

**MINUTES OF THE**  
**SANTA FE COUNTY**  
**DEVELOPMENT REVIEW COMMITTEE**

**Santa Fe, New Mexico**

**October 20, 2011**

This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Chair Maria DeAnda, on the above-cited date at approximately 4:10 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

**Members Present:**

Maria DeAnda, Chair  
Juan José Gonzales, Vice Chair  
Susan Martin  
Sef Valdez

**Member(s) Excused:**

Frank Katz  
Phil Anaya  
[One Vacancy]

**Staff Present:**

Rachel Brown, Assistant County Attorney  
Shelley Cobau, Building & Development Manager  
Wayne Dalton, Building & Development Supervisor  
Jose Larrañaga, Development Review Specialist

**IV. APPROVAL OF AGENDA**

Ms. Cobau announced that under New Business, CDRC Case V 11-5240 McDonnell Variance has been tabled.

Chair DeAnda moved to approve the agenda as amended. Her motion was seconded by Member Gonzales and passed by unanimous [4-0] voice vote.

**V. APPROVAL OF MINUTES: September 15, 2011**

Member Martin noted the first page lists the date as August 18 rather than September 15. Member Gonzales seconded and the motion passed by unanimous [4-0] voice vote.

**VI. OLD BUSINESS**

None was presented.

**VII. NEW BUSINESS**

- C. CDRC CASE # MIS 11-5330 Woodrow Elmore Accessory Structure  
**Woodrow Elmore, Applicant, requests approval of a 2,400 square foot accessory structure to be used as personal storage on 2.63 acres. The property is located at 18 Chavez Lane in Edgewood, within Section, 19, Township 10 North, Range 7 East (Commission District 3)****

Wayne Dalton presented the staff report as follows:

“The Applicant requests approval to construct an accessory structure totaling 2,400 square feet to be utilized for personal storage. The proposed structure is a metal building and will be constructed on a concrete slab. There is currently a residence, garage, a carport and a conventional septic system on the property. The property is served by the Entranosa Water System. The Applicant states the structure will be for RV storage, a two-horse barn and miscellaneous storage.

“Staff has reviewed this Application and has found the following facts to support this Application: Ordinance No. 1997-4 states residential uses and accessory structures are allowed anywhere in the County provided all of the requirements of the Code are met; the accessory structure is incidental and subordinate to the principal use; an accessory structure includes an office/art studio/workshop, garage or carport for storage of personal vehicles, utility or storage sheds, a stable or barn, or greenhouse; the structures meet the requirements of Ordinance No. 1997-4; therefore staff recommends approval.”

The following conditions were requested:

1. The Applicant must comply with all other Santa Fe County and CID building permit requirements.
2. Compliance with minimum standards for Terrain Management as per the Land Development Code and compliance with Ordinance 2003-6 Water Harvesting.
3. The structure shall not be utilized for commercial use.
4. The height of the accessory structures shall not exceed 24 feet.

Mr. Dalton confirmed the following: the Applicant will be required to install 55-gallon rain barrels; the structure must be utilized for personal and not commercial use; the CDRC’s decision was final and not a recommendation to the BCC; electric will be run from the main structure and there is no plumbing proposed.

Duly sworn, applicant Woodrow Elmore stated the facts were correctly covered by staff and he agreed to all conditions. He indicated that manure would be hauled off the property.

There was no one in the audience wishing to address this issue.

Member Gonzales moved to approve CDRC Case MIS 11-5330 with all staff-imposed conditions. Member Martin seconded and the motion passed by unanimous [4-0] voice vote.

