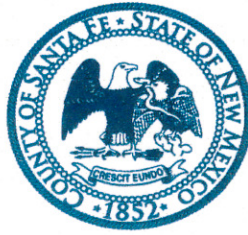


Daniel "Danny" Mayfield  
Commissioner, District 1

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

**DATE:** July 10, 2012

**TO:** Board of County Commissioners

**FROM:** Vicki Lucero, Building and Development Services Manager *VL*

**VIA:** Penny Ellis-Green, Interim Land Use Administrator *PEG*

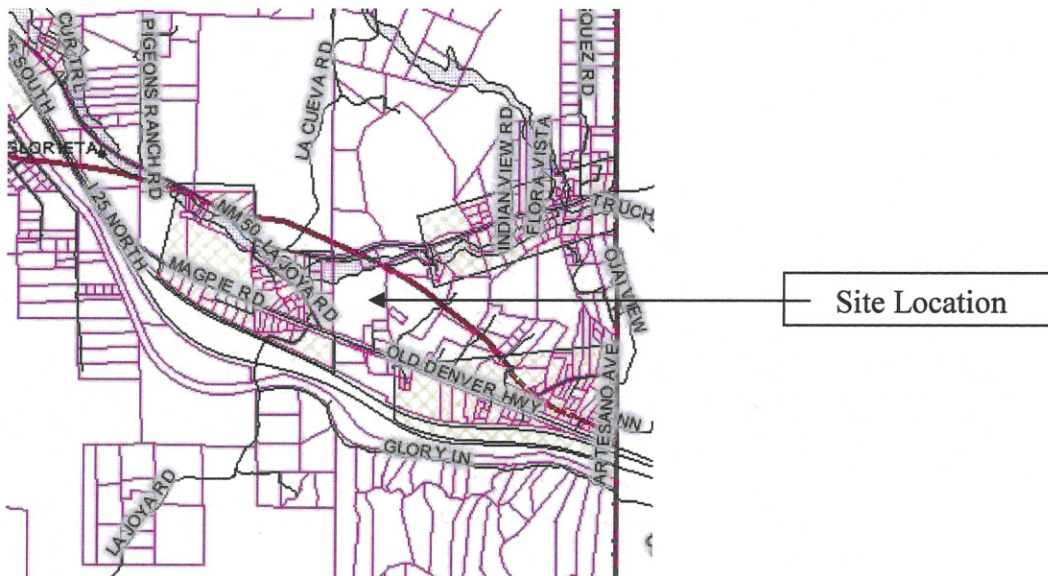
**FILE REF.:** BCC CASE # MIS 08-5211 Sandstone Pines Time Extension

**ISSUE:**

MVJV LLC, Applicants, request a 36-month time extension of the previously approved Preliminary and Final Plat and Development Plan for a 12-lot residential subdivision (Sandstone Pines) 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).

**Vicinity Map:**



**SUMMARY:**

On July 13, 2010, the BCC granted Preliminary and Final Plat and Development Plan approval for a 12-lot residential subdivision, known as Sandstone Pines on 42.99 acres.

Article V, Section 5.3.6 of the County Land Development Code states, "An approved or conditionally approved preliminary plat shall expire twenty-four (24) months after its approval or conditional approval. Prior to the expiration of the preliminary plat, the subdivider may request, from the Board, an extension of the preliminary plat for a period of time not exceeding thirty-six (36) months."

Article V, Section 5.4.6 of the Code states, "An approved or conditionally approved final plat, approved after July 1, 1996 shall be recorded within twenty-four (24) months after its approval or conditional approval or the plat shall expire. Upon request by the subdivider, an additional period of no more than thirty-six (36) months may be added to the expiration date by the Board."

The Preliminary and Final Plat & Development Plan for the Sandstone Pines Subdivision will expire on July 13, 2012. The Applicants state that due to the slow economy they have not been able to move forward with the subdivision. Their hope is that the economy will improve within the next couple of years and they will be able to put in the infrastructure and finish the subdivision. Therefore, they are requesting a 36-month time extension that would render the preliminary and final plat and development plan approval valid until July 13, 2015.

This Application was submitted on May 25, 2012.

**Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for this type of request.**

**APPROVAL SOUGHT:** Approval of a 36-month time extension of the Preliminary and Final Plat and Development Plan in accordance with Article V, Sections 5.3.6 and Sections 5.4.6 of the County Land Development Code.

**GROWTH MANAGEMENT AREA:** Galisteo, SDA-2

**HYDROLOGIC ZONE:** Homestead, minimum lot size per Code is 40 acres per dwelling unit with water restrictive covenants.

**FIRE PROTECTION:** Glorieta Pass Fire District

**WATER SUPPLY:** Shared Well System

**LIQUID WASTE:** Individual on-site Septic Systems

**VARIANCES:** No

**AGENCY REVIEW:** None

**STAFF RECOMMENDATION:** **Approval of the request for a 36-month time extension of the approved Preliminary and Final Plat and Development Plan for Sandstone Pines.**

**EXHIBITS:**

1. Letter of request
2. Site Plans
3. Vicinity Map
4. July 13, 2010 BCC Staff Memo
5. July 13, 2010 BCC Minutes
6. July 13, 2010 BCC Findings of Fact

**Anasazi MVJV, LLC**

**P. O. Box 1009**

**Pecos, NM 87552**

**505-690-2125**

**Santa Fe County Land Use Department**

**Vicky Lucero , Development Case Manager**


**May 24, 2012**

**Letter of Intent for Master and Final Extension**

**Dear Ms. Lucero:**

**Anasazi MVJV, LLC is requesting an extension of 3 years for the Master and Final Plan Approval due to the slow economy. We are hoping that in the next 2 years, the economy will improve to the point that we can finish the infrastructure and move forward with finishing the Sandstone Pines Estates.**

**Sincerely**



**Melvin Varela, Vice President**

**Anasazi MVJV, LLC**

**EXHIBIT**

tabbies

1





# LEGEND AND NOTES

- DENOTES POINT FOUND
- DENOTES POINT SET THIS SURVEY
- DENOTES POINT CALCULATED
- ◌ DENOTES MONUMENT
- DENOTES EDGE OF EASEMENT
- X — DENOTES FENCE LINE
- X — LA 127119 DENOTES ARCHEOLOGICAL PROTECTION EASEMENT



DENOTES OPEN SPACE



DENOTES 5026 SQ.FT. BUILD ENVELOPE & TIE TO PROPERTY CORNER

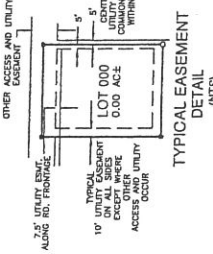
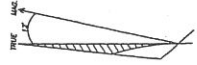
1. BASIS OF BEARINGS TAKEN FROM "PLAT OF SURVEY PREPARED FOR PHYLIS KINGSLEY BY CIPRIANO MARTINEZ, N.M.P.L.S., NO. 3995 DATED OCTOBER 27, 1997" AS FILED IN PLAT BOOK 0373, PG. 035 AS DOCUMENT NO. 1000-866 IN THE OFFICE OF THE COUNTY CLERK SANTA FE COUNTY, NEW MEXICO.

2. THIS PLAT IS SUBJECT TO ALL EASEMENTS, COVENANTS, AND CONDITIONS OF RECORD.

## KEY TO SLOPE ANALYSIS

BEG. %	END %
0.00	15.00
15.00	20.00
20.00	30.00
30.00	AND ABOVE

CONTOUR ELEVATIONS = 2 FT.



