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

MINUTES OF THE

SANTA FE COUNTY

DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

August 18, 2011



This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Chair Maria DeAnda, on the above-cited date at approximately 4:08 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:

Maria DeAnda, Chair
Juan José Gonzales, Vice Chair
Phil Anaya
Sef Valdez

Member(s) Excused:

Frank Katz
Susan Martin
Ivan Pato

Staff Present:

Shelley Cobau, Building & Development Manager
Wayne Dalton, Building & Development Supervisor
John Lovato, Development Review Specialist
Jose Larrañaga, Development Review Specialist
Linda Trujillo, Assistant County Attorney

III. APPROVAL OF AGENDA

Ms. Cobau announced that item VII. F, the Bert Scott variance, is tabled.

Upon motion by Chair DeAnda and second by Member Gonzales the agenda was unanimously [4-0] approved as amended.

IV. APPROVAL OF MINUTES: June 16, 2011 Regular Meeting Minutes

Member Gonzales moved to approve the June minutes as submitted. Member Valdez seconded and the motion passed by unanimous voice vote with Member Anaya abstaining.

VII. OLD BUSINESS

- B. CDRC CASE # V 11-5180 John Robertson Variance. John Robertson, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Second Dwelling Unit on 10.17 Acres. The Property is Located Off Highway 14 at 35 North Fork, within Section 25, Township 15 North, Range 8 East, (Commission District 5) Wayne Dalton, Case Manager**

Mr. Dalton gave the staff report as follows:

“The Applicant requests a variance of Article III, Section 10 of the Land Development Code to allow a second dwelling unit on 10.17 acres. The property is located within the Basin Fringe Hydrologic Zone. Article III, Section 10 requires the minimum lot size in this area to be 50 acres per dwelling unit. Lot size may be further reduced to 12.5 acres if the Applicant proposes to utilize water conservation measures. There is currently a residence, a barn, an outdoor riding arena, and conventional septic system on the property. The property is served by an on-site well which serves the existing residence on the property.

“The Applicant states he wishes to place a second home on the property for his ex-wife in order for her to assist him with his health and physical conditions. The Applicant is deaf and has very poor balance causing him to fall and is also asthmatic and has chronic obstructive pulmonary disease, also known as COPD, which causes frequent bronchitis infections and occasional asthma attacks requiring emergency care. The Applicant further states the variance is needed in order for his daughter to be closer to her mother on a daily basis and due to his ex-wife being unemployed and no longer able to afford rent for a space within a mobile home park she currently resides in.”

Mr. Dalton stated staff has reviewed this application and has found the following facts to deny this submittal: Article III, Section 10 of the Land Development Code states: the minimum lot size in this area is 50 acres per dwelling unit; the Applicant’s lot size is only 10.17 acres; the hardship described by the Applicant is not the type of variance hardship required by the Code; the Applicant has not justified a hardship which is contemplated by the Code; strict compliance with the requirements of the code would not result in extraordinary hardship to the Applicant; to allow further reduction of the Code density requirements would nullify the purpose of the Code therefore staff recommends denial of the Applicant’s request.

If the decision of the CDRC is to recommend approval, staff recommends the following conditions be imposed;

1. Water use shall be restricted to 0.25 acre-feet per year per home. A water meter shall be installed for each residence. 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.
2. A shared well agreement shall be signed and recorded in the Office of the County Clerk.
3. The Applicant must obtain a development permit from the Building and Development Services Department for the second dwelling.
4. Compliance with minimum standards for Terrain Management as per the Land Development Code and compliance with Ordinance 2003-6 Water Harvesting.
5. The placement of additional dwelling units on the property is prohibited.
6. The existing driveway will serve the proposed residence.

Chair DeAnda asked if the daughter currently lives with the applicant and the daughter indicated she did.

Member Gonzales asked how many lots under five acres there were in the area. Mr. Dalton referred to the aerial photograph which shows lots varying from less than ½-acre to ten acres; most of the lots have multiple structures.

Member Gonzales asked if this was in the Silverado Subdivision and Mr. Dalton stated it was in the North Fork area, which is a bit north of Silverado. In response to Member Gonzales's question on the water situation, Mr. Dalton said some wells have gone dry in the past in that area. Mr. Robertson's well log indicates he pumps five gpm.

Chair DeAnda asked how many of the smaller lots in the area actually have two dwelling units. Mr. Dalton said from the aerial photo it's hard to distinguish accessory structures from dwellings. Chair DeAnda asked if they were grandfathered in or approved. Mr. Dalton speculated many were legal non-conforming.

Member Gonzales asked if a site visit was done and Mr. Dalton said he visited the site and took photos.

Referring to the aerial photograph, Member Anaya determined that the large area was an outdoor riding arena, leaving a residence and a barn on the property.

Mr. Dalton explained the code's definition of hardship: "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This section goes on to state, "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified."

Duly sworn, John Robertson indicated he understood why code was established. He moved to the property in 1985 and would now like his ex-wife to be able to live on the property to take care of him. He has a well and good drainage. He only has one tree and very few plants requiring water. Having grown up in New Mexico he understands the need to conserve water. He said his daughter is 17 years old.

Chair DeAnda asked if Mr. Robertson had considered any other options, such as improving his current house. Mr. Robertson said a room has been added on to his mobile home and a new roof, however, he is retired and does not have the money for extensive renovations. His ex-wife owns the mobile home which is a double-wide. It is approximately seven or eight years old.

There was no one from the public wishing to speak.

Chair DeAnda asked about the possibility of placing a second dwelling on the property on a temporary basis. Mr. Dalton said that has been done in the past for five-year periods with the possibility of extensions if the hardship still exists. Chair DeAnda said she was unsure whether the variance criteria had been met.

Stating the neighbors had expressed their support, Member Gonzales move to approve CDRC Case #V 11-5180 with staff conditions.

Chair DeAnda offered a friendly amendment that it be temporary for a period of five years.

Member Anaya seconded the motion and the friendly amendment.

The motion carried by unanimous 4-0 voice vote.

Mr. Dalton noted that the case is scheduled to be heard by the Board of County Commissioners on September 13th.

- C. **CDRC CASE # V 11-5200 Jesus Garcia-Solis Variance. Jesus Garcia-Solis, Applicant, Requests a Variance of Ordinance # 2002-9, (La Cienega/La Cieneguilla Traditional Community Zoning District), Section 6.4.2 to Allow a Second Dwelling Unit on 2.53 Acres. The Property is Located in the Vallecita de Gracia Subdivision, off Los Pinos Road (County Road 54) at 1 Corte Gracia, within Sections 22, 27, & 28, Township 16 North, Range 8 East, (Commission District 3) Wayne Dalton, Case Manager**

Mr. Dalton gave the following staff report:

“The Applicant requests to allow a second dwelling unit on 2.53 acres. There is currently a residence and conventional septic system on the property. The property is served by a shared well system which serves five additional lots. The property is located in the Traditional Historic Community, within the Basin Zone. Ordinance #2002-9 requires the minimum lot size in this area as 10 acres per dwelling unit. With

proof of 100-year water supply through a geohydrologic reconnaissance report, and adoption of water use covenants the maximum density may be increased to one dwelling unit per 2.5 acres.

“The Vallecita de Gracia Subdivision was granted preliminary and final plat and development plan approval by the Board of County Commissioners on March 10, 2005. The approval consisted of an 11-lot subdivision. On July 13, 2010, the Board of County Commissioners approved a request for preliminary and final plat and a development plan amendment to create three additional lots in addition to the previously platted 11 lots for a total of 14 lots on 42 acres.

“At the time of approval in 2005, a geohydrologic report was submitted for a 16 lot subdivision which demonstrated adequate water availability for the development. At the time of plat recordation, water restrictive covenants were also recorded restricting water use to 0.25 acre-foot per year per lot which is only adequate water for one residence per lot. On the Plat of Survey recorded in the County Clerk’s Office on April 2, 2007, under Santa Fe County Notes and Conditions # 13 states: guest houses are prohibited, therefore only one dwelling unit is allowed per lot.

“The Applicant states in 2008, he and his brother purchased the property with the intent that they could both construct a home or place a mobile home on the property. The Applicant states that shortly after purchasing the property his brother then placed a mobile home on the property. The Applicant states he decided to wait on purchasing his home due to the lack of money. The Applicant has already purchased a mobile home and has also paid half the cost of installing the septic system. The Applicant also states this is a lot of money to lose and was looking forward to finally residing on his portion of property after so many years. The Applicant currently works out of town to be able to pay rent where he is living and also to pay mortgage on his portion of property that is vacant.”

Mr. Dalton gave the recommendation as follows: Staff has reviewed this application and has found the following facts to deny this submittal: Ordinance #2002-9 requires the minimum lot size in this area as 10 acres per dwelling unit; the Applicants lot size is only 2.53 acres; water restrictive covenants were recorded within the Vallecita de Gracia Subdivision restricting water use to 0.25 acre foot per year per lot which is only adequate water for one residence per lot; the hardship described by the Applicant is not the type of variance hardship required by the Code; the Applicant has not justified a hardship which is required by the Code; strict compliance with the requirements of the Code would not result in extraordinary hardship to the Applicant; to allow further reduction of the Code density requirements would nullify the purpose of the Code therefore staff recommends denial of the Applicant’s request. If the decision of the CDRC is to recommend approval, staff recommends the following conditions be imposed;

1. Water use shall be restricted to 0.25 acre feet per year per ~~lot~~ home. A water meter shall be installed for each residence. 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. [Modified at staff report]

2. The Applicant must obtain a development permit from the Building and Development Services Department for the second dwelling.
3. The Applicant must install an automatic fire suppression system meeting all Fire Marshal requirements.
4. The placement of additional dwelling units on the property is prohibited.
5. Compliance with minimum standards for Terrain Management as per the Land Development Code and compliance with Ordinance 2003-6 Water Harvesting.
6. The Applicant shall connect to the County Water System when it becomes available within 200 feet of the property line.
7. The existing driveway will serve the proposed residence.

Speaking of the plat note #13 Member Gonzales asked if the prohibition of guesthouses includes second homes. Mr. Dalton said it did. Member Gonzales asked how far away the County water line was. Mr. Dalton said they are in the service area but he didn't know how far away the line was. Member Gonzales said he thought they were about a mile away. However, Ms. Cobau said the La Cienega Ordinance prohibits second dwellings even with community water. Member Gonzales explained that any extension to the line would have to be done by a private developer.

Ms. Cobau explained that the County does not enforce homeowner covenants, but the prohibition on second dwellings is a plat note which the County does enforce.

Member Gonzales asked if the plat note was explained to the applicant. Mr. Dalton said he believed the applicant was told they were allowed to have a dwelling unit on the property. It is possible staff did not know there was an existing house.

Member Gonzales asked if the lot could be split, and Mr. Dalton said because it is part of an existing subdivision it cannot be split due to provisions in the La Cienega Ordinance.

Member Anaya asked for clarification on the sprinkler requirement. Mr. Dalton said that is in place regardless of the square footage of the home or whether it is a mobile home or not. There is a 30,000-gallon tank in the subdivision.

Chair DeAnda pointed out there are already six lots on the shared well and that this would be adding an additional dwelling to that system. She asked if the first home had a permit and Mr. Dalton said it did.

Duly sworn, Darlene Martinez Garcia, speaking for the applicant, stated when the property was purchased they were told they could put two homes on the property. Mr. Garcia-Solis delayed building for financial reasons. During the application process they were never told he would not be able to build a second home.

There was no one from the audience wishing to speak.

Member Gonzales asked if there had been any letters in support or in opposition. Mr. Dalton said he received an email with concern about a land division. Mr. Dalton explained that this was not a request for a land division and he did not hear from that person again. He did not believe there was a homeowners association in the area.

Noting that the case would go before the BCC, and that any declarations about how many dwellings there could be on the property were made by private parties, Chair DeAnda moved to deny the request for a variance. Member Gonzales seconded, and the motion to deny carried unanimously.

Mr. Dalton noted that the case is scheduled to be heard by the Board of County Commissioners on September 13th.

