

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

February 20, 2014

This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Chair Dan Drobnis, 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:

Dan Drobnis, Chair
Susan Martin, Vice Chair
Phil Anaya
Bette Booth
Louie Gonzales
Frank Katz

Member(s) Excused:

Manuel Roybal

Staff Present:

Wayne Dalton, Building and Development Services Supervisor
Jose Larrañaga, Development Review Specialist
Rachel Brown, Deputy County Attorney
Vicki Lucero, Building and Development Services Manager
John Lovato, Development Review Specialist
John Michael Salazar, Development Review Specialist
Buster Patty, Fire Marshal
Karen Torres, County Hydrologist

IV. APPROVAL OF AGENDA

Ms. Lucero indicated that the first case under New Business, #A 13-5320, the Maurilio and Amanda Calderon Appeal, was tabled until next month. Case #ZMXT 13-5360, Buena Vista Estates, Inc. and Rockology, LLC had been tabled earlier.

Upon motion by Member Katz and second by Member Martin the agenda was unanimously approved 6-0.

V. **APPROVAL OF MINUTES: January 16, 2014**

Member Katz moved to approve the January minutes as submitted. Member Martin seconded and the motion passed by unanimous voice vote.

VI. **CONSENT CALENDAR**

Findings of Fact:

- A. **CDRC CASE # A 13-5320 Janet Eigner Appeal. Janet Eigner, Applicant, Appealed the Land Use Administrator's Decision to Approve a Request for a Home Occupation Business Registration Allowing a Gunsmith Business Which Conducts Background Checks, Sells, Services and Repairs Firearms. The Property is Located At 74 Verano Loop, in the Eldorado Subdivision, Within Section 7, Township 15 North, Range 10 East, (Commission District 5) John M. Salazar, Case Manager (Denied 6-0)**

Member Martin moved to approve the findings of fact. Member Katz seconded and the motion carried unanimously. [6-0]

VII. **NEW BUSINESS**

- B. **CDRC CASE #A 14-5040 Rachael Tapia Appeal. Rachael Tapia, Applicant, is appealing the Land Use Administrator's decision to deny a home occupation business registration for a pet crematorium on 2.5 acres. The property is located at 40 Vista Del Monte, within the Valle Lindo subdivision, within Section 25, Township 16 North, Range 8 East (Commission District 5) [Exhibit 1: Letter of Opposition and Petition]**

Mr. Salazar read the case caption and gave the following staff report:

“In August of 2007, the Applicant submitted an application for an amendment to her existing home occupation for a home office. The Applicant requested permission to install an incinerator on her property in order to expand into a pet cremation business. Currently her business is to provide cremation services for pets where she picks up deceased animals and takes them directly to the crematorium. The cremation process takes place at the Santa Fe Animal Shelter.

“The Applicant proposed this use in order to provide clients a more personal experience with their deceased pets since it is currently possible that the client could receive not only the remains of their pet but also the remains of other animals as the Santa Fe Animal Shelter uses a community kiln in order to cremate

animals. The Land Use Administrator denied the Applicant's request. The Applicant appealed the decision to the County Development Review Committee and the Board of County Commissioners. The CDRC and BCC upheld the Land Use Administrator's decision to deny the request. The Applicant appealed to the First Judicial District Court of New Mexico in which the BCC decision was affirmed by Judge Daniel A. Sanchez. The standards upon which Judge Sanchez made his decision were based upon criteria from the Extraterritorial Zoning Ordinance which was repealed in 2009. Since these standards no longer apply, the Applicant is afforded the right to reapply under the Santa Fe County Land Development Code.

"A similar request for an amendment to the existing Home Occupation Business Registration was submitted by the Applicant in January 2012. The 2007 request proposed a separate, detached structure for the crematorium while the 2012 request had the structure attached to the dwelling. The Application was denied by the Land Use Administrator citing the decision rendered for the Applicant's 2007 submittal. Land Use staff never received notice from the Applicant or her agent regarding a desire to appeal the Land Use Administrator's decision."

Mr. Salazar stated staff recommends that the CDRC uphold the Land Use Administrator's decision. Under the SLDC, the use of a crematorium as a home occupation would be prohibited.

Member Katz asked why isn't the CDRC bound by the district court decision? Ms. Brown stated the court's decision was based on standards set forth in the EZC which are no longer in place. Member Katz asked how the Land Development Code standards differed. Mr. Salazar said those sections referring to home occupations do not appear in the code now in use. Land Use staff offered to research the matter.

Karl Sommer, appearing as counsel for the applicant stated she currently has a home occupation trapping wildlife for relocation the wild; she wants to add a service cremating dead pets. He said there are no emissions, noise, or additional traffic involved in the proposed use. She is the only employee. The only change would be a modification to the house which will not make it out of character in the neighborhood. He noted that a nearby property has porta-potty storage, a far more intrusive use.

Duly sworn, Rachel Tapia described her current business and the amendment plan. Mr. Sommer stressed there was minimal difference in the impact. He said he believed the application was denied previously because some people are "creeped out" by the idea. He pointed out human creations are performed in town, on Luisa Street.

Member Katz asked if people would be coming to the property to bring or pick up their pets. Mr. Sommer said they would not.

Member Anaya asked if the trapped animals were stored on her property and Ms. Tapia said they were relocated immediately.

Member Booth sought and received verification there would be no emissions and no smoke. Mr. Sommer said the Air Quality Bureau has no regulations for this equipment since there is no smell or particulate emissions.

In response to questions from Member Gonzales, Ms. Tapia said she has been in business since 1992 and at this location since 2000. She's had no complaints from the neighbors. She anticipates there will be around 70 cremations per year and only of small animals.

Member Katz asked Mr. Sommer about the difference between the current application and previous request. Mr. Sommer said it was his understanding that the previous attorney failed to file a notice of appeal pursuant to Rule 74 and instead filed a complaint. He said it was dismissed due to the misfiling. Ms. Brown noted the order addresses the land use standards it was applying and a misfiling is not reflected in the court order.

Member Gonzales asked if the current home occupation is in good standing and only an amendment is requested. Mr. Salazar said the original request was for a home occupation office and this is a request to amend that. Mr. Sommer said she is required to comply with other County requirements covering square footage, number of employees, etc.

Member Anaya asked if she had a fireplace at her house and Ms. Tapia said she has a wood-burning stove and two fireplaces, and the neighbors also have stoves and fireplaces.

Mr. Salazar referred to the final order, #7, which quotes the Extraterritorial Zoning Ordinance, a more detailed exposition or requirements.

There was no one from the public wishing to speak about this issue.

Member Katz moved to grant the appeal and overturn the previous decision, with staff recommended conditions, noting the findings of fact relied on erroneous information. Member Booth seconded and the motion carried by unanimous 6-0 voice vote.

