

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

September 17, 2015

I. This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Chair Frank Katz, on the above-cited date at approximately 4:00 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

II. & III. Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

Frank Katz, Chair
Phil Anaya
Louie Gonzales
Renaee Gray
Leroy Lopez

Member(s) Excused:

Susan Martin, Vice Chair
Bette Booth

Staff Present:

Rachel Brown, Deputy County Attorney
Wayne Dalton, Building & Services Supervisor
Vicki Lucero, Building & Development Services Manager
Vicente Archuleta, Development Review Team Leader
Andrea Salazar, Assistant County Attorney
John Michael Salazar, Development Review Specialist

IV. APPROVAL OF AGENDA

Ms. Lucero noted that the agenda was correct and that New Business item E, CDRC Case #Z/DP 15-5210, 28 Main Street Master Plan was tabled.

Upon motion by Member Anaya and second by Member Lopez, the agenda was unanimously approved as published.

V. APPROVAL OF MINUTES: August 20, 2015

Member Lopez moved approval and Member Gray seconded. The motion to approve the minutes passed by unanimous voice vote.

VI. NEW BUSINESS

A. CDRC CASE # V 15-5060 Homero Arras Variance: Homero Arras, Applicant, requests a variance of Article 3, Section 3.5 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow an existing illegally constructed retaining wall, gazebo, and a chicken coup within a FEMA Special Flood Hazard Area on a 2.53 acre lot without submitting the required technical analysis. The property is located at 12 N. Paseo de Angel, within the Traditional Historic Community of La Cienega/La Cieneguilla, within Section 27, Township 16 North, Range 8 East (Commission District 3)

Wayne Dalton, Building & Services Supervisor, presented the staff report as follows

“The Applicant requests a variance of Article III, Section 3.5 of Ordinance No. 2008-10, Flood Damage and Stormwater Management, to allow an illegally constructed 8’ retaining wall, 196 square foot gazebo, and 80 square foot chicken coup within a FEMA designated Special Flood Hazard Area.

“On January 12, 2015, the Applicant received a Notice of Violation and a stop work order for unpermitted development on the property as he was constructing the wall, gazebo, and chicken coup. After review of the property and the FEMA Special Flood Hazard Area, it was determined that the gazebo, retaining wall, and chicken coup were illegally constructed in a FEMA designated Special Flood Hazard Area.

“The property consists of 2.53 acres, and approximately 1/3 of the property is located within the FEMA designated Special Flood Hazard Area. There are other buildable areas for the proposed structures outside the FEMA designated Special Flood Hazard Area.

“The Applicant states that he constructed the block wall because people are entering his property through the drainage with motorized vehicles and horses and he incorporated a gazebo and chicken coup into the design.

“Article III, Section 3.5 of Ordinance No. 2008-10 states that: corrals, fences, and barns and other accessory structures are allowed provided that a detailed technical drainage analysis is performed by a certified licensed engineer, and the structure is not habitable, designed to have low flood damage, offer minimum resistance to flow of floodwaters, and anchored to prevent floatation. Placement of walls,

fences, and structures in the FEMA designated Special Flood Hazard Area will impede flows and may cause the base flood elevation to rise and cause upstream or downstream flooding.

“The Applicant states that he does not want to provide a detailed technical drainage analysis prepared by a certified licensed engineer as the cost would be too much. Therefore he is requesting a variance.

“A technical drainage analysis is required for any structure that is placed within the FEMA designated flood hazard area. The federal requirements state that the structures to be placed within these areas are to not allow a one-foot of rise in FEMA designated Special Flood Hazard Areas. Federal guidelines also state that variances for development shall not be allowed if there is a rise in the Base Flood Elevation.”

Mr. Dalton said staff recommends denial of a variance of Article III, Section 3.5 of Ordinance No. 2008-10 and removal of the structures within the FEMA designated Special Flood Hazard Area. If the decision of the CDRC is to recommend approval of the Applicant’s request, staff recommends imposition of the following conditions:

1. The Applicant must obtain a Development Permit from the Building and Development Services Department for the gazebo, wall, and chicken coup. (As per Article II, § 2)
2. The retaining wall must be approved and stamped and certified by a licensed Professional Engineer.

Chair Katz pointed out the large bluff appeared behind the wall and questioned whether the wall would increase flood damage. Ms. Lucero said in addition to flooding, it could cause erosion on the bluff side of the wall. She said it could displace some of the water and increase velocity causing damage downstream.

Duly sworn, Homero Arras, applicant, appeared with Alejandra Seluja translating for him. Ms. Seluja provided the following information from Mr. Arras’ testimony: He built the wall because people, horses and motorized vehicles were coming onto his property. The wall protected his chickens. He has 20 years in the construction industry and the wall he built has a solid foundation. The wall has provided him greater privacy and motorized vehicles are not invading his land. Since the wall is already built, he did not see the need for the engineer and he is not willing to take it down. He is here asking the CDRC if he can keep his wall.

Member Anaya asked the applicant whether he had photos of the footings, rebar, etc. Mr. Arras said he does not. He offered that he had receipts itemizing the materials he purchased. Mr. Arras said he does everything related to construction and identified that the backhoe was his for his private use.

In response to questions, Mr. Arras indicated through the interpreter that he recognized there was an arroyo but was unaware that it was considered a flood zone. He

was not made of aware of the FEMA situation when he purchased the property and the legal papers were all in English.

There was no one present in the public to speak on this issue and the public hearing was closed.

Member Anaya moved to support staff recommendation and deny the variance on CDRC Case V 15-5060. Member Lopez seconded. Initially, the motion tied and then passed by majority [3-2] vote with Chair Katz voting. Members Lopez, Anaya and Katz voted for the motion to deny and Member Gonzales and Gray voted against.

Staff confirmed that the applicant was made aware of the issues in Spanish. Ms. Lucero said there are two members of Land Use staff with strong Spanish language skills and the applicant had the opportunity to meet with those staff members several times

- B. CDRC CASE # Z/P&FDP 14-5200 Spotlight RV Park Master Plan/ Preliminary/Final Development Plan: Rick Anaya, Applicant, requests Master Plan, Preliminary and Final Development Plan approval under Large Scale Residential to allow an RV park consisting of 54 RV spaces, 20 horse stalls, public bathroom/shower facilities and an existing residence on 11.57 acres. The property is located at 16 Ella Dora Road, within Section 31, Township 10 North, Range 9 East (Commission District 3)**
[Exhibit 1: Utilities Revised Memorandum dated 9/15/15]

John Michael Salazar, case manager, presented the staff report as follows:

“Large Scale Residential Uses are allowed anywhere in the County provided the requirements of the Code are met. The Applicant states that the proposed RV park will be designated as a transit park as opposed to a destination park. Transit parks typically have guests who stay no longer than three days, as a quick stop before their final destination. Each of the proposed 54 RV spaces are to be designed to provide access to water, power and sewage for RV owners along with a barbecue grill and a picnic table. Each space will be constructed using base course material and each space will be landscaped with one evergreen tree.

“The Applicant is proposing to develop the proposed RV park in three phases. The first phase will consist of design and building the water, fire protection sewage system with the appropriate connections for water and sewer for 21 RV spaces on the western end of the development. The existing residence will be converted into living quarters with an attached office for the park manager. The bathroom and laundry facilities along with four horse corals and four tack sheds would be constructed in this first phase as well. The Applicant is estimating this phase to be completed within 12 months from permit issuance.

“Phase two will consist of building 18 more RV spaces with water and power connections along with 4 more horse corrals and 4 tack sheds. This phase is estimated to be completed within 12 months as well. Phase three will consist of the construction of the final 15 RV spaces with water and power connections along with construction of the remaining horse stalls and tack sheds. This phase is estimated to be constructed within 12 months with a total estimated time of three years to complete the entire development.”

Mr. Salazar stated that staff reviewed this application and has found the following facts support Staff’s inability to fully recommend approval of the Application to the County Development Review Committee: the submittal meets all requirements for Article V, § 5, Master Plan Procedures; however, the submittal does not meet the requirements of Article V, § 7, Development Plan Requirements, as the Application lacks an accurate water budget, proof of water availability, Environment Department approval for a discharge permit, the design of a community liquid waste system, the design of a community water system, drainage, grading and erosion control plans, cut sheets detailing the proposed lighting, and signs exceeding the amount allowed by Code.

Staff at this time cannot recommend approval for Preliminary and Final Development Plan, stated Mr. Salazar. He said staff can support the master plan and he requested two motions from the CDRC, one regarding the master plan and the second regarding the preliminary and final development plan.

He indicated that staff recommends Master Plan approval with the following conditions:

1. The Applicant shall address all redline comments prior to recordation of the Master Plan.
2. The Applicant shall submit an approved access permit from NMDOT prior to recordation of the Master Plan.

Mr. Salazar stated that staff recommends denial of the Preliminary and Final Development Plan; however, should the CDRC grant approval for Preliminary and Final Development Plan, Staff recommends the imposition of 12 conditions.

Mr. Salazar confirmed that the applicant will utilize an onsite well to the project. A request for the transfer of water rights has not occurred and there is no opinion from the OSE as they have not received any materials. He referred to the County Utilities’ memo.

Ms. Lucero said the applicant will be required to establish a community water system for the development.

Duly sworn, Mark Lopez, 5 Jay’s Lane, Santa Fe, agent for applicant Rick Anaya and stood for questions. Chair Katz noted that staff recommends against approval of the preliminary and final plan until water-related issues are resolved. Mr. Lopez said the applicant was aware of that recommendation.

Duly sworn, Sandra and Emilio Olivias, appeared in opposition of the request. Ms. Olivias said she lives 300 yards east of the proposed site. The area is residential and

they have lived there over 20 years. She expressed concern about the water table and noted there was livestock in the area.

Ms. Olivias said 54 RV spaces and 20 horse stalls on 11 acres was dense. There is a building on the property and this would threaten the rural characteristic of the area.

Mr. Olivias noted that the applicant has already subdivided the property and that began in 2012. He pointed out 54 trailers with two persons per trailer and the potential for 20 horses caused great concern for them.

There were no other speakers and Chair Katz closed the public hearing.

Chair Katz reminded the CDRC that staff has requested two motions: one dealing with the master plan and the second, the preliminary and final plat.

Member Anaya noted that the applicant states within the application that he will be purchasing water from Sam King. The Kings have a tremendous amount of water rights within the Estancia Valley, stated Member Anaya.

Chair Katz appreciated the potential for the water rights; however, the actual purchase of rights has not occurred. He further noted that according to the test results of the onsite well, it cannot produce adequate water for the development.

Member Lopez said he too would be more comfortable moving forward with this application if the water rights were purchased.

Member Gonzales moved to deny the entire application – preliminary and final development plan. Member Gray seconded. The motion passed by unanimous voice vote.

Recognizing staff requested two motions, Chair Katz requested separate action regarding the master plan zoning.

Member Gonzales moved to deny the master plan zoning. Member Lopez seconded. The motion passed by majority [3-1] with Member Gray voting against.

