

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

December 20, 2012

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

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

Members Present:
Juan José Gonzales, Chair
Susan Martin, Vice Chair
Maria DeAnda
Dan Drobnis
Frank Katz
Sef Valdez

Member(s) Excused:
Phil Anaya

Staff Present:
Rachel Brown, Deputy County Attorney
Willie Brown, Assistant County Attorney
Vicki Lucero, Building & Development Services Manager
Wayne Dalton, Building & Development Services Supervisor
Jose Larrañaga, Development Review Specialist
Buster Patty, Fire Captain
John Lovato, Building & Development Services
Penny Ellis-Green, Land Use Administrator

IV. APPROVAL OF THE AGENDA

Vicki Lucero reviewed the amended agenda highlighting the two tabled items, New Business cases #V 12-5360, Henry Sanchez Variance, and #Z/S 08-5440, Tierra Bello Subdivision.

Member Katz moved to approve the agenda as amended. His motion was seconded by Member Martin and passed by unanimous [6-0] voice vote.

V. APPROVAL OF THE MINUTES: November 15, 2012

A typographical error was noted on page 2. Member Martin moved to approve the minutes as corrected. Her motion was seconded by Member Katz and passed by unanimous [6-0] voice vote.

VI. NEW BUSINESS

- A. **CDRC CASE # ACCS12-5390. Leeto Raivo & Holly Alsobrook Accessory Structure. Leeto Raivo & Holly Alsobrook, Applicants, request approval of a 2,400 square foot Accessory Structure to be utilized as a barn on 5.0 acres. The property is located at 61A Hillside Road in Edgewood, within Section 19, Township 10 North, Range 7 East, (Commission District 3)**

Mr. Lovato presented the staff report as follows:

“On March 11, 1997, the Board of County Commissioners adopted Ordinance No. 1997-4 which states that the CDRC is required to review for approval, any accessory structure which is greater than 2,000 square feet. The Applicant requests approval to construct an accessory structure totaling 2,400 square feet to be utilized as a barn. The accessory structure will consist of four stalls, a tack room, and a breezeway. There is currently a residence on the property.

“Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for this type of request.”

Mr. Lovato indicated that staff recommends approval for a 2,400 square foot accessory structure to be utilized as a barn with the imposition of the following conditions:

1. The Applicant must obtain a development permit from the Building and Development Services Department for the accessory structure. (As per Article II, § 2).
2. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit Application (As per 1997 Fire Code and NFPA Life Safety Code).
3. Compliance with minimum requirements for water harvesting (As per Ordinance 2003-6).
4. The structure shall be constructed of non-reflective earth tone colors (As per Article III, § 2.3.8a.2).

Duly sworn, agent for the applicants, Kurt Walker, Albuquerque, said this is a request for the placement of a prefabricated MD Barn structure. The outside of the barn is saddle-tan with a green roof meeting the Code requirements. The barn has a pitched roof and he noted that there were many MD Barn structures in Santa Fe County.

Responding to Member DeAnda's question, Mr. Valker said rain barrels would be used for water catchment and a berm may be constructed.

Mr. Valker confirmed there was no plumbing proposed within the barn. Water for the horses will come from a spigot approximately 25 feet from the barn. The height of the structure is 15 feet and the maximum allowable height is 24 feet.

There was no one from the public wishing to speak regarding this case.

Member DeAnda moved to approve #ACCS 12-5390 with staff conditions. Her motion was seconded by Member Martin and passed by unanimous [6-0] voice vote.

- C. **CDRC CASE # Z/S 08-5430 Spirit Wind West Subdivision Joseph Miller, Applicant, Danny Martinez, Agent, request Master Plan Zoning approval for a 39-lot residential subdivision (Spirit Wind West) on 133.73+ acres and Preliminary and Final Plat and Development Plan Approval for Phase 1, which will consist of 16 lots. The property is located south of Eldorado, on the east side of US 285, off Old Lamy Trail (CR 33), within Section 5, Township 14 North, Range 10 East and Section 32, Township 15 North, Range 10 East (Commission District 4) [Exhibit 1: Guerrero letter opposing the subdivision dated 9/10/12; Exhibit 2: Letters expressing concerns regarding proposed development: Robert Miller, Lonyta Viklund-Gallowa and Victoria Seale]**

Ms. Lucero provided the staff report as follows:

"The Applicant requests Master Plan Zoning approval for a residential subdivision located northeast of the intersection of US 84-285 and Old Lamy Trail. The subdivision will consist of 39 single-family residential lots on 133.73+ acres which will be developed in 4 phases. The proposed lots range in size from 2.49 acres to 3.47 acres. The property is located within the Homestead Hydrological Zone where the minimum lot size is 40 acres per dwelling unit with a 0.25 acre-foot per year per lot water restriction, unless water availability is proven to support increased density or community water and/or sewer is available.

"The Applicant also requests Preliminary and Final Plat and Development Plan approval for Phase I of the subdivision which will consist of 16 residential lots. This Application was submitted on February 6, 2012.

"Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for this type of request."

