyanne Auer 505.992.0503	1312 Lejano Ln S.F. NM
3/29		Karla Smith	223 n guadalupe #44 Santa Fe, NM 87501 988-9586
3/29			427 W. 505 Water 984-1193
3/29		Cecilia A Wright	63 Maya Road 505-466-3054
3/29		MACKENZY MILLS	3196 Ave San Marcos SF, NM 87505 984
3/29		Madelyn J. Gutierrez	2374 Camino Capital #19 Santa Fe 87505

Joanne a Browne 2104 Lorca Ct Santa Fe, NM 87505

Karen E Browne 2104 Lorca Ct. Santa Fe 87505

323 Villeros St SF NM 87501
JIMMY CHIOCCHI

3.30.00 Ron Romanovsky 317 Stapa St. SF NM 87501

3-30-00 Charlotte Cde Baca 74A Cerrodel Alamo

3/30/2000 Nancy Hunter P.O. Box 1203, S.F. 875

3/30/2000 [illegible] St. SF 87501

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Signatories to Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments

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Date	Signature	Printed Name	Address & Phone
3/30		Sammye K Beron	1006 Calle Largo 9898813
3/30		Linda Johnson	11 E Wildflower Dr. 988-5965
3/30		Tim Hussey	400 Market St., Santa Fe 87501
3/30		Jennifer Niceley	22 Calle Nopalitos, Santa Fe 87501
~~3/30~~		~~ADAM KING~~	~~PO BOX 941 CHIMAYO NM 87522~~
3/30		Andi Hubble	1201 Maez Rd Santa Fe, NM 87505
3/30		MARGARET NIX	2753 HERRADURA, SF
3/30		Roberta Turner	Roberta Turner 1460 Seville Rd SF
			SF
3/31		JAMES BINSTOCK	1705½ ATUA FRIA 87501
3/31		KATIE CROSS	218 miramonte Santa Fe, 87501
3/31		Kathleen Winke,	26 Apache Creek Rd, SF, NM 8750
3/31			941 Calle mejia #802, S.F. NM 87505
3/31			1871 FOREST CIRCLE SF NM 87505
3/31			405 Columbia St. SF NM 87501
3/31			[illegible]
3/31		Rich Pearson	1829 Cerrillos Rd 87505
3/31			325 Paseo Nopal SF, NM 87501

Signatories to Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments

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Date	Signature	Printed Name	Address & Phone
4/4/00	JC Salt	James Salvato	2542 Camino San Patricio Santa Fe 87501
4/4/00	M E Maraia		312 W Houghton St S.F.
4/4/00	Sajad Schem		605 Abeyta st Santa Fe NM 87501 98253
4/4/00	Mark Schem		605 Abeyta ST. Santa Fe NM 87501
4/4/2K	ROGER WILBUR	DON GASPAR	SANTAFE 983-788
4/4/00	Barbara Benzaquen	BarbaraBENZAQUEN	1362 Don Gaspar 983-78
4-4-00	Madelene Maraia		312 W Houghton St. 982-113
4/4/00	JAYSON GARCIA		717 KATHRYN ST SANTA FE NM, 87501 (505) 982-1631
4/4/00			717 Kathryn st. Santa Fe NM 87501 982-1631
4/4/00	Juan A. Hurtado		335 1/2 EST. BUENA VISTA, SF
			112 Camino Escondido S.F.
4.5.00	Raymond Holloway	ROGER HATHAWAY	810 CAM. COCOBRA 87505
4/5/00		James Lyden	615 GRIFFIN ST 87501
4/5/00	Robert Kirk	Robert Kirk	1283 Calle de la Mirada 87505
4/5/00	Gail Spurg		2221 Calle Cacique 87505
4/5/00	Shanna Dunn		2892 Calle de Pinos Altos, Santa Fe, NM 875
4/5/00	Kate McCrimmon		1600 St. Michaels Dr. #439, Santa Fe, NM 87505

Signatories to Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments

1845561

Date	Signature	Printed Name	Address & Phone
4/5/00	[signature]	Hamilton Dorman	1113 S. Plata 87501 982 7940
4/5/00	[signature]	Jason Klemmer	Rte 8 331-3 473-7555
4/5/00	[signature]	[illegible]	924 Hawthorne [illegible]
4/5/00	Cindy Cushman	Cindy Cushman	4 Sabrosa Ct. Santa Fe 87505 466-0115
4/5/00	[signature]	Hideko Amasaki	466-9930
4/5/00	Kathy Murphy	KATHY MURPHY	424-9251
4/5/00	[signature]	Peter Drake	954-9229
4/5/00	[signature]	Kim Nevarez	424-9931
4/5/00	[signature]	Michael Hymock	470 2284 (cell)
4/5/00	[signature]	David Carter	995-0710
4/5/00	TED File	Ted File	995 0710
4/5/00	GREGGY HARRIS / WEGGY	→ CALIENTE PLACE →	466-3733
4/5/2000	JOHN TRAYNOR / MAXIMINA R. TRAYNOR	→ PUEBLO ENCANTADO	(505) 982-3537-X 209
4/5/00	[signature]	[illegible]	984-5121
4/5/00	[signature]	[illegible] -	146 Camino Encantado 983-5579
4/5/00	[signature]	[illegible]	551 Old [illegible]

(6)

Signatories to Petition Against the Installation of U.S. West Wireless Antennas on the Casa Loma Apartments

1845561

Date	*Signature*	*Printed Name*	*Address & Phone*
4/7/00	[illegible]	MK Hall	644 Paseo de Peralta 98335
		ELISABETH SHERIF	2300 W. ALAMEDA 87501
		M. M. Redmond	Sage Acacia 87501
4-6-00	Diane [illegible]	Diane McEvilly	232 Anita Pl. SF NM 87501
4/6-00	[illegible]	[illegible]	35 Calle Enrique · No. Fe NM 87501
4/6-00	Roxanne Sherif		2300 W. Alameda 87501

SEE EXHIBIT

7 AND 8

IN AGENDA

PACKET