- C. **CDRC CASE # Z/V/S 10-5363 St. Francis South Master Plan Amendment and Variance.** Vegas Verdes, LLC, Applicant, JenkinsGavin Design and Development Inc., Agents, request a Master Plan Amendment to establish the maximum allowable residential density of 250 dwelling units and 760,000 square feet of non-residential development on 68.94. In order to obtain the density requested the Applicants are requesting a variance of Article III, Section 10 (Lot Size/Density Requirements) of the Santa Fe County Land Development Code, Ordinance No. 1996-10 (Code). The property is located on Rabbit Road, via St. Francis Drive, within Section 11, Township 16 North, Range 9 East (Commission District 4) [*Exhibit 2: Letter from Whaley & MacGregor opposing the request; Exhibit 3: Developer provided map of the site, master plan map, lot typical information, and SGMP designation*]

Vicente Archuleta, Development Review Team Leader, presented the staff report as follows:

“On September 16, 2010, the County Development Review Committee recommended approval of a request for Master Plan Zoning for a mixed-use subdivision consisting of 22 lots on 68.94 acres, more or less, with approximately 760,000 square feet of structures at full build-out. On December 14, 2010, the Board of County Commissioners approved the Master Plan Zoning for the mixed-use subdivision consisting of 22 lots on 68.94. On January 14, 2014, the BCC approved a request for Master Plat Authorization to proceed with the creation of up to 22 mixed-use lots on 69 acres. On April 17, 2014, the CDRC recommended Preliminary Plat and Development Plan approval for Phase 1 of the St. Francis South mixed-use subdivision which consists of 5 lots on 68.94 acres. On June 10, 2014, the BCC met and approved the Preliminary Plat and Development Plan for Phase 1 of the St. Francis South mixed-use subdivision which consists of 5 lots on 68.94 acres.

“When the Master Plan was approved, the approval was for a Large Scale Mixed-Use development which permitted uses including senior housing, live/work and multi-family uses, however, the allowable residential density was not identified.

“The Applicants are now requesting an amendment to the Master Plan to establish the maximum allowable residential density of 250 dwelling units for multi-family use in addition to the 760,000 square feet of non-residential development on 68.94 acres.

“The subject property is in the Basin Hydrologic Zone which allows one dwelling unit per 10 acres without water restrictions or one dwelling unit per 2.5 acres with .25 acre-feet per year water restriction. In order to accommodate the proposed density for the project, a variance of Article III, Section 10 of the Land Development Code is requested.

“The Applicant states: ‘The multi-family uses permitted by the St. Francis South Master Plan and Large Scale Residential code provisions cannot be feasibly developed at the single family density. Therefore, we are requesting the Master Plan Amendment and a variance to allow a maximum density of 18 dwelling units per acre.’ The Applicant also states; ‘The Sustainable Growth Management Plan policies indicate that development should comply with the principles for sustainable development and should provide for rational development patterns and adequate public facilities and services at adopted levels of service. The SGMP defines the purpose/intent and General Character of Future Land Use Categories. The Mixed-Use designation is defined as a combination of residential and commercial areas and higher density development. It further defines the mixed-use district "to include multi-family residential, live work, and artistic opportunities that may require light industrial capabilities. The Mixed-Use Zoning

District in the proposed SLDC allows a maximum density of 20 residential units per acre if at least 10 percent of the development is commercial.

“Staff response: The subject property is not designated as a Mixed-Use Zoning District, but is designated as a Planned Development District (PDD) on the proposed Zoning Map. A designation as a PDD allows the property to be developed in accordance with the approved Master Plan. The SLDC is not yet in effect. The allowable density in a Mixed-Use and Planned Development District are being analyzed as part of the proposed changes to the SLDC that will be presented to the BCC in the upcoming months.”

Mr. Archuleta said Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for the Master Plan Amendment and Variance under the current Land Development Code. Therefore, Staff recommends denial of the Applicant’s request for a Master Plan Amendment and Variance of Article III, Section 10 of the Land Development Code to allow 250 dwelling units for multi-family use in addition to the 760,000 square feet of non-residential development on 68.94 acres.

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

1. The Applicant shall comply with all review agency comments and conditions, Article V, Section 7.1.3.c.
 - Applicant shall comply with all NMDOT regulatory requirements for this project (per SFC Public Works).
 - Traffic Impact Analysis will be required with future Phases II, III, and IV to insure that off-site improvements are addressed for the development (per SFC Public Works).
 - Speed change lanes and tapers re required as per original Traffic Impact Analysis (per SFC Public Works).
 - It is Staff’s opinion that future Traffic Impact Analysis address St. Francis Drive/Old Galisteo Road concerns regarding the feasibility of a signal light or roundabout (per SFC Public Works).
 - Actual water usage shall be recorded on a monthly basis via metering and reported annually (per SFC Utilities).
 - The Applicant must enter into a Water Service/ Line Extension Agreement with SFC before final plat approval. The Agreement will specify requirements, such as construction standards, metering requirements, design approval process, infrastructure inspections and dedications, and payment schedules. The Applicant is responsible for the design and construction of this project in its entirety and pays for all costs associated with the water system (per SFC Utilities).
 - The Applicant must obtain a letter from the City of Santa Fe Water Division (City) that identifies what, if any, additional water utility infrastructure is needed in order to supply the proposed 62.81 acre-foot/year demand. St. Francis South shall provide SFCU with a copy of this letter, and agree to construct and dedicate all infrastructure needs

- identified by the City's water utility hydraulic modeling (per SFC Utilities).
- The Board of County Commissioners (BCC) must approve the New Water Deliveries (or the equivalent) for St. Francis South, as required by Resolution No. 2006-57, "Adopting a Santa Fe County Water Resource Department Line Extension and Water Service Policy" (as per SFC Utilities).
 - The BCC must approve the project's proposed water budget of 62.81 acre-feet/year, which is in excess of the maximum of 35 acre-feet/year identified in Resolution No. 2006-57, Section IX.C. It is the applicant's responsibility to justify the "extraordinary circumstances" that merit an exception to the water allocation limit (per SFC Utilities).
 - The Applicant shall develop the water budget and construct the project premised on the SF County Conservation Ordinance No. 2002-13, which enumerates required water conservation measures. If requested the Applicant will provide SFCU with additional data and calculations upon which the water budget was established. SFCU may adjust the Applicant's water budget as appropriate.
 - The Applicant must compensate SFCU for the market value of the quantity of water rights and supply assigned to St. Francis South per Resolution No. 2006-57, Article X and IV.A.3 of Attachment A. SFCU currently values water rights at \$11,000 per acre-foot (per SFC Utilities).
 - The Applicant shall meet all other conditions in Resolution No. 2006-57, Resolution No. 2012-88 and all other SFCU water-related ordinances and resolutions (per SFC Utilities).
 - The Applicant must provide adequate public facility requirements to include connection to water and sewer (per SFC Planning).
 - An updated Traffic Impact Analysis must be submitted with the future Phases (per NMDOT).
2. The Applicant must apply for an access permit from NMDOT prior to construction.
 3. Compliance with conditions of the Original Master Plan.
 4. A residential component shall be required at Phase 2 of the development.

Chair Katz asked how this case would be treated under the new code. Ms. Lucero said the new code designates the subject area as planned development district and density allowances are not finalized in that area.

Without that portion of the new code finalized, Chair Katz noted it appeared inappropriate to approve this by variance. Ms. Lucero pointed out that staff recommends denial of the variance request.

Duly sworn, Jennifer Jenkins with JenkinsGavin Design & Development, appeared on behalf of applicants, David Gurule and Ernie Romero, requesting a master plan amendment and variance. She introduced her associate Hillary Wells and Mike Gomez, project civil engineer. This project was approved in 2010 as a large-scale mixed-use project meaning, according to Ms. Jenkins, that they are mandated to include a

residential component. The master plan permits multi-family types of projects which could include apartments, senior housing, and live-work housing. She said it was an oversight in 2010 that today's request was not presented at that time. Staff notified the planner of this oversight when they appeared for Phase 1 preliminary plat approval. The current code has provisions for multi-family development; however, the appropriate corresponding density is missing.

Ms. Jenkins emphasized that the developer wants to "bring all the economic development that comes with this project" as set out in the master plan but that cannot be accomplished unless the two items before the CDRC are addressed. This should have been handled in 2010, stated Ms. Jenkins, but they were unaware of the need at that time.

Ms. Jenkins noted that "this exact variance was approved by this body for the senior campus at Caja del Rio." The request before the CDRC is consistent with the Sustainable Growth Management Plan which calls out multi-family density at 20 dwelling units per acre.

Addressing Chair Katz's concern regarding the new code, Ms. Jenkins said in 2009 the County asked the applicant to wait until the new code was adopted. She said they have "really reputable projects and developers that are really dying to spend money in Santa Fe County...they really want to invest in Santa Fe County." Approving the requests before the CDRC today will ensure that can happen.

Ms. Jenkins stated in response to Chair Katz's comment that they could include residential without the variance that, the permissible density is one dwelling unit on 2.5 acres. She said it was not feasible and that there "was not a multi-family developer on the planet who could afford to do that – the land cost would be outrageous."

Those wishing to speak were sworn as a group.

Don DeVito, Santa Fe, confirmed he was under oath and urged the CDRC to deny the variance. When St. Francis South was approved it was understood it was mixed use with a residential component. The issue is density, stated Mr. DeVito. This development is surrounded by built-out 2.5 acre lots. The density proposed is too great.

Under oath, Peggy Fino, an officer and committee member of the Campo Conejos Subdivision Board, said she opposes the request as do the members of the HOA. The project is far too dense. The homes in the area are on 2.5 up to 7-acre lots. The traffic is another concern.

Having been sworn, John MacIntyre, 21 Camino Mariquita, a resident off of Rabbit Road within Campo Conejos questioned whether the applicant provided sufficient notification to residents. He said the association did not receive appropriate notice and therefore could not provide a formal response.

Peggy Williams, under oath, 114 Old Galisteo Way, commented on the incredible amount of traffic along Rabbit Road between the Community College and St. Francis Drive. With the applicant's proposed density adding 250 dwelling with two cars each,

that adds 500 additional cars along Rabbit Road. Ms. Williams said the issue of water availability has not been dealt with and it is just too dense.

Duly sworn, Tom Wood, 40 Calle Cantando, said he has been living in the area of the application for over 30 years and the traffic volumes are unacceptable; now adding 250 units will increase that unacceptability further. Traffic control is difficult; stop signs and/or signals will merely back up traffic onto the frontage road. "It'll be a nightmare." Safety of lives is an issue. The proposed density is too high and he noted that most people live out there for the rural experience.

Under oath, Glory Brenner, 196 Rabbit Road, said her home is directly across from the building site. Ms. Brenner said motor vehicles crash through the fencing at her property a few times a year. The orange barrels were erected in response to her concerns. She said she opposes the urbanization of the existing rural life in the area. She agreed with the previous comments regarding traffic and density.

Ms. Brenner said she was speaking on behalf of Kathy O'Day who vehemently opposes this request.

The applicant was invited to respond to the residents' comments. Ms. Jenkins said the project will be served by the Santa Fe County water system. The property received approval as a large-scale mixed-use because of its uniqueness in that it is bordered by an interstate, a major and a minor arterial. The developer worked closely with staff, the CDRC and BCC to come up with this plan appropriate for this parcel. Ms. Jenkins said they have been particularly transparent throughout the planning process that potentially an apartment-type development would occur.

In regard to traffic, Ms. Jenkins they will continue to update their traffic analysis as they move through the development as well as work with DOT and Santa Fe County Public Works. Ms. Jenkins said the developer is making significant improvements to Rabbit Road along the frontage. At the western-most access point there will be a signal or a roundabout. She identified the accesses and exits into the project.

This concluded the public hearing.

Member Gonzales commented on the complications for the applicant and public to be dealing with the old code and the new code simultaneously.

Member Gonzales moved to approve the variance and master plan amendment for CDRC Case #Z/V/S 10-5363 subject to staff conditions. His motion was seconded by Member Anaya. The motion passed without opposition.

