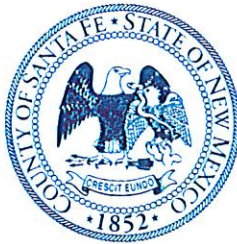


Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: May 10, 2011

TO: Board of County Commissioners

FROM: Jose E. Larrañaga, Commercial Development Case Manager *jet*

VIA: Jack Kolkmeier, Land Use Administrator *JK for JK*
Shelley Cobau, Building and Development Services Manager *SC*
Wayne Dalton, Building and Development Services Supervisor *WD for WD*

FILE REF.: BCC CASE # MIS 05-5502 Hacienda Del Alamo Master Plan Extension and Final Order

ISSUE:

Resolution of the Final Order regarding the request made by Gaynl Keefe, Applicant, Jim Siebert, Agent, for a two year time extension of a previously approved Master Plan for Hacienda Del Alamo. The property is located within the Agua Fria Traditional Historic Community, at 4884 La Junta Del Alamo, within Section 31, Township 17 North, Range 9 East (Commission District 2).

SUMMARY:

On January 11, 2011, the Board of County Commissioners (BCC) granted approval of a two year time extension of a previously approved Master Plan for Hacienda Del Alamo subject to review by the Agua Fria Village Association. The motion included a reconsideration of the approval should there be any concerns or issues by the Agua Fria Village Association (Exhibit "O").

On March 7, 2011, the Agent and the Applicant presented the Application for a two year time extension of a previously approved Master Plan for Hacienda Del Alamo at a public meeting held by the Agua Fria Village Association.

A letter, dated March 15, 2011, from the Agua Fria Village Association (AFVA), was received by the County Manager. The letter acknowledged the presentation by the Agent and the Applicant of the extension of the Master Plan for Hacienda Del Alamo, requested the action to be taken by the BCC and affirmed a formal protest of the extension based on the density of the development. The AFVA stated Resolution 2006-116, Agua Fria Community Plan prohibits such development densities as proposed by BCC Case # MIS 05-5502 (Exhibit "N").

Staff has reviewed the letter from the AFVA and has determined the grounds of the protest to be irrelevant to the request being considered – that of the Master Plan Extension. The protest is based on Resolution 2006-116. A resolution does not amend or create Ordinance in which density requirements are depicted. A density variance was granted by the BCC five years ago which cannot be affected by the request for the extension.

On February 14, 2006, the Board of County Commissioners (BCC) granted approval for Master Plan Zoning, to allow a mix of residential development and low impact commercial use on 2.19 acres. The approval included a variance of Article III, Section 10 (lot size requirements) of the Land Development Code (Code) to allow seven dwellings on the property (Exhibit “B”).

On October 11, 2006, a Final Order, for Case # Z 05-5500 Haciendas Del Alamo, was recorded in the office of the County Clerk. The Order recorded the findings of the BCC for this case. Included in the findings was the approval of a variance to allow seven (7) dwelling units on 2.19 acres (Exhibit “C”).

The 2.19 acre site was short .12 acres of the density requirements set forth in Article III, Section 10.3.3. The density allowed within the Traditional Community with community water service and community sewer service is .33 acres per dwelling. The density was granted, by the BCC, with the provision of connection to community water and sewer system, therefore the variance was permitted as a minimal easing of the code.

Article III, Section 10.3.3, Traditional Communities states: The minimum lot size in traditional communities shall be .75 acres, except as follows: 0.33 acres (14,000 sq. ft.) - where community water service and community sewer service systems are utilized, or a Local Land Use and Utility Plan is adopted (Exhibit “K”).

Article II Section 3 (Variances) of the County Code states that “Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance.” This section goes on to state “A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking or property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety.”

Article II, Section 3.2, Variation or Modification states: “In no case shall any variation or modification be more than a minimum easing of the requirements.”

Article II, Section 3.3 Granting Variances and Modifications states: “In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.” (Exhibit “M”)

Article III, Section 4.2.1.d.2 states: "Proposed mixed-use developments are allowed to locate anywhere in the County, except that the location of any specific commercial or industrial non-residential use area designated by such proposals shall be subject to the purposes and intent of Subsections 4.2.3 and 4.1." (Exhibit "G")

Article V, Section 5.2.1.b states: "A master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the sub-divider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval." (Exhibit "F")

Article V, Section 5.2.7.b states: "Master Plan approvals may be renewed and extended for additional two year periods by the Board at the request of the developer." (Exhibit "E")

REQUIRED ACTION:

The BCC should review the attached material and consider the recommendation of staff, take action to approve, deny, approve with conditions or table for further analysis of this request.

RECOMMENDATION:

Staff has reviewed this application and has found the following facts to **support** this submittal: mixed-use developments are allowed to locate anywhere in the County; the Master Plan is comprehensive in establishing the scope of the project; the application meets code criteria to allow a two year extension of the Master Plan; a variance of Article III, Section 10 (lot size requirements) of the Code to allow seven dwellings on the property was granted by the BCC; the density was granted with the provision of connection to community water and sewer system; the variance was permitted as a minimal easing of the code; the basis of the protest, submitted by the Agua Fria Village Association, is not relevant to the proposed Master Plan Extension.

Staff's review of the Applicant's request has established findings that this Application meets the criteria set forth in Article V, Section 5.2.4 Master Plan Approval and Article V, Section 5.2.7 Expiration of Master Plan of the Land Development Code. Staff recommends **approval** of the Final Order to allow a two year time extension for the Master Plan Zoning for Hacienda Del Alamo.

ATTACHMENTS:

- Exhibit "A" – Letter of Request
- Exhibit "B" – February 14, 2006 BCC Minutes
- Exhibit "C" – Final Order
- Exhibit "D"- Recorded Master Plan
- Exhibit "E" – Article V, Section 5.2.7.b
- Exhibit "F" – Article V, Section 5.2.1.b
- Exhibit "G" – Article III, Section 4.2.1.d.2
- Exhibit "H" – Article V, Section 5.2.4
- Exhibit "I" - Aerial Photo of Property
- Exhibit "J" - Vicinity Map
- Exhibit "K" – Article III, Section 10.3.3 Traditional Communities
- Exhibit "L" – Ordinance No. 2007-2, 10.6 Density and Dimensional Standards
- Exhibit "M" – Article II, Section 3 Variance
- Exhibit "N" – Correspondence from Agua Fria Village Association
- Exhibit "O" - January 11, 2011 BCC Minutes
- Exhibit "P" – Final Order



**JAMES W. SIEBERT
AND ASSOCIATES, INC.**

915 MERCER STREET * SANTA FE, NEW MEXICO 87505

(505) 983-5588 * FAX (505) 989-7313

siebert.associates@comcast.net

October 28, 2010

Shelley Cobau
Building and Development Services Section Manager
P.O. Box 276
Santa Fe, NM 87504

Dear Ms. Cobau:

As planning consultant for the Haciendas del Alamo development (Gaynl Keefe), I am requesting a two-year time extension to the Master Plan that was approved by the Board of County Commissioners on February 16, 2006. The project was approved for a seven lot subdivision and master plan zoning to allow a mix of residential development and low impact commercial uses with the condition that the project would connect to community water and sewer. The process to obtain community water and sewer has been a long and difficult process which is still ongoing.

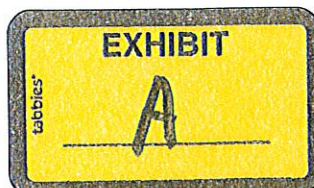
Please schedule this request for the February 8th, 2011 BCC meeting.

Thank you for your attention to this matter.

Sincerely,


James W. Siebert

Keefe2010
mpextentrsltr



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and Commissioners as well, Sullivan and Vigil, I know you felt very adamant about pushing this along.

- XIII. A. 4. **AFDRC Case #Z 05-5500 Las Haciendas del Alamo Master Plan - Gaynl Keefe, Applicant, James Siebert, Agent, Request Master Plan Zoning Approval to Allow a Mix of Residential Development and Low Impact Commercial Use on 2.19 Acres. This Request Also Includes a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Seven Dwellings on the Property. The Property is Located at 4884 La Junta del Alamo, within the Traditional Historic Community of Agua Fria, within Section 31, Township 17 North, Range 9 East (Commission District 2) [Exhibit 2: Letter from State Engineer; Exhibit 3: Letter from Agua Fria Community Water System]**

MR. DALTON: Thank you, Mr. Chairman. Gaynl Keefe, applicant, James Siebert, agent, Request master plan zoning approval to allow a mix of residential development and low impact commercial use on 2.19 acres. This request also includes a variance of Article III, Section 10 of the Land Development Code to allow seven dwellings on the property. The property is located at 4884 La Junta del Alamo, within the Traditional Historic Community of Agua Fria, within Section 31, Township 17 North, Range 9 East, Commission District 2.

The development was previously approved for commercial use as the Institute of Chinese Medicine. All additional structures and parking areas were considered as part of this commercial use. The property is located within the Traditional Historic Community of Agua Fria. The applicant is proposing to convert the existing building on the property into three dwelling units and to construct four new buildings for a total of 11 units consisting of 16,327 square feet. The four new units that are proposed for the development range in size from 1600 square feet to 1760 square feet. The development will also consist of three studios that shall not exceed 960 square feet of gross area.

Variance: The applicant is requesting a variance of Article III, Section 10 of the Land Development Code to allow seven dwelling units on 2.19 acres. The property is located within the Traditional Community of Agua Fria. Article III, Section 10 of the Land Development Code states the minimum lot size in this area is $\frac{3}{4}$ of an acre per dwelling unit. Lot size may be reduced to .33 acres per dwelling unit if the property is served by community water and community sewer. The applicant is proposing to use community water and sewer for the proposed development. Therefore, lot size may be reduced to .33 acres per dwelling unit.