D. CDRC CASE # V 11-5220 Roland & Lois Betts Variance. Roland & Lois Betts, Applicants, Sommer & Associates, (Karl Sommer), Agent, Request a Variance of Article III, Section 2.3.6 (Height Restrictions for Dwellings or Residential Accessory Structures) to Allow an Accessory Structure to Exceed Twenty-Four (24') Feet in Height. The Property is Located within the La Tierra Nueva Subdivision, at 18 Headquarters Trail, within Section 1, Township 17 North, Range 8 East, (Commission District 2) Wayne Dalton, Case Manager

Mr. Dalton gave the staff report as follows:

“The Applicants request a variance of Article III, Section 2.3.6 of the Land Development Code to allow a detached accessory structure to exceed twenty-four feet in height. The proposed two-story structure is approximately 1,523 square feet in size and will consist of a garage, which is 539 square feet and exercise room which is 984 square feet with a total height of twenty-seven feet on the south facing elevation.

“The property consists of 11.7 acres and currently has an existing residence. The proposed structure will be an accessory to the main residence as required by Ordinance No. 1997-4. Article 2.3.6a states for the purpose of this section, height means the vertical distance from any point, and the word ‘any’ being the key word there, on the upper surface of a building or structure to the natural grade or finished cut grade, whichever is lower, directly below that point.

“Staff has conducted a review of the Applicants’ proposed plan and has also obtained an opinion from the Legal Department pertaining to the south elevation of the structure. Staff and the Legal Department concur that the proposed structure exceeds the height limitation as outlined within the Land Development Code. Staff measured the vertical distance between the highest point (upper

surface) of the structure directly below to finished cut grade and determined that the structure is approximately twenty-seven feet in height.

“The Applicants disagree with Staff’s interpretation of the Code and are therefore requesting a variance.

“Article III, Section 2.3.6b states that the height of any dwelling or residential structure shall not exceed twenty-four feet. The vertical depth of fill materials from natural grade with or without retaining walls shall be considered as a component of the building or structure; this depth shall be included in the determination of the building height. Chimneys may extend three feet beyond the height limitation.

“The Applicants have submitted revised elevations of the structure with a flat roof design which has received pre-approval by staff eliminating the need for a variance, attached as Exhibit E, however the Applicant’s have decided to move forward with the original proposal.”

Mr. Dalton indicated staff has reviewed this submittal and has found the following facts to deny this Application: Article III, Section 2.3.6b states that the height of any dwelling or residential structure shall not exceed twenty-four feet; height means the vertical distance from any point on the upper surface of a building or structure to the natural grade or finished cut grade, whichever is lower, directly below that point; the Applicants’ design of the proposed structure is a self-inflicted condition and not a reason for variance as contemplated by the Code; The topography, location or the size of the site do not inhibit the Applicants from complying with the provisions set forth in the Land Development Code; revised drawings have been pre-approved by staff eliminating the need for a variance; therefore staff recommends denial of the Applicants’ request.

Member Gonzales asked how often the structure was measured. Mr. Dalton explained that it has not been built yet; it is only a proposal and the measurements were taken off the plans. Member Gonzales asked about the nature of the discrepancy and Mr. Dalton answered staff always measures from the highest point to the lowest point. He explained after the pitched roof was denied the architect came back with a flat roof which was approved. However, the applicant prefers the pitched design.

In response to questions from the chair, Mr. Dalton stated the only problem is with the south-facing elevation, which is 27 feet.

Member Anaya asked what kind of slope the property had and Mr. Dalton guessed it was probably between three and seven percent. Relying on past experience, Member Anaya said line of sight is often used as a criterion. Mr. Dalton said the aerial photograph shows houses in all directions.

Serving as counsel for the applicant, Karl Sommer introduced project architect Cindy Urban and distributed plat plans and elevations. *[Exhibit 1]* Mr. Sommer said the

case is simple; the code is not being used consistently. The façades of both designs submitted are the same yet staff judged them differently. He said the code is being consistently misread and misapplied historically.

Mr. Sommer used renderings to demonstrate his contention using measurements on a direct perpendicular line. He pointed out that the neighbor to the south has signed off on the design. Quoting from the code he said, "Height means the vertical distance from any point on the upper surface of the structure to the natural or finished grade, whichever is directly below that point."

Mr. Sommer offered a highlighted version of the Terrain Management Guidelines to support his interpretation, adding flat and pitched roofs should be measured in the same way. *[Exhibit 2]*

Ms. Cobau alluded to the Terrain Management Guidelines, page 15, below Mr. Sommer's highlighted section which says, "On ridgetops, limit structures to a single story, 14 feet for flat roofs, 18 feet for pitched." This shows the two styles of roofs are in fact measured differently. She said the height ordinance can be complied with easily by the second design submitted.

Mr. Sommer noted that statement refers to the fact there is a different measurement, 18 versus 14; it does not say you measure differently. It is a standard rather than an interpretation. Since the usable area inside a pitched roof is less the County allows them to go higher.

Noting they have been granted approval for the flat roof design, Chair DeAnda asked why they are requested the denied design.

Mr. Sommer indicated the applicant wants the house to resemble a school house; the government should not deny him that preference.

Chair DeAnda said the distinction did not seem to be arbitrary.

Member Gonzales asked if the three feet above the height limitation could be considered a minimal easing. Mr. Dalton said six inches would be a minimal easing. He added they have no problem with the schoolhouse design, only with the fact that the schoolhouse is too high.

There was no one from the public wishing to speak.

Based on signatures of neighbors on the plat and the topological setting, Member Anaya moved to approve the request in Case #V 11-5220 and Member Valdez seconded. The motion carried by 3-1 voice vote with Chair DeAnda voting against the motion.

E. CDRC CASE # V 11-5210 Edwin & Francesca Lemus Variance. Edwin & Francesca Lemus, Applicant's, Santa Fe County Open Space and Trails, (Colleen Baker), Agent, Request a Variance of Ordinance # 2007-2, (Village of Agua Fria Zoning District), Section 10.6 to Allow a Land Division of 1.534 Acres Into Two Lots; One Lot Consisting of 1.050 Acres and One Lot Consisting of 0.483 Acres. The Property is Located Off Agua Fria Street, at 1994 Vereda San Antonio, within Section 32, Township 17 North, Range 9 East, (Commission District 2) Wayne Dalton, Case Manager [Exhibit 3: Letter of Opposition]

Mr. Dalton gave the following staff report:

“The Applicants request a variance of Ordinance # 2007-2, Section 10.6 to allow a land division of 1.534 acres into two lots; one lot consisting of 1.050 acres and one lot consisting of 0.483 acres. There is currently a residence, and a shell of an old detached single car garage and a conventional septic system on the property. The property is served by an on-site well which serves the existing dwelling unit. The property is located within the Village of Agua Fria Traditional Community Zoning District. Ordinance # 2007-2 states the minimum lot size in this area is 0.75 acres per dwelling unit. Lot size can be reduced to 0.33 acres with both community water and sewer.

“The proposed land division would divide the current 1.534-acre parcel. The Applicant would retain 1.050 acres, which would be Tract A-1 with all existing structures and the Santa Fe County Open Space and Trails Program would purchase the remaining 0.483 acres, which would be Tract A-2 encompassing the Santa Fe River floodplain. The Applicant states the proposed land division is solely for the purpose of creating public open space along the Santa Fe River. The land division will not be recorded until and unless the purchase of Tract A-2 is completed by the County. The proposed Tract A-2 will be used exclusively for open space, river restoration, habitat enhancements, public trails and related amenities such as benches and drinking fountains.

“The Applicant also states that the Open Space and Trails Program is working to implement a long range plan to acquire land along the Santa Fe River in order to create a greenway of public open space and trails from downtown Santa Fe to the Wastewater Treatment Plant. The proposed land division is necessary for the County to purchase this portion of the river.”

In giving the recommendation Mr. Dalton stated staff has reviewed this Application and has found the following facts to support this submittal: Ordinance # 2007-2 states the density in this area is 0.75 acres per dwelling unit; the portion of the property being divided below the minimum lot size (Tract A-2) will be used exclusively for open space amenities and cannot be developed; the land division would preserve distinctive natural features such as the Santa Fe River, and primary open space corridors; and clustering of structures is encouraged to preserve natural open space areas as stipulated within Ordinance # 2007-2; therefore staff recommends approval of the Applicants request subject to the following conditions:

1. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
2. Water use shall be restricted to ~~0.50~~ 0.25 acre-feet per year for (Tract A-1). A Water meter shall be installed on the existing home; this shall be noted on the Plat. 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.
[Modified at staff report]
3. No further division of (Tract A-2) shall be permitted. This shall be noted on the plat.
4. (Tract A-2) shall be designated as open space, development other than open space amenities on this lot is prohibited; this shall be noted on the Plat.

Referring to packet exhibits F and G, Chair DeAnda asked where the division would be. She determined the location of the floodplains.

Appearing for the Open Space Division Colleen Baker explained the County is working to establish an open space corridor along the Santa Fe River and this is supported by the Agua Fria Village Ordinance. This lot split is strictly towards that end.

Mr. Dalton stated he spoke with the writer of the letter of opposition and explained there would be no development on the property beyond open space amenities. He did not hear further from him. Chair DeAnda asked if any of the people mentioned in the letter are adjoining landowners and Mr. Dalton did not know.

There was no one from the public wishing to speak.

Chair DeAnda moved to approve Case #V 11-5210 with staff conditions. Member Anaya seconded and the motion carried unanimously [4-0].

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1. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
2. Water use shall be restricted to ~~0.50~~ 0.25 acre-feet per year for (Tract A-1). A Water meter shall be installed on the existing home; this shall be noted on the Plat. 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.
[Modified at staff report]
3. No further division of (Tract A-2) shall be permitted. This shall be noted on the plat.
4. (Tract A-2) shall be designated as open space, development other than open space amenities on this lot is prohibited; this shall be noted on the Plat.

Referring to packet exhibits F and G, Chair DeAnda asked where the division would be. She determined the location of the floodplains.

Appearing for the Open Space Division Colleen Baker explained the County is working to establish an open space corridor along the Santa Fe River and this is supported by the Agua Fria Village Ordinance. This lot split is strictly towards that end.

Mr. Dalton stated he spoke with the writer of the letter of opposition and explained there would be no development on the property beyond open space amenities. He did not hear further from him. Chair DeAnda asked if any of the people mentioned in the letter are adjoining landowners and Mr. Dalton did not know.

There was no one from the public wishing to speak.

Chair DeAnda moved to approve Case #V 11-5210 with staff conditions. Member Anaya seconded and the motion carried unanimously [4-0].

SFC CLERK RECORDED 09/16/2011

G. CDRC CASE # Z/S 02-4325 La Pradera Master Plan Amendment, Plat and Development Plan. Gardner Associates LLC and La Pradera Associates LLC (Alexis Girard) Request a Master Plan Amendment to Allow for the Creation of 27 New Residential Lots within the Previously Approved La Pradera Subdivision and to Allow for the Previously Approved 32,667 Square feet of Commercial/Residential Area, Parking Lot and 11 Condominiums to Be Replaced with 17 Single-Family Residential, Live/Work Lots. The Application Includes Modification of the Original Approval That Proposed the Use of Reclaimed Water for Irrigation and Toilet Water Flushing on All Private Lots. The Use of Potable Water is Now Proposed. Reclaimed Water Will Be Used to Irrigate Common Areas Only. The Request Also Includes Preliminary and Final Plat and Development Plan Approval for 27 New Lots and Several Lot Line Adjustments in Phases 2-6 and 4 Master Plat Lots Which Could Be Developed Into a Total of 17 Single-Family, Live/Work Lots (11 Condos and 16,334 Square feet of Residential Space as Previously Approved to Be Converted to Single Family Lots) in Phase I. The Property is Located within the Community College District, West of Richards Avenue Between I-25 and the Arroyo Hondo, within Sections 17 & 18, Township 16 North, Range 9 East (Commission District 5) Vicki Lucero, Case Manager [Exhibit 4: Letter of Support]

Vicki Lucero read the staff report as follows:

“On January 28, 2003, the EZA granted master plan approval for a mixed-use development (La Pradera) consisting of 80 residential units, 16,334 square feet of commercial space and 16,334 square feet of residential space on 69.2 acres.

“On March 9, 2004, the BCC granted Final Plat/Development Plan approval for the mixed-use subdivision.

