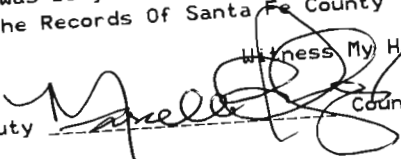


COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

CDRC MINUTES  
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I Hereby Certify That This Instrument Was Filed for  
Record On The 19TH Day Of November, 2010 at 02:42:41 PM  
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Of The Records Of Santa Fe County

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

**MINUTES OF THE**  
**SANTA FE COUNTY**

**DEVELOPMENT REVIEW COMMITTEE**

Santa Fe, New Mexico

October 21, 2010

This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Chair Jon Paul Romero, on the above-cited date at approximately 6:00 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:**

Jon Paul Romero, Chairman  
Susan Martin, Vice Chair  
Don Dayton  
Juan José Gonzales  
Charlie Gonzales  
Maria DeAnda

**Member(s) Excused:**

Jim Salazar

**Staff Present:**

Jack Kolkmeier, Land Use Administrator  
Shelley Cobau, Review Division Director  
Jose Larrañaga, Development Review Specialist  
Dennis Manzanares, Assistant County Attorney  
Vicki Lucero, Review Team Leader  
John Michael Salazar, Development Review Specialist

**III. APPROVAL OF AGENDA**

Shelley Cobau said there were no changes beyond those on the updated agenda. Member Martin moved approval and Member C. Gonzales seconded. The agenda was unanimously approved.

#### IV. APPROVAL OF MINUTES: September 16, 2010

Member C. Gonzales noted the following changes: Page 5 – Member C. Gonzales advised Mr. Bowker that just because an engineer stamps the plans does not mean it is correct.

Page 24 – Having completed the agenda and with no further business to come before this Committee, Chair Gonzales Romero declared this meeting adjourned.

Member J.J. Gonzales noted that on page 16, second paragraph it should read “dwelling units” instead of “residences”.

Member Martin moved to approve the September minutes as amended. Member C. Gonzales seconded and the motion passed by unanimous [6-0] voice vote.

#### V. CONSENT CALENDAR

##### Final Order

- A. **CDRC CASE # DP 10-5290 Children’s Garden Montessori School.**  
**Joan Shankin, Applicant, Oralynn Guerrerortiz (Design Enginuity),**  
**Agent, Requested Final Development Plan Approval For Phase ii of**  
**the Children’s Garden Montessori School. The Property Is Located at**  
**710 Old Las Vegas Highway, Within Section 10, Township 15 North,**  
**Range 10 East, (Commission District 4). Jose E. Larrañaga, Case**  
**Manager, Approved 4-0**

Upon motion by Member C. Gonzales and second by Member Martin the Consent Calendar was unanimously approved.

#### VI. OLD BUSINESS

- C. **CDRC CASE # V 10-5240 Ronald Crawford Variance.** **Ronald**  
**Crawford, Applicant, requests a variance of Article III, Section 10**  
**(Lot Size Requirements) of the Land Development Code to allow a lot**  
**line adjustment to reduce lot A-2 to 2.507 acres and increase lot A-1**  
**by 4.01 acres for a total of 10.90 acres. The property is located at 17**  
**Roy Crawford Lane, within Section 17, Township 16 North, Range 10**  
**East, (Commission District 4)**

Because the case was heard previously, Jose Larrañaga gave an abbreviated report, noting that he discussed the possibility of a conservation easement in order to keep the lots above six acres each but the Applicant preferred to come forward for the variance.

Mr. Larrañaga gave the following recommendation: Staff has reviewed this application and has found the facts presented not to support this application: staff’s

analysis of the Applicant's interpretation of the variance criteria does not justify the approval of this application; strict compliance with the requirements of the code would not result in extraordinary hardship to the Applicant; to allow Tract A-2 to be reduced further below the density requirements allowed by the code, the purpose of the code would be nullified; the Applicant has not justified a hardship which is contemplated by the Code. The variance requested by the Applicant is not considered a minimal easing of the requirements of the code therefore staff recommends denial of the Applicant's request.

He added that the applicant has revised the Application, submitting additional supporting material.

Duly sworn, Ronald Crawford stated as he understood the code he was requesting a simple lot line adjustment based on a post code variance. The nine-acre lot to the north of his lot was divided into three smaller lots.

Member J.J. Gonzales asked if there were two separate wells and Mr. Crawford said each has an individual residence and well. The older well dates to around 1960 and has been refurbished. It is available for the second house. He said he sent out the certified mailers and they were returned by the nine neighbors. He spoke with two of them.

Under oath, John Cormanick, adjacent landowner, said he was in opposition to the variance because it would change the nature of the neighborhood and adversely affect his property value. His parcel is 6.9 acres and is due east of the property in question. Other lots in the area are over five acres.

Chairman Romero noted there appeared to be other properties in the area that were between 2.5 and 3 acres.

Gwyneth Duncan Crawford, under oath, stated that a precedent had been set by the division of the nine acres post-code for the Mountain Hydrologic Zone and that should be recognized.

Member J.J. Gonzales moved to deny the variance in Case #V 10-5240, in conformance with staff's recommendation. Member Martin seconded and the variance was denied by unanimous 6-0 voice vote.

Ms. Cobau said the case would go before the BCC.

Member C. Gonzales reminded the committee that the code was started in 1981 and the precedent cited was in 1981.

## VII. NEW BUSINESS

**Informational Item: Placement of a portable classroom adjacent to the Vista Grande Library within the Community of Eldorado, in Commission District 5. The classroom will be placed near the western end of the existing building and be utilized for a meeting/movie room. Rudy Garcia, Community Services Division [Exhibit 1]**

Rudy Garcia from the Community Services Department stated no vote was required. He said two phases of the Vista Grande Library in Eldorado have been completed and the third phase is being designed by an architect. However, due to shortfalls in capital outlay money building has been delayed. The library has outgrown its space and the Santa Fe Public Schools is willing to sell a portable unit for use as a meeting/movie room.

Mr. Garcia reviewed the photographs of the area and the proposed unit, currently located at Gonzales Elementary School.

In response to questions Mr. Garcia stated the unit could be there for two to four years. They have been meeting with the Library Board and Eldorado Community Improvement Association. There will be no water or sewer hooked up to the unit. They will go through the permitting process of Land Use and CID. The units is 10 to 15 years old and will cost one dollar. Moving will run approximately \$20,000. They tried to get one of the units in use in Eldorado and were unable to do so. There have been no complaints.

There was no one from the public wishing to speak.

- A. **CDRC CASE # M IS 10-5500 Albert Migliori Wind Turbine. Albert Migliori, applicant, requests approval to remove a current 44-foot lattice work wind turbine tower and install a 34-foot tall wind turbine tower. The 34-foot tall wind turbine tower is based on a light-pole design and is constructed of tubular steel with a galvanized finish which will be mounted upon a concrete base. The property is located at 13 Alamo Creek Drive, within Section 4, Township 17 North, Range 9 East (Commission District 2)**

John Michael Salazar gave the following staff report:

“The Applicant requests to remove a 44-foot lattice work wind turbine tower and install a 34-foot tall pole mounted wind turbine on 9.57 acres. The monopole tower will be 30 feet in height with the blades from the wind turbine increasing the overall height to 34 feet. The tower is based on a light-pole design and is constructed of tubular steel with a galvanized finish which will be mounted on a concrete base.

“The handbook on *Permitting Small Wind Turbines* by the American Wind Energy Association (AWEA), states that small wind turbines should be viewed as a community asset since they reduce threats of blackouts in the community,

contribute to national security and reduce dependence on polluting forms of electric generation.

“The wind turbine is capable of generating 400 kW per month in a 12 mph average wind and works in winds as low as 8 mph. The turbine will have grounded lightning protection so that there will be no danger of a fire being started by a wind turbine.”

Mr. Salazar stated the following issues have been discussed worldwide: acoustics, visual impacts, safety, interference, and property values.

“Article III, Section 2.3.6c states: ‘Requests for residential accessory structures such as windmills and radio antennas to exceed the maximum height restrictions shall be reviewed for approval by the County Development Review Committee. When an exception to the height restrictions is desired, the applicant shall submit plans for the installation and operation of the accessory structure with a report explaining why the requested height of the structure is necessary for proper function. The County Development Review Committee shall consider: whether the requested structure is reasonably necessary to be on the proposed site; whether the applicant has demonstrated that the requested height is the minimum height necessary for the proposed structure to function properly, not to exceed a maximum height of forty-five feet; and the size of the lot and impact on neighboring properties.’”

Mr. Salazar stated Article III, Section 2.3.6c states that the CDRC is required to review and approve residential accessory structures such as windmills and radio antennas which exceed the maximum height restrictions. Staff feels that this request is in conformance with Article III, Section 2.3.6c of the Land Development Code. Therefore, staff recommends approval of the request.

Member C. Gonzales asked the Applicant why he is changing to a different windmill, and Mr. Salazar said the new one is more aesthetic.

Member DeAnda asked if any comments or questions had been received from neighbors and Mr. Salazar said neither positive nor negative feedback was received.

Duly sworn, Albert Migliori stated the new turbine is about 25 percent more efficient due to the airfoil design, which also reduces noise. It is being moved from the present location because the current foundation is too big and cannot be moved. He said he would look into getting tax credits.

Member Dayton asked about problems with birds and Mr. Migliori said the current wind turbine has never killed a bird and in fact their perching on the blades sometimes inhibits startup.

