

**MINUTES OF THE**  
**SANTA FE COUNTY**  
**DEVELOPMENT REVIEW COMMITTEE**

**February 19, 2015**

This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Susan Martin, Vice Chair, 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:**

Frank Katz, Chair  
Susan Martin, Vice Chair  
Phil Anaya [late arrival]  
Louie Gonzales  
Renea Gray  
Leroy Lopez

**Member(s) Excused:**

Bette Booth

**Staff Present:**

Vicki Lucero, Building & Services Manager  
Wayne Dalton, Building & Services Supervisor  
Jose Larrañaga, Development Review Specialist  
Rachel Brown, Deputy County Attorney  
John Salazar, Development Review Specialist  
Vicente Archuleta, Development Review Specialist

New Committee members, District 1 representative Leroy Lopez and District 5 representative Renea Gray were welcomed to the CDRC.

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**IV. ELECTION OF CHAIR AND VICE CHAIR**

Member Gonzales nominated Frank Katz to serve as CDRC Chair. Member Lopez seconded. There were no other nomination and Mr. Katz was elected chair by unanimous [5-0] vote. [Member Anaya was not present for this action.]

Chair Katz nominated Susan Martin to serve as CDRC Vice Chair. Mr. Lopez seconded. There were no other nominations and Ms. Martin was elected vice chair by unanimous [5-0] vote. [Member Anaya was not present for this action.]

**V. APPROVAL OF AGENDA**

Ms. Lucero indicated that the posted amended agenda was accurate and she identified that the following CDRC new business cases were tabled: #Z/DP/V 14-5430, Ernest Luna Variance; #V #14-5330, Tercero Variance; and, #APP 13-5062, Robert and Bernadette Anaya Appeal.

Member Martin moved approval and Member Lopez seconded. The motion carried [5-0] voice vote. [Member Anaya was not present for this action.]

**VI. APPROVAL OF MINUTES: December 18, 2014**

*[Exhibit 1: VanAmberg letter objecting to minutes, dated 2/13/15]*

Deputy County Attorney Brown said in regard to approval of minutes there is no requirement that the member had to have attended the meeting to participate in action.

Member Martin moved to approve the minutes. Member Gonzales seconded and the motion passed by unanimous [6-0] voice vote. Member Anaya was not present for this action and later in the meeting stated he approved the minutes as submitted. [See page 10]

**VII. CONSENT CALENDAR: Final Order**

- a. **CDRC CASE # FDP 14-5390 Glorieta Fire Station Final Development Plan. Santa Fe County (Applicant), Riskin Associates Architecture (Marci Riskin), Agent, Requested Final Development Plan Approval for an Unmanned Fire Station on 1.52 Acres. The Proposed 3,140 Square Foot Fire Station Will Consist of 3 Apparatus Bays and an Administration Area (Restrooms, Office, Classroom and Storage). the Property is Located at 366 Old Denver Highway in Glorieta, East of Leadville Lane, within Section 1, Township 15 North, Range 11 East (Commission District 4). (Approved 5-0), Vicente Archuleta**

Member Martin moved to approve the final order for CDRC Case FDP 14-5390. Member Gonzales seconded and that motion passed by unanimous [5-0] voice vote. [Member Anaya was not present for this action.]

- B. CDRC CASE # FDP 14-5280 Romero Park Improvements Phase I. Santa Fe County, Applicant, Requested Final Development Plan Approval to Allow Improvements to the Existing Park, Formerly Known as Agua Fria Park. The Property is Located on Caja Del Rio Grant Road (County Road 62), within Section 31, Township 17 North, Range 9 East, (Commission District 2). (Approved 4-0), Jose E. Larrañaga**
- C. CDRC CASE # PDP/FDP 14-5011 31 Bonanza Creek. Leslie Moody and Mitchell Ackerman, Applicants, Jenkinsgavin, Agents, Requested Preliminary and Final Development Plan Approval to Allow a Bed and Breakfast within an Existing Residence on 9.94 Acres. The Property is Located on the West Side of Highway 14 Off Bonanza Creek Road (County Road 45), within Section 26, Township 15 North, Range 8 East (Commission District 5). (Approved 4-0), Jose E. Larrañaga**

Member Martin moved to approve the remaining two final orders for the above cases. Her motion was seconded by Member Gonzales and passed by unanimous [5-0] voice vote. [Member Anaya was not present for this action.]

#### **VIII. NEW BUSINESS**

- A. CDRC CASE # V/ZA/S 10-5352 Rio Santa Fe Business Park. Peña Blanca Partnership, Applicant, Jim Siebert, Agent, Request a Master Plan Zoning Amendment to an Existing Zoning Approval and Preliminary and Final Plat and Development Plan Approval to Create Four (4) Commercial Lots on a 34.44- Acre Parcel to Be Utilized as a Commercial/Industrial Use. The Applicant Also Requests a Variance to Allow a Cul-de-Sac (Dead End Road) to Exceed 500 Feet in Length. The Property is Located at 54 Colony Drive, North West of N.M. 599, North of Paseo de River, within Section 10, Township 16 North, Range 8 East, (Commission District 2). Jose E. Larrañaga, Case Manager**  
*[Exhibit 2: Applicant – Aerial photographs demonstrating access; Exhibit 3: County Public Works memo; Exhibit 4: NM DOT District 5 Project Priority Rating for Public Funding; Exhibit 5: Packet material NBA-100; Exhibit 6: Baca provided photo of the yellow property posting]*

Member Gonzales recused himself from this case and Member Anaya arrived during the staff report.

Case Manager Larrañaga recited the case caption and provided the staff report as follows:

“On December 14, 2010 the Applicant was granted Master Plan Zoning approval to allow commercial/industrial uses on 31.44 acres by the Board of County Commissioners. The conditions of approval included: water shall be supplied by Santa Fe County via an extension of service from the existing Buckman Direct Diversion transmission line; the Business Park wastewater system shall connect to the City of Santa Fe sewer system; the site would take access via the NM 599 Frontage Road.

“The Applicant is requesting an amendment to the approved Master Plan to allow the use of individual onsite wells as a water source for the development as a substitute for County water. The Applicant states that the number of lots has decreased from 20 lots to four lots, therefore an extension of the BDD waterline is impractical for the development. The Applicant also states that the water use will be limited to 0.25 acre-feet per year per lot.

“The Applicant also requests that the use of conventional septic systems, on individual lots, be allowed. The Applicant states that a request to the City of Santa Fe for connection to the City sewer system, was pursued and the City verbally stated that connection to the City Sewer System from outside of the City limits would not be allowed.

“The Applicant is requesting Preliminary and Final Plat and Development Plan approval to create four commercial lots on a 34.44-acre parcel to be utilized for Commercial/Industrial uses. The lots range from 6.36 acres to 9.245 acres. The lots will take access off of Rio Abajo Road via the NM 599 Frontage Road.

“The Applicant also requests a variance of Article V, 8.2.1d to allow a dead end road to exceed 500 feet in length. The proposed roadway to the site is not designed with an alternate access, and is therefore considered a dead-end road. The Applicant states: the excess length of the cul-de-sac is from having to maintain the existing Santa Fe County easement granted to Santa Fe County by P Peña Blanca Partnership and denial by the MPO and County staff to allow for the relocation of said easement.

“Building and Development Services staff has reviewed this project for compliance with pertinent Code requirements and has found the following facts presented support the request for amending the existing Master Plan Zoning to allow the use of individual onsite wells as a water source for the development and to allow the use of conventional septic systems on individual lots: water availability has been demonstrated for the proposed subdivision with submission of a water resource analysis on adjacent wells; the water analysis provided information that satisfies the requirements set forth in the Code for water service for the proposed subdivision; the subdivision disclosure statement states that upon

drilling a well on the individual proposed lots a qualified testing lab shall prepare a water quality report satisfying the Code requirements; water use will be limited to 0.25 acre-feet per year per lot; the Applicant has demonstrated that the development concepts are acceptable; the Application is comprehensive in establishing the scope of the project; the Application satisfies the submittal requirements set forth in the Code.

“Building and Development Services staff has reviewed this project for compliance with pertinent Code requirements and has found the following facts presented support the request for Preliminary and Final Plat and Development Plan approval to create four commercial lots on a 34.44 acre parcel: the proposed subdivision design and layout submitted on the Preliminary Plat meets the requirements of the Land Development Code; the Final Plat substantially conforms with the Preliminary Plat; the Development Plan conforms with the Preliminary and Final Plat; the Application satisfies the submittal requirements set forth in the Land Development Code.

“The review comments from State Agencies and County staff have established that this Application, for an amendment to the existing Master Plan Zoning and for Preliminary and Final Plat and Development Plan is in compliance with: State requirements; Article V, § 5 Master Plan Procedures; Article V, § 5.2.6 Amendments and Future Phase Approvals; Article V, § 5.3 Preliminary Plat Procedures; Article V, § 5.4 Final Plat Procedure; Article V, § 7.2 Final Development Plan. This Application is not in compliance with Article V, § 8.2.1d, Cul-de-sacs.

“Building and Development Services staff has reviewed the Applicant’s request for a variance and has found that the following information is relevant to a recommendation by the CDRC: the proposed access road is 1,824 feet in length, from NM 599 Frontage Road to the end of Rio Abajo Court, the distance from the intersection of Paseo de River and the end of the cul-de-sac is 1,034 feet; from the intersection of Rio Abajo Road and Rio Abajo Court to the end of the cul-de-sac is 674 feet in length. The New Mexico Department of Transportation has indicated, to the Public Works Department and to the Applicant, that the Frontage Road will be blocked off and no through traffic going east will be allowed onto Paseo de River from the Frontage Road. This action would leave the proposed site without access; the access from Paseo de River from the south via Paseo Rael does not have an all-weather crossing and would require a variance of that condition or a substantial expenditure of funds to install the all-weather crossing; a platted, 100-foot wide, easement runs north/south through the site and connects to Caja del Rio and Paseo Rael. The southern portion of the easement shall require an all-weather crossing and the distance from Caja del Rio to the site is approximately 6,185 feet.

“Staff recommendation: Staff recommends denial of the Applicant’s request for a variance of Article V, § 8.2.1d to allow a cul-de-sac to exceed 500 feet in length.

The County Development Review Committee may consider the information presented by staff in determining if the request for a variance of Article V, § 8.2.1d would be a minimum easing of the requirements.”

