



MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

September 17, 2009

This regularly scheduled meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Chair Jon Paul Romero, on the above-cited date at approximately 4:05 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:

Jon Paul Romero, Chairman
Susan Martin, Vice Chair
Juan José Gonzales
Maria DeAnda

Member(s) Excused:

Don Dayton
Jim Salazar
Charlie Gonzales

Staff Present:

Shelley Cobau, Planning Division Director
Karen Torres, County Hydrologist
Ted Apodaca, Assistant County Attorney
Jose Larranaga, Development Review Specialist
John Michael Salazar, Development Review Specialist

III. APPROVAL OF AGENDA

Ms. Cobau went over the proposed tablings:

- MP/PDP/DP 09-5180, Paul Parker, New Mexico 599
- V/MP/PDP 09-5230, Galisteo Village Store
- APP 09-5210, Saddleback Ranch Estates [*Exhibit 1: Applicant's Request for Tabling*]

Member Gonzales moved to approve the agenda as amended and Member Martin seconded. The motion carried unanimously.

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IV. APPROVAL OF MINUTES: August 20, 2009

Member Martin moved approval of the minutes as published and Member Gonzales seconded. The motion passed by unanimous voice vote.

VI. NEW BUSINESS

A. Update on the Conjunctive Management Well Program

County Hydrologist Karen Torres informed the committee that Commissioner Holian requested a presentation be made to the CDRC on the conjunctive management well program. The program envisions wells to backup and supplement the Buckman Direct Diversion surface supply, thus diversifying sources and protecting acequias.

Ms. Torres used a power point presentation to illustrate the current state of research. In order to optimize location of wells, a team was formed to develop an analysis technique. This team consisted of CH2MHill, Paul Saavedra, Dr. Vogler and John Utton, along with the GIS Department. The analysis is map-based with ten factors with rankings of high, moderate and low suitability:

- Hydrogeology
- Arsenic contamination
- Proximity to water lines
- Pressure zones
- Drainages
- Springs
- Faults
- Known declines
- Slope
- Distribution throughout the county

Combining the ratings yields a map showing which areas of the county are most and least suitable for wells. The next step is to hold five public meetings and get feedback on the maps. In the next few weeks there will be meetings at the Nancy Rodriguez Center, Eldorado Senior Center, Rodeo Grounds, Edgewood Satellite Office and the Pojoaque Satellite Office. At that point suitable land will be sought, and a recommendation made by October 27th.

Member Gonzales said he understood 18 well sites had been named, some of which had not yet been drilled, and some of these were being protested at the State Engineer's Office. Ms. Torres said any wells that are ranked low by the suitability analysis will be taken off the list. Additional locations may be chosen, including a Las Campanas site, given that the County owns land by the fire station in that area. She noted there is a big advantage of wells that have been drilled because the data is already available. The OSE applications may be amended and readvertised in light of the analysis.

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Chairman Romero asked how many wells will be chosen and Ms. Torres estimated five, which would provide flexibility. She added they were looking at a depth of approximately 1,000 feet, with big casing.

1. **CDRC CASE # V09-5160 Hume Variance. Jane Hume, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a Family Transfer Land Division of 5.00 acres into two lots. The property is located at 48 Apache Plume Road, within Section 29, Township 16 North, Range 10 East, (Commission District 4)**

John Michael Salazar read the caption and gave the staff report as follows:

“Jane Hume, applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a Family Transfer Land Division of 5.00 acres into two lots. Article III, Section 10 states the minimum lot size in the area 20 acres per dwelling unit; lot size may be reduced to 5.00 acres with community water. The applicant requests this variance so that she may leave property to her son.

“There are currently two homes and a studio on the property. The Applicant occupies one residence with a studio, and her son occupies the second residence. The property is served by community water and two conventional septic systems. The applicant is proposing to hook up the new lot to the Sunlit Hills Water System should the variance be granted. Enclosed is a service agreement although it has not been executed.”