TYPICAL EASEMENT DETAIL (MFS)

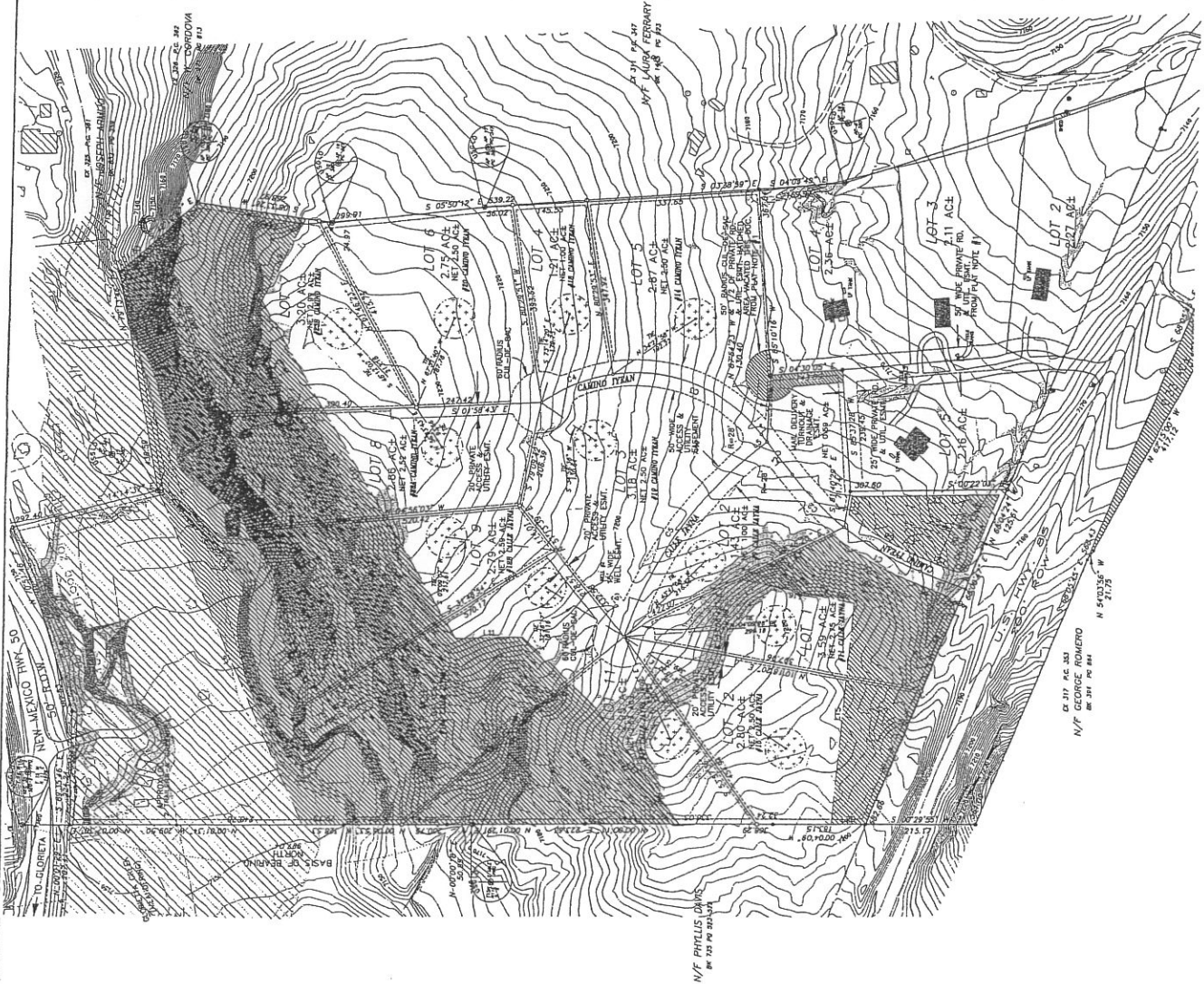


TOPOGRAPHIC PLAN & SLOPE ANALYSIS SUBDIVISION PLAT FOR SANDSTONE PINES

PURPOSE: TO CREATE TWELVE RESIDENTIAL LOTS LYING WITHIN SECTIONS 1 AND 2, T15N, R11E, NMPA, SANTA FE CO., NM.

**RICK CHATROOP**  
 PROFESSIONAL LAND SURVEYOR  
 NEW MEXICO REGISTRATION NO. 11011  
 (405) 470-0087 119 WAGON TRAIL RD.  
 CERRILLOS, NM 87010

INDICATING INFORMATION FOR THE COUNTY CLERK  
 PHONE: 405.470.0087 FAX: 405.470.0087

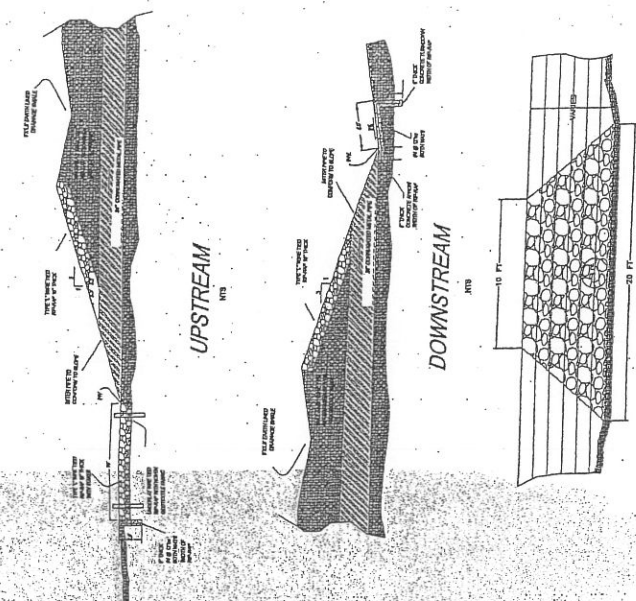


EX 317 P.C. 283  
 N/F GEORGE ROMERO  
 RE 317 P.C. 284

N/F PHYLIS KINGSLEY  
 RE 122 P.C. 282

Survey

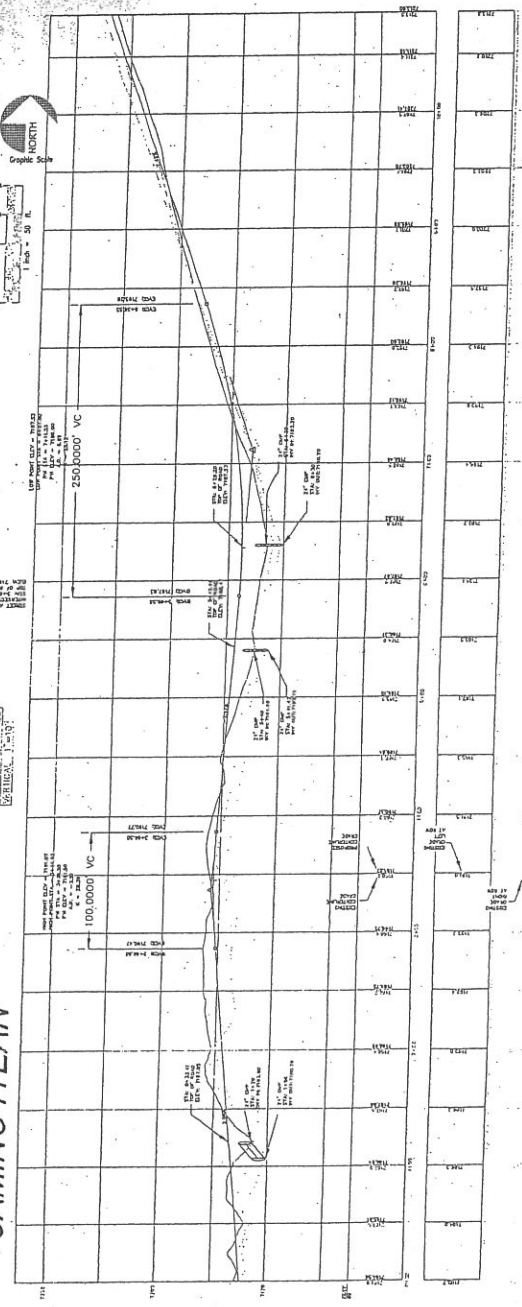
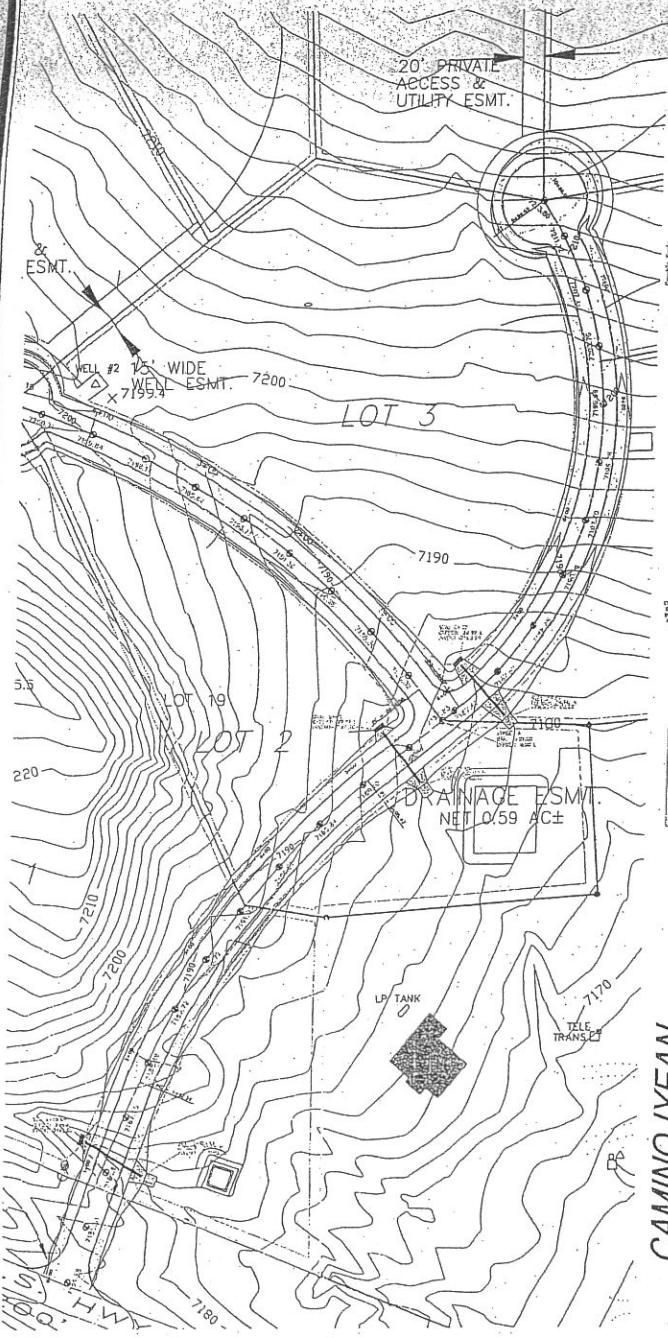
**RIP-RAP DETAIL:**



