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Katherine Miller  
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## MEMORANDUM

**DATE:** July 12, 2011

**TO:** BOARD OF COUNTY COMMISSIONERS

**FROM:** Shelley Cobau, CFM, Building and Development Services Manager *SC*

**VIA:** Jack Kolkmeier, Land Use Administrator *JK*

**FILE REF:** CDRC CASE # MP/PDP 09-5300 UDV Temple.

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### ISSUE:

Centro Espirita Beneficente Uniao do Vegetal (UDV Temple), Applicant, James Sieoert, Agent, request Master Plan and Preliminary Development Plan approval for a Community Service Facility (religious institution) as defined in Article III, Section 7 of the Land Development Code (the Code), as amended. The Code was amended by Ordinance 2010-13, which defines a Community Service Facility as one which “provides service to a local community organization. These may include governmental services such as police and fire stations, elementary and secondary day care centers, schools and community centers, and churches”.

The two-phase proposal consists of a 4,660 square foot enclosed structure to be used as a temple with a 540 square foot covered portal and a 1,900 sq.ft. roof and slab to be enclosed for inclusion to the temple as part of a subsequent phase (total 6560 square feet), a 706 square foot yurt, a 225 square foot utility room, and a 225 square foot storage building on 2.52 acres.

The property is located at the southwest corner of the intersection of Arroyo Hondo Road (CR58) and Brass Horse Road (CR 58C) at 5 Brass Horse Road, within Section 13, Township 16 North, Range 9 East, (Commission District 4) (Exhibit A).

### SUMMARY:

The Applicant requests Master Plan and Preliminary Development Plan approval for a new religious institution (Community Service Facility) at 5 Brass Horse Road. The Applicant further requests that the Final Development Plan for the project be reviewed and approved by staff, administratively.

This case was heard by the Board of County Commissioner at their regular meeting of June 14<sup>th</sup>, 2011 and tabled. Note that all exhibits referenced herein were included in the June packet and are not being redistributed. Minutes from the June 14<sup>th</sup>, 2011 hearing are included in the BCC's July 12<sup>th</sup>, 2011 packet for final approval and subsequent recordation. Additionally, this case was heard by the County Development Review Committee on November 18, 2010. The decision of the CDRC was to recommend approval of this request. The CDRC's minutes from that hearing are included herein as Exhibit O.

Subsequent to the CDRC hearing, the Development Request and Phasing Schedule were revised to address computational issues with regard to square footage and to address questions posed regarding the number of phases and timing of these phases. The revised information is included herein as Exhibit P.

Also subsequent to the CDRC meeting, numerous letters from residents in the area have been received. In an effort to make the presentation and review of this staff report more comprehensive, the most recent letters have been included as Exhibit Q. Additional information has also been prepared by the Applicant regarding water supply and liquid waste disposal. Pertinent excerpts from this information are included as Exhibit R, and the summary included in the Water and Liquid Waste sections herein.

The UDV Temple Master Plan and Preliminary Plan Report prepared by James Siebert and Associates dated July 10, 2009, and architectural renderings prepared by Paula Baker LaPorte (Exhibit B), Master Plan and Preliminary Development Plans (Exhibit C) along with the Water Resources Report prepared by Corbin Consulting, Inc, (Exhibit D) and Traffic Impact Analysis prepared by Craig Watts, P.E., (Exhibit E) have been reviewed for technical accuracy and compliance with the Santa Fe County Land Development Code. Supplemental information includes an analysis of building sites in Arroyo Hondo (Exhibit F); a report regarding the impact of churches on residential real estate values (Exhibit G); and declarations by physicians retained by the Applicant regarding the effects of hoasca in the context of religious practice (Exhibit H).

The UDV is a nonprofit corporation organized under the laws of New Mexico; the UDV is a tax exempt religious organization. Ordinance 2010-13 provides that: Community Service Facilities are allowed anywhere in the County provided that all requirements of the Code are met if it is determined that:

- 7.1.1 The proposed facilities are necessary in order that community services may be provided for in the County;
- 7.1.2 The use is compatible with existing development in the area and is compatible with development permitted under the Code; and
- 7.1.3 A master plan and preliminary and final development plan for the proposed development is approved.

The Ordinance goes on to specify that submittal and review requirements are those provided for in Article III, Section 4.4, and Article V, Sections 5.2 and Section 7.

The proposed temple will contain space for religious services, a nursery, a common room, a dining room, two kitchens (see Exhibit R, fifth supplement, schematic floor plan) , two bathrooms and attic storage. The yurt will be re-erected and will be used for religious and storage purposes. Overall lot coverage, including parking, is approximately 7.5%.

The Applicant indicates in the submitted materials that the congregation at full build out is estimated to be approximately 100 parishioners; currently there are 64 parishioners. Services are to be held two Saturdays per month from 8 p.m. to 12 p.m., with two additional services each month on weekend afternoons or evenings. No private school or daycare activities are proposed. A nursery is included in the temple floor plan, which will operate only during the services at the times stated above. It is anticipated, according to Applicant, that a single special event, such as a wedding, may occur each year (stated in supplement five, page 2).

During religious services, sacramental consumption of hoasca tea, is an integral part of the religious ritual. Hoasca is mildly hallucinogenic, and the Applicant has submitted affidavits from physicians regarding its short-term hallucinogenic effects on parishioners. The affidavits indicate that “the effects of hoasca lasts for approximately four hours during which time the individuals who take the sacrament remain oriented and aware of their surroundings” and the affidavits describe in detail anticipated reactions of individual participants. (Exhibit H) The UDV has stated that careful measures are taken during and after services to ensure that no one exits the property until the effects associated with the consumption of the hoasca tea have subsided. The information regarding the use and influence of hoasca was provided in an effort to quell the concerns of neighbors and to address staff concerns regarding public health, safety and welfare that exists if persons drive after consuming hallucinogens.

The Applicant further states in the Development Plan Report that the project will be submitted in two phases:

- Phase One: Utility and access infrastructure, 450 sq. feet of storage area in two separate structures, a 706 square foot yurt, a 24’ high, a 4660 square foot temple, and a 1900 square foot timber frame roof structure with no walls, and a 540 square foot portal. This initial phase is slated for completion within 18 months of permit issuance.
- Phase Two: Enclosure of existing 1900 square foot portal, for inclusion to overall Phase One temple structure to be completed within 6 months after obtaining building permit

The issue of the number of kitchens in the facility has been addressed. The Applicant states: “The first phase will include a stove, an oven, a sink, a refrigerator and a dishwasher. This kitchen will be used for two purposes in the first phase and only one purpose in the second phase. In the first phase, the kitchen will be used for food preparation and for activities coincident to the distribution of Hoasca tea, such: as pouring Hoasca in to a dispenser and washing empty containers and glasses that contained Hoasca tea. In the second phase the kitchen will be used exclusively for activities coincident to the distribution of Hoasca. The second kitchen, built in phase two, will be used exclusively for food preparation. When the second kitchen is built, the function of washing glasses will stay in the first kitchen and the function of food preparation and dish washing will move to the second kitchen. The second

kitchen will be equipped with food preparation equipment with service ratings that conform to applicable government regulations.”

### **Referenced Code Sections**

Article III, Section 7 (Community Service Facilities) of the Code, as amended by Ordinance 2010-13, states: “Community service facilities are facilities which provide service to a local community organization. These may include governmental services such as police and fire stations, elementary and secondary day care centers, schools and community centers, and churches”. Section 7.1 of Article III (Standards) states: “Community service facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that: (i) the proposed facilities are necessary in order that community services may be provided for in the County; (ii) the use is compatible with existing development in the area and is compatible with development permitted under the Code, and (iii) a master plan and preliminary and final development plan for the proposed development are approved.

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

Article V, Section 5.2.1.c of the Code states: “The master plan submittal will consist of both plans and written reports which include the information required in Article V, Section 5.2.2. A typical submittal would include a vicinity map, a plan showing existing site data, a conceptual environmental plan with written documentation, a master plan map, a master plan report, a schematic utilities plan and the phasing schedule. Maps and reports may be combined or expanded upon at the discretion of the applicant to fit the particular development proposal as long as the relevant information is included”

Article V, Section 7.1 (Development Plan Requirements) of the Code states: “A preliminary development plan may be only a phase or portion of the area covered by an approved master plan, so long as the preliminary development plan substantially conforms to the approved master plan”

Referenced Code is included in Exhibit I.

### **The Religious Land Use and Institutionalized Persons Act (RLUIPA)**

The Religious Land Use and Institutionalized Persons Act restricts local governments from exercising land use authority in such a way as to impose a "substantial burden" on the religious exercise of a person, religious assembly or institution, unless the government justifies the burden as furthering a compelling governmental interest and is the least restrictive means furthering the compelling interest. The Act also contains nondiscrimination provisions, which prohibit land use regulations that disfavor religious uses relative to nonreligious uses or that unreasonably exclude religious uses.



The statute is highly controversial and questions have been raised about its constitutionality.

If the statute is constitutional, the following issues will have to be addressed during decision-making in this matter. First, whether application of the land use regulation at issue (the Land Development Code) creates a substantial burden on the religious exercise of members of the UDV church or the church as a whole. Second, if a substantial burden exists, whether the requirements of the Land Development Code further a compelling interest and whether there are less restrictive ways to address the substantial burden on the free exercise of religion than those chosen. Third, whether the Land Development Code disfavors religious uses when compared to secular uses, or whether the Code unreasonably excludes religious uses.

It should be noted that in the 2006 case of *Gonzales v. O Centro Espirita Beneficiente Uniao Do Vegetal*, the United States Supreme Court found that RFRA (a predecessor of RLUIPA) precluded regulation by the United States Government of its sacramental tea, hoasca, because the government conceded that the regulation substantially burdened its free exercise of religion, and that the federal Controlled Substances Act did not constitute the least restrictive means of addressing the concerns that motivated RFRA. The United States conceded in that case that the use of hoasca tea by UDV in its exercise of religion was "... a sincere exercise of religion ..."

#### **SUMMARY OF PUBLIC COMMENTS:**

Numerous letters, both in support and in opposition to this project have been received by the Land Use Department.

Opposition letters cite concerns regarding water, traffic, parking, building size, security, hours of operation, parishioners leaving the facility while impaired, affects on real estate values, neighborhood compatibility, and groundwater contamination are among the most listed concerns. Exhibit L contains copies of all letters of support received prior to the CDRC hearing in November.

