

V. **APPROVAL OF MINUTES: November 20, 2014**

Upon motion by Member Katz and second by Member Booth the minutes were unanimously [5-0] approved as submitted. [Member Anaya was not present for this action.]

VI. **CONSENT CALENDAR: Final Order**

- A. **CDRC CASE # MIS 14-5360 Mark Martineau Accessory Structure.**
Mark Martineau, Applicant, requests approval to allow a 2,184 square foot accessory structure on 15.03 acres to be utilized as a garage/storage building. The property is located at 22 Ranchos Cañoncito, off Ojo de la Vaca Road, within § 14, Township 15 North, Range 10 East (Commission District 4). Approved 5-0

Member Katz moved to approve the consent calendar as presented. His motion was seconded by Member Martin and passed by [5-0] voice vote. [Member Anaya was not present for this action.]

VII. **OLD BUSINESS**

- B. **CDRC CASE # V 14-5330 Francisco and Arlene Tercero.**
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VIII. **NEW BUSINESS**

- A. **CDRC CASE # V 14-5340 Luis and Isela Rodriguez Variance . Luis and Isela Rodriguez, Applicants, request a variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to allow two dwelling units on 2.5 acres. The property is located within the Traditional Historic Community of La Cienega at 92 Camino Montoya, within Section 20, Township 16 North, Range 8 East, (Commission District 3)**
[Exhibit 1: Santa Fe County Fire Prevention memo; Exhibit 2: La Cienega Valley Association letter opposing the variance]

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

“The subject lot is part of the Vista Land Subdivision consisting of 86 lots which was created in 1974, and is recognized as a legal lot of record. There is currently a duplex on the property. The Applicants have owned the property since August 13, 2001, and claim they purchased the property in its current state with the two dwelling units.

“On November 2, 2001, the Applicants applied for a 336 square foot residential

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addition to the existing 1,925 square foot duplex. At that time, the Applicants floor plan did not indicate two kitchens were located in the residence and in fact misrepresented that the kitchen was a bedroom and the permit was issued. The residence, including the addition, does not exceed the maximum allowable lot coverage of twenty percent.

“On August 13, 2014, the Building and Development Services Division received a complaint regarding a potential density violation on the property. On August 15, 2014, the Applicants met with staff and admitted that there were two kitchens within the residence which makes the structure a duplex rather than a single dwelling unit. The properties septic system was installed in 1978, and has a 1,000 gallon per day capacity.

“The Applicants state a variance is needed to allow the property to remain in the current state in which they purchased it and will only be used by themselves and for visitation of family members and for their children when needed.

“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 and recommends to allow two dwelling units on 2.5 acres.”

Mr. Martinez advised the CDRC that staff has four proposed conditions if the variance were approved.

The applicants, Luis and Isela Rodriguez, and their translator were placed under oath.

Through their interpreter, the applicants requested permission to maintain the property as it was purchased.

Responding to questions posed by Member Katz, the applicants through their interpreter said they submitted the application and the drawings for the addition and they failed to show the kitchen because they didn't think it was necessary. They confirmed the unit is only used for visiting family and friends. The applicants also stated that the unit has not been used as a rental.

Staff confirmed that one non-metered domestic well serves the units that are within one structures. The subdivision is pre-code. A discussion ensued that if the variance were approved the applicant would be required to meter the well and use .25 acre-feet per year per unit.

There was no public wishing to speak regarding this item.

Member Anaya arrived at this time.

2/20/2015

Member Booth moved to deny the variance. Member Katz seconded and in support of the denial mentioned the misrepresentation in the 2001 application for the second unit and that the kitchen could be shared by the family. The motion passed by majority 4-1-1 voice vote: Member Gonzales voting against and Member Anaya abstaining.

- B. CDRC CASE # V 14-5400 Melody Saucedo Variance. Melody Saucedo, Applicant, request a variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to allow two dwelling units on 3.26 acres. The property is located within the Traditional Historic Community of La Cienega at 77a Calle Debra, within Section 20, Township 16 North, Range 8 East, (Commission District 3)**
[Exhibit 3: La Cienega Valley Association letter opposing variance]

Case Manager Martinez read the case caption and provided a staff report as follows:

“The subject lot, owned by the Applicant, is part of the Vista Land Subdivision consisting of 86 lots which was created in 1974, and is recognized as a legal lot of record. There are currently two dwelling units on the property. Staff has found no evidence that the structures were permitted by Santa Fe County. The Applicant has owned the property since March 3, 2008, and claims she purchased the property with both dwelling units on it. Currently the Applicant and her family reside in one dwelling unit, 2,275 square foot and her elderly mother resides in the second dwelling unit which is 696 square feet.

“In 1985, the New Mexico Environment Department issued a permit to install a liquid waste system for a three bedroom home on 3.26 acres. The permit indicated that it was for 375 gallons per day. The drawing submitted with the Application indicated only one dwelling unit on the property. The well for the property was drilled in 1985, at the depth of 100 feet.

“On August 13, 2014, the Building and Development Services Division received a complaint regarding a potential density violation on the property. On August 15, 2014, Code Enforcement conducted an inspection on the property. At that time the Applicant was issued a Notice of violation for exceeding density.

“The Applicant has not undertaken a geohydrologic report which would allow an increase in density of up to one dwelling unit per 2.5 acres. The majority of surrounding properties appear to have one dwelling per legal lot.

“The Applicant states a variance is needed due to her being a single mother of four and barely surviving the economic down fall of 2008. She further states that she is putting pennies together to feed her family. The Applicant also states that

2/20/2015

she provides affordable housing for her elderly mother and that her mother helps provide care for her children and without her help; her children would not have a place to call home.”

Mr. Martinez said staff reviewed the request and recommends denial of a variance of Ordinance No. 2002-9, Section 6.4, Zoning Density, to allow two dwelling units on 3.26 acres. He advised the CDRC that if they were to approve the application, staff has six recommended conditions.

Mr. Martinez confirmed that there were two separate dwelling units both containing kitchens. If one of the kitchens were removed the property would be in compliance.

Mr. Martinez said there is no aerial photography verifying that the two units were there at the time the applicant purchased the property.

Duly sworn, applicant, Melody Saucedo, said the detached dwelling was present on the property when she purchased it. She stated she was unaware of any violation when she purchased the property.

Member Katz asked the applicant whether she was willing to remove the kitchen in the second dwelling. Ms. Saucedo said it was impractical because her mother is elderly, needs to be able to prepare meals for herself and in the winter when it is icy and dark it would be very difficult for her mother.

There were no members of the public wishing to comment on this case.

Member Katz moved to deny the request noting there was no compelling basis to grant the variance. Member Martin seconded.

Chair Drobnis allowed the applicant to speak again and she said she understood that she was able to conduct a family transfer and urged the CDRC to approve her variance. Ms. Saucedo said she'd prefer to keep the land whole but would seek a family transfer if necessary. Chair Drobnis recommended she meet with staff.

The motion passed by unanimous [6-0] voice vote.

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2/20/2015

- C. **CDRC Case #Z/DP/V 14-5430 Santa Fe Brewing Co.Expansion. Lock Builders, LLC, Applicant, JenkinsGavin, Agents, request a Master Plan Amendment, Preliminary and Final Development Plan approval to allow an expansion to an existing brewing facility on 4.97-acres. This request also includes a variance of Ordinance No. 2000-12, Article XV, Section 6.H Open Space Standards to allow 37 percent open space rather than the required 50 percent open space. The property is located at 35 Fire Place within the Community College District, within Section 24, Township 16 North, Range 8 East (Commission District 5)**

Case Manager John Salazar read the case caption and summarized the staff report as follows:

“On November 9, 2004, the Board of County Commissioners approved CDRC CASE # MP 04-5440 Santa Fe Brewing Master Plan. The approval incorporated Master Plan Zoning and Preliminary Development Plan within a designated Employment Center Zone to allow a brewing facility and restaurant, and an 11,200 square foot warehouse on 4.97 acres. The Master Plan was subsequently amended in 2011, to permit outdoor entertainment at the restaurant.

“The Applicant requests a Master Plan Amendment to the existing 1.7 acre brewing facility site in order to rezone 3.27 acres on Lot 1-A on 4.976 acres ± which was recently added via a lot consolidation. The additional acreage was originally part of the Los Cabos Master Plan which was approved in August 2008. The Master Plan created three lots for the purpose of constructing 18,750 square feet of commercial and industrial uses, however, the project was never constructed and the approval has since expired.

“The Applicant is also requesting Preliminary and Final Development Plan Approval for the expansion. The proposed brewery expansion will be developed in one phase and will include a 2,400 square foot addition to the north side of the existing brewing facility; a new 6,300 square foot entrance, lobby and tasting room on the east side of the existing building; additional bottling and brewing facilities totaling 47,000 square feet to be added to the proposed lobby and tasting room; and a 3,500 square foot landscaped outdoor area with seating and a performance platform.

“Santa Fe Brewing Company has applied to Santa Fe County for economic assistance pursuant to the Local Economic Development Act. The Economic Development Manager has evaluated the project and determined that Santa Fe Brewing Company is qualified for economic assistance pursuant to LEDA. The New Mexico Economic Development Department has similarly determined that the Brewery is qualified for LEDA funds. The LEDA funds will be used to

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2/20/2015

design, construct, and implement a state of the art wastewater treatment system to treat all of the Brewery's effluent.

“The Applicant is also requesting a variance of Ordinance No. 2000-12, Article XV, Section 6.H Open Space Standards. The Community College District Ordinance requires 50 percent open space for new development which would consist of about 149,693.94 square feet of open space. The Applicant is proposing 37 percent open space or 110,344 square feet.

“The Applicant states the following reasons for the variance: The necessity for this open space reduction stems from the fact that the Project is a manufacturing facility in an Employment Center Zone. Therefore, although the lot coverage is only 26 percent, significant paved areas are essential for loading and deliveries, which reduces the amount of available open space. Full compliance would limit the functionality of the manufacturing facility and its role as an important employer in Santa Fe County.

“Staff Response: The 50 percent open space requirement in the CCDO does not contemplate flexibility based on use. Planning Division staff has reviewed this application and has stated that the Applicant may utilize proposed trail connections allowing public access to district trail systems for the purpose of meeting the 50 percent requirement and has recommended the following conditions of approval should the variance be granted:

1. Provide a trail connection to the proposed district trail and trailhead/bicycle and pedestrian access point on the property which can be counted as open space.
2. Staff supports the inclusion of a district trail connection and trailhead/bicycle and pedestrian access point in the open space requirement.

“The Applicant has agreed to accept the conditions as they believe it is a bigger benefit to the community rather than dedicating unusable property such as arroyos or floodplain as open space.”

Mr. Salazar said staff recommends denial of the Applicant's request for a variance of Ordinance No. 2000-12 Article XV, Section 6.H, Open Space Standards, to allow 37 percent open space. If the decision of the CDRC is to approve the open space variance, and the Master Plan amendment, Preliminary and Final Development Plan to allow an expansion to the existing brewing facility, staff recommends the following conditions be imposed:

1. The Applicant shall comply with all review agency comments and conditions as per Article V, § 7.1.3.c.
2. Master Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 5.2.5.
3. The Applicant shall provide a trail connection to the proposed district trail and trailhead/bicycle and pedestrian access point on the property which can be counted as open space behind the restaurant on Lot 2-A along with vehicular and

COMMUNITY COLLEGE DISTRICT
2/20/2015

- bicycle parking.
- Final design plans for the required improvements to Highway 14 shall be submitted for review and approval by NMDOT prior to Final Development recordation.

Mr. Salazar confirmed that the issue of the variance is open space and he directed the CDRC to an exhibit identifying the applicant's plans.

The applicant, Brian Lock and his agent, Jennifer Jenkins were duly sworn.

Jennifer Jenkins said the applicant was in agreement with all staff-imposed conditions and thanked staff for their efforts. She said the expansion is important for Santa Fe County and discussed the LEDA funds. Ms. Jenkins located the project on a site map noting that the restaurant functions for special events and the brewery is accessed off of Fireplace Place. When additional adjacent lots became available the applicant purchased them to further his plans to expand the brewery. The tasting area and lobby area will be relocated. The heart of the project is an outdoor landscaped beer garden with seating and a platform for entertainment. An existing access off SR 14 will be improved and the Fireplace Place access will be maintained.