Mr. Larrañaga said if the decision of the CDRC is to recommend approval of the variance of Article V, § 8.2.1d , staff recommends approval of the request for a Master Plan Zoning amendment to allow the use of individual onsite wells for the development and to allow the use of conventional septic systems on individual lots. Approval of Preliminary and Final Plat and conditional approval of Development Plan to create four commercial lots on a 34.44 + acre parcel 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.
2. Amended Master Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 5.2.5.
3. Final Plat with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 5.4.4. The Plat shall illustrate the portion of the property that shall be dedicated as Open space.
4. Final Subdivision Development Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 7.2.
5. The Applicant shall submit a financial guarantee, in sufficient amount to assure completion of all required improvements prior to Final Plat recordation, as per Article V, § 9.9.
6. The Applicant shall record water restrictive covenants restricting the water use to each lot to 0.25 acre-feet per year. A water meter must be installed for each lot. Annual meter readings shall be submitted to the County Hydrologist by January 1st of each year. If the proposed water budget exceeds 0.25 acre foot per year for the proposed development, submission of a geohydrology report approved by the County Hydrologist demonstrating water availability as allowed by the Code, will be required, as per Article VII, Table 7.4.
7. Water quality documentation shall be submitted at Preliminary Development Plan, on each lot, as per Article VII, § 6.5.1.d and Table 7.4.
8. A Traffic Impact Study shall be required for each lot at time of Preliminary Development Plan. [Modified at motion]
9. The Applicant shall construct Rio Abajo Road to the most northern boundary of the property.
10. The Applicant shall comply with road design standards set forth in Article V, § 8.2.1d.
11. The Applicant shall submit a Plat, prior to the recordation of the Preliminary and Final Plat, which shall dedicate the granting of easement and realignment of an easement on both private and New Mexico State Land Office property which will provide the access to the site.

Duly sworn, Jim Siebert, agent for the applicant, provided a history of the project stating the current master plan was for 27 lots with a loop road and on County water and City sewer. It took a year before a request could be presented to the City’s Water and Wastewater Technical Review Committee and the City sewer connection was denied. In

order to accommodate septic, the lots had to be larger. The project was modified to four lots with onsite septic and wells.

Using aerial photographs [*Exhibit 2*], Mr. Siebert said DOT District 5 informed the applicant that a frontage road would be closed off by the Highway Department because there is an access control line issue. A new access using a State Land Office Land, 50-foot easement was obtained, and where the road turns into Española Mercantile an easement commitment was obtained from them, and an existing 50-foot roadway from Paseo del River to the subject property will have a slight realignment as part of the platting process. Should the road closure District 5 discussed occur, this development has alternative access. Public Works required a traffic study which indicated 1,500 to 2,000 vehicles that use the current crossing of the Santa Fe River. The crossing is used by City garbage trucks, the County Sheriff, City Police, etc., from the west or south.

Mr. Siebert said the length of cul-de-sac is consistent with the 1,500 to 2,000 vehicles that use the crossing.

Referring to the Public Works condition [*Exhibit 3*] requiring that a traffic impact study for each lot at time of development, Mr. Siebert said DOT District 5 reviews traffic studies and they apply a site threshold assessment form. As long as the A.M. or P.M. peak count does not exceed 25 vehicles a traffic impact study is not required. The applicant is willing to comply with DOT and agrees that if the peak traffic exceeds the threshold, a traffic study will be prepared.

Mr. Siebert distributed a project priority rating for projects along 599 developed by the Highway Department [*Exhibit 4*] and pointed out that to “extend NM 599 Frontage Road across Santa Fe River” was one of the listings and had an estimated cost of \$4.3 million. He said that seemed an unreasonable cost for the applicant and other landowners in the area to upgrade the inadequate crossing of the Santa Fe River located on Paseo del River. The original 599 plan included a frontage road crossing of the Santa Fe River which was deleted for cost saving.

Mr. Siebert confirmed for Chair Katz that the access is assumed to be located on Exhibit 2 where the red is shown and identified where the frontage road was proposed for closure which is situated southwest of the proposed access. Mr. Siebert said the easement has been acquired from the State Land Office that is valid for a period of 35 years. An easement has been prepared and signed with Española Mercantile awaiting BCC approval. From Paseo de River west is a previously granted easement that will require realignment and would be accomplished as part of the platting process.

Chair Katz noted that the OSE will only issue a well permit if the applicant demonstrates there are no other reasonably accessible water supplies. Mr. Siebert said the distance to the County’s water system is cost prohibitive at \$300,000 to \$400,000, and the wells will cost \$15,000 to \$20,000. He said the disclosure statement will include the State’s water use restrictions and added that the County’s Public Works building is on a well.

Referring to Exhibit 4, Member Anaya asked how the \$4.3 million estimate was derived. Mr. Siebert said a private consultant for DOT District 5 developed the estimate and neither he nor the Applicant conducted a study on the cost.

Ms. Lucero advised the CDRC that she spoke with Johnny Baca, from Public Works Traffic Manager, who agreed to expand their condition [Staff condition 8] to read as follows: Staff will require that a Traffic Impact Study will be required for each lot at time of development unless a Site Threshold Assessment is acceptable to NM DOT.

Duly sworn, Matthew Baca, representing his family, owners of the Baca Ranch which is adjacent to and in the vicinity of the subject property. The staff report represented that the access road to the north was 6,000 feet leading to the Caja del Rio and he requested and was furnished a map for better identification. [Exhibit 5] For the record, Mr. Baca said he was not provided a copy of the map during the Applicant's presentation and thus was unable to follow that presentation.

Mr. Baca referred to the CDRC's December meeting where a PNM solar energy site was discussed and pointed out that CDRC Member Gonzales recused himself on that issue as well: these cases are related.

Mr. Baca said he was present to discuss the road that travels north to a corner where four sections come together and traverses to Caja del Rio. He identified the Baca family as the owners of SHC 480 and noted the 100-foot easement that traverses the family property. Referring to language on the easement survey [Exhibit 5], "Know all men by these presents that the undersigned owner(s) have caused to be granted those easements shown hereon..." Mr. Baca said his family has never provided an easement on this. He then spoke about the Old Cochiti Trail.

The access road, according to Mr. Baca runs into the Baca Family property and follows the historic Old Cochiti Trail which crosses through eight to nine miles of the Baca Ranch. He said his family has owned the ranch since 1928. Many of the parcels that now make up the Baca Ranch were purchased from homesteaders and the federal government created a provision, Section 932 Road, to make sure homesteaders never lost access to their lands across federal properties. He said this application as well as the PNM solar energy center uses a Section 932 road and a reconfiguration of the Old Cochiti Trail. "If the existing road is vacated and is replaced by the newly configured road then this will cut off access to and otherwise interfere with the historic use of certain properties owned by the Bacas...and constitutes a taking." The County Attorney was provided two cases to support the Bacas' position and he went on to state a reconfiguration would create a dangerous condition presenting a serious risk of injury to the traveling public because of the severity of the angle. He said the County could be subjected to liabilities.

Mr. Baca said the 932 road issues have come up between his family and the County in the past and his family has been successful. The first instance was a condemnation case for the Caja del Rio landfill. The next case was in 2002 when BLM and the King Family traded land and had something to do with Mr. and Mrs. Randy Travis.



Recognizing that this issue was of great importance to Mr. Baca and his family, Chair Katz said he was concerned because it has nothing to do with this particular case because their access is not coming from that direction.

Mr. Baca said, "It is my understanding that it is. So I believe we have a difference in understanding."

Chair Katz asked Mr. Siebert if there was any portion of the access coming from the north rather than the south.

Mr. Siebert first clarified that contrary to Mr. Baca's statement, the subject property does not adjoin his property. He demonstrated on the map how the road would come up and where it was terminated. "There is no access proposed to this property from the north. There would be no access whatsoever on the Baca land to this particular property," stated Mr. Siebert.

Mr. Baca handed Mr. Siebert NBA-100 and asked him to identify whether the road crossed Baca land. Mr. Siebert said he found this unique that they were "setting this up as some kind of a judicial hearing." He offered to answer the question if the Chair directed him to do so.

Chair Katz said he understood the question was answered: there is no access coming from the north. Mr. Siebert confirmed that was correct.

Mr. Baca redirected the CDRC to page NBA-100 within their packets.

Continuing, Mr. Baca brought up the archaeology in the area and said they find the archaeology study deficient.

Mr. Baca said he wanted to return to the takings issue and Chair Katz said it was not relevant to this particular application. At this point, Mr. Baca said they are adjacent landowners to the County's Public Works Department and hold state leases in the vicinity.

Chair Katz repeated that he understood the issue was important to the Baca family but said it was not pertinent to this case.

Thanking the Chairman, Mr. Baca requested clarification as follows, "I would also like maybe some direction from the Chair as to what – as a public hearing – whether it is quasi-judicial, I think this has to go back to the appeals and whether there are appeals of your decisions are not based on the public record."

Chair Katz said the CDRC makes recommendations to the BCC/governing body on some cases. There are other matters that come before the CDRC where a final decision is made and those decisions can be appealed to the BCC.

Mr. Baca said that was not his understanding from the County Attorney's Office. Deputy County Attorney Brown said the CDRC's recommendations are automatically forwarded to the BCC for decision, a decision which is appealable. CDRC decisions are appealable to the BCC.

For the record, Mr. Baca said when they tried to appeal the PNM Solar Center case and they received a letter that it was "not ripe yet for appeal."

Mr. Baca distributed a photo [*Exhibit 6*] taken from Paseo de River of a locked gate with the posted yellow notice approximately 100 yards off Paseo de River. On the reverse side of the photo was a maximum zoom photo of the posting to amplify its illegibility. The posted notice on the subject property for this hearing was not sufficient, stated Mr. Baca. He noted for the record that Louis Gonzales was offered the photograph and declined it.

There were no other members of the public wishing to speak.

Regarding the posting, Mr. Siebert said if it were on the property it would not be seen. The gate is closed at night but is open during the day.

Chair Katz closed the public hearing.

Apologizing for his late arrival, Member Anaya asked that his affirmative vote for the minutes be recorded.

Member Martin asked whether there were other cost-sharing agreements in the County similar to the upgrade for the river crossing. Ms. Lucero said there have been instances where the County enters into a cost-sharing agreement with developers for roadways, utilities, etc.

Chair Katz asked whether a cost-sharing of this magnitude of expense has been entered into. Ms. Lucero said she was unable to answer that question.

Member Anaya moved to recommend approval of CDRC Case #V/ZA/S 10-5352 with the modification to condition 8: Staff will require that a Traffic Impact Study will be required for each lot at the time of preliminary development plan unless a Site Threshold Assessment is acceptable to NM DOT. Member Martin seconded. The motion passed by majority [4-1] voice vote with Member Gray voting against and Member Gonzales recused.

**B. CDRC CASE # Z/DP/V 14-5430 Ernest Luna Variance.**

Tabled.