Support letters include statements that the UDV members and the facility will be designed to be compatible with the neighborhood; parishioners will not leave the parcel when impaired, will be good neighbors, will not contaminate nor utilize excessive amounts of groundwater and will not impact adjacent parcels in any negative manner. Exhibit M contains copies of all letters of support received prior to the CDRC hearing in November.

Correspondence received subsequent to the CDRC hearing is included herein in Exhibit Q.

#### **Review Criteria:**

#### **EXISTING CONDITIONS:**

The subject property is currently vacant and is vegetated with scant juniper and piñon cover with grass understory and has no slope in excess of 15%. The proposed lot is a legal lot of record, and the existing fencing encroaching on County right-of-way will be relocated pursuant to staff comment.

The Applicant states that the site has been utilized by the UDV members for 15 years and they have conducted baptisms, weddings, and other events without incident or impact to surrounding properties. Historically there was a non-permitted structure on the site, a yurt, which the Applicant removed at the direction of County staff in 2009.

**ADJACENT PROPERTIES:**

Surrounding uses are primarily rural residential; with several community service facilities located within approximately one mile of the subject property. Lot sizes in the area range from 2.5-5 acres or larger in size, notably an 86 acre tract of land located northeast of the site is designated as County Open Space, and the owner of the nearest residence on the north side of Brass Horse Road, donated the subject property to the UDV church for their use.

**COMPATIBILITY:**

Staff has carefully considered the compatibility concerns of the neighbors, including allegations that the building massing is out of proportion with other development in the area and that the use is incompatible. Staff concludes that based on the building massing presented and other development in the area which range from the Arroyo Hondo fire station, to schools, restaurants and other churches, the proposed development of a 4660 square foot community service facility will be compatible with and will not be a dominant feature in this area. (Exhibits F, G, J, R and S, include information regarding compatibility or the assertion of lack of compatibility) Research indicates that over fifty churches have been permitted under the Community Service Facility section of the Code since 1981, and the location of the facilities includes placement in neighborhoods that are predominately residential. Note that Exhibit J, depicting a wide range of other uses including businesses and community service facilities, was prepared by County staff, and this map indicates the presence of twenty similar uses within less than two miles of the proposed church.

To further reiterate, Article III, Section 7 (Community Service Facilities) of the Code, as amended by Ordinance 2010-13, states: "Community service facilities are facilities which provide service to a local community organization. These may include governmental services such as police and fire stations, elementary and secondary day care centers, schools and community centers, and churches". Section 7.1 of Article III (Standards) states: "Community service facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that: (i) the proposed facilities are necessary in order that community services may be provided for in the County; (ii) the use is compatible with existing development in the area and is compatible with development permitted under the Code, and (iii) a master plan and preliminary and final development plan for the proposed development are approved.

**ARCHITECTURAL STANDARDS:**

The Application indicates that the proposed temple will be a maximum height of 24' in accordance with the height restrictions set forth in the Code. The temple will utilize an architectural design complementary with designs used in the neighborhood, and the Application represents that the temple will be designed to resemble nearby residential structures to assure

neighborhood architectural compatibility. Solar panels will be placed on the roof of the temple structure's south side, and these panels will be within the 24' height restriction. Panel location and height will be further reviewed at the time architectural plans for construction of the structure are submitted as part of the building permit process.

### **ACCESS:**

Primary site access is proposed from Brass Horse Road, with secondary emergency access proposed off Arroyo Hondo Road. Access has been reviewed by the Department of Public Works, as both roads are designated County roads. Brass Horse Road is currently a fourteen foot base course road which does not meet Santa Fe County standards. The right-of-way has recently been increased to a 50' right-of-way (as required by Article V, Appendix 5a) and Brass Horse Road will be widened to a 20' minimum gravel base course local lane of 20' in order to meet County standards along the northerly portion of the parcel. Intersection improvements as required by Code are being provided, and the proposed intersection design meets these requirements. Of the intersections analyzed, Old Las Vegas Highway/Arroyo Hondo; Arroyo Hondo/Brass Horse; Brass Horse/Site Entrance all three intersections currently operate at acceptable levels-of-service during peak periods and will continue to do so in the foreseeable future. Sight distance at the intersection of Arroyo Hondo and Brass Horse was investigated and measurements taken by the Applicant indicate 455 feet of site distance north of the intersection and 485 feet on the south. These distances are nearly twice the distance required by AASHTO for the posted speed. The Applicant has submitted a Traffic Impact Analysis as required by Code, and this TIA has been reviewed by Public Works Department staff as well as by the New Mexico Department of Transportation.

### **PARKING:**

Parking and onsite circulation proposed with the Application complies with Article III, Section 9 (Parking Requirements) of the Code. Churches, auditoriums, theatres, arenas and all spaces used for public assembly, are required to provide one (1) space per four (4) seats, for a total of 25 spaces in this case.

Thirty three (33) parking spaces are proposed, along with a grass overflow parking area that can accommodate an additional 18 vehicles. Aisle widths provided are 24' as mandated by the Code. Handicap parking is provided and in accordance with ADA requirements. Sheet 3 of the Master Plan shows the proposed parking and internal circulation configuration proposed.

### **SECURITY**

The Code does not contain requirements for securing Community Service Facilities, nor are there specific Code criteria regarding securing controlled substances such as hoasca tea. This is an unusual case, not completely anticipated by the Code. In the period the County has reviewed this project, the Applicant has nevertheless addressed security concerns raised by County staff and the community regarding the security of the controlled substance. To limit public access the Applicant proposes to fully fence the parcel and gate both access points. The issues of security and containment of a controlled substance have been established through a

settlement agreement with the Applicant and the Drug Enforcement Agency as a result of litigation. The Applicant is obligated to comply with the terms of the Settlement Agreement.

### **SIGNAGE:**

A single six (6) square foot sign is proposed at the main entrance to the property. The proposed monument sign shall be set back at a minimum of five feet from property line. Staff has determined that the signage element of the Application complies with Article VIII (Sign Requirements) of the Code, a separate Sign Permit will be required prior to placement of the proposed sign.

### **WATER AND LIQUID WASTE:**

The UDV Temple lies within the Mountain Hydrologic Zone near the boundary of the Basin-Fringe Hydrologic Zone, and water needs for the facility will be served by a private well to be located on the northeast corner of the parcel, and which will draw water from the Ancha/Tesuque Formation. All water use fixtures in the facility will be low flow and some fixtures will also be high efficiency.

Following the substantial testimony heard during the CDRC meeting, the Applicant has drilled a well and prepared a geohydrology report to further address these concerns. This report (supplemental submittal number 5, tab 1); calculates a water budget of 0.17 acre/feet/year. Well logs and water availability computations are provided in this report. The information that submitted by the UDV consultant's (Exhibit R) and the Arroyo Hondo Land Trust's opposition (Exhibit S), are included in their entirety.

Glorieta Geoscience, Inc. (GGI) was retained by the Santa Fe County Land Use Department (the County) to evaluate water supply and wastewater disposal reports submitted on behalf of O Centro Espirita Beneficiente União Do Vegetal Temple (UDV; the Applicant). GGI also reviewed reports and comments submitted on behalf of neighbors of the proposed Temple in the Arroyo Hondo. GGI specifically reviewed the submittals for technical accuracy and compliance with Santa Fe County Land Development Code (SFCLDC) requirements (Exhibit T).

The conclusions and recommendations from the GGI report are as follows:

#### **Conclusions**

1. The Applicant's water budget is 0.17 ac-ft per year.
2. For water use less than 0.25 ac-ft per year, the SFCLDC does not require submittal of a Geohydrology report.
3. The onsite well, RG 92582 is completed into fractured Precambrian granite and metamorphic rock and is more than capable of producing all water required for the Temple.
4. The Applicant's Geohydrology Report meets the requirements of Article VII Sec 6.4 of the Santa Fe County Land Development Code (SFCLDC).
5. Water availability as calculated by GGI (Article VII Sec 6.4) is 0.35 ac-ft/yr.

6. Water quality from the Applicant's well complies with standards set forth in Article VII Sec 6.5 of the SFCLDC.
7. No hoasca tea will be brewed onsite.
8. The Applicant has an approved NMED liquid waste permit and is in compliance with Article VII Sec 2 of the SFCLDC.
9. All effluent water will be collected and discharged to an onsite septic system with advanced treatment.
10. No gray water reuse is currently permitted by NMED.
11. A single ground water quality sample from a domestic well 0.3 mi downgradient of the subject property, completed in the Espinaso Formation, showed a concentration of 12.1 mg/l nitrate, in excess of New Mexico Water Quality Control Commission (WQCC) standards
12. The nitrate concentration in the Applicant's well completed into the Precambrian aquifer is below laboratory detection limits.
13. The Sludgehammer advanced treatment system is approved by NMED and is most efficient reducing nitrogen with addition of Bacillus bacteria.
14. Hoasca byproducts are further broken down by bacteria in the septic tank and under aerobic conditions in the leach field and vadose zone.
15. Hoasca byproducts discharging into the septic system are less than 0.02% of the original hoasca consumed.
16. Considering the bacterial breakdown of hoasca byproducts and the presence of clay layers correlated between the Applicant's well and the two nearest downgradient wells, and the UV treatment system addition described in the recommendations below, it is highly unlikely that hoasca degradation products will leak into the aquifer.

### **Recommendations**

1. The Applicant's water use should be restricted to 0.25 ac-ft per year.
2. The Sludgehammer advanced treatment system should be designed and installed with Bacillus bacteria (or equivalent method of augmentation) added to the system to reduce nitrogen concentrations in the effluent.
3. The Applicant shall be required to follow all operating and maintenance (O&M) requirements for the septic system.
4. No gray water reuse is currently permitted and all wastewater should be discharged to the septic system.
5. If the County desires to have an additional level of wastewater treatment, an ultraviolet (UV) light treatment module could be installed in the discharge line prior to the septic tank as the Applicant's submittals state that DMT is broken down by light. The revised treatment system should be designed and stamped by a New Mexico registered professional engineer and UV light maintenance should be included in the O&M manual.
6. If the number of events that serve at least 25 people at least 60 days per year is exceeded, the Applicant shall apply for permits for the appropriate type of public water supply system.
7. The Applicant should be required to read the well meter monthly and post the meter data to its website monthly.

Rainwater harvesting systems are proposed and these systems are compliant with Ordinances 2003-6 and 2008-4 (Rainwater Catchment Ordinances).