- B. **CDRC CASE #V 11-5240 Dale McDonnel Variance** - Tabled
- C. **CDRC CASE # V 11-5270 Cuatro Villas Mutual Domestic Water Users Association**. **Cuatro Villas Mutual Domestic Water Users Association, Applicant, Kari Edenfield (Souder, Miller and Associates), Agent, request a variance of Article III, Section 4.4.4.c Development and Design Standards, to allow a proposed water storage tank to exceed the maximum allowable height of thirty six feet. The project is located at 51 Placita Road, within Section 4, Township 20 North, Range 9 East (Commission District 1)**

Mr. Larrañaga presented the staff report as follows:

“The Cuatro Villas Mutual Domestic Water Users Association, MDWUA, is a nonprofit community organization established under the New Mexico Sanitary Projects Act. The mission of Cuatro Villas MDWUA is to provide safe, reliable drinking water to the communities of La Puebla, Sombrillo, Cuarteles and El Valle de Arroyo Seco.

“On May 24, 2011, the Board of County Commissioners approved a request for a Grant of Right-of-Way, to the Cuatro Villas Mutual Domestic Water Users Association, for the purpose of installing two 500,000 gallon concrete water storage tanks and distribution infrastructure on the site known as La Puebla Park located at 51 Placita Road.

“An Administrative review of the site for placement of a 500,000 gallon concrete water storage tank and distribution infrastructure is currently being processed by Building and Development Services. The development will encompass approximately 0.74 acres within the site. The tank will have an exposed height of 47 feet with 8 feet compromising the dome roof. The north side of the tank will be partially buried and have an exposed height of 31 feet. Approval of this development is pending resolution of the proposed height of the tank and technical review by the Utility Department.

“The Applicant requests a variance of Article III, Section 4.4.4.c, Development and Design Standards of the Land Development Code, to allow a 500,000 gallon concrete water storage tank to exceed the maximum permitted height of thirty-six feet. The Applicant states: ‘The proposed elevation of the tank is needed to provide the optimal elevations for providing the required pressure for the water system. The site was selected for its centralized location within the Cuatro Villas service area and site elevations to provide the gravity flow needed for the system.’

The Applicant also states: “Critical elements of the Cuatro Villas water system are the storage facilities. Full build out of the regional water system requires a total storage volume of one million gallons for domestic potable water demand plus fire protection volumes as required by Santa Fe County. Phasing the regional water system accommodates half the storage volume to be constructed now and the other half at a later date. Half the storage volume will adequately serve the membership until increasing membership necessitates constructing the other half.”

“The proposed tank will be visible by the residents within the surrounding area. The site is bordered by BLM, the archdiocese, agricultural and residential property. The visibility of the tank may be minimized by painting the tank an earth tone color.

“Article III, Section 4.4.4.c Development and Design Standards/Maximum Height states: ‘structures shall be limited to a maximum height of 36 feet from the highest point of the surface of the ground at the perimeter of the structure in Major or Community Center Districts and 24 feet in height in Neighborhood or Local Center Districts.’ Article II Section 3.1 States: ‘where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking or property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.’ Article II Section 3.2 states: ‘in no case shall any variation or modification be more than a minimum easing of the requirements.’”

Mr. Larrañaga said staff reviewed the Application and has found the following facts presented for resolution of this request by the County Development Review Committee: excluding the proposed height of the tank, the placement of a 500,000 gallon concrete water storage tank and distribution infrastructure on 0.74 acres, meets the development requirements of the Land Development Code; the regional water system, at full build-out, requires a total storage volume of 1 million gallons for domestic potable water demand plus fire protection volumes as required by Santa Fe County; the proposed elevation of the tank is desirable to provide the optimal elevations for providing the required pressure for the water system; strict compliance with the requirements of Article III, Section 4.4.4.c may result in inhibiting the achievement of the purposes of the Code; the requested height variance for the water tank, which will serve the northern communities in Santa Fe County with safe, reliable drinking water, may perhaps be considered a minimal easing of the requirements of the code.

The recommendation of this Committee will be presented to the Board of County Commissioners for final resolution of the Applicant's request, stated Mr. Larrañaga.

In response to questions, Mr. Larrañaga offered that the applicant met the notification and posting requirements and the variance is required before technical review continues; terrain management issues appear to meet code. The northern side of the tank will be dug approximately 8 feet into the ground. The park is located 100 feet from the proposed tank. Water from the tank will be utilized by the district fire department.