Ms. Jenkins identified the open space that will be landscaped. Santa Fe Brewing will provide property for trailhead parking for people accessing the Arroyo Hondo Trail.

Brian Lock said he was pleased to have the opportunity to grow his business in Santa Fe rather than relocating. When the state decided to lower the excise tax it leveled the playing field and he was able to stay in Santa Fe. Local breweries are a growing industry across the country and he was pleased he could stay in Santa Fe. The expansion will increase employment in the County. Currently he has approximately 42 employees. The expansion will be completed in 2020 and he estimated having 105 employees.

There was no one from the public wishing to speak for or against this project.

Member Anaya moved to approve Z/DP/V 14-5430 with staff-imposed conditions. Ms. Booth seconded and the motion passed by unanimous [6-0] voice vote.

The applicant was lauded for expanding his business in Santa Fe County.

- PNM Santa Fe County Solar Energy Center Project. Public Service Company of New Mexico, Applicant, Laurie Moye, Agent, requests Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 10 megawatt electric Solar Facility on a 100 acre site. The property is located south of the National Guard site and takes access via the East I-25 Frontage Road, within Sections 3 & 4, Township 15 North, Range 8 East, (Commission District 5)**

Jose Larrañaga, case manager, recited the case caption and presented the staff report as follows:

2/20/2015

“Public Service Company of New Mexico is requesting Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 10 megawatt tracking solar electric generating facility on a 100 acre site. The solar panels are tracking panels which will be configured together in long rows which will be oriented north-south. Each row of panels are approximately 210 feet in length, the row length varies depending on the amount of developable area and will rotate together, making adjustments as the panels move to track the sun east to west. The solar modules will be mounted on a ground mounted rack. The height of the top of the panels at full-rotation will not exceed 7 feet from the natural grade. A distribution line will be extended to the site for the delivery of the electricity being generated by the facility. For safety and security reasons the facility will be enclosed by a chain link fence with three strands of barbed wire, 8 feet in total height.

“The Applicant states: The solar generating facility is needed to meet PNM’s 2015 Renewable Energy Plan. The project is part of a utility distribution system for utility use for the greater public good and for the health, safety and welfare of the residents of Santa Fe County and will provide the community with a source of clean, renewable energy to support growth and economic development in the area.

“The Applicant has submitted a subsequent letter and drawings in response to staff and review agency comments. The Applicant states that typically there are 4,000 panels per megawatt, therefore the proposed ten megawatt site will contain approximately 40,000 panels and will encompass approximately 75 acres of the 100 acre site. The site will also house five power converters and one switchgear facility.

“On October 28, 2014, the Applicant held an open house to discuss the proposed development. Notice was sent to 67 adjacent property owners and three attended the meeting. The Applicant states that concerns of the individuals who attended the open house were primarily related to uncertainty as to what the facilities would look like and visibility of the site.

“Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Master Plan Zoning, Preliminary and Final Development Plan. The Application is comprehensive in establishing the scope of the project; the proposed use is in compliance with the uses associated with Other Development; the Application satisfies the submittal requirements set forth in the Land Development Code.

“The review comments from State Agencies and County staff have established findings that this Application, for Master Plan Zoning, Preliminary and Final

2/20/2015

Development Plan, is in compliance with: State requirements and Final Development Plan of the County Land Development Code.”

Mr. Larrañaga said staff recommends approval of Master Plan Zoning, Preliminary and Final Development Plan to allow a 10 megawatt electric Solar Facility on a 100 acre site subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the Master Plan/Final Development Plan.
 - a. The development shall comply with Article 1, Section 103.3.2-New Construction and Alterations of the 1997 Uniform Fire Code.
 - b. The proposed access, to the site, shall be constructed with six inches of compacted base course and 20 feet in width.
2. Master Plan/Final Development Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 7.2.2.
 - 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).

Duly sworn, Laurie Moye representing PNM, said the solar energy facility will be used as a solar electric generating station. The facility is part of PNM’s 2015 renewable energy plan. Ms. Moye’s presentation included a power point which outlined the project vicinity, a description, access, etc. The parcel of land meets both PNM’s solar requirements and lay out for a successful solar generating station. A nearby electric distribution line will be used to transmit the generated energy.

Ms. Moye said the project will not generate traffic once built it will be operated remotely and only visited for maintenance and/or repair. No septic, sewer or water lines are necessary. The site will be enclosed for public safety purposes. Construction, if approved, is expected to start in 2015 and operational in winter of 2015.

Summarizing her presentation, Ms. Moye said this is clean renewable energy. The project has a low profile and creates neither air emissions nor waste products. The County will gain property taxes.

Member Anaya said he was unsure of where the transmission line was located is and whether it is over or underground. Ms. Moye said the exact line route has not been determined and it may require a variance to build it overhead. She said PNM was waiting for this approval before proceeding with design. At this point they have an easement on the property from the solar facility to the road; however, the public utility easement on the frontage road north has not been explored.

Member Anaya said he supported alternative energy and his concern had to do with easements and transmission lines. Ms. Moye said she was confident PNM would be able to move the power out of the site north to an existing distribution line.

Member Katz asked whether the facility would be visible from I-25 and Ms. Moye said it would be although it sits back from the road. The panels could be screened if additional building occurs on adjacent lots.

2/20/2015

Member Gonzales said he was pleased that PNM was bringing forward what he referred to as a win/win project and mentioned with additional growth in the County this will be needed.

Member Anaya said he was aware of other solar panels that are having issues with transmitting services and that concerned him greatly. Ms. Moye said the PNM generating entity will have to apply to PNM's transmission and distribution entity for transmission.

Chair Drobnis invited public comment.

Duly sworn, J.J. Gonzales, 54 Entrada, La Cienega, said he represents a partnership that owns property adjacent to this project. Mr. Gonzales said they were in support of PNM's efforts to develop renewable energy. His concerns centered around egress/ingress, accessing the power grid to get power onto the property and storage of energy on site. He said Ms. Moye answered many of his questions and he hoped his remaining questions would be answered in the near future.

Duly sworn, Matthew Baca, identified himself as a proponent of solar energy, former president of New Mexico Solar Energy and Industry Association, current president of New Mexico Renewable Energy Developers Associates and former president of the City of Albuquerque's Energy Conservation Council. He applauded the regulations adopted by the PRC. Mr. Baca said it appeared that this proposal was not complete.

He advised the CDRC that he would be addressing the Caja del Rio PNM request and wanted it on the record that he supports solar energy.

There were no further speakers.

Member Katz moved to approve the application with staff-imposed conditions. Member Martin seconded and the motion passed by unanimous [6-0] voice vote.

- E. CDRC CASE # Z/DP 14-5370 PNM Caja del Rio Solar Energy Center Project. Public Service Company of New Mexico, Applicant, Laurie Moye, Agent, requests Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 5 megawatt electric Solar Facility on a 40-acre site. The property is located north of New Mexico Highway 599 and takes access via Caja del Rio Road, within Section 3, Township 16 North, Range 8 East, Commission District 2 [Exhibit 4: Staff distributed VanAmberg, Rogers, et al. memo dated 12/15/14; Exhibit 5: VanAmberg, Rogers, et al. distributed memo dated 12/14/14; Exhibit 6: Recorded Grant of Easement]**

Member Gonzales recused himself from this case.

Mr. Larrañaga recited the case caption and reviewed the staff report as follows:

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“Public Service Company of New Mexico is requesting Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 5 megawatt tracking solar electric generating facility on a 40 acre site. The solar panels are tracking panels which will be configured together in long rows which will be oriented north-south. Each row of panels are approximately 210 feet in length, and will rotate together, making adjustments as the panels move to track the sun east to west. The solar modules will be mounted on a ground mounted rack. The height of the top of the panels at full-rotation will not exceed 7 feet from the natural grade. A distribution line will be extended to the site for the delivery of the electricity being generated by the facility. For safety and security reasons the facility will be enclosed by a chain link fence with three strands of barbed wire eight feet in total height.

“The Applicant states: The solar generating facility is needed to meet PNM’s 2015 Renewable Energy Plan. The project is part of a utility distribution system for utility use for the greater public good and for the health, safety and welfare of the residents of Santa Fe County and will provide the community with a source of clean, renewable energy to support growth and economic development in the area.

“The Applicant has submitted a subsequent letter and drawings in response to staff and review agency comments. The Applicant states that typically there are 4,000 panels per megawatt, therefore, the proposed five megawatt site will contain approximately 20,000 panels and will encompass approximately 24 acres of the 40 acre site. The site will also house five power converters and one switchgear facility.

“On October 28, 2014, the Applicant held an open house to discuss the proposed development. Notice was sent to 10 adjacent property owners and three attended the meeting. The Applicant states that concerns of the individuals who attended the open house were primarily related to uncertainty as to what the facilities would look like and visibility of the site.

“Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Master Plan Zoning, Preliminary and Final Development Plan: the Application is comprehensive in establishing the scope of the project; the proposed use is in compliance with the uses associated with Other Development; the Application satisfies the submittal requirements set forth in the Land Development Code.

“The review comments from State Agencies and County staff have established findings that this Application, for Master Plan Zoning, Preliminary and Final Development Plan, is in compliance with: State requirements; Article III,

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2/20/2015

Section 8, Other Development; Article V, Section 5 Master Plan Procedures; Article V Section 7.2 Final Development Plan of the County Land Development Code.”

Mr. Larrañaga said staff recommends approval of Master Plan Zoning, Preliminary and Final Development Plan to allow a 5 megawatt electric Solar Facility on a 40 acre site subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, Section 7.1.3.c. Conditions shall be noted on the Master Plan/Final Development Plan.
 - a. Santa Fe County Public Works Department and Santa Fe County Fire conditioned the access, to the site, to be constructed with 6 inches of compacted base course and 20 feet in width.
2. Master Plan/Final Development Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, Section 7.2.2.
 - 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, Section 5.2.7).

Previously sworn, Laurie Moyer said this request is similar to the previous one. This site will house a 5 megawatt electric solar facility on 40 acres. She presented a slide show illustrating the power grid, project vicinity, egress/ingress, noted that the project will not generate traffic once built, and will be operated remotely. This site will not require sewer, water or gas. Ms. Moyer said PNM will take advantage of natural moisture to clean the panels. For public safety and security the site will be enclosed with chain link fencing and barbed wire. The facility will have an undetectable sound and there are no health effects from the site.

Annually property taxes to the County will be approximately \$96,000, stated Ms. Moyer. If approved, the facility will be in service winter 2015.

Ron VanAmberg, counsel for several heirs of Antonio Baca who have property adjacent to the proposed solar project property said the concerns of the Bacas include safety considerations relating to the road alignment that is proposed as access to the project property and whether this activity is appropriate given the Rural Residential zoning. He referred the CDRC to a subdivision plat prepared by Rick Chatroop [*Exhibit 6 last page*] to locate the roads and property. He noted that the access road at the north of the lots that extends to the east curves into an angled road that leads to a 100-foot public access easement providing access into Lot 1 where the facility is proposed. The main concern regarding the road alignment relates to the historic Cochiti Trail that has been used for over 1,000 years to reach the Cochiti Pueblo. The trail has been platted and recognized since 1919. The Bacas have historically used the Cochiti Trail which is a 42 U.S.C. Section 932 federally created highway – a statute used to assist in the settlement of homesteads. Although the statute has been repealed, Mr. VanAmberg said the road persist and is recognized as a public highway.

Mr. VanAmberg identified an additional or new road created by former County Public Works Director James Lujan has a sharp angle that is neither safe to the public nor appropriate to the Baca cattle operation.

2/20/2015

Mr. VanAmberg said the plat of the subdivision fails to show Cochiti Trail and further the Bacas believe the solar facility is more appropriately placed on property zoned industrial. He indicated that he has brought the issue of roads and alignment up with the County repeatedly since 2007. The applicant's proposal should not continue until the road issues are resolved.

Mr. VanAmberg discussed zoning and that this proposal sits amongst rural residential lots and would constitute spot zoning. The fact the new zoning map may accommodate this type of use is an inappropriate basis to approve the request.

Commenting that there are existing roads in the area to service the Office of Archaeology Studies (OAS), Member Katz asked what the applicant was requesting in relation to those roads. Mr. VanAmberg responded that they want the road aligned along Cochiti Trail.

Member Katz asked if moving the OAS access road to the Cochiti Trail route alignment would alleviate the Bacas' concerns.

