# MINUTES OF THE

# SANTA FE COUNTY

# DEVELOPMENT REVIEW COMMITTEE

## Santa Fe, New Mexico

## November 19, 2015

**I.** This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Chair Frank Katz, on the above-cited date at approximately 4:00 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

**II. & III.** Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

**Members Present:**
Frank Katz, Chair
Susan Martin, Vice Chair
Phil Anaya
Bette Booth
Louie Gonzales
Renae Gray
Leroy Lopez [5:45 departure]

**Member(s) Excused:**
None

**Staff Present:**
Vicki Lucero, Building & Development Services Manager
Vicente Archuleta, Development Review Team Leader
Andrea Salazar, Assistant County Attorney
Buster Patty, Fire Marshal
Jose Larrañaga, Development Review Specialist
Mathew Martinez, Development Review Specialist
John Lovato, Development Review Specialist
Penny Ellis Green, Growth Management Director

## IV. APPROVAL OF AGENDA

Ms. Lucero noted an error in the caption on Case VI. A. under the consent agenda and said the appeal was denied by the CDRC with a 4-0 vote not approved.

Member Martin moved to approve the agenda as corrected. Member Booth seconded and the agenda was unanimously approved.

## V. APPROVAL OF MINUTES: October 15, 2015

Member Martin moved approval and Member Lopez seconded. The motion to approve the minutes passed by unanimous voice vote.

## VI. CONSENT CALENDAR: Final Order

A. **CDRC CASE # APP 15-5190 Puesta del Sol Owners Association Appeal. Puesta del Sol Property Owners Association, Appellants, Chris Graeser, Agent, (Graeser and McQueen, LLC) request an appeal of the Land Use Administrator's decision to approve a Summary Review Subdivision (Case #14-3080 Two Bens LLC) of 11.32 acres into four lots, one lot consisting of 2.78 acres, one lot consisting of 2.66 acres, one lot consisting of 2.91 acres, and one lot consisting of 2.97 acres. The subject property is located at 17 Camino Terra Bella, within Section 30, Township 17 North, Range 9 East, (Commission District 2) ~~Approved~~ Denied 4-0**

Member Anaya moved to approve the consent agenda/final order. His motion was seconded by Member Booth and passed by unanimous voice vote.

## VI. NEW BUSINESS

A. CDRC CASE #ACCS 15-5280 Carlos Valles Accessory Structure [TABLED]

B. **CDRC CASE # V 15-5260 Preston and Carolyn Reed Variance: Preston and Carolyn Reed, Applicants, Joseph M. Karnes (Sommer, Karnes & Associates, LLP), Agent, request a variance of Article III, § requirements, of the Santa Fe County Land Development Code, Ordinance No. 1996-10 (Code) to allow two dwelling units on 7.98 acres. The property is located at 24 West Old Agua Fria Road, within Section 12, Township 16 North, Range 9 East, (Commission District 4)**

Mathew Martinez, case manager, presented the staff report as follows:

"The subject lot, owned by the Applicants, was created in 1990, and is recognized as a legal lot of record. There are currently two dwelling units on the property, which is 7.98 acres. The Applicants reside in the main dwelling unit which is 2,744 square feet. The second unit is a garage/guesthouse which consists of a 1,089 square foot garage and 933 square feet of livable guesthouse area totaling 2,022 square feet. .

"On July 1, 2015, the Applicants applied for a development permit for a P.V. solar system. At the time of inspection, Code Enforcement discovered the

property exceeded density requirements. Staff has found no evidence of a permit being issued for the garage; however, staff was able to locate a permit for a garage extension where the guesthouse is located. The permit has no evidence which indicates a second dwelling unit being approved on the property. Staff has determined the permit was only approved for an addition to the garage.

The Applicants state that a prior owner constructed a single-family dwelling unit and a guesthouse on the property in the 1990s. The Applicants further state that they purchased the property in 2014, believing that all necessary permits had been issued for the two longstanding structures on the property. The Applicants also mention that in an effort to avoid the hardship which would result from enforcement of the current code, the Applicants are requesting a variance to allow the existing guest house to remain in its existing condition.

"Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request."

Mr. Martinez stated that staff recommends denial of this request. However, if the decision of the CDRC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre feet per year per home. A water meter shall be installed for each home. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office at the time of Development Permit. (As per Article III, § 10.2.2 and Ordinance No. 2002-13)
2. The Applicant must obtain a development permit from the Building and Development Services Division for the second dwelling unit. (As per Article II, § 2)
3. The placement of additional dwelling units is prohibited on the property and shall be noted on the plat. (As per Article III, § 10 and Article III, § 2.4.1a.1(a)iv)
4. The Applicant shall comply with all Fire Prevention Division requirements at the time of Development Permit Application (As per 1997 Fire Code and NFPA Life Safety Code).

Appearing for the applicant was agent/counsel Joseph Karnes, The main house, garage and casita were constructed in the early 1990s. The Applicants moved to Santa Fe in 2014 and purchased the property with no knowledge of any code issues. The property is 7.9 acres, 1.1 acres shy of the code requirement for two dwellings. The Reeds could have waited for the SLDC to become effective; however, they chose not to and instead wish to clear up the notice of violation. The main house is the Reeds' main residence and the guesthouse is used for visiting family. They have no plans on renting the guesthouse.

Mr. Karnes said he reviewed the BCC land use action going back to August 2015 and found that seven density and lot size variances were granted, many on smaller properties. The staff conditions are all acceptable to the Applicants.

Member Gonzales asked why the Applicants were not waiting for the new code and Mr. Karnes said they would prefer to obtain the variance rather than continue with an outstanding violation.

Member Gonzales asked whether the variance would be moot once the code is adopted. Technically, yes, stated Andrea Salazar, Assistant County Attorney.

Chair Katz invited anyone present who wanted to speak on this item. There were none and the public hearing was closed.

Member Anaya thanked the applicants for doing the right thing. He moved to approve the variance for CDRC Case #V 15-5260 with the staff-imposed conditions. The motion was seconded by Member Martin and passed by unanimous [7-0] voice vote.

C. **CASE # 15-5300 Daniel Gallegos and Diana Gaetz Appeal. Daniel Ernest Gallegos and Diana Lynn Gaetz, Appellants, (Sommer, Karnes & Associates, LLP), Joseph M. Karnes, Agent, are appealing the Land Use Administrator's decision to deem the submittal for a Lot Line Adjustment Application (Case# 15-3016) incomplete due to the lack of proof of legal access to the subject property. The property is located at 7 Lugar de Pacifica, within Section 9, Township 19 North, Range 9 East (Commission District 1)**
[*Exhibit 1: 9/1/1992 US Department of the Interior/BIA letter to Northern Pueblos Agency re: Approval of sale of land to Marian G. Barnes from Pueblo of Nambe*]

Case Manager Mike Romero read the case caption and presented the staff report as follows:

"The Appellants request an appeal of the Land Use Administrator's decision to deem the submittal for a Lot Line Adjustment Application incomplete due to the lack of proof of legal access to the subject property.

"The Appellants state the access to the existing Gallegos property from CR 113S crosses a small area of land owned by Nambe Pueblo. They assert this the situation has existed for many years and that the pending Application for a lot line adjustment has no effect on this access. The Appellants provided multiple plats, deeds, and a letter from the United States Department of the Interior with their Application.

"County staff reviewed the plats, deeds, and letter and could not find proof that the subject property has legal access across the small area of land owned by Nambe Pueblo. Further, County staff has determined that the plats, deeds, and letter do not contain language in the documents granting the Applicant legal access through tribal property.

"The Appellants further state; 'It is their position that these sections do not require proof of legal access for a lot line adjustment application. Article III, Section 2.4.2a(3) states that a lot line adjustment does not constitute a subdivision or division of land and is required to be prepared by a licensed surveyor. Article III, Section 2.4.2b identifies what submittals are required for such Applications. Neither of the foregoing sections contains requirements regarding access. Article III, Section 2.4.2b(3)(a)(1) states, in relevant part, "all lots created under this Section shall be provided with adequate access for ingress and egress, utility service, fire protection, and emergency services whether by a road meeting county requirements constructed within an easement and utility easement or by direct access to a public right-of-way. This section does not apply to the Application because no lot is "being created under this Section." Since no lot is being created, the requirements of the sections, by their terms, do not apply.

"Staff Response: The request for a Lot Line Adjustment for Daniel Ernest Gallegos, Diana Lynn Gaetz, Aresenio Trujillo, Maryann Garcia, Manuel Garcia, Nanette Mayfield and Daniel Mayfield has been deemed incomplete.

"Growth Management staff has reviewed the Application (Case # 15-3016), for compliance with pertinent Code requirements and found that the Application for a Lot Line Adjustment was not in compliance with Code criteria because it is incomplete due to the lack of the Applicant providing legal access to the property."

Mr. Romero said staff recommends that the CDRC uphold the Land Use Administrator's decision to deem the submittal for lot line adjustment application incomplete due to the lack of proof of legal access to the subject property from the Pueblo of Nambe. The applicant will be required to provide documentation from the Pueblo of Nambe granting legal access.

Member Gonzales asked whether the code requires legal access for a lot line adjustment. Legal access to the property is required, stated Mr. Romero and he went on to confirm the subject property is a legal lot of record. Lugar de Pacifica crosses the Pueblo of Nambe property and there is no documentation from the pueblo that there is legal access to the properties.

Ms. Lucero said the code section that governs lot line adjustments requires that the applicant provide adequate access for ingress/egress, utility service, fire protection and emergency services by a road meeting County requirements constructed within an easement or by direct access to a public right-of-way. The applicant has not demonstrated that they have that access easement from the County road to the subject lot in question.

Noting no lot was being created, Chair Katz asked why the applicant's case revolved around access. No one is getting access any differently than what they already have and questioned why the access requirement was being imposed.

Ms. Salazar referred to Article III, Section 2.2 where a lot line adjustment is defined as a plat review and plat reviews are subject to the submittal and review requirements of Article III, Section 2.4.2b. The code requires lot line adjustment to have these reviews.

Ms. Lucero clarified that there is a gap within the roadway that is owned by the pueblo and then the County roads continues again.

Member Gonzales said approving this lot line adjustment will not grant anyone access across tribal property that is currently occurring. He asked Fire Marshal Patty about the access. Fire Marshal Patty said the department does not deal with easements.

Member Gonzales asked a series of questions that obtained the following responses from Mr. Romero: CR 113 is paved and does cross a river; there are multiple properties that access via Lugar de Pacifica and those properties are legal lots of record.

Using a map and the plat provided within the packet, Staff identified the area lacking legal access.

Member Booth asked about how the letter from the Department of Interior relates to the case. Mr. Romero said the applicant provided the information to staff and hoped it proved legal access through the pueblo. The letter was reviewed by staff and found to lack clear proof of access.

Joseph Karnes, counsel for the applicants, said the code only applies to lots created. This lot was created decades before the code came into effect and therefore the section relied on by staff does not apply to this case.

Mr. Karnes said Daniel Gallegos and Diana Gaetz, as well as the other affected property owners were available for questions. Also present in support of the application were Pedro Garcia and Melissa Mascaranas. The property came into ownership by the applicants' mother, Mrs. Barnes, in 1972. In 1992 an issue arose with the Pueblo of Nambe and the applicants' mother went through a process with the pueblo and the US Department of the Interior to obtain a .257-acre parcel in between the property and CR 113S. The sale of the property went through the NEPA and came up with a recommended approval of the sale based on a finding of no significant impact.

Mr. Karnes said the applicants have assiduously tried to protect their property and investment by ensuring they have clear title to the property. The 1992 letter was intended to resolve the access issue. The .257-acre piece was to enable them to reach the County road.

The applicants received the property from their mother in 2012 and realized there were some boundary issues both on the east and west side. The applicants have spent many hours clearing up the boundary issues and ensuring clear title to the properties in the area.

Mr. Karnes said surveyor Phil Wiegel noticed there was a postage stamp, 40x50 square foot piece of property that no records exist on. The US Department of the Interior said it was part of the road in 1992.

The key here is that the lot line adjustment plat has nothing to do with access, stated Mr. Karnes. Further, the lot in question was not created under the section of code that staff is citing. He offered that the County could place a note on the plat stating that approval of the plat does not affect, change or guarantee legal access.

Referring to the lot line adjustment plat, Chair Katz asked whether CR 133S was on pueblo land and Mr. Karnes confirmed it was. Further, he said they were unable to locate documentation showing the County has easement for that road. From reviewing the plat, Chair Katz suggested the road may have originally been more to the southeast than it is today.

Duly sworn, Phillip Wiegel, surveyor, said he found the survey done for the Department of Interior when Ms. Barnes purchased the property from Nambe Pueblo [*Exhibit 1*] and the boundary appeared to be closer to the edge of what was considered the road. He said it appeared it was the intent of the survey to take the property up to what was the considered the County road at the time. The CDRC reviewed the plat provided by Mr. Wiegel.

There were no other speakers on this case and Chair Katz closed the public hearing.

Ms. Lucero confirmed that staff's concern is that the easement fails to connect to the County road. Chair Katz suggested the boundary of the County road could be the boundary of the subject project. He proposed the gap had to do with the usage of the road but the survey appears to clarify the issue. Ms. Lucero reviewed the plat and said it was unclear whether the boundary for parcel D actually goes up to the County road.

Member Booth moved to approve the appeal of the Land Use Administrator's decision with the staff conditions and place a note on the plat that this does not affect, change or guarantee legal access. Member Gonzales seconded and the motion passed by unanimous [7-0] voice vote.

**D.** **<u>CDRC CASE # V 15-5270 Kathleen Kaupp Variance</u>. Kathleen Kaupp Applicant, Michael Henry, Agent, request a variance of Article III, Section 2.3.6b.2 (Height restrictions for dwellings or residential accessory structures) of Ordinance 1996-10 (the Code) and Section 3.8.1.d of Ordinance No. 2000-13 Tesuque Community Zoning District (Height on slopes and ridgetops) to allow a 365 square foot accessory structure addition to exceed 14 feet on a ridgetop on 2.82 acres. The property is located at 7 Thorpe Way, within the Bishops Lodge Estates Subdivision, within Section 6, Township 17 North, Range 10 East (Commission District 1)**
[*Exhibit 2: David Dougherty email to County Staff opposing the variance; Exhibit 3:Santa Fe County Fire Department memo*]

Case manager, John Lovato presented the staff report as follows:

"The subject lot is part of the Bishop's Lodge Estates Subdivision which was created in 1988, and is recognized as a legal lot of record. Currently, there is an existing residence, garage, and studio on the property. The residence is 4,638 square feet and was permitted in 1995. In 2005, the Applicant obtained a permit for a 1,215 square foot garage/studio. The residence was approved at 14 feet in height from finished floor grade, and the garage/studio was approved at 14 feet in height from final cut grade.

"The Applicant wishes to construct a 365 square foot addition to the existing garage/studio for storage. The applicant's studio and proposed addition are located on a ridgetop. The proposed addition is 18 feet in height with a flat roof and located on the western portion of the property. The maximum allowable height for ridgetops is 18 feet for a pitched roof and 14 feet for a flat roof. The Applicants property drops in elevation on the western portion of the property. Therefore, the Applicant is seeking a variance of the height requirements in order to meet the current height of the existing structure.

"The Applicant states, a variance is needed due to the topography of the land and wants the existing structure and proposed addition to remain on one level. The Applicant states that having steps is difficult and would make it impossible to access.

"Staff has inspected the site and has determined that this is another locations on the north side of the garage/studio to construct the proposed addition to meet height requirements. The applicant has chosen to place the addition on the southwest portion of the property with greater slopes."

Mr. Lovato said Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request. Staff recommends denial of a variance of Article III, § 2.3.6b.2 of the Santa Fe County Land Development Code and of Ordinance No. 2000-13 Tesuque Community Zoning District to allow a 365 square foot addition to exceed 14 feet in height on a ridgetop.

If the decision of the CDRC is to approve the Applicant's request, staff recommends imposition of the following conditions:

1. The Applicant shall screen the structure to protect and enhance the visual appearance of natural hillsides. (As per Article III, § 2.3.10a.3)
2. The structure and roof shall be constructed in non-reflective earth tone colors (As per Article III, § 2.3.8a.2).
3. The Applicant must obtain a development permit from the Building and Development Services Department (As per Article II, § 2).
4. The Applicant shall comply with all Fire Prevention Division requirements at the time of development permit Application. (As per 1997 Fire Code and NFPA Life Safety Code).

There were no question of staff and Chair Katz opened the public hearing.

Under oath, Michael Henry, architect for the applicant, said the variance is for four feet of a proposed storage area with a studio on the property. The applicant has made every effort to make her house, garage and studio handicap accessible and it is with that in mind the request is being made. The applicant has difficulty with stairs.

Mr. Henry reviewed the packet exhibits noting the site is out of the western views, and the dominant ridge is to the east where the addition is proposed with the result that the construction will never be seen from either the east or north.

Mr. Henry said the proposal will have minimal visual impact to the neighborhood and as such is a minimal easing of the requirements. He said the applicant agrees to the staff-imposed conditions.

Chair Katz asked why the addition could not be placed on the north side and Mr. Henry responded it was within the view corridor of the main house and the courtyard.

Mr. Henry said the addition will be even with the existing roofline.

There were no other speakers on this case and the public hearing was closed.

Member Anaya moved to approve the variance with the staff-imposed conditions. Member Lopez seconded and the motion passed by majority [4-2] voice vote with Members Booth and Martin voting against.

**E. CDRC CASE # S 08-5441 Tierra Bello Subdivision Phase 2 and Phase 3 Preliminary and Final Plat and Development Plan. Joe Miller, Applicant, Danny Martinez, Agent, request Preliminary and Final Plat and Development Plan Approval for Phase 2 and Phase 3 of the Tierra Bello residential subdivision to create 12 residential lots within a previously approved Master Planned 73 lot residential subdivision. The property is located in Eldorado at the Northeast intersection of Avenida de Compadres and Spur Ranch Road, south of Avenida Eldorado, within Sections 24 and 25, Township 15 North, Range 9 East, (Commission District 5)**

Development Review Team Leader Vincente Archuleta read the case caption and presented the staff report as follows:

"On May 14, 2013, the Board of County Commissioners approved the Master Plan for the 73-lot residential subdivision consisting of eight phases on 263.77 acres and Preliminary Plat, Final Plat and Development Plan for Phase 1, which consisted of nine lots of the Tierra Bello subdivision.

"The Applicant now requests Preliminary and Final Plat and Development Plan Approval for Phase 2 and Phase 3, which will consist of a total of 12 residential lots, one being an affordable lot, on 48.48 acres. Lot sizes range from 2.75 acres

to 3.31 acres. A total of 12.28 acres will be dedicated as open space which includes roadway dedication, which will be maintained by the Tierra Bello Subdivision Homeowner's Association."

Mr. Archuleta said staff recommends approval of Preliminary Plat, Final Plat and Development Plan for Phase 2 and Phase 3, of the Tierra Bello residential subdivision to create 12 lots within a portion of a previously approved Master Planned 73-lot residential subdivision subject to the following conditions:

1. The Applicant shall comply with all review agency comments and conditions (per Article V, Section 7.1.3.c).
2. Final Plat and Development Plan, with appropriate signatures, and subdivision covenants and final disclosure statement shall be recorded with the County Clerk, as (per Article V, Section 5.2.5 and Section 5.4.5).
3. The Applicant shall submit a financial guarantee, in a sufficient amount to assure completion of all required improvements. The financial guarantee shall be based on a county approved engineering cost estimate for the completion of required improvements as approved by staff prior to Final Plat recordation. All improvements shall be installed and ready for acceptance within 18 months as required (per Article V, Section 9.9).
4. Applicant shall pave Avenida de Compadres from Avenida Eldorado to the second entrance (Salida Tierra Bello) with 4 inches (2-2 inch lifts) of Hot Mix Asphalt (HMA).
5. Applicant shall core existing Sunview Loop to ensure six (6) inches minimum of basecourse on road surface as required by Santa Fe County Land Development Code (Code). Coring shall be witnessed by Santa Fe County Public Works Staff. A minimum of four (4) cores will be required.
6. Applicant shall reshape existing basecourse on Avenida de Compadres to obtain a minimum of a 2% crown and compacted to a density of 95% as per the Code.
7. Applicant shall be required SP-IV Superpave (asphalt) as per Division 400, Surface Treatment and Pavements, Section 423 Hot Mix asphalt (Superpave), of the New Mexico Department of Transportation (NMDOT) Standard Specifications for Highway and Bridge Construction, 2014 Edition.
8. Applicant shall obtain a road construction permit from the Santa Fe County Public Works Department prior to commencement of any work on Avenida de Compadres.
9. Applicant shall install 30 foot return radii on Avenida de Compadres and Avenida Eldorado.
10. Applicant shall sawcut joint on asphalt apron to make a clean transition to new asphalt on Avenida de Compadres.
11. Applicant shall obtain density tests of the re-worked and reshaped basecourse 24 hours prior to placement of HMA on Avenida de Compadres. Density tests shall be witnessed by Santa Fe County Public Works staff. A minimum of 6 tests (three per lane) will be required.
12. Applicant shall place long line striping as per Division 700 Traffic Control Devices, Section 704, Pavement Markings, of the NMDOT Standard Specifications for Highway and Bridge Construction, 2014 Edition.

13. Applicant shall install a Guard Rail along Avenida de Compadres at Station 18 + 50 as per Division 600 Miscellaneous Construction, Section 606, Metal and Concrete Wall Barrier, of the NMDOT Standard Specifications for Highway and Bridge Construction, 2014 Edition.
14. Applicant shall meet with Santa Fe County Public Works Department for a pre-paving meeting prior to commencement of paving.
15. Applicant is required to have Santa Fe County conduct a Final Inspection upon completion of required improvements.
16. Roads must meet the minimum County Standards of 24 feet wide all-weather driving surface for fire apparatus access roads within the proposed development. Driveways, turnouts and turnarounds shall be County approved all-weather driving surface of minimum 6 inch compacted basecourse or equivalent.
17. No building permits shall be granted until such time as the fire hydrants have been tested and approved by the Santa Fe County Fire Marshal.
18. Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall call for and submit to a final inspection by this office (SFC Fire) for confirmation of compliance with all requirements and applicable Codes.
19. Buildable Areas must be identified on each lot.

Chair Katz noted the lengthy road work related conditions and asked whether staff was comfortable that they will be able to sufficiently ensure compliance with those conditions. Mr. Archuleta said County Public Works will do so and the plat will need to be recorded before any lots can be sold and the upgrades are required prior to plat recordation.

Duly sworn, Danny Martinez, agent for Joe Miller, said $375,000 has already been expended on building Avenida de Compadres roadway. He understood from BCC's approval of the master plan that it was at Phase 4 the requirement of paving the road would be imposed. The developer has every intention on paving the road but would like to wait until Phase 4. Mr. Martinez discussed the expense of providing affordable housing.

Mr. Martinez said if everything works out as planned, the road could possibly be paved in Phase 2 or 3 but not at this point. The traffic flow does not merit paving at this point.

Member Booth asked if the applicant was not accepting staff imposed condition to pave the road. Mr. Martinez said it was not that they did not accept the condition, rather they don't agree with when it has to be paved. He said it was important they stand their ground because the BCC agreed that phase 4 was when the road needs to be paved.

Mr. Martinez said they objected to condition 1 from Public Works: Applicant shall pave Avenida de Compadres from Avenida Eldorado to the second entrance (Salida Tierra Bello) with 4 inches (2-2 inch lifts) of Hot Mix Asphalt (HMA) to a width of 24 feet.

Mr. Martinez said the roads are designated as private easements that serve property on both sides of the center line.

Mr. Martinez said Mr. Miller is working with a developer/contractor who wants to build the homes.

Chair Katz understood from the agent's testimony that there was very little traffic on the road. He suspected that with the build-out of phases 1 and 2 there would be a great deal more traffic. Mr. Martinez said at the ultimate completion, yes. The contractor plans on building a few homes a year.

Responding to Member Anaya, Mr. Martinez said none of the roads are paved; they are basecourse and private. He assured the Committee that the road will be paved at phase 4.

Mr. Archuleta noted that there were houses on the west side of Avenida de Compadres that use the roadway.

A discussion ensued about the paving requirements, bonding, affordable housing, and modular homes.

Duly sworn, Karen Rago, represented Sun Ranch Homeowners Association located off of Avenida de Compadres and Avenida Eldorado. She said last year Mr. Miller did repave an area that was greatly appreciated. However, there is another unpaved private road that has become very rutted. She said her area is comprised of two homeowner associations and there were three homes under construction bringing in a great deal of traffic.

Duly sworn, Mari Howard Cooper, 39 Vista Estrella South in Lamy and part of the Tierra Colinas Homeowners Association, said Compadres roadway is extremely rutted all the way down to Spur Ranch. She said there is a great deal of construction in the area that has contributed to the exceedingly deep road ruts. She mentioned it may not be safe for emergency vehicles.

Ms. Cooper said the Tierra Colinas Homeowners Association had understandings with Mr. Miller regarding road work. She said it appears the CDRC does not have all the documentation regarding the agreements that should be reviewed before taking action.

