



SANTA FE COUNTY
LEGAL DEPARTMENT
MEMORANDUM

To: The Board of County Commissioners
Katherine Miller, County Manager

From: Stephen C. Ross, County Attorney

Date: April 18, 2011

Re: Rezoning of Polk Property

Section 2(c) of the annexation Settlement Agreement (2008) between the Board of County Commissioners, the City of Santa Fe, and Los Soleras, specifies that "... the rural residential zoning prevalent ... [in annexation Area 1 and 12] shall be respected by the City following annexation and urban densities shall not be established within Area 1 or Area 12 during the term of this Agreement." Accordingly, the City of Santa Fe created a rural residential zoning classification within the City Code and the Extraterritorial Land Use Authority classified properties in its zoning ordinance (Ordinance No. 2009-01) using the newly created "RR" zoning classification. Although portions of Areas 1 and 12 received "RR" zoning, other areas received R-1, and still others received a variety of other classifications, including commercial. The zoning classifications assigned by the ELUA were pragmatic, property-by-property decisions, based on evidence of the use (and probable future use) of the property consistent with the overarching goals of the settlement agreement. It was not the view of the ELUA, or of City and County legal staff, that section 2(c) requires that *only* the RR zoning designation be applied within Area 1 and 12. Such a view would not be consistent with multiple tenets of common law.

The owners of the Polk property, near the intersection of Rodeo Road and Richards Avenue and within Annexation Area 12, have applied to the City of Santa Fe for rezoning of their property from the RR zoning assigned by ELUA to a commercial designation. The prevailing zoning in the immediate area is commercial (along Rodeo Road and Richards) and is primarily residential in the neighborhoods behind the intersection and generally in the Town and Country Subdivision.

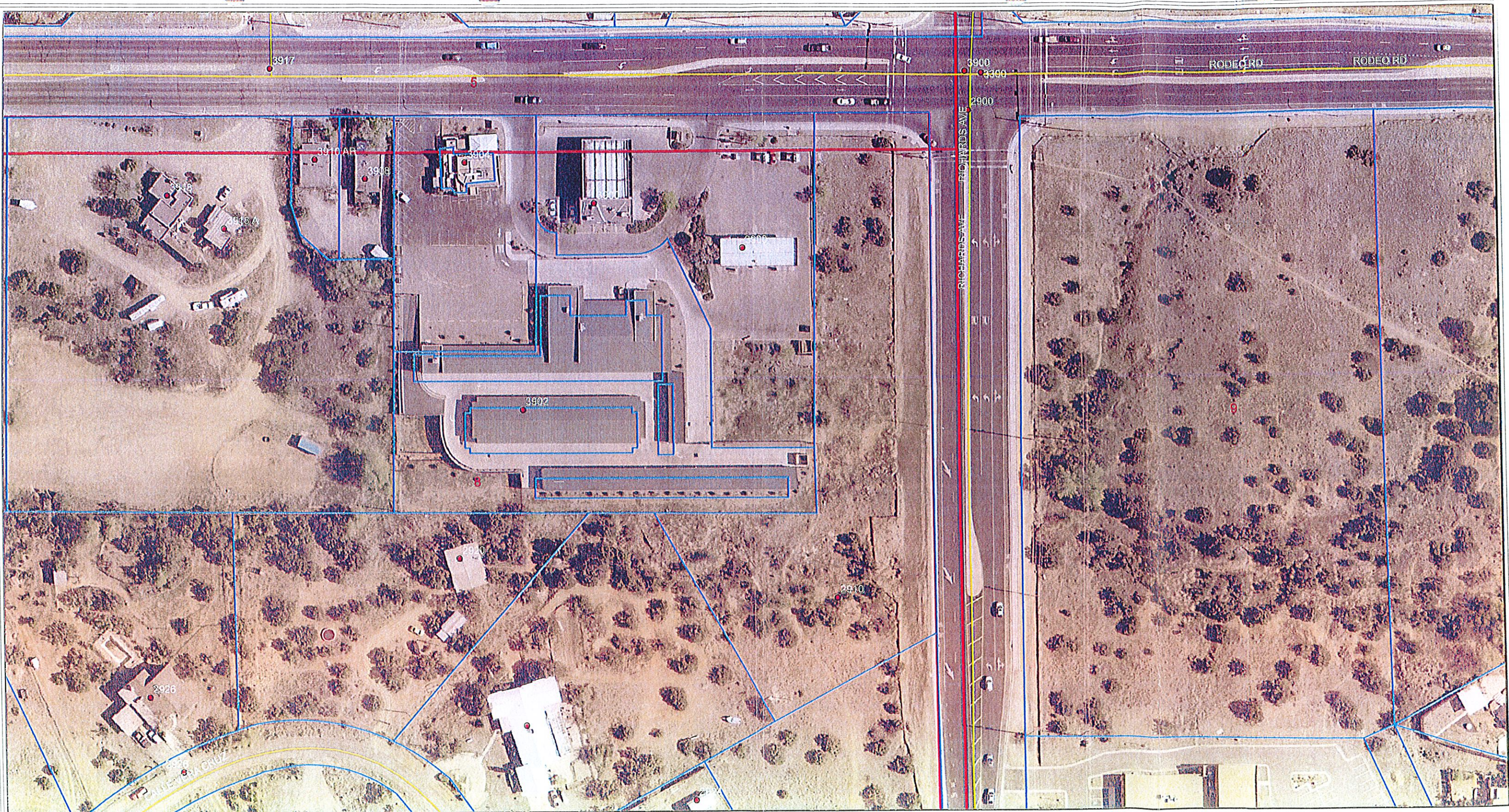
The City of Santa Fe is concerned that entertaining the request to rezone may violate the Annexation Agreement and is requesting consent of the Board of County Commissioners (see attached letter) to move forward.

During the development of the zoning ordinance for the extraterritorial zone, the ELUA recognized that uses and development patterns other than rural residential existed and must be respected. The key phrases in the settlement agreement ("... the rural residential zoning [that is] prevalent ..." and "... urban densities shall not be established ...") were viewed by the ELUA and City and County staff as permitting rezoning of areas within the extraterritorial zone consistent



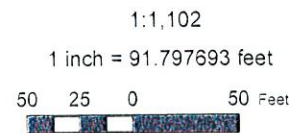
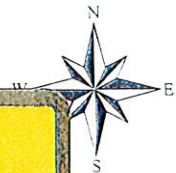
with the goals of the agreement and common law. This view of Section 2(c) of the settlement agreement, if accepted, means that the settlement agreement should not preclude the Polk property owners from seeking commercial zoning along a major collector within the area planned for rural residential, so long as the overall goals of the agreement (described above) are adhered to by the City when addressing the request. So, for example, if commercial zoning on this parcel would create urban densities or be inconsistent with the prevailing character of the area, the City might deny the request. Also, if a major commercial center were planned within an area now zoned RR, the City might properly deny that request as well. But, given the fact that the proposed rezoning adjoins multiple other commercial uses that were previously recognized by the ELUA and two major collectors and a major intersection, it does not seem inconsistent with the settlement agreement to describe this property as both appropriate for commercial development and consistent with the prevailing historical use of the general vicinity.

If the Board consents to this interpretation, the City of Santa Fe would make the final decision on the proposed zone change.



Legend

- Major
- Minor
- Parcels

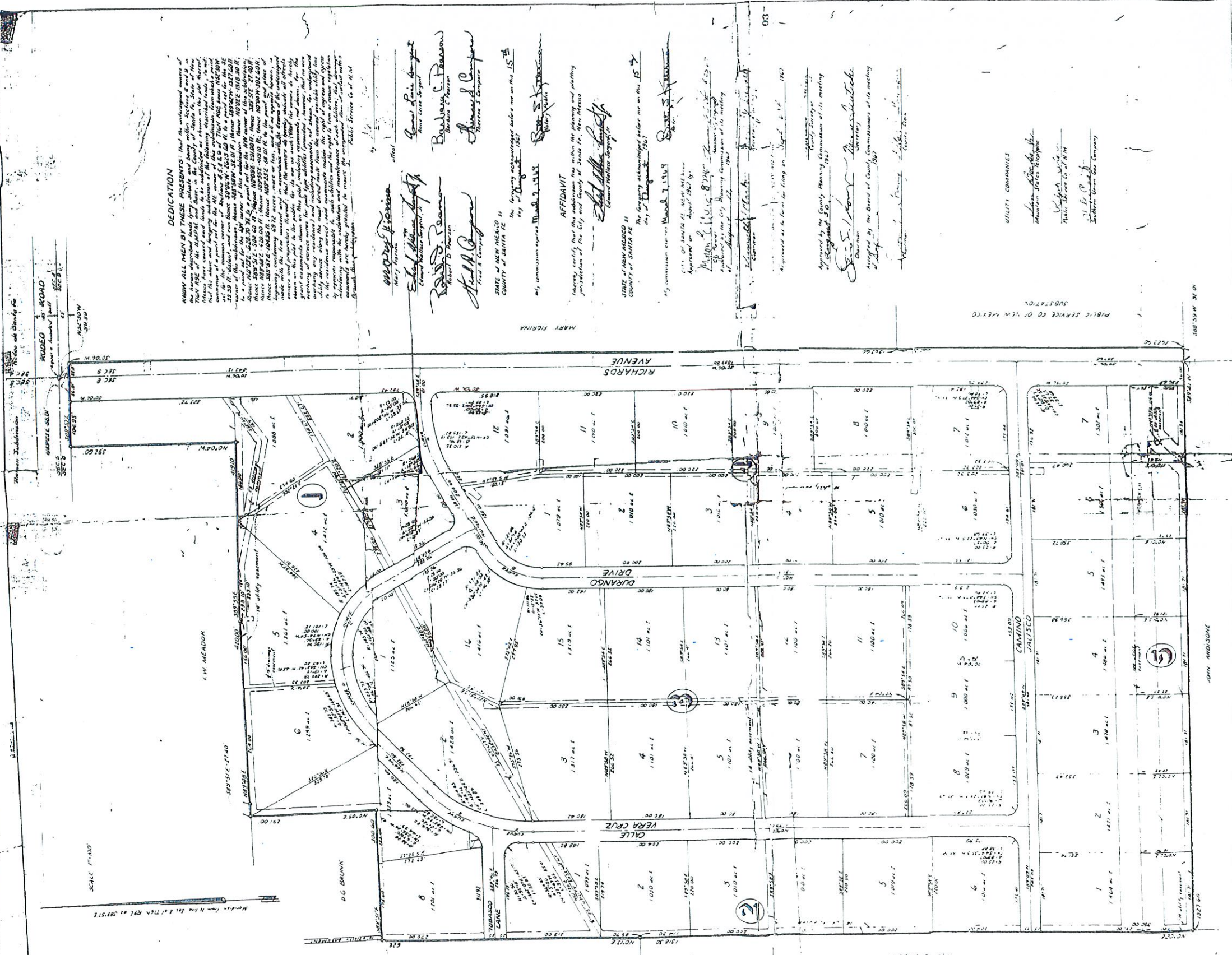


2008 Orthophotography

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



April 13, 2011



DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That the undersigned owners of the above described lands being within sections 8 and 9 in Township 33 North and Range 32 East in the County of Santa Fe, New Mexico, have caused the following subdivision of the following described lands, to wit: ...

WEDDINGTON & ASSOCIATES
PLANNERS
BY: *Walter J. Weddington*
Walter J. Weddington
RAYMOND P. RAYMOND
RAYMOND P. RAYMOND
RAYMOND P. RAYMOND
RAYMOND P. RAYMOND

STATE OF NEW MEXICO
COUNTY OF SANTA FE
My commission expires March 3, 1967
AFFIDAVIT
I hereby certify that the subdivision map within the planning and zoning jurisdiction of the City and County of Santa Fe, New Mexico, ...

STATE OF NEW MEXICO
COUNTY OF SANTA FE
My commission expires March 3, 1967
AFFIDAVIT
I hereby certify that the subdivision map within the planning and zoning jurisdiction of the City and County of Santa Fe, New Mexico, ...

By the County Planning Commission at its meeting of August 2, 1967
Approved by the Board of County Commissioners at its meeting of August 3, 1967
Approved as to form for filing on August 6, 1967

UTILITY COMPANIES
New Mexico Electric Company
New Mexico Gas Company
New Mexico Telephone Company

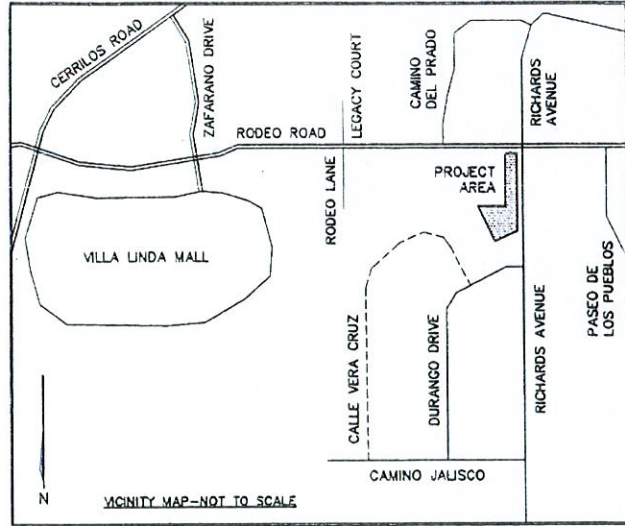
STREET & CURVE DATA

Curve	Radius	Stationing	Chord	Area
A	142.85	24+00.00 - 24+89.82	124.71	172.05
B	142.85	24+89.82 - 25+00.00	124.71	172.05
C	142.85	25+00.00 - 25+89.82	124.71	172.05
D	142.85	25+89.82 - 26+00.00	124.71	172.05
E	142.85	26+00.00 - 26+89.82	124.71	172.05
F	142.85	26+89.82 - 27+00.00	124.71	172.05
G	142.85	27+00.00 - 27+89.82	124.71	172.05

EXHIBIT

TOWN AND COUNTRY SUBDIVISION
SANTA FE COUNTY
NEW MEXICO

STATE OF NEW MEXICO
COUNTY OF SANTA FE
PLAT NO. 1967-100
DATE OF RECORDING
APR 11 1967
REGISTERED



Plat of Survey Boundary Survey prepared for
Western Investors, Ltp.
and
Polk Rodeo Properties, Ltd. Co.

BOUNDARY SURVEY OF LOT 1, BLOCK 1, TOWN & COUNTY SUBDIVISION
AS LAST SHOWN ON PLAT FILED IN S.F. COUNTY PLAT BOOK 17, PAGE 3
LYING WITHIN THE NE1/4 SECTION 8, T16N, R9E, NMPM
LOCATED AT 2910 RICHARDS AVENUE, S.W. OF THE CITY OF SANTA FE
IN THE COUNTY OF SANTA FE, STATE OF NEW MEXICO, U.S.A.

SANTA FE COUNTY PUBLIC NOTICE

THE SANTA FE COUNTY LAND USE ADMINISTRATOR HAS NOT REVIEWED THIS PLAT OF SURVEY BEFORE ITS FILING IN THE OFFICE OF THE COUNTY CLERK. THIS PLAT IS NOT BEING FILED FOR THE PURPOSE OF CREATING A SUBDIVISION OR NEW LOTS, ALTERING THE BOUNDARIES OF ANY EXISTING LOTS OR FOR THE PURPOSE OF "DEVELOPMENT" AS DEFINED IN THE SANTA FE COUNTY LAND DEVELOPMENT CODE, EXTRATERRITORIAL ZONING ORDINANCE OR EXTRATERRITORIAL SUBDIVISION REGULATIONS. THIS STATEMENT DOES NOT IN ANYWAY REPRESENT OFFICIAL COUNTY APPROVAL OF THIS PLAT.

- SUPPLEMENTAL CERTIFICATION**
- I FURTHER CERTIFY AS TO THE EXISTENCE OF THE FOLLOWING ON THE DATE OF THIS FIELD SURVEY:
- EVIDENCE OF RIGHTS OF WAY, OLD HIGHWAYS OR ABANDONED ROADS, LANES, TRAILS OR DRIVEWAYS, SEWER DRAINS, WATER, GAS OR OIL PIPELINES ON OR CROSSING SUBJECT PREMISES:
NONE VISIBLE.
 - SPRINGS, STREAMS, RIVERS, PONDS OR LAKES LOCATED, BORDERING ON OR THROUGH SUBJECT PREMISES:
NONE VISIBLE.
 - EVIDENCE OF CEMETERIES OR FAMILY BURIAL GROUNDS LOCATED ON SUBJECT PREMISES:
NONE VISIBLE.
 - OVERHEAD UTILITY POLES, ANCHORS, PEDESTALS, WIRES OR LINES OVERHANGING OR CROSSING SUBJECT PREMISES AND SERVING OTHER PROPERTIES:
LAMP POLE & TELEPHONE UTILITY PEDESTAL LOCATED OFF N.E. CORNER OF LOT 1. OVERHEAD UTILITY LINES AND UTILITY POLES LOCATED ALONG S.W. CORNER OF LOT 1. (SEE SHEET 2).
 - JOINT DRIVEWAYS OR WALKWAYS, JOINT GARAGES, PARTY WALLS OR RIGHTS OF SUPPORT, STEPS OR ROOFS IN COMMON OR JOINTS GARAGES:
NONE VISIBLE.
 - APPARENT ENCROACHMENTS OF BUILDINGS, PROJECTIONS, CORNICES OR SIGNS AFFIXED THERETO, FENCES OR OTHERS INDICATIONS OF OCCUPANCY APPEAR TO ENCROACH UPON OR OVERHANG SUBJECT PROPERTY:
NONE VISIBLE.
 - SPECIFIC PHYSICAL EVIDENCE OF BOUNDARY LINES ON ALL SIDES:
PROPERTY CORNER MONUMENTS FOUND AS NOTED ON ATTACHED SHEET NO. 2.
 - IS THE PROPERTY IMPROVED ? IF STRUCTURE APPEARS TO ENCROACH OR APPEARS TO VIOLATE SETBACK LINES:
PROPERTY IS NOT IMPROVED; LOT 1 IS CURRENTLY VACANT LAND. (SEE SHEET 2).
 - INDICATIONS OF RECENT BUILDING CONSTRUCTION, ALTERATIONS OR REPAIRS:
NONE VISIBLE.
 - APPROXIMATE DISTANCES OF STRUCTURES FROM AT LEAST TWO LOT LINES MUST BE SHOWN:
NONE VISIBLE.

SURVEYORS CERTIFICATION

I, PAUL A. ARMIJO, CERTIFY THAT I AM NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR NO. 13604, AND THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION IN FEBRUARY 2006 AND IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, CORRECT AND CONFORMS TO 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 PROFESSIONAL SURVEYORS.

I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT AND THAT THIS INSTRUMENT IS A BOUNDARY SURVEY PLAT OF AN EXISTING TRACT OR TRACTS.

Paul A. Armijo MARCH 14, 2006
PAUL A. ARMIJO, N.M.P.S. NO. 13604



DOCUMENTS OF REFERENCE

- NOTE: RECORDING DATA SHOWN BELOW REFERS TO RECORDING-
- SURVEY ENTITLED "TOWN AND COUNTRY SUBDIVISION, SANTA FE COUNTY, NEW MEXICO", BY G.D. HAYDEN NMPM NO. 4070, DATED AUGUST 8, 1967, FILED ON SEPTEMBER 19, 1967, IN PLAT BOOK 17, PAGE 003, AS DOCUMENT NO. 303,384.
 - SURVEY ENTITLED "RODEO ROAD NEIGHBORHOOD CENTER AND REPLAT OF TRACT-3 AND TRACT-4 LOCATED WITHIN SECTION 8, T16N, R9E, NMPM, SANTA FE COUNTY, NEW MEXICO", BY R.L. BENAVIDES NMPM NO. 5824 AND PROFESSIONAL LAND SURVEYING DATED MAY 1987, AS SURVEY NO. D-386, FILED ON JULY 20, 1987, IN PLAT BOOK 175, PAGE 026, AS DOCUMENT NO. 627,480.
 - WARRANTY DEED-LOT 1, BLOCK 1, TOWN AND COUNTRY SUBDIVISION. G. DUNCAN, L. SHAWVER & M. SHAWVER TO M.A. ABEYTA, K. ABEYTA, G.T. KARDAS, C. KARDAS, C.L. HENRY AND C. HENRY, FILED ON MAY 16, 1984, IN MISC. BOOK 490, PAGE 589, AS DOCUMENT NO. 541,706.