- VII. C. CDRC CASE # MIS 13-5390 Louie Rael Sr. Exemption. Louie Rael Sr. and Louie Rael Jr., Applicants, request an Exemption for five year holding between Family Transfer Applications, Section 6.14.4 of Ordinance No. 2002-9, to allow a Small Lot Family Transfer Land Division of 2 lots consisting of 2.54 and 2.56 acres into four lots. The property is located at 34A Camino Montoya and 53B Paseo Martinez, within the Traditional Historic Community of La Cienega/La Cieneguilla, within Section 20 & 29 Township 16 North, Range 8 East, (Commission District 3) [Exhibit 2: Plat]**

John Lovato read the case caption and gave the following staff report:

“The Applicants intend to divide one 2.54-acre lot into two 1.27 acre lots, and one 2.56 acre lot into two 1.28 acre lots. Louie Rael Sr. has owned the subject property for over forty years. In 2010, a Family Transfer Land Division was approved (4 lots) in which then they transferred parcels to their daughters Valarie Rael (Tract 6I), Tammy Rael (Tract 6K), and son Louie Rael Jr, (Tract 6J) and also retained a parcel for Louie Rael Sr. (Tract 6H)

“The Applicants now wish to divide tracts 6H and 6J in order to give property to their adult child and grandchild. The Applicant Louie Rael Sr. wishes to complete this final family transfer because of poor health and limited income available.

“Section 6.14.3 of Ordinance No. 2002-9 La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District states, ‘Any Applicant for a Family Transfer must demonstrate a minimum of five years direct ownership of the lot(s) since the last Land Division(s) or sale or Transfer of the property’. The 2.5-acre lots which the Applicants intend to divide further and transfer to family members have been in their divided state since 2010. However, they have not been held by the Applicants in their divided state for a five year period. Therefore, they are requesting an exception to the five year holding period. The lots are of sufficient size to allow for their division into lots of at least 1.25 acres through the Small Lot Family Transfer Land Division process with signed and recorded water restrictions.”

Mr. Lovato gave the following staff recommendation: Ordinance 2002-9 states, “Any Applicant for a family transfer or small lot family transfer must demonstrate a minimum of five years direct ownership of lot(s) since the last land division(s) or sale of transfer property.” Therefore staff recommends denial of the Exemption for Five-Year Holding between Family Transfer Applications. If the decision of the CDRC is to approve the Applicants 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 1st of each year. Water restrictions shall be recorded in the County Clerk’s Office (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 (Article III, § 2.4.2).
3. The Applicants shall comply with all Fire Prevention Division requirements at time of Plat Review (As per 1997 Fire Code and NFPA Life Safety Code).

Member Gonzales asked if the property was in a subdivision and Mr. Lovato said it was part of a land division among large lots.

Richard Chatroop, under oath, said the Rael family originally owned all the land near the Racetrack Subdivision and the airport and this has been divided and passed down over the years. He said Exhibit 6 in the packet shows over 20 lots of similar size in the area.

Member Katz asked why there was urgency in not waiting for the five-year time period. Mr. Chatroop said Mr. Rael is aging and in poor health, he has trouble paying all the taxes, and this type of small-lot family transfers will not be allowed under the new land use code.

Citing similar circumstances in his family, Member Anaya ascertained that there was no conflict of interest.

Member Booth noted a reference to the approval required from the La Cienega Development Review Committee. Mr. Lovato said that committee was disbanded.

Member Gonzales asked if this was in the traditional community and Mr. Chatroop said he believed it was. Mr. Lovato said it is within the traditional historic community and the minimum lot size is 10 acres. It can be divided further with water restrictions and under family transfer. With the holding period of five years met the division could be approved administratively.

Land Use Administrator Penny Ellis-Green stated they are currently in the process of approving the zoning map which she anticipated would take four to six months. At that point the SLDC will go into effect.

Member Gonzales established the five years will expire in September 2015. Ms. Ellis-Green explained that family transfers will still be allowed but lots will not be allowed at half the minimum size. All lots will be zoned and have a minimum lot size; this has not yet occurred on this tract.

Duly sworn, Katherine Becker, a resident of La Cieneguilla and member of the La Cienega Valley Association. She referred to a letter from the LCVA [Exhibit 3] which asks that the request be denied in order to preserve the rural nature of the area and conserve water. The standard acreage in the area is 2.5. There are no extraordinary circumstances of hardship to warrant an exemption. She suggested the same aims could be achieved through a codicil.

Under oath, Gabriel Martinez who lives directly across from the property, voiced his concern that the .6 mile road, which he personally maintains, will suffer from the additional traffic. He wondered if the Rael family would be willing to help with maintenance. He was also concerned with water and whether the homes would be stick-built. He said he tried to buy the property in the past.

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Member Anaya asked if there were covenants in the area. Mr. Martinez said the situation is vague. There are currently four properties served by the road and if four more were added he would think about forming a homeowners association.

Member Gonzales asked if a condition could be imposed requiring help with road maintenance. Ms. Brown stated private parties can make agreements between themselves. Mr. Lovato pointed out that offsite road improvements are exempt in small-lot family transfers.

Citing groundwater concerns, Member Gonzales also asked if they could be forced to do shared wells. Ms. Lucero said La Cienega watershed conditions encourages sharing of wells, and when the County system is within 200 feet they would be required to hook up.

Member Martin asked if there was a time frame when community water would be available. Ms. Lucero said she did not know but when the time comes the Utilities Department will coordinate with Land Use.

Mr. Chatroop clarified that only two of the lots would have access off Mr. Martinez' road; the other two would use Camino Montoya. There is one existing well and they intend to share.

Member Katz said the issue is one of density, not sharing, since the amount of water used will be the same. He saw no reason for an exception in this case and the only motivation seemed to be enhancing the value of the property.

Member Anaya move to approve the exception with staff conditions, based on common sense. Member Gonzales seconded. The vote tied 3-3 with Members Anaya, Booth and Gonzales voting in favor and Members Drobnis, Katz and Martin voting against. A vote will be taken when the full committee is present to break the tie.

VII. D. CDRC CASE # V 13-5400 Tod Amon Variance. Tod Amon, Applicant, requests a variance of Article V, Section 8.1.3 (Legal Access) of the Land Development Code to allow a road that does not have all weather access and does not meet the required 20' width to access a driveway to a property consisting of 18.46 acres. The property is located at 29 Puertecito Road, within the vicinity of Golden, within Section 19, Township 12 North, Range 7 East (Commission District 3)

Mr. Lovato gave the staff report as follows:

“The Applicant requests a variance to allow a driveway to access a buildable site on 18.46 acres. The access is located off of Puertecito Road which is a private road that does not meet County Road standards of having 20-foot wide driving surface and it crosses a drainage way through a low water dirt surface. Puertecito

Road ranges from 15'-20' in width throughout the length of the road, is approximately 1 mile in length, and enters Sandoval County.

“The Applicant states he has contacted several Professional Engineers and has received quotes for costs of construction of a crossing and states he cannot afford to construct a bridge or place culverts for the crossing. The lowest quote for this project was \$116,000 and the highest was \$225,000.