Recommendation: On January 5, 2006, the AFDRC met and acted on this case. The decision of the AFDRC was to recommend master plan zoning approval to allow a mix of



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residential development and low-impact commercial use on 2.19 acres. This recommendation also included a variance of Article III, Section 10 of the Land Development Code. Staff recommends denial of the requested variance. Article III, Section 10 of the Land Development Code state the minimum lot size in this area is $\frac{3}{4}$ of an acre per dwelling unit or .33 acres per dwelling if the property is served by community water and sewer. However, the BCC may consider this request to be a minimal easing of the Code due to the property being shy .12 acre in allowing seven dwelling units on the property. Staff's position is that the proposed submittal is in accordance with Article V, Section 5, Master plan procedures of the County Land Development Code. Staff recommends approval for master plan zoning to allow a mix of residential development and low-impact commercial use on 2.19 acres subject to the following conditions. Mr. Chairman, may I enter those conditions into the record?

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a. State Engineer's Office
 - b. Technical Review
 - c. State Historic Preservation Division
 - d. Public Works Department
 - e. County Hydrologist
 - f. State Environment Department
 - g. County Fire Dept.
 - h. City Traffic Division - access permits
2. The applicant shall submit a letter of commitment from the City of Santa Fe stating that sewer service will be provided to the development, prior to final development plan submittal.
3. The master plan will be recorded with the County Clerk's office.
4. All staff redlines will be addressed; original redlines will be returned with final plans.
5. The applicant shall comply with all Fire Marshal requirements.
6. The maximum height of all proposed structures shall not exceed 24 feet.
7. The applicant shall comply with the water harvesting requirements of Ordinance 2003 6. A water-harvesting plan shall be submitted with the final development plan application.
8. All outside lighting shall be shielded.
9. All trash dumpsters must be screened by a 6-foot solid wall or fence.

CHAIRMAN MONTOYA: Okay, questions for staff. Is the applicant here?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name's Jim Siebert. My address is 915 Mercer, Santa Fe.

CHAIRMAN MONTOYA: Jim, do you have anything to add to what we've

been given?

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MR. SIEBERT: We are in agreement with all conditions as stated by staff. In terms of the issue of the variance, as pointed out by staff, it's a pretty minor variance of really .12 acres to bring it just out of compliance. The Agua Fria Development Review Committee has recommended the variance and the applicant has spent a great deal of time working with the community. In fact, there's a letter of support from the community regarding the project. It's the kind of project that I think they're looking for in the community. It is served by Agua Fria Water system and by City sewer. And I'll answer any questions you may have.

CHAIRMAN MONTOYA: Okay. Any questions for Mr. Siebert? Okay. This is a public hearing. Anyone who would like to speak on behalf or against this project, if you'd please come forward. Okay, seeing none, the public hearing is closed. Discussion?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval with conditions.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second by Commissioner Vigil. Further discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Just I would suggest that we add to the motion that the variance criteria have been met and that this is a minimum easing of the regulations.

COMMISSIONER ANAYA: Okay.

COMMISSIONER VIGIL: I agree.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER ANAYA: Thank you, Commissioner Campos.

CHAIRMAN MONTOYA: Thank you, Commissioner Campos, Any other discussion?

The motion to approve AFDR Case #Z 05-5500 passed by unanimous [5-0] voice vote.

Harry B. Montoya
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Paul Campos
Commissioner, District 4

Jack Sullivan
Commissioner, District 5

Gerald T.E. González
County Manager

2005/10/11/2005
BCC CLERK RECORDED 10/11/2005

CASE NO. Z 05-5500
HACIENDAS DEL ALAMO
MASTER PLAN

ORDER

THIS MATTER came before the Board of County Commissioners of Santa Fe County ("the BCC" or "the Board") on application of Haciendas Del Alamo ("the Applicant") for approval of Master Plan to allow a mix of residential development and low impact commercial use on 2.19-acres. This request included a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow seven dwellings on the property. The property is located at 4884 La Junta del Alamo within the Traditional Historic Community of Agua Fria and within Section 31 Township 17 North, Range 9 East.

The Board, having reviewed the application and supplemental materials, staff report and, during a public hearing, taken testimony from County staff, the Applicant and the public, finds, as follows:

1. Variance applications are subject to the requirements of Article II, Section 3 of the Land Development Code.
2. The Applicant submitted a vicinity map, description of existing site data and a letter of request.
3. To the extent that a required submittal is not contained in the materials before the BCC but such submittal was either reviewed by county staff or the requirement was waived, and staff then recommended the application as being in conformance with Code requirements, the BCC accepts as



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true staff's testimony that the application is in conformance with the relevant submittal requirements.

4. The Applicant requested Master Plan Zoning approval for a mix of residential development and low impact commercial use on 2.19-acres. The request included a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow seven dwelling units on the property.

5. The development has been previously approved for commercial use as the Institute of Chinese Medicine. All existing structures and parking areas were considered as part of this commercial use. The property is located within the Traditional Historic Community of Agua Fria. The Applicant proposed to covert the existing building on the property into three dwelling units and construct four new buildings for a total of 11 units consisting of 16,327 square feet. The four new units that are proposed for the development range in size from 1,600 to 1,760 square feet. The development will also consist of three studios that shall not exceed 960 square feet of gross area per unit.

6. Variance

The applicant requested a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow seven dwellings units on 2.19-acres. The property is located within the Traditional Community of Agua Fria. Article III, Section 10 of the Land Development Code requires minimum lot size in this area of .75 acres per dwelling unit. Lot size may be reduced to .33 acres per dwelling unit if the property is served by Community Water and Community Sewer. The Applicant propose to utilize Community Water and Sewer for the proposed development therefore lot size may be reduced to .33 acres per dwelling unit.

7. Phasing

Phase I of the development consists of four new residential dwellings ranging in size from 1,600 to 1,760 square feet per unit. Phase II of the development consists of three new studio apartments, each

totaling 960 square feet. Phase III of the development will consist of remodeling the existing dwelling and guesthouse.

8. Existing Development

There is an existing 6,130 square foot structure on the site, used for the Institute of Chinese Medicine, and 1500 square foot building that serve as storage for the Institution and a 620 square foot guesthouse.

9. Adjacent Properties

A single-family residence is located to the north of the property. Horse stables and riding facilities are located immediately east of the property. Vista Aurora subdivision is located to the south of the property and an auto salvage yard is located in close proximity to the site.

10. Access and parking

The proposed development will utilize Junta del Alamo road as its primary access road which is located off of Lopez Lane. The development will consist of 19 parking spaces for residential units, and two handicap spaces for a total of 21 parking spaces.

11. Terrain Management/ Water Harvesting

The development will utilize a series of ponding areas of various sizes located throughout the site. The development will also utilize a water harvesting system to capture, store and reuse the water from roof top drainage.

12. Water

The proposed development will utilize the Agua Fria Community Water System. The property is located within the Traditional Historic Community of Agua Fria and cannot be annexed.

13. Fire Protection

There is an existing fire hydrant located outside the property boundaries that will be utilized for fire

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protection. The Applicant shall comply with all other Fire Marshal requirements.

14. Liquid and Solid Waste

The proposed development connect to the City of Santa Fe Waste Water Treatment Facility for liquid waste disposal.

15. The Applicant's proposed development shall contract a private trash collection service that will be utilized to transport all solid waste to the County landfill.

16. Landscaping

The Applicant has proposed trees and shrubs and will also involve the re-vegetation of all disturbed areas. All proposed trees and shrubs shall be drought tolerant species and a all landscaping shall comply with the Land Development Code.

17. Archeology

An archeological survey shall be submitted with the Final Development Plan submittal.

18. Signage

A 3 x 9 square foot sign is proposed at the entrance to the property. A detailed signage plan shall be required with Final Development Plan submittal. All signage shall comply with the Land Development Code.

19. Lighting

A detailed lighting plan with cut sheets shall be required prior to Final Development Plan submittal. All proposed outside lighting shall be shielded. All outdoor lighting shall comply with the Land Development Code.

20. On behalf of the Applicant, the Board took testimony from Jim Siebert, the Applicant's agent.

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21. Members of the public were permitted to speak to the application. No one spoke in support of, or opposition to the project.

22. To the extent that any testimony of a factual nature is in conflict with the above findings, the BCC expressly chooses not to adopt such testimony.

23. The Board adopts the remainder of all testimony submitted to it.

WHEREFORE, the Board of County Commissioners hereby CONCLUDES that the application is in accordance with Article II, Section 3, of the Land Development Code, and that the request would constitute a minimal variance of Code since the property is short .12 acre to permit a seventh dwelling on the property.

WHEREFORE, the Board of County Commissioners hereby CONCLUDES that the application is in accordance with and Article V Section 5 (master plan procedures) of the Land Development Code.

WHEREFORE, it is hereby ordered that, subject to the Board of County Commissioners' discretionary zoning authority, the application is APPROVED subject to the following conditions) agreed to by the Applicant:

1. Compliance with applicable review comments from

- (a) State Engineer's Office
- (b) Technical Review
- (c) State Historic Preservation Division
- (d) Public Works Department.
- (e) County Hydrologist

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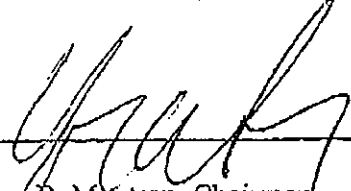
- (f) State Environmental Department
- (g) County Fire Department
- (h) City Traffic Division (Access Permits)

2. The Applicant shall submit a letter of commitment from the City of Santa Fe stating that sewer service shall be provided to the development prior to Final Development Plan submittal.
3. The Master Plan shall be recorded with the County Clerk.
4. All Staff redlines shall be addressed and original redlines will be returned with final plans.
5. The Applicant shall comply with all Fire Marshal requirements.
6. The maximum height of all proposed structures shall not exceed 24' feet.
7. The Applicant shall comply with the water harvesting requirements of Ordinance 2003-6. A water-harvesting plan shall be submitted with the Final Development Plan application.
8. All outside lighting shall be shielded.
9. All trash dumpsters shall be screened by a 6-foot solid wall or fence.

IT IS SO ORDERED

I certify that the above variance was approved by the Board of County Commissioners on this 10 day of October, 2006.

