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BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

SPECIAL MEETING

AUGUST 24, 1999

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

SANTA FE COUNTY

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SPECIAL MEETING

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August 24, 1999

This special meeting of the Santa Fe Board of County Commissioners was called to order at approximately 6:15 p.m. by Chairman Paul Duran in the Santa Fe County Commission Chambers.

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

Members Present

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

Members Absent

[none]

APPROVAL OF AGENDA

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

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PUBLIC HEARING

CDRC Case #Z 99-5000. Tesuque Business Park. Ted Yamada, applicant, requests the creation of a community center/commercial district and master plan zoning approval for a business park on 10.07 acres to include uses such as financial institutions, retail stores and office spaces. The property is located between US Highway 285 and County Road 73 in Tesuque within Section 36, Township 18 North, Range 9 East

CHAIRMAN DURAN: I would just like to say that I know this is a very passionate and controversial issue and I won't accept any outbursts. We're going to listen to both parties' presentations and make a decision, so please try to control yourselves and respect one another. Thank you.

COMMISSIONER ANAYA: Mr. Chairman, if I may suggest, if you people are organized as such, have a selected few people that are going to speak on behalf of either party. That would certainly save a lot of time and a lot of irritability, so if you could have it organized in that direction.

CHAIRMAN DURAN: Okay, staff report.

VICKI LUCERO (Review Specialist): Would you like me to read the entire report, Mr. Chairman?

CHAIRMAN DURAN: Why don't you read everything up to the recommendations, except the recommendations.

MS. LUCERO: Thank you, Mr. Chairman. Summary: On March 25, 1999, the CDRC met and acted on this case. The applicant is requesting approval of the creation of a community center districts with a radius of 1750 around the intersection of State Road 285 and County Road 73. Also the applicant is requesting master plan zoning for a business park on 10.07 acres. The establishment will consist of three two-story buildings and will be done in phases. The area of the buildings will total 33,500 square feet.

Use list:

- a. Professional business and governmental offices
- b. Business services
- c. Research and development businesses
- d. Research laboratories
- e. Retail establishments
- f. Personal service establishments
- g. Offices
- h. Studios and art galleries and dealers
- i. Clinics
- j. Banks or other financial institutions
- k. Indoor recreational uses

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1. Clubs and other non-profit uses

Access: The property will gain access off of County Road 73. The applicant has submitted a traffic study. It has been reviewed by the State Highway Department and the Public Works Department. The applicant will be required to obtain a driveway permit.

Parking: The applicant is proposing a total of 154 parking spaces which includes 6 handicap spaces.

Terrain Management: There is an arroyo that runs near the northeastern boundary of the property. A drainage easement was established when the lot was created. A drainage analysis must be performed to determine the actual limits of the 100-year storm event and to evaluate a drainage crossing design.

Water: The applicant states that this property will be served by an on-site well. A water budget has been submitted which estimates water use of 2.66 acre-feet per year for the entire project. Parcel B-2-D currently has water restrictions of 0.25 acre-feet per year. The County Hydrologist has reviewed the application and recommends master plan approval only. A detailed water availability analysis will be required with development plan submittal.

Fire Protection: The applicant is proposing to install a 30,000-gallon water tank near the well. The water tank will be connected to hydrants which will be located along the driveway. Sprinkler systems will be installed in all the buildings. The Fire Marshal has reviewed this application and recommends approval provided that the building design, fire access lanes, hydrant placement, water supply and fire protection sprinkler and alarm system meet code requirements.

Liquid and solid waste: The development will be served by two septic systems. One is located to the east side of the arroyo and the other to the west. Advance systems may be required if uses are not restricted to those producing typical domestic waste. A discharge permit will be required if wastewater flows exceed 2,000 gallons per day. Three dumpsters are proposed for the development -- one for each building. The dumpsters must be screened by a six-foot high solid wall of fence.

Signage and lighting: The applicant is proposing a directional sign at the two entrances to the site. Directory signs will be placed near the buildings. All signs will be unlit and must meet Santa Fe County Code requirements. The applicant proposed to install entrance lights, landscape low lights, and motion detector safety lights. All lighting must be shielded. A detailed lighting plan must be submitted at development plan stage.

Phasing: The project will be completed in two phases. Phase one will consist of a two-story building of 6,000 square feet east of the arroyo. Phase 2 will consist of two two-story buildings which total 27,500 square feet. The applicant proposes to have the entire project within ten years of master plan approval.

Landscaping: The lot is heavily covered with native vegetation such as pinons and junipers. The building sites lay much lower than the adjacent road and highway and are surrounded by many trees which will create a natural buffer.

Required action: The BCC should review the attached material and consider the

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recommendation of the CDRC. Take action to approve, deny, approve with conditions or modifications or to table for further analysis of this request.

Recommendation: The decision of the CDRC was to recommend denial of this project due to its incompatibility with the surrounding area. Their decision was also based on their concerns that the intersection as it exists poses danger. It is staff's position that this application meets the commercial node requirements and is in accordance with Article V, Section 5.2, Master Plan Procedures of the County Land Development Code. However, because of traffic concerns at this intersection, the uses associated with community center districts, staff recommends establishing a smaller, local center district with a radius of 1000 feet. Creation of a local center district would allow all the uses requested except for research businesses and laboratories. These uses will not have great impacts on traffic. Therefore staff recommends master plan approval with all of the uses requested subject to the following conditions,

CHAIRMAN DURAN: You can stop there. Are there any questions of staff?

COMMISSIONER TRUJILLO: Yes, Mr. Chairman, I have a question regarding commercial nodes and the recommendation of staff that it meets the commercial node requirements. In my research, I looked at the General Plan and in the General Plan, Tesuque has not been designated as a commercial node. At some point the EZA adopted a suggested node map, and Tesuque is not on that suggested node map. So I'm perplexed that staff is recommending approval based on that it satisfies the commercial node concept. Where's that position coming from?

MS. LUCERO: Mr. Chairman, Commissioner Trujillo, yes that is correct. We did base our recommendation on the criteria for establishing a commercial district. The EZA did approve a map that had potential commercial districts in it in the Tesuque area, however, the map states that for planning purposes that it shows some but not all potentially eligible locations. However, since the Tesuque community became a historic village, it no longer falls under jurisdiction of the EZO, so now it falls under County Code requirements.

COMMISSIONER TRUJILLO: Thank you.

CHAIRMAN DURAN: I have a question of legal please. I'm wondering, Denise, if you can tell me if this Board has the ability to deny or approve this request. Do we have the legal grounds to do that or is this proposal a discretionary decision that the Board has?

DENICE BROWN (County Attorney): Mr. Chairman, Commissioners, this proposal is discretionary. The Code section that you are dealing with tonight on establishing this commercial node is Section 4.2 in Article III of the Code and it's permissive language. So it says that you may establish a commercial node at a qualifying intersection. You are not required to. So the fact that you have a qualifying intersection does not mandate the creation of a node. It permits the creation of a node.

CHAIRMAN DURAN: Okay.

COMMISSIONER TRUJILLO: Mr. Chairman, just to cite something, the

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1980 County General Plan speaks generally of intersections as desirable places to locate commercial activity in lieu of strip development. And these are very general recommendations and provides a good basis to reject strip development. However, this does not mandate acceptance of any application on an intersection, especially a variance, which can be rejected for any reason or no reason at all. So it's very general in the way that the Santa Fe County General Plan speaks about commercial development at intersections. I just wanted to bring that to the attention of the Commission.

CHAIRMAN DURAN: Thank you. What was surprising to me today when I spoke to legal, because I always thought that when a piece of property met the criteria to be considered a commercial node that it was an automatic and it's not. It's a discretionary thing. It's up to this Board. We can approve a commercial node and the uses within it, or we can disapprove it. And we can disapprove it based on what we believe to be the community's needs and concerns. So, it was something that I really was not aware of until today.

COMMISSIONER GONZALES: Mr. Chairman, I have a question for staff concerning the correspondence that was made between the staff and the Highway Department. On January 14, there was a letter that was issued saying that they couldn't do an evaluation of the proposal without, I suppose it's a traffic impact analysis, and then there's a brief letter that was submitted on March 15 to Penny Green that basically states after reviewing the information provided by Mr. Yamada regarding the Tesuque Business Park, the New Mexico State Highway and Transportation Department has no objections to the facility. And I guess I would ask the staff how they did their review. Is it done independent of what Mr. Yamada submitted or how do they base their recommendations?

I didn't see in Mr. Yamada's report as to the number of trips that would increase on I believe it's County Road 73, on the County road that's going to be used to access the facility.

TOM DOMINGUEZ (Traffic Engineer): Mr. Chairman, Commissioner Gonzales, can you tell me the name from the Highway Department?

COMMISSIONER GONZALES: Yes, it was submitted to you by Armando Armendariz.

MR. DOMINGUEZ: Mr. Chairman, Commissioner Gonzales, you're speaking about a letter dated March 15?

COMMISSIONER GONZALES: That's correct.

MR. DOMINGUEZ: Armando Armendariz is the District 5 traffic engineer's assistant. I did speak -- I can't address your question of how they reviewed it other than to say when a TIA is submitted, which was submitted initially with this master plan, that we go through the traffic counts that are shown and the recommendations that are put in by their traffic engineer.

I did speak to Miguel late this afternoon --

COMMISSIONER GONZALES: Can you tell me, who's Miguel?

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MR. DOMINGUEZ: Miguel Gabaldon is the traffic engineer. I'm sorry. With the Highway Department District 5 which covers this area. And he was not aware that the new proposed driveway was south of the original one. We have not received a TIA based on the driveway moving. Previously, with the initial application it was north of his home entrance. The one you see before you today the access is south of his home entrance and we have not seen that.

The way that County staff reviewed the numbers was based on the use. The numbers probably would not change significantly between where the access was going to be. The only thing that does change is the proximity to the intersection of 285 and we have comments regarding that that I can save until later if you so wish.

COMMISSIONER GONZALES: Just to get to my question as far as the number of trips that would be generated on the usage or the proposed usage. Do we have an idea of that? Or is there something you're prepared to state for the record?

