

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

August 15, 2013

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

Juan José Gonzales, Chair
Susan Martin, Vice Chair
Phil Anaya
Maria DeAnda
Dan Drobnis
Frank Katz
Manuel Roybal

Member(s) Excused:

[None]

Staff Present:

Rachel Brown, Deputy County Attorney
Vicente Archuleta, Development Review Specialist
Karen Torres, County Hydrologist
Buster Patty, Fire Marshal
Wayne Dalton, Building & Development Services Supervisor
Jose Larrañaga, Development Review Specialist
Vicki Lucero, Building and Development Services Manager
Mike Romero, Development Review Specialist
John Lovato, Case Manager

IV. APPROVAL OF AGENDA

Member Martin moved to approve the agenda as published. Member Katz seconded and the motion carried by unanimous [6-0] voice vote. [Member Anaya was not present for this action.]

V. APPROVAL OF MINUTES: July 18, 2013

The Chair referred to a few spelling errors and Member Martin noted an omission. [The corrected minutes were filed.]

Member Martin moved to approve the July minutes as corrected. Member DeAnda seconded and the motion to approve the corrected minutes passed by unanimous [6-0] voice vote. [Member Anaya was not present for this action and arrived directly thereafter.]

VI. CONSENT AGENDA: Final Order

- A. CDRC Case #MIS 13-5180 John DePrimo Radio Antenna. John DePrimo, Applicant, Requested CDRC Approval to Allow a Radio Antenna 45' in height on 5 acres. The property is located at 136 Sunlit Drive West, within Section 9, Township 16 North, Range 10 East (Commission District 4). Approved 7-0.**

Member DeAnda moved to approve the consent agenda as published. Her motion was seconded by Member Martin and passed by unanimous [7-0] voice vote.

VII. NEW BUSINESS

- A. CDRC CASE # V 13-5190 Minnie Walsh Variance. Minnie Walsh, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) and a variance of Article III, Section 2.4.1a.2.b (Access) of The Land Development Code and a variance of Article IV, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow a Family Transfer Land Division of 1.195 acres into two lots. The Property is located at 58 Arroyo Jaconita, within the Traditional Community of Jacona, within Section 11, Township 19 North, Range 8 East, (Commission District 1)**

John Lovato, case manager, presented the staff report as follows:

“The Applicant requests a variance to allow a Family Transfer Land Division of 1.195 acres into two lots. The property is accessed by private roads Arroyo Jaconita Road and Loma Encantada. Arroyo Jaconita is a dirt/sand driving surface and is located in and crosses a FEMA designated Special Flood Hazard Area. The portion of Arroyo Jaconita Road that services the property is approximately 750 feet in length and 15 feet in width. Loma Encantada is a dirt driving surface that ends and enters the Jacona Land Grant. A portion of Loma Encantada crosses a FEMA designated Special Flood Hazard Area and is approximately 1/4 mile in length and 15 feet in width. Both Arroyo Jaconita, and Loma Encantada do not have all-weather driving surfaces and may be frequently impassible during and after inclement weather, and thereby are not all-weather accessible. Therefore, the Applicant is requesting a variance.

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“Currently, there is a manufactured home, a single-wide mobile home, and two accessory structures on the property. The property is served by two onsite wells, a conventional septic system, and a split flow septic system. Article III, Section 10 of the Land Code states that the minimum lot size in this area is 0.75 acres. In order to divide the subject property into two lots, the property would have to be at least 1.50 acres. The Applicant is requesting a variance to this requirement.

In 2006, the BCC granted a two-year temporary approval to allow the placement of a second dwelling unit on the property. The Applicant never followed up with conditions of approval. The Applicant was to apply for temporary approval every two years to be approved by the CDRC and report water meter readings to the Land Use Administrator by January 31st of each year.

“The Applicant states the reason for this is due to the loss of her husband, and it has taken a few years for the family to focus and take the necessary steps toward making a home for her daughter’s family permanent. The Applicant would like to provide her daughter and her family with an affordable place to live and provide clear title to the land so that they may build a permanent residence. Furthermore, she would like to maintain family ties to the land where her daughter grew up.”

Mr. Lovato stated that Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request. Staff recommends denial of a variance of Article III, Section 10, Lot Size Requirements, a variance of Article III, Section 2.4.1a.2.b, Access, and a variance of Article IV, Section 4.2 of Ordinance No. 2008-10, Flood Damage and Stormwater Management, that would allow a Family Transfer Land Division.

If, however, 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 .50 acre-foot 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 (Article III, § 10.2.2 and Ordinance 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 Applicant must comply with all conditions of approval within 90 days and prior to plat approval.
4. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat review (1997 Fire Code and 1997 Life Safety Code).
5. The Placement of more than one dwelling unit per lot and further division of the land is prohibited on the property (Article III, § 10).
6. The Applicant shall divide the property into two equal parcels.

- 7. A note must be placed on the Plat regarding the lack of all-weather access to the subject lots. This note shall include language as follows: The access to this property does not meet minimum standards set forth by County Ordinance and Code. Site Access, including access by Emergency vehicles, may not be possible at all times (Ordinance 2008-10).

Mr. Lovato confirmed that the applicant obtained permission for the temporary placement of a second dwelling. He identified the temporary dwelling as a single-wide that had previously been the permanent dwelling on the property.

Member Katz asked about the allegation that the second well on the property was not noted within the application. Mr. Lovato said NMED inspected the property and for some reason the second well was not part of his report – either NMED failed to note it or the well was drilled after the inspection. He suggested the applicant may be able to answer that question.

Speaking as the County’s Floodplain Administrator, Ms. Lucero stated that she recommended denial of the request since the site is absent all-weather access and crossing to the property and it may be frequently impassable. She said both accesses to the property cross 100-year floodplains.

Member Drobnis asked about the applicant’s failure to renew the two-year permit. Ms. Lucero said the County approved several two-year temporary applications at the time this applicant received that approval. She said the code does not and did not address temporary approvals and it is no longer a procedure being followed. Granting renewal of the temporary dwellings varied on a case-by-case basis.

Member Drobnis expressed his concern that a two-year temporary permit issued in 2006 has continued for seven years without renewal and only now comes to the County’s attention when a new application is submitted.

Responding to Member Anaya’s question regarding access or ingress to property during bad/rainy weather, Fire Marshal Patty said there was a recent call where EMS could not cross an arroyo. He mentioned that one of the accesses across the Jacona Land Grant could be widened to improve it. He said fire and rescue will make every attempt to reach the property.

Mr. Lovato identified the advanced septic system as superior to the conventional system. A conventional system serves the main residence and the advanced system serves the second dwelling.

The applicant, Minnie Walsh, and her son in-law, Mike Adams were duly sworn.

Mike Adams said the advanced septic system is actually a split-flow system whereby no nitrates penetrate the groundwater. He said there were nine families that access the crossing. The rear access referred to as the big dip is only used when the river is flooding which occurs for an hour or two at a time.

Mr. Adams said he understood that there were compliance issues; however, their focus at this point is to receive a family transfer. The 2006 temporary permit addressed a financial family hardship and since moving on the property he and his wife have been able to prepare the area by installing the advanced septic system, utilities and drilling a well.

Mr. Adams recited the family transfer section of the Code and said the advanced septic system and their willingness to hook up to the regional water system when available makes their request qualify within the Code. The purpose of the Code, stated Mr. Adams, is the success of the community and granting this application will do that.

Mr. Adams said the single-wide would be replaced once the new home is built.

Ms. Lucero clarified the request was for variances to the lot size and all weather access to allow for the family transfer. If this application is not approved, the applicant will need to comply with the original conditions when the temporary permit was received.

Appreciating the difficulties of losing a family member, Member Katz pointed out to the applicant that he is here before the County asking for variances when in the past he did not carry through with the conditions of the temporary permit. Ms. Walsh responded that her husband had been sick for years before he died. She said it has only been very recently that she is able to straighten out her life and needs her children on the property because her health is failing. Mr. Adams assumed responsibility for not renewing the two-year temporary permit stating his father in-law's death was very difficult for the family.

Member Katz said he was not prepared to ignore the County's rules regarding access.

Mr. Adams said the low-water crossing at CR 84C affects at least 50 families. He said the dip in the crossing can be an issue even during dry weather. "It's a fairness issue," stated Mr. Adams. He couldn't see how granting the variance could be injurious to his neighbors and he was willing to accept the risks that come with living in the county.

Mr. Adams said if approved they would meet all seven conditions.

Joseph Karnes, legal counsel for Chris and Misha Peterson, adjacent residents of the subject property, said he supported the staff recommendation to deny the variances. The application does not meet any of the criteria for granting the variances. The applicant bases the request on financial hardship and the desire to live on the property – this does not meet the Code requirement of an extraordinary hardship relating to the physical condition of the property. The grounds for granting the variance do not exist in this request.

Mr. Karnes noted that the Floodplain Administrator has recommended denial based on access and that decision for denial can only be overturned if there is an error. There is no error here. Fire Department representative Victoria DeVargas stated in her

report that the two arroyos actively flood at various times during the year and slope issues exist in this application.