### **LIQUID AND SOLID WASTE ADDITIONAL INFORMATION:**

Correspondence from the NMED was received on 9/23/10 which indicated further information was required from the Applicant concerning the proposed liquid waste and gray water system, and NMED rescinded the Liquid Waste Permit until the Applicant demonstrated compliance with NMED regulations. On 11/10/10 the permit was reinstated by the NMED. Correspondence regarding the liquid waste system is included as Exhibit N.

Waste Management or another licensed hauler will provide pick up and disposal service for solid waste. The current practice in the area is for weekly pick up of 75 gallon bins with an automated truck and the Applicant indicates that the UDV will follow the same practice.

### **FIRE PROTECTION:**

Fire protection will be provided by the Hondo Fire Department. Automatic fire protection sprinkler systems will be installed in the temple structure. Secondary emergency access to the site will be provided directly off Arroyo Hondo Road, this access will be equipped with a Knox Lock. County Fire Department staff has reviewed the Application for compliance with all current fire codes.

### **TERRAIN AND STORMWATER MANAGEMENT:**

The Applicant's proposal shows slopes to be disturbed from 0% to 15%. Topography of the land appears to be fairly flat averaging in the range of 0 – 15 %. Thus the Application is in compliance with Article VII, Section 3 (Terrain Management) of the Code and Ordinance No. 2008-10, and is compliant with NPDES criterion for storm water pollution prevention prior to commencement of construction so long as the following conditions are adhered to:

1. Approved silt control measures shall be in place prior to the start of construction.
2. Areas disturbed by construction shall be re-vegetated within one year of completion of construction.
3. Temporary silt control measures erected during construction shall remain until landscaping and re-vegetation is in place.

### **LANDSCAPING:**

The Applicant proposes to place on the property in connection with development: 24 relocated piñon pine, 5 juniper, 32 apache plume, 24 Rockspray, 4 Barberry and 15 New Mexico Olives, all to be drip irrigated with reclaimed effluent and harvested rainwater. All disturbed areas will be reseeded with native grasses. Low level landscape lighting will be used to light pathways. The landscape design concepts presented are substantially compliant with Santa Fe County Land Development Code Article II, Section 4.4.f, for Master Plan and Preliminary Development Plan submittals. The Applicant must dimension all landscape areas and provide



buffers along roadway frontage areas as required by Article III, Section 4.4.4f(10) of the Code at the time of Final Development Plan application..

**ARCHAEOLOGY:**

This Application was reviewed by the New Mexico State Historic Preservation Division where it was determined that this site is located within an area with a high potential for archaeological sites. The tract is less than 5 acres and an archaeological survey and report is not required. It is recommended, not required by SHPO that an archaeological survey and report be conducted prior to the construction of the Temple and associated improvements. The Applicant has researched and provided information regarding archaeology on the site, and no pueblo, nor other significant sites were found.

**REQUIRED ACTION:**

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

**RECOMMENDATION:**

Staff concurs with the action of the CDRC and recommends approval of the Application. The Application has been reviewed for compliance with the Code and staff has found that the following facts presented support the request: (i) community service facilities are allowed anywhere in the County; (ii) the Code and Ordinance No. 2010-13 recognize a church as a community service facility; (iii) the use is compatible with existing development; (iv) the application is comprehensive in establishing the scope of the project; (v) the application satisfies the submittal requirements set forth in Article V, Section 5.2.2 of the Code and Ordinance No. 2010-13; (vi) the preliminary development plan substantially conforms to the master plan; (vii) the application satisfies the submittal requirements set forth in Article V, Section 7 (Development Plan Requirements) of the Code and Ordinance No. 2010-13; and (viii) the proposed structure is necessary to provide the UDV with a permanent place of worship in a place that is highly valued by the church members. Because the recommendation is for approval, it is unnecessary to address the factors under RLUIPA described earlier.

The review comments from State Agencies and Building and Development Review Services has established that the Application is in compliance with Article V, Section 5, Master Plan Procedures, Article 5, Section 7 Development Plan Requirements of the Land Development Code, and Ordinance No. 2010-13.

Staff recommends Master Plan Zoning and Preliminary Development Plan **approval**, with Final Development Plan to be processed administratively, for the Centro Espirita Beneficente Uniao do Vegetal (UDV Temple), to allow a 4,660 square foot structure to be used as a temple with a 1900 square foot covered portal type structure—to be enclosed for inclusion to the temple as part of a subsequent phase (total 6560 square feet), a 540 square foot portal, a 706

square foot yurt, a 225 square foot utility room, and a 225 square foot storage building on 2.52 acres., subject to the following conditions:

1. All Staff redlines shall be addressed, original redlines will be returned with final plans for Master Plan.
2. The Applicant shall comply with all requirements of the New Mexico Environment Department, the State Historic Preservation Division, County Fire Marshal, Public Works and County Utilities Department, which includes the following:
  - a. Permits for Advanced Liquid Water Systems must be reviewed and approved by the NMED
  - b. Kitchen facilities must be approved by the NMED and appropriate food service permits must be obtained.
  - c. Automatic fire suppression is required
  - d. Site address shall be clearly posted
  - e. 28' radius curb returns must be provided
  - f. Site triangles (30') must be maintained at both entrances
  - g. A Road Construction/Road cut permit must be obtained from the Department of Public Works.
  - h. The secondary access from Arroyo Hondo road must be paved with 3" of plant mix bituminous pavement
  - i. No parking signs shall be placed on Arroyo Hondo Road as required by Public Works
3. Master Plan and Preliminary Development Plan, with appropriate signatures, shall be recorded with the County Clerk.
4. It shall be noted on the Master Plan and on the Final Development plan that the nursery will only be utilized during services **and events**.
5. The Landscape, Lighting and Signing Plan indicates placement of flag poles near the temple entrance. Flag poles may not exceed 24' in height, and the banners placed on these flagpoles may be considered signage and must comply to the square footage restrictions for signage and placement of signage outlined in Article VIII of the Code. A separate sign permit will be required for all signage on this parcel.
6. The proposed trash enclosure must be fully screened with a 6' opaque enclosure and gated. The location as proposed does not provide adequate access for trash removal vehicles and the enclosure must be relocated on the Final Development Plan.
7. Pursuant to the review by GGI:
  - a. The Sludgehammer advanced treatment system shall be designed and installed with Bacillus bacteria (or equivalent method of augmentation) added to the system to reduce nitrogen concentrations in the effluent.
  - b. The Applicant shall be required to follow all operating and maintenance (O&M) requirements for the septic system.
  - c. No gray water reuse is currently permitted and all wastewater should be discharged to the septic system.
  - d. An ultraviolet (UV) light treatment module shall be installed in the discharge line **after** the septic tank as the Applicant's submittals state that DMT is broken down by light. The revised treatment system should be designed and stamped by a New Mexico registered professional engineer and UV light maintenance should be included in the O&M manual.

- e. If the number of events that serve at least 25 people at least 60 days per year is exceeded, the Applicant shall apply for permits for the appropriate type of public water supply system.
  - f. The Applicant is required to read the well meter monthly and post the meter data to its website monthly, an annual compilation of these readings shall be submitted to the Santa Fe County Utility Director. Following two years of readings which demonstrate compliance with water restrictions, reading shall be submitted annually.
  - g. The Applicant's water use should be restricted to 0.35 ac-ft per year.
8. Additional comments made by staff or other agencies, if any, must be addressed at the time of Final Development Plan submittal.

**ATTACHMENTS:**

- Exhibit "A" – Location Map
- Exhibit "B" – Master Plan and Preliminary Development Plan Report
- Exhibit "C" – Plans and Renderings
- Exhibit "D" – Water Resources Report
- Exhibit "E" – TIA excerpts
- Exhibit "F" – Building site analysis adjacent parcels
- Exhibit "G" – Real Estate Impact Report
- Exhibit "H" – Physicians Declarations
- Exhibit "I" – Referenced Code
- Exhibit "J" – Surrounding Uses Map
- Exhibit "K" – Agency/Staff Memorandums
- Exhibit "L" – Letters in Opposition
- Exhibit "M" – Letters in Support
- Exhibit "N" – Wastewater Information
- Exhibit "O" – CDRC Meeting Minutes
- Exhibit "P" – Revised Development Report Page 3
- Exhibit "Q" – Correspondence received subsequent to CDRC hearing
- Exhibit "R" – Applicant's Supplement Submittals (post well drilling)
- Exhibit "S" – Opposition's Rebuttal to Supplemental Submittals (post well drilling)
- Exhibit "T" – Glorieta Geoscience Review Report



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County Manager

## MEMORANDUM

**DATE:** July 12, 2011

**TO:** Board of County Commissioners

**FROM:** Wayne Dalton, Building and Development Services Supervisor *WD*

**VIA:** Jack Kolkmeier, Land Use Administrator *JK*  
Shelley Cobau, Building and Development Services Manager *SC*

**FILE REF:** CDRC CASE # V 11-5090 Suzanne Teng Variance

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### ISSUE:

Suzanne Teng, Applicant, Santa Fe County Open Space and Trails, (Colleen Baker), Agent, requests a variance of Ordinance # 2007-2 (Village of Agua Fria Zoning District), Section 10.6 to allow a land division of 2.55 acres into two lots; one lot consisting of 1.51 acres and one lot consisting of 1.04 acres and to allow two dwelling units on 1.51 acres.

The property is located at 1673 Camino McMillin, West of Siler Road, within Section 32, Township 17 North, Range 9 East, (Commission District 2).

### SUMMARY

On April 21, 2011, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the Applicant's request for a variance by a unanimous 7-0 vote (Refer to Meeting Minutes Attached as Exhibit "A").

The Applicant requests a variance of Ordinance # 2007-2 (Village of Agua Fria Zoning District), Section 10.6 to allow a land division of 2.55 acres into two lots; one lot consisting of 1.51 acres (Lot 5-A) and one lot consisting of 1.04 acres (Lot 5-B) and to allow two dwelling units on 1.51 acres (Lot 5-A). There is currently a residence, guest house, RV garage, a detached two car garage and two conventional septic systems on the property. The property is served by an on-site well which serves the two existing dwelling units. The property is located within the Village of Agua Fria Low Density Urban Zone (AFLDUZ). Ordinance # 2007-2 states the minimum lot size in this area is 2.5 acres per dwelling unit. Lot size can be reduced to 1 acre with community water or sewer and can be further reduced to 0.5 acres with both community water and sewer (Exhibit "C").