**CAMINO IYEAN PLAN & PROFILE**

Integrity Engineering & Design, LLC  
 904.699.1911 56 Pasco Rd, Cary, NC 27513  
 Project: Sandstone Phase Establis  
 Location: Lying Within Sections 1 and 2, T19N, R10E, N10W

Before you dig - CALL!  
 800-421-ALERT  
 and it's the LAW!



**CAMINO IYEAN**



**CALLE JAYNA PLAN AND PROFILE**

Integrity Engineering & Design, LLC

202.699.1911 94 Paseo del Coyote Santa Fe, NM 87504

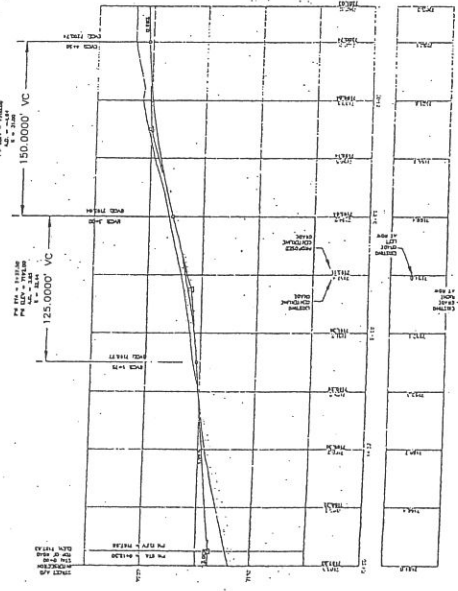
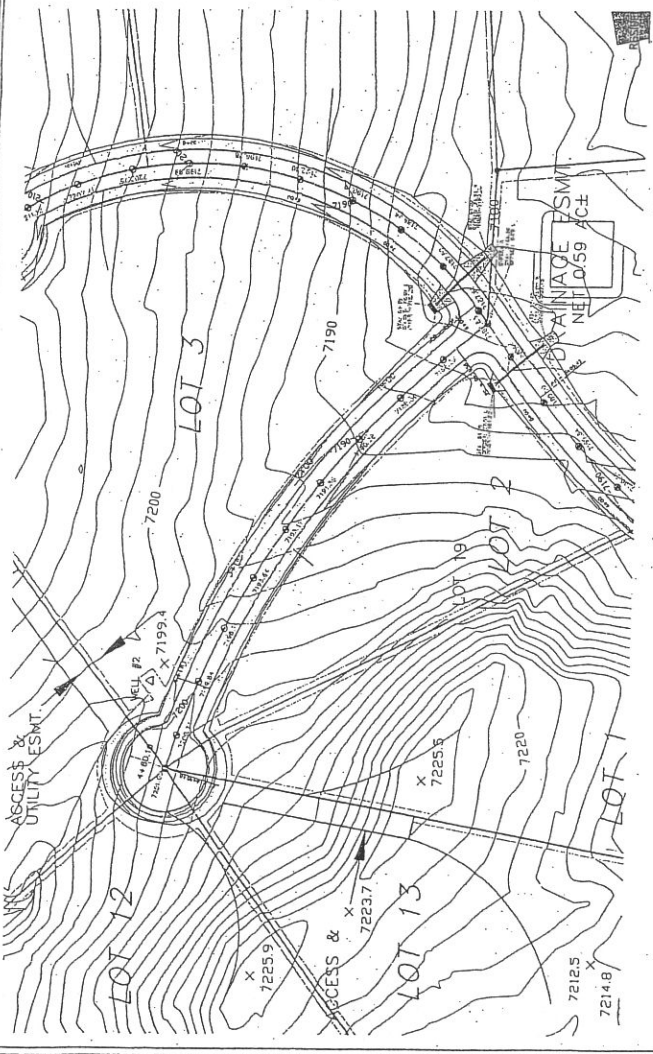
Project: Sandstone Plaza Estates Owner: Anasazi HWY