Member Roybal pointed out that Mr. Karnes' clients use the low water crossing and it should not be grounds for denial. He understood how the applicant missed renewal of the temporary permit as well as the meter readings.

Member Martin asked whether Mr. Karnes received a response from the State Engineer regarding the well that was not disclosed to the OSE. Mr. Karnes said he has spoken with OSE counsel and a response is in the works.

Duly sworn, Mary and Bill Ogle, neighbors to the applicant, said they requested a building permit through the County and it was denied based on access. She said the County laws are important for the protection of the integrity of the environmental.

The public hearing was closed and Mr. Adams returned to the podium where he said the fairness of the law was important to him. He was surprised to hear of the Ogle's experience and said the rules need to be revisited.

Member Katz said the request did not address the variance criteria and in terms of equity since the Ogles did not receive a building permit for reasons of access and in terms of the betterment of the community, the Ogles do not want the variances granted.

Regarding CDRC Case V 13-5190, Member Katz moved to deny the variances on the basis of the facts. Member Drobni seconded the motion. The motion passed by majority [5-2] voice vote with members Anaya and Roybal voting against.

- B. CDRC CASE # Z/PDP/FDP 13-5070 95-B Ranch Road, Master Plan, Preliminary & Final Development Plan. Paul Reynolds & Tamara Andrews, Applicants, Jenkins/Gavin, Agent, request Master Plan Zoning, Preliminary and Final Development Plan approval to allow a horse boarding facility on 12.5 Acres ±. The property is located at 95-B Ranch Road, within Section 21, Township 15 North, Range 10 East, (Commission District 4). [Exhibits 1-3: Support letters; Exhibit 4: Graeser Law Firm letter dated April 26, 2013 – representing concerned neighbors – included were six letters dated June 11, 2013 addressed to different County divisions; Exhibit 5: Photo from opponents' property; Exhibit 6: August 10, 2013 letter to Commissioners from Bill Graveen opposing the request]**

Member Katz recused himself from this case.

Mr. Larrañaga presented the staff report as follows:

“The Applicants request Master Plan Zoning approval to allow a horse boarding facility. The proposed facility will be completed in two phases. The request also

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includes Preliminary & Final Development Plan approval for Phase I. Phase I consists of a large horse barn, indoor arena and four outbuildings with individual horse stalls to accommodate 30 horses for a total of 13,000 square feet ±. Phase II will consist of a maximum of 18,000 square feet with a minimum 20-foot setback for new structures. The Applicants' request is to allow the zoning for this type of facility as Other Development set forth in Article III, § 8 of the Land Development Code.

“On July 24, 2012, a notice of violation was issued to the owners of 95-B Ranch Road for operating a business without a County Business License. 95-B Ranch Road is currently operating at the existing facility utilizing the existing structures. The current operation on the site includes the housing of a variety of animals for the use in film productions. The animals are transported, as needed, to the film location and transported back to the site. Once the animals are no longer needed they are transported out of the facility.

“The original Master Plan Zoning application was for an animal facility to house animals for the use in film productions. On July 25, 2013, the Applicants amended their request to zone the property as a horse boarding facility only. Boarding of animals other than horses is not being proposed as part of the business. Prior to a land division of this property, this site was utilized as a horse boarding facility and was issued a Home Occupation Business License in 1996 and operated until in 2009. Since that time the use has expanded and does not qualify as a Home Occupation.”

Mr. Larrañaga said Building Development Services staff has reviewed this project for compliance with the Code and recommends approval for the master plan zoning for phases I and II and preliminary development plan approval for phase I. The applicant was comprehensive in establishing the scope of the project and the proposed preliminary plan substantially conforms to the proposed master plan. The review comments from state agencies and County staff have established that this application for master plan zoning for phases I and II and preliminary and final development plan for phase I is in compliance with state requirements.

Staff recommends approval for Master Plan Zoning for Phase I and Phase II to allow a horse boarding facility on 12.5 acres and Phase I Preliminary & Final Development Plan approval subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions (Article II, § 2.3.2d).
2. Master Plan with appropriate signatures, shall be recorded with the County Clerk (Article V, § 5.2.5.).
3. Final Development Plan for Phase I with appropriate signatures, shall be recorded with the County Clerk (Article V, § 7.).
4. Preliminary and Final Development Plan for Phase II shall meet all submittal requirements set forth in Article III, § 4.4 of the Land Development Code.
5. Phase I shall not exceed the boarding of 30 horses as per the approved water budget (Article VII § 6. Table 7.4).

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Member DeAnda asked whether the 95-B Ranch Road was operating under a current business license and Mr. Larrañaga said it was not. A complaint was filed and that is how staff became aware of the situation.

Mr. Larrañaga confirmed that this case had been tabled a number of times and during that time a community meeting was held and the applicant addressed staff concerns. The original submittal for an animal facility to store animals for film production was modified to be a boarding facility for up to 30 horses.

Mr. Larrañaga said the notice requirements were met by the applicant and he understood approximately six certified letters were sent. He said letters opposing the project were included in the packets and a handful were received in support.

Chair Gonzales said it appeared there were three letters in support of the project, 10-12 letters in opposition, and then a petition with over 100 signatures opposing the project.

Member Drobnis asked a series of questions regarding the water budget and County Hydrologist Karen Torres provided the following information: The annual water use will be restricted to .25 acre-feet per year for Phase I/30 horses; the applicant proposed and justified 10 gallons/daily per horse, a number lower than the OSE uses; water use for horses is primarily consumptive.

Noting the body mass of a horse compared to that of a human, Member Drobnis said .25 acre-foot per year was very dubious. Ms. Torres said the water budget is an estimate based on the best information available. She said the applicant would be required to provide monthly water meter readings to ensure the budget can be met. Thirty horses was a maximum occupancy and would probably not be the count. The applicant proposes different scenarios regarding water use and anticipates horses on the property for less than 270 days per year or 20 horses on the property throughout the year. Phase II has two scenarios regarding the water system.

The management of solid waste was mentioned by the opponents and Member Drobnis asked about the distance of the current solid waste pile to other resident's wells. Ms. Torres offered to review that information.

Member Anaya said a horse would not drink 10 gallons a day especially at this altitude.

Mr. Larrañaga clarified that the proposal is for a horse boarding facility for up to 30 horses.

Duly sworn, Jennifer Jenkins, agent for the applicant said the request is for master plan approval and approval of Phase I of the development. The applicant is in the movie business and that was the purpose of acquiring this property. Residents raised concerns regarding activities on the property which was primarily providing horses for film production. There may be horses on the property for film production as well as traditional boarding facilities.

Using visual aids, Ms. Jenkins located the property and showed the historic-traditional use on Ranch Road – ranches and equestrian facilities. She identified four other horse facilities on Ranch Road ranging in size from 50 acres to 12.5 acres. The subject property was the first house and first horse facility in the community, built in 1967. The subject property, 12.5 acres, has lot coverage of approximately 6 percent with traditional equestrian facilities.

Ms. Jenkins said the 12.5 acres was created by lot line adjustment out of a 25-acre parcel with the home on one lot and a non-residential horse facility or 95B on the other lot.

Ms. Jenkins said her client was contacted by the New Mexico Film Commission in 2002 to provide animals for films and Mr. Reynolds and Ms. Andrews found and purchased the subject property. Since there is no residence associated with the property and as time had passed since 2002 the grandfathered status was lost, hence the applicant is coming forward for a master plan.

She said the facilities have been on the property for 46 years and the applicant is trying to fix something that happened over a decade ago to remove the non-conformity, adhere to appropriate conditions and move forward.

In regard to the proposed land development code, Ms. Jenkins said the proposed zoning for the neighborhood is rural residential requiring a minimum lot size of 10 acres and avoiding unreasonable restrictions on farming or ranching operations. Ms. Jenkins said the proposed use supports the rural character.

Ms. Jenkins said they have met with adjacent property owners and the larger community and heard their concerns. She said a series of conditions were drafted to address those concerns that include prohibiting semi-truck transportation of the horses, prohibiting the boarding of wild or exotic animals, placing all animal waste in a container and weekly removal of such, metering the well, hours of operation, etc.

The applicant has agreed to participate in the maintenance of the East Ranch Road.

Referring to the petition opposing the application, Ms. Jenkins said it contained misinformation.

Staff recommends approval of the request and the applicant is willing to comply with all staff-imposed conditions, stated Ms. Jenkins.

[The CDRC recessed for 10 minutes]

Ms. Jenkins clarified that this evening's request is for a horse boarding facility.

Applicant Tamara Andrews was duly sworn and explained how they are regulated by USDA, permitted, licensed and inspected by USDA. All their animals are inventoried and logs are kept for training and exercise as well as medical logs for every animal. Their facilities are inspected for size requirements, cleaning records are maintained and transporting animals requires additional reporting to USDA. She discussed the extensive care of the animals and health certificate requirements.

Ms. Andrews said all their trainers are required to have five years of experience.