Duly sworn, Philip Baca, 6902 Acacio Street, Albuquerque, responded to Member Katz' question stating that it would. He said OAS moved their building to avoid the Cochiti Trail. Mr. P. Baca said James Lujan moved road signs and that further complicated the issue when a new road was identified as Cochiti Trail.

Mr. P. Baca said the area was homesteaded by Luis Romero who sold it to Mr. P. Baca's father in 1951. He identified properties his family owns in the vicinity noting they have been in the ranching business since 1920. The way these two roads meet "creates a real dangerous situation," stated Mr. P. Baca. He pointed out that while PNM says their project will not generate traffic the other newly created lots will.

Member Katz suggested the Bacas talk with PNM and the County about moving the road to its original location and accessing from it. Mr. P. Baca said they have tried all the available avenues within the County to correct this issue and nothing has happened. He cited examples during 2006, 2012 and 2014 wherein the County has refused to take action on this. While PNM said the project will not generate traffic there are other newly created lots that will create traffic in the area.

Mr. P. Baca recalled traveling Cochiti Trail in 1944 with his father to get feed to sheep during a particularly rough winter. Cochiti Trail is historically significant; he spoke about La Cieneguilla Grant and an acequia there for farming.

Chair Drobni asked Mr. P. Baca whether he had a solution. Mr. P. Baca said there should only be one access off Caja del Rio and it should be the original Cochiti Trail. The property should not be rezoned until the map is approved. He suggested PNM locate this solar facility along the Santa Fe River where it is zoned industrial.

Chair Drobni asked PNM whether they understood the Bacas' concerns and if they were aware of the issue. Ms. Moye said she understood their concerns.

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Mr. VanAmberg corrected their testimony and said it was not Lot 1 the facility was going on but instead Lot 4.

Previously sworn, Matthew Baca thanked the CDRC for the opportunity to present these issues that surfaced in 2005 when survey stakes appeared. The problem, he said, seems to point to James Lujan who has tainted the County with corruption and put a cloud over government. He outlined contacts he had with the County dating back to 2005 through 2014 without results. Ms. Penny Ellis-Green was identified as the one County employee who has been helpful in this issue.

Mr. M. Baca said the subdivision plat was inaccurate and deficient.

Mr. M. Baca said archaeologists have found campground sites in the area and it is assumed that the campgrounds were set up because of the visibility to see game for miles around.

The property is currently zoned rural residential and he requested that if the project is approved all transmission lines be underground. With eight feet of chain link and concertina fencing the site will look like the State Penitentiary. Mr. M. Baca requested that, if approved, the fence be set back into the property by 100 feet. The sign for Cochiti Trail should be put back at its original location.

As a final concern, Mr. M. Baca said the applicant's public notice was inadequate with the posting situated 440 yards from the subject property and posted by an unused gate.

Under oath, Scott Hoeft, Santa Fe Planning Group, stated he represents the property owner and was not working with PNM. He said he was confused by the concerns raised by the Bacas and their attorney.

Mr. Hoeft said the opponents continually refer to Lot 1 which is not the site. The subject site is Lot 4. The issue of fencing over a public right-of-way brought up by the opponents is incorrect.

Mr. Hoeft confirmed for Member Katz that there is a 100-foot easement on the north side of Lot 4 and it cannot be blocked by a fence. PNM's proposed fence will be 100 feet in the property. He said the owner of Lot 4 owns all four lots, 160 acres.

Referring to VanAmberg's Exhibit 5, Mr. Hoeft said he saw a discrepancy between the road alignment in Exhibits A and F and needed to meet with surveyor and clear it up. From his review of the plat the Baca's legal access is not threatened. Regarding the "dangerousness" of the road alignment, Mr. Hoeft said the road is 24 feet within a 100 foot easement and there was clearly room to design a T. He theorized that Cochiti Trail was moved to the north to design the T with Caja del Rio.

Mr. Hoeft offered to work with the surveyor and the property owner to get further clarification between the road alignments. He said there was no intent to vacate or eliminate any easements that access the Baca property.

Mr. Hoeft said the site is planned for industrial zoning per the SLDC Code and mapping. The area is within the Airport Redevelopment District and includes Baca

2/20/2015

property to the north. He was unsure about the ownership of the Baca property commenting he understood 300 acres zoned mixed use was recently sold.

In terms of the historic nature of Cochiti Trail, Mr. Hoeft said he would defer to the Bacas; however, an archaeological survey was submitted to SHPO and accepted without issue.

Mr. Hoeft closed his comments stating that if the project goes forward the access will be shown appropriately on the final lot line adjustment plat and resolve any discrepancies.

Mr. Larrañaga said the applicant is requesting a zone change to Other Use through master plan. Currently the property is zoned single-family residential. He clarified that the zoning change is within the master plan.

Chair Drobnis reminded the CDRC that the application must be consideration under the existing land development code.

Member Katz invited Mr. P. Baca to locate Cochiti Trail within the Baca property and subject lot.

Ms. Moyer said PNM believes it has legal access to the property with the surveyor certifying such. She said they were willing to work with the County to clear up any access issues. The first solar panel will be set back 50 feet from the fence which is 100 feet of the property line, clarified Mr. Hoeft.

Mr. Hoeft confirmed the Chair's statement that Lot 4 is not at this point a legal lot and a subdivision or lot split is necessary.

Responding to a question posed earlier by Member Booth, Mr. Hoeft said the master plan is the tool that creates the zoning change. The development plan further defines the project.

Returning to the podium, Mr. P. Baca said the exhibit shows the 100 foot setback says to be used exclusively by the property owner and thus blocks the road to the west. The plats need to show Cochiti Trail because it serves as the primary road to access his property to the west.

Mr. Larrañaga distributed a platted easement [*Exhibit 6*] that depicts access.

Chair Drobnis asked when Lot 4 would be created. Mr. Larrañaga responded if this application is approved by the BCC, then prior to recording the master plan, preliminary and final development plan, the lots and road access will be built following by recordation of the master plan of the 40 acres. The creation of the Lot 4 will be conducted administratively.

2/20/2015

Chair Drobns opined that this would have been simplified had the access issues been resolved before coming before the CDRC.

Member Booth asked about the public notice issue brought up by Mr. M. Baca. Mr. Larrañaga said staff received the certified return-receipts and a photo of the posted notice. Mr. M. Baca said the posted notice was approximately ¼ mile from the proposed lot.

Ms. Moyer said she posted the notice at the end of Cochiti Trail near a locked gate that she could not enter where it could be seen from the public right-of-way. Mr. M. Baca said the gate has never been locked. He said it was not visible from the road. Mr. M. Baca approached the bench to locate on a map where the notice was posted.

Member Anaya observed that the gate was posted with no trespassing and the applicant could not pass through. Mr. M. Baca said he posted that no trespassing sign on Baca property.

Mr. VanAmberg reminded the CDRC that the subdivision requirements apply to property that is divided for purposes of sale and also lease.

Mr. P. Baca returned to the podium and said he met with Robert Griego, County Planner, to discuss the mixed use designation on his property and it was not a final. The Bacas would prefer residential.

The public hearing was closed.

Member Anaya moved to recommend approval of CDRC Case # Z/DP 14-5370 PNM Caja del Rio Solar Energy Center Project with staff conditions. Member Martin seconded.

Member Booth said she couldn't support the motion because the current zoning is rural residential and this is a huge change that she could not support.

The motion passed by majority 4-1 voice vote with Member Booth voting against. [Member Gonzales had recused himself from this case.]

F. CDRC CASE #V/ZA/S 10-5352 Rio Santa Fe Business Park
TABLED

G. CDRC CASE #APP 13-5062 Robert and Bernadette Anaya Appeal
TABLED

VII. PETITIONS FROM THE FLOOR

None were offered.

VIII. COMMUNICATIONS FROM THE COMMITTEE

Wishes for a Merry Christmas and a Happy New Year were exchanged.

Chair Drobnis was thanked and commended for his service as Committee Chair.

IX. COMMUNICATIONS FROM STAFF

The next meeting was scheduled for January 15, 2015.

Ms. Lucero distributed an update on BCC action regarding CDRC cases.

Staff thanked Chair Drobnis for his service adding it was a privilege to work with him. Election of a new chair and vice chair will be on the next agenda.

X. ADJOURNMENT

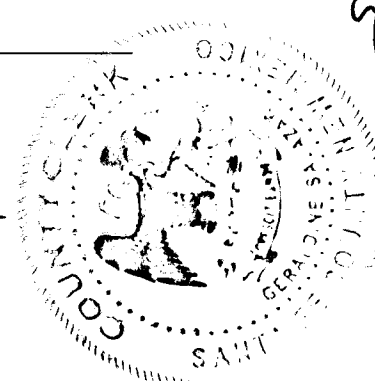
Having completed the agenda and with no further business to come before this Committee, Chair Drobnis declared this meeting adjourned at approximately 7:10 p.m.

Approved by:

[Signature]
CDRC Member

ATTEST TO:

[Signature] 2-19-2015
COUNTY CLERK



Before me, this ___ day of _____, 2014.

My Commission Expires:

Notary Public

Submitted by:
[Signature]
Karen Farrell, Wordswork



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

CDRC MINUTES
PAGES: 47

I Hereby Certify That This Instrument Was Filed for Record On The 20TH Day Of February, 2015 at 09:44:15 AM And Was Duly Recorded as Instrument # 1757718 Of The Records Of Santa Fe County

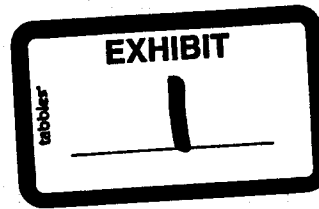
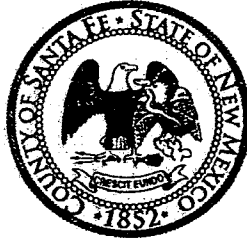
Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy *[Signature]* County Clerk, Santa Fe, NM

RECORDED
2/20/2015

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Development Review

Date	10-22-2014		
Project Name	Luis & Isela Rodriguez		
Project Location	92 Camino Montoya, Santa Fe, New Mexico 87507		
Description	Density Variance for Mobile Home placement	Case Manager	Nathen Manz
Applicant Name	Luis & Isela Rodriguez	County Case #	14-5340
Applicant Address	92 Camino Montoya Santa Fe, New Mexico 87507	Fire District	La Cienega
Applicant Phone	505-603-3878		
Review Type:	Commercial <input type="checkbox"/>	Residential <input checked="" type="checkbox"/>	Sprinklers <input type="checkbox"/>
	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input checked="" type="checkbox"/>
	Wildland <input checked="" type="checkbox"/>	Variance <input checked="" type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
			Inspection <input checked="" type="checkbox"/>
			Lot Split <input type="checkbox"/>
Project Status:	Approved <input type="checkbox"/>	Approved with Conditions <input checked="" type="checkbox"/>	Denial <input type="checkbox"/>

2/20/2015

The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated:

Fire Department Access

Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

- **Fire Access Lanes**

Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.

- **Roadways/Driveways**

Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

The existing driveway shall be 20' wide to meet the minimum County standards for fire apparatus access roads within this type of proposed development for two residences. Driveway shall be County approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate width shall be 14' and an unobstructed vertical clearance of 13'6".

- **Street Signs/Rural Address**

Section 901.4.4 Premises Identification (1997 UFC) *Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.*

Section 901.4.5 Street or Road Signs. (1997 UFC) *When required by the Chief, streets and roads shall be identified with approved signs.*

All access roadway identification signs leading to the approved development area(s) shall be in place prior to the required fire hydrant acceptance testing. Said signs shall remain in place in visible and viable working order for the duration of the project to facilitate emergency response for the construction phase and beyond.

Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot or building site within 72 hours of the commencement of the development process for each building.

- **Slope/Road Grade**

Section 902.2.2.6 Grade (1997 UFC) *The gradient for a fire apparatus access road shall not exceed the maximum approved.*

There are no slopes the exceed 11%.

- **Restricted Access/Gates/Security Systems**

Section 902.4 Key Boxes. (1997 UFC) *When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.*

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.