Location: Using Station 1 and 2, TYP. RATE, NHPM

**CONSTRUCTION NOTES:**

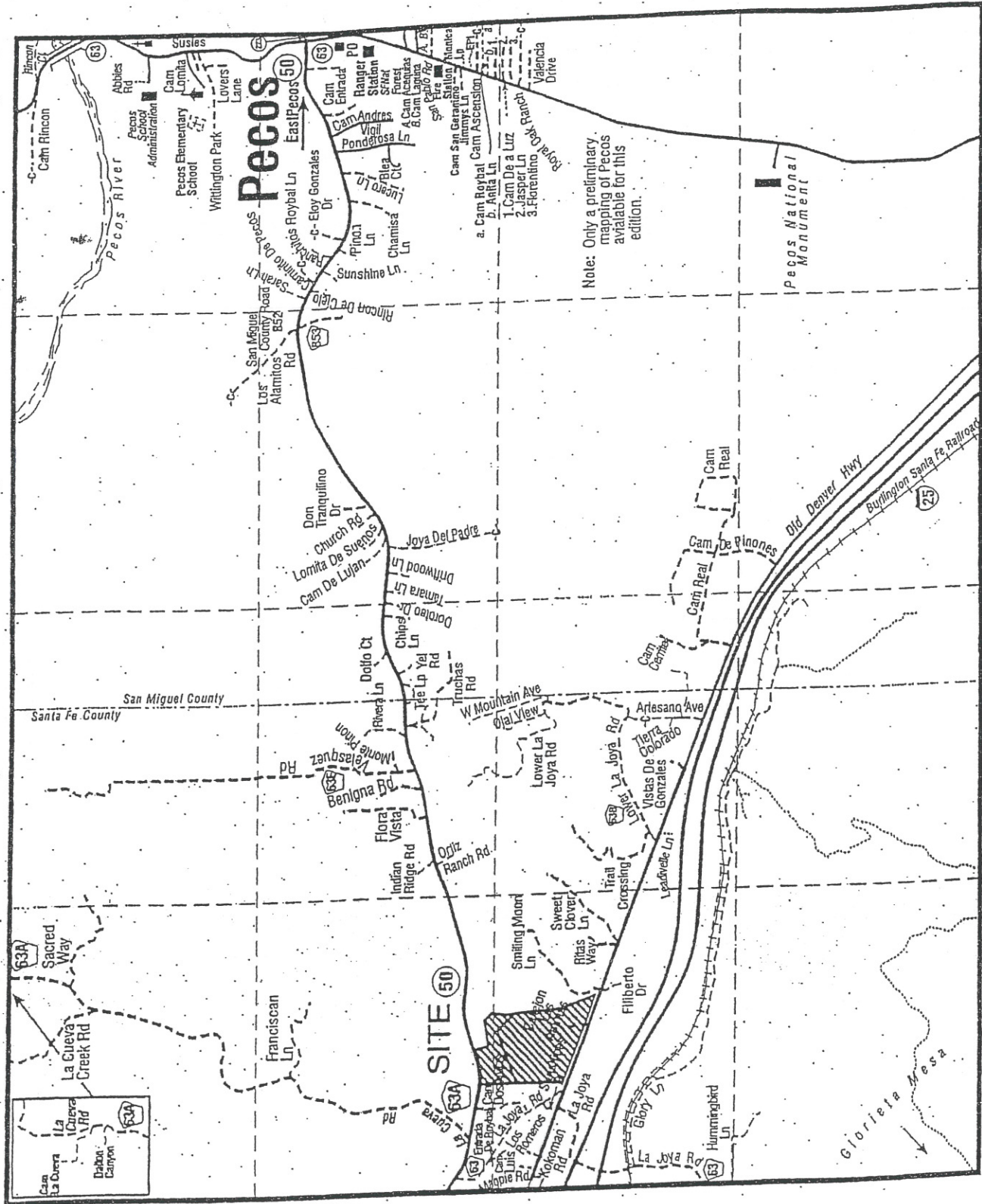
1. ROAD CONSTRUCTION WORK SHALL CONFORM TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, 2007 EDITION. UTILITIES CONSTRUCTION SHALL CONFORM TO THE AMERICAN PUBLIC WORKS ASSOCIATION, PUBLIC WORKS CONSTRUCTION MANUAL, 1978 EDITION. ALL CONSTRUCTION SHALL CONFORM WITH COUNTY STANDARDS AND SPECIFICATIONS AS APPLICABLE.
2. THE CONTRACTOR SHALL NOT COMMENCE CONSTRUCTION WITHOUT CONSTRUCTION PLAN APPROVAL BY SANTA FE COUNTY. A COPY OF THE CONSTRUCTION PLAN SHALL BE AVAILABLE AT THE CONSTRUCTION SITE AT ALL TIMES DURING THE CONSTRUCTION PERIOD.
3. THE PROJECT SHALL BE SUBMITTED TO THE COUNTY OF SANTA FE THE APPROPRIATE MARKING DRAWINGS AND DESIGN CRITERIA USED TO JUSTIFY ANY CHANGES IN THE CONSTRUCTION WORK RESULTING FROM SPECIAL FIELD CONDITIONS. ALL CHANGES SHALL BE INITIATED BY THE PROJECT DESIGN ENGINEER AND APPROVED BY THE COUNTY OF SANTA FE BEFORE CONSTRUCTION.
4. COUNTY APPROVAL PRIOR TO ANY ERECTION OF STRUCTURES OR UTILITIES SHALL BE OBTAINED FROM THE COUNTY OF SANTA FE. THE CONTRACTOR SHALL NOTIFY THE SANTA FE COUNTY ENGINEER AND USE DEPARTMENT AT LEAST 24 HOURS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. A PRE-CONSTRUCTION CONFERENCE SHALL BE HELD PRIOR TO THE START OF CONSTRUCTION.
5. THE OWNER SHALL BE RESPONSIBLE THROUGH THE PROJECT ENGINEER FOR MAKING ALL ENGINEERING PLAN CHANGES AND REVISIONS TO THE APPROVED ENGINEERING DRAWINGS. FINAL AS-BUILT DRAWINGS SHALL BE FILED IN THE OFFICE OF THE LAND USE DEPARTMENT BEFORE COMMENCEMENT OF CONSTRUCTION.
6. THE CONTRACTOR SHALL NOT BE INSTALLED PRIOR TO COUNTY STREET ACCEPTANCE UNLESS CONSTRUCTION PLANS ARE APPROVED OR THE BUILDING CODE OBTAINS A PERMIT FROM THE COUNTY OF SANTA FE.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL EXISTING UTILITIES AND SHOULD NOT RELY SOLELY ON THESE STAKE AT 1:800-301-2837. AT THESE LOCATIONS, NOTIFICATION TO UTILITY COMPANIES IS REQUIRED PRIOR TO COMMENCING WORK. CALL BLUE STAKE AT 1-800-301-2837.
8. THE CONTRACTOR SHALL CONVEY HIS OWN DESIGN. THE CONSTRUCTION LIMITS OF THE PROJECT AND IN NO WAY SHALL ENCROACH ON OR OVIAD ADJACENT PROPERTIES UNLESS LEGAL EASES ARE OBTAINED. ALL FILL AND CUT SLOPES SHALL BE SETBACK FROM THE PROPERTY LINE IN ACCORDANCE WITH CHAPTER 70 OF THE UNIFORM CODE. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR ANY DAMAGE NECESSARY OR CAUSED BY CONSTRUCTION ACTIVITIES TO ADJACENT PROPERTY, INCLUDING UTILITIES.
9. THE CONTRACTOR SHALL MAINTAIN ACCESS AND AS APPROVED BY THE COUNTY OF SANTA FE. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL NECESSARY SITE EROSION CONTROL DEVICES IN COMPLIANCE WITH THE MOVEMENT OFFSITE DURING ALL PHASES OF CONSTRUCTION. SEE SECTION 211V OF THE NEW MEXICO STATE HIGHWAY DEPARTMENT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
10. AN OVER LOT GRADING PERMIT IS REQUIRED PRIOR TO COMMENCEMENT OF CONSTRUCTION.
11. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL NECESSARY SITE EROSION CONTROL DEVICES IN COMPLIANCE WITH THE MOVEMENT OFFSITE DURING ALL PHASES OF CONSTRUCTION. SEE SECTION 211V OF THE NEW MEXICO STATE HIGHWAY DEPARTMENT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
12. THE CONTRACTOR SHALL PROVIDE AN AREA TO STORE CONSTRUCTION DEBRIS AND SHALL NOT BEA INCONSIDERATION TO THE SURROUNDING UNDERGROUND UTILITIES. ALL DEBRIS, INCLUDING TREES AND REMOVED FROM THE SITE PRIOR TO THE START OF CONSTRUCTION.
13. ALL UTILITY APPOINTMENTS SUCH AS WATER, GAS, AND CABLE TV, SHALL BE PLACED OUTSIDE THE PUBLIC RIGHT-OF-WAY AND WITHIN UTILITY EASEMENTS. THE DEPTORER WILL BE RESPONSIBLE FOR LOCATING MAINTENANCE AREAS OF STRUCTURES PRIOR TO PROJECT ACCEPTANCE. WATER VALVES AND METER BOXES ARE NOT TO BE PLACED WITHIN MAINTENANCE AREAS OF GRAVEL ROADS.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES, ELECTRICAL TRANSFORMERS, GAS AND CABLE TV. SHALL BE PLACED OUTSIDE THE PUBLIC RIGHT-OF-WAY AND WITHIN UTILITY EASEMENTS. THE DEPTORER WILL BE RESPONSIBLE FOR LOCATING MAINTENANCE AREAS OF STRUCTURES PRIOR TO PROJECT ACCEPTANCE. WATER VALVES AND METER BOXES ARE NOT TO BE PLACED WITHIN MAINTENANCE AREAS OF GRAVEL ROADS.
15. UTILITY ENGINEERING AND DESIGN, LLC IS NOT LIABLE FOR PROBLEMS WHICH MAY ARISE DUE TO THE FAILURE TO FOLLOW THESE PLANS AND SPECIFICATIONS AND THE DESIGN INTENT THEY COME OR FOR PROBLEMS WHICH ARISE DUE TO OTHERS FAILURE TO OBTAIN AND/OR FOLLOW OR CONTACTS.
16. CONTRACTOR IS REQUIRED TO PROVIDE DUST AND EROSION CONTROL PROTECTION.
17. GRADING SETBACKS TO EXTERIOR PROPERTY LINES SHALL BE IN ACCORDANCE WITH COUNTY OF SANTA FE.
18. DENSITY TEST SHALL BE TAKEN EVERY 100 FT. FOR SUBGRADE AND BASE COURSE.

Before you dig - CALL!  
 1-800-301-2837  
 and it's the LAW!  
 1-800-301-2837



**CALLE JAYNA**





Note: Only a preliminary mapping of Pecos available for this edition.

VICINITY MAP

INDEX

tabbles®

**EXHIBIT**

3

**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

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**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 31<sup>st</sup> 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



XV. A. 4. **CDRC CASE #S 08-5210 Sandstone Pines Estates Preliminary and Final Plat/ Development Plan. 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)**

CHAIRMAN MONTOYA: Vicki, before you get started I just want to have a full disclosure here that I am the CEO of Hands Across Cultures Corporation. I have, I believe, an individual who may testify tonight, Rosanna Vazquez, who is on that board who is not paid by Hands Across Cultures. She is a volunteer on that board and provides legal consultation for the organization. I just wanted to put that up front.

MS. LUCERO: Thank you Mr. Chair. 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.

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. 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 development, therefore the staff opinion has not changed.

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 – Mr. Chair, may I enter those conditions into the record.