**C. CDRC CASE # Z/DP 14-5440 Mariposa/Hillside. Mariposa Incorporated, Applicant, Tisha Sjostrand, Agent, Request a Master Amendment to an Existing Zoning Approval and Preliminary and Final Development Plan for the Expansion of Allowable Uses on a Commercial Property on 5.99 Acres. The Property is Located at 86B Old Las Vegas Highway, within Section 7, Township 16 North, Range 10 East, (Commission District 4). John Lovato, Case Manager**

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

“On November 30, 1999, the Extraterritorial Zoning Authority granted Master Plan Approval for retail sales, plant and garden accessories, greenhouse, and a

caretaker's residence, with a variance of the required separation between commercial districts. On April 13, 2000, the Extraterritorial Zoning Commission recommended Development Plan approval for a 5,500 square foot retail plant store for indoor/outdoor plants, including a greenhouse, a 4,700 square foot retail garden accessory store and a 1,500 square foot caretaker residence. Approved uses on the property included a garden and retail center operated by Woodridge, LLC conducting business as Tropic of Capricorn. Operations included home décor, retail plants, horticulture supplies, season decorations, art shows, an educational facility, and consignment items. A total of 7,200 square feet was constructed out of the total approved 11,700 square feet.

"The Applicant now requests a Master Plan Amendment, Preliminary and Final Development Plan approval for the expansion of the allowable uses to include retail sales, a greenhouse, restaurant serving alcohol, in/outdoor art and farmers market, lecture and an educational and neighborhood community use on 5.99 acres.

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

"The review comments from State Agencies and County staff have established that this Application, for a Master Plan Amendment, Preliminary and Final Development Plan to allow an expansion of uses at an existing facility is in compliance with: State requirements; Article V, § 5 of the Code; Article V, § 7 Development Plan Requirements of the Code."

Mr. Lovato said staff recommends approval of the Applicant's request for a Master Plan Amendment, Preliminary and Final Development Plan with the following conditions:

1. The Applicant shall comply with all review agency comments and conditions as per Article V, § 7.1.3.c.
2. Master Plan and Development Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 5.2.5.
3. The Applicant must connect to County/City water when it becomes available.
4. This development will be subject to Water Conservation Covenants. Water conservation Covenants shall be recorded with the Master Plan/Development Plan.
5. Existing signage must be brought into compliance with code requirements prior to recordation of the Master Plan/Development Plan.

Duly sworn, Tisha Sjostrand, applicant, 86 Old Las Vegas Highway, Santa Fe, said they bought the property three years ago and wanted to get to know their community before they made any changes to the property. In that time the property has turned into a local modern-day community center. They found during the past three years that people were not interested in buying things but instead people came to experience the space

which is beautiful. Currently there is a coffee shop/pastry bar and they'd like to expand it further.

Duly sworn, Michele Relkind, 125 Overlook Road, Santa Fe, said she was honored to support this "community-based gallery/community center." She said the applicant has been exceptionally generous and kind and has given NAMI (National Association on Mental Illness) a monthly meeting place.

As an art educator, Ms. Relkind said the property has tremendous potential for the community and visitors.

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

Member Martin moved to approve Case Z/DP 14-5440 with staff-imposed conditions. Her motion was seconded by Member Anaya and passed by unanimous [6-0] voice vote.

**D. CDRC CASE # V 14-5500 Virginia Gould & Lauri Hakola Variance. Virginia Gould and Lauri Hakola, Applicants, Request a Variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code, to Allow a Land Division of 20 Acres Into Two Lots. The Property is Located at 106 Old Cañoncito Road, within Section 12, Township 15 North, Range 10 East, (Commission District 4). John Lovato, Case Manager**

Mr. Lovato read the case caption and provided the staff report as follows:

"The subject lot was created in 1978, and is recognized as a Legal Lot of Record. In 2003, Virginia Gould and James Lauri Hakola purchased the property. There is currently a residence, a studio and a storage shed located on the property.

"The Applicants state, when they initially purchased the property it was the intent of the National Park Service (NPS) to purchase a portion of the 20-acre parcel. NPS had already designated a portion of the 20 acres as the Pecos National Historic Park. NPS now has the financial availability to purchase 6.62 acres from the Applicants. The Applicants state they wish to sell 6.62 acres to the NPS. This would create two lots which do not meet minimum lot size requirements as set forth in Article III, § 10 Lot size requirements of the Land Development Code."

Mr. Lovato said that 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. Staff recommends denial of the variance request. However, if the decision of the CDRC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre-feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be

- recorded in the County Clerk's Office at the time of Development Permit (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2).
  3. Deeds transferring the parcel to the National Park Service shall be recorded at the time the plat is recorded.
  4. The placement of additional dwelling units on the 13.38 acre tract or on the 6.62 acre tract and further division of either tract is prohibited. (As per Article III, § 10).
  5. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat Approval (As per 1997 Fire Code and NFPA Life Safety Code).

Member Anaya whether the requested lots would be in compliance with the pending code. Based on the proposed zoning map, Ms. Lucero said allowable density would be one dwelling unit per 40 acres.

Chair Katz asked what the Park Service intends on doing with the acreage. Mr. Lovato said he talked to the NPS representative and they are purchasing the property to expand their open space.

Chair Katz observed that the lots surrounding the applicants' property are quite a bit smaller.

Duly sworn, Paul Armijo, Armijo Land Survey, said the applicants have been in discussion with NPS for a long time in regard to this parcel. The property is situated at the end of Old Cañoncito Road and with NPS's ownership will benefit the community.

Duly sworn, Virginia Gould, applicant, stated she and her husband, Lauri Hakola bought the property in 1992 and two years later by Congressional Act, Pecos National Historic Park was established. They never had any intention of developing the property and would very much like to "tidy up" their affairs. She said their well is good and she understood NPS has no development plans.

Duly sworn, Bernard Ewell, 99AB Sibley Road, said he would be the most directly affected property owner if there were to be an effect. His property is directly across the canyon and he has no objection to the variance request.

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

Member Gonzales moved to approve the variance with staff-imposed conditions. His motion was seconded by Member Anaya and passed by majority [5-1] voice vote with Member Martin voting against.

**E. CDRC CASE # V 14-5330 Francisco and Arlene Tercero Variance**  
Tabled.

**F. CDRC CASE # V/Z 14-5490 Saleh Master Plan. Senemar, LLC, Applicant, Design Enginuity, Agent, Request Master Plan Approval in Conformance with the Community College District Ordinance to Allow a Phased Mixed-Use Development on a 64 Acre + Site. The Applicant Also Requests a Variance of Ordinance No. 2000-12, Section 6.E.3.C) to Allow a No-Outlet Roadway to Exceed 300 Feet and a Variance of Ordinance No. 2000-12, Section 6.7 Road Design Standards. The Site Will Take Access Off of Richards Avenue. and is Located on the South Side of I-25 and East of Richards Avenue, within Section 16, Township 16 North, Range 9 East (Commission District 5). Jose E. Larrañaga, Case Manager  
[Exhibit 7: Proposed Saleh Master Plan – power point; Exhibit 8: Support letters]**

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

“The Applicant is requesting Master Plan approval in conformance with the Community College District Ordinance (CCDO). The CCDO was adopted December 11, 2000. The CCDO Land Use Zoning Map defines 31.2 acres as Employment Center, 22.3 acres as Village Fringe and 10.5 acres as open space within the 64-acre site.

“The Applicant has redefined the flatlands, hillsides, pinion/junipers, grasslands and arroyos of the CCDO Land Use Map and has developed the proposed Master Plan. The proposed Master Plan includes 7.4 acres of Neighborhood Center, 21.4 acres of Employment Center and 32.1 acres of Open space. The remaining 3.1 acres will be a road right-of-way.

“The Applicant is proposing two phases for the development of this site. The use list for Phase 1, consisting of 24.16 acres, includes the following: 13.55 acres of Open space which includes passive space, parks, plazas, trails, roads, drainage facilities, wastewater treatment facilities, stables, riding academies and cemeteries; Neighborhood Center consisting of 7.39 acres which includes cemeteries/funeral homes and churches/religious institutions; Employment Center consisting of 1.82 acres which includes air-conditioned storage facility with allowable caretaker unit and RV and boat storage facility.

“The use list for Phase 2, consisting of 35.68 acres, includes the following: 16.13 acres of Open space which includes passive space, parks, plaza, playground, trails, roads, drainage facilities, wastewater treatment facilities, stables, riding academies and cemeteries; Neighborhood Center which includes cemeteries/funeral homes, churches/religious institutions, bank/financial services, veterinary clinic, retail sales of less than 5,000 square feet and assisted living/nursing facility; Employment Center consisting of 18.97 acres which

includes apartments, condos or townhomes, shopping center, hotel and office/retail.

“The Applicant states that due to the existing traffic congestion along Richards Avenue and the Oshara neighborhood, Phase 1 development will be limited to low traffic uses. Phase 2 will be developed upon completion of the Northeast Connector.

“The Applicant also requests a variance of Ordinance No. 2000-12, Section 6.E.3.c to allow a no-outlet roadway to exceed 300 feet and a variance of Ordinance No. 2000-12, Section 6.7 Design Standards of a Living Priority Road. More specifically, the Applicant proposes to build a temporary east extension of Dinosaur Trail Road onto the Saleh property for Phase 1. This road will be a dead end basecourse road, 960 feet in length. The Applicant states that at full build-out the road would be classified as a Living Priority Road.

“The Applicant states: “We request two variances: one to allow a road up to 960 feet in length and to allow this road not to be constructed to the CCDO standards. Instead we propose to construct a 24-foot wide basecourse temporary road. The reason for this request is that the County intends to close off the existing Dinosaur Trail roadway and relocate it 900 feet north when they construct the Northeast Connector. The Saleh project access will then be relocated to the new NE Connector and the existing Dinosaur Trail extension roadway will be removed. Currently the County estimates that the NE Connector will be constructed in 2017. Thus at most this temporary road will be in service for two years. Paving of the temporary road would be a waste of resources and not compatible with the goals of the County’s Sustainable Growth Management Plan. All permanent roads within the project will be paved. This temporary road will end in a hammerhead turnaround with 100 foot arms. The proposed design meets the County Fire Marshal requirements for a dead-end road.”

“Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support this request: the Application has established the extent and scope of the project including, the uses for the project, the specific information to determine the relationship between the landscape types, the zones and the project, and the relationship of its phases and multiple components with adjacent environment and its overall needs for services and infrastructure; conformance to the Santa Fe Growth Management Plan as amended by the Community College District Plan; the viability of the proposed phases of the project to function as completed developments; conformance to the CCDO in regards to roads and trails, community facilities, design and construction standards and open space standards; the Master Plan conforms to the eligible uses allowed under a Neighborhood Center and Employment Center; the Application satisfies the submittal requirements set forth in Ordinance No. 2000-12, § 4.B.2 and the Land Development Code.