Ms. Cooper said the spokesperson for the community was unable to attend and she requested the CDRC table action on the case.

Chair Katz asked whether Ms. Cooper's homeowners association would be comfortable with the approval if it contained all of the staff-imposed conditions including the paving of the road. Ms. Cooper said that would be nice but there were other roads within the subdivision that are in dire need of maintenance. The County should review the roads.

Member Anaya asked about road maintenance agreements and Ms. Cooper said there are agreements within the subdivisions. She mentioned Ron Billingsley who has been very active road maintenance for the community in the area.

The public hearing was closed.

Mr. Archuleta clarified that the only roads that require upgrading through this application is Avenida de Compadres and according to Mr. Martinez the BCC allowed them to do that at phase 4. Public Works is requesting that the paving occur with this request. As the basecourse roads are traveled upon the basecourse is dispersed and requires redefining and shaping.

Returning to the podium, Mr. Martinez pointed out that Tierra Colinas Subdivision is to the east of Tierra Bello. Tierra Colinas demanded that a gate with a Knox lock separate the two subdivisions. Tierra Colinas accesses via Spur Ranch Road. He asked why Mr. Miller should be required to build and maintain a road that does not at this point benefit them. He agreed with Ms. Cooper's characterization of part of a road as a mud bog and there are 70 property owners using that roadway that should participate in maintenance.

Ms. Lucero directed the members to page NBE-44 where the applicant proposes to pave the development at phase 4. She said there was no formal action on that request. NBE-40 outlines the conditions for the master plan and there is no timeline for paving the road mentioned.

Member Lopez moved to approve CDRC #S 08-5441, Tierra Bello Subdivision Phase 2 and Phase 3 preliminary and final plat and development plan with all staff-imposed conditions. Member Martin seconded and the motion passed by majority [6-1] vote with Member Booth casting the sole nay vote.

[Mr. Lopez excused himself from the remainder of the meeting.]

**F. <u>CDRC CASE # S 15-5310 Cienda Partners (Las Terrazas Phase III) Preliminary Plat, Final Plat, and Development Plan Amendment</u>. Cienda Partners, Applicant, Scott Hoeft, Agent, request a Preliminary Plat, Final Plat, and Development Plan Amendment to sub-phase the previously approved Las Terrazas Unit III residential subdivision (46 lots on 43.63 acres) into two phases. Sub-phase 3A will consist of 24 residential lots and Sub-phase 3B will consist of 22 lots. The property is located along Paseo Las Terrazas, off of Trailhead Drive and Las Campanas Drive within Sections 2, 11 and 12, Township 17 North, Range 8 East (Commission District 2)**

Mr. Archuleta read the caption and presented the staff report as follows:

"On December 11, 2001, the Board of County Commissioners granted Preliminary and Final Plat and Development Plan approval for the areas known as Black Mesa, Mesa del Oro and Las Terrazas consisting of 125 lots on 161 acres.

"In 2004, this project received a two-year extension to maintain the original approvals. Black Mesa and Mesa del Oro received administrative approval for an extension in 2008 and were expected to be recorded by 2010.

"On June 15, 2015, the Land Use Administrator granted another time extension under Resolution No. 2014-129 that rendered the approval valid until December 31, 2016.

"Currently, the Applicant is requesting Preliminary Plat, Final Plat, and Development Plan Amendment to sub-phase the previously approved Las Terrazas Unit III subdivision into two sub-phases: sub-phase 3A and sub-phase 3B). Las Terrazas Unit III consists of 46 lots on 43.63-acres and was previously approved to be completed in one phase."

Mr. Archuleta said that staff recommends approval of the Preliminary Plat, Final Plat, and Development Plan Amendment to sub-phase the previously approved Las Terrazas Unit III residential subdivision (46 lots on 46.63 acres) into two sub-phases. Sub-phase 3A consisting of 24 lots and Sub-phase 3B consisting of 22 lots subject to the following conditions:

1. The driving surface of Paseo Las Terrazas shall have a minimum width of 24 feet, which meets the requirements of the Santa Fe County Fire Department.
2. The driving surface of the cul-de-sac at the end of Trasera Court shall have a minimum width of 20-feet and a 50-foot radius.

Duly sworn, Scott Hoeft, Santa Fe Planning Group, said this same type of request came before the CDRC for the Estancia Subdivision within Las Campanas. The logic to the request is that developers require smaller phasing segments to develop.

Mr. Hoeft said they concur with the staff report and conditions of approval.

There were no questions of the applicant or other speakers on this case and the public hearing was closed.

Member Anaya moved to approve CDRC Case #S 15-5310, Cienda Partners as recommended by staff with conditions. His motion was seconded by Ms. Martin and passed by unanimous [6-0] voice vote.

**G. <u>CDRC CASE # ZA/S 14-5491 Saleh Senemar, LLC, Applicant</u>. Design Enginuity, Agent, request a Master Plan Amendment to allow 12 commercial lots on a 64+ acre site and to increase the amount of seating allowed in the church/religious institution use. The Applicant also requests Preliminary and Final Plat and Development Plan to create 3 commercial lots on 24+ acres, for Saleh Phase 1. The**

**property is located on the south side of I-25 and east of Richards Avenue, within Section 16, Township 16 North, Range 9 East , (Commission District 5)**
[*Exhibit 4: Saleh presentation*]

Mr. Larrañaga read the case caption and presented the staff report as follows:

"On April 14, 2015, the Board of County Commissioners approved a Master Plan to allow a Phased Mixed Use Development on a 64+ acre site. The approval included a variance of Santa Fe County Ordinance No. 2000-12, the Community College District Ordinance, Section 6.E.3.c, which amends the Santa Fe County Land Development Code, Ordinance No. 1996-10 to allow a no-outlet roadway to exceed 300 feet and a variance of the CCDO, Section 6.7, Road Design Standards, to allow deviation from design standards required of a Living Priority Road.

"The approved Master Plan defines the boundaries of the landscape types and thereby determines the configuration of the various zones on the Master Plan, taking into consideration the flatlands, hillsides, pinion/junipers, grasslands and arroyos of the CCDO Land Use Map and Land Systems Map. The Master Plan includes 7.4 acres of Neighborhood Center, 21.4 acres of Employment Center and 32.1 acres of Open Space. The remaining 3.1 acres consists of a road right-of-way.

"The Applicant requests a Master Plan Amendment to allow 12 commercial lots on the 64+ acre site and to increase the amount of seating allowed in the church/religious institution use.

"The Applicant states: 'we are requesting a Master Plan Amendment to clarify that up to 12 lots will be created within the Saleh project. In addition there is a need for a medium size church in our community. With the original Master Plan we requested zoning for a 125-seat church. We wish to increase that number to allow for a 400-seat church.'

"The Applicant also requests Preliminary and Final Plat approval, to create 3 commercial lots on 24+ acres, and Final Development Plan for Saleh Phase 1. The 3 commercial lots include 14.16 acres of open space and 2 roadways, which include wet and dry utilities installed in the roadways. There will be a 200 to 700 foot setback between the commercial lots and Richard's Avenue. Saleh Avenue will be paved with curb and gutter and parking permitted along the street.

"The uses allowed by the approved Master Plan for Phase 1, consisting of 24.16 acres, includes the following: 13.55 acres of Open Space which includes passive space, parks, plaza, trails, roads, drainage facilities, wastewater treatment facilities, stables, riding academies and cemeteries; Neighborhood Center consisting of 7.39 acres which includes cemeteries/funeral homes and

churches/religious institutions; and an Employment Center consisting of 1.82 acres which includes air-conditioned storage facility with allowable caretaker unit and RV and boat storage facility.

"The use list for Phase 2, consisting of 35.68 acres, includes the following: 16.13 acres of Open Space which includes passive space, parks, plaza, playground, trails, roads, drainage facilities, wastewater treatment facilities, stables, riding academies and cemeteries; Employment Center consisting of 18.97 acres which includes apartments, condos or townhomes, shopping center, hotel and office/retail.

"The Applicant states that due to the existing traffic congestion along Richards Avenue and the Oshara neighborhood, Phase 1 development will be limited to low traffic uses, while Phase 2 will not be developed until completion of the Northeast Connector."

Mr. Larrañaga said that Building and Development Services staff have reviewed this project for compliance with pertinent Code and CCDO requirements and have found that the facts presented support this request: the Application has established the extent and scope of the project including, the uses for the project, the specific information to determine the relationship between the landscape types, the zones and the project, and the relationship of its phases and multiple components with adjacent environment and its overall needs for services and infrastructure; conformance to the Santa Fe Growth Management Plan as amended by the Community College District Plan; the viability of the proposed phases of the project to function as completed developments; conformance to the CCDO in regards to roads and trails, community facilities, design and construction standards and open space standards; and the Preliminary Plat conforms to the approved Master Plan. The review comments from State Agencies and County staff have established findings that the Application is in compliance with state requirements, the CCDO requirements, and Article V, § 5.2.6.a; Article V, § 5.3.1c; Article V, § 5.4.1a; and Article V, § 7 of the Code.

Staff recommends approval of the request for a Master Plan Amendment to the existing Master Plan to allow 12 commercial lots on the 64+ acre site and to increase the amount of seating to the allowed church/religious institution use. As well as, approval of the Preliminary and Final Plat, and Development Plan to create 3 commercial lots on 24+ acres, for Saleh Phase 1, subject to the following conditions:

1. The Applicants shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the recorded Master Plan Amendment, Plat and Development Plan.
2. The Partial Assignment of the Water Contract must be conveyed to the Applicant prior to recordation of the Final Plat.
3. The County shall not execute the Water Delivery Agreement until the Applicant pays all outstanding Service Charges due under the Water Contract that are attributable to the 10% interest created by the Partial Assignment. The Applicant shall pay all such charges and enter into the Water Delivery Agreement before

recordation of the Final Plat for Phase 1 in the records of the Santa Fe County Clerk.

4. SFCU shall not provide water service to Saleh unless and until the Applicant and the County enter into a Water Delivering and Line Extension Agreement ("Water Delivery Agreement), the Applicant designs, constructs and dedicates to the County all required infrastructure in accordance with SFCU specifications, the County accepts the dedication, and water delivery is scheduled for Saleh in accordance with Resolution 2006-57.
5. Applicant must incorporate the 8 recommended technical review conditions onto the plat for Phase 1, as written in the November 3, 2015 letter from SFCU.
6. Saleh shall seek to have the wastewater connected to the City or other wastewater treatment facility. Saleh shall connect to a community waste water system for Phase 2 and shall abandon and remove the Phase 1 septic system. Any on-site wastewater facility shall be permitted by and come under the regulation of the New Mexico Environmental Department or the Water Quality Control Commission Regulations, as appropriate.
7. Preliminary and Final Plat and Development Plan for Saleh Phase 1 with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.4.5.
8. The Applicant shall submit a financial guarantee, in sufficient amount to assure completion of all required improvements prior to Final Plat recordation of Phase 1, as per Article V, § 9.9.
9. Master Plan Amendment with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.2.5.
    a. Approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board (Article V, § 5.2.7).

Chair Katz noted that the original master plan anticipated certain commercial uses in the area and Mr. Larrañaga said that was correct and those uses have not changed. The change is to create 12 lots and allow the expansion of the religious facility.

Member Gonzales observed that the church expansion request is three times what had been approved and he asked whether a revised traffic impact analysis and water budget was necessary. Mr. Larrañaga said County Public Works and Utility departments have reviewed the increase. The increase of traffic will not be during high peak hours and will not impact the allowable use. There will be a traffic signal at the Saleh entrance. Mr. Larrañaga said the TIA was upgraded to address the increase in the church capacity. The use list may have to be amended to accommodate the church traffic.

Member Gonzales said he was dismayed that the applicant's original proposal and approved master plan is coming back for an amendment based on the possibility they may need a larger church. He said he didn't like that the applicant was returning for amendments to a plan that has neither permits nor prospective buyers.

Duly sworn, Jerad Rael, Design Enginuity, agent for the Saleh property said the request before the CDRC is for approval of a master plan amendment and phase one of the project. Mr. Rael said it was staff that advised the applicant that the subdivision of

the property was unclear in the master plan. The applicant has brought forward the amendment to address that failing. Originally, the church was contemplated to have a capacity of 125 congregants; however, since the master plan approval a local Santa Fe church has contacted Saleh with an interest in relocating but they required additional seating.

Mr. Rael emphasized that the purpose of the master plan amendment is to clarify that Saleh will be subdivided into a minimum of 12 lots; phase 1 will have three lots and phase 2 up to nine lots. Also, the amendment increases the religious facility to have up to 400 seats. There are no other changes.

Mr. Rael reviewed Phase 1's open space, three tracts, passive park and the fact that a portion of Saleh Boulevard will be developed as well as a temporary basecourse road access road will be built to Richards Avenue. Once completed, all access for the Saleh development will be off the northeast connector. Mr. Rael reviewed the master plan as originally approved.

He said they agreed with all staff conditions and requested the CDRC's approval.

Member Anaya asked whether the funeral home was part of the church. Mr. Rael responded that the funeral home and church are two separate entities and may employ each other's services.

There were no other speakers on this case and the public hearing was closed.

Member Martin moved to approve CDRC Case #MPA/S 14-5491, master plan amendment with staff conditions. Member Gray seconded and the motion passed by majority [5-1] voice vote with Member Booth voting against.

Chair Katz announced he would recuse himself from the next case and the CDRC recessed for five minutes.

**H.** **<u>CDRC CASE # MP/DP 13-5000 Amma Center</u>. Amma Center of New Mexico, Applicant, Dolores Vigil, Agent, request Master Plan, Preliminary and Final Development Plan approval to allow existing structures to be utilized as a religious institution on a 40+ acre site. The property is located at 48 Stone Cabin Road, via Old Santa Fe Trail, within Section 27, Township 16 North, Range 10 East, (Commission District 4)**

[*Exhibit 5: Petitions in support of the application; Exhibit 6: Materials submitted by Sommer, Karnes & Associates on behalf of the Preserve the Trail organization opposing the request; Exhibit 7: Hayden W. Ausland letter to staff opposing the request; Exhibit 8: Annie Sahlin letter to staff opposing the request; Exhibit 9: David Birnbaum letter to staff opposing the request; Exhibit 10: Packet of materials presented by opponent to the request; Exhibit 11: Materials presented by opponent to the request*]

As Vice Chair, Member Martin assumed the Chair's responsibilities noting that Chair Katz recused himself from this case. She stated that the County hydrologist and utility staff are present to answer any questions that may arise.

Mr. Larrañaga read the case caption and presented the staff report as follows:

"The Applicant requests Master Plan, Preliminary and Final Development Plan approval to allow a Community Service Facility on 40 acres in conformance with Ordinance No. 2010-13, Community Service Facilities, which amends Article III, § 7; Article V, § 5; and Article V, § 7 of Santa Fe County Land Development Code, Ordinance No. 1996-10. The existing structures consist of a 5,000 square foot residential ashram, a 1,400 square foot meditation hall, a 200 square foot storage shed and a 1,000 square foot greenhouse. The existing structures are located within a 20-acre parcel. The Applicant proposes to consolidate the 20-acre parcel with an adjoining 20-acre parcel to create a 40-acre parcel which will be utilized for the Community Service Facility.

"The Applicant's Report states: 'The Amma Center has utilized the subject property since 1988. The Ashram was built in 1996. The non-profit spiritual center will continue to occupy the Residential Ashram and conduct Satsang, meditation and meetings with residents/members and guests. There are several larger gatherings per year, coinciding with Swami's visit and Amma's birthday celebration.'"

Mr. Larrañaga said Building and Development Services staff has reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support this request. The proposed use meets the criteria set forth in Ordinance No. 2010-13 as an allowed use. The Application is comprehensive in establishing the scope of the project. The proposed Preliminary Development Plan substantially conforms to the proposed Master Plan; the Final Development Plan conforms to the Code requirements for this type of use; and the Application satisfies the submittal requirements set forth in the Code.

Continuing, Mr. Larrañaga stated that the review comments from State Agencies and County staff have established findings that the Application is in compliance with state requirements, Ordinance No. 2010-13, Article V, § 5.2 Master Plan Procedures, Article V, § 7.1 Preliminary Development Plan, and Article V, § 7.2 Final Development Plan of the Code. Staff recommends approval with the following conditions:

1. The Applicant shall comply with all review agency comments and conditions as per Article V, § 7.1.3.c.
   - If the improvements to Stone Cabin Road can be restricted to this area of previous disturbance on the west side of the road, then the proposed widening of Stone Cabin Road will not adversely impact LA 175659. If LA 175659 can be avoided then this trail segment should be placed in a non-disturbance easement. If the road improvements cannot avoid LA 175659, then a treatment plan must be prepared to mitigate the adverse impacts to the Santa Fe Trail.

- The Applicant shall address the approach of Stone Cabin Road to meet Article V, § 8.2.7d which states, "grades at the approach to intersections shall not exceed 3% for 100 linear feet, excluding vertical curve distance."
- Return radii shall be a minimum of 30 feet.
- All internal radii shall be a minimum of 30 feet unless approved by the Santa Fe County Fire Marshall.
- Stone Cabin Road shall be improved to Local Road Standards as Article V, § 8.1.3 of the Code.
- The Applicant shall demonstrate that existing culverts are sized correctly to accommodate storm run-off.
- The Applicant is proposing to accommodate run-off via bar ditches, these bar ditches traverse slopes of approximately 11%, the Applicant shall demonstrate how they will reduce the potential for erosion.
- The Applicant shall provide a 50-foot asphalt apron from the edge of Old Santa Fe Trail on the approach of Stone Cabin Road.
- The Applicant shall provide an R1-1 33"x30" at the exit of the property.
- Driveway, turnouts, and turnarounds shall be County approved all weather driving surface of minimum 6" compacted base course or equivalent.
- Minimum roadway width shall be 20' and an unobstructed vertical clearance of 13'6".
- The secondary emergency access/egress loop shall be designated and legally recorded on the registered plat.
- Driveway/fire access shall not exceed 11% slope and shall have a minimum 28' inside radius on curves.
- The Application shall comply with Article 1, § 103.3.2-New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.
- Upon completion of the permitted work the Applicant shall contact the Santa Fe County Fire Marshal to conduct a final inspection.

2. Master Plan, Preliminary and Final Development Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 5.2.5.
3. Prior to recordation of the Master Plan the Applicant shall record a Lot Consolidation Plat, combining Lot 1-A (20.00 acres) and 1-B (20.00 acres), creating a 40+ acre parcel to be utilized by the Amma Center.
4. The Applicant shall monitor the traffic created by the approved use, if it is determined that the development generates more than the estimated 25 vehicles per peak hour, the Applicant shall provide Santa Fe County with a revised Traffic Impact Analysis.
5. Water restrictive covenants, restricting the water use to 0.50 acre-feet per year, shall be recorded along with the Final Development Plan. Meter readings shall be submitted to the County Hydrologist on an annual basis. If the water use exceeds 0.50 acre-feet per year the Amma Center may have to adjust their water use for individual uses in order to stay within 0.50 AFY. This shall be noted on the Master Plan/Development Plan.

6. Large events, exceeding the daily use, at the Amma Center shall be required to obtain a special event permit from NMDOT and a Special Use Permit from Santa Fe County.
7. The dimensions and location of the Applicant's signage must comply with Article VIII, Sign Regulations.
8. The Applicant shall submit a financial guarantee, in sufficient amount to assure completion of all required improvements prior to Final Development Plan recordation, as per Article V, § 9.9.

Mr. Larrañaga said if approved the applicant will get a business license and be in compliance with the code. The SLDC permits a church use throughout the County in residential areas.

Member Martin asked about the special use permit and whether it can restrict the number of attendees. Mr. Larrañaga said submittals for a special use permit would include a traffic control plan, circulation for fire, parking, etc. Public Works and the Fire Marshal would review and sign off on the plans.

Appearing for the applicant was attorney Chris Graeser, 316 E. Marcy, Santa Fe. He introduced engineer Morey Walker, planner Delores Vigil, and from the Amma Center Steve and Kathy Schmidt, all present to answer questions.

Mr. Graeser said the Amma Center is a small residential community, a place of assembly for members to worship and a base for their charitable community activities. Members are the devotees of Amma, an international spiritual leader. Amma's connection with the property goes back to her visits there in the 1980s and an annual visit that increased in size yearly. That annual event grew in size and now meets in various convention centers, recently Buffalo Thunder.

"We are not asking for anything new," stated Mr. Graeser. A few members live in the ashram and the temple/meditation hall is where members meet for their spiritual practice and occasional events. The application before the CDRC is solely to continue that use, stated Mr. Graeser. There are no new builders, activities, or imposition on the community or environment; the applicant is asking for approval of what has been occurring there for 20 years.

Mr. Graeser pointed out that the current use is less intensive than in the past because the large annual event with Amma will not occur at the location. The residence has between three and five individuals living there. There is a weekly meditation assembly and a few annual events on the order of 100+ people. He noted that much of the opposition material relates to events that occurred on the property in the past and no longer occur there, and to a former application that was withdrawn.

The County requested that the applicant obtain approvals for the existing uses. Mr. Graeser said it is their position that this is a residential use with adjunct religious uses that do not require County approvals. However, in the spirit of cooperation the applicant agreed to apply for approval. He said he understood community members wanted Amma to obtain approval and thus define the uses.

Mr. Graeser said there has been no unpermitted development, no unlawful use, all buildings were permitted and every year Amma visited, the County was contacted to determine whether a special use permit was required.

Mr. Graeser cited the code that permitted community service facilities/places of worship anywhere in the County. He noted that the SGMP encourages the placement of places of worship within communities, not in segregated commercial areas, thus promoting mixed uses in existing communities. There are constitutional federal and state laws protecting religious uses: there must be a compelling government interest to warrant substantially burdening religious practices – which would include denying the application or unreasonably conditioning the application. The Amma Center does constitute a religious use of land as recognized by the County Assessor.

Mr. Graeser reviewed the two criteria in the Code demonstrating how the Amma Center meets those criteria. The property was donated to the Amma Center by Mr. and Mrs. Schmidt is considered consecrated ground. The facility is compatible with the County and is located within the El Centro Growth Management Area recognized as the fastest growing region of the county.

Mr. Graeser said a condition of the approval is a lot consolidation of the 40-acre lot situated within 200+ acres owned by the Schmidts and the Amma Center creating its own buffer. Aside from a few family homes there is no development on the 200 acres. The subject area is neither dense nor sparse in comparison to the county average.

Mr. Graeser said the applicant will meet the extensive fire prevention measures imposed by the County. The approval requires better fire apparatus access and more water storage making this property safer than surrounding properties.

The development's water budget of .5 acre-feet was accepted by the County Hydrologist. This is a combination of the two Amma Center lots, each entitled to .25 acre-feet. The use had come in over the allotment, however, since the center has instituted water conservation measures usage has been brought down to .35 acre-feet per year. They are confident they can continue to stay below their water budget. Mr. Graeser said the opponents question how the budget will be enforced and he said the neighbor concern will no doubt monitor the usage.

The traffic impact analysis was approved and showed no impact during regular use of the center. Level of traffic is at a B level or better. If use increases there is a requirement to revise the study which the applicant accepts.

Mr. Graeser said the applicant has addressed all County concerns and conditions and they believe they have addressed all reasonable neighbor concerns related to the current application. Neighborhood opponents have proposed conditions of approval the applicant finds unfair, unreasonable and that they treat the Amma Center differently than other land users in the area; the applicant does not agree to those conditions. The use is permitted and staff recommends approval. The opponents are using the water budget process to unfairly limit the uses on the property.

Mr. Graeser said there is no compelling reason to reject the application and he said he appreciated the CDRC's approval.

Responding to Member Anaya's question, Mr. Graeser said a large event at the site would have 100 to 125 attendees. The use of the Amma Center has been diminishing over the recent years. He said they would meet the fire code restrictions regarding the building capacity.

Member Anaya asked about the travel distance on Stone Cabin Road and Mr. Graeser offered it was 2,800 feet or a half-mile and that they accepted the County's condition to bring it up to County road standards.

Responding to Member Booth's questions, Mr. Graeser said a weekly service may bring 25 to 50 participants with 6 to 12 individuals from the immediate area.

Duly sworn, Dolores Vigil, Liaison Planning Serving, said on Saturdays between 6 pm and 8 pm there are 30 to 40 worshippers. On Sundays, five individuals prepare burritos. If there is a birthday celebration for Amma it brings in 100 to 125 people from 6 pm to 8 pm.

Duly sworn, Steven Schmidt, president of the Amma Center, said since 1987 people have come to the property to worship, mostly through meditation. They had annual events on the property that consisted of Amma's birthday and perhaps a monk presenting a program. He was unaware of any problems during those 28 years. The large public event for Amma has been moved to a larger venue.

Mr. Schmidt noted that the Center provides food and warm clothes to the homeless, uniforms for school children, free meditation training currently to veterans and for the past nine years the juvenile detention facility in Santa Fe County every Tuesday with no exceptions, and participates in international disaster relief.

Mr. Graeser reviewed a packet of material he submitted [*Exhibit 10*] that included the code citation permitting the use anywhere in the County, order affirming the facility's property tax exempt status, meter readings, traffic study information, and other support materials.