Ms. Lucero said staff recommends approval of the request for Master Plan Zoning for a 39-lot residential subdivision and Preliminary and Final Plat and Development Plan Approval for Phase 1, which will consist of 16 lots subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, Article V, Section 7.1.3.c.
2. Master Plan and Final Plat and Development Plan, with appropriate signatures, and subdivision covenants and final disclosure statement shall be recorded with the County Clerk, as per Article V, Section 5.2.5 and Section 5.4.5.
3. The Applicant shall submit a financial guarantee, in a sufficient amount to assure completion of all required improvements. The financial guarantee shall be based on a county approved engineering cost estimate for the completion of required improvements as approved by staff prior to Final Plat recordation. All improvements shall be installed and ready for acceptance within eighteen months as required by Article V, Section 9.9.

Member Katz referred to a negative memo from the OSE dated March 2012. He asked whether the issues had been addressed regarding those issues. Mr. Lucero said she has not received any recent response from the OSE and was unaware whether the requested divergence was acted upon.

Member DeAnda asked staff to address the use of modular housing. Ms. Lucero said the County received letters in opposition to modular homes in the subdivision. She said the code does not restrict modular housing

Member DeAnda said the application does not provide a sense of what the subdivision will be. She expressed concern that the disclosure statement supplied within the application was lacking in information. Ms. Lucero said the applicant has submitted restrictive covenants. The covenants were reviewed for compliance with the Code but the County does not enforce the covenants.

Member DeAnda said the applicant's disclosure statement contains conflicting information citing the largest lot size 2.62 acres and the smallest lot is 2.75 acres. Ms. Lucero said staff recognized discrepancies in the application and the applicant has revised their development report to reflect current conditions for Phase 1. Ms. DeAnda said it was very difficult to grasp the application information.

Ms. Lucero said discrepancies in the disclosure statement would be addressed prior to recordation.

Recognizing the applicant's history regarding property development with the County, Member Martin asked whether this subdivision was subject to litigation or negotiation with the parties. Ms. Lucero responded in the negative.

Member Drobis said the liquid waste that staff refers to in its report contradicts the applicant's statement that lot owners have the option rather than the requirement to

install a modified system. Ms. Lucero said the Code does not require a circulation reuse system.

Responding to the Chair’s question regarding open space, Ms. Lucero said a site visit was conducted with the applicant and County Open Space staff and it was determined there was an adequate site for a park.

Chair Gonzales said the required affordable lots are in different subdivisions and he requested that staff comment on that. Ms. Lucero said the applicant has entered into an affordable housing agreement with the County and the agreement allows the transference of affordable units to different subdivisions owned by the applicant.

According to Ms. Lucero, the portion of a road that encroaches an archaeological site will not be constructed until a later phase. SHPO is requiring a non-disturbance easement around the site pending submission of a treatment plan.

Member Katz said the archaeological site could cause a need to realign the access road. He said that could impact Phase 1 and asked how the CDRC could act on the application with that possible change. Ms. Lucero said Phase 1 will have no impact on the archaeological site – the roads constructed for Phase 1 are outside of the area. SHPO is requiring a treatment plan at Phase 2.

Duly sworn, Danny Martinez, Albuquerque, agent for the applicant, said work on this subdivision has been ongoing for four years. Regarding the OSE issues, Mr. Martinez said there are two processes that are tied together having to do with the transfer of a “highly productive” well drilled in the Cimarron subdivision that was adjudicated by the OSE for use by the Eldorado Area Water and Sanitation District. The well pumps over 300 gpm and the water rights were transferred to EAWSD. He said there were agreements between the applicant and EAWSD acknowledging the transfer of the well, etc. Mr. Martinez said the applicant has satisfied issues raised by the OSE but a final opinion has not been issued. He said EAWSD has provided a “will serve” letter for 39 lots at .25 acre-feet per year for consumptive use only. Mr. Martinez said exterior irrigation is regulated by EAWSD. No new wells will be permitted in the subdivision.

Referring to the liquid waste issues, Mr. Martinez said the homeowners have system options. He addressed the affordable housing issue by stating the applicant has an agreement with the County that allows for transferring units to Cimarron and it meets the Ordinance. There will be two affordable units in Spirit Wind and the other units will be in Cimarron. The first unit will be developed in Phase 1.

Mr. Martinez pointed out that the State Subdivision Statute does not allow for discrimination against modular homes. Modular homes provide an opportunity for a segment of the population to own homes who otherwise may not have that opportunity. He said the homes will be stuccoed and there will be stick-built houses in the subdivision as well. He said manufactured/mobile homes have been removed from the subdivision.

The applicant offered County Open Space a trail easement that was not accepted by the County. The development will include a park which he located on a site map and said the homeowners association will make decisions regarding amenities.

Mr. Martinez said an archaeological study was conducted by Ron Winters and he determined the site to be insignificant. SHPO has requested an archaeologist monitor the site during road excavation.

According to Mr. Martinez, this subdivision is a spin-off of the original Spirit 1 Subdivision east of the property. He acknowledged the error Member DeAnda referred to regarding lot size and said the small and large lot sizes were reversed.

Mr. Martinez said they were in agreement with staff conditions and would meet all County fire requirements and provide the required financial guarantees. He said the applicant was prepared to continue to work with County staff.