The Board of County Commissioners of Santa Fe County



 Harry B. Montoya, Chairman

CLERK RECORDED 10/11/2006

ATTEST:

Valerie Espinoza, County Clerk



Approved as to form:

Stephen C. Ross, County Attorney



COUNTY OF SANTA FE) BCC ORDER
STATE OF NEW MEXICO) ss PAGES: 10

I Hereby Certify That This Instrument Was Filed for
Record On The 11TH Day Of October, A.D., 2006 at 13:32
And Was Suly Recorded as Instrument # 1454492
Of The Records Of Santa Fe County

With these My Hand And Seal Of Office
Deputy Valerie Espinoza
County Clerk, Santa Fe, NM

7

LAS HACIENDAS DEL ALAMO

TRADITIONAL HISTORIC VILLAGE OF AGUA FRIA

724042

TOWNSHIP 17N, RANGE 09E, SEC 31
TOWNSHIP 16N, RANGE 09E, SEC 06

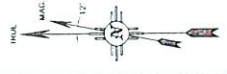
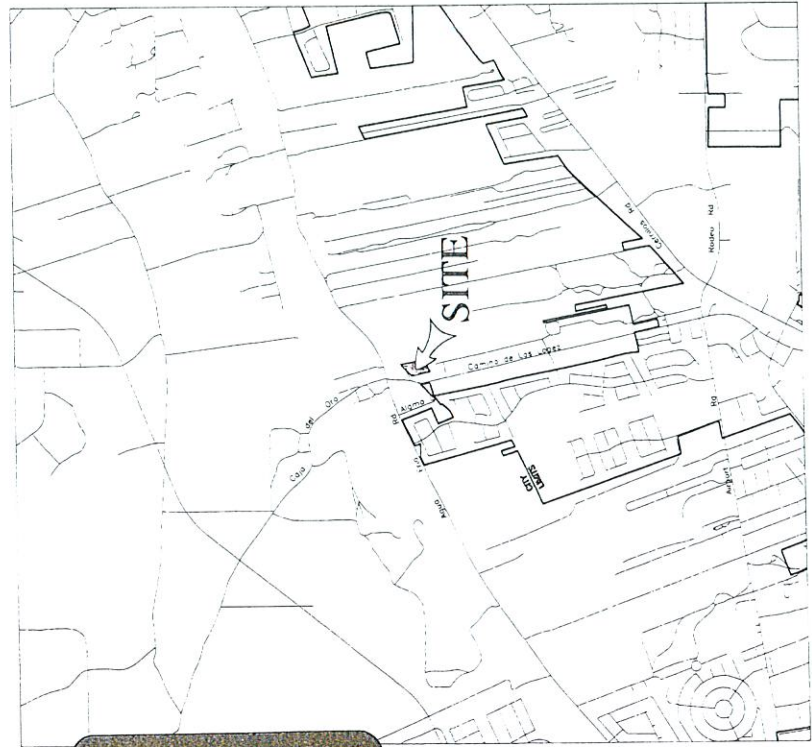
OWNERS:
LAWN KELLY
7074 GARDEN ST., B-1
SANTA FE, NM 87505
(505) 988-7140

CONSULTANTS:
JOHN K. BRASGAMME, P.E.
ENGINEERING CONSULTANT
SANTA FE, NM 87505
(505) 470-1997

JAMES W. SIEBERT & ASSOCIATES, INC.
PLANNING CONSULTANTS
SANTA FE, NM 87505
(505) 983-5588

RED GIESER DESIGN
ARCHITECT
SANTA FE, NM 87508
(505) 982-6101

| LIST OF SHEETS | SHEET NUMBER |
|--|--------------|
| PLANNING SHEETS | |
| COVER SHEET | 1 |
| AERIAL PHOTO | 2 |
| TOPOGRAPHY, NATURAL DRAINAGE, SOILS & SLOPE PLAN | C-3 |
| MASTER PLAN | C-4 |
| CONCEPT UTILITY & FIRE PROTECTION PLAN | C-5 |
| PROPOSED SANITARY SEWER PLAN & PROFILE | C-6 |
| CONCEPT LANDSCAPE PLAN | C-7 |
| | B |



PURPOSE STATEMENT
THE PURPOSE OF THIS PLAN IS FOR MASTER PLAN ZONING FOR A MIX OF RESIDENTIAL DEVELOPMENT AND LOW IMPACT COMMERCIAL USE ON 7.19 ACRES.

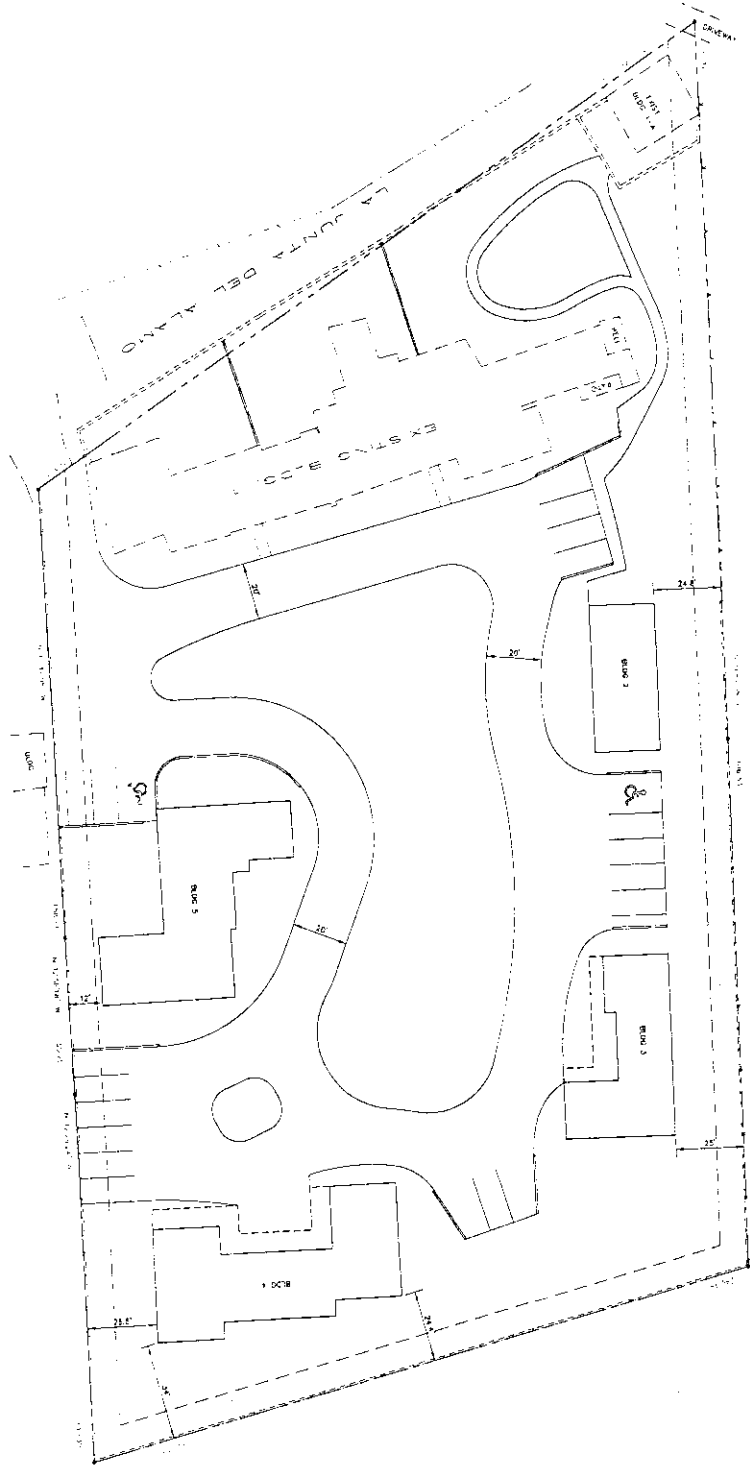
DATE: 11-27-10
CONSULTANT OF OWNERS: *John Kelly*

COUNTY REVIEW
APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY AT THEIR MEETING OF FEBRUARY 3, 2006.
DATE: 11-29-10
BY: *James W. Siebert*
ATTESTED BY COUNTY CLERK: *Naomi Edwards* DATE: 12/13/10
COUNTY REVIEW
DATE: 12-7-10
DATE: 12-23-10
DATE: 12-8-10



| | |
|--|--------------------------|
| DATE: 11/27/10 | DATE: 12/13/10 |
| BY: <i>John Kelly</i> | BY: <i>Naomi Edwards</i> |
| FOR: JAMES W. SIEBERT & ASSOCIATES, INC. | FOR: SANTA FE COUNTY |
| PROJECT: LAS HACIENDAS DEL ALAMO | PROJECT: COVER SHEET |
| SCALE: 1" = 1000' | SCALE: 1" = 1000' |

