

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

June 19, 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 4:06 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
Rachel Brown, Deputy County Attorney
Vicki Lucero, Building and Development Services Manager
John Michael Salazar, Development Review Specialist
Buster Patty, Fire Marshal
John Lovato, Development Review Specialist

IV. APPROVAL OF AGENDA

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

V. APPROVAL OF MINUTES: May 15, 2014

Member Martin moved to approve the May minutes. Member Katz seconded and the motion passed by unanimous [6-0] voice vote.

VI. CONSENT CALENDAR: Final Order

- A. CDRC Case #MIS 13-5390 Louie Rael Sr. Exemption. Louie Rael, Sr. and Louie Rael, Jr., Applicants, Requested an Exemption from 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 Consists 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 Sections 20 & 29 Township 16 North, Range 8 East, Commission District 3 - Approved 4-3**

Member Martin moved to approve the consent calendar. Member Katz seconded and the motion passed by unanimous [6-0] voice vote.

VII. NEW BUSINESS

- A. CDRC CASE # V 14-5150 Lorenzo Atencio Variance. Lorenzo Atencio, Applicant, requests a variance of Ordinance No. 2008-5 (Pojoaque Valley Traditional Community District), § 12.5 (Density Standards) to allow a Land Division of 1.45 acres into two lots. The Property is located at 10 Frances Lane, within the Traditional Community of Pojoaque, within Section 7, Township 19 North, Range 9 East, Commission District 1**

Jon Lovato, Case manager, reviewed the staff report as follows:

“The subject lot was created in 1995 by way of a land division and is recognized as a legal lot of record. There is currently a residence under construction on the property. A permit for a 3,462 square foot home was issued on October 3, 2013.

“The Applicant states a variance is needed due to his medical condition. The Applicant states he can no longer maintain the 1.45-acre parcel and wishes to sell one of the lots he is proposing to divide. The size of lots will be 0.725 acres each. The Applicant further states, the size of lots to be created is close to the minimum 0.75-acre lot size and will not impact potential buyer’s health, safety, or welfare.

“Growth Management staff 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 Recommendation: Denial of a variance from Ordinance No. 2008-5, Pojoaque Valley Traditional Community District, Section 12.5, Density Standards, to allow a Land Division of 1.45 acres into two lots.”

Mr. Lovato stated that 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 0.50 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. 2008-05).
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. Further Division of land is prohibited on the property. (As per Article Ordinance No. 2008-5, § 12.5).
4. The proposed vacant lot may be subject to utilizing an advanced liquid waste disposal system in conformance with NMED requirements. This shall be noted on the plat.
5. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat Review (As per 1997 Fire Code and NFPA Life Safety Code).

Mr. Lovato corrected an item in the staff report to read as follows: "Hydrologic Zone: Traditional Community of Pojoaque. The minimum lot size is 0.75 acres per dwelling unit. The request does not meet the minimum standard for lot size in this area."

The applicant, duly sworn, Lorenzo Atencio, said the ordinance from which they request a variance was adopted for the purpose of maintaining the traditional rural community in Pojoaque. The ordinance regulates land uses and density. He said the home they built on the lot is positioned to facilitate the splitting of the lot into .75 and .695 acre lots. Using a plat of survey he sited his house and corrected the lot sizes on the proposed lots. He went on to say that the purpose of plat aside from showing what the proposed lots would look like also depicts that the tracts created by Frances S. Gomez were done so with the idea of further splits. [This plat was not made available for the record] He also referred to the plat created by Frances S. Gomez [*Exhibit 1*] for the original split and pointed out there was .75-acre lot in that original split. Pointing out that the Gomez split created five lots, Mr. Atencio said it should have been considered under the Subdivision Act.

Mr. Atencio addressed the objections that were forwarded to the County regarding his request. He indicated that the private covenants [*Exhibit 2*] are irrelevant to the County. He said he and his wife agreed to the covenants which do not speak to splitting lots.

Mr. Atencio said Frances Gomez' daughter, Sylvia Gomez Sexton, contends the variance should not be approved because her mother specifically created lots less than 1.5 acres to prevent a division. Ms. Gomez is deceased and if that was her intent it should have been spelled out. Mr. Atencio noted that the ordinance from which he is requesting a variance was adopted in 2008 and the plat was filed and signed in 1998. The objectors state they want to keep the land pristine and private; Mr. Atencio said they should have bought it.

Mr. Atencio said building another house on the property will not impact his neighbors. The variance is 55/1000 of an acre and he submitted that that puts the plat in substantial compliance of the subject ordinance. Denying the variance will not further the purpose of the ordinance in a significant way. He pointed out that the CDRC may waive this requirement and he suggested not doing so would result in an arbitrary and unreasonable taking of his property and exact a hardship. He requested approval of his variance and a modification to condition 1 asking for water use in the permit amount issued by the State Engineer.

Duly sworn, Arch Sproul, the builder of the Atencios' home, mentioned that the State Engineer required the installation of a structured sewage system which contains the nitrates and reduces the impact more than standard septic systems. He noted that both Mr. and Mrs. Atencio are retired living on a fixed income.

Responding to Member Katz, Mr. Atencio said the deeds he located were prior to 1998, prior to the plat [*Exhibit 1*] and the 2004 dated covenants. Mr. Katz pointed out that lot A could have been made smaller to leave B with enough acreage to divide into three parcels that would be each 1.5 acres still leaving A large enough to further divide. Mr. Atencio said that could have been the case but that was speculation.

Duly sworn, Guy Eden, the husband of one of Frances Gomez' daughters stated that Frances Gomez split the lot for her three children. Mr. Eden said Mr. Atencio is a knowledgeable attorney who knew the County rules prohibiting subdivision below .75 acre. The Atencios' well is post-basin, permitted for domestic use only and permitted .4 acre-feet annually which is not enough for two households.

Mr. Eden pointed out that the Atencios' house is very large and putting another house on that property will create a high-density appearance. The covenants do not speak to splitting the lots because the family relied on the County ordinance to prohibit it. He went on to say that a reduction in the lot size will affect his property and its property value. He said Frances Gomez deliberately made these lots less than 1.5 acres to prevent splits.