Member DeAnda asked about the relationship between the previously approved Spirit Wind Subdivision and this subdivision. Mr. Martinez said Sierra Alta will be a common roadway. He said at this point no fencing or barriers were anticipated between the subdivisions.

Mr. Martinez addressed disclosure statement issues and said the County water restrictive covenants will be part of the documents. Member DeAnda requested that the applicant expand the disclosure statements to better educate the lot owner on the requirements.

Mr. Martinez said the developer encourages green building and the subdivision architectural committee will make those decisions.

Mr. Martinez said the OSE issues relate to EAWSD, not this application.

According to the OSE's March 7, 2012 letter, Member Drobnis said the office cannot determine that the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision. He said he was unable to follow Mr. Martinez' discourse on the wells and the available water.

Mr. Martinez said the issue is very limited with water rights being transferred between EAWSD and the OSE and Mr. Miller had no control over that. He said it took four years to clear up. He said did not have supporting documentation, however, the County's hydrologist did and provided a final report stating there was sufficient water.

Member Drobnis said he was aware of the difficult relationship between the EAWSD and OSE at times. He was concerned that this problem can affect the homeowners receiving water from the EAWSD.

Chair Gonzales asked about the Spirit Wind Subdivision. Mr. Martinez said it started seven years ago and was not within the original Eldorado moratorium area because it had prior preliminary plat approval. He said the lots are larger because of an arroyo running through them.

In response to the Chair's question of whether the applicant held meetings with the area neighbors, Mr. Martinez said the project started over four years ago and meetings were held at that time.

Duly sworn, applicant Joe Miller of Lamy, said this project has been in development for quite some time. Spirit Wind East was part of his ranch that was sold off and Mr. Miller bought it back.

Duly sworn, Joe Herrera, 46 Cerro Blanco, a resident of the original Spirit Wind Ranch subdivision and former president of the homeowners association said his main concern is that the covenants his subdivision is subject to are considerably more restrictive than the covenants of the current proposal. Propane tanks are buried in his subdivision and that will not be required in the current application, which is a safety issue.

Mr. Herrera said the applicant did not make an effort to work with his subdivision. He expressed concern about traffic impact and water issues.

Member Katz said he appreciated the speaker's disappointment in having a development next door that is not as nice as his, however, the applicant is meeting Code.

Mr. Herrera said as residents of the original subdivision they would have thought Mr. Miller would have given them consideration when he moved forward. He reiterated that there was a litany of development concerns with water and traffic. The applicant's mention that an architectural review committee would be making decisions was not a sufficient response. He said the area should be viewed as a region and he expected the CDRC to make that review.

Mr. Herrera said most of the Eldorado district has been under water restrictions for the past few years.

Duly sworn, Richard Beal of Lamy said he was speaking on behalf of his homeowners association that has 24 single-family homes immediately adjacent to the proposal. He said they opposed the application. He said Mr. Miller developed the subdivision in which he lives and he loves living there. The subdivision is made up of very large lots (largest 50+ acres) with strict covenants. The proposal allows for modular homes and has 2.5-acre lots. He said the proposed covenants are weak and the development will adversely affect the character of the area.

Mr. Beal said the water table is dropping in the area and without a positive comment from the OSE the application should be denied. The water issues need to be resolved prior to action.

Duly sworn, Carolyn Robard, resident of Spirit Wind Ranch, said she moved from northern Virginia/Washington DC area which has become a area of jig-saw development and lack of respect for the land and aesthetics. She said the area of Santa Fe she lives in is beautiful and at some point we have to preserve the area's natural beauty.

Kathy Olshefsky, under oath, of 22 Mad Dog Drive, just north of Spirit Wind, said she fears the new development will not be a community asset. She said her lot was 15 acres. The development does not offer amenities and she was surprised the County

rejected the trail offered by the applicant. The development will “ruin views, bring more traffic and put stresses on our utilities...”

Duly sworn, Lucy Moore, Seton Village, said she owns a lot adjacent to the proposed development and is a member of the current Spirit Wind HOA. Aside from water and traffic issues, Ms. Moore said she questioned the integrity of the development. She cited Mr. Martinez’ comment that the proposal was an offshoot of the original development and said that concerned her in its accumulative effect on the existing development. She requested that if this is an extension of Spirit Wind that it have the same covenants and lot size.

Ms. Moore said she did not receive notification regarding the proposed development.

Ms. Lucero said Ms. Moore’s name was not on the receipt list of certified letters. She said it was possible that the Assessor’s Office did not have Ms. Moore’s correct address. The County is in receipt of 16 notices and one unclaimed letter.

Melissa Brownell, duly sworn, said she is not part of the Spirit Wind Subdivision, but rather lives on the last piece of the Lamy Land Grant and has a private well. Many people in the area have private wells and are affected by the water issues in the area. She said the quality of the water decreases as the drought increases. She said although they have a vineyard and an agricultural well they are very conservative with their water. She raised concern that additional homes will impact her well and other private wells in the area.

Carolyn Robard said she did not receive notification about this development. She was made aware of the meeting via an email from an area resident.

Fred Brownell of Lamy, duly sworn, said the last time he saw a yellow notification sign was in November. He learned about this meeting at an area holiday meeting. He said he lives adjacent to the proposal and his issue is traffic. He said it was unacceptable to the people living in the area that the proposal is for small lots and modular homes.