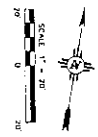




SITE DATA:
 LOT 271, 421
 USE: RESIDENTIAL
 3.5 ACRES
 16,277 SQ FT
 LOT COVERAGE: 17.1%

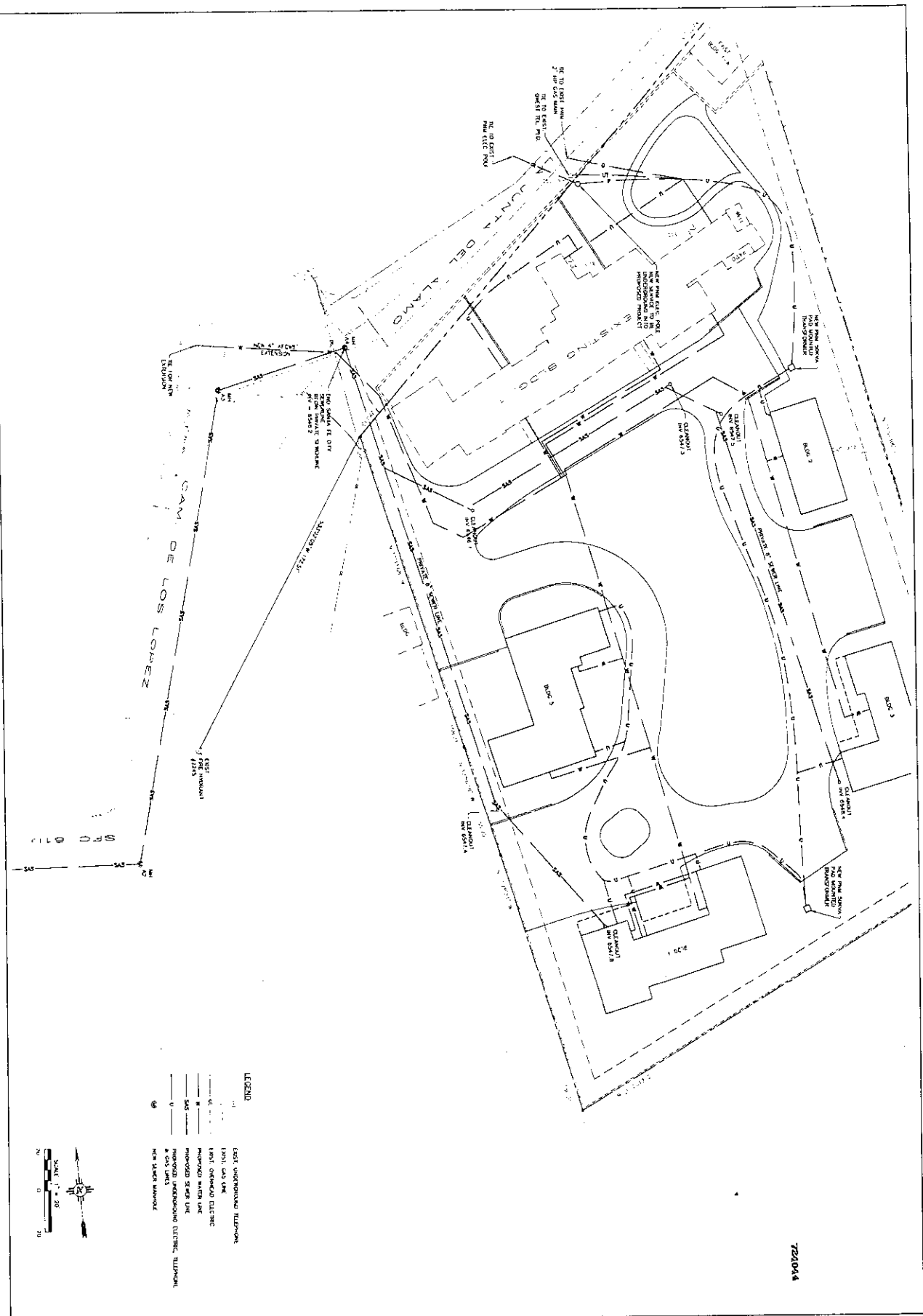
BUILDING INFORMATION:
 BUILDING 1: 1 HOUSING UNIT, 1,000 SQ FT
 BUILDING 2: 2 HOUSING UNITS, 2,000 SQ FT
 BUILDING 3: 3 HOUSING UNITS, 3,000 SQ FT
 BUILDING 4: 4 HOUSING UNITS, 4,000 SQ FT
 BUILDING 5: 5 HOUSING UNITS, 5,000 SQ FT
 BUILDING 6: 6 HOUSING UNITS, 6,000 SQ FT
 BUILDING 7: 7 HOUSING UNITS, 7,000 SQ FT
 BUILDING 8: 8 HOUSING UNITS, 8,000 SQ FT
 BUILDING 9: 9 HOUSING UNITS, 9,000 SQ FT
 BUILDING 10: 10 HOUSING UNITS, 10,000 SQ FT

PHASING:
 PHASE A: 1 HOUSING UNIT, 1,000 SQ FT
 PHASE B: 2 HOUSING UNITS, 2,000 SQ FT
 PHASE C: 3 HOUSING UNITS, 3,000 SQ FT
 PHASE D: 4 HOUSING UNITS, 4,000 SQ FT
 PHASE E: 5 HOUSING UNITS, 5,000 SQ FT
 PHASE F: 6 HOUSING UNITS, 6,000 SQ FT
 PHASE G: 7 HOUSING UNITS, 7,000 SQ FT
 PHASE H: 8 HOUSING UNITS, 8,000 SQ FT
 PHASE I: 9 HOUSING UNITS, 9,000 SQ FT
 PHASE J: 10 HOUSING UNITS, 10,000 SQ FT



7204043

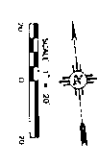
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| SHEET NO. C-5 | PROJECT: LAS HACIENDAS del ALAMO | No. REVISION BY APP. DATE _____ _____ _____ | D & P ENGINEERS & BUILDERS, INC. 455 S. GUALTERO, SUITE 8 SANTA FE, NM 87501 505-825-1322 • FAX 505-825-1324 • E-MAIL: DP@D&P.ENG.NM |
| | SHEET TITLE: MASTER PLAN | PROJECT: KEEP DESIGNED BY: J.R.B. THIS SHEET/PHASE/DWG DRAWN BY: KMZ DATE: 4/24/06 CHECKED BY: J.R.B. SCALE: 1" = 20' | |



724044

LEGEND

--- EXISTING TELEPHONE
 --- NEW TELEPHONE
 --- EXISTING GAS
 --- NEW GAS
 --- EXISTING WATER
 --- NEW WATER
 --- EXISTING SEWER
 --- NEW SEWER
 --- EXISTING FIRE
 --- NEW FIRE
 --- EXISTING VALVE
 --- NEW VALVE
 --- EXISTING ALARM
 --- NEW ALARM
 --- EXISTING EXTINGUISHER
 --- NEW EXTINGUISHER
 --- EXISTING SMOKE DETECTOR
 --- NEW SMOKE DETECTOR
 --- EXISTING SPRINKLER
 --- NEW SPRINKLER
 --- EXISTING PUMP
 --- NEW PUMP
 --- EXISTING TOWER
 --- NEW TOWER
 --- EXISTING TRUCK
 --- NEW TRUCK
 --- EXISTING ENGINE
 --- NEW ENGINE



C-6

SHEET NO.

PROJECT: **LAS HACIENDAS del ALAMO**

SHEET TITLE: **CONCEPT UTILITY & FIRE PROTECTION PLAN**

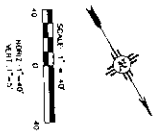
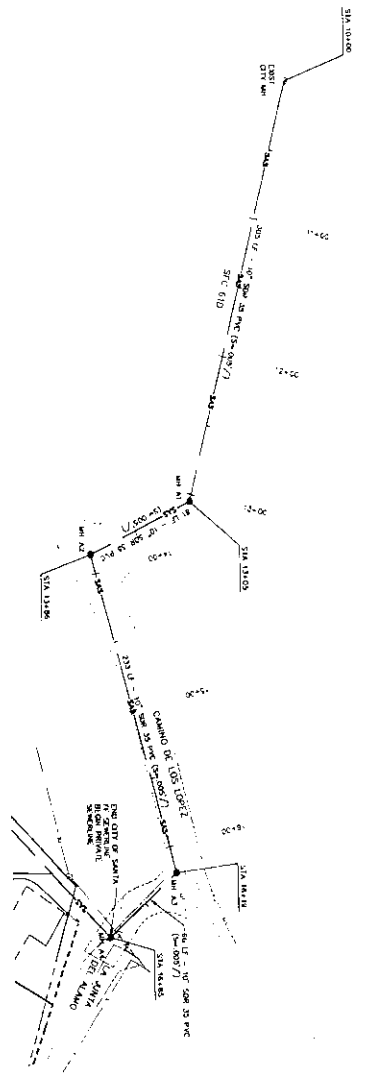
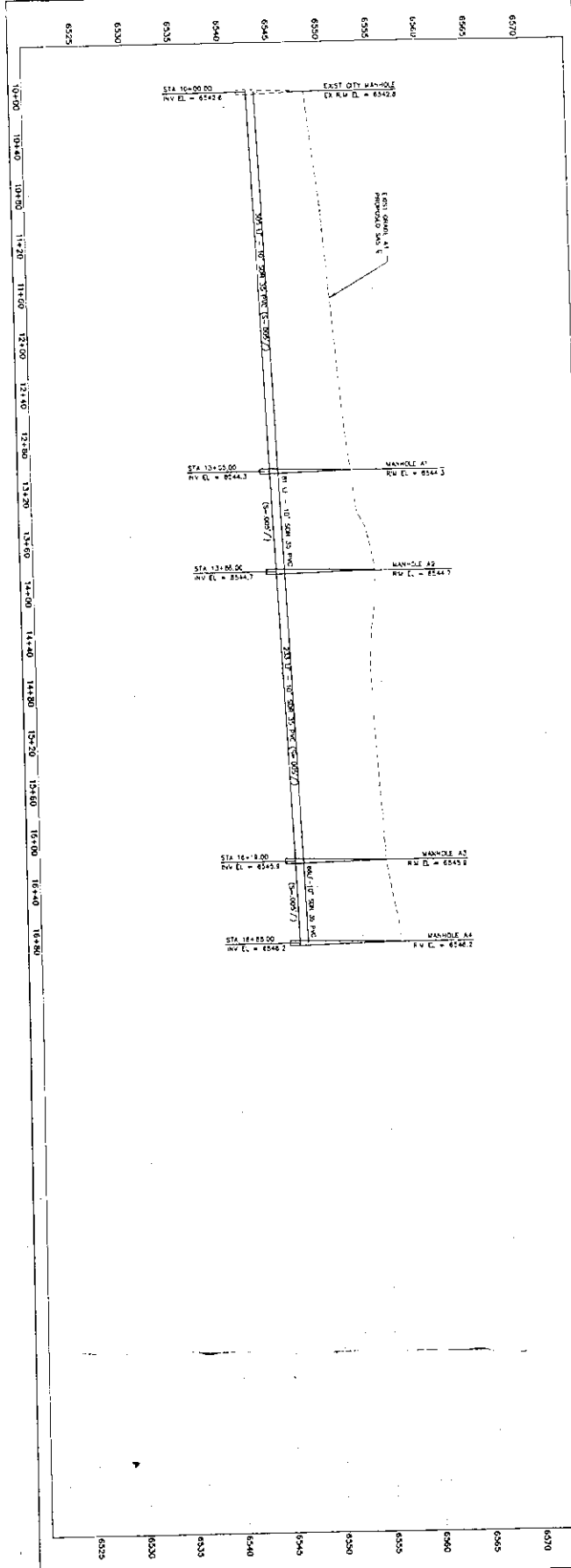
| No. | REVISION | BY | APP. | DATE |
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PROJECT: CHNSCH DESIGNED BY: J.R.B.
 FILE: KKK/PP/PLANT DRAWN BY: MNP
 DATE: 8/28/08 CHECKED BY: J.K.B.
 SCALE: 1"=20'

D & P
ENGINEERS & BUILDERS, INC.