- D. CDRC CASE # APP 15-5190 Puesta del Sol Owners Association Appeal. Puesta del Sol Property Owners Association, Appellants, Chris Graeser, Agent, (Graeser and McQueen LLC.) request an appeal of the Land Use Administrator's decision to approve a Summary Review Subdivision (Case #14-3080 Two Bens LLC) of 11.32 acres into four lots, one lot consisting of 2.78 acres, one lot consisting of 2.66 acres, one lot consisting of 2.91 acres, and one lot consisting of 2.97 acres. The subject property is located at 17 Camino Terra Bella, within Section 30, Township 17 North, Range 9 East, (Commission District 2)**
[Exhibit 4: Letters (43) in opposition to the Land Use Administrator's decision to approve a summary review subdivision; Exhibit 5: Preliminary survey of the 4-lot subdivision; Exhibit 6: Photos depicting the width of Camino Peralta, Terra Bella, Camino Espejo, Engrada, and Las Trampas]

Chair Katz recused himself from this case and excused himself from the remainder of the meeting. Member Gonzales assumed the duties of Chairman.

Mr. Dalton presented staff's report as follows:

"The Appellants state they are very concerned about the access to the proposed Summary Review Subdivision. The community has done extensive planning efforts focused on new development access via Los Sueños Trail/Hager Road. The 1999 Arterial Roads Task Force final report recommended construction of Los Sueños Trail.

"The Appellants further state; 'the residents rightly view these detailed and intentional planning prescriptive as a commitment by the County that the new development will be required to use appropriate access, not to increase significant new traffic onto their internal, already inadequate community roads which narrow to thirteen feet wide at points.'

"Staff Response: Los Sueños Trail/Hager Road has not been constructed and there is no timeframe when Los Sueños Trail/Hager Road build-out will occur. Hager Road was developer driven. Suerte del Sur's Master Plan has expired and is no longer in place. Camino Peralta (which is the proposed access) is a County owned and maintained road, is 18 feet in width, and is the only access road that services the proposed lots.

"The Appellants state Article III, Section 2.4.2b3 requires that all lots created under this section shall be provided with adequate access for ingress and egress, utility service, fire protection, and emergency services weather by a road meeting County requirements constructed within an easement and utility easement or by direct access to a public right-of-way. All on- and off-site roads shall meet the design standards for local roads as set forth in Appendix 5.B.3 which requires a 24-foot driving surface with 6 inches of compacted subgrade and 6 inches of

crushed gravel base course. Camino Peralta is an existing 18 foot road with no shoulders or center stripe. Although the road narrows at points, the majority of the road is 18 feet with a chip seal driving surface and posted 25 MPH Speed Limit and is owned and maintained by Santa Fe County.

“The Appellants state restrictive covenants exist on the subject property that require all tracts and lots shall use Hager Road as the primary access for purposes of ingress, egress, and utility placement. These covenants were created to insure proper access would be created for the subdivision.

“Staff Response: Private restrictive covenants are not enforced by Santa Fe County. The provisions of the covenants are not part of the County’s review and approval of any Application. Although the covenants designate Hager Road as the primary access to the properties, they do not prohibit additional points of access and Hager Road is not constructed.”

Mr. Dalton said staff recommends that the CDRC uphold the Land Use Administrator’s decision to approve the Application and deny the requested appeal.

Those wishing to speak regarding this case were placed under oath.

Matthew McQueen, counsel for the appellants, Puesta del Sol Property Owners Association, Inc. (PDS) stated the subject property is within a relatively rural area that has been subject to gradual creeping serial subdivisions. The intent of area community at-large has always been that Hager Road/Los Sueños Trail should be built. This is reflected in the Extraterritorial Area Arterial Road Plan, the Tres Arroyos del Poniente Community Plan, restrictive covenants and numerous other plans and correspondence. It was his understanding a construction agreement existed and there is \$700,000 in escrow for the purpose of constructing Hager Road.

Mr. McQueen assured the CDRC that they were not asking for enforcement of private covenants which were provided to illustrate an accommodation made for the benefit of the community by the Archdiocese, but were instead requesting that the CDRC enforce the Land Use Code.

Referring to the staff report, Mr. McQueen said County staff cites the code in the requirement for a 24-foot driving surface. Camino Peralta is 18 feet wide and narrows to 13 feet in one spot.

Mr. McQueen noted that if the appeal is granted, the applicant can build a house on the 11-acre lot which would be consistent with surrounding land use. Without being able to meet the Land Use Code the Applicant lacks a legal right to divide the property. If the applicant waits until Hager Road is built the lot division would be appropriate.

Mr. Dalton said the SLDC designates the subject area as Residential Estate which is a 2.5-acre minimum.

Mr. McQueen pointed out that the Puesta del Sol Property Owners Association does not oppose the subdivision. What they oppose is accessing the subdivision via

Camino Peralta. If this subdivision is permitted there are other 10 and 20 acre tracts that will follow.

Responding to Member Gonzales' question regarding the escrowed monies, Mr. McQueen said he understood \$700,000 was not sufficient to build out the entire road. He understood the escrow funds were subject to a private construction agreement.

Susan McMurray, under oath, president of PDS property owners association, said the association completely understands the County does not enforce covenants. However, the County is charged with abiding by the standards set forth in numerous County ordinances, many of which the residents of PDS, Agua Fria, Pinon Hills have worked on. The purpose of those standards is to ensure the residents of the area will have safe, adequate and sufficient infrastructure including roads, trails, biking and riding paths to maintain the rural character of the neighborhood.

Ms. McMurray said PDS is extremely concerned that a precedent will be set in allowing 2 Bens to have unrestricted access to Camino Peralta. Counsel for 2 Bens has said that this four-lot subdivision is unable to make a financial commitment to the Las Sueños Trail. However, 2 Bens is part of four 10-acre development formerly known as Tierra Bella. She said the four lots will soon be eight, then 16.

Ms. McMurray said the small serial-type subdivision builders will assert unrestricted access to Camino Peralta because the County has granted access to 2 Bens.

Ms. Murray asked that at the very least the County place restrictions on accessing Camino Peralta and work to ensure that the land adjacent to and affecting Puesta del Sol and Pinon Hills work in concert to assure the building of Las Sueños Trail as soon as possible.

Duly sworn, Dave Munger, 69 Camino Peralta, expressed concern about the road development commitments made by the County over the last 20 years. In the past the County has shown a commitment to public safety and lifestyle. He said the alignment of the Las Sueños Trail was critical to managing impact on the surrounding neighborhoods. The alignment has been platted and appears on County plans. The BCC-approved TAP plan clearly states a principal objective is to have a thoughtfully placed and constructed road and trail system. He cautioned against piecemeal serial subdivision driven road development.

Duly sworn, Ann Noble, Calle Verada in Puesta del Sol, distributed photos of the roads [*Exhibit 6*] and noted that Hager Road has been platted on County maps. She talked about walking her dogs in the area and serving on the PDS board for 14 years. Nine years ago when the Archdiocese began splitting and selling their property into ten 40-acre lots the PDS worked with them and prospective buyers regarding Hager Road. At the time, the County said they had every intent to build the road. Later the property was further split via administrative approval into four 10-acre lots which are now being sold into four separate LLCs divided down to 2.5 acre lots.

Ms. Noble said the LLCs have no intention of building out the Hager Road to access their serial subdivision. Instead, they are requesting County approval to access through Camino Peralta a road that narrows to 13 feet. She said this is far below the

County standards and should not be permitted. The line of sight from the proposed driveways is also dangerous.

As a point of information, Ms. Noble said the cost to build out Hager Road is \$1.5 million.

Allowing this subdivision to use access through alternate established subdivisions rather than requiring the planned road be built puts extreme pressure on the residents' quality of life and the roads.

Ms. Noble said the County is sending the message that if "you follow the County planning process you will be penalized. But if you circumvent the County ordinances and planning processes you will be rewarded."

Duly sworn, Elizabeth Cook-Romero, 35 Calle el Gancho in PDS said she and 30 other area residents met with Commissioner Chavez and he appeared relieved that the residents were not opposing the land division. However, the access being piggybacked through existing subdivisions was the protest. Commissioner Chavez made it very clear that subdivision would not be approved without bringing in infrastructure. She said two messages were coming through, from Land Use and the elected Commissioner. This is the first wave of cars coming through Puesta del Sol, stated Ms. Cook-Romero.

Daniel Edgerton, 4 Calle Verada, said these subdivisions (2 Bens) are directly across from his home. He stated he was not opposing subdivision but the access is of great concern. The road has a great deal of vegetation on the road side, limited visibility, narrowing in width and no curbs or shoulders. Adding traffic will be detrimental.

Mr. Edgerton said he had understood the issue of the road was settled with the construction plans for Los Sueños Trail/Hager Road.

The applicant was invited to speak.

Jennifer Jenkins, previously sworn, was present for the land developments who she identified as the original applicants for the 2 Bens four-lot subdivision. Ms. Jenkins said the subdivision has access to a County public road. It is not a private road. The application was done lawfully and all the rules and requirements were met. The developer, she said, has invested significantly in developing the plans. The plans were approved by the County's Land Use, Public Works and Fire departments.

Ms. Jenkins recognized that Hager Road/Los Sueños Trail appears on all the aforementioned plans and she imagined it would someday be built. She said Hager Road was intended to serve Suerte del Sur a 300-home subdivision with a now expired master plan.

Ms. Jenkins said holding a four-lot subdivision hostage to building out Hager Road is neither realistic nor appropriate. She said the developer understands their obligation to connect to Hager Road when it is built out. She referred to a subdivision plat [*Exhibit 5*] showing an easement through the subdivision to accommodate the further connection to Hager Road.

Ms. Jenkins asked the CDRC to deny the appeal and uphold the Land Use Administrator's decision.

Duly sworn, 2 Ben LLC partner, Ben Mossa of Derby, Vermont, stated he lived in Santa Fe for 30 years, moved back to Vermont to care for elderly parents and is now ready to move come back to Santa Fe. He said the subdivision is part of their plan in moving back to Santa Fe and requested the CDRC's approval of the subdivision.

Mr. McQueen was invited back to the podium. He offered that it is correct the subdivision will access a public road; however, the road does not meet the County standard of a 24-foot roadway surface. If anyone is being held "hostage" it is the existing neighborhood, he stated.

Mr. McQueen cited local author Bill Du Buys' phrase "consequences collect" as what will occur as additional four lot subdivisions are approved and this existing quiet neighborhood will "die a death of 1,000 cuts."

Mr. McQueen urged the CDRC to enforce the Land Use Code and live up to the commitments that have been made by Santa Fe County.

The public hearing was closed.

Member Anaya moved to uphold the decision of the Land Use Administrator, thus denying the appeal. Mr. Lopez seconded and the motion passed by unanimous [4-0] voice vote.

E. CDRC Case #Z/PD 15-5210 28 Main Street – TABLED

F. **PETITIONS FROM THE FLOOR**

None were offered.

G. **COMMUNICATIONS FROM THE COMMITTEE**

Member Anaya thanked staff for their work.

H. **COMMUNICATIONS FROM THE ATTORNEY**

None were presented.

I. **MATTERS FROM LAND USE STAFF**

An update on the disposition of CDRC cases by the BCC was distributed.

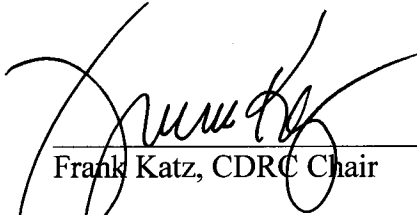
J. **NEXT MEETING**



The next meeting was scheduled for October 15, 2015.

K. ADJOURNMENT

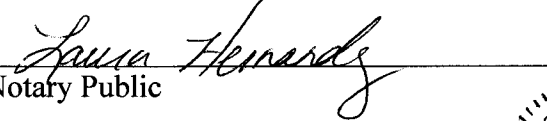
Having completed the agenda, this meeting was declared adjourned at approximately 6:05 p.m.


