

MEMORANDUM

DATE: July 13, 2010

TO: Board of County Commissioners

FROM: Vicki Lucero, Development Review Team Leader

VIA: Jack Kolkmeier, Land Use Administrator
Shelley Cobau, Building and Development Services Manager
Wayne Dalton, Building and Development Services Supervisor

FILE REF.: CDRC CASE #S 08-5210 Sandstone Pines Estates Preliminary and Final Plat/Development Plan

ISSUE:

Anasazi MV JV LLC, Applicant, Melvin Varela, Agent, request Preliminary and Final Plat and Development Plan approval for a 12-lot residential subdivision on 42.99 acres. The property is located in Glorieta, North of I-25, South of State Road 50, within Sections 1 and 2, Township 15 North, Range 11 East (Commission District 4).

SUMMARY:

On April 13, 2010, the BCC heard this case. The decision of the BCC was to table this request with direction that the applicant address drainage issues, perform a pump test and monitor neighboring wells, and identify what kind of water treatment systems are available to treat Total Dissolved Solids and what this would do to water availability (Refer to meeting minutes in Exhibit "K").

After discussing the idea of the pump test with the applicant and the County Hydrologist it was determined that a pump test would not provide data to determine how the neighboring wells would be impacted by this development. The applicants have stated that they are in compliance with the regulations and requirements as stated in the County Land Development Code and are not in agreement with having to conduct additional testing.

Since the April BCC meeting, staff has also obtained information from neighbors in opposition to the development as presented by Steve Finch of John Shomaker & Associates Inc. (JSAI) at the April BCC meeting. The County Hydrologist has evaluated this information and states that JSAI has presented no information that raised concerns regarding water availability for this project, therefore the staff opinion has not changed (Refer to the County Hydrologist memo in Exhibit "D").

On July 16, 2009, the CDRC met and acted on this case. The decision of the CDRC was to recommend denial of the request (Refer to CDRC Meeting Minutes in Exhibit "G").

On January 12, 2010, the BCC heard this case and tabled it, with direction that the Applicant conduct a water quality analysis on the shallow well (water quality analysis has already been done on the deep well) and that the case be remanded to CDRC for review of the most current water tests on both wells. (Refer to BCC Minutes in Exhibit "H"). A water quality analysis has been completed (Refer to Exhibit "I"). The County Hydrologist has reviewed the analysis and states that all constituents tested meet EPA Maximum Contaminant Levels with the exception of Total Dissolved Solids (Refer to Exhibit "D"). This must be noted within the subdivision disclosure statement along with expected adverse effects and recommended treatment. The CDRC reheard this case on March 18, 2010. The decision of the CDRC was to recommend denial of this request (Refer to meeting minutes in Exhibit "J").

The Applicant requests Preliminary and Final Development Plan and Plat approval for a twelve lot residential subdivision on 42.99 acres. The proposed lots range in size from 1.21-acres to 12.17-acres. The property is located within the homestead hydrologic zone where the minimum lot size is 40-acres per dwelling unit with a 0.25 acre foot per year per lot water restriction; unless an approved geohydrologic analysis demonstrates water availability to support increased density.

Existing Conditions

The project site is currently vacant. There is a ridgeline that runs through the property from east to west. Areas along the ridgeline consist of slopes of 30% or greater. The property is bound by State Road 50 on the north and the Old Las Vegas Highway Frontage Road on the South. To the east and west are single family residential properties.

Phasing

The project will proceed in a single phase.

Access and Traffic Impact

The proposed lots will be served by one access off of the Old Las Vegas Highway Frontage Road. The applicant has obtained an access permit from NMDOT.

Terrain Management and Water Harvesting

All building areas proposed are on slopes of 15% or less, which complies with County Code. The Applicant is proposing a series of stormwater retention ponds throughout the development, to meet the Code criteria for detaining post construction runoff. Maintenance of these ponds will be the responsibility of the Homeowner's Association. Soil and terrain analyses were submitted

with the Application as required by Code, these analyses demonstrated buildable area is available on each lot in conformance with County standards. A FEMA designated 100-year floodplain runs through the northern portion of the property. No development will occur within this area.

Water and Liquid Waste

The Applicant has provided a Geo-Hydrological Report as required by Code to demonstrate 100-year water availability, thereby allowing for a 3.59-acre gross density. The Applicant is proposing to utilize a shared well system, consisting of three wells to serve the twelve lots. Distribution lines from each well head must assure separate delivery from each well to respective residential uses. Comingling of wells is not permitted. A separate well sharing agreement for each well will be recorded with the Final Plat and Development Plan for this project. The County's Water Resource Specialist and the Office of the State Engineer have reviewed this Application and have concluded that there is sufficient water to supply this project (Exhibit D).

The Applicant is proposing to use individual on-site septic systems or other method permitted by NMED on each lot; individual permits must be submitted with the residential permit application.

Solid Waste

The Homeowner's Association will contract with a licensed solid waste disposal service for solid waste removal.

Fire protection

The project is within the Glorieta Pass Fire District. The Applicant is proposing a 30,000 gallon water storage tank which will feed into a single hydrant located within the subdivision. This Application has been forwarded to County Fire for review, however, we have not yet received a response.

Landscaping/Open Space/Archaeology

The Applicant will be required to provide a Landscaping Plan for revegetation of disturbed areas, prior to Final Plat recordation. The Applicant submitted an Archaeology Report which indicated four archaeological sites were found. All four sites were placed in dedicated open space areas and will be avoided. This report was submitted to the State Historic Preservation Office for review (Refer to Exhibit "D").