“The review comments from State Agencies and County staff have established findings that the Application is in compliance with state requirements, County Ordinance No. 2000-12 Community College District and Article V, § 5, Master Plan Procedures of the Code. This Application is not in compliance with Ordinance No. 2000-12, § 6.E.3.c and § 7, Road Design Standards.

“Building and Development Services staff have reviewed the Applicant’s request for a variance of Ordinance No. 2000-12, § 6.E.3.c, and § 6.7, Road Design Standards, for compliance with pertinent Code/Ordinance requirements and has found that the facts presented do not support the request: roadway circulation within the Community College District shall provide a network of roads that will integrate automobile traffic, pedestrian and other modes of transportation in a safe and controlled manner; within each development, roadway circulation shall be interconnected as shown on the Circulation Map; the developer shall be required to construct any portion of the roadway necessary to maintain connectivity throughout the CCD; all road construction shall conform and comply with AASHTO standards. ITE guidelines, New Mexico State Highway and Transportation Department specifications and all applicable National Codes.”

Mr. Larrañaga said that Staff recommends denial of the Applicant’s request for a variance of Ordinance No. 2000-12, § 6.E.3.c, to allow a no-outlet road to exceed 300 feet in length and § 6.7, to allow non-compliances of design standards required of a Living Priority Road. If the decision of the CDRC is to recommend approval of the variances of Ordinance No. 2000-12, § 6.E.3.c and § 6.7, staff recommends approval of the request for Master Plan, to allow a Phased Mixed Use Development on a 64 acre + site, staff recommends the following conditions be imposed:

1. The Applicants shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the recorded Master Plan.
2. In order for Phase 1 of the Development to use the 3 acre-feet available under the assigned First Amended Initial Customer Contract for Commitment of Water Service (dated November 10, 1994 “Water Contract”), the Developer shall fulfill the terms and conditions of the water contract prior to Preliminary Development Plan.
3. Saleh shall provide water rights for any portion of the project’s total water budget that exceeds the commitment in the Water Contract. The project will be required to annually report total development water usage to SFCU and provide SFCU with additional water rights if the 5-year rolling average usage exceeds the approved estimated budget; in accordance to Resolution No. 2006-57 “adopting a Santa Fe County Water Resource Department Line Extension and Water Service Policy” or any subsequent water development policy, Saleh’s water requirements (e.g. New Water Delivery) will need to be approved by the Board of County Commissioners. Per Resolution 2006-57, Section IX.C, such approval may require justification for a water budget that exceeds 35 acre-feet/year; Saleh shall enter into a water service agreement with SFCU, which will define Saleh’s and SFCU’s commitments and obligations and specify requirements, like connection



- locations, hydraulic analyses, water infrastructure design approval process, cost allocation, metering requirements, construction standards, inspections, easement dedications, and acceptance prior to Preliminary Development Plan.
4. Saleh shall obtain a letter from the City of Santa Fe Water Division (City) that identifies what, if any, additional water utility infrastructure is needed in order to supply the proposed total 84.312 acre-feet/year demand through the City system prior to Preliminary Development Plan.
  5. Saleh shall construct and dedicate all water infrastructure identified by the City's water utility hydraulic modeling. [Modified at motion]
  6. The design of left turn and right turn deceleration lanes on Richards Avenue shall be submitted with the Preliminary Development Plan application, as per Article V, § 7.2.
  7. The railroad grade shall be designated as a trail and retain the appearance of a rail road grade. The rail road grade shall be maintained and remain within an open space easement.
  8. Saleh shall seek to have the wastewater connected to the City or other wastewater treatment facility. Saleh shall connect to a community wastewater system for Phase 2 and shall abandon and remove the Phase 1 septic system. Any on-site wastewater facility shall be permitted by and come under the regulation of the New Mexico Environmental Department or the Water Quality Control Commission Regulations, as appropriate.
  9. The Applicant shall submit a financial guarantee, in sufficient amount to assure completion of all required improvements prior to Final Development Plan recordation, as per Article V, § 9.9.
  10. Master Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.2.5.
    - a. Approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board (Article V, § 5.2.7).

Member Gonzales asked whether the Applicant needs water rights to proceed with Phase 2 and Mr. Larrañaga responded yes, the Applicant would need a water allocation requiring water rights or pay a fee in lieu of. He confirmed that the project would use County water for Phase 1.

Santa Fe County Utility Director Claudia Borchert clarified that the water is derived through the Buckman Direct Diversion, the Rio Grande water source, not the City Buckman wellfields. The Applicant has not fully identified what they will be doing in Phase 2. One of the conditions is that the Applicant provide a five-year rolling average of water use to determine accuracy in their current estimates. The water rights provided by an applicant are dedicated to and become the property of the County.

Member Anaya asked about the amount of the financial guarantee (Condition #9) and Mr. Larrañaga said a formula is applied to an engineer's cost estimate of all improvements.

Chair Katz asked what the County wanted the Applicant's variance requested road to look like. Per the CCDO, Mr. Larrañaga said the road should be built out with connection(s). The code does not allow for temporary roads. Even if the road were paved that would not solve all the issues; the cul-de-sac exceeds 300 feet and does not meet the CCDO definition of a Living Priority Road.

Mr. Larrañaga said a schedule for the Northeast Connector has not been determined nor has the exact location.

Duly sworn, Orallynn Guerrerortiz, Design Enginuity, agent/engineer for the applicants, Mr. and Mrs. Esmail Haidari, who were introduced in the audience. Ms. Guerrerortiz located the Saleh property at the southeast corner of Richards Avenue and I-25. The Haidaris purchased the property in 2005 and were waiting for the northeast connector. The current plan for the northeast connector locates it along the property's north boundary and the property owners are ready to propose a master plan.

The site is currently vacant with an old railroad grade on the east side that will serve the community as a trail. There is an arroyo that transects the old railroad grade and basically the middle of the property from east to west. The property is one of the gateways to the Community College District and has been zoned by the CCDO as employment center, and village fringe. The arroyo is designated as open space.

Ms. Guerrerortiz identified that the open space is located by 1-25, Richards Avenue, along the arroyo and the railroad grade. The property is mostly grades of 10 percent or less and very developable land. Phase 1 is located on the west boundary. She identified the northwest corner of the property where the County proposes a traffic circle that will be the Dinosaur Trail/Richards Avenue intersection. Because the County plans on closing part of Dinosaur Trail, the Applicant does not want to construct a permanent roadway. Ms. Guerrerortiz said one of the community members suggested a right-in/right-out. However, until the County has a final plan, the applicant wants to delay its roadway decisions.

Ms. Guerrerortiz said Phase 2 will bring traffic, Phase 1 traffic is minimal.

Ms. Guerrerortiz reviewed the use list and identified the areas for those permitted uses within Phases 1 and 2. She discussed screening requirements. Phase 2 includes all of Phase 1 uses with the addition of bank and financial services, vet/hospital, retail, restaurant and assisted living facility, and up to 95 apartments with a pool and exercise room. Each of the uses had size limits.

Ms. Guerrerortiz said the neighborhood leaders helped the applicant develop the use list. There are neither gas stations nor grocery stores. The applicant has tried to be receptive to the community comments.

All roads will be paved, curb and gutter with trees and sidewalk on both sides. The road proposed as temporary is basecourse; however, if in Phase 2 it is determined the road will be permanent it will be brought up to the standards of the other roads. A park in the middle of the project will be an active park with a regulation size basketball court; a passive park is planned along the edge. Two trails are planned.

The community raised concerns about covenants and Ms. Guerrerortiz said horizon views were of particular concern. Every proposed lot has a listed a top of parapet

elevation. All construction will be pueblo-revival style and outdoor storage and loading zones will be screened.

Regarding conditions, Ms. Guerrerortiz said she has discussed this modification with staff and requests that condition 5 be revised to read: Saleh shall construct and dedicate all water infrastructure identified by the City's water utility hydraulic modeling and may seek to recover infrastructure costs from other beneficiaries of shared system infrastructure.

Responding to Member Gonzales, Ms. Guerrerortiz said the property was originally part of the Greer property. This property has never been presented in a public hearing, although at one time it was considered that it would be part of the Oshara planned village.

Duly sworn, Glen Smerage of 187 Chili Line Road, Rancho Viejo, said he was in general support of the project [*Exhibit 8*]. He hopes it will be a positive contribution to the Community College District. He raised one significant concern: the relationships between roads interior to Saleh and the immediate adjacent Richards impending northeast connector.

The size of Saleh is such that one primary entrance/exit and at most two secondary entrance/exits would suffice, stated Mr. Smerage. He requested conditions that would relate to those roads:

- Place the primary entrance/exit to Saleh at a roundabout and at the intersection of North Willowback Road and the Northeast Connector
- Saleh Avenue intersection with the Northeast Connector to serve as a secondary entrance with right-in/right-out only
- The proposed temporary road's connection with Richards Avenue to be moved 700 feet to the north as reasonably close to the expected roundabout with the Northeast intersection with Richards and that it becomes permanent. No cross traffic or left turn into that road

Mr. Smerage said the American taxpayers have paid for new and improved roads and all too often those efforts have been defeated by local government allowing degradation to those roads to occur as "they cater to the self-interest of developers" seeking unlimited access to properties. He urged the CDRC to do something different with Saleh.

Chair Katz said not permitting the temporary road where the developer has requested will present a problem. Mr. Smerage concurred that was a problem but his proposal of moving the road up and be permanent is in the long-term view of having something meaningful between Richards, the Northeast Connector, the roundabout and good in and out service to Saleh. He did not want to see virgin land made into a temporary and abandoned roadway.

Duly sworn, Beth Mills appearing for the New Mexico Land Conservancy, said the Conservancy owns 282 acres on the other side of Richards to this proposed

development. 262 acres are under a conservation easement but 20 acres have the potential for development. She said anything the Conservancy does on the 20 acres is dependent on the Northeast Connector and how the roads are designed for this development. She asked that the Conservancy be advised of development in the area.

There were no further speakers and the Chair closed the public hearing and invited the Applicant to respond to any issues.

Ms. Guerrerortiz said in preliminary discussions with the County Traffic Engineer it has been suggested that the Northeast Connector will be a series of traffic circles. She added that any intersection that Saleh has with the intersection will be right-in/right-out.

Member Gonzales moved to approve V/Z 14-5490 Saleh Master Plan with the requested variance, staff-imposed conditions and the modification to condition 5: Saleh shall construct and dedicate all water infrastructure identified by the City's water utility hydraulic modeling and may seek to recover infrastructure costs from other beneficiaries of shared system infrastructure. Member Anaya seconded.

Mr. Larrañaga confirmed that staff has reviewed and is in agreement with the modification to condition 5.

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

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

**H. Petitions from the Floor**

None were offered.