Approved by:

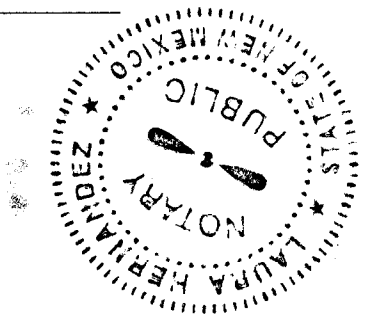

Frank Katz, CDRC Chair


ATTEST TO

COUNTY CLERK

Before me, this 15th day of October, 2015.


My Commission Expires: February 11, 2019 | 
Notary Public

Submitted by:

Karen Farrell, Wordswork



COUNTY OF SANTA FE) CDRC MINUTES
STATE OF NEW MEXICO) ss PAGES: 78

I Hereby Certify That This Instrument Was Filed for Record On The 16TH Day Of October, 2015 at 08:52:53 AM and Was Duly Recorded as Instrument # 1777231 of The Records Of Santa Fe County

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

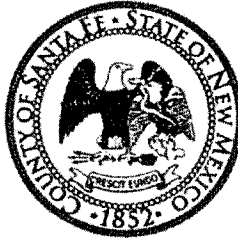




Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Elizabeth Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

TO: Jose Larranaga, Development Review Team Leader
FROM: Jerry Schoeppner, SFC Utilities *JS*
THROUGH: Claudia I. Borchert, Utilities Director *CB*
SUBJECT: Master Plan Zoning, Preliminary and Final Development Plan, for the Spotlight RV Park
DATE: 9/15/2015

This revised memorandum provides review of the water supply plan portion of the Master Plan, Preliminary and Final Development Plan for Spotlight RV Park (Spotlight). The proposed project is located at 16 Ella Dora Road, 3 miles north of I-40, adjacent to State Road 41 and approximately 7 miles south of Stanley in Township 10N, Range 9E, Section 31, falls under large scale residential development, and lies within the Basin Hydrologic Zone.

The applicant proposes to develop an RV Park consisting of 54 RV spaces, 20 horse stalls, and public bathroom and shower facilities on 11.57 acres. Water and electrical service is proposed to be provided at each RV space and an existing home located on the premises is proposed to be used as living quarters and an office for the RV Park.

Pursuant to the Santa Fe County Land Development Code (Code), Article VII, Section 6 (Water Supply), an applicant must provide a water supply plan and pursuant to Table 7.4, Spotlight RV Park is also required to submit a water availability assessment in accordance with Section 6.4.1d.

Pursuant to the Santa Fe County Land Development Code (Code), Article VII, Section 6 (Water Supply) and Article V, Section 5.2 (Master Plan Procedures), as amended by Ordinance 2005-2, an applicant is required to submit a preliminary water supply plan and liquid waste disposal plan which identifies the source of water, water budget by phase, total demand at full build out, and a water conservation plan. Pursuant to Article VII, Section 6, Table 7.4, Spotlight is also required to submit a water availability assessment in accordance with Section 6.4.2.

SFC CLERK RECORDED 10/16/2015

geohydrologic report that demonstrates a one hundred (100) year supply, drill sufficient exploratory wells to adequately characterize the aquifer, calculate a 100 year schedule of effects on the development's wells(s) which may result from existing demands and from the increase of groundwater withdrawals for the project, calculate the lowest practical pumping water level in the proposed project, and submit an estimate of water availability for the development. The geohydrologic report and other information shall be in accordance with Section 6.4.2, or a reconnaissance water availability assessment in accordance with Section 6.4.6 if applicable, one of which shall adequately characterize the aquifer.

6.4.2a - Geohydrologic Report Demonstrating a 100 Year Supply

The applicant states that a complete geohydrologic report submittal is pending.

The applicant has not met this requirement. Please have the applicant submit a complete geohydrologic report which is in conformance with the Code and includes a demonstration of a 100 year water supply.

6.4.2b – Drill Sufficient Exploratory Wells to Adequately Characterize the Aquifer

Based on the size of the development, Spotlight is required to install one exploratory well within the development.

The applicant is using the existing well E-09183 within the proposed development and conducted a pump test to characterize the aquifer proposed as the source of water for the development. However, the results of the pump test have not been submitted for review.

The applicant has not met this requirement. Please have the applicant submit a geohydrologic report which is in conformance with the Code and includes characterization of the aquifer proposed to serve the development.

6.4.2c – Calculated 100 Year Schedule of Effects (Amended by Ordinance 2005-2)

Calculations of 100 year drawdown have not been submitted.

The applicant has not met this requirement. Please have the applicant submit a geohydrologic report which is in conformance with the Code and includes the calculated 100 year schedule of effects.

6.4.2d – Calculate the Lowest Practical Pumping Level

This section of the Code requires an additional 20% reduction of the total available water column calculated in Section 6.4.2c.

The 100 year schedule of effects has not been submitted as described above; therefore, it cannot be determined if this reduction will impact the proposed production rate of this well.

- *The water budget included the existing house which is proposed to be used as living quarters and as an office for the RV Park. However, the applicant based water use on 46 gallons per day per person for 2 people. The most recent (2014) gallon per day per capita for Santa Fe County is 58.79. Please have the applicant provide a reference/justification for 46 gallons per day per person.*

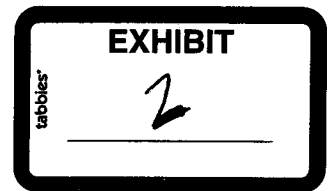
Based on this submittal, the applicant has not met the requirements of this Section. Please have the applicant submit additional information outlined above.

Article VII, Section 6.7 - Fire Protection

This section requires the applicant to provide a fire protection plan in compliance with the Code.

This section will be addressed by the County Fire Department.

The submittal is adequate for Master Plan approval but additional information is required for Preliminary and Final Development Plan approval. If you have any questions, please feel free to call me at 992-9871 or email at gerards@santafecountynm.gov



Sept 15, 2015

To: County Land Use Administrator

From:
Jo Whaley & Greg Mac Gregor
4 Calle Cascabela
Santa Fe, NM 87508

RE: CDRC Case # S/V 10-5363

We object to granting a Variance of Article III, Section 10 (Lot Size Requirements) to Vegas Verdes LLC for the development of the northwest corner of Rabbit Road and St Francis Drive.

The density proposed (250 dwellings on 68.9 acres) is not in keeping with the character of the area and the density on existing properties. The existing Land Development codes are established for a reason. We urge that they be honored.

Respectfully yours,

Jo Whaley and Greg Mac Gregor

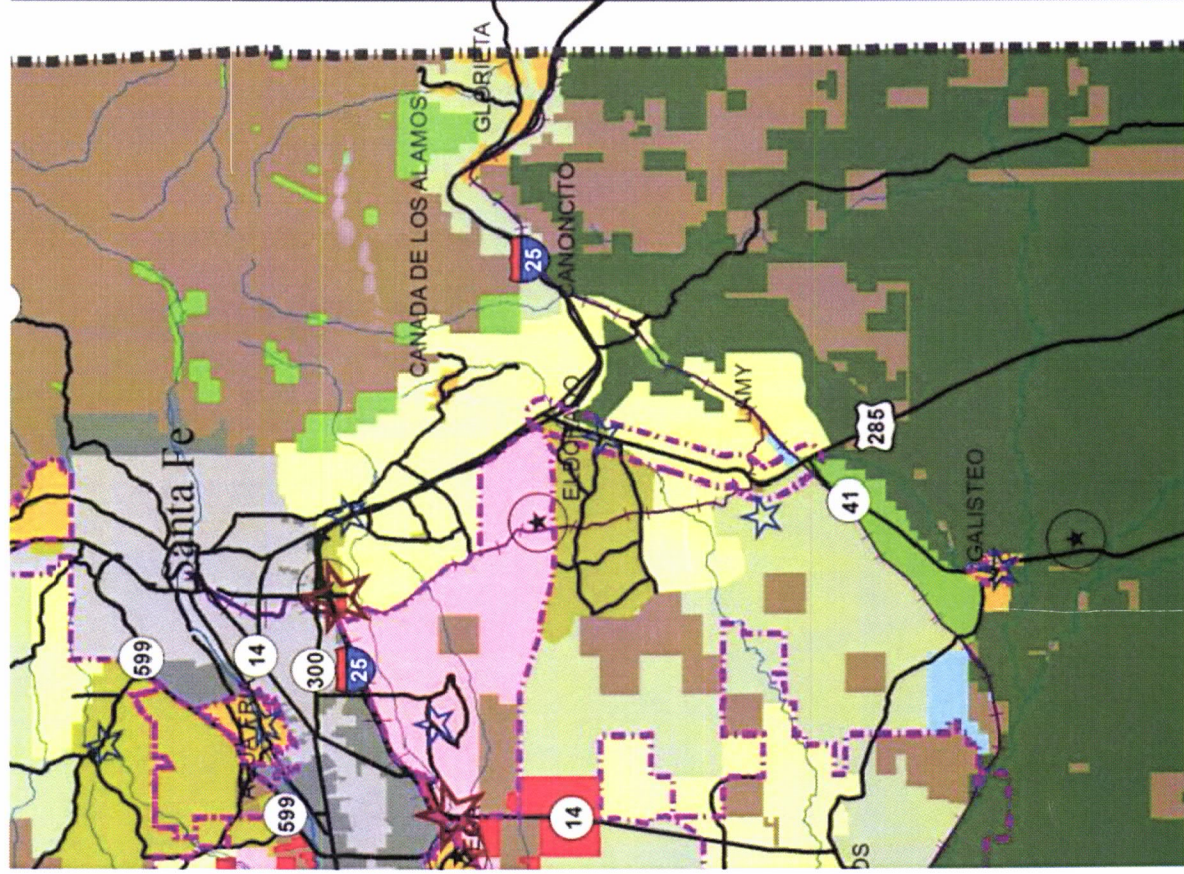
A handwritten signature in black ink, written in a cursive style. The signature appears to read "Jo Whaley and Greg Mac Gregor".