MR. DOMINGUEZ: Mr. Chairman, Commissioner Gonzales, in his initial submittal, there is a TIA that does show trip generations and it does show that based on the ITE trip generation manual, which is the standard protocol to get these numbers from. If you have the document that says Tesuque Business Park traffic study, they would be on page 9. I don't know that you have it, but the numbers are there. So to answer your question, yes, he did submit some numbers.

COMMISSIONER GONZALES: Can you tell me what the numbers are for the number of units or the increase in traffic that would occur on the County road?

MR. DOMINGUEZ: Yes, what he shows is merely an AM peak hour volume, what would be generated into his facility, and he shows a peak hour, which would be what his facility would generate outside. It's not broken up. It's very general. In the morning he shows coming from the west, 16 vehicles turning right, 32 turning left.

In the PM peak, he shows 14 vehicles coming out of his entrance going west, and 29 vehicles turning right going east. He does also show some justification of how he got these numbers. Based on the generality of what his proposed uses are, it was difficult for myself to compare these numbers to say yes, they're high. No they're not. But I will say this, that I've reviewed this traffic impact analysis and I do not agree with the recommendations of their traffic engineer.

COMMISSIONER GONZALES: Can you elaborate on that a little bit, on your disagreement between your analysis and their engineer?

MR. DOMINGUEZ: Yes, I can. Based on the numbers that they show --

COMMISSIONER GONZALES: You're talking about the applicant's traffic?

MR. DOMINGUEZ: The applicant's traffic engineer, which was Walter Williams for the record. He shows that there would not be any land improvements necessary based on numbers. The reason I have had various correspondence with Miguel Gabaldon, the traffic 5 district engineer is because it's a general number. The latest thing in this submittal was 1995 numbers. Based on the 1995 numbers, they show it in relationship to

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what's called an AADT, or an annual average daily traffic. A general practice out of ASHTO, which is an engineering guideline, federal guideline, they recommend using 10% to 13% of that traffic for a straight-through peak hour.

Based on that, my numbers do not correspond with what his numbers came up, so I don't know what method he used to get his numbers.

COMMISSIONER GONZALES: So then has your department, has the Public Works Department submitted an opinion in here regarding the project that I just didn't see?

MR. DOMINGUEZ: No, what we did was we were pending -- I have met with Mr. Yamada personally on this on several issues. We were really looking for him to address or the engineer to address what was going to be taking place closer up. Another reason why I've had meetings with Parsons Brinkerhoff, which is designing the interchange.

Another factor that comes in is speed is big factor of the County road, and currently they're not sure what they're going to post it at there. It's currently 45 as you come off the ramps, and that dictates lengths of accel and decel lanes, etc. So not knowing a for sure speed limit that they're going to post. I do know that it does warrant accels, decels and a left turn lane in, but I couldn't tell you the length of that because it would be based on what this will get posted at.

COMMISSIONER GONZALES: And the name of the company that's doing the design of the interchange was Parsons, you indicated?

MR. DOMINGUEZ: Parsons Brinkerhoff, yes.

COMMISSIONER GONZALES: Is there a time line that the construction is going to begin on the interchange?

MR. DOMINGUEZ: I was speaking with their engineer, Richard Romero. We spoke about a month ago. They were still finishing up some design issues. I heard today, and I don't know how accurate this is that it should probably be in construction by this time next year.

COMMISSIONER GONZALES: Has it been funded?

MR. DOMINGUEZ: I could not answer that question. The state would have to.

COMMISSIONER GONZALES: Okay, so the entrance into the facility or into the proposed business park was moved, you said, from north to south.

MR. DOMINGUEZ: Correct.

COMMISSIONER GONZALES: So that would be moved from the village itself closer towards Highway 285?

MR. DOMINGUEZ: That is correct.

COMMISSIONER GONZALES: And so am I reading your concern in that if we don't narrow the proposed design of the exit lane onto County Road 73, we don't know what those speeds may be which could have an impact on a turning lane on the south side of the property. Is there a relationship there?

MR. DOMINGUEZ: Yes, there's a big relationship there because as part of

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the design they're actually turning the whole appearance of what's existing. County Road 73 currently is going to be shifted north and it's going to be through an underpass under 285 with on and off ramps on to County Road 73. So because of that, they're not sure what it's going to be posted at.

COMMISSIONER GONZALES: And the last question, Mr. Chairman. On the actual interchange and the timeline of the project, again, I'm sorry. I can't remember what you indicated what the timeline may be for the construction of the interchange itself.

MR. DOMINGUEZ: The only comment I heard, and it was today was that by this time next year it would be under construction. So I don't know when the starting date would be.

COMMISSIONER GONZALES: Well, from the point that it's constructed, for something of this nature, what we're seeing happening at the turn-off to La Tierra, are we going to see something that significant that's occurring at this interchange and if that's the case, are we going to see the same timeline that's occurring?

MR. DOMINGUEZ: Mr. Chairman, Commissioner Gonzales, about the only comment I would make on that is it is a significant change with what they're going to be doing because they're also putting in some frontage roads. They'll have a frontage road system, so it is going to be lengthy. I've not seen the schedule yet as part of the design. So I couldn't even guess how long it's going to be.

COMMISSIONER GONZALES: But I need help me on significant projects - a year? Six months? Two years? Three years?

MR. DOMINGUEZ: I think a good indication, Mr. Chairman, Commissioner Gonzales, is going to be what you're seeing up at the La Tierra and that area. It's quite significant to build an interchange so I would guess about a year.

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

COMMISSIONER TRUJILLO: Let me understand, and that interchange will be south of the existing turn-off to Tesuque up the hill by the Tano Road intersection? Or where is that interchange going to be?

MR. DOMINGUEZ: Mr. Chairman, Commissioner Trujillo, they're shifting County Road 73 to the north, so it will actually be slightly further north. It won't be towards Tano Road. It will be away from Tano Road, the shift, the new alignment.

CHAIRMAN DURAN: Any other questions of staff? Is the applicant here?

[Duly sworn, Sayiri Yamada testified as follows:]

SAYIRI YAMADA: My name is Sayiri Yamada, Route 4, Box 81-Y. Good evening, Mr. Chairman and County Commissioners. I'm a resident of Tesuque and my family owns the property for the proposed office building site. My father is sitting over there, Ted Yamada. He is also a resident of Tesuque and his background is in civil engineering. He has done most of the work for this application and has met all the technical requirements by the County.

My father and I have been working on this project for several years by now and have

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been spending a considerable amount of time in the last six months. It has been quite an adventurous process, I must say. But I'd also like to go ahead and introduce some of my family because this is a whole project that the whole family has been involved with. Over there next to my father is my little brother, Ted -- I call him little brother so he knows who has seniority. And then his wonderful wife Monica and my adorable, adorable niece, Chiana.

But this has been a family project that we've been working on together and on behalf of my family and myself, we'd like to thank you very much for taking time out of your busy schedule to hold this special hearing for our case. This evening what we'd like to do is discuss with you our proposal which is located on the south, kind of the outskirts of the traditional village of Tesuque. What we wanted to address this evening is some of the land use, policy, and legal issues. So I appreciate your time and I appreciate your consideration. Thank you very much.

CHAIRMAN DURAN: Thank you.

[Duly sworn, Ike Pino testified as follows:]

IKE PINO: My name is Ike Pino. I'm at 1616 Old Pecos Trail, Santa Fe. Mr. Chairman and Commissioners, nobody can ever accuse the Tesuque Village area of community apathy. We have a nice large audience here tonight and I think that this issue now, it's time after many months to discuss many of the land use and policy issues that are around this case. You heard the staff report. You heard all the technical issues around the staff report and of course you have your questions around traffic.

I want to emphasize six or seven other technical issues that were not in the report or that need to be reemphasized. This request is for ten acres. The property is a total of 34 acres. The Yamadas live on the balance of the 24 acre where their homes are and where they're going to live and the proposal now is for the ten acres closest to the Y if you will. It is not a mall. It is not a truck stop proposal, a convenience store, a laundromat, any of those types of things. I say that because this has been a lot of the correspondence that has been distributed about this project. It is about an office building project for the development of information technology.

There are no variances being requested in this project. The staff has recommended that it be reduced from a community center to a local center, a condition for which we did not apply, but a condition with which we agree. One of the key elements that has not been discussed is the fact that from the beginning, the Yamadas have stated and continue to state that no development on this property for this project would occur until that interchange on that model is constructed. The Yamadas recognize that there are many, many traffic dangers to be experienced if you try to build a project like that before the interchange is built, or if you try to build a project like that while the interchange is under construction.

So they started from their own volition, right at the very beginning saying that nothing would occur on that site if it were approved until that interchange were fully functional. The access to the business area from County Road 73 does in fact propose some

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lanes that would come with future phases of the projects. Decel lanes and acceleration lanes. Those aren't in the first phase and didn't appear in the report. There's 70% open space in this project. The traffic numbers suggest that in the future, when you mix in all of the traffic, and the future again is after that interchange is functional, that traffic contributes less than 5% to the total on County Road 73, and 1% on US 84/285.

There are no slope encroachments of issues about 30% slopes on this thing. There are no terrain management issues. There are no style of building issues that we know of as yet. And, I want to clarify something that is in the staff report and was in the application, and that is that all of the uses permitted in a node like this were listed. And I can understand an individual reading that report and deriving from that an idea that perhaps any of those or all of those uses would be suggested in this node for this development. I'm here to reiterate again that it is a use only for offices. For brainpower and computer power for the development of information technology.

If you look at the model, Mr. Chairman and Commissioners, you see some dark-colored buildings that are toward the top of the interchange. Those are the proposed buildings. The two lighter colored buildings are existing residences in the area. To give you a sense of the scale of how that compares to what's existing right there immediately and what the interchange will look like around it.