The proposed land division would divide the current 2.55 acre parcel. The Applicant would retain 1.51 acres (Lot 5-A) with all existing structures and the Santa Fe County Open Space and Trails Program would purchase the remaining 1.04 acres (Lot 5-B) encompassing the Santa Fe River floodplain.

The Applicant states the proposed land division is solely for the purpose of creating public open space along the Santa Fe River. The land division will not be recorded until and unless the purchase of (Lot 5-B) is completed by the County. The proposed (Lot 5-B) will be used exclusively for open space, river restoration, habitat enhancements, public trails and related amenities such as benches and drinking fountains. There is also a historic windmill on (Lot 5-B) that the Open Space and Trails Program plans to improve and maintain.

The Applicant also states that the Open Space and Trails Program is working to implement a long range plan to acquire land along the Santa Fe River in order to create a greenway of public open space and trails from downtown Santa Fe to the Waste Water Treatment Plant. The proposed land division is necessary for the County to purchase this portion of the river.

Article II Section 3 (Variances) of the County Code states: "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This Section goes on to state "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified." (Exhibit "D")

**REQUIRED ACTION:**

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

**RECOMMENDATION:**

Staff has reviewed this Application and has found the following facts to **support** this submittal: Ordinance # 2007-2 states the density in this area (AFLDUZ) is 2.5 acres per dwelling unit; however density on this property was established prior to the adoption of Ordinance # 2007-2; density in this area prior to the adoption of Ordinance # 2007-2 was 0.75 acres per dwelling unit; the land division would preserve distinctive natural features such as the Santa Fe River, and primary open space corridors; and clustering of structures is encouraged to preserve natural open space areas as stipulated within Ordinance # 2007-2; therefore staff recommends **approval** of the Applicants request subject to the following conditions:

1. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
2. Water use shall be restricted to 0.50 acre feet per year for (Lot 5-A). Water meters shall be installed on both homes this shall be noted on the Plat. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office.
3. No further division of either tract shall be permitted. This shall be noted on the Plat.
4. Prior to Plat recordation, the Applicant shall submit documentation from the City of Santa Fe granting an ingress and egress easement across the City owned parcel in order to provide legal access to (Lot 5-A).
5. (Lot 5-B) shall be designated as open space, development other than open space amenities on this lot is prohibited, and this shall be noted on the Plat.
6. The Applicant shall connect to community water and sewer when it becomes available within 200 feet of the property line.
7. The Applicant shall provide updated liquid waste permits from the New Mexico Environment Department prior to Plat recordation.

**ATTACHMENTS:**

- Exhibit "A"- April 21, 2011 Meeting Minutes
- Exhibit "B"- Letter of request
- Exhibit "C"- Ordinance # 2007-2 (Village of Agua Fria Zoning District)
- Exhibit "D"- Article II, Section 3 (Variances)
- Exhibit "E"- Photos of Site
- Exhibit "F"- Proposed Plat of Survey
- Exhibit "G"- Aerial of Site and Surrounding Area
- Exhibit "H"- Vicinity Map
- Exhibit "I"- Letter of Concern



be put in his name. His brother got his papers in order and they want to have the property put in both names and his brother can build a home on the second lot. (Mr. Larrañaga translated on behalf of the applicant.)

There was no one in the audience wishing to speak about this case.

Member Katz asked if they would be allowed to build a second dwelling or guesthouse on the property as it is now. Mr. Dalton said they would not.

Member Anaya asked if the current documents say he can split the property, and Mr. Dalton said there is nothing on the plat of survey to that effect.

Referring to the well agreement, Member Gonzales asked if the applicant understood that. Mr. Dalton said they translated the agreement and the conditions of approval, so he is aware of them. Member Gonzales asked if they were aware only one house was allowed per lot. Mr. Dalton said that condition could be added. Condition #4 specifies no further division is allowed. Member Gonzales asked when County water would be available in that area and Mr. Dalton speculated it could be ten or twenty years.

Member Pato moved to approve Case #V 11-5030 with conditions and Member Valdez seconded. The motion passed by unanimous [7-0] voice vote.

- E. CDRC CASE # V 11-5090 Suzanne Teng Variance. Suzanne Teng, Applicant, Santa Fe County Open Space and Trails, (Colleen Baker), Agent, requests a variance of Ordinance # 2007-2 (Village of Agua Fria Zoning District), Section 10.6 to allow a land division of 2.55 acres into two lots; one lot consisting of 1.51 acres and one lot consisting of 1.04 acres and to allow two dwelling units on 1.51 acres. The property is located at 1673 Camino McMillin, West of Siler Road, within Section 32, Township 17 North, Range 9 East, (Commission District 2)**

Mr. Dalton read the caption and gave the staff report as follows:

“The Applicant requests a variance of Ordinance # 2007-2, Village of Agua Fria Zoning District, Section 10.6 to allow a land division of 2.55 acres into two lots; one lot consisting of 1.51 acres, Lot 5-A, and one lot consisting of 1.04 acres, Lot 5-B, and to allow two existing dwelling units on Lot 5-A. There is currently a residence, guesthouse, RV garage, a detached two-car garage and two conventional septic systems on the property. The property is served by an on-site well which serves the two existing dwelling units. The property is located within the Village of Agua Fria Low Density Urban Zone (AFLDUZ). Ordinance # 2007-2 states the minimum lot size in this area is 2.5 acres per dwelling unit. Lot size can be reduced to one acre with community water or sewer and can be further reduced to 0.5 acres with both community water and sewer.



“The proposed land division would divide the current 2.55-acre parcel. The Applicant would retain 1.51 acres, Lot 5-A, with all existing structures and the Santa Fe County Open Space and Trails Program would purchase the remaining 1.04 acres, Lot 5-B, encompassing the Santa Fe River floodplain.

“The Applicant states the proposed land division is solely for the purpose of creating public open space along the Santa Fe River. The land division will not be recorded until and unless the purchase of Lot 5-B is completed by the County. The proposed (Lot 5-B) will be used exclusively for open space, river restoration, habitat enhancements, public trails and related amenities such as benches and drinking fountains. There is also a historic windmill on Lot 5-B that the Open Space and Trails Program plans to improve and maintain.

“The Applicant also states that the Open Space and Trails Program is working to implement a long-range plan to acquire land along the Santa Fe River in order to create a greenway of public open space and trails from downtown Santa Fe to the Waste Water Treatment Plant. The proposed land division is necessary for the County to purchase this portion of the river.”

Mr. Dalton indicated staff has reviewed this Application and has found the following facts to support this submittal: Ordinance # 2007-2 states the density in this area is 2.5 acres per dwelling unit; however, density on this property was established prior to the adoption of Ordinance # 2007-2; density in this area prior to the adoption of Ordinance # 2007-2 was 0.75 acres per dwelling unit; the land division would preserve distinctive natural features such as the Santa Fe River, and primary open space corridors; and clustering of structures is encouraged to preserve natural open space areas as stipulated within Ordinance # 2007-2; therefore staff recommends approval of the Applicant’s request subject to the following conditions:

1. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
2. Water use shall be restricted to 0.50 acre-feet per year for Lot 5-A. Water meters shall be installed on both homes this shall be noted on the Plat. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk’s Office.
3. No further division of either tract shall be permitted. This shall be noted on the Plat.
4. Prior to Plat recordation, the Applicant shall submit documentation from the City of Santa Fe granting an ingress and egress easement across the City owned parcel in order to provide legal access to Lot 5-A.
5. Lot 5-B shall be designated as open space, development other than open space amenities on this lot is prohibited; this shall be noted on the Plat.
6. The Applicant shall connect to community water and sewer when it becomes available within 200 feet of the property line.
7. The Applicant shall provide updated liquid waste permits from the New Mexico Environment Department prior to Plat recordation.

Colleen Baker, Program Manager for Santa Fe County Open Space, under oath, stated she was representing the landowner. She said the purpose of the lots split is to help accomplish the long-range plan of having a public greenway of open space and trails along the Santa Fe River. The landowner is willing to sell a portion of her property which can only be done through a lot split.

Member Gonzales asked how much of the trail is already in existence. Ms. Baker said the City of Santa Fe has nearly completed the portion from downtown to Frenchie's Field. Some county sections have the river restoration completed but not the trail. In the county portion approximately two mile-long sections are completed with four miles to go, then there is a further section from 599 to the wastewater treatment plant. She estimated there were 40 landowners affected in the stretch from Siler Road to San Ysidro Crossing, and another five or six larger landowners in the southern portion. She said there are multiple approaches to acquiring the property. Where substantial restoration has to be done it is more appropriate to purchase the land rather than having it in a conservation easement. She explained a \$3.5 million bond just sold and that will go a long way toward completing the project.

Chair DeAnda asked if all of the landowners mentioned are in the county. Ms. Baker said they are currently, but some will be annexed. Those in the Village of Agua Fria will remain in the county. Coordination with the City will be required.

There was no one in the audience wishing to speak and the public hearing was closed.

Member Anaya asked if a joint powers agreement between the City and County was required for this project. Attorney Trujillo said no building was occurring; this was only a variance for a lot split.

Member Martin moved to approve Case #V 11-5090 with the seven conditions from staff. Member Pato seconded and the motion carried unanimously [7-0].

[The committee recessed from 6:15 to 6:20.]

**G. CDRC CASE # APP 10-5270 Windmill Water Business License Appeal. Leon And Diana Richter, Appellants, Joseph M. Karnes (Sommer, Karnes & Associates, LLP), Agent, Request an Appeal of the Land Use Administrators Decision to Deny a Modification of a Home Occupation Business License. The Property is Located at 2042 Highway 333 in Edgewood, within Sections 34 & 35 Township 17 North, Range 7 East, within Commission District 3**

Jose Larrañaga read the caption and gave the staff report as follows:

“On December 21, 1995, the Land Use Administrator approved a home occupation business license, subject to conditions, for Windmill Water, Inc. Prior to approval of the home occupation business license it was determined that the



**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*

Wayne Dalton  
Permits and Enforcement Manager  
Grown Management Department  
Santa Fe County  
Po Box 276  
Santa Fe, NM 87501

March 10, 2011

Dear Mr. Dalton,

I am writing to request approval of a lot split of 1673 Camino McMillin to allow the Santa Fe County Open Space and Trails Program to purchase a portion of the property to create public open space along the Santa Fe River. The property is a portion of Lot 5, Section 32, T 17 N., R 9 E., and is located on the north bank of the Santa Fe River just west of Siler Rd. in Santa Fe County, NM, see enclosed plat and warranty deed.