S F C C L E R K R E C O R D E D 1 0 / 1 6 / 2 0 1 5

EXHIBIT
3

SFC CLERK RECORDED 10/16/2015

Sustainable Growth Management Plan Designation



★ Opportunity Centers

Adopted or Proposed Community Plans

Municipalities

City of Santa Fe Annexation Area

Tribal Lands

Federal and State Public Lands

Future Land Use

Conservation

Ag / Ranch

Rural

Rural Fringe

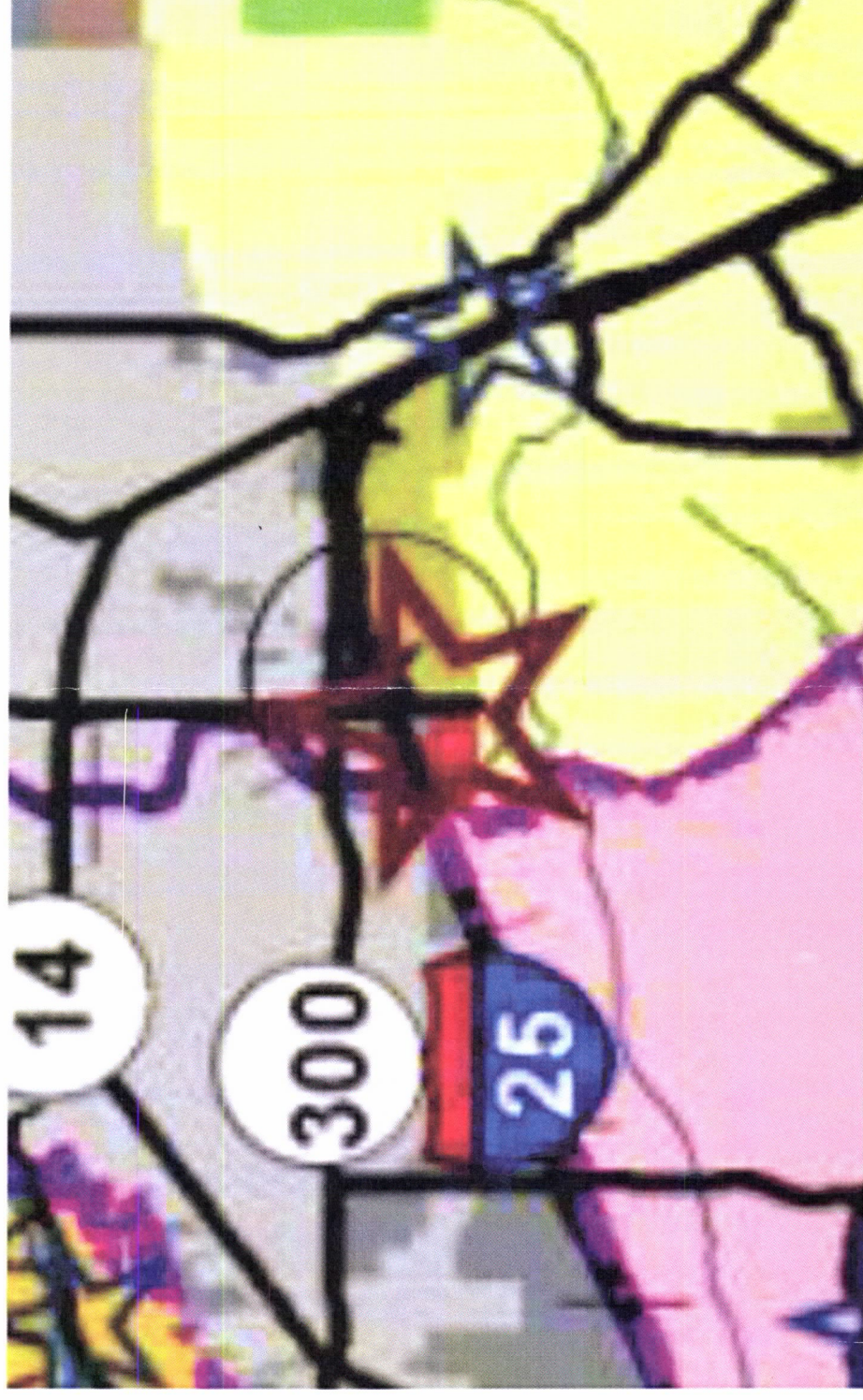
Residential Fringe

Residential Estate

Traditional Community

Mixed-Use Residential

Mixed-Use Non-Residential



COOPER LIGHTING - LUMARK

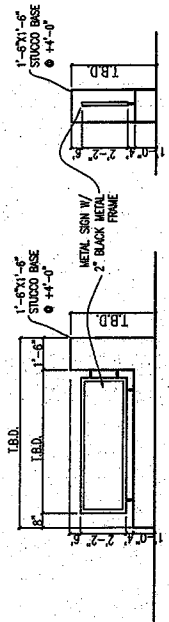
IMPACT TRAPEZOID

IMPACT TRAPEZOID is a wall-mounted lighting fixture designed for modern interior spaces. It features a trapezoidal shape with a wide, adjustable beam of light. The fixture is made of high-quality materials and is available in various finishes and colors. It is easy to install and provides a soft, ambient glow.

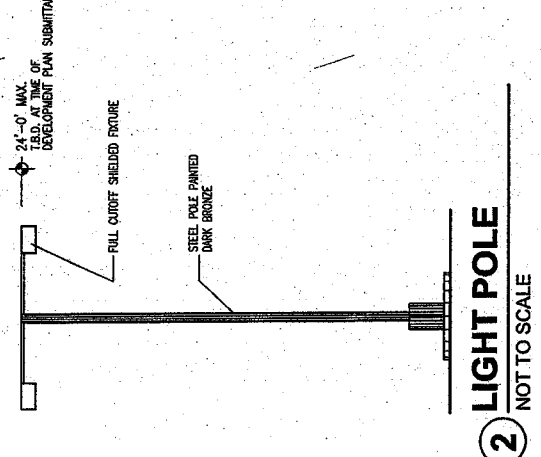
IMPACT COMPLIANT

IMPACT COMPLIANT is a wall-mounted lighting fixture designed for modern interior spaces. It features a rectangular shape with a wide, adjustable beam of light. The fixture is made of high-quality materials and is available in various finishes and colors. It is easy to install and provides a soft, ambient glow.

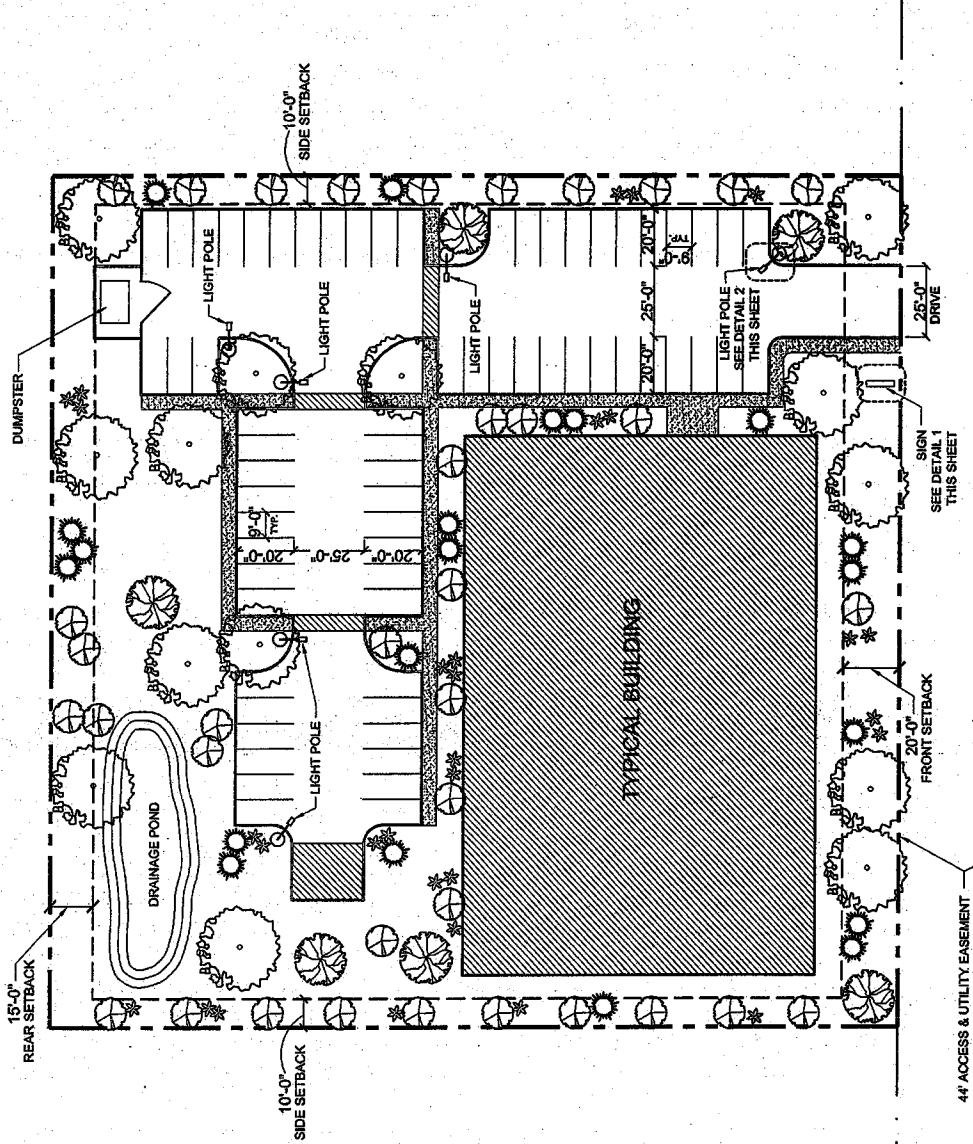
WALL LIGHTING
NOT TO SCALE



1 MONUMENT SIGN MAX. 60 S.F. OVERALL
FINAL DESIGN TO BE SUBMITTED AT
TIME OF DEVELOPMENT PLAN SUBMITTAL



2 LIGHT POLE
2' NOT TO SCALE



LOT TYPICAL
SCALE: 1"= 30'-0"

LANDSCAPE CONCEPTS

PLANT MATERIAL STANDARDS
REQUIRED DECIDUOUS TREES WILL BE A MINIMUM OF 2" CALIPER. REQUIRED SHRUBS WILL BE 5 GALLON. REQUIRED EVERGREEN TREES WILL BE A MINIMUM OF 6 FEET IN HEIGHT. NEW PLANTINGS SHALL BE MULCHED TO A MINIMUM DEPTH OF 2" USING ORGANIC OR INORGANIC MATERIAL.

STREET TREE REQUIREMENTS
EACH LOT SHALL PROVIDE 1 DECIDUOUS TREE EVERY 25 FEET IN THE 3 FOOT LANDSCAPE STRIP ALONG THE INTERNAL ACCESS DRIVEWAY.

SITE RESEEDING REQUIREMENTS
AREAS DISTURBED BY CONSTRUCTION AND NOT PAVED WILL BE RESEED TO THE STANDARD OF 50 LBS. PER ACRE FOR BURELGRASS AND 2 1/2 LBS. (PLUS) PER ACRE FOR BLUE GRAMA GRASS. THESE RATES COMPLY WITH THE RECOMMENDATIONS OF SANTA FE COUNTY NRCS. INSTALL SEED MIXTURE PER GROWERS RECOMMENDATION. ADDITIONAL NATIVE PRAIRIE GRASSES MAY BE USED IN CONJUNCTION WITH THESE SPECIES.