Document No. 1424035

COUNTY CLERKS INSTRUMENT BLOCK
COUNTY OF SANTA FE, STATE OF NEW MEXICO

I hereby certify that this instrument was filed
for record on the 14 day of MARCH A.D. 2006

at 12:52 o'clock P m, and was duly recorded in
Book 617, Page 47-48 of the Records of

Santa Fe County
Witness my Hand and Seal of Office
VALERIE ESPINOZA
County Clerk, Santa Fe County, New Mexico

DEPUTY *[Signature]*



NOTES-SHEET 1

- SEE SHEET NO. 2 FOR PLAT MAP.
- SFC ASSESSOR UPC NO. FOR THIS PROPERTY: 1-050-095-517-480.
- COMMITMENT FOR TITLE INSURANCE ON THIS PROPERTY ISSUED BY: LANDAMERICA CAPITOL CITY TITLE FILE NO. 6311002147.
- DATA SHOWN ON ADJOINING PROPERTIES IS BACKGROUND OR INFORMATIONAL IN NATURE AND IS NOT A SURVEY OF ADJOINING PROPERTIES.
- THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD HAZARD ZONE AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 350070 0011 B, DATED JULY 2, 1980.
- DATE OF FIELD SURVEY: FEBRUARY 14, 2006.
- THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

INDEXING INFORMATION FOR COUNTY CLERK
OWNER: WESTERN INVESTORS, LTP.
WARRANTY DEED: MISC. BK. 490, PAGE 589
LOCATION: LOT 1, BLOCK 1, TOWN & COUNTY SUBDIVISION
PLAT BK. 17, PG. 3, D.N. 303384
NE1/4 SECTION 8, T16N, R9E, NMPM
2910 RICHARDS AVENUE, S.W. OF SANTA FE
SANTA FE COUNTY, NEW MEXICO, U.S.A.

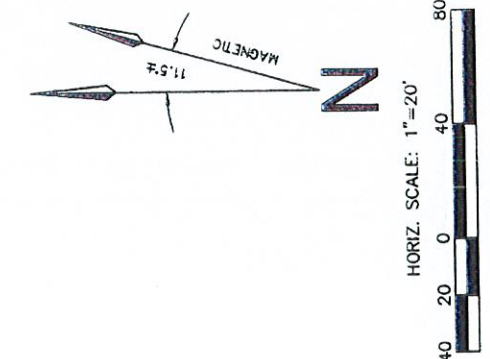
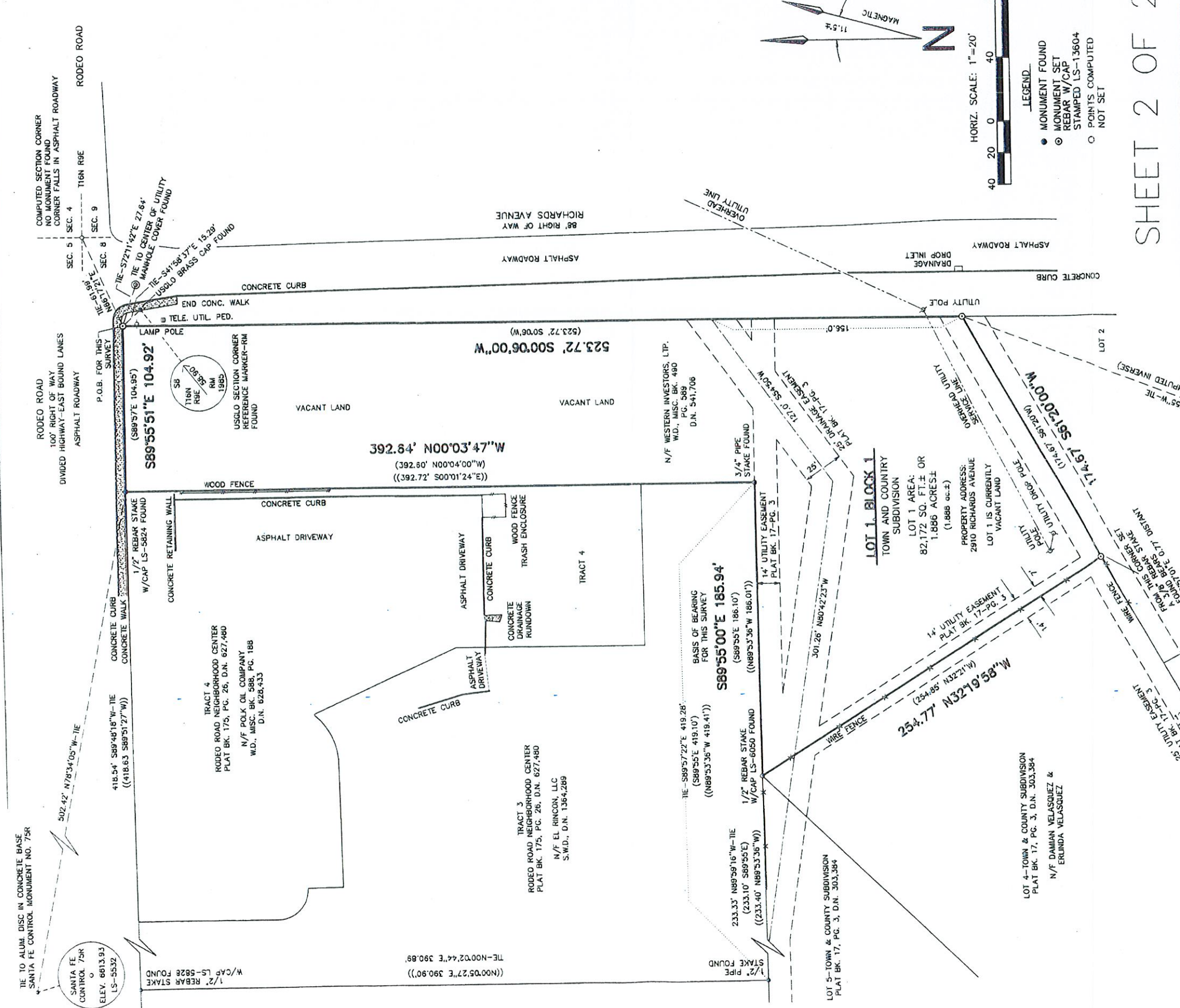
SHEET 1 OF 2

ARMIJO SURVEYS INC
PAUL A. ARMIJO N.M.P.S. NO. 13604
PMB 258 1704-B LLANO ST. STE. B, SANTA FE NM 87505
PH. (505) 471-1955 FAX. (505) 471-1925

PLAT OF BOUNDARY SURVEY PREPARED FOR
WESTERN INVESTORS, LTP.
AND
POLK RODEO PROPERTIES, LTD. CO.

DRAWN BY P.A.A. DATE FEB. 2006
JOB No. 2602042 SHEET No. 1 OF 2

517
48



- LEGEND**
- MONUMENT FOUND
 - MONUMENT SET
 - REBAR W/CAP
 - POINTS COMPUTED
 - NOT SET

SHEET 2 OF 2

ARMJO SURVEYS, INC.
 PAUL A. ARMJO N.M.P.S. NO. 13604
 PMB 258 1704-B LLANO ST. STE. B, SANTA FE NM 87505
 PH. (505) 471-1955 FAX. (505) 471-1925

PLAT OF BOUNDARY SURVEY PREPARED FOR
 WESTERN INVESTORS, L.P.
 AND
 POLK RODEO PROPERTIES, LTD. CO.

DRAWN BY P.A.A. DATE FEB. 2006
 JOB NO. 2602042 SHEET No. 2 OF 2

NOTES-SHEET 2

1. SEE SHEET NO. 1 FOR REFERENCE DOCUMENTS AND CERTIFICATION.
2. DATA IN 1-PARENTHESIS "() " TAKEN FROM REFERENCE DOCUMENT NO. 1--SHEET 1.
3. DATA IN 2-PARENTHESIS "(())" TAKEN FROM REFERENCE DOCUMENT NO. 2--SHEET 1.
4. EASEMENTS SHOWN TAKEN FROM REF. DOCUMENT NO. 1--SHEET 1 OR AS NOTED.

CHAIR VIGIL: Thank you, Madam Chair.
MR. ALLEY: Any questions?
CHAIR VIGIL: Any questions? This continues to be a public hearing. Is there anyone else that would like to address the Commission on this? Okay, seeing none.
COMMISSIONER MAYFIELD: Madam Chair.
CHAIR VIGIL: Commissioner Mayfield.
COMMISSIONER MAYFIELD: I'll move for approval with the conditions that the applicant has put on himself.
CHAIR VIGIL: Okay. That would include .25 acre-feet of water use per unit, and I believe there's one unit there now. Is that correct, Mr. Siebert? There's two. No further division of the land. Steve, do you want to address whether that runs in perpetuity when it's filed with the plat?
MR. ROSS: Well, Madam Chair, yes, of course it does. It will be of record.
COMMISSIONER ANAYA: I second, Madam Chair.
CHAIR VIGIL: Okay. And then it's that they also work with the Fire Marshal on the impositions or requirements. Is that the ones you're including, Commissioner Mayfield? Okay. We have a motion with the additional conditions and the conditions by staff. Any further discussion?

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

XV. A. 7. BCC CASE # MIS 11-5140 Rezoning of Polk Property. Polk Rodeo Properties, Ltd. Co., Applicant, Jim Siebert, Agent, requests that the Board of County Commissioners clarify that a future Application to the City of Santa Fe for the rezoning of .63 acres of a 1.88-acre parcel from Rural Residential (RR) to General Commercial (C-2) will not constitute a violation of the Settlement Agreement and Mutual Release of All Claims between the City of Santa Fe, Santa Fe County and Las Soleras, dated May, 2008. The property is located at 2910 Richards Avenue at the southwest corner of Rodeo Road and Richards Avenue within Area 12 of the Presumptive City Limits, within Section 8, Township 16 North, Range 9 East (Commission District 5)

CHAIR VIGIL: Mr. Larrañaga.
COMMISSIONER STEFANICS: Madam Chair.
CHAIR VIGIL: Commissioner Stefanics.
COMMISSIONER STEFANICS: Is this the case that I requested come back to us so that if any of the community surrounding the property would have the chance to take care of it, because we were just going to move it along?
CHAIR VIGIL: Yes, I believe it was. So do you have an update on that, also in your presentation, Mr. Larrañaga?
COMMISSIONER STEFANICS: Thank you.
MR. LARRAÑAGA: Madam Chair, basically it's the same information that you had last time. It just wasn't noticed as a public hearing and it came forward to you as a public hearing. So all the information in your report is basically what Mr. Ross had presented

SFC CLERK RECORDED 06/03/2011



to you at the last – when it was tabled to come forward. I'd be happy to read the report if you like.

COMMISSIONER STEFANICS: So, Madam Chair, I was basically looking to see if neighbors were going to oppose this or not.

MR. LARRAÑAGA: Madam Chair, I did not receive any negative comments, or positive – any comments on this case. And it was properly noticed. The property was posted, it came out in the *New Mexican* and certified letters were mailed to the adjoiners.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Larrañaga, just for the record, if this is approved, the applicant will still need to comply with any City provisions that they have.

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

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Please proceed with any update.

MR. LARRAÑAGA: Madam Chair, I really don't have any updates but I'd be happy to read the report.

CHAIR VIGIL: What is staff's recommendation?

MR. LARRAÑAGA: Approval.

CHAIR VIGIL: Okay. Are there any questions? Is the applicant here? Okay, Mr. Siebert.

MR. SIEBERT: Madam Chair, my name's Jim Siebert. I was previously sworn. I have a presentation but I know you've been here a long time tonight. Let me say that I have talked to Dr. Higgins who is president of the Town and Country Neighborhood Association, Subdivision Association and we've discussed this in length. He had some comments. I think we've addressed those comments that he had. And with that I'll answer any questions that you may have.

CHAIR VIGIL: Any questions? This is a public hearing. Is anybody out there wanting to address the Commission on this. Please step forward, state your name and address and be sworn in for the record.

[Duly sworn, Rudy Lujan testified as follows:]

RUDY LUJAN: My name is Rudy Lujan. I reside at 2931 Calle Vera Cruz, Santa Fe, New Mexico, that's on Block 3, Lot 16 of the Town and Country Subdivision where this request is being requested I guess. My concern is that we – first of all I just want to say I did not know that Dr. Higgins was the person to talk to about these things. We've never had a meeting with him. I just wanted to say that we are concerned about further development down there in that subdivision. It's a division that – it's rural, with a rural setting. There's about 49 lots with an average size of an acre and a half or acre and a quarter rather.

There's little monitoring from the County on businesses and one that comes to mind is across from my home, is a septic tank business that has a home occupation license but the owners of the lot live in North Carolina, so I don't know. I have brought this before to the County staff and nothing happens. Police action – police monitoring also within the subdivision is nil and I'm concerned about some of the stop signs, one in particular in front of my house. There's nobody stops there. I some times wonder why it is there. And most of all

we're concerned also about the business that this lot engages in. It's a gasoline concern. If this is granted it's going to increase the business probably and we're concerned about the gasoline emissions to our water quality. That's all. Thank you, Madam Chair.

CHAIR VIGIL: Thank you very much. Is there anyone else out there that would like to address the Commission on this? Seeing none, I have a question but I'll defer to Commissioner Stefanics or any one of our staff. If I understand this issue correctly, what we're actually taking action on is the City's Rural Residential Ordinance. They are actually asking us if in fact, if they approve this commercial development it will violate the settlement agreement as it relates to the Rural Residential Ordinance. Is that correct? That's how narrow the issue is?

MR. ROSS: Yes.

CHAIR VIGIL: Okay. So this is in a commercial area. So the precursor to this is that this area does get annexed? Is that correct?

MR. LARRAÑAGA: Madam Chair, that's correct.

CHAIR VIGIL: Has it been annexed?

MR. LARRAÑAGA: No, Madam Chair.

CHAIR VIGIL: Okay. And how close is it to the first residential property?

MR. LARRAÑAGA: Madam Chair, well, residential property – Madam Chair, Mr. Siebert has an aerial that will show the closest residential property.

CHAIR VIGIL: Is that – there's an arroyo between the commercial node and the residential property. Is this north of the arroyo or south?

MR. SIEBERT: Madam Chair, Commissioners, let me describe this to you. Tract, Lot 1 of Block 1 is all of this, and it has this dog-leg that goes out to Rodeo Road. Originally, where you see this kind of brown here and the red line here, that was also part of this lot, so it did have more frontage at one time. When they widened Richards Avenue they took that portion of the land here. So the one you were talking about, how does this relate to the arroyo? The arroyo goes right through here. What we're requesting or will request of the City is that this point from here up, which would be .63 acres, would be annexed as Zone C-2, which is the same zoning that's immediately contiguous with the property. You might ask, the deal is with the City is that they can't, when they adopt a zoning district they cannot cross – it has to be the same as a lot line. So they can't just willy-nilly draw a line here, which I think they're more than willing to do, make this C-2 and make this rural residential.

The problem is is that the applicant at the time really would not have been able to accomplish a lot split, and the reason I can tell you this is I worked on a lot split in the Extraterritorial area. It was delayed for a year and a half and the reason was it was a jurisdictional thing. The County didn't want to claim it; the City didn't want to claim it. So it wouldn't be possible to do a lot split in the time that the City was developing the presumptive city limits ordinances.

So it's a simple request. All they're asking to do is extend the C-2 from the existing C-2, which Polk Oil owns in this area, over to the right-of-way on Richards Avenue. This property probably was always intended to be more commercial in nature, because if you take a look at the covenants, what the covenants say is that all the properties would be residential, would have to have residential development with no commercial development. Lot 1, Block 1 was excluded from those covenants. So we feel that there really is no impact in terms of to

the neighbors. This property here, the remainder of the property will remain as rural residential.

CHAIR VIGIL: So in fact the answer to my question is it is north of the arroyo and it is next to commercial property. And you aren't asking about the C-2 zoning; you'll be asking the City about that. You're just asking – or the City has asked you to ask us if we're in agreement with allowing this to be excepted from the rural residential requirements.

MR. SIEBERT: That's exactly the case. We got as far as the City Attorney and the City Attorney looked at and said, well, we have a potential issue here. Why don't you go back and get some commitment from the County.

CHAIR VIGIL: Okay. Thank you very much. Did I ask if anybody else would like to address the Commission? Is there? This is a public hearing. If you'd like to please step forward and state your name and address and be sworn in for the record.

[Duly sworn, Romolo U. Martinez testified as follows:]

ROMOLO U. MARTINEZ: My name is Romolo U. Martinez. I live at 805 Allendale, and I own the property just south, adjacent to the one being considered here. And it is located on that annexation number 12, which I would like Mr. Siebert to explain the status of that parcel, number 12. I'll show it on the map since he made it easy for me to look at it and I explained to you where I'm at, just south of his property. I'm looking right here. My property is right here. His property's here. He mentioned the arroyo and [inaudible] it goes here from north to south to the end of the paved area, right here, and I think it's Padmore Avenue. That's my house here. That's my concern. My concern is that Area 12, which is mentioned in his proposal has – I understand there was something in the *Journal* this morning concerning that property. I don't know.

But the City and the County are working together on this particular proposal, annexation or whatever they call it. And [inaudible] if Mr. Polk's property is included here for commercial property it would be very nice if my property would be considered in the future. What steps do I have to take in order to get this to become a reality? Right now, I know for a fact that there are some business areas in here that are commercial, even though they're supposed to be residential. We have some areas that – I don't know if they're doctors or whatever. They have different types of businesses there – and there is apparently, just like the City of Santa Fe they have that phone deal, never enforce it. The County doesn't enforce it's commercial areas there either.

If they're going to have rules and regulations everybody should be followed, allowed to do whatever they want. But cited. I haven't heard of a case here where anybody has been cited on anything. Who's running the show? The County or the City or the State? I have no idea. But I have no objection to Mr. Siebert's proposal today. In the future it might benefit me. I don't know. And that's my position. Except I'd like for him to explain the Area #12 annexation, the status of it at this point.

CHAIR VIGIL: You may be able to summarize that, Mr. Ross.

MR. ROSS: Madam Chair, yes. Area #12 is one of the many areas that were included on the map that accompanied the settlement agreement. It's just a way of identifying different areas in the county and placing them on maps and this particular area is really the Town and County Subdivision. So that area, plus Area #1, which is up near Calle Nopal were both slated for annexation according to the schedule. I don't remember where they are on the

schedule. But they were also required to have this rural residential zoning that Mr. Siebert was talking about to preserve the general character of the area for I believe 20 years. So this gentleman can of course work with the City just like the applicants have to achieve the uses he wants on his property. It would require an application and all that and he'd have to change the zoning. Or he might want to wait until it's annexed; it might be easier, because he might have to go through this process.

CHAIR VIGIL: And what phase of annexation is Area #12 in?

MR. ROSS: I think it's the last phase.

CHAIR VIGIL: And that's schedule 2014?

MR. ROSS: 2013, I think.

CHAIR VIGIL: 2013.

MR. ROSS: Yes.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Steve, I may have read the same article but if the City Council decides to change their mind on these annexation phases, what impact would that have on this Commission if we moved forward on this?

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't think it would affect this particular action tonight. I think that the fact that the City referred this to us in the first place is a positive sign because they're concerned that they not inadvertently violate the settlement agreement. I think what the discussions have been, certainly the discussions between lawyers have been, were that they are uncomfortable with the current schedule and the like to talk to us about revising it. Because they're concerned about not having services available, like say, when the big annexation comes, Airport Road area. So they're concerned about fire and police being available when that annexation occurs. So they may be coming and talking to us about delaying that, but I've not heard that they're interested in not annexing in those areas.

COMMISSIONER MAYFIELD: And Madam Chair and Steve, this gentleman indicated there may be a doctor's office or something going on in some of those residences, that would be afforded under our current rules for a home occupational business or no?

MR. ROSS: I guess you'd have to look at the specific situation. Shelley, do you know about that?

MS. COBAU: Madam Chair, Commissioner Mayfield, under the County home occupation requirements you can have a business like a chiropractor's office as long as you don't have more than six appointments per day.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Would that be a home occupancy business license?

MS. COBAU: That's correct, Madam Chair.

COMMISSIONER MAYFIELD: That's all I had. Thank you.

CHAIR VIGIL: Okay. Any other questions? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'm sorry sir, I didn't – what was your name again.

MR. MARTINEZ: Romolo U. Martinez.

COMMISSIONER ANAYA: Mr. Martinez. I appreciate your comments and we've had several discussions in the few months I've been on the Commission and I still have some of the same questions that you're raising associated with the annexation issue. I still get comments from my constituents down Airport Road that are very similar to what you've stated today, so I respect what you're saying and I think that – I know we've had some discussions, and I know that there's been – I've had some discussions with Councilors, Councilor Dominguez in particular, but I think there's something we need to do further as far as more discussions with the City for clarity, because Mutt Nelson Road is another example.

It's my understanding, and correct me if I'm wrong, staff, that in the presumptive area of annexation that we're giving up the responsibility of land use issues but working in partnership with them on land use issues. So it's a gray area at best. And so I think that your concerns are not unusual but are common with what I'm hearing. And I don't know. We keep bringing it up and we keep having discussions but I think we need to do something further to bring more clarity for those individuals within those areas that are coming up sooner, and if we need to get our governing bodies together. I've said this on other issues but I'll say it again, I think we need to do it because we're kind of, it seems to me, in kind of a no-man's land, territory, even though we have a settlement agreement. So I'd like to hear from Mr. Kolkmeier on the issue.