CHAIRMAN MONTOYA: Yes, Please

[The conditions are as follows]

1. Compliance with applicable review comments from the following:
  - a. State Engineer
  - b. State Environment Department
  - c. State Department of Transportation

2010 JUL 13 10:10 AM  
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS



- 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 31<sup>st</sup> 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

2010 JUL 13 PM 4:05  
SANTA FE COUNTY CLERK'S OFFICE

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.

CHAIRMAN MONTOYA: Any questions for staff? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Was any research done on the water treatment system? I didn't see anything about that in my packet.

MS. LUCERO: Mr. Chair, Commissioner Holian, actually we did do some research and I've got a handout here. *[Exhibit 10]*

CHAIRMAN MONTOYA: Where is this from?

MS. LUCERO: Mr. Chair, that's the research that was done by Laurie Trevizo and myself. We worked together to obtain this information.

COMMISSIONER VIGIL: Did our hydrologist get engaged in this at all?

MS. LUCERO: Mr. Chair, Commissioner Vigil, it was primarily myself and Laurie Trevizo that worked on this.

COMMISSIONER VIGIL: Karen, you're here; do you have any concerns on this?

KAREN TORRES (County Hydrologist): Good evening, Commissioners. I did not do the research on this. I was aware of the concern though from Commissioner Holian. When Land Use asked me to look at this I was hoping to look at a specific treatment system that as proposed by the developer because there are a wide range of treatment systems and so it's really kind of an unknown. If we know exactly what they're proposing then I can respond succinctly to this Board. This is sort of a general overview – at least from my scanning of it.

For the particulars of the water treatment that they are proposing I would defer to the applicant on that.

COMMISSIONER VIGIL: Okay, thanks.

COMMISSIONER HOLIAN: Thank you.

CHAIRMAN MONTOYA: Okay, any other questions for staff. If the applicant would come forward.

ROSANNA VAZQUEZ: Good evening. My name is Rosanna Vazquez and I am here with our hydrologist and two of the owners of the property. I'd like to give a little bit more information about what transpired over the last couple of months.

When we were asked, Commissioner Holian, to do a few of the things we sat down with county staff and legal to see exactly what we could do to provide more information for you with

2010 JUL 13 PM 05:00:00

regard to your concerns. Staff met alone without us and discussed several options. It was at that meeting, it was relayed to me, that at that meeting when I spoke to Karen that an additional pump test wouldn't provide any additional information that wasn't already before this Board. And so we explored some options as to what other information we could gather for you to make you more comfortable about that there was sufficient water underground.

One of the requests that was asked of us by Karen was to look into the possibility of doing a spinner test. Now a spinner test – the best way for me to describe is for me to show you basically because I researched it. It's this little thing that goes into the shaft of the well and it spins. As it spins and the water comes in to the shaft of the well it measures how much water is coming in from every perforated area.

In looking at them however, and I spoke to Karen Torres about this, they're really used for commercial wells. They're used for wells that produce 250 gpm not residential wells. So there were a couple of problems with that and I spoke to Karen and I spoke legal about it as well. One the problem was that they cost about \$60,000. Two, they're made for commercial wells and the shaft in a commercial well is going to be much wider than the shaft would be for a residential well. And, the third problem with it was that the spinner goes so fast as it comes down because it is used to measure large quantities of water coming in that it would not necessarily measure smaller, slower amounts of water that were coming in from different stratas. So that's really primarily why they're not used for residential use. I provided all this information to legal on the research that I had done on-line and discussed that with them. The last problem with the spinner test was not just the cost but the fact that there's only one company in Farmington that does it and they weren't even looking at being able to set a time for us sometime in August and we'd have to call them back to see when it was they could do it. They were not recommending it because they didn't even think that the spinner could get into the shaft of the well.

So when that information was obtained it was my understanding that what staff was going to do was to really ask the hydrologist who was hired by the neighbor to address specifically what his concerns were and I believe that that was done. We were requested to table to get that additional information and we did agree with that tabling in order to have that information brought in so the hydrologist could evaluate it. And that's been done and I believe that there is a staff report from Karen and a response from our hydrologist as well in regards to their comments.

With the issue to water treatment: I want to make clear to you right now that the water budget currently, and as approved by the hydrologist for Santa Fe County, already includes 5 gallons per day for elimination for treated water. So that's already been minused out of water budget and the water budget still meets County Code. The reason that different treatments weren't really looked at is because it's not really required. What is required under the code is that there be a disclosure with regards to this issue and I do think that there needs to be an additional condition of approval on this development that requires that we work with the hydrologist on same language to be added to the disclosure that would specifically address the issue of disclosing the – water solids in the water. But I would like to recommend a condition

2010 JUL 13 10:00 AM

on that as well.

With regard to the terrain management issue that were raised, Commissioner, the fundamental problem that we have with that is that the issues that were discussed are not on our property and I was asked to have neighborhood meetings and that neighbor was invited to such neighborhood meetings. That neighbor never picked up his certified mailings and Vicki has those that were never picked up and it was very difficult for us to address any concern when we couldn't get people to come to the meetings. Actually nobody came to two neighborhood meetings that I sent information for.

With regard to the code, however, simply put under terrain management, the code requires us to keep the water if it's on our property on our property somehow. We've met that requirement and we will continue to do so on this subdivision. I don't know specifically how it is that this property affected the neighbor. The neighbor made some statements that if you go out to the property you can see that there's drainage problems throughout the area. But our job is to meet the code on terrain management and staff has reviewed our plans and has put conditions in approval with regards to that and we are going to move forward with that.

I want to talk a little bit about just what these property owners have done to this point. I have been doing this work for 15 years. I have been working in the County and as a consultant for 15 years and when this case came in three years ago we were asked to redo a geohydro and it was done. We were asked to evaluate another well and it was done. This development went to CDRC four different times and we were asked to go back to CDRC and we did so. We were asked to have additional neighborhood meetings and we did so. We were asked to do two additional water quality tests that go beyond the code and we did so. BCC has wanted three things from us this last time and we've tried to address them with staff. We've tried to come up with answers for you to make your concerns with regards to water a little bit more put at ease.

This is a 12-lot subdivision: 12 lot subdivision in Pecos. It is owned by two local members of Santa Fe County who have tried to address the Code. And, earlier in the last hearing there was some comment made that there was favoritism played to politicians or favoritism at play and it has been my experience in the last 15 years that every development that we have brought through here, we have been asked to meet the Code and they've met it. We've often been asked to go beyond the Code and we do it. I believe that the code is the equalizing point for everybody: property owners, politicians, neighbors, for everybody. And this property and this development meets.

I would ask you to approve this case. We would like to recommend a condition of approval on the disclosure statement with regards to the treatment of the water. The Code is universal and it applies and it has been met on this case and I would ask for your approval on this and I stand for any questions that you might have. If they're specific with regards to water, we do have a hydrologist here and I would point you to the June 11<sup>th</sup> letter from Ms. Karen Torres addressing Finch's issues with respect to the subdivision.

CHAIRMAN MONTROYA: Okay, questions for the applicant. Okay, thank you. This is a public hearing: if there is anyone who would like to speak on the case please come forward and be sworn in.

[Duly sworn, Andy Dalmy testified as follows]

ANDY DALMY: Mr. Chair, Commissioners, my name is Andy Dalmy I live at 15 Smiley Moon Lane, my property abuts the proposed subdivision. You probably know me, I've been here many times. I once again respectfully request that this be denied. As Vicki Lucero said, this body directed the applicant to redo pump tests and to monitor neighboring wells during the pump test. That's what they were directed to do. The reason it was directed was that historically this thing goes back to 2004 whatever you call it, Anasazi, King's Mill – the name on the top doesn't change the hydrology on the bottom. Historically, even the County hydrologist Steven Wust agreed with my hydrologist Steven Finch and according to the Santa Fe Land Development Code under Section 6.4.2E, "hydrological reports should present all hydrological information pertinent to the study area including that available from past hydrological studies...all source information should be identified ..." There are other requirements like proof of 100 year availability. It mentions the analysis shall take into account the production of existing wells. In reading the summary from Vicki Lucero it seems that the hydrologist determined – with the applicant's hydrologist, it was determined that a pump test would not provide data to determine how neighboring wells would be impacted by this development. Well, you do a leak down test on the neighboring wells. You don't put a spinner in the well you're testing; you test neighboring wells. This was a directive from this Commission and it goes on to state that, "if the applicants have stated they are in compliance with the regulations and requirements and are not in agreement with having to conduct additional testing." This is a case of the tail wagging the dog. This was a directive from this Commission and they did not do it. They totally ignored it and I don't understand why staff still supports this.