Mr. Salazar stated staff recommends that the request for a variance be denied. Article III, Section 10 states that the minimum lot size in the area of the subject property is 20 acres per dwelling unit; lot size may be reduced to 5.00 acres with community water.

Chairman Romero asked whether the water system was a mutual domestic. Ms. Torres said Sunlit Hills was a private water system. Chairman Romero asked if there were similarly-sized lots in the area. Mr. Salazar said there are some 2.5-acre lots in the area but he did not have an exact number.

Duly sworn, Jane Hume, applicant stated this was a hardship case due to the death of her husband and her desire to avoid medical bankruptcy following expenses incurred. She pointed out there were other small lots in the vicinity. Sunlit Hills is willing to hook up an additional meter, and there are neighbors present in the audience to support her request.

Member DeAnda asked if the small lots were pre-Code. Mr. Salazar said the Code came into effect in 1981 and he didn't know when the lots came into existence.

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Kenneth Johnson was placed under oath and said he was a neighbor of the Humes and the previous owner of the property. He said he'd like to keep Ms. Hume as a neighbor and explained that she had gone through a tremendous ordeal with her husband's illness. "I don't know about the legality but I do know what's right."

Under oath, Deborah Avivi, also a neighbor echoed Mr. Johnson's comment and believed all the neighbors were supportive. "It seems right that she would be able to do that to save her home."

Returning to the podium, Ms. Hume said she and her husband moved to Santa Fe 16 years ago and the community has been very supportive. "I refuse to be a victim, and I pray for courage." She did not think the lot split would be detrimental to the neighborhood.

Member Gonzales asked about the water situation and Mr. Salazar stated there is currently a water meter and a separate one would be added if the variance is granted. There is no well on the property.

Mr. Salazar noted that water availability is a prime concern in variance requests and in this case it appears to have been taken care of.

Member Gonzales moved to approve CDRC Case #VAR 09-5160. Chairman Romero seconded. The motion tied 2-2 with Members Gonzales and Romero voting in favor and Members Martin and DeAnda voting against. The matter will be heard when more members are present for a vote.

Member DeAnda said she was sympathetic to the applicant's plight but was constrained by Code provisions.

4. **CDRC CASE # MP 09-5240 Zia RV Sales. Carlos Gallegos, Applicant, James Siebert, agent, request a master plan amendment to include a 1.50-acre parcel as part of a previously approved master plan. The property is located at 6 Taylor Road via the I-25 frontage road, within Section 5, Township 15 North, Range 8 East, (Commission District 5)**

Jose Larrañaga gave the following staff report:

"The applicant requests a master plan amendment to incorporate a 1.50-acre parcel to an existing approved Master Plan. The existing master plan was approved on November 14th of 2006 by the Board of County Commissioners. The approved Master Plan consists of a caretaker's residence utilizing an existing modular home, a sales lot and sales office on 2.44 acres on the northerly side of Taylor Road and a caretaker's residence utilizing an existing modular home and a maintenance and parts center on one acre on the southerly side of Taylor Road.

“Currently there is a manufactured home, septic and well on Tract C. The Applicant proposes to utilize the existing manufactured home as a caretaker’s residence and add a storage area for modular homes, R.V.’s, and boats on the property. The proposed facility will be screened on the south and east boundaries by a 6-foot high coyote fence and a 25-foot wide landscape buffer. Tract C is contiguous to Tract B on the northerly side and is bordered on the west by the R.V. sales presently in operation.”

Mr. Larrañaga said staff has reviewed the applicant’s proposal conjunctively with the existing master plan. Staff encourages the applicant to consolidate Tract B (1.0 acres) and Tract C (1.50 acres) to create a 2.5-acre parcel and remove the existing manufactured home on Tract C to allow the integration of Tract C to the existing Master Plan. Consolidating the two tracts would allow the property to be conducive to the proposed use of the Master Plan and would aid the master plan in meeting the requirements set forth in the land development code for final development plan.

