

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

July 17, 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 4:00 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
Bette Booth
Louie Gonzales
Frank Katz

Member(s) Excused:

Manuel Roybal
Phil Anaya

Staff Present:

Penny Ellis-Green, Growth Management Director
Rachel Brown, Deputy County Attorney
Vicki Lucero, Building and Development Services Manager
Vicente Archuleta, Development Review Team Leader
Buster Patty, Fire Marshal
John Lovato, Development Review Specialist

IV. APPROVAL OF AGENDA

Ms. Lucero noted that New Business item B, CDRC Case #S 12-5424, Cielo Colorado Estates, has been tabled as noted in the amended agenda.

Upon motion by Member Katz and second by Member Martin the agenda as amended was unanimously approved 5-0.

V. **APPROVAL OF MINUTES: June 19, 2014**

Member Martin moved to approve the May minutes. Member Katz seconded and the motion passed by unanimous [5-0] voice vote.

VI. **NEW BUSINESS**

- A. **CDRC CASE # V 14-5200 Rita Madril Variance. Rita Madril, Applicant, Annette Madril Martinez, Agent, request a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code, to allow a Small Lot Family Transfer Land Division of 2.12 acres into two lots consisting of 1.06 acres each. The property is located at 29 Corral Blanco Rd. within the vicinity of the I-25 East Frontage Road, within Section 4, Township 15 North, Range 8 East, Commission District 4**

Case Manager John Lovato reviewed the staff report as follows:

“The subject lot was created in 1976 and is recognized as a legal non-conforming lot. The 1976 survey plat shows the lot along with a 40-foot road easement on the southern boundary and a 30-foot road and utility easement on the eastern boundary. The Applicant has owned the lot since 1990. There are currently two legal non-conforming residences on the property. The Applicant has submitted an aerial photo dated 1979, showing both residences on the property.

“Currently, there are no water restrictions on this parcel. The allotted use for legal non-conforming residences is 1 acre-foot per year. The Small Lot Family Transfer will require water restrictions of .25 acre-feet per year for each lot. There are existing lots that range from 1 acre to 2.8 acres within the vicinity.

“The Applicant states a variance is needed due to her medical health conditions. The Applicant also states there have always been two homes on the property and she would like to give her daughter half the property with one of the homes, to alleviate the financial burden and maintenance of the property. The Applicant intends to split the lot into two equal parcels.

“Growth Management staff have reviewed this Application for compliance with pertinent Code requirements. The project does not comply with density requirements of the Code.”

Mr. Lovato indicated that staff recommends denial of a variance of Article III, Section of the Land Development Code for a Small Lot Family Transfer Land Division of 2.12 acres into two lots. In the event the CDRC approves the variance staff proposed the imposition of six conditions.

Member Gonzales asked whether the new County plan would permit this variance request. Ms. Lucero said the SLDC does not change the density in the area.

Mr. Lovato confirmed that the two residences use the same well and he was unaware of any problems with the well.

Duly sworn, Annette Madril Martinez, agent and applicant's daughter, said with the death of her father it has been difficult for her mother to maintain the entire 2.12-acre property. Ms. Martinez said she and her husband have been helping her mother with the property. She noted that she provided an aerial photo showing there were two residences on the property in 1979 and other than the lot split, nothing would change.

Ms. Martinez said her mother requires financial assistance as well as physical help maintaining the property. Her parents assumed the property consisted of two legal lots of record but only recently learned different. She said her neighbors have been helpful and many have smaller lots than what they will be creating.

Responding to questions posed by the CDRC, Ms. Martinez said her mother lives in one of the residences and her brother the other. Her brother would stay on the property and she and her husband would own the parcel he lives on. Her mother will stay on the property in her home and in the event her brother moves off the property, Ms. Martinez said they would probably rent it.

Ms. Martinez said they have never had any problems with the well. If required to install a second septic system they will do so.

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

Stating the request did not meet the legal standard for the variance nor was there a persuasive explanation to grant the variance, Member Katz moved to accept the recommendation of staff and deny #V 14-5200. Member Martin seconded and the motion passed by majority [4-1] voice vote with Member Gonzales voting against.