Erlene Eden, under oath, the daughter of J.A. and Frances Gomez, stated that she along with her mother, their attorney Uncle Claude Sena and the surveyor had several meetings to get her mother's affairs in order before she died. This is the home property that she wanted to leave to her children. Ms. Eden said she represented her mother as her guardian and conservator of the estate and understood her mother's wishes.

Ms. Eden said she sold her tract to the McDougals who have built a home there with the understanding it was one residence per tract. She went on to identify each of the tracts and who lives there. The tract the Atencios own was originally her brother's and he sold it to a realtor who sold it to the Atencios. Ms. Eden emphasized that it was her mother's intent to keep the property as one dwelling per lot.

Ms. Eden corrected Mr. Atencio's comment that there were three children. There were four and one died before her mother.

Karl Sommer, appearing as counsel for the McDougals, said the issue is a variance for density. The CDRC predominantly rules to uphold the code in these situations. This case highlights the principle upon which those decisions were made, that a variance and the hardship for a variance must be related to some condition of the property which is not self-inflicted by this owner or the previous owner. There is nothing unique about the condition of this property. The property was divided with specific intentions to meet particular requirements of the code.

Mr. Sommer said the CDRC is being asked to allow a division for reasons personal to the applicant, not by reason of anything related to the condition of the property. He said this division will burden the egress/ingress. The request is for personal reasons and the CDRC has consistently upheld the density requirements of the Code.

Mr. Sommer recognized that this was a slight variation from the requirements, but it is a variation of the principle and should not be approved.

Harold Sexton, duly sworn, said the manner in which the Atencios sited their home made him immediately think they were going to try and divide and sell the property. He said his mother in-law, Frances Gomez, was very intentional in creating the lots.

Sylvia Sexton, duly sworn, acknowledged this was a very difficult situation for the family members. She too said that her mother's intentions were very clear from the beginning: "She did not want this property split..." It seemed clear from where the Atencios sited their home that their intention was to sell the rest of the property.

Duly sworn, Barbara McDougal, provided a Google aerial map to the CDRC and added that if a second home is permitted on that property it will access via her south property line and that will be very difficult for them.

Returning to the podium, Mr. Atencio stated that contrary to the comments about the size of his home it is 2,200 square feet. He asked why Frances Gomez who had access to an attorney didn't include the lot size in the covenants if she felt so strong about it. He referred to the warranty deed [*Exhibit 3*] that allows him to use his property how he wants and to sell it to whom he wants. Permitting this variance will not impact the community; instead a decision to deny the variance would result in an arbitrary and unreasonable taking of his property.

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

Member Katz asked whether the minimum lot size was .75 acres when the plat was filed in 1995. Mr. Lovato said it was.

Stating the applicant has not shown extraordinary hardship because of unusual topography and other such non-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, Member Martin moved to deny CDRC Case #V 14-5150. Member Booth seconded and the motion passed by unanimous [6-0] voice vote.

B. CDRC CASE # S 10-5551 Tessera Subdivision Phase 2 Preliminary Plat and Development Plan. Homewise Inc., Applicant, Design Enginuity (Oralynn Guerrerortiz), Agent, request Preliminary Plat and Development Plan approval for Phase 2 of the Tessera Subdivision (formerly College Hills) which consists of 78 residential lots on 69.4 remaining acres of 146 acres. The property is located off the NM599 West Frontage Road, west of the La Tierra exit, within Section 20, Township 17 North, Range 9 East, Commission District 2

Case manager Vicente Archuleta presented the staff report as follows:

“The subject property received Master Plan approval for a request for 88 lots on 84 acres in the late 1990’s under the name of College Hills. On December 18, 2001 the Extraterritorial Zoning Authority granted a Master Plan Amendment for the Tessera Subdivision, which consisted of 166 residential lots on 145.97 acres to be developed in two phases. Phase 1 consisted of 88 lots on 76.57 acres and Phase 2 consisted of 78 lots on 69.4 acres.

“On December 12, 2002, the EZC granted Preliminary Plat and Development Plan approval for Phase 1 of the Tessera Subdivision which consisted of 88 lots. On January 13, 2004, the BCC granted Final Plat and Development Plan approval for Phase 1. The Final Plat for Phase 1 was recorded on April 5, 2007. There are currently three homes within Phase 1.

“On December 14, 2010, the Board of County Commissioners granted approval of a two-year time extension of the Master Plan for the Tessera Subdivision. On December 11, 2012, the BCC approved an additional 2-year time extension of the previously approved Master Plan for Tessera Subdivision consisting of 166 lots on 146 acres.

“The Master Plan was amended in December 2001 by the EZA under the Extraterritorial Zoning Regulations to have a total of 166 lots on 145.97 acres and to be developed in two phases.

“The Applicants now request Preliminary Plat and Development Plan approval for Phase 2 of the Tessera Subdivision which consists of 78 lots on 69.4 acres. Seventy-eight lots will be added to the Tessera development for a total of 166 residential lots on 146 acres. Phase 2 will encompass 69.4 acres; with 35 acres or 50 percent of the property designated as permanent open space.

“In 2012, Homewise Inc. purchased the property and intends to build and sell all the homes and it anticipates having the entire 166 lots fully built out within seven years. The previous developer installed the infrastructure needed for Phase 1 prior to the economic downturn. Homewise has posted a financial guarantee for the remaining deficiencies in Phase 1, such as trails which had not been completed.

“The applicant is seeking preliminary plat and development plan approval for Phase 2 of the Tessera Subdivision which consist of 78 residential lots on 69.4 acres.”

Mr. Archuleta said the OSE issued a negative response apparently based on the lack of a ready, willing and able to serve letter from the County. That letter was recently provided and the OSE has not had an opportunity to respond. The CDRC can table until the next meeting awaiting the OSE’s response or advance the case to the BCC conditional on a positive response from the OSE.