Paul Olshefsky, under oath said his basic concern was the size of the lots in comparison to the surrounding lots.

Another speaker expressed concern that the area could not handle small lots and it would contribute greatly to the traffic.

That concluded the public testimony.

Mr. Martinez said the applicant welcomes the comments of the area residents.

Chair Gonzales recommended tabling the case and allowing the residents and applicant to meet and discuss the issues raised this evening. Mr. Beal agreed to do so.

Member Katz said the OSE is the expert on water availability and he was concerned that the County hydrologist's report was in conflict with the expert. Ms. Lucero said staff can contact the OSE.

Member DeAnda moved to table with direction to the applicant to meet with the area residents, that staff contact the OSE for additional information and that the County hydrologist be present at the next meeting.

Mr. Martinez requested that the CDRC forward the case to the BCC without a recommendation rather than tabling.

Member Katz seconded and the motion to table until the January 17 meeting passed by majority [5-1] voice vote.

VII. PETITIONS FROM THE FLOOR

None were offered.

VIII. COMMUNICATIONS FROM THE COMMITTEE

Holiday cheers were shared.

IX. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

X. COMMUNICATIONS FROM STAFF

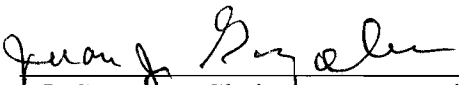
Terms of committee members Anaya, Katz, Valdez and Drobnis expire in January and those wishing to continue to serve will need to send letters stating such.

The next CDRC meeting: January 17, 2012 at 4 p.m.

XI. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Gonzales declared this meeting adjourned at approximately 6:35 p.m.

Approved by:


J.J. Gonzales, Chair
CDRC
1/17/13

ATTEST TO:

COUNTY CLERK

Before me, this ____ day of _____, 2013.

My Commission Expires: _____

Notary Public

Submitted by:

Karen Farrell
Karen Farrell, Wordswork

REC'D CLERK RECORDED 1/21/2013 10:02/02/13

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

CDRC MINUTES
PAGES: 19

I Hereby Certify That This Instrument Was Filed for
Record On The 24TH Day Of January, 2013 at 12:57:21 PM
And Was Duly Recorded as Instrument # **1694548**
Of The Records Of Santa Fe County



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

Joseph and Gladys Guerrero

September 10, 2012

J.J. Gonzales, At Large
County Development Review Committee (CDRC)
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87501

Re: CDRC Case # Z/S 08-5430 Spirit Wind West Subdivision (For CDRC Review 9/20/2012)

Dear Committee Member:

As adjacent residents to the proposed Spirit Wind West development, we request that the CDRC postpone any approval in this development until the applicant, Joseph Miller, addresses a number of concerns and deficiencies in the proposal. These concerns include issues associated with water resources, traffic congestion and safety, inconsistencies with the County's Sustainable Growth Management Plan (SGMP), and potential cumulative impacts from combined subdivision development in the immediate region. (See Attachment A for general area of proposed development and Attachment B for a proposed plat map)

Water Resources

The Eldorado Water District currently provides water supplies to our adjacent subdivision and will, no doubt, supply water to the 39 residences in the proposed subdivision. This service area, at the extreme southern end of water district, has a past history of problems including aged water supply piping, major water supply leaks, and over-burdened pumping infrastructure. In recent years, the entire district has known periods of required water rationing. At the current time, we understand the district is considering plans to extend service to communities to the east of its current service area increasing pressure on existing supplies.

In light of the current and projected draught and the continuing residential growth in existing service areas, we believe that a Water Service Availability Report should be prepared by the applicant to demonstrate no adverse impacts to water supplies and service to current residents in the area of the proposed development.

Traffic Congestion and Safety

Under the plat design of the proposed development, it appears that road access to all 39 lots may be via Cerro Alto Road, a two-lane road which intersects U.S. Highway 285 approximately 150 ft south of a railroad crossing servicing the rail spur between Santa Fe and Lamy, NM. Currently, this intersection provides access to 20 homesites in the existing subdivision area, including a horse stables business. Admittedly, this section of Cerro Alto Road is on the applicant's property, but since he was the developer of the existing subdivision, he should be sensitive to potential safety issues from the added traffic on existing use.

Since Cerro Alto Road was installed in 2004, the Spirit Wind Ranch homeowner's association has been responsible for annual road maintenance, repair, and snow removal for the entire road including that portion owned by the applicant. To date, the applicant has not discussed possible traffic congestion and safety issues with existing homeowners using Cerro Alto Road for access to their homes. For these reasons, we request that the applicant be required to prepare a Traffic Impact Assessment addressing how traffic from the proposed development will be managed in conjunction with existing use.

Inconsistent with County's SGMP

The apparent lack of details on the proposed Spirit Wind West subdivision, at least the details shared with neighboring existing communities, indicates an absence of thoughtful planning and assessment of potential

impacts from the development. This information deficiency is inconsistent with the overall goals of the SGMP, which in reviewing previous county land use planning identified a "lack of coordination between new developments and existing communities" as a key issue (Key Issue #12, Chapter 2).

