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BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

REGULAR MEETING

DECEMBER 14, 1999

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

SANTA FE COUNTY

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REGULAR MEETING

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December 14, 1999

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 5:00 p.m. by Chairman Joe S. Griñé, Jr., 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:

Commissioner Joe S. Griñé, Jr., Chairman
Commissioner Richard Anaya
Commissioner Paul Duran, Chairman
Commissioner Marcos Trujillo

Members Absent:

Commissioner Javier Gonzales

V. APPROVAL OF THE AGENDA

A. Amendments

B. Tabled or withdrawn items

SAMUEL MONTOYA (County Manager): Mr. Chairman, there are a few amendments on page two, under VIII. D. We have under Matters from the Commission, a resolution expressing support for federal legislation to fund restoration of the Santa Fe River. And then under item VIII, E. 1.d. Under Executive session issues under the County Attorney, we've added limited personnel matters. Those are the only two amendments, Mr. Chairman.

CHAIRMAN GRINÉ: Thank you, Sam.

COMMISSIONER DURAN: Mr. Chairman, I'd like to request the Mayor and Patti Bushee are here today to address the Commission before we go into executive session. So I'd like to make an amendment that we allow them some time to discuss this with us. We are having a conference call with Commissioner Gonzales at 5:15 so we don't have a lot of time. I was wondering if we could bring them forward after the approval of

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the minutes.

CHAIRMAN GRINÉ: That's fine. Do I have a second for that amendment?

COMMISSIONER ANAYA: I'll second that, Mr. Chairman.

CHAIRMAN GRINÉ: Also, I'll need an amendment too that we go to executive session immediately following the presentation by the Mayor and maybe even Councilor Bushee.

COMMISSIONER TRUJILLO: So moved, Mr. Chairman.

CHAIRMAN GRINÉ: I've got a motion by Commissioner Trujillo. Do I have a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN GRINÉ: I got a second, so all those in favor, signify by saying "aye." [Unanimous 3-0] The ayes have it.

We don't have any tabled or withdrawn items, Sam?

MR. MONTOYA: No, Mr. Chairman.

CHAIRMAN GRINÉ: Okay. Thank you.

VI. APPROVAL OF THE MINUTES: November 30, 1999

Commissioner Anaya moved to approve the minutes of the November 30, 1999 meeting as submitted. Commissioner Duran seconded and the motion passed by unanimous voice vote.

December 3, 1999

Commissioner Anaya moved approval of the December 3, 1999 minutes and Commissioner Trujillo seconded. The motion passed by unanimous voice vote.

CHAIRMAN GRINÉ: So we move on immediately to Mayor Delgado.

LARRY DELGADO: First of all, I'd like to thank you, Mr. Chairman, and members of the Commission for allowing us this time to come and speak to you. What I'm here about actually, as you know, tomorrow evening, the City Council will be having a public hearing and we've had a series of public hearings in regard to the purchase of the old St. Vincents property on Palace and Peralta. What I'm here to do is to invite the County. There's been a lot of talk around the city of Santa Fe and in the county, are the City and the County going to come together on this venture?

I'm here to ask you to become part of this. I know this is an opportunity that I've got to say only comes up once in a lifetime, because just on the location of the land alone tells you that. And I think we have an opportune situation in front of us as far as the City and the County are concerned to purchase this property. I'm saying to you tonight that I

know that both the City and the County are in need of space and need of area for improving County and City government and this location alone tells me it's an opportune place to be able to do this.

I think it's come to a time where we've just got to put the nay-sayers behind us, the people that keep continually saying that the City and the County can't work together. I think we've got to put that behind us and we've got to move forward and this could be a signal to send the people of the County and the people of the City of Santa Fe to show them that the City and the County can work together and also solve some of the need that we have in both areas.

Again, I say to you, I invite you to become part of this. I invite you to attend the meeting tomorrow evening, the public hearing on this subject. I look forward to working with you in this area and I know there's people that feel that this can't happen but I know that it can happen and I know that we can work together. And I know that we've spoken about regional planning and I see this as one of the launching areas to move us forward and to show the public that the City and the County can work together. I know you have a very busy schedule. That's about all the time I need and I just wanted again to encourage you to start this dialogue between the City and the County and hoping that this is something that I know both the people who live in the county and the people who live in the city can benefit from. I thank you for your time.

CHAIRMAN GRINÉ: Thank you, Mayor. And we look forward to working that partnership and relationship too.

MAYOR DELGADO: Thank you, Mr. Chairman.

COMMISSIONER TRUJILLO: Mr. Chairman, where's the meeting going to be at tomorrow?

MAYOR DELGADO: It's at the City Council Chambers, Commissioner Trujillo. City Council Chambers, we invite you to come down and be part of this dialogue. It's important. Councilor Bushee is here with me and maybe she would like to say a few words. Councilor?

COMMISSIONER ANAYA: Mr. Chairman, Mayor, one of the visions that we've had for this property is the judicial complex and perhaps housing not only the district courts but the magistrate court potential there. Perhaps even the municipal courts under one roof. My vision of it also would be administration effort of the Sheriff's Department involved as a protection measure of the overall picture. I'm wondering if you the Mayor and the City Councilors perhaps would consider that type of venture and move forward with it.

MAYOR DELGADO: Well, I'll tell you Commissioner Anaya, I know my feeling is that I think the first thing we really need to do is really make sure we get possession of it, and I think then, what you're speaking to and other ideas that people have will be discussed. And I'm sure that both parties are going to be open to all kinds of suggestions in this area.

COMMISSIONER ANAYA: That's one consideration we're leaning towards.

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It's a good effort for the community.

MAYOR DELGADO: Well, I really believe that's true, Commissioner, because I see it's a win-win situation for both entities, County and City.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN GRINÉ: Councilor Bushee, would you like to say a few words? Commissioner Duran, I'm sorry.

COMMISSIONER DURAN: Mayor, I'd like to thank you for coming out today and taking your time out to discuss this with us. I actually think that this is a great opportunity for the community and on a community based level I think the City and the County offices being located on that property should be a high priority because what that does is it allows the City to then move from your downtown location and provide the community with a conference center that we sorely need, I believe.

MAYOR DELGADO: I agree with you, Commissioner Duran, simply because it gives us some options, both sides. It gives us some options and something to look to where we can be able to address our needs.

COMMISSIONER DURAN: And for me, I think it's a community based effort that we are opening up for discussion.

MAYOR DELGADO: That's right. And I can see it, and I know there's a lot of people that don't think it can happen between the two entities, but I do and I'll also believe that we can work together.

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

PATTI BUSHEE: Thank you. I'll just take a couple minutes. I can't speak for the other Councilors but I did have the opportunity today to touch base with a few of them and to start with, I'll let you know that Councilor Sanchez gave me permission to let you know that as soon as we are able to take hold of this land and make sure it is held in public hands and not a large hotel or some private venture on that corner, he's certainly interested in pursuing a partnership with the County. As well, I spoke with Councilor Moore. He asked to suggest that he also is looking forward to perhaps having a City-County administrative complex there.

I know in the past I've had the opportunity to talk to Councilor Lopez. She is also looking forward to working with you more closely, and perhaps if we are housed in one building we will be able to have those opportunities. The rest of the Councilors I cannot speak for. I have not been able to get ahold of them today. But I do know that we will lose this opportunity if it is not purchased, for starters. I think what we really need is to buy some more time. So what the State needs right now is a message that we're interested in that property. What we can work out together later can take all the time in the world in terms of needs assessment and site assessment and I think it's a good think economically and every other way for us to consider that venture together and I hope that you send the same message back to the Council when we meet tomorrow night at 7:00 at the Council Chambers. Thanks for your time.

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CHAIRMAN GRINÉ: Thank you very much.
MAYOR DELGADO: Thank you, Mr. Chairman, Commissioners.
CHAIRMAN GRINÉ: Thank you, Mayor and Councilor.
MAYOR DELGADO: By the way, have a great holiday.
CHAIRMAN GRINÉ: Thank you. Same here.

VIII. MATTERS FROM THE COUNTY ATTORNEY

1. **Executive session**
 - a. **Discussion of possible acquisition of real property using acquisition bond proceeds**
 - b. **Discussion of pending litigation - *Santa Fe County v. PNM***
 - c. **Discussion of pending or threatened litigation**
 - d. **Limited personnel matters**

Commissioner Anaya moved to go into executive session to discuss possible acquisition of real property, pending litigation with PNM and other litigation and limited personnel matters. Commissioner Duran seconded. The motion passed unanimously upon roll call vote, with Commissioner Anaya, Commissioner Duran, Commissioner Trujillo and Chairman Griné all voting in the affirmative.

[The Commission met in executive session from 5:10 to 6:12.]

Commissioner Duran moved to return to regular session having discussed only those matters listed on the agenda. Commissioner Anaya seconded and the motion passed by unanimous voice vote.

Commissioner Duran moved to purchase the following COLTPAC properties: the La Cienega petroglyph property, the Cerrillos Hills property, comprised of the Cooper, Evans and Shelton properties. Commissioner Anaya seconded and the motion passed by unanimous voice vote.

VII. PRESENTATION AND AWARDS

- A. **Recognition award to Angie V. Gonzales for her twenty-five years of service to Santa Fe County**

Commissioner Anaya moved to table the presentation and Commissioner Trujillo seconded. The motion passed by unanimous voice vote.

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VIII. STAFF AND ELECTED OFFICIALS

A. LAND USE DEPARTMENT

1. **Request authorization to publish the title and general summary of an ordinance amending the Santa Fe County Land Development Code, Article I, Section 8 - Applications, to clarify that zoning provisions are applicable to state and federal lands to the full extent permitted by law**

Commissioner Anaya moved to authorize publication of title and summary amending the Applications section of the Land Development Code. Commissioner Duran seconded and the motion passed by unanimous voice vote.

VIII. B. MATTERS FROM THE COUNTY MANAGER

None were presented.

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

CHAIRMAN GRIÑÉ: Is there anyone like to speak? How many people are going to address any issues on Matters from the public? Three? Make it brief, people because we do have a long agenda and I would say that we're going to be here pretty late.

CAROLYN SIGSTEDT: My name is Carolyn Sigstedt. I just want to speak, I think tonight's rather exciting, having the Mayor come talk about St. Vincent's purchase. There are many reasons to argue for the City or County purchasing the old St. Vincent Hospital for administrative use. Beyond this, we can see the acquisition and restoration of this historic building as an opportunity for healthy partnership between State, County and City.

There are good signs for the prospect. The State has already recognized the City or County and/or City-County as the most appropriate bidder. The County, for its part, has dramatically presented its position and interest by putting its money where its mouth is during the Council meeting that took place approximately a year ago January 27 when Commission Javier Gonzales and Commissioner Griñé came before the City Council to pay the debt and voice a sincere interest in a joint venture.

And lastly, the Mayor and a majority of the Councilors and Commissioners have recognized that to face the growing economic and ecological needs of Santa Fe and Santa Fe County, our elected officials need to think regionally and work together to preserve the quality of our life for future generations. Purchasing the old St. Vincent Hospital as a joint venture between the City and the County is the perfect way to send a sincere message that our elected officials are committed to regional planning. In fact City-County unity might just

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be the most enduring aspect of the entire endeavor. I'm looking forward to seeing a rededicated St. Vincents next to the charming Cathedral Park as a symbol of our progressive and all-inclusive spirit of State, County and City governments. Thank you.

CHAIRMAN GRINÉ: Thank you, Carolyn. Next please.

CHARLENE OWEN: I'm here as a member of the public to speak on the Resolution 1998-79, in support of the Santa Fe Watershed planning.

CHAIRMAN GRINÉ: You know what? Anything concerning the resolution will be addressed when it comes up on our regular schedule.

MS. OWEN: Okay. We'll be back.

CHAIRMAN GRINÉ: Anybody else like to address the Commission? Thank you very much.

VIII. D. MATTERS FROM THE COMMISSION

- 1. Resolution No. 1999-155. A resolution expressing support for federal legislation to fund restoration of the Santa Fe River; directing County staff to consider upstream/downstream effects when undertaking public works affecting rivers and arroyos**

COMMISSIONER DURAN: Mr. Chairman, I'll go ahead and read this resolution into the record if you'd like.

CHAIRMAN GRINÉ: Go ahead.

COMMISSIONER DURAN: This is Resolution No. 1999-15, a resolution expressing support for federal legislation to fund restoration of the Santa Fe River; directing County staff to consider upstream/downstream effects when undertaking public works affecting rivers and arroyos. Mr. Chairman, should I read the whole thing into the record?

CHAIRMAN GRINÉ: That's fine, Commissioner Duran.

COMMISSIONER DURAN: Whereas, the Board of County Commissioners has expressed its support for watershed-based restoration of the Santa Fe River through promulgation of Resolution No. 1998-79 "Supporting formation of a collaborative relationship between the City of Santa Fe, the County of Santa Fe and the New Mexico State Land Office to clean up the Santa Fe River and work toward rehabilitation of a healthy Santa Fe River"; and

Whereas, County staff, acting under the above-titled resolution served in the "Resolution 57 Committee", the findings and recommendations of which were endorsed by the Board of County Commissioners at their meeting on October 26, 1999; and

Whereas, these findings and recommendations included the need for a watershed-based approach to restoration of the Santa Fe River; and

Whereas the Board of County Commissioners has requested the US Army Corps of Engineers to engage in a study of the Santa Fe watershed to provide the database necessary

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to develop project recommendations to reverse the trend of severe downcutting in the Santa Fe River as well as other restoration work; and

Whereas, notwithstanding the commitment of the Commission to addressing problems of erosion in the Santa Fe River and other arroyos and rivers of Santa Fe County through watershed-based treatments, the County Public Works Department often finds it necessary to engage in short-term treatments in these fluvial systems to address immediate threats to public works or public safety; and

Whereas, the unintended consequences of such treatments can often be avoided through collaborative planning and public input; and

Whereas, New Mexico senators are planning to introduce legislation in the year 2000 to support a large scale restoration project for the Santa Fe River;

Now therefore be it resolved by the Board of County Commissioners of Santa Fe County that:

1. We strongly endorse the senators' efforts to make adequate resources available for a watershed-based effort to restore the Santa Fe River.
2. County staff is directed to develop procedures to evaluate public works projects in rivers and arroyos in terms of their potential erosion and hydrological impacts upstream, downstream, and on channel banks. Works to be evaluated include but are not limited to culverts, low-water crossings, bridges, channel alignments, revetments and channel armoring. Procedures to evaluate impacts of such works include but are not limited to soliciting public comment on plans, and submitting plans to other County departments or local agencies for review.