Applicant Paul Reynolds, under oath, said they were contacted to supply animals for *Lord of the Rings* because the previous supplied was in trouble with PETA. He assured the CDRC that they were qualified to care for horses and mentioned a number of local films they supplied animals for. The horses and property will be taken care of. If there is a film happening in the area and horses are needed they hope to supply them. He said the film industry has brought a great deal of revenue to New Mexico and his horse operation contributed to the success.

Mr. Reynolds apologized and took responsibility for not have the proper license. A wrangler is on the property whenever animals are present, someone cleans the corrals and a veterinarian checks on the horses.

Responding to Member DeAnda, Mr. Reynolds said he owns the property and resides in California. Ms. Andrews said the property is cared for by a gentleman in the area. Mr. Reynolds said it was unlikely horses would be stabled for more than a two month period in the course of a year. He said their business is supplying horses for movies and without the appropriate approval they'll sell the property as a horse facility. He said they have owned the property for six years and used it for a few films and the only complaints have occurred recently. He said they own 20 horses and emphasized that they have and would only use reputable wranglers.

Member DeAnda asked the applicants about Phase II and Mr. Reynolds said they have no real plans at this point. If they are unable to use the property for what they do, they will sell the property. He pointed out there is no house on the property at this point.

The Chair asked about the community meeting and Ms. Jenkins said approximately 30 people attended and the concerns centered on traffic, maintenance of Ranch Road, and hours of activities. Following the meeting an email was sent to the attendees proposing provisions to address the concerns. She said they received very little response.

Member Anaya asked about the number of commercial horse facilities on the road and Ms Jenkins said there were four.

Chair Gonzales invited those wishing to speak to be sworn as a group and requested they avoid repetition. Those wishing to speak were duly sworn.

Chris Graeser, counsel for Ranch Road residents Pamela Greaves and William Gaveen referred to his report [*Exhibit 4*] and a photo showing manure/water from the project site onto this clients' property [*Exhibit 5*]. Mr. Graeser said the property had been a home occupation with approval for the boarding of six horses. The existing use is illegal. The property owners are trying to regain a use that the property had decades ago. He noted that the 46 years ago mentioned by Ms. Jenkins, the property was 100 acres and there weren't houses around it. Today 99 percent of the properties are residential.

Mr. Graeser said the applicants did not conduct their due diligence prior to buying the property; had they done so, they probably would not have bought it. He said his clients did do their due diligence.

He said the CDRC has two questions to consider: Does the application meet code and should it be approved – Mr. Graeser said the answer to both is no. The use is not compatible with the residential uses. Phase II is problematic because there are no plans and the CDRC is being asked to make an irreversible zoning decision permitting zoning for a use that is rather unknown. The original submittal was to house movie animals and then on July 25, 2013 they asserted in an amended application that it will be a traditional horse boarding facility. There are thirty horses, thirty owners and the applicant asserts they don't have permanent employees. The application lacks a traffic study as well as a water report, both code requirement for master plan.

Mr. Graeser noted that all the reports that were submitted by the applicant were done so before the change in the plan. The OSE says 13 gallons per day is necessary for horses (drinking and other uses) and that is based on Soil Conservation and long established USDA numbers. The plan lacks a water budget for landscaping because no landscaping is proposed; however, the code requires landscaping/buffering from residential uses. Based on the project plan landscaping will occur in Phase II requiring .1 acre feet of water, essentially exceeding the water budget. He suggested that Ms. Torres respond to the points raised.

Ms. Torres said the applicant has flexibility in terms of the occupancy numbers of horses and could meet the 13 gallons per day/per horse.

Mr. Graeser said without a traffic impact study the committee cannot accurately give consideration to the potential impacts on the community of this rezoning. Staff letters having to do with parking, landscaping, compliance with the principles of the Growth Management Plan do not add up to an approval, noted Mr. Graeser. He asked whether the committee felt they had a comprehensive scope of the project and offered that they have discretion in terms of approving the project.

Mr. Graeser reviewed the neighboring properties and mentioned that the other horse facilities are on significantly larger parcels.

Member Anaya said he is well informed in regards to water use and disputed the numbers provided by Mr. Graeser.

Duly sworn, Anthony Smith, 105 Ranch Road, next-door neighbor of the subject property said his primary concern is the transient nature of the property. A threat was made toward his wife by one of the transient people that used the stables. The use under consideration is irresponsible for the area residents.

Duly sworn, David Cain, board member of the East Ranch Subdivision, said he was not against horses or livestock but opposed the project because of its basic use: 30 horses on 12 acres without a full-time caretaker. "It's a reckless use of the property."

Under oath, Kathy Lewis, a resident of East Ranch Subdivision, spoke about the noise issue regarding the proposal. The applicants state they need to run their business and Ms. Lewis said it shouldn't be in the middle of her neighborhood. She said large trailers pulled by large trucks bring back animals at all hours and last week it was 3:30 a.m. On top of the noise, she noted the amount of dust these trucks kick up and said it was inappropriate to ask the neighbors to sacrifice their reasonable use and quiet enjoyment so the applicants can recover on a poor investment.

Duly sworn, Hillary Wells, read excerpts from a letter in support of the project written by John Erard [*Exhibit 1*]. The Erards lived at 95A for three years with the applicants as neighbors and had no problems or complaints. When there is no filming going on the animals are removed, the facility kept clean, water turned off and lights on for security. The letter contained a listing of improvements the applicants have made on the property.

David Mead, under oath, of Ranch Road said he has lived in the area for 15 years and moved there for an equestrian lifestyle. He pointed out that any stable is a business and what matters is how responsibly it is run. He originally had concerns with the first proposal because of the wild animals, especially cats, and semi-trailers. But with the amended application, Mr. Mead said he supported it. The applicant has addressed the residents' concerns and he supported keeping horse property in the area.

Mr. Mead said he had "no dog in this fight" except he wants to maintain Ranch Road with horses and ranch properties.

Pamela Graeves, under oath, identified herself as a horse lover who grew up on a 50,000-acre, 5th generation ranch and is very familiar with rural ranch use. Ranch Road is no longer a rural ranch road. She identified the subdivisions in the immediate area and noted the particular parcel under discussion had horses when the property was 100 acres and that was 46 years ago. Since then the 100 acres has been broken down and the 12.5 acres the application concerns was broken down from a 40-acre plot that now has homes on it.

Ms. Greaves said last summer there were over 40 horses, mules and donkeys on the subject property for three weeks without shelter or shade. There was water. She said animals were returned to the property at 3:30 a.m. and in the summer she can't open her windows because of the noise from the property. She detailed an experience where the 30 horses at the subject property were running around the property in a full gallop and her daughter's riding lesson at a next-door facility had to be cancelled because those horses were riled up from the galloping horses. Following that incident and having only moved here in August 2012, Ms. Greaves said she was compelled to go the County and ascertain what was going on with the subject property. She detailed other evenings where her sleep was disrupted because of dogs confined to the horse stables at the subject property and other incidents.

Ms. Greaves said the behavior of the applicants' lessee have been very disrespectful. She understood the County's code enforcement division was limited and said the area residents have no alternative but to oppose the development. She said the

manure on the property is piled high and never removed. In fact, when it rains the manure runs down to her property towards her water well.

Ms. Greaves said the applicant is requesting a blank check for Phase II and the property is already over-used. She urged the CDRC to deny this request.

Under oath, Bill Graveen, said he lived with Pamela Greaves. He purchased the property in 2011 and prior to making the purchase he checked with the County about the bordering neighbors. Mariposa is a licensed horse boarding facility and the other lots are all zoned residential. Although the subject property is usually vacant, it becomes a “circus” when they come to town. He said the applicants’ wrangler was rude and far from neighborly.

Mr. Graveen said he purchased his property after completing his due diligence and the fact the applicant didn’t is not their concern. The operation as proposed by the applicant, even the amended application, is not advantageous to the neighborhood. Mr. Graveen closed by stating it was not his job to police, count horses, watch the clock to insure the conditions are met.

Duly sworn, Susan Zeder a new resident, said there was disconnect between what the owners/applicants state and what their agent states.

Christine Kohler, under oath, Bishop Lamy Road, said she can hear the noise and transportation that occurs on the property. Referring to the conditions the applicants’ agent developed for inclusion, Ms. Kohler noted that business hours exclude transport which does not address the concerns of the residents. Ms. Kohler said the residents were reasonable and certainly understood emergencies but night filming is not the area residents’ concern but rather that of the businesses.

Duly sworn, John Parks of 81 Ranch Road, said he lives next door to Luna Rosa horse facility and they have been wonderful neighbors. The opponents have legitimate concerns regarding the application. However, it seemed to him the applicants through their agent are working to address all the concerns of water, hours of operation, lighting, manure disposal, etc. He didn’t dispute they were bad neighbors but it sounds like “they found a little bit of religion and they’re on the right course.”

Mr. Parks said Luna Rosa has about 50 horses and a fair amount of traffic on the road although the majority of the traffic on Ranch Road is from UPS and Fed Ex. If this application were denied he suggested the business of boarding the applicants’ horses could go to Mariposa – and the same issues would prevail.

That concluded the public hearing and Ms. Jenkins was invited to respond to any of the comments made.