The scope of the proposed development is more than a minor development and, as such, should meet at least the basic SGMP Keys to Sustainability (Chapter 2, Land Use Element):

"10. Assure that all new discretionary development applications prepare appropriate studies and reports including fiscal impact, transportation impact, fire, sheriff and emergency response and adequate public facilities studies. . ."

"11. Require that all development proposals demonstrate private or public utility water supply availability. . ."

In addition, the proposed plat map for the entire proposed development (Attachment B) shows an access road passing direction through an identified archaeological site, LA 103861, registered with the State of New Mexico Department of Cultural Affairs Historic Preservation Division. Allowing this encroachment is inconsistent the SGMP's goals of identifying and preserving archaeological sites in the Galisteo Basin (Key Issue #1 and Keys to Sustainability #1, Chapter 5).

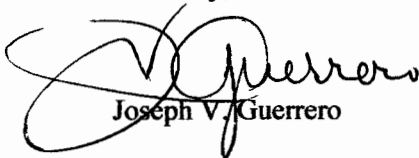
Failure to Consider Potential Cumulative Impacts

To our knowledge, no planning studies have considered the cumulative traffic congestion and safety impacts, view shed impacts to Galisteo Basin open space, and other potential impacts from this proposed development combined with the proposed Galisteo Basin Preserve development plans, located immediately across U.S. Highway 285. In 2010, the county approved phase one development of the Trenza, The Village, for construction of a 149 homesites. In addition, the Galisteo Basin Preserve includes two other planned communities, the Southern Crest and the New Moon with additional homesites.

In contrast to the proposed Spirit Wind West subdivision, the communities planned by the Galisteo Basin Preserve are supported by extensive environmental studies and extensive neighboring community involvement, which should serve as a model for any proposed development in the area. Increased density growth proposals need to be supported by more comprehensive study and analysis of the concerns and impacts of this growth.

We believe that the proposed development has not sufficiently addressed key issues that the County has identified in both the SGMP and the proposed County Sustainable Development Code on the concerns addressed in this letter, and we request the CRDC postpone any approval of any part of the development subdivision plat until these issues are addressed. Thank you for your consideration of our concerns. You can reach us at (505) 983-6073 if you have questions.

Sincerely,


Joseph V. Guerrero


Gladys P. Guerrero

Enclosure

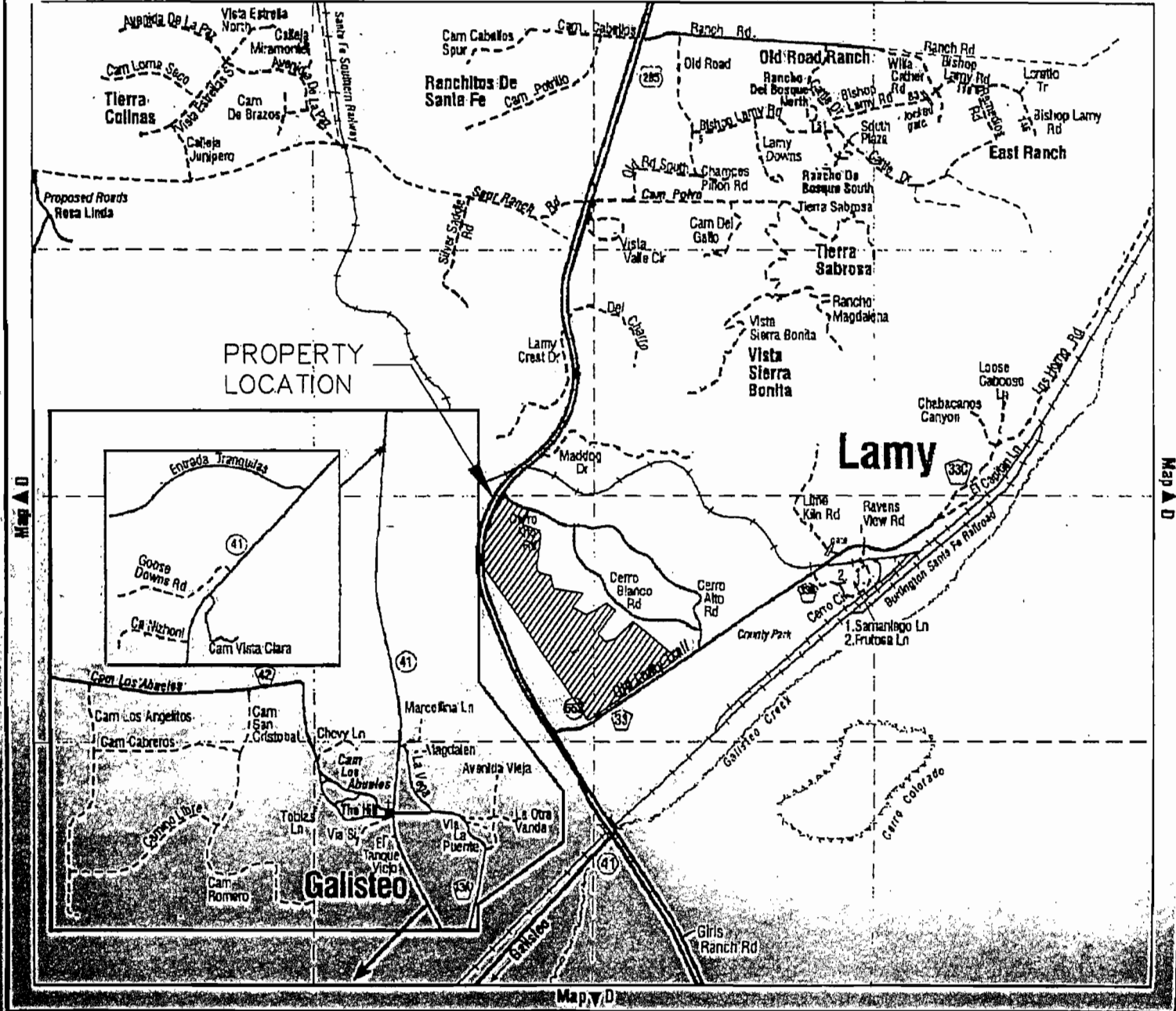
Cc with enclosure:

Kathy Holian, Santa Fe County Commissioner, District 4
Michelle Ensey, State of New Mexico Department of Cultural Affairs Historic Preservation Division
Richard Beal, President, Spirit Wind Ranch Homeowners Association
Paul Oleshefsky, Homeowner, Community on Mad Dog Lane

3

Map A 31

Map A 32



PROPERTY LOCATION

Lamy

Galisteo

Attachment A

Attachment B

Land Use Office

2.75 to 3.09 acre lots
 - says 39 lots on 138 ac
 - report covers variance
 water
 archeology
 etc

*Note: project is
 ON HOLD AS
 OF 3-3-09

RECORDED 01/24/2013

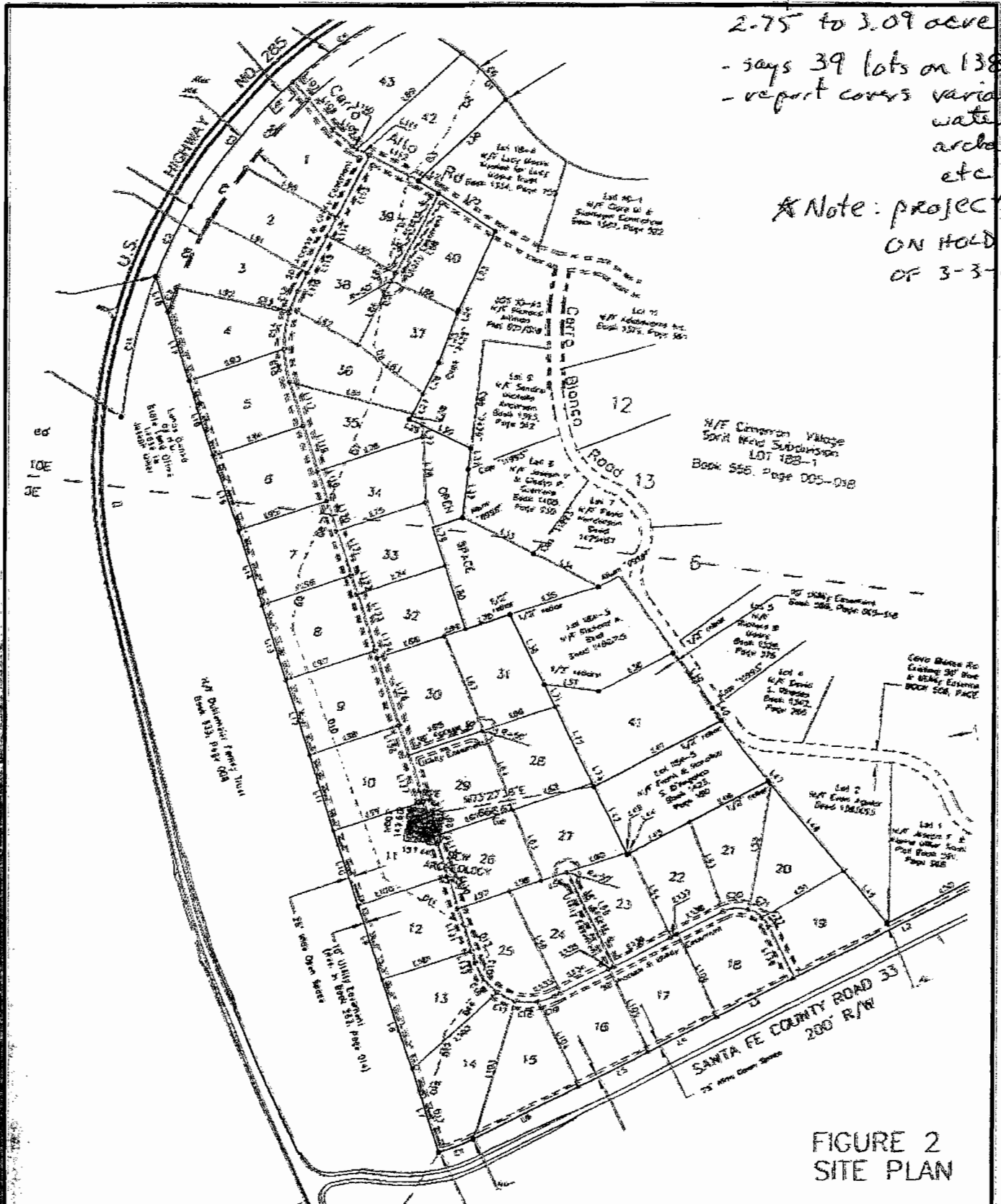


FIGURE 2
 SITE PLAN

Spirit Wind West Subdivision

Civil Engineering • Water Resources • Traffic Engineering

W·E Walker Engineering

208-828-7990 605 Camino Sierra, Vista-Santa Fe, NM 87501
 FAX 208-828-1519

Amanda L. Romero

To: Wayne Dalton
Subject: RE: CDRC Case No. S 08-5430

FROM: Miller, Robert@AIG Global Services [<mailto:Robert.Miller4@aig.com>]
Sent: Wednesday, December 19, 2012 10:00 AM
To: Wayne Dalton; 'waynedalton@santafecounty.org'
Subject: FW: CDRC Case No. S 08-5430

Please see below. I am forwarding to you as I understand that Ms. Lucero is out of the office until after Christmas and that this matter has been rescheduled to be heard on December 20th. Thank You.

From: Miller, Robert@AIG Global Services
Sent: Wednesday, December 19, 2012 11:56 AM
To: 'vlopez@santafecounty.org'; 'vlucero@santafecounty.org'
Subject: CDRC Case No. S 08-5430

Dear Ms. Lucero,

Thank you for taking the time recently to show me the file on this matter, CDRC Case No. S 08-5430. I understand that the public hearing has been rescheduled for December 20, 2012. I had hoped to be at the meeting, but unfortunately, I will be out of town due to the holidays. When we met last month, you told me I could send you any objections or concerns that I have on this matter to you via e-mail to vlopez@santafecounty.org.

In reviewing the file on this matter, I am still very concerned about, and need to object to, Mr. Joseph Miller's application for a Master Plan Zoning approval and a Preliminary and Final Plat and Development Plan Approval for a 39-lot residential subdivision, called Spirit Wind West, on his property located South of Eldorado, on the East side of US 285, off Old Lamy Trail (CR 33), within Section 5, Township 14 North, Range 10 East and Section 32, Township 15 North, Range 10 East (Commission District 4), NMPM, Santa Fe County.

While I appreciate that Mr. Miller (no relation) wants to develop his property, I don't believe that any zoning exceptions should be made. When I purchased my property, which borders Mr. Miller's property, I did it with full knowledge of the zoning requirements and covenants. I assume that Mr. Miller did too.