Mr. Chairman, before we vote on this I believe that there's some people in the public that would like to come forward and show their support.

CHAIRMAN GRINÉ: Go ahead. Please make it brief though.

MS. OWEN: My name is Charlene Owen. I'm a representative of the Santa Fe River Watershed Association. I'm a past member of the Santa Fe River Task Force and the Santa Fe River Commission. Both of those were initiated through the City. I'd like to thank the Commissioners for this opportunity to speak in support of this resolution. Tonight, we were prepared to present a public hearing about the San Isidro Crossing because of environmental concerns. We understand that this project was approve on November 30. Therefore a hearing is not appropriate at this time.

This resolution is an opportunity for collaboration between County departments and other agencies, especially the City of Santa Fe, the State of New Mexico and the federal levels. And this will support the Santa Fe watershed. It will prevent band-aid fixes such as the San Isidro Crossing and promote comprehensive river restoration as above, so below. This resolution supports a pro-active process for watershed planning, for safety issues as well as environmental impact. The City faced a similar issue with another river crossing at Camino Alire, I don't know if you all are familiar with that from several years ago. It was another army corps project.

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This is how the Santa Fe River master plan began and was adopted by the City Council in 1996. Phase two is now in the works since our project at St. Francis is complete. And you can see that having a master plan ensures that one project follows another project and we don't redo the work from a previous project. A comprehensive watershed management plan supports our river. It supports our people and it supports our lives. Agua es la vida.

I'd like to especially thank Paul Duran for sponsoring this resolution in support of the Santa Fe River and I'd like to thank the Commissioners for my time up here speaking for the public. Thank you.

CHAIRMAN GRINÉ: Thank you.

RICHARD SCHRAEDER: I'll be brief. My name is Richard Schraeder and I also would like to thank Commissioner Duran. This is an exciting time to be involved in water issues and river planning because all agencies, including the army Corps of Engineers and counties and cities are really thinking in innovative ways about how to do it. This resolution basically instructs staff to go forward and take some steps forward in terms of following up on that in terms of asking staff to continue collaborating with the public and collaborating with federal agencies with studying and planning, particularly now when there's not a lot of information about how a river works, and learning how our river works is going to help us prepare for planning in a way and making improvements that go beyond the bandaid approaches.

Also, it's an opportunity for us to tie in with the senators' efforts to get funding for doing restoration of our river. So thank you very much. We support the resolution.

CHAIRMAN GRINÉ: Thank you.

COMMISSIONER DURAN: Mr. Chairman, I'd just like to say one thing. We have -- Senator Bingamen was instrumental in getting \$600,000 appropriated to water restoration efforts. I think all we need to do is apply for that, Sam, is that correct? So we have a headstart on that.

CHAIRMAN GRINÉ: Are you moving for approval of your resolution?

Commissioner Duran moved to approve Resolution No. 1999-155 and Commissioner Anaya seconded.

COMMISSIONER TRUJILLO: Discussion, Sam, you and I talked today regarding the possibility of -- I don't know if it was these monies or some other source of monies to address needs in the acequia systems to stabilize water gates and improve and enhance the ability of ditches to go into the river and divert water to the acequias. Is this part of the money that may be used for that purpose?

MR. MONTROYA: Mr. Chairman, Commissioner Trujillo, these are the same funds that we thought could be utilized for this purpose. We've asked for some clarification. We've not received that yet but as soon as we do get it we'll disseminate that to the members

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of the Board. But we are looking for that clarity. We were not able to attain that today but we are requesting it. But it is the same fund.

COMMISSIONER TRUJILLO: Can we amend the resolution later on if we can utilize those monies for acequias, to include acequias?

MR. MONTOYA: Mr. Chairman, I would recommend that once we do get the clarity and we do know that that is possible.

COMMISSIONER DURAN: Mr. Chairman, Commissioner Trujillo, I'm not sure that the resolution really spells out that this money is allocated. That allocation is not mentioned in the resolution. It just says that we will, that they're planning to introduce legislation in the year. I'm not sure that an amendment is required, but I'm more than willing to do that.

CHAIRMAN GRINÉ: Like Sam said, let's find out the clarity first and then we can address it.

COMMISSIONER DURAN: Okay. So we're not going to amend it now?

CHAIRMAN GRINÉ: No.

COMMISSIONER TRUJILLO: We can do it if it happens, if it's available for acequias.

MR. MONTOYA: Mr. Chairman, if I might, under the now, therefore be it resolved, under number two it talks about working on public works projects in rivers and arroyos and I think the only amendment that would need to be made at the appropriate time would be to have acequias added to that list.

COMMISSIONER TRUJILLO: Very good. Thank you.

CHAIRMAN GRINÉ: Any further discussion?

The motion passed by unanimous voice vote.

IX. PUBLIC HEARINGS

- a. **Resolution No. 1999-156. A resolution amending the traditional community boundaries of Sombillo pursuant to County Ordinance 1998-5, the community planning process**

ALINA BOKDE (Planner): Mr. Chairman, Commissioners, the request by El Valle de Arroyo Seco to amend the traditional community boundary brought the attention to staff that the existing Sombrillo traditional community boundary and the El Valle de Arroyo Seco traditional community boundary, the proposed one, actually overlap. And if you look at your map, in the north boundary of Arroyo Seco you'll see a little dashed area, and this is the area that is in question that we staff would like to make a recommendation to amend the boundary of Sombrillo to actually exclude this area.

When the Sombrillo traditional community boundary was designated, when we

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worked with the community, when staff worked with the community, we used the latest available data from the County and as a result, now working with the community of Arroyo Seco we realized that there is this overlap area. So this is the second public hearing this evening and our recommendation in order to amend the boundaries for Arroyo Seco we need to amend the boundaries for Sombrillo first. So staff is recommending approval of the amended Sombrillo traditional community boundary to exclude the property in question as shown in Exhibit A, which is the map ahead of you. Any questions?

CHAIRMAN GRINÉ: Thank you. Any questions of Alina? Thank you, Alina. This is a public hearing. Anybody want to address this issue? If not, what's the wishes of the Board?

Commissioner Trujillo moved to approve Resolution 1999-156, amending the Sombrillo boundaries. Commissioner Anaya seconded and the motion passed by unanimous voice vote. [Commissioner Duran was not present for this vote.]

IX. B. Resolution No. 1999-157. A resolution amending the traditional community boundary of El Valle de Arroyo Seco pursuant to County Ordinance 1998-5, the community planning process

MS. BOKDE: Mr. Chairman, Commissioners, the traditional community of El Valle de Arroyo Seco is moving forward with their traditional community planning process, and as part of this process they would like to amend their boundaries to include BLM properties as well as to include the area of the Vigil property, which is the area north of the existing traditional community boundary for Arroyo Seco.

There has been prior public hearings at CDRC as well as the BCC meetings. There have been concerns about the north boundary, to the east where it has been termed the finger. Staff's recommendation is in order to accommodate the concerns that have come from residents within La Puebla that the proposed boundary be amended to include the BLM lands that are west of County Road 88, and also including the BLMs that are in the southern part of the proposed boundary amendment. So the staff's recommendation is how to accommodate the concerns of La Puebla as well as still addressing the concerns of Arroyo Seco to include BLM properties in their boundary.

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

COMMISSIONER TRUJILLO: Mr. Chairman, Alina, is there unanimous or at least a major portion of the community that acquiesces to the changes in boundaries?

MS. BOKDE: Mr. Chairman, Commissioner Trujillo, we have met with the community at community meetings in Arroyo Seco to discuss this issue about the boundaries and there is consensus that the boundaries should include some BLM land in the northern part of the amendment boundary. There are some members within Arroyo Seco that would

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like to see the entire area included as proposed in the map. Staff's recommendation, and we've worked with some community members to come to agreement that in fact the property that comes up to County Road 88 would be able to address the concerns that they have in terms of looking at water resources and growth issues with BLM land.

COMMISSIONER TRUJILLO: And how does it impact the community of La Puebla?

MS. BOKDE: Mr. Chairman, Commissioner Trujillo, the community of La Puebla expressed concern over the property of BLM land that lies directly south of the traditional community and if you look at your map, the area that is east of County Road 88 is really the area of concern that we at staff heard from the La Puebla residents as not wanting to be part of the Arroyo Seco boundary, really wanting to leave that option open in case La Puebla decided to come forward to do a community planning process with staff.

So it addresses their concerns in terms of excluding that area, which they associate as being part of La Puebla, but also accommodating concerns of Arroyo Seco of including some BLM land, and which really is more reflective of community identity for Arroyo Seco is west of 88, and then La Puebla which is east of 88.

COMMISSIONER TRUJILLO: So it's a win-win situation for both communities?

MS. BOKDE: Mr. Chairman, Commissioner Trujillo, staff thinks it's a win-win situation. And we're willing to work with both communities in terms of addressing concerns that they have regarding BLM properties in the area. And it is this amendment, and this new boundary does not preclude any discussion from happening between all communities regarding BLM properties and I think that in working with the community of Arroyo Seco right now they're very open to La Puebla members as well as other members from Sombrillo coming forward and expressing concerns that they have about BLM so they can jointly work together to solve those issues.

COMMISSIONER TRUJILLO: Thank you.

CHAIRMAN GRINÉ: Thank you, Alina. Any further questions of Alina? This is a public hearing. Anybody want to address this issue? Now, what's the wishes of the Board?

Commissioner Trujillo moved to approve Resolution 1999-157 amending the Arroyo Seco boundary. Commissioner Anaya seconded and the motion passed by unanimous voice vote.

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- IX. C. Resolution No. 1999-158. A resolution designating an area bounded by SR 599, the City of Santa Fe Municipal Recreation Center and the Santa Fe Northwest Contemporary Community boundary as a contemporary community; authorizing the Westside Planning Coalition to begin a community planning process and declaring the contemporary community a critical planning area pursuant to Article XIII of the County Land Development Code**

JUDY MCGOWAN (Senior Planner): Mr. Chairman, Commissioners, I'm going to be very brief, partly for the interests of time and also so the recorder doesn't have to listen to more staff coughing into the microphone than necessary.

The resolution sets forth, after all the whereases, the Westside Planning Committee is requesting three things. First of all that their area be recognized or designated as a contemporary community, and the map, which is also Exhibit A to the resolution, outlines the boundary for that area. They're also asking that they be authorized to begin doing a community plan for that area. The third thing they're asking for is to be designated a critical planning area under the section of Article XIII of the County Land Development Code that sets forth the criteria for that.

The findings, in summary, very briefly, that the proposed planning area meets the ordinance criteria for a contemporary community. Probably the best way to do this is to just take the mike and point to the map for you. That is that is primarily an area that is away from any traditional communities, land that's in here that was once attached to the Village of Agua Fria has now basically been separated by the bypass. So there's a physical barrier there. Most of the properties in the area have been developed either as subdivision or lot splits in a 2.5 or 5-acre lot pattern. The Frijoles Village is also in this area.

So there's already developing an area that might become more of a community center for the area. The Westside Planning Committee has organized and they done some extensive outreach to contact all the property owners in the area to request people to volunteer to work with them on the committee. There have been at least seven public meetings and the County has helped by providing mail-outs, notice of some of those meetings to notify all the property owners. And they certainly are open to more people volunteering and for broadening the membership of the committee.

I know some of you have heard this presentation already as part of the EZA. I think the boundary that is proposed is a logical planning area. The boundaries of the bypass, which is certainly a physical barrier. On the north and part of the west, the boundary is coterminous with Santa Fe Northwest Community planning boundary where you approved the plan this last year for SNAC. And then at this point it borders the City recreation area and then follows a section line down to the bypass. So it's a fairly contained area physically.

Their letter includes all the application that's required to begin the planning process.

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They describe the boundaries, how they're going to move forward, their public participation process. They're going to follow up their initial public meetings with more public meetings and surveys to redefine their issues. Staff has asked that they work on developing a name for their area that more fits the area, rather than just being a reference to the City of Santa Fe. And also that they consider issues such as affordable housing, diversity of housing opportunities and some locations for the community and commercial services, which will follow as the area develops. And the committee has submitted a letter to you where they include that in their work.

They have mentioned some what they consider to be critical problems that require them to be -- that are a justification, or meet the criteria for them to be named a critical planning area and I think I will allow the committee to make their presentation and to detail that a little better.

CHAIRMAN GRINÉ: Thank you, Judy. Any questions of Judy? Because we already heard it in the EZA, I don't think we should go into it much more.

MS. MCGOWAN: This has been approved by EZA and it's also been to CDRC and the recommendation is in your packet.

CHAIRMAN GRINÉ: Even though it's a public hearing, anybody would like to address this issue?

MS. MCGOWAN: I think the committee would like to make a presentation.

TOM TERWILLIGER: Mr. Chairman, Commissioners, I'll be very brief, since you have heard this presentation already. My name's Tom Terwilliger. I live at 68 Camino Espejo in the Alado de Puesto del Sol neighborhood, that's within the planning area that Judy mentioned. I'm here representing now for the fourth time the diverse group of landowners, residents, developers, people interested in this westside area. Fundamentally, we're here, I'm here representing them to ask for your permission to begin planning for this area, to plan for our future and your future in this area.

We've had, as Judy said, a number of public meetings, eight public meetings already to help people in the area recognize that this process might start and to invite people to participate in every way possible. We intend to continue to invite people to participate. We intend to be a completely inclusive process, have a completely inclusive process in our planning so that anybody can come to the meetings, and those that come to the meetings participate in the decision making process, which is going to be a consensus process under the ordinance.

So we think we've defined an area that's very reasonable. We think it's very important to begin planning immediately for this area and we request your permission to do so. I'd be happy to answer any specific questions or address reasons why we ask for a critical planning area if you'd like me to do so.

CHAIRMAN GRINÉ: Any questions of Tom? Thank you, Tom. What's the pleasure of the Board?

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Commissioner Trujillo moved to approve Resolution 1999-158, allowing the Westside Planning Coalition to proceed. Commissioner Duran seconded and the motion passed by unanimous voice vote.

- IX. D. Resolution No. 1999-159. A resolution establishing a US Highway South Corridor District and a district planning committee according to provisions as outlined in the County Growth Management Plan for a study area and proposed district to be designated along US Highway 285 from the intersection of Old Las Vegas Highway to New Mexico 41**

JACK KOLKMEYER (Planning Director): Thank you very much, Mr. Chairman. At the rate we're going tonight we'll have the whole county planned with all these resolutions. This is pretty exciting. The issue before us for consideration next is the adoption of a resolution establishing US Highway 285 South Corridor District and a district planning committee according to provisions that are outlined in the County Growth Management Plan for a study area and a proposed district to be designated along US Highway 285 from the intersection of the Old Las Vegas Highway to New Mexico 41, which is the road to Galisteo.