Member DeAnda asked the distance between the new turbine and the nearest neighbor. Mr. Migliori stated his lot is 9.95 acres and no lot is within 100 feet of the new location. He said his closest neighbors are “all delighted” with the new tower which is shorter and more elegant. The old turbine will be taken down to the base.

There was no one from the public wishing to speak.

Member Dayton moved to approve Case #MIS 10-5500, and Member Martin seconded. The motion to approve passed unanimously.

Ms. Cobau said the final order will be on the next agenda for CDRC approval, and the building permit can be issued after that.

- B. CDRC CASE #V 10-5320 Rogers Variances. Dean and Allyson Rogers, Applicants, Architectural Alliance, Agent, request approval of four variances of Article VII, Section 3 (Terrain Management), Article III, Section 2.3 (Site Planning Standards For Residential Use), and Article III Section 10 (Lot Size Requirements) of the Land Development Code: 1) to allow the height of a residence to exceed 18 feet; 2) to allow the removal of significant trees from slopes greater than 30%; 3) to allow disturbance of slopes greater than 30%; and 4) to allow a second dwelling unit on 9.946 acres. The applicant also requests approval to construct a garage/media room greater than 2,000 square feet in size. The property is located at 80 La Barbaria Road, within the Overlook Subdivision, within Section 16, Township 16 North, Range 10 East (Commission District 4)**

Vicki Lucero gave the following staff report:

“The subject property is a 9.946-acre parcel within the overlook subdivision. There is an existing 1,982 square foot residence on the property. The Applicant is proposing to add a 2,045 square foot addition to the residence for a total of 4,027 square feet and to construct a new garage/media room consisting of 2,329 square feet. There is also an existing guesthouse on the property. The guesthouse was permitted as a garage/shop in 2000 and was constructed as a guesthouse. The property is located in the Mountain Hydrologic Zone. Article III, Section 10 of the County Code states the maximum allowable lot size within the Mountain Hydrologic Zone is 20 acres per dwelling unit with water restrictions. The subject property is only 9.946 acres in size and does not have enough acreage for a house and a guesthouse. Therefore, a variance is requested.

“Article VII, Section 3.4.1.c.1.c of the code states that natural slopes of 30% or greater are no-build areas and shall be set aside from development. Based on the slope analysis submitted, the majority of the slopes on the lot are near or at 30% or greater. Therefore, a variance is being requested.

“Article III, Section 2.3.6.b.1 of the code states ‘The height of any dwelling or residential accessory structure located on land which has a natural slope of fifteen percent (15%) or greater shall not exceed eighteen feet (18’).’ The applicants are proposing a maximum height of 24’ for both the addition to the main residence and the garage/media room. The agent states that the grade was previously disturbed in these areas and is now at 15% grade and over. A height variance is requested.

“Article VII, Section 3.4.5.a of the code states that no significant trees may be removed from slopes greater than 30%. The applicants state that they will be removing four significant ponderosa pine trees during excavation and construction of the proposed development.

“The proposed garage/media building will consist of 2,329 square feet. Santa Fe County Ordinance No. 1997-4 states that accessory structures which are greater than 2,000 square feet shall be submitted to the CDRC for approval. The proposed accessory structure exceeds the 2,000 square feet by 329 square feet. Therefore, approval by the CDRC is requested.

“Article II, Section 3.1 (Variances) of the County code states, ‘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 of property or exact hardship, and proof that a variance from the code will not result in conditions injurious to health or safety.’”

The recommendation is as follows:

“Article III, Section 10 states that the minimum lot size in this area is 20 acres per dwelling unit. In order to have a second dwelling unit on the property the parcel would have to be a minimum of 40 acres in size. Having only 9.946 acres, staff does not consider this to be a minimal easing of the code. Therefore, staff recommends denial of the density variance to allow the guesthouse.

“The proposed addition and garage would require disturbance of 30% slopes which are no build areas. The subject property is a legal lot of record and therefore is entitled to a development right for a single residence. The applicants have an existing 1,982 square foot residence on the property as well as an illegal guesthouse. The legal lot was granted its entitlement of a single residence, and the applicants currently have beneficial use of this parcel, and no hardship as contemplated by the code has been demonstrated. Therefore, staff recommends denial of the variances of slope, removal of significant trees, and height of structures.

Ms. Lucero distributed a letter of opposition. *[Exhibit 2]*

Chairman Romero asked if a variance would be required if the new structure was connected to the existing dwelling. Ms. Lucero said it would because there is a kitchen and bathroom in the existing unit.

Member DeAnda asked if a permit for a garage was issued for the illegal guesthouse. Ms. Lucero said there was a permit issued in 2000 for a garage/studio, and it was built as a guesthouse with both a kitchen and a bathroom. She said she believed it is being used as a dwelling and there is a garage attached. To come into compliance the kitchen would have to be entirely removed.

Member C. Gonzales asked if staff had issued a Notice of Violation. Ms. Lucero stated they only discovered the problem during this process. Staff as not issued a notice at this time. Member C. Gonzales asked how the floodplain is from the property. Ms. Lucero said she could research that question.

Member Martin asked if it was the applicant who had constructed the guesthouse and Ms. Lucero said she believed it was the previous owner.

Member J.J. Gonzales asked if the lot was created pre-code and Ms. Lucero said that was her understanding. He asked if an updated NMED permit was issued and Ms. Lucero said that would be required during the building permit process. The original house was built before 2000.

Member C. Gonzales ascertained that the property was in the Mountain Special Review District and asked what percentage of 30 percent slopes would be disturbed. Ms. Lucero said the footprint of the house is around 1,300 square feet, and that of the garage is around 500 square feet of 30 percent slopes.

Duly sworn, Eric Enfield, architect and agent, stated it is a complicated lot, partly in the Overlook Subdivision and partly in La Barbaria. He distributed aerial photographs from before and after the house was constructed. *[Exhibit 3]* The house was constructed on an old roadbed. The Rogers purchased the property in 2007. He showed the original letter submitted in July *[Exhibit 4]* showing they anticipated getting variances for the trees and size of accessory structure, but the slopes now in question were not considered natural slopes. It was later that staff stated a variance would be needed for the slopes and the guesthouse, which had already been built by the previous owner.

Mr. Enfield indicated he received a letter on October 6<sup>th</sup> from the neighbors. A meeting was arranged to discuss the outstanding issues, principally the variances and visibility. The owner offered to replace the trees two-fold with large ponderosas. Contrary to the neighbors' contention, the applicant was not aware of the lot's limitations. He pointed out there is nothing in the code disallowing visibility of a house from neighbors' houses. He passed out photographs showing the visibility of the current house. *[Exhibit 5]* He noted the house is almost invisible from La Barbaria.



Addressing the issues raised by staff, Mr. Enfield asked if the County ever allowed the guesthouse to be occupied. Currently the Rogers' elderly parents live in the guesthouse, whose kitchen is minimal. Most houses in La Barbaria have guesthouses, and he asked if they are all illegal.

Similarly, there are no 20-acre lots in the area, which makes them all legally non-conforming. He said this a previous, non-self-inflicted condition and denying use would be a hardship.

He said they are not proposing any development on natural slopes over 30 percent; all the slopes are previously disturbed when the road was cut. He distributed a number of photographs demonstrating the disturbed slopes. [Exhibit 6] He said these slopes show different soil colors alluding to the original grade as opposed to slough from the graded road.

Scott Yeager, Surveyor, was placed under oath and said areas were disturbed due to slough from the cut banks, and he identified those on the plat. Chairman Romero asked how much 30 percent slope was disturbed previously and how much since the owners have occupied the home. Mr. Yeager said the house was cut into the natural slope and various easements cut through the site. He hasn't seen any new excavation.

Member J.J. Gonzales asked how much of the lot was 30 percent before the road was cut. Mr. Yeager said that would be difficult to ascertain. Member J.J. Gonzales asked if there were any other buildable areas on the property. Mr. Yeager said there are flatter areas below the house that are being used for septic, but he did not believe any could be used.

Stating he was familiar with the property, Member C. Gonzales recommended that staff go back and look at the original permit. He recalled an agreement by the previous owner.

Ms. Cobau stated she had visited the site and the driveway is quite steep which may cause problems in the future in terms of other variances. She said staff takes a conservative approach. It is impossible to tell where the slope is natural, especially where it is heavily vegetated with big trees.

Member C. Gonzales said in the case of the previous permit there was also an issue involving overhead lines that further restricted the building possibilities.

Mr. Enfield indicated he met with Buster Patty on the roads and turnarounds and he supports the project. The house will be sprinklered. The power lines are not live and will be removed and the phone lines will be buried. He spoke of another driveway of a neighbor that goes through the top of the property. Regarding the big trees in the disturbed slopes, he said those existed previously and the soil was dumped around them. He referred to photos #2 and #14 that show the state of the cuts. He said the code says slopes should be calculated prior to development, and since the road was cut it is impossible to determine natural slopes. Similarly, computing height from natural grade is impossible.

Returning to the question of trees, Mr. Enfield said it may be possible to transplant some of the trees in question. The largest scheduled for removal is a 12" caliper ponderosa. He reiterated the offer made to the neighbors regarding revegetation.

Some trees will be allowed to come up through the deck. He outlined further measures planned to save trees.

He said the only reason a variance is required for the garage/office is because it is not connected to the house, making it an accessory structure; house size is not limited.