All recommendations of the Code have been met and Staff recommends approval of the Applicant’s request for Preliminary Plat and Development Plan approval for Phase 2 of the Tessera Subdivision which consists of 78 residential lots on 69.4 acres 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. The Applicant shall submit documentation in regards to the Board of County Commissioners (BCC) approval of New Water Deliveries for Phase 2, as required by Resolution 2006-57, “Adopting Santa Fe County Water Resource Department Line Extension and Water Service Policy”, and all other conditions in that resolution and other SFCU policies are met.
3. The Applicant 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 supply the maximum 19.5 acre-foot-year demand proposed by Phase 2 prior to Final Plat and Development Plan submittal.
4. The Applicant shall agree to construct and dedicate ~~all~~ their fair share of infrastructure needs identified by the City’s water utility hydraulic modeling. [Revised at motion]
5. The Applicant shall enter into a Water Delivery Agreement and Wastewater Service Agreement with SFCU, which will specify construction standards (e.g., line-taps and meter cans) and inspection and dedication requirements for Phase 2 prior to Final Plat and Development Plan submittal. The agreement will specify many of the requirements identified in SFCU’s March 27, 2014 letter.
6. Copies of the Water Delivery and Sewer Service agreements shall be submitted to the County Growth Management Department along with the Final Design of the Sewer System for review and approval prior to Final Plat and Development Plan submittal

Mr. Archuleta said even with the ready, willing and able letter from the County Utility, it is possible the OSE may have a negative response. Ms. Lucero said it appears that the OSE’s only concern was the lack of the letter from the County.

Member Gonzales opined that tabling the case would serve no purpose other than to delay the applicant’s request.

Oralynn Guerrerortiz, duly sworn, said she was representing Homewise and sited the property north of 599, west of Camino la Tierra, and next to Aldea. The new zoning map labels the area as a planned development district. She outlined the history of the development stating Homewise acquired the development from a bank. She noted that there are three existing homes in Phase 1 and four under construction. Phase 2 has utilities and roadways and additional roads are anticipated. Using a site map she located the trails and highlighted the rolling terrain. Because of the terrain, grinder pumps will be used and at this point the sewer system is still under development. The original Phase 1 has city sewer. The project borders Las Campanas and there is the possibility of pumping north to that system if the City does not approve sewer service for Phase 2.

Ms. Guerrerortiz said there are 12 affordable lots in Phase 2 and described the services Homewise provides. She said Homewise's goal is to help build long-term financial security for community members.

Ms. Guerrerortiz offered the following on the development: there are no requests for variances, build-out is expected in seven years, a traffic impact study shows no change in road ratings, there are water conservation mechanisms throughout the development with timed irrigation and advanced instant hot water taps, there are fire hydrants and two protected archaeological sites.

Regarding condition 4, Ms. Guerrerortiz requested modification as follows: The Applicant shall agree to construct and dedicate ~~all~~ their fair share of infrastructure needs identified by the City's water utility hydraulic modeling.

Regarding the ready, willing and able letter from the County, Ms. Guerrerortiz said the County utility failed to use those words and for that reason the OSE provided a negative recommendation. The County has now prepared the appropriate letter and she was confident there were no other issues.

Duly sworn, Tony Brown the onsite manager for Aldea de Santa Fe said the Aldea Board of Directors met with Homewise to discuss their concerns, and most have been addressed. However, he noted the report states Santa Fe County owns the lifts and grinding stations and they do not. They are owned by Aldea.

Mr. Brown said there is a concern about soil erosion from the arroyos. The previous developer did not install controls and all the sediment washed into Aldea. Aldea is required to maintain check dams and retention areas to hold its soil and for the past four+ years they have been holding Tessera's soil which overloaded their system. He asked that the County require Tessera to have EPA engineer inspections conducted twice a year and to control their sediment on their own property and not release it into Aldea.

Janet Davidson, duly sworn, said she was one of the first homeowners in Aldea on East Villa Plaza Nueva and Homewise will be building on that street. She said there is a trust issue that needs to be addressed. The Aldea homes on the street range in price from \$450,000 to \$800,000 and while she has no opposition to living in a mixed neighborhood she wants Homewise to educate the residents on how to live in the neighborhood. The trust issue begins with a very large orange sign directly in her window and appears to be

in her neighbor's patio. Homewise said they would take it down and that has not happened.

Ms. Davidson said the deliveries come in through an Aldea entrance not Homewise's.

Under oath, Rob Gibbs, director of real estate development for Homewise, said they certainly want to be good neighbors to the residents of Aldea. In fact, Homewise is currently building 20 homes in Aldea and they understand what is expected of them as a contractor, home builder and neighbor. The suppliers and contractors working in Tessera have been instructed to use Tessera's entrance and he said they will continue to reiterate those instructions.

Mr. Gibbs said there were some speeding problems and the orange sign Ms. Davidson referred to slows traffic alerting drivers to truck traffic. The homes being constructed by Homewise in Aldea will be priced in the high \$200,000s to the mid \$400,000. Homewise is working with custom builders to build higher priced homes, above \$500,000, in Tessera 2

Mr. Gibbs said they have contracted with an engineer to monitor sediment, etc and they follow all EPA requirements.

Member Katz asked when the orange sign could be moved and Mr. Gibbs responded said they will move it further down the street. He said the sign addresses a safety issue and will be removed once the construction is completed.

Mr. Gibbs said they are monitoring the sediment and buildup in the arroyo and Mr. Brown's concerns occurred prior to Homewise's ownership.

Member Gonzales inquired as to where the original water rights for the development were obtained. Ms. Guerrerortiz read from County Hydrologist Torres' letter in which she states that the water rights were not specifically addressed and the current connection fee for the utility allows for purchase of the necessary water rights to serve the development.

In regard to CDRC Case #S 10-5551, Member Katz moved to approve the request for preliminary plat and development plan for Phase 2 with the staff-imposed conditions, amendment to condition 4, adding condition 7 that the Applicant implement proper sediment control and a positive recommendation from the State Engineer. Member Martin seconded and the motion passed by unanimous [6-0] voice vote.

E. PETITIONS FROM THE FLOOR

None were presented

F. COMMUNICATIONS FROM THE COMMITTEE

Member Anaya requested an excused absence for the July meeting. Ms. Lucero said she would confirm a quorum for the next meeting.

