

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE
SPECIAL MEETING

Santa Fe, New Mexico

December 3, 2009

This special meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Chair Jon Paul Romero, on the above-cited date at approximately 6:00 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Jon Paul Romero, Chairman
Susan Martin, Vice Chair
Don Dayton
Juan José Gonzales
Charlie Gonzales
Jim Salazar

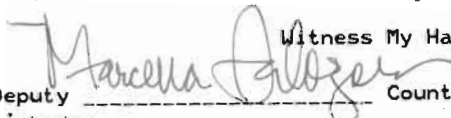
Member(s) Excused:

Maria DeAnda

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

CDRC MINUTES
PAGES: 11

I Hereby Certify That This Instrument Was Filed for
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Deputy _____ County Clerk, Santa Fe, NM
Witness My Hand And Seal Of Office
Valerie Espinoza

Staff Present:

Jack Kolkmeier, Land Use Administrator
Shelley Cobau, Planning Division Director
Jose Larrañaga, Development Review Specialist
Dennis Manzanares, Assistant County Attorney
Robert Griego, Planning Manager
John M. Salazar, Case Manager

A moment of silence was observed in memory of Eli Senna.

III. APPROVAL OF AGENDA

The agenda was approved by consensus.



IV. OLD BUSINESS

- A. CDRC CASE # V 09-5360 Carol Esquibel Variance: Carol Esquibel, applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a third dwelling unit on 5.5 acres. The property is located at 14 Eh Ski Vel Lane, within Sections 5, 6 and 8, Township 20 North, Range 9 East, (Commission District 1)**

Mr. Larrañaga reviewed the staff report as follows:

“On October 15, 2009, the CDRC tabled this case so staff could speak with the Planning Division regarding possible boundary changes that might take place during the Sustainable Land Development Code re-write Traditional Historic Communities. Planning staff needs to contact the County’s consultants in order to find out about possible boundary changes.

“On August 20, 2009, the Land Use Administrator granted the Applicant a three-month temporary placement for her granddaughter’s mobile home on the property while the applicant goes through the variance process. This was done with the caveat that no utilities be hooked up to the home. After the public hearing process is complete, should the Board of County Commissioners deny the request for the variance, the applicant has ten days to remove the mobile home from the property.

“There are currently two homes on the property which comply with current zoning regulations. Each residence is served by its own septic system and shares a well. The applicant proposes to connect the third mobile home to a community water system, though staff has not received a ready, willing and able letter to connect the third dwelling unit to this particular community water system.”

Mr. Larrañaga said staff recommends that the request for a variance be denied pursuant to Article III, Section 10 of the Land Development Code which states the minimum lot size in this area is 10 acres per dwelling unit.

Chair Romero thanked staff for providing additional information in the packet that had not been available in October. He noted that Ms. Esquibel’s property is adjacent to the traditional boundary and could be included when the zoning maps are reworked.

Member JJ Gonzales asked whether the property currently contained two homes. Mr. Larrañaga said there were two which met code; however, the variance request is for an additional home. Member JJ Gonzales asked whether a lot split would resolve the problem for the third unit and Mr. Larrañaga indicated a lot split was possible but it would not resolve the issue. A family transfer, creating one 3-acre lot and two 1.25-acre lots, would resolve the issue.

Mr. Larrañaga said the applicant has been advised by staff that a family transfer was a workable solution, however, the applicant lacks funds for the survey and is applying for the variance based on hardship. The CDRC's decision will be forwarded to the BCC.

Mr. Larrañaga said even with an approval from Cuarteles Community Water System, the placement of the third dwelling does not meet the density requirement.

Mr. Larrañaga confirmed that if the property was located within the traditional community the application could be handled administratively.

The applicant, Carol Esquibel of Cuarteles, was placed under oath and said she wanted the third dwelling for her granddaughter who would be taking care of her in the future. Ms. Esquibel said she wants her granddaughter near to her.

Member Salazar asked Ms. Esquibel if she anticipated that in the near future she would have the finances for a survey. Ms. Esquibel responded in the negative adding if she had to she would.