Secondly, we were directed I believe to cooperate with staff and my hydrologist, Steve Finch, in fact, sent documentation and letter of concerns which to date has not been addressed. He never got a response. Unfortunately, he couldn't get here today. He's just getting back from vacation today and truth be told, I almost didn't come myself. I didn't know about it because no one contacted me about monitoring my well so I figured that they're not doing the monitoring then they're not ready to go yet. They don't have any new information. I barely made it. I only found out yesterday that the meeting was going to be here. Steve Finch couldn't have been here anyway because he's on vacation. But the – one thing that he did tell me in talking to him on the phone that it is his opinion that the hydrological report does not meet requirements under section 6.4.5 and 6.4.2. And, once again to reiterate his point and the point of Steven Wust I would like to read this letter from Steve Finch: "I've reviewed all the available hydrological data and the information related to the proposed Sandstone Pine Estates Subdivision. The aquifer beneath the proposed Sandstone Pine Estates Subdivision primarily consists of sandstone lenses encased in mudstone. Only the sandstone lenses contain ground water and they make up a small fraction of the aquifer volume in a limited extent. Wells completed in this sandstone lenses will not support long-term water availability or multiple houses. In addition, wells complicated in the same sandstone lenses will likely impact each other and this is why the area was designed as homestead hydrologic zone years ago. They calculated water availability

2010 JUL 13 PM 03:00

for the proposed Sandstone Pine Estates Subdivision uses the geological load from one well and the pumping test results from another well, although County regulations allow for mixed matching data this type of analysis as resulted in erroneous and optimistic assessments of water availability to the proposed Sandstone Pine Estates Subdivision.”

In addition and as we brought up the last meeting that I was here, one of these wells is 300 feet from my well and what am I going to do? If my hydrologist is right and the water isn't there, I'm going to suffer and the 12 lots that are going to be put in there are going to suffer as are the four that are already there. It's really the bottom line is that the applicant did not meet the directive of the Commission and they have given us no new data. They actually are relying on data that that we say is in disagreement with my hydrologist and so where are we? There's nothing new to make an evaluation on. The directive was to bring some new information: there is no new information.

I respectfully submit once again that this application be denied and at the very least, the very least, tabled because my hydrologist can't be here to possibly illustrate if any technical data comes up that I can't respond to because I have no expertise. At least table it for that reason. This thing has been denied by CDRC three times and by the Commission once. There is some question, there has to be some question for these bodies to have denied this thing so many times. I ask you once again to please deny it.

CHAIRMAN MONTOYA: Thank you. Next please.

[Duly sworn, David Hannah testified as follows:]

DAVID HANNAH: Commissioners, my name is David Hannah. I'm a neighbor of the property about  $\frac{3}{4}$  of a mile away. I've sent you a couple of letters over the last several years and I've been here a couple of times. I won't reread my letters, I'm sure you remember them.

I'm concerned about my well it's only 212 feet deep. I understand that that's now considered a shallow well I was told by the hydrologist of this applicant that probably I should just drill a deeper well if I'm so concerned: I don't think so. I think 212 feet deep should be okay. Last time I been here I was concerned about the water quality because I was told of uranium in my neighbor's well. My quality has gone down. I have taken whatever steps I can to limit the amount of water I use on my 20 acres. And I'm concerned that this development will add to the problem.

This isn't a new project as Andy had mentioned. We dealt with this in 2004 when it was a 19-lot proposal. The Commission turned it down and gave them four lots. This piece of acreage is the fifth lot. These folks bought it and are now trying to take another stab at the apple. They hadn't made it as quickly as they thought. I'm sorry they had to do all the work but to me if you've been turned down previously that should be it. The developer at that time had that extra 40 some odd acres and should have left it at that.

I'm also surprised that the applicant hasn't proposed to use the East Glorieta Mutual Domestic Water Consumer Association whose members abut this property to the west. I know those folks pretty well and in conversation they say they are afraid of their well they don't want these new guys to come in and they're very concerned about the quality. But if there was so

much water there why aren't we recommending that they tap into the East Glorieta Mutual Domestic Water Consumer Association.

I'll leave it at that. It's been a long evening. Thank you very much.

CHAIRMAN MONTOYA: Thank you, David. Next please. Seeing no one else.

MS. VAZQUEZ: May I rebut?

CHAIRMAN MONTOYA: Sure, and they we'll close the public hearing.

MS. VAZQUEZ: I want to point out a couple of things. There wasn't a disregard of the request by the Board of County Commissioners, on the contrary what was done was to actually sit down with staff and figure out how it is that we could provide more information for you. The problem is that there have been two pump tests done already on this property. There was actually an additional well drilled because of the concern on this. An 800-foot well was drilled in addition which went beyond the Code requirements in order to provide more information. The concern was that an additional pump test and it was raised by County staff it would not bring you any additional information and because of the cost quite frankly my clients really wanted to get some assurance from the County that it was going to assist them in providing you more information than had already been provided and that was not the result of the meeting with County staff. So I don't want there to be left a feeling that we weren't trying to do what was asked of us. In fact, on the contrary, I believe the three years of this application these owners have done exactly what you have requested of them.

There's been a lot of discussion with regard to Dr. Wust, in fact, the staff report and the attachments go back to the previous case. This is not the previous case. But since it has been raised and since there has been made a statement that Dr. Wust completely agreed with Mr. Finch, I need to put on the record that that is not the case. Dr. Wust averaged – the average lot size on the old well, not the new well that was drilled for this case, at 4.1 acres. If you do Mr. Finch's calculations with regard to water availability it actually comes out to 71.43 acres per lot – so there is a disagreement right there. And I want it to be clear in the record that one, there wasn't complete agreement and two we are talking about a completely different subdivision and a completely different well that was tested.

I want to summarize and put into the record as well the staff comments with regards to Dr. Finch's statement; first, what staff analyzed was that the – Dr. Finch alleged that there was an inappropriate reduction to the water column. County staff reviewed it and said that the reduction was appropriate and that it met the Code. Dr. Finch said that the reliability factor was not – well, that should be a .5 and County staff no, that the Code says 1.0 is appropriate and that's what was used and there was no basis to reduce it and it was not allowed by Code. Three, there was no data submitted by Dr. Finch to reduce the recovery potential from a .8 to a .5 due to incomplete recovery. So that analysis that Dr. Finch made with regards to the recovery of that well is not appropriate because he did not provide any additional information from which the hydrologist could review and do an analysis of. In fact, what the hydrologist did find is that within – it gained six feet at the end of the pump test and within five days it had fully recovered and that meets Code.



With regard to the concern that Dr. Finch raised and the neighbors raised with regards to the Madera Formation. What our – your hydrologist did was look at OSC well locations and took a look at the locations in the Madera Formation. Found wells that were completely drilled only in the Madera and found that those wells had water. Therefore, your hydrologist assessed that it was a viable aquifer in this area.

The last point that Dr. Finch raised in his letter and has raised through this meeting is that the water table range was someplace between 50 and 70 feet. I don't understand hydrology a lot but what I understand from Karen's report is that you don't take a look at the surface land. You take a look at an even point and you measure down. What he found was that the average depth is actually 20 feet in all of the wells in the area. And, so, it was fine, and the water did exist there. There was no concern regarding water availability that was addressed by Dr. Finch whatsoever in his report and the hydrologist and County staff have not found any concern with regard to water availability.

The last thing I want to put on the record, Commissioners, is that we do have a conditional approval that the applicants are in agreement with and I don't believe that there has ever been any conversation about the shallowness of any wells in the area and I just want to make that clear for our hydrologist. I stand for questions.

CHAIRMAN MONTOYA: Any questions for the applicant? Thank you.  
Questions, deliberation.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I have a question for staff. How much does a pump test cost and how do you monitor neighboring wells when you do a pump test?

MS. TORRES: Thank you, Chair Montoya and Commissioner Holian, a pump test, it depends on who does it, my guess is about \$3,000 to \$5,000. I will defer to the applicant's hydrologist – it's a little bit more but it depends on who you use. If you are monitoring the nearby well generally you put in a pressure transducer which is a long cord and it just measures pressure changes and you can set the recording to be at whatever interval you want it to be.

But I want to clarify one single point that it really wasn't my opinion that a pump test of this well would not provide any additional data. I felt there was a better way to look at this. When I was listening to the testimony and trying to glean out what the issues were, it seems that impairment to the neighboring well was the issue. You can do a pump test and you can get more data from that and you can use a nearby well as a monitoring well but that doesn't really give you an idea of whether you will have impairment in time because if you monitor a nearby well and there's no response in that well it doesn't mean that with time and with pumping that you won't have impairment. So that kind of is my point on that. We have some okay data in the area that gives us some perimeter of the aquifer so then you use that information to then make estimates or predictions of what will happen in the future. So – and Shelley didn't get into the Land Use staff report but really the second sentence of my recommendation was that it might be more valuable to actually do an analysis of impairment to the other wells and utilizing

a well-thought out standardized methodology that's been adopted by the state to see if impairment could be an issue.