Ms. Jenkins said the staff comments Mr. Graeser brought up were addressed by the applicant and staff recommends approval of the application. She said the area residents bought homes/lots that were surrounded by horse facilities. She mentioned a pattern of newcomers to Santa Fe that “want it to be different after they arrive.” This non-residential horse facility was created by Santa Fe County in 2002 and the application

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before the CDRC is addressing this with appropriate restrictions created by staff and the applicant to insure the horse facility can continue to operate. She said her clients were following the path that was established by County staff.

Ms. Jenkins said the applicants have responded to the concerns of the residents and are prepared to move forward. Ms. Jenkins responded to questions of the CDRC offering that the applicants have invested significant funds in property improvement, board infrequently, there is a local agent tending the property and they always have a caretaker/wrangler present when animals are on the property.

The CDRC discussed the combustible nature of the manure pile, the transient nature of the business, hours of operation, etc.

Member Anaya moved to approve the application with the staff-imposed conditions and an added condition that a caretaker is on the property 24/7. Member Roybal seconded and this motion failed by a majority [2-4] voice vote. Members Anaya and Roybal voting for the motion.

Member Drobnis moved to table the case until the next meeting allowing time for staff to adequately address the amended application and for the applicant to further address the concerns raised by the residents. The public hearing could be reopened at the next hearing. Chair Gonzales seconded. The motion failed by majority [2-4] voice vote. Members Drobnis and Gonzales voting for the motion.

Member Anaya introduced a motion to table the case until next month and not permit further public testimony. The motion failed for lack of a second.

Member DeAnda moved to recommend denial of CDRC Case #Z/DP 13-5070 95-B Ranch Road. The motion to deny was seconded by Member Martin and passed by majority [4-2] voice vote with Members Anaya and Roybal voting against.

Ms. Lucero said this case will be forwarded with the CDRC recommendation to the BCC for the October 8, 2013 meeting.

VIII. PETITIONS FROM THE FLOOR

None were presented.

IX. COMMUNICATIONS FROM THE COMMITTEE

Member Martin said she would not be attending next month's meeting and will be excused.

X. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

XI. COMMUNICATIONS FROM STAFF

The next meeting was scheduled for September 19, 2013 at 4 p.m. to be followed at 6 p.m. when ELUC will be meeting.

XII. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Gonzales declared this meeting adjourned at approximately 8:30 p.m.

Approved by:

Juan J. Gonzales

Juan José Gonzales, Chair
CDRC

ATTEST TO

COUNTY CLERK

Geraldine Salazar
10/1/2013



Submitted by:

Karen Farrell
Karen Farrell, Wordswork

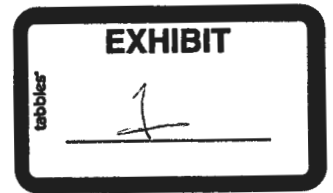


COUNTY OF SANTA FE) CDRC MINUTES
STATE OF NEW MEXICO) ss PAGES: 40

I Hereby Certify That This Instrument Was Filed for Record On The 2ND Day Of October, 2013 at 03:12:51 PM And Was Duly Recorded as Instrument # 1719718 Of The Records Of Santa Fe County

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

2013 OCT 01 PM 03:12:51 RECORDED



John Erard
Roswell, NM
Wednesday, August 14, 2013

Dear Neighbors,

I am writing this letter because I believe that Tamara and Sled deserve your support!

My name is John Erard. My wife and I lived at 95-A—right next door to the Gentle Jungle facility—for three years. We've seen the folks at Gentle Jungle up close and personal and we've gotten know them—and how they operate—as well or better than anyone else in the area.

If we still lived in Lamy Mary and I would be at this hearing and we would fully support their effort to develop their facility.

In order to give you some insight into what I know about these folks I've put together some questions and answer that you may have regarding their recent application for an animal training and housing facility at 95-B Ranch Road.

I thought these would be helpful to you in making your decision to support them or not. Please consider and weigh my comments carefully before accepting the hysterical half-truths about the facility and its owners that have been so carelessly and maliciously bandied about.

If you would like to call me to discuss any aspect of this feel free to do so. My cell phone number is 847-636-0931.

Sincerely,

John E. Erard

REC'D PUBLIC RECORDS / 15/08/2013 10:43:00 AM

1. Why should I support Tam and Sled's effort to develop a world class facility here?

- a. When they bought the property they were assured by multiple parties that they could pursue their vision. Now a few people want to change the rules on them in the middle of the game. For the three years we lived at 95-A. We had no problems with them and we heard of no complaints being lodged with the authorities—none! No nuisance, no problems, nada! It's simply not fair!
- b. They are good people. Their animals are their lives, livelihood, and their 24/7 focus. And the animals are their love and their passion. They are animal trainers because they love animals and love to work with them.
- c. They are one of (if not THE) premier animal training companies in the world and are recognized as such by those in the know. They have been caring for and training animals for over 40 years!
- d. They have facilities in California, New Mexico and Montana and training partners in the UK, Namibia, South Africa, Australia, New Zealand, Canada and México.
- e. In addition to their trained animal services, they provide expert trainers, and animal housing and transportation to the biggest names in the entertainment business. They provided and trained the animals for Dances With Wolves, Forrest Gump, Gladiator, Out of Africa, The Lord OF The Rings, Titanic, and Life of Pi among others. They also provided the trained animals for Cowboys and Aliens and the Lone Ranger both of which were filmed here in Santa Fe.

Check them out for yourself at: <http://www.gentlejungle.com/screencredits.html>

2. Who benefits (and has benefited) from their presence?

- a. The financial benefits of this effort accrue to individuals and companies in the local community.
 - i. Everyone who owns a house in the neighborhood has benefited and will continue to benefit because improving a property and having it well managed increases everyone's property values.
 - ii. Local farmers and providers benefit because when they are filming water and feed are brought in and delivered for the animals several times a week.

- iii. Local veterinarians who help care for the animals.
- iv. Local pest control contractors.
 - v. The contractors and roofers that are working to improve the property.
- vi. Local restaurants where their employees eat.
- vii. Local grocery stores and shops where their employees shop.
- viii. And many more.

3. What is Tam and Sled's vision for the 95-B facility?

- a. The concept is to have a world-class animal housing and training facility that can be used by Gentle Jungle and other trusted training partners (like the company that provided the horses for Cowboys and Aliens and the Lone Ranger) when their animals are hired by the film makers and they need a safe place to temporarily house their trained animals during the typical 3 month filming season.
- b. When there is no filming going on the facility is clean and empty and employees passing through the area (and local interested parties) inspect it periodically. Water is shut off but lights remain on for security purposes.
- c. With all of the filming work being done in the area they believe that this is a win-win situation for all involved—the production company, Gentle Jungle, and, most importantly, the local community.
- d. The community benefits because they hire local businesses and use local people to help them maintain the property and care for and look after the animals when they are temporarily housed at the facility.

4. How do I know their animals are healthy and well cared for?

- a. Gentle Jungle and its animals are regulated and inspected by the US Department of Agriculture, US Department of Interior, California Department of Fish And Wildlife, American Humane Association, Los Angeles County and Kern County Animal Welfare, Los Angeles Department of Animal Regulation, and New Mexico and Montana State animal welfare agencies.
- b. All of their animals are insured by production companies during filming which requires them, by law, to have health certificates and vaccination records for each

and every animal in order for the animal to be covered under the movie production company's insurance policy.

- c. In addition, the American Humane Association is on set every day that they film to ensure the animal's health, safety and welfare is strictly enforced.
- d. They are also required by law to have a veterinarian available and on call at all times. When they've housed animals at the property I have seen a local vet out there every two or three days to inspect them. I've personally met two of them.
- e. Despite the intense public scrutiny they have NEVER been cited for any kind of violation, abuse or mistreatment of any animal. No one could possibly be more concerned with their animals' welfare than they are.

5. How do I know they will be good neighbors?

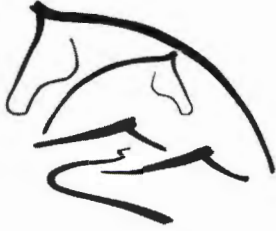
- a. Their animals are always in either indoor / outdoor pens—to make sure they are safe and sound. None of their animals—not even their dogs—roam freely and someone is always there to watch over the animals. In contrast, on more occasions than I can count Mary and I have had to chase off free-ranging neighborhood dogs (with tags) or call owners whose dogs were being a nuisance.
- b. They are top professionals in their field and are far more knowledgeable and responsible with respect to the care and maintenance of animals than the average animal facility or hobby owner. That is as it should be—and it's enforced by several layers of government.
- c. Talk is cheap but the proof is in the pudding. Below is a partial list of what I have personally witnessed they have done to improve the property in the time we were their neighbors:
 - i. They had the road up to the place professionally graded and graveled so that their neighbors would stop being covered in dust every time a vehicle—theirs or otherwise—entered or left the area.
 - ii. They brought in dirt and hired someone to professionally grade, level, and improve the contour of the property terrain.