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

CDRC MINUTES
PAGES: 18

I Hereby Certify That This Instrument Was Filed for
Record On The 16TH Day Of October, 2014 at 04:38:39 PM
And Was Duly Recorded as Instrument # 1748499
Of The Records Of Santa Fe County

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

B. BCC CASE # Z/V 13-5131 Ranch at Santa Fe Canyon Master Plan Amendment. Ranch at Santa Fe Canyon, LLC (formerly known as Santa Fe Canyon Ranch, LLC), Applicant, requests a Master Plan Amendment to the previously approved master plan (Santa Fe Canyon Ranch) to remove six tracts of land (containing 845 acres) from the approved Master Plan which consisted of a total of 1,316 acres. The request also includes a variance of Article VII, Section 6.6.2g (Water Budgets and Conservation Covenants) and Ordinance No. 2007-1 (Swimming Pool Ordinance) to allow the installation of one swimming pool on the 845 acres utilizing permitted water rights and to amend the water restrictive covenants to reflect the allowance of a swimming pool and to specify that water restrictions for landscaping and irrigation restrictions shall apply to 72-12-1 wells only. The property is located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East, Commission District 3 [*Exhibit 1: Staff report revisions and Declaration of Covenants and Water Restrictions; Exhibit 2: La Cienega Valley Association support letter; Exhibit 3: El Guicu Irrigation Association support letter*]

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

“On September 10, 2013, the Board of County Commissioners approved a 2-year Time Extension of the previously approved Master Plan for the Santa Fe Canyon Ranch Residential Subdivision consisting of 162 lots, 174 residential units on 1,316 acres to be developed in three phases.

“On September 30, 2008, the Board of County Commissioners granted Master Plan approval for a residential subdivision consisting of 162 lots/174 residential units on 1,316 acres to be developed in three phases. At the time of approval the Applicant proposed to construct a new on-site community water system. “Since the time of approval, Santa Fe County has purchased approximately 470.55 acres of the 1,316 acres. The property is made up of three Tracts which consist of Tract G, 188.70 acres; Tract H, 141.47 acres; and Tract I, 140.38 acres now known as La Bajada Ranch.

“The Applicant is now requesting a Master Plan Amendment to the previously approved master plan to remove six tracts, Tracts 4-A through 4-F, of land from the approved Master Plan which consisted of a total of 1,316 acres. The remainder of the Master Planned area would remain intact.”

Mr. Archuleta identified a Master Plan as comprehensive in establishing the scope of a project, yet less detailed than a Development Plan. It provides a means for the County Development Review Committee and the BCC to review projects and the sub-

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divider to obtain concept approval for proposed development without the necessity of expending large sums of money.

He said the Applicant is also requesting a variance of Article VII, Section 6.6.2g, Water Budgets and Conservation Covenants, and Ordinance No. 2007-1, Design, Construction, Operation, Replacement and Maintenance of Swimming Pools within the Unincorporated Ares of Santa Fe County, to allow the installation of one swimming pool on the 845 acres utilizing permitted water rights and to amend the water restrictive covenants to reflect the allowance of a swimming pool and to specify that water restrictions for landscaping and irrigation restrictions shall apply to 72-12-1 wells only.

Mr. Archuleta reviewed Article VII, Section 6.6.2g which states swimming pools, of a permanent or temporary nature are not permitted, except as commercially operated or publicly open community facilities.

Mr. Archuleta said staff reviewed this application for Code compliance and finds the master plan amendment is in compliance with County criteria. The request for the variance is not in compliance. Staff states that the Application for the Master Plan Amendment is in conformance with Article V, Section 5.2.1b of the Land Development Code. The remainder of the Master Plan can function as its own development; the remainder is a viable phase and meets the uses and density requirements of the Code. Staff recommends approval of the Master Plan Amendment.

The water rights have been transferred to the entire property and can be used for domestic purposes. Staff recommends that the Covenants and Water Restrictions on the property may be revised to reflect the full amount of the permitted water rights. Staff does not recommend approval of the variance to allow the installation of one swimming pool.