The owner of the property, Ms. Suzanne Teng, is willing to sell the portion of her property that borders the Santa Fe River to the County for open space and has provided a letter of consent for the Open Space and Trails Program to submit this application for a lot split of her property. Please see enclosed letter from Ms. Teng.

The property currently encompasses 2.554 acres in the Village of Agua Fria Low-Density Urban Zone. The minimum lot size in the Urban Zone is one dwelling unit per 2.5 acres. The proposed lot split will create two lots that are each less than 2.5 acres, one of which will have two existing dwelling units on 1.51 acres and therefore will require a variance. The Village of Agua Fria Zoning District, Santa Fe County Ordinance No. 2007-2 supports preservation of the Santa Fe River as open space. Section 10-7 A. 2 states that "Developments must preserve distinctive natural features such as the Santa Fe River, and primary open space corridors."

There are three structures currently on the property; a 2,800 square foot adobe house, a 975 square foot straw bale guest house and RV garage, and a detached two car garage. There is also a small corral or dog run and a small well house on the property. The main house and guest house have a shared well, but are on separate septic tanks. Access to the property is off of Camino McMillin from Quail View Lane, which intersects with West Alameda just west of the Siler Rd. roundabout.



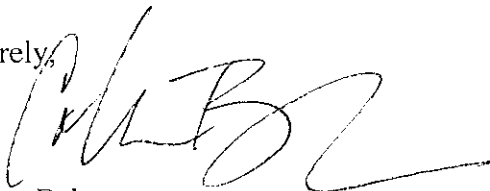
The owner has permission from the City of Santa Fe to access her property from Camino McMillin through the adjacent property that the City purchased for the Richard's Ave -- West Alameda Extension project. The County Open Space and Trails Program has submitted a request to the City to grant an ingress and egress easement across the City owned parcel to provide legal access to the new lot that would be created by the proposed lot split.

The proposed lot split divides the current 2.554 acre lot into two parcels. The owner will retain Lot 5-A, 1.51 acres with all of the structures, see the enclosed draft plat of the lot split. The Open Space and Trails Program will purchase Lot 5-B, 1.04 acres encompassing the Santa Fe River floodplain. The lot split is solely for the purpose of creating public open space along the Santa Fe River. The lot split will not be recorded until and unless the purchase by the County is completed. The proposed lot will be used exclusively for open space, river restoration, habitat enhancements, public trails and related amenities such as benches and drinking fountains. There is a historic windmill on Lot 5-B that the Open Space and Trails Program plans to improve and maintain. If appropriate a note will be put on the plat of the lot split identifying Lot 5-B as open space and restricting its use accordingly.

The Open Space and Trails Program is working to implement a long range plan to acquire land along the Santa Fe River to create a greenway of public open space and trails from downtown Santa Fe to the Waste Water Treatment Plant. The proposed lot split of 1673 Camino McMillin is necessary for the County to purchase this portion of the river.

Please call me if you have any questions or need additional information, (505) 992-9868.

Sincerely,

A handwritten signature in black ink, appearing to read 'CB', with a long horizontal flourish extending to the right.

Colleen Baker  
Program Manager  
Santa Fe County Open Space and Trails

# SANTA FE COUNTY

## *Ordinance No. 2007 - 2*

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AN ORDINANCE AMENDING ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS, OF THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, AS AMENDED, TO ADD A NEW SECTION 10, VILLAGE OF AGUA FRIA ZONING DISTRICT

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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS (AS AMENDED), IS HEREBY AMENDED TO ADD A NEW SECTION 10, AS FOLLOWS:

### **Sec. 10. VILLAGE OF AGUA FRIA ZONING DISTRICT**

#### 10.1 Applicability of Ordinance

- A. This Ordinance applies within the territory identified in Section 10.2 herein. The Santa Fe County Land Development Code, Ordinance 1996-10, (as amended) (herein referred to as "the Code") shall be applicable to all property within the Village of Agua Fria Zoning District, except those specifically set forth in this Ordinance.
- B. This Ordinance shall apply to an existing approved master plan and shall apply to an application for approval of a master plan, preliminary development plan or preliminary plat.

#### 10.2 Location of Zoning District Boundaries

- A. The Village of Agua Fria Zoning District consists of all property within the area described on the Village of Agua Fria Zoning District Map (Attachment A).

#### 10.3 Purpose

- A. The Village of Agua Fria Zoning District is intended to implement the planned land use goals, strategies and overall intent of the Village of Agua Fria Community Plan, Resolution 2006 - 116, adopted and approved by the Board of County Commissioners on June 11, 2006.
- B. The Village of Agua Fria Zoning District is intended, in part, to implement the planning policies of the Growth Management Plan's "Traditional and Contemporary Communities" land use designation.
- C. The Village of Agua Fria Zoning District Ordinance will be formally reviewed by a committee established by Santa Fe County Land Use Department at least once every five years. Santa Fe County Planning Division staff will provide support and help to coordinate the committee formation process. The review by the Agua Fria Committee may include recommendations to amend the plan and ordinance.





#### 10.4 Village of Agua Fria Zoning Subdistricts Established

The following Village of Agua Fria Zoning Subdistricts are hereby established and approved for use in the Village of Agua Fria Zoning District:

Village of Agua Fria Zoning Subdistricts
Agua Fria Low-Density Urban Zone (AFLDUZ)
Agua Fria Traditional Community Zoning District (AFTCZD)

#### 10.5 Village of Agua Fria Zoning District Use Table

##### A. Principal Uses

##### **P Permitted Uses**

A "P" indicates that a use is allowed by right in the subdistrict, in accordance with an administrative approval. Permitted uses are subject to all other applicable regulations of this Code. Application for a development permit is not required for agricultural, grazing and ranching uses as set forth in Article III, Section 1, Agriculture, Grazing and Ranching Uses.

##### **C Conditional Uses**

A "C" indicates that a use is allowed only if a Development Plan is reviewed and approved by the Agua Fria Development Review Committee (AFDRC), County Development Review Committee (CDRC) or applicable Local Development Review Committee (LDRC), in accordance with the applicable procedures of this Code. Conditional Uses are subject to all other applicable regulations of this Code.

##### **S Special Uses**

An "S" indicates that a use is allowed only if a Development Plan and Master Plan are reviewed and approved by the Board of County Commissioners, in accordance with the applicable procedures of this Code. Special Uses are subject to all other applicable regulations of this Code.

##### **Uses Not Allowed**

A blank cell (one without a "P", "C" or "S") indicates that a use type is not allowed in the subdistrict.

##### **Uses Not Listed**

##### B. Use Categories

(Section Reserved)

##### C. Accessory Uses

Accessory uses are subject to applicable provisions of the Code.

##### D. Temporary Uses

Temporary uses are subject to applicable provisions of the Code.

**Commentary:** Use Standards must meet requirements outlined in the Santa Fe County Land Development Code, as amended. The Use Table, below, is organized into 5 major use groups: Residential Use, Public, Civic and Institutional Use, Retail, Service and Commercial Use, Industrial Use, and Open Use. Each major use group is further divided into specific uses. The use category system is based on common functional, product or compatibility characteristics, thereby regulating uses in accordance with criteria directly relevant to the public interest. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.

Use Categories	Specific Uses	Agua Fria Low-Density Urban Zone (AFLDUZ)	Agua Fria Traditional Community Zoning District (AFTCZD)	Use Standards
<b>Residential Use Categories</b>				
Household Living	All household living not listed below	P	P	
	Single-family dwellings and manufactured homes	P	P	
	Two-family dwellings (duplexes)	P	P	
	Multi-family dwellings	C	S	
	Manufactured home communities and subdivisions	C	S	
	Mobile homes	P	P	
	Upper floor residential	P	P	
Group Living	All group living not listed below	C	S	
	Community residential homes (6 or fewer residents)	P	P	
	Community residential homes (7-14 residents)			
	Community residential homes (>14 residents)			
	Family compounds	P	P	
<b>Public, Civic, and Institutional Use Categories</b>				
Place of Worship	All places of worship	C	C	
Day Care	All day care not listed below (See also Sec. Accessory Home-based)	C	C	
	Day care (13 or more adults or children)	C	C	
Community Service	All community services not listed below	C	C	
	Community facilities	C	C	
	Libraries	C	C	
	Museums	C	C	
	Philanthropic institutions	C	C	
	Senior centers	C	C	
	Educational Facilities	All educational facilities not listed below	C	C
Elementary schools		C	C	
Middle or high schools		C	C	
Colleges or universities		S	S	
Business and vocational schools		S	S	
Government Facilities	All government facilities not listed below	C	C	
	Emergency services	P	P	
	Jail or prison	S		
	Post office	C	C	
Parks and Open Spaces	All parks and open space not listed below	C	C	
	Cemeteries, columbaria, mausoleums, memorial parks	C	C	
	Public parks	P	P	

Use Categories	Specific Uses	Agua Fria Low-Density Urban Zone (AFLDUZ)	Agua Fria Traditional Community Zoning District (AFTCZD)	Use Standards
Passenger Terminal	All passenger terminals not listed below	S	S	
	Airports			
	Airports or heliports, private			
Social Service Institutions	All social service institutions	S	S	
Utilities	Utilities not listed below	C	C	
	Major utilities	S	S	
	Minor utilities	C	C	
	Telecommunications facilities	C	C	
<b>Retail, Service and Commercial Use Categories</b>				
Entertainment Events, Major	All major entertainment events, not listed below			
	Fairgrounds	S	S	
Medical Services	All medical services not listed below	C	C	
	Hospitals	S	S	
	Medical and dental offices/clinics	C	C	
	Emergency medical offices	C	C	
Office	All offices not listed below			
	Offices (<5,000 square feet)	C	C	
	Offices (>5,000 to 50,000 square feet)			
	Office uses (>50,000 square feet)			
Parking, Commercial	All commercial parking lots and garages		S	
Transient Accommodations	All transient accommodations not listed below			
	Inns and bed and breakfasts (<7 units)	C	C	
	Inns and bed and breakfasts (7-12 units)	C	C	
	Hotels and motels (>12 units)			
	Resorts (with or without conference centers)	S	S	
Indoor Recreation	All indoor recreation not listed below	S	S	
	Adult entertainment			
	Convention or conference center	S	S	
	Private clubs and lodges (not-for-profit)	S	S	
	Entertainment and recreation, indoor		S	
Outdoor Recreation	All outdoor recreation not listed below			
	Golf courses	S	S	
	Recreational uses, outdoor	C	C	
	Outfitter and guide services	S	C	
	Racetracks, animal			
	Racetracks, motorized			
	Recreational vehicle park/campground	C	C	
	Riding academies and public stables	S	C	