Mr. Graeser emphasized that the major events with Amma have not been held on the site in 10 years and will not be held on the site in the future. Initially, the applicant applied to build a large facility to accommodate those events; however, that was withdrawn. A special use permit may be applied for to accommodate a large event of a few hundred people but not the event where Amma is present which draws many, many hundreds of people.

Returning to the podium, Ms. Vigil said there are developments near the Amma Center off of Old Santa Fe Trail and mentioned Desert Academy, a church in Cañada de los Alamos, and Camp Stoney.

Those wishing to speak were administered the oath to tell the truth. Member Martin asked the opponents to speak first.

Duly sworn, David Birnbaum,7727 Old Santa Fe Trail, president of Preserve the Trail Association, an incorporated community organization committed to furthering the well-being of the area surrounding the village of Cañada de los Alamos and the Santa Fe Trail in that vicinity. He said he was also a very concerned neighbor living less than one mile from the Center since 1979.

Mr. Birnbaum said while he has many concerns about the Center, he is most concerned about the potential threatened or abuse of the limited essential resource of the underground water supply. He mentioned the metaphor of more and more drinking straws in a single glass of water. He said he has drilled four wells on his property and described the burden of hauling water to care for his family.

Mr. Birnbaum said the applicant's assertion that there have been no issues affecting neighbors adversely over the 28 year period is "absolutely not the case. We have been outright deceived, misled and have had many agreements broken over the years..." The community is naturally suspicious that the Amma Center will not be keeping their promise to accept the County-imposed conditions. He said the applicant has submitted three separate water budgets this year in an effort to meet the allotted water. The residential use alone will consume the allotted water without considering the events on the property. He asked that the meter readings be accomplished monthly and recorded by camera.

Mr. Birnbaum said the property septic system was designed for a residence and permitted in 1994. Speaking from his experience as a general contractor, Mr. Birnbaum said he was aware that many systems were permitted in the 80s and 90s lacking the required top soil over the lines of the leach field. The system was not designed for 40 people but instead a family living in a 6-bedroom house. He asked that the County require the applicant to install an advanced septic system

If this application is approved, Mr. Birnbaum hoped the County would have a means of enforcement and recourse if they fail to meet their promises.

Duly sworn, Annie Sahlin, 21 Stone Cabin Road, said she shares access to the Old Santa Fe Trail with the Schmidts and the "large and actually growing number of visitors lately to their Amma Center." Because of her concerns regarding water, fire danger and access issues she would be happy to see the entire operation shut down.

As a member of the Board of Preserve the Trail Association, Ms. Sahlin said it was incumbent on her to represent the 400 people that live within the Association boundaries that were recently successful in stopping plans for an 18,000 square foot building proposed by the Amma Center with 200 signatures from area residents.

The new master plan seeks to assign 40 acres with a religious designation which she said was a result of a County issued violation when the Center had a 200-person gathering without a business license. Ms. Sahlin said no one wants this small piece of land rezoned in perpetuity and all the area residents are worried that the County will not be able to effectively police the Schmidts' and the Center's ambitions.

Ms. Sahlin mentioned the UDV controversy and the "chilling effect" of the RLUIPA law. She said she was confident the County would do its best to monitor the conditions set on the application. She said the County failed to address the number of meetings and attendees at those meetings.

Ms. Sahlin said the neighborhood has opposed the Schmidts' development many times. She said there is a long repeated history of broken promises and trust abused by the applicant.

Therese Martinez, vice president of Preserve the Trail Association, displayed a map of the area, US census data information [*Exhibit 11*] and under oath said she lived 7/10 of a mile from the proposed development. Using the map she identified the association boundaries. She noted that Cañada de los Alamos, the densest area in the association, has grown from 310 residents to 438 residents in the last 15 years. She referred to the tremendous growth of traffic in the area. The Association is served by the Hondo Volunteer Fire Department.

Ms. Martinez offered the following concerns: There is no definition of religious institution in the proposed and/or current codes; which code is being used to interpret a community service facility?; there is a posting on the property for the 12/8 BCC meeting which communicates a rush to get this facility approved under the old code; the Association finds the proposal to be neither necessary nor compatible as required by the ordinance regarding community services; if approved, a fire substation should be required with a dedicated water system and hydrants; covenants should be placed on the property deterring any increase in buildings; the County should perform periodic and random traffic counts; large gatherings should be posted at the Fire Department and within the community; limit large gatherings to one per year; liquid waste needs greater review with NMED; address noise and light pollution; limit hours of operations with all activities limited to inside; enforcement of requirements with penalties for violations that would eventually rescind the approval.

Closing her remarks, Ms. Martinez asked that the CDRC deny the request.

Growth Management Director Penny Ellis-Green said applications that are in the process will go through under the current code. This case is scheduled to be heard on December 8th and will fall under the current code.

Joseph Karnes, counsel for the Preserve the Trail Association, said community services facilities are subject to two conditions, one of which is that the use be compatible with the existing area. He said that is not the case in this existing area. It is not automatically compatible because it is allowed anywhere within the County. He noted that past Two Trails Road there is only one point of access to the community of Cañada de los Alamos.

Mr. Karnes said there is a feeling in the community based on their experience that there have been no limitations on the Center's use. He noted the applicant has submitted three different water budgets which fail to address large events/meetings and the burrito project. He noted that he has proposed conditions [*Exhibit 6*] that he requested the CDRC consider applying to the application which would hold the applicant to the assertions they have made all along. He said the development is not consistent with existing development in the area.

Under oath, Dawn Erhard Wingard, a resident of Cañada de los Alamos since 1994, said she appreciates the concerns raised regarding water and fire and added that she

has a great deal more concern about the parties and fires at the end of Old Santa Fe Trail in the national forest than she has with the Amma Center.

Ms. Wingard said the Amma Center has respect for the land and safety of others. She noted there are many more people in support of the Amma Center who are not present than those opposed to it. She said she is among the population that does not attend the center as often as she had in the past because she now has an inward practice. Observing the mural behind the CDRC, Ms. Wingard said protection of property, religion and language is what the Amma Center is about.

Duly sworn, Jonathan Cruz said he has been attending the Amma Center for the past 26 years. The people that go to the Amma Center are quiet, mild-mannered, are non-smokers, and he was surprised to hear the vehemence of the opposition. He said he has served as the coordinator for the weekly service for the past 10 years and there are 30 to 40 individuals who attend and most don't use water while there.

Mr. Cruz said it was his understanding that at this time there were no understandings/agreement with the community and he claimed there were a few very vocal opponents to the Amma Center. It is a quiet situation at the Center with people expressing their heart. He found it disturbing that there was an attempt to severely restrict an individual's ability to practice their religion.

Duly sworn, Jane Farrar, a practicing member at the Amma Center for two years, said the principles of Amma's teaching are love and service and that is felt at the Center. The burrito project is a wonderful gift to Santa Fe and it saddened her to hear the opponents defiling viewpoint of the Amma Center and the Schmidts. Speaking from her experience as a neighbor of the Schmidts for over 20 years, Ms. Farrar said they are lovely people. She asked the CDRC to grant the Center the approval necessary to continue their spiritual practice at its current location.

Duly sworn, Ronald Boyd noted that David Birnbaum and Annie Shalin are his neighbors, his friends and he respects them but some of the facts they provided to the CDRC were inaccurate. On an average Saturday evening there are between 25 and 50 individuals with 15 to 30 vehicles coming in within a four-hour period of time. Twice a year there are larger events with 100 to 125 people. He is unaware of any traffic problems. The opposition exaggerated. He mentioned that the CDRC just approved a 400-seat church with very little consideration regarding water usage, parking, traffic and noise; the Amma temple has capacity for 100 people.

Mr. Boyd asked that the CDRC respect the constitutional rights of the people who attend these services.

Duly sworn, Brenda Wittner said she moved from Dixon to Santa Fe to get closer to the Amma Center which emanates love and cooperation. She said the Center promotes inner peace through the practice of meditation and she expressed her gratitude to the Schmidts.

Under oath, Cynthia Fulreader said she is an elementary school counselor working in the public schools and goes to an Episcopal Church and the Amma Center.

Amma's teaching is love and compassion. Amma recently met with Pope Francis to end human trafficking and is a well-known humanitarian serving people all over the world.

The center is a very peaceful, quiet place. Ms. Fulreader said recent volunteer work in the public schools included new school clothing and sneakers to 525 children in need. She said the Center will continue its quiet service to the community.

That concluded the public testimony and the public hearing was closed. Member Martin invited the applicant to make closing comments.

Mr. Graeser asked that their engineer Morey Walker address the septic system concerns.

Duly sworn, Morey Walker, a professional engineer, said he reviewed the design of the septic system that was designed by a professional engineer for 600 gallons a day. He said it was a well-designed and built system that can handle a lot of sewage flow. The system is designed for a six-bedroom, 12-person,full-time occupancy. He assured the CDRC there was a great deal of capacity in the system.

Responding to questions of Commissioner Anaya, Mr. Walker said he did not personally inspect the system but reviewed the design. The tank holds 1,500 gallons and was installed in 1996.

Mr. Graeser offered the following points in response to statements offered by the opponents:

- For 20 years the Amma Center used .59 acre-feet a year including the large annual events and without water conservation measures. They can easily live within .5 acre-feet
- The applicant is complying with the County and rezoning
- While there has been growth in Cañada de los Alamos increasing the traffic, there has not been growth at the Amma Center
- There is no rush here. The applicant wants to complete the project under this code
- The applicant will meet all fire prevention requirements
- The Amma Center should be held to the same standards that apply to any other community facility. It is unfair to impose significantly different restrictions on the Amma Center
- Monthly meter readings fluctuate and an annual reading is appropriate
- Noise and light – the applicant will comply with the County ordinance
- The notice of violation was withdrawn by the County

Mr. Graeser said he appreciated County staff's work on this application and asked the CDRC to approve the request with the County conditions.

Member Anaya asked whether the applicant was required to have a business license and Mr. Larrañaga said they were and they do not. Referring to the business license issue, Ms. Ellis-Green said that is regulated by a 1992 ordinance that is not specific as to whether or not a church needs a business license.

Fire Marshal Patty said they did look at the Amma Center and the temple without chairs could hold 200 people; with chairs it would be 98 people.

Member Anaya expressed concern that there appeared to be loopholes in the staff report and he mentioned traffic peak hours not being adequately defined.

Mr. Walker said peak hours in Santa Fe are always between 7 am and 9 am and 4 pm to 6 pm during the weekdays. In an effort to be conservative when he conducted the traffic study, Mr. Walker said he took the p.m. peak hour and the Center's Saturday traffic into the peak hour traffic to make sure the traffic worked. The study conclusion was that the Center had very little impact on the roadways.

Ms. Ellis-Green said Ordinance 2010-13 requires a master plan development plan. The use has to be approved by the CDRC and the Board. She said they would be considered in compliance if their master plan development plan is approved.

Member Booth said the CDRC has been challenged to look at the legalities of this current and long-standing, 20-year, unpermitted use for this facility.

Mr. Graeser noted that the applicant has building permits for everything they have done and have attempted to get a special use permit for all events.

Member Booth said in her review of whether the use is compatible with existing development in the area, it is not. The use is too intense for the area and does impact the surrounding community as demonstrated by the complaints heard today and letters of record going back to 2000. She said the dead-end road concerned her as well as the tremendous potential for a real major catastrophe to happen. She said it was just too dense for this rural residential area.

Member Booth moved to deny CDRC Case #MP/DP 13-5000 and Member Gray seconded. The motion passed by majority [3-2] voice vote as follows: Member Anaya, Booth and Gray voting for denial and Members Martin and Gonzales voting against.

## I. PETITIONS FROM THE FLOOR

None were offered

## J. COMMUNICATIONS FROM THE COMMITTEE

None were presented.

## K. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

## L. MATTERS FROM LAND USE STAFF

Staff distributed a summary of BCC action on previously acted on CDRC cases.

## M. NEXT MEETING

The next meeting was scheduled for December 17, 2015.

## N. ADJOURNMENT

Having completed the agenda, this meeting was declared adjourned at approximately 8:40 p.m.

Approved by:

Frank Katz, CDRC Chair

ATTEST TO:

COUNTY CLERK

Before me, this ____ day of _____, 2015.

My Commission Expires:

Notary Public

Submitted by:

Karen Farrell, Wordswork

CDRC MINUTES
PAGES: 99

COUNTY OF SANTA FE )
STATE OF NEW MEXICO ) ss

I Hereby Certify That This Instrument Was Filed for Record On The 18TH Day Of December, 2015 at 09:00:52 AM And Was Duly Recorded as Instrument # 1782164 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy _____ County Clerk, Santa Fe, NM

SFC CLERK RECORDED 12/18/2015

# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

ALBUQUERQUE AREA OFFICE
P.O. BOX 26567
ALBUQUERQUE, NEW MEXICO 87125-6567


IN REPLY REFER TO:

320 - Branch of Real
Estate Services

SEP 0 1 1992

Memorandum

To: Superintendent, Northern Pueblos Agency
Attention: Real Property Management

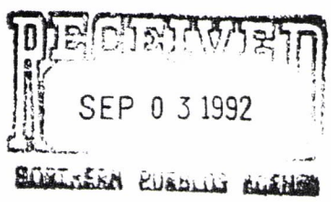
From: Area Director

Subject: Approval of Land Sale - Pueblo of Nambe to Marian G. Barnes

Your August 26, 1992, memorandum submitted for review and approval an Agreement for the Sale of Real Estate and a Deed to convey the property. This is a proposed sale by the Pueblo of Nambe of 0.257 acre of tribally-owned land to Marian G. Barnes to settle a trespass. You did not request the Field Solicitor's review of this transaction since he has already reviewed the Pueblo's Land Consolidation Plan on a previous sale.

Land holdings within the Nambe Pueblo Grant are complicated by the Pueblo Lands Act of June 7, 1924, which gave title to parcels of land within the exterior boundaries of the Pueblo to non-Indian claimants. This resulted in some small isolated tracts remaining in Pueblo ownership which were unusable or inaccessible by the Pueblo. This apparently is one of those small tracts. The Pueblo of Nambe has an approved Land Consolidation Plan and has made prior conveyances pursuant to it. This sale is in accordance with the Pueblo's Plan.

This parcel is a long and narrow strip of land and is only 0.257 acre. The parcel is bounded by a road on the north side, by Ms. Barnes' property on the east side and another private claim on the west side. Evidently Ms. Barnes has been encroaching on the property. Accordingly, the Pueblo negotiated this sale with Ms. Barnes to settle the trespass. The Pueblo feels that this particular conveyance is in its best interest since its use of the subject tract is limited or prohibited because of its location, size and shape. We agree that this conveyance falls within the scope of Nambe's Plan. Accordingly, we have approved the Agreement and the Deed. This approval removes this tract of Pueblo land from trust status. The original and one copy of the Agreement and a copy of the Deed are attached for your records along with the other supporting documents.



The original of this deed has been submitted to the Land Titles and Records Office for recording and will be mailed directly to you after they have finished their recording process.

Acting Area Director

Attachments


## John F. Lovato

**From:** David Dougherty <daviddough@aol.com>
**Sent:** Wednesday, November 18, 2015 9:31 PM
**To:** John F. Lovato
**Cc:** Margo Cutler
**Subject:** 7 Thorpe Way variance request

John,

At our Tesuque Advisory Committee's request I went up and looked at the effect that the request might have. I do not believe it will particularly effect anyone in an adverse way. However that said, I do not see where there is a hardship. My understanding, which may be wrong, is that a variance has a particular place in the law for people who have no alternative. The owner has a beautiful house and I do not see a hardship created by not being able to add on a studio on a sloped area. The problem, I see, with allowing this is that where does it stop? The rules should be the rules. If people want the rules changed, then perhaps they should get the rules changed and not sneak behind them with a variance request where there is no hardship involved.

I appreciate your time in advising us about this matter.

Sent from my iPad by Wm. David Dougherty Office (505) 989-7741 Cell (505) 690-2722

SANTA FE COUNTY FIRE DEPARTMENT
Phone: 505-995-6523
Fax: 505-992-3065
14 Fire Place
Santa Fe, NM 87508

EXHIBIT 3

# Fire Prevention Division

November 5, 2015

To: John Lovato, Case Manager

Thru: Buster Patty, Battalion Chief/Fire Marshal

From: Victoria DeVargas, Inspector

RE: VARIANCE OF HEIGHT – KATHLEEN KAUPP #15-5270

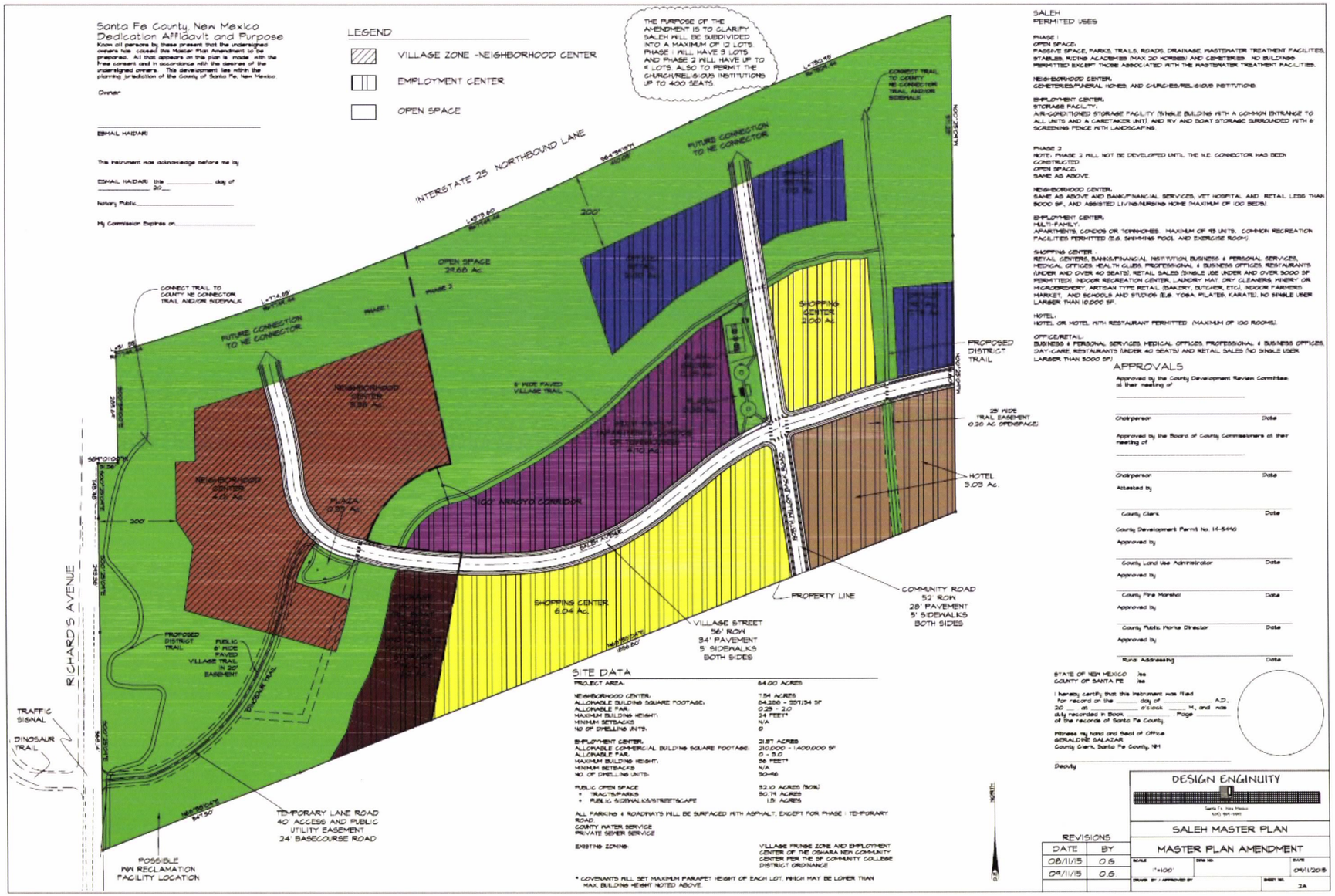
Mr. Lovato,

The Santa Fe County Fire Prevention Division does not have comment on this variance because it does not reference the Fire Code.

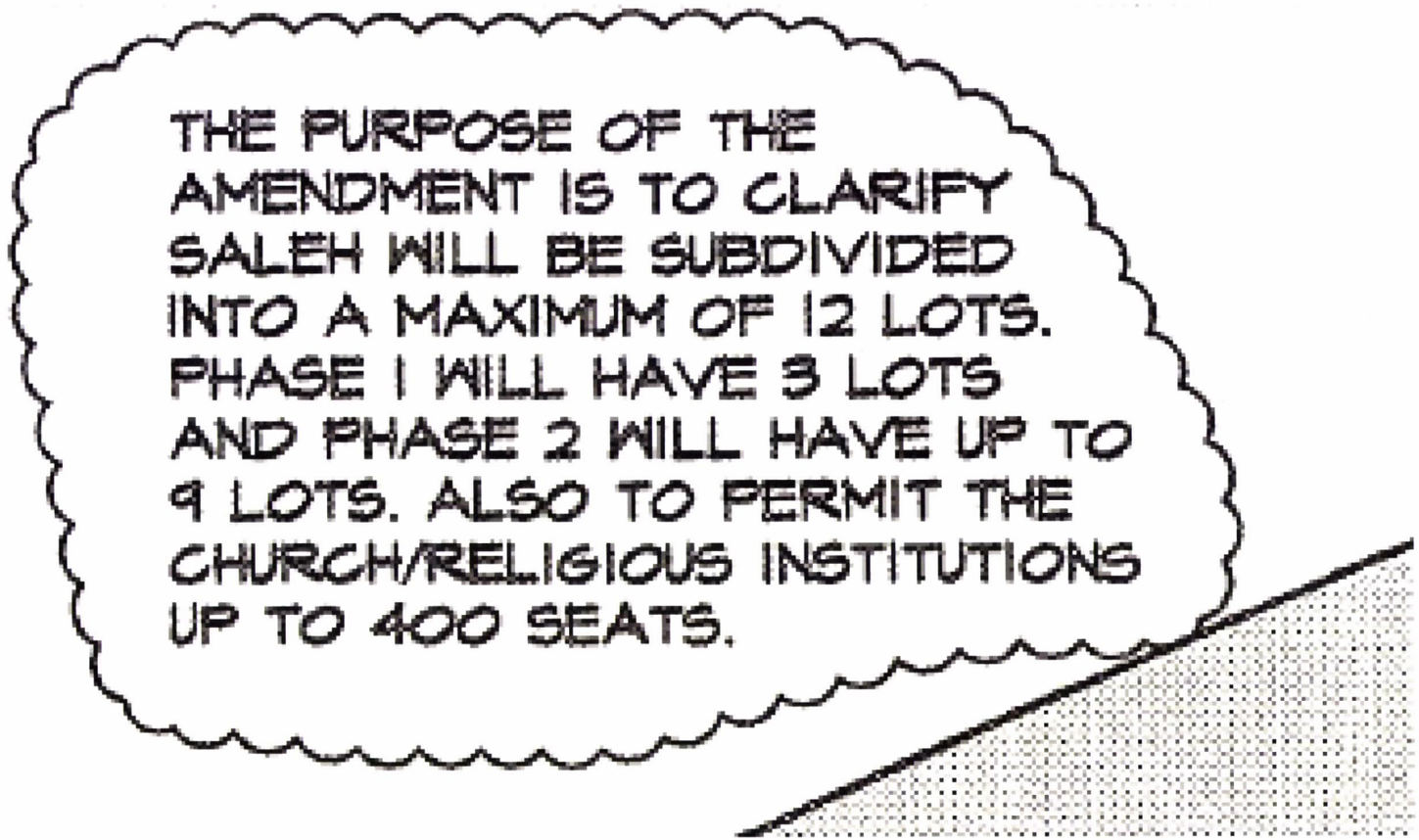
At the time of development permit submittal, applicant shall meet the following Santa Fe County Fire Access Roads requirements:

- If the driveway/access exceed 150 feet, an emergency vehicle turn around such as an alternative hammer-head or K-Type turn around, shall be required;
- Driveway/fire access shall not exceed 11% slope and shall have a minimum of 28' inside radius on curves;
- To prevent the possibility of emergency responders being locked out, all access gates should be operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System). Details and information are available through the Fire Prevention office.

If you have any questions, please contact our office at 505-995-6523.



# SALEH MASTER PLAN CHANGE




## SITE DATA

| | |
|---|---|
| PROJECT AREA: | 24.46 ACRES |
| PLANNED DEVELOPMENT DISTRICT SEE RECORDED SALEH MASTER PLAN. | |
| NEIGHBORHOOD CENTER: | 7.94 ACRES |
| ALLOWABLE BUILDING SQUARE FOOTAGE: | 84,266 - 337,154 SF |
| ALLOWABLE FAR: | 0.25 - 2.0 |
| MAXIMUM BUILDING HEIGHT: | 34 FEET* |
| MINIMUM SETBACKS | N/A |
| NO OF DWELLING UNITS: | 0 |
| EMPLOYMENT CENTER: | 2.20 ACRES |
| ALLOWABLE COMMERCIAL BUILDING SQUARE FOOTAGE: | 20,000 SF |
| ALLOWABLE FAR: | 0 - 2.0 |
| MAXIMUM BUILDING HEIGHT: | 56 FEET* |
| MINIMUM SETBACKS | N/A |
| NO. OF DWELLING UNITS: | |
| OPEN SPACE | 13.46 ACRES |
| PARK | 0.59 ACRES |
| PUBLIC SIDEWALKS/STREETSCAPE | 0.37 ACRES |
| TOTAL OPEN SPACE | 14.16 ACRES (58%) |

NOTE: ONLY TRAILS, STREET AND PARK ARE DEDICATED FOR PUBLIC USE. REMAINDER OF OPEN SPACE IS PRIVATE.