Mr. Enfield said the property is unique and it is non-self-inflicted condition and unusual topography that trigger the variances. The purpose of the code has not been nullified and adequate information has been provided to document the applicant's claims. The project will put over \$1 million into the local economy. Visibility will be minimal, and all trees removed or transplanted will be replaced by similar trees if they die. He reiterated that the variance requirements do not apply because the slopes are not natural. He said they are willing to work with the homeowners association.

Referring to the July 9<sup>th</sup> letter, [Exhibit 4] Member DeAnda for clarification. Mr. Enfield stated he was referring to previously disturbed slopes. He said he believed the road was originally built as an emergency or secondary exit when Overlook Subdivision was built, probably in the 80s. Or possibly 50s. Member DeAnda said the question is when does a disturbed slope become natural slope? Member DeAnda said it appears with the passage of time the slope has become part of the terrain. She asked, when the code refers to "prior to development": What does that mean?

Ms. Cobau read from the code, "The percent of slope, as calculated prior to development, from the elevation difference between two adjacent contour lines." Therefore, it means prior to the development that is being proposed.

Member DeAnda said it is incumbent upon the buyer to determine what use can be made of a property. Mr. Enfield said promises were made by the previous owner and not kept. He distributed letters of support from neighbors. [Exhibit 7]

Under oath, Gerald Fagan stated the neighbors were shocked that the previous owner was allowed to build on such steep slopes, and were distressed when commitments made by him were not kept. A similar situation seems to be occurring. The architect's explanations were confusing. Heroic efforts are required to save trees and they are often unsuccessful. The road on the north of the property destroyed large trees, but they were deemed insignificant. Regarding the guesthouse, they were repeatedly told that there was no kitchen. He lauded the Rogers for thinning the trees for fuel reduction. He is concerned the driveways won't be fixed.

Previously sworn, Ron Hale, adjacent neighbor, said he was not notified by mail. He purchased his lot in 1984 and the road was there at that time. He worked hard to minimize the footprint of his house. There are good reasons for restrictions on building on slopes. "A slope is a slope is a slope, whether it's natural, disturbed, or somewhere in between." Erosion and fire are big issues.

Duly sworn, Barry Hornstein indicated he is the neighbor directly to the north. The access to his land is an easement on the Rogers' property. The original subdivider designated buildable envelopes. When Mr. Hornstein built his driveway the soil was pushed down the hill. There is no natural slope left. The roadway upon which the Rogers'

house is built was originally a jeep trail. J.J. Shapiro built there to make the house lower on the mountain. He has no objections to the proposed plans, which are a tremendous improvement over what is there.

Regarding the trees, Mr. Hornstein said there are now too many trees in the area and it's a fire hazard.

Member C. Gonzales asked if permits were obtained to widen the roads and driveways. Mr. Hornstein said he assumed so.

There was no one else from the public wishing to speak and Mr. Enfield spoke in rebuttal. He assured the neighbors that the promises they were making were sincere. The studio they are planning is not to be confused with the current guesthouse. This structure has not come before the CDRC since it requires no variance. His client is currently removing dead trees in a thinning effort. He was sorry Mr. Hale wasn't notified. The list was obtained from the County, and the homeowners association also didn't get notification due to an old address in the files. Some of the sloughed material is from 2000.

Member DeAnda asked about the studio just mentioned. Mr. Enfield said that will be about 1,100 square feet and will not have a bathroom or kitchen.

Member C. Gonzales asked if there were limits on the number of structures allowed. Ms. Cobau pointed out there are no overall lot coverage restrictions in this area.

Chairman Romero suggested it might be possible to tweak the plans for the accessory structure to bring it below the 2,000 square feet maximum and thus avoid a variance request. Mr. Enfield said they anticipate working with the neighbors on reducing the size of that.

Member J.J. Gonzales asked if it would be possible to modify the plans to not require any variances. Mr. Enfield said everything depends on the disturbed or natural slope argument.

Chairman Romero stated it was his opinion that the current slopes are not due to this applicant, and he has shown a willingness to work with the County and the neighbors.

Member DeAnda moved to deny Case #V 10-5320 in accordance with staff's recommendations. Member C. Gonzales seconded and the motion passed by 5-1 voice vote with the chair casting the dissenting vote.

[The committee recessed from 8:00 to 8:15.]

**D. CDRC CASE # MP/DP 10-5770 Santa Fe Brewing Company. Santa Fe Brewing Company, Applicant, Brian Lock, Agent, request a Master Plan Amendment to allow outdoor entertainment as a permissible use and Final Development Plan approval for outdoor entertainment and for existing Restaurant and Brewery. The property is located off Highway 14 at 35 Fireplace Road, within Section 25, Township 16 North, Range 8 East (Commission District 5)**

Mr. Larrañaga gave the staff report as follows:

“On November 9, 2004, the BCC granted Master Plan and Preliminary Development Plan approval for Santa Fe Brewing to allow a brewery facility and restaurant on 3.6 acres. The Final Development Plan was to be processed administratively.

“The existing zoning on the site does not include outdoor entertainment. The Applicant is requesting a Master Plan Amendment to allow outdoor entertainment as a use on this site. The Final Development Plan was not approved by staff consequently not recorded. The Applicants intent is to comply with Land Development Code and the conditions of prior approval by the BCC. Therefore the Applicant’s request includes approval of the Final Development Plan for the existing facility.

“Article V, Section 5.2.6 (Amendments and Future Phase Approvals) states: ‘Any substantial change in land use or any increase in density or intensity of development in the approved master plan requires approval by the County Development Review Committee and the Board.’

“Article V, Section 7.2 (Final Development Plan) states: ‘The final development plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved final development plan becomes the basis of development permits and for acceptance of public dedications. Any changes in the plan must be approved by the County Development Review Committee.’

“The 3.6-acre site is designated as an Employment Center within the Community College District. An Employment Center allows for liquor sales and distribution facilities as a special use and restaurants as an eligible use, subject to Master Plan approval.

“Currently there are two structures on the property, one of which has historically been operated as a restaurant and bar. The second structure is being operated as a brewery. The Applicant proposes to utilize the existing structures as they are currently being used, with a minor expansion to the restaurant for the proposed development.

“The outdoor entertainment at the site is currently being permitted by the County as Special Use Permits. The Master Plan Amendment would allow for outdoor entertainment without prior approval by the County. The parameters of the outdoor activities are listed within the conditions of approval herein.”

Mr. Larrañaga stated the Application was reviewed for the following: existing conditions, adjacent properties, parking and access, outdoor lighting, signage, water, fire protection, liquid and solid waste, terrain management, landscaping, rainwater harvesting, and archeology.

Mr. Larrañaga stated staff has reviewed this application and has found the following facts to support this submittal: the Master Plan and Preliminary Development Plan was approved by the BCC; the site is designated as an Employment Center within the Community College District; an Employment Center allows for liquor sales and distribution facilities as a special use and restaurants as an eligible use; the proposal for the Master Plan Amendment and Final Development Plan meet the criteria set forth in the Land Development Code.

The review comments from State Agencies and Building and Development Review Services has established findings that this Application is in compliance with Article V, Section 5.2.6 (Master Plan Amendments), Article V Section 7.2 (Final Development Plan) of the Land Development Code and Ordinance No. 2000-12 (Community College District). Staff recommends approval of a Master Plan Amendment to allow outdoor entertainment as a use on this site and Final Development Plan approval for a brewing and restaurant facility on 3.6 acres, subject to the following conditions:

1. All staff redlines shall be addressed, original redlines will be returned with final plans for Master Plan.
2. The Applicant shall comply with all requirements of the County Fire Marshal, County Public Works and County Utilities Department.
3. Master Plan Amendment with appropriate signatures shall be recorded with the County Clerk.
4. Final Development Plan with appropriate signatures shall be recorded with the County Clerk.
5. Outdoor events: noise mitigation shall be in place at all times; a traffic control plan shall be in place; the Applicant shall inform the County Fire Marshal and County Sheriff's Department two (2) weeks prior to any outdoor activities taking place; portable toilets shall be placed on the site for outdoor events; on sight/off site signage advertising an event shall not be permitted; a lease for the off-site parking shall be submitted prior to recording the Final Development Plan; in the case that the off-site parking area is not available or a lease is not renewed outdoor activities shall not be allowed. The above-mentioned conditions shall be placed on the Final Development Plan and recorded.

Member C. Gonzales asked if they had received any opposition. Mr. Larrañaga said they had not, and it was noticed properly.

Member DeAnda asked about the condition requiring permission for parking from the adjoining property owners. How much overflow parking will they be providing? Mr. Larrañaga said some of the area now designated as possible overflow parking could be developed in the future. Member DeAnda noted that one of the properties nearby, Mesa Vista, is on the market, so the permission would be temporary. Mr. Larrañaga did not know whether that property had been sold, but parking is a concern and the outdoor activities will be monitored in the future. Currently, there is a full event schedule. Ms. Cobau said if there is an outdoor event a special use permit is applied for and they estimate they number of attendees. If necessary they would have to limit the number of attendees.

Duly sworn, Brian Lock added in the past they have hired parking attendants to ensure attendees are parking in safe places.

Member DeAnda asked how many parking spaces will be needed beyond the 89 or so in the lot. Mr. Lock said it is rare that more is needed. In the last year that number might have been exceeded at possibly two events. He didn't anticipate many events in the future that would require more. He said he did not believe Mesa Vista had been sold and he is still dealing with the same owner.