“On June 30, 2005, the EZA granted approval of a master plan amendment to the previously approved La Pradera, Phase I, mixed-use subdivision to allow an expansion of an additional 158 residential lots (Phases 2-6) on 94 acres.

“On January 31, 2006 the BCC granted preliminary plat and development plan approval for Phases 2 thru 6 and final approval for Phases 2 and 3 consisting of 97 lots.

On July 10, 2007, the BCC granted final plat/development plan approval for phases 4 thru 6 of the La Pradera Subdivision which consisted of 60 lots on 28.4 acres.

On May 10, 2011, the BCC granted authorization to proceed with a master plat for the creation of 21 residential (live/work) lots within the existing La Pradera Subdivision, which does not require that a specific lot layout be defined prior to

plat recordation and would grant administrative authority to create lot boundaries once buyers are identified or home construction is complete.

“The Applicants are now requesting a master plan amendment for the La Pradera Subdivision in order to create an additional 27 residential lots. The twenty-seven proposed lots will be created by adjusting lot lines of existing lots to reduce the size of some of the oversized lots in Phases II-VI. The Applicant states that these smaller lot sizes are dictated by the significant changes to our economy and the market demand for entry-level housing. Six residential lots from the previously approved 16,334 square feet of residential space will be combined with 11 previously approved condo units from Phase I, for a total of 17 lots, in order to create a ‘village concept’ which will have the potential of being live/work units.

“The previous master plan approval was granted with the proposal of utilizing treated effluent for irrigation of common areas as well as for toilet flushing and irrigation of private lots. The proposal was for each home to install a dual plumbing system. The applicants are requesting an amendment to modify their original approval to allow for irrigation of common areas only with reclaimed water. County staff has met with the NMED who stated that they are supportive of this change because it is very difficult to control what individual property owners do with the treated effluent which leads to a concern for health and safety.

“The Applicants are also requesting preliminary and final plat and development plan approval for the 27 new lots and several lot line adjustments in Phases 2-6 and Master Plat approval for 4 lots which could be developed into a total of 17 single-family, live/work lots in Phase I.”

Ms. Lucero said the application was reviewed for zoning allowances, water, wastewater, fire protection, solid waste, roads, access, terrain management, open space, landscaping, archaeology, and affordable housing.

Ms. Lucero gave the staff recommendation as follows: The proposed master plan amendment and master, preliminary and final plat and development plan are all in conformance with the Community College District Plan and Ordinance and the County Land Development Code. Therefore, staff recommends approval of the request subject to the following conditions:

1. Provide a minimum of 8 residential units (30%) for affordable housing. A mix of housing types is required for the entire development. The affordable housing lots must be identified on the Final Development Plan. The affordable housing agreement must be modified to reflect the additional lots and must be approved by the Affordable Housing Administrator prior to this case being heard by the BCC.
2. The plaza area must be designated on the plat and development plan prior to this case going before the BCC.
3. Development of the Master Plat lots, which are located within the Neighborhood Center, shall comply with the minimum Floor Area Ratio (FAR) of .25 and the

maximum of 2.0 as required in the CCDO. This shall be noted on the Final Plat and Development Plan.

4. Coordination with the Utilities Department on final modification of the water lines and meter locations.
5. Modification and re-filing of Water Restrictive Covenants to reflect new dwellings and maximum water use per dwelling prior to Final Plat Recordation.
6. The live/work units must be sold as a single unit/lot and can't be condominiumized or sold separately. This shall be noted on the subdivision plat as well as on the individual plats and included in the disclosure statement.
7. The property must be brought into full compliance including removal of stockpiles, trash and detritus prior to final plat recordation (see Exhibit "H").

Chair DeAnda asked for clarification of the affordable housing situation. Ms. Lucero said there are 27 additional lots and they are replacing 11 previously approved condos and 16,000 square feet of residential space with 16 single-family lots. The 37 mentioned in the applicant's report is an error. The affordable housing units were factored in in the previous approval.

Speaking for the applicants, Karl Sommer introduced the project principals and consultants, and recognized that the neighbors to the south have concerns. He said they agree with staff's statement that this amendment complies fully with the Community College District Ordinance with respect to density, open space and other requirements. This was the area the County intended to focus its growth and in place of maximum densities there are minimum floor areas to concentrate growth and make infrastructure more compact and efficient. There is a 50 percent open space requirement.

Mr. Sommer noted the amendment is being requested due to the economic downturn that threatens the viability of the original plan. He cited Oshara as a failed development where infrastructure has not been completed and home values have fallen. Credit is tight which also threatens La Pradera's viability. This amendment helps them stay in the market. La Pradera has been creative in seeking ways to keep people building. The price range is \$250,000 to \$350,000. The principals have a huge investment in the project and densification will aid viability.

Mr. Sommer pointed out that the room is not filled with La Pradera residents, who now want to see the project move forward. He pointed out that the project is demonstrating water efficiency by using only .11 acre-foot per year. Any past problems with the wastewater treatment plant have been remedied and it is now in compliance.

Regarding traffic, the development is in compliance. This amendment reduces to overall long-term traffic impact. Open space tracts will be maintained; the only change is densification of the lots.

Mr. Sommer addressed issues that have been brought up by opponents. He denied that the developer has not lived up to previous agreements. He said they have met with the neighbors and reduced density, modifying the initial proposal. Economic conditions have changed and the agreement did not specify that they would never do anything different, even if it means the development will fail. Complaints about the piles of debris from Advantage Asphalt were valid; that has been cleaned up. He said the reuse of

effluent was already addressed. He said the developers agree with staff conditions and the changes proposed will help maintain a healthy, viable community for all.

Duly sworn, John McCarthy gave a history of the project, which started with the purchase of the property in 1999. They worked quite extensively with the neighbors. As a result of discussions he said they have provided a 400-foot buffer on the east side and a 125 to 250 buffer on the south side in addition to planting 50 evergreen trees. Other accommodations include addition of a new road section and paving all access roads. In 2004 density was reduced by 45 units. However, in the spirit of meeting the market and creating construction jobs some of the "super-sized" lots have been reduced to closer to the average lot size.

Member Gonzales asked how many meetings were held with the neighbors. Mr. McCarthy said there were around five meetings and an advisory committee of La Pradera homeowners. He said 90 lots have been sold, of which around 70 are occupied. In phases 1 through 6 the existing approval is for 237 residential lots plus one commercial lot. The amendment would do away with the commercial element in exchange for more residential. He demonstrated the changes on a map.

Member Gonzales noted that the residents relied on initial declarations about water reuse. Mr. McCarthy referred to Appendix J to the plumbing code which did not allow reuse. The developers worked with the City, County NMED and the State Engineer to get permission to use treated effluent for commode flushing and on-lot irrigation. Dual plumbing was installed. After about a year very few people chose to use the system due to odors and concerns that the effluent was not being used properly. At the homeowners meeting the situation was explained and it was unanimously agreed to abandon commode flushing with effluent in phases 2 through 6.

Member Gonzales asked about possible negative economic impact on existing homeowners. Mr. McCarthy said the existing market is in the \$200,000 to \$325,000 range, and this is not a decision made by the developers.

Member Gonzales asked why evaporative coolers were prohibited. Mr. McCarthy said that restriction came out of a two-year State Engineer study that show they use a great deal of water. The covenants prohibit both external hose bibs and swamp coolers. He pointed out that most people in Santa Fe do not have any air conditioning. The homes being built have a HERS rating of 57 to 59, which is enviable, and as mentioned, very little water usage. Member Gonzales reiterated his contention that swamp coolers are cheaper and efficient.

Chair DeAnda asked about total number of units at build out. Mr. McCarthy said it will be 270, meaning 180 remain to be built. Chair DeAnda asked if the prohibition on graywater flushing changed the claim of sustainability, and where the potable water now used is coming from. Mr. McCarthy said there is a service agreement for City-wheeled water. Xeriscapes are widely used along with other techniques to cut down water use. He characterized the reuse plan as an experiment that did not work out. He said the homeowner has the responsibility to tap into rain barrels.

Chair DeAnda said she was glad to hear the trash heap problem had been addressed and Mr. McCarthy provided a picture of the cleaned-up site. [Exhibit 5]

Regarding the odors from the wastewater treatment plant, Chair DeAnda asked if that had been addressed. Mr. McCarthy said it was discovered that a lightning strike caused the problem in the first plant. The second plant has been activated in May and the first has been refurbished. They are in compliance and the capacity is more than adequate. Chair DeAnda pointed out that the letters of complaint were dated after the date of the second plant being activated. Mr. McCarthy said it might have taken a while to stabilize. He said he is out there daily and has not noticed an odor.

Chair DeAnda asked for clarification of the revegetation situation. Mr. McCarthy said the area with most of the raw dirt is the area that has been cleaned up. Additionally, there are two open space areas that have detention basins with trees that will be irrigated with treated effluent. They were waiting for the rains to start before reseeding and are being proactive in the use of graywater.

In response to the chair's questions about the homeowners association Mr. McCarthy said the HOA board of director consists of three developers and two members at large. The developer will maintain control until 87.5 percent of the 270 units are sold.

Chair DeAnda also spoke in favor of swamp coolers; Mr. McCarthy said they pose a number of problems beyond water use, including the need to cut holes in the roofs causing heat loss in the winter, as well as other problems.

Member Anaya asked what the HERS rating was now that the effluent system had been abandoned. Mr. McCarthy stated the rating was not affected by that.

Chair DeAnda asked for clarification of condition #7, and Ms. Lucero said that has to do with the stockpiles and revegetation. She said they had made progress last time she was out there. They did a site visit with NMED who indicated they have no problems with the wastewater treatment plant. Staff has received no further letters about the odors.

Bill Varnum, under oath said he was a resident of Vista Ocaso. He understood the minimum buffer distance in the Community College District was 195 feet. He said there have not been meetings specifically with the Vista Ocaso neighborhood. He stressed his neighborhood has never approved of La Pradera. The nominal neighborhood leader lied under oath to the Commission regarding the acceptance. They had asked for a 300-foot buffer, like that bordering Rancho Viejo; they got 125 feet. He has filed a perjury complaint against the erstwhile leader but with no result. He said the lots as currently configured would sell if presented at market value. The developers are asking the County to guarantee a higher profit margin for them. He said the school district should approve the greater density as well.

Christopher Graeser, appearing as legal counsel for two residents stated no one wants to see the development fail, but they should be held to the original deal. There were negotiations in 2005 after which Mr. McCarthy sent a letter to the Vista Ocaso outlining the agreed upon items, whereupon the neighborhood largely withdrew their opposition. The current proposal splits the large buffer lots that were agreed upon. He pointed out if there were a proposal for a new 27-lot subdivision the committee would insist on

standards and this is not happening here. There have been significant problems with the utilities. His clients are willing to work with the developer and he asked that the neighbors not be required to make all the compromises. He asked that the request be denied but if the amendment is approved he asked for a condition requiring lot line adjustments to come before a public hearing so that even more lots are not “crammed” on the southern side. The Community College District clearly calls for large buffers. Changing economic times do not constitute an excuse for cutting corners. The “super-sized” lots were there to provide a buffer.

Ms. Cobau confirmed that the committee would be making a recommendation to the BCC, not a final decision.

Previously sworn, Adriene Simpson from the Vista Ocaso Subdivision stated there was no guarantee the extra lots were going to “save the day.” She said the La Pradera homeowners were not present because they were threatened with the development becoming another Oshara. She said currently there are large lots with large custom homes and the current plan is more likely to bring about market segregation and less diversity. She pointed out there is plenty of inventory right now to employ construction workers. The infrastructure was installed to accommodate the original plan; splitting lots in half will cause problems by dividing service lines. She had no confidence the wastewater problem was solved, nor the revegetation. The detention ponds are full of weeds. She opposes the proposed changes.

Ron Gallegos, under oath, disputed the contention the Community College District Ordinance called for minimum densities. He agreed the La Pradera residents were no longer opposing the changes because of the threat of failure like Oshara. At the meetings it was made clear there was no room for negotiation. Phase 1 differs significantly from the other phases. Mr. Gallegos said he was closest to the new lots and Vista Ocaso is more impacted by the changes than Phase 1. He doubted the water usage figures could be trusted since many of the houses are unoccupied. The County encourages working with the neighbors but what is to be done if the agreements aren’t upheld? He noted there appears to be standing graywater near the treatment plant. Although it was said the HOA voted to stop the reuse plan. He pointed out the developers are the HOA at this point. He asked that the whole project not be made affordable housing; there have already been break-ins. He said he has a long-term interest in his property whereas once the developers sell the lots they will be gone.