## LEGEND

- VILLAGE ZONE -NEIGHBORHOOD CENTER
- EMPLOYMENT CENTER
- OPEN SPACE

NOTES:

1. TRAIL LOCATIONS SHOWN ARE APPROXIMATE. 28' PUBLIC USE TRAIL EASEMENTS SHALL BE CENTERED WHERE TRAILS AREA ACTUALLY CONSTRUCTED. DISTRICT TRAIL TO BE NATURAL DIRT.

2. PROJECT WILL BE SERVICE BY COUNTY WATER AND PRIVATE SEWER.

3. SALEH AVENUE TO BE PAVED WITH CURB AND GUTTER AND SIDEWALKS ON BOTH SIDE OF ROAD.

4. DINOSAUR TRAIL TO BE A 24' WIDE BASECOURSE ROAD IN PHASE 1 OF SALEH. IF THE ROAD REMAINS IN PHASE 2, IT SHALL BE DEVELOPED AS A PAVED ROAD PER THE SANTA FE COMMUNITY COLLEGE ORDIANCE.

GENERAL COVENANTS FOR PHASE 1

1. ALL BUILDINGS SHALL BE IN THE STYLE OF PUEBLO REVIVAL. BUILDING SHALL HAVE ROUNDED CORNERS, IRREGULAR PARAPETS, STUCCO OR PAINT IN EARTH TONES. BUILDINGS OVER 2 STORIES MUST EMPLOY STEPPED MASSING WITH AT LEAST ONE MINIMUM 8-FOOT VERTICAL OFFSET. ROOFS SHALL BE FLAT. PROJECTING VIGAS, CORBELS AND LATILLAS SHOULD BE USED. WALLS EXCEEDING 40 FEET MUST BE OFFSET HORIZONTALLY BY AT LEAST 4 FEET FOR A DISTANCE OF AT LEAST 4 FEET.
2. TWO-STORY BUILDINGS ARE PERMITTED ON TRACTS 1 AND 2. TRACT 3 MAY HAVE A THREE-STORY BUILDING. IN ALL CASES THE TOP OF THE BUILDING PARAPET MAY NOT EXCEED THE FOLLOWING: TRACT 1: 6425, TRACT 2: 6680; AND TRACT 3: 6650. CHIMNEYS MAY EXTEND 5-FEET ABOVE THESE ALLOWABLE ELEVATIONS.
3. OUTDOOR STORAGE AND ALL LOADING ZONES MUST BE SCREENED WITH A 6-FOOT COYOTE FENCE, STUCCO WALL OR CHAIN LINK FENCE. IRRIGATED VEGETATION MUST BE PLANTED ON THE OUTSIDE OF THE SCREEN AND COVER A MINIMUM OF 25% OF THE SCREEN AT MATURITY, EXCEPT FOR CHAIN LINK FENCING WHICH MUST HAVE A 75% COVER AT VEGETATION MATURITY.

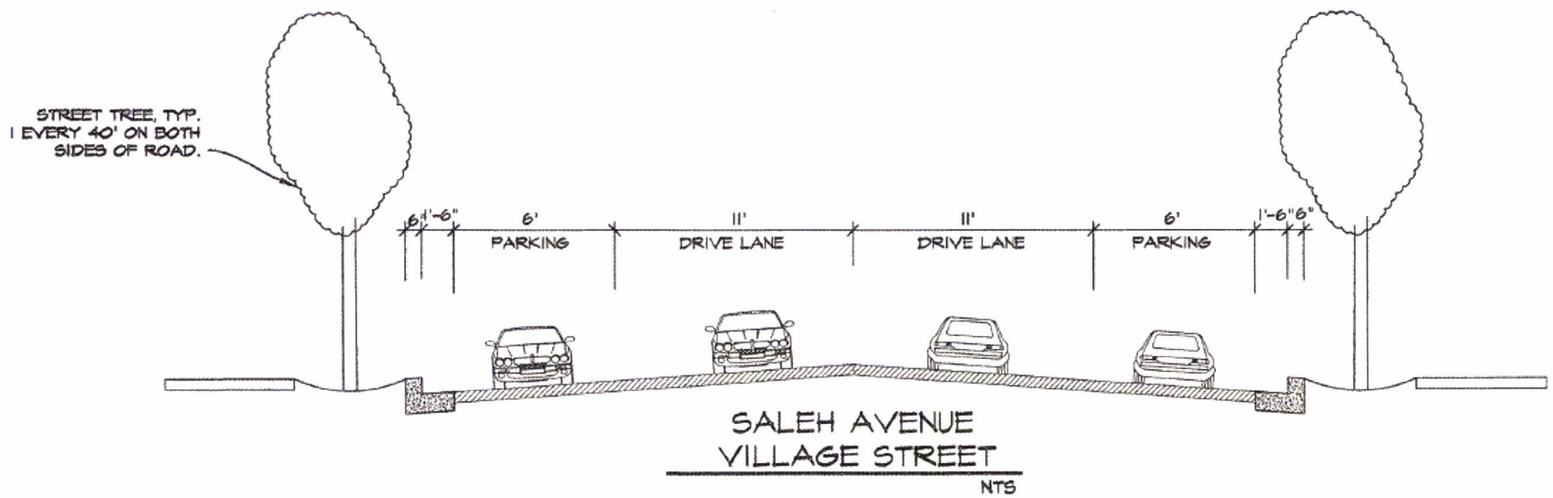
# SALEH PHASE 1 PERMITTED USES

OPEN SPACE:
PASSIVE SPACE, PARKS, TRAILS, ROADS, DRAINAGE, WASTEWATER TREATMENT FACILITIES, STABLES, RIDING ACADEMIES (MAX 20 HORSES) AND CEMETERIES. NO BUILDINGS PERMITTED EXCEPT THOSE ASSOCIATED WITH THE WASTEWATER TREATMENT FACILITIES.

NEIGHBORHOOD CENTER:
CEMETERIES/FUNERAL HOMES, AND CHURCHES/RELIGIOUS INSTITUTIONS.

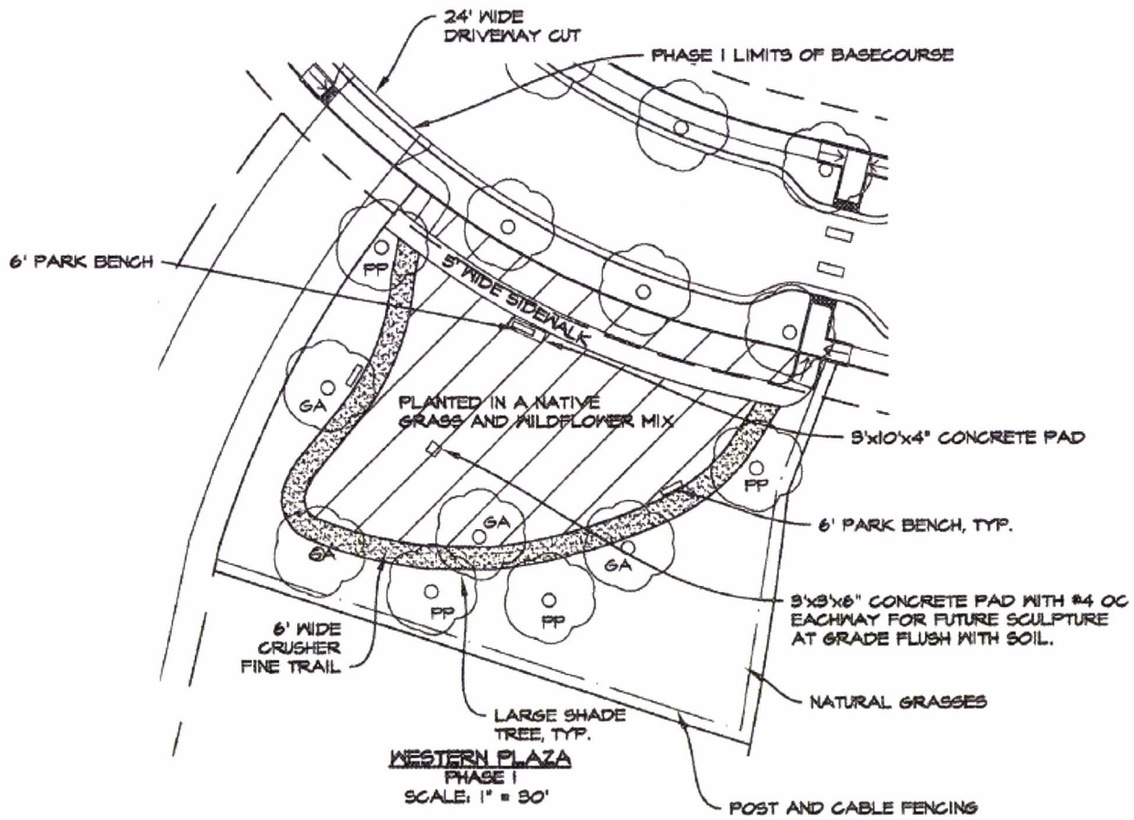
EMPLOYMENT CENTER:
STORAGE FACILITY:
AIR-CONDITIONED STORAGE FACILITY (SINGLE BUILDING WITH A COMMON ENTRANCE TO ALL UNITS AND A CARETAKER UNIT), AND RV AND BOAT STORAGE SURROUNDED WITH 6' SCREENING FENCE WITH LANDSCAPING.

# PHASE 1 SALEH AVENUE




SALEH AVENUE
VILLAGE STREET
NTS

# PHASE 1 PARK



# GENERAL COVENANTS FOR PHASE 1

- ALL BUILDINGS SHALL BE IN THE STYLE OF PUEBLO REVIVAL. BUILDING SHALL HAVE ROUNDED CORNERS, IRREGULAR PARAPETS, STUCCO OR PAINT IN EARTH TONES. BUILDINGS OVER 2 STORIES MUST EMPLOY STEPPED MASSING WITH AT LEAST ONE MINIMUM 8-FOOT VERTICAL OFFSET. ROOFS SHALL BE FLAT. PROJECTING VIGAS, CORBELS AND LATILLAS SHOULD BE USED. WALLS EXCEEDING 40 FEET MUST BE OFFSET HORIZONTALLY BY AT LEAST 4 FEET FOR A DISTANCE OF AT LEAST 4 FEET.

- TWO-STORY BUILDINGS ARE PERMITTED ON TRACTS 1 AND 2. TRACT 3 MAY HAVE A THREE-STORY BUILDING. IN ALL CASES THE TOP OF THE BUILDING PARAPET MAY NOT EXCEED THE FOLLOWING ELEVATIONS: TRACT 1: 6625; TRACT 2: 6630; AND TRACT 3: 6630. CHIMNEYS MAY EXTEND 3-FEET ABOVE THESE ALLOWABLE ELEVATIONS.

- OUTDOOR STORAGE AND ALL LOADING ZONES MUST BE SCREENED WITH A 6-FOOT COYOTE FENCE, STUCCO WALL OR CHAIN LINK FENCE. IRRIGATED VEGETATION MUST BE PLANTED ON THE OUTSIDE OF THE SCREEN AND COVER A MINIMUM OF 25% OF THE SCREEN AT MATURITY, EXCEPT FOR CHAIN LINK FENCING WHICH MUST HAVE A 75% COVER AT VEGETATION MATURITY.

EXHIBIT 5

IN THE MATTER OF Amma Center of NM and Stephen and Cathi Schmidt
PROPOSED STRUCTURE

We, the undersigned residents of Santa Fe County, support and approve Amma Center of New Mexico building the proposed 15,000 sq. ft. structure.

We believe that the event hosting Amma in the proposed structure will be of significant benefit to Santa Fe County. These benefits will include prestige to the Santa Fe community for having such a well known humanitarian visit Santa Fe and also additional revenues produced from the many visitors.

Jeff Abbott
Please print name

Signature

Address: 3369 La Avenida De San Marcos / Santa Fe, NM 87507

Kevin McArthur
Please print name

Signature

Address: 4378 Old Las Vegas Hwy Santa Fe, NM 87508

Francis McArthur
Please print name

Signature

Address: 437 Old Las Vegas Hwy

Anna Bunker
Please print name

Signature

Address: 437 Old Las Vegas Hwy

Patrick Gutierrez
Please print name

Patrick Gutierrez
Signature

Address: 3372 Ave San Marcos SF NM 87507

Judith Dwyer
Please print name

Signature

Address: 3328 Ave de San Marcos NM 87507

IN THE MATTER OF Amma Center of NM and Stephen and Cathi Schmidt
PROPOSED STRUCTURE

We, the undersigned residents of Santa Fe County, support and approve Amma Center of New Mexico building the proposed 15,000 sq. ft. structure.

We believe that the event hosting Amma in the proposed structure will be of significant benefit to Santa Fe County. These benefits will include prestige to the Santa Fe community for having such a well known humanitarian visit Santa Fe and also additional revenues produced from the many visitors.

Brian Yee
Please print name

Signature

Address: 1635 Calle Sotero, Santa Fe NM 87507

Corey Sutter
Please print name

Signature

Address: 39 Camino Valle SF NM 87508.

DIANA LANIER
Please print name

Diana Lanier
Signature

Address: 1065 camino sandcacio SF, NM 87505

Please print name

Signature

Address:

Please print name

Signature

Address:

Please print name

Signature

Address:

IN THE MATTER OF Amma Center of NM and Stephen and Cathi Schmidt
PROPOSED STRUCTURE

We, the undersigned residents of Santa Fe County, support and approve Amma Center of New Mexico building the proposed 15,000 sq. ft. structure.

We believe that the event hosting Amma in the proposed structure will be of significant benefit to Santa Fe County. These benefits will include prestige to the Santa Fe community for having such a well known humanitarian visit Santa Fe and also additional revenues produced from the many visitors.

Beth Ann Hundley — Please print name
Signature
Address: 1 Coyote Loop Santa Fe NM 87508

David Ginsberg — Please print name
Signature
Address: 3 Monte Alto Way Santa Fe, NM 87508

BRIANNE JANES — Please print name
Signature
Address: 1934 OTOWI RD SF 87505

Please print name
Signature
Address:

Please print name
Signature
Address:

Name
(Please print name)

SFC CLERK RECORDED 12/18/2015

IN THE MATTER OF Amma Center of NM and Stephen and Cathi Schmidt
PROPOSED STRUCTURE

We the undersigned are neighbors of 48 Stone Cabin Rd. and are expressing our support for the proposed 15,000 sq. ft. structure.

We are aware of and support the use of this property to hold a once a year 4-5 day event as allowed by a special event permit. We are also aware that this event was held on this property for 18 consecutive years from 1987-2004.

In addition we understand that this structure will include a large amount of water storage that will be available to the fire department for any fire activity in our surrounding area or for any other purpose deemed beneficial by official County agencies

Eloise EURE — Eloise Eure
Please print name — Signature

Address: 7754 Old Santa Fe Trail

(adjoining property)

Diane Fessenden — Diane Fessenden
Please print name — Signature

Address: 86 Quartz Trail Santa Fe County Cañada de los Alamos

Tom Brady — Tom Brady
Please print name — Signature

Address: PO Box 5865 - 10 Cougar Walk 87505

Dee Blanco — Dee Blanco
Please print name — Signature

Address: PO Box 5865 or 10 Cougar Walk 87505

WENDY COURTNEY — Wendy Courtney
Please print name — Signature

Address: 60 QUARTZ Trail SF NM 87505

Sharah Hyden — Sharah Hyden
Trail House Rd
87505

IN THE MATTER OF Amma Center of NM and Stephen and Cathi Schmidt
PROPOSED STRUCTURE

We the undersigned are neighbors of 48 Stone Cabin Rd. and are expressing our support for the proposed 15,000 sq. ft. structure.

We are aware of and support the use of this property to hold a once a year 4-5 day event as allowed by a special event permit. We are also aware that this event was held on this property for 18 consecutive years from 1987-2004.

In addition we understand that this structure will include a large amount of water storage that will be available to the fire department for any fire activity in our surrounding area or for any other purpose deemed beneficial by official County agencies.

DAWN EHRHARD-WINGARD — Dawn Ehrhard-Wingard
Please print name — Signature

Address: 47 Quartz Trail Santa Fe, NM 87505

_____ _____
Please print name — Signature

Address: _____

_____ _____
Please print name — Signature

Address: _____

_____ _____
Please print name — Signature

Address: _____

_____ _____
Please print name — Signature

Address: _____

IN THE MATTER OF Amma Center of NM and Stephen and Cathi Schmidt
PROPOSED STRUCTURE

We, the undersigned residents of Santa Fe County, support and approve Amma Center of New Mexico building the proposed 15,000 sq. ft. structure.

We believe that the event hosting Amma in the proposed structure will be of significant benefit to Santa Fe County. These benefits will include prestige to the Santa Fe community for having such a well known humanitarian visit Santa Fe and also additional revenues produced from the many visitors.

PAULA KIM — Paula Kim
Please print name — Signature

Address: 31 Camino Sanador, Santa Fe, NM 87505

Sarah Fontaine — Sarah Fontaine
Please print name — Signature

Address: 19A Cougar Canyon Rd, Santa Fe, NM 87508

Jimmy DAVIS — Jimmy Davis
Please print name — Signature

Address: 2509 CALLE DELFINO SANTA FE 87505

JON AHLSTROM — Jon Ahlstrom
Please print name — Signature

Address: 31 CAMINO SANADOR SANTA FE, 87505

Julie Ross — [signature]
Please print name — Signature

Address: EL DORADO SANTA FE, NM 87508

Please print name — Signature

Address:

SFC CLERK RECORDED 12/18/2015

IN THE MATTER OF Amma Center of NM and Stephen and Cathi Schmidt
PROPOSED STRUCTURE

We, the undersigned residents of Santa Fe County, support and approve Amma Center of New Mexico building the proposed 15,000 sq. ft. structure.

We believe that the event hosting Amma in the proposed structure will be of significant benefit to Santa Fe County. These benefits will include prestige to the Santa Fe community for having such a well known humanitarian visit Santa Fe and also additional revenues produced from the many visitors.

Virginia Hall — Virginia M Hall
Please print name — Signature

Address: 48 Stone Cabin Road, Santa Fe, NM 87505

Margarita Lyngen — Margarita Lyngen
Please print name — Signature

Address: 1200 Camino Consuelo #57 SFe 87507

Michael Wilson — Michael Wilson
Please print name — Signature

Address: 3608 State Hwy 14 Santa Fe NM. 87508

_____ — _____
Please print name — Signature

Address: _____

_____ — _____
Please print name — Signature

Address: _____

_____ — _____
Name — (Please print name)

IN THE MATTER OF Amma Center of NM and Stephen and Cathi Schmidt
PROPOSED STRUCTURE

We, the undersigned residents of Santa Fe County, support and approve Amma Center of New Mexico building the proposed 15,000 sq. ft. structure.

We believe that the event hosting Amma in the proposed structure will be of significant benefit to Santa Fe County. These benefits will include prestige to the Santa Fe community for having such a well known humanitarian visit Santa Fe and also additional revenues produced from the many visitors.

MARIANA MARACHLIAN — Please print name
Signature

Address: 2307 Calle Pacifica, SANTA FE NM 87505

Dru Phoenix — Please print name
Signature

Address: 7025 Valentine Loop, SF NM 87507

Inessa Mil'berg — Please print name
Signature

Address: 28 SETON VILLAGE RD, SANTA FE 87508

Katherine M. Sinos — Please print name
Signature

Address: 1943 San Ildefonso, S.F. 87505

LINDA BURNHAM — Please print name
Signature

Address: 1578 Calle de la Cañada, SF, 87501

Please print name
Signature

Address:

SFC CLERK RECORDED 12/18/2015

IN THE MATTER OF Amma Center of NM and Stephen and Cathi Schmidt PROPOSED STRUCTURE

We, the undersigned residents of Santa Fe County, support and approve Amma Center of New Mexico building the proposed 15,000 sq. ft. structure.

We believe that the event hosting Amma in the proposed structure will be of significant benefit to Santa Fe County. These benefits will include prestige to the Santa Fe community for having such a well known humanitarian visit Santa Fe and also additional revenues produced from the many visitors.

Naomi Diamond — Please print name
Signature

Address: 110 The High Rd, S.F. 87507

CHRISTINA HALL-STRAUSS — Please print name
Signature

Address: 1000 CORDOVA PL. #189 SF NM 87505

ROBERT FRANCIS JOHNSON (Groundman) — Please print name
Signature

Address: 208½ PALACOS T. SF NM 87501

Camille Coates — Please print name
Signature

Address: 525 SALAZAR STR SF 87501

Ellie Sernet — Please print name
Signature

Address: 822 EAST ZIA RD SF 87501

Jacque Brann Hyngh — Please print name
Signature

Address: 178 Ave Vista Grande SF 87508

Pamela Collins — Please print name
Signature

Address: 527 E. Alameda #6 Santa Fe 87501

IN THE MATTER OF Amma Center of NM and Stephen and Cathi Schmidt PROPOSED STRUCTURE

We, the undersigned residents of Santa Fe County, support and approve Amma Center of New Mexico building the proposed 15,000 sq. ft. structure.

We believe that the event hosting Amma in the proposed structure will be of significant benefit to Santa Fe County. These benefits will include prestige to the Santa Fe community for having such a well known humanitarian visit Santa Fe and also additional revenues produced from the many visitors.

LINDA GRAY — Linda C. Gray
Please print name — Signature

Address: 5 Colibri Tierra Santa Fe NM 87506

Margie Hughes — Margie Hughes
Please print name — Signature

Address: PO Box 340 87504

Leah George — Leah George
Please print name — Signature

Address: 7 Monte Alto Ln. Santa Fe NM 87508

Paulina Jones — Paulina Jones
Please print name — Signature

Address: 10 View Haven SANTA FE, NM 87505

LALLY BARNES FREEMAN — Lally Barnes Freeman
Please print name — Signature

Address: 4626 Sunset Ridge Santa Fe NM 87507

DORIS T. SANCHEZ — Doris T. Sanchez
Please print name — Signature

Address: 307 LOS ARBOLES DR SF, NM 87501

Please print name — Signature

Address:

IN THE MATTER OF Amma Center of NM and Stephen and Cathi Schmidt
PROPOSED STRUCTURE

We, the undersigned residents of Santa Fe County, support and approve Amma Center of New Mexico building the proposed 15,000 sq. ft. structure.

We believe that the event hosting Amma in the proposed structure will be of significant benefit to Santa Fe County. These benefits will include prestige to the Santa Fe community for having such a well known humanitarian visit Santa Fe and also additional revenues produced from the many visitors.

Cynthia Fulreader
Please print name

Signature

Address: 2844 Vereda de Pueblo, Santa Fe, NM 87507

Andrea Ndiaye
Please print name

Andrea Ndiaye
Signature

Address: 7757 A Old Santa Fe Trail Santa Fe ~~NM~~ 87505

GLENYS CARL
Please print name

Glenys Carl
Signature

Address: 634 GRACIA ST Santa Fe 87505 Rpl 25

JOHN BISHOP
Please print name

Signature

Address: 634 GARCIA ST. # 26 SANTA FE, NM 87505

Please print name

Signature

Address:

Name

(Please print name)

SFC CLERK RECORDED 12/18/2015

**IN THE MATTER OF Amma Center of NM and Stephen and Cathi Schmidt**
**PROPOSED STRUCTURE**

**We the undersigned are neighbors of 48 Stone Cabin Rd. and are expressing our support for the proposed 15,000 sq. ft. structure.**

**We are aware of and support the use of this property to hold a once a year 4-5 day event as allowed by a special event permit. We are also aware that this event was held on this property for 18 consecutive years from 1987-2004.**

**In addition we understand that this structure will include a large amount of water storage that will be available to the fire department for any fire activity in our surrounding area or for any other purpose deemed beneficial by official County agencies.**

MARK WILLARD
Please print name

Signature

Address: 47 QUAIL TR. SF, NM 87505

Astrid DeAngelis
Please print name

Astrid DeAngelis
Signature

Address: 7757 C Old Santa Fe Tr., SF, NM 87505

Virginio DeAngelis
Please print name

Virginio R. DeAngelis
Signature

Address: 7757 C old Santa Fe Trail SF NM 87505

Connie Hanrahan
Please print name

Connie Hanrahan
Signature

Address: 7633 Old Santa Fe Trail.

Please print name

Signature

Address: 7633 Old Santa Fe Tr 87505

IN THE MATTER OF Amma Center of NM and Stephen and Cathi Schmidt
PROPOSED STRUCTURE

We the undersigned are neighbors of 48 Stone Cabin Rd. and are expressing our support for the proposed 15,000 sq. ft. structure.