Member J.J. Gonzales asked how much water is used, and Mr. Lock said the amount used is seasonal; more beer is produced in the summer. One barrel of beer is 31 gallons, and they are on track to produce 9,000 gallons per year. Between five and nine gallons of water is required for one gallon of beer. He estimated they were using about three afy as compared with their allotted 10 afy. Responding to Member J.J. Gonzales' suggestion of using County water, Mr. Lock said they use County water as backup and pay a standby fee for that. Well water is better for the beer itself due to the minerals, but County water could be used for cleaning the tanks, etc. especially if the Santa Fe sewer was available for discharge.

Rudy Garcia, under oath and speaking as a county resident, spoke in favor of the project. It brings in GRT and is in a commercial area so it does not cause noise problems. He said the County is looking into taking over the Longford lift station and if this comes to pass the businesses in the area will be encouraged to hook up to that and move the discharge to the City's treatment plant.

There was no one else wishing to speak.

Member C. Gonzales moved to recommend approval for Case #MP/DP 10-5770, with conditions and his motion was seconded by Member Martin. The motion carried unanimously, 6-0.

**E. CDRC CASE # MP/PDP/DP 10-5330 Holy Family Praying Heart Portal. Sons of The Holy Family, Applicant, Louis Martinez, Agent, request Master Plan Zoning, Preliminary and Final Development Plan approval for an existing residence to be modified and used as a meditation facility. The property is located at #2 Santo Niño Drive, within the Traditional Community of Chimayo, via State Road 520, within Section 1, Township 20 North, Range 9 East (Commission District 1)**

Mr. Larrañaga read the caption and gave the staff report.

“Currently there are three structures on the .38 acre site. The Santo Niño Gift Shop/Gallery consisting of 2,878 square feet, the Holy Family Chapel consisting of 252 square feet and a residential structure consisting of 2,100 square feet. All three structures were constructed prior to 1981 therefore the Code acknowledges the structures and the current use of the structures as non-conforming.

“Article II, Section 4.5 (Non-Conformities) states: ‘Existing uses of land and structures including signs constructed prior to the adoption of the Code, as amended, but which may not be in conformance with the Code, as amended, or are prohibited or restricted under the current provisions of the Code, including the provisions of any amendments thereto, are considered to be non-conforming uses.’

“The Applicant’s intent is to refurbish the existing 2,100 square foot residential structure into a meditation area. The structure was built pre-code as a residence therefore a Master Plan to allow the use of this structure as a community service facility is required. The request does not include expansion of the existing Gift Shop/Gallery and Small Chapel.

“Article II, Section 4.5.3 (Submittals and Reviews) states: ‘Re-use or expansion of non-conforming uses are subject to the submittals and review requirements set forth in the Code for the category of use which is proposed.’

Article II, Section 4.5.2 (Re-use or Expansion of Non-conforming Use) states: ‘Except as otherwise provided in this Section, any non-conforming use of land or structure may be continued so long as it remains otherwise lawful.’

“Article III, Section 7 (Community Service Facilities) states: ‘Community service facilities are facilities which provide service to a local community organization. These may include governmental services such as police and fire stations, elementary and secondary day care centers, schools and community centers, and churches.’

“Section 7.1 of Article III (Standards) states: ‘Community service facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that: the proposed facilities are necessary in order that community

services may be provided for in the County; the use is compatible with existing development in the area and is compatible with development permitted under the Code.’

“Historically the Santuario Chapel and the Santo Niño Chapel have served the Chimayo Community as well as visitors from around the world. The gift shop and privately owned businesses revolve around the attraction of the two chapels. The creation of a meditation center is considered compatible to existing uses and structures within the surrounding area.

“Article V, Section 5.2.1.b states: ‘A master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval.’

“The Applicant is also requesting Preliminary and Final Development approval to convert the structure to a meditation center. This conversion will take place in the form of remodeling the existing building to create approximately 926 square feet of meditation area, 200 square feet of office space, 98 square feet of storage and 415 square feet as a multi-purpose room. The modification of the structure shall not expand beyond the existing square footage.

“Article V, Section 7.1 (Development Plan Requirements) states: ‘A preliminary development plan may be only a phase or portion of the area covered by an approved master plan, so long as the preliminary development plan substantially conforms to the approved master plan.’

“Article V, Section 7.2. (Final Development Plan) states: ‘The final development plan shall be submitted to the County Development Review Committee accompanied by a staff report. The County Development Review Committee shall review the plan and make a determination as to its compliance with the County General Plan and Code. The County Development Review Committee may recommend changes or additions to the plan as conditions of its approval. The final development plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved final development plan becomes the basis of development permits and for acceptance of public dedications. Any changes in the plan must be approved by the County Development Review Committee.’”

Mr. Larrañaga stated the Application was reviewed for the following: existing conditions, adjacent properties, parking, access, outdoor lighting, signage, water, fire protection, liquid and solid waste, terrain management, landscaping, rainwater harvesting and archeology.



Mr. Larrañaga gave the following recommendation: Staff has reviewed this application and has found the following facts to support this submittal: the existing structures were constructed prior to the adoption of the Code; the Code acknowledges the structures and the current use of the structures as non-conforming; the submittal for the re-use as a meditation center meets the requirements of the Code; community service facilities are allowed anywhere in the County; the use as a meditation center is compatible with existing development in the area and is compatible with development permitted under the Code; the proposed Master Plan is comprehensive in establishing the scope of the project; the Preliminary Development Plan conforms to the proposed Master Plan; the proposed Final Development Plan complies with Code requirements.

The review comments from State Agencies and Building and Development Services has established findings that this Application is in compliance with Article II, Section 4.5 (Non-Conformities), Article III, Section 7 (Community Service Facilities), Article V, Section 5.2 (Master Plan Procedures) and Article V, Section 7 (Development Plan Requirements) of the Land Development Code. Staff recommends Master Plan Zoning, Preliminary and Final Development Plan approval to allow the re-use of a non-conforming structure as a meditation center to be known as the Holy Family Praying Heart Portal on .38 acres, within the Traditional Community of Chimayo, subject to the following conditions:

1. All Staff redlines shall be addressed, original redlines will be returned with final plans for Master Plan and Final Development Plan.
2. The Applicant shall comply with all requirements of the County Fire Marshal.
3. Master Plan with appropriate signatures shall be recorded with the County Clerk.
4. Final Development Plan with appropriate signatures shall be recorded with the County Clerk.

Member DeAnda established that there were no toilet facilities for visitors or employees and everyone will be required to use the facilities at the Santuario. Mr. Larrañaga said future phases will have restroom facilities and the parking will have to be upgraded.

Derrick Archuleta, agent, was placed under oath and stated the intent is to refurbish the former residence into a meditation center as part of the overall master plan. This will be a compatible use for both visitors and residents. The footprint will not be expanded.

Duly sworn, Louis Martinez affirmed bathrooms would be built in a future phase. He said they involved all the neighbors and they were supportive.

Member DeAnda asked if there would be employees using the office. Mr. Martinez said the office is for the use of Father Julio. He added this is a support facility for the rest of the compound. The existing bathroom will be converted to a storage room.

Ms. Cobau noted that the Vista Grande Library annex also lacks bathroom facilities and there is no code requirement, although CID would be the enforcing body. Mr. Martinez said there is a bathroom in the gallery.

There was no one wishing to speak on the case.

Member Dayton moved to approve Case # MP/PDP/DP 10-5330 with conditions. Member DeAnda seconded and the motion passed by unanimous 6-0 voice vote.

**VIII. PETITIONS FROM THE FLOOR**

None were presented.

**IX. COMMUNICATIONS FROM THE COMMITTEE**

Member C. Gonzales asked for an update on the La Cienega situation. He also asked that they be notified of the ultimate disposition of CDRC cases that go before the BCC. Ms. Cobau said she would do that, adding the Bowker case, heard by the CDRC got an agricultural exemption and no longer needs a variance. Member C. Gonzales said it seemed like he was being rewarded for building a structure without a permit.

**X. COMMUNICATIONS FROM THE ATTORNEY**

None were presented.

**XI. COMMUNICATIONS FROM STAFF**

Ms. Cobau announced that everyone's term is expiring December 31<sup>st</sup>. The positions are being advertised and she encouraged everyone to notify her of their interest in continuing. She asked that they submit résumés.

**XII. ADJOURNMENT**

Having completed the agenda and with no further business to come before this Committee, Chair Romero declared this meeting adjourned at approximately 8:57 p.m.