Fire Protection Systems

- **Automatic Fire Protection/Suppression**

This office highly recommends the installation of an automatic fire suppression system as per 1997 Uniform Fire Code, Article 10 Section 1003.2.1 and the Building Code as adopted by the State of New Mexico and/or County of Santa Fe. Required automatic fire suppression systems shall be in accordance with NFPA 13 and 13D Standard for automatic fire suppression systems. It is recommended that the homeowner contact their insurance carrier to find their minimum requirements.

2/20/2015

- **Fire Alarm/Notification Systems**

Automatic Fire Protection Alarm systems are highly recommended per 1997 Uniform Fire and Building Codes as adopted by the State of New Mexico and/or the County of Santa Fe. Required Fire Alarm systems shall be in accordance with NFPA 72, National Fire Alarm Code for given type of structure and/or occupancy use. Said requirements will be applied as necessary as more project information becomes available to this office during the following approval process.

Hydrants

Shall comply with Article 9, Section 903 - Water Supplies and Fire Hydrants of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Section 903.4.2 Required Installations. (1997 UFC) *The location, number and type of the fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved.*

Fire hydrants subject to possible vehicular damage shall be adequately protected with guard posts in accordance with Section 8001.11.3 of the 1997 UFC.

All fire hydrants shall be spaced so that the furthest buildable portion of a parcel shall be within one thousand feet (1,000') as measured along the access route.

Fire hydrant locations shall be no further than 10 feet from the edge of the approved access roadways with the steamer connections facing towards the driving surface. Final fire hydrant locations shall be located in full view for incoming emergency responders. Landscape vegetation, utility pedestals, walls, fences, poles and the like shall not be located within a three foot radius of the hydrant per Article 10, Sections 1001.7.1 and 1001.7.2 of the 1997 UFC.

Supply lines shall be capable of delivering a minimum of 1,000 gpm with a 20-psi residual pressure to the attached hydrants. The design of the system shall be accordingly sized and constructed to accommodate for the associated demands placed on such a system through drafting procedures by fire apparatus while producing fire flows. The system shall accommodate the operation of two pumping apparatus simultaneously from separate locations on the system. Final design shall be approved by the Fire Marshal. All hydrants shall have NST ports.

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.

All hydrants shall comply with Santa Fe County Resolution 2000-55, Hydrant color-coding, marking and testing.

- **Fire Extinguishers**

Article 10, Section 1002.1 General (1997 UFC) *Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the chief. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.*

Portable fire extinguishers are highly recommended to be installed in occupancies and locations as set forth in the 1997 Uniform Fire Code. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.

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- **Life Safety**

Fire Protection requirements listed for this development have taken into consideration the hazard factors of potential occupancies as presented in the developer's proposed use list. Each and every individual structure of a private occupancy designation will be reviewed and must meet compliance with the Santa Fe County Fire Code (1997 Uniform Fire Code and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code, which have been adopted by the State of New Mexico and/or the County of Santa Fe.

General Requirements/Comments

Inspections/Acceptance Tests

Shall comply with Article 1, Section 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.

The developer shall call for and submit to a final inspection by this office prior to the approval of the Certificate of Occupancy to ensure compliance to the requirements of the Santa Fe County Fire Code (1997 UFC and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code.

Permits

As required

Final Status

Recommendation for Final Development Plan approval with the above conditions applied.

Renee Nix, Inspector

Code Enforcement Official

Date

Through: Chief David Sperling

File: DEV/LuisIselaRodriguez/102214/LC

Cy: Buster Patty, Fire Marshal
Caleb Mente, Land Use
Applicant
District Chief La Cienega
File

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2/20/2015



La Cienega Valley Association
PO Box 23554
Santa Fe, New Mexico 87502
Preserving Our Rural Way of Life

November 21, 2014

Matthew Martinez, Case Manager
Growth Management Department
Santa Fe County
102 Grant Avenue
Santa Fe, N.M. 87501

CDRC CASES: #V-14-5340 – Luis and Isela Rodriguez
 #V-14-5400 – Melody Saucedo

Dear Mr. Martinez:

The La Cienega Valley Association (LCVA) would like it to be on the record that, as a rural community organization, we categorically oppose any variance requests that are the result of unpermitted and illegal acts. The LCVA strongly supports the density factors established in our community plan and supported by County ordinance. These requests fail to respect those ordinances.

We value our rural way of life and seek to protect our limited ground water resources. The LCVA has learned that the two variance requests in La Cieneguilla #V-14-5340 and #V-14-5400 before you are due to prior homeowners who made structural additions and changes to create unpermitted separate living units. If granted, these types of variance requests could set a precedent that our community cannot afford and our water sources cannot sustain.

The message the LCVA seeks to convey to the CDRC and the County Commission is that all prospective homebuyers have a responsibility to ensure that the structures on the property they are considering purchasing are legal, the septic system is permitted and the well is metered. In these two cases, it would appear that this due diligence was not conducted which has allowed the present owner to benefit from a prior illegal act. This isn't right and can't be tolerated.

Please uphold the ordinances that support our community plan and in effect you are upholding the rural way of life for future generations.

Please let us know if you require any additional information.

Sincerely,

RECORDED
2/20/2015



La Cienega Valley Association
PO Box 23554
Santa Fe, New Mexico 87502
Preserving Our Rural Way of Life

November 21, 2014

Matthew Martinez, Case Manager
Growth Management Department
Santa Fe County
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Please let us know if you require any additional information.

Sincerely,

NOV 23 2014 2/20/2015

VANAMBERG, ROGERS, YEPA, ABEITA & GOMEZ, LLP

ATTORNEYS AT LAW

RONALD J. VANAMBERG (NM)
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DAVID R. YEPA (NM)
CAROLYN J. ABEITA (NM)**
DAVID GOMEZ (NM, NAVAJO NATION)**
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ALBUQUERQUE, NEW MEXICO 87102
(505) 242-7352
FAX (505) 242-2283

**NEW MEXICO BOARD OF LEGAL SPECIALIZATION
CERTIFIED SPECIALIST IN THE AREA OF FEDERAL
INDIAN LAW

347 EAST PALACE AVENUE
SANTA FE, NEW MEXICO 87501

December 15, 2014

HAND DELIVERED

Vickie Lucero
County Land Use
102 Grant Avenue
Santa Fe, New Mexico 87501



Re: Application of El Llano Summit Caja del Rio, LLC Application for Development and Rezoning

Dear Ms. Lucero:

This letter is on behalf of Philip Baca, Matthew Baca, Michael Baca, Phyllis Baca and Loretta Baca, some of the heirs and successors in interest to Antonio Baca and who own a substantial amount of property in the State Road 599 and Caja del Rio area. I will collectively refer to my clients as "the Bacas." The Bacas have no problem with PNM creating solar power for its system and encourage such activity. However, the Bacas have concerns about the above referenced application because it involves a request for spot zoning to allow for commercial and industrial uses on a single tract (Lot 1 as shown on the survey draft which is Exhibit F) and will involve use of an ill-advised administratively created road superimposed in part over a historic road referred to as the Cochiti Trail, which road is also a 42 USC 932 road created by federal law. Some history should be helpful.

THE ROAD SITUATION

Several years ago, the Bacas had to address a situation where the Office of Archaeological Studies (OAS) was intending to develop property in the 599 area that had been acquired from the Bureau of Land Management (BLM) under the provisions of the Recreation and Public Purposes Act. Apparently the OAS and the County intended to request or did request the Bureau of Land Management to vacate and relocate a road known historically as the Cochiti Trail that passes through the OAS property. As will be discussed further, the Cochiti Trail has been a historic road for centuries and any vacation and relocation of it would be problematic for a variety of reasons. The Bacas expressed their concerns about moving the Cochiti Trail and thought better judgment had prevailed. However, under the direction of James Lujan and with no public input, a new road ("New

2/20/2015

Road”) has been created that intersects the Cochiti Trail road at dangerous angles, while incorporating part of the Cochiti Trail for a distance. (See, portion of plat which is Exhibit A showing the relocation in relation to the Cochiti Trail). As shown in Exhibit A the new road deviates from the Cochiti Trail road, angles into it from the east and then curves away as the new portion swings to the south, (the “South Road”) instead of following the Cochiti Trail, coming to a stop and turning left.

Matthew Baca wrote Mr. Lujan about his family’s concerns, and queried him as to what the motivating factors were in creating the road for a single property owner. Mr. Lujan did not respond to several queries from Matthew, except for a violent verbal outburst from Mr. Lujan, directed at Matthew in the state capitol during a legislative session, that did nothing to explain why he was building the road, but did result in Mr. Lujan being banned from the Senate Rules Committee offices.

The Cochiti Trail road services several of the Bacas’ properties. One property is a small holding claim that extends into the southern portion of Section 35 and is surrounded by the OAS property within Section 35. Another parcel is the east ½ of Section 34 which bounds Section 35 to the west. These lands are indicated on Exhibit B, which is a 1915 survey showing the Cochiti Road. A third parcel is to the west of the area where the proposed new road swings to the south. The Bacas also own a small holding claim which is on the eastern side of Exhibit B. This property is directly impacted by the proposed road vacation as the Cochiti Trail directly traverses Caja del Rio Road and serves as an access road for the eastern property. Caja del Rio Road and the Cochiti Trail have only one intersection point that allows, again historically, easy and quick access to the properties. Additionally, Challenge New Mexico, a non-profit serving developmentally disabled children through horse riding therapy, has its access to Caja del Rio adjacent to the Cochiti Trail.

The two small holding claims are located within the Airport Development District created by the County in 1999 for master planning efforts. These planning efforts clearly recognized the Cochiti Trail road running in a straight line adjacent to the small holding claim properties and into the property to the west. The county recognized the road in the late 1990s, authorizing the placement of water lines and other infrastructure that would service the various Baca properties and facilitate developing the highest and best use for the properties. During the past two years, the Bacas, the County and the New Mexico Game and Fish Department have worked together on the possible placement of a county waterline along this access route for service to the Game and Fish Department, which desires to move onto the county water system. When building Caja del Rio, the County provided gates to the Cochiti Trail on both the east and west side of Caja del Rio.

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Vacating a portion of the Cochiti Trail would frustrate these infrastructure plans and would significantly devalue the Baca properties.

The Cochiti Trail has at least two statuses. First, it is the historic Cochiti Trail, used for centuries (prior to and after European Colonization) to travel from both the Santa Fe and San Ildefonso area to the La Bajada area and beyond. The road is shown on the Exhibit B 1915 plat. As noted in the previous paragraph, the road travels across the top of the Bacas' small holding claim, which is labeled on the map, and continues on to the Bacas' Section 34 property.

In 1998-1999, the City of Santa Fe questioned whether the Cochiti Trail and another road leading to the Bacas' small holding claim property, shown on the eastern portion of the 1915 survey, were public roads. After investigating this issue, a letter was written by the BLM informing the City that one of the roads was part of the Cochiti Trail (Exhibit C). Following this letter, the City fully acknowledged the trail and also acknowledged that it was prohibited from blocking or altering the trail. The integrity of the trail was then respected and continued as access to the Baca properties (Exhibit D). Consistent with this position is Exhibit E, which is a City plat that shows the Cochiti Trail being incorporated into the City's property as a 60' wide road.

Second, the Cochiti Trail is a 42 U.S.C. §932 road. While this federal law has been repealed, roads created under this federal law remain viable and are the subject of enforceable rights. *See, Quintana v. Knowles*, 115 N.M. 360, 851 P.2d 482 (App. 1993). 42 U.S.C. §932 was a federal statute which constituted an offer by the federal government to homesteaders to allow these homesteaders to create public roads across federal unpatented lands so that permanent access could be created to these homesteads. The Bacas' Section 34 property was homesteaded by a Luis Romero in the early 1900s and the Cochiti Trail was used by Mr. Romero to travel to his property during the homesteading process. The road at that time traveled across unpatented federal land. The road continued to be used and continues to be used up until the present day. The establishment of this road by Mr. Romero and his successors created a right associated with the Section 34 property, which cannot be impeded or destroyed without the permission of the Bacas. Under Federal law this is a public highway created by a federal dedication.

First, this is a road developed through a *federal* dedication. *See, Quintana v. Knowles*. The County does not have any jurisdiction or right to vacate this road once created under federal authority.

2/20/2015

Second, the vacation of any public road has to follow statutory procedures which include notice, hearing and action by the governing body. This vacation and relocation did not even begin to follow these procedures.