There was no one in the audience wishing to speak regarding this case.

Member Salazar asked legal counsel whether a variance could be granted with a condition that the property is incorporated into the traditional community or the applicant have a survey done and conduct a family transfer. Dennis Manzanares, Assistant County Attorney, said he thought that was acceptable.

Member Salazar moved to approve CDRC Case V 09-5360 with the condition that the applicant within a one-year timeframe either be incorporated into the traditional community or complete a family transfer lot split. Failure to meet the condition would return the case to the CDRC. Member C. Gonzales seconded and the motion passed by unanimous voice vote.

V. NEW BUSINESS

A. Sustainable Land Development Plan Update *[Exhibit 1: 11/23/09 Update]*

Planning Manager, Robert Griego, said based on the November 12th CDRC public hearing on the plan, staff identified five themes:

- Community Plans should not be altered
- The SLDP is too long and needs to be rewritten to make it more understandable to the general public
- There is a need for additional time to absorb the plan
- The public needs additional opportunities to comment on the SLDP

- The SLDP needs to be more sustainable and needs to include more sustainable protections

The planning team is reviewing the public comments and preparing comments. The team will work to reduce the SLDP from its current 1,000 pages to 300 pages and develop an executive summary. Extraneous sections will be eliminated and become stand-alone documents: Oil and Gas, the CIP section, and community plans.

Mr. Griego reviewed the public hearing schedule: December 17th, January 14th and January 21st all scheduled for 6 p.m. If more hearings are necessary, it is within the CDRC's purview to schedule them.

Member C. Gonzales expressed concern that the CIP portion would be removed from the plan. He said it was an important component of the land use code. Mr. Griego said the CIP will be adopted every two years and the idea is to have a plan that is actively reviewed.

B. CDRC Case MP/PDP 09-5460. Santa Fe Studios Master Plan/Preliminary Development Plan Phase I. Santa Fe Studios (Owners). Santa Fe Planning: Scott Hoeft, Agent, request Master Plan approval for a proposed motion picture and television production facility on 65 acres, and preliminary development plan approval for Phase 1 (approximately 11.5 acres). The project is located on Montañas del Oro and State Road 14, in Section 36, Township 16 North, Range 8 East.

Ms. Cobau reviewed the staff report as follows:

“The applicant requests Master Plan and Phase I preliminary development plan approval for a motion picture and television production facility of 65 acres in central Santa Fe County just east of the State Pen within the Community College Media District Zone. The project features soundstages, production support, stage support, lighting shops, mill shops and executive offices. Approximately 524,600 square feet square feet of space will be provided in the first two phases, with Phase I containing 137,800 square feet of this total. Soundstages will be approximately 66 feet in height, and will be pueblo style architecture to reduce massing effect. Phase 1 includes seven 1,500 square foot temporary bungalows and a temporary cafe. All proposed uses in Phase I, II and in the Override Parcel (Phase III) are consistent with those allowed within the Community College Media District.

“The applicant has submitted a development report, traffic impact analysis, geotechnical report, technical drainage study, archaeological report and design plans in accordance with Land Development Code requirements these submittals have been reviewed by County staff and external agencies whose comments are included.

“Notably, this is an economic development project, with Santa Fe County as an active partner and contains a Local Economic Development Act element. Santa Fe Studios meets the criteria for a LEDA project through employment opportunity development for our local workforce. As outlined in the Project Participation Agreement, Santa Fe County will be responsible for construction of all off site improvements needed for Phase I of the project on NMSR 14, and will be a partner in lease profits for Phase III. As stated in the memorandum from Santa Fe County Planning: *With the potential growth of the film industry in New Mexico, there is a demand for a production facility in Santa Fe and the Media Park is ideally located to house such a facility. The studio would provide high-paying jobs for local residents with few if any, adverse impacts upon the quality of life in the community.*”

Ms. Cobau said the project was reviewed for existing conditions, phasing, access and traffic impact, terrain management, landscaping and rainwater harvesting, water and liquid waste, solid waste, fire protection, open space and archaeology, architectural design, signage and lighting.