ATTEST TO:

COUNTY CLERK

*Valerie Espinoza*

Approved by:

*Jon Paul Romero*

Jon Paul Romero, Chair  
CDRC

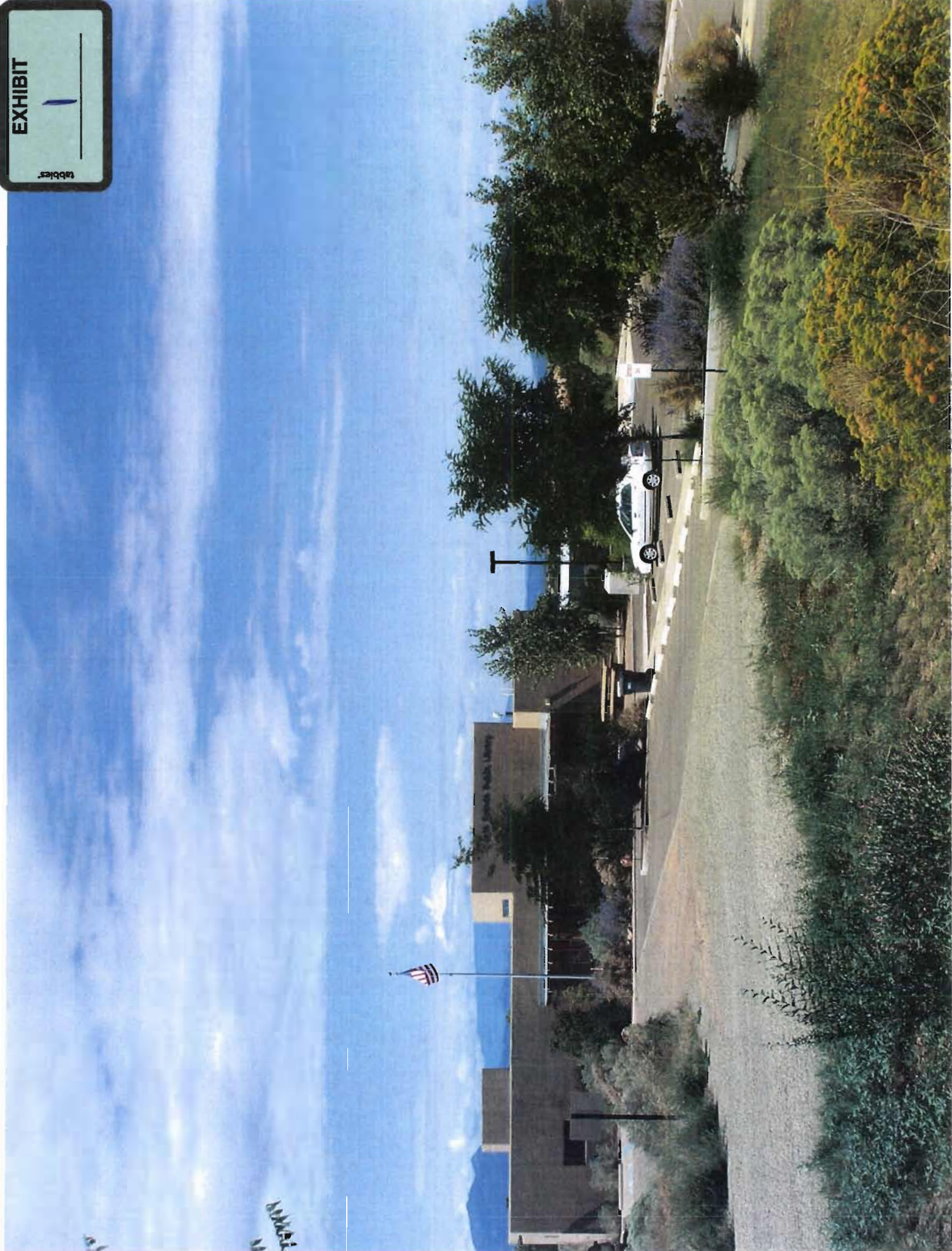
Before me, this \_\_\_\_ day of \_\_\_\_\_, 2010.

My Commission Expires:

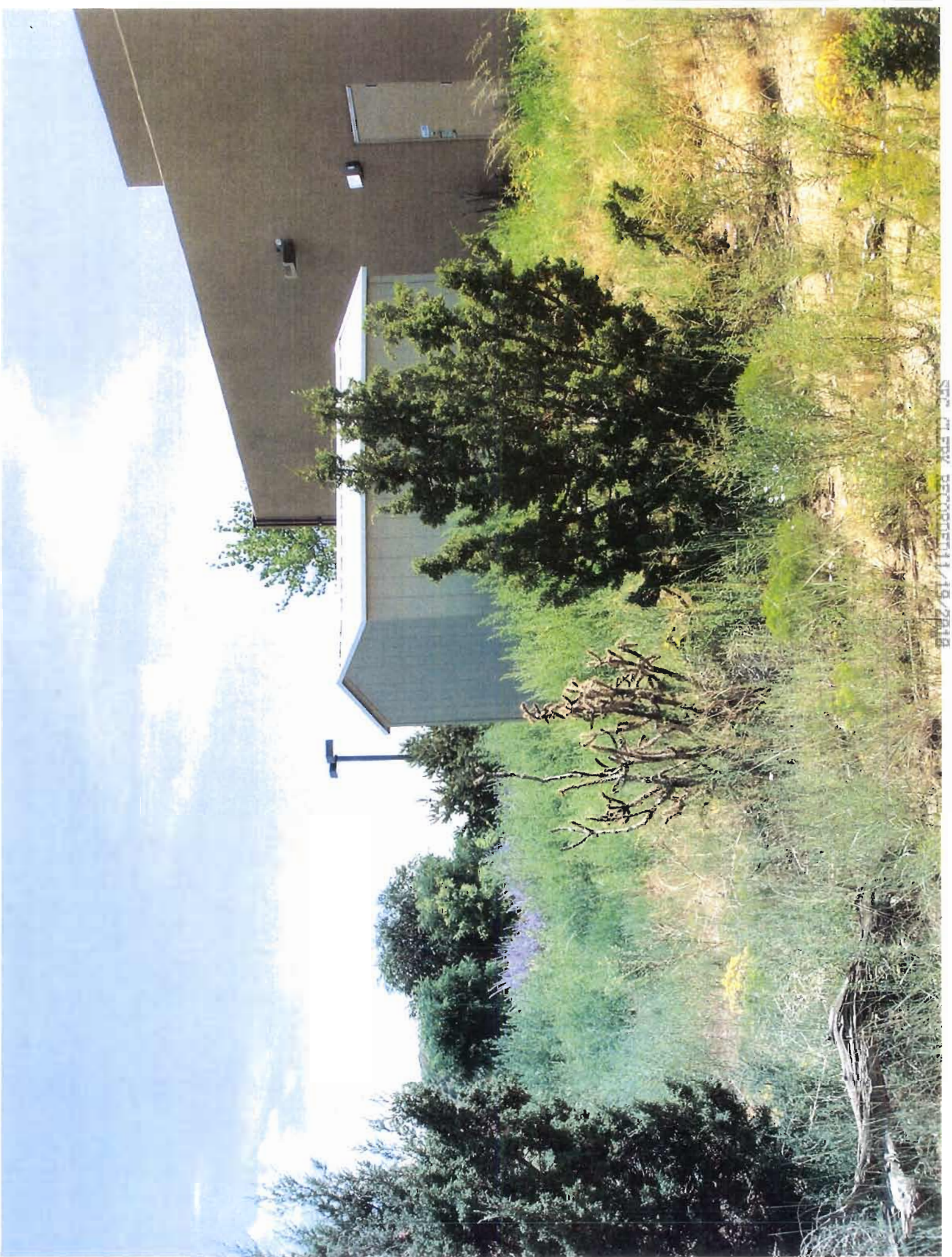
\_\_\_\_\_  
Notary Public

Submitted by:

*Debbie Doyle*  
Debbie Doyle, Wordswork







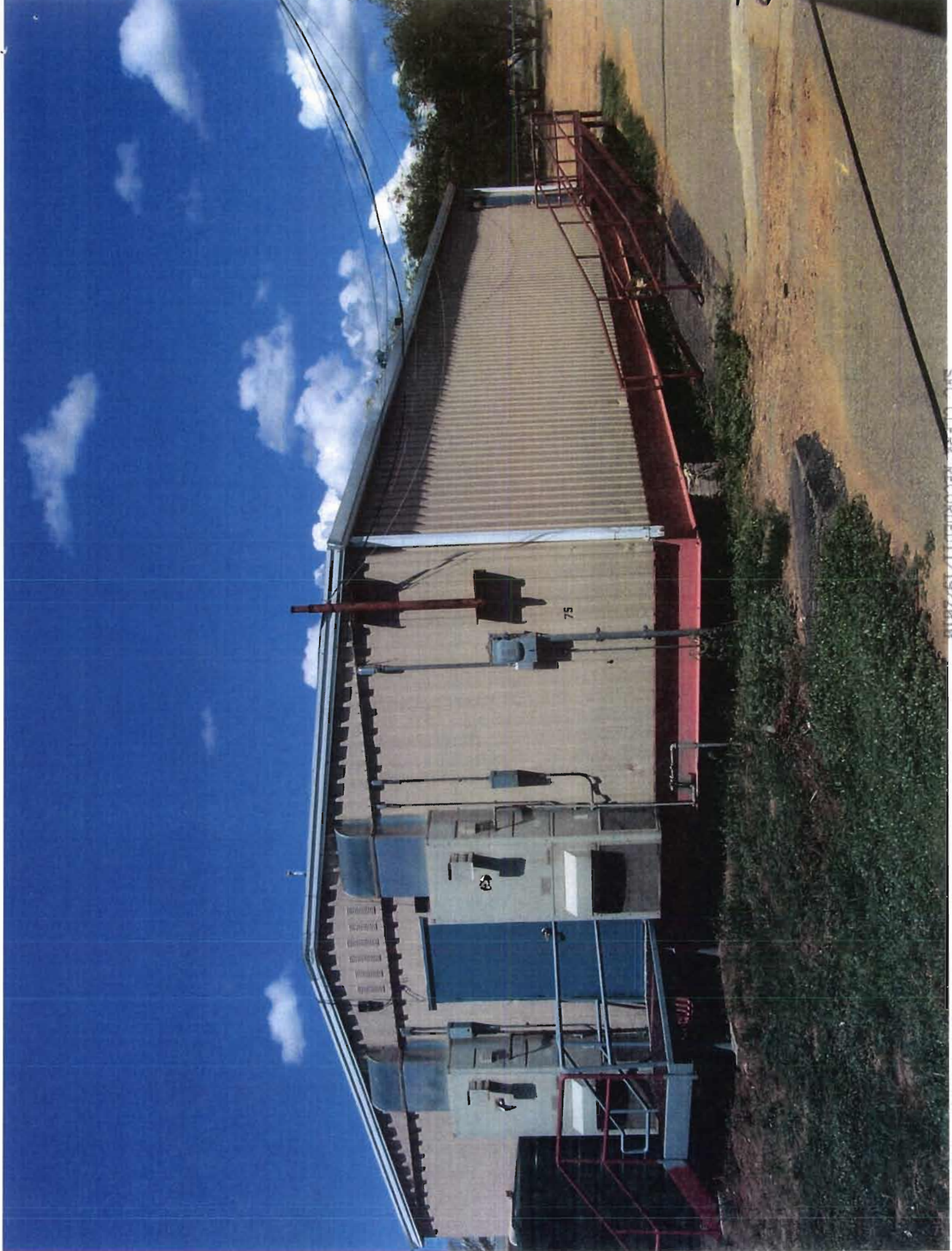
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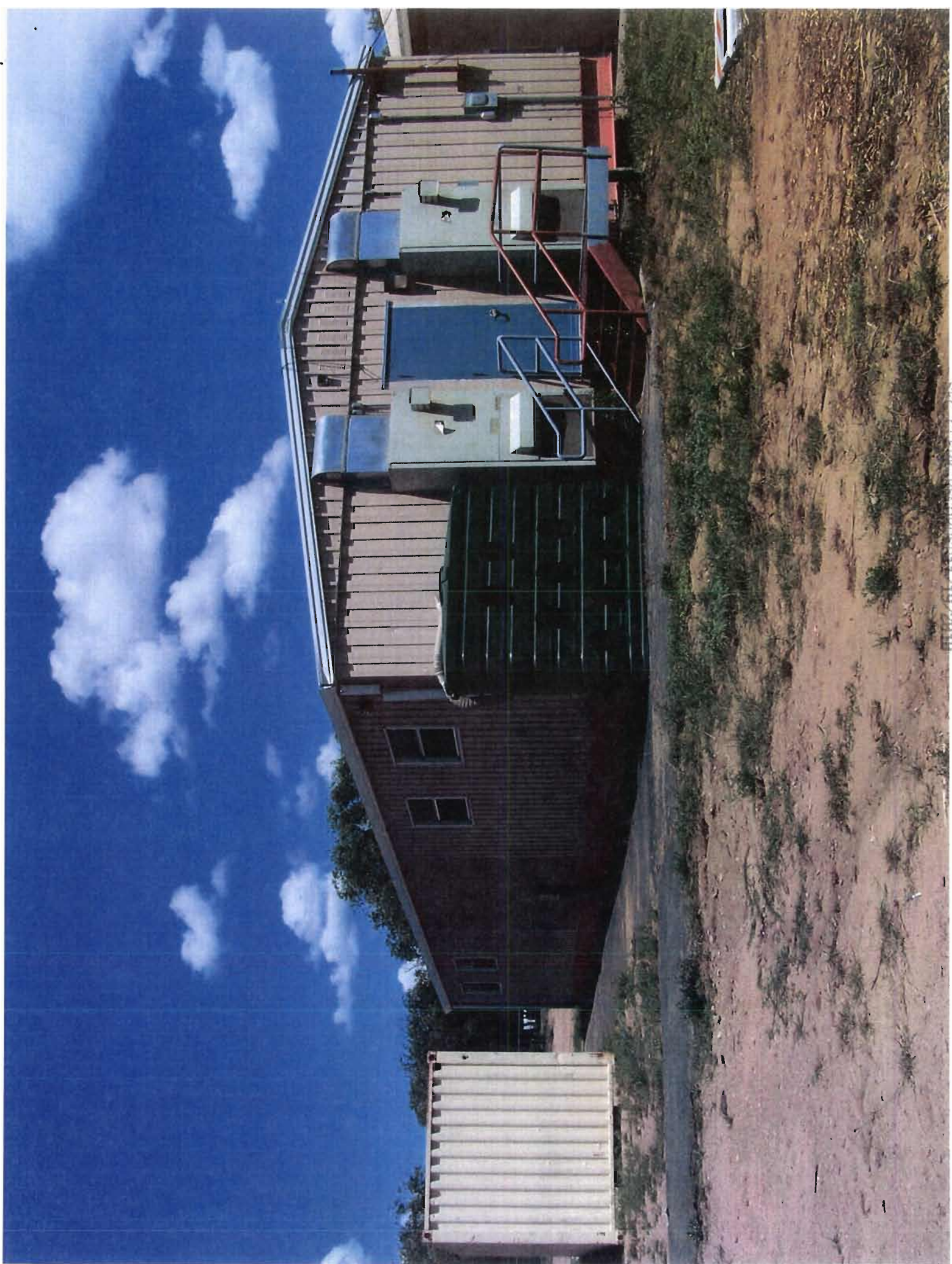


REC'D BY PERMIT 1/18/2018





STATE OF OKLAHOMA RECORDS DIVISION









Holly S. McCormack  
73B La Barbaria Rd.  
Santa Fe, NM 87505  
505-995-1060

10/6/2010

County Land Use Administration  
PO Box 276  
Santa Fe, NM 87504-0276

Re: CDRC case #V 10-5320

Dear Sir or Madam,

I am against allowing these four variances for the property owner at 80 La Barbaria Rd. First of all, has an environmental impact study been done? La Barbaria already has water runoff issues in the spring when the stream overflows its banks. With the removal of so many large trees on such a steep slope, I am concerned there will be erosion problems.

Next, my house has a direct view of the aforementioned property. The proposed additions and new two story building will be highly visible from my house, especially since the large ponderosa pines, which now screen their house, will be removed. From where I am situated, the pristine natural beauty of the canyon will be lost. This will certainly lower the value of my property.

I am concerned that if these variances pass, an extremely bad precedence will be set for over development in the canyon.

Thank you for your consideration of these issues.

Sincerely,

A handwritten signature in black ink that reads "Holly S. McCormack".

Holly S. McCormack

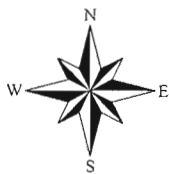
SFC CLERK RECORDED 11/19/2010



SFC CLERK RECORDED 11/19/2010

**Legend**

- Parcels
- GPS Roads



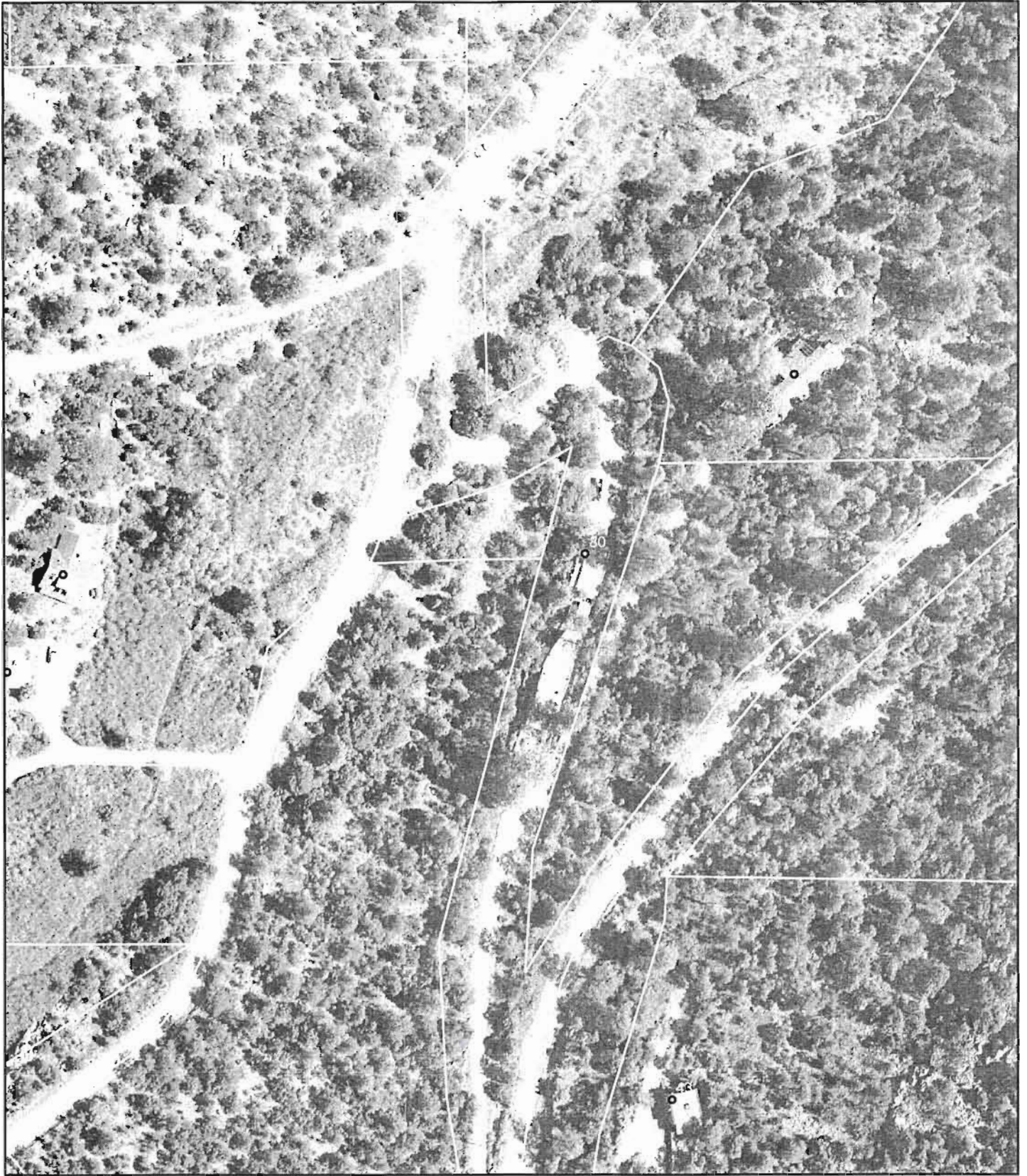
1992 Orthophotography

This information is for reference only.  
 Santa Fe County assumes no liability for  
 errors associated with the use of these data.  
 User are solely responsible for  
 confirming data accuracy.