- iii. They hauled out a massive junk pile (I saw 4 large dump trucks full of debris hauled off) that had accumulated over the years that housed rattle snakes, mice, and squirrels.
- iv. They managed an infestation of gophers that were a danger to the animals and were causing some of the buildings to fall over as well as burrowing into the neighboring gardens.
- v. They hired someone to haul away the zillion tumbleweeds that were crammed into every nook and cranny on the property.
- vi. They hired someone to mow down the weeds that were over five feet tall.
- vii. But before they could mow the weeds they had to hire someone to pick up—by hand!—bailing wire and plastic rope (½ a pick-up truck full) carelessly tossed into the field by the previous owners over a 13 year period ... which is why the weeds were never mowed previously.
- viii. They had any and every scrap of trash picked up and disposed of.
- ix. They've torn down decrepit out-buildings and are in the midst of a steady program of repairing and restoring the barns and buildings that are worth salvaging. One eight-stall indoor / outdoor building has already been repaired, re-painted, re-roofed and restored.
- x. Unlike most local horse owners, they have an aggressive fly control program in place and they dispose of the manure every week.

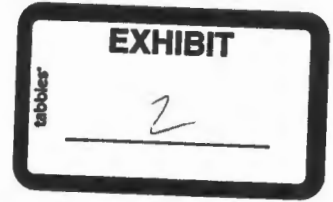
6. If that doesn't convince you they are good neighbors I don't know what will!

7. Who benefits if their efforts are blocked?

- a. A handful of self-motivated people and their lawyers.
- b. Everyone else will lose out.



Berkley Chesen, DVM
Equine Comprehensive Wellness
118 Camino Los Abuelos
Santa Fe, NM 87508
(505)259-9802



August 12, 2013

To Whom It May Concern:

There were approximately thirty horses under my direct supervision during the summer of 2012 residing at 95B Ranch Road in Lamy, NM.

Because of the regional outbreak of Vesicular Stomatitis, I was examining these horses every 2-3 days due to their frequent day trips to different sets around NM and neighboring states.

There were no indications of infectious disease, musculoskeletal lameness, parasites or any other health abnormalities among this herd. The horses were exercised regularly, had routine care and were fed, mucked and watered on a multiple time per day basis. In addition, Animal Humane was present on a regular basis as well to insure that the horses' needs were met.

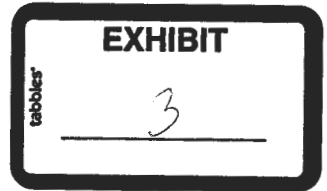
It is my professional opinion that these horses were well cared for and attended to routinely for veterinary and farrier care. There were no indications of mistreatment or neglect. These animals are literally in the spot-light and it is in the best interest of all involved to be sure they are properly managed.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

Berkley Chesen, DVM, DACVS-LA

REC'D BY: RECORDED 10/03/2013



August 12, 2013

TO: Santa Fe county Development Review Committee

FROM: April M. Dellas
95 A Ranch Road
Lamy, NM 87540

To Whom it May Concern:

I, April Maybee Dellas, wish to submit this statement of certain facts and opinions to the Development Review Committee concerning CDRC Case # Z/DP 13-5070 95-B Ranch Road Master Plan, Preliminary & Final Development Plan.

I am the President of The Classic Training Center, Inc. formerly located at 95 B Ranch Road, and the current owner and occupant of 95 A Ranch Road which is adjacent to 95 B. My husband and I sold 95 B upon my retirement to the current owners, Tamara and Sled Reynolds. 95 Ranch Road is the original horse facility in the area known as the Lamy Land Grant having been established since 1967. I owned 95 A and B Ranch Road for almost two decades operating as a horse facility as it had always been. I had a prosperous horse business for all those years. I had a business license and complied with all County, State, and Federal regulations. No one objected to horses on Ranch Road except for East Ranch residents. Those residents have overlooked the fact that all of us on Ranch Road have had to endure the endless noise from constant construction at East Ranch, the subsequent increase in crime, as well as the noise created by all the traffic at East Ranch. Our once lovely rural area has now become just another suburb with big city attitudes. Horses belong on Ranch Road, not anti-horse and/or farm animal vigilantes

Please enter into the record that as current residents of 95 A Ranch Road, I, April M. Dellas and my husband, James M. Dellas fully and wholeheartedly support approval of the 95-B Ranch Road Master Plan, Preliminary and Final Development Plan to Allow a Horse Boarding Facility on 12.5 Acres+/-.

Respectfully,

April M. Dellas
April M. Dellas

James M. Dellas
James M. Dellas

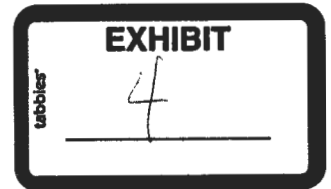
2013 AUG 12 10:52 AM



227 East Palace Avenue, Suite M
PO Box 220
Santa Fe, New Mexico 87504-0220

Christopher L. Graeser
Jessica B. Cooper, of counsel

T 505.424.8175
F 888.781.5968



To: Santa Fe County Development Review Committee
From: Chris Graeser
Re: 95-B Ranch Road MP, PDP/FDP Application
Date: April 26, 2013

Dear Committee Members:

I represent Ranch Road residents Pamela Greaves and William Graveen, who are among the many area residents concerned about this application. My clients do not object to use of the property for reasonable, compatible uses. However, the proposal made by Mr. Reynolds and Ms. Andrews is both unreasonable and incompatible, as well as incomplete. You have significant discretion to deny or condition approval of the application. The Code requires that you "shall consider" the following criteria, among others:

- Conformance to County and Extraterritorial Plan;
- Suitability of the site to accommodate the proposed development;
- Suitability of the proposed uses and intensity of development at the location;
- Impact to schools, adjacent lands or the County in general;

My clients' primary concerns as well as requested actions to address those concerns are as follows.

General Comments and Suitability

1. The Application states that the facility will house "horses and other animals" but it does not address concerns about large numbers of animals, exotic animals, etc. Rather, the application presents a misleading picture of a temporary horse stable.
2. A master plan is "comprehensive in establishing the scope of a project."¹ The applicant's submittal is not comprehensive with regard to the scope of Phase II. In fact, it provides virtually no relevant, necessary or required information. This is particularly true with regard to anticipated, but undefined, residential construction.

Request: Phase II approval should be denied at this time.

3. The application does not include the preliminary environmental assessment.²

Request: The application is deemed incomplete until the preliminary environmental assessment is submitted.

4. The County animal control ordinance prohibits keeping wild animals.³ "Wild" animals include large cats, bears, wolves, etc. and those "rare or different from ordinary domestic animals and not indigenous to the State of New Mexico."

Requested Condition of Approval: Wild animals as defined by the Animal Control Ordinance are not permitted.

¹ Art III, Sec. 5.2.1(b). Art III, Sec. 8 (Other Development) requires compliance with Art III, Sec. 4.4, which in turn requires a master plan per Art. V, Sec. 5.2.

² Required by Code Art V, Sec. 5.2.2(g)(4).

³ Ordinance 1991-6, Sec. 7-1(B).

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- Equines and other animals carry infectious diseases. Nearly all organized equine activities require health certificates, with attendant records of vaccinations and records of tests, as does the New Mexico Livestock Board for transport into the state. Some highly infectious equine diseases can be spread by simple contact.

Requested condition of approval: All animals on the property have all required certificates and records prior to entry on the premises as required by NMAC 21.32.4 and all procedures for disease reporting and containment required by NMAC 21.30.4.9, NMAC 21.30.7 and other relevant portions of the New Mexico Administrative Code shall be followed.

Requested condition of approval: A double fence, with buffer in between be built around the property so that equines cannot contact other equines at the property line.

- The Animal Control Ordinance prohibits allowing animals to "persistently or continuously bark, howl or make noise common to their species or otherwise disturb the peace and quiet of the inhabitants of the County, or to disturb others by noxious or offensive odors..."⁴ It also states that "It is unlawful for any owner of an animal to fail, refuse, or neglect to provide said animal with proper and adequate food, drink, shade, shelter and ventilation."⁵ Moreover, "An application for non-residential development shall be reviewed by the Code Administrator to determine if it is likely to produce unreasonably high temporary or long-term average levels of noise."⁶

Requested condition of approval: Approval is conditioned on compliance with the animal control ordinance, and more than three violations of the animal control ordinance in any one year will result in revocation of master plan approval.

- The property is currently dilapidated, unsightly and potentially unsafe.

Suggested condition of approval: All structures shall be repaired to be structurally sound, shall be covered with approved siding and roofing materials in good condition and shall be maintained in that condition.

- The owner has used the property for horse training (i.e., horse falling) purposes. Training, which involves additional personnel, traffic, need for sanitary facilities, etc. is not part of the application and should be prohibited.

Suggested condition of approval: No animal training is permitted on the premises.

- Past use of the property for keeping over 50 horses resulted in large amounts of dust being produced and blown onto neighboring residential properties when the horses were being exercised or simply running in their enclosures.

Suggested condition of approval: No more than 22 equines shall be permitted on the property.