Ms. Cobau said staff’s review finds the request in compliance with Ordinances 2000-12, the Community College District and 2007-10, Media District Zone. Staff recommends Master Plan approval for the 65-acre Santa Fe Studios project, and further recommends preliminary development plan approval for the 11.5-acre Phase I portion of the project. Staff requests that the final development plan for Phase I be reviewed and approved administratively.

The recommendation for master plan and preliminary development plan approval is based on the following conditions:

1. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Department
 - c) State Department of Transportation
 - d) County Water Resources Specialist/County Hydrologist
 - e) County Public Works
 - f) County Fire Marshal
 - g) County Building and Development Services Division
 - h) State Historic Preservation Office
 - i) Rural Addressing
 - j) County Utility
 - k) County Planning
 - l) County Open Space and Trails
2. The master plan preliminary development plan and lot line adjustment plan must be recorded with the County Clerk’s office.
3. All redlines will be addressed, original redlines will be returned with final plan.
4. All utilities, with the exception of the relocated PNM Transmission Line, shall be placed underground.

5. Modifications to phasing and building square footage shall be reviewed and approved administratively prior to recordation of final development plans for each phase of development.

Chair Romero acknowledged the project as being very important for the community.

Duly sworn, Scott Hoeft, Santa Fe Planning Group, introduced project owner, Jason Hool.

Duly sworn, Jason Hool, said he was pleased to be before the CDRC following years of working with Santa Fe County staff and Commissioners. He provided a brief overview of the project and his background in the industry. Mr. Hool stated his family goes back five generations in the film industry to the beginnings of the industry in Mexico. His family came to the US when he was a child and he has been in Santa Fe for several years.

Mr. Hool said New Mexico has recently been ranked third in the world for the best place for film. "That's a remarkable achievement..."

The Santa Fe Studio project has dovetailed with the County's ongoing work at the Santa Fe County business park for economic development. The County enacted the Media District Ordinance in 2000 and outside of Burbank California it is the only such district in the country. The ordinance was developed with the input of the community college district residents. The Studios have partnered with the Community College and IAIA.

Mr. Hoeft located the project on a site map off SR 14 and noted the driveway to the site is in place. The property that surrounds the 65-acre project site is State Land Office property. He discussed the design of the project to include a focal water feature and central plaza. The building is basically a warehouse where the production will occur for film or television. While the structure is essentially a large box, the mass has been carefully designed to appear less massive. The front offices provide facilities for the support team. On the north side, Mr. Hoeft identified the executive offices, post-production, theater and slated for Phase II. The south side contains the utilitarian buildings: mill shops, lighting and equipment storage, set creation and storage.

Phase I is 137,000 square feet and the total project will be 525,00 square feet.

Mr. Hoeft discussed the special Media District which recognizes the industry's special needs and provides greater flexibility for open space, parking structures and setbacks.

As a LEDA (Local Economic Development Act) project, the Studios are required to provide 500,000 hours of above minimum wage jobs. While it's hard to get an idea of the scale of production that will occur, Mr. Hoeft said an average film employs 200 people. "The production people are in New Mexico."

Mr. Hoeft discussed the signal on 14, high speed internet and a power line adjustment. Water and sewer infrastructure is already in place through Santa Fe County.

Chair Romero said he understood from the staff report that Santa Fe County will provide 25 feet-acre of water to the project, however, Phases I and II require 33.5 acre-feet. He asked where the additional water was coming from. Mr. Hoeft said that would be addressed during Phase II and they would follow the procedures used by other developers to acquire water rights.

Mr. Hoeft said the on-site costs will run under \$17 million.

Mr. Hoeft identified the nearest residential area at approximately 3,500 feet from the Studios. The studios structures will be earth tone in color.

Member JJ Gonzales asked about the temporary bungalows were situated in Phase I. Mr. Hoeft said the bungalows will probably be modular and serve as short-term office space.

Member JJ Gonzales asked whether Santa Fe Studios will be working with the Greer Garson Studio at the College of Santa Fe. Mr. Hool said his father, a film producer, filmed a western at Garson in 1988.