Now, my favorite newspaper, the *Santa Fe New Mexican*, the poor, lost, uninformed souls that they are in the editorial room, suggested that it's your duty to maintain a crucial part of our community's mountain area. Now, it's important to point out our community's crucial mountain area. Number one red circle on the map, your flea market. Number two red circle is the Inn at the Opera. Number three red circle is Tano Santa Fe. Tano Santa Fe is not in the county; it's in the city, and it looks like this. It has over 300 approved units and number four, a five-star hotel that must be built as part of that development per an annexation agreement 1984. Number 5 circle is Sangre de Cristo Estates. Number 6 circle is a residential subdivision to the south of the Yamada property.

I point this out to give you a context for this because we're not talking about the pristine northern mountain area that must have existed in the forties or fifties. This is what's out there. This is what's approved, and this is what's going to develop whether we like it or don't like it because it's approved. Mr. Chairman, I failed to mention and I need to call your attention that this interchange is an interstate class interchange. This is bigger than anything you'd typically find on the interstate. It's bigger than anything you're going to find on I-25 coming into Santa Fe. And that, in and of itself, forget all of this, takes away a lot of that so-called crucial part of our community's mountain area.

Mr. Chairman, if this were about land use only, it would be a fairly simple case. It's always easy to get up and discuss the technical issues and determine a case on the merit, but in this particular case, there's a much broader policy issue, I think that has to be discussed. And it's a policy issue that we've discussed with the community, frankly. We went to the community nine times. I attended four of the meetings, one of which was held subsequent

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to the last Board of County Commission meeting when you asked us to go to the community.

The types of things and concerns that we heard included a concern about commercial encroachment or a domino effect if this node is approved, that there were no benefits to the community, in other words, that having this type of a business there wasn't anything that anybody in the village could use and didn't benefit the community, that it could possibly change the quality of life. It was mentioned that commercial development should be kept to the south and west of Santa Fe in our favorite area of commercial development which is Airport Road and that area.

It was mentioned by many, many people that these uses should be in Santa Fe, that it's five minutes over the hill, that there's no need to put this in the village, we can access this type of thing if we just get in our vehicles and go over the hill in five minutes. It was mentioned that Tesuque should be kept residential, that a scenic corridor should be preserved, and that a land use or community plan is still in the making. The community really did not want to discuss the technical issues. We never talked about the scale of the project. We didn't talk about the size, about terrain management, about color, about anything like that. The community was very clear and very sincere and frank in telling us we don't want commercial development creeping into Tesuque and we don't want it starting at that node.

Mr. Chairman, what it does, though is it raises a much larger question that has to be dealt with ultimately. If not tonight, at some point, and that is, what place does economic development and the commercial zoning needed to achieve it have in Santa Fe County? The Yamada proposal is for a clean, quiet, safe project with economic development implications. They want to tap into an industry that last year generated \$301 billion and 1.2 million jobs in this country alone. The residents want no commercial. They seem to prefer a rural residential enclave which ultimately means no job creation and they're not interested in the revenues and opportunities that accrue to the county from this type of a development.

As one resident told me at a meeting, the County went spend the money here anyway. They don't want commercial use in the area. They want it confined to Santa Fe because Santa Fe is only ten minutes away as many of them wanted to say to us. So it poses some questions that need to be answered in this case. Does the Commission wish to establish whole communities as residential enclaves and say no to commercial activities, period, such as these. And if they do, does the Commission concede economic development opportunities in northern Santa Fe County to the City.

Are we just going to say we're not going to have them in the county? We're not going to benefit from the way we could in the county. They can go to the city and the impacts can be there and the benefits can be there. And finally, does the Commission concede that it is powerless, that the Commission is powerless to confine commercial activities to certain areas and that it will have no control over other commercial proposals, because those are the underlying issues here that have come up in community meeting after community meeting.

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It would have been nice if it had only been a land use issue, but it isn't. And those are the issues with which you must deal this evening. Now, there are some legal issues that need to be articulated and I'll let those go now.

COMMISSIONER GONZALES: Mr. Chairman, I have a question of Mr. Pino. Ike, a couple of things, and this concerns, involved in the whole policy side of it. The request of the applicant tonight is to grant master plan approval. What you stated tonight is that the applicant won't proceed forward until this intersection is constructed. Is that right? Proceed forward to their next phase, which I'm assuming would be preliminary and final approvals.

MR. PINO: Mr. Chairman and Commissioner Gonzales, that's correct.

COMMISSIONER GONZALES: I think it equally important in a policy discussion is granting, and I'd like for you to address this issue or Mr. Sommer can address it when he comes before us to talk about the legal aspect. Is the granting of master plan zoning on a commercial property subject to a set of conditions or a set of road standards that don't exist today that may exist a year from now and will take another year to construct. And my question is this. Why, if you're wanting to wait until after this is constructed to proceed forward are you coming in now prior to the construction of it as opposed to subsequent so that we have a better understanding that this does exist and we know what the proper uses for that land will be subject to the environment that exists around.

I think that's a policy issue that the Commission needs to answer. Are we going to get in the habit of granting master plan approval subject to a whole bunch of things happening out in the future that may or may not happen.

MR. PINO: Mr. Chairman, Commissioner Gonzales, if I may. The County Commission, at least in my experience, has given approval to large projects with those types of contingencies. Your Rancho Viejo, for instance. The Santa Fe Community College, for instance, where they provide a bond for improvements that are needed for that project so that the County can then execute the bond and build the project if somebody else doesn't take care of it. And you have whole communities being built without the infrastructure even being there.

Now, the Yamadas, as opposed to offering a bond and saying, well, we'll give you \$20 million so that you can have that in the bank in case the highway doesn't build this. They're saying we'll just wait until the highway builds it. That gives them at least as a practical matter, if this thing were to begin construction in a year and then be built at the same pace that this other one is being built, three years at a minimum before they could ever begin construction. But it gives them that time in the meantime to develop the business, to work on the plans and to prepare all the preliminary and final things that they need to submit to come forward after master plan approval.

COMMISSIONER GONZALES: And I guess a final question is, I'm assuming that the Yamadas and you've stated what the industry looks like now, have done a market analysis or a determination of the need for office space in the general Santa Fe

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area.

MR. PINO: Mr. Chairman, Commissioner Gonzales, the reason that the Yamadas have picked this particular area are two. One, they own the property, but two, there's two major highways that they can access here. One of them is the obvious infrastructure of the transportation highway between here and Los Alamos and high tech exchange areas. But the other more important one is the existence of a fiber optic line on their property within an easement. And it's access to that fiber optic line that allows them the ability then to create this information technology development.

So that particular site and its proximity to that type of infrastructure make it ideal for this type of development. So the market study then revolves more around its practicality towards access than it would to the availability of office space in Santa Fe.

COMMISSIONER GONZALES: Let me tell you a concern I have in giving master plan approval prior to and waiting, and again I'd like you to address this. Waiting four years or three years prior to proceeding forward with the preliminary and final, especially in the area of research and development and we're talking about an office product. If in the event the market changes where there is ample supply of office housing in the City of Santa Fe or in other designated areas and the need is being met for research and development in this community, what would prevent the Yamadas from coming back in three years and asking, being that they have master plan zoning already, asking for a change in use for some other type of market condition that may exist three years from now.

I think that's a policy issue. What I'm trying to understand is that if we know that major construction is going to take a while before this property is ready to take on the type of business that you've presented here tonight, and it's going to be a period of time before that happens, what market conditions can change that, and will it change in such a manner that the applicant will come in and request a change in uses and we'll be back in this situation again.

MR. PINO: Mr. Chairman, Commissioner Gonzales, I can't tell you what the Yamadas would do in three years, because frankly I haven't asked them what they would do outside of this project. This is the business that they have developed and continue to develop. They have never -- the only time that a discussion about something else ever came up was for a brief moment when we were meeting with the land alliance and asked them what would you like to see there -- a laundromat, a donut shop, a coffee shop? What kinds of things and it was in that discussion that we discovered that they didn't want to see anything.

And so their interest doesn't lie in those types of commercial development. It lies in this information technology development only.

COMMISSIONER GONZALES: Right. And again, if we can put this to rest, my concern though, while I believe there's a need for information technology office space in our communities and we should take advantage where the infrastructure lies to support these type of businesses, the reality exists that that park couldn't go up until that

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major interstate or that major interchange is done and that's a period of time which can change the market conditions. One last thing, I guess I'd ask real quick. Is that one lot that exists there or are there a series of lots on the Yamada property?

MR. PINO: Mr. Chairman, one single lot.

COMMISSIONER GONZALES: And that would be the proposal, that it would stay as one lot, where you would have a series of residential and commercial on that lot?

MR. PINO: We would have the office buildings on the ten acres and then the remaining would be residential, where their homes are now.

COMMISSIONER GONZALES: Okay. Thank you.

CHAIRMAN DURAN: Ike, I have a couple questions. It's always been my understanding that the node concept was developed at the County to do a couple things. One of them was to prevent strip development from occurring along our scenic corridors and the other was to provide commercial, neighborhood uses in the areas where the node exists. And I'm wondering why the applicant chose to come forward with a high tech business office complex that has nothing to do with the neighborhood's needs rather than something that the community might embrace and accept?

MR. PINO: Mr. Chairman, a good question, and the proposal of course from the start was for this information technology development. In the discussions, at least the ones to which I was a party, it was clear from the residents that no commercial activity was desired at all. Nothing of any type, whether it benefitted the community or it didn't. And so we proceeded with this proposal because that's what the Yamadas wanted to do and continue to want to do. There was no point in continuing the dialogue about what uses can we put there that you would like to have because the answer simply was none.

CHAIRMAN DURAN: So you both came forward digging your heels in the dirt and not coming to terms on what might be a more acceptable use of the property. You don't need to answer that. The other question I have, I'm a little concerned, the County has this open space acquisition program in place so that there are funds available to acquire lands that the community might designate as sensitive and important to preserve as open space. And the Yamadas chose -- and this is a voluntary program. The owner of the property needs to volunteer their property to that to be acquired by that program. And the Yamada chose not -- because someone tried to submit it as one of the properties to be considered in our acquisition program and the Yamadas chose not to allow their property to be considered.