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

Mr. Lovato said staff was recommending denial of a variance from Article V, Section 8.1.3 (Legal Access) to construct a driveway from Puertecito Road which does not have adequate drainage control and does not have 20-foot driving surface. If the decision of the CDRC is to recommend approval of the Applicants request for a variance, staff recommends imposition of the following conditions:

1. The Applicant must obtain a development permit from the Building and Development Services Department for the driveway and residence. (As per Article II, § 2).
2. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application (As per 1997 Fire Code and 1997 Life Safety Code).

Member Katz noted that the map in the packet shows the two alternate accesses going over the same arroyo. Mr. Lovato said the wording is not correct. He added six miles go through Sandoval County. Chair Drobnis pointed out that the picture of the mailboxes implies many people live off the road.

Duly sworn, Tod Amon indicated unusual topography is involved. Puertecito Road is one of the few roads that connect Highway 14 with I-25 which makes it a major road, although it is rough. He referred to a letter in the packet from Jason Clark, Road Manager for Sandoval County which states that the part of Puertecito Road in Sandoval County is maintained by them; only the last quarter mile is in Santa Fe County. Sandoval County occasionally maintains that section as well as a courtesy. He explained that one of the possible crossings shown on the map would require a bridge or very large structure. An estimate of cost starts at \$116,000. He said he would do his best to maintain his part of the road.

Member Booth asked if his driveway would be up to County standards and Mr. Amon said it would. He added the road has been in existence since the 1800s.

Member Gonzales asked how large his property was and Mr. Amon replied 18 ½ acres. Most of his property is north of the arroyo and he needs to access it somehow. This is the first hurdle before building.

There was no one from the public wishing to speak.

Based on the testimony heard Member Katz moved to approve Case #C 13-5400 with two staff conditions. He noted many people used the road. Member Anaya seconded and the motion carried by 6-0 voice vote.

VII. E. CDRC CASE # V 14-5020 Dennis & Lynne Comeau Variance. Dennis and Lynne Comeau, Applicants, request for a variance of Article VII, Section 3.4.1.c.1.c.i (No-Build areas) of the Land Development Code, to allow 30 percent slope disturbance for an existing driveway to access a buildable area on a 66.52-acre parcel. The property is located at 191 County Road 74 in the vicinity of Tesuque, within Section 20, Township 18 North, Range 10 East, (Commission District 1)

Mr. Lovato read the caption and gave the following staff report:

“The Applicants request a variance to allow disturbance of 30 percent slope for a driveway to access a parcel totaling 66.52 acres. The driveway has been previously cut and was not permitted through the Santa Fe County Building and Development Services Department. The existing access contains grades greater than 11 percent which exceeds access requirements for Fire and Emergency vehicles.

“The previously cut driveway requires a variance of Article VII, § 3.4.1.c.1.c.i (No Build areas) to allow 30 percent slope disturbance. The first occurrence is 28,572 square feet, and the second occurrence is 2,568 square feet. The total combined disturbance is 31,140 square feet. The Land Development Code allows up to three isolated occurrences each not to exceed 1,000 square feet for access.

“The Applicants state the driveway was created before the purchase of the property, and they have no other route to the only buildable site on the property. Therefore, they are asking for a variance to allow the disturbance of 30% slope. Staff has confirmed that this is the only buildable site on the property. The driveway was cut without approved plans. The Applicant has submitted plans sealed by a Professional Engineer that identify a total of 31,140 square feet of slope disturbance with 443 linear feet of retaining wall.

“Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the request meets the intent of the variance criteria of the Code, due to unusual topography of the site and the limited buildable area.”

Mr. Lovato indicated Staff acknowledges this request does not meet Code requirements. This driveway accesses the only buildable area on the property. The cut was done prior to the Applicants owning the property. Staff feels this could be considered an easing of code requirements due to the driveway being previously cut. The Applicant

proposes to make the driveway more accessible for emergency vehicles, meeting life safety concerns, and fire code requirements. It also meets the intent of the Code criteria for variances due to the unusual topography of the site. Therefore, Staff recommends approval of the Applicant's request.

If the decision of the CDRC is to recommend approval of the Applicant's request for a variance, staff recommends imposition of the following conditions:

1. The Applicant must obtain a development permit from the Building and Development Services Department for construction of the driveway. (As per Article II, § 2).
2. The Applicant shall submit a grading plan. Any further disturbance shall be marked before any grading is done. (As per Article VII, § 3.4.3.c).
3. ~~The driveway grade shall not exceed 11%. (As Per Article V, § 8.1.3 (Legal Access) [Removed at staff report.]~~
4. The Applicant shall comply with all Fire Prevention Division requirements at time of development application (As per 1997 Fire Code and 1997 Life Safety Code).

Member Katz noted that since there is only one buildable site, denial of this variance could constitute a taking. Ms. Brown said that was a nuanced legal determination but it was a possibility.

Member Booth asked for clarification on the grade percentage allowed for the driveway. Mr. Lovato said up to 15 percent is allowed and this driveway has a maximum of 13 percent. She asked if the people who created the driveway were fined and Mr. Lovato said they were not. The situation did not become clear into a residence permit was requested.

Deb Short, under oath and the builder for the property, stated the problem was discovered in the course of permitting. They have worked to comply with all the conditions recommended by Land Use and the Fire Marshal. The house will be sprinklered and there are staging and passing areas for emergency vehicles. They are trying to avoid disturbing any more of the land.

Member Gonzales ascertained that the lot was 66 acres and there was no plan to subdivide further. Ms. Short said there is very little buildable land. They have a private well.

Chair Drobnis asked if there would be additional grading and retaining walls. Ms. Short said there would be.

Fire Marshal Patty indicated that the property is very steep and the route they anticipate appears to be the only possible access. It is impossible to get the slope less than 13 percent.

Henry Carey, duly sworn, provided maps and supporting materials. [Exhibit 4] He said he owns the property to the east and demonstrated his easement, which goes along the northern boundary on the map. The road as built does not follow the easement as drawn. His concern was that the Comeau's driveway would form a stair-step with his planned driveway and in places intersect with it. Some of the slopes are at around 40 percent. He asked that there be an accurate survey and an engineering study of the driveways being so close to one another. He has spoken with Mr. Comeau and he is open to a common solution.

Member Katz asked how Mr. Carey intends to build his driveway. He said he would have the same problems. The easement dates back to the time of the Pacheco Family. The land under the easement belongs to the Comeau's.

Member Gonzales asked what the effect of the new code would be. Mr. Lovato said there would be minimal or no difference.

Duly sworn, Engineer Morey Walker used a map to show the difficulties involved. The Comeau property is much closer to the road so they have to start the slope sooner. A shared driveway would require an additional variance since it would have to be 20 feet wide instead of 14 feet and disturb more slopes.

Chair Drobnis asked if they would be willing to delay a month in order to work for a common solution. Ms. Short said they've already delayed three months.

Mr. Carey expressed his concern that he would be prevented from building his driveway in the future.