Access and Traffic

⁴ Ordinance 1991-6, Sec. 5-5A

⁵ Ordinance 1991-6, Sec. 6-4

⁶ Code Art. VII, Sec. 5.1

2025 RELEASE UNDER E.O. 14176

The application states only that the use generates minimal traffic. The code requires a written preliminary traffic report prepared by a licensed traffic engineer or other qualified expert.⁷ No report is included.

Limiting the number of animals would help limit traffic. Limiting vehicles (i.e., number of trucks/vehicles per day) is appropriate given the lack of any traffic impact analysis or to ensure compliance with estimates if an analysis is submitted. Certainly a limit on hours of truck traffic is reasonable.

Requested Condition of Approval: No more than ten trips per day are permitted. All animal transport, other than emergency removal of animals to a veterinary facility, shall be between 7:00 AM and 10:00 PM. No animals to be transported by semi truck.

Water Supply Plan

The Phase I water budget is .25 acre-feet per year. It appears that the water budget simply used a stock 10 gallons per day per horse and picked a number of horses and number of days that kept it under .25 afy. The figure includes no water use other than drinking water for horses (i.e., landscaping, other animals, cleaning animals, etc.) This is not realistic, and has not been confirmed by a hydrologist or engineer. The proposed restriction of 30 horses for 270 days is unenforceable in the absence of daily visits and horse counts by County staff. The only enforceable restriction is one applicable to 365 day use, so that horse counts can be made at any time.

The application states that Phase II water (which could be significant) will be provided contingent on approval of a water availability assessment. Because the applicant is asking for administrative approval of the Phase II development plan, this process circumvents the requirement that the CDRC and BCC review and approve the water availability and use projections as part of the master plan approval process.

Request: Phase II will come back for master plan once the uses, density/intensity, water use and water supply are figure out.

Suggested Condition of Approval: Use limited to horses, because animal unit/day water consumption figures not determined for other animals.

Suggested Condition of Approval: Use limited to 22 horses for 365 days to address enforceability issues with the 30 horse/270 day proposal.

Landscaping

The landscaping plan, which consists entirely of maintaining existing vegetation, does not meet code requirements. The Code requires screening between residential and nonresidential uses.⁸ This needs to be shown on the plans. Screening should be vegetative (pinon, juniper) as well as by opaque fence.

Request: The application be deemed incomplete until screening is shown and approved.

My clients' home is located on the downhill side of the subject property. Stormwater runoff will carry animal waste onto their property. Appropriate stormwater retention/detention facilities would ameliorate this concern.

⁷ Art. V, Sec. 5.2.2(g)(5)

⁸ Art. III, Sec. 4.4.4(f)(13)(b)

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Requested Condition of Approval: An engineered solution to permanently prevent stormwater runoff from the site, approved by the County, shall be required.

Solid Waste

The Animal Control Ordinance requires that "An owner must keep the premises where an animal is kept free of garbage, hazardous materials, feces, insect infestation, and other debris which may endanger the animal's health and safety."⁹ Odors, flies and potential disease transmission to other horses in the neighborhood is a significant concern.

Requested Condition of Approval: All animal waste will be removed from the site no less than once each week when animals are present, and within one week after animals are removed from the site.

Archeology

Although a waiver has been received for Phase I, a study will be required for Phase II. However the applicant requests administrative approval of Phase II which will circumvent the requirement that the CDRC and BCC review and approve the archeological report and any proposed treatment plan.

Request: Phase II will need to come back for master plan approval once the archeological study is complete.

Sustainable Land Development Code

The SLDC Code Public Review Draft Use Table (September 2012) permits "stables and other equine-related facilities" as a conditional use but prohibits "livestock pens," "concentrated animal feeding operation" and "poultry farms" in the district. Any use that is "materially similar" is also prohibited.¹⁰ Keeping large numbers of livestock in pens, kennels or crates is materially similar to prohibited uses such as livestock pens and concentrated feeding operations, and is not materially similar to a stable.

Suggested Condition of Approval: Use will be limited to horse stables only.

Thank you for your consideration of the neighboring homeowners' concerns. We ask you to recognize that this application is simply incomplete at this time and direct that the applicant return with a complete application that complies with the above requested, reasonable conditions of approval.

Sincerely,



Christopher L. Graeser

cc: Jenkins & Gavin Design and Development Inc.

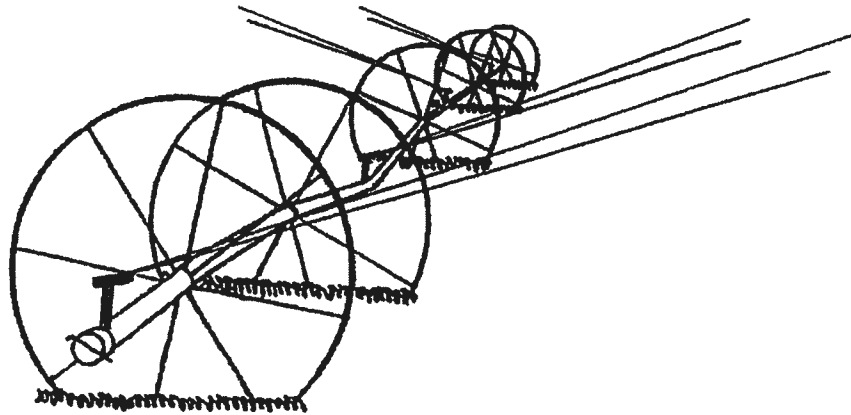
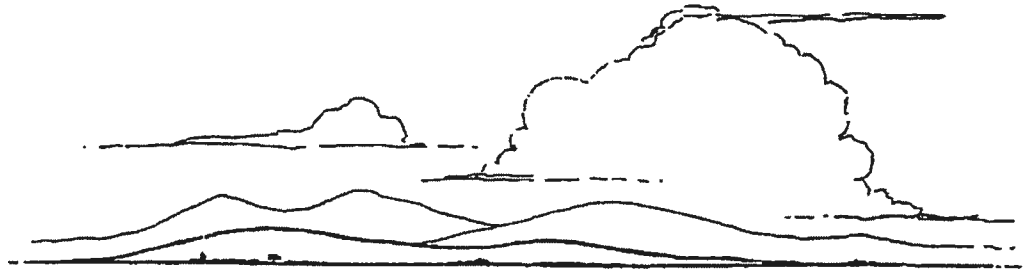
⁹ Ordinance 1991-6, Section 6-4B

¹⁰ SLDC Sec. 8.6.2

**Water Use by Categories
in New Mexico Counties and River Basins,
and Irrigated Acreage in 2000**

Prepared by

**Brian C. Wilson, P.E.
Anthony A. Lucero
John T. Romero, P.E.
Patrick J. Romero**



**New Mexico Office of the State Engineer
Technical Report 51
February 2003**

room, for separate maternity facilities, for laboratories, for the employees, for the occasional flushing of manure sump, for the cow hospital or treatment area, and for the occasional line breaks. Though most of these requirements are rather small, they are cumulatively significant in quantity. Ten gallons per day per lactating cow should be allotted for these water uses.

In some areas of the Southwest where summers are extremely hot (primarily Arizona) it is common practice to use evaporative shades to cool cattle down. Water may also be used to sprinkle traffic lanes and cattle corrals for dust control. However, these practices are not common in New Mexico.

Dairy wastewater from the holding areas, milking parlor, milk storage tank and equipment is routed to lagoons which typically have a surface area ranging from three to five acres. To comply with state regulations to protect groundwater quality, these lagoons may be evaporated. However, after primary treatment in holding ponds, irrigation systems are often used to dispose of the wastewater. Because of the salinity of wastewater may cause crop damage, freshwater may be introduced to dilute the wastewater before it is used for irrigation.

Water requirements for dairies are summarized in Tables 5.4 and 5.5. For the purpose of quantifying withdrawals and depletions for dairies in New Mexico's 2000 water use inventory, withdrawals are computed on the basis of 100 gallons per cow per day (gpcd) where metered withdrawals are unavailable, and depletions are taken as 100% of the withdrawal. All withdrawals are assumed to come from groundwater sources.

5.8. SUMMARY OF PER CAPITA WATER REQUIREMENTS FOR LIVESTOCK

Per capita water requirements used to quantify livestock withdrawals in New Mexico are summarized in Table 5.3.

Table 5.3. Drinking and miscellaneous water requirements for livestock in gallons per capita per day (gpcd). (Sources: Beef cattle—Sweeten, 1990a; horses—Van der Leeden, 1990; milk cows—Wiersma, 1988; all other—SCS, 1975 and USDA, 1955)

Species	Drinking	Miscellaneous	Total
Beef Cattle	9.00	1.00	10.00
Chickens	0.06	0.02	0.08
Hogs	2.00	1.00	3.00
Horses and Mules	12.00	1.00	13.00
Milk Cows	36.50	63.50	100.00
Sheep	2.00	0.20	2.20



227 East Palace Avenue, Suite M
PO Box 220
Santa Fe, New Mexico 87504-0220

Christopher L. Graeser
Jessica B. Cooper, of counsel

T 505.424.8175
F 888.781.5968

Tuesday, June 11, 2013

Via: email

Robert Griego
Planning Manager

Re: CDRC Case # Z/PDP/FDP 13-5070 95-B Ranch Road

Dear Mr. Griego

I represent Pamela Greaves and William Graveen, neighbors of the above property. I have reviewed your April 17, 2013 letter and respectfully request that you modify your opinion as it applies to recommendation of approval for Phase I of this project.