Third, since the vacation and relocation of the road involves altering and perhaps eliminating the access to the Baca properties and otherwise results in a reduction in the value of these properties, a taking has occurred for which compensation is due. In addition to the problems described above, this change in access affects the small holding claim properties of the Bacas and impacts the western property owned by the Bacas, for now instead of the road leading directly into this western Baca property the road curves to the south, requiring the Bacas to enter at the point of a dangerous curve which likely would prevent any governmental approvals for any extensive development of this Baca property.

Finally, if this new road is considered an additional road and the traveling public continues to have access to the Cochiti Trail road, the angles of the road where it meets and departs from the Cochiti Trail road results in the public having to merge into the new road without having the ability to safely view oncoming traffic. This dangerous, life threatening condition exists both at the east and west ends of the new road.

Additionally New Road will physically separate approximately 500 acres of Baca Ranch land to the east from the main body of the ranch. This acreage is used for cattle grazing, with any cattle in this area cut off from their water supply to the west of the road. This road will either endanger the travelling public because of the existing cattle operation or, if the road is fenced, will cause damage to the Baca cattle operation, requiring additional compensation.

In a meeting between Phil Baca, Matthew Baca and Ms. Ellis-Greene and several of her staff members, it was represented that both roads would remain open, but the New Road would only be for emergency access. That satisfactorily took care of the Baca's concerns. However, now it appears that the New Road will be a primary access to the proposed solar project to be located on the Applicant's Lot 1, giving new life to the above stated concerns. The Bacas did send their concerns recently to the County Attorney and understand that his plate is full with other pressing matters. See attached.

THE ZONING REQUEST

The request being made is for a new industrial/commercial zoning designation for Applicant's Lot 1 as shown on the Exhibit F plat so that, at least under the current represented plans, a solar farm can be created for use by PNM. Again, while solar energy

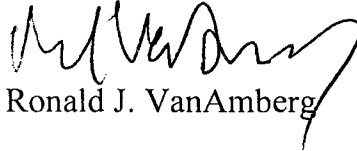
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2/20/2015

Vickie Lucero
December 15, 2014
Page 5

should be encouraged, the Bacas believe that the solar farm is more appropriately placed on Applicant's property to the south which is already zoned for industry. Changing the zoning on one of Applicant's lots would likely be viewed as spot zoning, since Lot 1 is a relatively small parcel at 40 acres and is surrounded by a rural residential zoning. Zoning should be the result of a comprehensive plan which, as you know, is under consideration by the County as it proceeds with development of its zoning map.

Thank you for your consideration.

Sincerely,



Ronald J. VanAmberg

RVA/tmb
Enclosures as indicated

RECORDED
2/20/2015

Y EASEMENT FOR CAJA DEL RIO
217, AND FILED IN THE OFFICE
AT BK. 383, PG. 049.

OF NOTE #4.

EVER

$\Delta = 62^{\circ}12'05''$
RADIUS= 540.12'
LENGTH= 586.36'
CH= S 57'05.36" W
557.99

(DELTA= $26^{\circ}25'45''$)
(RADIUS= 1432.39')
(LENGTH= 660.73')
(CH= S 57'05.36" W)
(577.49)

100' WIDE
RELOCATED
ROADWAY
EASEMENT

S 80'51.08" W
(517.09)

BLM LANDS
WITHIN SEC. 35

DELTA= $27^{\circ}51'19''$
RADIUS= 1450.00'
LENGTH= 704.94'
CH= S 68'21.02" W
698.02

(DELTA= $26^{\circ}25'45''$)
(RADIUS= 1432.39')
(LENGTH= 660.73')
(CH= S 67'38.15" W)
(654.89)

BACA

N 82'16.42" E
843.40

AP SHC

S 12'41'00" E
414.48

SHADED AREA
DENOTES FORMER
BLM ROAD ESMT.
FROM NOTE #1
WHICH ENCROACHES
ON PRIVATE LAND
S.H.C. 480

N 89'39.11" E
861.65

BASIS OF BEARING
(N 89'36.34" E)
2641.98
(2641.98)

S.H.C. 480
PRIVATE
LAND OWNER

SEC. 35, T17N, RBE.
N 89'32.50" E
559.66

SEC. 2, T16N, RBE.

DELTA= $1^{\circ}48'27''$
RADIUS= 540.12'
LENGTH= 17.04'
CH= S 19'10.23" W
17.04

STATE LANDS
WITHIN SEC. 2

P 3, T16N, RBE.
& 35, T17N, RBE.
17N, RBE.
16N, RBE.

S 18'16.09" W
151.99

ATCHED AREA
S ROAD & UTIL. ESMT.
STATE LANDS
ITA FE CO.

South Road

160.00

N 89'28.31" E CC SHC
420.38

N 89'44.35" E
609.56

N 89'27.4'
190.74

S.H.C. 3173 TR.1
PRIVATE
LAND OWNER

((RADIUS= 1571.34'))
((LENGTH= 1711.34'))
((CH= N 13'18.23" W))
((1620.90))

TIE
(N 31'20.43" W)
(1118.20)

(N 45'49.48)
(884.36)

New Road



5108/00/e

REGISTERED

Survey accepted September 26, 1913, G.L.O.

PLAT showing Small Holding Claims

in Sec. 35
T. 17N., R. 8E.

New Mexico Prin. Base & Mer. in
New Mexico

as surveyed August 17-23, 1910 by
Bart A. Nymeyer
U.S. Dep. Sur.

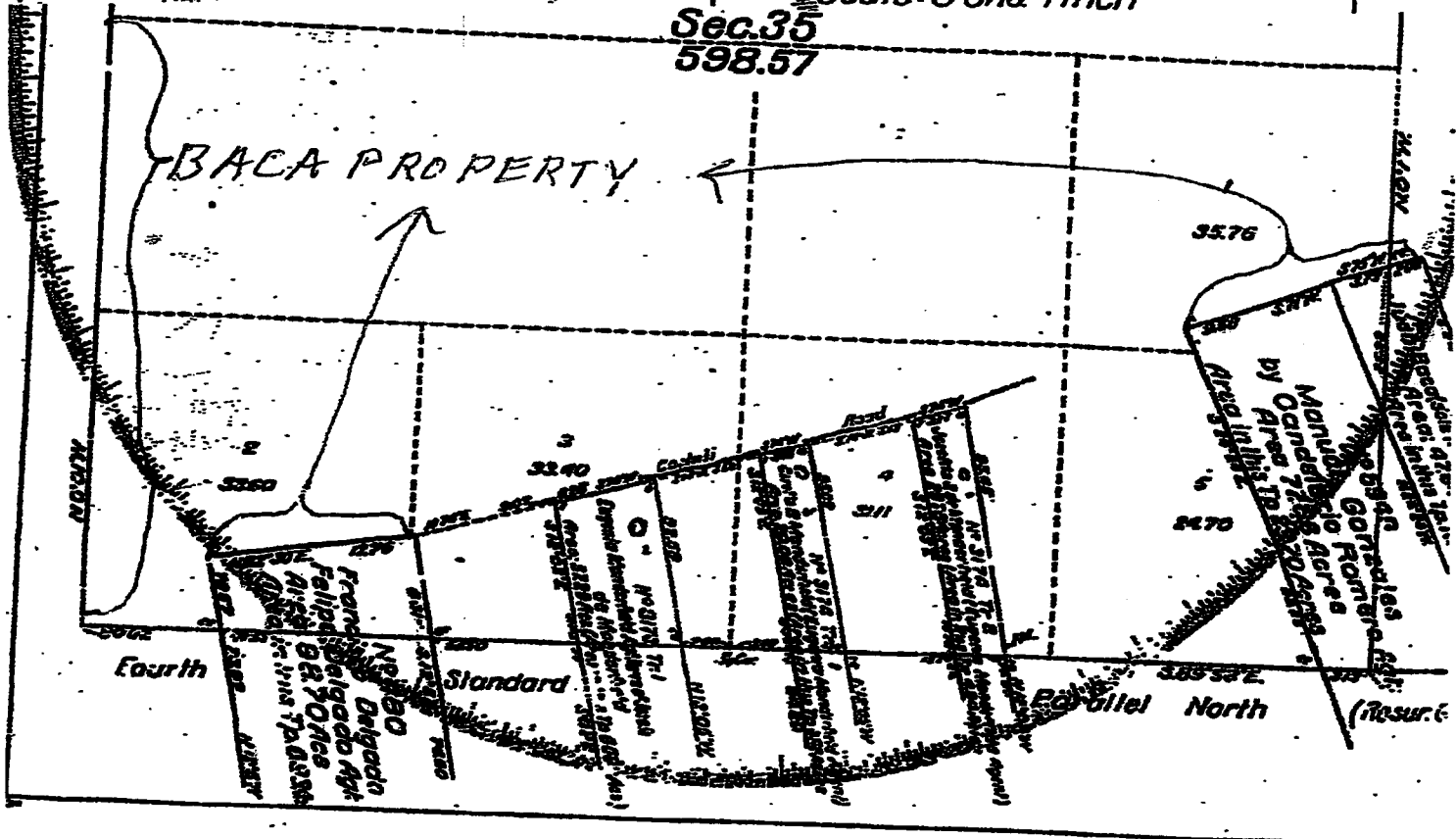
Under Cont. No. 431 Dated Dec. 2, 1909
and

as surveyed May 20-22, 1915 by
Chas. W. Devendorf
U.S. Surveyor

Under Ins. for Group 44, Dated May 15, 1915
Scale: 6 Chs. = 1 inch

Sec. 35
598.57

BACA PROPERTY



RECORDED 2/20/2015

EXHIBIT

B

T. 17N., R. 8E. -- C



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Taos Resource Area
226 Cruz Alta Road
Taos, New Mexico 87571-5983

2000 (020)

October 29, 1999

Mayor Larry Delgado
City of Santa Fe
P.O. Box 909
Santa Fe, NM 87504

Dear Mayor Delgado,

This office has been asked by Philip Baca, representing the Baca family land interests west of Santa Fe, at your office's suggestion, to verify the existence of two roads crossing Bureau of Land Management Land (BLM) in T. 17 N., R. 8 E., NMPM. (see attached map and Baca letter to BLM) The first road is located in sections 23 and 26 and crosses BLM land only in section 26 within lots 13, 14 and 19 which are located in the NE1/4NW1/4 of the section according to BLM land status records. The second road has been historically referred to as the Cochiti Trail which extends from Santa Fe to the community of La Bajada and further south. This road is located on BLM land in lots 2-5, inclusive, (S1/2S1/2) within section 35 according to BLM land status records..

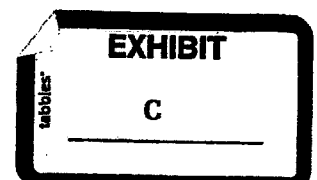
BLM recognizes the existence of these roads as being located on BLM land as depicted on maps of this area and their physical location on the ground. Recognition of their existence does not confer any special status on these roads. Persons using them may do so under Federal regulations in 43 CFR 2800 0.5 pertaining to casual use of roads on BLM land.

If you need any additional information in regards to this matter please do not hesitate to contact Hal Knox of my staff at (505) 751-4707.

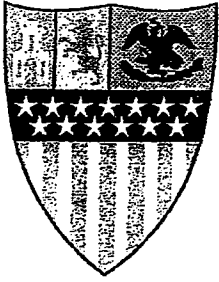
Sincerely,

Sam DesGeorges
Assistant Field Manager

c.c. Mark Basham
Philip Baca



2/30/2015



City of Santa Fe, New Mexico

Larry A. Delgado, Mayor

Dr. Mike Mier, City Manager

Councilors: Art Sanchez, Mayor Pro Tem, Dist. 3

Patti J. Bushee, Dist. 1

Jimmie Martinez, Dist. 1

Cristopher Moore, Dist. 2

Molly Whitted, Dist. 2

Frank Montano, Dist. 3

Peso Chavez, Dist. 4

Carol Robertson Lopez, Dist. 4

December 1, 1999

Mr. Philip Baca
2902 Karen Dr.
Las Cruces, New Mexico 88001

Dear Mr. Baca:

This letter is in response to our meeting last week in my office regarding the trails which you have been using to access your property across the BLM land, which land will eventually be deeded to the City of Santa Fe. In the meeting, you requested that the City recognize a portion of the Cochiti Trail which runs through this property in its Master Plan so that the trail will remain in perpetual existence.