If the decision of the CDRC is to recommend approval of the variance for the swimming pool, staff recommends the following condition be imposed:

1. The Applicant must use water rights for the pool.

Referring to Exhibit 1, revised staff report, Mr. Archuleta noted that under the Declaration of Covenants and Water Restrictions, items G and H, the phrase "No more than one" will be eliminated and "if water is supplied from a NMSA Section 72-12-1 (1978) well" is added to items A, G, J, L and N, prior to forwarding this case to the BCC, Mr. Archuleta said specific covenant language will require further revision.

Appearing as applicant and duly sworn, Rick Borrego said they were currently under contract to sell the property to an individual who proposes to build a horse facility and home. At this point there are no guesthouses in the plans. The buyer has concerns about the County-imposed water restrictions and the amendments to the covenants seek to address those concerns. The property contains 14.25 acre-feet of consumptive water rights and the buyer wants to use those rights to support the equestrian facility without being encumbered by the restrictive water covenants.

Mr. Borrego said the buyer wants to construct a swimming pool that he noted would have a dual function of water storage in the event of a fire. The buyer further desires to be removed from the master plan.

Mr. Borrego clarified that the property contains four wells and the water rights can be pulled from one of the wells. Currently, the water rights are being used for livestock and agriculture.

Referring to the covenants, Mr. Archuleta said item A is not in its final format and will require additional editing. He asked that the CDRC review and take action on letters J and N. If the swimming pool variance is approved, staff will develop language to reflect that the pool utilizes permitted water rights.

Ms. Ellis-Green said the proposed covenants will allow the potential buyer to have a swimming pool if permitted water rights are applied rather than a 72-12-1 well. She confirmed that the request is for one pool.

Member Katz pointed out that while the request may state one pool the covenants clearly do not. Ms. Ellis-Green said the covenants can be amended to reflect that point.

Member Martin expressed concern that the covenant of revision that removes the requirements for low-water use and xeriscaping.

Ms. Brown said that is the applicant's request that staff does not support. Staff recommends that the covenant's water conservation remain in effect.

Ms. Ellis-Green indicated that the SLDC reiterates the current code prohibiting pools on lots created after 1996. The existing water conservation covenants in the current code do not differentiate between permitted water rights and a standard domestic 72-12-1 well

Concurring with Member Martin's concern about the landscaping/watering, Member Katz asked the buyer's agent why they wanted relief from xeriscaping.

Kyle Harwood, counsel representing the buyer, stated the changes were suggested with staff support weeks ago and the buyer agreed to them. The licensed rights would provide greater flexibility to the property and the highlighted sections in the covenants were an artifact of the meeting with staff. It was later, stated Mr. Harwood, that staff determined that they were unable to support that change. Mr. Harwood said he hadn't been able to talk with his client but he believed removing the highlighted language on J and N would be acceptable.

Mr. Harwood added that the water rights are fully licensed – the gold standard for water rights. If the CDRC were to approve the changes as proposed by staff, Mr. Harwood stated he would contact his client in the interim before the case reaches the BCC.

Mr. Harwood stated that the request is for one swimming pool.

Mr. Harwood pointed out that the La Cienega Valley Association (LCVA) provided a letter of support as did an acequia association and as he understood from Mr. Borrego that is a notable departure from how this property project was greeted in the past.

According to Mr. Harwood, 72-12-1 is the statute reference, and water lawyers refer to 72-12-1 wells as essentially exempt from water rights. The State Engineer permits, especially in rural areas, one 72-12-1 well for a legal lot of record. With a 72-12-1 well a property can be improved without water rights: It is exempt from water rights and used with regulations for domestic purposes.

They buyer will not be utilizing a 72-12-1 well and instead using water rights/licensed right.

Member Gonzales asked whether the six lots of the master plan would be consolidated by the buyer. Mr. Harwood responded that they were not consolidating the lots. The buyer's intention is to build a family home, a barn, a field and move his family and business here. His client is seeking removal from the master plan to avoid the requirements and proceed to build his home, etc.

Chair Drobnis asked what version of the Declaration of Covenants and Water Restrictions for Santa Fe Canyon Ranch did the LCVA and El Guicu Irrigation Association review that resulted in letters of support. Mr. Harwood said they reviewed the intent of the buyer. Mr. Borrego said he distributed a copy of the amended covenants and restrictions with the yellow highlights.

