



San Marcos Association Newsletter

October
November
December
2002

Cerrillos Gravel Products May Re-start

As many of you know, CGP took the county court. Their appeal of the Board of County Commissioner's decision to suspend their permit to operate was challenged on the grounds that New Mexico State statute gives no such specific right to the County. As a result, the County suspension is void and CGP is planning to start operations.

On the face of it, the decision is absurd. If the County has no authority to suspend or revoke a permit when the conditions of that permit are not met, then the County has very little power at all to enforce regulations. Going to court every time the holder of a permit (such as a building permit) was not meeting legal requirements would have the effect of clogging the courts and producing little compliance. The County will appeal and is considering seeking an injunction.

Another Mining Proposal

There was a meeting with J.R. Hale about possible gravel mining (by blasting and strip mining) of a 500 acre piece of land on the top edge of La Bajada escarpment near Waldo Road and I-25. Various groups, including your Association, responded to his initial proposal. Our response is posted at <http://www.sanmarcosassociation.org/Hale.htm> (case matters). Hale was looking for input as to the kind of operation which might be acceptable.

We have received word that Hale is abandoning interest in this project. We hope it is because the response from all involved was negative, and was so for good reasons. It would be nice if honest dialogue could bring such results.

There is a rumor that the Santa Domingo Pueblo is interested in buying this land which lies within their historic territories. The word is that they may have an interest in a truck stop and casino at that location. Please understand that this is nothing more than a rumor.

We have heard that there is a European company intending to make application to mine Buffalo Mt. The word is that this company is better financed and more politically influential than J. R. Hale was when he made a like application.

It seems the threats to local, historic landmarks never end. Just as the Cerrillos Hills Historic Park gets ready to open, mining activities threaten to make it a questionable idea. Who wants to seek out a park lying between two active blasting, crushing and trucking operations?

We had a solution which was to have been in place by now (see: "a tangled web", page 2). The County certainly has an interest in the park, and they have an interest in enforcing their authority over the permits they issue. We hope the County Commission will see fit to take some positive action toward protecting our critical resources before it is too late.

When we go to the County and seeks assistance in protecting those things important to us all, we too often hear things such as: "What is the specific problem?" If the stated concern is only a possible problem we wish to guard against, we hear: "We are too busy now" or "Come back next year" or "There is another way to deal with that -- but you may have to wait for a year or three to get to it."

While we are waiting, we have to deal with five or six major threats to our district. The time, energy and funds used fighting these individual threats would much better serve our community and the County if we were allowed to apply them to a San Marcos District Plan.

It is not only the issues of water, transportation, roadways, and our need to plan future growth. It is also the need to protect our rural area's other resources.

San Marcos District Planning

Will be going ahead and is scheduled for approval by the Board of County Commissioners in April. At the recommendation of various people in the County Offices, we will have some neighborhood meetings and take at least one general survey before that time.

We have a very experienced group awaiting to be officially appointed as the Planning Committee for what has already been defined as the San Marcos District. A survey should be included in the April Newsletter.

Water

More and more articles and studies are pointing to the fact that the San Marcos area is one of the most troubled by water problems and most threatened by projected future growth. Our Community Planning is starting and is to be formally recognized by the County by April. There are also moves afoot to consider the designation of part of our area as a "critical management area" for water. There will be many community meetings associated with these efforts. Everyone on our email list will be notified of all meetings. Some of the larger and/or more official meetings will also be published by other (more expensive) means.

We would like to try to keep a record of changes in well response in this area. If your well or one of a neighbor has a known change in what it will produce, in static level, or goes dry altogether, please let us know. It seems there is no official effort actively trying to study water availability here. The County Commissioners have written to the State Engineer, but the only answer it that data for this area is not available. While anecdotal evidence will not produce the needed data, it will give us an idea as to whether there is a worsening situation.

There is hope that our new Governor will activate more study within the State Engineer's Office and even establish a State Planning Department. If he does, one of the first things that ought to be done is to use the work of the various regional plans which are underway to start the creation of a State Water Plan which is kept up-to-date on a demanding schedule. Nothing is more important to New Mexico.

Noise, Dirt and Abuse

Whether you call them ATVs, dirt bikes, off road vehicles, or just 'trouble', these toys are becoming a problem to more and more people. Certain densely populated neighborhoods within our area are being plagued by the illegal and antisocial use of such vehicles. Most of the riders are 14 to 20. Most of the vehicles are not registered even though registration is required in the County even for off-road use.

Parents of some riders do not understand that the use of these machines on the private property of others or on state land without specific permission is illegal and morally wrong. There seems to be little concern that such use disturbs the land of others and the quiet, dust-free outdoor enjoyment of all in the neighborhood.

Your editor lives within sight (and SOUND) of a dirt bike track on the private property of a near-by neighbor. This is fine. There are many worse activities for teenagers (or even adults) that riding loud dirt bikes. I have not complained, since they stopped coming across my land. While I am sometimes tempted after dark on a nice summer night to suggest that enough is enough, I practice live-and-let-live. They are on their own land.