I know that the County did several assessments to address certain impacts, particularly increased traffic and water access, that such proposed subdivision may have on the area and the community, I don't believe that these assessments address all of the concerns or can be totally relied upon, especially given the limited amount of time spent on these evaluations. My property is just off US 285 and I know, from living at my house, that the times evaluated for increased traffic are not necessarily consistent with current traffic flow. In addition, having suffered through significant droughts over the last few years, I don't believe that the Eldorado Water and Sanitation District is really prepared for or can accommodate a significant increase in homes to support in the area. Nor do I believe that the local waste management station can accommodate any increase in the homes in the area. Too many times I have had to come back to the waste management station to drop of my recyclables because their bins were too full. Quite simply, in my opinion, Mr. Miller's proposal has too many homes in too small an area for the community and the local service providers and resources cannot support such an increase in the number of home.

I am also particularly concerned about the impact on property values with so many homes in such a small area. Mr. Miller's proposal, as revised, will allow modular homes, RVs and boat storage. My property overlooks Mr. Miller's

CDRC RECORDED 8/24/2013

property, and, frankly, I don't want to look out on to the back yards of 39 homes with RVs and boats on trailers. In addition, I paid a significant amount of money for my home and property and bought my property with the expectation that the homes in the area would be of the same quality so that my property would maintain, at a minimum, the value that I paid for it. With Mr. Miller's proposal, there is no guarantee that the homes built will be of the same quality and be consistent with the rest of the community. In addition, I expect that property values will decrease if this proposal is approved. This will probably mean very little, I expect, to Mr. Miller because once he sells his parcels of land he will not need to live with the results. However, my neighbors and I will need to live with any decision made by the County Development Review Committee.

I sincerely hope that the County Development Review Committee takes into consideration the other land owners in the community and deny Mr. Miller's proposal.

Sincerely,

Robert Miller
6 Maddog Drive
Lamy, NM 87540

REC'D CLERK RECORDED 01/24/2013

December 11, 2012

Re: Case #S 08-5430

Dear Santa Fe County Land Use Administrators,

I received your notice concerning the proposed 39-lot residential subdivision (Spirit Wind West) development, and have reviewed the file at the county Land Use Office. I am concerned the protective treatment of the three archaeology sites within the larger development is not being adequately addressed. It appears the issue is being somewhat ignored.