Duly sworn, JJ Gonzales of La Cienega, a member of both associations that support the request, said the applicant provided notice of the request and met with the area residents. According to what was told to the community there would be one owner of the 845 acre parcel with one house. He understood from the buyer's agent that they may downzone the property to build a dozen homes, but they would keep it as a working ranch.

Considering that La Cienega has had a long history with this ranch, Mr. Gonzales said removing 845-acres from development made it easy for the associations to support a swimming pool.

Under oath, Linda Grill representing the El Guicu Irrigation Association, thanked Mr. Harwood and Mr. Borrego for coming to the community with the proposal. The association supports the request. She said this is a good deal for La Cienega, the closest community to the ranch property as is El Guicu ditch.

There were no other speakers and Chair Drobnis closed the public hearing and suggested the application be acted upon in segments, amendment to the master plan, variance for the swimming pool and the revisions to the Declaration of Covenants and water restrictions.

Member Katz introduced the following motion: Regarding case Z/V 13-5131 approve the removal of the six tracts of land from the master plan. Member Booth seconded and the motion passed by unanimous [5-0] vote.

Member Katz moved to approve a variance for the installation of one and only one swimming pool on the 845 acres/six parcels. Member Gonzales seconded.

Ms. Ellis-Green inquired if the motion restricted the applicant to using water rights for the pool. Member Katz confirmed it did and Member Gonzales concurred.

Commending La Cienega for its support of the application and recognizing it was preferable to the original multiple home development, Ms. Martin said she would oppose it because the SLDC – a product of careful and thoughtful consensus – prohibits pools. The variance would nullify the code.

Chair Drobni repeated the motion to grant the variance for one and only one pool on the 845-acre tract using available water rights. The motion passed by majority [4-1] voice vote with Member Martin voting against.

Member Katz moved to deny the covenant revision to J and thus require the applicant to abide by landscaping irrigation and xeriscaping principles however water is supplied.

Prior to obtaining a second, Ms. Brown asked whether the other covenant revisions were accepted.

Ms. Ellis-Green pointed out that revised item A fundamentally removes water restrictions because water rights rather than a 72-12-1 well will be utilized. She said staff supports that and will work with the applicant to develop language allowing the applicant to fully utilize the permitted water rights.

Member Katz said his motion did not prohibit the applicant from using water rights, rather he wanted to insure they would adhere to xeriscaping principles and appropriate irrigation in regards to landscaping. He agreed that A could be amended prior to presentation to the BCC.

Member Katz said J deals with landscaping and his motion did not prohibit the applicant from growing crops.

Member Gonzales seconded.

Member Martin said she supports the part of the motion to deny the covenant restriction but in the interests of consistency and the fact that it also lifts the restriction on swimming pools she will oppose the motion as proposed.

The motion passed by majority [4-1] voice vote with Member Martin voting against.

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E. PETITIONS FROM THE FLOOR

None were presented

F. COMMUNICATIONS FROM THE COMMITTEE

None were presented.

G. COMMUNICATIONS FROM THE ATTORNEY

None were presented

H. COMMUNICATIONS FROM STAFF

None were presented.

I. NEXT CDRC REGULAR MEETING: August 21, 2014

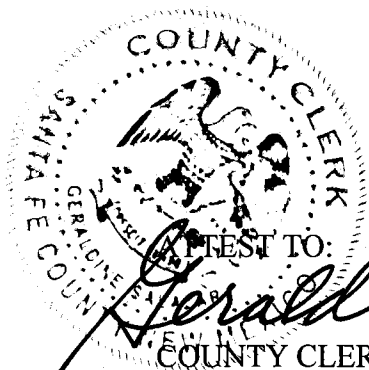
J. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Drobnis declared this meeting adjourned at approximately 5:25 p.m.

Approved by:
County Development Review Committee

[Handwritten Signature]

Dan Drobnis, Chair



[Handwritten Signature]

10-16-2014

Before me, this ____ day of _____, 2014.
My Commission Expires: _____
Notary Public

Respectfully submitted by:
[Handwritten Signature]
Karen Farrell, Wordswork

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concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a Preliminary and Final Plat approval”.