G. COMMUNICATIONS FROM THE ATTORNEY

None were presented

H. COMMUNICATIONS FROM STAFF

Per the CDRC's request Ms. Lucero said the staff researched the cases forwarded to the BCC from the CDRC over the past 12 months and determined there were 22 cases of which 8 of the CDRC's decisions were overturned by the BCC.

Chair Drobnis said he was particularly interested in understanding how the BCC views issues regarding the Code. He was interested in learning what criteria the BCC saw differently than the CDRC.

Stating it will help to guide the CDRC, Member Booth asked that staff identify which cases were overturned and why. Member Anaya pointed out that 36 percent of the CDRC's decision that go to the BCC are overturned.

Chair Drobnis said he wanted the information to better guide the Committee.

I. NEXT CDRC REGULAR MEETING: July 17, 2014

J. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Drobnis declared this meeting adjourned at approximately 6:00 p.m.



Approved by:
County Development Review Committee

[Signature]
Dan Drobnis, Chair

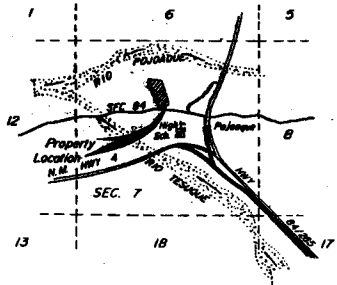
[Signature]
Geraldine Salazar
7-17-2014
COUNTY CLERK

Before me, this ____ day of _____, 2014.

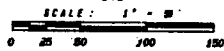
My Commission Expires: _____
Notary Public

Submitted by:
[Signature]
Karen Farrell, Wordswork

REC'D
CLERK
RECORDED
7/23/2014



VICINITY MAP
NOT TO SCALE



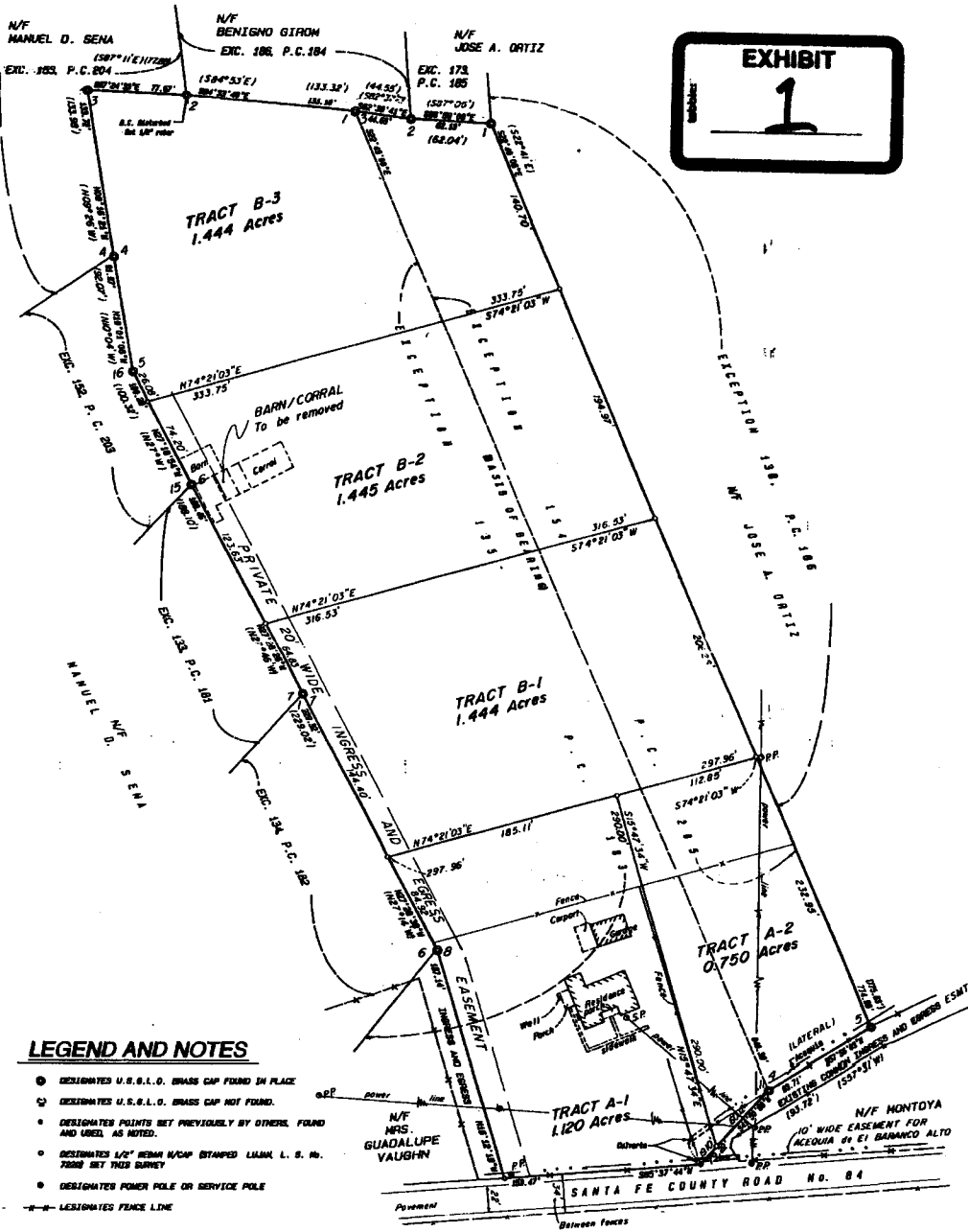
PLAT OF SURVEY
Requested By
FRANCES S. GOMEZ

SHOWING FAMILY LOT SPLIT OF A PORTION OF EXCEPTION 154, P. C. 205 AND EXCEPTION 135, P. C. 183, TO CREATE TRACTS "A", "B-1", "B-2", "B-3", AND "B-4".

A CERTAIN PARCEL OF LAND LYING AND BEING SITUATE IN SECTION 7, T19N, R10E, M.M.P.M. BEING ALL OF EXCEPTION 154, P.C. 205, AND A PORTION OF EXCEPTION 135, P.C. 183, WITHIN THE POJOAQUE PUEBLO GRANT, VICINITY OF POJOAQUE, COUNTY OF SANTA FE, STATE OF NEW MEXICO.