We are aware of and support the use of this property to hold a once a year 4-5 day event as allowed by a special event permit. We are also aware that this event was held on this property for 18 consecutive years from 1987-2004.

In addition we understand that this structure will include a large amount of water storage that will be available to the fire department for any fire activity in our surrounding area or for any other purpose deemed beneficial by official County agencies.

Eloise Eure — Eloise Eure
Please print name — Signature

Address: 7754 Old Santa Fe Trail
— (adjoining property)

Please print name — Signature

Address: _____

Please print name — Signature

Address: _____

Please print name — Signature

Address: _____

Please print name — Signature

Address: _____

# SOMMER, KARNES & ASSOCIATES, LLP

**Mailing Address**
Post Office Box 2476
Santa Fe, New Mexico 87504-2476

**Street Address**
200 West Marcy Street, Suite 139
Santa Fe, New Mexico 87501

Telephone:(505)989.3800
Facsimile:(505)982.1745

Karl H. Sommer, Attorney at Law
khs@sommer-assoc.com
Joseph M. Karnes, Attorney at Law
jmk@sommer-assoc.com

Mychal L. Delgado, Certified Paralegal
mld@sommer-assoc.com

James R. Hawley, Attorney at Law
jrh@sommer-assoc.com
Of Counsel
Licensed in New Mexico and California



November 18, 2015

County Development Review Committee
c/o Jose Larranaga
Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87501

**Re: Amma Center Master Plan/Preliminary and Final Development Plan**
**CDRC Case #MP/DP 13-5000 (the "Application")**

Dear CDRC Member:

On behalf of the Preserve The Trail organization (PTT), this letter addresses the Application, which proposes to bring longstanding unpermitted activities into compliance with the County Code. As you will hear at your November 19 meeting, PTT members and residents of the Cañada de los Alamos community have had serious public health safety and welfare concerns regarding use of the Amma Center property for the past several decades including fire protection, water supply, traffic and noise.

As addressed in letters submitted by PTT members and others, we believe that bringing large numbers of people on a regular basis into a rural area that is served by a single two-lane road with limited water supplies is not an appropriate use. We request that the Application be denied.

One of the challenges neighbors have faced with respect to use of the Amma Center is not knowing the extent and intensity of uses or the resulting impacts on the environment, quality of life and public safety issues. The Application is a positive step in ensuring that Code provisions are applied to the proposed use of the property and we request that the CDRC evaluate the Application and imposed conditions regulating use of the property to ensure compliance in the future if it decides to recommend approval of the Application.

The focus of this letter is on the water budget proposed by the applicant and the amount of water available for the 40 acre property. Given the lack of effective enforcement of water use limitations by the Office of the State Engineer, should the County decide to approve the application, it is imperative that clear, effective and enforceable conditions be imposed on the project. The surrounding area supports low density residential land uses that rely on domestic wells. Particularly given the variation in the applicant's description of the proposed uses, if such

conditions are not imposed, the actual water use may substantially exceed the allowed use, to the detriment of residents in the vicinity.

The County utilities division concludes that the total allowed water use is 0.5 acre feet per year (afy). Over the past two years, the applicant's hydrologist has submitted three separate water budgets (dated 9/13, 5/15 and 11/15), each with varying water use estimates. The estimates were obviously made in an effort to demonstrate compliance with the allowed water use. However, without effective conditions and monitoring, the estimates are meaningless.

The following addresses representations made by the applicant, followed by requested conditions should the CDRC decide to recommend approval of the Application. For ease of reference, the requested conditions are listed together in Exhibit A.

**1. Number of residents**

The May 2015 groundwater report states that the number of residents on the property has ranged between 2 and 13 residents since 1996. The "anticipated occupancy of the residence" has been reduced from 8 people (9/13) to 7 people (5/15) to 6 people (11/15). The applicant clearly reduced the number of occupants in an effort to demonstrate the ability to comply with the allowed water use and they must be held to its representation.

**Requested Condition** – We request any recommendation for approval include a condition that occupancy of the residence be limited to no more than 6 people.

**2 Non-residential Water Use**

The 5/15 groundwater report estimated the total annual water use for residential and landscaping to be 0.50 afy – **leaving no water** for the non-residential uses proposed in the Application (one meeting per week, preparation of burritos every Sunday and "several larger gatherings per year").

In an effort to correct this oversight, the 11/15 water budget includes water use calculations for one weekly meeting and two larger gatherings per year. As addressed above, the 11/15 water budget also reduces the number of permanent residents from 7 to 6 in order to accommodate the non-residential uses that consume water.

The 11/15 water budget excludes the "burrito project" which meets every Sunday morning and makes over 100 burritos (Exhibit A) and any other regular use of the Amma Center.

**Requested Condition** – We request any recommendation for approval include a condition that use of the Amma Center be limited to one weekly meeting and that the burrito project either be carried out off site or that the applicant incorporate water use associated with that use into a revised water budget demonstrating compliance with the 0.50 afy limitation.

### 3. Larger Gatherings

The 11/15 water budget states that the Amma Center "hosts 2 larger gatherings per year that are attended by an average of 100 people" and last approximately 4 hours. Also, the water budget states that 6 people may stay overnight during those events.

**Requested Condition** – We request any recommendation for approval include a condition limiting the number of larger gatherings to two per year, with a maximum attendance of 125 people, a maximum duration of 5 hours and a maximum of 10 overnight guests per event.

### 4. Landscape Irrigation

The estimates of the percentage of landscaping and garden used for calculation of water use vary as well. The 9/13 water budget states that 80% of these areas are counted as well water use, while the 5/15 water budget uses 50% and the 11/15 water budget uses 65%. None of the budgets include any explanation for these discrepancies or explanation for why a lower factor is appropriate other than the applicant's desire to create a water budget that fits the allowed water use.

Absent such explanation, the most conservative of the applicant's figures should be used for the water budget calculation. Applying an 80% factor to the 11/15 estimate of 0.13 afy for landscape irrigation yields a water use of 0.10 afy versus the 0.085 afy estimate used in the 11/15 budget.

**Requested Condition** – We request any recommendation for approval include a condition that the applicant submits a revised water budget that justifies the assumptions for landscape irrigation that is reviewed and approved by County staff prior to final approval.

### 5. Meter Readings

The groundwater report represents that meter readings collected over a four month period in 2013 show that overall water use has decreased from 0.6 afy to 0.48 afy and attributes the decline to conservation measures. (5/15 report p. 2) The report asserts that "this reduction shows that they are capable of water conservation to keep the use below the water availability of the property." The applicant has not provided any meter readings since 2013 as part of its application. As a result, there is no information as to the project's water use for the past two and a half years.

Meter readings are the only way to verify whether the applicant complies with its representations and the Code requirement that no more than 0.5 afy is used.

**Requested Condition** – We request any recommendation for approval include a condition that the applicant submits to the County hydrologist an initial meter reading and annual meter readings

thereafter.

**6. Public Water Supply**

The Memorandum from Santa Fe County Utilities states that the water supply for the Amma Center could be considered a public water supply and recommends that the applicant provide documentation that they have contacted the New Mexico Environment Department's Drinking Water Bureau for a determination. This should be carried out prior to a final decision on the project.

**Requested Condition** – We request any recommendation for approval include a condition that the applicant submits documentation from the New Mexico Environment Department's Drinking Water Bureau as to whether the proposed use and water supply constitutes a public water supply and that if so, all requirements be met prior to issuance of a final approval.

Sincerely,

Joseph Karnes

## Exhibit A

## Requested Conditions of Approval Regarding Water Use

1. Occupancy of the residence shall be limited to no more than 6 people.

2. Use of the property shall be limited to one weekly meeting. The weekly burrito project shall either be carried out off site or the applicant incorporate water use associated with that use into a revised water budget demonstrating compliance with the 0.50 afy limitation.

3. The number of larger gatherings is limited to two per year, with a maximum attendance of 125 people, a maximum duration of 5 hours and a maximum of 10 overnight guests per event.

4. The applicant shall submit a revised water budget that justifies the assumptions for landscape irrigation.

5. The revised water budget shall be reviewed and approved by County staff prior to final approval.

6. The applicant shall submit to the County hydrologist an initial meter reading upon issuance of final approval and annual meter readings thereafter.

7. The applicant shall submit documentation from the New Mexico Environment Department's Drinking Water Bureau as to whether the proposed use and water supply constitutes a public water supply and that if so, all requirements shall be met prior to issuance of a final approval.

Exhibit B

Amma New Mexico · Amritapriya Schmidt

September 20 at 4:25pm

The Burrito Project crew at the Amma Center in Santa Fe ~ Every Sunday morning these volunteers (and more) pack delicious Burrito lunches and then distribute them to an average of 108 homeless individuals. With Amma's divine grace, this wonderful seva has been going on since 1996 ~ that's almost 20 years! Jai Ma! ♡

**Amma New Mexico**

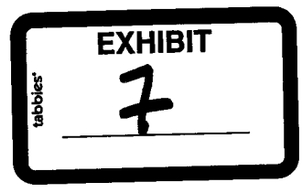
The Burrito Project crew at the Amma Center in Santa Fe ~ Every Sunday morning these volunteers (and more) pack delicious Burrito lunches and then distribute ...

See More

Like · Comment · Share

7 people like this.

SFC CLER




3305 Helena Dr.
Missoula, MT 59803

November 9, 2015



Jose Larranaga, Development Review Specialist
Building and Development Services Division
102 Grant Ave
Santa Fe, NM 87501-2061

Dear Mr. Larranaga,

I write in regard to item of business scheduled to come before the Santa Fe County Development Review Committee on November 19, announced as "Master plan, preliminary and final development plan approval to allow existing structures to be utilized as a religious institution on a 40+ acres site." I am against any such approval and would appreciate your seeing to it that my letter comes to the attention of the Committee in advance of its meeting.

I own property close by the site mentioned. A lot owned by my sister, Anne Sahlin, lies between my own property and a lot bought by the Schmidts. These parcels, together with another lot owned by Tony Georges, once made up a unified 70-acre lot homesteaded during the early 1930s by my grandfather, Walter S. Campbell. Campbell is better known as Stanley Vestal, the name under which he authored various books on the old west, including *Sitting Bull. Champion of the Sioux, Kit Carson*, and *The Old Santa Fe Trail.* He was proud to own land beside the trail.

Having bought half of this homestead from my late Aunt, the Schmidts later acquired some extensive adjoining properties, but the piece on which they still live was originally a 35-acre parcel divisible at most into four residential lots to be serviced by the road he and we three alone were to use in common. That it should have by default (as it would seem, without county permission) become an access to what threatens to become a mega-church in a quiet suburb constitutes a clear departure from the character of the residential neighborhood into which the Schmidts voluntarily moved. One expects such things in California, but this is New Mexico.

My sister and I have over a number of years seen and heard their ceremonial practices (along with the related traffic and general clamor) grow like a slow but sure cancer. The most invasive problem has been an annual jamboree with thousands in attendance, but there is also a constant flow of activity year-round that is equally inconsistent with the residential character of the environs. A history of requests and complaints has been met with one or more of the following: simple disregard, sly evasiveness, attempted buy-offs, whining complaints, petty vindictiveness, and outright threats. It is a sad record.

I take it that the County has seen, quite aside from general zoning considerations, that specific conditions for operating on the currently proposed scale cannot realistically be met by the applicants. For instance, a memorandum on water conditions (dated 9/28/2015) implies that officials might wait until some future date for actual compliance. Anyone who cares to visit the site will also readily see the problems posed by the possibility of a fire -- something rather more likely when some hundreds of people have gathered for a lively party. It would appear the county has no stomach for imposing reasonable and routine requirements. Why would the County shy away from the clear implications of such factors in this case?

Well, I have grounds for believing that the County understands all the above, but (or perhaps therefore) worries lest applicants practiced in legal disputes file nuisance suits against it until they have their way. I gather there is an apparent precedent of some kind for claiming that gathering hundreds of enthusiasts constitutes an exercise of the freedom of religion under the US Constitution. One can appreciate the County's disinclination to invite expensive lawsuits. But any such contention is palpably nonsense here. One might as well hold that an extreme interpretation of our right to free speech permits me to erect on my own piece of land a noisy, flashy club featuring exotic dancers. I suppose I could even call it "The Art Center" and claim it was integral to my faith.

But enough of such red herrings: no one begrudges the Schmidts a free exercise of their spiritual enthusiasms, provided it is on a scale compatible with the residential character of our common neighborhood. That they should wish to gather with a few friends periodically to pray -- or hug, or whatever they may care to do -- is fine with me. I expect only what we all usually do of good neighbors, namely that they do so in a fashion and on a scale that does not turn our common access into a busy, dusty road, and our common hillside into a deadly fire-trap, in addition to periodically treating the whole neighborhood to a week-long uproar.

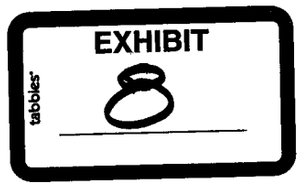
I hope that the County will be able to find a way to enforce this entirely reasonable expectation, since a preemptive surrender will not end the matter. Long experience shows that no representations about present activities or future plans bearing on the Amma Center can be relied upon. To permit utilization at some supposedly "existing" level is merely to establish a baseline from which future excesses will take their departure -- leading, in turn, to more complaints and the accompanying headaches. To paraphrase the late Yogi Berra, it will not end until it is ended.

I therefore urge members of the Committee to lend the County their support here and now for its discharge of its duties, which surely include helping preserve the peaceful, residential character of our neighborhood. I recommend <u>not</u> to approve.

Yours Sincerely,

Hayden W. Ausland

Hayden W. Ausland




November 19, 2015

TO THE MEMBERS OF SANTA FE COUNTY CDRC
IN REGARDS TO AMMA CENTER MASTER PLAN

My name is Annie Sahlin and I live at 21 Stone Cabin Road. I share access to Old Santa Fe Trail with the Schmidts and the large and growing number of visitors to their Amma Center.

Personally, because of this constant traffic and because of legitimate worries of impact on my water supply and the fire danger, I would be happy to see the whole operation shut down.

I am, however, here as a member of the board of Preserve the Trail Association and feel it incumbent on me to try to represent a community of about 400 people stretching down the Old Santa Fe Trail from Two Trails Road, through Canada de los Alamos ending at our two dead ends in the National Forest and La Posta.

This neighborhood was recently successful in stopping plans for an 18,000 square foot building – more than 200 signatures (mostly land owners) were gathered on a petition opposing the first Master Plan by the Schmidts and their Amma Center that contained this convention size building.

Now we are confronted with a new Master Plan that seeks to assign 40 acres with a religious designation. The Schmidts were forced to take this step when, alerted to yet another gathering of over 200 people, the County issued a Notice of Violation for operating without a business license.

The positions of the community on this are, unsurprisingly, varied. Some want the Center shut down and moved to a more appropriate location, others just want it to be small and quiet. No one likes the idea of rezoning a large piece of land in perpetuity. All are worried that the County won't be able to effectively police the Schmidts' and Center's ambitions. Most are unaware of the complexities of the UDV controversy and the chilling effect of the RIULIPA law.

Despite this chilling effect, I am confident the County will do its best to monitor the vast amounts of appropriate conditions concerning fire, water and traffic that it has insisted be executed if approval were given for this Master Plan. Believe me, the community is quite willing to assist in this scrutiny.

The one area that, I fear, has **not** been addressed is a limit on the number of meetings or the number of attendees. Nor has it been made clear what size of a gathering constitutes the need for a Special Permit. The submitted Master Plan is conveniently vague and open ended. The neighborhood is unclear as to what the County regulations are.

I have given you each a packet showing samples of the long standing neighborhood opposition to the Schmidts activities and another packet showing the vast amounts of activities currently being held at the Center. What I have not shared is the equally long history of promises swept aside, a legal agreement broken, and trust repeatedly abused.

As my brother, Hayden Ausland, wrote to you in a letter you should have a copy of, "Long experience shows that no representations about present activities or future plans bearing on the Amma Center can be relied upon. To permit utilization at some supposedly "existing" level is merely to establish a baseline from which future excesses will take their departure---leading, in turn, to more complaints and the accompanying headaches."

This is why we would ask you, The County, to make clear what the limits of attendance would be should this plan move forward. Insist on numbers based in reality. This would seem a logical way to help resolve the health and safety issues obviously confronting us.

Thank you

LETTER TO THE CDRC REGARDING THE APPLICATION FOR THE AMMA CENTER 11/19/15

Thank you to all of the committee members and staff for your time spent on helping to resolve the issues before you this evening! We do appreciate the service, patience and intelligence you contribute in making recommendations to the County Commission on these matters.

I'm speaking tonight as the president of The Preserve the Trail Association, an incorporated community organization committed to furthering the well-being of the area surrounding the village of Cañada de Los Alamos and the Santa Fe Trail in that vicinity, and also as a very concerned neighbor, having lived less than a mile away at 7727 Old Santa Fe trail since August 1979. Although I have many concerns regarding the proposed use of the Schmidt's property I am most interested in a being sure that the very limited essential resource of our underground water is not threatened or abused by this proposed use. Hydrologists recognize that increased water use by neighbors can affect the amount of water available and the depth at which it can be accessed. The metaphor of more and more drinking straws in a single glass of water is appropriate. I personally have had to drill four wells in succession after the production of each of the first three diminished until they had to be abandoned. And in the time between the failure of one well and having saved enough to drill another I hauled water in a tank in the back of my truck, in the early morning before work, late at night, in snowstorms, and through many unhappy mishaps in order to supply my family with a minimal amount of water. So I do take it personally when I feel that a neighbor may be using more than their share.

The three successive water budgets submitted by the Schmidts to support this application are all flawed, and contradict each other. Obviously the numbers have been continually juggled and cooked in an effort to squeeze out a plausible water budget that would be within the half acre foot to which they are entitled. Their first effort back in the spring admitted that the water required for the seven resident's would completely utilize the half acre foot, but when it was pointed out that it omitted to take into account the 40 person weekly meetings or the weekly production of over 100 burritos, they simply revised the numbers, as if by the magic of some white out and new words on the page they could make their allotment go further. The review by Richard Schoeppner suggests that a water budget is not required, but certainly one that is voluntarily submitted by the applicant and proves reveals that the use will exceed the allotment should not be ignored.

There must be a way to enforce this crucial restriction if this application is recommended for approval. It is disheartening to realize that the County has so severely underfunded their enforcement capabilities that it is unlikely that the Schmidts will comply with any requirement for reporting, or that they would have their activities restricted if they did report their consumption and it was over their allotment. As opposed to the annual reporting suggested it would make more sense to require that they submit the meter readings (in the form of photographs taken of the meter) on a monthly basis. Otherwise by the time they submit a year's worth of monthly readings, it would be a moot point if they are over their allotment (water down the drain?).

Sadly, it makes a mockery of your time and mine to be here trying to hash out a reasonable restriction when there is such a lack of enforcement. I hope that you in your respected positions you have a much better chance of making a change, and influencing the budget for future years to provide more inspectors and some meaningful penalties. How about fines for violations used as a means to pay for a more formidable enforcement department?

A related concern that I have regarding the Schmidts application is that our underground water supply is likely to be contaminated by the conventional septic system on their property which was approved and installed for residential use in 1994. As a general contractor who has worked in this area since 1985, I am well aware that many systems that were approved during the 80s and 90s do not meet the requirements for 3 feet of soil covering the underlying bedrock. So I think it would make good sense, (given that more use of toilets will certainly result if this application is approved than would have been assumed in sizing the system) to require the Schmidts to install an advanced septic system, one which would purify the water to a degree that would allow it to be utilized for drip irrigation or disposed of safely in a leach field even without the required depth of soil.

I have one additional important concern: In my conversations with José Larranaga, I raised the issue of the requirements of the Americans with Disabilities Act, such as Ramps with Railings, and Handicap Accessible Bathrooms and Drinking Fountains. I was astonished and shocked to find out that the County has no interest in enforcing these incredibly important Regulations, and that unless the Project requires a State Building Permit there is absolutely no protection for a handicapped individual who might want to attend an event at this facility. I know that the County Government is concerned about avoiding lawsuits as has been demonstrated in cases where RLUIPA has been invoked or threatened, and I wonder if they are not opening themselves equally to a legitimate lawsuit from a handicapped individual who might be excluded by the lack of enforcement of these regulations.

I would conclude by saying that it seems to me that more work needs to be done by the applicants to address these concerns and others raised by my neighbors, and that it will be a benefit to all involved, including the applicants, to get this right and be sure that the environment and the peaceful enjoyment of our beautiful area are preserved. I urge you to send this application back with a resounding no, pending further fine tuning! Thank you very much for your time and attention!

David Birnbaum 7727 Old Santa Fe Trail, Santa Fe, NM 87505

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

ORDINANCE NO. 2010-13

AN ORDINANCE AMENDING ARTICLE III, SECTION 7, COMMUNITY SERVICE FACILITIES OF THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10 FOR THE PURPOSE OF CLARIFYING STANDARDS AND SUBMITTAL REQUIREMENTS

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT ARTICLE III, SECTION 7 OF THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, IS AMENDED BY REPLACING THE EXISTING PROVISION WITH THE FOLLOWING:

SECTION 7 – COMMUNITY SERVICE FACILITIES

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.

7.1 Standards

Community service facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that:

7.1.1 The proposed facilities are necessary in order that community services may be provided for in the County;
7.1.2 The use is compatible with existing development in the area and is compatible with development permitted under the Code; and
7.1.3 A master plan and preliminary and final development plan for the proposed development are approved.

7.2 Submittals and Review

The submittals and reviews for community service facilities shall be those provided for in Article III, Section 4.4 and Article V, Section 5.2 (Master Plan Procedure) and Section 7 (Development Plan Requirements).

**PASSED, APPROVED, and ADOPTED** this 12th day of October, 2010, by the Board of County Commissioners of Santa Fe County.

**THE BOARD OF COUNTY COMMISSIONERS**
**OF SANTA FE COUNTY**

By: _____
Harry B. Montoya, Chair

**ATTEST:**

Valerie Espinoza, Santa Fe County Clerk

**Approved As To Form:**

_____
Stephen C. Ross, County Attorney

COUNTY OF SANTA FE )
STATE OF NEW MEXICO ) ss

BCC ORDINANCE
PAGES: 2

I Hereby Certify That This Instrument Was Filed for Record On The 20TH Day Of October, 2010 at 10:55:33 AM And Was Duly Recorded as Instrument # 1614420 Of The Records Of Santa Fe County

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

The amount of industrial land that is typically needed in a jurisdiction ranges from 10 to 20 acres per 1,000 residents, with an average of 12.5 acres of industrial development per 1,000 residents. Santa Fe County has only minimal industrialization. The Albuquerque area is expected to be a center for the growth of high-tech industry in the next 20 years, which may impact Santa Fe County. In addition, Santa Fe County is emerging as a center for movie production, which will also increase the demand for supporting industrial uses. Since the existing industrial development of 4.1 acres per 1,000 residents is relatively low in terms of providing adequate employment opportunities for new residents, the average of 12.5 acres per 1,000 residents is used in this analysis. The current Countywide industrial zoning could accommodate a population of 213,047, whereas the projected 2030 population for the entire County is 200,876. Therefore, the supply and future demand for industrial land appears to be only slightly less than adequate. The current industrial zoning in unincorporated the County can accommodate a population of 79,116, at rate of 12.5 acres per 1,000 residents, whereas the projected 2030 population for the unincorporated County is 99,738. An additional 257.8 acres industrially-zoned land would therefore be needed in the unincorporated County, based on the ratio of 12.5 acres/1,000 residents.

**Figure 2-6: Industrial Zoned Land (Countywide)**

| Jurisdiction | Industrial Zoned Acres Available (6/16/09) |
|---|---|
| **Unincorporated Santa Fe County** | **989.0** |
| City of Santa Fe* | 1,674.1 |
| **City of Española**** | **0.0** |
| Town of Edgewood** | 0.0 |
| **Pueblos** | **0.0** |
| TOTAL | 2,663.1 acres |

*Including proposed City of Santa Fe annexation area.**Portion in Santa Fe County only.

### 2.2.3.4 EXISTING PUBLIC AND INSTITUTIONAL LAND USE AND ZONING

There are approximately 4,948.3 acres of land in the unincorporated County that are developed for public, institutional, and utilities uses. Land uses in this category consist mainly of federal, state, and county offices, community centers, schools, and places of worship. The largest developed sites in this category include:

The State prison (650.6 acres) and the National Guard Amory (349.5 acres) located on State Road 14, south of the Interstate 25 interchange. The Glorieta Conference Center operated by a religious organization and located on 2,172.6 acres along Interstate 25, east of Glorieta Pass. The landfill managed by the Solid Waste Management Authority (SWAMA), located on about 160 acres, to the west of the Tres Arroyos planning area and adjacent to the Caja del Rio unit of Santa Fe National Forest. Other major public/institutional land uses in the unincorporated County include: the Santa Fe Opera, which occupies about 122 acres to the west of Tesuque; the Santa Fe Community College campus, which occupies about 160 acres in the southern suburbs of the City of Santa Fe; and the Institute of American Indian Arts, which occupies about 135 acres near the Santa Fe Community College.