The Applicant is also requesting a variance of Article VII, Section 6.6.2g (Water Budgets and Conservation Covenants) and Ordinance No. 2007-1 (Design, Construction, Operation, Replacement and Maintenance of Swimming Pools within the Unincorporated Areas of Santa Fe County) to allow the installation of one swimming pool on the 845 acres utilizing permitted water rights and to amend the water restrictive covenants to reflect the allowance of a swimming pool and to specify that water restrictions for landscaping and irrigation restrictions shall apply to 72-12-1 wells only.

Article VII, Section 6.6.2g states: Swimming pools, of a permanent or temporary nature are not permitted, except as commercially operated or publicly open community facilities.” Ordinance No. 2007-1 states: “This Ordinance shall only apply to lots of record created prior to the enactment of the Santa Fe County Land Development Code, Ordinance No. 1996-10.

This Application was submitted on June 10, 2014.

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

The request for the Variance is not in compliance with County criteria for this type of request.

APPROVAL SOUGHT:

Master Plan Amendment to the previously approved master plan (Santa Fe Canyon Ranch) to remove six tracts of land (containing 845 acres) from the approved Master Plan which consisted of a total of 1,316 acres. The request also includes a variance of Article VII, Section 6.6.2g (Water Budgets and Conservation Covenants) and Ordinance No. 2007-1 (Swimming Pool Ordinance) to allow the installation of one swimming pool on the 845 acres utilizing permitted water rights and to amend the water restrictive covenants to reflect the allowance of a swimming pool and to specify that water restrictions for landscaping and irrigation restrictions shall apply to 72-12-1 wells only.

GROWTH MANAGEMENT AREA:

El Centro, SDA-2

STAFF RECOMMENDATION:

The Application for the Master Plan Amendment is in conformance with Article V, Section 5.2.1b of the Land Development Code. The remainder of the Master Plan can function as its own development, the remainder is a viable

phase and the remainder meets the uses and density requirements of the code. Staff recommends approval of the Master Plan Amendment.

The water rights have been transferred to the entire property and can be used for domestic purposes. Staff recommends that the Water Restrictions on the property within the property may be revised to reflect the full amount of the permitted water rights.

Staff does not recommend approval of the variance to allow the installation of one swimming pool.

If the decision of the CDRC is to recommend approval of the variance for the swimming pool, staff recommends the following condition be imposed:

1. The Applicant must use water rights for the pool.

EXHIBITS:

1. Letter of Request
2. Existing Master Plan
3. Santa Fe County Plat
4. September 10, 2013 BCC Meeting Minutes
5. Aerial Photo of Site

WestlawNext™

§ 3-53-2.1. Water resources; county or municipal requirements

West's New Mexico Statutes Annotated Chapter 3. Municipalities Effective: June 15, 2007 (Approx. 2 pages)

West's New Mexico Statutes Annotated
Chapter 3. Municipalities
Article 53. Waters; Regulation of Use

Effective: June 15, 2007

N. M. S. A. 1978, § 3-53-2.1

§ 3-53-2.1. Water resources; county or municipal requirements

Currentness

A. For the purpose of preserving and protecting water resources and to provide an assured water supply for the community, a county or municipality may require:

- (1) site development standards to conserve water and minimize water loss;
- (2) water harvesting and storage;
- (3) low water use landscaping and plant materials;
- (4) nonagricultural residential and commercial water use limitations; or
- (5) recycling and reuse of water.

B. The provisions of this section shall be implemented consistent with state engineer rules.

C. Agricultural water users or agricultural water rights owners are excluded from the provisions of Subsection A of this section.

Credits

Added by L. 2007, Ch. 120, § 1, eff. June 15, 2007.

NMSA 1978, § 3-53-2.1, NM ST § 3-53-2.1

Current through laws of the 2nd Regular Session of the 51st Legislature (2014), effective May 21, 2014

End of Document

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DECLARATION OF COVENANTS AND WATER RESTRICTIONS
FOR _____ TRACT

(Section __, T __ N, R __ E)

THIS DECLARATION is made in Santa Fe, New Mexico, this __ day of __, 200__ by _____ hereinafter for convenience referred to as the "Owner(s)".