MR. KOLKMEYER: Madam Chair, Commissioner Anaya, there's a lot of parts to it, but one of the things that the County is continuing to take as aggressive position as we can is code enforcement. And as you know, we had a meeting with the City and they told us they wanted to do a joint – this was two months ago – a joint effort and nothing happened, so we took our own initiative and we've been issuing notice of violations on Mutt Nelson Road, for example. Now, we issued a notice of violation and if they go to court I believe the City has to be involved in that court case too. So we're kind of still going around in a circle but the issue, at least from the code enforcement perspective is that we feel an obligation to continue to look into those cases and we'll continue to do that.

COMMISSIONER ANAYA: Madam Chair, Mr. Kolkmeier, do you feel that – what do we need to do? What do we as policy makers need to do? Do you feel like you're waiting on us? On the City policy makers and the Commission? What do we need to do to get to the bottom of the issues that are sticking points and have a progression to have some resolution so we're able to address community members like Mr. Martinez here and others?

MR. KOLKMEYER: Madam Chair, Commissioner Anaya, you mean specifically in terms of annexation, not so much in code enforcement? That was the other thing that you brought up. We have agreements. I don't know. I think maybe I'd have to defer to Steve Ross a little bit on that. We have the agreements. We also – I kind of hate to bring this up but we do have the RPA and that was the actual assignment given to the RPA six years ago. And perhaps that needs to be a channel to bring these discussions up again. Short of that I would suggest that it probably has to be government to government policy maker concurrence on some of these things again. It's a real tough situation that we're in right now.

COMMISSIONER ANAYA: So Madam Chair, Commissioners and Mr. Ross, what are our next steps? What do we need to do to phase in what we're going to phase in and actually apply some action steps to where we need to be associated with the annexation? What do we need to do?

MR. ROSS: Well, what we're working on right now is there's a supplemental water/sewer/trash agreement that we're working on right now with the City. After that is the law enforcement and fire agreement, which is according to the settlement agreement there is going to be a ramping up and ramping down of law enforcement and fire by the City and the County as areas are taken over for annexation. And the contours of that agreement were established several years ago but it's never been written down. The City Attorney's office is taking that piece and my office is taking the water/sewer/trash piece. But the schedule is still established in the underlying agreement and while I've heard they would like a year delay on the schedule I haven't seen anything official on that.

COMMISSIONER ANAYA: Madam Chair, Mr. Ross, the first item, or am I mistaken, the first item is land use determination? That's the first item? Land use decisions in the presumptive area of annexation. Because this item that we're hearing today has to do with the settlement agreement associated with the land use action, so it's the land use component supposed to be already transferred to the City and they have all full responsibility on the one hand, but on the other hand we still have areas that we're still doing some code issues.

But I guess to go straight to the point, is the agreement that we have in place, did it already turn over full control of all land use decisions to the City?

MR. ROSS: Yes. The zoning and land use decisions are turned over to the City and by the Extraterritorial Land Use Authority, they passed an ordinance. All of the land use zoning decisions are now in the hands of the City of Santa Fe and being decided by the City. What the – the one area that is an exception from what I just said is the area of code enforcement. In other word, nuisance issues. And we've kept them because there's no provision in Article XIV of the City code for that stuff. So the County is enforcing nuisance issues in the presumptive city limits. All other decisions are being made by the City. And that's by ordinance. So that's very well established.

CHAIR VIGIL: Okay. Can we create a focus for this particular issue. It sort of is blossoming into larger issues. I just want to make a few comments with regard to this. The Rural Residential Ordinance was enacted and I was an active supporter of it and most of the folks in Town and Country were active supporters of it. Their concern was that without the rural protection ordinance there was – they might be required to cap their wells, they wouldn't be able to have the rural residential lifestyle that they actually wanted. Of all the areas in Santa Fe County the folks that are in the Town and Country area were really strong proponents of this.

So I find it rather interesting that even though this is a Rural Residential Ordinance enacted by the City, I guess it was incorporated into the agreement and that's why they're asking us if we think it would violate the agreement. My concern is that, yes, it would violate the agreement from my perspective and the issue would be if in fact we would say it didn't, and this particular strip of property was not in violation of the rural protection ordinance, then what happens when Mr. Martinez wants to come forward in 2013 and get a commercial zoning, go to the City and do that. When in fact our decision to night will be if it will set a precedent, it will set a huge precedent and you as being contiguous to this particular property would have that precedent in your favor.

So the problem I see with this is that if we were to deny it, if we were to say yes, City, we think this does violate the agreement – Steve, I would just ask for some help here with

regard to that – what would that mean? The applicant still has the right to go before the City and request annexation. And the other point I need to make, Steve, and this isn't the time to think about it is if we start allowing this what we're doing is defeating the purposes of the annexation agreement, which in fact was stop the piecemeal annexation. Let us know what we can predict for our county residents and for their future. So that we entered into this agreement after years and years of disagreement with annexation and how it was occurring in the area I represent, which is a traditional historic village which has felt totally surrounded by commercial development, much to their dismay.

So the question would be, if we do deny this, what difference will it make, I guess.

MR. ROSS: Well, Madam Chair, the City Attorney has already indicated to Mr. Siebert that they don't want to go forward if the County expresses the opinion that this particular zoning, if granted, would violate the settlement agreement. So I think that if we say no to this request and tell the City that we're of the opinion that this would violate the settlement agreement, then I don't think he goes forward with the City.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I move that we deny rezoning of Polk property.

CHAIR VIGIL: Okay. There's a motion. I will second it. Is there any further discussion? Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Madam Chair, under discussion. It seemed to me that if you could put that exhibit up, I got a little confused, but it seems to me that the area north of the arroyo makes logical sense to be commercial. It doesn't make as much sense to me based on what I've heard from the rural agreement that was agreed upon closer to the residential on the other side of the arroyo. Is that something, Madam Chair, Commissioner Stefanics, that you would consider associated with the property.

COMMISSIONER STEFANICS: No, Madam Chair, Commissioner, we're talking about the entire area, and in order to protect the rural residential that is the basis of my motion.

COMMISSIONER ANAYA: Is that only one parcel, both sides of the arroyo, Mr. Siebert? Is it one lot, both sides, or is it two lots?

MR. SIEBERT: It's all one lot. And what the application to the City [inaudible] is three-fold and would incorporate the existing lot. This lot is an existing lot and this one would become a remainder lot [inaudible] rezoning to C-2.

COMMISSIONER ANAYA: So, Madam Chair, your application with the City would request two commercial lots?

MR. SIEBERT: One, of .63 acres.

COMMISSIONER ANAYA: I thought you said earlier that you wanted commercial on the other side of the arroyo as well.

MR. SIEBERT: No. We only want commercial for the immediate area contiguous to commercial land.

COMMISSIONER ANAYA: There's a motion and a second but I actually see, if it's just that lot right next to the commercial, I think that makes sense.

CHAIR VIGIL: Mr. Siebert, before you sit down, what prevents your client

from not waiting until this area gets annexed to go before the City for a C-2 zoning.

MR. SIEBERT: Well, I think the issue would still remain though, wouldn't it? Whether the issue is rural residential zoning and even if it is annexed.

CHAIR VIGIL: But you wouldn't need to come to us. Then the City would be deciding on their own ordinance.

MR. SIEBERT: I don't believe so.

CHAIR VIGIL: What do you think, Steve?

MR. ROSS: Madam Chair, I think the problem still exists because the agreement is for 20 years, so the City would still be concerned whether their rezoning would violate the provisions of the settlement agreement that discuss the rural character of the area. So I don't think the problem goes away with annexation.

CHAIR VIGIL: Okay, thank you. Thank you, Mr. Ross. We have a motion to deny the request for approving, agreeing that the rural residential protection ordinance would not violate the agreement and it's been seconded.

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

- XV. ~~A. 8. BCC CASE # MIS 02-5053 Sonterra Master Plan Extension. Great Western Investors (Richard Montoya), applicant, Scott Hoeft, agent, request an extension of a previously approved master plan for a mixed-use development (residential, commercial, community) in a village zone consisting of 520 residential units and 29,117 square feet of commercial space on 245 acres. The property is located off Vista del Monte east of Valle Lindo Subdivision within the Community College District, within Section 30, Township 16 North, Range 9 East (Commission District 5)~~

~~VICKI LUCERO (Residential Development Case Manager): Thank you, Madam Chair. On August 26, 2002, the BCC granted master plan approval for the referenced development. On February 28, 2006, the BCC granted approval of a water service agreement for use of the Santa Fe county water system. On April 10, 2007, the BCC granted a two-year time extension of the Sonterra master plan which expired on August 26, 2009~~

~~On September 8, 2009, the BCC granted another two-year time extension of the Sonterra master plan which will expire on August 26, 2011.~~

~~The applicant's agent has submitted a request for a third two-year time extension of the master plan, stating that due to current market conditions and limited demand for residential lots, the owners of the property are requesting additional time in order for the residential market to rebound. At that stage they will proceed with preliminary plat and/or development plan.~~

~~The County Land Development Code specifies that master plan approvals shall be considered valid for a period of five years from the date of approval by the BCC. Master plan approvals may be renewed and extended for additional two-year periods by the BCC at the~~



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

**915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
siebert.associates@comcast.net**

June 20, 2011

Shelly Cobau
Building and Development Services Section Manager
102 Grant Avenue
Santa Fe, NM 87504

Re: Polk Oil request, southwest corner of Rodeo Road and Richards Ave.

Dear Ms Cobau:

I would like to include additional following information in the County Commission packet for their meeting of July 12, 2011.

Extent of Rural Residential Zoning

The Rural Residential Zoning adopted as part of the "Presumptive City Limits" zoning applies to the Town and Country Subdivision and adjoining lands (see Exhibit A). Land currently zoned Rural Residential represents 107 acres (based on City GIS mapping). The Polk Oil property that is proposed for annexation and rezoning to C-2, General Commercial, consisting of .63 acre represents .006 of the land currently zoned Rural Residential. See Exhibit B for description of existing conditions for the lots owned by Polk Oil Company.



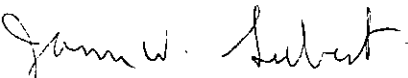
Process for Securing Entitlements

The following is a description of the development review process that will be used by the City of Santa Fe for the Polk Oil request.

- Lot line adjustment plat separating .63 acre of land from 1.45 acres of land described as Lot 1, Block 1 in the Town & County Subdivision owned by Polk Oil. .63 acre of land from the 1.45 acre tract will be incorporated into the existing 1.26 acre commercial tract on Rodeo Road owned by Polk Oil (see exhibit entitled Action #1).
- The adjusted 1.89 acre lot adjacent to Rodeo Road will be annexed to the City of Santa Fe. The remainder of Lot 1 Block 1, consisting of .82 acres, will remain outside the City limits (see exhibit entitled Action #2).
- The .63 acres of land incorporated into Polk Oil tract adjacent to Rodeo Road will be rezoned to C-2, General Commercial. The remainder of the lot consisting of .82 acres will remain RR, Rural Residential (see exhibit entitled Action # 3).

As a condition of approval Polk Oil Company agrees to limit the C-2 zoning to the area shown on the exhibits attached to this letter consisting of .63 acre. Polk Oil also agrees to not allow any access from Richards Ave to the subject .63 acre parcel.

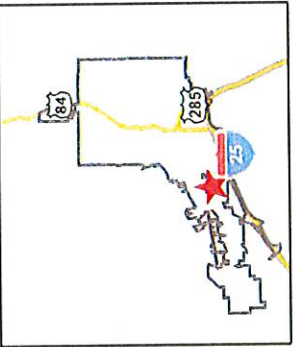
Sincerely,


James W. Siebert

Xc: Jim Polk
Mack With



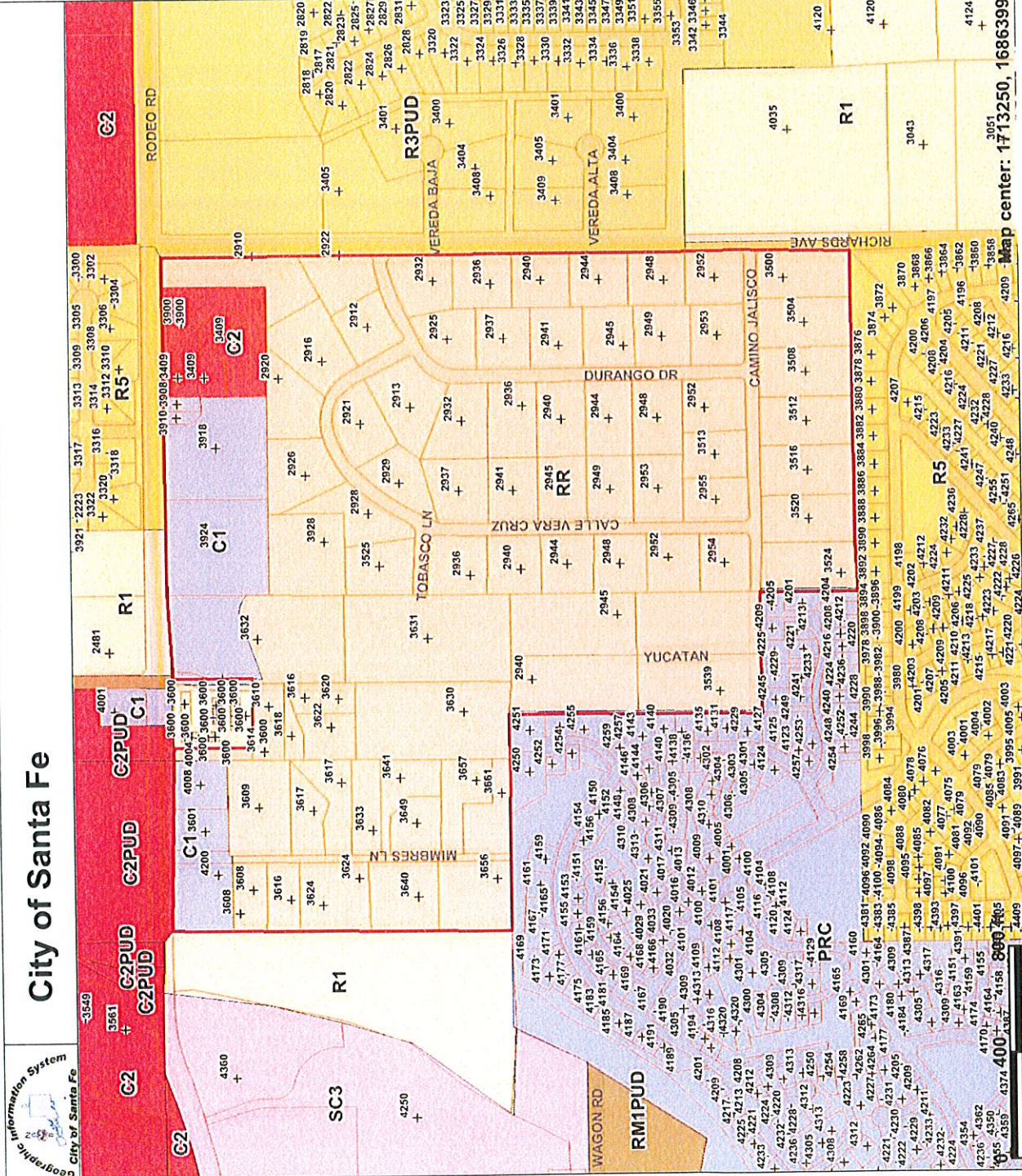
City of Santa Fe



Legend

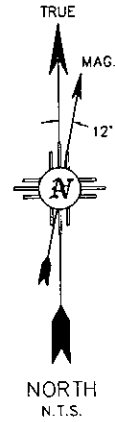
- City Limits
- Address Points
- Parcels
- Santa Fe River
- Zoning
 - RR Rural Residential
 - R1, (PUD) Single-Family 1du/ac
 - R2, (OT), (PUD) Single - Family 2du/ac
 - R3, (PUD) Single - Family 3du/ac
 - R4 Single - Family 4du/ac
 - R5, (OT), (PUD), (AC), R6 Single - Family 5-6du/ac
 - R7, (I), (PUD), R8 Single - Family 7-8du/ac
 - RC5, ACRC5 Compound 5du/ac
 - RC8, ACRC8 Compound 8du/ac
 - RM10, (PUD) Multiple - Family 10du/ac
 - RMLD, (PUD) Multiple - Family 12du/ac
 - RM11, (PUD) Multiple - Family 21du/ac
 - RM2, (PUD) Multiple - Family 29du/ac
 - RAC Residential Arts & Crafts
 - MHP Mobile Home Park

Scale: 1:6,797



Notes: 107.10 Acres within RR district

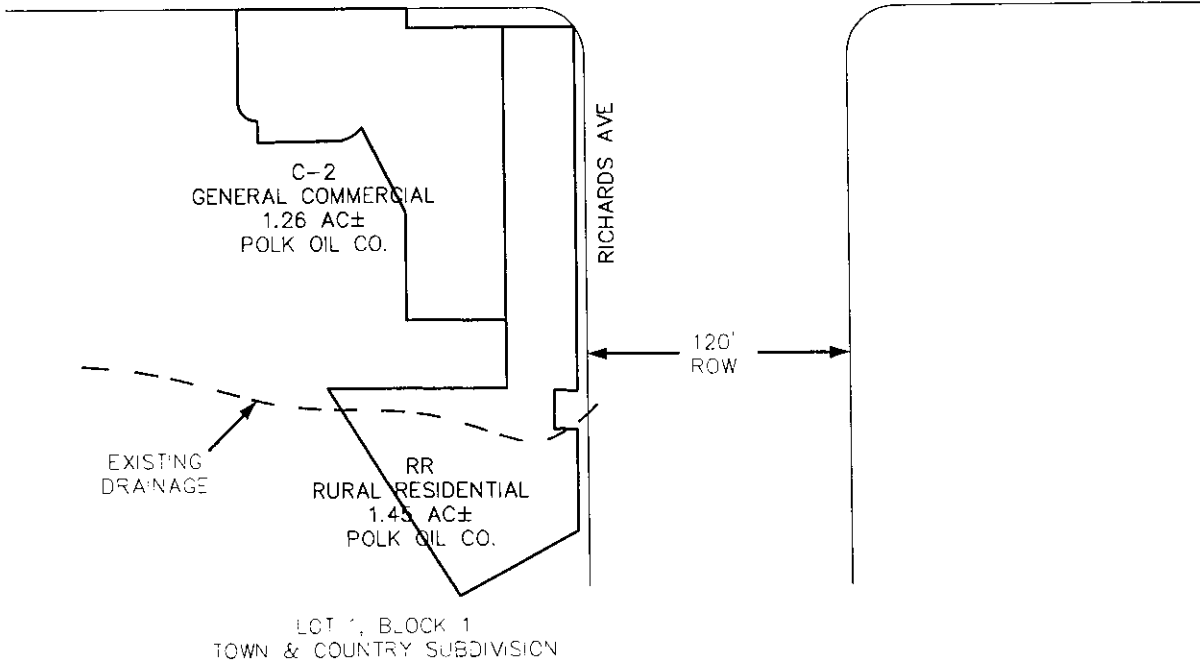
This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



RICHARDS AVE



RODEO ROAD

RODEO ROAD

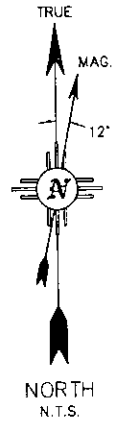


LOT 1, BLOCK 1
TOWN & COUNTRY SUBDIVISION

EXHIBIT B

<p>JAMES W. SIEBERT AND ASSOCIATES INC</p> <p>615 MERCER STREET • SANTA FE NEW MEXICO 87505</p>	<p>POLK OIL CO. RODEO ROAD</p>	<p>NORTH</p> 
<p>TELE: 963-6596</p>  <p>FAX (505) 966-7333</p>	<p>EXISTING CONDITIONS</p>	<p>SCALE N.T.S.</p>