The recently adopted Santa Fe County Growth Management Plan recommended that several planning actions could be considered for the greater Eldorado area as it stretches from the I-25/US 285 intersection down to the Lamy and Galisteo junctions. One action would be to undertake a contemporary community plan for the immediate Eldorado area. This was a suggestion that was made in the Growth Management Plan on page 108. Another action would be to prepare a highway corridor district plan for the US 285 South Highway Corridor between the interstate and the traditional community of Lamy as recommended in the highway corridor district section, which is page 136 of the Growth Management Plan and is included in your packet.

The Planning Division staff at this time believes that a highway corridor plan would allow residents of all subdivisions in the area to work together to focus on safety and development issues for this area. As this stretch of highway is currently undergoing renovation and redevelopment it is an appropriate time to reconsider land use and zoning issues that might need to be modified. This corridor serves as primary access to all the subdivisions in this area. It is therefore a common element among all the existing communities with the potential to allow them to work together to solve common problems.

The Planning Division of the Land Use Department is therefore requesting adoption of this proposed resolution. And I'll read the resolution very quickly for you.

Whereas, the Santa Fe County Growth Management Plan addresses concerns for management and development of the Extraterritorial areas and permits established districts such as the US 285 south highway corridor district; and

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Whereas, the Santa Fe County Growth Management Plan designates Santa Fe County as the lead agency responsible for the development of district plans; and

Whereas, representatives of the 7,000 residents and property owners from Old Las Vegas south along US Highway 285 to New Mexico 41 express strong support for the preservation and maintenance of the rural nature and scenic vistas along this corridor and for establishing a US 285 South Highway Corridor Planning Committee to guide the preparation of a plan; and

Whereas, the County Growth Management Plan designates that the committee, such as a US 285 South Highway Corridor District Planning Committee include private property owners and landowners of undeveloped property along the corridor, government agencies, including the State Highway and Transportation Department, State Land Office and the City of Santa Fe, and non-government organizations such as churches and schools and other community and neighborhood members from within the district; and

Whereas the purposes of the US 285 South Highway Corridor District Plan are to recommend specific land use options that foster the development of a cohesive community, design standards to maintain visual integrity, provisions to abate noise and light pollution and provide safety for residents and to plan for a system of trails and recreation areas to be linked with existing and proposed Santa Fe County trails and open spaces;

Now therefore be it resolved by the Board of County Commissioners that:

1. The US 285 South Highway Corridor District and Planning Committee be established to prepare the US 285 South Highway Corridor Plan in conjunction with the Planning Division of Santa Fe County according to provisions as outlined in the County Growth Management Plan.
2. The US 285 South Highway Corridor District Planning Committee include representatives of existing community organizations, subdivisions and owners of undeveloped properties from the intersection of the Old Las Vegas Highway to NM 41 along US 285 (excluding State and wilderness land) and other individuals appropriate to meet the goals and objectives of the Santa Fe County Growth Management Plan.

We've had quite a few meetings in the Eldorado area over the last year and I want to just address a couple of issues before I answer questions and we open it up for you to hear some of the comments from the public. There are a number of issues in the Eldorado area and as we talked about perhaps going forward with a contemporary community plan, one of the big issues was, because there are concerns about commercial development in the Eldorado area in particular, but in terms of doing a contemporary community plan out there, there was a lot of discussion about then who would be involved and how would it be fair with all the different subdivisions out there. You can kind of see from the big map up here in particular where it's not just the subdivision of Eldorado but there are subdivisions all up and down this area in various places.

So there was a lot of concern about equity about how to plan for this area. When the

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focus came to what needs to be planned for the area, it became pretty clear, particularly for meetings that we had with the 285 Coalition, that if we looked at an area along this highway corridor it did a number of things. It really addressed the areas where there are real concerns for growth and particularly commercial development in that area. It also then was an area that crossed through almost all of the subdivisions with the exception of a few to the south of Eldorado to the west of the proposed district. But it really became a unifying factor.

So we think that there is a tremendous amount of support for this. I'd like to make clear in the discussion that we have here that that study area, the line that goes down delineating the area is a study area, not yet the district, which would be similar to where we started with the other highway corridor project. It probably won't end up like that. But this is the area. It's 2,000 feet on either side of the road.

The other concern that has come up and has been discussed in a number of corridors among staff and with various people in that area is why would we be embarking on another highway corridor study when we haven't adopted the metro area one? That's an important point and I think it needs to be discussed directly. The metro area corridor for those of you that worked with that know that it was basically the Bypass and I-25, the area around the city. In fact you may remember that when we brought that one forward to you, you had recommended to us at that point that we include the corridor all the way up to Pojoaque and that we include this piece as well. Through various discussions we concluded that it probably wasn't a good idea to include the piece up to Pojoaque because a lot of that work was already being done through the Highway Department and that Tesuque had over the course of this past year has come back and agreed to do a highway corridor plan as part of their community plan, so that really only left this piece that was left out.

One of the problems with the metro area highway corridor plan is it's multi-jurisdictional. It's the City, the County, the EZC, the EZA, the traditional communities that are involved in there and it's going to be very difficult to go through that and gain consensus on what that plan is. There are some concerns that that highway corridor plan is a dead issue. Well, it's not. We're bringing it back to the CDRC and the EZC in January. The City, as I understand is going to hear it the second week in January and we hope to get that back into the EZA in February and back to the Board of County Commissioners sometime early spring. So we'll take that one on.

The nice thing about this particular highway corridor district is that it's entirely in the county and it would only have to be reviewed by the CDRC and the Board of County Commissioners. So it's a lot more straightforward than the metro area one, which is a bit complex. So basically, that's it. As the resolution states, we would work on land use issues. It will involve the same things that the other one did, setbacks, land issues, land use issues, but we think there's an opportunity for us to build on having done the first one. We've talked to a lot of the property owners who are all willing to be involved in this and we think this is really a terrific project for this area. I'd be happy to answer any questions.

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CHAIRMAN GRINÉ: Any questions of Jack?

COMMISSIONER DURAN: Mr. Chairman, just a quick one. Is the width of this study area the same as the metro corridor?

MR. KOLKMEYER: I believe so. I think we started off with 2,000 feet for the study area. Remember, we took a few pieces out and we changed it and then the actual district plan changed further according to topography and different things that we looked at through the study.

COMMISSIONER DURAN: Because I thought -- it's a total of 4,000 square feet.

MR. KOLKMEYER: Well, it's 2,000 on either side of the highway.

COMMISSIONER DURAN: And I thought the one we did before was a total of 2,000.

MR. KOLKMEYER: When we got finished it was.

COMMISSIONER DURAN: So my question is, why does it need to be 4,000?

MR. KOLKMEYER: It doesn't. It defines an area where we want to look at where there's a relationship to uses that are going up and down through right now. It may end up where the committee or the group that does would want to recommend changes to that study area from the very beginning.

COMMISSIONER DURAN: Don't get me wrong. I'm in favor of the study. I'm just not sure that it has to be 2,000 square feet, especially when the one that we just went through was 1,000 on each side.

MR. KOLKMEYER: Well, again, it won't end up what the district is. It's just a study area. So when you look at it -- you can see where when we get up into some of these subdivisions it may not be appropriate to cut right through the middle of that, for example. So that line might fudge over here as we do the district. But we wanted to make it at least even when we started.

COMMISSIONER DURAN: Tell me again, what are the goals of the study group or the committee?

MR. KOLKMEYER: The goals of the plan would be as stated in the resolution, number two. The resolution would be to -- the last whereas.

COMMISSIONER DURAN: I see it.

MR. KOLKMEYER: Development of a cohesive community, design standards to maintain visual integrity, provisions to abate noise and light pollution and provide safety for residents and provide for a systems of trails and recreation areas.

COMMISSIONER DURAN: I just think 4,000 feet is a pretty big swath of land to try to plan.

MR. KOLKMEYER: It's a study area, again. It's not the district.

COMMISSIONER DURAN: Okay. That's fine. Again, I'm in favor of it, I'm just concerned about its --

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MR. KOLKMEYER: This is the district. This line was actually worked out by a number of residents in the community. I think in deference to them, this is a suggestion that they made to us is the area that should be the study area and we feel it's appropriate at least to start with that.

CHAIRMAN GRINÉ: Any questions of Jack? Thank you, Jack. That was a long windy one.

MR. KOLKMEYER: Sorry.

CHAIRMAN GRINÉ: I know there are some people from this area that would like to address the Commission. I'm pretty sure it's going to get approved, but those that are in favor of this resolution, raise your arm. [Approximately 15 members of the audience raised their hands.] Good. I don't know if you want to address us but we've had a long night and I know it's going to get approved, but for the record maybe one of you guys, you can have one spokesperson please, if I can get my wish.

ROSEMARY BIGONI: Mr. Chairman and members of the Board. My name is Rosemary Bigoni and I live in the subdivision of Tierra de Casta. I speak this evening on behalf of the US Highway 285 Citizens Coalition and just to clarify your question about the 2,000 feet, we chose that based on the distance of the commercial development that is already existing there, and that is the bank on Avenida Vista Grande. So we used that as our judgement point and took a look at subdivisions along the way.

COMMISSIONER DURAN: That's where the shopping center is?

MS. BIGONI: Yes.

COMMISSIONER DURAN: So that's 2,000 feet?

MS. BIGONI: From the center line. The coalition has delegates from approximately 17 subdivisions and communities along the seven mile stretch of 285 South and we've been very involved in working with the Planning Division on this resolution that's before you. In September, the coalition sponsored a public forum at which Jack Kolkmeier spoke, and he spoke about planning options in general. Participants at this forum unanimously supported the concept of highway corridor planning as an initial effort to do some planning in the area.

Subsequently a petition was circulated and we obtained 250 signatures. Those petitions have been turned into the Division of Planning. In November, the coalition sponsored another public forum on particularly this resolution. We invited owners of large parcels and developers along the corridor. Judy McGowan from the Planning Division participated at that forum. This was also a very positive meeting and many developers expressed willingness to participate on a corridor planning committee.

The coalition acknowledges that further development will inevitably occur along this area. We chose to work with all the residents, developers, owners of large parcels. As Commissioner Griné knows, a number of people have called him over the past few weeks and a number of people have faxed a statement of support to this Board through the County Manager's Office. I urge you to approve this resolution tonight and honor our commitment

as residents of the area to work with the developers and the Planning Division in planning for the corridor that unites all the subdivisions and communities within the seven mile stretch. Thank you.

CHAIRMAN GRINÉ: Thank you, Rosemary. Any questions of Rosemary? And if you really think you have to speak, go ahead. But if not. No more in favor? Okay. Anyone against this? Oh, my favorite constituent, Joe Miller. Anybody else opposing this?

JOE MILLER: I don't want to give you the wrong misconception. I'm not opposing it. I just want to speak on it.

CHAIRMAN GRINÉ: Sure, that's fine.

MR. MILLER: I think it might be a good project and all, but I think it's lacking in some provisions of it. When you call for a corridor, it implies setbacks. So that it may be 100 feet, 200 feet setbacks from the highway. In these cases, there are property owners along that highway that will have no use for their property at all. If there are setbacks and they couldn't do anything in it. I think one of the things it lacks, it needs some kind of a safeguard or something there that provides provisions for if there is any taking of property.

This is going to be used for people driving back and forth to enjoy the pretty out there and the trees, watch them grow. It's going to be for public use, all these setbacks. And we just can't take private property for public use without some kind of compensation for it. We could do like they did before maybe, come up with a bond issue or something to raise some funds to buy these pieces if they're going to take away and use the setbacks or someday. That would be the American way of doing it. I'd hate to see them just come up and pass regulations that say you can't build within so many feet of here. Really, just what it is is a regulatory taking. And this is the kind of thing that is done --

COMMISSIONER ANAYA: Joe, one of the things to consider when it goes into study is perhaps, I don't know how far along we're going on density transfers, but that may be one way to approach it. Remember, this is merely for study at this point. But that's one of the considerations that should be taken in within the study session time.

MR. MILLER: That's why I think it should be a provision in the resolution that says that in all interests we are going to protect the private property rights of people whose property will be somehow affected by this where they'll have no use for their property. That probably should be part of the resolution.

Another thing that's lacking in the resolution is who is going to appoint this committee and how long is the committee going to go for? What kind of a time table will they have? How many members are they going to have on it?

COMMISSIONER DURAN: Mr. Chairman, Joe, in reference to your statement about the setbacks, when we made the recommendations on the metro highway corridor, we had agreed at that point to work with the setbacks on a site by site basis and analyze the land use proposals to determine what would be an appropriate setback. So although there were some recommendations for three hundred feet and in some cases 1,000

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feet, I believe when it finally gets adopted it will be with a site by site analysis.

And the other thing is the -- what was the last thing you mentioned?

MR. MILLER: Just the committee itself, its members.

COMMISSIONER DURAN: The last time there were appointments by the Commission along with the City Council. Since this corridor is only in the county, I can't imagine, it will probably just be the County Commission.

CHAIRMAN GRINÉ: Just up to the coalition to make up their own members, the 285 Coalition. That's pretty much how other communities have done it. They have come up with their own members and worked with the Planning Department.

COMMISSIONER DURAN: Do you know how it's going to work, Jack?

MR. KOLKMEYER: Mr. Chairman, Commissioner Duran, the idea that we're looking at here is the same way we did the Community College District. They came up with their own committee, and that one we have varying between 40 and 50 members and there was no time frame put on it, because we feel like some of these things, we put an artificial time constraint on and we never meet them and we've got to come back. We'll work on this as long as we need to work on it, but as expediently as possible. And from the Planning Division's point of view, we'd like for the group to come up with their own committee members and appoint their own members among themselves. Otherwise we get into situations where somebody is appointed and there's dissension upon that. We think that there's a pretty strong agreement from people who have come forward already to this point is that they could come up, make up the committee themselves.

COMMISSIONER DURAN: Do you think they would appoint Joe Miller?

MR. KOLKMEYER: I've already told them Joe needs to be on the committee. I even took Joe to lunch and I paid for it, so he'll be on the committee. Because his voice needs to be heard to.