WITNESSED THAT:

WHEREAS, _____ are the owners of real property in Santa Fe County, New Mexico, which property includes __ lots containing a combined total of ____ acres, more or less, according to the plat entitled _____ referred to hereinafter at Article I; and

WHEREAS, the Owners are required to provide for certain water conserving covenants and measures as required per the Santa Fe County Land Development Code; and

WHEREAS, the Owners desire and intend that the owners, tenants, mortgagees, occupants and other persons hereinafter acquiring any interest in said property shall at all times enjoy the benefits of, and shall hold their interest subject to, the rights and restrictions hereinafter set forth, all of which are declared to be in furtherance of a plan for the proper and beneficial use of the property.

NOW THEREFORE, the Owners declare, covenant, and agree as follows:

ARTICLE I

Property Subject to this Declaration

The real property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is legally described as _____ and containing a combined total of ____ acres, more or less, in Section __, Township __ North, Range __ East, N.M.P.M., Santa Fe County, New Mexico, according to the Plat of Survey for _____ by _____, N.M.L.S. # _____, dated _____, 200__, recorded _____, 200__, under reception No. _____, Plat Book _____, Page _____, in the records of Santa Fe County, New Mexico (the "Plat").

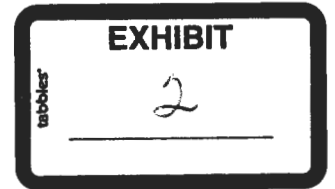
ARTICLE II

Water Restrictive Covenants

The following water restrictive covenants shall apply to the use and occupancy of all lots on the plat noted above. (Any Existing dwelling units shown on the plat must meet provisions (B) through (J) at the time of fixture or appliance replacement or installation of additional landscaping; provisions A, K and L are applicable immediately.)

- (A) Domestic water use from a NMSA § 72-12-1 (1978) well is restricted to ___ acre-feet per year (___ gallons per year) per lot/tract as required by the Santa Fe County Land Development Code.
- (B) Water conserving appliances and fixtures as outlined in Ordinance 2002-13 shall be installed and used at the time of construction or replacement.
- (C) Toilets shall use no more than 1.6 gallons per flush. Urinals shall use no more than 1.0 gallon per flush.
- (D) Lavatory and kitchen faucets shall be equipped with aerators and faucet flows shall not exceed 2.5 gallons per minute. Showerhead-flows shall not exceed 2.5 gallons per minute.
- (E) Hot water pipes shall be insulated.
- (F) Evaporative coolers must circulate bleed-off water.
- (G) No more than one automatic dishwasher per dwelling unit may be used if water is supplied from a NMSA § 72-12-1 (1978) well, provided that it is a model designed to use no more than 13 gallons per cycle and shall have a cycle adjustment, which allows reduced amounts of water to be used for reduced loads.
- (H) No more than one automatic clothes washing machine per dwelling unit may be used, provided that it is a model that uses no more than 43 gallons per cycle and shall have a cycle or water level adjustment that permits reduced amounts of water to be used for reduced loads.
- (I) Water system leaks from private water lines shall be repaired by the owner or property manager within fifteen (15) days of initial notification by the County or the owner's knowledge of the leak. Proof of repair shall be provided to the County upon completion of the repair when such notification is requested.
- (J) To the extent water is being used from a NMSA § 72-12-1 (1978) well, low water use landscaping techniques applying the principles of xeriscaping shall be utilized. Drip irrigation and mulching are encouraged whenever possible. Low water use grasses, trees and shrubs may be watered as needed during the first and second years of their growth to become established. Thereafter, such vegetation shall receive only minimal water as needed by each species.
- (K) Planting sod or grass seed that contains Kentucky bluegrass is not permitted. Lawns of other non-native grasses shall not exceed 800 square feet per parcel and shall only be watered with rainwater collected by means confined to the property or with recycled household gray water. Gray water systems shall meet the requirements of the New Mexico Environment Department and the Uniform Plumbing Code.
- (L) Swimming pools, of a permanent or temporary nature, are not permitted if water is supplied from a NMSA § 72-12-1 (1978) well. Temporary wading pools of a diameter not to exceed eight feet and a depth not to exceed one foot and covered spas are acceptable at each dwelling unit. All existing swimming pools, hot tubs and spas must be covered to prevent evaporation when not in use. Swimming pools may only be emptied once a year.
- (M) All wells on the property shall be metered with a Santa Fe County approved totalizing meter. Meter readings shall be documented by the property owner annually within two weeks of January 1st. Meter readings shall be submitted to Santa Fe County by April 30th of each year. Proof of meter installation as well as a meter reading must be submitted with a Santa Fe County Development Permit application. Failure to meter and measure water use may be grounds for fines and denial of future land use development permits.
- (N) Outdoor Irrigation from a NMSA § 72-12-1 (1978) well is prohibited between 11am to 7pm from May through September of each year. The following sources and water and types of irrigation methods are exempt from the irrigation hour restrictions:
 - a.) Plants being irrigated for retail or wholesale transactions.
 - b.) All manual watering by landscape maintenance and contracting personnel, however landscaping personnel setting timed irrigation systems must ensure that the systems comply with the irrigation hour restrictions.
 - c.) Any water derived through rainwater catchment systems or any permitted water re-use system and
 - d.) Any water being used from an acequia or other agricultural irrigation system.