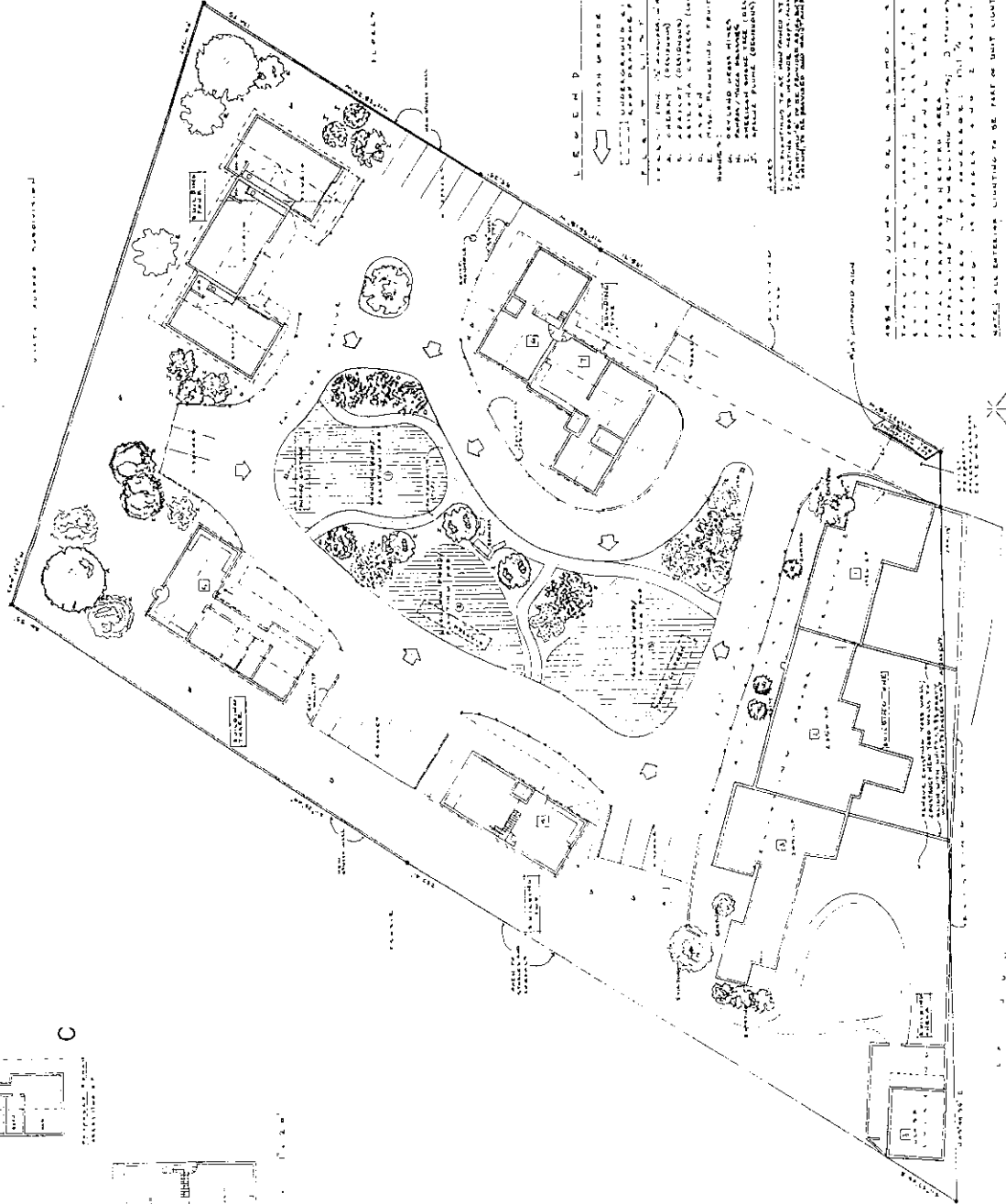
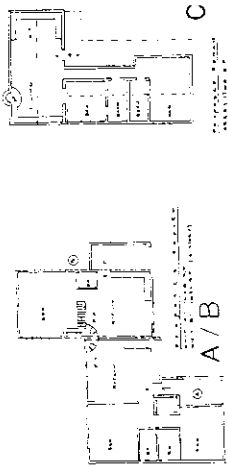
435 S. GUADALUPE, SUITE 6
 SANTA FE, NM 87501

TEL: 505-823-1888 FAX: 505-823-2256 E-MAIL: EPC@D&P.COM



224055

| | | | | |
|---|---|---|---|---|
| <p style="font-size: 2em; font-weight: bold;">C-7</p> | <p>PROJECT</p> <p>LAS HACIENDAS del ALAMO</p> | <p>DESIGNED BY: J.R.B.</p> <p>DRAWN BY: J.R.B.</p> <p>CHECKED BY: J.R.B.</p> <p>DATE: 6/26/05</p> <p>SCALE: AS NOTED</p> | <p>NO.</p> <p>REVISION</p> <p>BY</p> <p>APP.</p> <p>DATE</p> | <p>D & P</p> <p>ENGINEERS & BUILDERS, INC.</p> <p>450 S. GUADALUPE, SUITE 1</p> <p>SANTA FE, NM 87501</p> <p>505-470-1922 • FAX 505-689-9235 • E-MAIL: DP@D&P-ENR.COM</p> |
| | <p>SHEET TITLE:</p> <p>PROPOSED SANITARY SEWER PLAN & PROFILE</p> | | | |



LEGEND

- (---) FINISH GRADE STORM WATER FLOW DIRECTION
- (---) SUBSISTANCE FLOOR FINISH TO MINIMUM
- 1. FINISH GRADE (AS NOTED)
- 2. FINISH GRADE (AS NOTED)
- 3. FINISH GRADE (AS NOTED)
- 4. FINISH GRADE (AS NOTED)
- 5. FINISH GRADE (AS NOTED)
- 6. FINISH GRADE (AS NOTED)
- 7. FINISH GRADE (AS NOTED)
- 8. FINISH GRADE (AS NOTED)
- 9. FINISH GRADE (AS NOTED)
- 10. FINISH GRADE (AS NOTED)

NOTES: ALL EXISTING UTILITIES TO BE PART OF UNIT LAYOUTS SCHEME ONLY.
 JAMES M. WALKER AND ASSOCIATES, INC., LANDSCAPE ARCHITECTS
 2200 W. BROADWAY, DALLAS, TEXAS 75201

CONCEPT LANDSCAPE, STORM WATER AND GREEN PLAN - P. 20



- 2. Suitability of the site to accommodate the proposed development;
- 3. Suitability of the proposed uses and intensity of development at the location;
- 4. Impact to schools, adjacent lands or the County in general;
- 5. Viability of proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or constructed;
- 6. Conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards.

5.2.5 Filing of Approved Master Plan

The approved master plan with maps which has been approved by and received signatures of the County Development Review Committee Chairman and Board Chairman shall be filed of record at the County Clerk's Office.

5.2.6 Amendments and Future Phase Approvals

- a. Approval of the master plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely unless the detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time. Each phase of the development plan must be considered on its own merits.
- b. The Code Administrator may approve minor changes to the master plan. Any substantial change in land use or any increase in density or intensity of development in the approved master plan requires approval by the County Development Review Committee and the Board.
- c. Any changes approved by the Code Administrator pursuant to Section 5.2.6b of this Article shall be subject to the review and approval of County Development Review Committee and the Board at the time of development plan or plat approval.
- d. The phasing schedule may be modified by the Board at the request of the developer as economic circumstances require as long as there is no adverse impact to the overall master plan. (See Article V, Section 4.5)

5.2.7 Expiration of Master Plan



- a. Approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board.
- b. Master plan approvals may be renewed and extended for additional two year periods by the Board at the request of the developer.
- c. Progress in the planning or development of the project approved in the master plan consistent with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. For the purpose of this Section, "progress" means the approval of preliminary or final development plans, or preliminary or final subdivision plats for any phase of the master planned project.

History. 1980 Comp. 1980-6. Sections 4.4, 4.5, 5.1 and 5.2 were amended by County Ordinance 1987-1 to provide for the submittal of a master plan.

5.3 Preliminary Plat Procedure

5.3.1 Introduction and Description

- 5.3.1a Preliminary plats shall be submitted for Type-I, Type-II, Type-III, except Type-III subdivisions that are subject to review under summary procedure as set forth in Subsection 5.5 of this Section, and Type-IV subdivisions.



fulfill the proposals contained in the subdivider's disclosure statement and in determining whether or not the subdivider's provisions for a subdivision conform with County regulations.

4.8 Common Promotional Plans

The Code Administrator will review proposed applications to determine whether there is a common promotional plan to subdivide a property. If it is determined that the land division does constitute a common promotional plan, the project shall comply with the procedures provided for in this Article V.

SECTION 5 - PROCEDURES AND SUBMITTALS

5.1 Pre-application Procedures

Prior to the filing of an application for approval of a preliminary plat, the subdivider shall confer with the Code Administrator to become acquainted with these subdivision regulations. At this pre-application conference, the subdivider shall be advised of the following:

1. Submittals required by the Code.
2. Type and/or class of the proposed subdivision.
3. Individuals and/or agencies that will be asked to review the required submittals.
4. Required improvements.
5. Conditions under which Master Plans and Development Plans are required as described in Sections 5.2 and 7.
6. A determination will be made as to the appropriate scale and format for plans and plats and as to the appropriateness of applicable submittal requirements.

5.2 Master Plan Procedure

5.2.1 Introduction and Description

- a. Master plans are required in the following cases:
 - i. All Type I, Type II, and Type IV subdivisions with more than one development phase or tract;
 - ii. As required in Article III for developments other than subdivisions; and
 - iii. Such other projects which may elect to apply for master plan approval.
- b. A master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval.
- c. The master plan submittal will consist of both plans and written reports which include the information required in 5.2.2 below. A typical submittal would include a vicinity map, a plan showing existing site data, a conceptual environmental plan with written documentation, a master plan map, a master plan report, a schematic utilities plan and the phasing schedule. Maps and reports may be combined or expanded upon at the discretion of the applicant to fit the particular development proposal as long as the relevant information is included.