PERMITTED USE LIST

- RESIDENTIAL: ALL HOUSING TYPES PERMITTED, INCLUDING:
- MULTI-FAMILY APARTMENTS
 - SENIOR HOUSING (INCLUDING EXTENDED CARE & INDEPENDENT LIVING)
 - LIVE/WORK
- EDUCATIONAL:
- ART SCHOOLS
 - BUSINESS AND VOCATIONAL SCHOOLS
 - COLLEGES AND UNIVERSITIES
 - NONPROFIT & RELIGIOUS INSTITUTIONS (INCLUDING RELIGIOUS ASSEMBLIES)
 - PRIVATE SCHOOLS
- GOVERNMENT:
- GOVERNMENTALLY OWNED OR OPERATED BUILDINGS
 - NEIGHBORHOOD, COMMUNITY AND MUNICIPAL BUILDINGS IN KEEPING WITH CHARACTER OF AREA
 - HOSPITALS AND EXTENDED CARE FACILITIES
 - UTILITIES (PWA, WATER, QWEST, ETC.)
- MEDICAL:
- ADMINISTRATIVE OFFICES AND ORGANIZATIONS PROVIDING MEDICALLY RELATED SERVICES
 - APOTHECARY SHOPS OR PHARMACIES
 - MEDICAL AND DENTAL OFFICE OR CLINICS PROVIDING TREATMENT FOR THE HEALTH AND WELFARE OF HUMAN PATIENTS
 - OFFICES FOR THOSE LICENSED BY THE STATE TO PRACTICE HEALING ARTS
- PUBLIC ACCOMMODATIONS:
- CONFERENCE AND EXTENDED STAY LODGING FACILITIES
 - HOTELS, INCLUDING RESIDENTIAL SUITE HOTELS
- SERVICE ESTABLISHMENTS:
- CONVENIENCE STORE WITH RELATED GASOLINE SALES
 - NEIGHBORHOOD GROCERY STORE CATERING TO LOCAL PEDESTRIAN TRADE
 - RETAIL AND SERVICE USES THAT ARE INTENDED TO SERVE THE PRIMARY USES AND DO NOT EXCEED 5,000 S.F.
 - RETAIL SALES ACCESSORY TO ANY PERMITTED USE PROVIDED THAT SUCH COMMERCIAL USE SHALL NOT OCCUPY MORE THAN 10 % OF ANY BUILDING
 - BARBER SHOPS AND BEAUTY SALONS
- OFFICES / INDUSTRIAL:
- ALL OFFICE USES INCLUDING OFFICE WAREHOUSE AND DISTRIBUTION
 - CORPORATE OFFICES FOR BUSINESS AND PROFESSIONAL
 - RESEARCH, EXPERIMENTAL AND TESTING LABORATORIES
 - LIGHT ASSEMBLY AND/OR MANUFACTURING AND SHIPPING
 - WAREHOUSE AND DISTRIBUTION
- MISCELLANEOUS:
- TELECOMMUNICATIONS FACILITIES
 - PRIVATE DAY CARE, NURSERIES AND KINDERGARTENS
 - NON-COMMERCIAL GREENHOUSES AND PLANT NURSERIES
 - VETERINARY SALES AND SERVICES
 - ARTS AND CRAFTS STUDIOS, GALLERIES AND SHOPS
 - DANCE STUDIOS
 - NON-PROFIT THEATRES FOR PRODUCTION OF LIVE SHOWS
 - PHOTOGRAPHERS STUDIOS
 - PRIVATE CLUBS AND LODGES
 - FINANCIAL SERVICES

NOTES

1. FINAL LANDSCAPE, LIGHTING AND SIGNAGE PLANS TO BE SUBMITTED FOR REVIEW WITH DEVELOPMENT PLAN SUBMITTAL FOR APPROVAL.
2. PLUSUANT TO ARTICLE III SECTION 9.2 THE PARKING NEEDS FOR EACH USE WILL BE CALCULATED AND SATISFIED AS PART OF THE DEVELOPMENT PLAN REQUIREMENTS FOR EACH INDIVIDUAL LOT.

MA
MEMBER ASSOCIATION ARCHITECTS

1700 A Paseo De Perilla
Santa Fe, NM 87501
(tel.) 505.982.8363
(fax) 505.988.3311
sfarchitect@comcast.net
www.santafearchitects.com

St. Francis South - Lot Typical
Santa Fe, New Mexico

NO.	REVISIONS:	DATE
1		1-7-2011

DATE: 9-15-2010
DRAWN BY:
PR
CHECKED BY: PM

Jenkinsgavin
DESIGN & DEVELOPMENT INC.
330 Grant Avenue, Suite 101
Santa Fe, New Mexico 87501

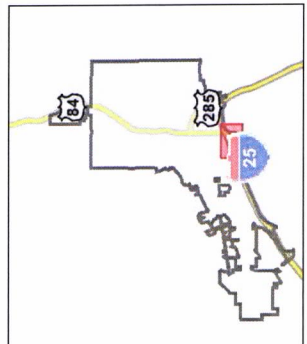
St. Francis South



1700 ft.

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Map center: 1725726, 1684840



Legend
2011 Aerial Photography - 1 foot resolution

Scale: 1:7,386

59

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

As a home and/or property owner residing in the Pinon Hills and Puesta del Sol, neighborhoods of the Tres Arroyos del Poniente Community, Santa Fe County, I would like to request that Santa Fe County work to facilitate the building of Los Suenos Trail Extension (Hager Road) which will allow and provide appropriate road access to the land owners and developers of the Los Suenos Trail Road Extension, LLC., including the Las Lomitas subdivision, the Ponderado subdivision, the Terra Bella subdivision, and the Archdiocese lands.

The building of the Los Suenos Trail Extension (Hager Road) would facilitate, to quote the mission statement of the Growth Management and Land Use Department

“... preserve the character of our existing communities and unique rural landscapes; guide future growth and development through effective planning, zoning, data analysis, permitting and enforcement”

as well as provide safe access to the developments without increased traffic through the existing neighborhoods. The roads in these neighborhoods are currently not capable of nor were they designed to be used by increased traffic that the new developments would create. We are neighborhoods of people who value walking, running and biking these roads. There are no trails and most areas have no way to move safely off the road if more than one car passes. The majority of land adjacent to the roads are deep ditches, many filled with large gravel-type stones. These conditions pose a potential danger to all.

This letter is a plea to the County to honor its commitments, enforce their code properly, and to avoid the anguish and wasted time of its citizens who are forced to protest a misguided decision.

Tim T. [Signature]
Signature

07-01-15
Date

100 Camino Espejo SF, NM
Address
87507

 COPY

SFC CLERK RECORDED 10/16/2015

Baldwin

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Sharon M. Ball
Signature

07/03/15
Date

82B CALLE SINSONTE SANTA FE, NM
Address
87057

 COPY

SFC CLERK RECORDED 10/16/2015

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Ellen Benz
Signature

JULY 1, 2015
Date

41 CAMINO PERALTA
Address

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Black

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Jerry B. Black
Signature **JERRY B. BLACK**

7/5/15
Date

7 Camino del Pueblo
Address

 COPY

SFC CLERK RECORDED 10/16/2015

Butler

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Mary Ellen Butler
Signature

6-30-15
Date

46 Calle Simonsite
Address

 COPY

SFC CLERK RECORDED 10/16/2015

Bylund

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Blake Bylund .
Signature **BLAKE BYLUND**

6/30/15
Date

28 Calle Narada, Santa Fe, NM 87507
Address

 COPY

SFC CLERK RECORDED 10/16/2015

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

As a home and/or property owner residing in the Pinon Hills and Puesta del Sol, neighborhoods of the Tres Arroyos del Poniente Community, Santa Fe County, I would like to request that Santa Fe County work to facilitate the building of Los Suenos Trail Extension (Hager Road) which will allow and provide appropriate road access to the land owners and developers of the Los Suenos Trail Road Extension, LLC., including the Las Lomitas subdivision, the Ponderado subdivision, the Terra Bella subdivision, and the Archdiocese lands.

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This letter is a plea to the County to honors its commitments, enforce their code properly, and to avoid the anguish and wasted time of its citizens who are forced to protest a misguided decision.

K. Carter K. CARTER

Signature

6-30-15
Date

94 A Calle Sencante
Address

 COPY

SFC CLERK RECORDED 10/16/2015

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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S.B. Cant
Signature

September 14, 2015
Date

PROPERTY OWNERS 15 Calle Varada
Address PUESTA DEL SOL

 COPY

SFC CLERK RECORDED 10/16/2015

Dunn

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

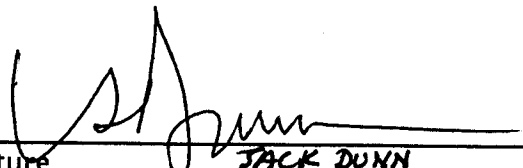
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Signature **JACK DUNN**
50 Calle Sinsoute
Address

6/30/2015
Date

 COPY

SFC CLERK RECORDED 10/16/2015

Edgerton

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico


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Signature

7/1/15
Date

4 Calle Vareda, Santa Fe, NM 87507
Address

 COPY

SFC CLERK RECORDED 10/16/2015

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

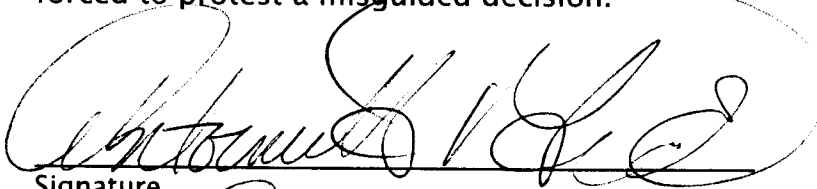
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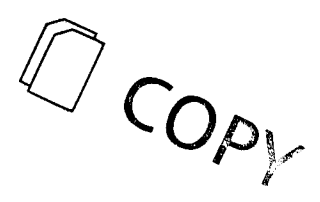
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Signature

7/7/2015
Date

3 Camino Esjojo, Santa Fe, NM 87507
Address



SFC CLERK RECORDED 10/16/2015

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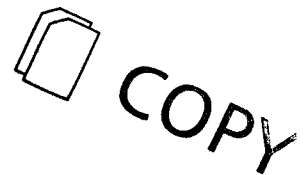
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Marc & Lynn Gallegos
Signature

7/20/15
Date

19 Camino Espejo SF, NM
Address 87507

 COPY

SFC CLERK RECORDED 10/16/2015

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Mary Garcia
Signature

6/29/15
Date

17 CALLE EL CANCHU
Address
SANTA FE, NH 87507

 COPY

SFC CLERK RECORDED 10/16/2015

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Alan Gordon
Signature

85 Calle Sinsonte
Address

Santa Fe NM 87507

29 June 2015
Date

 COPY

SFC CLERK RECORDED 10/16/2015

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

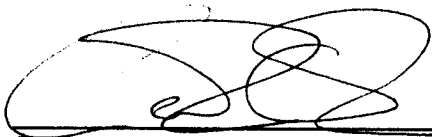
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Signature CAROLINE GORDON

6/29/15

Date

16 CALLE VARADA, SF, NM 87507

Address

 COPY

SFC CLERK RECORDED 10/16/2015

Gregory

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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David and Allison Gregory
Signature DAVID and ALLISON GREGORY

July 3 2015
Date

48 Entrada Santa Fe nm
Address 87507

 COPY

SEC CLERK RECORDED 10/16/2015

Hagstrom

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

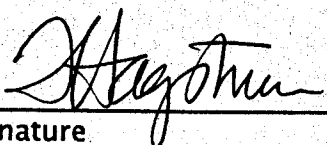
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Signature

7-1-15
Date

13 Camino Espejo, Santa Fe, NM
Address

 COPY

SFC CLERK RECORDED 10/16/2015

Luella HW

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Luella A. Wheeler
Signature

06/30/2015
Date

86 Camino Espejo, S.F., N.M. 87507
Address

 **COPY**

SFC CLERK RECORDED 10/16/2015

Karayan

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Darphy Krebill Karayanis

Darphy Karayanis

Signature

46 Camino Espejo

Address

June 30, 2015

Date

 COPY

SFC CLERK RECORDED 10/16/2015

King

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Signature Bo King

Date 7/1/15

Address 10 Camino Realta, Santa Fe NM
87507

SFC CLERK RECORDED 10/16/2015

KEMISK

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Barbara Kermisk

Signature BARBARA KERMISK BERRY KERMISK

7/1/15

Date

31 ENTRADA

Address

 COPY

SFC CLERK RECORDED 10/16/2015

Krugel

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Anda Krugel
Signature

6-29-2015
Date

85 Calle Sinsonte
Address Santa Fe, NM 87507

 **COPY**

SFC CLERK RECORDED 10/16/2015

Leonard
Dygent

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Ray S. Leonard
Roth Dygent

Signature *Ray Leonard* / *Roth Dygent*

6/30/2015

6/30/2015
Date

10 Camino Espejo
Address

 COPY

SEC CLERK RECORDED 10/16/2015

Mack

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Joseph M. Mack
Signature

7/6/2015
Date

104 Calle Suroeste
Address

 COPY

SFC CLERK RECORDED 10/16/2015

MCB

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Kerry Lynn McBride / S Beech 6/30/15
Signature Kerry Lynn McBRIDE Date

35 Camino Espejo, PSD - SF, NM
Address

Thank you for keeping our neighborhood safe and easy for us who walk/ride bikes in our area - KLM

 COPY.