1:1,299  
 1 inch = 108.228355 feet  
 20100 20 Feet



October 19, 2010



**Legend**

- Parcels
- GPS Roads



2008 Orthophotography

This information is for reference only.  
Santa Fe County assumes no liability for  
errors associated with the use of these data.  
User are solely responsible for  
confirming data accuracy.

1:1,299  
1 inch = 108.228355 feet  
2010 20 Feet



October 19, 2010

08-  
AAI  
CDRC PACKAGE

EXHIBIT
tabbles
4



UPC # 1-057-094-066-412

July 9, 2010

Hand-Delivered

Santa Fe County  
Growth Management Division  
102 Grant Ave.  
Santa Fe, NM 87501

Attn: John Salazar

**Re: Variance for addition to existing residence at 80 La Barbara Rd.**

Dear Committee Members, Commissioners and County Staff:

On behalf of Dean and Allyson Rogers, we are seeking a variance for an addition to their existing residence and a new freestanding garage and office located at 80 La Barbara Rd. All new proposed structures will be located in areas of 30% slopes or more. However, all the areas of proposed construction are on previously disturbed slopes. The present house is built on an old road bed and there are no other areas to expand the house on. The additions are proposed on areas of sluff from the old road construction.

The proposed construction will also require the removal of some existing significant trees, which is noted on the attached drawings.

The new Garage/Media Room will also exceed the 2,000 sf accessory building limit by 329sf. We are also requesting a variance for this. As part of the new garage, we are proposing to enlarge and stabilize the existing cut area to allow back up.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Eric P. Enfield".

Eric P. Enfield, AIA  
President, Architectural Alliance, Inc.