TOTAL AREA SURVEYED = 6.203 ACRES

304007



CONSENT

THE UNDERSIGNED PROPERTY OWNER HEREBY ATTEST THAT THEY ARE THE LEGAL OWNERS OF THIS PROPERTY, AND THAT THIS PROPERTY LIES WITHIN THE JURISDICTION OF SANTA FE COUNTY, THAT THE LAND SURVEY AND THE DIVISION OF LAND TO CREATE THE LOTS AS SHOWN ON THIS PLAT ARE CREATED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF THE OWNERS AND DO FURTHER GRANT EASEMENTS PUBLIC/PRIVATE WHICH CERTIFICATION SHALL BE EVIDENCED AND NOTARIZED (ON PLAT) BY THE PROPERTY OWNERS.

Frances S. Gomez
FRANCES S. GOMEZ

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) S.S.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 18th DAY OF January 1982 BY THE PERSONS WHOSE NAMES APPEAR ABOVE.

Charles S. Sorensen BY COMMISSION EXPIRES 3/30/84
NOTARY PUBLIC DATE



SANTA FE COUNTY APPROVALS

Orlando T. Sosa 5/12/82
COUNTY LAND USE ADMINISTRATOR DATE
COUNTY DEVELOPMENT PERMIT NO. 95-72

1. MAINTENANCE OF PRIVATE ROADS AND EASEMENTS IS THE RESPONSIBILITY OF THE LAND OWNER/USER.
2. THIS PROPERTY LIES IN ZONE X, AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN.
3. FIRM PANEL NO. 81008, EFFECTIVE DATE NOVEMBER 4, 1980.
4. ETD/SANTA FE COUNTY SOILS RATING: PURSUANT TO THE SANTA FE LAND DEVELOPMENT CODE, THE SOIL RATING ON THESE PROPERTIES IS DESIGNATED AS BEING MODERATE/SLIGHT REGARDING LIMITATIONS TO SEPTIC TANKS. POTENTIAL BUYERS/SELLERS OF THESE PROPERTIES SHOULD INQUIRE WITH THE NEW MEXICO ENVIRONMENTAL DEPARTMENT WHETHER THESE SOILS ARE SUITABLE FOR A CONVENTIONAL SEPTIC SYSTEM OR IF AN ALTERNATIVE SYSTEM IS FEASIBLE.
5. SANTA FE COUNTY'S APPROVAL OF THIS SURVEY PLAT DOES NOT INCLUDE THE CONSTRUCTION OF THE PRIVATE EASEMENT (B) OR ROAD (B) AS SHOWN. PRIOR TO THE CONSTRUCTION OF SAID PRIVATE EASEMENT (B) OR ROAD (B), IT IS REQUIRED THAT AN ADDITIONAL DEVELOPMENT PERMIT BE APPLIED FOR AND THEN APPROVED BY THE SANTA FE COUNTY LAND USE ADMINISTRATION.
6. NEW DRIVEWAY/ROAD ACCESS FROM COUNTY ROAD NO. 84 IS SUBJECT TO APPROVAL FOR LOCATION AND INSTALLATION OF A CULVERT AS PERMITTED BY SANTA FE COUNTY PRIOR TO ISSUING A PERMIT FOR CONSTRUCTION.
7. THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT INCLUDING BUILDING PERMITS.
8. THE PARCELS AS PLATTED HEREON MAY BE SUBJECT TO FUTURE FEDERAL MANAGEMENT REGULATIONS AS ADOPTED BY SANTA FE COUNTY.
9. PROPERTY IS SUBJECT TO EASEMENTS OF RECORD.

LEGEND AND NOTES

- DESIGNATES U.S.S.L.O. BRASS CAP FOUND IN PLACE
- DESIGNATES U.S.S.L.O. BRASS CAP NOT FOUND
- DESIGNATES POINTS SET PREVIOUSLY BY OTHERS, FOUND AND USED, AS NOTED.
- DESIGNATES 1/2" IRON N/CAP STAMPED LUMAS L. S. NO. 7200 SET THIS SURVEY
- DESIGNATES POWER POLE OR SERVICE POLE
- DESIGNATES FENCE LINE

NOTES:
THE FOLLOWING DOCUMENTS WERE USED TO DETERMINE BOUNDARIES:

1. UNITED STATES OF AMERICA PATENT NO. 1094350, DATED DECEMBER 14, 1937.
2. UNITED STATES OF AMERICA PATENT NO. 1094369, RECORDED JANUARY 5, 1938, DATED DECEMBER 14, 1937.
3. WARRANTY DEEDS RECORDED IN THE FOLLOWING BOOK(S) / PAGE(S):
4. BOOK 804, PAGE 802
5. BOOK 804, PAGES 183-184, DATED FEBRUARY 14, 1938.
6. BOOK 13, PAGE 276, DATED JANUARY 22, 1937.
7. BOOK 803, PAGES 180-186, DATED FEBRUARY 14, 1938
8. GUILT CLAIM DEED RECORDED IN BOOK 804, PAGE 314, DATED JUNE 2, 1938.
9. GUILT CLAIM DEED RECORDED IN BOOK 804, MISC., PAGE 918, DATED MAY 28, 1938.

NOTE: BEARINGS & DISTANCES IN PARENTHESIS () AS PER U.S.S.L.O. DATA.

DECLARATION OF INTENT

THE OWNER OF THE LAND PLATTED HEREIN CERTIFIES THAT HE/SHE DOES NOT INTEND TO SELL OR LEASE ONE OF THE FIVE LOTS CREATED BY THIS PLAT, BUT CERTIFIES THAT HE/SHE INTENDS TO KEEP A LOT FOR PERSONAL USE. WITH THE SALE OR LEASE OF THE FIFTH LOT, THE OWNER AGREES TO FILE AN AFFIDAVIT AS REQUIRED BY SECTION 47-2-61, N.M.S.A. 1963, IN WITNESS WHEREOF, HE/SHE HAS SIGNED THIS DECLARATION OF INTENT. HOWEVER, IF THE FIFTH LOT IS SOLD WITHIN THREE YEARS, THE OWNER ACKNOWLEDGES THAT HE/SHE SHALL BE SUBJECT TO ALL APPLICABLE SUBDIVISION REGULATIONS AND AGREES THAT HE/SHE WILL INFORM THE SANTA FE COUNTY LAND USE ADMINISTRATION THAT HE/SHE HAS CREATED A SUBDIVISION.