Under oath, Lisa Burns presented the committee with a petition [Exhibit 6] and photographs showing the differences between Phase 1, phases 2 through 6, and the surrounding neighborhoods. [Exhibit 7]. She also provided the 2005 letter from Mr. McCarthy with the original plan and revised plans. [Exhibit 8]

Responding to questions from the chair, Mr. Graeser said he was retained by Matthew Cooke and Lisa Burns and has talked to other neighbors in support of their position. He said they are willing to be reasonable. Chair DeAnda said it did not appear a fruitful meeting had been held to deal with the issues. Mr. Graeser said his clients would

be willing to sit down with the applicants, along with anyone else who wants to participate.

Chair DeAnda broached the possibility of a further meeting and Mr. McCarthy said they have met with the surrounding neighbors and they have never changed their position; they are always against, and they have used delaying tactics. Chair DeAnda said she doesn't have a sense of what the residents of La Pradera want. Mr. McCarthy said many of the objections raised have been addressed.

In rebuttal, Mr. McCarthy said the buffer hasn't changed; it is still 195 feet. The applicants have spoken with the school district and there is a letter in the packet to that effect. The big lots were never contemplated nor represented as a buffer. He said larger lots do not necessarily equate with larger, more expensive homes.

Chair DeAnda asked about a public hearing being triggered by changing the lot lines. Mr. McCarthy he said they would come back if there was a change of density. Ms. Lucero pointed out they were approved to have lot lines approved administratively.

Member Anaya moved to approve the La Pradera master plan amendment. His motion died for lack of a second.

Member Gonzales moved to table to allow further good faith negotiations, and Member Valdez seconded. Member Valdez noted there didn't appear to be a water availability letter.

Chair DeAnda said she was doubtful there would be much movement from a new meeting.

The motion to table tied 2-2 with Members Gonzales and Valdez voting with the motion and Members Anaya and DeAnda voting against.

Ms. Cobau said the case would appear at the next meeting when there are more members present. Mr. Sommer noted Member Katz would be recusing himself. Chair DeAnda said Member Martin will be present.

Saying the delays have a severe impact on the project, Mr. Sommer asked that the case be denied rather than tabled. He said he has heard Mr. Graeser's demands and there doesn't appear to be any possibility of progress.

There was no motion to reconsider.

VIII. PETITIONS FROM THE FLOOR

None were presented.

IX. COMMUNICATIONS FROM THE COMMITTEE

Chair DeAnda asked that if unable to attend a meeting a member should call Shelley at 670-4000, or email her at scobau@santafecounty.org.

Member Anaya apologized for his lateness at the last meeting.

Member Valdez noted that the temporary permit for five years seemed very short. Chair DeAnda said the current case could not be changed at this time but for cases in the future that could be considered.

VIII. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

IX. COMMUNICATIONS FROM STAFF

The next meeting was scheduled for September 15, 2011.

X. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair DeAnda declared this meeting adjourned at approximately 7:40 p.m.

Approved by:

Maria DeAnda

Maria DeAnda, Chair
CDRC

ATTEST TO:

COUNTY CLERK

Before me, this ____ day of _____, 2011.

My Commission Expires: _____

Notary Public

ATTEST TO:

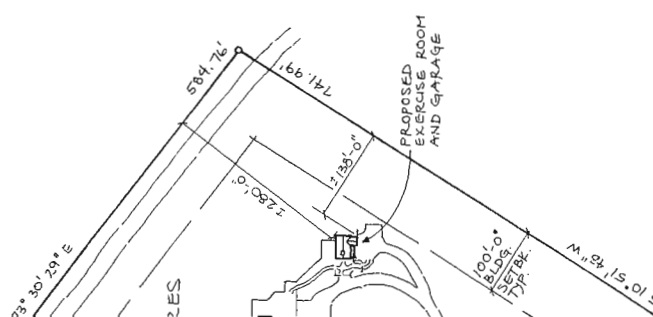
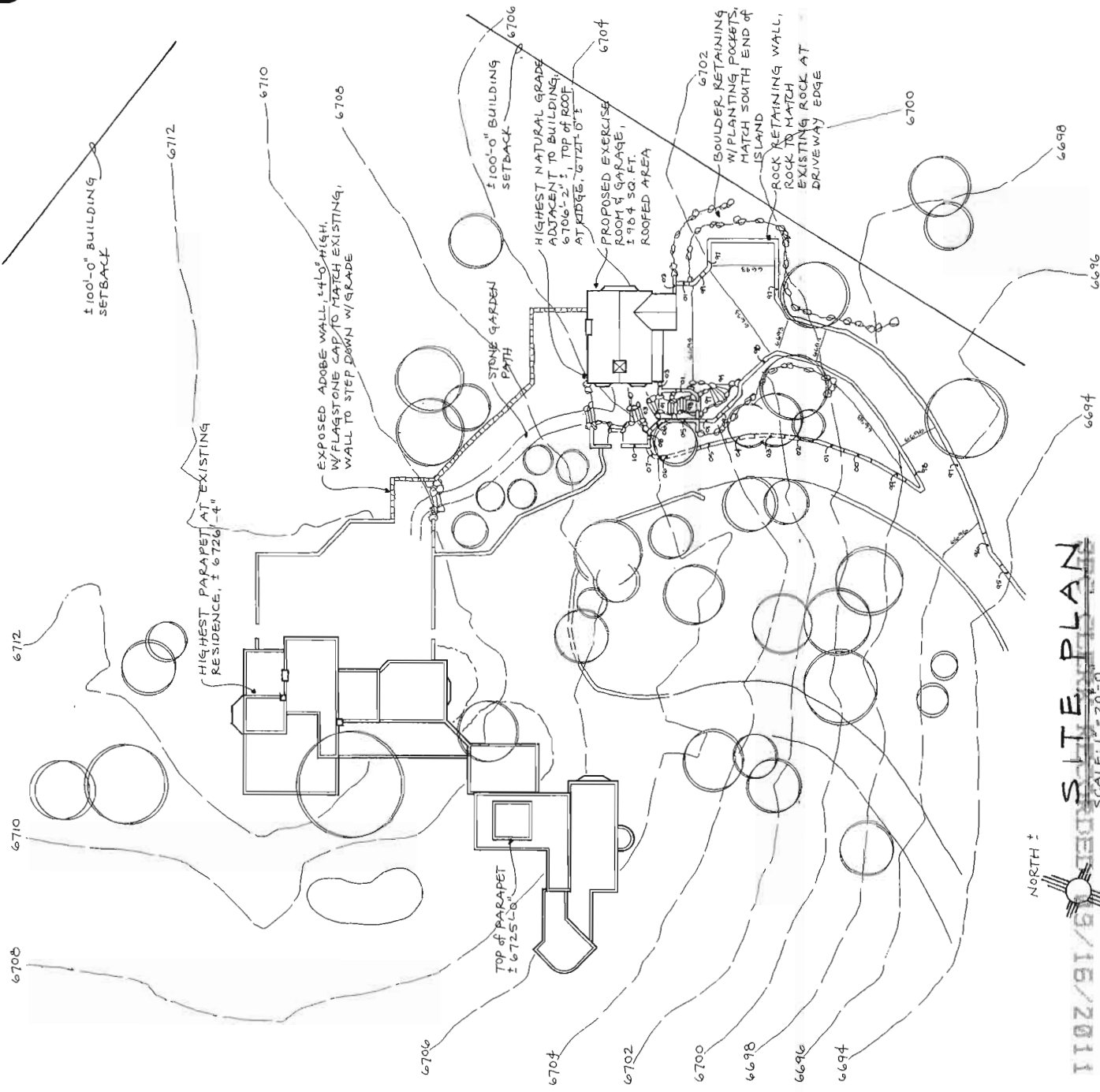
Valerie Espinoza by VT

Submitted by:
Debbie Doyle
Debbie Doyle, Wordswork

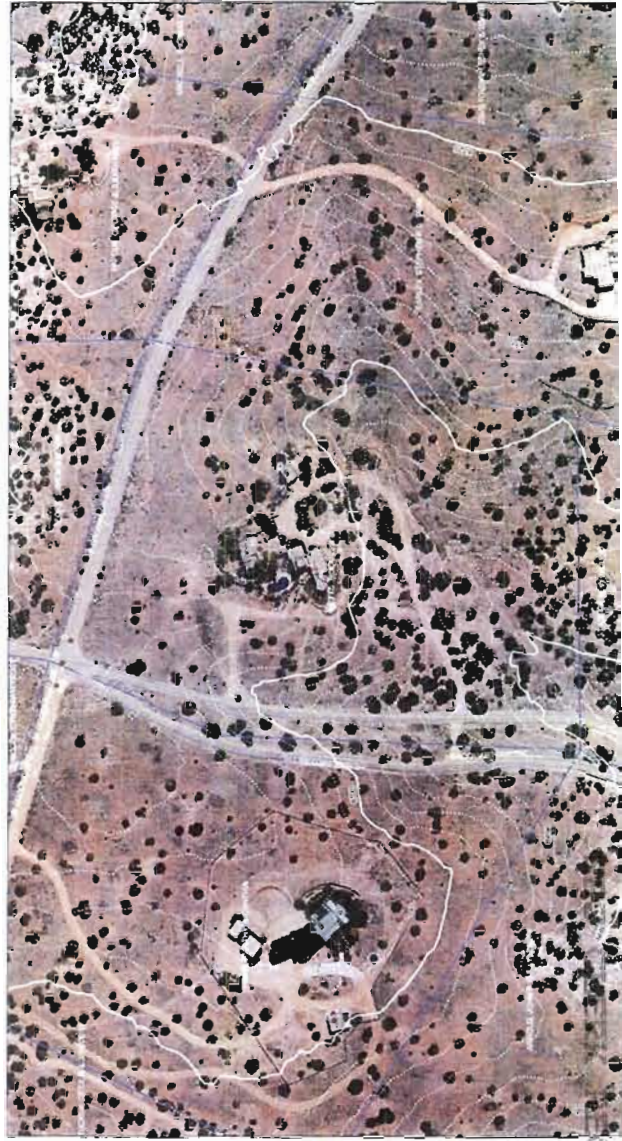


PLAT PLAN AND SITE PLAN

BETTS RESIDENCE 18 HEADQUARTERS TRAIL, SANTA FE, NM



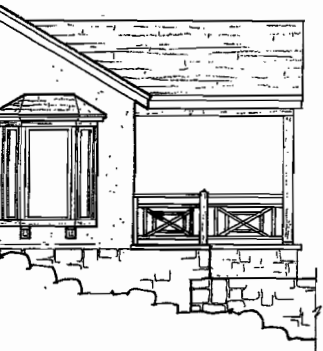
NORTH ↑



Arch Committee

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4/1/11
5/1/11

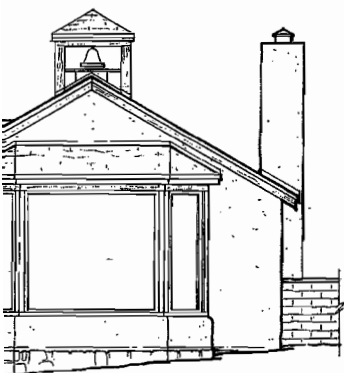
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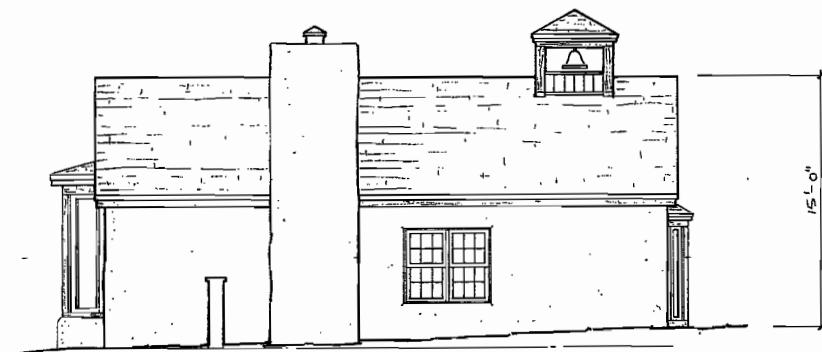
SOUTH

EXTERIOR FINISHES:

- ROCK—MATCH EXISTING ROCK AT DRIVEWAY EDGE
- STUCCO—MATCH EAST WALL OF EXISTING RESIDENCE
- WOOD—RECLAIMED, AGED WOOD, CLEAR SEAL
- ROOFING—CEDAR SHINGLES TO MATCH EXISTING RESIDENCE
- DOORS—ANTIQUE & NEW FACED W/RECLAIMED WOOD, CLEAR SEAL
- WINDOWS—'MARVIN' OR SIMILAR, WOOD, STAIN & SEAL TO MATCH RECLAIMED WOOD
- METAL FLASHING—AGED COPPER



ST



NORTH

SCALE:
1/4" = 1'-0"

DATE:
5-5-11

EXTERIOR ELEVATIONS

BETTS RESIDENCE
HEADQUARTERS TRAIL, SANTA FE, NM

(1) 24x36
(1) 11x17
SITE PLAN
ELEVATIONS

WAYNE WAT
995-2716



ARTICLE III
ZONING REGULATIONS, SUBMITTALS & REVIEWS

SECTION 1 - AGRICULTURAL, GRAZING AND RANCHING USES

Agricultural, grazing and ranching uses and construction of fences and accessory structures related to those uses are permitted anywhere in the County, provided the use of the land or the fence or accessory structure complies with the requirements of other sections of the Code, including but not limited to the density regulations of the Code. Application for a development permit is not required for these uses, unless the provisions of other sections of the Code apply. For purposes of this Section, commercial feedlots are not considered to be agriculture, grazing or ranching uses. The height of all structures associated with uses listed in this Section shall be limited to a maximum of thirty six (36') feet in height.