5.2.2 Master Plan Submittals

- a. Vicinity Map. A vicinity map drawn at a scale of not more than 2,000 feet to one inch showing contours at twenty (20) foot intervals showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies located on the parcel and within three miles of the Parcel.



- b. A non-residential use district may be established within a traditional community at a qualifying intersection or at an area which is pursuant to the criteria set forth in Sub-section 4.2.2.
- c. Spacing Between Districts. Intersections which qualify for a commercial or industrial non-residential use district are established either by the proximity of established or potential districts as follows:
- 1) the exterior boundary of a proposed major center or community center commercial or industrial non-residential district, or parcel proposed for zoning or rezoning near the boundary of a proposed or established district, must be one (1) mile from the exterior boundary of another established or proposed district or parcel proposed for zoning in such district; and
 - 2) The exterior boundary of a proposed local or village center or neighborhood or small center commercial or industrial non-residential district or parcel proposed for zoning or rezoning near the boundary of a proposed or established district, must be one-half (1/2) mile from the exterior boundary of any other type established or proposed district, or parcel proposed for zoning in such district.
 - 3) Spacing between districts as described above is intended to assure the integrity of commercial or industrial use areas, residential neighborhoods, and highways. Uses which may locate between the districts are residential, large scale residential, community facilities, or large scale master planned development.
-
- d. Large Scale Mixed Use Development
- 1) Master Plan Required. Proposed developments which are planned for a mix of residential, large scale residential, and/or non-residential uses and large scale developments or subdivisions which may be developed in phases shall present a master plan for development to the County pursuant to Article V, Sections 5.1 and 5.2 of the Code.
 - 2) Location Criteria. Proposed mixed use developments are allowed to locate anywhere in the County, except that the location of any specific commercial or industrial non-residential use area designated by such proposals shall be subject to the purposes and intent of Subsection 4.2.3. and 4.1.
 - 3) Uses. See Sub-section 4. 3., Guidelines for Permitted Uses and Structures, and Uses Not Listed.
 - 4) Design Standards and Review Criteria: Refer to Section 4.4.
 - 5) Review Requirements: Section 4.5, establishes the applicable reviews.

History. 1980 Comp. 1980-6. Sections 4.2.1 Types of Districts, was amended by County Ordinance 1990-11, adding the term Regional to Sub-section 1; retitling neighborhood as local or village center in Sub-section 3; and adding the term neighborhood to Sub-section 4; specifying new criteria for traditional village areas; criteria for spacing between districts; and adding a provision for large scale mixed use master planned developments.

4.2.2 Traditional Community Districts

- a. Mixed Uses Permitted
Traditional Community districts established by the Code are intended to accommodate a mixture of uses such as agriculture, residential, large scale residential, community service, institutional, non-residential or recreational uses anywhere inclusive of the boundaries of the village, provided the performance standards and criteria set forth by the Code are met.



- g. Master plan report which includes the following:
- 1) A general description of the project, existing development on the parcel, location, adjacent properties, acreage, lot coverage, access, traffic impacts, terrain management, soils, landscaping, outside lighting, parking, signage, water, liquid waste, solid waste, archaeological sites and fire protection measures;
 - 2) If appropriate, market analysis and economic impact report which address: demand, projected sales and build-out; identifies a trade area; estimates retail sales and potential, and identifies the scale and extent of local competition.
 - 3) Preliminary fiscal impact estimates of net local public costs, including capital outlay and operating expenses, and revenues attributable to the proposed project.
 - 4) Preliminary environmental assessment, which identifies the possible effects of proposed development on natural resources or natural features. This may be combined with Section 5.2.2.c of this Article.
 - 5) A written preliminary traffic report prepared by a licensed traffic engineer or other qualified expert acceptable to the Code Administrator.
 - 6) Description of concepts for restrictive covenants proposed for the development if applicable, outlining the areas and extent of restriction or regulation. Detailed covenants are not required at this time.
 - 7) Schools impact report. A written report which projects the effects the proposed project will have on public schools, and which includes:

- the proposed number, size, and price of residential units within the project,
- a description of the project's target market; and
- where applicable, any special educational needs of the project's school-aged residents.

The report will also identify the schools that service the area of the proposed project and their boundaries, the transportation available to those schools, and a list of any pending or approved residential developments within those schools' boundaries. Copies of the schools impacts notice shall be submitted to the school district in which the project is located and to the Code Administrator.

5.2.3 Master Plan Review

The master plan shall be submitted to the Code Administrator or his authorized representative with a written application for approval. The Code Administrator will review the plan and submit analysis, written comments and a recommendation to the County Development Review Committee and the Board. Master plans shall be reviewed by the County Development Review Committee which shall make determinations regarding compliance with the County General Plan or the Extraterritorial Plan and the Code and shall forward the plan to the Board with the Committee's recommendation. The Board may adopt, amend, supplement, or reject the County Development Review Committee recommendation.

5.2.4 Master Plan Approval

- a. The approved master plan shall show the area of residential use and general density measured in dwelling units per acre of land, less dedicated or conveyed rights-of-way, and the area and intensity of commercial and industrial use measured in gross square feet of building area or maximum gross floor area ratio. These shall constitute the maximum permitted number of dwelling units and maximum permitted area and intensity of commercial or industrial use.
- b. The County Development Review Committee and Board shall consider the following criteria in making determinations and recommendations for approval or amendment of master plans:
 1. Conformance to County and Extraterritorial Plan;



2. Suitability of the site to accommodate the proposed development;
3. Suitability of the proposed uses and intensity of development at the location;
4. Impact to schools, adjacent lands or the County in general;
5. Viability of proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or constructed;
6. Conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards.

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- b. The Code Administrator may approve minor changes to the master plan. Any substantial change in land use or any increase in density or intensity of development in the approved master plan requires approval by the County Development Review Committee and the Board.
- c. Any changes approved by the Code Administrator pursuant to Section 5.2.6b of this Article shall be subject to the review and approval of County Development Review Committee and the Board at the time of development plan or plat approval.
- d. The phasing schedule may be modified by the Board at the request of the developer as economic circumstances require as long as there is no adverse impact to the overall master plan. (See Article V, Section 4.5)

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- b. Master plan approvals may be renewed and extended for additional two year periods by the Board at the request of the developer.
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History. 1980 Comp. 1980-6. Sections 4.4, 4.5, 5.1 and 5.2 were amended by County Ordinance 1987-1 to provide for the submittal of a master plan.

5.3 Preliminary Plat Procedure

5.3.1 Introduction and Description

- 5.3.1a Preliminary plats shall be submitted for Type-I, Type-II, Type-III, except Type-III subdivisions that are subject to review under summary procedure as set forth in Subsection 5.5 of this Section, and Type-IV subdivisions.

Map of Property in Santa Fe County



- Legend**
- driveways
 - Minor Roads
 - Major Roads
 - Parcels
 - Section Lines
- 2008 FEMA Flood**

- 500 Year
- 100 Year

1:840
1 inch represents 70 feet



WARNING:
Two (2) foot contour data sets are NOT SUITABLE FOR ENGINEERING WORK. These data are appropriate for PLANNING PURPOSES ONLY.

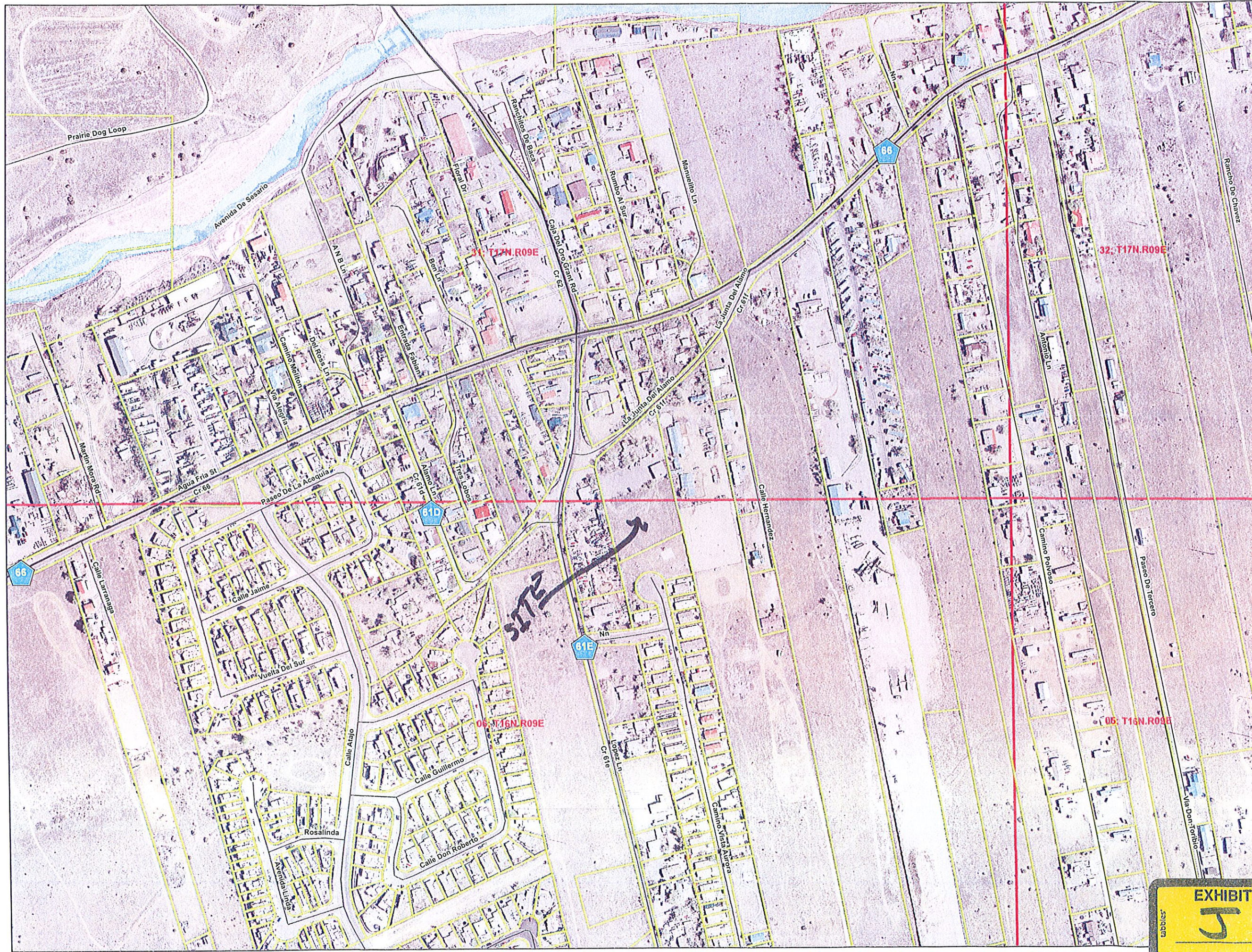
Orthophoto from 2008
Contour Interval 2 Feet

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy.