MR. MILLER: That resolves pretty much of it, but if there was any way that the Commission would see fit to put some kind of amendment in there that they will have some kind of respect for the rights -- there's a lot of property owners up and down there that are kind of shook up and they think they're going to be losing some of their land or losing the use of it. They won't lose the land, they'll still have the tax bill, they'll still be able to pay the taxes on it. But that's about all they'll have.

CHAIRMAN GRINÉ: Joe, you'll be able to work with this group. I'm sure they're going to try to work with you too. Okay? Anyone else like to address this issue? If not, what's the wishes of the Commission?

Commissioner Anaya moved to approve Resolution No. 1999-159, establishing a US Highway 285 south corridor district and planning committee. Commissioner Duran seconded and the motion passed by unanimous voice vote.

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- IX. E. Ordinance No. 1999-__ . An ordinance amending Ordinance 1996-10, Article III, Section 2.3.6, Height restrictions for dwellings or residential accessory structures, Article III, Section 4.4.4 F 13) B. screening and buffering for residential uses, and Article X, Definitions to the Santa Fe County Land Development Code to create height standards for walls and fences for residential uses (second hearing)**

MS. MCGOWAN: Yes, Mr. Chairman, I do have a hand-out I'd like to give you. Does everyone have a copy of the ordinance itself, the proposed ordinance? There are some more copies out here if we need some more.

COMMISSIONER DURAN: It's in our packet.

CHAIRMAN GRINÉ: And Judy, since this is already the second public hearing you probably don't have to address the Commission in too much, and then we'll just turn it over to the public hearing.

MS. MCGOWAN: Exactly. Mr. Chairman, Commissioners, since you heard this the first time in July, it's been to CDRC and that's where it's been and they have spent a considerable amount of time reviewing the ordinance and two public hearings and they appointed a sub-committee to come up with some amendments for you. So what I'll focus on is the amendments and how that reads in the ordinance.

The ordinance has three main sections. The first one is some standards for heights of wall and fences and then who must get a permit and who does not have to get a permit for such things. Second section is a real brief one just saying that there's a maximum of eight foot height for walls that would be constructed to buffer between a residential and a non-residential use. That is that you could do an eight-foot wall on the property line but not any higher. And then the last section of the ordinance is definitions for wall and retaining wall and for opaque fence, which are some of the things that are regulated.

CDRC in their sub-committee came up with some ideas to simplify and also came up with some exemptions from the ordinance. Then when it went back to them for public hearing and they made some further changes and it's coming forward to you with those changes.

The first thing they proposed was a new subsection or some changes to the height limits that were originally proposed. These have been drafted in a table form with some graduated heights and in the ordinance, that's on the bottom of the first page is the table and then with an illustration right in the ordinance that hopefully illustrates more clearly what is meant. That would have the wall or fence height vary from six feet at the property line. At twenty feet back from the property line or further you could go up to ten feet and then the height of any gate or door portal would be proportional to that.

The second thing they did is amend it so that permits are required only for fences and walls higher than six feet.

CHAIRMAN GRINÉ: Judy, I have a question about the lot line with the

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fences. There is no permit required when it comes for ranchers and large ranches, for their fence building, right?

MS. MCGOWAN: That's correct.

CHAIRMAN GRINÉ: So they don't need a permit, right?

MS. MCGOWAN: That's correct.

CHAIRMAN GRINÉ: Because I was under the understanding, and I stand to be corrected Lewis, sorry. Okay, Judy, proceed.

COMMISSIONER TRUJILLO: Just one more question on the cascading of heights from the property line up to ten feet where the fence or the wall can be eight feet. I don't see that applying to a traditional community where you have a fence and then ten feet from that there's a wall and an isthmus between the fence and the wall. It doesn't make sense. In the city it might make sense but out in the rural area, it doesn't make sense.

MS. MCGOWAN: I think what CDRC was trying to accomplish was that they thought six feet might be too restrictive, that there might be people that had larger lots, or even a two-acre, one-acre or two-acre lot that wanted to do a higher wall immediately around their house, rather than on the perimeter of the property. That's why they wanted the varying heights if you set it back from the property line. That's what they were trying to accomplish.

COMMISSIONER TRUJILLO: But what's that going to do between the fence and the wall? There's a small isthmus of land there. It doesn't make sense.

MS. MCGOWAN: Well, this would not require you to build a fence at the property line at all. You could set, do a wall for the back.

COMMISSIONER TRUJILLO: In a lot of traditional communities there are existing fences. And there's houses on a one-acre piece of land. Now, if you want to build a higher wall, you have to bring it in 20 feet from the fence and bring it higher, and there's a ten, twenty feet that's just there, of land? Of dead space?

MS. MCGOWAN: It could be. I doubt that anyone would set out to do that. But if you wanted to build a wall around your patio area of your house that was ten feet tall, and you could do that more than 20 feet back from the property line, this would allow you to do that. Whereas, before the ordinance just said six feet at the property line.

COMMISSIONER TRUJILLO: Yes, I see the flexibility. I see that six feet is appropriate, but the eight feet, it doesn't make any sense to me. The eight-foot wall.

COMMISSIONER DURAN: Why can't they just have ten feet at the beginning, at the property line?

COMMISSIONER TRUJILLO: Or eight feet at the property line.

COMMISSIONER DURAN: What's the reasoning? What's the reasons behind not letting them have ten feet at the property line?

MS. MCGOWAN: I think the issue of the higher walls right at the property line, especially on smaller lots is cutting off of people's view and their light, if you're doing a ten-foot wall right adjacent to the property line.

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COMMISSIONER DURAN: Couldn't that be considered in the review process? If I was going to build a ten-foot wall and it was going to block someone's view? Couldn't you restrict it at permitting?

MS. MCGOWAN: I suppose so. I think it would be fairly hard to come up with how you would determine that when the permit was --

COMMISSIONER DURAN: The City does it. They have a six foot wall that is the maximum and they can restrict that based on those same concerns. I don't see why we couldn't.

MS. MCGOWAN: The City has a six-foot wall as a maximum, not higher than that.

COMMISSIONER DURAN: Right.

MS. MCGOWAN: And they restrict that at corners where you might --

COMMISSIONER DURAN: It could be restricted to two feet if it infringed on somebody's view or if the safety question came up with a six-foot wall.

MS. MCGOWAN: I guess it could. I guess I'm fumbling around a little bit. I'm not sure how you would determine that at the review stage.

COMMISSIONER DURAN: Well, if I came in to build a ten-foot wall and it was at an intersection and you couldn't see around it, I guess you might be willing to take it down to four feet so you could look around it. I don't understand why --

MS. MCGOWAN: That situation, I believe is pretty clear. It's the view situation from the neighbor that would be harder for staff to determine at a permit stage.

COMMISSIONER DURAN: The view from the neighbor?

MS. MCGOWAN: The issue of whether a wall was obstructing a view or light for a neighbor I think would be harder for staff to determine at the permit stage.

COMMISSIONER TRUJILLO: Mr. Chairman, I think that the way that it's written it's appropriate for the City, the cascading of heights, but it's not appropriate out in the rural areas. It's just not appropriate out in a traditional community or in a rural area. There's again, as Commissioner Duran says, dead space. If you go from six feet at the property line to ten feet, twenty feet from the property line, there's dead space there. It doesn't make sense.

COMMISSIONER DURAN: Mr. Chairman, what would be wrong with amending this to say that it's a ten-foot maximum and then have the review process make the determination as to whether or not ten feet is appropriate at the location that it's being built? I don't see why that's a problem.

MS. MCGOWAN: If you would like to make that recommendation, you should make that recommendation. It might be more appropriate to recommend staff to develop some language along those lines and bring it back to you rather than trying to draft it right here in the meeting, however.

COMMISSIONER DURAN: I'd like to make that motion, to come forward with some language that's a little bit more in line with what you're thinking.

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COMMISSIONER ANAYA: Okay, the direction to staff then on the motion to table is to come back with some appropriate language to address the concerns of Commissioner Duran and Commissioner Trujillo, as well as myself. I'm kind of concerned about that. Is there a second?

COMMISSIONER TRUJILLO: Second.

COMMISSIONER ANAYA: Second to table. All in favor? [Unanimous]
All opposed. Motion carries.

MS. MCGOWAN: Could I ask for one clarification. That was the immediate concern? There were not other areas of the ordinance that you wanted to make recommendations on?

COMMISSIONER ANAYA: That was the only concern, Commissioner Duran? That was the only concern.

MS. MCGOWAN: Okay. Thank you.

CHAIRMAN GRINÉ: I just spoke to Oralynn and there are a number of people that want to address the next item. And since it's a first hearing I won't ask to wait for Commissioner Gonzales.

COMMISSIONER ANAYA: We won't take any action on it.

IX. F. Ordinance No. 1999-___. An ordinance amending the Santa Fe County Land Development Code, Ordinance No. 1996-10, Article VII, Section 6.2.2g -to permit swimming pools, add drought provisions and clarify applicability of conservation covenants (first hearing)

ORALYNN GUERRERORTIZ (Subdivision Engineer): Gentlemen, in 1996 we added a provision to the Land Use Code that prohibited any swimming pools, private swimming pools on lots created after July of '96. You could have a community swimming pool, but not a private swimming pool. Today, what's before you is an ordinance to allow swimming pools on lots created after 1996, and then they would have several provisions. Like they would have to have pool covers. What's before you is a requirement for recirculation of the filtration water and that they have to maintain the pools in general.

It also says that there should be at least 0.12 acre-feet of water rights if you're going to have a pool. Staff has included language to clarify that residential water restrictions are applicable in all residential developments, not just subdivisions, and water budget should be based on full build-out and conservation covenants must be complied with. The CDRC recommended some provisions to be added also to this section that would apply in times of drought, which would allow the Board, if the Board made a resolution saying that we've got a drought in a given area, then water couldn't be added to pools or fountains, that outdoor watering would be restricted, that you can't waste water like hosing down driveways or washing cars, and you can't expand landscaping.

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Those are the same provisions that we had during the Eldorado moratorium at the time. So it codified them and makes it possible for you guys to just call a drought without having to actually add water restrictions too. Staff recommends a change in what CDRC originally recommended, adding the word "only" in the sentence, "Swimming pools are only allowed on parcels possessing 0.12 acre-feet and also, from talking to Neva Van Peski, I think there should be another modification in that you shouldn't limit, during periods of drought, watering to only even days for even number addresses. I gather that's been a problem in the city. They decided that it should be for even addresses, Wednesday, Friday and Sunday, and odd addresses, Tuesday, Thursday and Saturday.

So I would like, or hope that you would give staff direction to include those minor changes also in this. The discussions that I've had with the pool industry seem to focus on a couple of issues. Really, one, what should be the amount of water associated with a pool? We've recommended 0.12 and we were very conservative to be honest with you on that. But we haven't actually gotten a number that we agreed to when I talked to pool industry people so far. And there's also been some discussion of whether or not we should limit filtration systems exclusively to systems that don't backwash. Because I guess that really limits it to cartridge filter systems, and maybe we shouldn't really try to reduce things that much. But I'm sure there's going to be some people from the pool industry to discuss these things in more detail with you. I'll stand for any questions.

CHAIRMAN GRINÉ: Any questions of Orallynn?

COMMISSIONER TRUJILLO: Mr. Chairman, Orallynn, the initial premise of the moratorium on swimming pools in the county was because of water, right? It's an arid environment. There's not an abundance of water. That's what the original ordinance was all about, right? That hasn't gone away?

MS. GUERRERORTIZ: You're correct, sir. At the time that the subdivision rules were altered in '96, the State Engineer recommended several conservation measures. One of them was to prohibit swimming pools, and our County adopted that provision along with a lot of other very strict provisions. Because our county is really strict with water.

COMMISSIONER DURAN: Mr. Chairman, Orallynn, I am looking at the summary here. Pools will only be allowed 0.12 acre-feet of on-site water. Tell me how that relates to our conversation about properties that had a water allocation of, say, half an acre-foot of water. And they were able to prove that their water budget was, say, .33. So is this .12 added to that .33?

MS. GUERRERORTIZ: If their existing water budget for what they have today is .33, then yes, we would add .12 necessary for them to have a swimming pool. If they only had a single dwelling unit, we'd assume it's a quarter acre-foot today, and they needed .12 more. So if they had a half acre they could possibly have a swimming pool, yes. And the reason for that on-site, just for clarification to the community is, we're trying to prevent people from claiming to haul water, because that's very commonly used. If they're connected to City water or something like that we still consider that on-site water for the

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purpose of this ordinance and Legal is okay with that because we reviewed that issue at least with Chris. I hope that's okay with Denice.

COMMISSIONER DURAN: Thank you.

CHAIRMAN GRINÉ: Any other questions of Oralynn? Okay, thank you Oralynn. How many people want to speak to this issue? Four? Five? How many are for, out of the five? How many are against? Okay, those that are for come before the podium and please try to be as brief as possible as to why you're in favor of it.

ELLEN HARVEY: Thank you for giving us this opportunity. I think what I'm here for and my name is Ellen Harvey and I reside at 11801 Carmel NE. We do own a swimming pool firm. I'm just going to take two minutes of your time and I'll look at my watch. I think a part of it, and I appreciated it when I was reading the newspaper today that Commissioner Duran said, Look, it's an issue of fairness and I think it's an issue of perception too, because I think, Commissioner Trujillo, you have an interesting point, but I think if you look at your reservoir of water like a big bucket of water, I think the perception is that swimming pools in your county take all the water out of the bucket. In fact, I'd like to propose two things. One, your State Engineer has told you, and he actually met with our association two years ago, he recommended that we go to hearings and we actually, in a number of counties, he changed his recommendation.

We know you have a serious problem. We're in an industry of water. The irony is and the good news is that we have the technical data that can help conserve the water that you need to conserve. But if you consider that he's told you that really, that bucket of water is not being affected by the minimal number of swimming pools. He's an independent person. Sure, we're talking with our pocketbooks. We have a vested interest. But I'd like to propose a second thing. That that pool in a rural area is actually a reservoir of water and you can talk to the people in California. My father owned land up in Taos that burned a few years ago. He wished he'd had some kind of reservoir that he could have used on the fire. They use swimming pools as reservoirs. There could even be a fair argument put forward that swimming pools actually, if you look at the amount of water that comes in rainfall, add water to your reservoir.

I notice you're very interested in accepting the Fire Marshal's training and so on. Pools are a wonderful source, if you check with your Fire Marshal of a real safety, public concern that can actually benefit you. So I think it's a perception, I think they're trying to tell you, we're not taking it all out. A lot of people take water out of the bucket. I think we all know it. I don't think we're going to ban the carwashes from operating when we have drought. Those guys are in business too. I appreciate your time. I hope I just took two minutes.