The SLDC Code Public Review Draft Use Table (September 2012) does permit "stables and other equine-related facilities" as a conditional use but prohibits "livestock pens" in the district. Any use that is "materially similar" to a prohibited use is also prohibited. The application in question is not limited to equines (horses, mules, donkeys) but also any other animals that are not defined as wild or exotic. This will include sheep, pigs, fowl, etc. and in fact the property has been used recently for keeping concentrated numbers of animals other than equines. This is prohibited by the SLDC.

We therefore request that you revise your letter to indicate that approval should not be granted for animals other than equines.

Additionally, given the acknowledgment in the letter that "Approval of the Master Plan may not be consistent with SGMP principles related to Future Land Use Categories and Map" we request that you modify the letter to remove the recommendation of approval for Phase I.

Thank you, and please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Christopher L. Graeser'.

Christopher L. Graeser

cc: Client
Jose Larranaga
Jenkins/Gavin
County Attorney



227 East Palace Avenue, Suite M
PO Box 220
Santa Fe, New Mexico 87504-0220

Christopher L. Graeser
Jessica B. Cooper, of counsel

T 505.424.8175
F 888.781.5968

Tuesday, June 11, 2013

Via: email

Paul Kavanaugh, Engineering Associate
Johnny P. Baca, Traffic Manager

Re: CDRC Case # Z/PDP/FDP 13-5070 95-B Ranch Road

Dear Mr. Kavanaugh and Mr. Baca

I represent Pamela Greaves and William Graveen, neighbors of the above property. I have reviewed your April 1, 2013 letter and respectfully request that you modify your opinion as it applies to recommendation of approval for this project.

Your letter correctly notes that there is only a fourteen foot dirt access road providing access to the property. However, a minimum 20' road is required by the Code. We therefore request that you update your letter to clarify that the applicant will be required to construct the road to at least 20' throughout the access route.

Thank you, and please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Christopher L. Graeser'.

Christopher L. Graeser

cc: Client
Jose Larranaga
Jenkins/Gavin
County Attorney

2013 JUN 11 PM 05:27
RECEIVED
COUNTY ATTORNEY
JOSE LARRANAGA



227 East Palace Avenue, Suite M
PO Box 220
Santa Fe, New Mexico 87504-0220

Christopher L. Graeser
Jessica B. Cooper, of counsel

T 505.424.8175
F 888.781.5968

Tuesday, June 11, 2013

Via: email

Miguel Romero
Development Review Specialist Senior

Re: CDRC Case # Z/PDP/FDP 13-5070 95-B Ranch Road

Dear Mr. Romero

I represent Pamela Greaves and William Graveen, neighbors of the above property. I have reviewed your April 10, 2013 letter and respectfully request that you clarify your requirements for approval of this project.

Art. III, Sec. 4.4.4.f 13 reads as follows:

Buffering Residential Uses from Nonresidential Uses and Roadways

(a) Commercial, office or industrial developments located at the perimeter of nonresidential districts where there are existing residential uses may be required to provide a landscaped area and structural buffer between any nonresidential use and residential use on the side or rear lot lines. Such buffer shall consist of a six foot (6') masonry wall or fence constructed of opaque materials and a three foot (3') wide planting area. Trees and shrubs selected for the three foot planting area may be used to create shade or visual amenity. Trailing vines for the wall may also be considered.

(b) Screening and Buffering for Residential Uses. The requirements for screening residential areas from roadways and nonresidential uses, and for landscaping residential common open space, may include one or more of the following:

- (1) stuccoed poured concrete walls;
- (2) stuccoed masonry walls of cement block, brick or adobe;
- (3) earhtone masonry walls;
- (4) rock or field stone walls;
- (5) wood fences of materials at least 3/4 inch thick with crossbracing secured with posts on maximum eight (8) foot centers set in concrete or posts treated with preservatives set twenty four (24) inches deep;
- (6) earth berms with shrubs and vegetative groundcovers;
- (7) any combination of shrubs and trees which effectively creates a screen; or
- (8) a combination of the above. The developer may choose any of the above screening methods at his discretion.

(c) Density of vegetation shall meet standards of Section 4.4.4 f 7, Planting Standards and 4.4.4 f 8, Adjustments.

The applicants' plans should therefore show appropriate buffering/screening. We respectfully request that you clarify your letter to include such requirement.

Thank you, and please feel free to contact me should you have any questions.

Sincerely,

Christopher L. Graeser

cc: Client
Jose Larranaga
Jenkins/Gavin
County Attorney



227 East Palace Avenue, Suite M
PO Box 220
Santa Fe, New Mexico 87504-0220

Christopher L. Graeser
Jessica B. Cooper, of counsel

T 505.424.8175
F 888.781.5968

Tuesday, June 11, 2013

Via: email

Erick Aune
Senior Transportation Planner

Re: CDRC Case # Z/PDP/FDP 13-5070 95-B Ranch Road

Dear Mr. Aune

I represent Pamela Greaves and William Graveen, neighbors of the above property. I have reviewed your April 3, 2013 letter and respectfully request that you rescind your opinion as it applies to recommendation of approval for Phase II in the absence of adequate and substantial evidence on which to make the necessary determinations.

You correctly note that Article V, Section 5.5.2.g requires a written preliminary traffic report and that the application contains no such report. Regardless of the applicants' stated "minimal" or "sporadic" traffic impact, that determination simply cannot be made without code compliance.

The Board of County Commissioners is required to make a determination of compatibility in approval of the project. It simply cannot do this in the absence of a established traffic impact. Moreover, code-required road and infrastructure design is dependent on actual traffic on that road, and this determination cannot be made based on a non-qualitative representation.

Therefore, we respectfully request that you amend your opinion to indicate that a traffic report as well as proof of access remain outstanding.

Thank you, and please feel free to contact me should you have any questions.

Sincerely,

Christopher L. Graeser

cc: Client
Jose Larranaga
Jenkins/Gavin
County Attorney



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Santa Fe, New Mexico 87504-0220

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Tuesday, June 11, 2013

Via: email

Buster Patty
Fire Marshal

Re: CDRC Case # Z/PDP/FDP 13-5070 95-B Ranch Road

Dear Mr. Patty,

I represent Pamela Greaves and William Graveen, neighbors of the above property. I have reviewed your March 14, 2013 review memo and respectfully request that you clarify that the portion of your memo labeled "Roadways/Driveways" applies to the dirt portion of Ranch Road from the applicant's driveway to the paved portion of Ranch Road as well as to the gate and driveway, as this road is currently only 14 feet in width.

Reference: NFPA Section 902.2.2.1: "Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm)."

Additionally, please see my May 31, 2013 letter regarding demonstrated fire dangers of stockpiled manure in the area, and please note that the applicant continues to pile manure pending review of the application.

Thank you, and please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Christopher L. Graeser'.

Christopher L. Graeser

cc: Client
Jose Larranaga
Jenkins/Gavin
County Attorney



227 East Palace Avenue, Suite M
PO Box 220
Santa Fe, New Mexico 87504-0220

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Tuesday, June 11, 2013

Via: email

Karen Torres
County Hydrologist

Re: CDRC Case # Z/PDP/FDP 13-5070 95-B Ranch Road

Dear Ms. Torres,

I represent Pamela Greaves and William Graveen, neighbors of the above property. I have reviewed your May 8, 2013 letter and respectfully request that you rescind your opinion as it applies to recommendation of approval for Phase II in the absence of adequate and substantial evidence on which to make the necessary determinations.

Article V, Section 5.2.2.g.8 as amended by Ordinance 2003-02 requires:

A preliminary water supply plan and liquid waste disposal plan. This analysis will identify one or more sources of water to supply the proposed development, i.e., County or other utility, wells, water rights transfers, point of diversion, etc. The analysis will also include estimated water budget (demand) by phase, total demand at full build-out, including commercial uses, if applicable, and a water conservation plan.

The applicants are unable to articulate their proposed uses for Phase II, and thus are similarly unable to articulate a water demand analysis for Phase II as required by ordinance.

Your letter states, "No projected water demand was submitted for phase II" and goes on to note that "At master plan level demonstration of water availability is not required of commercial development that will use less than 1.0 acre-foot per year..." In the absence of a projected water demand, one cannot determine that the Phase II water use will in fact be less than 1.0 acre foot per year, and therefore there is no way to ascertain that the applicants do not, in fact, have to demonstrate water availability to receive Phase II master plan approval at this time.

Please revise your opinion, in accordance with county code, to recommend denial of Phase II until water demand and availability can be adequately demonstrated.

Thank you, and please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Christopher L. Graeser'.