Member Booth asked if they were ones who put the driveway in originally. Mr. Walker said they were not but they're attempting to fix it. Member Booth said she didn't want to encourage people to put in illegal roads. Mr. Walker said his clients were unaware of the problems when they purchased the property. Ms. Brown said she was unaware of any effective remedy against the people who originally put in the driveway at this point.

Mr. Walker explained the grading they were planning.

There was no one else from the public wishing to speak.

Member Katz moved to postpone the case for a month in order to allow a consolidation of the two plans to minimize slope disturbance. Member Booth seconded and to motion carried 4-2 with Members Anaya and Gonzales voting against.

Ms. Lucero said the case would be placed on next month's agenda.

VII. F. CDRC CASE # V 14-5000 Lee Pack Variance. Lee Pack, Applicant, requests a variance of Article V, § 8.1.3 (Legal Access) and Article V, § 8.2.1c (Local Roads) of the Land Development Code to allow the construction of a Residence on 2.5 acres. Both roads that service the property (Old Buckman Road and Kalitaya Way) do not meet the specifications of local lane, place or cul-de-sac roads and do not have adequate drainage control necessary to insure adequate access for emergency vehicles. The property is located at 111 Kalitaya Way, off Old Buckman Road, within Section 31, Township 19 North, Range 8 East, (Commission District 1).

Mr. Dalton read the case caption and gave the staff report staff report as follows:

“The subject property is part of a subdivision created in the 1940’s with the US Government’s “Small Parcel Act” which assisted veterans in acquiring their own property. The property has a Land Patent from the US Government dated from 1962, and is recognized as a legal lot of record.

“The property is accessed by Old Buckman Road which is a County maintained road on BLM Land and Kalitaya Way which is a public road on BLM Land. The portion of Old Buckman Road that services the property is approximately nine miles in length and ranges from 20 to 24 feet in width and is a dirt/sand driving surface. The portion of Kalitaya Way that services the property is approximately one mile in length and ranges from 8 to 10 feet in width and is a dirt driving surface. Both Old Buckman Road and Kalitaya Way do not meet the specifications of local lane, place or cul-de-sac roads, which require two ten-foot driving lanes and six inches of basecourse. Old Buckman Road and Kalitaya Way do not have adequate drainage control necessary to insure adequate access for emergency vehicles.

“The Applicant states he is not in a position to upgrade nine miles of Old Buckman Road to County standards, nor the 1 mile of Kalitaya Way. The Applicant also states he and another property owner in the area have had some discussions on improving Kalitaya Way and are intending to do some light tractor work, but cannot upgrade the road to County standards.

“The Applicant intends to construct a residence of all metal construction, fiberglass and drywall. No wood except for cabinetry, handrails etc. The Applicant may also be required to incorporate certain items into his building plans to substantially enhance the protection against fire danger. These improvements may include a turnaround on the property, a water storage tank, sprinkler system, a vegetation management plan, and compliance with the Urban Wildland Interface Code for building materials for any proposed structures on the property, and that’s to be determined by the Fire Prevention Division.

“On May 14, 2013, the BCC granted a variance for Patrick Christopher and Marga Friberg which was CDRC Case # V 13-5050, for the construction of a residence on property totaling 15.3 acres which received access from these same roads.”

Mr. Dalton stated staff was recommending Denial of a variance from Article V, § 8.1.3 (Legal Access) and Article V, § 8.2.1c (Local Roads) of the Land Development Code. If the decision of the CDRC is to recommend approval of the Applicant’s request for variances, staff recommends imposition of the following conditions:

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-foot per year. A water meter shall be installed for the proposed home. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk’s Office (As per Article III, § 10.2.2 and Ordinance 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the construction of the residence. (As per Article II, § 2).
3. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application (As per 1997 Fire Code and 1997 Life Safety Code).

Applicant Lee Pack was placed under oath and stated he purchased 2.5 acres one mile off Old Buckman Road, which is used to access pumping stations for the City’s water supply. Upgrading nine miles of Old Buckman is beyond his capacity, although he and another owner intend to do some light tractor work. He will have a metal house, a 5,000-gallon water tank. The home will be solarized and off the grid.

Member Katz asked if he purchased the property from Mr. Christopher and Mr. Pack said he did and it is closer in than Mr. Christopher’s property.

Duly sworn, Patrick Christopher, owner of the neighboring property, stated Mr. Pack has lived in Alaska and understands the rigors of living far out. He has sensible ideas for the property and he would be happy to have him as a neighbor.

Member Anaya asked if the Christopher case was recommended for denial by the CDRC and Mr. Dalton said it was, but it was approved by the BCC.

Member Katz moved to approve Case #V 14-5400 with staff conditions. Member Anaya seconded the motion passed by unanimous [6-0] voice vote.

[The Committee recessed from 6:15 to 6:25.]

VII. G. CDRC CASE #S 12-5451 Cielo Colorado Estates Preliminary Development Plan, Plat and Variance. Cielo Colorado LLC., Applicant, James W. Siebert, Agent, request Preliminary Development Plan and Plat approval for a 24-lot residential subdivision on Tract 15A-2 of the Eldorado at Santa Fe Subdivision consisting of 246.30 acres more or less. The Application also includes a request for a Variance of Ordinance No. 2008-10 (Stormwater Prevention and Stormwater Management) to allowing access through a 100-year floodplain without an all-weather crossing. The property is located on the east side of US 285, off Camino Acote, within Sections 20, 21 and 22, Township 15 North, Range 10 East (Commission District 4)

Vicki Lucero read the caption and gave the staff report.

“On July 18, 2013, the County Development Review Committee recommended approval of the Applicant’s request for Master Plan approval for a 24-lot residential subdivision. The CDRC also approved two cul-de-sacs to exceed 500 feet in length.

“On September 10, 2013, the Board of County Commissioners approved the request for Master Plan approval for a 24-lot residential subdivision on 246.30 acres. In 1995, a Master Plan for Cielo Colorado was approved by the BCC. The Master Plan included 91 lots with an average density of 3.79 acres on 344.58 acres. Twenty-five of the 91 proposed lots were platted in 1995. An amended Master Plan eliminating four lots totaling 12.5 acres was recorded in 2000. In 2002 the Master Plan was vacated to allow the platting of larger lots at the east end of Tract 15A-2. This Application includes the remainder of the property that has not been platted within Tract 15A-2.

“The Applicants now request Preliminary Development Plan and Plat approval for 24 lots on 246.30 acres within tract 15A-2 of the Eldorado at Santa Fe Subdivision in conformance with the approved Master Plan. Lot sizes will range from 2.54 acres to 16.16 acres, more or less.

“The Applicants also request a variance of Ordinance No. 2008-10 (Flood Prevention and Stormwater Management), Section 4.2, to allow for access to the subdivision through an existing road that crosses over a FEMA designated floodplain.