CHAIRMAN GRINÉ: Thank you, Ellen. Any questions of Ellen? Next speaker in favor of it.

DAVE SCHNEIDER: My name is Dave Schneider, 4033 Cerrillos Road. I have a business here in Santa Fe. What I want to present to the board is there is water

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saving devices that are available, current technology to use on swimming pools that can substantially reduce water usage. There is no Code requirement currently in Santa Fe that necessitates this but could be easily implemented and prevent extreme water usage.

We have sat down with Oralynn and submitted some of these so she is aware that there is technology available without a major impact on monetary or even compliance. That's really all I wanted to say. I'd like to take this back to committee, if it's possible and revise the wording as to allow these restrictions to minimize the impact of swimming pools. Thank you for your time.

CHAIRMAN GRINÉ: Thank you, David. Next in favor.

LINDA HERMANSON: My name is Linda Hermanson. I represent Hermanson Construction. We're a swimming pool contractor. My colleagues have covered many points. I won't beat on those. But gentlemen, we do ask you to consider this. This is a very important issue to us. Understandably, this is a bread and butter issue to us. We employ 18 people just in our firm alone. We figure there's 33 people that work on every swimming pool. We pay taxes to Santa Fe County. It is something that does generate revenue, not only for us but also for Santa Fe County.

There is a misconception as my colleagues have stated about swimming pools and their usage. There is a software program put out by the US Department of Energy which quantifies how much water is saved simply by putting a cover on that pool. They're finding that you can go anywhere from 80% to 90% of a reduction in the usage. That is substantial and it is from an outside agency. We urge you to consider these measures that we have suggested as far as filtration and cover and we thank you for your consideration.

CHAIRMAN GRINÉ: Thank you, Linda. Anybody else for? Then those are against come before the podium.

CAROLYN SIGSTEDT: My name is Carolyn Sigstedt. I live at 237 East De Vargas Street. I just think that this is sort of an emotional issue and it states sort of a disconnect between land use and water planning. Water is a fragile and finite resource. Water planning and conservation are the key to protecting and preserving our regional water supply. A third equally important factor is the participation and consciousness of the people in our region towards water use.

We need to know and accept the region's future water demand and have a well thought out plan to meet the needs for future generations. New Mexico's present and future water needs are everybody's business. Not just the swimming pool industry. Elected officials have the responsibility to protect and preserve our fragile and finite water resources. Does allowing swimming pools send the right message? I don't think so. Swimming pools are obsolete in this region. We knew this in 1995. Why should we go backwards? I propose that we head in the right direction and therefore I oppose this ordinance amending the Santa Fe County Land Development Code to permit swimming pools. Thank you.

CHAIRMAN GRINÉ: Thank you, Carolyn. Anybody else against? Or for? Come before the podium. Go ahead.

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GLENN YATES: I'm Glenn Yates, 203 Springcreek Drive, Albuquerque. I'm with Aquatic Master Pools. Swimming pools save water. Swimming pools use less water than the average commode. We have outside studies, as Linda said by the Department of Energy that show swimming pools save water. A swimming pool uses less water than a comparable sized landscaping.

CHAIRMAN GRINÉ: Thank you, sir. Anybody else?

JACK FROST: I'm appearing as a citizen of the county before you, Commissioners, just to lend some perspective to this issue. This issue does not affect many people. I saw as a County Hydrologist in three years 20 to 30 pool applications. Many of the applicants were not affected by this issue in the Code. Many were approved. Only a few were denied or withdrawn by the applicant. Pools are not widespread in the county. I have friends that have pools and hot tubs and you can only use them for a short season of the year, that is outdoor pools.

For the most part they're an amenity of the affluent in Santa Fe County. Few people building average homes build pools. Most of the pools go to Las Campanas. Those properties affected by the 1996 prohibition were created by a developer or a party splitting land and it's clearly noticed in their plats and covenants of restrictions that they can't have pools. So the public has been disclosed to when they look at these properties. Finally, this issue might be compared to the adoption of the mining ordinance of a few years ago. At that time the industry representatives argued the economic benefit, employment benefits, taxes to local government, etc. And there also, the Commission chose to adopt a more restrictive Code that was more protective of the broader public. Thank you.

CHAIRMAN GRINÉ: Any questions of Jack? Thank you. Anybody else in the audience? This concludes the first public hearing. Thank you.

IX. G. LAND USE DEPARTMENT ITEMS

1. **EZ Case #DL 99-4750. James and Mary Butler. Reconsideration of the BCC's November 9, 1999 decision to limit the request to a two-lot family transfer. The Butlers' original request was to divide four acres into three tracts. The property is located off Calle Carla Road, within Section 25, Township 17 North, Range 8 East (Five-mile EZ District)**

MS. GUERRERORTIZ: Gentlemen, at the November 30 meeting the Board approved a request from Commissioner Anaya to reconsider the November 9 decision by the Board to limit the Butlers to two tracts for the purpose of family transfer. Since you just heard this about a month ago, do you want me to read the whole report?

COMMISSIONER DURAN: No. We know the issues.

MS. GUERRERORTIZ: Well, the EZC did present a list of ten conditions and staff originally recommended and EZC recommended approval with those conditions.

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Thank you, gentlemen.

CHAIRMAN GRINÉ: Thank you, Oralynn. Is the applicant here?

[Duly sworn, Mary Ellen Butler testified as follows]

MARY ELLEN BUTLER: Mary Ellen Butler, 46 Calle Sinsonte, Santa Fe.

CHAIRMAN GRINÉ: Ms. Butler, are you in agreement with the conditions set forth?

MS. BUTLER: Yes.

CHAIRMAN GRINÉ: Okay. Do you have anything to the Commission?

MS. BUTLER: Not really. I think one of the things that happened last time was that I did not make it clear to you that we had four children and not two and that's why we wanted the three lots split, because one of our sons already has his property.

CHAIRMAN GRINÉ: Okay, thank you. Any questions of Ms. Butler?

COMMISSIONER TRUJILLO: Mr. Chairman, one thing that I didn't understand last time, you were going to give the land to two of your children, right?

MS. BUTLER: Yes.

COMMISSIONER TRUJILLO: You say that you have three children now --

MS. BUTLER: We have four.

COMMISSIONER TRUJILLO: Four but there's one already that has some land.

MS. BUTLER: That has his property. It's right across the street.

COMMISSIONER TRUJILLO: But this lot, you're going to divide into three pieces. The last time you said that your husband was going to keep one.

MS. BUTLER: No. We did not put our other daughter's name down because we weren't sure that she needed it right now. But we would be happy to do that. There's no problem with that because she was going to get it anyway. So we have two daughters and one son to take the three lots. And one daughter is ready to build now.

COMMISSIONER TRUJILLO: I think that to keep it congruent with the intent of family transfers that that daughter should be designated as an owner of one of the pieces.

MS. BUTLER: We would be happy to do that.

COMMISSIONER TRUJILLO: I have another question. On a family transfer, you have to keep the land for five years?

MS. GUERRERORTIZ: No sir. Not under our Code. It can be sold the very next day.

MS. BUTLER: We have no intention of selling that. We've had that property for --

COMMISSIONER TRUJILLO: Could we put a condition there?

COMMISSIONER ANAYA: No.

COMMISSIONER DURAN: You set a bad precedent once you start doing that.

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MS. BUTLER: We have owned the property for 28 years.

COMMISSIONER TRUJILLO: And not indicating or saying that you're unscrupulous, but there's a lot of situations in this area where it comes before us as a family transfer. The next week it is sold for profit.

MS. BUTLER: I can assure you that's not going to happen.

COMMISSIONER TRUJILLO: And I think the community, they don't have anything against the Butlers, because there are a lot of people that are doing the same thing, transferring that land to their families, but the Code is conducive to abusing the family transfer policy. We get situations where they use the Code to circumvent complying with subdivision regulations and with other regulations, and again, if the family transfer is approved today, then next week it is sold for profit.

MS. BUTLER: I understand.

COMMISSIONER DURAN: I guess if there's some concern from the Commission that there is an abuse of the family transfer then we should try and do something about it.

COMMISSIONER TRUJILLO: Right.

COMMISSIONER DURAN: And I don't know how we go about doing that.

COMMISSIONER TRUJILLO: I think we need to --

COMMISSIONER DURAN: Does the state regulate that? We could impose a time, an ownership -- I don't want to do it tonight.

COMMISSIONER TRUJILLO: We can direct staff.

COMMISSIONER DURAN: To create an ordinance to close that loophole.

CHAIRMAN GRIÑÉ: Just send direction to maybe possibly research that idea. Are you done, Commissioner Duran. Denise?

MS. BROWN: Mr. Chairman, if I could just get a little bit of clarification. Are you looking at some kind of restriction on the recipient that should the property -- we could require the applicant to bring in a deed showing the property's being transferred to the child within -- we do require that?

MS. BUTLER: We've already done that.

COMMISSIONER DURAN: The sale the next day is what I think the question is.

MS. BROWN: Look at some type of restriction on the recipient from reselling the property.

MS. GUERRERORTIZ: Are you talking about maybe a holding period after the transfer?

MS. BROWN: We could look into that.

COMMISSIONER DURAN: I don't have a problem with it, but to address Commissioner Trujillo's concern. If I gave a piece of property to one of my children and they have a financial need, I don't see any reason why they can't sell it. But I think maybe we need further discussion on it.

CHAIRMAN GRINÉ: Okay. Any other questions of Ms. Butler. Thank you, Ms. Butler. This is a public hearing. Anybody for or against? If not, what's the wishes of the Commission?

COMMISSIONER ANAYA: Mr. Chairman, first of all I'd kind of like to address the concerns that Commissioner Trujillo and Commissioner Duran stated earlier before I go into the motion for approval. In talking with Cris Moore on the EZA at one point, on one occasion, this issue came up about family transfers and I told him family transfers is the only provision that we have a handle on to use humanistic judgement in issues of needs for the community. I've known the Butlers for many, many, many years. Boots Butler was what we called her. She was a teacher at B.F. Young. The kids liked her.

But anyway, that kind of knowledge, to put any further impositions on family transfers might be a hindrance. There's another issue coming up before us, James Perea that we'll address later too that I've known for many, many years. Just in that direction that we're giving you, Oralynn, I just want you to take those into consideration. It's the only provision for humanistic judgement on people that we know out in the community that really need these family transfers.

Mr. Chairman, I move for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN GRINÉ: Got a motion made by Commissioner Anaya to approve EZ Case DL 99-4750 and seconded by Commissioner Duran. Any further discussion?

COMMISSIONER DURAN: Mr. Chairman, Ms. Butler, I also was confused last time you were up here about how many children you have. That's why I voted the way that I did last time.

COMMISSIONER ANAYA: And I appreciate the Commission for reconsidering this. Thank you very much, Commissioners.

CHAIRMAN GRINÉ: Any further discussion? If not, all those in favor signify by saying "aye." [Unanimous] Ayes have it. Good luck, Ms. Butler.

IX. G. 2. AFDRC Case #V97-5621. James Perea Variance. James Perea, applicant, requests a variance fo Article III, Section 10 (lot size requirements) of the Land Development Code to allow for two homes on 0.75 acres. The property is located south of Agua Fria Street, in the traditional community or Agua Fria, within Section 5, Township 16 North, Range 9 East

FRANK WHITE (Review Specialist): Thank you, Mr. Chairman, Commissioners, the applicant is now requesting a variance of the lot size requirements of the Code to place a second dwelling unit on his property permanently without having to

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connect to the sewer system in the future. The applicant states that he is disabled and the second mobile home is for his son to be able to live near him to help with his daily needs and in case of an emergency.

The applicant states that the sewer line is 1,742 from the property line and that he is disabled and is on disability and cannot afford the expense of connecting to the sewer line.

Recommendation: Article III, Section 10 of the Land Development Code requires 1.5 acres of land to have two homes on this property. The applicant has .75 acres of land. Therefore staff recommends that this request for a variance be denied.

The AFCRC's decision was to recommend approval of a variance of Article III, Section 10 of the Land Development Code to allow two homes on .75 acres subject to the following conditions:

1. The applicant will connect to the sewer line within 90 days of when the mainline is 200 feet from the applicant's property boundary, and abandon the use of the septic system.
2. A temporary permit will be issued for a period of two years to be approved for consecutive year periods by staff. The applicant at that time must prove that the hardship still exists.

CHAIRMAN GRINÉ: Any questions of Frank?

COMMISSIONER TRUJILLO: Mr. Chairman, Frank, this is a vacant piece of land?

MR. WHITE: No, it is not. Mr. Perea has his residence and his son's residence on it currently.

COMMISSIONER TRUJILLO: He's trying to -- would you explain what he's trying to do?

MR. WHITE: Commissioner Trujillo, on December 9, 1997, the BCC approved this for two homes subject to the conditions that the applicant would hook up to the sewer line within 90 days from when the mainline is 200 feet away from the property boundary. Another condition was that they would return to the Agua Fria Development Review Committee, and this was in '97.

COMMISSIONER TRUJILLO: So there are two existing homes?

MR. WHITE: Yes, there are.

COMMISSIONER TRUJILLO: And he got a permit to build, or what' he doing?

MR. WHITE: He's now requesting to place this home permanently without connecting to the sewer system.

COMMISSIONER TRUJILLO: So the structures are already there?

MR. WHITE: Mr. Chairman, and the AFDRC gave approval for the variance how long ago?

MR. WHITE: AFDRC gave approval in 1997.

MS. BROWN: Mr. Chairman, if I could for a point of clarification. The

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second home was placed on there under a temporary permit, Commissioner Trujillo. It was a two-year temporary permit that expired.

COMMISSIONER TRUJILLO: That expired. Okay. This is a continuation of the temporary.

COMMISSIONER ANAYA: This is for permanent.

COMMISSIONER TRUJILLO: Permanent. The AFDRC approved it with two conditions.

MR. WHITE: That's correct.

CHAIRMAN GRINÉ: Any other questions of Frank? Thank you, Frank. Is the applicant here. Come before the podium, Mr. Perea.

[Duly sworn, James Perea testified as follows]

JAMES PEREA: My name is James Perea and I live at 2233-A Antonio Lane. It's a change of address because I had a rural address. My new address is 2233 Antonio Lane. It's the same address that was Route 6, Box 88, but they got away with the route and gave us a name with a number on it.

CHAIRMAN GRINÉ: James, are you in agreement with the two conditions that they imposed already?

MR. PEREA: Yes I am.