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



July 14, 2014

Vincent Archuleta, Case Manager
Growth Management Department
Santa Fe County
102 Grant Avenue
Santa Fe, N.M. 87501

CDRC CASE # Z/V 13-5131

Dear Mr. Archuleta:

At the La Cienega Valley Association (LCVA) Board meeting on July 7, Mr. Rick Borrego, representing The Ranch at Santa Canyon explained the purpose and intent of CDRC CASE#Z/V 13-5131 in which the developers/owners are requesting a master plan amendment to separate 6 tracts (845 acres) from the approved master plan for the Santa Fe Canyon Ranch development. In addition the developers/owners are requesting a variance of the ordinance regarding certain existing water budgets and water conservation requirements and a variance of the ordinance restricting the construction of a swimming pool. Mr. Borrego explained that the requested actions were conditions of a purchase agreement the developers/owners have entered into for the sale of the entire 845 acres to a single family which includes all water rights associated with the development. Also attending LCVA Board meeting was Kyle Harwood representing the prospective buyers.

After series of questions from both the LCVA Board and residents attending the meeting the LCVA Board agreed to fully support the separation of the 6 tracts from approved master plan for the Santa Fe and to not oppose the requested variances. As explained to the LCVA Board the 845 acres is to be purchased by one family with the intent of constructing a main house and a guest house and maintaining the property as a horse ranch. The LCVA appreciates maintaining the property as a horse ranch and the commitment to sustaining its ranching history and traditions. The LCVA Board understands the request for the variance to the development related water budget and water conservation requirements and looks forward to working with the prospective new owners in effort for them to fully understand the water challenges facing our community. The request for a swimming pool is unopposed based on the ability to minimize water usage and evaporation through proper pool maintenance and care.

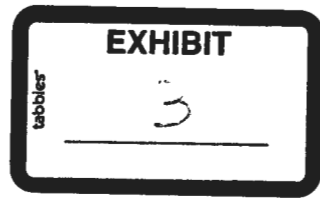
In conclusion the LCVA Board recognizes and embraces the opportunity to protect this special 845 acres as a ranch, a single family ranch when the original approved master plan for Santa Fe Canyon Ranch allowed for as many as 18 homes on this same property. The acquisition of the water rights is also appreciated and the LCVA Board understands the acquisition does bring into question the water rights available for the County owned La Bajada Ranch

Please let us know if you require any additional information.

Sincerely,

Carl Dickens, President
La Cienega Valley Association

July 17, 2014



Mr. Brian Egolf:

The El Guico Irrigation Association supports division of Land from the County.

El Guico also supports possible purchase of Barago land to be sold and home and swimming pool being built in this property.

Sincerely,

Leah Gill
Secretary - Treasurer

2014 JUL 17 10 53 AM