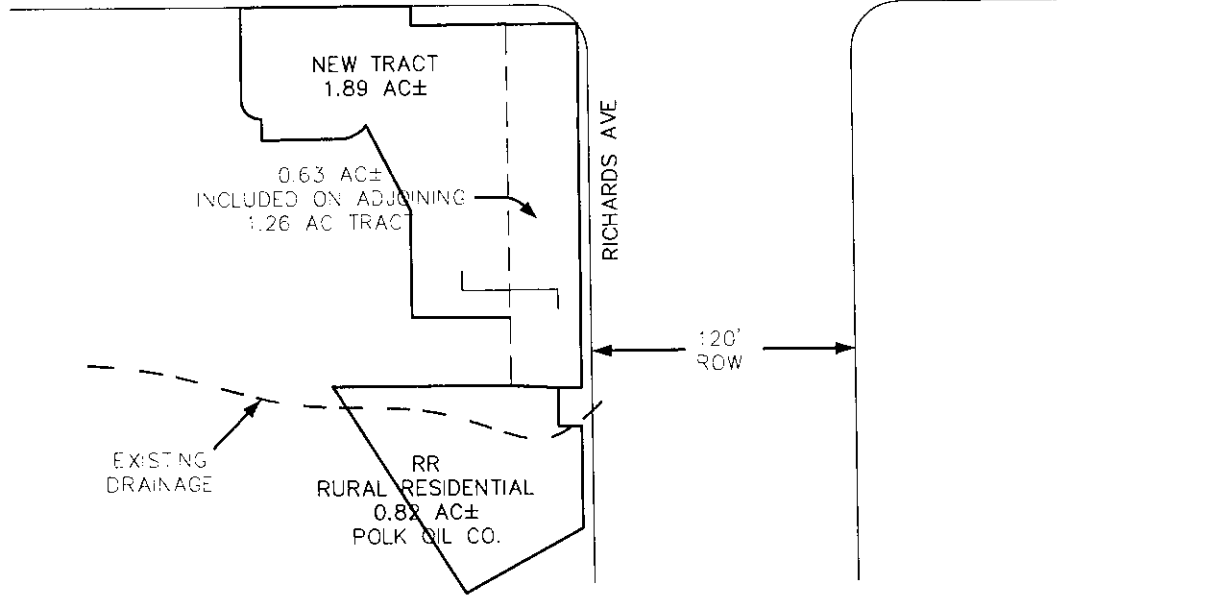
POLK OIL CO. 10000 RICHARDS AVE. SANTA FE, NM 87505





RICHARDS AVE

RODEO ROAD

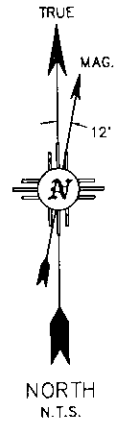
RODEO ROAD



ACTION #1

<p>JAMES W. SIEBERT AND ASSOCIATES INC</p>	<p>POLK OIL RODEO ROAD</p>	<p>NORTH</p> 
<p>512 MERCER STREET • SANTA FE NEW MEXICO 87502</p> <p>1505 563-1582 FAX 1505 565-2212</p> 	<p>LOT LINE ADJUSTMENT</p>	<p>SCALE N.T.S.</p>

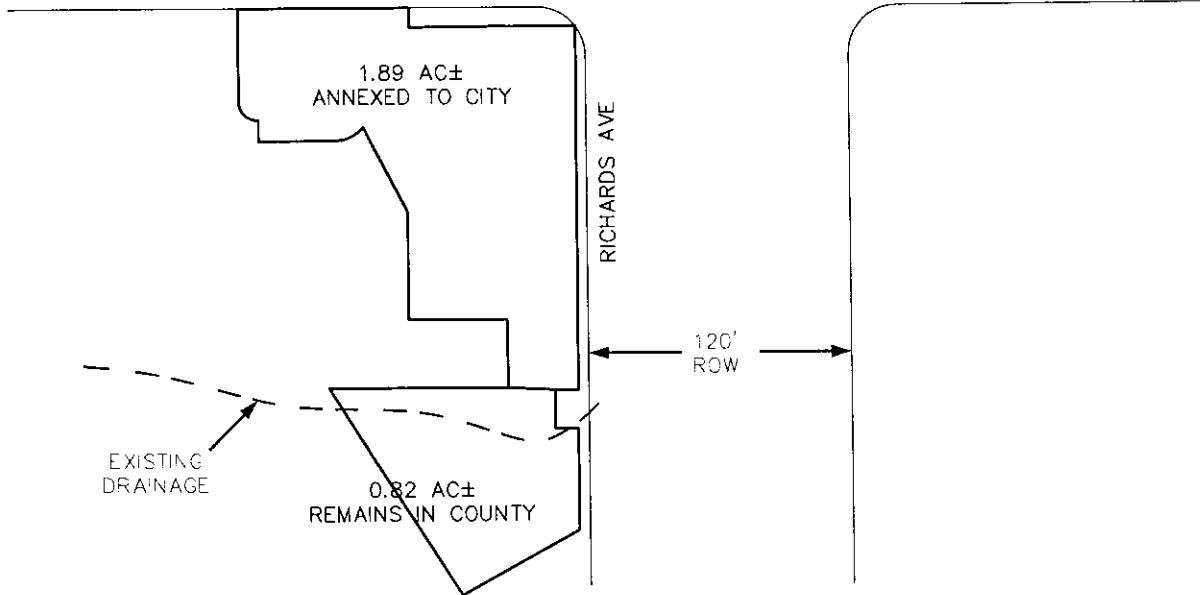
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RICHARDS AVE

RODEO ROAD

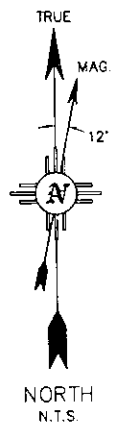
RODEO ROAD



ACTION #2

<p>JAMES W. SIEBERT AND ASSOCIATES INC</p>	<p>POLK OIL RODEO ROAD</p>	<p>NORTH </p>
<p>915 MERCER STREET • SANTA FE NEW MEXICO 87505</p> <p>1505 552-5558 FAX 1505 555-7313</p>	<p>ANNEXATION</p>	<p>SCALE N.T.S.</p>

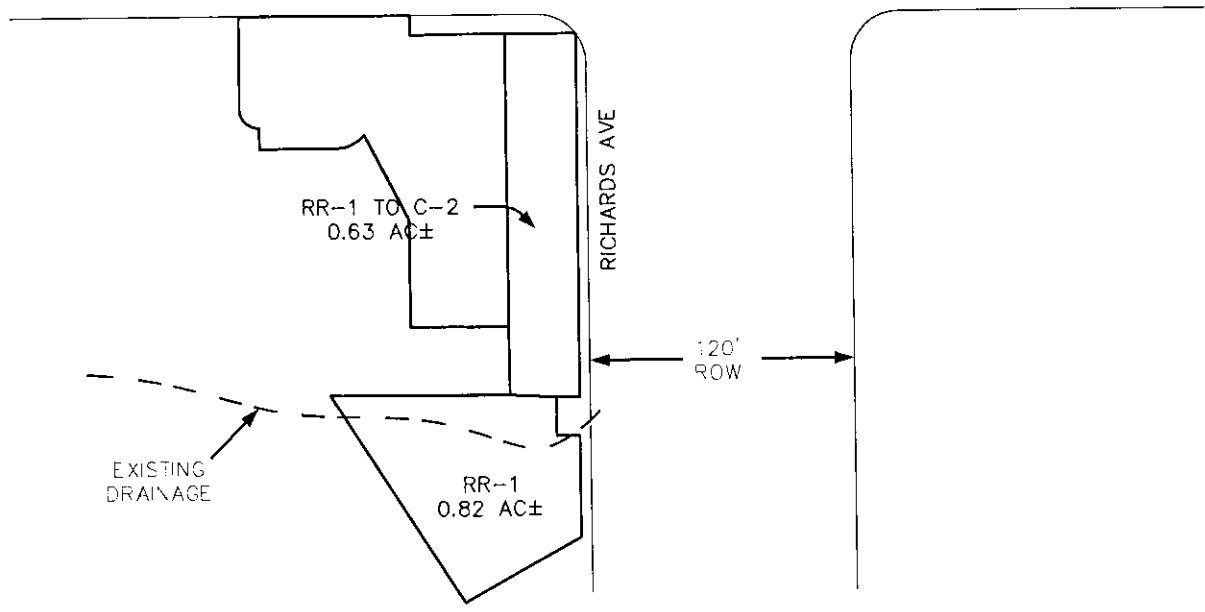
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RICHARDS AVE

RODEO ROAD

RODEO ROAD



ACTION #3

<p>JAMES W. SIEBERT AND ASSOCIATES, INC.</p>	<p>POLK OIL RODEO ROAD</p>	<p>NORTH </p>
<p>515 MERCER STREET • SANTA FE NEW MEXICO 87505</p> <p>(505) 962-8586 FAX (505) 966-7212</p> 	<p>REZONING</p>	<p>SCALE N.T.S.</p>

10/10/00 11:10 AM 10/10/00 11:10 AM 10/10/00 11:10 AM

Danny Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: July 12, 2011

TO: Board of County Commissioners

FROM: Vicki Lucero, Development Review Team Leader *VL*

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

FILE REF.: CDRC CASE # V 11-5070 Joya de Hondo Road Variance

ISSUE:

Gray-Hall LLC. (Damion Terrell), Applicant, Jenkins/Gavin, Agent request a variance of Article XV, Section 6.E (Community College District Road Standards) of the County Land Development Code to allow an off-site Living Priority Lane with a Right-of-Way ranging in size from 20-feet to 30-feet for a section of roadway approximately 1,110 ft. in length and to allow a driving surface of 16 feet in width for a portion of roadway approximately 640 ft. in length, for the purpose of creating a 4-lot Summary Review Subdivision on 43.8 acres. The property is located off of Old Galisteo Way, within Section 15, Township 16 North, Range 9 East (Commission District 4).

SUMMARY:

On April 21, 2011, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of this request (Refer to meeting minutes in Exhibit "H").

The subject property is an existing 43.8-acre tract located off of Old Galisteo Way which lies within the Community College District. The lot is currently vacant.

On April, 14, 2009, the Applicant submitted an application to Santa Fe County to create a 4-lot Summary Review Subdivision on the 43.8 acres. As part of this submittal the Applicant was proposing to construct a 20-foot wide driving surface on Old Galisteo Way from Los Tapias Lane to the entrance of his property. County Staff reviewed the application and determined that it met the requirements of the County Land Development Code. The Land Use Administrator was

prepared to approve the plat when several of the neighbors filed an appeal of his decision claiming that as a result of a court order filed in 1970 (Refer to Exhibit E) the road surface could not be increased beyond the existing 16-foot wide driving surface on Old Galisteo Way from Los Tapia Lane south for approximately 640 feet.

Upon review of the court documents, County Staff determined that the easement precludes widening of the road as required by Code.

Article XV, Section 6.E.7.a.iv (Community College District Road Standards) of the County Land Development Code provides that a Living Priority Lane shall consist of a 34' Right-of-Way (R-O-W) with two 10-foot driving lanes (Refer to Exhibit F for Road Cross Section). The Applicant states that because of the Court Order they are unable to make improvements that meet County standards to that 640-foot portion of road where only a 20' easement exists. Therefore, a variance is requested for the width of R-O-W (20') and width of road surface (16'). In addition, the R-O-W outside of the 640-foot portion is a maximum of 30 feet however on this portion of the roadway the Applicant will be able to construct the required improvements for a 20 foot driving surface so a variance is only needed to allow a R-O-W width of 30' for a length of approximately 470' (Refer to Exhibit B for Off-site Roadway Plan).

Article II, Section 3.1 (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 non-self-inflicted conditions or that these conditions would result in inhibiting in achievement of the purposes of the Code, an applicant may file a written request for a variance" (Refer to Exhibit G).

The Applicant states that the 16-foot wide road surface within the 20-foot access easement is non-self-inflicted. Additional access was previously available through the Santiago Subdivision to the north, however, in 1985 the Board of County Commissioners vacated these easements which eliminated the additional means of access to the subject parcel.

This request was submitted to the County Transportation Planner for review. The County Transportation Planner states that the proposed project lies in the vicinity, east of the conceptual alignment of the proposed Southeast Connector. Planning Staff analyzed the potential for connectivity between Old Galisteo Way and the Southeast Connector, which should be constructed within the next ten years. Planning Staff supports the proposed 4-lot summary review subdivision and requested variance and believes that any further division of the remaining acreage should require that traffic be diverted onto the proposed Southeast Connector (Refer to Exhibit D).

REQUIRED ACTION:

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

RECOMMENDATION:

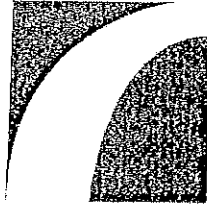
Staff believes that the creation of 4 proposed lots will not significantly increase the traffic on Old Galisteo Way. As part of the proposed subdivision, the Applicant will construct an approved fire turn-around within the subject property. At the current time there are no Fire Marshal approved turn-arounds on Old Galisteo Way. The construction of the turn-around provided by this development would benefit the entire neighborhood.

It is staff's position that the variance requested is unavoidable due to the ruling in the Court Order that would prohibit the Applicant from doing the required road improvements on the access road. This could constitute an extraordinary hardship to the Applicant as stated in Article II, Section 3.1 of the Code. Therefore, staff recommendation and the decision of the CDRC is to recommend approval of the variance requested subject to the following conditions:

1. Any further subdivision of land will require a secondary point of access. This shall be noted on the plat.

ATTACHMENTS:

Exhibit "A" – Letter of request
Exhibit "B" – Proposed Plans
Exhibit "C" – Vicinity Map
Exhibit "D" – Memo from Transportation Planner
Exhibit "E" – Court Order
Exhibit "F" – Living Priority Lane Cross Section
Exhibit "G" – Article II, Section 3.1 (Variances) of the County Code
Exhibit "H" – April 21, 2011, CDRC Meeting Minutes
Exhibit "I" – Letters of Opposition



jenkinsgavin
DESIGN & DEVELOPMENT, INC.

March 11, 2011

Vicki Lucero, Senior Development Review Specialist
Planning & Development Division
Growth Management Department
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87501

**RE: JOYA DE HONDO
VARIANCE APPLICATION**

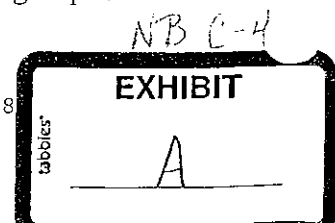
Dear Vicki:

This letter is submitted on behalf of Gray-Hall, LLC in application for a variance to County roadway standards as an adjunct to the Joya de Hondo Summary Subdivision, for consideration by the County Development Review Committee at their meeting of April 21, 2011. In support of this request, the following documentation is submitted herewith for your review:

1. Development Permit Application
2. Lot of Record
3. Warranty Deed
4. Proof of Taxes Paid
5. Exhibits A – D
6. Application Fees in the amount of \$250.00

Background

The subject property is a 43.80 acre tract located off of Old Galisteo Way in an Existing Neighborhood of the Community College District. The sole access to the property is via Old Galisteo Way, a public road known as CR 69, which is situated within a series of easements ranging in width from twenty to fifty feet. The subject of this variance request is the northernmost 640 feet of the roadway within a twenty-foot easement and the subsequent thirty-foot easement (see Exhibit A). Initially, as part of the Summary Subdivision application, it was proposed that the twenty-foot easement be improved to provide the requisite twenty-foot drivable surface in compliance with Article III, Section 2.4.2 3(a) of the Santa Fe County Land Development Code, which states, "...for off-site roads the Code Administrator may reduce the road easement width to no less than twenty (20) feet if adequate drainage control is provided...". However, due to the ambiguity of previous adjudications of this easement, we are being required



to maintain the existing condition of a sixteen-foot drivable surface with two feet of drainage on either side.

Variance Request

A variance is hereby requested from Article XV, Section 6.E (Community College District Road Standards) of the County Land Development Code to allow an off-site Living Priority Lane with a Right-of-Way ranging in size from 20-feet to 30-feet and a driving surface of 16 feet for the twenty-foot easement portion of the roadway. In accordance with the requirements of Article II, Section 3, strict compliance with the Code would result in extraordinary hardship for the property owner by prohibiting the creation of a modest four-lot subdivision of the 43.8-acre parcel, of which only three lots will be made available for sale. Since the subject property collateralizes the loan obtained to fund the engineering, surveying, and subdivision approval process, the inability to create these lots could cause the owner to lose the land that has been in his family for generations.

Furthermore, the off-site twenty-foot and thirty-foot access easements are non-self-inflicted, having been in existence prior to the owner's birth. In fact, additional access was previously available through the Santiago Subdivision via Calle Elydia, along with a 50' easement allowing for the extension of Entrada de Santiago to Old Galisteo Way that provided an additional means of access to Rabbit Road. Please refer to the attached Santiago Subdivision Plat (Exhibit B) and the Wendell Hall Estate Survey (Exhibit C). The Board of County Commissioners vacated both of these easements in 1985, eliminating the additional means of access to the subject parcel, as well as an alternative route to Rabbit Road for Old Galisteo Way residents (see Exhibit D).

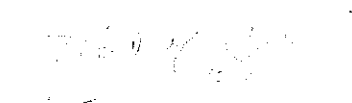
In light of the minimal nature of the subdivision request and the need to honor the existing conditions of this section of roadway, we respectfully request approval of this variance to allow the subdivision to move forward.

Please call should you have any questions or need additional information.

Thank you for your consideration.

Sincerely,

JENKINS GAVIN DESIGN & DEVELOPMENT, INC.



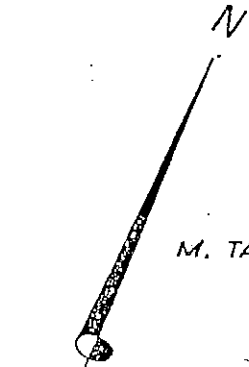
Jennifer Jenkins



Colleen C. Gavin, AIA

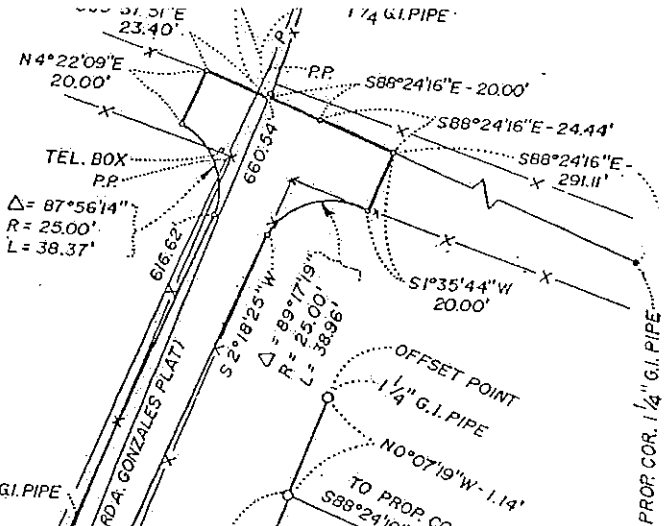
ABC-5

PLAT PREPARED IN ACCORDANCE
 WITH, DIST. COURT ORDER, DATED
 2-27-70 N^o 38970. SANTA FE
 COUNTY, NEW MEXICO.



N/F
 M. TAPIA

SCALE - 1" = 50'



TEL. BOX
 PP

$\Delta = 87^\circ 56' 14''$
 $R = 25.00'$
 $L = 38.37'$

DETAIL
 NO SCALE

OLD GALISTEO RD.
 69A, FROM W. HALL N.E.
 PROPERTY CORNER TO
 660 FEET NORTH

WITHIN THE S.E. $\frac{1}{4}$, S.E. $\frac{1}{4}$, S.W. $\frac{1}{4}$, & S.W. $\frac{1}{4}$,
 S.W. $\frac{1}{4}$, S.E. $\frac{1}{4}$, OF SECTION 10, T.16N.,
 R.9E., N.M.P.M., COUNTY OF SANTA FE,
 NEW MEXICO.

CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT
 IS AN ACCURATE DELINEATION OF A
 SURVEY PERFORMED IN THE FIELD
 BY ME ON 8 AUGUST, 1983.

Bernie A. Alarid
 BERNIE A. ALARID P.L.S. N^o 5338



N^o 4 REBAR $\frac{1}{4}$ COR. SEC. 10 & 15
 $N 89^\circ 20' 16'' W - 80'$ T.16N., R.9E.
 $N 89^\circ 20' 16'' W - 20.00'$
 HALL

NBC-6

Exhibit A

PERMISSION

BEFORE ALL MAPS AND PLANS PRESENTED TO THE COMMISSIONERS OF THE LAND OFFICE, THE APPLICANT SHALL FIRST OBTAIN THE APPROVAL OF THE CITY ENGINEER, COUNTY ENGINEER AND COUNTY SURVEYOR. THE APPLICANT SHALL ALSO OBTAIN THE APPROVAL OF THE CITY ENGINEER, COUNTY ENGINEER AND COUNTY SURVEYOR. THE APPLICANT SHALL ALSO OBTAIN THE APPROVAL OF THE CITY ENGINEER, COUNTY ENGINEER AND COUNTY SURVEYOR.

BY COMMISSION EXPANSION Sept 28, 1910.

APPROVALS

APPROVED BY THE CITY ENGINEER PLANNING COMMISSION AT ITS MEETING ON _____ 1910.

APPROVED BY THE COUNTY ENGINEER _____ 1910.

APPROVED BY THE COUNTY SURVEYOR _____ 1910.

UTILITY APPROVALS

APPROVED BY THE _____ 1910.

APPROVED BY THE _____ 1910.

SURVEYOR'S CERTIFICATE

I, _____, COUNTY SURVEYOR, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS CORRECTLY RECORDED IN THE _____ COUNTY RECORDS.