History. 1980 Comp. 1980-6. Section 1 was amended by County Ordinance 1984-3 to provide a height limitation for agricultural uses.

SECTION 2 - RESIDENTIAL USES

Structures and use of land for agricultural, grazing and ranching purposes are specifically excluded from the requirements of this Section 2. The following site planning standards are applicable to all new development.

2.1 Location Of Residential Uses

Residential uses are allowed anywhere in the County provided all of the requirements of the Code are met.

2.2 Lot Requirements For Residential Use

Residential uses are permitted under the following circumstances:

- 2.2.1 The density requirements of Section 10 of this Article III are met; or
- 2.2.2 The lot or parcel meets the requirements of Article II, Section 4.

2.3 Site Planning Standards For Residential Uses

2.3.1 Purpose and Intent

- 2.3.1a. To encourage new development to adapt to the existing natural topography, soils, vegetation, geology, hydrology, landforms and other conditions existing on a site as well as being sensitive to the existing built environment in the local neighborhood or community;
- 2.3.1b. To minimize the visual effects of development and protect the natural appearance and integrity of hillside, ridgetop, and escarpment areas;
- 2.3.1c. To protect neighborhoods from nuisance effects of outdoor lighting and unsightly trenching or overhead utility installations; and
- 2.3.1d. To demonstrate existence of a Buildable Area on each lot for structures and support facilities (water supply, liquid waste disposal, access, and utilities).

2.3.2 Each lot shall have a designated Buildable Area which shall meet the criteria set forth in Article VII, Section 3.4, Terrain Management Performance Standards.

2.3.3 Development of the lot shall occur only within approved development sites.

- 2.3.3a No development sites may occur on a natural slope of thirty percent (30%) or greater. Exceptions may be approved by the Code Administrator for:

1. access corridors, utility corridors, and landscape areas proposed on natural slopes in excess of thirty percent (30%) that disturb no more than three (3) separate areas of no more than one thousand (1000) square feet each, provided the applicant demonstrates that no alternative development location is available;
2. arroyo crossings may be approved which disturb more than one thousand (1000) square feet in each instance provided that slope stability and hydrologic/hydraulic conditions are not changed from pre-development values; and
3. siting of structures to preserve remaining traditional agricultural lands and uses.
4. The applicant shall demonstrate that crossing such slopes has minimal impact to terrain or to visual quality and otherwise would conform to the purposes and standards set forth in this Section 2.3 and Article VII, Section 3.4, Terrain Management Performance Standards. See the Guidelines for Site Planning and Development in Santa Fe County

2.3.3b. A complete terrain management plan (see Article VII, Section 3, Terrain Management) shall be required if any portion of land within a development site has a natural slope of fifteen percent (15%) or greater; for construction of one dwelling or accessory structure, the terrain management plan shall address the land proposed to be disturbed only; the Code Administrator may waive this requirement if the portion of the development site over 15% slope is incidental to the entire site.

2.3.3c. Density transfers are encouraged to take advantage of naturally occurring development sites below ridgetops and to set aside ridgetop areas for open space.

2.3.3d. Any legal nonconforming lot, that is, a legal lot of record which was created before May 1, 1996 (Ordinance 1996-3 adopted March 12, 1996), and which does not contain a Buildable Area as defined in Article VII, Section 3.4.1.b of the Code, is eligible for application for a variance to the Buildable Area standard. See Article II, Section 3, Variance.

2.3.4 Setbacks

2.3.4a. In order to avoid flood and erosion hazards, a twenty-five foot (25') minimum set back from the natural edge of streams, waterways, drainage ways or arroyos pursuant to Article VII, Section 3.4.6 j of the Code is required; the required setback may be increased if the Code Administrator determines that a clear hazard exists because of slope stability and hydrologic/hydraulic conditions. In evaluating the need to increase the setback, the Code Administrator shall consider property and channel slope, velocity of channel flow, hydraulic radius, roughness coefficient, and sectional area of the particular drainage way.

2.3.4b. Any development site on a ridgetop must be set back from the shoulder toward the crest of a hill or ridge pursuant to Article VII, Section 3.4.1 d, Performance Standards for Development Site.

2.3.5. Shared points of ingress and egress to adjacent development sites is encouraged, unless it can be demonstrated that additional or separate access is necessary. Design standards and submittal requirements as set forth in Article III, Section 4.4.3a, for Driveway Access, and Article VII, Section 3.4.4, Roads and Driveways shall be applied.

2.3.6 Height Restrictions for Dwellings or Residential Accessory Structures

→ 2.3.6a. For the purpose of this Section, height means the vertical distance from any point on the upper surface of a building or structure to the natural grade or finished cut grade, whichever is lower, directly below that point.

→ 2.3.6b. The height of any dwelling or residential accessory structure shall not exceed twenty-four feet (24'). The vertical depth of fill materials from the natural grade, with or without retaining walls, shall be considered as a component of the building or structure; this depth shall be included in the determination of building height. Chimneys may extend three feet (3') beyond the height limitation. In addition:

1. The height of any dwelling or residential accessory structure located on land which has a natural slope of fifteen percent (15%) or greater shall not exceed eighteen feet (18'). The vertical distance between the highest point of a building and the lowest point of a building at natural grade or finished cut grade, whichever is lower, shall not exceed thirty feet (30'). The Code Administrator may waive this requirement if the portion of the structure located on land over 15 % slope is incidental to the entire site.
2. On ridgetops as defined in Article X of the Code, only one story buildings are allowed. On ridgetops, the height of any dwelling or residential accessory structure shall not exceed fourteen feet (14'), except one story pitched roof style buildings may be allowed a maximum height of eighteen feet (18') provided such roof can be screened from a public way and pursuant to a site visit and approval of the Code Administrator.
3. Structures for agricultural purposes shall meet the requirements of Article III, Section 1.

2.3.6c. Requests for residential accessory structures such as windmills and radio antennas to exceed the maximum height restrictions shall be reviewed for approval by the County Development Review Committee. When an exception to the height restrictions is desired, the applicant shall submit plans for the installation and operation of the accessory structure with a report explaining why the requested height of the structure is necessary for proper function. The County Development Review Committee shall consider: whether the requested structure is reasonably necessary to be on the proposed site; whether the applicant has demonstrated that the requested height is the minimum height necessary for the proposed structure to function properly, not to exceed a maximum height of forty-five feet (45'); and the size of the lot and impact on neighboring properties.

→ 2.3.7 Terrain Management
All development of a lot, tract, or parcel shall be done in accordance with the Santa Fe County Land Development Code, Article VII, Section 3, Terrain Management.

2.3.8 Architectural and Appearance Standards

2.3.8a. Purpose and Intent

These standards for architecture and appearance apply only to development sites where any portion of land has a natural slope prior to development of fifteen percent (15%) or greater and on ridgetops; they are designed to assure that buildings, roads, driveways, utilities, and other development blend into the natural landscape and conform to the existing natural topography, vegetation, and soils characteristics. The natural form, color, slope, and texture of the hills or mountains should be the dominant feature, not the built environment. The following standards apply to all new buildings and additions to existing structures which are located on natural slopes of fifteen percent (15%) or greater or on ridgetops:

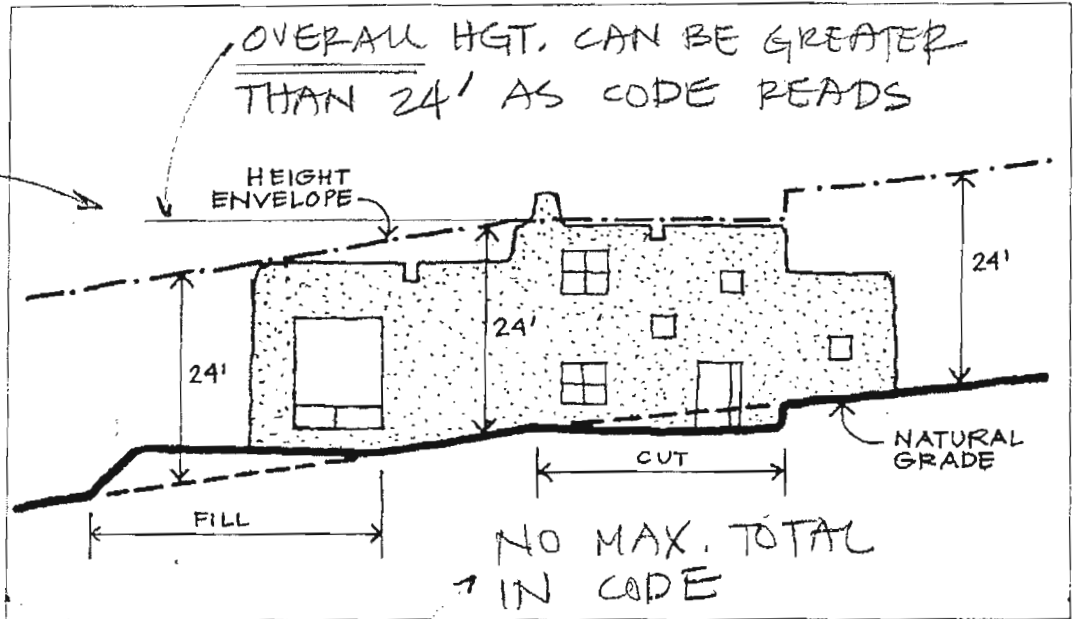
- 1) Architectural styles are not regulated; however, buildings which fit the traditional or local building types, styles, and scale, as these vary throughout the County, are encouraged.
- 2) Neutral and darker shades of colors shall be used for exterior walls, facades, and roofs which blend with the natural foliage of the native trees or other vegetation or, where

6 Height Limitations

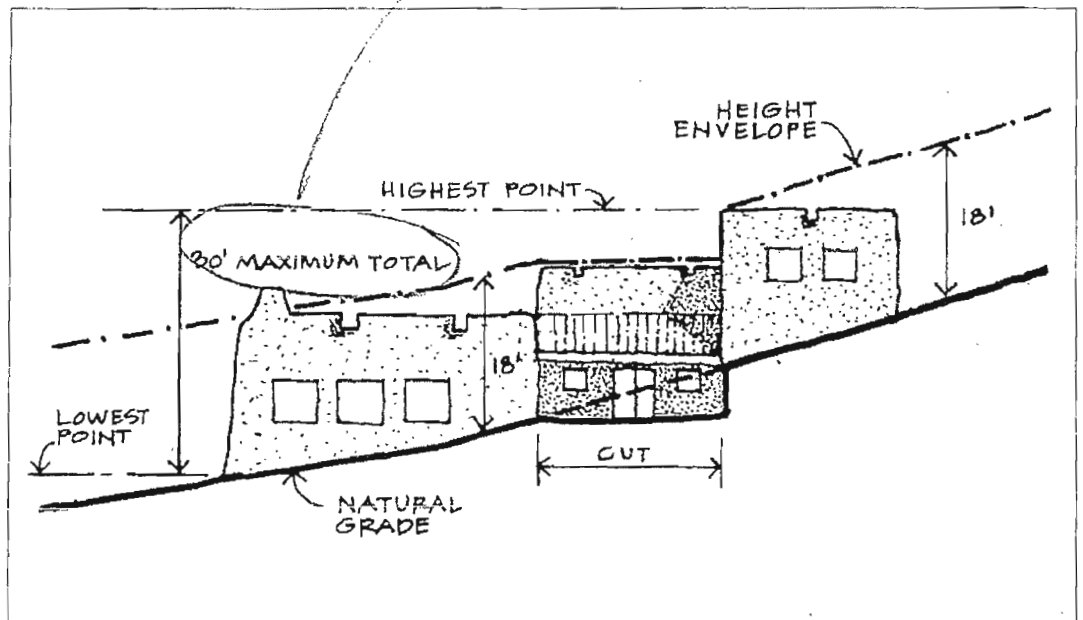
To determine if your building plans meet the height limits, measure from the highest point of any part of the structure (not including chimneys) to natural grade or finish cut grade directly below that point. If a building is raised on fill, the depth of fill is considered part of the height; if the natural grade is lowered in a cut, the depth of cut is likewise part of the height. The illustrations show that

On slopes less than 15% the maximum height may not exceed 24 feet.