It seems to me that that says they're not really concerned about the community's concerns. It seems to me that they're looking at this property from a more economic standpoint than what the community is trying to achieve. So I'm just a little concerned about that. Why wouldn't they do that? That's why we have that program in place is to preserve these sensitive and special areas.

MR. PINO: Yes, Mr. Chairman, I'll answer that question and I've got to give you some facts around that and then you can only put yourself in the Yamadas' shoes to try

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to understand how they might have approached it ultimately. When we came to the BCC last time, one of the things that was discussed was is there a possibility of some type of open space use. Look at that when you talk to the community.

We met with the community on July 22 and there was some discussion then as should we look at it for open space or what would be the tax implications and such as that. We came to find out subsequent to that meeting that the property had been placed in nomination to COLTPAC, one week before that meeting with the community, unbeknownst to the Yamadas or without their approval. I think they were just taken aback by that just a little bit, because the nomination was for the entire ten acres. It wasn't for a portion of it, it was for the whole thing. And the best way to eliminate the entire project is to nominate it, put it in the open space hopper and it goes away.

So nobody talked to the Yamadas and asked them is there a portion of this? They have 70% open space on the site. Certainly some of it could have been considered, but nobody asked them. They just put the property in nomination without asking them and you have to understand their consternation when they learned that later. It's hard to react positively when people act that way on your case and that's what happened. And it's an unfortunate happenstance because I don't think it had to turn out that way and it still doesn't have to ultimately because there is an abundance of open space on that site that could be used, but not the whole ten acres just to eliminate the project.

COMMISSIONER GRIÑÉ: Mr. Chairman, I think staff, if the applicant was to go forward and try to get this for residential uses, what size of lot would it be? Two and a half acres?

MS. LUCERO: Mr. Chairman, Commissioner Griñé, I believe, yes, it would be 2-1/2 acres.

COMMISSIONER GRIÑÉ: And this is 30 acres, right?

CHAIRMAN DURAN: Ten.

COMMISSIONER GRIÑÉ: I mean the entire size is 30 acres, so if you go on the contention that it's 2.5 acres on 30 acres, that means they can put up 15 residences, right? Not quite, about 12 maybe.

MS. LUCERO: Right. That would be correct.

CHAIRMAN DURAN: I'd just like to respond to that. They could put ten, maybe 15 residences on it but in order to sell it they'd have to be \$100,000 houses. No one is going to want to live at that intersection no matter what level of a home you build on it. So I'm not sure that a residential use of that property is the most appropriate land use policy that is available to us. That's just my comment.

MR. PINO: Mr. Chairman, Mr. Sommer has some legal issues.

KARL SOMMER: Mr. Chairman, members of the Commission, my name is Karl Sommer. Thank you for taking the time for us tonight. I'd like to go directly to two of the questions that were asked by the Chairman himself and Commissioner Gonzales because they help define what this case is not about. And then I'd like to go back to what

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this case if really about, and it is really very simple.

Commissioner Duran, you asked very directly, why did the Yamadas not really consider this option. The County has \$12 million. There's an open space program going. Why not look at it? Doesn't that sound insensitive to you, Mr. Pino? That's the question. And I think it's a fair question. And the answer is a little more complicated. When we found out that indeed there was an application pending, we immediately investigated.

Let me tell you how it came about. We were at the meeting and Mr. Rempel announced that he had to meet a deadline and that's why he filed it and he didn't really have an opportunity to talk to the Yamadas but he wanted it on the list because there was a July 15 deadline. I think that's accurate and that's what I was told by staff. So at the meeting of the community on the 20th I talked to Mr. Rempel and then I said, well, let's investigate it. And we did investigate it. I talked to Lesli Ellis, who is the one with -- I'm sorry I've got a bad memory for names -- her partner there in the Land Use Planning staff that are heading up this, and lo and behold, there's a whole list of criteria for properties that are on the list.

By the way, there are 35 properties ahead of this on the list. The list of criteria and the application form relate to community benefit, historic qualities of the property, visibility and the context it's in. This property is being compared against the sides of Atalaya that you can see coming over from Albuquerque, the back side of the churches up north where property in this county is not cheap. Twelve million dollars is not going to buy what's on that list. And what we're talking about in this case is this: Here's what the community said and I quote. "You can have as far as the community is concerned, residential use. That's fine with us. Leave it that way. You can have open space use, either by way of donation or conservation easements."

Those are the uses that the community applauded at the meeting last time. The money you have is not to buy people out of their development rights. It is to preserve and create a coherent open space plan for the County of Santa Fe. And I ask you, because the decision is going to be your alls, is ten acres at one of the largest intersections that cannot be seen from anywhere but this intersection, which is going to have lights on it, that tower above this intersection like the lights do down at San Mateo exit on I-25, ten acres which is surrounded by a five-star hotel right here, a five star hotel right here, 300 residences right here, 60-some residences right here and hundreds of residences over here, how does that compare to the hundred acres that goes to the top of the Atalaya?

That's the decision that was made by the Yamadas. This property, which was otherwise not historic, has no historic trails running through it, is not a scenic portion of Santa Fe County as compared to the places on this list. That's why the Yamadas withdrew that. I sent a letter to Lesli Ellis and I explained fully that after going through the criteria and talking to the Yamadas, that going through this process was a waste of staff's time, was not something that the community as a whole -- I'm talking about Commissioner Trujillo's district, Commissioner Gonzales's district, your districts, he's going to benefit from with

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a limited amount, a very limited amount of money available. That's why it was withdrawn. Not just, they're not going to do that.

And there's a very detailed letter in the County's file and I have a copy of it here for you, that explains that we went through this process. The other thing that we talked about with Mr. Rempel was what other possibilities are there? What are the tax benefit of a conservation easement on this property? What are the tax benefits of donating this property to say the Trust for Public Lands and the like? What other government funds are out there and available?

Well, technically, from a tax standpoint, a conservation on this piece of property has dubious merit. First of all, a tax benefit must mean there must be some public benefit derived from the conservation easement for it to qualify. Most audits, most tax audits on this subject arise from a lack of a public benefit. We have ten acres, imagine this with the IRS, subject to residential use, no historic qualities, no historic trails, not on a scenic byway, only visible from the surrounding area, has minimal public benefit. And I'm sorry, the Yamadas are not going to risk a tax audit on this particular venture.

And finally, the Yamadas are not in a financial position to buy land and give it away. That's not what they bought the property for and they cannot afford it and the tax benefits are meaningless to them even if they would accrue. So I'd like to answer that question very directly. The donation, the possibility of conservation easements, the possibility of spending County money in comparison to what the priorities of this County should be and probably are, do not justify this property being on the list.

You all know more about the COLTPAC than I ever will, and you will soon learn a lot more about it and the list of properties on that is numerous and there are some valuable, historic, and important pieces of property.

Going to the question that Commissioner Gonzales raised, why approve this unless the market justifies this. I would just like to address that. In the real estate business you don't go out and build buildings until you have a tenant generally. You find a tenant, you sign up the lease and then you go get your financing. If you don't produce a tenant, you're not going to get the money for the lending. If the market turns, if there is no need, if there is no need for it this property will not be developed for office parks unless there is a strong financial basis that will support it.

So the question being what if the market changes? If the market changes, this project will not get built, because it will not be financeable. I can tell you it requires financing. So, very directly, to answer those two questions, that's not really what this case is about. This case has raised some legal issues that I'd like to go through. There was a memo sent to you and I think probably for the first time in my career I agree wholeheartedly with Ms. Brown about the legal issues: There are none.

You have the discretion to approve or deny. There is no question here that the Yamadas are standing on the table saying we have the right. We have a vested right. By golly, there's going to be lawsuits. There's going to be hell to pay. That is not what the

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Yamadas have ever said in this case, and the presentation of the legal issues to you create that strawman and then propose to knock it down. We are not saying we have some sort of vested right. You have full discretion in my opinion to consider all of the issues and approve or deny this case from a legal standpoint.

I think that the Code is absolutely clear in how it reads and how it has been applied for the last almost 20 years. You have the ability to create nodes where you find it acceptable. You have the ability to deny them where you find it unacceptable. That is the one legal issue.

So what is the case really about? It's about this document right here. And this document I'm holding is a document that this Board of County Commissioners passed together with another one. It's a Ordinance No. 1996-7 called the Economic Development Ordinance. And it is based on a very detailed plan that was passed on June 24, 1996 by the Santa Fe County. It's called the Santa Fe County Economic Development Plan. It states very well, very simply, very straightforward, a vision for Santa Fe County.

Not Tesuque, not Eldorado, not La Cienega, but for Santa Fe County. For all of the people of Santa Fe County. How do we raise the tide so that all the ships are lifted? Everybody. You all said economic development. That's what you said. And you said it very specifically, straightforwardly, and you said one of your goals was to ensure that the healthy development of Santa Fe County's work force keeps pace with the changing needs of its business. Does that mean anything to us as a community? I submit that it does. It means a great deal.

You also said in goal number four, and I think this is absolutely crucial to this case. You said here what was goal number four in the plan: To increase the economic base of Santa Fe County. Objective number b, Strengthen and develop the county's existing and emerging economic clusters. Clustering businesses concentrates specific types of businesses in designated geographic locations. That's what this Board of County Commissioners has said is important, and I submit to you, it is vital to the life of this community.

Commissioner Trujillo works up in Los Alamos where a great deal of Santa Fe County's economic base is going to emerge from and in fact, this case, the Yamadas, Mr. Yamada worked in Los Alamos and he brought his business out of that and he located in Santa Fe County and he runs an international business based on computers, software and technology based and developed in Los Alamos. This man, Mr. Yamada and his family -- and he employs Sayiri Yamada and Ted, Junior and he supports their family and his own on this business. They are successful and they are successful because they're talented and we're successful as a community because they could stay here because they were able to locate their business here.

That's what this economic policy says is important. Employ families with our strengths and develop our strengths. What are our strengths? Our proximity to Los Alamos, Sandia Labs and the emerging technologies that come out of there. This is not some pie in the sky, theoretical construct, some possibility, some developer getting up here saying I'm

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going to bring these people here. They're here. They're here tonight. And they're here asking this question: Does this mean anything? Because what it is is this property is located right along the fiber optics network. It is close to Los Alamos. It is designed to bring to this community clean, strong businesses, small businesses and that's what our economy is based on.