“The Applicant states: ‘The roadway crossing the drainage has been in place for over 20 years, serving over 30 housing units, and there has been no occurrence of damage to the road or drainage structures under the road during heavy rain storms. The floodplain is unusually wide and shallow requiring an extensive drainage infrastructure across the entire width of the drainage in order to comply with the 100-year crossing standards. The initial subdivision was reduced from 67

lots to 24 lots to address the concerns of the residents living within the Cielo Colorado Subdivision. The expense of such a 100-year crossing of the drainage is beyond the financial resources of this 24-lot subdivision.'

"The Applicant has submitted a letter, an analysis and calculations from a Professional Engineer which addresses the existing low water crossing dip-section and the 100-year storm event. The letter states: 'The crossing will be subject to a water depth of 8 inches for a period of fifteen minutes or less. The existing curb will hold back a depth of six inches for a period of forty-five minutes while it drains via an existing curb cut.' Therefore, the engineer's opinion is emergency vehicles and fire apparatus will be able to safely cross the low water crossing during a 100-year event.

"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 with the exception of the all-weather access."

Ms. Lucero gave the staff recommendation as follows: The Applicant has submitted an analysis and calculations prepared by a Professional Engineer which addresses the existing low water crossing dip-section. The Engineer concluded that emergency vehicles will be able to safely cross the low-water crossing during a 100-year storm event. Staff recommends approval of the variance based on the Engineer's report, reviewing agency comments, and a site visit conducted by staff.

The Application for Preliminary Development Plan and Plat approval is in conformance with all Code requirements. Therefore, staff recommends approval of the request for Preliminary Plat and Development Plan subject to the following conditions:

1. The Applicant shall comply with all review agency comments and conditions, Article V, Section 7.1.3.c.
2. All portions of the 50-foot ingress/egress and utility easement to be vacated must be approved by the BCC.3. The Applicant must apply for an access permit from NMDOT prior to construction.

Member Booth asked if it was general practice that an outside engineer makes a ruling on something like this, rather than a County engineer, and is that engineer liable for the decision. Ms. Lucero said the applicant is responsible for hiring experts to do various required reports. Ms. Brown said this is a certified professional engineer and has the necessary qualifications.

Agent Jim Siebert was placed under oath and stated the professional engineer in this case is Jorge Gonzales who has been a civil engineer for 30 years and is an expert in drainage issues. The study in question has been done on two occasions with the same conclusions. The master plan was approved by the CDRC and the BCC. He used a map to show the drainage crossing vis-à-vis the road and a nearby subdivision that has been in existence for 20 years with no damage or problems. The Fire Department is in agreement with the variance.

Member Gonzales asked how many lots have been using the crossing and Mr. Siebert said there are 24 close in and ten more beyond that who use the crossing daily.

Member Anaya pointed out that Jorge Gonzales' stamp of approval appears on many of the plans in the packet.

Fire Marshal Patty had nothing to add.

Duly sworn, Damian Gessler from the neighboring subdivision endorsed the project, adding the engineers and the developers have come a long way in making a project that fits well with the character of the area. He confirmed for Member Gonzales that there have been no problems with the crossing.

Gregory Hart, under oath and president of the Lot 15-A-2 Homeowners Association, stated he has lived there for 20 years and there has never been any problem with the road. He was in full support of the variance.

There was no one else from the public wishing to speak.

Member Martin noted that the State Engineer gave a negative opinion on water supply, which is a concern to her.

Member Anaya moved to approve Case #S/V 12-5451 with staff recommendations. Member Booth seconded and the motion carried unanimously 6-0.

I. PETITIONS FROM THE FLOOR

None were presented

J. COMMUNICATIONS FROM THE COMMITTEE

Member Gonzales asked what should be done about the cases in the packet that will be presented at meetings in the future. Ms. Lucero said staff can recycle those.

K. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

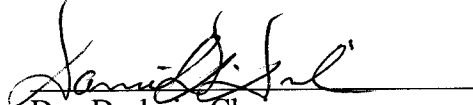
L. COMMUNICATIONS FROM STAFF

The next meeting was scheduled for March 20, 2014.

M. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Drobnis declared this meeting adjourned at approximately 6:45 p.m.

Approved by:


Dan Drobnis, Chair
CDRC

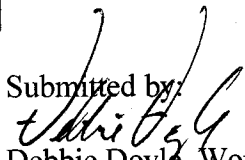


 4/17/2014

Before me, this ____ day of _____, 2014.

My Commission Expires: _____

Notary Public

Submitted by:

Debbie Doyle, Wordswork

CDRC MINUTES
PAGES: 25

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

I Hereby Certify That This Instrument Was Filed for
Record On The 18TH Day Of April, 2014 at 08:56:41 AM
And Was Duly Recorded as Instrument # 1734830
Of The Records Of Santa Fe County

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



John M. Salazar

From: Patty Montes-Burks <artalacart@gmail.com>
Sent: Thursday, February 20, 2014 11:46 AM
To: John M. Salazar
Subject: CDRC DENIAL OF PET CREMATORIUM

John- Can you please give CDRC this letter instead? I made additions to the last paragraph. Thank You.

--

Patty Montes Burks
14 Vista del Monte
Santa Fe, New Mexico 87507
505/471-0526

To:
CDRC Members:

Feb. 20, 2014 Agenda Item B. CDRC CASE # A 14-5040 Rachael Tapia Appeal. Rachael Tapia, Applicant, Is Appealing The Land Use Administrator's Decision To Deny A Home Occupation Business Registration For A Pet Crematorium On 2.5-Acres. The Property Is Located At 40 Vista Del Monte, Within The Valle Lindo Subdivision, Within Section 25, Township 16 North, Range 8 East, (Commission District 5). John M. Salazar, Case Manager.

I wish to submit my objection to any appeal of a previous denial for the above case. I am advised that there have been previous denials by county boards of the use of Ms. Rachel Tapia's home to operate a PET CREMATORIUM in our Santa Fe County neighborhood (Valle Lindo Subdivision). I also understand that she has appealed in court and the court upheld the County's denial for this type of operation. This subdivision was established in the 1950-1960's and from its beginning, covenants never intended for any such type of industrial incinerator use coming from a property within our neighborhood, which is what she wants for her property. I've been a resident here since 1978 and recognize that the county has undoubtedly designated other areas as industrial areas --which would be more appropriate for Ms. Tapia's endeavor. For her to continue to bring this matter before you for approval is a waste of everybody's time and energy. She needs to realize that a bona fide home-occupation does not entail the incineration of dead animals. It is certainly not the intent of the County Land Use Plan.

We rely on you as our board for protection of our neighborhood and direct her to the areas zoned for this type of use. Aside from the most obvious reasoning as to why this should not be allowed; my additional concerns are, Vista del Monte is a local resident road that is not designed to serve the types of vehicles that would need to transport the dead animals. It is only designed and designated for local resident use. Other concerns are how she intends to manage proper waste management regulations and receive other government permits, eliminate environmental hazard, provide fire protection to neighbors and properly direct the use of heavy equipment in and out of her driveway. Please contact me if you need to,

Thank you for your consideration.