COMMISSIONER HOLIAN: Karen, would you do that with modeling? How do you that impairment study?

MS. TORRES: Absolutely, absolutely. I would probably just use a [inaudible] solver. If this was done to look at the contribution of the wells pumping in this area and from the pumping of the applicant wells it wouldn't be too much further to do that analysis. It wouldn't be a huge stress on staff or on I believe the applicant's hydrologist. But I do think it is something that could be accomplished with condition. If we look at a criteria and something doesn't look okay, then you'd have to figure out what else to do. But I would have to also put on the record that the County Code -- we have no jurisdiction over impairment issues. We have no Code requirement that you have to not impact someone else's well. This would be more of an exercise to allay fears.

COMMISSIONER HOLIAN: And can you actually do the modeling so that you can really say 100 years out whether you're going to have impairment?

MS. TORRES: Well, you do the best you can with limited data. We don't have all the answer but if you use conservative perimeters and when you run it, this This model if you try and put in appropriate boundaries for faults and things like that it's probably over conservative. So it's probably going to be -- because really when you run this simulation it presumes the well is pumping all the time, 24 hours a day. In real life that doesn't happen: the wells pump for a few hours and then they rest. It may be over conservative to protect the resource and protect other well owners.

COMMISSIONER HOLIAN: Thank you, Karen. Can I ask the applicant a question, Mr. Chair?

CHAIRMAN MONTROYA: Sure.

COMMISSIONER HOLIAN: I'd like to ask Mr. Dalmy would that -- performing that calculation help allay your fear?

MR. DALMY: As I said, I have no technical expertise in this and I'm not sure I understand what she was even saying. I base my opinion on two other hydrologists who totally agreed with the County that the pump tests were inadequate, the data was not evaluated correctly and the truth is that in beginning Dr. Wust was for the project. Then after looking at in depth and with all the data that was collected, the historical data, hydrological studies from even 40 to 50 years ago that the water is not there. It's not that it's not there, it's that they can't say it is. It needs to be proven, I think. We're talking about families who live in this area and if you can't prove it why take a chance, it doesn't make sense. What's going to happen if we run out of water? What's going to happen? Do we move?

COMMISSIONER HOLIAN: Thank you.

CHAIRMAN MONTROYA: Commissioner Stefanics and then Commissioner Vigil.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. When was the last pump test done? Can staff answer that?

MS. LUCERO: Mr. Chair, Commissioner Stefanics, I have to check my records. I don't have that available.

COMMISSIONER STEFANICS: Are we talking about recently? A couple of years ago?

MS. LUCERO: Probably, yes, within the last two years.

COMMISSIONER STEFANICS: Okay, but not within the past six months? Okay, so I'm hearing somebody saying it was done this year.

MS. LUCERO: Commissioner Stefanics, I'm just conferring with the applicant. I do not have that data directly in front of me.

COMMISSIONER STEFANICS: My other question while you're looking and this is for the applicant. What remedy would the applicant have for loss of water to the houses that are built there are to the adjoining neighbors? Let's say the developers and the owners built the houses and then in five or ten years there was no water; what remedy would they have?

MS. VAZQUEZ: The owners would probably have to drill another well. But, Commissioner Stefanics, that's precisely why the pump tests are required. It's precisely why the State Engineer reviews impairment issues. That's precisely why all of that is done.

I'm a little disconcerted that neighbors can get up and make allegations about other hydrologists making statements when there's no data for it.

COMMISSIONER STEFANICS: Well, thank you, we weren't talking about other hydrologist. My comment, Mr. Chair and Commissioners, is that the neighbors have a valid concern about loss of water and they are looking to be reassured. We thought that we asked for something that would reassure them or let them know about the level of water not being affected, with a pump test and the measurements. So I'm a little concerned that we have not allayed other property owners. So they would have their own private right to remediation, I'm supposing, and we don't have any jurisdiction over what happens to them.

We did ask for some tests to be done to try to give us a clearer answer about this potential problem. Thank you.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. We have a new Utilities Director, Mr. Guerrerortiz, I don't mean to put you on the spot but I thought you may want to weigh in on this with regard to your engineering experience and your limited water experience which isn't to say you haven't had it elsewhere. Could you -- do you have a comment on this case?

PATRICIO GUERRERORTIZ (Utilities Director): Mr. Chair, Commissioner Vigil, we have had a conversation, Karen Torres and I had a conversation about this case earlier and she has expressed already the statement that she presented in her discussion. I don't think I can give you anything else other than what Commissioner Stefanics was mentioning, in the event -- how to guarantee the neighbors their impairment will be taken care is a very difficult question. I don't think there is an engineering answer alone will address this point. There are some legalities that will be associated with it and I don't know if we have any precedent at this point.

COMMISSIONER VIGIL: So the impairment issue I suspect that at some level we have no jurisdiction over because it's the Office of State Engineer that makes those decisions. I guess my question Mr. Guerrerortiz is would we be able to as staff to contribute any additional information to this case that might appease the concerns of the surrounding residents if we delay a decision?

MR. GUERRERORTIZ: Mr. Chair, Commissioner Vigil, I think that any scientific procedure that we come up with at this point will require some time. Everything that we talked about as Karen Torres described are nothing but a model, and estimation or prediction of what could happen. I don't think at this point we would have a certain answer as to what would happen in 40 years of 50 years or 100 years to the surrounding wells even if we delay the approval of this project at this point. But I think that we could at some point decide the total water use that this subdivision is going to have may have a certain effect and maybe the developer is willing to cover for in the future.

COMMISSIONER VIGIL: How would that happen? How do you foresee something like that happening?

MR. GUERRERORTIZ: I'm just thinking out loud – if the developer had the ability to provide assurance in writing or a contractual commitment to neighbors and perhaps specify the wells that they are talking about and provide the estimated remedy or a description of what they would do if the impairment was significant in those wells and in turn the impairment would have to be defined also through draw-down, flow rate or something to that effect that could be connected. That's another thing: it is very difficult to connect it to a specific event. Impairment of wells could happen over time because of their own wells interaction. It's a very difficult thing and I don't think that there is a simple answer to this one.

COMMISSIONER VIGIL: Thank you, Mr. Chair, Mr. Guerrerortiz, I appreciate it.

CHAIRMAN MONTOYA: Okay, Commissioner Holian.

MS. VAZQUEZ: I have the answer on the previous question if you'd like it.

CHAIRMAN MONTOYA: Okay, we'll let you after. Shelley, go ahead.

MS. COBAU: Mr. Chair, members of the Commission, I think it is important to reiterate that there is no code requirement that we require an applicant to verify that there is no impairment to a neighboring well.

I'll just speak from personal experience I had a well up at my house on Star Vista Road that went dry. The well driller came up and said when was your well drilled and I said in 1949. And he said I cannot believe you haven't had to have a new well drilled between now and 1949 because the average lifetime on a well is 30 years.

Our Code doesn't say anything about making sure our neighbors well is good for the time period and studying whether we have water for our development. We have tried this condition before on the Village of Galisteo Basin Preserve where the Galisteans were concerned of their wells and their aquifer and we were told it was a non-enforceable condition. I just wanted to call that to your attention.

MS. VAZQUEZ: Mr. Chair and Commissioners, in the staff report that was put

together by Ms. Laurie Trevizo, January of 2009 [sic], states that additional information on water availability was provided on the second well in March of 2009. So I do want to reiterate that there were two test pumps done for this development which goes beyond the Code. OSE has approved it. Jurisdiction of impairment is an issue of OSE. OSE has made a determination on this development and they have found it sufficient. The draw-down – with regard to Mr. Guerrereortiz' comments the draw-down was actually defined and the parameters and the modeling was defined and put together by County staff and we did do what we were asked of and that met the Code. We did calculate water level decline to the property line as required by the Code after 100 years as well and we met that Code requirement.

The neighbors are concerned but there aren't really any specifics that they're giving you, Commissioners. Their hydrologist's statements and concerns were refuted by the County hydrologist. They are not contesting the model that was used. They are going back to Dr. Wust's statement on Kings Mill that were limited to one well, not the second well that was drilled and was tested.

We would ask that you make a decision with regards to this case tonight and I stand for any other questions.

CHAIRMAN MONTOYA: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Does staff recommend approval?