CHAIRMAN GRINÉ: Okay, then if you agree, I don't think we need to go any further now. Are there any questions of Mr. Perea?

COMMISSIONER ANAYA: No, but I'd like to make a statement if I may, Mr. Chairman.

CHAIRMAN GRINÉ: Okay, then we'll open it up to a public hearing.

COMMISSIONER ANAYA: I'll wait until after the public hearing.

CHAIRMAN GRINÉ: Thank you, Mr. Perea.

MR. PEREA: The only other thing I have just to tell you was that the sewer is 1,742 feet from my entrance to my driveway and from the driveway to my residence is 1,264 feet so it's a total of like over 3,000 feet.

CHAIRMAN GRINÉ: That's fine. We understand that. Thank you. Thank you, Mr. Perea. This is a public hearing. Anybody want to speak for or against this case? If not, what's the wishes of the Commission?

COMMISSIONER ANAYA: Mr. Chairman, I'm going to move for approval of this proposal and just for the record I want to state that I've known James Perea and his wife Judy who just passed away two months ago, about two months ago and if there's indeed an honorable family transfer situation here in which humanistic judgement is merited, this is one case, Mr. Chairman. So I move for approval.

CHAIRMAN GRINÉ: Thank you, Commissioner Anaya.

COMMISSIONER TRUJILLO: Approval with the conditions of the AFDRC?

COMMISSIONER ANAYA: You are agreeable to those conditions? Okay.

CHAIRMAN GRINÉ: I need a second.

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COMMISSIONER DURAN: Second.

CHAIRMAN GRINÉ: Okay, there's a motion made by Commissioner Anaya to approve AFDCRC Case V 97-5621 and seconded by Commissioner Duran. Any further discussion? If not, all those in favor signify by saying "aye." [Unanimous] Ayes have it.

Good luck, Mr. Perea. Sorry to hear about your wife.

- IX. G. 3. **CDRC Case #Z 99-5470. Animal Sanctuary.** Natalie Owings, applicant, Claire Lange, agent, request master plan zoning under "Other developments" for an animal sanctuary for 300 animals on 160.6 acres. The project will be done in three phases. The property is located off US 285, south of Lamy, within Section 9, Township 14 North, Range 10 East

VICKI LUCERO (Review Specialist): Thank you, Mr. Chairman, Commissioners. The applicant is requesting master plan zoning for a non-profit sanctuary for abused and neglected animals. The applicant is proposing to do the project in three phases. Phase one will consist of 106 animals. Phase 2 will have an additional 80 animals and at the completion of Phase 3 there will be a total of approximately 300 animals.

Recommendation: It is staff's position that this application is in accordance with Article V, Section 5.2 for master plans of the County Land Development Code. Staff recommendation and the decision of the CDRC was to recommend master plan zoning approval subject to the following conditions. Mr. Chairman, may I enter the conditions into the record?

CHAIRMAN GRINÉ: That would be fine, Vicki.

[The conditions are as follows:]

1. All redline comments will be addressed. Original redlines will be returned.
2. The master plan with appropriate signatures will be recorded with the County Clerk.
3. The applicant must submit a detailed landscaping plan at development plan stage. A landscape area and structural buffer may be required along property boundaries where adjacent lots have existing residential uses.
4. A detailed fire protection plan shall be submitted to the Santa Fe County Fire Department at development plan stage.
5. The applicant must pave from US 285 to the edge of the right-of-way. A driveway permit from the State Highway Department is required.
6. A detailed terrain management plan shall be submitted at development plan stage. Development will not be allowed on slopes of 30% or greater.
7. Parking spaces must be defined. Handicap spaces shall be labeled and handicap access must be approved by the State Construction Industries Division.
8. A detailed water supply plan must be submitted at development plan stage per State Engineer's Office and County Code, and an on-site well must be drilled and a geo-

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- hydro study must be done.
9. A liquid waste permit from the State Environment Department will be required. A discharge permit will be required if wastewater flows exceed 2,000 gpd.
 10. The dumpster must be screened by a six-foot high solid wall or fence.
 11. If any noise complaints are received by Land Use, a noise abatement plan must be submitted within 30 days. The plan must be implemented within 60 days of approval.
 12. No wild animals will be permitted.
 13. Compliance with the applicable review comments from the following:
 - a. State Engineer
 - b. State Environment Department
 - c. State Highway Department
 - d. County Subdivision Engineer
 - e. County Fire Marshal
 - f. County Public Works
 14. Applicant must comply with the Santa Fe County Animal Control Ordinance.

CHAIRMAN GRINÉ: Any questions of Vicki?

COMMISSIONER DURAN: Mr. Chairman, I need to recuse myself from this issue because of a potential conflict of interest.

CHAIRMAN GRINÉ: Thank you, Commissioner Duran. Any questions of Vicki? We still have a quorum, don't we? Is the applicant here?
[Duly sworn, Jane Carson testified as follows]

JANE CARSON: Thank you, Mr. Chairman, Commissioners. I'm Jane Carson, president of the Heart and Soul Animal Sanctuary. Natalie Owings, the founder and director had to leave because of some circumstances at the sanctuary. She had a young animal sitter who had to leave at 7:30 and because of the delay she asked me to fill in if that's okay. She also has 18 five-year olds and their parents coming at the break of dawn in the morning, about 9 o'clock.

[Duly sworn, Claire Lange testified as follows]

CLAIRE LANGE: I'm Claire Lange. I'm here to answer any questions.

CHAIRMAN GRINÉ: You're the agent, right?

MS. LANGE: I'm the agent.

CHAIRMAN GRINÉ: Are you in full agreement so far with all the conditions set forth by staff?

MS. LANGE: Yes.

CHAIRMAN GRINÉ: Are there any questions of the applicant? I'm sorry. You still had something to say?

MS. CARSON: I did, but if you're going to approve it, I don't have to say a word.

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CHAIRMAN GRINÉ: If you have something to say, go ahead. Just try to maybe summarize it.

MS. CARSON: Yes. Natalie Owings has devoted 20 years or more of her life caring for these animals who are abused or abandoned and suffering. She has developed a wonderful, humane education program that is tied in with not only youngsters but seniors and we've developed the senior aspect. Many of these animals, of course are adopted but the ones that can't be adopted for some reason will live a long and happy life. And if you've never been out there I would encourage you to do so and I urge you to approve this rezoning.

CHAIRMAN GRINÉ: Thank you, Jane.

COMMISSIONER TRUJILLO: Mr. Chairman, is this in a residential area?

CHAIRMAN GRINÉ: A rural area.

MS. LANGE: The land is presently residential. It's 160 acres. It is surrounded by ranches.

CHAIRMAN GRINÉ: Any other questions? Thank you. Anybody in the audience like to speak for or against this case?

[Duly sworn, Karl Sommer testified as follows]

KARL SOMMER: Members of the Commission, my name is Karl Sommer. I represent the neighboring property owner, Mr. Bill Sanders and --

CHAIRMAN GRINÉ: He's a neighboring rancher, right?

MR. SOMMER: He's a neighboring rancher. He owns the property directly adjacent to this. The road goes right by his property. We are here representing Mr. Sanders, not in opposition, and not necessarily in favor. I can tell you that I went to visit the Heart and Soul Sanctuary up in Jacona, I think it is. I was very impressed. I was impressed with what Ms. Owings has been able to do with what she's had and I think that her work is valuable in the community for raising the consciousness of people about the plight of animals in our society. I was overwhelmed by her dedication to what she does.

The place was neat. It was orderly. It was clean, and above all, it was peaceful. If you can imagine -- I don't know how many dogs there were out there, but they were all running loose and it was not mayhem. And there are birds and she does a good job and I think she deserves you all's support.

However, Mr. Sanders as being a neighboring property owner has some concerns that he would like you all to address in the conditions of approval. I've submitted a letter to you. They are basically four things. One was taken care of by the staff conditions relating to a geo-hydro study. As the project moves forward to the next step they're going to need to know that they have sufficient water availability. We would like to see a geo-hydro study performed on this property before the preliminary plans for development are submitted.

The second thing is, when I was with Ms. Owings, she indicated to me that they intend to fence the entire 160 acres. Naturally Mr. Sanders has an interest in making sure that the property is secure so that animals aren't leaving the property or escaping from the

property. Ms. Owings indicated that they intended to fence this property as a first order of business. We would just like to simply see that as a condition of approval.

I don't know if Ms. Lange or the other lady who was up here to speak has any authority about that, but Ms. Owings did indicate to me that she had no objection to, and that they intended to fence this entire property.

The third thing we would like to make sure gets imposed or as a condition, which I'm sure will get taken care of as time goes, but a specific reference by this Commission in the conditions relating to pest control, food storage, the prevention of disease spreading and waste disposal, and finally just a buffer around the property. I've put these in a letter to you all.

And finally, the last thing we'd like to see is the requirement that for the first phase, the improvements that are required to be improved by bonded for. That's just simply to make sure that the financial guarantees are there for the County and for the neighbors and for the public to make sure that the property is going to be developed in accordance with the plans that are in front of you. The bond would cover road improvements, the waste disposal improvements and the fencing, at a minimum. They would obviously have to do the geo-hydro.

But those are basically the kinds of things that Mr. Sanders is concerned about. He'd like to see a first class project built and we think that those four conditions are not too difficult to comply with and I think that the applicant has indicated a willingness to comply with those. Other than that, I think that Ms. Owings project shows a lot of promise if you all make sure that it's done right.

CHAIRMAN GRIÑÉ: Thank you, Karl. Any questions of Karl?

COMMISSIONER TRUJILLO: The project is in Jacona?

MR. SOMMER: The current one is up in Jaconita.

COMMISSIONER TRUJILLO: Okay. And the proposed one is somewhere else?

MR. SOMMER: Yes, it's down by Lamy. They have, I believe it's approximately a little more than an acre up there. They have it fenced, but again, I was impressed. They're going to do the same thing down in the south is what I understand.

CHAIRMAN GRIÑÉ: Any questions of Karl? Claire, are you in favor of some of those conditions?

MS. LANGE: Yes. The only one that I would like to ask Karl about is if there isn't enough funding initially to fence the whole 160 acres, would they be able to fence, say, 20 acres and keep -- just as long as it was always enclosed. Whatever was going to be used was always enclosed. And then eventually, in Phase 3 it would be entirely enclosed. That's the only -- just from a financial standpoint.

MR. SOMMER: I understand their concerns from a financial standpoint. Mr. Sanders' concern is that there are going to be 300 animals on the property, what Ms. Owings represented that they intended to do, to fence the 160 acres. That's not what you propose?

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MS. LANGE: No. Presently, she has, I think 22 dogs and birds and chickens. Maybe there are 100 animals. At the end of this project she would not have more than 300. But she would never have more than she has now if there isn't enough staff to work with these animals.

CHAIRMAN GRINÉ: I think I heard you that the intent is to fence off at least 20 acres?

MS. LANGE: I'm just saying -- I'm asking this, that if in the beginning, in Phase 1 there isn't enough funding to fence the entire 160 acres, because this is a three-phase operation, could it be 20 acres that is fenced? Just as long as it's fenced to protect Mr. Sanders and the other neighbors from any animals getting out. That's my question.

CHAIRMAN GRINÉ: That's fine. I think that would be okay. Are you okay with that, Karl?

MR. SOMMER: Whatever they decide to fence, if it's 20 acres or whatever it is, so long as there is -- our concern is that there would be a sufficient buffer from the fence and that you bond for that improvement up front so we know it's going to get done. Basically, that's our concern. What was represented to me was that eventually, the whole 160 acres would be fenced.

CHAIRMAN GRINÉ: But through phases, though.

MR. SOMMER: But through phases. I think that that's probably agreeable to Mr. Sanders. But the requirement of a bond is what we're also -- we want to make sure that the improvements are bonded for up front.

CHAIRMAN GRINÉ: That's fine. Is that okay with you, Claire? Okay. Did you get those conditions, Vicki?

MS. LUCERO: Mr. Chairman, I believe he said the first concern was the water issue that has already been taken care of in staff's condition. The second concern was that they fence the 160 which I think we just agreed that they would be allowed to that in phases.

CHAIRMAN GRINÉ: Whatever is the need in the phases. Twenty, and whatever. If it goes on to Phase 3 and it goes on to 160 acres, as long as it's done in phases.

MS. LUCERO: Right. And I believe that the third condition was that they address pest control, food storage and waste disposal. And the last one was that they bond for the improvements before hand.

CHAIRMAN GRINÉ: Yes. That's okay, Claire? Okay. Thank you. Any questions of anyone up here? If not, this is a public hearing. Who would like to speak for this? Who would like to speak against it. Only three. Come forward before the podium and get sworn in and try to be brief. I think things are going pretty good.
[Duly sworn, Nancy Eavey testified as follows]

NANCY EAVEY: Mr. Chairman, members of the Board, my name is Nancy Eavey. I reside at 2052 Placita de Cato. I'm a volunteer at the Heart and Soul Sanctuary.

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I also work for a veterinary hospital here in Santa Fe where I see the heartbreak of people who no longer can take care of their animals, either for physical or financial reasons. After they accept that difficult reality, I then see the desperation they feel to have a viable place to take their animals without fear of euthanasia or abandonment. So I strongly support the sanctuary. We'll make every effort to adopt these animals, but if not, they will live out their lives with care and compassion. Thank you.

COMMISSIONER ANAYA: Mr. Chairman, if there's nobody speaking against it, if I'm in order I'd like to make a motion for approval.

CHAIRMAN GRIÑÉ: Is that okay with the rest of the speakers? Okay, make a motion, Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, I move for approval of this proposal subject to the conditions imposed by staff and the added conditions from Karl Sommer as agreed to by the applicant. That's the motion.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN GRIÑÉ: I've got a motion for approval from Commissioner Anaya, second from Commissioner Trujillo. Any further discussion? If not, all those in favor, signify by saying "aye." [Unanimous. Commissioner Duran abstained from this vote.] Ayes have it.

Let the record reflect that Commissioner Duran abstained from voting for conflict of interest.

COMMISSIONER DURAN: Possible conflict of interest.