So the question that's facing you tonight, the central issue in this case, the policy issue is, do these words mean anything, or are they going to be gathering dust for years to come? Are they going to be reduced to a nice phraseology of what might be in this county? I submit to you, that's the question. The other side of that question is in your land use planning, are you going to allow the land use planning process, which is underway in various parts of the county, believe you me, this is not the first meeting where this issue is going to come up and hundreds of people like are here tonight are going to be saying the same thing.; Is your land use planning going to be used to create neighborhoods that say not here, not now, not ever.

Is our land use planning going to create gated communities where the gates are not visible? The gates become your ordinances. That's the flip side of this issue. I submit to you that you retain the power in your planning process to resolve these issues at this level after the input from the community and you will get a chance here tonight to resolve this issue one way of the other. Why do I say is your land use planning process going to be used that way? I went to several of the community meetings and this is not about good people, bad people. Yes, it's emotional in many ways. People feel threatened, and understandably so and I don't mean to minimize that at all.

But I heard speeches. I heard comments made and I would like to relate two of them to you that are ideas that are fueling and will continue to fuel this land use debate. There's a gentleman who lives out in Vista Redonda whom I know fairly well. He told a story to a crowd at one of these community meetings and what he said was I used to live in a suburb way outside of Chicago where there what's lots of land between Chicago -- and I'm paraphrasing -- and the community that I went to. It was rural in nature. And slowly but surely malls appeared and commercialism and urbanism crept out and all of a sudden I lived in an urban area. And urban center and it happened one project at a time. And what he said was this case, ladies and gentlemen -- he was talking to the crowd --is not about the Yamadas tract of land. This case is about creeping urbanism into our neighborhood. Creeping commercialism into Tesuque and we've got to stop it now and the place went berserk with applause.

That's the principle that is driving the land use debate. This case is not about the Yamadas; it's about creeping urbanism and commercialism and commercialization. Now when people get up here tonight and tell you, oh, we're going to come up with a land use plan that incorporates commercial uses, that incorporates the uses that we need. Commissioner Duran suggested something that might benefit the community. They told us in no uncertain terms, no commercial, not here, not now and applause rose to the idea that

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there would be no commercial because it represents people driving into Tesuque to do business, which we don't want to have happen.

Is that a neighborhood -- because that's what this is -- is that a neighborhood that is going to come up with a plan that proposes to have a commercial center district in its core? No, the answer is no. The answer is going to be not every. And I submit to you, that's the question you're faced with.

The other speech that was given was this. It was the same gentleman at another meeting and it again got resounding applause and it has to do with the idea that this property should be residential and it should only be residential. And I submit to you that in a year or two years, nobody is going to live under the lights that you see in San Mateo. By then there will be a plan in place that says this property shall be residential. It will not take into account existing conditions. This property will get planned as part of the community plan and what will exist then is tens of thousands of cars driving by this property and there will be surrounding commercial developments all up and down here.

And I submit to you this, two years from now, the Yamadas will be in a position of saying this property has been reduced to open space because we didn't answer the question was it important to create a commercial node here, because it won't happen then. It won't happen then if it doesn't happen now. So I submit to you, you're faced with the central issue, does your economic development plan mean anything? And if it does, does it mean anything in this case? And will your land use planning process which is underway around the county result in this debate time after time? That it's going to create enclaves of neighborhoods where community is defined as it was in the meeting that I went to like this. The gentleman who gave the speech to resounding applause said if community means anything, and I quote, "If it means anything, it means a group of people who can get together and keep the things out that they don't want." That was the definition of community that received resounding applause.

I submit to you that's not the definition of community; that's the definition of a neighborhood. It is a definition of a neighborhood that doesn't take into account what your overall job is to raise the tide so that all ships are raised with it. So I submit to you that this case is about that and that only. You can hear all the technical issues about the traffic. You can hear how they will or will not be solved, but at this level tonight, this case is just about that. And I submit to you it is policy and you have complete discretion other than some impermissible things. You have complete discretion to do whatever you are going to do tonight.

I ask you to ask yourselves, when you passed your economic development plan did it mean anything, and will your land use planning process result in this debate for years to come? Thank you.

COMMISSIONER ANAYA: Mr. Chairman, Karl, you've highlighted much of the activity that's along that particular corridor, but you do acknowledge that this particular proposal before us is within the traditional historic community of Tesuque, the

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boundaries of that particular community? You do acknowledge that. That's my question.

MR. SOMMER: We acknowledge that it is in the boundaries that were created a year ago for the traditional historic neighborhood.

COMMISSIONER ANAYA: That's my question. Thank you, Karl.

CHAIRMAN DURAN: Any other questions of Karl?

COMMISSIONER GONZALES: Karl, I just want to address a couple of the developments that you brought to light on this area and focus on a policy issue of making a decision tonight on an environment that you've described exists. That environment is, you listed up there a flea market, Inn at the Opera, Tano Santa Fe, the five-star hotel, Sangre de Cristo Estates and a residential subdivision. And I guess, and I'm not sure if you're in a position to answer any of these, but the flea market, I understood is getting ready to leave. Is that right? Or will the Tesuque people keep in place?

MR. SOMMER: I don't know whether or not the Tesuque Indians are going to shut down their flea market or not. I'm not aware of that. Somebody else might be able to answer that.

COMMISSIONER GONZALES: The question as to the Inn at the Opera. I know it's making its way through the final approval processes, through the EZC and the EZA and that's something you feel is a reality is going to happen.

MR. SOMMER: It is in the final planning stages as you all are aware. It has received a master plan and three preliminary approvals. They have transfer of water rights in reliance on their plan. I submit to the County there is at least a valid question as to whether or not those people have achieved a vested right by virtue of the purchase and transfer of water rights for the project.

COMMISSIONER GONZALES: Do you know the amount of acreage that's involved with the Inn at the Opera?

MR. SOMMER: Yes. Forty-four acres.

COMMISSIONER GONZALES: Okay, then moving to the five-star hotel. I'm not familiar with that.

MR. SOMMER: That's part of the Tano project. The Tano Santa Fe project, you may recall was involved in litigation in federal court. It was annexed into the city. It is hundreds of residential units and a five-star hotel. The five-star hotel is located right in this area. This project, the Tano Santa Fe project requires water from the City, sewer from the City and it meets City standards.

COMMISSIONER GONZALES: Do you know how far along they are in the process?

MR. SOMMER: Yes, they are producing their financing to bring the water and sewer to the property and they are actively marketing the hotel site.

COMMISSIONER GONZALES: Again, I apologize if I'm asking questions that you might not know, but do you know the total acreage of the total Tano Santa Fe?

MR. SOMMER: I believe it's 610 acres and it goes from the city of Santa

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Fe all the way down past the property involved.

COMMISSIONER GONZALES: So it's 600 acres of residential development.

MR. SOMMER: Six hundred acres of residential, commercial, and hotel use.

COMMISSIONER GONZALES: Do you know the commercial uses that were listed?

MR. SOMMER: This master plan does not state all of the -- it has what is called a PRRC planned resort residential community. That usually allows for retail and office uses related to community center districts. I mean it's very similar to that.

COMMISSIONER GONZALES: Do you know the density?

MR. SOMMER: According to this master plan, a total of 276 homesites, single family residential, 46 units of townhome and a hotel with 250 rooms.

COMMISSIONER GONZALES: That's Tano Santa Fe?

MR. SOMMER: That's correct.

COMMISSIONER GONZALES: And that's separate from the Sangre de Cristo Estates?

MR. SOMMER: Yes, Sangre de Cristo Estates -- I don't know how well you can see this. Right here is a little area that's carved out, where number five is, that yellow star down there. That's Sangre de Cristo Estates. That is a recorded subdivision and I'm not exactly sure but I think that subdivision had 60 units in it. That might be wrong.

COMMISSIONER GONZALES: And number six you just have labeled as a residential subdivision?

MR. SOMMER: Yes, I can tell you that number six includes, directly across the street from here, the San Isidro Subdivision and across Circle Drive, that whole area north has been subdivided by the Simms family and by Jerry Peters Corporation. All of this area and the Bishops Lodge Estates over here, from this area down to this area has been completely subdivided within the last ten years.

COMMISSIONER GONZALES: Okay, and you brought up an issue of the fact that you didn't feel that this property could be zoned after the completion of the intersection and I was just wondering if you can elaborate on them. Why you don't feel at the point that the intersection is completed with an environment that will exist at that point. I'll be interested to hear the community tell me that it should stay residential if it's that kind of environment with all these lights that are looming over it. Why it could not come back in for a resubmittal at the time.

MR. SOMMER: I'm speaking more from a practical standpoint, Commissioner Gonzales, that in two years time, with due diligence and I think the community is moving along. In two years time they're going to be in front of you with a plan and that plan is going to say that this property should not be commercial. That answer is here tonight. So their plan is going to say not commercial. It should be residential if anything, or open space. So if that plan gets adopted, that would mean that the Yamadas would be coming back into the Commission saying Well, you ought to disregard the plan and

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rezone this anyway.

I submit to you all of the factors that we know are going to exist, exist today. They have planned and financed and funded an interchange which is going to raise the level of that road 18 feet and they're going to take -- this intersection that exists right now is going to be moved 300 feet north. So the property that is going to be developed, right now is a good distance away from the intersection. Move that 300 feet north and that puts an off-ramp along here, they're going to take, the Highway Department is going to take a significant portion of the Yamadas' property to the south. Mr. Yamada has worked with the Highway Department and he has arranged for a trade with the Highway Department.

The Highway Department has excess acres along here. Mr. Yamada has told them in writing, I'll give you these portions and you give me [inaudible]

Essentially the Yamadas are trying to plan for the next five to ten years. And that's what this case is about. And they've done so in accordance with the Code and in accordance with your economic development plan. And so I would submit, that's the question before you all tonight.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN DURAN: Any other questions of Karl? I have a question Karl. I just wanted to respond to a few statements that you made. One of them was the economic ordinance that the County has developed and adopted as a guideline for creating economic development in the county. And I think that for me, that ordinance was created to promote economic development but I don't think it was created without community in mind or with any disregard to community. So it seems to me that the economic ordinance as it was adopted really doesn't apply here because the community is not embracing it.