Use Categories	Specific Uses	Agua Fria Low-Density Urban Zone (AFLDUZ)	Agua Fria Traditional Community Zoning District (AFTCZD)	Use Standards
	Stadiums			
Restaurants and Bars	All restaurants and bars not listed below			
	Restaurants (See also Home Restaurants)		C	
	Restaurant, serving beer, wine, or liquor		S	
	Taverns and bars			
Retail Sales and Service	All indoor retail sales and services not listed below			
	Art galleries or dealers	C	C	
	Appliance, bicycle, jewelry, shoe or watch repair		S	
	Convenience stores		S	
	Exercise or dance studios		C	
	Farmers Markets	C	C	
	Gasoline and fuel sales			
	Greenhouses or nursery, retail	C	C	
	Liquor stores			
	Outdoor markets			
	Personal service establishments	C	S	
	Retail establishments, indoor <5,000sf		S	
	Retail establishments, indoor >5,000sf to 50,000sf			
	Retail establishments, indoor >50,000			
	Vehicle parts and accessories			
	Video and DVD rental establishments	C	C	
	Vehicle Sales and Service	Vehicle sales and service not listed below		
Vehicle service, general			C	
Vehicle service, intensive				
Vehicle sales and leasing				
Storage	Storage not listed below			
	Mini-storage units		C	
<b>Industrial Use Categories</b>				
Industrial Sales and Service	Industrial sales and service not listed below		S	
	Arts and Crafts			
	Manufactured home sales and service			
	Building and Landscaping	S	C	
	Woodworking, including cabinet makers and furniture manufacturing	S	C	
Warehouse and Freight Movement	Warehouse and freight movement not listed below		S	
	Transport and shipping			
	Truck stops			

Use Categories	Specific Uses	A g u a F r i a Low-Density Urban Zone (AFLDUZ)	A g u a F r i a Traditional Community Zoning District (AFTCZD)	Use Standards
	Outdoor storage yards			
Waste-related Services	Waste-related services not listed below			
	Landfills			
	Recycling facilities			
Wholesale Trade	Wholesale trade not listed below		C	
	Equipment rental			
	Mail-order houses	C	C	
Heavy Industrial	All heavy industrial			
Resource Extraction	All resource extraction not listed below			
	Mining and extractive uses			
	Sand and gravel operations	S		
<b>Open Use Categories</b>				
Agriculture	All agriculture not listed below	P	P	
	Agriculture, grazing and ranching	P	P	
Agricultural Business	All agricultural business not listed below			
	Animal boarding or training (large animals)		C	
	Animal boarding, kennels, shelters (small animals)		S	
	Animal breeding (commercial) and development			
	Animal hospital or veterinarian (large animal)		S	
	Animal hospital or veterinarian (small animal)			
	Animal processing, packing, treating, and storage			
	Animal raising (commercial)		S	
	Dairy farm or milk processing plant, commercial			
	Greenhouse or nursery (wholesale)	C	S	
	Feed lot, commercial			
	Livestock auctions or stock yards			
	Livestock or poultry slaughtering or dressing			
	Processing of food and related products		C	
	Retail Sales of farm equipment and supplies			
	Packing house for fruits or vegetables		C	
Tree or sod farm, retail or wholesale	C	S		

## 10.6 Density and Dimensional Standards

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

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

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

Notes:

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

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



## 10.7 Supplemental Use Regulations

The following standards shall apply to all new development in the Village of Agua Fria Zoning District:

### A. Preservation of Community Character

1. Clustering of structures is encouraged to preserve natural open areas; and
2. Developments must preserve distinctive natural features such as the Santa Fe River, and primary open space corridors.

### B. Non-Residential Standards

1. Maximum Square Footage - Non-residential development may not exceed 5,000 square feet, with the exception of small grocery stores, which may request up to 10,000 square feet.
2. Setbacks - Non-residential developments shall be set back no less than 25 feet from the property line of existing residential properties.
3. Parking - No parking may be provided within 5 feet of property lines.

### C. Home Business

Home businesses, including but not limited to, retail shops, galleries, offices or restaurants, may be allowed as accessory uses to single-family dwellings and are a conditional use subject to the approval of a conditional use permit. A home business shall comply with the following:

1. A Site Development Plan is required.
2. Not more than 2,500 square feet shall be dedicated to the home business use.
3. The owner of the business shall reside on-site.
4. No more than 6 persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home business.
5. The business shall not be disruptive of the residential character of the neighborhood.
6. All outdoor storage shall be screened and there shall be no more than 1,000 square feet of such storage related to the home business.
7. Home businesses may have a maximum of one sign.
8. No equipment or process shall be used that significantly interferes with the existing use of property in the adjacent area.
9. The business shall not create any disturbing or offensive activity, noise, vibration, smoke, dust, odor, heat, glare, or other unhealthy or unsightly condition.
10. The home business shall not create a traffic or parking problem.
11. Off-street parking shall be required for employees, customers, and clients of the home business.

### D. Home Restaurants

Home Restaurants shall be permitted but shall comply with the requirements outlined in this Ordinance in addition to the following:

1. Drive up or drive through shall not be allowed.
2. Liquor sales are prohibited.
3. Beer and wine sales are allowed provided that all applicable State requirements are met.

- E. Nonconforming Uses  
Notwithstanding the provisions of Article II, Section 4 or Article III, Section 4.2.4 of the Code, as amended, nonconforming legal uses which have previously been expanded under the Code shall not be allowed further expansion.
- F. Additional requirements for all development  
Requests for development shall be evaluated for compliance with all applicable provisions of the Code. Any conflicts between development requirements set forth in this ordinance and the Code shall be resolved in favor of the requirements of this ordinance.

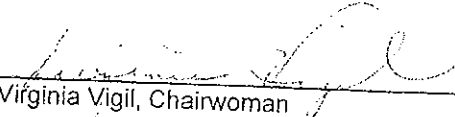
## 10.8 District Standards

- A. Water
  - 1. All new residential land divisions and subdivisions using ground water from a domestic well shall limit water consumption to .25 acre-feet of water per year per dwelling unit and appropriate restrictions to this effect shall be imposed during the approval process.
- B. Wastewater
  - 1. Existing residential or non-residential uses whose parcel boundary is within 200 feet of a public sanitary sewer line that can be accessed by gravity flow shall connect to that line.
  - 2. When property in the planning area is divided, whether by rezoning, variance, family transfer or otherwise, the applicant shall furnish complete and accurate documentation to the County that demonstrates that facilities are in compliance with all New Mexico Environment Department regulations and that all necessary permits have been obtained.

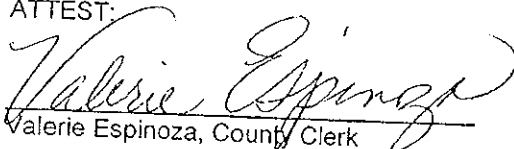
## 10.9 Special Community Notice and Procedural Requirements

- A. Posting  
In addition to County Code requirements, notice of pending applications for land divisions, family transfers, subdivisions, rezoning, home businesses, non-residential uses or other applications requiring committee review, shall be prominently posted and maintained in a manner most visible to community and adjacent neighbors.
- B. Pre-application Review  
In addition to County Code requirements, applicants for any subdivision with 5 or more lots, or non-residential development shall hold a pre-application meeting in the community to present the development concept and gather public comments and concerns about the development.
  - 1. The applicant shall publish notice of the time, place and purpose of the meeting in a newspaper of general circulation in the community and shall mail notice to neighborhood organizations within the Village of Agua Fria that are on the list of neighborhood associations maintained by the Santa Fe County Land Use Department, and to all property owners within 100 feet (excluding rights-of-way) of the subject property. The property shall be posted as set forth above.
  - 2. The applicant shall record the meeting proceedings and submit a written record to the County along with the application for development.

PASSED, ADOPTED AND APPROVED this 13 day of March, 2007, by the Santa Fe County Board of County Commissioners.


  
Virginia Vigil, Chairwoman

ATTEST:

  
Valerie Espinoza, County Clerk



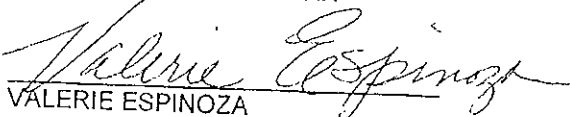
APPROVED AS TO LEGAL FORM:

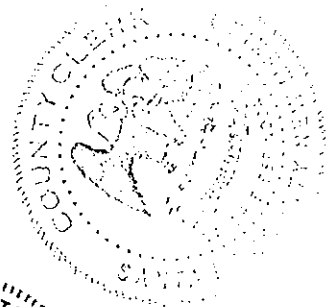
  
Stephen C. Ross, County Attorney

**CERTIFICATE OF FILING**

I, Valerie Espinoza, County Clerk, do hereby certify that the foregoing ordinance, designated as Ordinance, No. 2007 - 2, was filed in my office on the 5<sup>th</sup> day of March, 2007, in Instrument No. 1477602.