Frances S. Gomez
FRANCES S. GOMEZ

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) S.S.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 18th DAY OF January 1982 BY THE PERSONS WHOSE NAMES APPEAR ABOVE.

Charles S. Sorensen BY COMMISSION EXPIRES 3/30/84
NOTARY PUBLIC DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT IS AN ACCURATE DELINEATION OF PARTS OF A FIELD SURVEY COMPLETED BY ME ON DECEMBER 23, 1981, TOGETHER WITH LOCATION OF ALL IMPROVEMENTS, THAT IT IS TRUE AND CORRECT AND THAT IT MEETS THE REQUIREMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

C. Peter Luma
C. PETER LUMA, REG. PROF. LAND SURVEYOR NO. 7200

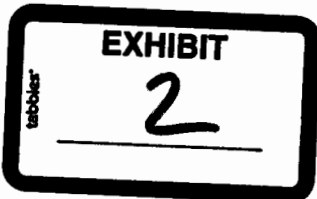
RECORDING BLOCK

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) 904-993

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE 17th DAY OF January, A.D. 1982 AT 11:29 O'CLOCK P.M. AND WAS DULY RECORDED IN BOOK 1227 OF THE RECORDS OF SANTA FE COUNTY, NEW MEXICO.

WITNESS MY HAND AND SEAL OF OFFICE
JIM E. ARJLO
COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO
Lorena Adamez
DEPUTY





PROTECTIVE COVENANTS AND RESTRICTIONS

These Protective Covenants and Restrictions are entered into on this 30th day of September 2004, by and between Frances Gomez, an unmarried woman; LeRoy M. Gomez and Mary Gomez, individually and as husband and wife; Guy E. Eden and Earleen T. Eden, individually and as husband and wife; and Harold Sexton and Sylvia G. Sexton, individually and as husband and wife.

WHEREAS, LeRoy M. Gomez, Sylvia G. Sexton, and Earleen T. Eden are owners of the following real estate located at 4 Frances Lane, Pojoaque, New Mexico, which is more particularly described as: "Tract A-1. All as shown on that Plat of Survey prepared by C. Peter Lujan Reg. Prof. Land Surveyor No. 7220 and entitled PLAT OF SURVEY Requested by FRANCES S. GOMEZ, being within the Pojoaque Pueblo Grant, Santa Fe County, New Mexico and recorded in the Office of the County Clerk of Santa Fe County, New Mexico under Reception No. 904,993 on the 17th day of May, 1995 in Book of Plats 304 Page 007. Containing approximately 1.120 acres, more or less. Reserving unto the grantor a LIFE ESTATE in the property described above."

WHEREAS, Frances S. Gomez retains and possesses a Life Estate in the following real estate located at 4 Frances Lane, Pojoaque, New Mexico, which is more particularly described as: "Tract A-1. All as shown on that Plat of Survey prepared by C. Peter Lujan Reg. Prof. Land Surveyor No. 7220 and entitled PLAT OF SURVEY Requested by FRANCES S. GOMEZ, being within the Pojoaque Pueblo Grant, Santa Fe County, New Mexico and recorded in the Office of the County Clerk of Santa Fe County, New Mexico under Reception No. 904,993 on the 17th day of May, 1995 in Book of Plats 304 Page 007. Containing approximately 1.120 acres, more or less."

WHEREAS, LeRoy M. Gomez, Sylvia G. Sexton, and Earleen T. Eden are the owners of the following real estate also located at 4 Frances Lane, Pojoaque, New Mexico, which is more particularly described as: "Tract A-2. All as shown on that Plat of Survey prepared by C. Peter Lujan Reg. Prof. Land Surveyor No. 7220 and entitled PLAT OF SURVEY Requested by FRANCES S. GOMEZ, being within the Pojoaque Pueblo Grant, Santa Fe County, New Mexico and recorded in the Office of the County Clerk of Santa Fe County, New Mexico under Reception No. 904,993 on the 17th day of May, 1995 in Book of Plats 304 Page 007. Containing approximately .75 acres, more or less."

WHEREAS, Harold Sexton and Sylvia G. Sexton, husband and wife, are the owners of the following real estate located at 6 Frances Lane, Pojoaque, New Mexico, which is more particularly described as: "Tract B-1. All as shown on that Plat of Survey prepared by C. Peter Lujan Reg. Prof. Land Surveyor No. 7220 and entitled PLAT OF SURVEY Requested by FRANCES S. GOMEZ, being within the Pojoaque Pueblo Grant, Santa Fe County, New Mexico and recorded in the Office of the County Clerk of Santa Fe County, New Mexico under Reception No. 904,993 on the 17th day of May, 1995 in Book of Plats 304 Page 007. Containing approximately 1.44 acres more or less. Together with 20' easement of egress and ingress to County Road No. 84, all as shown on aforesaid plat."

WHEREAS, LeRoy M. Gomez and Mary Gomez, husband and wife, are owners of the following real estate located at 10 Frances Lane, Pojoaque, New Mexico, which is more particularly

SFC CLERK RECORDED 09/30/2004

described as: "Tract B-2. All as shown on that Plat of Survey prepared by C. Peter Lujan Reg. Prof. Land Surveyor No. 7220 and entitled PLAT OF SURVEY Requested by FRANCES S. GOMEZ, being within the Pojoaque Pueblo Grant, Santa Fe County, New Mexico and recorded in the Office of the County Clerk of Santa Fe County, New Mexico under Reception No. 904,993 on the 17th day of May, 1995 in Book of Plats 304 Page 007. Containing approximately 1.445 acres, more or less. Together with 20' easement of egress and ingress to County Rd. 84, all as shown on aforesaid plat."