PLAT OF THE SANTIAGO SUBDIVISION

WITH A PLAN OF THE SANTIAGO SUBDIVISION.

PROFESSIONAL LAND SURVEYING

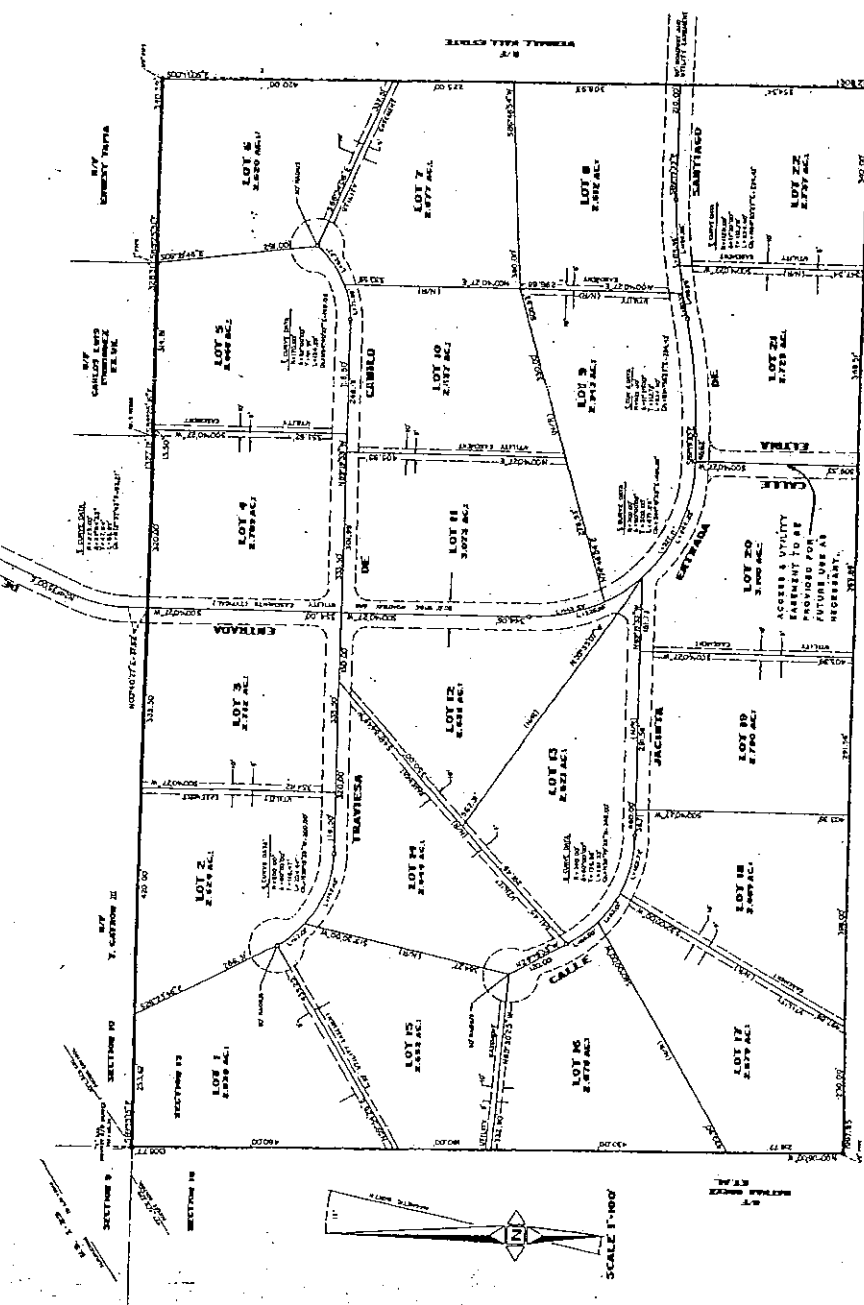
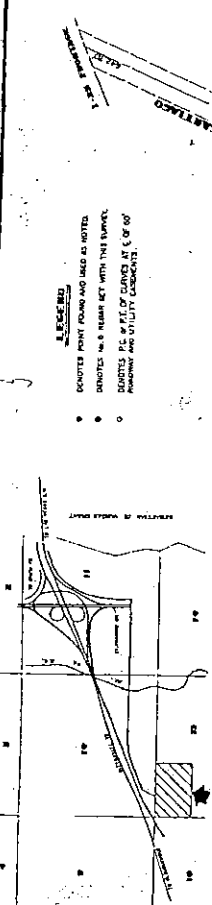
BY _____

PLATE 1 OF 2

NOTES

1. ALL LOT CORNERS SHALL BE MARKED WITH AN IRON NAIL AFTER THE ACCEPTANCE OF THIS INSTRUMENT.

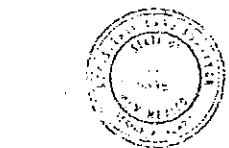
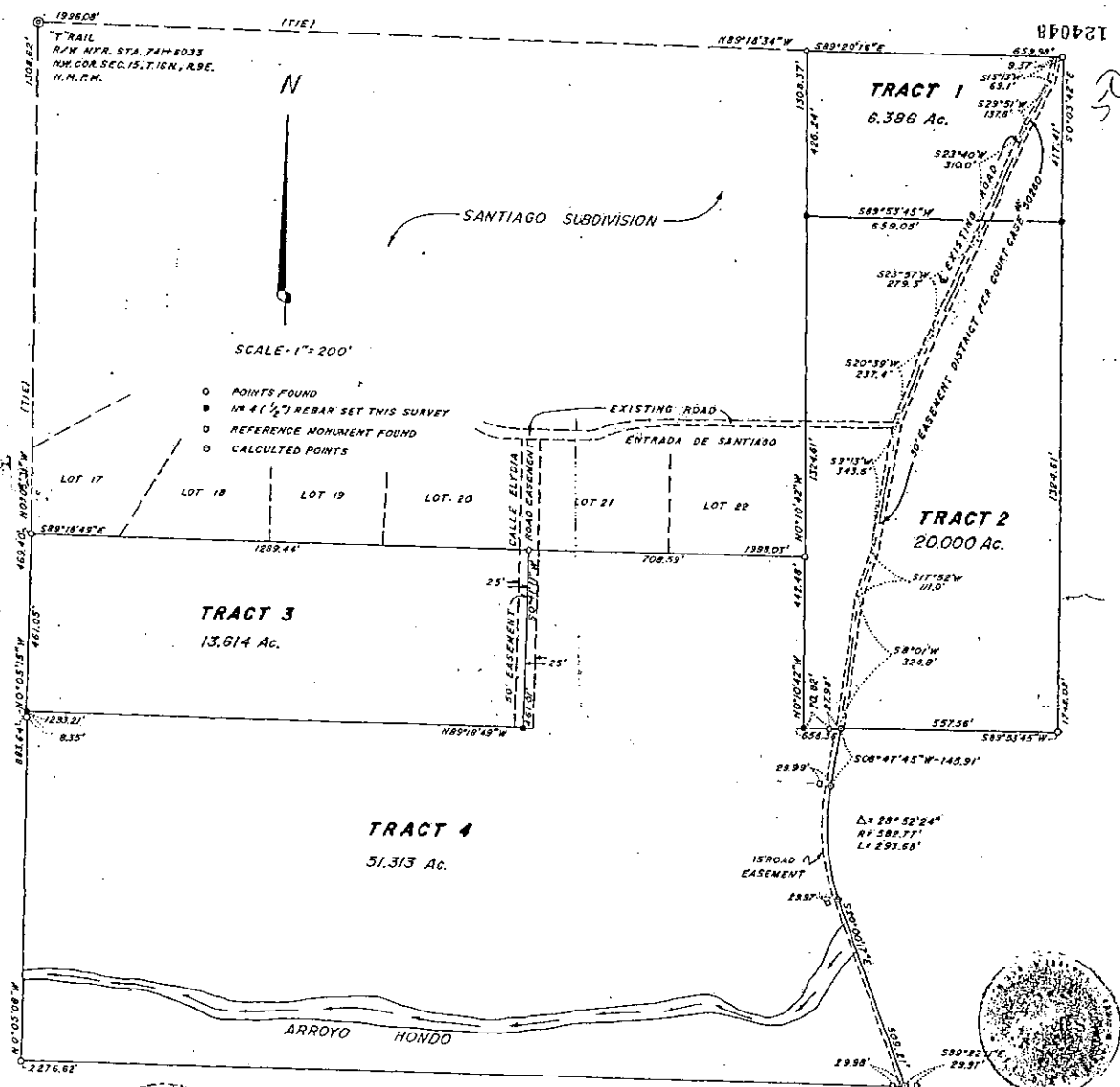
2. UNCORRECTED MASURE EQUAL TO NONE.



PROFESSIONAL LAND SURVEYING

BY _____

NB C-7



I HEREBY CERTIFY THAT THIS PLAN IS AN ACCURATE DELINEATION OF A SURVEY PERFORMED IN THE FIELD BY ME IN MAY 1982.
Bernice A. Alarid
 BERNICE A. ALARID P.L.S. 3335

APPROVALS
 COUNTY OF SANTA FE
[Signature]
 COUNTY LAND USE ADMINISTRATOR
 COUNTY DEVELOPMENT PERMIT NO. 83-52 DATE 2-3-83

WATER CONSUMPTION ON TRACT 1 RESTRICTED BY COVENANTS FILED IN THE OFFICE OF THE COUNTY CLERK, RECORDED IN BOOK 453, PAGE 119; 120. DOCUMENT NO. 510-976.

COUNTY OF SANTA FE 1885 510.047
 STATE OF NEW MEXICO
 I hereby certify that this instrument was filed for record on the 3rd day of February, A.D. 1983 at 10:52 A.M. and was duly recorded in book 453 of the Records of Santa Fe County, page 119 of the Record of Deeds of Office. Witness my Hand and Seal of Office.
 ANGIE YOUNG PEREZ
 County Clerk, Santa Fe County, N.M.
[Signature]
 Deputy

WENDELL HALL
ESTATE SURVEY
 WITHIN THE N.W. 1/4 SECTION 15
 T. 16 N., R. 9 E., N.M.P.M. SANTA FE
 COUNTY, NEW MEXICO

155045

DEPOSITION

STATE OF NEW YORK
 COUNTY OF SANTIAGO
 I, the undersigned, being duly sworn, depose and say that the foregoing instrument was acknowledged before me this 22nd day of August, 1980, by James E. Bivell, in and to the effect and content of the foregoing instrument as the same appears on the face hereof, and that the said James E. Bivell is the person whose name appears therein as the grantor of the same.

James E. Bivell
 James E. Bivell

SWORN TO before me this 22nd day of August, 1980, at the City of Santiago, New York.
 Notary Public for New York State

APPROVED SURVEYOR'S CERTIFICATE

I, the undersigned, being duly sworn, depose and say that the foregoing instrument was acknowledged before me this 22nd day of August, 1980, by James E. Bivell, in and to the effect and content of the foregoing instrument as the same appears on the face hereof, and that the said James E. Bivell is the person whose name appears therein as the grantor of the same.

James E. Bivell
 James E. Bivell

APPROVALS

APPROVED BY THE GOVT. CITY ENGINEER PLANNING COMMISSION AT ITS MEETING ON 10/1/80.
[Signature]

I HEREBY CERTIFY THAT THIS MAP AND INSTRUMENT ARE IN ACCORDANCE WITH THE MATHEMATICAL THEORY AND THEORY OF SURVEYING AND THE REQUIREMENTS OF THE PROFESSION REGULATED BY THE STATE OF NEW YORK.
[Signature]
 Surveyor General for New York State

[Signature]
 Surveyor General for New York State

[Signature]
 Surveyor General for New York State

UTILITY APPROVALS

[Signature]
 Utility Approvals

SURVEYOR'S CERTIFICATE

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[Signature]
 Surveyor General for New York State

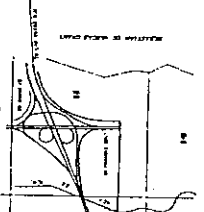
PLAT OF THE

SANTIAGO SUBDIVISION

PREPARED BY PROFESSIONAL LAND SURVEYING, SANTIAGO, N.Y.

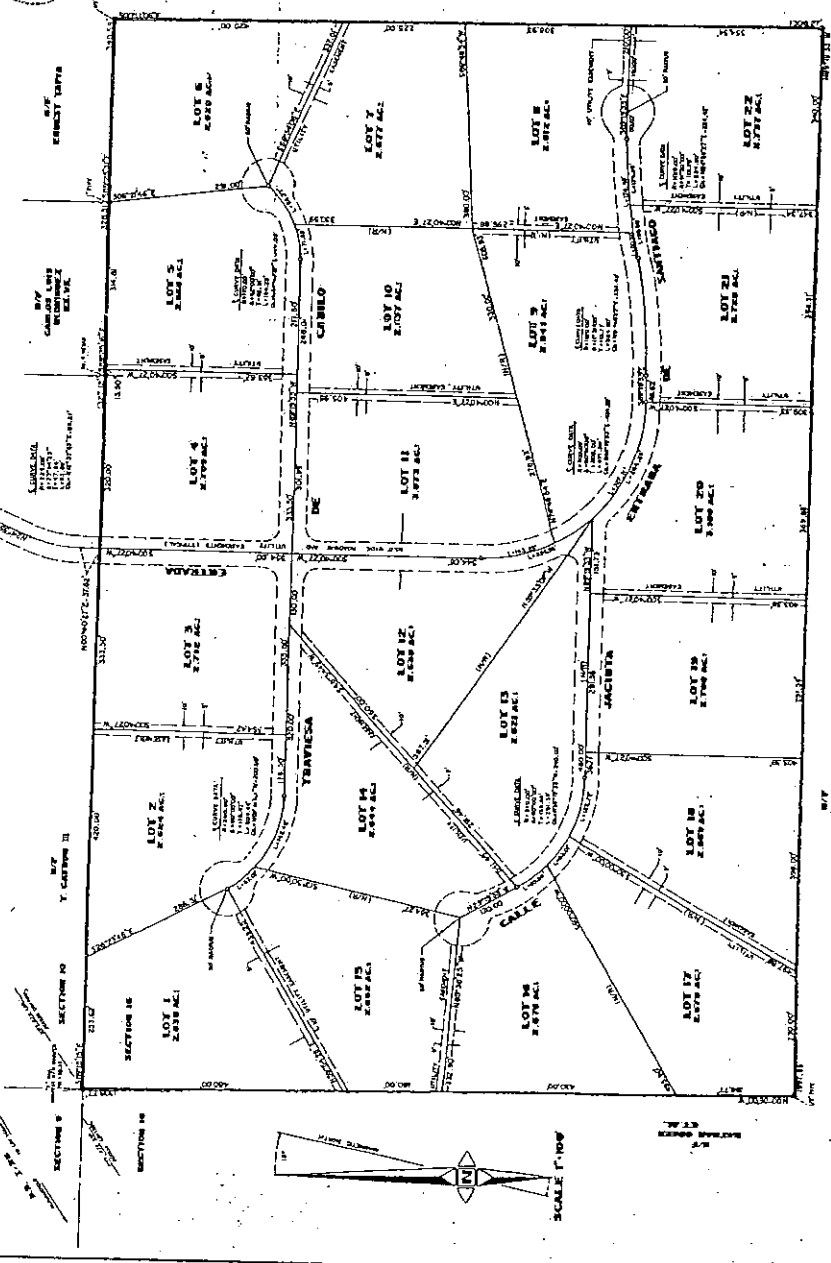
PROFESSIONAL LAND SURVEYING, SANTIAGO, N.Y.
 D-38

- INDEX**
- ALL LOT CORNERS SHALL BE MARKED WITH N.E.1. BEARING AFTER THE ACCEPTANCE OF THIS SUBDIVISION.
 - UNCORRECTED BEARING EQUAL TO NONE.



VICINITY MAP OF TRACT

- LEGEND**
- CORNERS FOUND AND USED AS NOTED.
 - CORNERS NOT FOUND SET WITH THIS SURVEY.
 - CORNERS SET WITH THIS SURVEY.
 - CORNERS SET WITH THIS SURVEY.



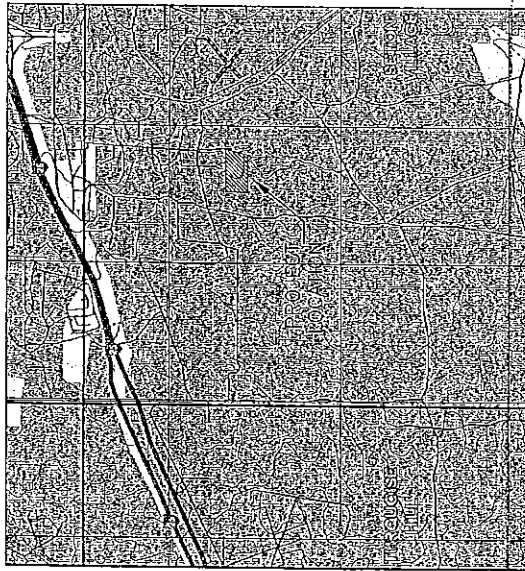
SCALE 1" = 100'

NBC-9

JOYA DE HONDO SUBDIVISION

PROPERTY LOCATION
R9E, T16N, SECTION 15

VICINITY MAP



SHEET INDEX

SHEET TITLE	No.
COVER SHEET	C
LOT OF RECORD	L-1
FINAL SUBDIVISION PLAT	S-1
EXISTING CONDITIONS AND SLOPE ANALYSIS	S-2
OFFSITE ROADWAY PLAN	C-1
GRADING AND DRAINAGE PLAN	C-2
ONSITE ROADWAY PLAN & PROFILE	C-3
WATER LAYOUT AND FIRE PROTECTION PLAN	C-4
SOILS MAP AND SEPTIC LAYOUT PLAN	C-5
TYPICAL DETAILS	C-6

JOYA DE HONDO SUBDIVISION

CONSULTANTS

Walker Engineering
 Civil Engineering • Survey • Traffic Engineering
 1114 Hickox St., Santa Fe, N.M. 87501
 505-833-1999 www.walkereng.com Fax: 505-833-1998

Jacobus Gavigan
 Surveyor • Engineer
 1114 Hickox St., Santa Fe, N.M. 87501
 505-833-1999 www.jacobusgavigan.com Fax: 505-833-1998

SOUTHWEST MOUNTAIN SURVEYS
 1114 HICKOX ST., SANTA FE, N.M. 87501
 505-833-1999 Fax: 505-833-1998

SHEET NO.