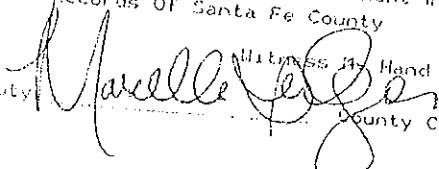
SANTA FE COUNTY CLERK

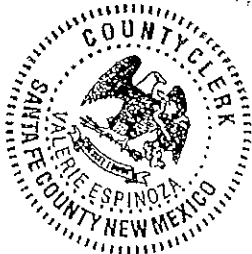
  
VALERIE ESPINOZA



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss BCC ORDINANCE  
PAGES: 11

I Herby Certify That This Instrument Was Filed for Record On The 5TH Day Of April, A D., 2007 at 08:29 And Was Duly Recorded as Instrument # 1477602 Of The Records Of Santa Fe County

Deputy  Witness In Hand And Seal Of Office Valerie Espinoza County Clerk, Santa Fe, NM





### 2.5 Zoning

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

### 2.6 Subdivisions

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

### 2.7 Other Requirements

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

## → SECTION 3 - VARIANCES

### 3.1 Proposed Development

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

### 3.2 Variation or Modification

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

### 3.3 Granting Variances and Modifications

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

### 3.4 Height Variance in Airport Zones

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







Variance 11-5090

1673 Camino McMillin

4/8/2011







Variance 11-5090

1673 Camino McMillin

4/8/2011



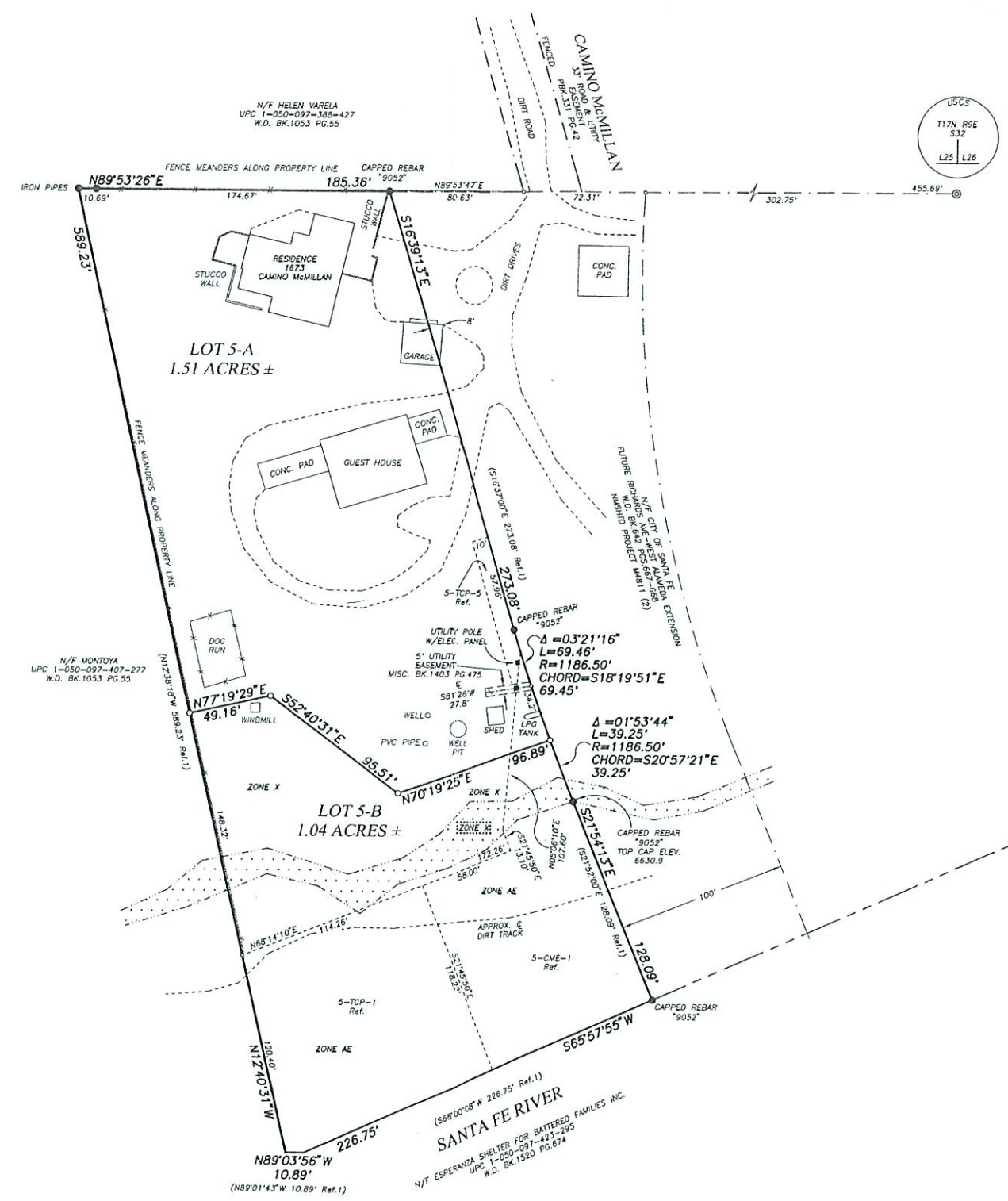
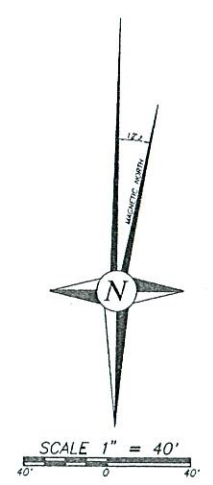
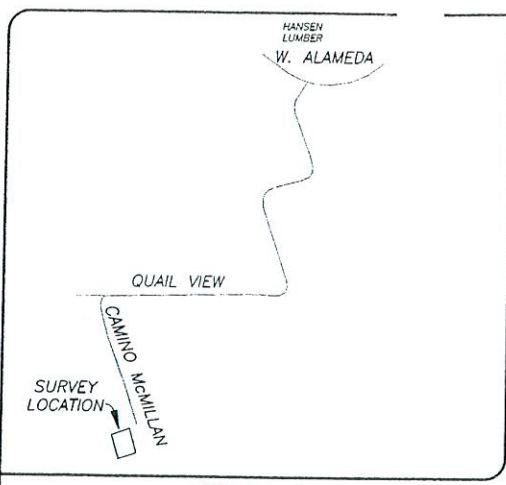


Variance 11-5090

1673 Camino McMillin

4/8/2011





**LEGEND/DEED-PLAT REFERENCES**

- 1) REFERENCE A PLAT OF SURVEY TITLED, "BOUNDARY SURVEY PLAT FOR JUDITH SYKE LAVENDAR, ON A PORTION OF LOT 5, SECTION 32, T-17-N, R-9-E, N.M.P.M., SANTA FE COUNTY, NEW MEXICO," DATED 07/16/02 BY DAVID E. COOPER, N.M.L.S. 9052 AND FILED FOR RECORD IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BOOK 507, PAGE 32
- 2) REFERENCE A WARRANTY DEED FILED FOR RECORD IN THE OFFICE OF THE SANTA FE COUNTY CLERK AS INSTRUMENT No. 1397589 ON 09/09/05

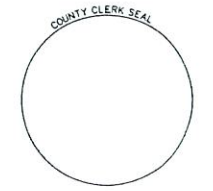
- MONUMENT FOUND AND USED AS NOTED
- CAPPED REBAR "13054" SET
- COMPUTED POINT
- ⊙ U.S. CADASTRAL SURVEY/BLM BRASS CAP
- △ CONTROL MONUMENT
- ↗ UTILITY POLE, OVERHEAD UTILITY LINES, AND POLE GUY ANCHOR WHERE APPLICABLE

**NOTES:**  
 BASIS OF BEARING IS GEODETIC AZIMUTH BASED ON GPS OBSERVATIONS. ANY MONUMENTED LINE NOTED HEREON MAY BE UTILIZED AS A LOCAL BASIS OF BEARINGS.  
 BEARINGS ARE NM STATE PLANE CENTRAL ZONE - NAD83 DISTANCES ARE REFERRED TO 6800' AMSL DISTANCES ARE GROUND COMBINED SCALE FACTOR 0.999583883  
 ACCORDING TO FEMA FIRM PANEL 35049C 0392D THIS PROPERTY LIES WITHIN ZONES AE, X (HATCHED) AND X.  
 ZONE AE - BASE FLOOD ELEVATIONS DETERMINED  
 ZONE X (HATCHED) - AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD  
 ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN  
 THESE DESIGNATIONS DO NOT GUARANTEE THAT THE PROPERTY WILL BE FREE FROM FLOODING OR FLOOD RELATED DAMAGES

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THIS LAND DIVISION SURVEY PLAT AND THE FIELD SURVEY ON WHICH IT IS BASED WAS MADE BY ME OR UNDER MY PERSONAL DIRECTION AND CONTROL, AND THAT THE DATA SHOWN HEREON ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS. FIELD WORK COMPLETED IN 03/2010. IMPROVEMENTS ARE CURRENT AS OF THE DATE OF THIS SURVEY.

PRELIMINARY - FOR REVIEW ONLY  
 04-19-2010  
 JEFFERY L. LUDWIG N.M.L.S. 13054 DATE



COUNTY OF SANTA FE  
 STATE OF NEW MEXICO  
 I hereby certify that this instrument was filed for record on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ m. and was duly recorded in book \_\_\_\_\_ of the records of Santa Fe County.  
 Witness my hand and Seal of Office  
 Valerie Espinoza  
 County Clerk, Santa Fe County, N.M.  
 \_\_\_\_\_ Deputy

CORNERSTONE LAND SURVEYING  
 JEFFERY L. LUDWIG  
 N.M.L.S. No. 13054  
 505-690-7010 CELL  
 505-471-5477 OFFICE  
 P.O. BOX 8348  
 SANTA FE, NEW MEXICO 87504

SECTION(s)	32
TOWNSHIP	T-17-N
RANGE	R-9-E
GRANT	N/A
N.M.P.M.	

LAND DIVISION SURVEY PLAT	
PREPARED FOR	
IAN J. & AMY JOANNE JOE	
OF	
A PORTION OF LOT 5	
COUNTY OF SANTA FE, NEW MEXICO	
SCALE	1" = 40'
DATE	04/19/10
DRAWN-BY	J.L.L.
CHECKED-BY	J.L.L.
PROJECT No.	SFC10-002LD

**CONSENT AFFIDAVIT**

KNOW ALL PERSONS BY THESE PRESENTS:  
 THAT THE UNDERSIGNED OWNERS AND PROPRIETORS HAVE REVIEWED THIS PLAT, SAID PLAT WAS PREPARED TO SHOW A LAND DIVISION OF A PORTION OF LOT 5, SECTION 32, T-17-N, R-9-E, N.M.P.M., ALL AS SHOWN HEREON LYING WITHIN THE COUNTY OF SANTA FE, NEW MEXICO. ALL THAT APPEARS ON THIS PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS. MAINTENANCE OF THE ACCESS EASEMENTS AS SHOWN HEREON IS TO BE THE RESPONSIBILITY OF THE LAND OWNERS.