Member JJ Gonzales asked if the Santa Fe Studios were connected to the Albuquerque West Mesa Studios. Mr. Hool said Albuquerque is an independent studio not affiliated with the studios. He lauded West Mesa's success.

Responding to Member JJ Gonzales' question of how many full-time employees will be at the Studios, Mr. Hool said the film studio complex can be seen as a convention center or hotel with full-time administrative/management, security and janitorial personnel. He anticipated 12 or less at the beginning and 24+ at full build out. The real employment is through the productions.

Once Phase I has demonstrated its success and the economy improves, Mr. Hool anticipated obtaining a bank loan and proceeding with Phase II. Mr. Hool said his family has assembled a board of advisors that will be important in promoting the facility and overseeing expenditures.

Member Martin asked about the survey that placed New Mexico as third choice for filmmaking, and Mr. Hool said film industry trade publication *Variety* interviewed film professionals from around the world for the survey.

Helen Boyce, duly sworn, a 50-year resident of the SR14 area, said she was familiar with Eave's Ranch and her only concern was with light pollution.

Mr. Hoeft addressed the lighting issue stating that the Studios will comply with the dark sky ordinance and the project architect is working on solutions. He said the site needs lighting for safety as well as production. They are researching the best solutions with a lighting expert.

There were no other speakers on this case.

In response to Member C. Gonzales' request, Ms. Cobau identified the possible County off-site improvements, which include improvements to the left-turn movement from SR 14 onto 599 frontage road, signalization at the intersection of Montañas del Oro and SR 14 and a dual left turn into the Studio. She said the improvements are a result of a TIA that the County contracted for and is still reviewing. The County is responsible for the design and construction fees of off-site improvements.

Member C. Gonzales said he served as the County's inspector on the original infrastructure by the State Pen and he strongly recommended that staff re-inspect.

Chair Romero said he was pleased to see the project progressing and saw it as a positive stimulus for the community.

Member C. Gonzales moved to approve CDRC Case MP/PDO 09-5460, Santa Fe Studios Master Plan/Preliminary Development Plan Phase I with all staff conditions. Member Martin seconded and the motion passed by unanimous voice vote.

- B. **CDRC CASE #MIS 09-5440 Virginia Eldridge Legal Lot Recognition, Virginia Eldridge, Applicant, requests the recognition of a 5.00 acre lot as a legal lot of record. The property is located at 10 Dawn Trail as a legal lot of record within Section 26, Township 15 North, Range 8 East (Commission District 5).**

John Salazar read the case caption and offered the staff report as follows:

"The applicant requests the recognition of a 5-acre lot as legal lot of record. The Applicant does not have a notarized pre-1981 deed nor plat to prove legal lot of record. Either one is necessary for the Land Use Administrator to recognize a pre-code legal lot of record.

"Article II, Section 4, subsection 4.4.2 of the County states, "If the applicant has evidence which does not include a notarized document, the evidence shall be submitted to the appropriate Development Review Committee. The Development Review Committee shall determine if the evidence establishes the existence of the lot prior to the effective date of the Code." Thus, the CDRC may recognize non-notarized deeds or plats as proof of legal lot.

"The applicant has submitted various deeds which cover many years; however, staff has determined that the lot in question was created in 1984 through a deed by Joe Miller which references a 1982 plat by Cipriano Martinez. The Cipriano Martinez plat, however, was never recorded as a plat but as an exhibit to a deed. The subject property has changed hands at least four times resulting in the applicant trying to prove legal lot of record in order to sell this property."

Ms. Cobau said she and Mr. Salazar met with the County surveyor regarding this property. She understood from that meeting that there was a 10-acre property surrounded by legal lots, thus through exclusion the 10-acre parcel could be considered a legal lot. If Ms. Eldridge's property is recognized as a legal lot then the lot to the north could also be recognized as a legal lot through exclusion.

Should the CDRC choose to approve the case, Ms. Cobau requested the inclusion of a condition that the applicant would have the property surveyed and complete the County's standard platting process with the Land Use Administrator's signature plat. The signature would provide additional evidence as a legal lot of record.