The other thing is that for the last three years that I've been a County Commissioner, we have all worked hard to allow the communities to take charge of their destinies and to come forward with plans that allow their communities to develop the way that they want them to. And I think that that's what this is all about. This is a community thing. The community wants some input into this. The community does not want to see this project. And I'm in agreement with you also, thought. I don't think that the most appropriate use of this property is residential.

At the last County Commission meeting I asked for this thing to be tabled so that the community and the applicant could get together to come up with something a little bit more reasonable, a land use policy that works within the guidelines or within the vision of the community. But it seems to me that both parties just dug their heels in. And nothing was accomplished. We're at a meeting tonight trying to make a decision as whether or not this is an appropriate use. And it seems to me that the community doesn't want it.

MR. SOMMER: The question you just raised, Chairman Duran, was posed directly. Is there some other use that is appropriate that would be acceptable other than residential and the answer to that from the community was no. So it's not that they don't want just this project. What they said was they don't any commercial use on this property

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so leave it residential or make it open space. That's what the response was and with that we're left with -- I don't know what we're left with. We're left with asking you to consider what the policy issues are.

CHAIRMAN DURAN: And for me, I'm still hopeful that both parties can find some common ground. Mr. Yamada, please step forward.

[Duly sworn, Ted Yamada testified as follows:]

TED YAMADA: Mr. Chairman, Commissioners, my name is Ted Yamada. I'm the owner of the property. By listening to this, my representatives did a very good job so that I have very little to add but at the same time, each time I attend a meeting I see here lots of new faces so I feel obligated to say something to the community people too.

CHAIRMAN DURAN: Mr. Yamada, you need to address the Commission please.

MR. YAMADA: Yes, I do. But I just mention my feelings here too. We have purchased this property in 1992. From the very beginning we have some intention to develop some commercial. So I approached Las Tres Villas in 1993 and we have a couple of times meetings. There was some discussion about the style of the buildings and type of use but there was no discussions I can't have any commercial development in this area.

They expressed concerns saying we don't want to have somebody from outside coming here and making a development and then go away. And we said no, our intention is living here. So we discussed our residential plan too. So the next three years, 1994 to 1997, we focused on building and establishing our residences. Our house is just north from the subject property. My daughter built the house in between. So only this ten acres is applicable for this commercial. The north side of this site is already residential and we're living there. So I just wanted to make sure that we are applying for this ten acres here.

Why are we doing this now? Why can't we wait until everything is settled down? The reason for this is because we already called the State Highway Department. Money is allocated to do the construction. Construction starts next year, as you heard already, about a year from now. It takes about twelve months to sixteen months. So we already know this much. Then we also said, we're not going to build this until this Highway Department completes the interchange. But based on our experience in the past, it takes time. We have had the meetings nine times and it's been already here six years since 1993. That's why we started.

We didn't ignore any of the community concerns as indicated by the meetings we had and also we established our community residence there. We are community members. We try to be good community members too. We tried to get some compromise between what we're saying and what the community people wants. I was expecting to hear something asking us to change the type of building or the size, rather than saying nothing, no commercial development of any type at your place.

Although there was some hope from the previous two community meeting suggested one by the CDRC committee member. [inaudible] There were some people in the audience

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that raised the question, why don't we just consider and discuss this rather than saying completely no. My hope is that's the direction the community people take too and we are ready to accept those. Thank you very much.

CHAIRMAN DURAN: Thank you very. Thank you, Mr. Yamada. Is there anyone out there that would like to speak in favor of this project? Could I have a show of hands of those that would like to speak this evening opposing the project?

COMMISSIONER ANAYA: Mr. Chairman, again, may I suggest that we limit people talking and let them take their own direction as to who the spokesperson are going to be for the opponents of this proposal for the sake of time.

CHAIRMAN DURAN: We're not going to be here all night, so what I would like to ask all of you is if there is one spokesperson, and I think Mr. Rempel might be that person, to make an overall comment representing the community and those of you that feel you need to come up and say something, please stay focused and try not to be repetitious. I think that you know, please be respectful of everyone's time and try to stay focused on the issues.

COMMISSIONER TRUJILLO: Mr. Chairman, I think I see a wide spectrum of our community residents here, so what I'd like to see, I'd like to get a good cross section of the community to speak. By having one or two talk doesn't give me the perspective that I need of the people that live in the community and we've got the whole spectrum of people here so I'd like to listen to the whole gamut of residents.

CHAIRMAN DURAN: And again, all I'm saying is that I think all of you have the right to speak. We welcome your comments. All I'm trying to tell you is that please be mindful of all of our time and don't be repetitious. But we do welcome your comments and Mr. Rempel, the floor is yours.

[Everyone wishing to speak was issued the oath at this point.]

CHAIRMAN DURAN: When you come up, could you please state your name, your address and state that you have been sworn in. Thank you.

[Duly sworn, Rod Rempel testified as follows:]

ROD REMPEL: My name is Rod Rempel. I reside at Route 4, Box 17-A in Tesuque and I have been sworn in. I'm the president of the Rio Tesuque Land Alliance, an organization creating a land use plan for the traditional historic community of Tesuque. Mr. Chairman, members of the Commission, thank you for taking the time and showing the interest in this case sufficient to call this special meeting. There are many people here tonight who wish to convey their thoughts and feelings on this matter, either by their presence or in saying a few words.

As I have promised you before tonight, we will be as non-repetitive and to the point as possible. And considering the emotions felt by many here tonight, we will make every attempt to remain orderly and show the respect such a public hearing deserves. We've invited a few of our neighbors who we feel can cover some of the important issues and represent the cross section of the community as well. And we would appreciate if the rest

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of the audience until these dozen or so members are through speaking so that we can be sure that we've covered all of the angles we feel important. After that, we will open it up to the rest of the community.

While a large number of the community have contacted you, have signed petitions who are here tonight in opposition to this proposed rezoning, we are not an oppositional group by nature nor is that the message we wish to convey. Secondly, this opposition is not the Yamadas personally. We have and continue to welcome into our community. This community simply does not support any rezoning and commercial development at this proposed site. This is, as it should be, a matter of land use planning.

Our organization under the auspices of the Tesuque Land Trust received permission to create a community land use plan by this governing body on March 14, 1994. It was our commitment then as it is now to create a model of land use planning based on community collaboration versus conflict. In 1995 we completed a community survey. An amazing 65% of the land owners responded to this lengthy form. Many took the extra time to write voluntary comments at the end. All the data, all the comments, indicated a community will to preserve the rural, historic character of this village.

The foremost concerns arising from this survey were understandably issues such as water, wastewater, other natural resources, the traffic situations on our roads, in addition to preserving the rural village character. While our organization is one of community volunteers, we realized we needed expert and specific data to formulate plans for the community to work with. We've put our noses to the grindstone to do the best job we can and are proud of our progress. A wastewater treatment study has in the last month been completed.

We have had a roads and transportation engineering study which is also nearing completion. Since 1995 we have to do these studies raised over \$100,000. That was not easy but we want to do it right. We've seen other communities rush to complete plans. We've seen some of those end in failure with serious splits and in-fighting in the communities resulting from this rush. Another goal the community has achieved is the designation of traditional historic community.

In our community meetings it became once again very clear that people wanted to work to preserve the environment and to preserve the rural character of this village. The community included in its new traditional historic community's boundaries that land lying east of Highway 285 all the way south to the Santa Fe city limits and north to the Pueblo limits. Our point in doing this among others was to create a zoning and development buffer. This we realized was essential to protect us from the growth pressures and primarily commercial growth which would naturally occur northward along the highway and down County Road 73 to our village boundary.

The community was against commercial development at this highway site and intersection at the time of the 1995 survey. It underscored this concern in 1998 when the traditional historic community's boundaries were created and it's being underscored again

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with our community's response to this rezoning and commercial development plan here tonight.

Ironically, the protection we were seeking to create had already been looked at via the EZA as well as the Santa Fe maps. You've seen the EZA map. There was thought, according to City planners I've spoken to, thought put into which nodes would be best for development and that was not included as one of them. In the city map that's against the wall, which I won't take the time to bring over, they have every plan to annex the eastern portion of 285, which we have now included in the traditional historic community all the way north past the Yamadas. Once again, that map does not indicate any plan for commercial development at this intersection.

In fact, they were going to designate the entire area a mountain terrain where they were going to limit development there to one house per ten acres. At the outset of our stand against this rezoning we sat down with the County Attorney, Denice Brown. Our concern was that a land use planning group such as ourselves not involve itself in what is known as a taking. That would be the action rendering a piece of property worthless as in unusable. We were assured this is not the case here as the property will not be changed from its current zoning of residential. It may not be worth as much to Mr. Yamada as it would be if rezoned and developed commercially, but it will not be worthless.

On this subject the community was asked to come forward with options for non-commercial use. We presented several. The first was for the purchase using private and public funds with the possibility of involving COLTPAC. I did in fact, as accused, make this application as it was my understanding, speaking with COLTPAC representatives in the Land Use Planning Department that many of the parcels being nominated for this type of purchase were being nominated by others and not being nominated by the owners of the property. My apologies if this confused you and caused you to not want to participate solely on that mistake.

Application was made but withdrawn at Mr. Yamada's request. Information was also required in regards to donations and easements as Karl spoke of and the Tesuque Land Trust continues to be available to them should they wish to reconsider any of the tax benefit options available to them in dealing with this property.

I would like to add a little bit. We've been talking about economic development. Tesuque is being presented as a village that has no desire to have any economic development, no commercial development and I would like to present to you that we already have a substantial amount of commercial development. We have El Nido restaurant. It has 175 tables, on the average, 122 dinner parties are served a day. They have fifty employees. Shidoni Foundry has 43 employees. The foundry and the gallery there bring in an unknown number of tourists every day down our roads. Tesuque Village Market employs 35 to 45 persons. It serves in the store, restaurant and all told, between 500 and 1000 people a day.