SFC CLERK RECORDED 10/16/2015

McMurray

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Simon E Wells McMurray
Signature

4 July 2015
Date

7 calle VARADA
Address
SF NM 87507

 COPY

SFC CLERK RECORDED 10/16/2015

MasMau

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Milton MasMau
Signature MILTON MASMAU

92 Calle Sinsante
Address

6-30-2015
Date

 COPY

SFC CLERK RECORDED 10/16/2015

Mallock

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Catherine Mallock
Signature

7/3/15
Date

28 Camino del PRADO
Address
Santa Fe, NM 87507
(Puesta del Sol)

 COPY

SEC CLERK RECORDED 10/16/2015

Munoz

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Don M. Munoz & Marta Cervantes Munoz
Signature

6/30/15
Date

69 CAMINO PERALTA
Address

 COPY

SFC CLERK RECORDED 10/16/2015

Nicolet

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

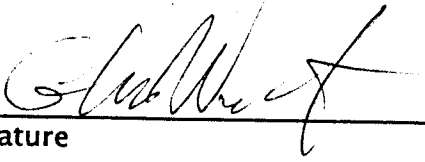
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Signature

1 July 2015
Date

Address

GLEN NICOLET
94B CALLE SIN FONTE
SANTA FE, NM 87594

SFC CLERK RECORDED 10/16/2015

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Phil O'Keefe
Signature

Jul 3, 2015
Date

13 Camino Belvedere
Address

SF NM 87507

 COPY

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

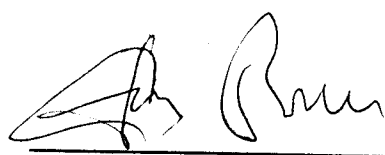
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Signature

6/29/15
Date

151 Calle Sin Sante
Address
Santa Fe NM 87507

 COPY

Charles Padilla

SFC CLERK RECORDED 10/16/2015

Retto

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

Dear SITS

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we came here to get away from traffic & congestion & noise
Lech Retto and Rosa Retto

Signature

Date

Address

25 Calle El Gaucho
Santa Fe 87507

 COPY

SFC CLERK RECORDED 10/16/2015

Randell

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

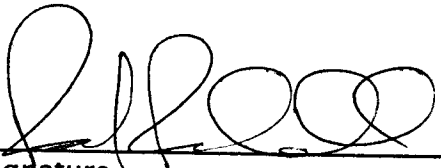
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Signature

6/29/15
Date

20 Camino del Prado
Address

SFC CLERK RECORDED 10/16/2015

R. Randell

Romero

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Leo Romero
Signature LEO ROMERO ELIZABETH ROMERO

6/30/15
Date

34 Calle el Gaucho
Address

 COPY

SFC CLERK RECORDED 10/16/2015

Roybel

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Charlotte Roybel
Signature

June 30, 2015
Date

27 Calle Varada Santa Fe, NM
Address

87507

 COPY

SFC CLERK RECORDED 10/16/2015

R. Senz

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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[Handwritten Signature]
Signature

6/30/15
Date

30 CALLE EL GANCHO
Address
SANTA FE, NM 87507

Richard & Arlene Senz

 COPY

SFC CLERK RECORDED 10/16/2015

Small

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Wayne Small
Signature

6/28/15
Date

12 CALLE VARADA
Address

Santa Fe, NM 87507

SFC CLERK RECORDED 10/16/2015

stibolt

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Cynthia S. Stibolt

Signature

2 Calle El Gaucho

Address

SANTA FE, NM 87507

June 30, 2015

Date



COPY

SFC CLERK RECORDED 10/16/2015

Tour

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Djohannah Joor
Signature

6.30.15
Date

3 Calle El Gaucho
Address
Santa Fe, N.M.

SFC CLERK RECORDED 10/16/2015

Trey

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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Signature Marjano Izay
Madison Carbin
Address 22 Calle Varada, SF, 87507

Date 6/30/15

 COPY

SFC CLERK RECORDED 10/16/2015

Kevin VanSlooten

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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CVMM

Signature

6/20/15

Date

57 Camino Peralta, JFMM

Address

87507

Kevin Van Slooten
57 Camino Peralta
Santa Fe, NM 87507



COPY

SFC CLERK RECORDED 10/16/2015

Walker

Letter to the Department of Growth Management, Land Use & Planning Division and Santa Fe County, New Mexico

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“ . . . preserve the character of our existing communities and unique rural landscapes; guide future growth and development through effective planning, zoning, data analysis, permitting and enforcement”

as well as provide safe access to the developments without increased traffic through the existing neighborhoods. The roads in these neighborhoods are currently not capable of nor were they designed to be used by increased traffic that the new developments would create. We are neighborhoods of people who value walking, running and biking these roads. There are no trails and most areas have no way to move safely off the road if more than one car passes. The majority of land adjacent to the roads are deep ditches, many filled with large gravel-type stones. These conditions pose a potential danger to all.

This letter is a plea to the County to honors its commitments, enforce their code properly, and to avoid the anguish and wasted time of its citizens who are forced to protest a misguided decision.

Luis Walker
Signature

6/29/15
Date

59 Camino Peralta
Address

 COPY

SFC CLERK RECORDED 10/16/2015

SFC CLERK RECORDED 10/16/2015



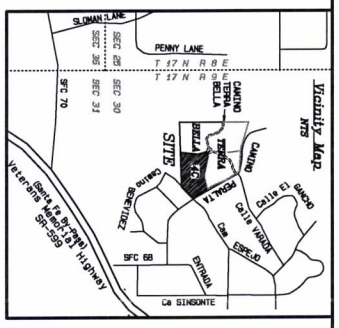
Santa Fe County Approval, Notes and Conditions
14-3080

COUNTY PERMIT NUMBER	CO. DEV. PERMIT NUMBER
DATE	DATE
COUNTY RURAL ADDRESSING	DATE
COUNTY FIRE MARSHAL	DATE
COUNTY TREASURER	DATE

SPECIAL BUILDING PERMIT CONDITIONS
THE REGULATION OF AN AUTOMATIC FIRE SUPPRESSION SYSTEM IS REQUIRED FOR ALL HOMES ON LOT 4C-1, LOT 4C-2, LOT 4C-3 & LOT 4C-4.
LOIS PLAYED HEREON ARE SUBJECT TO ALL PERMITS COUNTY CODE AND REGULATIONS AT THE TIME OF DEVELOPMENT.
THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR DEVELOPMENT PERMIT.
NEW DRIVEWAY/ROAD ACCESS FROM CAMINO PERALTA IS SUBJECT TO APPROVAL BY THE COUNTY PUBLIC WORKS DIRECTOR.
DRIVEWAY PERMITS FOR BUILDING CONSTRUCTION WILL NOT BE ISSUED UNTIL REQUIRED APPROVALS FOR ROADS AND BARRIERS/TURBOWALLS ARE COMPLETED AND APPROVED BY STAFF.

SOILS RATING:
PURSUANT TO THE SANTA FE COUNTY LAND DEVELOPMENT CODE, THE SOILS RATING ON THIS PROPERTY IS DESIGNATED AS BEING MODERATE/SEVERE REGARDING LIMITATIONS TO SEPTIC TANKS, POTENTIAL BODIES/SELLERS OF PROPERTY MUST OBTAIN A FIELD SURVEY WHICH WAS COMPLETED ON DEPARTMENT WHETHER THESE SOILS ARE SUITABLE FOR A CONVENTIONAL SEPTIC SYSTEM OR IF AN ALTERNATIVE SYSTEM IS REQUIRED.
SANTA FE COUNTY'S APPROVAL OF THIS SURVEY PLAT DOES NOT INCLUDE THE CONSTRUCTION OF THE PRIVATE EASEMENT (SI) OR ROAD (S). PRIOR TO THE CONSTRUCTION OF SAID PRIVATE EASEMENT (S) OR ROAD (S), IT IS REQUIRED THAT AN ADDITIONAL DEVELOPMENT PERMIT BE APPLIED FOR AND THEN APPROVED BY THE SANTA FE COUNTY LAND USE ADMINISTRATOR.
THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT INCLUDING BUILDING PERMITS. ALL STANDARDS OF CONSTRUCTION ACTIVITY FOR ANY KIND OF DEVELOPMENT, PERMITS FOR BUILDING CONSTRUCTION WILL NOT BE ISSUED UNTIL REQUIRED IMPROVEMENTS FOR ROADS, FIRE PROTECTION, TERRAIN MANAGEMENT, AND DRAINAGE ARE COMPLETED AND APPROVED.
LOT 4C-1, LOT 4C-2, LOT 4C-3 & LOT 4C-4 LIE WITHIN ZONE "X". PERAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. THIS DESIGNATION DOES NOT GUARANTEE THAT THE PROPERTY WILL BE FREE FROM FLOODING OR FLOOD RELATED DAMAGES.

MAINTENANCE OF ACCESS ROADS AND UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE LAND OWNER/USER UNLESS CURRENTLY MAINTAINED BY THE SANTA FE COUNTY PUBLIC WORKS DEPARTMENT.
EXISTING NATURAL DRAINAGEWAYS WILL NOT BE MODIFIED OR IMPROVED WITHOUT THE WRITTEN APPROVAL OF THE SANTA FE COUNTY PUBLIC WORKS DEPARTMENT. DEVELOPMENT SHALL NOT IMPROVE HISTORIC FLOW RATES OR PATTERNS TO OR FROM THESE LOTS.
ALL DEVELOPMENT SHALL OCCUR WITHIN BUILDABLE AREAS PER THE SANTA FE COUNTY LAND DEVELOPMENT CODE.
THE BUILDABLE AREAS AS DEPICTED HEREON HAVE SQUARE FEET LESS THAN 10% OF THE TOTAL AREA OF THE LOT. THE BUILDABLE AREAS ARE THE URBAN WILDLAND INTERFACE ZONE AS DEFINED BY THE SANTA FE COUNTY FIRE DEPARTMENT.
WATER USE AND/OR WELL WITHDRAWAL ON LOT 4C-1, LOT 4C-2, LOT 4C-3 & LOT 4C-4 SHOW HEREON IS RESTRICTED IN BOOK _____ PAGE (S) _____ OF THE COUNTY CLERK AND INSTRUMENT NO. _____ EACH LOT IS RESTRICTED TO 0.25 ACRE FEET PER YEAR.
THE SHARED WELL AGREEMENT REGARDING THESE LOTS IS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDED AS INSTRUMENT NO. _____
THE SUBDIVISION DISCLOSURE STATEMENT REGARDING THESE LOTS IS FILED IN THE OFFICE OF THE COUNTY CLERK AS INSTRUMENT NO. _____