Christopher L. Graeser

cc: Client
Jose Larranaga
Jenkins/Gavin
County Attorney

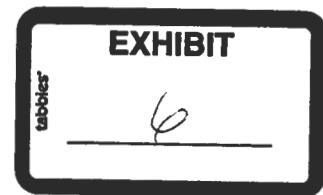
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EXHIBIT
5

SEC CLERK RECORDED 10/02/2013

August 10, 2013

Dear Commissioners,



My name is Bill Graveen and I own the property at 113 Ranch Road which borders 95 B Ranch Road. I purchased this property in March of 2011. It has been the primary residence for myself, my partner Pam Greaves and her daughter Sofia since August of 2011.

There are many factors that influence ones choice in the purchase of a residential property and in our case what was paramount was a quiet and tranquil location where we could raise Sofia and keep Pam's two beloved horses.

Prior to closing on this property we did a simple search of the county records and found that all of the surrounding properties were zoned residential with the exception of 137 Ranch Road (Mariposa) which had a commercial license to board horses. We boarded our horses at Mariposa prior to moving to Ranch Road and were familiar with the day to day operations there which begin at 7:30 am and end at 6:00 pm.

Upon closing, we set about a year long project of remodeling the house and building a stable/barn (county permit #2011027834) to complete our intention. Blood, sweat, and tears can only partially describe what it took (as anyone who has ever gone through this process would surely attest to) to complete this endeavor.

During our first year of living in our new home we came home one afternoon to find over 50 horses, donkeys and mules, sheep goats and chickens being boarded at 95 B Ranch Road, many of them in temporary enclosures with no shelter or shade and 40 riders on horseback creating noise, dust and mayhem. Pam and I went over to talk with the neighbors. We encountered a belligerent wrangler who in no uncertain terms told us "we are working on a movie and we have leased this land from the owners and we can do whatever we want."

We came to learn that our absentee neighbor at 95 B Ranch Road has been operating an unpermitted business for 5 years, renting the property out to generate income.

The operation at 95 B Ranch Road has taken a toll on my family, severely disrupting our quality of life and violating our rights. We will never get this time back. All of this the result of Tamara Andrews and Paul Reynolds who failed to do due diligence before buying this property and took the word of the previous owner and their realtor that their intended use for the property would be fine.

In addition to the behavior of Paul Reynolds and Tamara Andrews since buying the property and the conduct of their leasees, the primary reason why this property is so disruptive to our neighborhood is that over the past 17 years it has been subdivided from 40 acres to 12.5 acres. The applicants' previous and intended use no longer suits the property.

95 B Ranch Road was owned by April Dellas. She owned both 95 B Ranch Road and 95 A Ranch Road. It was known as 95 Ranch Road. 95 Ranch Road was 40 acres. A residence and accessory structures (now the barns on 95 B Ranch Road and what are referred to as the "existing structures"

on Phase I) were on this 40 acres. In 1996 Dellas subdivided the property into one, 20 acres parcel and four, 5 acre parcels. Three of these lots were sold and there are now 3 residences on them. Our property is one of these 5 acre lots. Dellas retained 25 acres while selling 15. Dellas adjusted the lot line of the 5 acre lot and the 20 acre to lot and then subdivided them to create two 12.5 acre properties in 2002.

Dellas operated a horse boarding facility and was issued a Home Occupation Business License in 1996. The accessory structures, on the property were used for this business. Her Home Occupation Business License allowed her to board 6 horses.

When the 25 acres was subdivided into two, 12.5 acre plots, the accessory structures (barns) that were used for her 25 acre Home Occupation Business were separated from the residence.

Paul Reynolds and Tamara Andrews purchased the 12.5 acre plot that contained the accessory structures (barns). These accessory structures or the "existing structures" on Phase I of their application total 13,000 square feet of buildings.

Their use of the 12.5 acre property has expanded from the use of Dellas' and no longer qualifies as a Home Occupation Business yet, the size of the property is half of what it was when it operated as a Home Occupation Business on 25 acres.

The applicants are requesting to board 30 horses on 12.5 acres and up to 18,000 square feet of additional buildings for a total of 31,000 square feet of buildings on 12.5 acres.

Additionally, in comparison, Mariposa boards 29 horses on **28.5 acres** and Luna Rosa boards **30 horses on 55 acres** and have 39,760 square feet of buildings. (See attached Luna Rosa application) The applicants are requesting to operate a facility the size of Luna Rosa but on 12.5 acres.

Furthermore, Luna Rosa's water budget is 2.04 acre feet per year. The water budget and allowance for 95 B Ranch Road is 0.25 acre feet per year. They do not have enough water for their operation. (See attached Luna Rosa development plan.)

The applicants past and intended use and intensity does not suit this property located in the middle of a residential neighborhood.

Once upon a time this entire 285 corridor south of I-25 was ranchland. Those days are gone. This area now, like it or not, is residential. Dellas herself contributed to this change. The 40 acre plot that Dellas subdivided now has 4 homes on it: 3, five acre residential lots, each having a home; and one, 12.5 acre lot with a home on it. Those of us who reside in this area have spent a great deal of our money to live here. You can clearly see from the petition there is unanimous opposition to changing the zoning of 95 B Ranch Road from residential to commercial.

I know that after considering the issues brought forth by me and my neighbors you will reach the decision that changing the zoning of 95 B Ranch Road is not beneficial to our community, or the County of Santa Fe.

Respectfully,

Bill Graveen

A handwritten signature in black ink, appearing to read 'Bill Graveen', followed by a long horizontal line extending to the right.

NOT RECORDED 10/02/2013

- XIII. A. 12. CDRC CASE # Z 03-5010 Luna Rosa LLC. Equestrian Facility.
Luna Rosa LLC, applicant, Jim Siebert, agent request master plan zoning approval for an equestrian facility. The facility will consist of three dwelling units, an outdoor riding arena, an indoor riding arena, thirty stall areas, a hay storage shelter, four turn-out areas and parking on 50 acres. The property is located at 47 Ranch Road, which is off of US 285, within Sections 20, 21, 28, and 29, Township 15 North, Range 10 East, within Commission District 1

MR. ARCHULETA: Thank you, Mr. Chair. The applicant is requesting approval for a 39,760 square foot equestrian facility on 50 acres. The proposed facility will have four - well, I don't need to read that. You just read that.

CHAIRMAN SULLIVAN: Sorry I took your steam away there. But you have other stuff you can read.

MR. ARCHULETA: The applicant is requesting other development zoning. Section 8.1 of the Santa Fe County Development Code which states "all uses not otherwise regulated by the Code are permitted anywhere in the County. Such uses specifically include but are not limited to utilities, parking facilities and cemeteries." The application was reviewed for the following: existing development, adjacent properties, access and parking, terrain management, water, liquid and solid waste, fire protection, landscaping and signage and lighting.

Staff's position is that this application is in accordance with Article III Section 8, Other development, of the County Land Development Code. Staff recommends master plan approval subject to the following conditions. May I enter those into the record?

CHAIRMAN SULLIVAN: Yes.

[The conditions are as follows:]

1. The master plan shall be recorded with the County Clerk's office.
 1. All Staff redlines shall be addressed; original redlines will be returned with final plans.
 2. All outside lighting on the property shall be shielded. The applicant shall provide cut-sheets for all outside lighting.
 3. The height of the structure shall not exceed 24 feet maximum as required by County Ordinance 200-01.
 4. All manure will be removed from the site on a weekly basis unless or until a composting program is implemented and approved by staff. [Language added at staff report]
 5. Compliance with applicable review comments from:
 - a) State Engineer
 - b) State Environment Department
 - c) Soil & Water District

The Development Plan is presented as follows:

13. 31,025 square foot riding arena
14. 3,750 square foot covered hay storage
15. 3,000 square foot stall area
16. 4,000 square foot equipment barn.

Existing development

The property is currently vacant, with the exception of an existing well.

Adjacent properties

The majority of tracts adjacent to the proposed facility are residential. Ranchettes on 20-acres or more are located directly east of this tract. Many of these ranchettes have horse facilities in conjunction with a residential use.

The Santa Fe County Transfer Station is located north and west of this 50-acre tract.

Access and parking


US-285 will serve as the principal access to the site, which is maintained by the State Highway and Transportation Department. Ranch Road is a private 50-foot easement with a 24-foot driving surface extending east from US-285 to the subject site. A gate will be installed at the entry from Ranch Road to the proposed facility.

Eighteen standard and two handicap parking spaces are being proposed for the facility to provide for adequate parking during horse training programs conducted for the clients of the facility.

Terrain management

A series of storm water retention berms are being proposed to capture storm water from hard surfaces on the site and natural sheet flow as the water runs in a southerly direction. Landscaping will be planted on the north side of these berms, with storm water serving as irrigation. All disturbed areas will be re-vegetated with a drought tolerant seed mix. This includes the storm water retention ponds. This application has been reviewed and approved by staff. Development areas comply with slope standards.

Water

 The applicant proposes to utilize a well for domestic water. The water budget for the entire project is 2.04-acre foot per year. The geo-hydrological information submitted demonstrates there is sustainable 100-year water supply for the water budget requested. This application was reviewed and approved by the County Hydrologist, and State Engineer Office. Comments are attached in Exhibit "A". The Development Submittals include a proposal to collect roof drainage.

2003 OCT 14 10 58 AM BCC