- IX. G. 4. CDRC Case #Z 99-5460. Sonny Otero. Sonny Otero, applicant, Michael Bodelson, agent, request a variance for Article III, Section 4.2.3 of the Land Development Code to allow for an extension of the 2,500 foot radius of the boundary of the major commercial district at the I-25 and SR 599 interchange to incorporate a 5.4-acre lot. The applicant is also requesting master plan zoning approval for a storage yard of construction materials. The property is located off State Road 14 north of the intersection of NM599 and SR 14, within Section 25, Township 16 North, Range 8 East**

MS. LUCERO: Thank you, Mr. Chairman, Commissioners, this property is adjacent to the Wolf Canyon Restaurant to the north. To the south is a lot owned by Thornburg Enterprises which has been incorporated into the existing commercial district. Also to the south is the Mesa Steel property owned by Steven and Joyce Dennis who are requesting an alteration to the commercial node to incorporate their property as well. To the west is the I-25 right-of-way and to the east is State Road 14. There is currently a telecommunications shed on the property which was approved in 1996.

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Recommendation: The property in question is currently approved for a commercial use and is adjacent to other lots which have the potential for commercial zoning. Staff recommendation and the decision of the CDRC was to recommend approval of the variance to allow the boundary of the commercial to incorporate the applicant's 5.4-acre tract into the node. This application has also been reviewed under Article V. Section 5.2 of the County Land Development Code for master plan requirements. It is staff's position that this application is in accordance with the County Code requirements for master plans. Staff's recommendation and the decision of the CDRC was to recommend master plan zoning approval subject to the following conditions:

[The conditions are as follows:]

1. All redline comments will be addressed. Original redlines will be returned.
2. The applicant will provide a 25' landscape buffer along State Road 14 and I-25 access road. Any dying or diseased trees will be replaced within 30 days.
3. A Fire Department access plan shall be submitted to the County Fire Marshal for approval. A Knox rapid entry system shall be installed at the main gate as approved by the Fire Marshal.
4. Combustible materials shall not be stored directly under any power lines. No smoking or open flame shall be allowed within the confines of the storage area. Signs shall be posted designating restricted areas.
5. Height of stored materials shall not exceed 20 feet. Materials shall be stored in an orderly fashion. Log and pole piles shall be stabilized by an approved means to ensure pile stability.
6. A minimum of two portable fire extinguishers shall be maintained on-site with a rating and storage location approved by the County Fire Marshal's office.
7. A 30-foot clear perimeter, free of combustibles shall be maintained around the perimeter or stored material. Natural vegetation shall be kept mowed to a height of not more than three inches.
8. A 50-foot minimum distance shall be maintained from any structure or parked vehicles.
9. The developer shall limit the storage to the current scope of the project. Any expansion will require a re-evaluation by the County Fire Marshal's office.
10. A final inspection by the County Fire Marshal will be required.
11. An archaeological survey must be submitted with development plan stage.
12. A driveway permit from the State Highway Department will be required at development plan stage.
13. Compliance with the applicable review comments from the following:
 - a. State Engineer Office
 - b. State Environment Department
 - c. State Highway Department
 - d. County Subdivision Engineer

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- e. County Fire Marshal
 - f. County Public Works
14. This property shall not access the I-25 frontage road unless such access is approved by the State Highway Department. If the State Highway Department determines no access is to be gained from the I-25 frontage road, this applicant will explore the possibility of participating in the reclamation and reseeding of the I-25 frontage road.

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

COMMISSIONER DURAN: Mr. Chairman, I'm sorry. I have one question. Are there any architectural guidelines that the applicant has agreed to or will be imposed on this property?

MS. LUCERO: Mr. Chairman, Commissioner Duran, the applicant is not proposing any structures whatsoever on the property. It's strictly for use as a storage yard.

COMMISSIONER DURAN: Okay, good. Thanks.

[Duly sworn, Michael Bodelson testified as follows]

MICHAEL BODELSON: My name is Michael Bodelson. I live at 1200 Madrid, Santa Fe, New Mexico.

CHAIRMAN GRINÉ: Mr. Chairman, is the applicant in full agreement with the conditions?

MR. BODELSON: Yes, he is, sir.

CHAIRMAN GRINÉ: Okay, is there any questions of the applicant? No questions, boss. Sounds good. This is a public hearing. Anybody in the audience like to speak for or against this case? Thank you. What's the pleasure of the Commission?

Commissioner Anaya moved to approve CDRC Case #Z 99-5460 with staff conditions. Commissioner Duran seconded and the motion passed by unanimous voice vote.

- IX. G. 5. CDRC Case #Z 98-5430. Mesa Steel. Stephen and Joyce Dennis, applicants, Jim Siebert, agent, request a variance of Article III, Section 4.2.3 of the Land Development Code to allow for an extension of the 2,5000 radius of the boundary of the major center commercial district at I-25 and State Road 599 interchange to incorporate their 4.5-acre lot. The applicant is also requesting master plan zoning approval for commercial uses to include a building contractor, steel manufacturing, sale of welding supplies and recycled wood materials. The project is located off of SR 14 north of the intersection of NM 599 and SR 14 within Section 25 and 26, Township 16 North, Range 8 East

MS. LUCERO: Thank you, Mr. Chairman, Commissioners. The property

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is surrounded by commercial development. To the north of the property belonging to Sonny Otero which just came before you, to the south is a lot which falls within the commercial node. To the west is a lot which has been incorporated into the commercial node, and along the eastern boundary is State Road 14.

On December 10, 1996 the BCC granted zoning status and change of use of a legal non-conforming property to allow Mesa Steel to conduct business on this property. On February 28, 1997, the CDRC granted preliminary development plan approval with final development plan approval to be reviewed administratively for a commercial building on 4.5 acres to be used for the Mesa Steel business. Under their proposal for development plan, the applicants are requesting multiple uses. The application was approved with the condition that the applicant delete all other uses from the proposal until BCC approval was granted for other uses.

There are currently three businesses other than Mesa Steel operating from this building. The applicant is requesting approval of his businesses. The applicant is also in the process of reconfiguring the lot through a lot line adjustment in order to expand the business area in order to allow for a 10,000 square feet of additional warehouse manufacturing space.

Recommendation, the property in question is currently approved for a commercial use and is adjacent to other lots which have the potential for commercial zoning. Staff recommendation and the decision of the CDRC was to recommend approval of the variance to allow the boundary of the commercial district to be adjusted to incorporate the applicant's 4.5 acre tract. The application has also been reviewed under Article V, Section 5.2 of the County Land Development Code for master plan requirements. It is staff's position that ~~is~~ application is in accordance with the County Code requirements for master plan. Staff recommendation and the decision of the CDRC was to recommend master plan zoning approval subject to condition. While there are several existing violations, staff recommends time limits on several of the following conditions.

Mr. Chairman, may I enter the conditions into the record with the change to condition number eight.

CHAIRMAN GRINÉ: Thank you, Vicki.

MS. LUCERO: Yes, may I enter the conditions --

CHAIRMAN GRINÉ: Yes, enter them into the record.

MS. LUCERO: There is a change to condition number eight.

CHAIRMAN GRINÉ: Eight?

MS. LUCERO: Yes. And it should read an automatic fire protection sprinkler system will be required in the building. This system shall be installed in conjunction with the addition to Mesa Steel or with the completion of the infrastructure of the SR 14 Business Park or within five years of the BCC approval of the master plan, whichever will occur first.

CHAIRMAN GRINÉ: Thank you. Any questions of Vicki?

COMMISSIONER DURAN: Mr. Chairman.

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CHAIRMAN GRIÑÉ: Commissioner Duran.

COMMISSIONER DURAN: I just have a question of Vicki. Vicki, the height limit is 36 feet?

MS. LUCERO: That's correct. In that commercial -- it's in a major center commercial district and the height limitation is 36 feet.

COMMISSIONER DURAN: And that height is allowed by code?

MS. LUCERO: It is allowed by code; however, on condition number 16 we - according to the Highway Corridor Plan there is a restriction of I believe 24 feet. There existing structure is 25 feet so they wanted to make the second addition level with the first.

COMMISSIONER DURAN: So the height restriction is 24 except for that one foot on that one building.

MS. LUCERO: Right, so we have a condition that is number 16 that allows them to get the 25 feet.

COMMISSIONER DURAN: I can't find that.

CHAIRMAN GRIÑÉ: It's on page two of the conditions.

MS. LUCERO: It should be on page five of the staff report.

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

Yes, Jim Siebert.

[Duly sworn, Jim Siebert testified as follows]

JIM SIEBERT: My name is Jim Siebert and my business address is 915 Mercer. Mr. Chairman and Commissioner, just to answer your question regarding the 25 feet, it's condition number 16.

CHAIRMAN GRIÑÉ: Jim, is you applicant agreeable to all these conditions including the addition that was added on to number eight?

MR. SIEBERT: Yes, he is.

CHAIRMAN GRIÑÉ: Is there any questions of Jim Siebert? Thank you, Jim.

Is there anybody in this case for or against? Okay, then what is the wishes of the Commission.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN GRIÑÉ: Commissioner Anaya.

Commissioner Anaya moved approval of the proposal, Z 98-5430, as presented subject to the conditions imposed by staff and agreed to by the applicant. His motion was seconded by Commissioner Duran and passed by unanimous voice vote.

- IX. G. 6. **CDRC CASE #Z 99-5440. State Road 14 Business Park. Steve Dennis, applicant, Jim Siebert, agent requests a variance of Article III, Section 4.2.3 of the Land Development Code to allow for an extension of the 2,500 foot radius of the boundary of the major center commercial district at the I-25 and NM 599 Interchange to incorporate their 5.57 acre lot with master plan zoning approval for a 10 lot commercial business park on 5.57 acres. Uses to include office space, warehouse, light manufacturing, retail, research and development, greenhouses and churches. The property is located off SR 14 north of the intersection of NM 599 and SR 14, within Section 26, Township 16 North, Range 8 East.**

PENNY ELLIS-GREEN: Mr. Chairman, Commissioners, the applicant is requesting master approval for a ten lot commercial subdivision on 5.57 acres and a variance to allow further extension of the I-25/SR 599 commercial district to include this entire property and to allow for individual lot development plans to be reviewed administratively when all platting is complete. Lots will range in size from 0.37 acres to 0.75 acres in size. If this master plan and variance request is approved the applicant will then proceed with platting the lot and a subdivision development plan which will set out requirements for lots.

Recommendation: The decision of the CDRC was to recommend approval of the variance to allow for the boundary of the commercial district to be adjusted, to incorporate the applicant's 5.57-acre tract into the node. The decision of the CDRC was to recommend master plan approval subject to 17 conditions. And, Mr. Chairman, can I enter the conditions in the record?

CHAIRMAN GRINÉ: Yes, thank you, Penny.

1. The individual lot development plans will be reviewed and approved administratively when all platting is approved and when all subdivision improvements are in place.
2. Greenhouses and plant nurseries will be deleted from the use list.
3. All redline comments will be addressed. The drainage and grading plan is to be approved by the Subdivision Engineer. Original redlines will be returned.
4. A driveway permit will be required from the State Highway Department for the proposed roadway. A southbound right-turn deceleration lane, a southbound right-turn acceleration lane, a left-turn lane into the access road and separate left-and right-turn lanes on the access road at the SR 14 intersection will be construct. Access from the I-25 frontage road must be closed.
5. Fire hydrants shall be in place, operable, tested and approved prior to building construction. Final placement of all fire hydrants shall be coordinated with the County Fire Marshal prior to installation. Fire hydrants installation to be changed as follows:
 - a. Relocate the hydrant from the southwest of Lot 1 to the northwest corner of Lot 1.

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- b. Relocate hydrant from the south of Lot 3 to the west of Lot 3
 - c. Relocate hydrant from the northeast of Lot 8 to across the roadway
 - d. Add a hydrant at the northeast corner of the entrance to Mesa Steel.
- 6. Install a Knox Lock system for emergency access as determined by the Fire Marshal.
 - 7. An automatic fire protection sprinkler system will be required in all buildings, this will be noted on the master plan and within the covenants.
 - 8. All lots are restricted to 0.33 acre feet of water per year. Water restriction covenants will be recorded with master plan.
 - 9. All lighting must be shielded. A lighting analysis will be required for all individual lot development plans.
 - 10. All utilities must be underground.
 - 11. Compliance with the applicable review comments from the following:
 - a. State Engineer's Office
 - b. State Environment Department
 - c. State Highway Department
 - d. County Subdivision Engineer
 - e. County Fire Marshal
 - f. County Public Works
 - 12. The applicant shall submit a financial guarantee for all improvements including fire protection, sewer, and water connection, roads, retention ponding and landscaping prior to a construction permit for subdivision build out.
 - 13. Master plan must be recorded with the County Clerk. Covenants setting architectural and design standards will be recorded with the master plan which will incorporate the Thornburg covenants and the commercial gateway standards to include the following:
 - a. There shall be no outside storage
 - b. All buildings will be stuccoed on all sides.
 - c. There will be a 50-foot setback from SR14, this may be reduced to 25 feet with landscaping and a 4-foot masonry wall.
 - d. Building height shall not exceed 36 feet. Any building over 24 feet must be stepped back two feet for every one foot of additional height.
 - e. Lot coverage will be a maximum of 65 percent which includes parking areas.
 - f. No billboards, roof mounted or pole mounted signs are permitted. Internally lit signs may not exceed 10 square feet in size.
 - g. Buildings greater than 15,000 square feet must be designed with three distinct masses with a four-foot minimum vertical and horizontal offset. Maximum uninterrupted length of any facade shall not exceed 50 feet.
 - h. All rooftop structures shall be screened.
 - i. Only minimal commercial lighting is permitted.
 - 14. Existing natural drainageway shall not be disturbed.

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15. All roads will have a minimum of 4 inches of pavement and will have rolled curb and gutter.
16. The applicant will show net developable acreage and building envelopes on all lots. This will be shown on the master plan and noted within the covenants.
17. Prior to final platting the applicant must have a valid development agreement with Santa Fe County and the City for water and sewer service for the entire project or prove adequate water for lots not served by the City water per County Code.

CHAIRMAN GRINÉ: Any questions of Penny?

COMMISSIONER TRUJILLO: Yes.

CHAIRMAN GRINÉ: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Penny, I'm concerned with these areas that keep expanding and expanding. If the district has been developed why are these additional lands added to the commercial area?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner, this initially started in 1997 when Mr. Thornburg requested a variance to extend the commercial district at 599/I-25 and that was approved and that really goes around this piece of property and to other variances that you heard tonight. We do have a situation where we have the I-25/Cerrillos Road intersection and the 599/I-25 intersection they basically merge between I-25 and SR14. Because this piece of property then goes on to Wolf Canyon which has been previously approved and then to the fire department and then PNM and then into the other commercial districts.

Staff is recommending approval of this because this is literally the only other piece of property that has not been included into one of those commercial districts. Everything around it from I-25 to SR14 is commercial.

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

Jim Siebert, you've already been sworn in. Is your client in agreeable with all the conditions set forth?