C

03/25/09

NB C-1

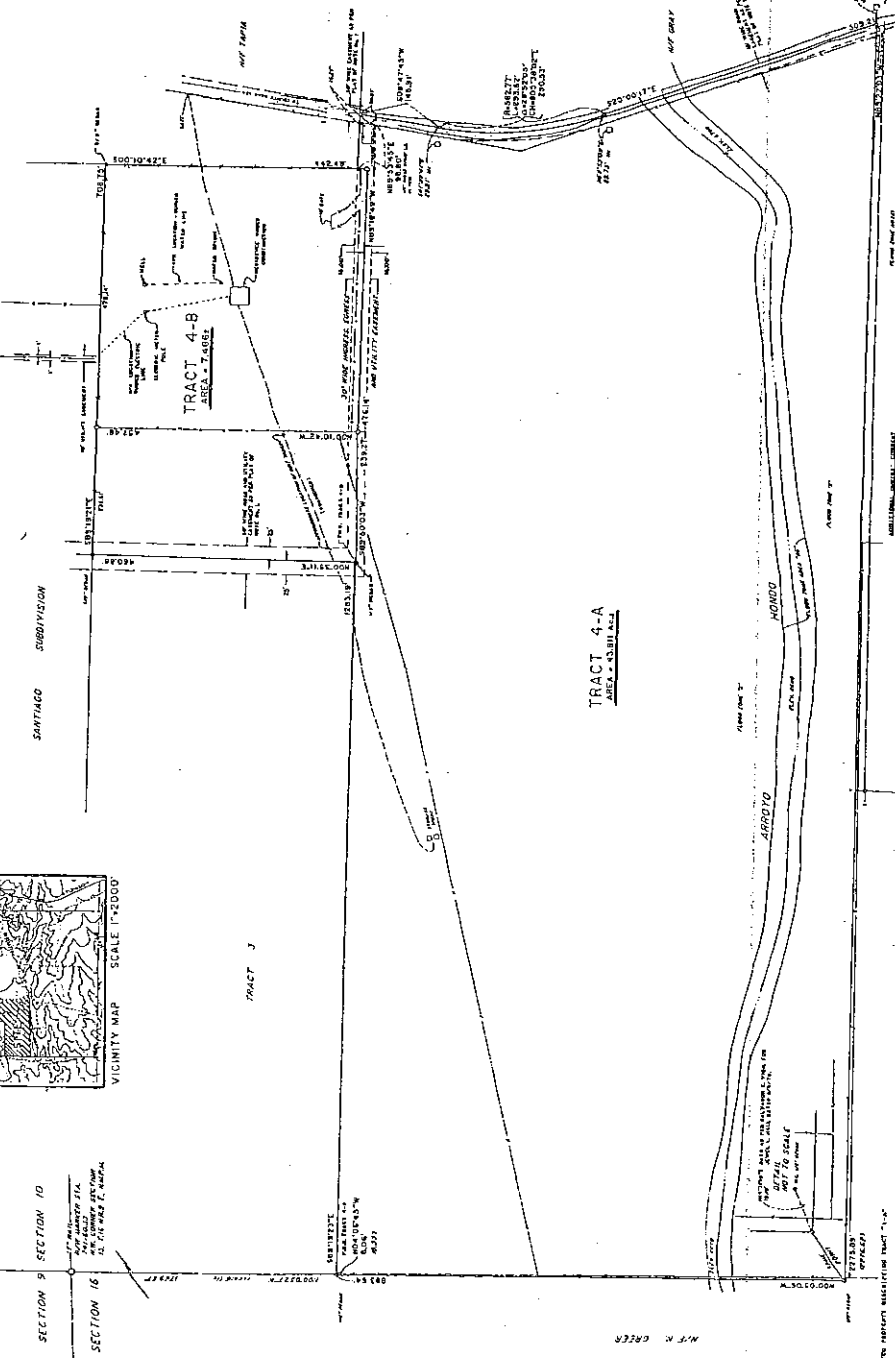
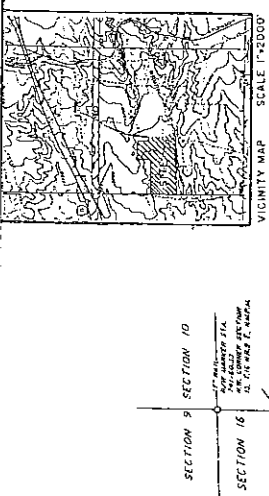
EXHIBIT

B

tabbles

LOT SPLIT SURVEY FOR
TRUST PROPERTY OF JEREMY M.
DAMIEN TERRELL

LYING AND BEING SITUATE WITHIN THE
N.W. 1/4 OF SECTION 10, T. 16 N.,
R. 12 W., COUNTY OF SANTA FE, NEW MEXICO.
AREA = 31,297 AC



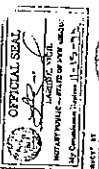
STATE OF SANTA FE
COUNTY OF SANTA FE

BEFORE ME, the
Notary Public for the County of Santa Fe,
New Mexico, on this 14th day of August, 2014,
I have personally known and identified
the undersigned as the person whose name
is subscribed to the foregoing instrument,
and I have known him to be the person whose
name is subscribed to the foregoing instrument
for the purpose and consideration therein
expressed.

Notary Public for Santa Fe County, New Mexico

THE UNDERSIGNED, BEING A PERSON CAPABLE OF MAKING THIS INSTRUMENT,
HEREBY CERTIFIES THAT HE HAS READ THE FOREGOING INSTRUMENT,
AND KNOWS THE CONTENTS THEREOF, AND THAT HE IS SIGNING THE SAME
FREELY AND WITHOUT COERCION, FRAUD, OR UNLAWFUL INFLUENCE,
AND THAT HE IS SIGNING THE SAME FOR THE PURPOSES AND CONSIDERATION
THEREIN EXPRESSED.

Jeremy M. Damien Terrell
Trustee of the Trust Property of Jeremy M. Damien Terrell



STATE OF NEW MEXICO
COUNTY OF SANTA FE

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COUNTY OF SANTA FE

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name is subscribed to the foregoing instrument
for the purpose and consideration therein
expressed.

Notary Public for Santa Fe County, New Mexico

SOUTHWEST MOUNTAIN
SURVEYS, INC.
118 HENOCK ST. SANTA FE, N.M. 87501
800-868-8822
SANTA FE, NEW MEXICO 87501

NBC-11

FINAL PLAN OF JOYA DE HONDO SUBDIVISION

Lying and being situate within the NW 1/4 of SECTION 15, T16N, R9E N.H.P.M. CONTAINING 43.807AC.1

SURVEYOR'S NOTES:

1. PARTS OF BEARING IS TAKEN FROM A PLAN OF SURVEY ENTITLED "LOT 1311 SURVEY" FOR TRACT 1311, COUNTY OF SANTA FE, NEW MEXICO, RECORDED IN BOOK 210, PAGE 633 AT THE SANTA FE COUNTY CLERK'S OFFICE.
2. EACH STRUCTIONAL CONSTRUCTION PERSON SHALL BE EQUIPPED WITH A N.P.P.A. (3-0) AUTOMATIC FIRE SUPPRESSION SYSTEM.
3. ALL SEPTIC SYSTEMS AND LEACH FIELDS MUST BE SLOPED TO FLOW AWAY FROM ABOVE.
4. NO OBSTRUCTIONS ARE PERMITTED IN THE 100-YEAR FLOODPLAIN.
5. THE FINISHED FLOOR ELEVATIONS FOR LOTS 1-4 MUST BE AT LEAST 1' ABOVE THE BASE FLOOD ELEVATION.
6. EACH LOT IS LIMITED TO 0.25 ACRE PER YEAR FOR WATER USE AS PER SANTA FE COUNTY CODE.

OWNER'S CONSENT/DEDICATION

I, the undersigned, being duly qualified, do hereby certify that I am the owner of the above described premises and that I have read and understand the contents of this instrument and that I hereby consent and dedicate to the public use the 100-year flood plain drainage easement.

OWNER: JERRY M. MOON, L.L.C. BY JERRY MOON, DANIEL TERRELL DATE
 STATE OF NEW MEXICO | 55
 COUNTY OF SANTA FE | 55
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS
 DAY OF _____ 2008 AT _____

BOUNDARY CURVE DATA CHART

LINE	BEARING	DISTANCE	CHORD BEARING	CHORD DISTANCE
1	S 21° 18' 00" W	271.18	S 21° 18' 00" W	271.18
2	S 89° 58' 00" E	592.75	S 89° 58' 00" E	592.75
3	N 68° 30' 00" W	113.14	N 68° 30' 00" W	113.14
4	N 83° 00' 00" E	33.52	N 83° 00' 00" E	33.52

BOUNDARY CURVE DATA CHART

LINE	BEARING	DISTANCE	CHORD BEARING	CHORD DISTANCE
1	S 68° 30' 00" W	113.14	S 68° 30' 00" W	113.14
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100-YEAR FLOOD PLAIN DATA CHART

LINE	BEARING	DISTANCE	CHORD BEARING	CHORD DISTANCE
1	S 68° 30' 00" W	113.14	S 68° 30' 00" W	113.14
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BUILDING ENVELOPE DATA CHART

LINE	BEARING	DISTANCE	CHORD BEARING	CHORD DISTANCE
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BOUNDARY CURVE DATA CHART

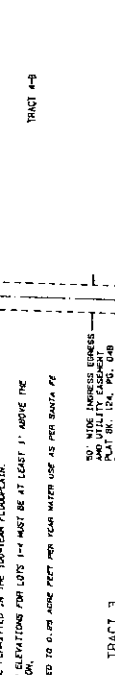
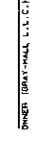
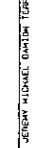
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2	S 89° 58' 00" E	592.75	S 89° 58' 00" E	592.75
3	N 21° 18' 00" W	271.18	N 21° 18' 00" W	271.18
4	N 83° 00' 00" E	33.52	N 83° 00' 00" E	33.52

BOUNDARY CURVE DATA CHART

LINE	BEARING	DISTANCE	CHORD BEARING	CHORD DISTANCE
1	S 68° 30' 00" W	113.14	S 68° 30' 00" W	113.14
2	S 89° 58' 00" E	592.75	S 89° 58' 00" E	592.75
3	N 21° 18' 00" W	271.18	N 21° 18' 00" W	271.18
4	N 83° 00' 00" E	33.52	N 83° 00' 00" E	33.52



LEGEND:

- PROPERTY CORNER AS PER PLAN OF NOTE 1
- ADJACENT BOUNDARY
- EASEMENT EDGE
- BUILDING ENVELOPE

SURVEYOR'S CERTIFICATE

I, KATHLEEN K. MOON, N.M.P.S., do hereby certify that this boundary survey plan and the actual survey on the ground were made and conducted under my direct supervision and that I am responsible for this survey and that I am a duly qualified and licensed surveyor in the State of New Mexico and I am competent and believe that I am true and correct to the best of my knowledge and belief. 6/16/08

SURVEYOR'S CERTIFICATE

I, KATHLEEN K. MOON, N.M.P.S., do hereby certify that this boundary survey plan and the actual survey on the ground were made and conducted under my direct supervision and that I am responsible for this survey and that I am a duly qualified and licensed surveyor in the State of New Mexico and I am competent and believe that I am true and correct to the best of my knowledge and belief. 6/16/08

FLOOD ZONE NOTE

FLOOD ZONES AS SHOWN AS PER FEMA FIRM COMMUNITY PANEL NO. 13010-01-0000 REFER TO SAID PANEL FOR MORE COMPLETE DESCRIPTIONS OF ZONES.

OWNER'S CONSENT/DEDICATION

I, the undersigned, being duly qualified, do hereby certify that I am the owner of the above described premises and that I have read and understand the contents of this instrument and that I hereby consent and dedicate to the public use the 100-year flood plain drainage easement.



KATHLEEN K. MOON
 N.M.P.S. (6090)
 1114 HICKOK ST., SANTA FE, N.M. 87501
 (505) 948-4444
 FAX (505) 948-4444

OWNER'S CONSENT/DEDICATION
 STATE OF NEW MEXICO | 55
 COUNTY OF SANTA FE | 55
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS
 DAY OF _____ 2008 AT _____

OWNER'S CONSENT/DEDICATION
 STATE OF NEW MEXICO | 55
 COUNTY OF SANTA FE | 55
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS
 DAY OF _____ 2008 AT _____

OWNER'S CONSENT/DEDICATION
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 COUNTY OF SANTA FE | 55
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS
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 COUNTY OF SANTA FE | 55
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OWNER'S CONSENT/DEDICATION
 STATE OF NEW MEXICO | 55
 COUNTY OF SANTA FE | 55
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS
 DAY OF _____ 2008 AT _____

OWNER'S CONSENT/DEDICATION
 STATE OF NEW MEXICO | 55
 COUNTY OF SANTA FE | 55
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS
 DAY OF _____ 2008 AT _____

NB C-12

TOPOGRAPHIC SURVEY OF JOYA DE HONDO SUBDIVISION

LYING AND BEING SITUATE WITHIN SECTION 15, T16N, R9E N.M.P.M. CONTAINING 43.807AC. ±

SURVEYOR'S NOTES:

- ALL BOUNDARY AND EASEMENT DATA ARE TAKEN FROM A PLAT OF SURVEY ENTITLED "LOT 3 & 4 OF JOYA DE HONDO SUBDIVISION" PREPARED BY ATTORNEYS K. NORMAN, WELLS FERRER, RESIGNED IN 1988, AND DATED FEBRUARY 20, 1988, FILED IN THE PUBLIC RECORDS OF THE COUNTY OF SANTA FE COUNTY, NEW MEXICO.
- THIS IS NOT A BOUNDARY SURVEY. PLEASE REFER TO THE PLAT ABOVE FOR ALL BOUNDARY INFORMATION.
- ELEVATIONS ARE BASED ON AUTOMATIC GPS OBSERVATIONS OF MEAN SEA LEVEL, AND ARE RELATIVE TO THE BENCH MARK AS SHOWN HEREON.

SANTIAGO SUBDIVISION

NEV. SEMARCO (SANTO) BOOK 102, PAGE 791
1-051-0594-105-390

1-051-0594-230-371
1-051-0594-230-371
1-051-0594-230-371

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1-051-0594-230-371
1-051-0594-230-371

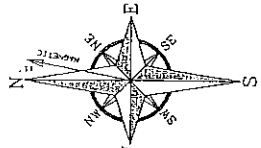
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1-051-0594-230-371
1-051-0594-230-371



BOUNDARY CURVE DATA CHART

LINE	AREA	BEARING	PLAT	CHANGING BEARING	CORNER	PLAT
1	16.02	S 82° 27' 13"	1-051-0594-105-390	S 82° 27' 13"	1	15.12
2	16.02	S 82° 27' 13"	1-051-0594-105-390	S 82° 27' 13"	2	15.12
3	16.02	S 82° 27' 13"	1-051-0594-105-390	S 82° 27' 13"	3	15.12
4	16.02	S 82° 27' 13"	1-051-0594-105-390	S 82° 27' 13"	4	15.12
5	16.02	S 82° 27' 13"	1-051-0594-105-390	S 82° 27' 13"	5	15.12
6	16.02	S 82° 27' 13"	1-051-0594-105-390	S 82° 27' 13"	6	15.12
7	16.02	S 82° 27' 13"	1-051-0594-105-390	S 82° 27' 13"	7	15.12
8	16.02	S 82° 27' 13"	1-051-0594-105-390	S 82° 27' 13"	8	15.12
9	16.02	S 82° 27' 13"	1-051-0594-105-390	S 82° 27' 13"	9	15.12
10	16.02	S 82° 27' 13"	1-051-0594-105-390	S 82° 27' 13"	10	15.12

100' NEAR FLOOD ZONE DRAINAGE EASEMENT DATA CHART

LINE	BEARING	DISTANCE
1	S 82° 27' 13"	11.43
2	S 82° 27' 13"	11.43
3	S 82° 27' 13"	11.43
4	S 82° 27' 13"	11.43
5	S 82° 27' 13"	11.43
6	S 82° 27' 13"	11.43
7	S 82° 27' 13"	11.43
8	S 82° 27' 13"	11.43
9	S 82° 27' 13"	11.43
10	S 82° 27' 13"	11.43

BUILDING ENVELOPE TIE LINE DATA CHART

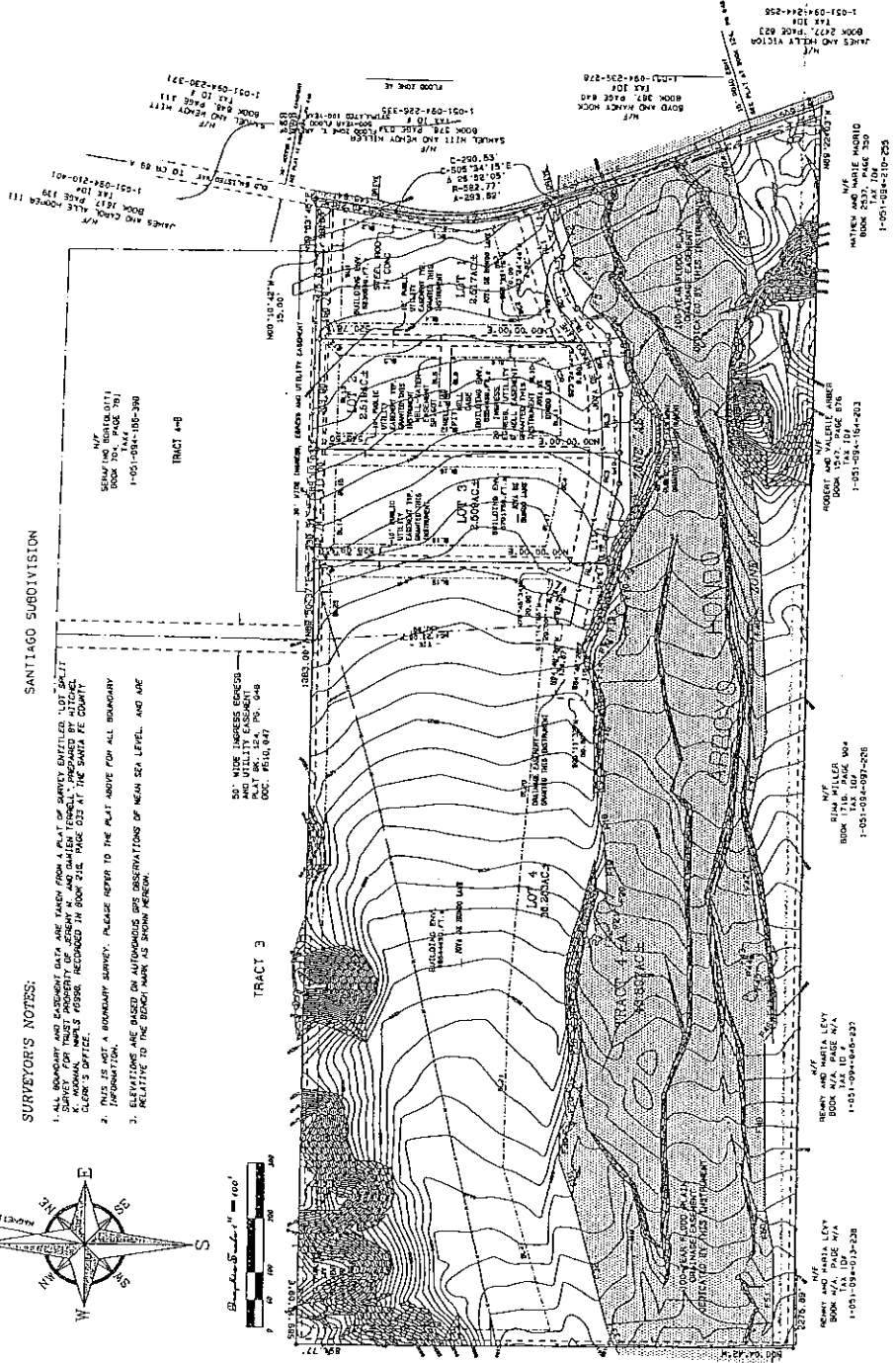
LINE	BEARING	DISTANCE
1	S 82° 27' 13"	46.83
2	S 82° 27' 13"	46.83
3	S 82° 27' 13"	46.83
4	S 82° 27' 13"	46.83
5	S 82° 27' 13"	46.83
6	S 82° 27' 13"	46.83
7	S 82° 27' 13"	46.83
8	S 82° 27' 13"	46.83
9	S 82° 27' 13"	46.83
10	S 82° 27' 13"	46.83

BUILDING ENVELOPE CURVE DATA CHART

LINE	BEARING	DISTANCE
1	S 82° 27' 13"	103.37
2	S 82° 27' 13"	103.37
3	S 82° 27' 13"	103.37
4	S 82° 27' 13"	103.37
5	S 82° 27' 13"	103.37
6	S 82° 27' 13"	103.37
7	S 82° 27' 13"	103.37
8	S 82° 27' 13"	103.37
9	S 82° 27' 13"	103.37
10	S 82° 27' 13"	103.37

CENTERLINE OF 46' ADDRESS & UTILITY EASEMENT CURVE DATA CHART

LINE	BEARING	DISTANCE
1	S 82° 27' 13"	219.77
2	S 82° 27' 13"	219.77
3	S 82° 27' 13"	219.77
4	S 82° 27' 13"	219.77
5	S 82° 27' 13"	219.77
6	S 82° 27' 13"	219.77
7	S 82° 27' 13"	219.77
8	S 82° 27' 13"	219.77
9	S 82° 27' 13"	219.77
10	S 82° 27' 13"	219.77



1-051-0594-230-371
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1-051-0594-230-371
1-051-0594-230-371

SURVEYOR'S CERTIFICATE

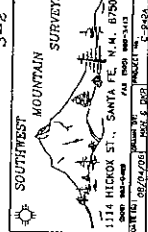
I HEREBY CERTIFY THAT THE TEMPORARY AND THE SLOPE ANALYSIS AS SHOWN ON THESE PLANS WERE MADE IN ACCORDANCE WITH THE ACCURATE COPY OF A FIELD SURVEY COMPLETED BY ME OR UNDER MY SUPERVISION ON JAN. 19, 2006, AND MEETS OR EXCEEDS THE NATIONAL MAP ACCURACY STANDARDS.

FLOOD ZONE NOTE

FLOOD ZONES AS SHOWN AS PER FEMA FIRM COMMUNITY PANEL. NO. 17006-01-0100. REVISION DATE MAY 13, 2006. THESE ZONES ARE FOR INFORMATION ONLY. COMPLETE DESCRIPTIONS OF ZONES.