**I. Communications from the Committee**

Chair Katz welcomed the new members.

**J. Communications from Staff**

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

**K. Next Meeting Date**

The next meeting was scheduled for March 19, 2015.

**K. Adjournment**

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

Approved by:

*[Handwritten Signature]*  
\_\_\_\_\_  
Frank Katz, CDRC Chair

ATTEST TO:

*[Handwritten Signature]*  
\_\_\_\_\_  
COUNTY CLERK 3-19-2015

Before me, this \_\_\_\_ day of \_\_\_\_\_, 2015.

My Commission Expires:

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



Submitted by:

*[Handwritten Signature]*  
Karen Farrell, Wordswork

CDRC MINUTES  
PAGES: 50

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

I Hereby Certify That This Instrument Was Filed for  
Record On The 20TH Day Of March, 2015 at 03:21:11 PM  
And Was Duly Recorded as Instrument # 1760075  
Of The Records Of Santa Fe County



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

# VANAMBERG, ROGERS, YEPA, ABEITA & GOMEZ, LLP

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

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ALBUQUERQUE, NEW MEXICO 87102  
(505) 242-7352  
FAX (505) 242-2283

February 13, 2015  
**HAND DELIVERED**



Penny-Ellis Green  
Director, Growth Management/Land Use  
Santa Fe County  
102 Grant Avenue  
Santa Fe, New Mexico 87501

Gregory Shaffer  
Santa Fe County Attorney  
102 Grant Avenue  
Santa Fe, New Mexico 87501

Re: Objection to Minutes of CDRC CASE # Z/DP 14-5370 PNM Caja Del Rio Solar Energy Center Project

Dear Ms. Green and Mr. Shaffer:

This correspondence is written to outline the concerns of my clients related to the above referenced subject matter. As you are aware, I represent Philip and Matthew Baca in their opposition to manner in which the Caja del Rio Solar Energy Center Project has unfurled without addressing any of the many concerns deeply impacting their family's ranching operation. As you are further aware, I have made an IPRA request for the tapes and recordings of the December 18, 2014 CDRC meeting because our review of the draft written minutes of the meeting finds them to be erroneous and deficient in content.

Matthew Baca attended the February 10, 2015 meeting of the Board of County Commissioners, during which he testified to the BCC that the minutes had not been approved by the CDRC at their January meeting. When queried, staff replied that the meeting was cancelled for lack of quorum. The BCC subsequently tabled the Case, in part, because the minutes had not been approved.

We now assume that the minutes will be moved for approval at the February 19, 2015 meeting of the CDRC, which is of deep concern as four terms of the seven committee members on the CDRC have expired, and one of the three remaining committee members,

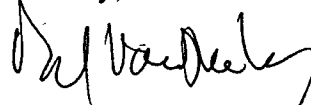
Penny Ellis Green  
Gregory Shaffer  
February 13, 2015  
Page 2

Louis Gonzales, has recused himself because of a conflict of interest. Unless there are reappointments, there will only be two commissioners on the CDRC who can knowledgeable speak to the contents of the minutes.

We are therefore requesting that approval of the December 18, 2014 CDRC meeting minutes be removed from consideration at the February 19 meeting until such time as my clients and I have had the opportunity to review the tapes and recordings of the December 18 meeting; and until the County provides information to us on how the CDRC will address issue.

We are also requesting that this written request be provided to the CDRC prior to their meeting on February 19<sup>th</sup>. Thank you in advance for your quick attention to this matter.

Sincerely,

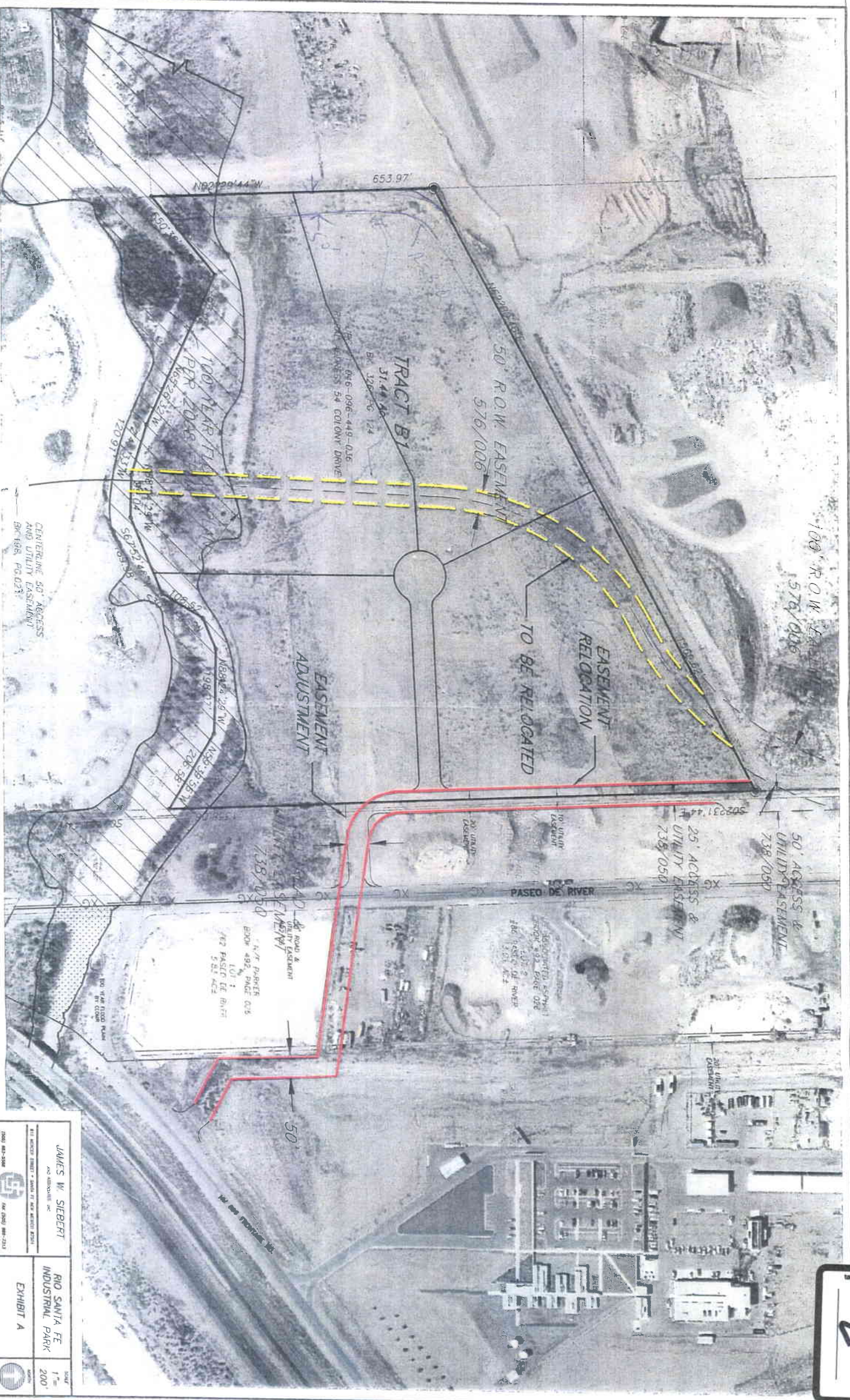


Ronald J. VanAmberg

RVA/tmb

Cc: Phil Baca  
Matthew Baca





JAMES W. SIEBERT AND ASSOCIATES, INC. 1000 N. 10TH ST. SUITE 100 DENVER, CO 80202 TEL: 303.733.8888 FAX: 303.733.8889		RIO SANTA FE INDUSTRIAL PARK EXHIBIT A	SCALE 1" = 200' NORTH
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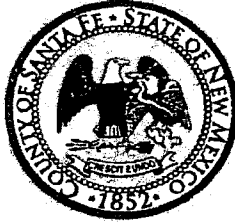




Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Liz Stefanics  
Commissioner, District 4

Kathy Holian  
Commissioner, District 5

Katherine Miller  
County Manager

PUBLIC WORKS DIVISION  
MEMORANDUM



**Date:** August 20, 2014

**To:** Jose Larranaga, Land Use Department

**From:** Paul Kavanaugh, Engineering Associate Public Works *R*  
Johnny P. Baca, Traffic Manager Public Works *JP*

**Re:** Case # MPA/PDP/PP - 10-5352 Rio Business Park.

The referenced project has been reviewed for compliance of the Land Development Code, and shall conform to roads and driveway requirements of **Article V (Subdivision Design Standards) and Section 8.1 (General Policy on Roads)**, in which the roadway / driveway needs to conform. The project is located outside but contiguous with the boundary of the recently established City limits, annexed in 2009 and is situated west of New Mexico 599 and north of the Santa Fe River, within Sections 3 and 10, Township 16 North, Range 8 East. The applicant is requesting an Amendment to the Master Plan to create 4 lots rather than 20, utilize individual septic tanks and individual wells. The applicant is also requesting approval of a Preliminary and Final Plat approval and Final Development Plan Approval for a four (4) lot business park consisting of a mix of offices and industrial uses.

**Access:**

The applicant is proposing to construct a single access to the 31.44 acre tract off Paseo del River. Paseo del River is a private access easement with two twelve foot driving lanes and drainage swales for drainage. **The principal point of access will be from the NM 599 Frontage Road and Paseo del River.** Paseo del River is an **At GRADE CROSSING at the Santa Fe River.** NM 599 is a state road facility maintained by NMDOT. NM 599 ends approximately 1200 feet to the east of the subject development. Paseo del River is an existing, private 30 foot, gated asphalt road. The proposed project does not have a secondary access.

The applicant provided Santa Fe County with a Traffic Impact Analysis prepared by Jorge Gonzalez, dated July 2014. The purpose of the study is to assess the traffic impacts the proposed project may have on essential intersections within the area and identify any necessary street improvements to these intersections. The intersections of the study were Paseo del River / NM599 Frontage Road, NM599 Frontage Road / Caja Del Rio Road and intersection of NM 599 Highway / South Meadows Road.

The *Institute of Transportation Engineers Trip Generation 8<sup>th</sup> Edition*, Land Use Code 130, Industrial Park was used and will generate approximately 130 Total Driveway Trips for a 24 hour Two Way Volume per lot. Therefore, a Traffic Impact Study will be required for each lot at time of development.

NBA-69

At present the Traffic Impact Analysis states that Paseo de River / NM 599 Frontage Road operates with a Level of Service (A) & (B) for existing conditions, No-Build Design year 2020 and for a Build year 2020.

NM 599 Frontage Road and Caja Del Rio Road intersection operates with a Level of Service (A) for existing conditions, (A) & (B) for No-Build Design year 2020 & a Build year 2020.