[Previously sworn, Jim Siebert testified as follows]

JIM SIEBERT: Yes, he is.

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

This is a public hearing; is there any one that wants to speak either for or against? Thank you.

What's the pleasure of the board?

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN GRINÉ: Commissioner Duran.

Commissioner Duran moved to approve Z 99-5440 with staff recommendations. Commissioner Anaya seconded and the motion passed by unanimous voice vote.

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- IX G. 7. **EZ CASE S 96-4341. Frijoles Village, Phase One. Frijoles Village Ltd. Co. (Arthur Fields, Managing Partner) applicant, is requesting final plat/development plan approval in accordance with the approved master plan for a large scale mixed use subdivision (residential/commercial/community) consisting of 220 residential lots on 246 acres. The property is located west of the city limits and north of State Road 599 within Sections 19, 20 and 29, Township 17 North, Range 9 East within the two-mile EZ District**

CHAIRMAN GRIÑÉ: Joe Catanach -- we already saw this in the EZA; right? Us three, right? Well, Joe Catanach, just briefly because we already heard it once and that's three of us out of four.

JOE CATANACH: Thank you, Chairman Griñé, Commissioners, we're familiar with this project. Approval of variances and master plan amendment that has occurred with the EZC and the EZA. The EZC recommended final plat development plan approval and this is the first phase of a 220 residential lot on 246 acres. Also, lots are being platted for commercial and for community facilities for the homeowners associations. And this first phase will consist of two subphases, 1A and 1B.

This request is specifically for final plat and development plan but I want to make you aware that the applicant is also requesting an extension to record phase 1B within 24 months instead of the 18 months and the ordinance does allow for an applicant to request for an extension for recording of plats. And that's what the applicant is doing.

COMMISSIONER ANAYA: Thank you, Joe.

MR. CATANACH: And could I enter the conditions into the record?

COMMISSIONER ANAYA: Yes.

County Conditions:

1. Compliance with applicable review comments from the following:
 - a. State Engineer
 - b. State Environment Department
 - c. Soil and Water District
 - d. State Highway Department
 - e. County Hydrologist
 - f. County Subdivision Engineer
 - g. County Fire Marshal
 - h. County Public Works
 - i. County Archaeologist
 - j. Sangre de Cristo Water Company
 - k. City Wastewater Division
2. Legal title to applicant and consolidation plat for entire property approved in the

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- master plan shall be recorded with County Clerk prior to recording final plat.
3. Final plat to include not limited to the following:
 - a. Delineate archaeological preservation easements
 - b. Grant roads and trails for public use
 - c. These lots are subject to a fire impact fee at the time of application for a building permit
 - d. Permits for building construction will not be issued until roads, fire protection, and drainage improvements are completed as required by staff
 - e. These lots are subject to applicable terrain management regulations at the time of application for a building permit
 - f. Base flood elevations for limits of 100-year flood plain
 - g. Approval of street names/rural addressing
 - h. Proposal for zero lot line requires a maintenance easement for adjoining lots
 - i. Compliance with plat checklist
 4. Final homeowner documents (covenants, by-laws, articles of incorporation, disclosure statement) subject to approval by staff and shall include but not be limited to the following:
 - a. Water conservation measures, including prohibition of swimming pools
 - b. Maintenance plan to protect quality of roads/drainage facilities
 - c. A minimum of two on-site parking spaces shall be provided at all times
 - d. Water restrictions limiting water use to .25 AFY/per lot
 5. Submit access permits as approved by State Highway Department.
 6. Final development agreement subject to approval by staff and shall include but not be limited to the following:
 - a. Marketing and sale of affordable lots/units to eligible buyers is subject to an affordable housing agreement with the County and a Community Housing Development Organization
 - b. Commercial space shall be reserved for a viable grocery store and must be committed prior to phase two. A structure for a grocery store shall be built by the developer if no grocery store has been developed by the time 300 homes have been closed
 - c. Subsequent phases based on sale of lots in previous phase
 - d. In no event shall the school site be rededicated for any use other than open space or the construction and operation of a public school, unless a master plan amendment is approved by the EZC/EZA
 7. Development plans for non-residential uses except for homeowner association/community buildings and live/work units are subject to approval by the EZC/EZA. Final plat approval of any phase shall constitute zoning approval including permitted uses, lot coverage and height for all residential and non-residential improvements within that phase.

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8. Development plan submittals shall include the following:
 - a. Address street lights at appropriate locations in conformance with minimum standards
 - b. Road sections for the two main roads which are subject to a conditional dedication shall have a thicker asphalt edge and not a header curb
 - c. Indicate intention to provide future road connection to the west in phase two
 - d. Address size, type and height of project signs
 - e. Delineate clear sight triangles
 - f. Traffic sign plan
 - g. Cul-de-sac typical
 - h. Continue 24-foot paved road section for alignment B to intersection with alignment I at the time of phase 1-B
 - i. Address recreational facilities within park areas
 - j. On-street parking shall be limited to one side of the street in areas required by the County Fire Department
 - k. Minimum width of road surface shall be 12' for all one-way roads
9. Submit engineer's cost estimate and acceptable financial surety to guarantee completion of required improvements (including street and traffic signs, street lights, recreational facilities, common area landscaping, erosion control). Upon completion, submit a certification from a registered engineer that improvements have been completed in accordance with the approved development plan submittals.
10. Submit solid waste fees in accordance with the subdivision regulations.

FINAL CONDITIONS:

1. NPDES stormwater permit shall be submitted prior to issuing any grading permits.
2. Submit and maintain a \$10,000 bond or reserve fund to guarantee the correction of any erosion control and stormwater structures.
3. The bi-annual inspection by the licensed civil engineer will include inspections of all the open space for erosion problems. Inspection plans shall be submitted to the County on September 30 and March 30 of each year. Remediation plans to rectify any erosion/drainage problems shall be instituted within 30 days of report submittal and completed within 60 days.
4. All grading operations within the village will be conducted by the developer's grading contractor only. This contractor will post a \$1 million performance bond with the County.
5. Submit key sheet that identifies road profiles with road alignments.

COMMISSIONER ANAYA: Are there any questions of staff? Is the applicant present?

[Duly sworn, Arthur Fields testified as follows]

ARTHUR FIELDS: Arthur Fields, 200 West Marcy Street, Suite 142, Santa

Fe.

COMMISSIONER ANAYA: Arthur, you are in agreement with the conditions?

MR. FIELDS: Yes, we are, Commissioner Anaya. I would like to make a very brief statement.

COMMISSIONER ANAYA: Go ahead.

MR. FIELDS: I just want to let you know that we're really excited to be here and we have a lot of gratitude to this Commission for all the support you've given to this project over the years including the water and variances. It's been a tremendous amount of support and we feel very gratified by that.

Your staff has been really supportive and we appreciate that. We're proud of our achievements to date and we really look forward to building a village that you're really going to be proud of and the Santa Fe community will be proud of.

Tonight we have our engineer here and John Paul Romero from the engineering firm and Ed Cobau in the back, Lorn Tryk our local planner and designer. And what I would like to do is turn it over to Lorn for a very brief presentation which involves the kind of motion that we're asking for tonight.

CHAIRMAN GRINÉ: Arthur, just let me ask one question: Is there anybody here to speak against this proposal? I don't think we need to go any further -- I'm hungry and thirsty.

MR. FIELDS: Okay, the only thing I would ask of you is the form of the motion. There are some legal requirements and we have a printed sheet and if we could pass that out to you and ask you that the form of the motion be --

COMMISSIONER DURAN: Mr. Chairman, I just want to make one statement. I think you've come along way, Arthur, and I think the final product that you're going to provide in our community is well needed and so go out there and make us proud.

COMMISSIONER ANAYA: I agree. This is the pilot -- this is the pilot program for cluster development and it's come a long ways.

LORN TRYK: What we just gave you is a draft of the motion that I hope you'll consider.

First of all, as Arthur said, we're in agreement with all the conditions but this first part of the motion is to clarify condition number seven. There's a phrase left out of it in the final staff report. It was actually passed with this phrase at the EZC but in the latest staff report it was neglected and it is an important one to us because what it is saying is that we don't need to come back for development plans for the community building on the plaza. Originally we asked for the community building and its two adjacent parcels because it's all one building. So we would like to get that original language put back into the motion. And you can check with Joe -- but we already discussed it with him and he was in agreement.

CHAIRMAN GRINÉ: Joe, did you hear that?

[Mr. Catanach nods yes]

MR. TRYK: Then the other thing that I would like to bring up and as Arthur said some of this language is sort of technical legal language but we're trying to forestall continued lawsuits from our neighbors at Sierra Azul and this language kind of helps tighten up these approvals by bringing it in square with the EZO. But the other thing that Arthur alluded to which is an exciting development for us is that ABB Power has proposed to put in a pilot co-generation plant in Frijoles Village. It's a great honor for them to choose our project. Basically, the cogeneration plant is a natural gas fire generator where the byproduct of the generation is used as heat for buildings and it's a very, very efficient system for generating heat and electricity.

We put in a phrase in this motion that would authorize us to use a cogeneration plant. We don't know whether that's necessary or not, but our fear is that PNM won't sign off on our plat unless you've authorized us to use a cogeneration plant and that they may drag their feet because in a sense we would be competing with PNM by providing power for our own homes. We believe that this is the wave of the future and it is way more environmentally sensitive than coal fire plants in the four corners area and the long transmission lines and not being able to use wasted heat. But just in case they do start to drag their feet it would be nice if this board could endorse our use of a co-generation plant in Frijoles Village so we've included that in our motion.

I do have copies of the letter from ABB if you're interested and we can pass that out to you.

CHAIRMAN GRINÉ: I don't think that's necessary. Denice, are you okay with this -- can we just go ahead and enter it as a requested motion into the record.

[Ms. Brown responds away from the microphone]

MR. TRYK: They are already a part of the development plans and all of the criteria in the EZO regarding information to be included for development plans is already on the plans. So what Joe ruled is that for parcels where we have already included enough information for building mass, setback, where the parking is located, signage and basically everything that it is in the code that they should be deemed as a part of this development plan. But then we have some parcels like the school site which is a big 10 acre parcel and doesn't show a building or landscape plan or anything -- on those we should come back with a separate development plan and provide additional information.

CHAIRMAN GRINÉ: Is that okay, Denice?

MS. BROWN: Yes.

COMMISSIONER DURAN: I just have one question. Arthur, were you aware that Councilor Moore was going to bring the height restriction or requirement back to the EZA to reconsider?

MR. FIELDS: Are you referring to the residential height of 28 feet versus the code of 24 feet?

COMMISSIONER DURAN: Right.

MR. FIELDS: Yes, we had no intention of doing anything 28 feet high that

was from the EZC. It was not initiated nor sought by us and we have no intention of using it. So that's fine.

COMMISSIONER DURAN: Thank you.

MR. FIELDS: Thank you.

CHAIRMAN GRIÑÉ: Any further questions. Okay, this is a public hearing: does anyone want to speak on this case. [No response] Thank you.

What's the pleasure of the Board?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN GRIÑÉ: Commissioner Anaya.

COMMISSIONER ANAYA: I want to move approval of this proposal subject to conditions imposed by staff and inclusive of the motion for clarification is the proposal from the village people themselves, the Frijoles Village people, to amend as accepted by our county attorney.

CHAIRMAN GRIÑÉ: Which is entered into the record [Exhibit 1].

COMMISSIONER ANAYA: Yes, have it entered to the record, Mr. Chairman.

CHAIRMAN GRIÑÉ: Do I have a second?

COMMISSIONER DURAN: Second.

CHAIRMAN GRIÑÉ: Any further discussion?

The motion passed by unanimous [3-0] voice vote.

ADJOURNMENT

Chairman Griñé declared this meeting adjourned at approximately 8:30 p.m.

Approved by:



Board of County Commissioners
Joe S. Griñé, Jr., Chairman

Respectfully submitted:



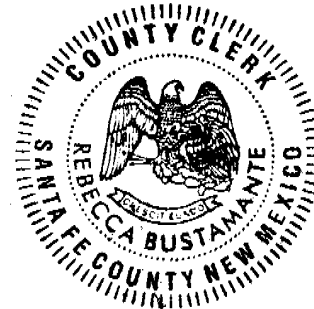
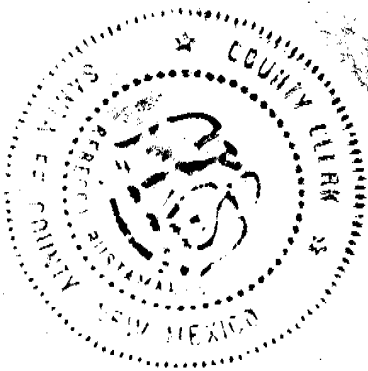
Karen Farrell, Commission Reporter

ATTEST TO:

Rebecca Bustamante

REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK

1721788



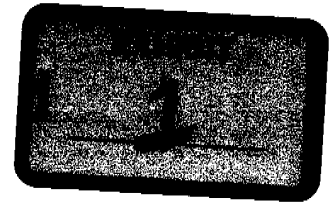
COUNTY OF SANTA FE
STATE OF NEW MEXICO 1101 417 JSS
I hereby certify that this instrument was filed
for record on the 29 day of DEC A.D.
19 99, at 8:37 o'clock a. m.
and was duly recorded in book 1721
page 788 of the records of
Santa Fe County.

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

Marcella Salazar
Deputy

FRIJOLES VILLAGE REQUESTED MOTION

1721788



1. Motion to grant Final Plat/Development Plan Approval for EZ Case S96-4341, Frijoles Village, Phase One subject to staff conditions in the December 14, 1999 staff memo, except that condition #7 first sentence is amended to read:

"Development plans for non-residential uses except for homeowner association /community building (including two adjacent parcels) and live/work units are subject to approval by the EZC/EZA. "

with the legal bases and factual findings that this application has met the requirements of the New Mexico State Statutes, the Santa Fe Extraterritorial Zoning Ordinance and the Santa Fe Extraterritorial Subdivision Regulations for Final Plat approval.

2. Further move to adopt and incorporate by reference the factual statements in the staff memorandum dated December 14, 1999 to the B.C.C. as factual findings of the Board.
3. Further move that the B.C.C. finds that Phase One is viable in the event that future phases are not completed.
4. Further move to permit the subdivision to generate electricity on-site provided that the generation and distribution system is approved by the County Land Use Administrator and that the production of electricity is in accordance with all applicable state laws and regulations including those of the New Mexico Public Regulatory Commission.