Signage

No private subdivision signage has been proposed at this time. Any subdivision signage will require a Sign Permit, and all signage must meet the requirements of the Code.

Affordable Housing

The Application includes an Affordable Housing Plan as required by Ordinance 2006-02. Affordable lot locations have been depicted on the Preliminary Plat, and as permitted by Section 13 of Ordinance 2006-02 "A Minor Project that is not eligible for a water rights transfer waiver, or a water allocation or density bonus, may reduce the lot area for each Affordably Priced Housing Unit to the minimum permitted by applicable regulations of the New Mexico Environment Department, so long as the Affordably Priced Housing Unit whose lot sizes are

reduced pursuant to this Section are reasonably dispersed throughout the project”. In accordance with this Section of Ordinance 2006-02, the Applicant is proposing two affordable lots for the Santa Fe County Affordable Housing program. These proposed lots are dispersed through the project and the lot sizes proposed are 1.21 acres and 1.43 acres, which meets the NMED’s criterion for minimum lot size allowed for a three bedroom residence served by a conventional septic system. Submitted information has been distributed to the County’s Affordable Housing Administrator for review (Refer to Exhibit “D”).

REQUIRED ACTION:

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

RECOMMENDATION:

Staff finds the proposed subdivision to be in compliance with Article V, Section 5.3 (Preliminary Plat Procedures), Article V, Section 5.4 (Final Plat Procedures), and Article V, Section 7 (Development Plan Requirements) of the Land Development Code.

Therefore, staff recommends Preliminary and Final Plat and Development Plan approval subject to the following conditions:

1. Compliance with applicable review comments from the following:
 - a. State Engineer
 - b. State Environment Department
 - c. State Department of Transportation
 - d. County Water Resources Specialist
 - e. County Public Works
 - f. County Fire Marshal
 - g. County Building and Development Services Division
 - h. Santa Fe Public School District
 - i. State Historic Preservation Office
 - j. Rural Addressing
 - k. County Affordable Housing Administrator
2. The Final Development Plan and Plat must be recorded with the County Clerk’s office.
3. All redlines will be addressed, original redlines will be returned with final plans.
4. The development shall comply with the water harvesting requirements of Ordinance 2003-6. A rainwater-harvesting plan will be required from individual lot owner upon application for a building permit. This requirement must be included in the Subdivision Disclosure Statement and restrictive covenants, and noted on the Final Plat.

5. A liquid waste permit must be obtained from the Environment Department for the proposed septic systems prior to issuance of building permits; this requirement must be included in the Subdivision Disclosure Statement and noted on the Plat.
6. The Applicant must record water restrictive covenants simultaneously with the Plat imposing 0.25-acre feet per lot per year. Water meters must be installed to each lot at the time of development and meter readings must be submitted to the Land Use Administrator annually by January 31st of each year.
7. The Applicant shall provide a Vegetation Management Plan to be reviewed and approved by the County Fire Marshal and must be recorded with the Final Development Plan and referenced on the Final Plat.
8. A location for a future cluster mailbox area to serve the Apache Springs Subdivision and other areas must be provided. This pullout shall meet the minimum specifications for mailbox pullouts set forth by the NMDOT. The pullout driving surface shall be a minimum of 6" of aggregate base course, and adequate drainage must be provided. The detail of this location shall be included in the Final Development Plan, and additional right-of-way as required indicated on the Final Plat.
9. The Applicant shall submit a financial guarantee, as required by Article V, Section 9.9 of the Code, in a sufficient amount to assure completion of all required improvements. The financial guarantee shall be based on a county approved engineering cost estimate for the completion of required improvements as approved by staff prior to Final Plat recordation. All improvements shall be installed and ready for acceptance within eighteen months of recordation.
10. The Applicant will be required to provide a Landscaping Plan for revegetation of disturbed areas, prior to Final Plat recordation.
11. All utilities shall be underground. This shall be noted on the plat, covenants and disclosure statement.
12. The standard County water restrictions, final homeowner's documents, and disclosure statement must be recorded with the final plat.
13. Any subdivision signage will require a Sign Permit, and all signage must meet the requirements of the Code.
14. Driveways shall not exceed 11% grade.
15. A 30,000 gallon water storage tank will be required for fire protection.
16. Sprinkler systems will be required in each residence per the Urban Wildland Interface Code.

17. Water contaminants exceeding Secondary Maximum Contaminant Levels (SMCL) shall be noted in the disclosure statement along with the contaminant level, the SMCL of the contaminant, adverse effects for domestic water use and recommended treatment to reduce the contaminant level to or below the SMCL.

ATTACHMENTS:

- Exhibit "A"- Vicinity Map
- Exhibit "B"- Applicant's report
- Exhibit "C" - Applicant's plans
- Exhibit "D" - Reviewing Agency Responses
- Exhibit "E" – Disclosure Statement
- Exhibit "F"-Letters of opposition
- Exhibit "G"- July 16, 2009 CDRC Meeting Minutes
- Exhibit "H"-January 12, 2010, BCC Meeting Minutes
- Exhibit "I"-Water quality analysis
- Exhibit "J"-March 18, 2010, CDRC Meeting Minutes
- Exhibit "K"-April 13, 2010, BCC Meeting Minutes