At a recent Association meeting Corporal Joe McLaughlin outlined what the Sheriff's Department can and cannot do. Land need not be posted if the property owner has told the riders to stay off at least once in the past. The Sheriff will arrest, but the problem is stopping and catching the rider. Citizens can file specific complaints if they know the rider and have denied use of their land to that rider in the past. Otherwise, they may notify the Sheriff who will increase patrol in the area.

Of course, these vehicles are not allowed on public roads except to cross directly across where there is a legal trail. Again the problem is enforcement. In certain neighborhoods, the problem is so bad that people want a ban of use except on the private property of the user or other property for which there is written permission.

Such an ordinance and a general noise ordinance for certain neighborhoods could be part of the overall planning effort. There will be extensive public input and debate.

A Tangled Web

After months of planning, your Association approached a County Commissioner in early 2000 about Community Planning. Many meetings later, it was decided that there was not the Planning Staff needed to assist us. Even though we were not requesting assistance, we accepted that decision and were told there were things we could do in the mean time to cure some of our concerns.

With direction from the County Commission and Planning, last year we drafted an ordinance with the assistance of the Santa Fe Land Use Center. Planning said this was all right because it was based on a BCC approved plan. One problem with the plan as approved is that it was accompanied by no ordinances to enforce its recommendations. This ordinance was to bring protection to the Resource Protection Areas as defined in the County Open Space and Trails Plan approved on May 22, 2000.

We presented the ordinance to the County Legal department and to the Open Space Manager. At the time this was Shelly Johnson. She passed the ordinance along to COLTPAC for presentation to the County Commission. Shelly was to follow the progress of the ordinance and assured us that it would go before the Commission in August or September.

By that time Shelly was out of the position and Paul Olafson was in. As is so often the case with job changes in County government, there is little institutional memory. Paul (swamped with many too many projects and problems) did not know about the ordinance. After consultation with County Land Use, it was decided that such Ordinances had to be part of District Planning – or part of the re-codification of the County Code which is scheduled to take place during 2003. Our efforts will continue.

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Thornton Ranch Project

After a meeting with your Association last year, Ted Harrison had a very well attended meeting in Galesteo on November 14th. Ted presented a tentative plan to buy about 4,300 acres of the western part of the Thornton Ranch along Camino Los Abuelos (County Road 42).

The goal is to save as much land as possible for open space with public access and trail heads to facilitate that access. There is no public money for such an undertaking, so the effort relies on building and selling about 250 homes over the next 21 years in a small part of the property. Some 35 of these units would be affordable - permanently. Most affordable housing may be sold at market rates after a few years. That would not be the plan here.

The development would be on the south side of the road, out of sight of the road and would include some small commercial (store and studio) space. The commercial facilities would probably be built first to "prove the intent".

The open space would connect trails and other open space owned by the County with others to be developed by Rancho Viejo Partners to create over 30,000 acres of contiguous open space. This would make trails available from the city down to the Galesteo. It would allow realization of the plans in the County Open Space and Trails Plan - and more.

The problems felt by some in attendance were varied. About half of the attendees were from the San Marcos end of CR-42. Their major concern was the paving of and traffic along the road. It was mentioned that the road will be paved in any case and that the land will be developed in any case. The only question is how it will be developed. Divided into the 302 lots which current zoning allows, there would be even more houses and people on the land - and no open space. There would be more traffic on the road, and probably more of it driving to our western end.

Those from the Galesteo end had the same concerns, but felt more profoundly the damage to be done by traffic through the village. Suggestions were made to move the eastern end of the road to the north of the village to alleviate the problem. More utopian alternatives were also mentioned such as finding a way to raise the funds to buy the land and not develop it at all. This would take about \$10,000,000. It might be done through the creation of a Public Improvement District (PID) which would tax all within the district an additional rate on their County Tax Bill for some number of years.

The decision is, once again, one of weighing alternatives. The time in which to build alternatives and to evaluate their probability and desirability is fairly short, and such things tend to move at glacial speed in New Mexico.

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Beer and Wine

You may have read recently, in *The New Mexican*, about the need for a County wide vote to permit beer and wine licensing for Restaurants. It comes as a surprise to many of us that such a license, available in cities, is not available in Santa Fe County.

Our County officials are certainly attuned to the need for jobs and for supporting local businesses in order that they might provide those jobs. We see the lack of reasonable licensing as a roadblock to success which our restaurants do not need.

Petitions should be available at our local restaurants. Please read the article below (supplied by The Blue Sky Cafe), and support the cause.

WHAT THIS PETITION IS ABOUT

The purpose of this petition is to request that the county hold a local option election to determine if residents of the county would like to allow restaurants in the unincorporated area of the county to obtain licenses to sell beer and wine by the glass with a meal.