WHEREAS, Guy E. Eden and Earleen T. Eden, as husband and wife, are owners of the following real estate located at 14 Frances Lane, Pojoaque, New Mexico, which is more particularly described as: "Tract B-3. All as shown on that Plat of Survey prepared by C. Peter Lujan Reg. Prof. Land Surveyor No. 7220 and entitled PLAT OF SURVEY Requested by FRANCES S. GOMEZ, being within the Pojoaque Pueblo Grant, Santa Fe County, New Mexico and recorded in the Office of the County Clerk of Santa Fe County, New Mexico under Reception No. 904,993 on the 17th day of May, 1995 in Book of Plats 304 Page 007. Containing approximately 1.444 acres, more or less. Together with a 20 foot wide Ingress and Egress Easement known as Frances Lane to Santa Fe County Road No. 84, as shown on aforesaid Plat."

WHEREAS, a copy of the Plat of Survey prepared by C. Peter Lujan Reg. Prof. Land Surveyor No. 7220 and entitled PLAT OF SURVEY Requested by FRANCES S. GOMEZ, being within the Pojoaque Pueblo Grant, Santa Fe County, New Mexico and recorded in the Office of the County Clerk of Santa Fe County, New Mexico under Reception No. 904993 on the 17th day of May, 1995 in Book of Plats 304 Page 007 (hereinafter "Plat") is attached hereto as Exhibit "1" and is incorporated herein by reference.

WHEREAS, all of the parties named above are desirous of entering into protective covenants and restrictions which will limit the use of each of the tracts set forth on the Plat (hereinafter jointly and severally "Tracts") to single family residence use only and that will restrict the type of single family residential building that may be utilized on the Tracts to further the best interests of the inhabitants and owners thereof.

IT IS THEREFORE AGREED AS FOLLOWS:

1. Residential Use. Each of the Tracts set forth on the Plat shall be used exclusively for single family residential purposes only. Under no circumstances shall the Tracts used for any other purpose including, without limitation, the operation of any commercial business or the construction of multi-family housing units.

2. Structure/Building Restrictions. The only buildings or structures that may be placed or erected on the Tracts shall be single family residences that are considered to be conventional homes of substantial construction. No housing trailer, mobile home, modular home, manufactured home, or other similar structure shall be placed on the Tracts, permanently or temporarily, regardless of whether or not such structure has had its portable characteristics removed and regardless of whether or not it is placed on a permanent foundation. However, contractors may use a temporary building

during the course of construction of a single family residence permitted to be erected by these protective covenants and restrictions.

Without in anyway altering the foregoing provision, it shall be permissible to erect a non-commercial, accessory structure or outbuilding on the Tracts for use as a garage, storage, private recreational or hobby facility, greenhouse, bathhouse, or for the keeping or housing of domestic pets. Under no circumstances shall any such accessory structure be used as a residence, nor shall any residence of a temporary nature or character be erected or permitted to remain on the Tracts.

3. Duration. These protective covenants and restrictions shall be considered to run with the land and shall have perpetual duration. If New Mexico law limits in any manner the period during which these Covenants may run with the land, then to the extent consistent with such law, these Covenants shall be binding on all parties and persons claiming under them for a period of twenty years from the date these covenants and restrictions are recorded, after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument agreeing to terminate said covenants and restrictions is signed by a majority of the owners of the lots and recorded in the office of the County Clerk.

Unless otherwise provided by New Mexico law, in which case such law shall control, these protective covenants and restrictions may not be terminated within twenty years from the date of recording without the written consent of all owners.

4. Enforcement. Enforcement to restrain violation of these protective covenants and restrictions, or to recover damages, shall be by proceedings at law or in equity in a court of competent jurisdiction against any person or persons violating or attempting to violate any covenant herein and may be brought by the owner or owners of any Tract or having any interest therein whether acting jointly or severally.

5. Attorney's Fees. In the event that any party engages the services of an attorney to enforce any of the provisions of these protective covenants and restrictions or to recover damages for a cause of action related thereto, the prevailing party shall recover all reasonable costs, damages, and expenses, including, but not limited to attorney's fees and costs expended or incurred in connection therewith, from the non-prevailing party, regardless of whether or not litigation was commenced.

6. Severability. If any one of the provisions of these protective covenants and restrictions shall, for any reason, be held to be violative of any applicable law, then the validity of such specific provision shall not be held to invalidate any other provision herein and those remaining provisions shall remain in full force and effect.

WARRANTY DEED

Guy E. Eden and Earleen T. Eden, husband and wife, for consideration paid, grant(s) to David McDougal and Barbara P. McDougal, husband and wife as Joint Tenants whose address is 14 Frances Lane, Pojoaque, NM 87505, the following described real estate in Santa Fe County, New Mexico:

Tract B-3, as shown on plat entitled "Boundary Survey Plat for David and Barbara McDougal... within Exception 135, Private Claim 183 and Exception 154, Private Claim 205 within the Pojoaque Pueblo Grant, Section 7, T.19N., R.9E., N.M.P.M., vicinity of Pojoaque...", filed in the office of the County Clerk, Santa Fe County, New Mexico, on Feb. 17, 2005, in Plat Book 580 page 39, as Document No. 1367,275

Subject to See Exhibit "A" attached hereto and made a part hereof.

with warranty covenants.

WITNESS my/our hand(s) and seal(s) this February 15 2005.

Guy E. Eden
Guy E. Eden

Earleen T. Eden
Earleen T. Eden

Individual Capacity

State of New Mexico)
) §
County of Santa Fe)

This instrument was acknowledged before me on the February 15 2005, by Guy E. Eden and Earleen T. Eden.

My commission expires: 11-1-05

Margaret Bertram
Notary Public

Representative Capacity

OFFICIAL SEAL
MARGARET BERTRAM
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: _____

State of New Mexico)
) §
County of Santa Fe)

This instrument was acknowledged before me on , by as of , a NM corporation, on behalf of said corporation.

My commission expires: Notary Public

(Seal)



WARRANTY DEED
PAGES: 2
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
I Hereby Certify That This Instrument Was Filed for
Record On The 17TH Day Of February, A.D., 2005 at 16:19
And Was Duly Recorded as Instrument # 1367351
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
Valerie Espinoza
Deputy County Clerk, Santa Fe, NM

Exhibit "A"

All interest in and to all of the oil, gas, coal and other minerals and all rights incident thereto.