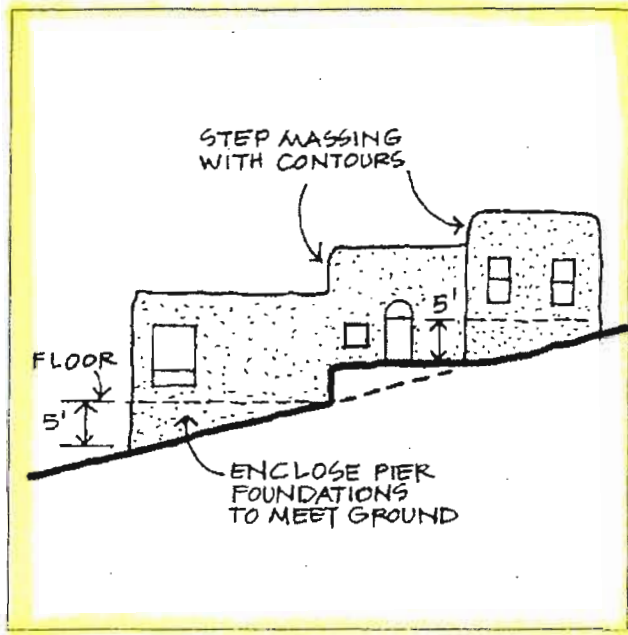
THIS APPLIES TO BETTS PROJECT



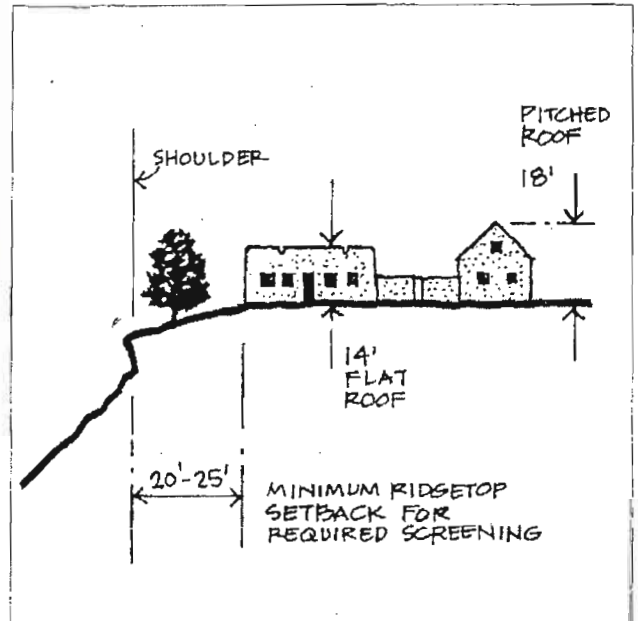
On slopes between 15% and 30% the maximum height may not exceed 18 feet at any point; the maximum total height allowed from the lowest point meeting natural grade and the highest point of the building is 30 feet.



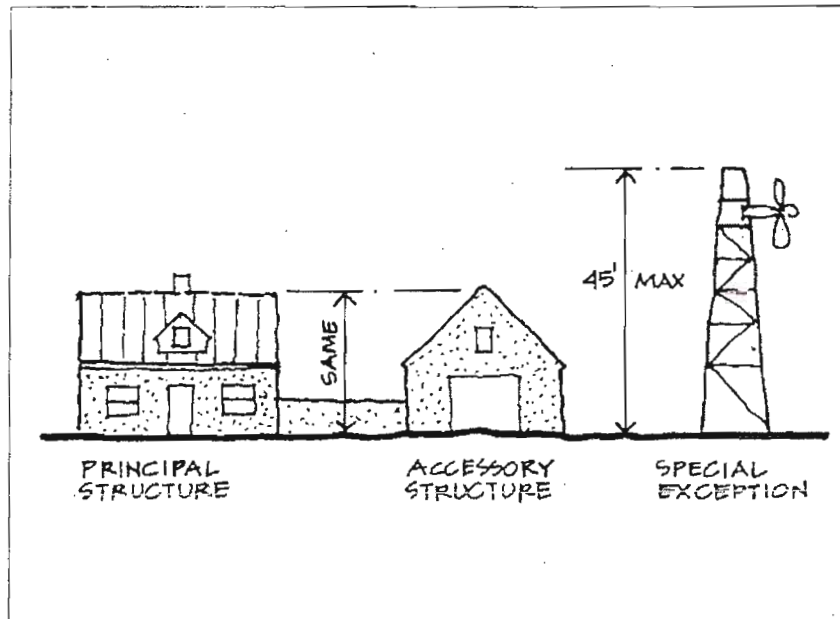
a line drawn parallel to the natural grade, and following any cuts, can be used to define what is sometimes called the height "envelope." Note that the envelope does not just apply around the perimeter of a structure but also anywhere in the middle.



On slopes between 20% and 30% step buildings along contour lines so no floor level is more than 5 feet above natural grade at any point.



On ridgetops limit structures to a single story, 14 feet high for flat roofs and 18 feet for pitched roofs.



Residential accessory structures have the same height limits as the principal structure; but accessory structures such as windmills may be granted exceptions up to a maximum of 45 feet, with a required public hearing.

DATE: August 15, 2011

TO: Santa Fe County Land Use Administrator

FROM: Tony Montoya Jr. *TMA*
Damian Gabaldon *DG*
Helen M. Gabaldon *HMG*
Charlie Gonzales *CG*
Mary Frances Gonzales *MFG*

SUBJECT: CDRC CASE #VII -5210

We wish to object to the proposal to allow a Land Division as proposed in CDRC Case #V11-5210. We are already being exposed to gatherings that result in loud noise and congestion due to heavy traffic in and out of the property proposed for division. We feel this change will result in more of the same creating problems for persons who live close by and also the use of the incrimate road running through the property. As it is we live by the Agua Fria School and needless to say, this area is heavily congested with the increase of growth that the village has succumbed to.

RECEIVED AUG 17 2011
10:00 am
(signature)

SFC CLERK RECORDED 08/16/2011



Vicki Lucero

From: Ellen Heath [ellen123@q.com]
Sent: Wednesday, August 17, 2011 12:25 PM
To: Vicki Lucero
Cc: Alexis Girard
Subject: La Pradera Master Plan

Dear Ms. Lopez,

I would like to register my support for the revised master plan under consideration for La Pradera. I am a resident of the development and live at 65 Bosquecillo and will unfortunately not be able to attend the meeting tomorrow afternoon.

The developers have worked closely with an advisory committee, of which I am a member, to come up with plans for residences that will actually sell in this challenging market. No one actually wanted the commercial center, which we knew wasn't viable anyway, and the live-work residences seem a good alternative. With regard to the density issue, the ideal would be less, but the new plan doesn't provide for an inordinate increase in residences.

Certain individuals representing Vista Ocaso have been very vocal in opposition to all revisions, but those individuals would probably like to see La Pradera stall, just as it is. Those of us who have invested in the original vision for La Pradera, which remains largely intact, would be financially damaged by the development's failure to fulfill the dream.

A sense of community is building, and existing residents seem to be dedicated to ensuring that quality construction will be the rule and that there will be an ongoing commitment to maintaining the whole in an aesthetically pleasing way. With regard to the disgruntled residents of Vista Ocaso, the clock cannot be turned back to the time when the acreage was open land, and the challenge seems to be to find a way to go forward in a practical and disciplined way. I am very supportive of the new master plan, and I intend to continue to be involved in promoting the wellbeing of the entire community.

Sincerely,
Ellen Heath

SFC CLERK RECORDED 09/16/2011

SPC CLERK RECORDED 03/16/2011



EXHIBIT
5

tabbles

Petition against density increase of La Pradera phases 2-6
June 11, 2011

We, the undersigned, homeowners in Vista Ocaso, Churchill Estates, La Pradera, and on Dinosaur Trail hereby request denial of the La Pradera Master Plan Amendment, Preliminary and Final Plat development Plan of 27 new lots in phases 2-6 CDRC case # Z/S 02-4325, for the following reason:

2005 documented agreement between La Pradera and Vista Ocaso to reduce the density of phases 2-6 from 201 lots to 158 lots. We feel the 2005 agreement is binding, and was approved by the Extraterritorial Zoning Commission on June 9, 2005 case # MP 02-4323.

Name	address	phone #	signature
Gale Simonson	2 RABBIT RUN WEST	438-3810	Gale Simonson
Bob Wilber	2 " " E.	471-2123	Bob Wilber
Marta C. Chaves	16 Pasco del Cabello	438-67-23	Marta Baker
Donna Seitzinger	13 LAS CABALLERAS	474-3737	Donna Seitzinger
Richard Seitzinger	13 LAS CABALLERAS	474-3737	RICHARD SEITZINGER
Zeke Beasley	11 LAS CABALLERAS	699-9487	Zeke Beasley
Carl O'Neil	122 Old Dinosaur Trail	501-0197	Carl O'Neil
Annyjette Torres	122 Old Dinosaur Trail	610-5369	Annyjette Torres
Jessica Romero	15 Arroyo Viejo Rd	473-4217	Jessica Romero
RAYMOND J. RAEL	9 LAS CABALLERAS Rd.	474-5375	Raymond J. Rael
Rosalie J. Rael	9 Las Caballeras Rd	474-5375	Rosalie J. Rael
Joe Montoya	246 Dinosaur Trail	473-4180	Joe Montoya
Alfred Marguerite	256 C Dinosaur Trail	473-4222	Alfred Marguerite
Sherry M. Mueser	1 E. Hondo Vista	650-0778	Sherry M. Mueser

Petition against density increase of La Pradera phases 2-6
June 11, 2011

We, the undersigned, homeowners in Vista Ocaso, Churchill Estates, La Pradera, and on Dinosaur Trail hereby request denial of the La Pradera Master Plan Amendment, Preliminary and Final Plat development Plan of 27 new lots in phases 2-6 CDRC case # 1/S 02-4325, for the following reason:

2005 documented agreement between La Pradera and Vista Ocaso to reduce the density of phases 2-6 from 201 lots to 158 lots. We feel the 2005 agreement is binding, and was approved by the Extraterritorial Zoning Commission on June 9, 2005 case # MP 02-4323.