Duly sworn, Virginia Eldridge, said she was in a financial "pickle" because she had this property under contract for sale and based on that she purchased another house in Rancho Viejo. The sale on the subject property fell apart when the County said the lot was not legal. The buyer pulled out of the deal, the bank is pressuring her and she needed to have the lot recognized as legal so she can sell it.

Ms. Eldridge said she lived on the property for many, many years.

There was no one in the public wishing to speak on this case.

Member Dayton moved to approve CDRC Case MIS 09-5440 with the staff-imposed condition that within six months the applicant have the lot surveyed, complete the County's standard platting process with the Land Use Administrator's signature on the plat. Member Martin seconded and the motion passed by unanimous voice vote.

Ms. Cobau advised that the CDRC's decision is final on this case.

D. CDRC CASE # V 09-5020 Karen Esquibel Variance: Karen Esquibel, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code, to allow a Land Division of 1.00 acre into two lots. The property is located off 9-A Rincon Escondido in La Puebla within Section 8, Township 20 North, Range 9 East, Commission District 1

Mr. Salazar read the case caption and reviewed the staff report as follows:

"Currently, the property has three legal non-conforming dwellings, placed pre-1981, and the property is served by two conventional septic systems and a well. The property is located within the Traditional Community of La Puebla. Article III, Section 10, of the Land Development Code states the minimum lot size in this area is 0.75 acres per dwelling unit.

"The Applicant states that she recently purchased the property from her mother due to her mother's health becoming an issue and her mother's current job offers no retirement so she could not afford a mortgage. The Applicant further states that

she and her brother take care of their mother. The Applicant's mother originally purchased the property so her children could live next to her.

"Staff recommends the request for a variance be denied. Article III, Section 10 of the Land Development Code states the minimum lot size in this area is 0.75 acres per dwelling unit."

Mr. Salazar stated that the property could be divided into .33 acre lots if community water and sewer was available; however those services are not available. If the decision of the CDRC is to recommend approval of the Applicant's request, staff recommends the following conditions be imposed:

1. No additional dwellings shall be permitted on the property.
2. Water use shall be restricted to .25 acre-foot per dwelling. A water meter shall be installed on all homes. Annual water meter readings shall be submitted to the Land Use Administrator by January 31st of each year.

Chair Romero said he was familiar with the area where there are many lots this size and smaller. Mr. Salazar agreed with that observation.

Member C. Gonzales asked how the dwellings would be arranged and Mr. Sandoval said two on one lot and one on the other.

Member C. Gonzales asked whether there was an ED update on the septic system. Mr. Sandoval said the applicant recently provided an updated septic report.

Duly sworn, Karen Esquibel, said she purchased the property from her mother with the intention of living by her. She said the property had been her uncle's and he said the three dwellings were grandfathered in. She provided County staff with aerial photographs proving the dwellings were pre-Code and obtained ED septic permits for the three homes. There is a manufactured home, a mobile home and a stick built studio on the property. Her brother, who lives on the property, cannot get a mortgage on his manufactured home without a permanent foundation.

Ms. Esquibel said she was in agreement with the two staff-imposed conditions.

There were neither speakers nor questions regarding this case.

Assistant County Attorney Manzanares advised the CDRC that there was a letter of opposition included in the case packet and Chair Romero acknowledged receipt of the letter.

Chair Romero moved to approve VAR 09-5020 with the two staff-imposed conditions. His motion was seconded by Member JJ Gonzales. The motion passed by majority [4-2] voice vote with Members Dayton and Martin voting against.

VI. PETITION FROM THE FLOOR

None were presented.

VII. COMMUNICATION FROM THE COMMITTEE

Chair Romero said he hoped staff and the committee would make time following the December 17th meeting for holiday cheer.

VIII. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

IX. COMMUNICATIONS FROM STAFF

The next CDRC regular meeting was scheduled for 4 p.m., December 17th.

X. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Romero declared the meeting adjourned at approximately 7:20 p.m.

Approved by:



Jon Paul Romero, Chair
CDRC



Before me, this ____ day of _____, 2009.

My Commission Expires:

Notary Public

Submitted by:
Karen Farrell, Wordswork