Because of the Cochiti Trail's historical nature, the City and its successors are prohibited from altering, diverting or destroying any portion of the trail. Therefore, the trail will remain in perpetual existence because of its historical status. Furthermore, I have asked John Griego to prepare a revised Master Plan showing the existing trails in this area, as well as trail improvements and the animal shelter project which will be constructed in the near future.

I am hopeful that this will satisfy your request of the City in regard to this matter. Please contact me if you have any further questions in regard to this matter.

Sincerely,

Dr. Mike Mier
City Manager

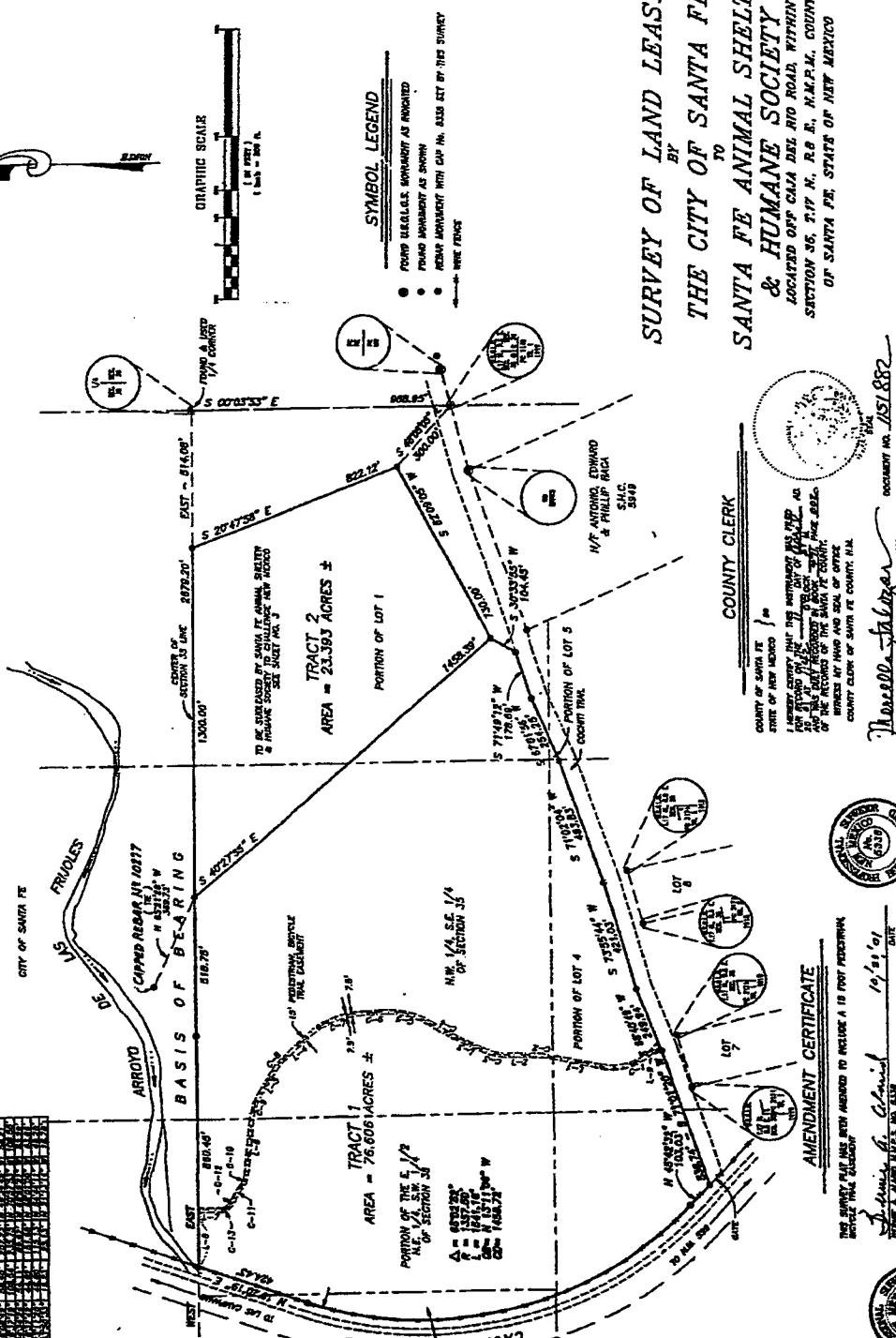
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2/20/2015

EXHIBIT
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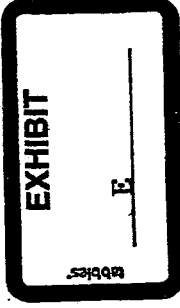
PUBLIC NOTICE

THE SANTA FE COUNTY LAND USE COMMISSION HAS NOT APPROVED THIS PLAN OF SURVEY BEFORE ITS FILING IN THE OFFICE OF THE SANTA FE COUNTY CLERK. THIS PLAN IS NOT BEING FILED FOR THE PURPOSE OF CREATING A SUBDIVISION OF LAND OR FOR THE PURPOSE OF RECORDING A DEED OR OTHER INSTRUMENT. THE DEVELOPMENT OF THIS PLAN IS THE PROPERTY OF THE SURVEYOR AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR. THE SURVEYOR'S OFFICE IS LOCATED AT 1000 N. GARDEN AVENUE, SUITE 100, SANTA FE, NEW MEXICO 87505. THE SURVEYOR'S PHONE NUMBER IS 505-833-1111. THE SURVEYOR'S FAX NUMBER IS 505-833-1112. THE SURVEYOR'S E-MAIL ADDRESS IS SURVEYOR@SFCOUNTY.NM.GOV.



SURVEY OF LAND LEASED
 BY
THE CITY OF SANTA FE
 TO
SANTA FE ANIMAL SHELTER
 & **HUMANE SOCIETY**
 LOCATED OFF CAJAL DEL RIO ROAD, WITHIN
 SECTION 35, T.17 N., R.8 E., N.M.P.M., COUNTY
 OF SANTA FE, STATE OF NEW MEXICO

RECORD INFORMATION FOR COUNTY CLERK
 COUNTY: SANTA FE, ANIMAL SHELTER & HUMANE SOCIETY
 RECEIVED DOCUMENTS: 2015-03-23-01
 STATION: 1000 N. GARDEN AVENUE, SUITE 100, SANTA FE, N.M. 87505
 LOCATION: 1000 N. GARDEN AVENUE, SUITE 100, SANTA FE, N.M. 87505



REC'D CLERK RECORDED 2/30/2015
 5102/2015

COUNTY CLERK

STATE OF NEW MEXICO
 COUNTY OF SANTA FE
 I, James G. Alarid, County Clerk of Santa Fe County, N.M., do hereby certify that the within and foregoing is a true and correct copy of the original of the above and foregoing as the same appears in the records of the Santa Fe County, New Mexico, and that the same is a true and correct copy of the original of the above and foregoing as the same appears in the records of the Santa Fe County, N.M.

AMENDMENT CERTIFICATE

THE SURVEY FILE HAS BEEN AMENDED TO INCLUDE A 10 FOOT PROTRUSION
 ON THE WEST LINE OF TRACT 1.
 DATE: 10/21/01
 BY: James G. Alarid, County Clerk
 STATE OF NEW MEXICO

ALARID AND ASSOCIATES, L.L.C.
 1000 N. GARDEN AVENUE, SUITE 100
 SANTA FE, NEW MEXICO

REFERENCE DOCUMENTS

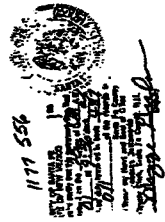
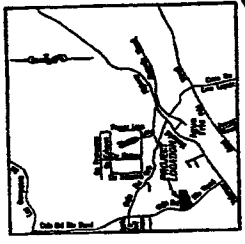
1. PLAN COUNTER NUMBERED PROVISION COMPLETE, PROVIDED BY MARY K. GORDON, N.M.P.M., 1000 N. GARDEN AVENUE, SUITE 100, SANTA FE, NEW MEXICO 87505.
2. PLAN COUNTER NUMBERED PROVISION COMPLETE, PROVIDED BY MARY K. GORDON, N.M.P.M., 1000 N. GARDEN AVENUE, SUITE 100, SANTA FE, NEW MEXICO 87505.
3. LEGAL DESCRIPTION OF THE LAND, AS SHOWN ON THE ORIGINAL SURVEY AND HUMAN SOCIETY, LOCATED OFF CAJAL DEL RIO ROAD, WITHIN SECTION 35, T.17 N., R.8 E., N.M.P.M., COUNTY OF SANTA FE, STATE OF NEW MEXICO.

SURVEYOR NOTES

1. BASE OF THE SECTION IS LOCATED ON THE S.E. CORNER OF SECTION 35, T.17 N., R.8 E., N.M.P.M., COUNTY OF SANTA FE, STATE OF NEW MEXICO.

CERTIFICATE

I, James G. Alarid, County Clerk of Santa Fe County, N.M., do hereby certify that the within and foregoing is a true and correct copy of the original of the above and foregoing as the same appears in the records of the Santa Fe County, New Mexico, and that the same is a true and correct copy of the original of the above and foregoing as the same appears in the records of the Santa Fe County, N.M.



VANAMBERG, ROGERS, YEPA, ABEITA & GOMEZ, LLP

ATTORNEYS AT LAW

RONALD J. VANAMBERG (NM)
CARL BRYANT ROGERS (NM, MS)**
DAVID R. YEPA (NM)
CAROLYN J. ABEITA (NM)**
DAVID GOMEZ (NM, NAVAJO NATION)**
SARAH WORKS (NM, AZ, DC)

**NEW MEXICO BOARD OF LEGAL SPECIALIZATION
CERTIFIED SPECIALIST IN THE AREA OF FEDERAL
INDIAN LAW

P.O. BOX 1447
SANTA FE, NM 87504-1447
(505) 988-8979
FAX (505) 988-7508

347 EAST PALACE AVENUE
SANTA FE, NEW MEXICO 87501

ALBUQUERQUE OFFICE
1201 LOMAS BOULEVARD, N.W.
SUITE C
ALBUQUERQUE, NEW MEXICO 87102
(505) 242-7352
FAX (505) 242-2283

December 15, 2014

HAND DELIVERED

Vickie Lucero
County Land Use
102 Grant Avenue
Santa Fe, New Mexico 87501



Re: Application of El Llano Summit Caja del Rio, LLC Application for Development and Rezoning

Dear Ms. Lucero:

This letter is on behalf of Philip Baca, Matthew Baca, Michael Baca, Phyllis Baca and Loretta Baca, some of the heirs and successors in interest to Antonio Baca and who own a substantial amount of property in the State Road 599 and Caja del Rio area. I will collectively refer to my clients as "the Bacas." The Bacas have no problem with PNM creating solar power for its system and encourage such activity. However, the Bacas have concerns about the above referenced application because it involves a request for spot zoning to allow for commercial and industrial uses on a single tract (Lot 1 as shown on the survey draft which is Exhibit F) and will involve use of an ill-advised administratively created road superimposed in part over a historic road referred to as the Cochiti Trail, which road is also a 42 USC 932 road created by federal law. Some history should be helpful.

THE ROAD SITUATION

Several years ago, the Bacas had to address a situation where the Office of Archaeological Studies (OAS) was intending to develop property in the 599 area that had been acquired from the Bureau of Land Management (BLM) under the provisions of the Recreation and Public Purposes Act. Apparently the OAS and the County intended to request or did request the Bureau of Land Management to vacate and relocate a road known historically as the Cochiti Trail that passes through the OAS property. As will be discussed further, the Cochiti Trail has been a historic road for centuries and any vacation and relocation of it would be problematic for a variety of reasons. The Bacas expressed their concerns about moving the Cochiti Trail and thought better judgment had prevailed. However, under the direction of James Lujan and with no public input, a new road ("New

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2/20/2015

Road”) has been created that intersects the Cochiti Trail road at dangerous angles, while incorporating part of the Cochiti Trail for a distance. (See, portion of plat which is Exhibit A showing the relocation in relation to the Cochiti Trail). As shown in Exhibit A the new road deviates from the Cochiti Trail road, angles into it from the east and then curves away as the new portion swings to the south, (the “South Road”) instead of following the Cochiti Trail, coming to a stop and turning left.