Bishop's Lodge currently employs 100 to 150 people depending on the season. That number will be jumped to up to 175 once their expansion project occurs. They have

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currently about 80-some rooms. They're going to expand it to 144 rooms. Their reported gross receipts are currently \$8 million annually. Their gross receipts are projected to increase to \$12 million with the new addition. I am giving you this information to suggest that we have some 300 employment opportunities in the village. We have 1600 people, roughly living there. We are not without employment. We are not without services and I wanted to correct that misconception. That's all I have now and we will move into then our list of people who we would like to have speak first. Thank you.

CHAIRMAN DURAN: Thank you. Next speaker please.

[Previously sworn, Rebecca Trujillo testified as follows:]

REBECCA TRUJILLO: My name is Rebecca Trujillo. My address is Route 4, Box 67. I am 14-years-old and I am a resident of Chupadero. I have lived in Chupadero all my life. My father has lived in Chupadero all his life. My grandmother has lived in Chupadero all her life, as did my great-grandfather. I am here today to ask that you not approve the request to build a business park in Tesuque. It is so very hard to describe the feelings that people experience when the character of their community is changed. However, I will tell you about a recent change in our community and how it has affected my entire family.

Last year, my two brothers and my sister came home from college. When they drove up to our house, all three looked like they had seen a ghost. They kept saying, "Why didn't you tell us? Why didn't you tell us?" There was such a sense of loss and confusion in their eyes and it took a few moments to realize that what they were devastated about was the paving of our community dirt road. The paving of the road? What is so devastating about that, we asked them. They looked at us like we were crazy and we looked at them like they were crazy.

"Don't you get it? The paving of the road. It's not the same anymore. It's not the same anymore." And that's when it hit me. It's not the same anymore. You see, when my brothers and my sister left our valley to go off to college and when they came back they noticed every change that took place. You would think the paving of the road would be something good, but through my family's eyes, through their eyes my family came to realize that something was missing, something had been lost forever.

We couldn't quite put our finger on what that something was but within a few days we all came to realize that a single dirt road, a road that had been there for over 100 years and that tied the community together was gone. It was one more step towards losing our sense of community. I never realized until that afternoon when I saw the looks in the faces of my brothers and my sister the significance of even the paving of a road can have on a community and its people. Each day I am much, much more aware of how changes can affect my community. I love my community. I love Tesuque and my many neighbors, friends and relatives that live there. I love it the way that it is.

When I learned about the plan to build the business park in Tesuque, I knew I had to speak out against it because it was the beginning of an end for what we value and love

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about our valley. If tonight you vote yes to approve the zoning request you'll take a giant step in encouraging and letting everyone know that it's okay to destroy the sense of community. You'll do more damage tonight than all the changes that have taken place in the last 150 years that these communities have been around.

However, if you vote no to the change request you'll be letting everyone know that it is more important to do whatever we have to do to keep family and community together. Thank you.

[Previously sworn, Marcos Gonzales testified as follows:]

MARCOS GONZALES: My name is Marcos Gonzales. My address is P.O. Box 28, Tesuque, New Mexico, 87574. I am 14 years old and I have lived in Chupadero all my life. My father has lived in Chupadero and Tesuque all of his life. My grandfather was born in Rio en Medio and lived in Rio en Medio and Tesuque all of his life. My great grandmother was born in Rio en Medio and lived there all of her life. In Sunday's *New Mexican* there was an editorial that talked about what is happening tonight. The editorial message was loud and clear. Community based planning is good.

However, what I learned from this article, it said there are some of you that still may be undecided about which way to vote. This confused me because I began to wonder why anybody would want to hurt a community. I would like to ask you to do something. I would like for you to go back when you were a teenager like us and try to remember what Santa Fe, Tesuque, Pojoaque, El Rancho, Chimayo and all those other small communities were like at that time. Did you ever get angry when changes were made to your community that affected your family?

Did you ever hear your mother or father, your tios, your tias, get angry because of changes that were made around them? Did you ever wonder why people's homes were destroyed in favor of road or business? Do you, like my parents, tell your kids about all the Hispanic traditions that are being lost? Did you ever say that when you grew up that you were not going to let this happen to your community? I bet you did. Do you want your children and grandchildren to say that their father and grandfather made a difference?

I would like for you to imagine for a minute that someone hands your grandchild a copy of tomorrow's paper. What do you want your grandchildren to say about their grandpa? Do you want them to say that my grandpa believed in community and the rights of communities? My grandpa did everything he could to preserve those communities and my grandpa did the right thing. Or do you want your children and grandchildren to be handed a copy of tomorrow's paper and have them wonder why their grandfather allowed this to happen? Please think about your decision carefully. Thank you.

[Previously sworn, Leah Polkawitz testified as follows:]

LEAH POLKAWITZ: My name is Leah Polkawitz, Route 4, Box 61-S. I am also 14 and like Marcos and Rebecca, I too am a lifetime resident of the valley. My mother, grandparents and great-grandparents are lifetime members of Chupadero and Rio en Medio. Three months ago my parents and my brother and I moved to New York. Yes,

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moved to New York. This may seem a bit strange because people from here don't move to New York. It is usually the other way around. However, it was a decision that my parents made after many, many months of contemplation and planning.

When they told me about the move, I was devastated. It was only then the sense of loss set in. It was only then that the life of my community and the people that make my community really hit home. It hurt. It hurt really, really bad. As we drove out of the community, I couldn't look back. It was too much to bear. I left behind not only my family, friends and the only home I have known, but I left behind a beautiful village and the culture of love and belonging.

So what am I doing here today? Well, I am proud to say that I am one of those that can say that I moved here from New York, because you see, three weeks ago, my family moved back to our beautiful community. I am back in my home with my friends and family and in the village and surroundings that I love. It was not until we were in New York that we recognized what it meant to be a part of a family, what it meant to be a part of a community. Not until we lost it did we see the real value of what we have in this area.

No one more than my family can tell you what it is to lose a community. Moving home, we felt we were moving back to the peacefulness of the country. Now it seems as though the city has followed us or is about to. Please don't take away what we value the most. Don't take away our village. Don't take away something that is so important to me, my family and everyone that lives in Las Tres Villas. Don't take away the roots of our culture. Don't take away something that I value so much in my life. People come here to experience the beauty of the area that is so talked about.

If the zoning change is approved, it will be just another place to them. I can tell you from experience what the loss of community means. I felt the loss and it hurts. I don't want anyone to be hurt again. Thank you.

[Previously sworn, Bennie Gonzales testified as follows:]

BENNIE GONZALES: My name is Bennie Gonzales. My address is P.O. Box 28, Tesuque.

CHAIRMAN DURAN: Mr. Gonzales, please state that you've been sworn in.

MR. GONZALES: I have been sworn in. Mr. Chairman and members of the Board. Again, my name is Bennie Gonzales and I'm representing Las Tres Villas, more specifically Chupadero and Rio en Medio and I want to thank you for giving me this opportunity to speak with you this evening. Before coming here tonight, I asked myself, I said, what should I tell the Commissioners about the decision that they are to make?

It was really interesting because what came back was don't tell them anything. Don't tell them anything. They already know what is right and what is wrong. So tonight, I am just here to remind us all of who we are. You know the issue that's before you can be debated for ten, twenty years. You can scrub every law book, you can talk about the codes, and that's what you've been doing tonight. And you can spend countless human

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hours trying to find out what needs to be done. But it would never, never change the right answer.

You see, it is a fact of nature that the answer to this issue has always, always been here. It has never been ambiguous and it will never change, no matter what the Yamadas do. No matter how Karl Sommer gets up here. No matter what your staff says. That answer will never change. And you know what? Each of you, each of you have felt, have felt, what that answer is. There's no doubt in my mind. And you know why I know this? I know this because you're not sitting up there by accident. Not a single one of you is sitting up there by accident.

It wasn't a quirk of fate that has you sitting in those chairs tonight. The people that elected you did so because they felt, they felt that you -- they did not elect you because they felt that you knew the issues or because you were well connected or because they knew your family. That's not the reason they put you there. When it came down to electing you, it was for one reason and for one reason alone, and that was very simple. A very, very simple reason why you're up there: They trusted you.

Marcos, the reason the people in Tesuque, Vista Redonda, Los Caminitos, Pacheco Canyon, Rio en Medio, Chupadero and all those communities in your district voted for you is because they trusted you. And the reason they re-elected you is because you never let them down.

Paul, the same thing for you in Agua Fria. You're sitting here tonight because they trusted you. They knew about you, where you came from and what you stand for. They trusted you then and they trust you tonight. Y la gente está poniendo atención. The people are paying attention.

Joe, the people from Glorieta, Eldorado, Edgewood, know that you are community minded. You only have to look back at this beautiful mural and look at some of the words that are on this mural that you represent that you're here in, not every evening but when you are here. They elected you Joe, because of one reason and one reason alone. They felt that they could entrust you to serve their best interest. Their best interest. They felt it, Joe. No one had to tell them to support you. It was a very simple decision.

Richard, the same reason why the people in Cañada de los Alamos and the surrounding areas voted you in was because of the Anaya name and what the Anayas stood for and what they know that you stand for. My mother who was very close to your mother and father told me that the Anayas have always been known for the tremendous respect for family and community. El respeto de la gente. Respect for all people. The people that put you here tonight felt respect for you, Richard.

Javier, although you have a very loyal and loving family supporting you, it is well known, it is a well known fact, Javier, that you have done this on your own. You too, Javier, were voted in because of the faith that people have in you. In their minds, there was no other choice. You were the selected custodian of your district. And you know Javier, that you have been watched very carefully by people in and out of your district. And you

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know what? People are pleased. People are very pleased.

Earlier I told you that the people that elected you elected you for one reason alone and that was because they trusted you. Well, there was a related reason. One that we can't be so naive to disregard. All of you were elected because you're Hispanic. And it was not only the Hispanic population that elected you. All the wonderful people here tonight that we call gringos and gringas or Anglos, also saw the value of a Hispanic in office and the values that you brought to this office. They also were entrusting you to make the right decision.