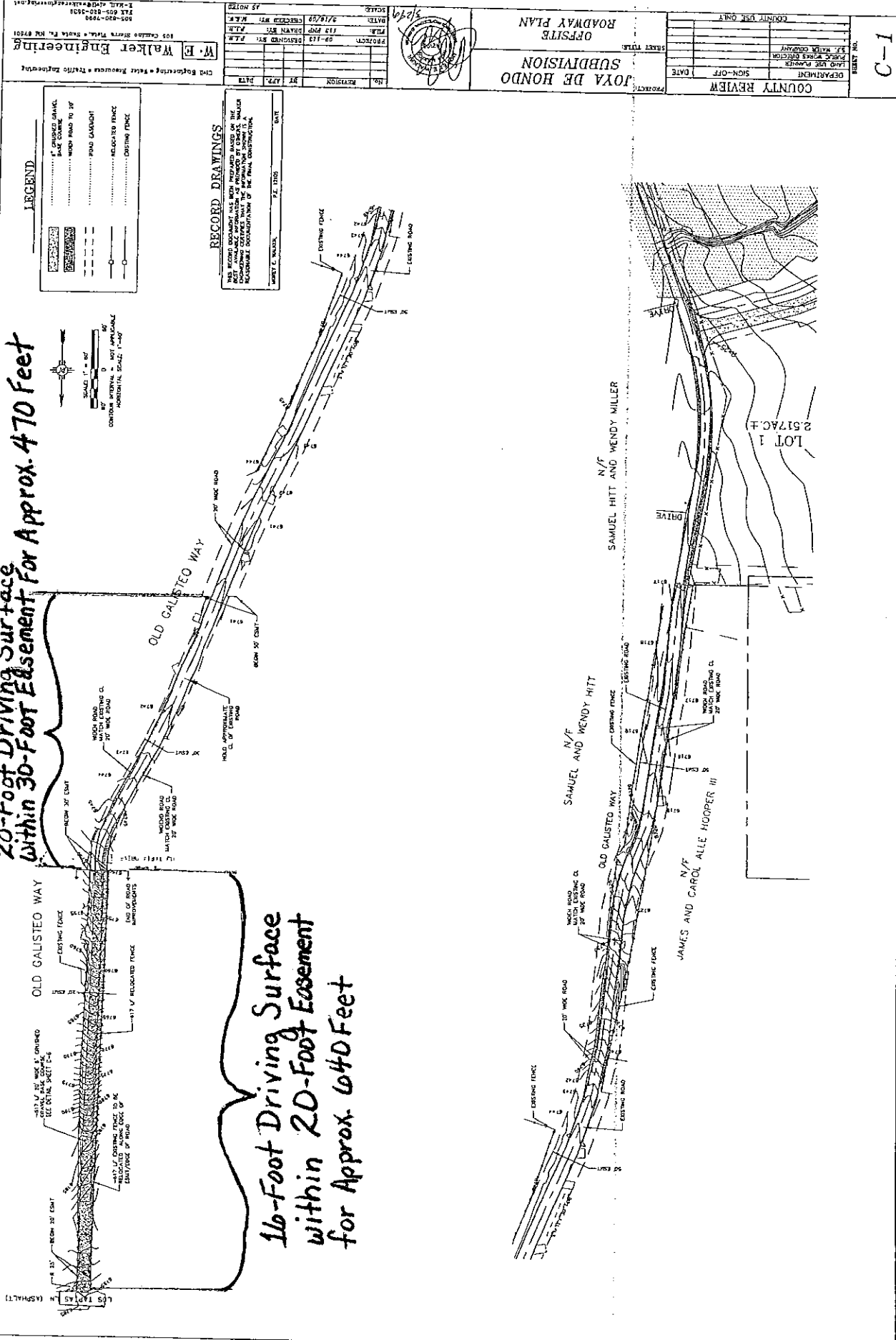
KATHLEEN K. ROSS
SURVEYOR
1-051-0594-230-371



NB 2-13

**20-Foot Driving Surface
Within 30-Foot Easement For Approx. 470 Feet**

**16-Foot Driving Surface
within 20-Foot Easement
for Approx. 640 Feet**



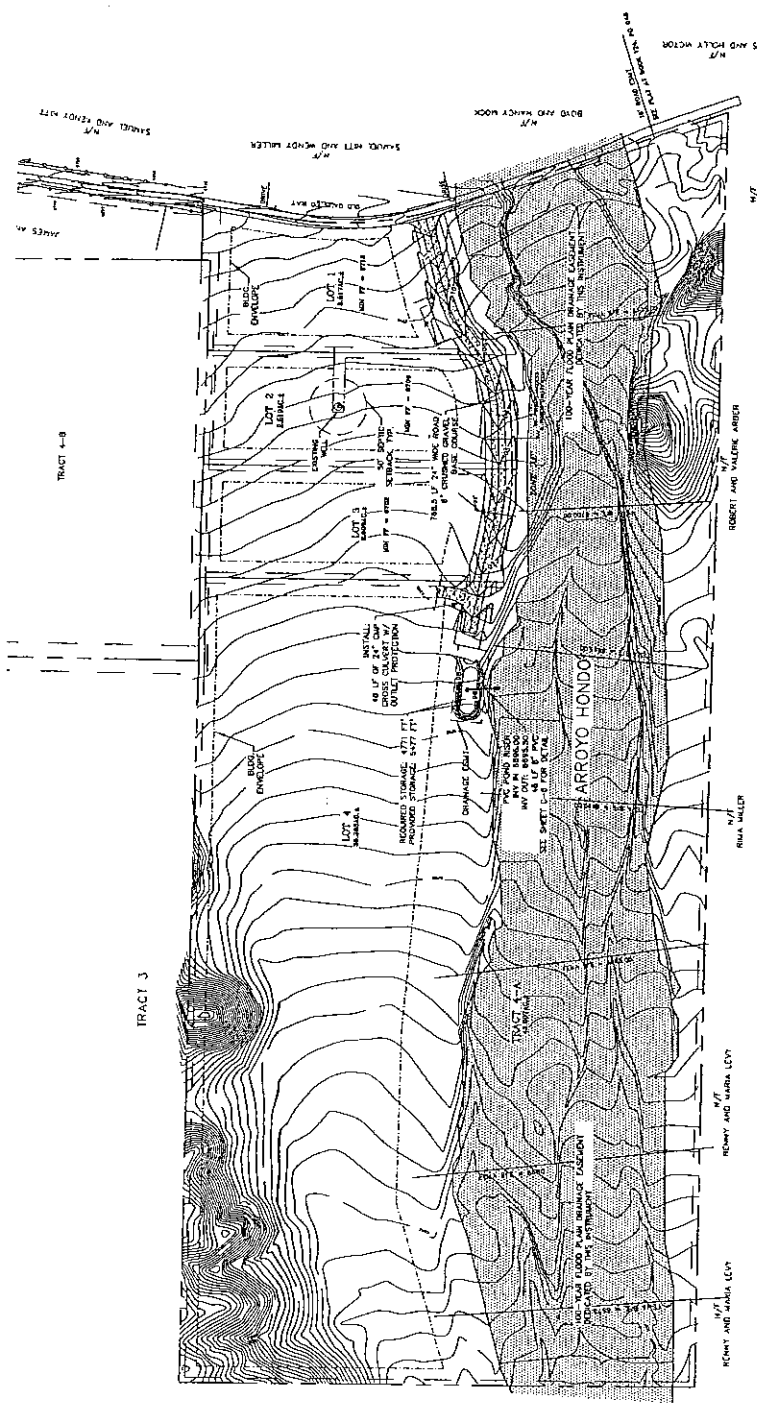
NB C-14

NO.	REVISION	BY	DATE

JOYA DE HONDO
 SUBDIVISION
 OVERALL GRADING &
 DRAINAGE PLAN

PROJECT	DATE

COUNTY REVIEW
 SIGN-OFF
 DATE



TRACT 3

TRACT 4-B

JAMES AND POLLY WATSON

DAVID AND KATHY WOOD

SHAWNA HITT AND WENDY MULLEN

DAVID QUINN WAY

ROBERT AND VALERIE ARBER

MATHER AND MARIE MARINO

RYAN BAUER

RYAN AND ANNA LEY

RYAN AND ANNA LEY

100-YEAR FLOOD AND DRAINAGE COORDINATES

DESIGN CONTOURS

EXISTING CONTOURS

5' CRUSHED GRAVEL BARRICADE

BUILDING ELEVATION

SEE SHEET 1-4 FOR DETAILS

SEE SHEET 1-5 FOR DETAILS

SEE SHEET 1-6 FOR DETAILS

SEE SHEET 1-7 FOR DETAILS

SEE SHEET 1-8 FOR DETAILS

SEE SHEET 1-9 FOR DETAILS

SEE SHEET 1-10 FOR DETAILS

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SEE SHEET 1-96 FOR DETAILS

SEE SHEET 1-97 FOR DETAILS

SEE SHEET 1-98 FOR DETAILS

SEE SHEET 1-99 FOR DETAILS

SEE SHEET 1-100 FOR DETAILS

SCALE: 1" = 100'

CONTOUR INTERVAL = 5' (NOT APPLICABLE)

HORIZONTAL SCALE: 1" = 400'



LEGEND

..... FEMA FLOOD PLAN ELEVATIONS

..... DESIGN CONTOURS

..... DESIGN CONTOURS

..... 5' CRUSHED GRAVEL BARRICADE

..... BUILDING ELEVATION

RECORD DRAWINGS

THIS RECORD DOCUMENT HAS BEEN PREPARED BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE ENGINEER'S VISUAL INSPECTION OF THE PROJECT. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR THE ENGINEER'S VISUAL INSPECTION OF THE PROJECT.

DATE: 7.1.2008

BY: W.E. WALKER

FEMA FLOOD PLAN

PLAN AND 100-YEAR FLOOD PLAN ELEVATIONS WERE TAKEN FROM THE FEMA FLOOD PLAN FOR THE SUBDIVISION DATED JUNE 11, 2008.

NO.	DESCRIPTION	DATE	BY	CHKD.	APP'D.
1	PRELIMINARY PLAN	11/11/07	W.E. WALKER	W.E. WALKER	W.E. WALKER
2	REVISED PLAN	11/11/07	W.E. WALKER	W.E. WALKER	W.E. WALKER
3	FINAL PLAN	11/11/07	W.E. WALKER	W.E. WALKER	W.E. WALKER

W. E. Walker Engineering
 Civil Engineering & Surveying
 800 Camino del Rio North, Suite 100, San Diego, CA 92108
 Phone: (619) 444-1000, Fax: (619) 444-1001
 E-Mail: ewalker@walkeng.com

PROJECT NO.	113-113
DATE	3/19/08
DESIGNED BY	M.A.B.
CHECKED BY	M.A.B.
SCALE	AS NOTED

JOYA DE HONDO SUBDIVISION
ROADWAY PLAN AND PROFILE

COUNTY REVIEW

DEPARTMENT: _____
 SIGN-OFF: _____
 DATE: _____

PROJECT: _____

DEPARTMENT	_____
SIGN-OFF	_____
DATE	_____

LEGEND

- EXISTING CONTOURS
- DESIGN CONTOURS
- 6" GRADED DRIVE SHOULDER
- 8" GRADED DRIVE SHOULDER
- 12" GRADED DRIVE SHOULDER

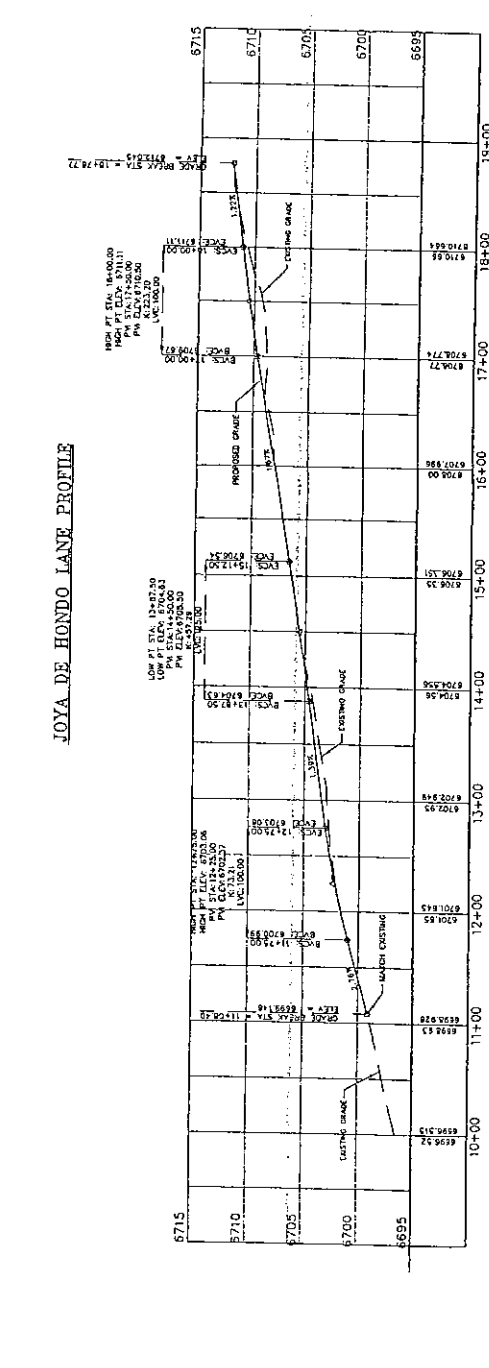
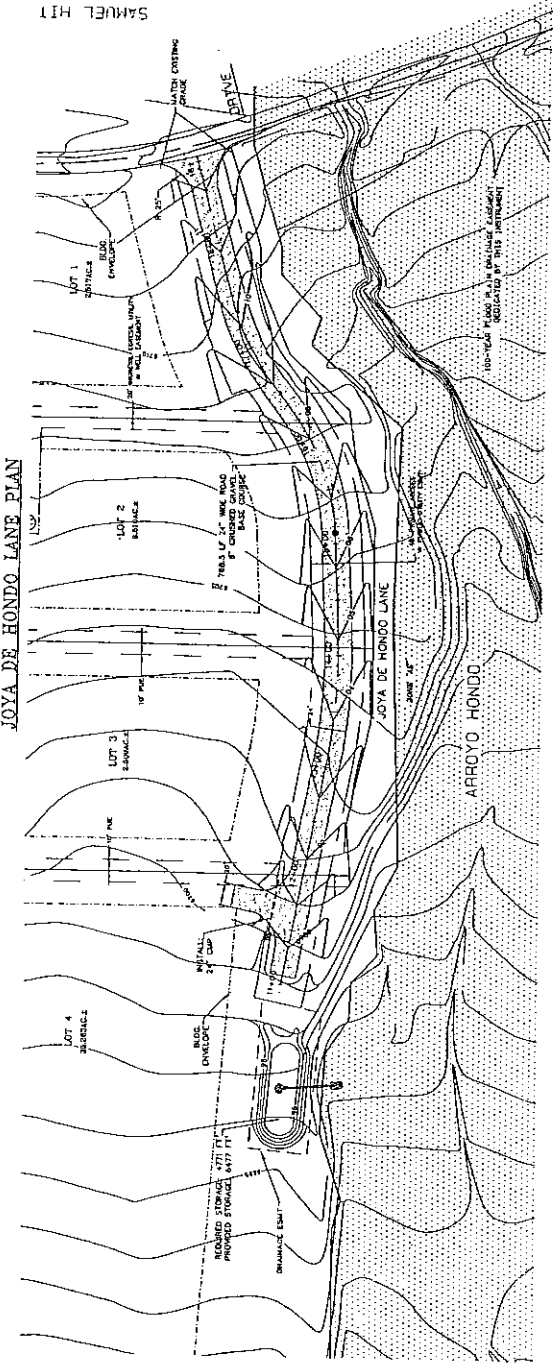
BOYD AND NANCY HOOK
 N/F

SCALE: 1" = 30'
 HORIZONTAL SCALE: 1" = 30'
 VERTICAL SCALE: 1" = 3'

RECORD DRAWINGS

THIS RECORD DRAWING HAS BEEN PREPARED BASED ON THE ORIGINAL DRAWING AND THE RECORD DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

DATE: _____
 DRAWN BY: _____



PROJECT NO.	98-113	DESIGNED BY	P.M.
DATE	08/11/08	CHECKED BY	M.K.R.
SCALE	AS NOTED		

JOYA DE HONDO
 SUBDIVISION
 WATER LAYOUT AND
 FIRE PROTECTION PLAN

COUNTY USE ONLY	
DEPARTMENT	
SECTION	
DATE	
PROJECT	
SHEET TITLE	
SHEET NO.	

JOYA DE HONDO
SUBDIVISION
WATER LAYOUT AND
FIRE PROTECTION PLAN

PROJECT NO.	98-113	DESIGNED BY	P.M.
DATE	08/11/08	CHECKED BY	M.K.R.
SCALE	AS NOTED		

JOYA DE HONDO
 SUBDIVISION
 WATER LAYOUT AND
 FIRE PROTECTION PLAN

COUNTY USE ONLY	
DEPARTMENT	
SECTION	
DATE	
PROJECT	
SHEET TITLE	
SHEET NO.	

JOYA DE HONDO
SUBDIVISION
WATER LAYOUT AND
FIRE PROTECTION PLAN



UTILITY NOTE
 IF ANY UTILITY LINES, PIPELINES, OR UNDERGROUND UTILITY LINES ARE SHOWN
 ON THIS DRAWING, THE LOCATION AND DEPTH OF SUCH LINES SHALL BE THE RESPONSIBILITY
 OF THE OWNER. THE LOCATION IS BASED UPON INFORMATION PROVIDED BY THE
 OWNER AND IS NOT TO BE CONSIDERED AS A GUARANTEE OF ACCURACY. THE INFORMATION
 SHOWN ON THIS DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY
 OTHER PURPOSE. THE INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSE
 WITHOUT THE WRITTEN CONSENT OF WALKER ENGINEERING. THE INFORMATION IS NOT
 TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF WALKER
 ENGINEERING. THE INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSE
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 ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF WALKER ENGINEERING.

LEGEND
 WATER MAIN
 WATER LINE
 LAYOUT

RECORD DRAWINGS
 THIS DRAWING IS A RECORD DRAWING AND IS NOT TO BE USED FOR ANY OTHER
 PURPOSE. THE INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSE
 WITHOUT THE WRITTEN CONSENT OF WALKER ENGINEERING. THE INFORMATION IS
 NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF
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 CONSENT OF WALKER ENGINEERING. THE INFORMATION IS NOT TO BE USED FOR
 ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF WALKER ENGINEERING.

TRACT 4-B
 OLD CAUSTEO WAY DRIVE
 JOYA DE HONDO LANE DRIVE
 ARROYO HONDO
 LOT 1 30.583 AC
 LOT 2 24.383 AC
 LOT 3 23.983 AC
 LOT 4 30.583 AC

NBC-17

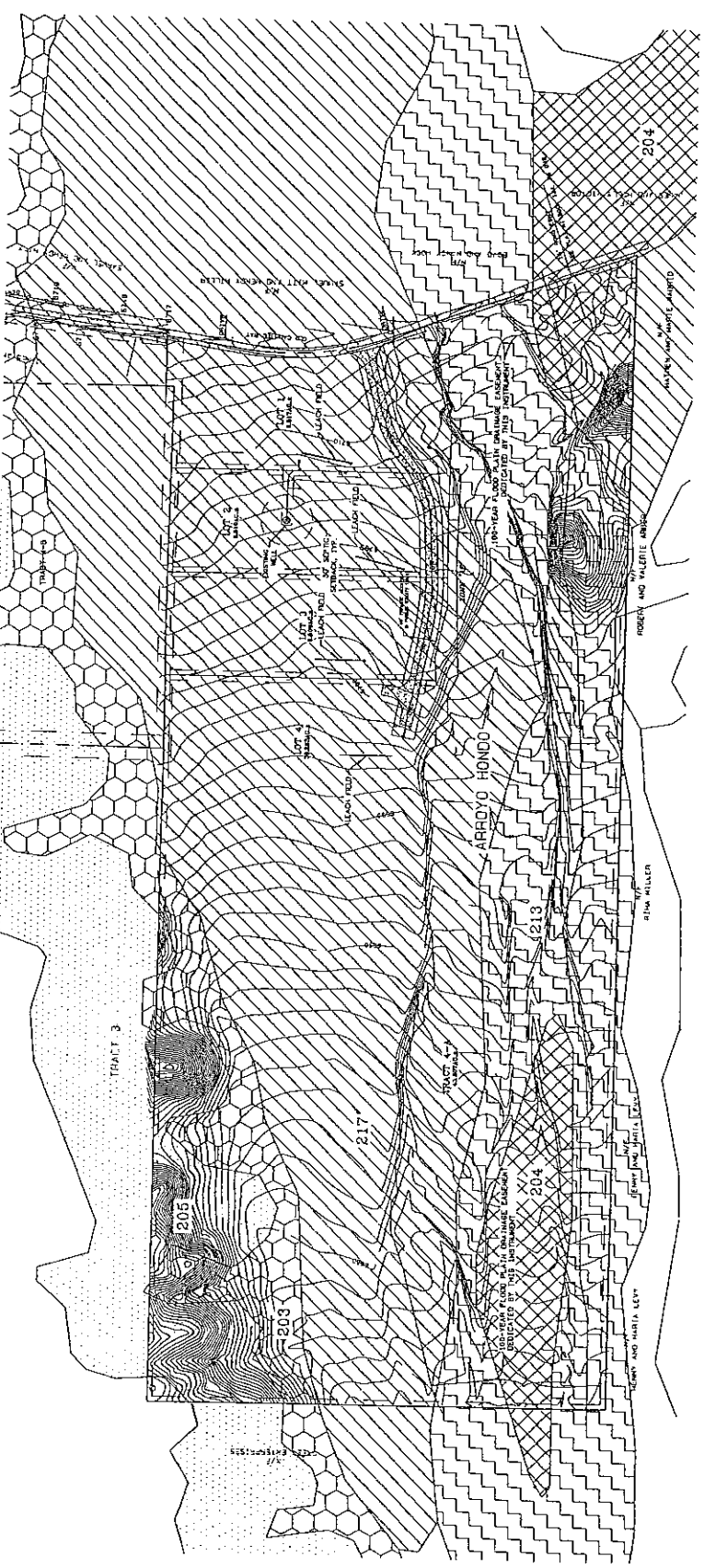
DEPARTMENT	COUNTY REVIEW
PROJECT	ROYA DE HONDO SUBDIVISION
DATE	
SCALE	
DATE	
DESIGNED BY	
DRAWN BY	
CHECKED BY	
DATE	

ROYA DE HONDO
SUBDIVISION
SEPTIC MAP AND
SEPTIC LAYOUT



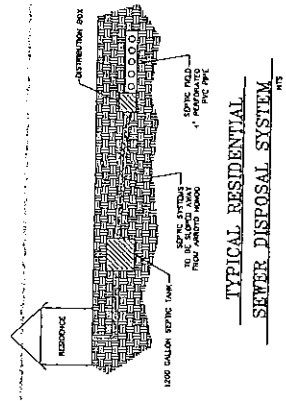
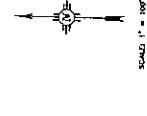
NO.	REVISION	BY	DATE
1	AS NOTED		

W. B. Walker Engineering
505 608-7880
805 Gumbo Grove Way, Suite 505, Palm Bay, FL 32909
Civil Engineering • Water Resources • Traffic Engineering



LEGEND

[Symbol]	EXISTING CONTOURS
[Symbol]	SITE BOUNDARY
[Symbol]	LOT'S LOCATION
[Symbol]	PROPOSED LOCATION



RECORD DRAWINGS

THIS RECORD DRAWING HAS BEEN PREPARED BASED ON THE INFORMATION PROVIDED BY THE CLIENT. THE ENGINEER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE PLANS, CONSTRUCTION RECORDS, AND RECORDS OF THE PROJECT.