Residents of Turquoise Trail Subdivision

County Land Use Administration
102 Grant Avenue
Santa Fe, NM 87504-0276

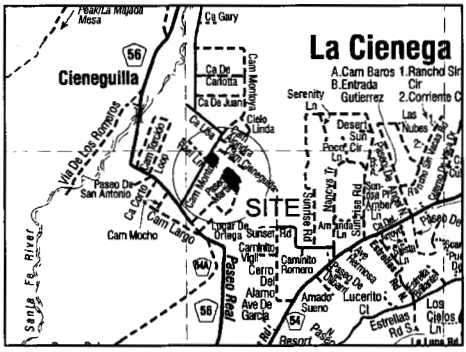
RE: CDRC Case # APP 14-5040

The undersigned owners/residents of Turquoise Trail Subdivision hereby support the decision of the County Development Review Committee to deny a home occupation business license, and further deny the applicant's appeal, to Rachael Tapia for Loving Animal Services on residential property at 40 Vista Del Monte, within Section 25, Township 16 North, Range East.

The intended use is a dog crematorium and even the best equipment used inevitably creates unacceptable air quality emissions, and odors. At a previous meeting of the County Development Review Committee, a member said that a crematorium should not be allowed in a residential neighborhood.

We agree and ask you to deny the appeal.

Name <u>JoAnn Lovato</u>	Address <u>13 Carson Valley Way SF, NM 87508</u>
Name <u>John MONTANA</u>	Address <u>73 Carson Valley Way SF, NM 87508</u>
Name <u>Mike Montana</u>	Address <u>76 Carson Valley Way</u>
Name <u>Patricia Esquivel</u>	Address <u>75 Carson Valley Way</u>
Name <u>Bernadette Read</u>	Address <u>72 Carson Valley Way</u>
Name <u>Maurice Read</u>	Address <u>72 Carson Valley Way</u>
Name <u>JEFF BURNHAM</u>	Address <u>69 CARSON VALLEY WAY, 87508</u>
Name <u>Hannah Varau</u>	Address <u>69 Carson Valley Way, 87508</u>
Name <u>Liam Wolff</u>	Address <u>8 Sky Ridge</u>
<u>Adam Wolff</u>	<u>8 Sky Ridge</u>



VICINITY MAP

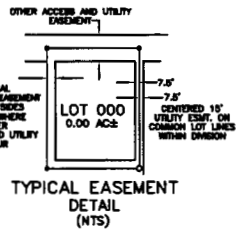
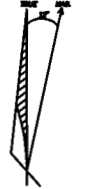
DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S), HAVE CAUSED TO BE DEDICATED THOSE LANDS SHOWN HEREON... THIS DIVISION CONTAINS 7.876 AC.±, AND LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF SANTA FE, NEW MEXICO.

LOUIE RAEL
STATE OF NEW MEXICO
COUNTY OF SANTA FE
THE FOREGOING INSTRUMENT WAS SHOWN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY LOUIE RAEL.
THIS _____ DAY OF _____, 2013.
BY COMMISSION EXPRES. NOTARY PUBLIC

LEGEND AND NOTES

- DENOTES POINT FOUND (NAD 83 CAP UNLESS OTHERWISE NOTED)
• DENOTES 11011 CAPPED REBAR SET THIS SURVEY
• DENOTES POINT CALCULATED
△ DENOTES COMMUNICATION FEDERAL
□ DENOTES TRANSFORMER
---X---X--- DENOTES EDGE OF EASEMENT
---X---X--- DENOTES FENCE LINE
1. CREATION OF TRACTS IS FROM FAMILY TRANSFER LAND DIVISION FOR LOUIE RAEL JR. WITHIN TRACT 81 BY MICHELLE E. MOORAN MAPS, PAPER, AND BEING FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BOOKS, PAGES, RECORD DATA SHOWN IN ()
2. THIS PLAT IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.
3. BASIS OF BEARING IS GPS OBSERVATION OF POINTS FOUND WOODS.



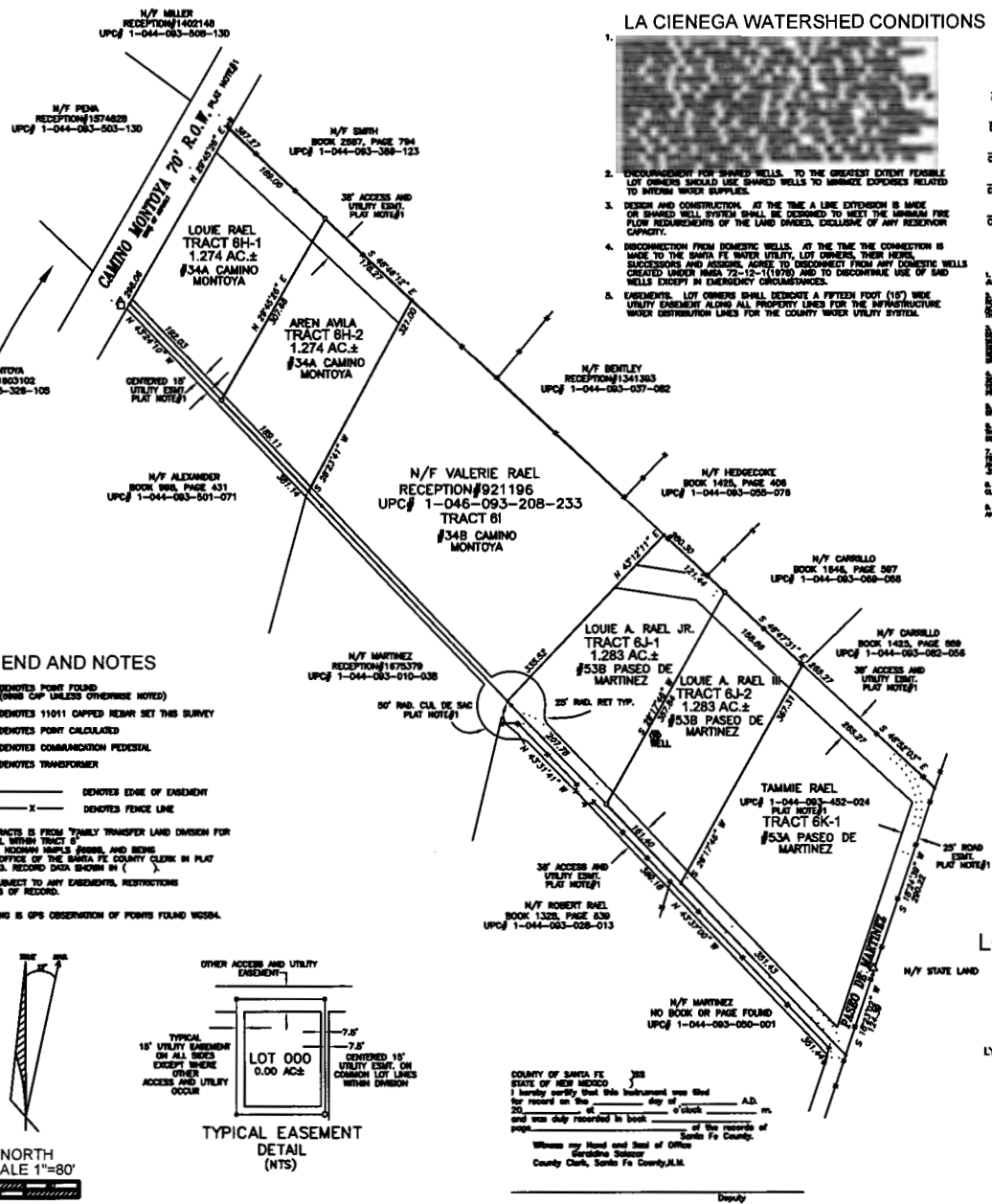
NORTH SCALE 1"=80'

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 APR. 20TH, 2013, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEET THE STANDARDS FOR PROFESSIONAL LAND SURVEYING PRACTICES IN NEW MEXICO.