The County's existing zoning allows public, institutional, and utilities in a broad range of zoning districts, mainly designated as "community service facilities", so the adequacy of the supply of land for such uses is not a concern. The main challenges with the location of these uses are:

- Encouraging the location of schools, community centers, government offices, places of worship, and other institutional uses within communities, to serve as a focal point for the community and afford easy access to residents, and encourage development of joint agreements to provide access to school land and recreational facilities after hours; and

## 1.4.1 Environmental Responsibility

### 1.4.1.1 HOW WE DESIGN AND BUILD

1. Design and build energy efficient structures that incorporate site sensitive planning, green building standards, operate efficiently, economically and are low maintenance. (Chapter 2)
2. Design compact, mixed use places in priority growth areas to maximize open space, create service efficiencies, support walkability and establish multi-modal transportation opportunities. (Chapter 2)
3. Direct growth to prioritized Sustainable Development Areas most efficiently served by adequate facilities and services. (Chapter 2)
4. Allow higher densities in designated priority growth areas to efficiently expand centralized water and wastewater systems. (Chapter 2)
5. Use studies, reports and assessments to provide a solid basis for development review decisions. (Chapter 2)
6. Allow mixed-uses in existing and new communities. (Chapter 2)
7. Support a more balanced mix of residential and non-residential development. (Chapter 3)
8. Focus intensive development including manufacturing and light industry in Activity Centers as appropriate. (Chapter 2)
9. Promote energy conservation, efficiency and renewable energy applications. (Chapter 7)
10. Utilize local building materials and methods of construction for residential and nonresidential development. (Chapter 8)
11. Utilize drought resistant native vegetation, xeriscaping for landscaping, building shading and permeable paving surfaces. (Chapter 8)
12. Utilize and enhance GIS data for environmental suitability to include, wildlife habitat, and archaeology reviews to enhance County decision making (Chapter 5).

### 1.4.1.1 HOW WE CONSERVE AND PROTECT

[redacted]

3. Protect archaeological, historic and cultural resources. (chapter 5)
4. Support agriculture and ranching activities. (Chapter 4)
5. Maintain acequia sustainability and include acequias in long-term planning in appropriate areas. (Chapter4)
6. Conserve and protect our water sources by reducing reliance on groundwater consumption. (Chapter 11)

STATE OF NEW MEXICO
FIRST JUDICIAL DISTRICT COURT
COUNTY OF SANTA FE

JV



D-0101-CV-2010-04179

AMMA CENTER OF NEW MEXICO, STEPHEN and CATHRYN SCHMIDT,

Plaintiffs,

vs.

DOMINGO MARTINEZ, ASSESSOR
COUNTY OF SANTA FE,

Defendant.

**STIPULATION AND ORDER OF DISMISSAL**

Plaintiffs, Amma Center of New Mexico and Stephen and Cathryn Schmidt, and Defendant, Domingo Martinez, Santa Fe County Assessor, together, present this matter to the Court as a resolution of the matters of the Complaint filed herein and jointly request dismissal with prejudice of the case.

As grounds therefor, the parties state that:

1. Plaintiffs filed a claim for refund of taxes paid as the result of a 2010 Notice of Value for property Account No. 940001316. Plaintiffs assert that the property should be fully exempt because it is used for charitable and religious purposes. The property is owned 45% by the Amma Center and 55% by Stephen and Cathryn Schmidt. The Schmidts have deeded, and will continue to deed, percentage interests in the property to the Amma Center.

2. The Assessor asserts that in order to be exempt as church property, the property must be owned by the church. NM Const. Art. VIII, § 3; NMAC 3.6.5.15 (L).

3. The 2010 Notice of Value for Account No. 940001316 stated a total value of $569,017.

4. Upon amending the complaint and presentment of information to the Santa Fe County Assessor about the charitable and religious use of the property, the Assessor has determined that the property under Account No. 940001316 should be 70% exempt.

5. In addition, in the year following the gifting of additional interests by the Schmidts to the Amma Center, the percentage exemption will increase correspondingly.

6. The grant of the exemption is conditional on the facts of use and ownership remaining as they have been disclosed in the proceedings resulting in this Stipulation.

7. The parties recognize that under the Property Tax Code and based on the non-residential use of the property, the non-residential tax rate will apply and the 3% limitation in increase in assessed value will not be applicable.

8. The parties now seek an order from the Court confirming this adjustment for a partial exemption.

THEREFORE, THE COURT ORDERS THAT:

A. For the 2010, 2011, 2012 and future property tax years, as long as the property's use and ownership remain as stated herein, the property is 70% exempt, with additional, pro-rata percentage exemptions to be applied based on the corresponding percentage of increased ownership of the property by the Amma Center. Submittal of evidence to the Assessor's Office by the Amma Center as to the increase in ownership of

the subject property by Amma Center will trigger a corresponding increase in the percentage of the property that is exempted.

B. Pursuant to Section 7-38-40(E) NMSA 1978, this Order shall be forwarded to the Santa Fe County Treasurer to take action pursuant to Section 7-38-41(C) NMSA 1978.

C. The above-captioned action is hereby dismissed with prejudice.

DISTRICT JUDGE

Submitted by:

*Signed by Bridget Jacober*

Bridget Jacober, Attorney
Santa Fe County Assessor
128 Grant Avenue
Santa Fe, NM 87501
(505 )690-8270

Approved by:

*Domingo Martinez*

Domingo Martinez
Santa Fe County Assessor

Approved by:

*Approved by Sanjay Schmidt*

Sanjay Schmidt, Attorney for Plaintiffs
1686 Second St. Suite 219
Livermore, California 94550

Santa Fe County Assessor's Office

(http://www.santafecountynm.gov/assessor)

**SELECT SEARCH TYPE:** Owner Name **ENTER SEARCH VALUE:** amma Go

## PROPERTY INFORMATION

**Parcel Number:** 940001416

**UPC:** 1058092050420000000

**Physical Address:**
48 STONE CABIN RD
SANTA FE, NM 87505

**Owner Name:**
AMMA CENTER OF NM & ETAL

**Owner Mailing Address:**
2905 RODEO PARK DR E BLDG 2
SANTA FE, NM 87505

**TCA (Tax Code Area):** CO-N

**Section Township Range:** S27 T16N R10E

**Legal Description:**
T16N R10E S27,28 20.017 AC PLAT BK 759, PG. 018, LOT 1-A

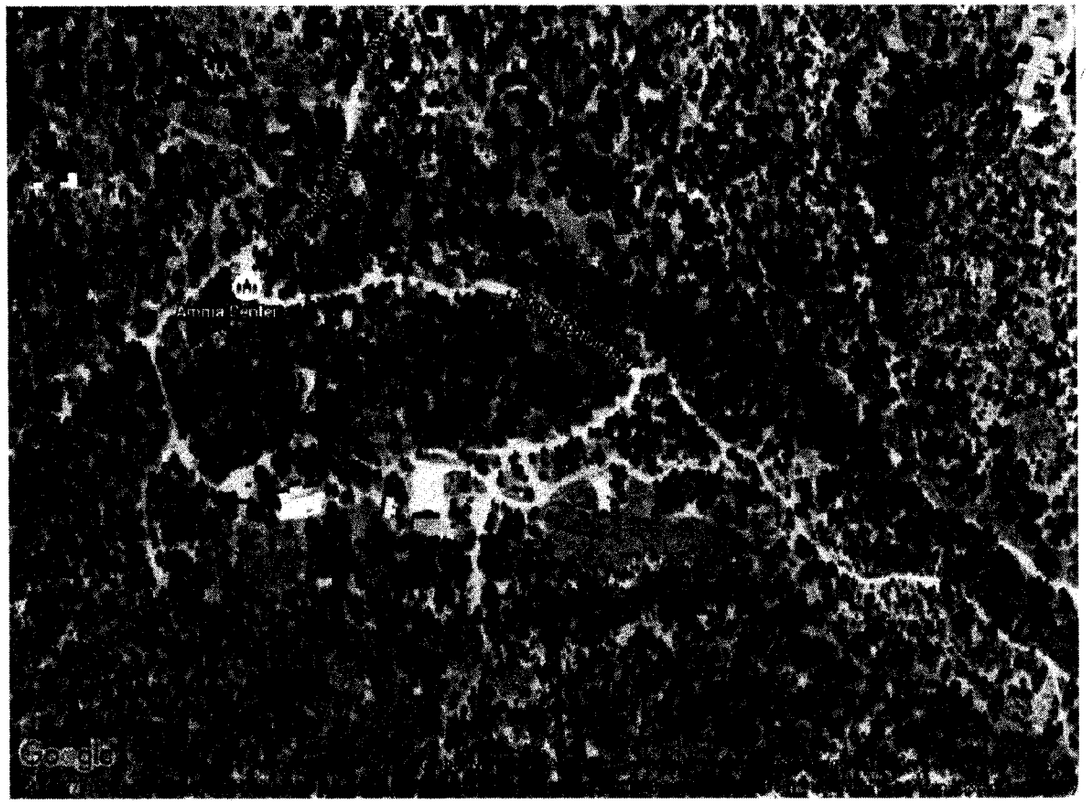
**Plat Book:**
759/018

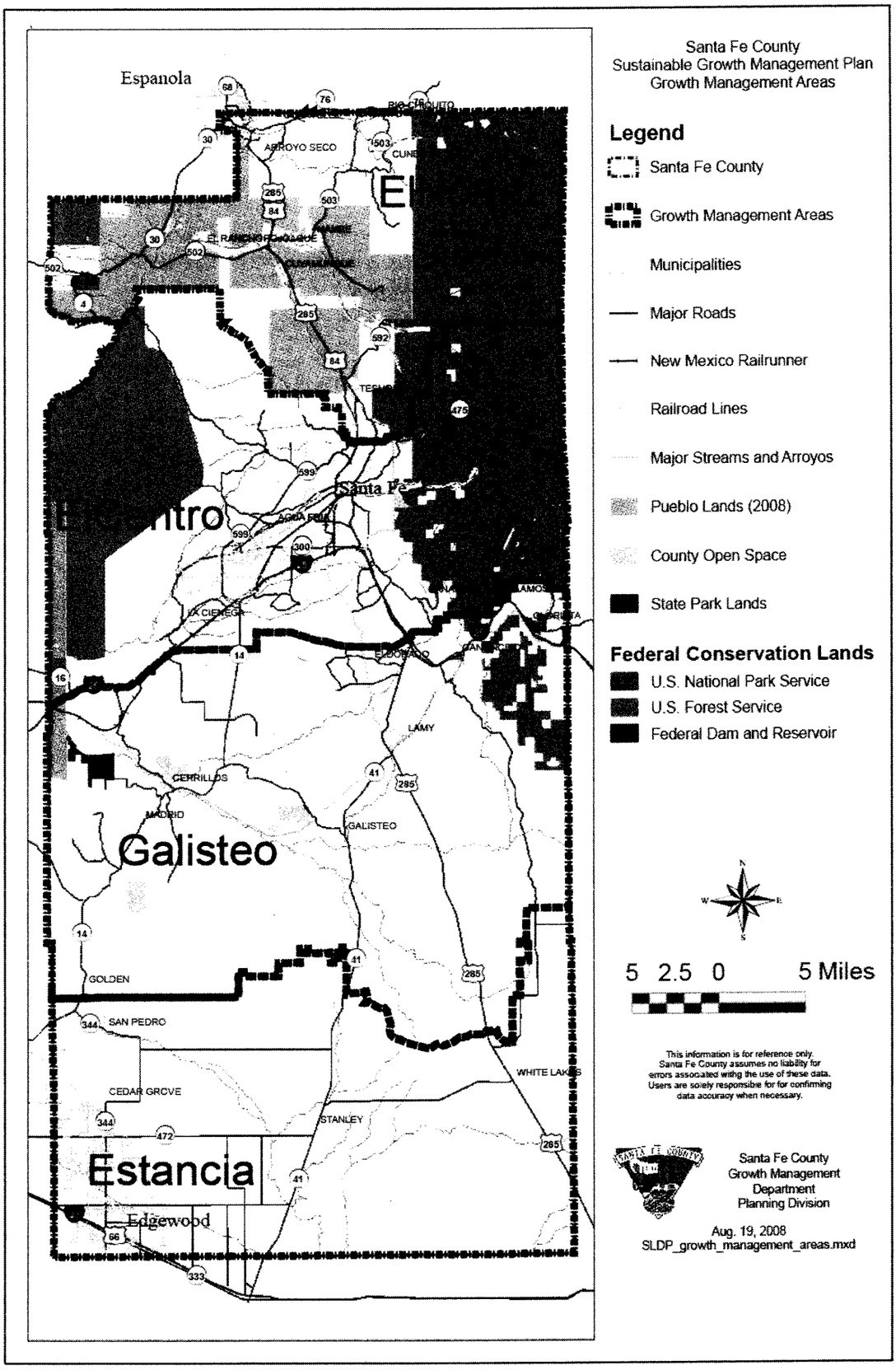
**Most Recent Deed:**
1709844 REC 06/24/2013 KM

**Neighborhood: (for Assessor's use only)**
CANONCITO (3210006)

**Assessed Value:**
See Notice of Value on Document Manager Page (http://assrdocs.santafecountynm.gov/AXPortal)

**Property Class:** EXEM





## 2.2 CRITICAL FINDINGS

The overall character and economy of the County is defined by its communities, population growth, historical and contemporary development patterns and land preservation. There is a critical connection between available developable land and the need for adequate facilities and water resources to sustain future land use. Sustainable development and building practices have evolved out of land use and community planning movements and concepts for the past twenty years. Proactive sustainable growth management planning is essential to balance population growth with adequate levels of service.

### 2.2.1 GROWTH TRENDS AND GROWTH PROJECTIONS

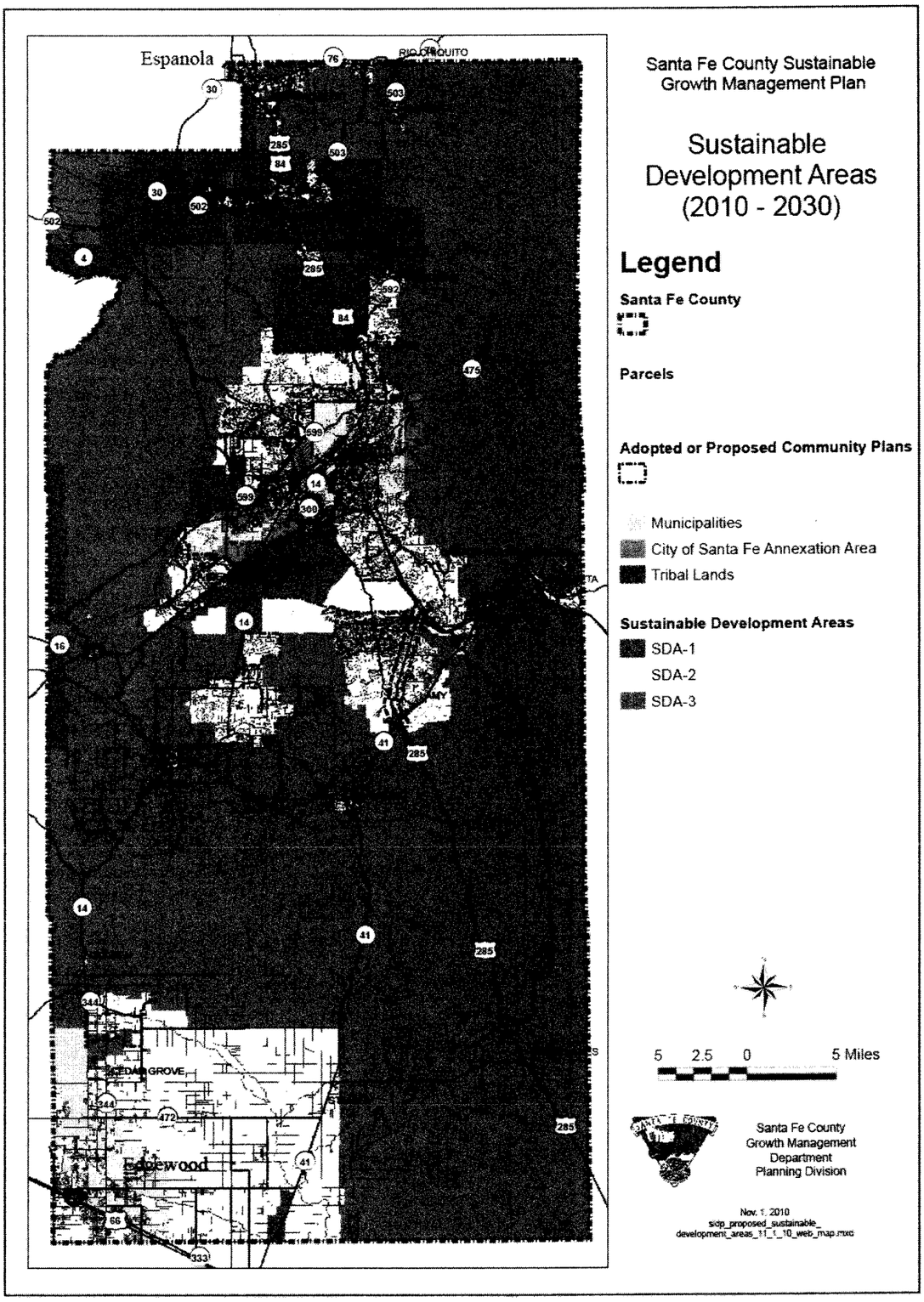
Santa Fe County commissioned a study, "Population and Housing Trends in Santa Fe County" as part of the process to create the SGMP to determine future population and housing projections for the County. This study was based on data and studies from the Bureau of Business and Economic Research at the University of New Mexico (BBER) that were analyzed for reliability and applicability.

The Population and Housing study projects growth for the County for the period 2010-2030. Regional population and Housing projections are broken down for the four Growth Management Areas (GMAs), El Norte, El Centro, Galisteo and Estancia, as defined in this Plan (see Map 2-1).

These projections reveal little change in recent County growth rates through 2020. This is in line with the relatively stable growth rates the County has experienced for the last decade (approximately 2.0% in the unincorporated County; 1.7% in the total County). The incorporated areas include the cities of Santa Fe, Española, and the Town of Edgewood.

The growth rate is projected to gradually decline after 2020. The largest period of growth predicted for the unincorporated County occurs from 2010 to 2015, with a total increase in population of 10.2%. Over the period 2010 to 2030 there will be development in Santa Fe County of about 24,000 dwelling units and 11,333 employees. Of the above dwelling-unit growth, 12,195 units will be in the Unincorporated Area and 11,715 will be in the incorporated areas. Of the 11,333 jobs, 3,534 will be in the Unincorporated Area and 7,799 will be in the incorporated areas. Thus, 51 percent of the projected dwelling units and 31 percent of the projected employment will be in the Unincorporated Area of the county; 49 percent of the dwelling units and 69 percent of the jobs will be in the incorporated areas. **Figures 2-1, 2-2 and 2-3** show projected population, dwelling units and employment by growth management area.

- El Centro is growing the fastest among the County's four regions, experiencing an annual growth rate of 7.68% from 2010 to 2030; El Norte is projected to be the slowest growing region, experiencing an annual growth rate of 1.78%.
- The percentage of residents in the unincorporated areas of the County is expected to increase slowly from 2010 to 2030, increasing from 42.3% to 45.2%.
- The number of persons per household is projected to decline slightly from 2010-2030 (2.61 to 2.58), reflecting the increase of singles, married persons without children, partners and seniors.
- The number of dwelling units in the unincorporated County is projected to increase by 45.1% from 2010 to 2030.
- Employment in the unincorporated areas of the County is expected to experience a greater proportionate increase in the period between 2010-2030 than, increasing 34.9% compared to 17.6% for the Total County.



## 2.2.5 GROWTH MANAGEMENT STRATEGY

The overall growth management strategy for the County is to direct growth to areas most efficiently served by adequate facilities and services using a wide range of techniques. The growth management strategy includes:

1. Designated Sustainable Development Areas (SDAs) and the SDA Map which establish future service areas and prioritize planning, budgeting and provision of infrastructure and services.
2. The Future Land Use (FLU) Categories and FLU Map identify anticipated development patterns and establish the guidelines for the County's future development and a framework for the zoning map.
3. The Official Map is a series of maps identified as the preliminary official maps which identify private and public lands for which the public may have a future need.

### 2.2.5.1 SUSTAINABLE DEVELOPMENT AREAS

The fundamental premise of SDAs is that the County can be divided into geographical sub-areas based upon functional distinctions within the growth management system. The Sustainable Development Area (SDA) concept is for the County to establish future service areas, target and leverage public and private funding and investment to priority growth areas and direct and phase future growth. SDAs serve as an incentive for compact development in priority growth areas. The SDA concept recognizes that different areas of the County face different needs and solutions related to growth and development. While individual geographical areas may need specialized strategies for dealing with growth, they must still be viewed in terms of their interrelationships with other areas and with the County as a whole. The delineations of the SDA system relate strongly to the goals necessary to achieve the desired outcomes for the County through the growth management system.

**SDA-1.** SDA 1 identifies the County's primary growth areas where new development is likely and reasonable to occur within the next 10 years. Infrastructure is planned, budgeted or reasonably available. New infrastructure may be installed provided that there is required participation by new development to fund. These primary growth areas are the primary location targeted for new growth. Adequate facilities and services will be required for any development in SDA-1, including approved public or private water and wastewater systems, urban road improvements, and urban service levels for public safety, fire and emergency medical assistance. Service providers should plan and construct facilities in these areas to meet the needs of development at these urban intensities.

**SDA-2.** In SDA 2 areas, new development is likely and reasonable to occur over the next 10 to 20 years and in some cases, as infill within existing communities within the next 10 years. Infrastructure may not be currently available, but may be included for future funding through the proposed Capital Improvement Plan. Infrastructure may be reasonably available (it may be close, in time or location) and funding alternatives may be identified, but participation by new development would be required. These secondary growth areas are not expected to develop at urban intensities until public or private facilities, primarily water, sewer and improved roads, are installed, which is not intended to occur until years 10 to 20 of the SGMP planning term, although infrastructure may be provided to serve existing developed areas and infill areas within the initial 10-year period, including necessary infrastructure warranted by public health and safety concerns.

**SDA-3.** In SDA 3 areas, there are no plans to provide urban or suburban facilities and services. Infrastructure is not available or budgeted and any use that requires infrastructure to be provided solely at the expense of new development. Urban and suburban development is not likely and reasonable to occur in more than 20 years, if at all. The SDA 3 areas may contain agricultural and equestrian development, natural resources, wetlands, hillsides, archaeological areas and areas identified as environmentally sensitive.

In SDA-1 and SDA-2 areas, the County can work cooperatively with the municipalities, communities and service providers to provide facilities and services necessary for development.

The Sustainable Development Area Map identifies the three SDA's that plan for appropriate future development through 2030, as shown on **Map 2-3.**

**Figure 2-2: Dwelling Unit Projections by Growth Management Area**

| Unincorporated County by Area: | Dwelling Units | | | | | | |
|---|---|---|---|---|---|---|---|
| | 2010 | 2015 | 2020 | 2025 | 2030 | Total Change 2010-2030 | Percent Change 2010-2030 |
| El Norte | 7,977 | 8,304 | 8,881 | 9,472 | 9,747 | 1,770 | 22.20% |
| El Centro | 8,571 | 10,950 | 12,883 | 14,606 | 15,645 | 7,074 | 82.50% |
| Galisteo | 6,640 | 7,328 | 7,930 | 8,512 | 8,991 | 2,351 | 35.40% |
| Estancia | 3,839 | 4,053 | 4,368 | 4,684 | 4,838 | 999 | 26.00% |

**Figure 2-3: Employment Projections by Growth Management Area**

| Unincorporated County by Area: | Employment | | | | | | |
|---|---|---|---|---|---|---|---|
| | 2010 | 2015 | 2020 | 2025 | 2030 | Total Change 2010-2030 | Percent Change 2010-2030 |
| El Norte | 2,666 | 2,849 | 3,036 | 3,229 | 3,428 | 762 | 28.60% |
| El Centro | 4,904 | 5,341 | 5,797 | 6,272 | 6,766 | 1,862 | 38.00% |
| Galisteo | 1,341 | 1,450 | 1,563 | 1,680 | 1,802 | 461 | 34.40% |
| Estancia | 741 | 808 | 877 | 950 | 1,025 | 283 | 38.20% |

Coordinates: 35.51°N 105.98°W

# Santa Fe County, New Mexico

From Wikipedia, the free encyclopedia

**Santa Fe County** (Spanish: *Holy faith*) is a county located in the U.S. state of New Mexico. As of the 2010 census, the population was 144,170,[1] making it New Mexico's third-most populous county, after Bernalillo County and Doña Ana County. Its county seat is Santa Fe,[2] the state capital.

Santa Fe County comprises the Santa Fe, NM Micropolitan Statistical Area, which is also included in the Albuquerque-Santa Fe-Las Vegas, NM Combined Statistical Area.