December 18, 2010

Map of Property in Santa Fe County



Legend

- driveways
- Minor Roads
- Major Roads
- Parcels
- Section Lines

2008 FEMA Flood

- 500 Year
- 100 Year

1:3,600

1 inch represents 300 feet



WARNING:
Two (2) foot contour data sets are NOT SUITABLE FOR ENGINEERING WORK. These data are appropriate for PLANNING PURPOSES ONLY.

Orthophoto from 2008
Contour Interval 2 Feet

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy.



December 18, 2010

EXHIBIT
5

10.3.1 Metropolitan Area - Community Water Systems

Where a community water system provides water service to a development within the Metropolitan Areas, as shown on Code Maps 12, 14 and 15, the minimum lot sizes shall be:

- BASIN ZONE: 1 acre
- BASIN FRINGE ZONE: 2.5 acres
- MOUNTAIN ZONE: 5 acres

10.3.2 Agricultural Areas

In the Estancia Valley Agricultural Area, minimum lot sizes shall be 50 acres for the Basin Fringe Zone and 10 acres for the Basin Zone. Adjustments for water conservation and water availability will not be allowed. In the Northern Valley Agricultural Area, the minimum lot size for lands with permitted water rights shall be five (5) acres. Adjustments to lot sizes in these areas are conditioned on the finding in each case by the County Development Review Committee that it is in the best interest of the County to convert water rights from agricultural to commercial or residential use.



10.3.3 Traditional Communities

The minimum lot size in traditional communities as shown on Code Maps 40-57, shall be .75 acres, except as follows:
14,000 sq. ft. - Where community water service and community sewer service systems are utilized, or a Local Land Use and Utility Plan is adopted.

10.3.4 Urban Areas

The minimum lot size in Urban Areas shall be 2.5 acres, except as follows:
1 acre - Where community water or community liquid waste disposal systems are utilized.
.50 acre - Where community water and community sewer systems are utilized.

10.4 Density Transfer

The minimum lot sizes specified in this Section 10 shall be taken as gross figures for the purposes of determining the total number of dwellings allowed in a particular development. The arrangement of dwellings in clusters or in such locations as to take advantage of topography, soil conditions, avoidance of flood hazards, access and reduced cost of development, shall not violate the lot size requirements of the Code so long as the total number of acres per lot conforms with the requirements of the Code.

SECTION 11 - IMPORTING OF WATER

11.1 Location Requirements

Developments which import water from the surface Rio Grande or other locations outside Santa Fe County to any location in Santa Fe County designated in the Development Code as other than urban or metropolitan locations are permitted to locate anywhere in the County provided they meet all requirements of the Code, except that in lieu of the density requirements as specified in Article III, Section 10, the proposed development shall meet the following criteria.



10.6 Density and Dimensional Standards

The following table illustrates the dimensional standards that apply in the Village of Agua Fria Zoning District. Measurements and exceptions to the standards of this schedule are listed in the table notes.

Commentary: The density and dimensional standards set forth in this section are not a guarantee that stated development density and intensities can be attained. Other factors—water and other public facility availability, infrastructure capacity, building layout, physical limitations, and parking configuration to name a few—may have the effect of limiting development intensity more than the stated standards.

Village of Agua Fria Zoning District

| Sub districts | Minimum Lot Area/Principal Use (acres) (1) | | | | | | | Max. Coverage (%) | Max. Height (ft) | Min. Setbacks (ft) (2) | | | | | |
|---------------|--|--------------|-------------|-----------------|--------------------|-------|----------|-------------------|----------------------|------------------------|----|--------------|---------------------|---------------|------|
| | Base Density/Intensity | | Water Cons. | Long Term Water | Community Services | | | | | | | | | | |
| | Res Uses | Non Res Uses | | | Water | Sewer | Both W&S | | | | | | | | |
| | Res Uses | Non Res Uses | Water Cons. | Long Term Water | Water | Sewer | Both W&S | Residential Uses | Non-residential Uses | Residential Uses | | Non Res Uses | Front & Street Side | Interior Side | Rear |
| AFTCZD | .75 | .75 | | | .75 | .75 | 0.33 | | 40 | 24 | 24 | 24 | 0 | 5 | 5 |
| AFLDUZ | 2.5 | 2.5 | | | 1 | 1 | 0.5 | | 20 | 24 | 24 | 24 | 0 | 20 | 20 |

Notes:

(1) Where adequate water is available, minimum lot area may be reduced by employing water conservation measures and reducing water use. Further reductions may be achieved by submitting proof of adequate long term water availability, connecting to community water, community sewer or both (W&S), all in accordance with Article III, Section 10, Lot Size Requirements of the Code or, such additional density bonus and lot size provisions of County Ordinance 2006-02, Affordable Housing.

(2) Setbacks shall be measured from the property line or from the edge of the road easement where the property line is inside the road easement.



2.5 Zoning

In connection with the review of an application for a development permit with respect to matters described in the New Mexico Statutes concerning zoning, the procedures concerning zoning matters set forth in the New Mexico Statutes, as amended from time to time, shall apply in addition to the review procedures provided in the Code. The time limits established in this Article II may be extended if required, in order to comply with the procedures concerning zoning matters.

2.6 Subdivisions

In connection with review of an application for a development permit with respect to matters described in the New Mexico Subdivision Act, as it may be amended from time to time, the procedures for review provided for in Article V of the Code and the New Mexico Subdivision Act shall apply in addition to the review procedures provided in this Article II of the Code. The time limits established in this Article II shall be extended if required in order to comply with the procedures concerning subdivision matters.

2.7 Other Requirements

The time limits set forth in this Article II shall be extended in order to comply with other provisions of the Code providing for time limits in connection with reviews and requirements under the Code.

SECTION 3 - VARIANCES3.1 Proposed Development

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking of property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.

3.2 Variation or Modification

In no case shall any variation or modification be more than a minimum easing of the requirements.

3.3 Granting Variances and Modifications

In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

3.4 Height Variance in Airport Zones

All height variance requests for land located with approach, Transitional, Horizontal and Conical surfaces as described within Map #31 A, incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the



Agua Fria Village Association

2073 Camino Samuel Montoya
Santa Fe, NM 87507



Katherine Miller
County Manager

Jack Kolkmeier
Land Use Administrator
Land Use Planning Department
Santa Fe County
P.O. Box 276
Santa Fe, N.M. 87504-0276

March 15, 2011

Dear Ms. Miller and Mr. Kolkmeier:

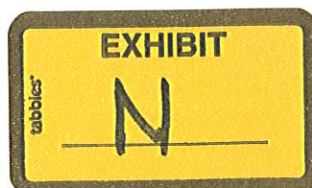
The Agua Fria Village Association (AFVA) on behalf of the Agua Fria Village Traditional Historic Community (THC) is formally protesting the approval of the extension of the Masterplan for Hacienda Del Alamo, Jim Siebert Agent, Gaynl Keefe owner, 4884 La Junta Del Alamo; which was approved by the Board of County Commissioners (BCC Case # MIS 05-5502

http://www.santafecounty.org/documents/agendas/packet_materials/BCCPacket1112011HaciendasdelAlamo.pdf). We are seeking a reconsideration of this case based on the information that follows.

The Extension of the Masterplan for Hacienda Del Alamo was again presented by Jim Siebert Agent for Gaynl Keefe the owner of 4884 La Junta Del Alamo at our Agua Fria Village Association meeting of March 7, 2011, in accordance with a provision made at the January 11, 2011 meeting of the Board of County Commissioners. This was a special motion by Commissioner Virginia Vigil, who moved: *“that we accept the recommendation of staff to move forward for a two-year extension pending the review of this case before the Agua Fria Village Association.”* Further, that: *“Should there be any concerns or issues then this case will be reconsidered at that point in time. With no concerns from the Village Association, then the two-year extension is applied.”*

The action to ask for the “reconsideration” was adopted as a motion at our Agua Fria Village Association meeting of March 7, 2011 and was approved unanimously by attendees, at which former members of the Agua Fria Development Review Committee and the Agua Fria Community Water Association also attended.

The basis of this reconsideration is that the Agua Fria Community Plan adopted in Resolution 2006-116 by the Santa Fe Board of County Commissioners on March 13, 2007 (located at website: http://www.santafecounty.org/find/documents/Agua_Fria_Community_Plan_as_adopted_by_Resolution_2006_116.pdf), prohibits such development densities as proposed by BCC Case # MIS 05-5502. Establishing the precedence of overriding the Community Plan jeopardizes the Plan and the planning process.



Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "William H. Mee". The signature is written in black ink and is positioned below the word "Sincerely,".

William Henry Mee, President AFVA
(505) 473-3160
WilliamHenryMee@aol.com

Session having discussed the issues in the agenda and possible contract negotiations under the procurement code.

CHAIR VIGIL: I have a motion is there a second?

COMMISSIONER HOLIAN: Second.

The motion passed by unanimous [5-0] voice vote.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Yes, ma'am.

COMMISSIONER STEFANICS: I move that we reconsider the earlier 2011 Board appointments.

CHAIR VIGIL: I have a motion. Is there a second for that reconsideration?

COMMISSIONER HOLIAN: Second.

The motion passed by unanimous [5-0] voice vote.