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



LA CIENEGA WATERSHED CONDITIONS

- 1. ENCOURAGEMENT FOR SHARED WELLS TO THE GREATEST EXTENT FEASIBLE
2. ENCOURAGEMENT FOR SHARED WELLS TO THE GREATEST EXTENT FEASIBLE
3. DESIGN AND CONSTRUCTION AT THE TIME A LINE EXTENSION IS MADE
4. DISCONNECTION FROM DOMESTIC WELLS AT THE TIME THE CONNECTION IS MADE TO THE SANTA FE WATER UTILITY
5. EASEMENTS: LOT OWNERS SHALL DEED A FIFTEEN FOOT (15') WIDE UTILITY EASEMENT ALONG ALL PROPERTY LINES FOR THE INFRASTRUCTURE WATER DISTRIBUTION LINES FOR THE COUNTY WATER UTILITY.

SANTA FE COUNTY APPROVAL, NOTES AND CONDITIONS:

Table with columns for COUNTY LAND USE ADMINISTRATOR, COUNTY RURAL ADDRESSING, COUNTY TREASURER, COUNTY FIRE MARSHAL, and their respective dates.

- 1. THE LANDS SHOWN HEREON LIE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF SANTA FE.
2. A STATEMENT OF FINANCIAL ACCESS PROVISIONS APPLY TO THESE PARCELS.
3. THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY EXISTING OR PROPOSED UTILITIES OR THE APPROVAL OF ANY EXISTING OR PROPOSED DEVELOPMENT.
4. ACCORDING TO ARTICLE VII, SECTION 3, AND ORDINANCE 2008-10, AS WELL AS ALL PERTINENT COUNTY CODE AND ORDINANCES AT THE TIME OF DEVELOPMENT.
5. THESE RESIDENTIAL LOTS ARE CREATED BY FAMILY TRANSFER DIVISION OF WATERS, PARCELS AND/OR LOTS HEREON MUST SETTING THEIR TRACTS, PARCELS AND/OR LOTS WITHIN.

- SPECIAL NOTES AND BUILDING PERMIT CONDITIONS
1. THE INSTALLATION OF AN AUTOMATIC FIRE SUPPRESSION SYSTEM IS REQUIRED FOR ALL HOMES ON ALL LOTS.
2. THE PARCELS, LOTS, OR TRACTS PLATTED HEREON ARE SUBJECT TO ARTICLE VII, SECTION 3, AND ORDINANCE 2008-10, AS WELL AS ALL PERTINENT COUNTY CODE AND ORDINANCES AT THE TIME OF DEVELOPMENT.
3. THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR DEVELOPMENT PERMIT.
4. NEW DRIVEWAY/ROADWAY ACCESS FROM EXISTING ACCESS ROAD IS SUBJECT TO APPROVAL BY THE SANTA FE CO. PUBLIC WORKS DEPT.
5. DEVELOPMENT PERMITS FOR BUILDING CONSTRUCTION WILL NOT BE ISSUED UNTIL REQUIRED IMPROVEMENTS FOR ROAD AND EMERGENCY TURNAROUND ARE COMPLETED AND APPROVED BY STAFF.

SMALL LOT FAMILY TRANSFER LAND DIVISION FOR LOUIE RAEL & LOUIE RAEL JR.

PURPOSE: TO CREATE SIX RESIDENTIAL LOTS LYING WITHIN SECTIONS 20 & 29, T16N, R06E, NMPFA, SANTA FE COUNTY, NEW MEXICO.

RICK CHATROOP PROFESSIONAL LAND SURVEYOR NEW MEXICO REGISTRATION NO. 11011

OWNER: RAEL
LOCATION: LYING WITHIN SECTIONS 20 & 29, T16N, R06E, NMPFA, SANTA FE CO., N.M.

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

February 19, 2014

Wayne Dalton, Committee Liaison
Santa Fe County Development Review Committee
102 Grant Avenue
Santa Fe, New Mexico 87501

Re: CDRC CASE # MIS 13-5390 Louie Rael Sr. Exemption.