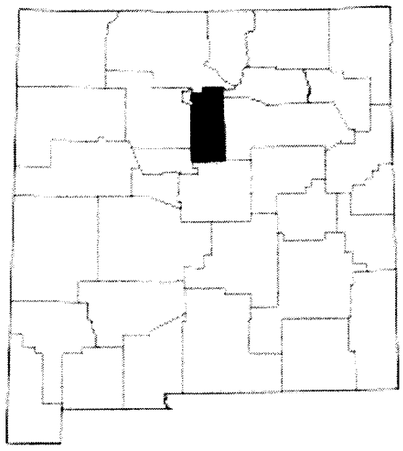
## Contents



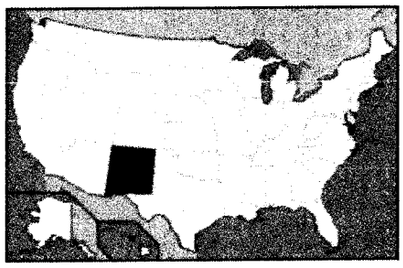
### Santa Fe County, New Mexico


Flag

Seal



Location in the state of New Mexico



New Mexico's location in the U.S.

| | |
|---|---|
| **Founded** | 1852 |
| **Seat** | Santa Fe |
| **Largest city** | Santa Fe |
| **Area** | |
| • **Total** | 1,911 sq mi (4,949 km$^2$) |
| • **Land** | 1,909 sq mi (4,944 km$^2$) |
| • **Water** | 1.5 sq mi (4 km$^2$), 0.08% |

Coordinates: 35°40′2″N 105°57′52″W

# Santa Fe, New Mexico

From Wikipedia, the free encyclopedia

*For other places with similar names, see Santa Fe.*

**Santa Fe** (/ˌsæntəˈfeɪ/; (Tewa: *Ogha Po'oge*, Navajo: *Yootó*) is the capital of the state of New Mexico. It is the fourth-largest city in the state and is the seat of Santa Fe County. Santa Fe, founded in 1610, is the oldest capital city in the United States and the oldest city in New Mexico. Santa Fe (meaning "holy faith" in Spanish) had a population of 69,204 in 2012. It is the principal city of a Metropolitan Statistical Area which encompasses all of Santa Fe County and is part of the larger Albuquerque-Santa Fe-Las Vegas Combined Statistical Area. The city's full name when founded was *La Villa Real de la Santa Fe de San Francisco de Asís* ("The Royal Town of the Holy Faith of St. Francis of Assisi").[4]

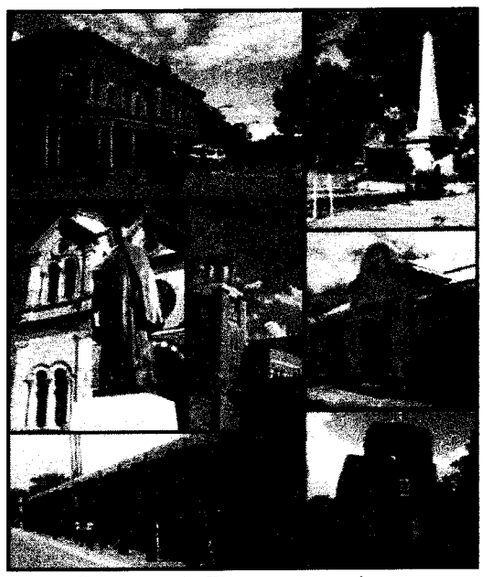
## Contents



**Santa Fe**

**State Capital**

**La Villa Real de la Santa Fe de San Francisco de Asís**

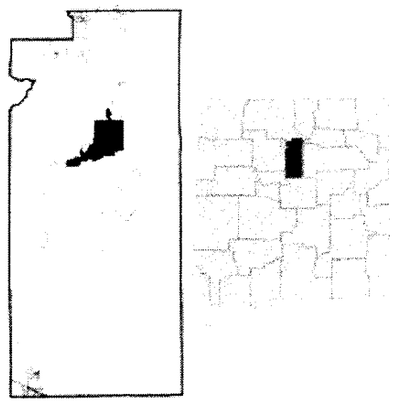


Santa Fe's Downtown Area

**Flag**

**Seal**

Nickname(s): The City Different



Location in Santa Fe County, New Mexico


Location in the United States

Coordinates: 35°40′2″N 105°57′52″W

| | |
|---|---|
| **Country** | United States |
| **State** | New Mexico |
| **County** | Santa Fe County |
| **Founded** | 1610 |
| **Government** | |
| • **Mayor** | Javier Gonzales |
| • **City Council** | **Councilors** |
| **Area** | |
| • **City** | 37.4 sq mi (96.9 $km^2$) |
| • **Land** | 37.3 sq mi (96.7 $km^2$) |
| • **Water** | 0.1 sq mi (0.2 $km^2$) |
| **Elevation** | 7,199[1] ft (2,194 m) |
| **Population** (2010[2])[3] | |
| • **City** | 67,947 |
| • **Density** | 1,927/sq mi (744/$km^2$) |
| • **Metro** | 144,170 (Santa Fe MSA)<br>1,146,049 (Albuquerque-Santa Fe-Las Vegas CSA) |
| **Time zone** | MST (UTC-7) |
| • **Summer (DST)** | MDT (UTC-6) |
| **ZIP codes** | 87500-87599 |
| **Area code(s)** | 505 |
| **FIPS code** | 35-70500 |
| **GNIS feature ID** | 0936823 |
| **Website** | www.santafenm.gov (http://www.santafenm.gov/) |

Coordinates: 35°4′4″N 106°11′29″W

# Edgewood, New Mexico

From Wikipedia, the free encyclopedia

**Edgewood** is a town in Santa Fe County, New Mexico, United States, and is currently the fastest growing place in the state of New Mexico. Through annexations, its town boundaries now extend into Bernalillo and Torrance counties. It is part of the Santa Fe Metropolitan Statistical Area.

Although in Santa Fe County, Edgewood is geographically closer to Albuquerque and in recent years has become a popular bedroom community for commuters. The town's population grew 97% between 2000 and 2010, from 1,893 to 3,735.[1] Edgewood boasts a median household income of over $50,000 per year, a high number compared to the state averages.

## Contents

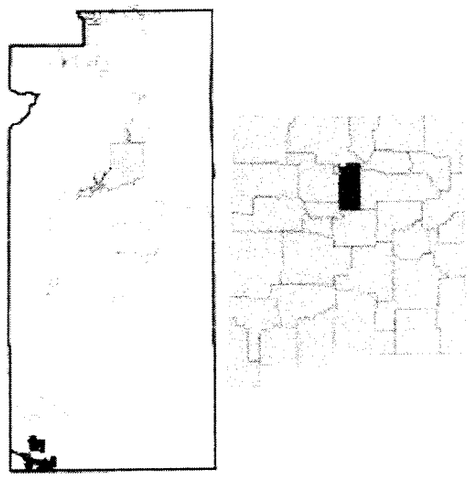


**Edgewood, New Mexico**

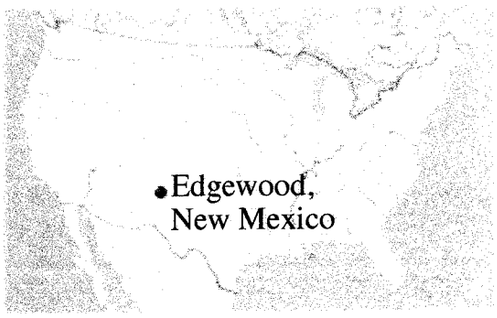
**Town**

Edgewood Community Library

Motto: "Where the Mountains Meet the Plains"



Location of Edgewood, New Mexico




Location in the United States

Coordinates: 35°4′4″N 106°11′29″W

| | |
|---|---|
| **Country** | United States |
| **State** | New Mexico |
| **County** | Santa Fe |
| **Area** | |
| • **Total** | 48.71 sq mi (126.17 km$^2$) |
| • **Land** | 48.70 sq mi (126.14 km$^2$) |
| • **Water** | 0.02 sq mi (0.04 km$^2$) |
| **Elevation** | 6,700 ft (2,000 m) |
| **Population** (2010) | |
| • **Total** | 3,735 |
| • **Density** | 77/sq mi (29.6/km$^2$) |
| **Time zone** | Mountain (MST) (UTC-7) |
| • **Summer (DST)** | MDT (UTC-6) |
| **ZIP code** | 87015 |
| **Area code(s)** | 505 |
| **FIPS code** | 35-22380 |
| **Website** | www.edgewood-nm.gov (http://www.edgewood-nm.gov) |



# History

Homesteaders moving into the American West created the initial settlements that grew into what is now the town of Edgewood.[2] Taking advantage of the federal Homestead Acts, pioneer families obtained land claims and began farming and ranching in the Edgewood area during the late 19th and early 20th centuries.[3]

Edgewood was founded by a group of southern Santa Fe County residents and landowners. After the incorporation of the town in 1999, large areas of land were annexed. Efforts by the town government to avoid annexing properties whose owners did not wish to be brought within the town boundaries resulted in a checkerboard pattern of incorporated and unincorporated properties, one of the issues to be resolved in the town's Comprehensive Plan.[4] One controversial annexation greatly enlarged the municipal boundaries and was the source of vigorous public debate. Despite two appeals and one lawsuit, the annexation was upheld. Recent construction projects have brought in a Tractor Supply Co. store, an O'Reilly's auto part store, a Denny's, and ground breaking near the TSC and across from the new Denny's. [5][6][7][8]

Water Budget for Amma Center of New Mexico

Residence

The anticipated occupancy of the residence is 6 people. Using The City of Santa Fe water conservation web page reported estimate of average per capita indoor water use (City of Santa Fe, 2013), water use per person per day is assumed to be 58 gallons. This use includes all indoor sanitary, drinking and cooking uses plus evaporative cooling and water filtration and softening. Therefore, indoor use is calculated as follows:

| | | |
|---|---|---|
| 58 gpd/person x 6 people | 348 | gpd |
| | **0.39** | **afy** |

Outdoor/Greenhouse

The outdoor water use is a combination of rain catchment, gray water and well water. The water is used on xeric landscaping, fruit trees and vegetable garden with the following areas:

| Type | Area $ft^2$ | Water Requirement Irr. (drip)($gal/ft^2$ per yr.) | gal/yr | AFY |
|---|---|---|---|---|
| turfgrass | 0 | - | 0 | 0 |
| trees and shrubs | 1200 | 9.49 | 11388 | 0.035 |
| herb and vegetable gardens | 1200 | 8.89 | 10668 | 0.033 |
| xeric (assume tree req.) | 1200 | 9.49 | 11388 | 0.035 |
| Greenhouse | 900 | 8.89 | 8001 | 0.025 |
| TOTAL | | | 41445 | 0.13 |

The building is equipped with rain catchment systems that fill cisterns for outdoor water use. The roof size is approximately 5,256 square feet, which is calculated to be capable of capturing a total of 44,819 gallons over the course of a year. The cistern storage volume total for the property is currently 10,800 gallons. Amma Center calculates that the rain catchment will be sufficient for the outdoor and greenhouse water use. For the purpose of calculating a water budget for well water, 65% of the landscaping and garden is counted as well water use at **0.085 acre-feet per year**.

Meditation Meetings – Weekly

The Amma Center hosts weekly meditation meetings that last approximately 2 hours and are attended by an average of 40 people. The meetings are held at the meditation hall, which does not have water facilities. It is estimated that each of the meditation attendees will require toilet use at the residence once during their time at the Amma Center. A water conserving toilet has a flush volume of 1.6 gallons. A water conserving aerator on a faucet has a rate of 2.2 gal /minute. Hand washing is assumed to take

15 second, and water may also be consumed. Therefore, a miscellaneous water use per meditation meeting attendee is assumed to be 1 gallon.

40 people x 1 toilet flush (1.6 gal) and 1 gal misc. water use = 104 gal x 52 weeks per year = 5408 gal/yr. = **0.02 acre-feet per year**

Large Gatherings – 2 per year

The Amma Center hosts 2 larger gatherings per year that are attended by an average of 100 people. The gatherings are held at the meditation hall, which does not have water facilities. These gatherings last approximately 4 hours. It is estimated that each of the attendees will require toilet use at the residence twice during their time at the Amma Center. A water conserving toilet has a flush volume of 1.6 gallons. A water conserving aerator on a faucet has a rate of 2.2 gal /minute. Hand washing is assumed to take 15 second, and water may also be consumed. Therefore, a miscellaneous water use per event attendee is assumed to be 1.5 gallons per event.

100 people x 2 toilet flushes (1.6 gallons each) and 1.5 gal misc. water use = 470 gal x 2 events = 940 gal/yr. = **0.003 acre-feet per year**

Occasionally some of the guests will stay at the residence overnight. Therefore, additional water use for toilet, personal hygiene, shower and food preparation are included for 6 people.

6 people overnight stay (58 gpd) = 348 gal x 2 events = 696 gal/yr. = **0.002 acre-feet per year**

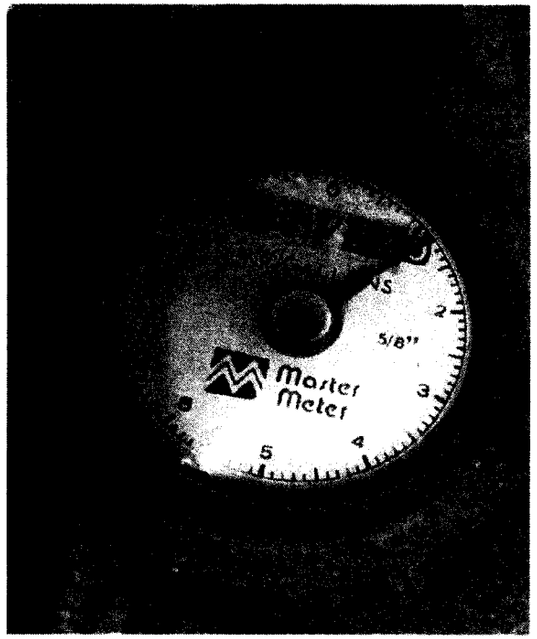
**Total water use = 0.39 + 0.085 + 0.02 + 0.003 + 0.002 = 0.5 acre-feet per year**

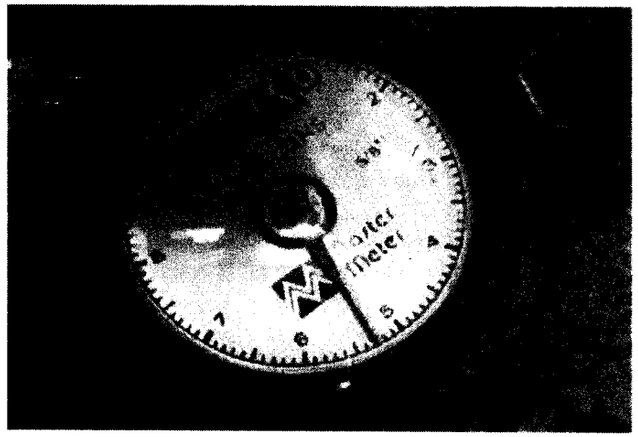
Amma Center water meter readings

| | |
|---|---|
| 3/26/14 | 3,439,919 |
| 3/22/15 | 3,555,549 =.35 afy |
| 8/29/15 | 3,600,225 =.33 afy |
| 9/28/15 | 3,610,000 =.36 afy |

RG-60859

| Date | Meter Reading | Use, gal | days | gal/day | gal/yr | afy | Date Range of use |
|---|---|---|---|---|---|---|---|
| 3/1/1996 | 0 | (date approximate - meter installed in 1996) | | | | | |
| 3/11/2013 | 3298901.3 | 3298901.3 | 6219 | 530.45527 | 193616.17 | 0.59 | 1996 - 2013 |
| 4/15/2013 | 3317731.2 | 18829.9 | 35 | 537.99714 | 196368.96 | 0.60 | 3/2013 to 4/2013 |
| 6/17/2013 | 3344725.3 | 26994.1 | 63 | 428.47778 | 156394.39 | 0.48 | 4/2013 to 6/2013 |
| 7/3/2013 | 3351152.9 | 6427.6 | 16 | 401.725 | 146629.63 | 0.45 | 6/2013 to 7/2013 |



**W•E Walker Engineering**

**Morey Walker & Associates Engineering, Inc.**

905 Camino Sierra Vista
Santa Fe, NM 87505
(505) 820-7990



June 5, 2013

Mr. Christopher Graeser
Graeser Law Office
P.O. Box 220
Santa Fe, NM 87504-0220

Ref: Amma Center
42 Lot Residential Subdivision
Traffic Generation

Dear Chris,

Per your request, I computed the amount of trips that a 42 lot subdivision would generate at full build out. Using ITT Trip Generation Rates 8th Edition (attached), I would anticipate this subdivision would have the following traffic enter and exiting the site:

**41 Lot Residential Subdivision**

| Time Frame | Entering | Exiting | Total |
|---|---|---|---|
| AM Peak Hour | 8 | 24 | 32 |
| PM Peak Hour | 27 | 16 | 42 |
| Daily Volume | | | 402 |

If you have any questions concerning this issue, feel free to contact me.

Sincerely,
Walker Engineering

MOREY E. WALKER
NEW MEXICO
17078
REGISTERED PROFESSIONAL ENGINEER

Morey E. Walker, P.E.
Principal

June 3...Monday

Hello Neighbors, I have been asked to pass this along...please do what you can...$5, 10, 50, sky is the limit....seems there is no way we have a chance without a lawyer...

There should be a public meeting soon, end of June or into July....at which point as many as possible should squeeze into the room to show support...the recent fires surely scared most of us and made it all seem so much more real....If you get a few thousand extra people down Stone Cabin Road and someone throws out a cigarette stubb, it is not quite clear how all of us would get down the road fast enough, especially those of us on this side of Stone Cabin. Water, fire and congestion are serious concerns, no one is against Amma, she can do all the good she wants, but somewhere else please....

once the building is up you had better believe it will be used for more than one week out of the year, no one builds 16,000 sq. ft for one week.

PLEASE, IF YOU CAN DONATE SOME MONEY TOWARDS THE LAWYER TO PROTECT OUR NEIGHBORHOOD...thank you...

P.S. if you wish to be included on more or all of the emails please send your email address with request to anniesahlin@yahoo.com

lily

# Preserve the Trail Association

## Request for Donations

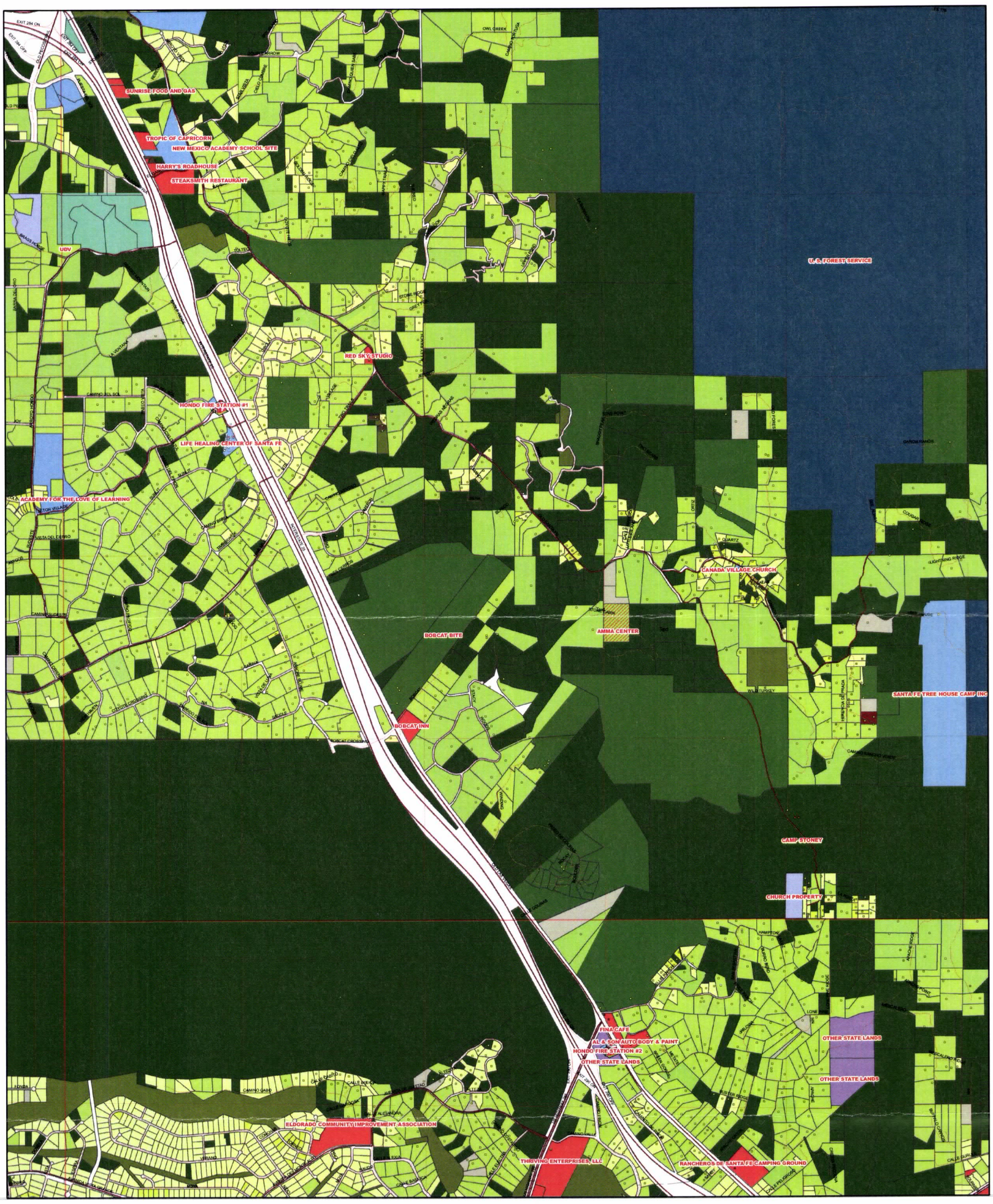
We live in a very special part of New Mexico – full of history, beautiful views, and a multitude of birds and wildlife. The quiet and safety of our village and surrounding areas are at risk with the plans of the Amma Center to build a 16,000 square foot meeting center off Stone Cabin Road. This plan promises to disrupt our serenity and our traffic safety while threatening our water supply and adding to the all-too-recent worries around wildfires in our area. The access for the building would also impact sensitive archeologically important land, as it would cross over the route of the Historic Old Santa Fe Trail.

The ***Preserve the Trail Association*** has been established as a non-profit corporation, and we have Karl Sommer working for us on a strategy that we hope will quickly put the brakes on the Schmidt's efforts to bring Amma back to Stone Cabin Road. This legal effort has already required a $5000 retainer, and may cost more than that!

We need everybody who is concerned to make a donation of as much as they can afford, as soon as possible. Several people have pledged $1000, many more have pledged hundreds of dollars, and we need more contributions of a similar size. But every bit will help, so please send whatever you can afford to the ***Preserve the Trail Association*** c/o First National Bank of SF, Acct # 397000995,PO Box 609, Santa Fe, NM 87504. These funds will only be used for our legal fees, and any associated costs, and for other necessary expenses that may arise in our opposition to the Amma Center development.

As you can read in the recent *New York Times* article from May 26th, (http://www.nytimes.com/2013/05/26/business/ammas-multifaceted-empire-built-on-hugs.html?nl=todaysheadlines&emc=edit_th_20130526&_r=0) , Amma's organization is large, well-organized, and extremely wealthy, so please help beef up our bank account so that we can be prepared for a tough battle. Thank you very much! We will prevail!!!

# Land Uses in Amma Center Area




## Legend

**Structure Type**

- RESIDENTIAL
- MOBILE/MANUFACTURED HOME
- OFFICE
- COMMERCIAL
- BUSINESS
- INDUSTRIAL
- GOVERNMENT
- RELIGIOUS
- UTILITIES
- CELL TOWER
- OTHER
- Minor Roads
- Major Roads
- City of Santa Fe
- Parcels
- Amma Center

**Existing Land Use of Parcels**

- Miscellaneous Vacant Private Land
- Single-Family Residential, Lot Size Greater Than 40.0 Acres
- Single-Family Residential, Lot Size 10.01 to 40.0 Acres
- Single-Family Residential, Lot Size 2.51 to 10.0 Acres
- Single-Family Residential, Lot Size 1.01 to 2.5 Acres
- Single-Family Residential, Lot Size 0.25 to 1.0 Acres
- Single-Family Residential, Lot Size Less Than 0.25 Acres
- Multi-Family Residential and Rental Mobile Home Parks
- Residential Vacant
- Commercial Developed
- Commercial Vacant
- Industrial Developed
- Industrial Vacant
- Institutional/Educational/Local Govt. Developed
- Institutional/Educational/Local Govt. Vacant, Municipal Parks and Open Space
- Utilities Developed
- Utilities Vacant
- Miscellaneous Developed - Type Unknown
- Pueblo (Tribal) Lands
- Private Common Areas, Golf Courses, and Open Space Tracts
- Santa Fe County Open Space
- State of New Mexico Developed
- State of New Mexico Vacant
- U.S. Government Developed
- U.S. Government Dam and Reservoir
- U.S. Government Vacant
- Unknown
- Right-of-Way

N
W E
S

1:12,531

1 inch = 1,044 feet

0 0.15 0.3 0.6 Miles

0 600 1,200 2,400 3,600 4,800 Feet

2008 Orthophotography

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

SANTA FE COUNTY

January 7, 2013

GLORIETA GEOSCIENCE, INC.
P.O. Box 5727 Santa Fe, NM 87502
(505) 983-5446 Fax (505) 983-6482
E-mail: ggi@glorietageo.com
Web Address: www.glorietageo.com

November 6, 2015

Steve Schmidt
VIA EMAIL: iamsteve108@yahoo.com

Dear Steve:

I am writing to inform you that I contacted Chris Cudia, Northern Region Compliance Program Manager of the New Mexico Environmental Department Drinking Water Bureau, today by phone to discuss the Amma Center water system status in regards to the water system definitions in 40 CFR Part 141.