NM 599 Highway and South Meadows Road operates with a Level of Service (A) for existing conditions, No-Build Design year 2020 & a Build year 2020.

**Conclusion:**

Public Works has reviewed the applicant's submittal, and feels that they can support the above mentioned project for a Master Plan Amendment with the following conditions;

- Staff will require that a Traffic Impact Study will be required for each lot at time of development.
- Sheet C-2 shows that cul-de-sac is in excess of 500' allowed by Article V Section 8.2.1d. of the Land Development Code. Applicant shall submit approvals from Land Use and the Fire Marshal to Public Works to allow cul-de-sac length.
- Applicants Proposed Plat has road labeled RIO ABAJO ROAD, however sheet C-1 & C-2 have it labeled as Old Cochiti Road, applicant shall make plans consist prior to applying for a development permit.
- Applicant shall construct RIO ABAJO ROAD to the most northern boundary of property.
- Applicant shall place a T III (Chevron) fifty (50') feet north of Rio Abajo Road and Rio Abajo Court intersection.
- It is staffs ~~opinion~~ opinion that Rio Santa Fe Business Park enters into a cost sharing agreement with Mr. Paul Parker, Espanola Mercantile and New Mexico Department of Transportation, to upgrade the inadequate crossing of the Santa Fe River, located on Paseo del River.

## Project Priority Rating for Public Funding

Location	Priority	Total Cost
CR 62 Interchange	1	\$6,500,000
CR 70 Connection Interchange	2	\$8,000,000
Airport Road Interchange	3	\$11,000,000
I-25 Frontage Road Overpass	4	\$6,000,000
Extend NM 599 Frontage Road across SF River	5	\$4,300,000
Ephriam Rd Interchange	6	\$8,000,000
Caja del Rio Interchange	6	\$12,650,000
Camino de los Montoyas Interchange w/ Frt Rd	8	\$11,050,000
Jaguar Rd Interchange	8	\$8,000,000
NM 599 E. Frt Rd to I-25	10	\$10,125,000
<b>Total Cost</b>		<b>\$85,625,000</b>



576006

### SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES HEREON ARE AN ACCURATE DELINEATION OF A FIELD SURVEY COMPLETED BY ME OR UNDER MY DIRECTION ON OCT. 1ST, 2004, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEET THE STANDARDS FOR PROFESSIONAL LAND SURVEYORS PRACTICING IN NEW MEXICO.

RICHARD A. CHATROOP N.M.P.L.S.#11011

### LEGEND AND NOTES

- DENOTES POINT FOUND
- DENOTES POINT SET THIS SURVEY
- DENOTES POINT CALCULATED
- DENOTES MONUMENT

- DENOTES EDGE OF EASEMENT
- DENOTES OVERHEAD LINES
- x-x- DENOTES FENCE LINE

1. BASIS OF BEARING TAKEN FROM "CENTERLINE DESCRIPTION PROPOSED SOUTH CONNECTION ROADWAY" PROVIDED BY THE BUREAU OF LAND MANAGEMENT TAOS FIELD OFFICE WITH DESIGNATION NM90125.
2. THIS PLAT IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.
3. DATA IN ( ) IS RECORD DATA FROM DESCRIPTION OF NOTE NO. 1.
4. PLAT REFERENCE "PLAT SHOWING ROADWAY EASEMENT FOR CAJA DEL RIO ROAD" BY JAMES J. MEDRANO NMPS# 5217 AND FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BK. 363, PG. 049.
5. DATA IN (( )) IS RECORD FROM PLAT OF NOTE #4.

WEST EDGE  
CAJA DEL RIO ROAD

PRIVATE  
LAND OWNER  
WITHIN SEC. 3

BLM LANDS  
WITHIN SEC. 35

S.H.C. 480  
PRIVATE  
LAND OWNER

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

STATE LANDS  
WITHIN SEC. 2

PRIVATE  
LAND OWNER  
WITHIN SEC. 3

### GRANT OF EASEMENT

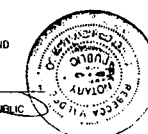
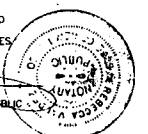
KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S), HAVE CAUSED TO BE GRANTED THOSE EASEMENTS SHOWN HEREON. THIS GRANT OF EASEMENT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNER(S).

*Richard P. Cook & Louis Gonzales*  
RICHARD P. COOK & LOUIS GONZALES FOR PENIA-BLANCA PARTNERSHIP TRACT B1

*Richard P. Cook*  
RICHARD P. COOK, OWNER PRIVATE LANDS GRANTING THE ABOVE EASEMENT

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY RICHARD COOK & LOUIS GONZALES FOR PENIA-BLANCA PARTNERSHIP TRACT B1  
THIS 12th DAY OF October, 2004.  
MY COMMISSION EXPIRES: 08-11-2005 NOTARY PUBLIC

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY RICHARD COOK  
THIS 12th DAY OF October, 2004.  
MY COMMISSION EXPIRES: 08-11-2005 NOTARY PUBLIC



NORTH  
SCALE 1"=300'

TRACT B1  
CREATED PLAT BK. 449, PG. 034  
DATA SHOWN TAKEN DIRECTLY FROM  
RECORDED PLAT - ROTATED TO MATCH  
EXISTING DATA

LINE TABLE		
LINE	LENGTH	BEARING
L1	244.14	S00°24'43"W
L2	726.99	S02°17'01"W

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD DIR	CHORD LEN	DELTA ANGLE
C1	801.04	750.00	N31°00'34"E	763.50	61°11'41"
C2	563.75	544.48	S31°56'43"W	538.90	59°19'22"

### EASEMENT SURVEY FOR SANTA FE COUNTY OF SOUTH CONNECTION ROADWAY

LYING WITHIN SECTION 35, T17N, R8E, N.M.P.M.  
AND SECTION 2, T16N, R8E, N.M.P.M. SANTA FE COUNTY, NEW MEXICO.

**RICK CHATROOP**  
PROFESSIONAL LAND SURVEYOR  
NEW MEXICO REGISTRATION NO. 11011  
(505) 470-0037 110 WAGON TRAIL RD. CERRILLOS, NM 87010

INDEXING INFORMATION FOR THE COUNTY CLERK  
OWNER: BLM/STATE LAND, RICHARD P. COOK, PENIA-BLANCA PARTNERSHIP  
LOCATION: LYING WITHIN SECTION 2, T16N, R8E, N.M.P.M. SANTA FE COUNTY, NM  
AND LYING WITHIN SECTION 35 T17N, R8E, N.M.P.M. SANTA FE COUNTY, NM

COUNTY OF SANTA FE, N.M. 355 1358719  
I hereby certify that this instrument was prepared on the 12th day of October, 2004, and was duly placed in book 363, page 049 of the records of Santa Fe County.  
Witness my Hand and Seal of Office  
Rebecca Burgett,  
County Clerk, Santa Fe County, N.M.  
*Rebecca Burgett*  
Deputy



EXHIBIT  
15

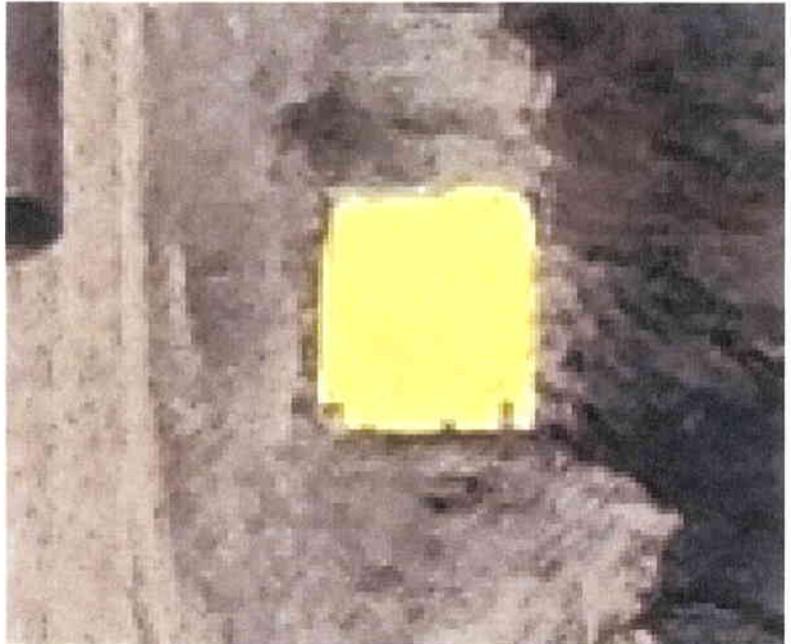
NBA-100

EXHIBIT  
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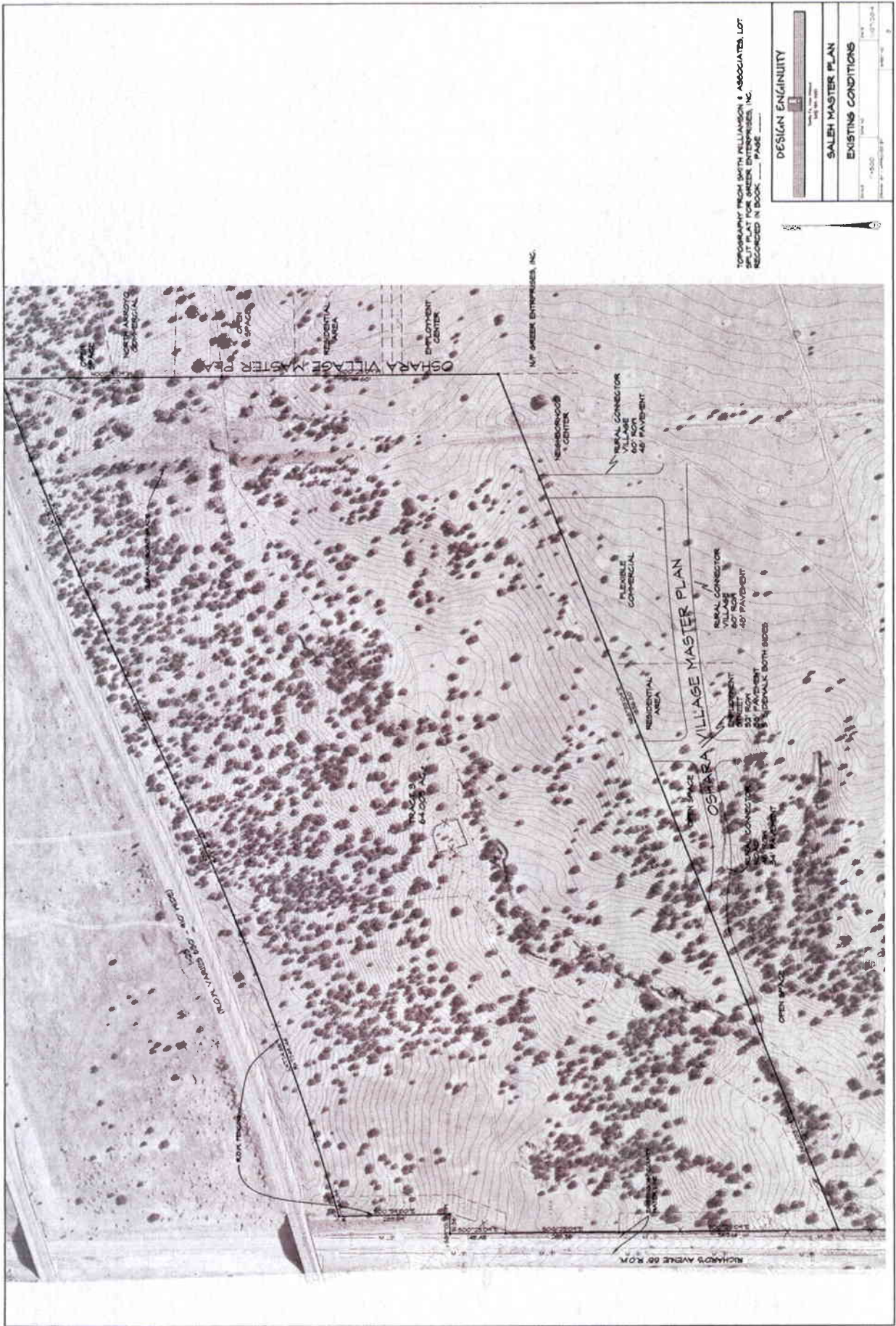
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TOPOGRAPHY FROM SMITH WELLSMAN & ASSOCIATES, LOT  
 SPLIT PLAN FOR GREER ENTERPRISES, INC.  
 RECORDED IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