Cc: Dean and Allyson Rogers  
File

SFC CLERK RECORDED 11/19/2010



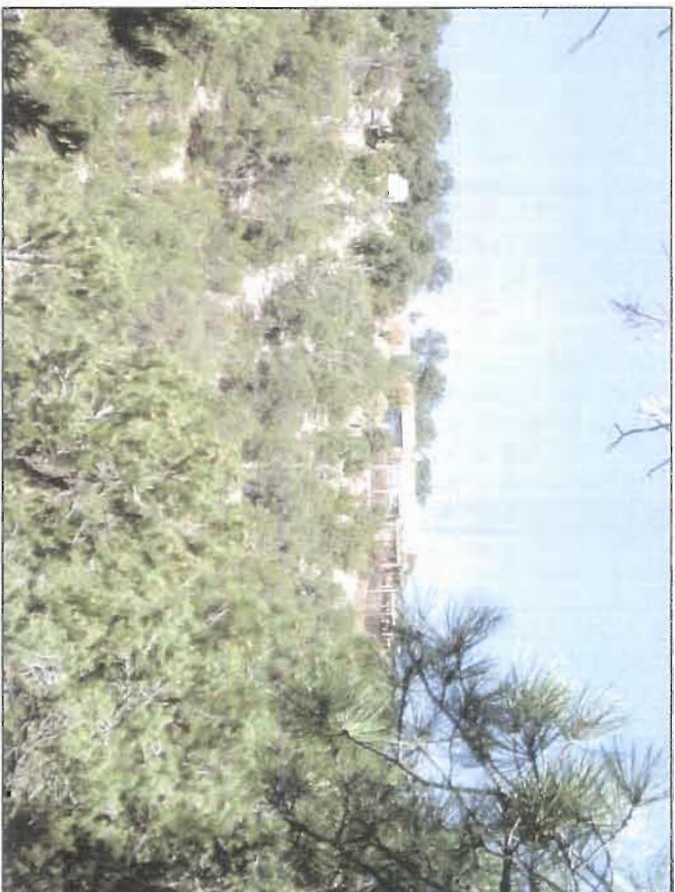


VIEW OF 80 LA BARBARIA RESIDENCE FROM THE ROAD

tabbles

**EXHIBIT**

5



HOUSES VISIBLE FROM DRIVEWAY OF 80 LA BARBARIA



Photo #2



Photo #3



Photo #4



Photo #5



Photo #6



Photo #7



Photo #8



Photo #9



Photo #10

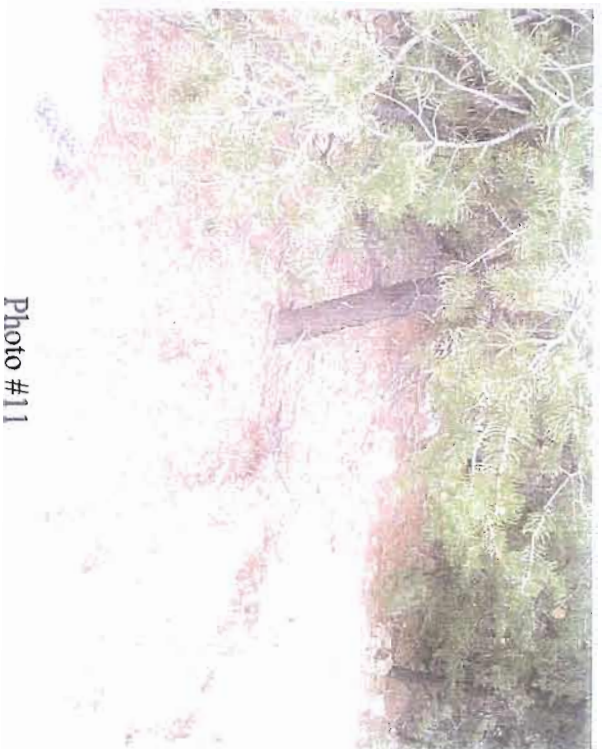


Photo #11



Photo #12



Photo #13



Photo #14



Photo #15



Photo #16



Photo #17

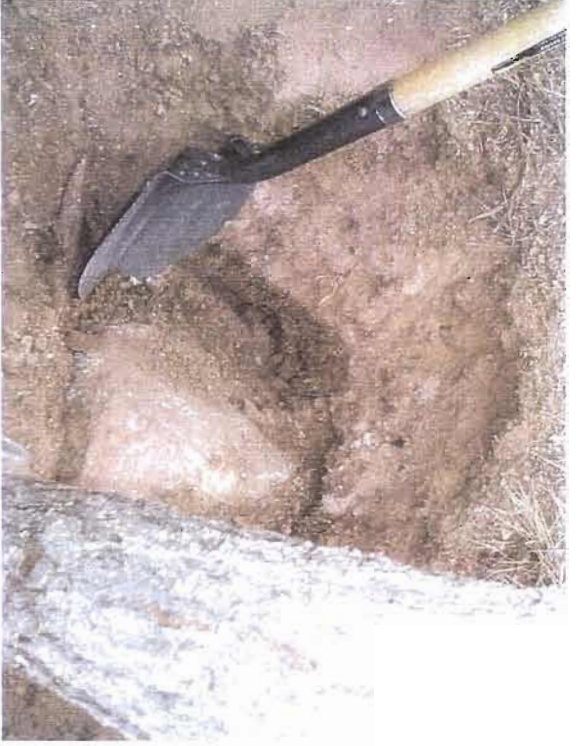


Photo #18



Photo #19

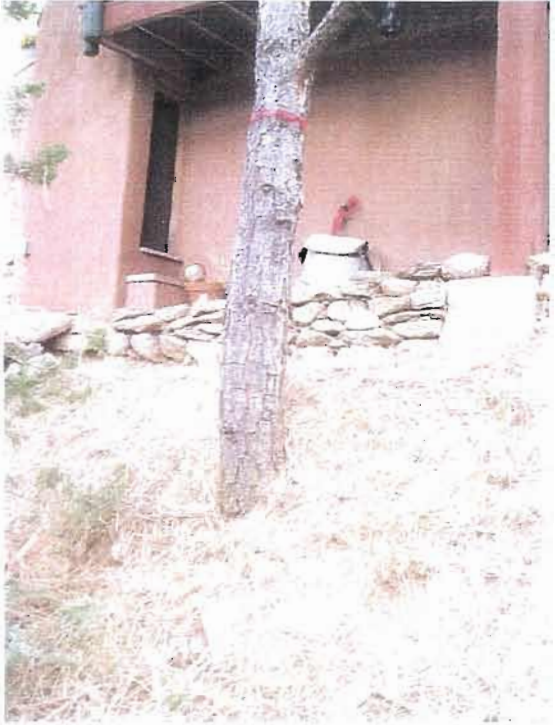


Photo #20



Photo #21

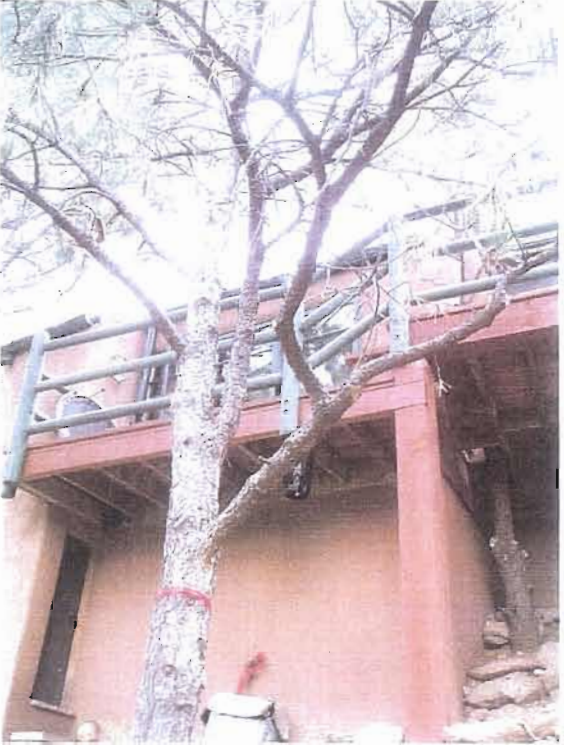


Photo #22





----- Forwarded Message -----

**From:** Ginger Clarke <ginger@sfrp.com>  
**To:** Dean Rogers <deanrogers1957@sbcglobal.net>  
**Sent:** Wed, October 20, 2010 1:42:12 PM  
**Subject:** RE: Nice meeting you!

Hello Dean!

I was happy to get to meet you and introduce myself. I wanted to let you know that without checking my calendar I was unaware that I have a twilight photo shoot at a new listing during the county meeting. However, I wanted to reply in writing to you, in the hopes that you can take my e-mail as a proxy to Thursday night's county meeting.

It is the opinion of me and my husband (Lawrence Branstetter) that your plans to extend your home are most welcome. We are neighbors across the canyon, on Happy Trails, and have lived here for 21 years. Over the years, we understood and supported neighbors in their plans to accommodate family needs while utilizing their property's full potential. I was thrilled to hear that you and your wife have the intent to build on to accommodate your grandchildren's visits. That's a delightful reason!

This beautiful canyon we live in is so special and your plans will enhance the beauty of your property and will resolve your need for more space.

In addition, it must be noted that your addition will employ people in the construction industry with valuable jobs. Suppliers in Santa Fe will also benefit from the construction work you plan. Your efforts to reach out to the canyon community about your plans are appreciated, and hopefully will result in the go-ahead to proceed.

Your property is beautiful and we appreciate the way you carefully maintain it. It is my wish that the County grant you the permits to achieve your dreams - here in the land of enchantment.

Ginger Clarke  
Santa Fe Realty Partners  
505.982.6207 office  
505.670.3645 cell  
505.946.1685 fax  
[ginger@sfrp.com](mailto:ginger@sfrp.com)

SFC CLERK RECORDED 11/19/2010

----- Forwarded Message -----

**From:** "BARRY@CNSP.COM" <BARRY@CNSP.COM>

**To:** DeanRogers1957@sbcglobal.net

**Sent:** Thu, October 21, 2010 11:35:23 AM

**Subject:** Your building plan

Dean, Melanie and I want to go on record as supporting your plans to add to and remodel your property. We share a property line with you and having seen the plans we think your additions will be a fine neighborhood improvement. Melanie & Barry Hornstein 46 Overlook RD

SFC CLERK RECORDED 11/19/2010

10/21/2010

October 10, 2010

Dear La Barbaria Neighbors,

We would like to acknowledge your letter dated October 6, 2010 and introduce ourselves to you all.

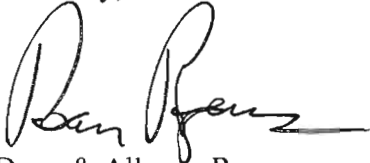
My name is Dean Rogers. My wife, Allyson and I purchased our residence and moved to the La Barbaria Canyon in June of 2007. We chose this area for the beautiful evergreen forests and natural seclusion and peacefulness of this neighborhood. We immediately fell in love with this location at first sight.

In proposing to expand our current living spaces, we promise to do anything we can to preserve the natural beauty of the areas surrounding our new additions. We are working to keep the number of trees removed to an absolute minimum and will plant additional screening trees to replace them. Our goal is to hide our new additions as much as possible. We have already planned to build our patio around several trees in order to save them. No large old trees will be removed.

We are planning an on-site meeting this Tuesday, October 12<sup>th</sup>, 2010 at 10:00am at our residence. I will be there with Eric Enfield, our architect, to speak with you directly and answer any questions you may have.

We would like to welcome your input or suggestions concerning our proposal as well.

Sincerely,



Dean & Allyson Rogers  
80 La Barbaria Road  
Santa Fe, New Mexico 87505  
505-820-9299 home

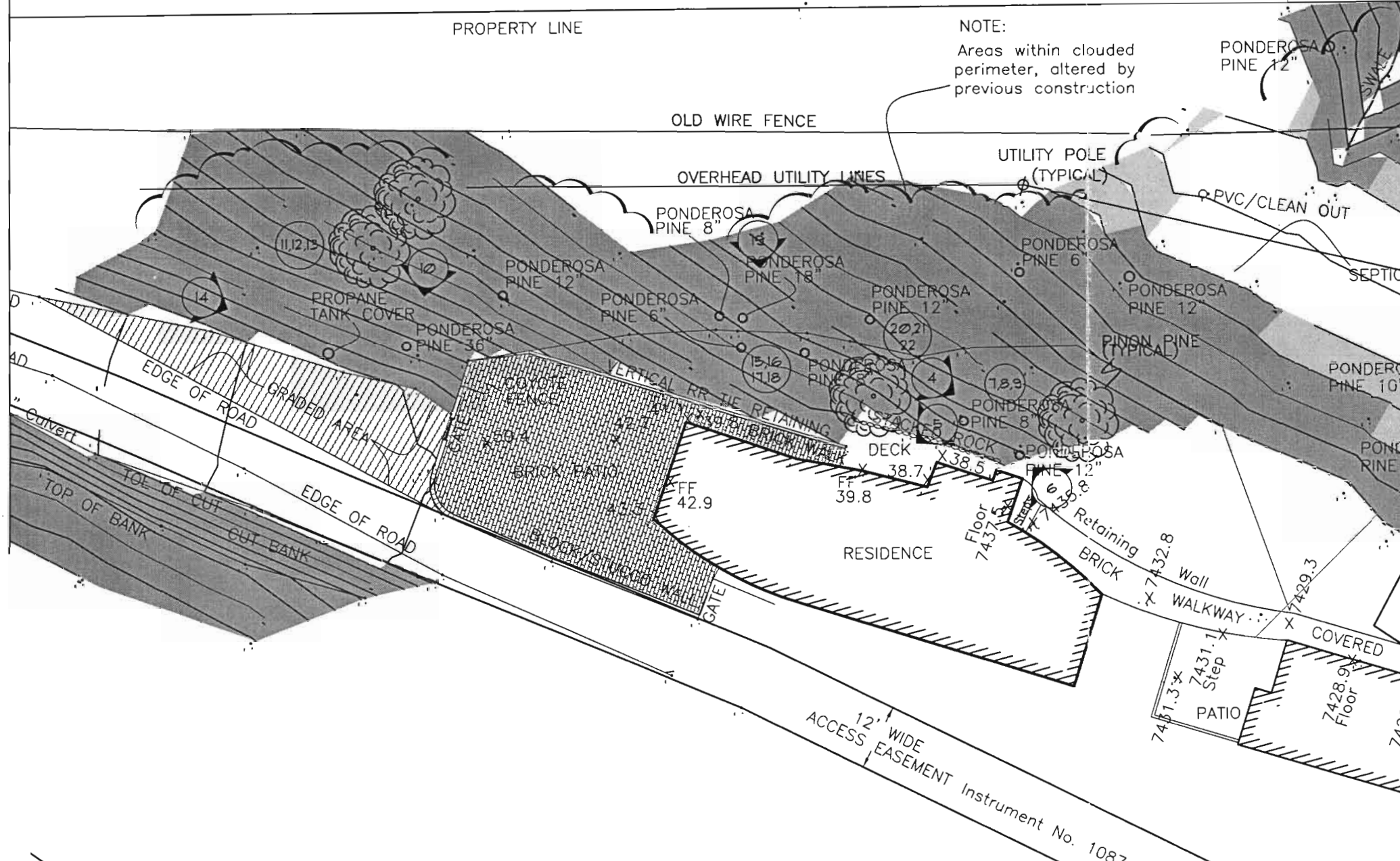
deanrogers1957@sbcglobal.net

Revised  
LOT 2  
Plat BK. 227, p. 029  
N/F Bonner

Portion of  
TRACT 2  
Plat BK.  
N/F McC

PROPERTY LINE

NOTE:  
Areas within clouded  
perimeter, altered by  
previous construction



12' WIDE  
ACCESS EASEMENT Instrument No. 1087,00