Mr. Cudia stated that the Amma Center is not defined as a public water system.

Please contact me with any questions.

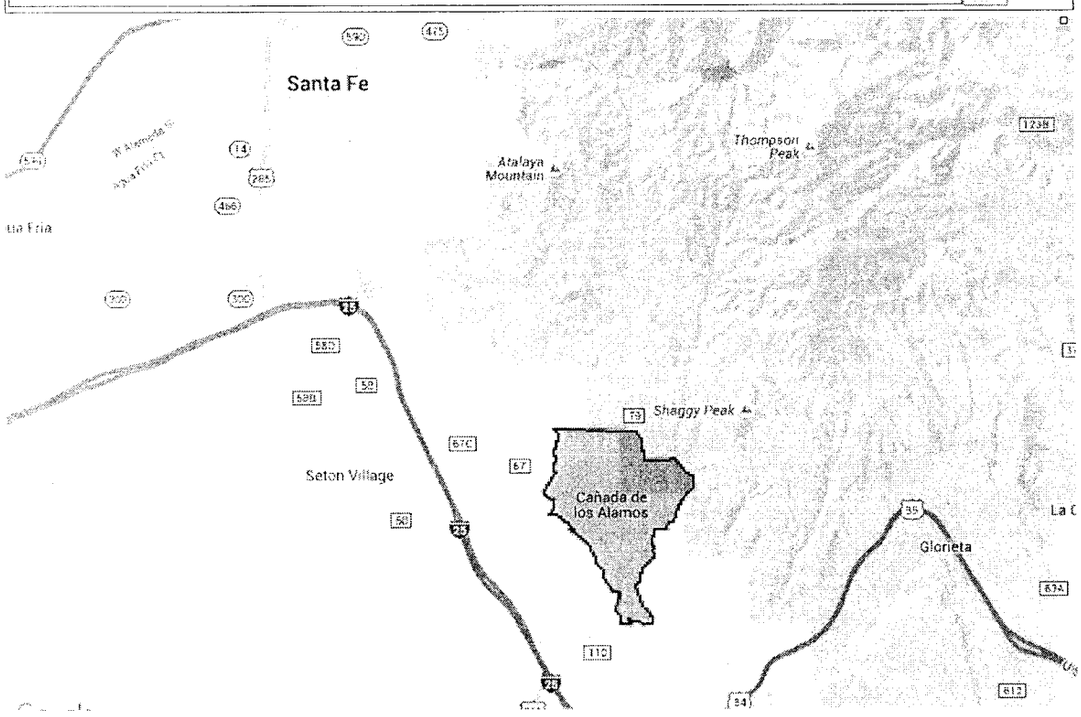
Sincerely,

Meghan Hodgins
Geologist/Project Manager

## Table 1. Place of Birth, Residence in 1995, and Language: 2000—Con.

[Data based on a sample (except Tables 65-68). For information on confidentiality protection, coverage, sampling error, and nonsampling error, see Appendix G. For location of definitions, see "How to Use This Census Report"]

| State<br>County<br>County Subdivision<br>Place | Total population | Native population—Percent born in state of residence | Foreign-born population | | | Population 5 years and over | | Speak a language other than English at home | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Population 5 to 17 years | | Population 18 years and over | |
| | | | Number | Percent of total population | Percent naturalized citizens | Number | Percent living in different house in 1995 | Number | Percent who speak English less than "very well" | Number | Percent who speak English less than "very well" |
| Santa Fe County | 129 292 | 54.7 | 13 076 | 10.1 | 27.4 | 121 557 | 46.6 | 6 653 | 33.9 | 35 206 | 28.7 |
| Santa Fe CCD | 79 747 | 54.3 | 10 237 | 12.8 | 24.8 | 74 866 | 51.1 | 4 050 | 40.4 | 25 062 | 33.2 |
| Agua Fria CDP | 1 958 | 81.5 | 396 | 20.2 | 15.9 | 1 803 | 43.4 | 216 | 44.9 | 745 | 44.2 |
| Santa Fe city (part) | 61 730 | 50.8 | 7 156 | 11.6 | 24.8 | 58 378 | 52.3 | 2 444 | 38.8 | 18 938 | 30.5 |
| Tesuque CDP (part) | - | (X) | - | (X) | (X) | - | (X) | - | (X) | - | (X) |
| Santa Fe North CCD | 17 140 | 71.7 | 1 075 | 6.3 | 27.4 | 16 099 | 30.5 | 1 456 | 23.6 | 7 203 | 16.7 |
| Chimayo CDP (part) | 597 | 71.2 | - | - | (X) | 570 | 31.1 | 83 | 51.8 | 263 | 14.8 |
| Chupadero CDP | 289 | 67.8 | - | - | (X) | 276 | 49.6 | - | (X) | 115 | 12.4 |
| Cuartelez CDP | 477 | 85.9 | 65 | 13.6 | - | 449 | 24.9 | 66 | 58.5 | 331 | 21.8 |
| Cundiyo CDP | 120 | 95.0 | - | - | (X) | 120 | 14.2 | - | (X) | 66 | 10.6 |
| Cuyamungue CDP | 467 | 81.4 | 27 | 5.8 | - | 453 | 27.2 | 28 | - | 215 | 12.6 |
| El Rancho CDP | 820 | 72.7 | 39 | 4.8 | 35.9 | 752 | 27.3 | 68 | 22.1 | 375 | 12.8 |
| El Valle de Arroyo Seco CDP | 854 | 74.7 | 35 | 4.1 | 74.3 | 826 | 22.4 | 117 | 25.6 | 346 | 40.5 |
| Española city (part) | 2 669 | 78.8 | 272 | 10.2 | 12.9 | 2 507 | 36.0 | 269 | 32.0 | 1 386 | 18.5 |
| Jacona CDP | 565 | 75.6 | 27 | 4.8 | - | 535 | 33.3 | 26 | - | 304 | 3.9 |
| La Puebla CDP | 1 320 | 76.2 | 129 | 9.8 | 11.6 | 1 252 | 32.7 | 198 | - | 677 | 15.5 |
| Poyoaque CDP | 1 164 | 75.4 | 150 | 12.9 | 34.0 | 1 060 | 33.0 | 115 | 30.4 | 462 | 33.3 |
| Rio Chiquito CDP | 138 | 100.0 | - | - | (X) | 138 | - | 7 | 100.0 | 94 | 57.4 |
| Rio en Medio CDP | 103 | 97.1 | - | - | (X) | 100 | - | 8 | - | 49 | - |
| San Ildefonso Pueblo CDP | 398 | 81.3 | 3 | 0.8 | 100.0 | 369 | 14.1 | 29 | 10.3 | 150 | 16.0 |
| Santa Cruz CDP | 393 | 94.2 | 29 | 7.4 | 24.1 | 367 | 18.0 | 53 | 69.8 | 249 | 7.6 |
| Santa Fe city (part) | 75 | - | - | - | (X) | 75 | 58.7 | - | (X) | 38 | - |
| Sombrillo CDP | 420 | 64.7 | 12 | 2.9 | 25.0 | 376 | 31.1 | 17 | - | 77 | 3.9 |
| Tesuque CDP (part) | 845 | 42.5 | 45 | 5.3 | 57.8 | 828 | 34.3 | 11 | - | 189 | 37.0 |
| Santa Fe South CCD | 32 405 | 46.9 | 1 763 | 5.4 | 42.9 | 30 592 | 44.2 | 1 147 | 24.1 | 5 941 | 21.4 |
| Canada de los Alamos CDP | 310 | 65.2 | 37 | 11.9 | 64.9 | 296 | 21.3 | 9 | - | 115 | 17.4 |
| Cedar Grove CDP | 683 | 51.4 | 10 | 1.5 | 100.0 | 610 | 42.3 | - | (X) | 48 | - |
| Edgewood town | 2 024 | 44.1 | 53 | 2.6 | 86.8 | 1 894 | 47.0 | 46 | 37.0 | 145 | 34.5 |
| Eldorado at Santa Fe CDP | 5 722 | 26.2 | 270 | 4.7 | 35.8 | 5 519 | 53.4 | 108 | 13.0 | 453 | 10.6 |
| Galisteo CDP | 333 | 66.1 | - | - | (X) | 333 | 25.2 | 8 | - | 115 | 21.7 |
| Glorieta CDP | 711 | 66.6 | 10 | 1.4 | - | 679 | 34.2 | 43 | 34.9 | 279 | 20.8 |
| La Cienega CDP | 3 023 | 85.7 | 298 | 9.9 | 8.1 | 2 701 | 48.5 | 125 | 60.8 | 857 | 29.3 |
| Lamy CDP | 161 | 43.5 | - | - | (X) | 145 | 48.3 | - | (X) | 52 | 28.8 |
| Los Cerrillos CDP | 136 | 54.3 | 7 | 5.1 | 100.0 | 124 | 34.7 | - | (X) | 61 | 11.5 |
| Madrid CDP | 108 | 32.1 | - | - | (X) | 96 | 69.6 | - | (X) | 9 | - |
| Santa Fe city (part) | - | (X) | - | (X) | (X) | - | (X) | - | (X) | - | (X) |
| Sierra County | 13 270 | 40.5 | 872 | 6.6 | 32.3 | 12 668 | 49.4 | 562 | 30.2 | 2 178 | 29.9 |
| Truth or Consequences East CCD | 10 219 | 38.9 | 459 | 4.5 | 47.5 | 9 788 | 52.5 | 332 | 19.6 | 1 456 | 20.1 |
| Elephant Butte city | 1 440 | 24.1 | 32 | 2.2 | 78.1 | 1 420 | 53.5 | 9 | 22.2 | 116 | 13.8 |
| Truth or Consequences city | 7 287 | 40.8 | 395 | 5.4 | 41.8 | 6 943 | 53.7 | 298 | 18.1 | 1 176 | 20.9 |
| Williamsburg village | 490 | 28.3 | 10 | 2.0 | 60.0 | 470 | 38.9 | 3 | - | 40 | 12.5 |
| Truth or Consequences West CCD | 3 051 | 45.4 | 413 | 13.5 | 15.5 | 2 882 | 38.9 | 230 | 45.7 | 722 | 49.9 |
| Socorro County | 18 078 | 67.9 | 1 165 | 6.4 | 24.8 | 16 854 | 41.5 | 1 198 | 40.7 | 5 924 | 33.1 |
| Claunch CCD | 124 | 60.5 | - | - | (X) | 115 | 58.3 | 4 | - | 17 | - |
| Magdalena CCD | 13 531 | 68.3 | 730 | 5.4 | 28.9 | 12 621 | 42.5 | 907 | 45.8 | 4 500 | 32.8 |
| Alamo CDP | 1 301 | 97.5 | - | - | (X) | 1 184 | 25.8 | 310 | 83.5 | 701 | 66.3 |
| Magdalena village | 940 | 66.6 | 15 | 1.6 | 40.0 | 889 | 35.8 | 43 | 20.9 | 282 | 27.3 |
| Socorro city (part) | 8 986 | 64.1 | 674 | 7.5 | 28.0 | 8 365 | 46.1 | 412 | 18.0 | 2 847 | 23.8 |
| Rio Grande CCD | 4 423 | 67.0 | 435 | 9.8 | 17.9 | 4 118 | 37.8 | 287 | 25.4 | 1 407 | 34.4 |
| Socorro city (part) | - | (X) | - | (X) | (X) | - | (X) | - | (X) | - | (X) |
| Taos County | 29 979 | 61.2 | 1 243 | 4.1 | 33.5 | 28 347 | 35.6 | 2 175 | 26.3 | 12 667 | 24.4 |
| Arroyo Hondo CCD | 3 971 | 52.1 | 112 | 2.8 | 40.2 | 3 794 | 42.6 | 192 | 37.5 | 1 351 | 22.9 |
| Questa village (part) | 15 | 46.7 | - | - | (X) | 15 | 46.7 | - | (X) | 5 | - |
| Taos Ski Valley village (part) | 90 | 17.3 | 9 | 10.0 | 77.8 | 80 | 53.3 | - | (X) | 11 | 18.2 |
| Penasco CCD | 1 380 | 73.5 | 20 | 1.4 | 85.0 | 1 297 | 19.7 | 150 | 48.0 | 739 | 35.6 |
| Picuris CCD | 1 801 | 84.9 | 27 | 1.5 | 44.4 | 1 686 | 24.6 | 189 | 16.4 | 1 103 | 25.7 |
| Chamisal CDP | 325 | 81.8 | - | - | (X) | 308 | 21.4 | 35 | - | 222 | 16.2 |
| Penasco CDP | 601 | 85.8 | 11 | 1.8 | 27.3 | 562 | 26.0 | 81 | 24.7 | 312 | 23.7 |
| Picuris Pueblo CDP | 87 | 84.7 | 2 | 2.3 | - | 80 | 26.8 | - | (X) | 61 | 23.0 |
| Rio Lucio CDP | 341 | 85.6 | - | - | (X) | 313 | 25.9 | 25 | 8.0 | 237 | 32.1 |
| Vadito CDP | 201 | 90.6 | 10 | 5.0 | 70.0 | 185 | 20.0 | 28 | 32.1 | 130 | 40.8 |
| Questa CCD | 3 959 | 55.4 | 41 | 1.0 | 26.8 | 3 707 | 36.8 | 319 | 24.8 | 1 716 | 27.3 |
| Questa village (part) | 1 865 | 66.9 | 24 | 1.3 | 29.2 | 1 721 | 37.0 | 151 | 18.6 | 843 | 25.6 |
| Red River town | 517 | 13.9 | 7 | 1.4 | 57.1 | 500 | 64.6 | 7 | 57.1 | 27 | - |
| Taos Ski Valley village (part) | - | (X) | - | (X) | (X) | - | (X) | - | (X) | - | (X) |
| Taos CCD | 15 513 | 59.9 | 908 | 5.9 | 29.6 | 14 696 | 37.9 | 997 | 27.3 | 6 233 | 24.3 |
| Ranchos de Taos CDP | 2 229 | 86.8 | 70 | 3.1 | 35.7 | 2 118 | 32.8 | 149 | 19.5 | 1 149 | 28.3 |
| Taos town (part) | 4 785 | 56.8 | 347 | 7.3 | 22.5 | 4 598 | 45.5 | 369 | 27.6 | 1 837 | 23.6 |
| Taos Pueblo CCD | 2 366 | 81.0 | 89 | 3.8 | 42.7 | 2 236 | 26.4 | 295 | 15.6 | 1 291 | 16.2 |
| Taos town (part) | 25 | 44.0 | - | - | (X) | 21 | 33.3 | 4 | - | 12 | - |
| Taos Pueblo CDP | 1 304 | 91.0 | 10 | 0.8 | 30.0 | 1 227 | 15.1 | 180 | 24.4 | 831 | 19.5 |
| Tres Piedras CCD | 989 | 31.3 | 46 | 4.7 | 54.3 | 931 | 32.9 | 33 | - | 234 | 18.8 |
| Torrance County | 16 911 | 56.0 | 715 | 4.2 | 38.6 | 15 725 | 46.4 | 693 | 20.9 | 3 434 | 26.6 |
| Estancia CCD | 14 894 | 53.7 | 644 | 4.4 | 37.7 | 13 655 | 47.5 | 584 | 19.2 | 2 769 | 26.5 |
| Estancia town | 1 572 | 82.7 | 208 | 13.2 | 19.2 | 1 475 | 57.5 | 39 | 17.9 | 483 | 40.4 |
| Manzano CDP | 77 | 96.1 | - | - | (X) | 73 | 49.3 | - | (X) | 35 | 31.4 |
| Moriarty city | 1 738 | 61.7 | 45 | 2.6 | 53.3 | 1 597 | 51.3 | 58 | 39.0 | 337 | 31.5 |
| Tajique CDP | 239 | 79.5 | 15 | 6.3 | - | 216 | 44.0 | 41 | - | 82 | 22.0 |
| Torreon CDP | 267 | 76.8 | - | - | (X) | 257 | 30.7 | 20 | 15.0 | 100 | 20.0 |
| Mountainair-Encino CCD | 2 217 | 70.9 | 71 | 3.2 | 26.8 | 2 070 | 39.2 | 109 | 30.3 | 565 | 26.9 |
| Encino village | 90 | 85.1 | 3 | 3.3 | - | 81 | 6.2 | 6 | - | 44 | 47.7 |
| Mountainair town | 1 136 | 66.9 | 22 | 1.9 | 27.3 | 1 063 | 42.9 | 73 | 32.9 | 340 | 23.8 |
| Willard village | 239 | 87.3 | 18 | 7.5 | - | 221 | 42.5 | 12 | 25.0 | 122 | 27.0 |
| Union County | 4 174 | 54.2 | 90 | 2.2 | 37.8 | 3 945 | 39.6 | 163 | 20.9 | 743 | 31.5 |
| Clayton North CCD | 754 | 57.7 | 9 | 1.2 | - | 727 | 35.8 | 18 | - | 132 | 9.8 |
| Clayton town (part) | - | (X) | - | (X) | (X) | - | (X) | - | (X) | - | (X) |
| Des Moines village | 253 | 60.5 | - | - | (X) | 230 | 45.2 | 3 | - | 62 | 12.9 |
| Folsom village | 96 | 56.7 | 6 | 6.3 | - | 96 | 14.8 | 9 | - | 6 | - |




**Santa Fe County**

- Data
- Cities
- Map
- ZIP Codes
- Features
- Schools
- Land

**Santa Fe Jobs**

- Accounting
- Administrative & Clerical
- Banking & Finance
- Business Opportunity
- Customer Service
- Engineering
- Executive
- Franchise
- Government
- Health Care
- Hospitality
- Human Resources
- Information Technology
- Part-Time
- Retail
- Sales & Marketing
- Transportation

**Also See:** BIG Map | Driving Directions | NM Congressional Districts
**Boundary Maps:** Santa Fe South Division | Santa Fe County | New Mexico Counties

**Search the map for:**

Search



## *Canada de los Alamos, NM Data & Demographics (As of July 1, 2015)*

| POPULATION | | HOUSING | |
|---|---|---|---|
| Total Population | 438 | Total Housing Units | 228 (100%) |
| Population in Households | 438 | Owner Occupied HU | 163 (71.5%) |
| Population in Families | 316 | Renter Occupied HU | 43 (18.9%) |
| Population in Group Qrtrs | 0 | Vacant Housing Units | 21 ( 9.2%) |
| Population Density[1] | 119 | Median Home Value | $371,951 |
| Diversity Index[2] | 60 | Average Home Value | $440,337 |

| HOUSEHOLDS | | INCOME | |
|---|---|---|---|
| Total Households | 207 | Median Household Income | $59,099 |
| Average Household Size | 2.12 | Average Household Income | $77,246 |
| Family Households | 115 | Per Capita Income | $36,955 |
| Average Family Size | 3 | | |

| GROWTH RATES | (Compound Annual Growth Rates) 2010-2015 | 2015-2020 |
|---|---|---|
| Population | 0.17% | 0.14% |
| Households | 0.47% | 0.29% |

New Reply Delete Archive Junk Sweep Move to Categories

Therese Martinez

Search email

Folders

Inbox 7065
Junk
Drafts 9
Sent
Deleted
A Different Perspectiv...
Allstate 1
amazon
Amtrak
andrea
Architect Exam info 3
American Home
Real Estate
Aspen-Santa Fe Balle...
Bank of America
qwest
Qwest
barnes and noble
Bath and Body 5
beti
Camino San Acacio
Camry
Charisma 18
Chicago Ballet
Citi 35
Citi Bank 18
City Info 24
Library
Del Norte C U
Divorce Info
Drafts2
Dropbox
facebook
father 2
final divorce papers
Flagstar
GED 12
gina
Home School 4
Hotelscom

## Traffic Count Information

Johnny P. Baca 11/17/15
To: tmartinez@co.santafe.nm.us; Cc: tmtz2@msn.com

Be careful! This sender failed our fraud detection checks.

Ms. Martinez,

Good afternoon. Please review the information below, per your request. Thank you.

| Location of Count | Route # | Date | Post Speed | 85% | Volume | Ave. Speed | Road Surface Type | Comments/Crossroad |
|---|---|---|---|---|---|---|---|---|
| Old Santa Fe Trail | CR 67 | 4/1/2003 | 35MPH | 50MPH | 1235PD | 44MPH | Asphalt | 200' Southeast of Two Trails |
| Old Santa Fe Trail | CR 67 | 3/8/2013 | 25MPH | 28MPH | 214PD | 20MPH | Chipseal | 400 ft E. of Canada Village Road |
| Old Santa Fe Trail | CR-67 | 9/1/2015 | 25MPH | 34mph | 2,262PD | 29mph | Asphalt | 400' S. of Ridge Road |

Respectfully,

Johnny P. Baca, CPS

Traffic Manager

Santa Fe County Public Works Department

424 NM State Road 599

Santa Fe, New Mexico 87507

Office (505) 992.3020

Fax (505) 992.3028

jpbaca@santafecountynm.gov

**SUMMARY:**

The Applicant requests Master Plan, Preliminary & Final Development Plan approval to allow a Community Service Facility on 40 acres in conformance with Ordinance No. 2010-13 (Community Service Facilities), which amends Article III, § 7; Article V, § 5; and Article V, § 7 of Santa Fe County Land Development Code, Ordinance No. 1996-10 (Code). The existing structures consist of a 5,000 square foot Residential Ashram, a 1,400 square foot Meditation Hall, a 200 square foot storage shed and a 1,000 square foot greenhouse. The existing structures are located within a 20 acre parcel. The Applicant proposes to consolidate the 20 acre parcel with an adjoining 20 acre parcel to create a 40 acre parcel which will be utilized for the Community Service Facility.

The owner, Amma Center of New Mexico, a non-profit corporation, acquired the property by warranty deed recorded as Instrument # 1709839 in the Santa Fe County Clerk's records dated June 24, 2013. Dolores Vigil, Liaison Planning Services, is authorized to be the Agent by the property owner to pursue the request for Master Plan, Preliminary and Final Development Plan approval to allow a Community Service Facility on a 40 acre site, as evidenced by a copy of the written authorization contained in the record. (Exhibit 9)

The Applicant's Report states:

> The Amma Center has utilized the subject property since 1988. The Ashram was built in 1996. The non-profit spiritual center will continue to occupy the Residential Ashram and conduct Satsang, meditation and meetings with residents/members and guests. There are several larger gatherings per year, coinciding with Swami's visit and Amma's birthday celebration.

Ordinance No. 2010-13 Community Service Facilities states, "[c]ommunity 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."

Ordinance No. 2010-13, § 7.1 Standards states, "[c]ommunity service facilities are allowed anywhere in the County, provided all requirements of the Code are met…"

Article V, § 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 sub-divider 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.

Article V, § 5.2.3 Master Plan Review states:

*density shall be 1 acre if the surrounding zoning district is RC, or reduced to 0.75 acres if the surrounding zoning district is TC.

32. **The following deletions and additions shall be made to § 10.15:**

~~**10.15. COMMUNITY SERVICE FACILITIES.**~~

~~**10.15.1.** General Requirements. 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.~~

~~**10.15.2.** Standards. Community service facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that:~~

~~**10.15.2.1.** The proposed facilities are necessary in order that community services may be provided for in the County;~~

~~**10.15.2.2.** The use is compatible with existing development in the area and is compatible with development permitted under the Code; and~~

~~**10.15.2.3.** A master plan and preliminary and final development plan for the proposed development are approved.~~

**10.15. TRADE CONTRACTOR.**

**10.15.1.** Applicability. This section shall apply to all trade contractor businesses.

**10.15.2.** Standards. Trade contractor businesses located within a Residential Base Zoning District shall meet design standards within this SLDC in addition to the following standards:

**10.15.2.1.** No more than five (5) large commercial vehicles shall be permitted in a trade contractor business;

**10.15.2.2.** Outside storage shall not exceed 1500 square feet, including vehicle storage, and shall be screened by a six-foot high solid wall or fence. All other storage shall be within a building.

33. **The following new language shall be added to § 10.15.2.3:**

**10.15.2.3.** A ~~master plan and preliminary and~~ final site development plan for the proposed development ~~are~~ is approved.

34. **The following new section shall be added directly after § 10.22:**

**10.23. AUTOMOTIVE PAINT AND BODY BUSINESS.**

**10.23.1.** Applicability. This section shall apply to all automotive paint and body businesses.