MS. COBAU: Mr. Chair, Commissioner Anaya, that's correct. Land Use staff has ascertained that it met the requirements of the Code.

COMMISSIONER ANAYA: Mr. Chair, I move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya, with the conditions?

COMMISSIONER ANAYA: Conditions.

MS. COBAU Mr. Chair, Commissioner Anaya, the applicant had suggested an 18<sup>th</sup> condition and we worked in the audience here and with the applicant, with the County Hydrologist, to develop that 18<sup>th</sup> condition. Could we read that into the record before you make a decision?

18. The applicant shall develop language to include in the subdivision disclosure statement that advises each well user that total dissolved solids and other contaminants may require treatment to drinking water and Code standards. If required, treatment must be conducted via a method that must be reviewed and approved by the County Hydrologist prior to development permit issuance. This treatment system design shall include the requirement for development of an operations and maintenance plan and identify the costs associated with both the system and the maintenance of that system.

COMMISSIONER ANAYA: Okay.

CHAIRMAN MONTOYA: That long?

MS. COBAU Sorry.

CHAIRMAN MONTOYA: Okay. So I have a motion with 18 conditions.

COMMISSIONER ANAYA: Yes.

CHAIRMAN MONTOYA: Second for discussion. Okay, no further discussion.

The motion passed by majority 3-2 voice vote with Commissioners Anaya, Montoya and Vigil voting in favor and Commissioners Holian and Stefanics voting against.

- XV. A. 5. CDRC Case # S 04-5421 Vallecita de Gracia Subdivision. JK? Inc. (Jim Brown) Applicant, Siebert & Associates, Agent Request a Preliminary and Final Plat and Development Plan Amendment to the Previously Approved Vallecita de Gracia Subdivision to Create 3 Additional Lots in Addition to the Previously Platted 11 Lots for a Total of 14 Lots on 42 Acres. The Property is Located Along County Road 54, North of the Intersection of County Road 54 and Paseo de Angel, within Sections 22, 27 and 28, Township 16 North, Range 8 East (Commission District 3). Vicki Lucero, Case Manager

MS. LUCERO: Thank you, Mr. Chair. On June 17, 2010 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the request. On October 8, 1998 preliminary plat approval was granted for this project by the EZC which consisted of a 16-lot a 16-lot residential subdivision on 42 acres. On October 14, 1999, a preliminary plat extension for 12 months was granted by the EZC in accordance with the Extraterritorial Subdivision regulations.

On June 21, 2000, La Cienega became a Traditional Historic Community and the Vallecita de Gracia Subdivision being part of this area was no longer under EZ jurisdiction. On November 14, 2000, the BCC granted a one-year extension of the preliminary plan and plat. On October 9, 2001 the BCC granted a second one-year extension of the preliminary plan and plat, which expired on October 8, 2002.

On March 10, 2005, the BCC granted Preliminary and Final Plat and Development Plan approval for the Vallecita de Gracia Subdivision which consisted of an 11 lot subdivision. The five additional lots that were part of the original application were not created at that time due to the lack of an all weather access to those lots.

Since that time the County has constructed an all weather crossing on Paseo de Angel on the north side of Los Pinos Road. The applicant is now requesting to create three additional lots that now have all weather access. The applicant is requesting a preliminary and final plat and development plan amendment to the previously approved Vallecita de Gracia subdivision to allow the creation of three additional lots for a total of 14 lots.

This application was reviewed for access, terrain management, water, liquid and solid waste, fire protection and archaeology.

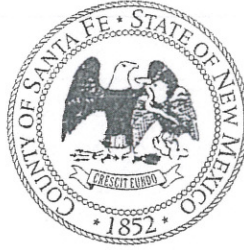
Recommendation: Staff finds the proposed subdivision to be in compliance with Article V, Section 5.3 (Preliminary Plat Procedures), Article V, Section 5.4 (Final Plat

2010 JUL 13 10:10 AM

Harry B. Montoya  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Michael D. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## BOARD OF COUNTY COMMISSIONERS

CASE NO. S 08-5210  
SANDSTONE PINES ESTATES  
ANASAZI MV JV LLC, APPLICANT  
MELVIN VARELA, AGENT

### ORDER

**THIS MATTER** came before the Board of County Commissioners (hereinafter referred to as “the BCC”) for hearing on July 13, 2010, on the application of Anasazi MV JV LLC, (hereinafter referred to as “the Applicant”), and Melvin Varela (hereinafter referred to as the “Agent”) for Preliminary and Final Plat and Development Plan approval of the Sandstone Pines Estates Subdivision which consists of 12 residential lots on 42.99 acres. The BCC, having reviewed the Application and supplemental materials, staff reports and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted subject to conditions and makes the following findings of fact and conclusions of law:

1. The Applicant requests Preliminary and Final Plat and Development Plan approval for the Sandstone Pines Estates Subdivision, which consists of 12 residential lots on 42.99 acres.
2. 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.
3. In support of the Application, the Applicant’s Agent submitted a

EXHIBIT

tabbles

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development report including proof of legal lot of record, a geo-hydrological report, a survey plat, an access permit, and archaeological report, a terrain management plan, subdivision covenants, a disclosure statement and a development plan set.

4. On July 16, 2009, the County Development Review Committee (“CDRC”) met and acted on this case. The decision of the CDRC was to recommend denial of the request.

5. 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. There were two members of the public who spoke in regards to the Application at the January 12, 2010 BCC meeting. One spoke in favor of the Application and the other spoke against it.

6. The CDRC reheard this case on March 18, 2010. The CDRC recommend denial of this Application.

7. On April 13, 2010, the BCC heard this case and tabled it with direction that address drainage issues, perform a pump test and monitor neighboring wells, and identify what kind of water treatment systems area available to treat total dissolved solids and what this would do to water availability.

8. At the July 13, 2010 BCC meeting there were two members from the public that spoke in opposition to this Application.

9. Staff recommends approval of the Application subject to conditions. The applicant is in agreement with all conditions.



10. The Preliminary and Final Plat and Development Plan are in accordance 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 Santa Fe County Land Development Code (“Code”).

11. Under the circumstances and given the evidence and testimony submitted during the hearing, the Application should be **APPROVED SUBJECT TO THE**

**FOLLOWING STAFF CONDITIONS:**

A. Compliance with applicable review comments from the following:

- a. State Engineer
- b. State Environment Department
- c. State Department of Transportation (“NMDOT”)
- 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

B. The Final Development Plan and Plat must be recorded with the County Clerk’s office.

C. All redlines will be addressed, original redlines will be returned with final plans.

D. 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.

E. 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.

F. 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 31<sup>st</sup> of each year.

- G. 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.
- H. A location for a future cluster mailbox area to serve the ~~Apache Springs~~ <sup>Sandstone Pines</sup> 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.
- I. 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.
- J. The Applicant will be required to provide a Landscaping Plan for revegetation of disturbed areas, prior to Final Plat recordation.
- K. All utilities shall be underground. This shall be noted on the plat, covenants and disclosure statement.
- L. The standard County water restrictions, final homeowner's documents, and disclosure statement must be recorded with the final plat.
- M. Any subdivision signage will require a Sign Permit, and all signage must meet the requirements of the Code.
- N. Driveways shall not exceed 11% grade.
- O. A 30,000 gallon water storage tank will be required for fire protection.
- P. Sprinkler systems will be required in each residence per the Urban Wildland Interface Code.
- Q. 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.
- R. The Applicant shall develop language to include in the subdivision disclosure statement that advises each well user that total dissolved solids and other

contaminants may require treatment to drinking water and Code standards. If required, treatment must be conducted via a method that must be reviewed and approved by the County Hydrologist prior to development permit issuance. This treatment system design shall include the requirement for development of an operations and maintenance plan and identify the costs associated with both the system and the maintenance of that system.

**WHEREFORE**, the BCC hereby **APPROVES** the Application for Preliminary and Final Plat and Development Plan approval of the Sandstone Pines Estates Subdivision which consists of 12 lots on 42.99 acres subject to the conditions provided herein.

**IT IS SO ORDERED:**

This Order was approved by the Board of County Commissioners on this 26<sup>th</sup> day of Oct., 2010.

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

By [Signature]  
Harry Montoya, Chair

**ATTEST:**

[Signature]  
Valerie Espinoza, County Clerk



**Approved as to form:**

[Signature]  
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC ORDER  
PAGES: 5

I Hereby Certify That This Instrument Was Filed for Record On The 27TH Day Of October, 2010 at 02:12:43 PM And Was Duly Recorded as Instrument # **1615186** Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
[Signature] Valerie Espinoza  
Deputy County Clerk, Santa Fe, NM