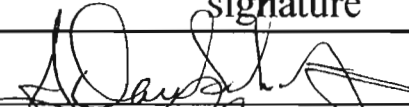

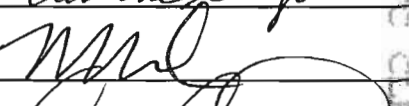
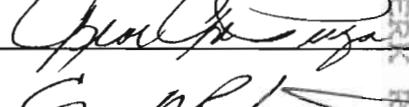
Name	address	phone #	signature
Lisa Burns	11 Las Caballeras	438-6068	
Tom Cummins	16 Houndo Vista	474-6181	
PAULETTE CUMMINS	16 HOUND VISTA	474-6181	
Maureen Cashman	20 Arroyo Viejo Rd	429-6359	
Bill Varnum	20 Arroyo Viejo Rd	429-6359	
Michael Burt	23 Churchill Rd.	690-3860	
Roballegas	128 OLD Dinosaur Trl	6706624	
Kelly Allen	23 Arroyo Viejo Rd	4714465	
Jane Gillettine	2256 Calk Carigue	983-6580	
Tom Gillettine	-	983-6580	
Opale Polk	17 Churchill Rd	6700682	
John Allen	23 Arroyo Viejo Rd	4714465	
PARKER JENNINGS	6 RABBIT Run E.	715-6577	
Ken Jennings	6 Rabbit Run E	204-1914	

CLERK RECORDED 05/16/2011

Petition against density increase of La Pradera phases 2-6
June 11, 2011

We, the undersigned, homeowners in Vista Ocaso, Churchill Estates, La Pradera, and or Dinosaur Trail hereby request denial of the La Pradera Master Plan Amendment, Preliminary and Final Plat development Plan of 27 new lots in phases 2-6 CDRC case # Z/S 02-4325, for the following reason:

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Name	address	phone #	signature
DAVID Schneider	48 Arroyo Viejo	466-6813	
Tom Shueka	" "	466-6813	
DENNIS RIDALE	15 LAS CABALLERAS	471-4687	DENNIS RIDALE
ADRIENE SIMPSON	15 LAS CABALLERAS	471-4687	Adriene Simpson
MATTHEW COOKE	85 LA PRADERA	473-9094	
GEORGE PUGA	4 ARROYO VIEJO	480-231-1838	
CAMERON McRostie	11 LAS CABALLERAS	612-817-6480	Cam McRostie

REC'D CLERK RECORDED 09/18/2011

6/11

La Pradera

phase 1

homes

Example



Example
Phases 2-6
La Pradera
6/11



6/11

La Pradera
Phase 1

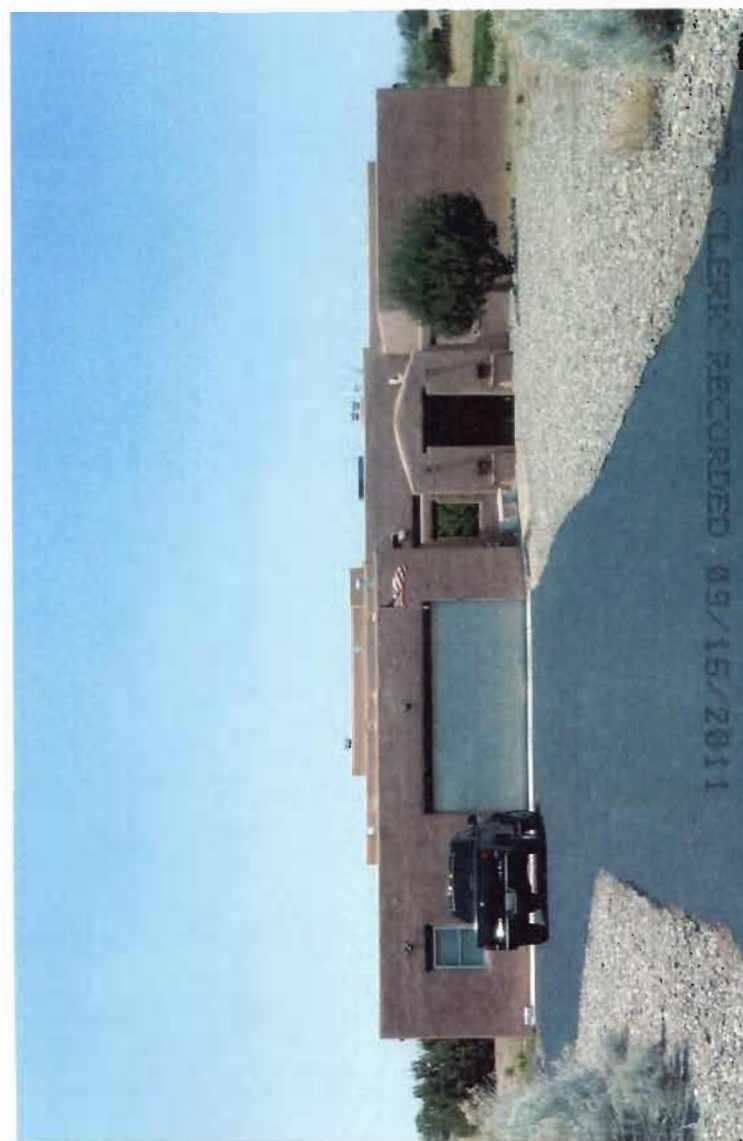


6/11

← old Dinosaur trail
next to La Pradera



← corner of
arroyo viejo & old Dinosaur
trail.





6/11

Vista Ocaso

- ← 2.5. ac home
- ← 4,000 sq ft. home



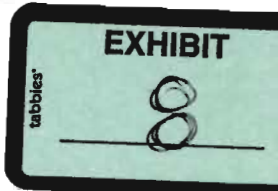
- ← Vista Ocaso
- ← 5. ac. property
- ← 2200 sq ft. home
- ← w/ guest house

1112

Vista Ocaso

↳ 2.5. de home





**JOHN J. MCCARTHY
INVESTMENTS**

825 Allendale
Santa Fe, NM 87505
(505) 988-2189
Fax (505) 988-2258

April 2, 2005
Vista Ocaso Neighborhood Committee

Dear Committee Members,

We would again like to thank the committee for the many conversations and meetings.

As much as we would like to have the active support of the Vista Ocaso Neighborhood Association, we respectfully decline your suggestion that we increase the setback to 300 feet on the Berridge Property. The configuration of the site, the highway corridor setback and the low-build provisions of the Fringe Area preclude the relocation of those lots.

Please remember that after your first request to reduce density, we eliminated 43 lots from the plan and re-oriented the road access. If we were to increase the setback as requested, we would lose an additional eight lots. As the proposed setbacks already substantially exceed the minimum required setback of 50 feet, and the fact that we have already substantially reduced density, we feel that we have complied with the intent of the Community College District requirements and have been considerate of you as your neighbor.

After further review of the cul-de-sac concept for the north-south portion of Dinosaur Trail we concluded that it would neither be good traffic planning nor in compliance with the provisions and intent of the Community College plan to do so. Further, The proposed school bus turnaround would be much less accessible with the cul-de-sac.

We will provide you with a conceptual landscape plan and seven copies of the Master Plan Amendment when it is completed and well before the hearing.

Again, the following list of items represent the revised areas of agreement in principle to be incorporated into the La Pradera Phase II-VI Master Plan Amendment:

1. We will reorient the primary road access along the Highway Corridor. (see attached site plan)
2. We will install traffic calming devices in Phases II-VI, similar in design to those on Governor Miles Road, on the roads that directly access Vista Ocaso. (See attached

SEC CLERK RECORDED 09/15/2011

- plan)
3. We will bring the road between Vista Ocaso and La Pradera to minimum County paved standards.
 4. We will incorporate a 125 to 300 foot setback along that portion of Dinosaur Trail between Vista Ocaso and La Pradera, as measured from the north edge of the existing road. (see attached plan)
 5. We will install trails and streetscapes in the subject setback. We will also petition the county for permission to use potable water for early irrigation of the subject landscape.
 6. We will lower the number of lots in Phases II-VI from 201 to 158. The configuration and location of the lots may change because of the approval process. Our intent is to have the larger lots along our common road.
 7. The La Pradera Phase II-VI covenants will be similar to the to establish standards for fence design, location and materials contained in the recorded La Pradera Phase I covenants.
 8. We will ensure that appropriate safeguards are in place for the wastewater treatment system in accordance with New Mexico Environment Department and Santa Fe County regulations.
 9. Fifteen percent of the approved 158 lots will be identified for the Santa Fe County Affordable Housing program. These lots will be scattered throughout and integrated into the overall development.

The above items are subject to approval of and modification by the appropriate governing bodies with jurisdiction.

We plan to make a submittal to the County by April 11th reflecting the above items with an expected EZC hearing date of May 12th.