IAN W. JOE \_\_\_\_\_ DATE \_\_\_\_\_  
 AMY JOANNE JOE \_\_\_\_\_ DATE \_\_\_\_\_  
 STATE OF NEW MEXICO }  
 COUNTY OF SANTA FE }  
 ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY THE PERSON(S) WHOSE NAME(S) APPEAR ABOVE.  
 NOTARY PUBLIC \_\_\_\_\_ COMMISSION EXPIRES \_\_\_\_\_

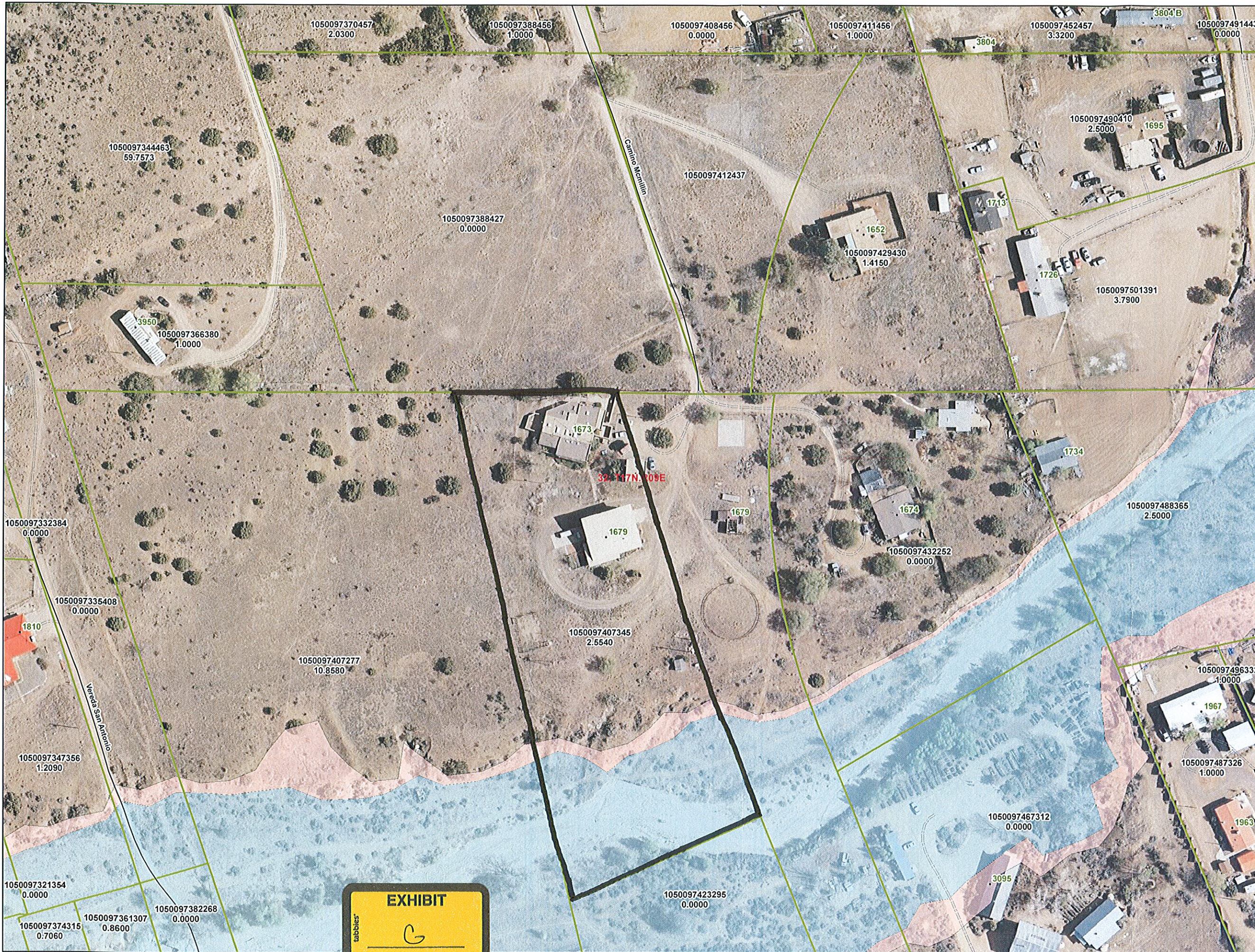
**COUNTY OF SANTA FE APPROVAL NOTES & CONDITIONS**

COUNTY LAND USE ADMINISTRATOR \_\_\_\_\_ DATE \_\_\_\_\_  
 COUNTY DEVELOPMENT PERMIT No. \_\_\_\_\_  
 COUNTY RURAL ADDRESSING \_\_\_\_\_ DATE \_\_\_\_\_  
 COUNTY ASSESSOR \_\_\_\_\_ DATE \_\_\_\_\_

UPC 1-050-097-446-483  
 INDEXING INFORMATION FOR COUNTY CLERK



# Map of Property in Santa Fe County



## Legend

- driveways
- Minor Roads
- Major Roads
- Parcels 11/15/2010
- Section Lines

## 2008 FEMA Flood

- 500 Year
- 100 Year

1:1,200

1 inch represents 100 feet



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

Orthophoto from 2008  
Contour Interval 2 Feet

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

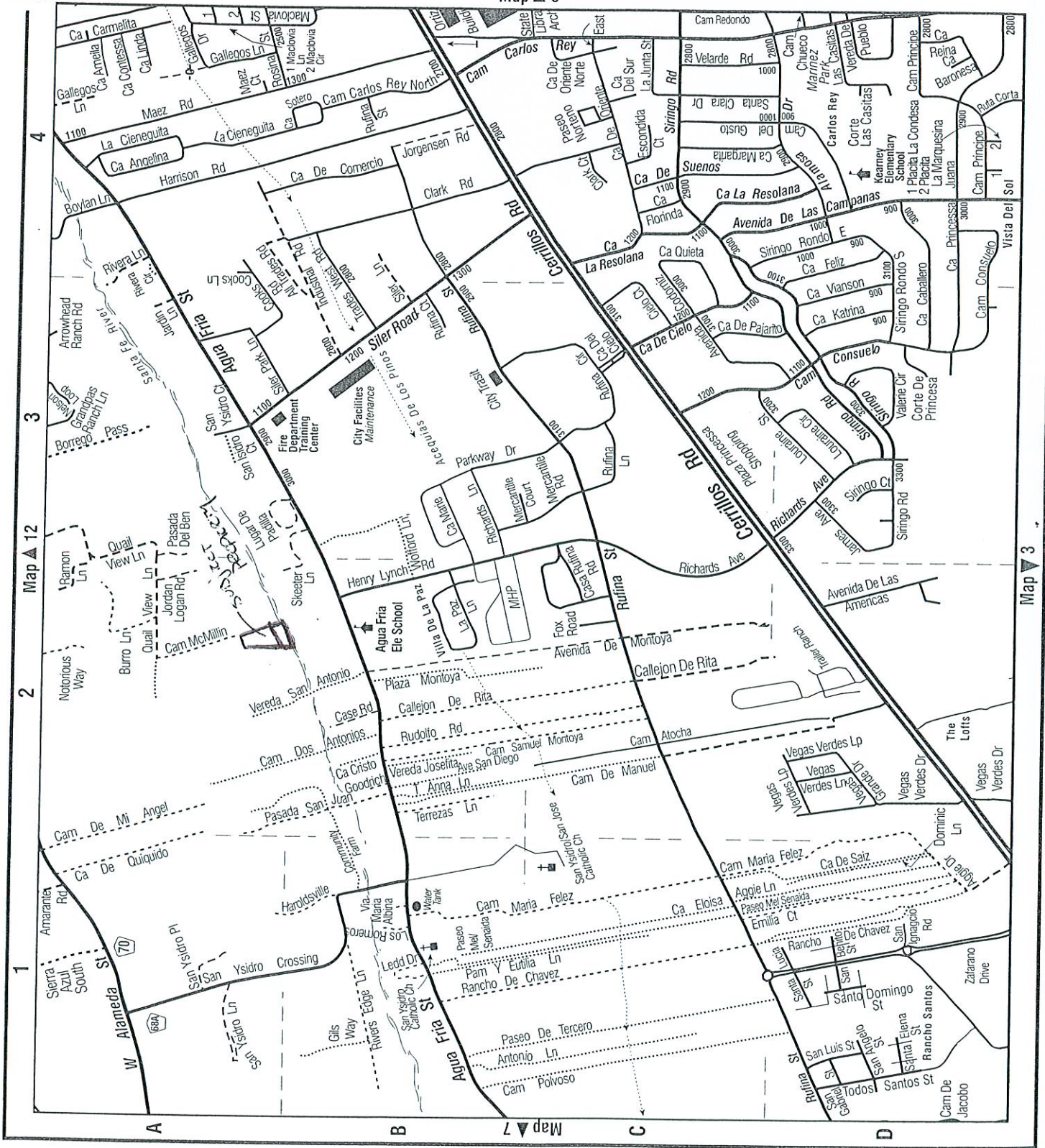


April 4, 2011

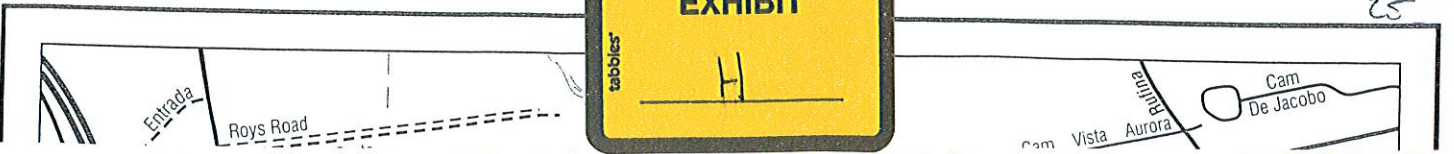
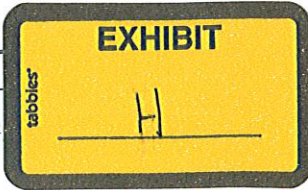
**EXHIBIT**  
tabbies  
G



Map 9



Map 3



April 18, 2011

County Land Use Administrator

P.O. Box 276

Santa Fe, NM 87505

**RE: CDRC Case # V 11-5090**

Dear Administrator:

Thank you for the notification of public hearing on April 21, 2011 regarding a variance for the division of lot requested by Suzanne Teng. As I work during the time of the hearing, I will not be able to attend.

I have several questions regarding this matter:

- 1) The letter states allowing 2 dwelling units on 1.51 acres. Please clarify if those are the existing buildings and the 1.51 acre lot is the north section of the property. Are there one or two dwellings allowed on the 1.04 acre lot?
- 2) This is not a request for variance in zoning; is that correct? The use is only residential?
- 3) The current "road" (Camino McMillin) to the properties is unpaved and unmaintained and at times of the year (during heavy rains or snow melt) it becomes fragile and somewhat impassable. Another property using this road will create more wear, both during any construction period and consequent habitation. I would like to have that concern addressed by the applicant.

Thank you.



Linda Swanson & Ed Visser

Owners, adjacent property