Matthew Baca wrote Mr. Lujan about his family’s concerns, and queried him as to what the motivating factors were in creating the road for a single property owner. Mr. Lujan did not respond to several queries from Matthew, except for a violent verbal outburst from Mr. Lujan, directed at Matthew in the state capitol during a legislative session, that did nothing to explain why he was building the road, but did result in Mr. Lujan being banned from the Senate Rules Committee offices.

The Cochiti Trail road services several of the Bacas’ properties. One property is a small holding claim that extends into the southern portion of Section 35 and is surrounded by the OAS property within Section 35. Another parcel is the east ½ of Section 34 which bounds Section 35 to the west. These lands are indicated on Exhibit B, which is a 1915 survey showing the Cochiti Road. A third parcel is to the west of the area where the proposed new road swings to the south. The Bacas also own a small holding claim which is on the eastern side of Exhibit B. This property is directly impacted by the proposed road vacation as the Cochiti Trail directly traverses Caja del Rio Road and serves as an access road for the eastern property. Caja del Rio Road and the Cochiti Trail have only one intersection point that allows, again historically, easy and quick access to the properties. Additionally, Challenge New Mexico, a non-profit serving developmentally disabled children through horse riding therapy, has its access to Caja del Rio adjacent to the Cochiti Trail.

The two small holding claims are located within the Airport Development District created by the County in 1999 for master planning efforts. These planning efforts clearly recognized the Cochiti Trail road running in a straight line adjacent to the small holding claim properties and into the property to the west. The county recognized the road in the late 1990s, authorizing the placement of water lines and other infrastructure that would service the various Baca properties and facilitate developing the highest and best use for the properties. During the past two years, the Bacas, the County and the New Mexico Game and Fish Department have worked together on the possible placement of a county waterline along this access route for service to the Game and Fish Department, which desires to move onto the county water system. When building Caja del Rio, the County provided gates to the Cochiti Trail on both the east and west side of Caja del Rio.

RECEIVED
COUNTY CLERK
SANTA FE COUNTY
NEW MEXICO

2/20/2015

Vacating a portion of the Cochiti Trail would frustrate these infrastructure plans and would significantly devalue the Baca properties.

The Cochiti Trail has at least two statuses. First, it is the historic Cochiti Trail, used for centuries (prior to and after European Colonization) to travel from both the Santa Fe and San Ildefonso area to the La Bajada area and beyond. The road is shown on the Exhibit B 1915 plat. As noted in the previous paragraph, the road travels across the top of the Bacas' small holding claim, which is labeled on the map, and continues on to the Bacas' Section 34 property.

In 1998-1999, the City of Santa Fe questioned whether the Cochiti Trail and another road leading to the Bacas' small holding claim property, shown on the eastern portion of the 1915 survey, were public roads. After investigating this issue, a letter was written by the BLM informing the City that one of the roads was part of the Cochiti Trail (Exhibit C). Following this letter, the City fully acknowledged the trail and also acknowledged that it was prohibited from blocking or altering the trail. The integrity of the trail was then respected and continued as access to the Baca properties (Exhibit D). Consistent with this position is Exhibit E, which is a City plat that shows the Cochiti Trail being incorporated into the City's property as a 60' wide road.

Second, the Cochiti Trail is a 42 U.S.C. §932 road. While this federal law has been repealed, roads created under this federal law remain viable and are the subject of enforceable rights. *See, Quintana v. Knowles*, 115 N.M. 360, 851 P.2d 482 (App. 1993). 42 U.S.C. §932 was a federal statute which constituted an offer by the federal government to homesteaders to allow these homesteaders to create public roads across federal unpatented lands so that permanent access could be created to these homesteads. The Bacas' Section 34 property was homesteaded by a Luis Romero in the early 1900s and the Cochiti Trail was used by Mr. Romero to travel to his property during the homesteading process. The road at that time traveled across unpatented federal land. The road continued to be used and continues to be used up until the present day. The establishment of this road by Mr. Romero and his successors created a right associated with the Section 34 property, which cannot be impeded or destroyed without the permission of the Bacas. Under Federal law this is a public highway created by a federal dedication.

First, this is a road developed through a *federal* dedication. *See, Quintana v. Knowles*. The County does not have any jurisdiction or right to vacate this road once created under federal authority.

2/20/2015

Second, the vacation of any public road has to follow statutory procedures which include notice, hearing and action by the governing body. This vacation and relocation did not even begin to follow these procedures.

Third, since the vacation and relocation of the road involves altering and perhaps eliminating the access to the Baca properties and otherwise results in a reduction in the value of these properties, a taking has occurred for which compensation is due. In addition to the problems described above, this change in access affects the small holding claim properties of the Bacas and impacts the western property owned by the Bacas, for now instead of the road leading directly into this western Baca property the road curves to the south, requiring the Bacas to enter at the point of a dangerous curve which likely would prevent any governmental approvals for any extensive development of this Baca property.

Finally, if this new road is considered an additional road and the traveling public continues to have access to the Cochiti Trail road, the angles of the road where it meets and departs from the Cochiti Trail road results in the public having to merge into the new road without having the ability to safely view oncoming traffic. This dangerous, life threatening condition exists both at the east and west ends of the new road.

Additionally New Road will physically separate approximately 500 acres of Baca Ranch land to the east from the main body of the ranch. This acreage is used for cattle grazing, with any cattle in this area cut off from their water supply to the west of the road. This road will either endanger the travelling public because of the existing cattle operation or, if the road is fenced, will cause damage to the Baca cattle operation, requiring additional compensation.

In a meeting between Phil Baca, Matthew Baca and Ms. Ellis-Greene and several of her staff members, it was represented that both roads would remain open, but the New Road would only be for emergency access. That satisfactorily took care of the Baca's concerns. However, now it appears that the New Road will be a primary access to the proposed solar project to be located on the Applicant's Lot 1, giving new life to the above stated concerns. The Bacas did send their concerns recently to the County Attorney and understand that his plate is full with other pressing matters. See attached.

THE ZONING REQUEST

The request being made is for a new industrial/commercial zoning designation for Applicant's Lot 1 as shown on the Exhibit F plat so that, at least under the current represented plans, a solar farm can be created for use by PNM. Again, while solar energy

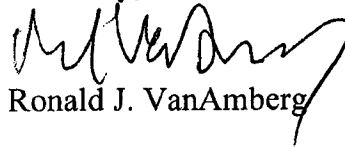
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Vickie Lucero
December 15, 2014
Page 5

should be encouraged, the Bacas believe that the solar farm is more appropriately placed on Applicant's property to the south which is already zoned for industry. Changing the zoning on one of Applicant's lots would likely be viewed as spot zoning, since Lot 1 is a relatively small parcel at 40 acres and is surrounded by a rural residential zoning. Zoning should be the result of a comprehensive plan which, as you know, is under consideration by the County as it proceeds with development of its zoning map.

Thank you for your consideration.

Sincerely,



Ronald J. VanAmberg

RVA/tmb
Enclosures as indicated

RECEIVED
2/20/2015

EASEMENT FOR CAJA DEL RIO
 217, AND FILED IN THE OFFICE
 AT BK. 383, PG. 049.

OF NOTE #4.

NER

BLM LANDS
 WITHIN SEC. 35

(DELTA= 26°25'45")
 (RADIUS= 1432.39')
 (LENGTH= 660.73')
 (CH= S 57°05'36" W)
 (577.49)

1= 62°12'05"
 US= 540.12'
 TH= 586.36'
 51°10'39" W
 557.99

P 3, T16N, R8E,
 & 35, T17N, R8E
 P 85

17N. R8E.
 16N. R8E.

S 18°16'09" W
 151.99

HATCHED AREA
 S ROAD & UTIL. ESMT.
 STATE LANDS
 IATA FE CO.

DELTA= 27°51'19"
 RADIUS= 1450.00'
 LENGTH= 704.94'
 CH= S 68°21'02" W
 698.02

(DELTA= 26°25'45")
 (RADIUS= 1432.39')
 (LENGTH= 660.73')
 (CH= S 67°38'15" W)
 (654.89)

100' WIDE
 RELOCATED 50'
 ROADWAY
 EASEMENT

N 82°16'42" E
 843.40
BACA

N 12°23'53" W
 303.33
BACA

SEC. 35, T17N, R8E.
 N 89°32'50" E
 559.66

SEC. 2, T16N, R8E.

DELTA= 1°48'27"
 RADIUS= 540.12'
 LENGTH= 17.04'
 CH= S 19°10'23" W
 17.04

STATE LANDS
 WITHIN SEC. 2

SHADED AREA
 DENOTES FORMER
 BLM ROAD ESMT.
 FROM NOTE #1
 WHICH ENCROACHES
 ON PRIVATE LAND
 S.H.C. 480

AP SHC
 S 12°41'00" E
 414.48
 BASIS OF BEARING
 (N 89°36'34" E)
 2641.98
 (2641.98)

S.H.C. 480
 PRIVATE
 LAND OWNER

CC SHC
 N 89°44'35" E
 609.56

CC SHC
 N 89°28'31" E
 420.38

N 89°27'41"
 190.74

S.H.C. 3173 TR.1
 PRIVATE
 LAND OWNER

((RADIUS= 1711.34'))
 ((LENGTH= 1711.34'))
 ((CH= N 13°18'23" W))
 ((1620.90))

TIE
 (N 31°20'43" W)
 (1718.20)
 (16.1)

(N 45°49'48")
 ((884.36))

New Road

EXHIBIT
 A

5/20/2015

Survey accepted September 26 1910 G.L.O.

PLAT showing Small Holding Claims

in Sec. 35

T. 17N., R. 8E.

New Mexico Prin. Base & Mer. in
New Mexico

as surveyed August 17-23, 1910 by

Bart A. Nymeyer

U.S. Dep. Sur.

Under Cont. No. 431 Dated Dec. 2, 1909

and

as surveyed May 20-22, 1915 by

Chas. W. Devendorf

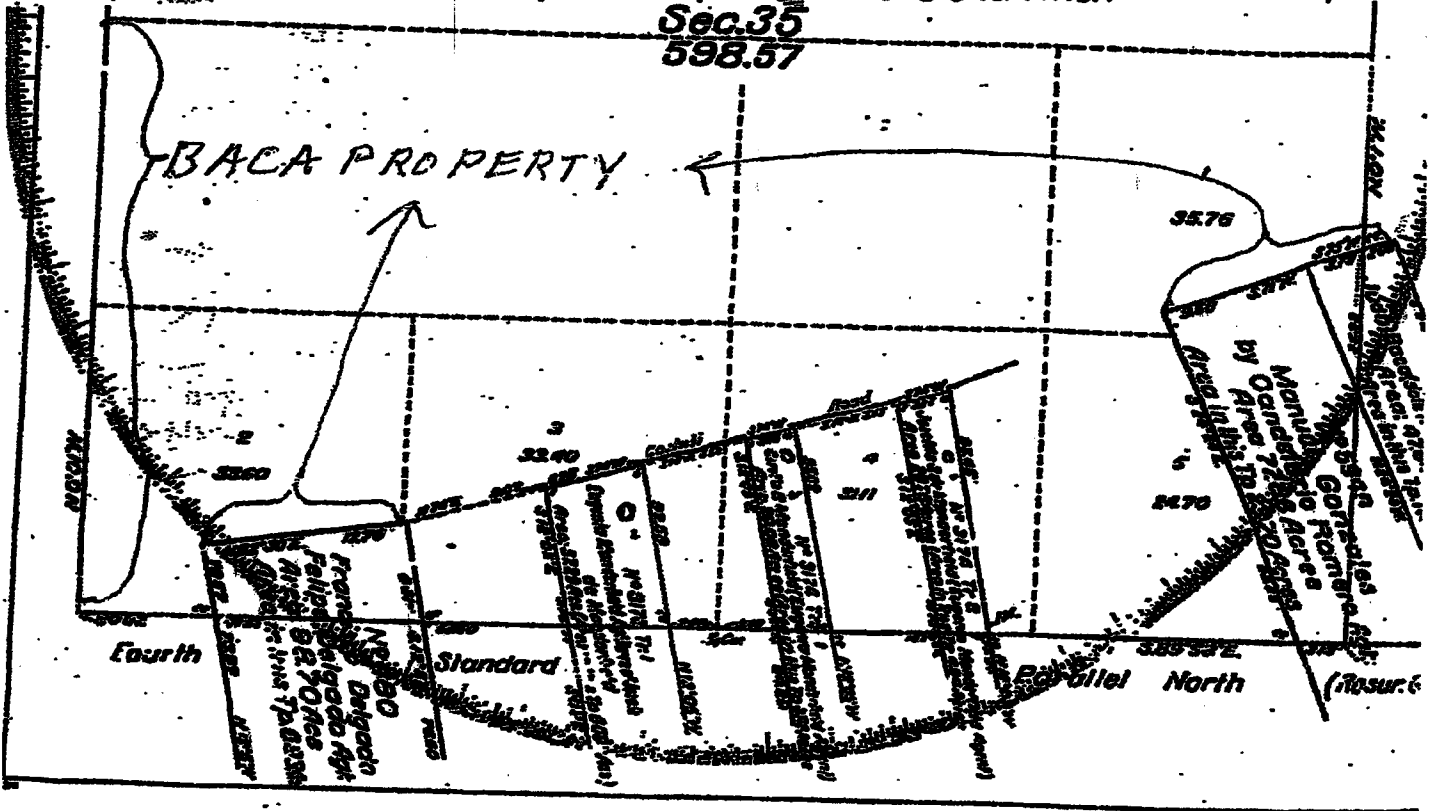
U.S. Surveyor

Under Ins. for Group 44, Dated May 15, 1915

Scale: 6 Chs. = 1 inch

Sec. 35
598.57

BACA PROPERTY ←



RECORDED

2/20/2015

EXHIBIT

B

T. 17N., R. 8E. -- C



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Taos Resource Area
226 Cruz Alta Road
Taos, New Mexico 87571-5983