Tonight both Hispanics and non-Hispanics joint together as vecinos y amigos, as friends and neighbors to protect what we love for our families, for our children and grandchildren. So you see, none of you are up here by accident. Paul, Joe, Richard, Marcos, Javier, there's a profound significance behind your decision tonight. I know that you have felt, and when I say felt, you've felt it, what is the right thing to do tonight. Again, you are not here by accident. People have put you here tonight for you to cut through the redtape, for you to push through the unimportant, for you to be stewards to the people, to promote the wellbeing of the community, to bring about unity to support the village and the family structure. That's what you're going to be doing.

We talk about community, we talk about village, but you're going to be preserving a family structure, something that is so important to us. It is that simple. That's the simplicity of it. Let me close by stating a dicho that contains an abundance of wisdom and knowledge. El arbol caido todos hacen leña. Everyone quickly makes wood from the fallen tree.

You know Marcos Gonzales here said it best, what do you want your children, your grandchildren to read ten, fifteen years from now in the newspaper when somebody hands it to them? When somebody hands them the *New Mexican* tomorrow morning, the tomorrow morning's *New Mexican* ten to fifteen years from now, or even earlier, because a lot of you I know have children, what do you want them to read?

COMMISSIONER GRINÉ: Mr. Gonzales, I hope I can get consensus that you can be the final spokesperson for the opponents. We're ready to vote. You reminded us what we're here for.

MR. GONZALES: Thank you very much.

COMMISSIONER ANAYA: Mr. Chairman, I guess at this time, I'd like to ask Karl Sommer if he has any rebuttal against the previous speakers that have come against your proposal.

CHAIRMAN DURAN: Commissioner, well I'm not sure that we're through with --

COMMISSIONER ANAYA: What I'd like to suggest, Mr. Chairman, I think it's turning into an emotion type of a presentation and I think we're ready to come down and get down to the nitty gritty. If that's the case, I ask Karl Sommer if he has any rebuttal against the previous speakers. Any questions, excuse me, that was the term. If not, Mr.

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Chairman, I'd like to move forward with a motion and I'd like to state to this Commission, as far as decisions of this nature that have come before us is not something new.

I'd like to bring to mind in the traditional community of Cañada de los Alamos, Camp Stoney, and at the time it came before us, traditional boundaries were not even structured yet. The Santa Fe County Commission at that time had the courage to stand up against Camp Stoney and the Episcopalian Church and we denied that particular proposal before us which led on to structure the boundaries of the community of Cañada de los Alamos. In this particular incident right here, the boundaries have already been structured, Mr. Chairman. That's unquestionable.

Our decision tonight is very clear as to which position we need to take. It's obvious that planning of road design is the potential and to approve master planning for this particular proposal is totally out of the question, Mr. Chairman. I'm not totally against the node concept. I think that should not be a factor in this case because I think the node concept has been worked on for so many years, way before I became elected and that basis has already been structured, Mr. Chairman.

I'm going to move that we uphold the decision of the CDRC tonight and move for denial of this proposal. And I'd like to submit their findings of fact into the motion along with the fact that this has been tested before, this particular decision making has been tested before and Cañada de los Alamos perhaps is a precedent to this nature. Mr. Chairman, I move for denial.

COMMISSIONER GRINÉ: I second that motion.

COMMISSIONER TRUJILLO: Mr. Chairman, for discussion.

CHAIRMAN DURAN: There's a motion and a second. For discussion.

COMMISSIONER TRUJILLO: I'd just like to say that with all due respect for Mr. Yamada, I feel that the property owner does not have an implied right to a variance on the basis of existing plans. The community unanimously has come before us, a wide spectrum of community residents have taken a position against this development. They're involved in community planning. They're giving impetus to self-determination. This is a community that has solidified for the purpose of preserving culture and tradition and a way of life. And I think that this Commission needs to respect that.

CHAIRMAN DURAN: Thank you, Commissioner.

COMMISSIONER ANAYA: Mr. Chairman, further point of consideration. Please keep in mind that the Tesuque plan still has to come before this Commission. So I hope that all the integrity and the justice out there that Bennie Gonzales spoke about and the fairness out there is incorporated into their presentation before this Commission. When it comes before this Commission or any other Commission, I'd like to render that to you for contemplation and sincere consideration, Mr. Chairman.

CHAIRMAN DURAN: For me, I'd just like to say that I think this is a community based concern and it's all about community to me. I think that whatever happens with this piece of property that it needs to be planned by the community and the future of

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your property, Mr. Yamada really is in the hands of the community. And I'd like to thank Mr. Gonzales for reminding me why I was I here. Sometimes I feel like I'm being punished.

COMMISSIONER GONZALES: Just a brief statement to Marcos Gonzales who stood up tonight. Tonight Marcos, you stood up on the shoulders of your grandparents and the shoulders of your dad to make a statement about how you felt about your community. And I believe in what you said before this Commission that you care about the future of your community. So I'm counting on you to assure that as this community plan goes forward that every opportunity exists for you and your friends and your children that they have the opportunity to live and work in your community. Because it's not just about the preservation of esthetics, it's about a preservation of a quality of life that your grandparents knew and loved and why they raised you in that community and your father.

And so I expect a lot from you as this goes forward. And it's not only a signal to you but it's a signal to the people who've come forward tonight and said we have a community plan and we're going to protect this village. Protecting that village is not just about esthetics. It's not about creating a gate and barriers to prevent that village from surviving. It's about assuring that years and generations of traditions that have been born and raised in that community will always have the opportunity to live in that community and our responsibility is not just to empower communities to make the decision of who they want in and who they don't, but to assure that village remain vibrant in their ancestry and the cultures that nourish it and allow it to continue.

So Marcos, I'm going to count on you to stand up when you need to, especially against people who will stand up against you to fight for what your parents and your grandparents fought for you on and we're going to watch that very closely as this goes forward.

COMMISSIONER ANAYA: And the girls too. Remember, it's a woman's world anymore.

CHAIRMAN DURAN: It always has been.

COMMISSIONER GRINÉ: Mr. Chairman, and for the rest of the Commissioners too, is that the way sometimes the media handles the political side of things on important issues like this, I do kind of take offense because they kind of depicted us as most of us here had already made up our minds and that is not so. That is not so at all. We may share information, but most of this information is shared usually with staff. We believe in our staff wholeheartedly. They work very hard. We depend on them and that's from the little person to the big person. Like I tell you, once you read something on Sunday morning indicating that I'm pro-development. I'm not really pro-development.

I take it case by case, take the issues on a case by case and I will do it so whether it's in the north, in the central, in the south or east or west. But I think that this Commission here, they've been very united when it comes to embracing the community's concerns and it took this Commission to still kind of put this General Plan in its final stages.

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It's not completed yet but it's almost in that phase and it has not been easy to reach out, like especially when the General Plan came before us when the Chairman and I came on this Board, the first thing we were hit with was the processes of the General Plan.

And let me tell you something, it was no easy way of working, working through the community down south. When we opened up the General Plan for its processes, let me tell you what, we had just as many people here that came from Edgewood, Stanley, Glorieta, you name it. They were all from the southern part and some from Commissioner Gonzales. So what I would like to leave is that most of us here are in the business aspect of dealing with people.

People made me who I am today. It's because of the service that I provided to this community and this town for a number of years. Almost 18 years. I just got out of it a couple of years ago. So I had not been people oriented, it's probably true like Mr. Gonzales said. It didn't take me once to try to get up above this thing and sometimes I wondered why I tried it. I lost two elections before I won the third one. And by small margins. One by 49 votes, one by 59 votes. And then I came back and only won it by 43 votes.

I just want to let you all know that I didn't win this election easy and my concern is dealing with the people's concerns. And I indicated already, regardless of where it is in the county. I believe in this community and I believe in the entire county and I think we have a lot to offer from the Board's side. And there again, like I tell you, it's not comfortable when we read in the media on a Sunday morning and say, hey, the vote has been decided. That's not true and I want to leave it that that will never happen and I can answer for myself. For the rest of the Commissioners, that's up to them. But I never indicated that I'm for or against because usually, when we hear the case out and I read about it and I spend my time with staff over and over, I spend time with Vicki probably on two or three different occasions concerning this case.

Just like we are right now with another case similar to this that keeps getting tabled in Eldorado for storage units. We're going to have probably the same amount of people here. We know more or less on an individual basis where I stand because other people calling me, people writing. That has a big effect and impact because I represent those people and I am there for them and always will be. I don't want to take any more of your time because I'm thirsty.

CHAIRMAN DURAN: Well, we enjoy contributing to the sale of the newspapers, whatever we end up doing.

So with that, all in favor, signify by saying "aye." [Unanimous 4-0] All opposed? Motion carries.

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ADJOURNMENT

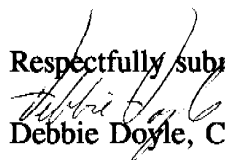
Chairman Duran declared this meeting adjourned at approximately 8:30 p.m.

Approved by:



Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:


Debbie Doyle, Commission Reporter

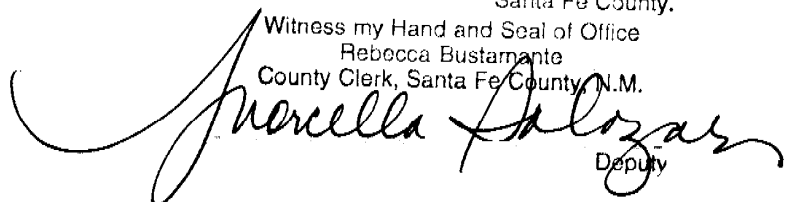
ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1090.389
COUNTY OF SANTA FE)
STATE OF NEW MEXICO)SS
I hereby certify that this instrument was filed
for record on the 17 day of Sept. A.D.
19 99 , at 10:09 o'clock a. m.
and was duly recorded in book 1687,
page 432 of the records of
Santa Fe County.

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


Juarella Salazar
Deputy