DESIGN ENGINEER	
SALEH MASTER PLAN	
EXISTING CONDITIONS	
DATE	11-15-00
SCALE	AS SHOWN
PROJECT NO.	07-1204
DATE OF PLOTTING	11-15-00



THIS DOCUMENT IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE. DATE 05-01-2014 BY 60322 UCBAW/STP/STP

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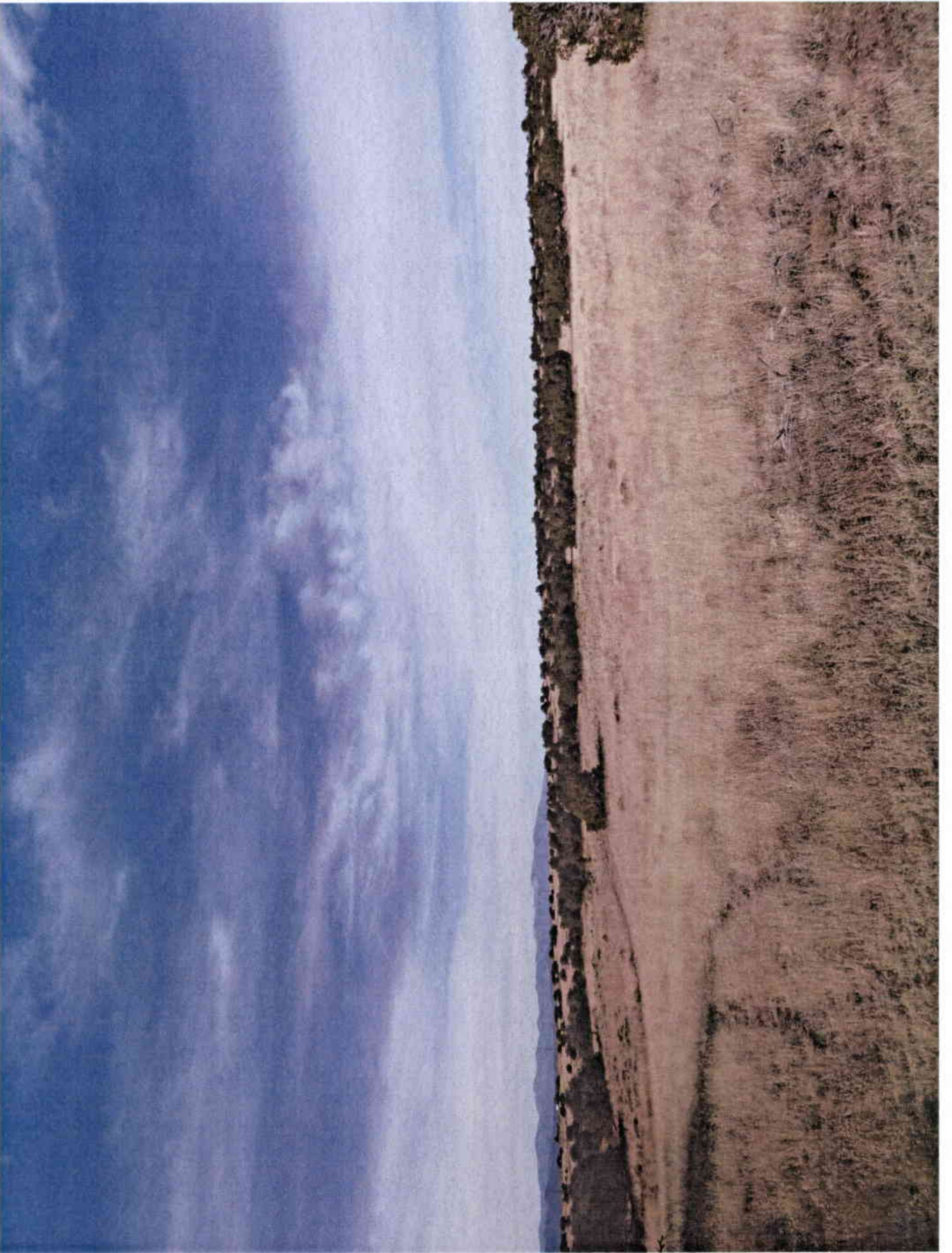








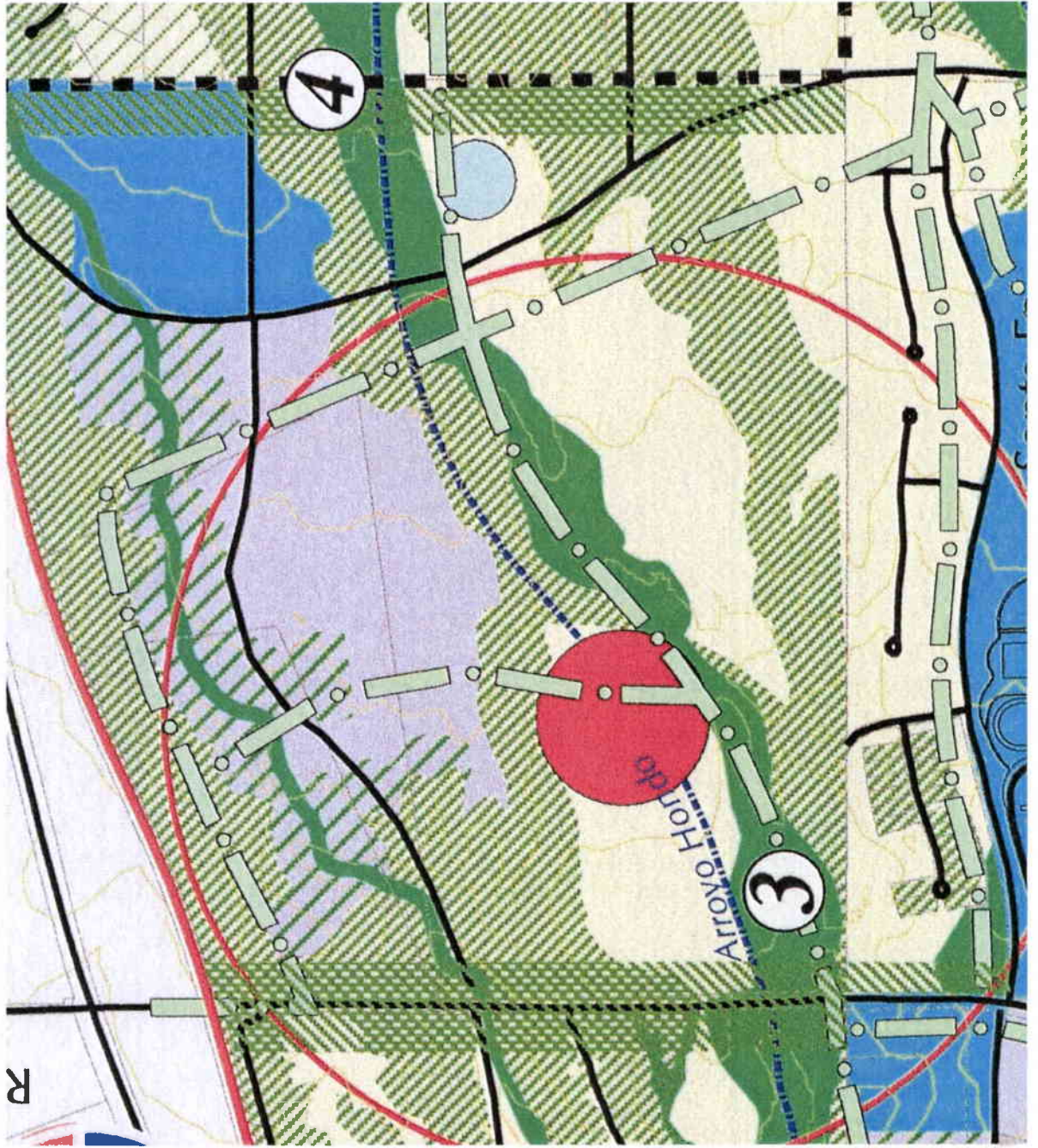
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**SALEH  
PERMITTED USES**

**PHASE I**

**OPEN SPACE:**

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

**NEIGHBORHOOD CENTER:**

**CEMETERIES/FUNERAL HOMES, AND CHURCHES/RELIGIOUS INSTITUTIONS.**

**EMPLOYMENT CENTER:**

**STORAGE FACILITY:**

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

**PHASE 2**

**OPEN SPACE.**

**SAME AS ABOVE.**

**NEIGHBORHOOD CENTER:**

**SAME AS ABOVE AND BANK/FINANCIAL SERVICES, VET HOSPITAL AND RETAIL LESS THAN 5000 SF., AND ASSISTED LIVING/NURSING HOME (MAXIMUM OF 100 BEDS).**