Dear Mr. Dalton,

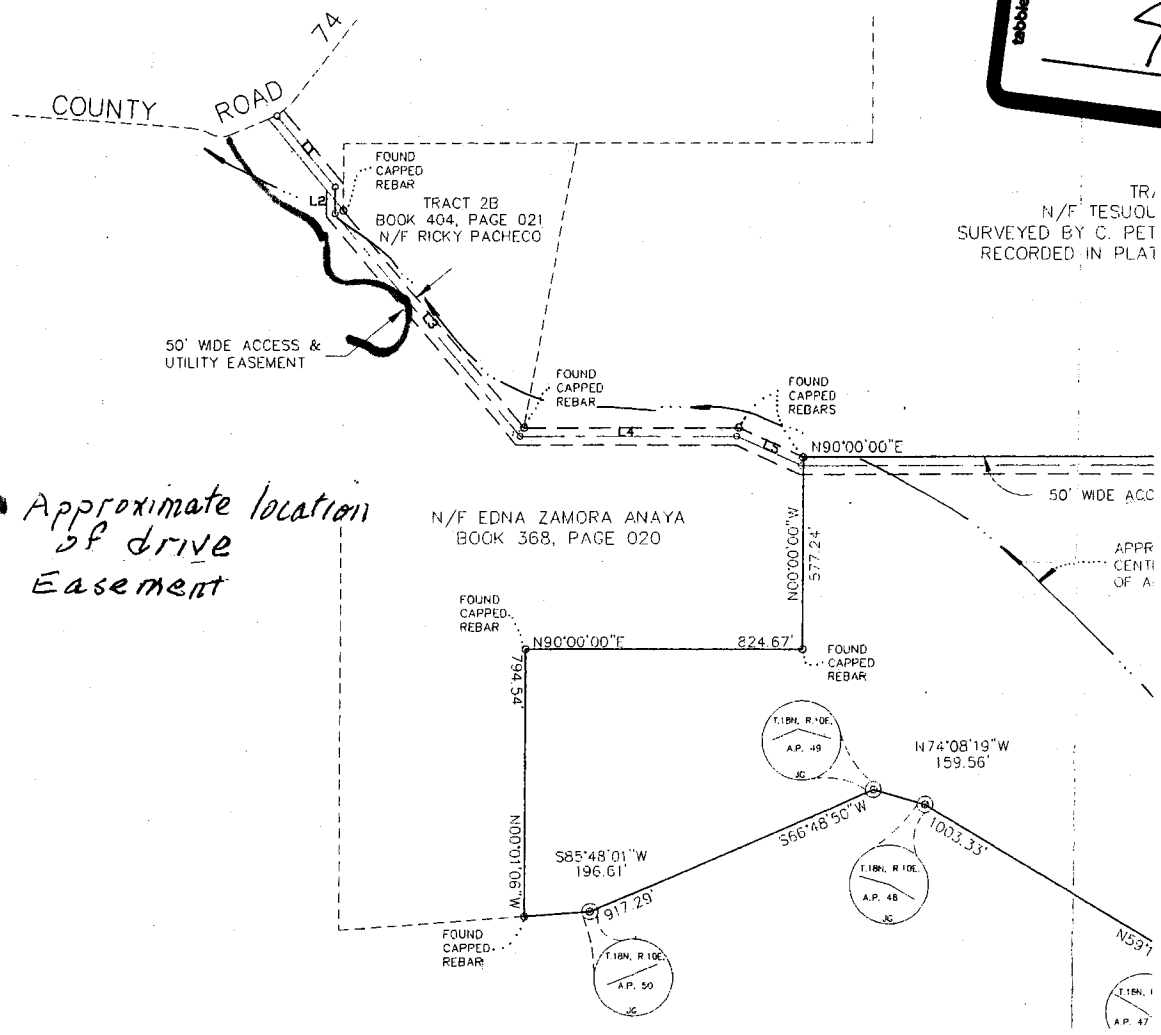
The La Cienega Valley Association (LCVA) has researched the request being made in "CDRC CASE # MIS 13-5390 Louie Rael Sr. Exemption". In looking into the matter the LCVA Board found no circumstances to warrant an exemption to the five year transfer period requirement. Therefore the LCVA supports County staff's recommendation to deny the application. This is the appropriate action for protecting our community ordinance, which is designed to manage growth and maintain the rural nature of La Cieneguilla and La Cienega.

The LCVA Board recognizes the community standing of the Rael family but feel it is essential that the intent and purpose of the ordinance be maintained.

Thank you.

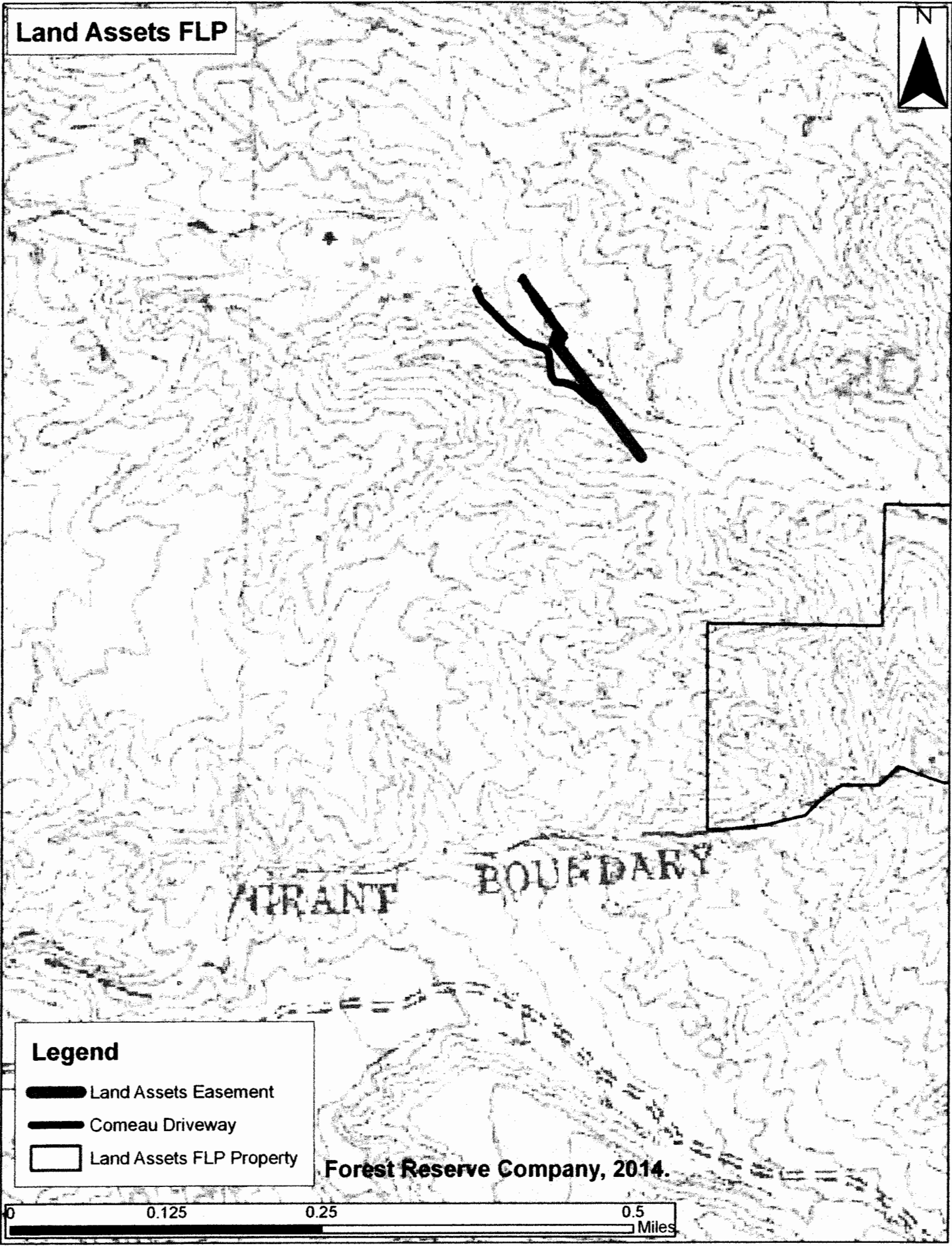
Carl Dickens, President
La Cienega Valley Association

EXHIBIT
4






Approximate location of drive Easement

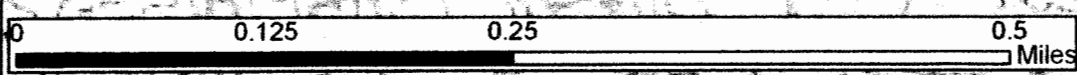
Land Assets FLP



Legend

-  Land Assets Easement
-  Comeau Driveway
-  Land Assets FLP Property

Forest Reserve Company, 2014.



3



PHOTOGRAPHED BY [unreadable]

4

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Fe County

County...

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BW 7300

TW 7308
BW 7302

70' LONG
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1:1 SLOPE
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