All three sites (LA103857, LA103858, and LA103861) have recently been discovered to have been misplotted during their original discovery and are currently within the boundaries of the proposed development, although not specifically for Phase I (for background information see Legare 1994 archaeology report *Harris Tract Subdivision Cultural Resources Survey of 80 Acres in Santa Fe County Near Lamy, New Mexico*, Legare 1995 archaeology report *Joseph Miller Tract Lot Split Cultural Resources Survey of 166 Acres Near Lamy, Santa Fe County, New Mexico*, Townsend 2008 archaeology report *A Relocation of Archaeological Site LA103861 in Relation to an Archaeological Easement in the Spirit Wind Subdivision, Lamy, Santa Fe County, New Mexico*, and Winters 2012 archaeology report *Archaeological Testing of Site LA103861, Relocation of Sites LA103857 and LA103858 Within the Spirit Wind West Subdivision, Lamy, New Mexico*). All three sites were determined eligible for inclusion into the National Register of Historic Places (on file at the State Historic Preservation Office, Santa Fe, NM) and placed in non-disturbance archaeological easements as noted on early plats dating at least 2008. Their protected status remains as of July of this year (see letters in the case file from the SHPO representative Michelle Ensey to Vicki Lucero).

However, the latest plats in the case files depict LA103861 without its protective easement and being obliterated by the main road through the development, and these same plats do not depict the relocated locations of either LA103857 nor LA103858, much less their protective easements. While these archaeology sites are not located within the current boundaries of Phase I, I believe they need to be noted on all current and future plats with notations of their protected status.

Most importantly, I could find nothing in the case file that depicts locations of access roads and utilities in the files for Phase I. Since LA103861 is noted as being crossed by the main road through the development and links both the north and south portions of Phase I, I am concerned for the site's continued protection. Concerning LA103857 and LA103858, are they in building envelopes or in areas of utility line developments? How will they be protected?

I would like to be assured LA103861 will be fenced or otherwise physically protected DURING Phase I in the event the proposed main road through the property is used so it is not accidentally impacted. It is an unusual archaeological site for the area and does not extend deep into the ground, so even driving over it will impact it severely.

Thank you for your time and consideration.

Sincerely,

Lonyta Viklund-Galloway

54 Cerro Blanco Rd, Lamy, NM 87540

(505) 466-3504

SHPO CLEAR RECORDED BY PLAT/2012

December 11, 2012

Re: Case #S 08-5430

Dear Santa Fe County Land Use Administrators,

I received your notice concerning the proposed 39-lot residential subdivision (Spirit Wind West) development, and have reviewed the file at the county Land Use Office. I live in the first development, Spirit wind Ranch, and I am concerned about the issue of water out here.

Our water comes from Eldorado's water system, but we are at the far south end of the lines. In times of severe drought we have been ordered to comply with strict water rationing while the bulk of Eldorado itself has not. In the summer of 2008, the water company sold water to nearby movie companies, and they used the fire hydrant at the entrance of our subdivision to fill their 500-gallon trucks at least three times a day for about 5 days. The following week, Eldorado water company put us on water restrictions. As it is, because our neighborhood is outside the core Eldorado area, we pay a \$30.00 surcharge each month on top of our water bill. If my family is away from the home (such as on vacation) and the water bill is thus only \$20.00, we actually pay \$50.00 as a result.

I noticed in the proposed Spirit Wind West neighborhood restrictive covenants that the new homeowners have strict water conservation recommendations. Their pipes are to be wrapped, they have limitations on plantings, only Energy Star rated toilets and washing machines can be used in the homes. Since the developer himself is not building nor supplying these homes, who on earth is going to police such decrees?! Are such decrees even legal? Obviously, the amount of water this new development will use is of tremendous concern, and I am surprised such half-hearted "band-aids" to our existing water problem are being seriously considered.

Before plans for any phase of this subdivision are approved, I would ask for a more complete water study and an assurance our already-established neighborhood water supply is not, and will not be, compromised beyond what it is already.

Thank you for your time and consideration.

Sincerely,

David Galloway and Lonyta Viklund-Galloway

54 Cerro Blanco Rd, Lamy, NM 87540

(505) 466-3504

SFC CLERK RECORDED 8/17/2013

Vicki Lucero

From: VICTORIA SEALE [vseal@me.com]
Sent: Wednesday, December 19, 2012 5:11 PM
To: Vicki Lucero
Subject: Joe Miller's Proposal for Spirit Wind Ranch West

Dear Ms. Lopez and County Commisioners,

I am a land owner just north of the proposed Subdivision on 285S. I have 3 lots totaling 131 acres on the same side of the road as this proposed development. I feel Mr. Miller has the right to develop his property, but NOT as the current proposal stands. IT is too dense for the area and would bring our property values down, not to mention the added traffic. In the past, Mr. Miller has not been concerned about how his actions have effected his neighbors. For example, the mobile homes he placed along 285 S between Avenida Amistad and Avenida Vista Grande, were inappropriate for the area and brought down property values. Two that were in disrepair were finally removed after being spray painted with graffiti. I hope you will pass my comments along to the county commissioners and enter them in to the record. I will be out of town for the meeting on Dec. 20th, otherwise I would be there to speak out against this development.

thank you
Victoria Seale
Jewel Revocable Trust
466-2441

please acknowledge receipt

SPC CLERK RECORDED 1/24/2013