Kari Edenfield with Souder, Miller & Associates and Mukhtiar Khalsa with the Cuatro Villas Mutual Domestic Water Users Association were duly sworn.

Mr. Khalsa, president of CVMDWUA's board of directors, said there was a great deal of community support for this project and the association has done their best to mitigate the tank's profile. The tank will provide fire protection for the four communities, community center and expanded park. There are currently 300 non-using members and 150 members using water. The association provides domestic use water only. The tank has the potential to serve 2,000 residents. Membership is voluntary; members are allowed to keep their wells for agricultural use. He mentioned that the entire community benefits regardless of membership status.

The source of the tank water will be derived through the City of Española and provide a clean water source for the 10 square mile service area, stated Mr. Khalsa. The association seeks to gain additional water rights to provide a clean source. The two tanks will provide 1 million gallons.

Ms. Edenfield said CVMDWUA serves 150 households with an average household size of 2.3 people. The storage tank is currently located in La Puebla and holds 20,000 gallons. The existing tank will be taken off line once the new tank is erected.

Referring to the second tank, Ms. Edenfield said it would be sited next to the one currently under consideration. To insure hydrologic balance, both tanks will need to have the same height and produce the same pressure.

A discussion ensued regarding the variance for the second tank. According to County Assistant Counsel Brown that the case was noticed for a single 50,000 gallon tank and the variance request is for one tank.

Ms. Edenfield said the projected population of the area within 20 years is between 5,000 and 6,000 and the second tank would be necessary to meet the community's growth. She discussed the position of the second tank pointing out their heights will be the same. The base elevations for the second tank will not exceed the first tank.

Member Gonzales asked about elevation from the tank to the closest lowest residence to be served. Ms. Edenfield said there was a great deal of elevation from the tank to the lowest residence in the valley Arroyo Seco which requires several pressure reducing valves. She said the highest residences are close to the tank and situated on top of hills. The tank's height makes the difference between having 12 psi at the residence and 22 psi.

Member Gonzales recommended consideration of booster pumps and Ms. Edenfield said that would be resident responsibility.

There was no one in the public wishing to address this issue.

Member Martin moved to approve CDRC Case #V 11-5270. Member Valdez seconded and the motion passed by unanimous [4-0] voice vote.

**VIII. PETITIONS FROM THE FLOOR**

None were presented.

**IX. COMMUNICATIONS FROM THE COMMITTEE**

Member Martin said she would be excused from the November meeting.

**VIII. COMMUNICATIONS FROM THE ATTORNEY**

None were presented.

**IX. COMMUNICATIONS FROM STAFF**

The next meeting was scheduled for November 17, 2011.

SEC CLERK RECORDED 11/18/2011

**X. ADJOURNMENT**

Having completed the agenda and with no further business to come before this Committee, Chair DeAnda declared this meeting adjourned at approximately 4:50 p.m.

Approved by:

*Maria DeAnda*

Maria DeAnda, Chair  
CDRC

ATTEST TO:

*Valerie Espinoza*  
COUNTY CLERK



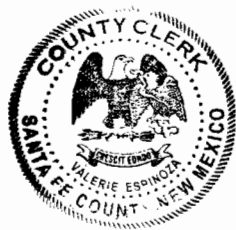
Before me, this \_\_\_\_ day of \_\_\_\_\_, 2011.

My Commission Expires:

\_\_\_\_\_  
Notary Public

Submitted by:

*Karen Farrell*  
Karen Farrell, Wordswork



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss  
CDRC MINUTES  
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I Hereby Certify That This Instrument Was Filed for  
Record On The 18TH Day Of November, 2011 at 02:26:05 PM  
And Was Duly Recorded as Instrument # **1651661**  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
*Valerie Espinoza*  
Deputy \_\_\_\_\_ Valerie Espinoza  
County Clerk, Santa Fe, NM

SEC CLERK RECORDED 11/18/2011