**EMPLOYMENT CENTER:**

**MULTI-FAMILY:**

**APARTMENTS, CONDOS OR TOWNHOMES. MAXIMUM OF 95 UNITS. COMMON RECREATION FACILITIES PERMITTED (E.G. SWIMMING POOL AND EXERCISE ROOM).**

**SHOPPING CENTER :**

**RETAIL CENTERS, BANKS/FINANCIAL INSTITUTION, BUSINESS & PERSONAL SERVICES, MEDICAL OFFICES, HEALTH CLUBS, PROFESSIONAL & BUSINESS OFFICES, RESTAURANTS (UNDER AND OVER 40 SEATS), RETAIL SALES (SINGLE USE UNDER AND OVER 5000 SF PERMITTED), INDOOR RECREATION CENTER, LAUNDRY MAT, DRY CLEANERS, WINERY OR MICROBREWERY, ARTISAN TYPE RETAIL (BAKERY, BUTCHER, ETC), INDOOR FARMERS MARKET, AND SCHOOLS AND STUDIOS (E.G. YOGA, PILATES, KARATE). NO SINGLE USER LARGER THAN 10,000 SF.**

**HOTEL:**

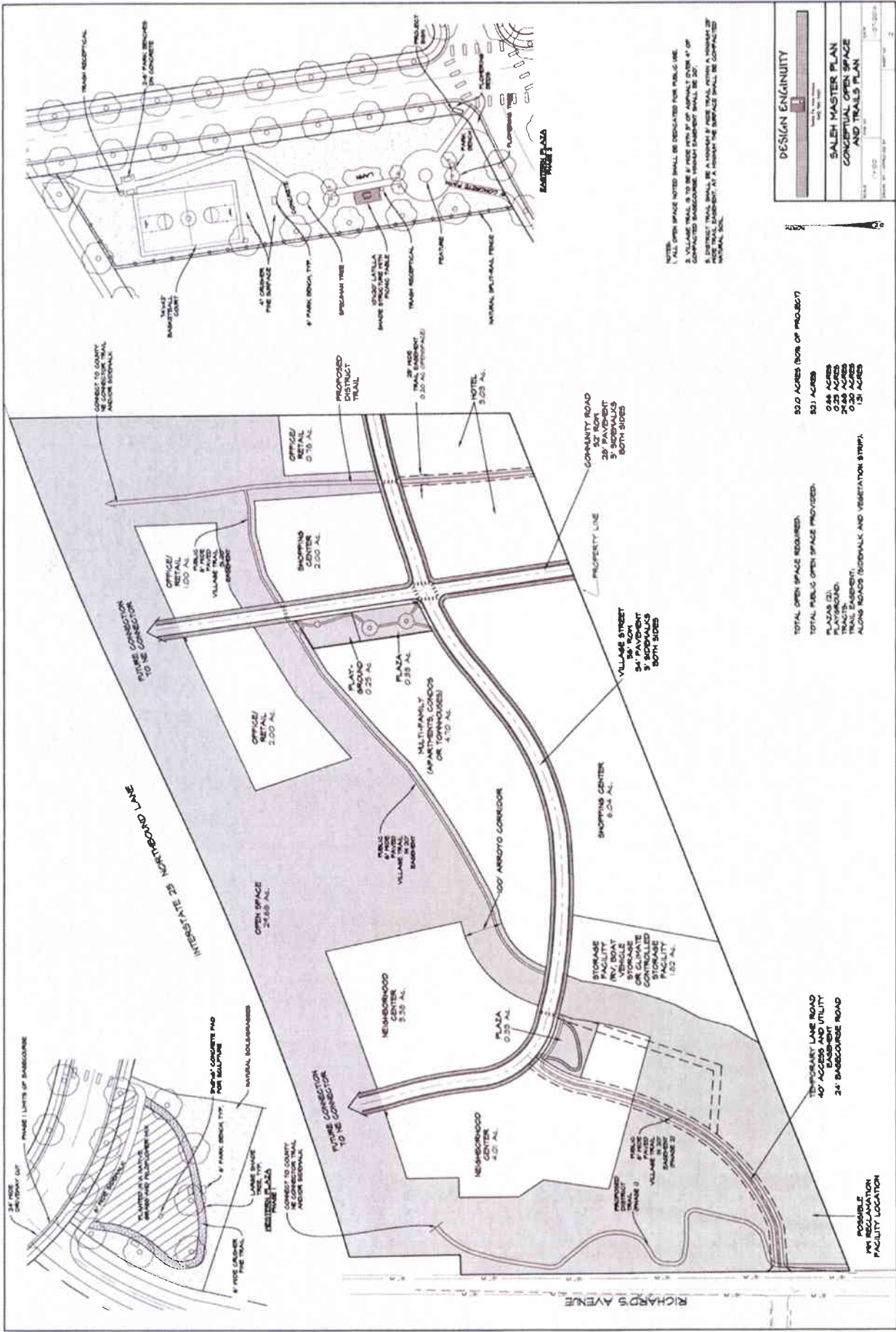
**HOTEL OR MOTEL WITH RESTAURANT PERMITTED (MAXIMUM OF 100 ROOMS).**

**OFFICE/RETAIL:**

**BUSINESS & PERSONAL SERVICES, MEDICAL OFFICES, PROFESSIONAL & BUSINESS OFFICES, DAY-CARE, RESTAURANTS (UNDER 40 SEATS) AND RETAIL SALES (NO SINGLE USER LARGER THAN 5000 SF).**







1. ALL OPEN SPACE NOTED SHALL BE DEDICATED FOR PUBLIC USE.  
 2. VILLAGE TRAIL IS TO BE A PAVED WALK OR BIKEWAY 4' OF COMPACTED SANDSTONE. MINIMUM DRAINAGE SHALL BE 30".  
 3. DISTRICT TRAIL SHALL BE A MINIMUM 8' WIDE TRAIL WITH A MINIMUM 20" OF COMPACTED SANDSTONE. MINIMUM DRAINAGE SHALL BE 30".  
 4. AT A MINIMUM THE SURFACE SHALL BE COMPACTED SANDSTONE.

**DESIGN ENGINEER**

SALEH MASTER PLAN  
 CONCEPTUAL OPEN SPACE  
 AND TRAILS PLAN

DATE: 12/15/2011  
 SCALE: 1" = 200'

TOTAL OPEN SPACE REQUIRED: 932.0 ACRES (80% OF PROJECT)

TOTAL PUBLIC OPEN SPACE PROVIDED:

PLAZAS (2)	0.66 ACRES
PLAYGROUND	0.25 ACRES
TRAILS	24.68 ACRES
TEMPORARY LANE ROAD	1.28 ACRES
ALONG ROADS (SIDEWALK AND VEGETATION STRIP)	

POSSIBLE PER RECLAMATION FACILITY LOCATION

51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

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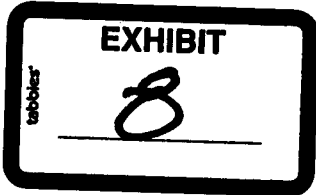






## GENERAL COVENANTS

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



January 29, 2015

Santa Fe County Board of County Commissioners

County Development Review Committee Members

Dear Commissioners and Committee Member,

I write this letter in support of the proposed Saleh Master Plan located south of I-25 at Richards Avenue. I am one of the owners of the Las Soleras project, a 545-acre mixed use development that lies just north of I-25 and also borders Richard's Avenue. I have examined the Saleh Master Plan and believe that it is compatible with my own development and I fully support the zoning and future development of the project.

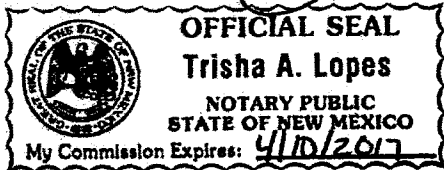
Sincerely,

Las Soleras *[Signature]*  
MANAGING MEMBER

Subscribed and sworn to before me this 11 day of February 2015.

*[Signature]*  
Notary public

My commission expires:  
4/10/2017



2015 FEB 11 10:30 AM

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## Jose Larranaga

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**From:** Glen Smerage <glens@ufl.edu>  
**Sent:** Tuesday, February 17, 2015 11:20 AM  
**To:** Jose Larranaga  
**Subject:** Case V/MP 14-5490

187 E Chili Line Road  
Santa Fe, NM 87508  
505-471-2026

10 February 2015

Jose Larrañaga, Case Manager  
Growth Management Administration  
Santa Fe County  
102 Grant Avenue

Santa Fe, NM 87501-2061

Dear Mr Larrañaga:

Re: Case V/MP 14-5490 Saleh Maste Plan

I generally support the intent and current plan for Saleh Master Plan. I hope realization of this plan will yield a visually, functionally, and socially fine addition to Community College District.

There is, however, one great concern I must raise and hope you will address: Relationships of roads within Saleh relative to the anticipated Northeast Connector (NEC) and Richards Avenue. Roads from Saleh must not be permitted to detract long-term from efficiency and safety of traffic along NEC and Richards, particularly the detraction caused by permitting left turns.

At only 64 acres, Saleh is a relatively small development, and only half of that acreage will be developed actively. It should be granted just one primary entrance/exit and at most two secondary entrances/exits.

NEC would run across the northern edge of the Saleh property to a roundabout at Richards.

- The primary entrance/exit for Saleh should be with a roundabout at the intersection of North Willow Back Road and NEC. It would also serve as a primary entrance/exit for Oshara Village. The roundabout would be adequately separated from that at Richards.
- A secondary entrance/exit should be at the intersection of Saleh Avenue and NEC, with right-in and right-out turns only—no left turn in from NEC.

Saleh MP includes a temporary lane incident to Richards at current Dinosaur Trail intersection.

- The temporary lane should be moved at least 700 feet north—as close as safely possible to the new, Richards-NEC roundabout— and made permanent. It should be right-in/right-out only at Richards, with no left turn into Saleh from south-bound Richards. It would be a second, secondary entrance/exit for Saleh.

If you follow the logic of this proposal, right turns are emphasized, and troublesome left turns into and out of Saleh would be prohibited. Yet, proposed roundabouts and primary/secondary entrances/exits permit highly safe and efficient to/from access between Saleh and all four exterior quadrants. People wanting to drive east from Saleh would use any exit safely onto NEC; those wanting to drive north, south, or west from Saleh would use either the primary, north exit or the secondary exit onto Richards and on through the adjacent, Richards-NEC roundabout. Placing secondary entrances/exits of Saleh close to the Richards-NEC roundabout would confine their slowing of traffic to the vicinity of low-speed roundabouts.

For far too many years, American taxpayers have paid to build and improve their roads only to have city and county governments defeat those objectives, efforts, and expenditures by catering to self interests of development and commercialism seeking unlimited access to properties. Let us not continue that folly at Saleh. In particular, let us deemphasize left turns.

Sincerely,

Glen Smerage