2000 (020)

October 29, 1999

Mayor Larry Delgado
City of Santa Fe
P.O. Box 909
Santa Fe, NM 87504

Dear Mayor Delgado,

This office has been asked by Philip Baca, representing the Baca family land interests west of Santa Fe, at your office's suggestion, to verify the existence of two roads crossing Bureau of Land Management Land (BLM) in T. 17 N., R. 8 E., NMPM. (see attached map and Baca letter to BLM) The first road is located in sections 23 and 26 and crosses BLM land only in section 26 within lots 13, 14 and 19 which are located in the NE1/4NW1/4 of the section according to BLM land status records. The second road has been historically referred to as the Cochiti Trail which extends from Santa Fe to the community of La Bajada and further south. This road is located on BLM land in lots 2-5, inclusive, (S1/2S1/2) within section 35 according to BLM land status records..

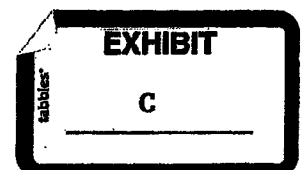
BLM recognizes the existence of these roads as being located on BLM land as depicted on maps of this area and their physical location on the ground. Recognition of their existence does not confer any special status on these roads. Persons using them may do so under Federal regulations in 43 CFR 2800 0.5 pertaining to casual use of roads on BLM land.

If you need any additional information in regards to this matter please do not hesitate to contact Hal Knox of my staff at (505) 751-4707.

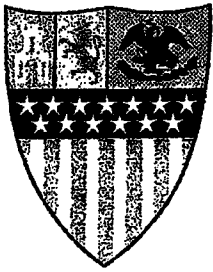
Sincerely,

Sam DesGeorges
Assistant Field Manager

c.c. Mark Basham
Philip Baca



2/20/2015



City of Santa Fe, New Mexico

Larry A. Delgado, Mayor

Dr. Mike Mier, City Manager

Councillors: Art Sanchez, Mayor Pro Tem, Dist. 3

Patti J. Bushee, Dist. 1

Jimmie Martinez, Dist. 1

Cristopher Moore, Dist. 2

Molly Whitted, Dist. 2

Frank Montaño, Dist. 3

Peso Chavez, Dist. 4

Carol Robertson Lopez, Dist. 4

December 1, 1999

Mr. Philip Baca
2902 Karen Dr.
Las Cruces, New Mexico 88001

Dear Mr. Baca:

This letter is in response to our meeting last week in my office regarding the trails which you have been using to access your property across the BLM land, which land will eventually be deeded to the City of Santa Fe. In the meeting, you requested that the City recognize a portion of the Cochiti Trail which runs through this property in its Master Plan so that the trail will remain in perpetual existence.

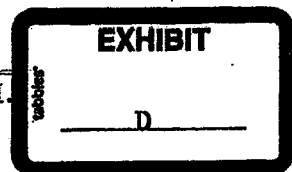
Because of the Cochiti Trail's historical nature, the City and its successors are prohibited from altering, diverting or destroying any portion of the trail. Therefore, the trail will remain in perpetual existence because of its historical status. Furthermore, I have asked John Griego to prepare a revised Master Plan showing the existing trails in this area, as well as trail improvements and the animal shelter project which will be constructed in the near future.

I am hopeful that this will satisfy your request of the City in regard to this matter. Please contact me if you have any further questions in regard to this matter.

Sincerely,

Dr. Mike Mier
City Manager

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M.



RECEIVED
2/20/2015

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671102



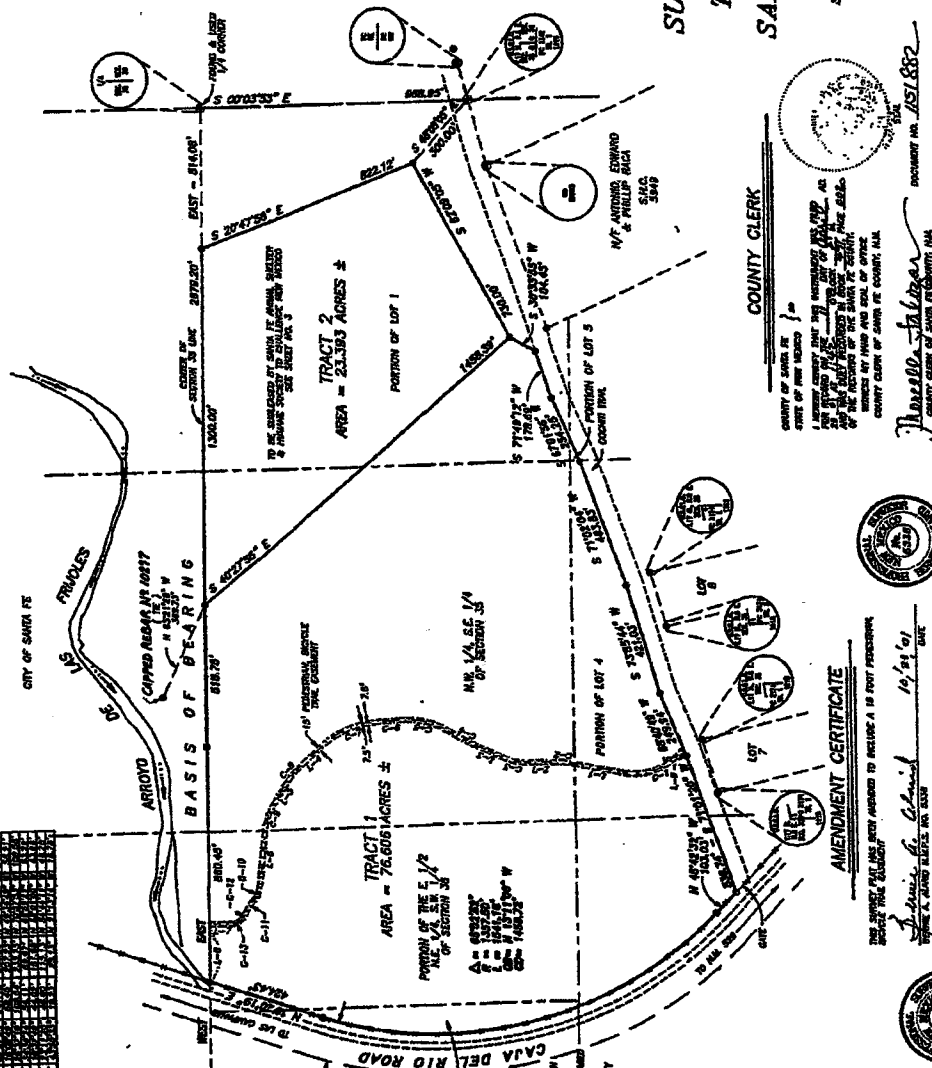
SYMBOL LEGEND
 ● FOUND UTILITY MARKERS AS SHOWN
 ○ FOUND UTILITY MARKERS AS SHOWN
 ○ FOUND UTILITY MARKERS NOT SHOWN
 --- SEE PLAN

**SURVEY OF LAND LEASED
 BY
 THE CITY OF SANTA FE
 TO
 SANTA FE ANIMAL SHELTER
 & HUMANE SOCIETY**
 LOCATED OFF CHA DEL RIO ROAD, WITHIN
 SECTION 36, T.17 N., R.8 E., N.M.P.M., COUNTY
 OF SANTA FE, STATE OF NEW MEXICO

RECORDED INFORMATION FOR COUNTY CLERK
 COUNTY OF SANTA FE, NEW MEXICO
 RECORDED INFORMATION BOOK 1770, PAGE 100-101
 SECTION 36, T.17 N., R.8 E., N.M.P.M., COUNTY
 OF SANTA FE, STATE OF NEW MEXICO
 LOCATION: SEE CHA DEL RIO ROAD



PUBLIC NOTICE
 THE SANTA FE COUNTY LAND USE ADMINISTRATION HAS NOT REVIEWED THIS PLAN OF SURVEY BECAUSE IT IS FILED IN THE OFFICE OF THE COUNTY CLERK. THE PLAN IS NOT VALID UNLESS IT IS FILED IN THE OFFICE OF THE COUNTY CLERK. THE PLAN IS NOT VALID UNLESS IT IS FILED IN THE OFFICE OF THE COUNTY CLERK. THE PLAN IS NOT VALID UNLESS IT IS FILED IN THE OFFICE OF THE COUNTY CLERK.



COUNTY CLERK
 COUNTY OF SANTA FE
 STATE OF NEW MEXICO
 I, *James G. Alarid*, County Clerk of Santa Fe County, N.M., do hereby certify that the foregoing is a true and correct copy of the original of the above described survey as the same appears on the records of the County Clerk of Santa Fe County, N.M.



ALARID AND ASSOCIATES, L.L.C.
 400 N. GARDEN AVENUE, SUITE 100
 SANTA FE, NEW MEXICO 87501
 505.825.1111

AMENDMENT CERTIFICATE
 THIS SURVEY PLAN HAS BEEN AMENDED TO INCLUDE A 10 FOOT PROTRUSION
 ON THE WEST LINE OF TRACT 1.
 DATE: 10/24/01
 BY: *James G. Alarid*
 COUNTY CLERK OF SANTA FE COUNTY, N.M.



REFERENCE DOCUMENTS

1. CITY OF SANTA FE, SECTION 36, T.17 N., R.8 E., N.M.P.M., COUNTY OF SANTA FE, STATE OF NEW MEXICO, AS SHOWN ON THE RECORDS OF THE COUNTY CLERK OF SANTA FE COUNTY, N.M., BOOK 1770, PAGE 100-101.
2. SURVEY OF LAND LEASED BY THE CITY OF SANTA FE TO THE SANTA FE ANIMAL SHELTER & HUMANE SOCIETY, AS SHOWN ON THE RECORDS OF THE COUNTY CLERK OF SANTA FE COUNTY, N.M., BOOK 1770, PAGE 100-101.
3. SURVEY OF LAND LEASED BY THE CITY OF SANTA FE TO THE SANTA FE ANIMAL SHELTER & HUMANE SOCIETY, AS SHOWN ON THE RECORDS OF THE COUNTY CLERK OF SANTA FE COUNTY, N.M., BOOK 1770, PAGE 100-101.

SURVEYOR NOTES

1. DATE OF SURVEY: 10/24/01
2. DATE OF RECORD: 10/24/01
3. DATE OF RECORD: 10/24/01

CERTIFICATE

I, *James G. Alarid*, County Clerk of Santa Fe County, N.M., do hereby certify that the foregoing is a true and correct copy of the original of the above described survey as the same appears on the records of the County Clerk of Santa Fe County, N.M.

DATE: 3-23-01
 BY: *James G. Alarid*
 COUNTY CLERK OF SANTA FE COUNTY, N.M.

REC'D CLERK RECORDED

2/20/2015