Under current state law, beer and wine licenses for restaurants are available in those jurisdictions which have held local option elections on the issue. Beer and wine licenses for restaurants allow restaurants to serve beer and wine by the glass with a meal without having to obtain a full liquor license, and consequently becoming a bar. The city of Santa Fe held such an election in the past, and beer and wine licenses are available in the city for restaurants. However, the unincorporated areas of the county are considered to be a separate jurisdiction. No local option elections have been held on this issue in the unincorporated area. This is why beer and wine cannot be legally sold in county area restaurants, unless those restaurants have a full liquor license.

Full liquor licenses are very expensive to obtain. Large chains can afford to purchase or lease them, but small operators often cannot. This puts locally owned, small family restaurants in the unincorporated area of the county at a serious disadvantage. Many people prefer to have a glass of wine or beer with their meals, and in order to do so, must go to a restaurant with a full liquor license, or into town to eat. Restaurants in the county cannot compete, which makes their survival more difficult.

This petition is not to create more bars or establishments that sell hard liquor, or to in any way encourage irresponsible alcohol consumption. Restaurants with beer and wine licenses must, by law, make most of their revenue from the sale of food, not alcohol.

This petition is to give locally owned, family restaurants trying to do business in the county a fair chance to survive.

***Support Your Local
Restaurant!***

The Blue Sky Café
3810 State Hwy. #14, 471-9194

**Pizza, Pasta, Nightly Specials
"Spectacular" Desserts! Pasatiempo**

The San Marcos Newsletter is published by The San Marcos Association, P. O. Box 722, Cerrillos NM 87010. Contributor articles are signed; those by the editor are not. Meetings of the Association are announced on the web site: www.sanmarcosassociation.org

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S.M.A. and the Web

We have had a web site for some time. It has had the most important items posted on it, but we have relied on our Newsletter and notices for most correspondence. As the national figures for households with internet links is said to be at 60%, we are going to rely increasingly on electronic communication.

For now, we will continue to print and mail our quarterly newsletter. We know there are many people within our district who do not have (or do not regularly use) computers. We are here to serve the needs of the entire community. We want to reach you whether you are on the net or not, whether you are dues-paying members or not. The mailed newsletter is the only way to do that.

We are going to start putting more items on the web site. You can now find back issues of the newsletter for three years. There will be a better updated list of activities and meetings. We will be emailing more notices of meetings which are of importance to our community. As the San Marcos District planning effort gets under way we will send notices for all of the Planning Committee meetings. To receive these, you must have sent us your email address. We do not share these addresses. We use them only for communication with you about the kinds of things mentioned above. Please send us your email address.

Some email addresses we receive on membership forms are hard to read. Others are changed as people change their ISPs. Please update your email address for us whenever needed. We cannot publish all of the out-of-date addresses that are "bumped" back to us when we send out a general mailing. You know when you change addresses; please remember to let us know. If you are in the (good) habit of notifying everyone in your address book, just add <list@nazor.net> to the address book, and it will be automatic.

Of course, we would prefer to receive it with your annual dues, but we are happy just to get a note sent to <list@nazor.net>. If you do not want your name and/or address known, that is fine. Just send an email to the above address (saying anything or nothing at all) and we will add your address to the list.

Please let us know if there is anything you would like added to the web site or to more regular email notices. We know that everyone receives more spam than wanted messages and we have no wish to add to that clutter. We would appreciate feedback.

S.M.A. Sale

Our second annual sale was a greater success than our first. We were more visible, better advertised and did not try to get everyone there at one time – as we did the first year when we envisioned an auction format.

The sale contained contributions from many members of our Association. Some arrived just the morning of the sale. Others had been stored for many months as people has things become available.

Please remember that this is an annual event. When you find yourself with that unused bicycle, or desk or whatever (saleable) item, drop a note to auction@nazor.net or call 438-7784. Someone will pick up your contribution and store it until the auction.

We raised \$640 this year. That will pay for a one newsletter.

The San Marcos Association
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PLEASE!

Hundreds of you have been members over the past few years. Most of you renew your dues near the first of each year. Some forget or believe they have already paid for that calendar year.

Would you please be sure your dues are up-to-date. We do need the funds. The mailing of the newsletter is ever more expensive.

Get A Flu Shot!

The Ortiz Mountain Health Center can give you one. For some there is a small charge, for others there is not. Call 471-6266 to find out the best time to go. As you probably know, the Center is next to the Cerrillos Post Office. That is just off the road leading from SR-14 into Cerrillos.

(please cut out and mail with payment)

Membership is open to any resident/property owner in the San Marcos area. Most of the funds of the San Marcos Association come from your annual dues. 2002 dues are \$15 per person or \$25 for a household . We need your dues and your involvement. Please send a check to: **San Marcos Association, P. O. Box 722, Cerrillos, NM 87010-0722** Please fill in and include this form.

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