The proposed master plan for Lot C is in accordance with Article III, Section 4 and Article V, Sections 5.1 and 5.2. Staff recommends approval for the proposed Master Plan Amendment to incorporate Tract C to the existing Zia R.V. Sales Master Plan based on the following conditions:

1. The master plan shall be recorded with the County Clerk’s Office.
2. Approval of master plan is considered valid for a period of five years from the date of approval by the Board.
3. Preliminary/final development plan must be submitted per Article V, Section 7 of the Code prior to issuance of a Building Permit.
4. Compliance with applicable review comments from the following:
 - a. State Engineer
 - b. State Environment Department
 - c. State Department of Transportation
 - d. County Hydrologist
 - e. County Fire Marshal
 - f. County Public Works
 - g. Building and Development Services Comments and Conditions
5. All staff redlines must be addressed, original redlines shall be returned with revised plans.
6. A conceptual terrain management plan shall be submitted as required by County Technical Review prior to recordation of the master plan.
7. The applicant shall work with the Department of Water Resources to refine the water budget.
8. The applicant shall work with the Department of Public Works regarding roadway improvements.
9. Access shall be taken via Taylor Road utilizing the existing platted easement.

Duly sworn, Jim Siebert, agent for the applicant used schematics and aerial photographs to explain the current layout. The owner agrees to the conditions, but not

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with staff's recommendation on lot consolidation. The tenant of the mobile home on the property is the son of one of the employees and has lived there for ten years.

Member DeAnda asked for clarification on the consolidation issue and Mr. Larrañaga explained it will be easier to meet water availability and lot coverage requirements if the lots are consolidated and the mobile home removed. There are currently two master plans operating which could be sold separately. Incorporation would result in two lots. However, nothing in the Code prohibits approval of the applicant's request and they will be returning for development and final development plan approval. Tract C, which is part of this request will be used for storage.

Member Gonzales asked if Tract C was a recent acquisition, and Mr. Siebert said it has been owned for approximately 10 years and the intent now is to include it in the original master plan, leave the mobile home on the property and store additional manufactured homes on the property. He clarified which lots were to be used for storage and said no repair facility was contemplated.

Chairman Romero asked why this lot wasn't included in the original master plan. Mr. Siebert said the owner did not anticipate the kind of activity there would be on the frontage road.

There was no one from the public wishing to speak.

Mr. Larrañaga confirmed that the application was in conformance with all applicable laws and codes, and staff's recommendation was intended to make it easier to comply with requirements for preliminary and final development plan approval.

Member Martin moved to approve CDRC Case # MP 09-5240 with conditions. Chairman Romero seconded and the motion passed by unanimous [4-0] voice vote.

VI. PETITIONS FROM THE FLOOR

None were offered.

VII. COMMUNICATIONS FROM THE COMMITTEE

Chairman Romero reminded the committee that special meetings are planned for the future and he asked the committee about their availability.

VIII. COMMUNICATIONS FROM THE ATTORNEY

None were offered.

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IX. MATTERS FROM LAND USE FROM STAFF

Special Meeting: October 1, 2009

Regular Meeting: October 15, 2009

Ms. Cobau said the dates and times were tentative and urged the committee to hold their Thursdays open. She added there will be no ELUC meeting in October.

X. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chairman Romero declared this meeting adjourned at approximately 5:10 p.m.



Approved by:

Jon Paul Romero
Jon Paul Romero, Chair
CDRC

Before me, this _____ day of _____, 2009.

My Commission Expires: _____

Notary Public

Submitted by:

Debbie Doyle
Debbie Doyle, Wordsworth



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

CDRC MINUTES
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I Hereby Certify That This Instrument Was Filed for
Record On The 19TH Day Of October, 2009 at 08:35:24 AM
And Was Duly Recorded as Instrument # 1580391
Of The Records Of Santa Fe County

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

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