Respectfully,



John J McCarthy
Managing Member
Gardner Associates, LLC

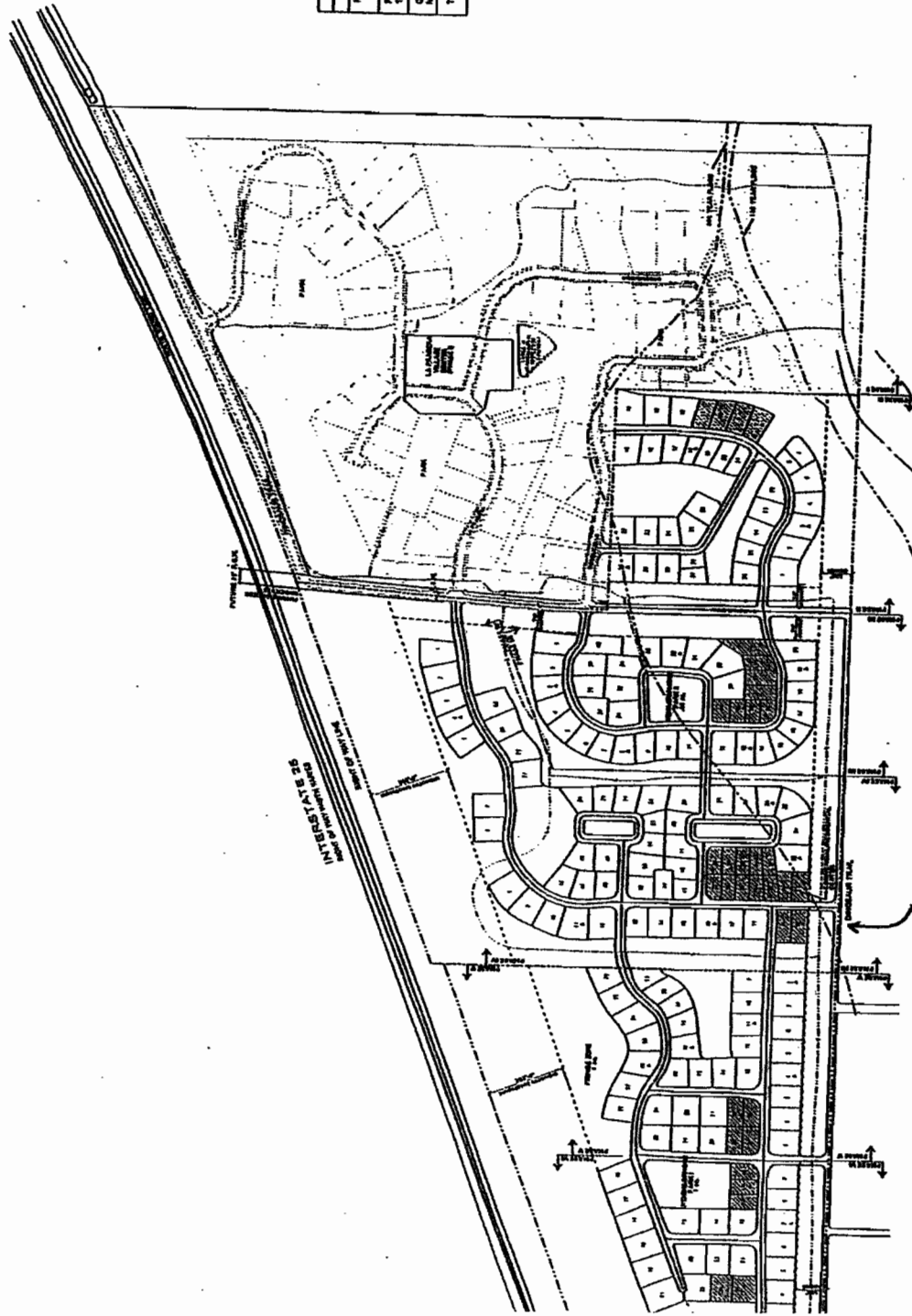
SFC CLERK RECORDED 03/16/2011

GENERAL NOTES

1. LIST OF TOTAL SQUARE FEET AREAS ARE ATTACHED TO THIS SET OF PLANS.

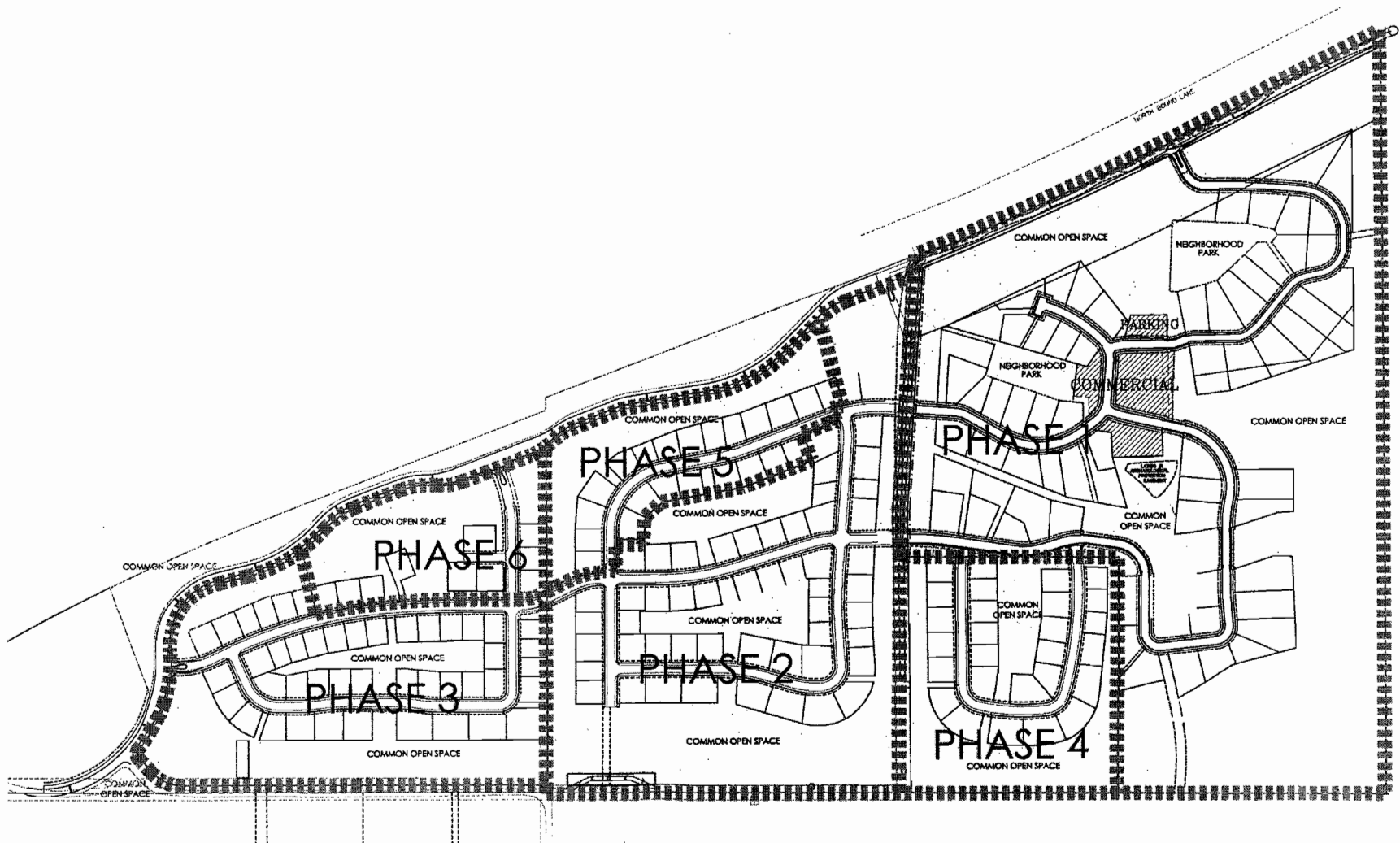
- LEGEND**
- PROPERTY LINES
 - SETBACK LINES
 - PAVEMENT LINES
 - UTILITY LINES
 - LA PRADERA - PHASE I
 - LA PRADERA - PHASE II
 - LA PRADERA - PHASE III
 - LA PRADERA - PHASE IV
 - LA PRADERA - PHASE V
 - LA PRADERA - PHASE VI
 - LA PRADERA - PHASE VII
 - LA PRADERA - PHASE VIII
 - LA PRADERA - PHASE IX
 - LA PRADERA - PHASE X
 - LA PRADERA - PHASE XI
 - LA PRADERA - PHASE XII
 - LA PRADERA - PHASE XIII
 - LA PRADERA - PHASE XIV
 - LA PRADERA - PHASE XV
 - LA PRADERA - PHASE XVI
 - LA PRADERA - PHASE XVII
 - LA PRADERA - PHASE XVIII
 - LA PRADERA - PHASE XIX
 - LA PRADERA - PHASE XX
 - LA PRADERA - PHASE XXI
 - LA PRADERA - PHASE XXII
 - LA PRADERA - PHASE XXIII
 - LA PRADERA - PHASE XXIV
 - LA PRADERA - PHASE XXV
 - LA PRADERA - PHASE XXVI
 - LA PRADERA - PHASE XXVII
 - LA PRADERA - PHASE XXVIII
 - LA PRADERA - PHASE XXIX
 - LA PRADERA - PHASE XXX

AREA CALCULATIONS FOR LA PRADERA PHASES I-VI	TOTAL AREA	UNITS
NEIGHBORHOOD VILLAGE ZONE	44.64 AC	177 UNITS
PHASE I	4.00 AC	16 UNITS
PHASE II	4.00 AC	16 UNITS
PHASE III	4.00 AC	16 UNITS
PHASE IV	4.00 AC	16 UNITS
PHASE V	4.00 AC	16 UNITS
PHASE VI	4.00 AC	16 UNITS
TOTAL	60.64 AC	241 UNITS



Dinosaur Trail

PHASE PLAN - LA PRADERA (PHASES I-VI)



EXISTING MASTER PLAN

SFC CLERK RECORDED 09/16/2011

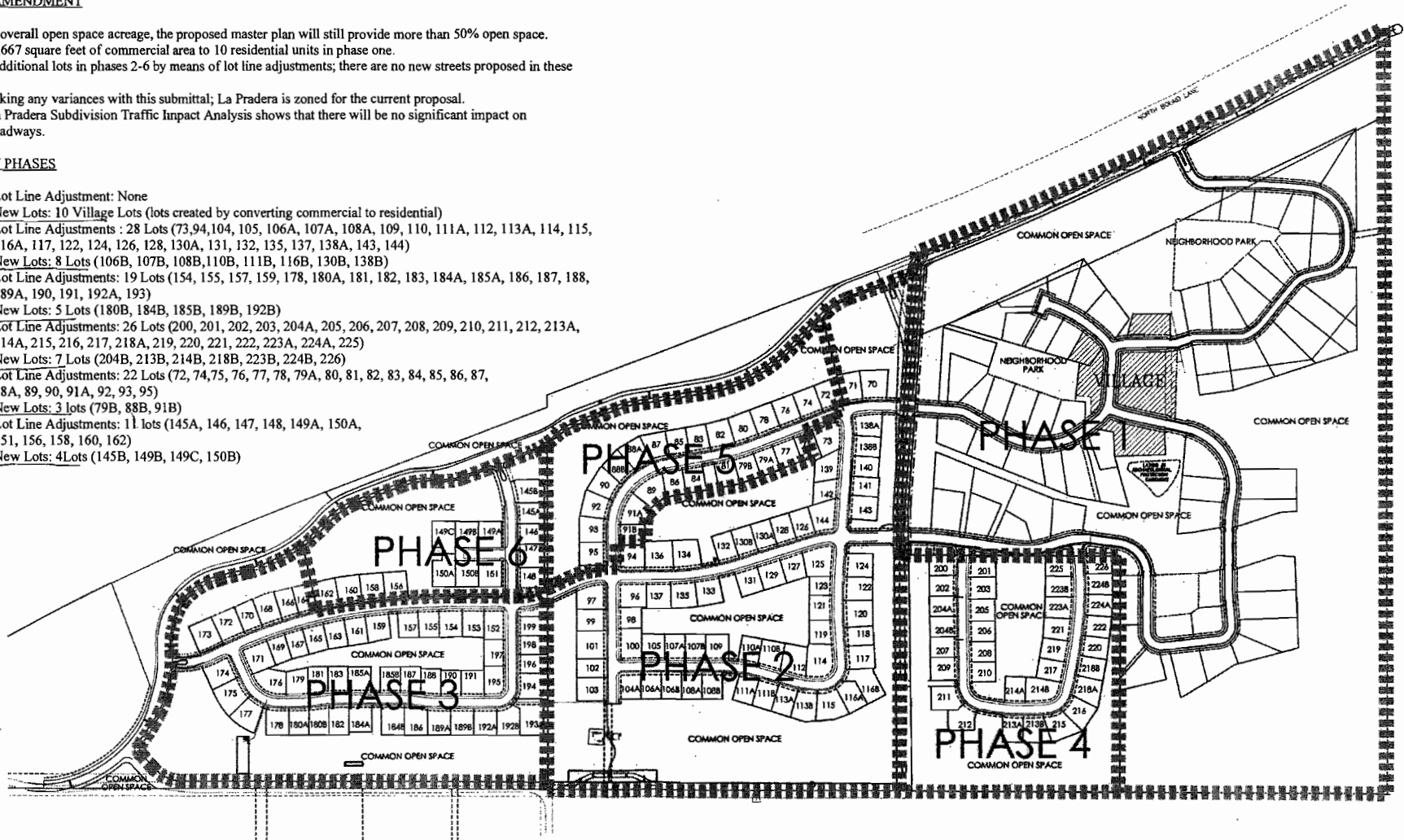
LA PRADERA

MASTER PLAN AMENDMENT

- No changes to overall open space acreage, the proposed master plan will still provide more than 50% open space.
- Converting 32,667 square feet of commercial area to 10 residential units in phase one.
- Providing 27 additional lots in phases 2-6 by means of lot line adjustments; there are no new streets proposed in these phases.
- We are not seeking any variances with this submittal; La Pradera is zoned for the current proposal.
- The revised La Pradera Subdivision Traffic Impact Analysis shows that there will be no significant impact on surrounding roadways.

LOT MATRIX BY PHASES

- 10
8
5
7
3
4
37
- PHASE 1** Lot Line Adjustment: None
New Lots: 10 Village Lots (lots created by converting commercial to residential)
 - PHASE 2** Lot Line Adjustments : 28 Lots (73,94,104, 105, 106A, 107A, 108A, 109, 110, 111A, 112, 113A, 114, 115, 116A, 117, 122, 124, 126, 128, 130A, 131, 132, 135, 137, 138A, 143, 144)
New Lots: 8 Lots (106B, 107B, 108B, 110B, 111B, 116B, 130B, 138B)
 - PHASE 3** Lot Line Adjustments: 19 Lots (154, 155, 157, 159, 178, 180A, 181, 182, 183, 184A, 185A, 186, 187, 188, 189A, 190, 191, 192A, 193)
New Lots: 5 Lots (180B, 184B, 185B, 189B, 192B)
 - PHASE 4** Lot Line Adjustments: 26 Lots (200, 201, 202, 203, 204A, 205, 206, 207, 208, 209, 210, 211, 212, 213A, 214A, 215, 216, 217, 218A, 219, 220, 221, 222, 223A, 224A, 225)
New Lots: 7 Lots (204B, 213B, 214B, 218B, 223B, 224B, 226)
 - PHASE 5** Lot Line Adjustments: 22 Lots (72, 74, 75, 76, 77, 78, 79A, 80, 81, 82, 83, 84, 85, 86, 87, 88A, 89, 90, 91A, 92, 93, 95)
New Lots: 3 lots (79B, 88B, 91B)
 - PHASE 6** Lot Line Adjustments: 11 lots (145A, 146, 147, 148, 149A, 150A, 151, 156, 158, 160, 162)
New Lots: 4 Lots (145B, 149B, 149C, 150B)



REVISED MASTER PLAN

LA PRADERA