CHAIR VIGIL: Your motion, Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I noticed that Commissioner Holian had an overload on committees and after discussion I think that there's some recommendation for how that could be adjusted.

CHAIR VIGIL: I do believe that the discussion was that I would take over the membership of MPO and you [Commissioner Holian] would be the alternate. So is that the only change that we're going to be considering? Do I have a motion in that order?

COMMISSIONER STEFANICS: I'll so move.

COMMISSIONER HOLIAN: Second.

The motion passed by unanimous [5-0] voice vote.

XV. PUBLIC HEARINGS

A. Growth Management

1. **BCC Case # MIS 05-5520 Hacienda Del Alamo Master Plan Extension. Gaynl Keefe, Applicant, Jim Siebert, Agent, Requests a Two Year Time Extension of a Previously Approved Master Plan for Hacienda Del Alamo. The Property is Located within the Agua Fria Traditional Historic Community, at 4884 La Junta Del Alamo, within Section 31, Township 17 North, Range 9 East (Commission District 2) Jose E. Larrañaga, Case Manager**

JOSE LARRAÑAGA (Building & Development Services): Thank you, Madam Chair. On February 14, 2006 the Board of County Commissioners granted approval for master plan zoning to allow a mixed residential development and low-impact commercial

SFC CLERK RECORDED 02/18/2011



use on 2.19 acres. The approval included a variance of Article III, Section 10 of the Land Development Code to allow seven dwellings on the property. There is an existing 6,130 square foot structure on the site which was used by the Institute of Chinese Medicine, a 1,500 square foot building that served as storage for the Institution, and a 620 square foot guesthouse.

The proposed development consists of three phases. Phase 1 will consist of four new residential dwellings ranging in size from 1,600 to 1,760 square feet. Phase 2 will consist of three new studio apartments, each totally 960 square feet. Phase 3 of the development will consist of remodeling the existing dwelling and guesthouse.

Article III, Section 4.2.1.d. 2 states, Proposed mixed-use developments are allowed to locate anywhere in the county except the location of any specific commercial, or industrial non-residential use area designated by such proposals shall be subject to the purposes and intent of the subsections 4.2.3 and 4.1.

Article V, Section 5.2.1.b states, A master plan is comprehensive in establishing the scope of a project. It is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for preliminary and final plat approval.

Article V, Section 5.2.7.b states, Master plan approvals may be renewed and extended for additional two-year periods by the Board at the request of the developer.

Recommendation: Staff has reviewed this application and has found the following facts to support this submittal. Mixed-use developments are allowed to locate anywhere in the county. A master plan is comprehensive in establishing the scope of the project. The application meets the criteria to allow a two-year extension of master plan. Staff's review of the applicant's request has established findings that this application meets the criteria set forth in Article V, Section 5.2.4, and Article V, Section 5.2.7 of the Land Development Code. Staff recommends approval of a two-year time extension for master plan zoning for Hacienda de Alamo, subject to the previously approved conditions. Madam Chair, I stand for any questions.

CHAIR VIGIL: Okay. My first question before I turn it over to the other Commissioners, are there any changes in this application from the original approval?

MR. LARRAÑAGA: Madam Chair, no.

CHAIR VIGIL: Okay. Questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Question: October 28, 2010 letter from Mr. Siebert, and I apologize if I have that last name pronounced wrong. The last sentence, the process to obtain community water and sewer has been a long and difficult process which is still ongoing. Has that been addressed?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, the original submittal was to use the Agua Fria water and I believe since the Agua Fria water hasn't proved 100-year availability that was a concern and that's why they haven't come forward for preliminary and final. They haven't ironed that out. But the approval was to be, to using,

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from CDRC I believe, was to use the Agua Fria water and then it got approved and it was re-reviewed as not proving water availability. So the water issue is still there, yes. And they will not go forward when they come back for any kind of preliminary or final development plan they would have to address that at that time.

COMMISSIONER MAYFIELD: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Any other questions?

COMMISSIONER MAYFIELD: One more point.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: On the description of land that you're providing to me there was a map that I was looking at and it was an exhibit, I guess Exhibit J would be the best exhibit that I'm looking at on the proposed site. Right adjacent to it on Lopez Lane, I believe that is a salvage yard or at least a wrecking yard service. There are no issues with that structure being adjacent to this property where they're proposing mixed-use residential and commercial?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, no. The salvage yard is non-conforming. It's been around since probably the early 60s, 70s. And this development, upon preliminary and final development plan would have to require some screening, some buffering between that and any kind of residential property around it and I'm sure that's going to be part of the proposal, just because of the property next to it and how it's being used.

COMMISSIONER MAYFIELD: And Madam Chair, on that point, the proposed site is aware that that has been a long-standing business in our county?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, yes.

COMMISSIONER MAYFIELD: Thank you.

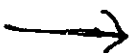
CHAIR VIGIL: Are there any other questions of staff? Seeing none, Mr. Siebert is your client in agreement with all of this and is there anything you need to add?

JIM SIEBERT: Madam Chair, Commissioners, my client is in agreement with the conditions stated by staff.

CHAIR VIGIL: Okay. This is a public hearing. I am going to ask the public. But Jim, before you go, this is a project that is in my district and it was discussed in the Agua Fria Village Association. If we do move forward on this would your client have any difficulty in us moving forward pending review by the Village Association? And their concern for review would be just based on the question I asked preliminarily, if any changes have been made to this.

MR. SIEBERT: Madam Chair, Commissioners, we have no problem with that. We always do that as a matter of courtesy in any case.

CHAIR VIGIL: That's good to know. Thank you very much, Mr. Siebert. This is a public hearing. Is there anyone in the public that would like to address the Commission on this item? Okay, seeing none, may I make a motion? I'd like to move that we accept the recommendation of staff to move forward for a two-year extension pending the review of this case before the Agua Fria Village Association. Should there be any concerns or issues then



this case will be reconsidered at that point in time. With no concerns from the Village Association, then the two-year extension is applied. Are we okay with that?

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: Okay. Any further discussion?

The motion passed by unanimous [5-0] voice vote.

- XV. A. 2. **CDRC Case # V 10-5510 Rob Turner Variance. Rob Turner, Applicant, Linda Tigges, Agent, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 9.1 Acres Into Two Lots. The Property is Located at 32 Timberwick Road, within Sections 19, 20, 29, and 32, Township 16 North, Range 10 East, (Commission District 4) John M. Salazar, Case Manager**
[Exhibit 6: Support Letter and Sunlit Hills Water System letter]

JOHN MICHAEL SALAZAR (Development Team Leader): Thank you, Madam Chair. At the November 18, 2010 meeting the County Development Review Committee met and acted on this case. Their decision was to recommend approval by a unanimous 6-0 vote. As stated in the caption the applicant is requesting a variance of Article III, Section 10 to allow a land division of 9.1 acres into two lots. The subject property is located within the Metro Mountain Hydrologic Zone.

Article III, Section 10 states the minimum lot size in this area is 20 acres per dwelling unit. Lot size can be further reduced to five acres per dwelling if the property is served by community water. The subject property currently has one dwelling unit with a conventional septic system and they have permission for two water meter hookups to the Sunlit Hills Water Utility Company, one of which is being utilized by the existing dwelling, the other is not.

The applicant is requesting this variance for a land divorce due to a divorce decree requiring the sale of the property. The applicant would like to retain a portion of it in order to transfer it to his son while the remaining portion would be sold off.

The CDRC recommends approval of the requested variance. Article III, Section 10 is 20 acres. With community water it can be reduced to five acres. Should the BCC approve this case staff recommends the following conditions. Madam Chair, may I enter those three conditions into the record?

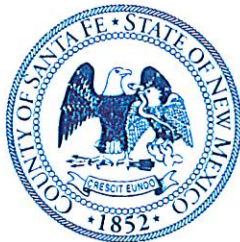
The conditions are as follows:

1. The applicant shall apply for a land division with the Santa Fe County Land Use Department.
2. Further subdivision of the subject property shall be restricted after the land division is completed.

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

**BCC CASE # MIS 05-5502
HACIENDA DEL ALAMO MASTER PLAN EXTENSION
GAYNL KEEFE, APPLICANT**

ORDER

THIS MATTER came before the Board of County Commissioners (hereinafter referred to as "the BCC") for hearing on January 11, 2011, on the Application of the Gaynl Keefe (hereinafter referred to as "the Applicant"), for a two-year extension of an existing Master Plan for Hacienda Del Alamo. The BCC, having reviewed the Application and supplemental materials, Staff report and conducted a public hearing on the request, finds that the Application is well-taken and should be granted, and makes the following findings of fact and conclusions of law:

1. Applicant requests a two-year time extension of a previously approved Master Plan for Hacienda Del Alamo.
2. The property is located within the Agua Fria Traditional Historic Community, at 4884 La Junta Del Alamo, within Section 31, Township 17 North, Range 9 East in Commission District 2.
3. Mixed-use developments are allowed to locate anywhere in the County.
4. The Master Plan is comprehensive in establishing the scope of the project.
5. The Application meets code criteria to allow a two-year extension of the Master Plan.
6. The Application meets the criteria set forth in Article V, Section 5.2.4 Master Plan Approval of the Land Development Code.
7. The Application meets the criteria set forth in Article V, Section 5.2.7 Expiration of Master Plan of the Land Development Code.



8. In support of the Application, the Agent for the Applicant stated that the Applicant agrees to Staff conditions.

9. The Commission includes the following conditions of approval for a two-year extension of the existing Master Plan:

- a. The Applicant shall comply with the previously approved conditions of the Master Plan.

10. After conducting a public hearing on the request and having heard from the Applicant and public, the Board of County Commissioners hereby approves the request for an extension of the Master Plan, subject to the Applicant's compliance with the conditions as stated above.

IT IS THEREFORE ORDERED that the Application is approved, and the Applicant is allowed a two year extension of its existing Master Plan subject to the conditions set forth herein.

I certify that the Application was approved by the Board of County Commissioners on this _____ day of _____, 2011.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

Virginia Vigil, Chair

ATTEST:

Valerie Espinoza, Santa Fe County Clerk

APPROVED AS TO FORM:

Stephen C. Ross, Santa Fe County Attorney