Protective Covenants and Restrictions, recorded as Document No. 1348681, records of Santa Fe County, New Mexico, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

Notes, conditions, easements, and rights incident thereto, all as shown on plat recorded in Plat Book 304, page 007.

Notes, conditions, easements, and rights incident thereto, deviation of fences from property lines, all as shown on plat recorded in Plat Book 580, page 039

The effect of the inclusion of the land referred to in this policy in the Watershed District within the Pojoaque-Santa Cruz Soil and Water Conservation District of New Mexico as shown by Instrument dated October 3, 1962 and recorded in Book 194, page 312, and by Instrument dated September 21, 1964 and recorded in Book 228, page 413.

The results or consequences of any decree rendered in United States District Court, District Court of New Mexico, Cause No. 6639, evidenced by that certain Lis Pendens recorded in Book 238, page 247, records of Santa Fe County, New Mexico.

Taxes or assessments which are not shown as existing liens by the public record.

Taxes for the year 2005, and thereafter.

Easement Agreement recorded February 15, 2005 as Document No. 1366928

Road Maintenance Agreement recorded February 15, 2005 as Document No. 1366929.

SFC CLERK RECORDED 02/17/2005

QUITCLAIM DEED

Earleen T. Eden, Guardian of the person and Conservator of the Estate of Frances S. Gomez, for consideration paid, quitclaim to Leroy M. Gomez, a married man dealing in his sole and separate property, Sylvia G. Sexton, a married woman dealing in her sole and separate property, and Earleen T. Eden, a married woman dealing in her sole and separate property, whose address is P.O. Box 3749, Santa Fe, New Mexico 87501, the following described real estate in SANTA FE County, New Mexico:

TRACT A-1, All as shown on that Plat of Survey prepared by C. Peter Lujan, Reg. Prof Land Surveyor No. 7220 and entitled "PLAT OF SURVEY REQUESTED BY FRANCES S. GOMEZ, showing Family Lot Split of a portion of Exception 154, P.C. 205 and Exception 135, P.C. 183, to Create Tracts "A", "B-1" "B-2", B-3" and "B-4" in Section 7, T19N, R9E., NMPM", being within the Pojoaque Pueblo Grant, Santa Fe County, New Mexico", and recorded in the Office of the County Clerk of Santa Fe County, New Mexico under Reception No. 904,993 on the 17th day of May 1995 in Plat Book 304, page 007.

WITNESS our hands and seals this 19th day of December, 2005.

Earleen T. Eden (Seal)

Earleen T. Eden, Guardian and Conservator of the Estate of Frances S. Gomez

(Seal)

(Seal)

(Seal)

(Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

} ss.

COUNTY OF SANTA FE

This instrument was acknowledged before me this 19th day of December, 2005, by Earleen T. Eden, Guardian and Conservator of the Estate of Frances S. Gomez

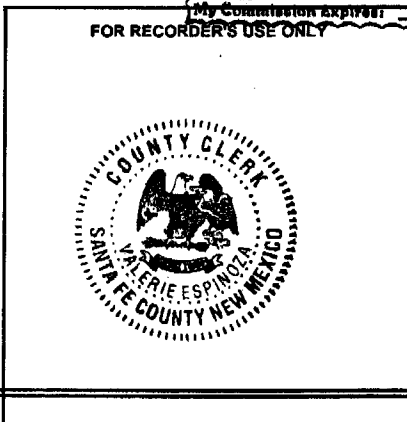
(Name or Names of Person or Persons Acknowledging)

My commission expires 12/1/06
(Seal)



OFFICIAL SEAL
Letitia F. Martinez
NOTARY PUBLIC
STATE OF NEW MEXICO

Letitia F. Martinez
Notary Public



FOR RECORDER'S USE ONLY

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

CC COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

QUITCLAIM DEED
PAGES: 1

day I Hereby Certify That This Instrument Was Filed for
Record On The 21ST Day Of December, A.D., 2005 at 14:30
and Was Duly Recorded as Instrument # 1412839
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
a - Deputy *Valerie Espinoza* County Clerk, Santa Fe, NM

My
(Seal)

Notary Public

WARRANTY DEED

ST & E 130185TFT

Bob Lee Trujillo, a married man dealing in his sole and separate property, who acquired title as a Single Man, for consideration paid, grant(s) to Larry E. Atencio, an unmarried man and Yvonne Luna Lee, an unmarried woman, as Tenants in Common, whose address is P.O. Box 1538, Espanola, NM, 87532 the following described real estate in Santa Fe County, New Mexico:

Tract B-2 of the Frances S. Gomez Subdivision, as shown on plat of survey filed in the office of the County Clerk, Santa Fe County, New Mexico on May 17, 1995 in Plat Book 304 page 7 as Document No. 904,993.

Together with all water rights allocated to the subject lot which will be at least a diversion amount of 4.85 acre feet per annum.

Together with a 20 foot non-exclusive easement for Ingress and Egress as shown on plat of survey filed in the office of the County Clerk, Santa Fe County, New Mexico on May 17, 1995 in Plat Book 304 page 7 as Document No. 904,993.

SUBJECT TO: Restrictions, reservations and easements of record.

with warranty covenants.

WITNESS my hand and seal this 6th day of May, 2013.

Bob Lee Trujillo
Bob Lee Trujillo

ACKNOWLEDGEMENT

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

Recorded Electronically
ID 1704673
County SANTA FE
Date 5/6/13 Time 1:48 PM
Simplifile.com 800.460.5657

This instrument was acknowledged before me on the 6th day of May, 2013, by Bob Lee Trujillo.

Anthony Rael
Notary Public

My Commission Expires: 03/11/17 (Seal)

OFFICIAL SEAL
Anthony Rael
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 03/11/17



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

CDRC MINUTES
PAGES: 19

I Hereby Certify That This Instrument Was Filed for
Record On The 21ST Day Of July, 2014 at 10:33:53 AM
And Was Duly Recorded as Instrument # **1741767**
Of The Records Of Santa Fe County

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