Legend

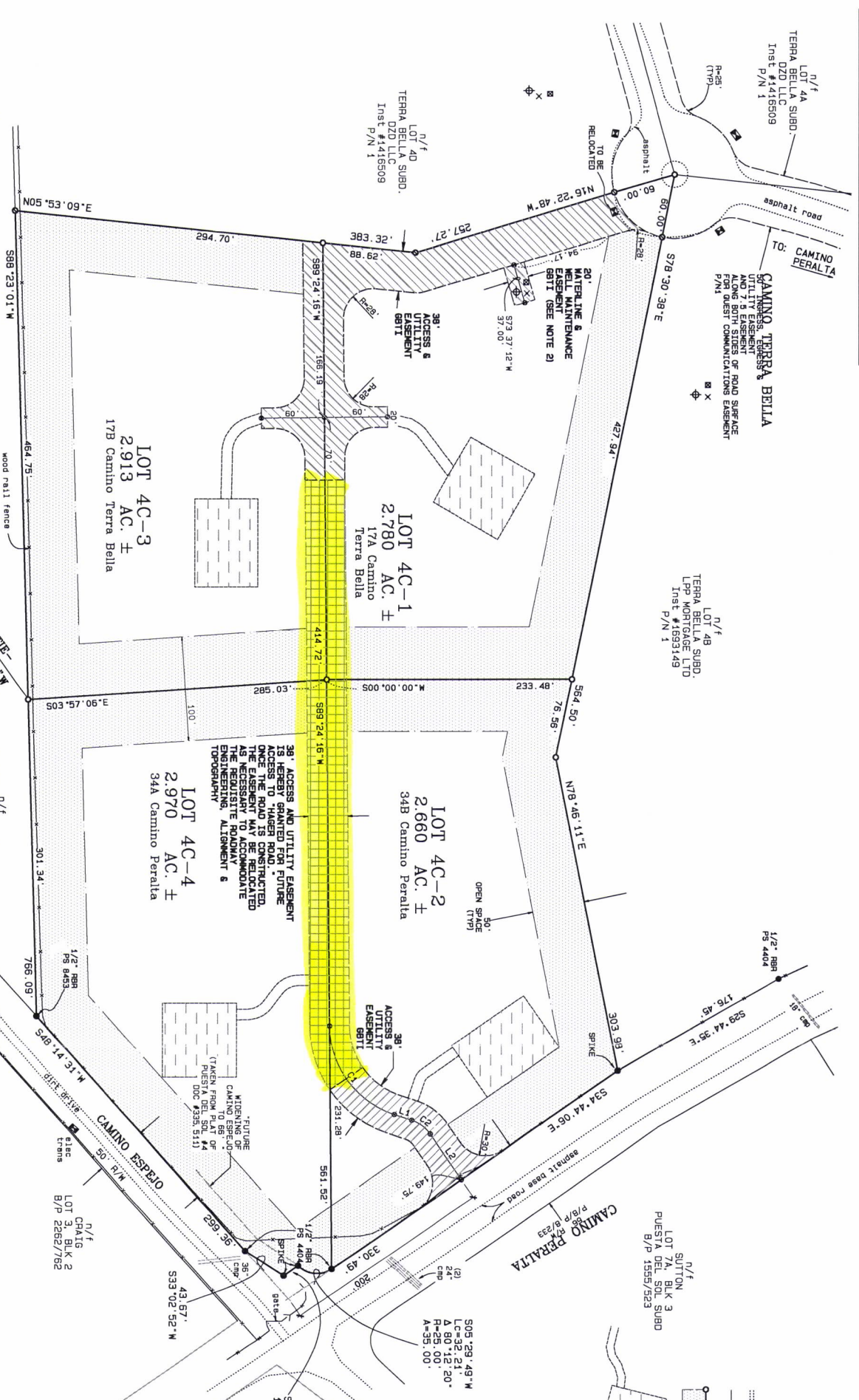
- FOUND POINT
- SET POINT (UNLESS OTHERWISE NOTED)
- POINT PREVIOUSLY SET (UNLESS OTHERWISE NOTED)
- CALCULATED POINT (NOT SET)
- ⊕ WELL CASING
- ⊕ WELL HYDRANT
- ⊕ YARD HOUSE
- ⊕ ELECTRIC TRANSFORMER
- ⊕ REFER TO PLAT OR NOTE 1
- EXISTING ROAD
- FENCE LINE

Notes

- REFER TO A "LAND DIVISION OF LOT 4 'TERRA BELLA' FOR DZO, LLC" PREPARED BY DEAN L. SHRAEDER, P.S. 12421, ON 5/19/2008 AND RECORDED NO. 1442,700 IN PLAT BOOK 652, PAGE 31.

Owners Consent
THE UNDERSIGNED OWNERS & PROPRIETORS DO HEREBY CONSENT TO THE LAYING OFF OF LOTS AS SHOWN. THIS LAND DIVISION IS BEING MADE IN ACCORDANCE WITH THE LAND DIVISION ACT AND THE DESIRES AND WISHES OF THE UNDERSIGNED. 30% OPEN SPACE FROM PLAT OF NOTE 1 IS HEREBY RELOCATED TO THE LOCATIONS SPECIFIED HEREON. THE VARIOUS LOCATIONS ARE HEREBY VACATED. THESE LANDS LIE WITHIN THE UNINCORPORATED AND PLANNING JURISDICTION OF THE SANTA FE COUNTY, NEW MEXICO.

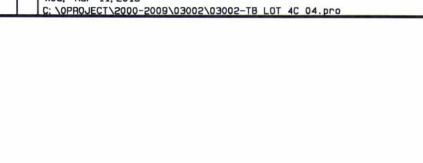
Two Bens, LLC, a New Mexico Limited Liability Company Date
By: Ben Hansen, Managing Member



NOTARY PUBLIC
STATE OF NEW MEXICO }
COUNTY OF SANTA FE }
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2015.
MY COMMISSION EXPIRES _____

INDEXING INFORMATION FOR COUNTY CLERK

LOT 4C UPICK	1-048-098-227-187
OWNERS	SECTION RANGE LOCATION
BEN X 2	SECT. 30 T 17 N R 9 E CAMINO TERRA BELLA



Surveyors Certificate
I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES SHOWN HEREON WERE PREPARED BY ME OR UNDER MY PERSONAL DIRECTION AND ARE A TRUE AND ACCURATE REPRESENTATION OF A FIELD SURVEY WHICH WAS COMPLETED ON THIS PLAT MEETS OR EXCEEDS THE "MINIMUM STANDARDS FOR LAND SURVEYING IN NEW MEXICO."



PRELIMINARY
ARCH-DIODESIF OF SANTA FE
B/P 1800/062

LINE	CHORD BEARING	CHORD	DELTA	RADIUS	ARC
C1	N63°53'24"E	104.56'	71.01°46'	90.00'	111.57'
L1	N18°22'31"E	17.38'			
C2	N36°48'12"E	22.15'	36°53'23"	35.00'	22.53'
L2	N65°15'54"E	51.98'			

COUNTY OF SANTA FE }
STATE OF NEW MEXICO }
I hereby certify that this instrument was filed for record on the _____ day of _____ A.D. 20____ at _____ o'clock _____ and was duly recorded in book _____ page _____ of the records of SANTA FE COUNTY.
Witness by hand and seal of office
Generalist Salazar
County Clerk, Santa Fe County, N.M.
Deputy

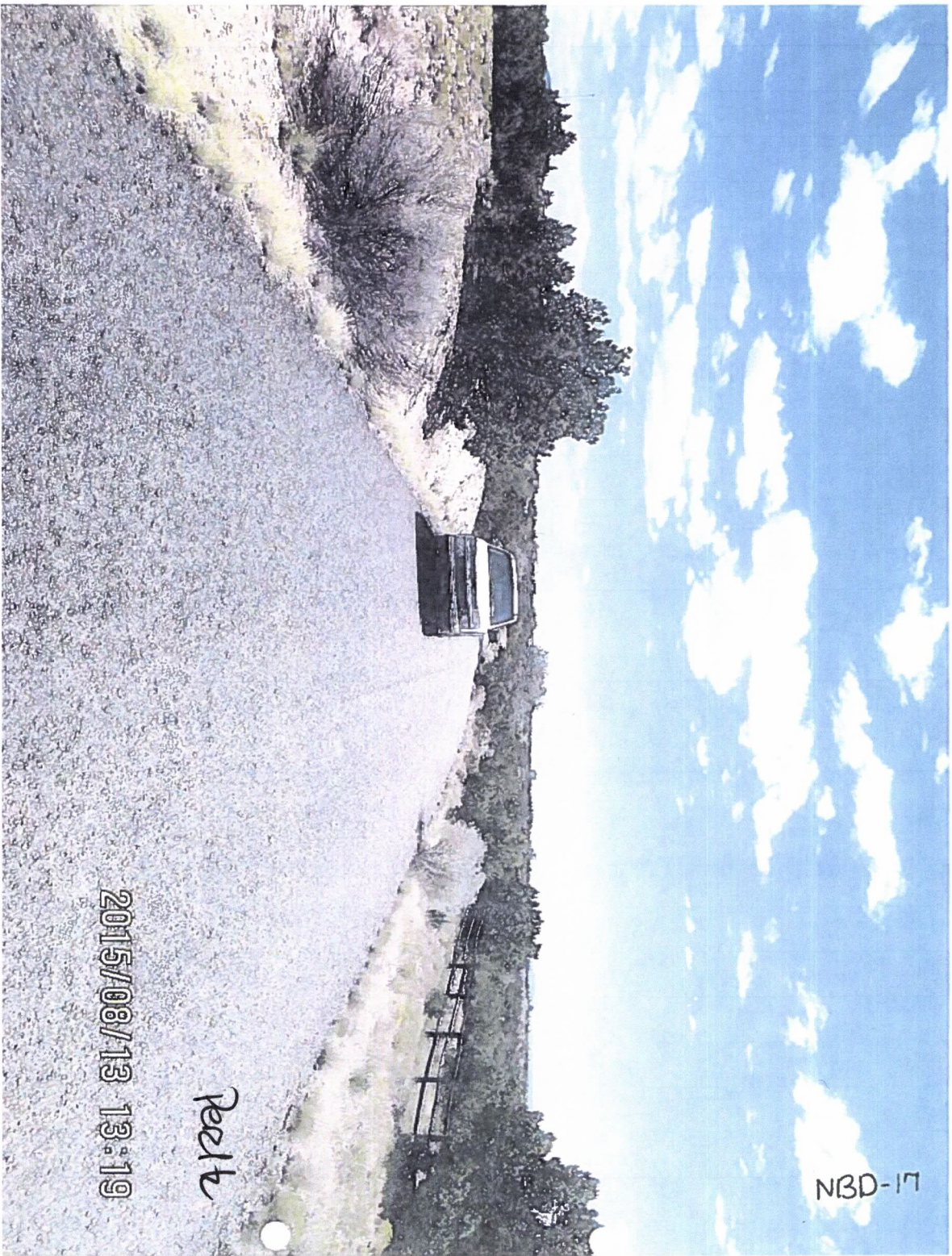
High Desert Surveying, Inc.
Professional Surveying
1925 ASPEN DRIVE, SUITE 401
SANTA FE, NM, 87505
PHONE: (505) 438-8094 FAX: 424-1709
PROJECT No. 03002-7B L-AC

Med. Mar. 11, 2015
C:\PROGECT\2000-2009\03002\03002-TB L-AC 04.dwg

EXHIBIT
tabbles
6



SFC CLERK RECORDED 10/16/2015



NBD-17

Peak

2015/08/13 13:19



Camino Peralta 3 feet south of Terra Bella gate, looking south. Road is 16 feet wide.



Camino Peralta at top of rise between Terra Bella gate and Camino Espejo, looking south. Road is 17 feet wide.



Camino Peralta 3 feet south of Terra Bella gate, looking south. Road is 16 feet wide.



Camino Peralta at top of rise between Terra Bella gate and Camino Espejo, looking south. Road is 17 feet wide.



Camino Peralta 3 feet south of Camino Espejo intersection, looking south. Road is 13 feet wide.



Camino Peralta 3 feet south of Camino Espejo intersection showing car in roadway, looking south. Road is 13 feet wide.



Camino Peralta looking at intersection of Entrada and Camino Peralta. looking east.. Road is 16 feet wide.



Entrada looking south toward entrance to Puesta del Sol showing concrete pad crossing Las Trampas arroyo, showing car in roadway. Road is 17 feet wide.

NBD-16



2015/08/13 13:16