DATE: _____
SCALE: _____
BY: _____

- SOIL PERMEABILITY CLASS 1 TO 3 (EXCELLENT TO POOR)**

SOIL PERMEABILITY = EXCELLENT TO POOR

MAJOR USES - RESIDENTIAL, COMMERCIAL, INDUSTRIAL
- SOIL PERMEABILITY CLASS 4 TO 6 (MODERATE TO POOR)**

SOIL PERMEABILITY = MODERATE TO POOR

MAJOR USES - RESIDENTIAL, COMMERCIAL, INDUSTRIAL
- SOIL PERMEABILITY CLASS 7 TO 8 (POOR TO VERY POOR)**

SOIL PERMEABILITY = POOR TO VERY POOR

MAJOR USES - RESIDENTIAL, COMMERCIAL, INDUSTRIAL
- SOIL PERMEABILITY CLASS 9 TO 10 (VERY POOR TO EXCELLENT)**

SOIL PERMEABILITY = VERY POOR TO EXCELLENT

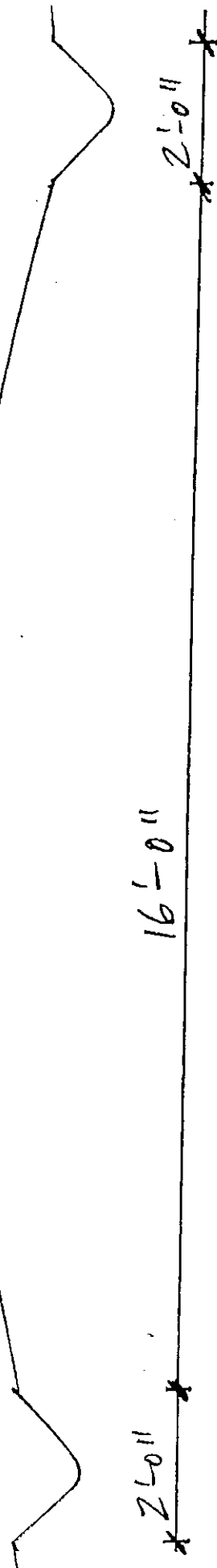
MAJOR USES - RESIDENTIAL, COMMERCIAL, INDUSTRIAL

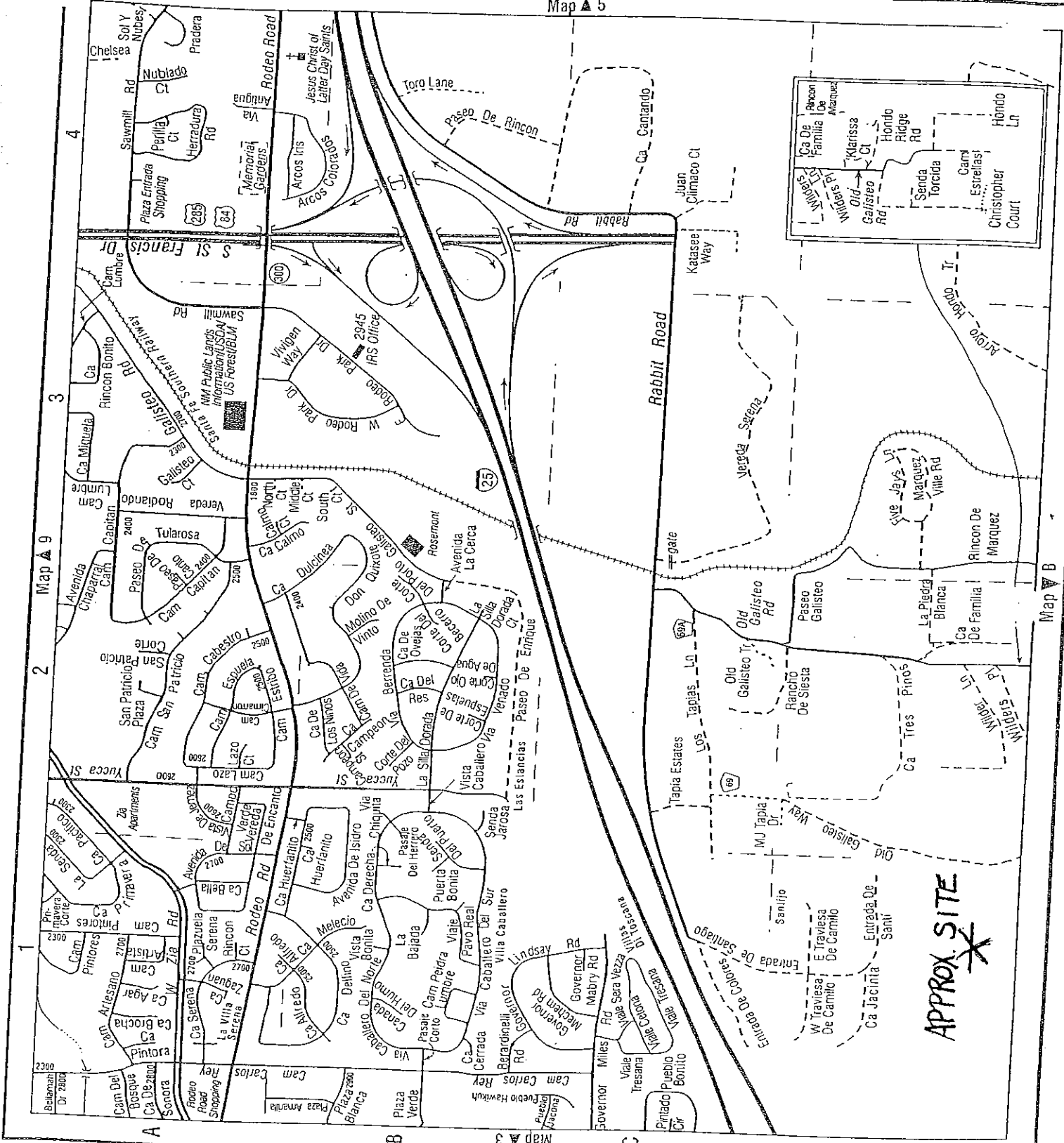
NB C-18

JOYA DE HONDO SUMMARY SUBDIVISION

Typical Roadway Section within 20-Foot Right-of-Way

Scale: $\frac{1}{2}'' = 1' - 0''$





APPROX SITE X

Map 9

Map 3

Map B

NBC-2

EXHIBIT

C

tabbles

Santa Fe County Land Use Department Planning Division

Date: April 4th, 2011
To: Vicki Lucero, Development Review Team Leader
Cc: Robert Griego, Planning Manager *RG*
From: Andrew Jandáček, Transportation Planner *AJ*
Re: CDRC Case # V 11-5070, Joya de Hondo Road Variance

Background

The proposed Joya de Hondo subdivision comprises four lots located in the northern portion of the Community College District. Lots 1 through 3 are each 2.5 acres and lot 4 is 36.26 acres. Access to the project is off of Old Galisteo Way, a private gravel roadway which ranges in width from sixteen to fifty feet. Old Galisteo Way is accessed via County Road 69A (Los Tapias Lane) which is accessed from Old Galisteo Road, CR 69. Site visits indicate that approximately 640 feet of Old Galisteo Way from the intersection with Los Tapias Lane south has a driving surface of only sixteen feet. The pre-development application letter states that improvements are proposed to portions of Old Galisteo Way to improve the narrow sixteen foot driving surface within the 20-foot easement adjacent to the Tapia family properties. A court order in 1970 restricting such widening due to the need to assure an adequate drainage easement at the edge of the roadway was issued prior to the request to the Land Use Administrator to approve a 20-foot easement for improvements in this portion of Old Galisteo Way. This case has been subsequently reviewed by County Legal Staff to determine whether this order is still in effect thereby prohibiting the widening of Old Galisteo Way.

Road Classification

Roadways in the Community College District are classified in a hierarchy by function and are designed to accommodate the traffic integration and purpose for which the roadway is intended. The proposed improvements are within the existing neighborhood district of the CCD. The design and use of Old Galisteo Way indicates that this roadway is classified as Living Priority Road and designated as a Lane. The typical section of this type of roadway calls for a 34 foot ROW with 20 feet for driving lanes and two 7 foot easements for swales on either side.

County Future Road Network

The Santa Fe Community College District Plan and Sustainable Growth management Plan indicate that the proposed project lies in the vicinity, east of the conceptual alignment of the proposed South-East Connector. The SGMP indicates that construction of this future roadway is a high priority project which should be constructed within the next ten years. Planning Staff analyzed the potential for connectivity between the Southeast Connector and Old Galsiteo Way due to the proximity of this project to this

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proposed primary roadway. According to parcel data analysis, at the present time Old Galisteo Way provides access to 32 residences. The proposed subdivision will add an additional four residential properties which access Old Galisteo Way. Further subdivision of the remaining 36.26 acres in Lot Four may also occur in the future which should be diverted onto the proposed Southeast Connector.

Recommendation

Staff recommends approval of this variance for a four lot subdivision in accordance with Section 3.1 of the Land Development Code which 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 conditions or that these conditions would result in inhibiting the achievement of the purposes of the code". Staff recommends this variance due to the court order restricting widening of the road to provide for a 20 foot driving surface.

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Copied from JUDGMENT, DECREE AND INJUNCTION, Feb. 27, 1970

STATE OF NEW MEXICO COUNTY OF SANTA FE IN THE DISTRICT COURT

STEWART L. PECKHAM; BARBARA A. PECKHAM;
WENDELL G. HALL; and JEWELL L. HALL

Plaintiffs.

vs.

No. 38970

MIKE J. TAPIA; ELEN TAPIA; LARRY
TAPIA, aka LALO TAPIA; MAX TAPIA;
GENELLE TAPIA; ERNEST TAPIA;
MAURICIO TAPIA; CARMELITA TAPIA;
MARY PITA TAPIA McALLISTER; BOARD
OF COUNTY COMMISSIONERS OF THE COUNTY
OF SANTA FE; THE FIRST NATIONAL BANK
OF SANTA FE; and ROBERT E. FOX, TRUSTEE.

Defendants.

CHARLES WILDER, INTERVENOR

JUDGMENT, DECREE
AND INJUNCTION

This matter having come before the Court for trial, and Plaintiffs and Intervenor having appeared in person and through their respective attorneys and Defendant Mike Tapia and Larry Tapia having appeared in person and through their attorney, who also appeared on behalf of the remaining Defendants Tapia and for Defendant Mary Pita T. McAllister; and the Defendant, Board of County Commissioners, represented by the District Attorney, having given notice at Pre-trial conference that it would not participate at the trial and would be bound by the decision of the Court; and Defendants Fox, and the First National Bank of Santa Fe having disclaimed any interest in the proceedings; and the Court now having considered the pleadings as amended, and having heard and considered the evidence and arguments of counsel, and the Court having entered its decision and having denied requested findings of fact and conclusions of law in conflict with the Court's decision;

IT IS ADJUDGED, DECREED AND DECLARED as follows

A. A public road exists over and across the lands of the Defendants Tapia in the southerly portion of Sec. 10, T 16 N, R 9 E, N.M.P.M., Santa Fe County, said road

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easterly-westerly alignment over the lands of Defendant Larry Tapia and Defendants Max and Genelle Tapia and extending to the westerly edge of the Larry Tapia tract (which tract is described as in the SW 1/4 of SW 1/4 of SE 1/4 of aforesaid Sec. 10; and thence proceeding in a straight line almost due southward (but slightly westerly) over and across the Larry Tapia tract and over and across the Mike Tapia tract (which is the E 1/2 of the SE 1/4 of SE 1/4 of SW 1/4 of aforesaid Sec. 10) to the north line of the Hall tract, on which line the centerline of said road is approximately eighteen feet (18') west of quarter-section corner of Sections 10 and 15, which corner is also the northeast corner of the property of Plaintiff's Hall (which tract is in the NW 1/4 of Sec. 15 in aforesaid Township.

B. The above described north-south road alignment exists on a strip of land wide enough for the reasonable passage of two vehicles going in opposite directions along any part of said road, and twenty feet (20') in width with a main-travelled width of 16 (16') plus an additional two feet (2') on either side for drainage and back slope; and there exists a reasonable turning area (as was used prior to March 15, 1967) where entrance into or exit from the northerly end of the north-south road is accomplished.

C. The Defendants Tapia and McAllister having admitted to acts and threatened acts impeding the Plaintiffs' and Intervenor' use of said road, and the acts of Defendants Mike, Elen, and Larry Tapia in impeding, denying and blocking access having been wilful and without justification in fact or in law, the Defendants Tapia and Defendant Mary Pita T. McAllister are perpetually enjoined from interfering with, restricting or in any way impeding the use of the road hereinabove declared, by Plaintiffs, Intervenor, or any member of the public; and defendants Mike, Elen and Larry Tapia are directed to forthwith remove all poles, fencing and gate from the above described roadway.

D. Plaintiffs Peckham are awarded damages against Defendants Mike and Larry Tapia in the sum of \$5.00.

E. Plaintiffs' and Intervenor's costs of suit are allowed, and are adjudged against Defendants Mike, Elen, and Larry Tapia.

(signed -- Samuel Z. Montoya)

District Judge

Submitted:
WHITE, GILBERT, KOCH & KELLY

BY _____
for Plaintiffs

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IN THE DISTRICT COURT OF SANTA FE COUNTY, NEW MEXICO.

STEWART L. PECKHAM, et al,

70 JAN 27 PM 3 07

Plaintiffs,

vs.

NO. 38970

MIKE J. TAPIA, et al.,

Bl 174p 380-387

Defendants.

DECISION OF THE COURT

The Court, having heard ~~the~~ the evidence and the arguments of counsel and having considered the requested findings of fact and conclusions of law, now renders the following decision:

FINDINGS OF FACT

1. The respective individual plaintiffs are citizens, residents and taxpayers of the County of Santa Fe, State of New Mexico, and of the United States of America.
2. Plaintiffs Stewart and Barbara Peckham are the owners of the N 1/2 of the SW 1/4 of Sec. 15, T 16 N, R 9 E, N.M.P.M., Santa Fe County, which was patented to one of their predecessors in title by the Federal Government about the year 1916.
3. Plaintiffs Wendell G. Hall and Jewell L. Hall are the owners of the NW 1/4 of Sec. 15, T 16 N, R 9 E, N.M.P.M., Santa Fe County, which was patented to one of their predecessors in title by the Federal Government about the year 1892.
4. The intervenor Charles Wilder is the owner of a certain tract of land situated in the county of Santa Fe, State of

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New Mexico and described as: The SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15, T 16 N, R 9 E, N.M.P.M., containing 40 acres and which was purchased from Filiberto Tapia and his wife Carmelita R. Tapia.

5. The defendants are all heirs at law of the late Filiberto Tapia, grantor of intervenors property.

6. Defendants Mike and Elen Tapia are the owners of a five acre tract forming the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 10, T 16 N, R 9 E, N.M.P.M. The southerly boundary of this tract is a line constituting part of the Section line between sections 10 and 15, which line is also the northerly boundary of the Hall tract.

7. Defendant Larry (Lalo) Tapia is the owner of a ten acre tract described as the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of aforesaid Sec. 10; and this tract is situate East of and adjoining the Mike Tapia tract.

8. Defendants Max Tapia and Gennelle Tapia are the owners of a ten acre tract described as the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Sec. 10; and this tract is situate North of and adjoining the Larry Tapia tract.

9. The above specified Defendants, hereinafter called "principal Defendants", are successors in interest to Filiberto Tapia, whose title in turn had its inception in a patent from the United States to one Andres Constante in 1923, Filiberto Tapia having acquired title in 1941.

10. The Peckham title has its inception in a patent from the United States to one Esquibel in 1916. The Hall title has its inception in a patent from the United States to one Bernard Hanley in 1892.

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5. The defendants are all heirs at law of the late Filiberto Tapia, grantor of intervenors property.

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8. Defendants Max Tapia and Gennelle Tapia are the owners of a ten acre tract described as the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Sec. 10; and this tract is situate North of and adjoining the Larry Tapia tract.

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10. The Peckham title has its inception in a patent from the United States to one Esquibel in 1916. The Hall title has its inception in a patent from the United States to one Bernard Hanley in 1892.

11. Plaintiff Hall acquired his tract in 1933 and constructed improvements thereon beginning in the year 1933 or 1934 and has ever since actively occupied and resided upon the land, except for relatively short periods during which he rented the premises to tenants.

12. At and before the time patent was issued to Andres Constante, and beginning at least as early as the year 1912, a public road had come into use and existed over and across the public land later patented to Constante. Said road extending at least as far South as the crossing of the Arroyo Hondo on the Hall property. Said public road crossed the Constante property (insofar as here material) in a Northeast and Southwest direction, entering the Hall tract ~~at~~ the Northeasterly corner thereof. That portion of said road which is situate on lands now belonging to the principal Defendants, was referred to in the pleadings and the evidence as the "diagonal road" and will hereafter be identified by that term.

13. Beginning about the year 1946, the diagonal road and the road leading Southward therefrom to a point about 30 yards West of the Hall residence in the East-Central portion of the Hall tract was graded and maintained by the County of Santa Fe as a part of South Galisteo Road, and same are shown as an improved road on U.S. Geological Survey Maps of 1952 (Plaintiff's Exhibits 7 and 23), U.S. Geological Survey aerial photos of 1951, 1953 and 1954 (Plaintiffs Exhibits 8, 8-A, 9 and 10); and upon 1951 State Highway Department road maps of Santa Fe County, which map was used as basis for the Santa Fe County Road Maps of

1956 and 1959 (Plaintiffs Exhibits 14 and 15). The County installed a cattle guard on said road in the early 1950's at a point thereon a few feet Southerly of the North boundary of the Hall tract and on occasion has repaired same and cleaned it of silt and debris.

14. The diagonal road was represented and acknowledged in or about 1948 by Filiberto Tapia, the then owner of the land on which said road was situate as the public road leading into the Hall tract, in connection with said Filiberto Tapia's sale to Intervenor Charles Wilder of a 40-acre tract immediately East of the Hall tract.

15. In or about ~~August~~, 1959, at the instance of Defendant Larry Tapia, acting for his sole benefit or for the benefit of himself and Defendants Mike and Max Tapia, the County road grader discontinued maintenance of the diagonal road, and graded a new alignment to the Hall tract, the new alignment departing at the Northerly end of the diagonal road and proceeding Westerly for about one-tenth of a mile to the Westerly edge of the Larry Tapia tract, thence turning Southward and thence proceeding in a straight line almost due Southward (but slightly Westerly) to the entrance to the Hall tract. Up until March 1967, the County thereafter continued to grade and maintain this new alignment and on down to the Hall residence. (See Plaintiffs Exhibits 11, 12, 13, 19, 20, 16 and 18.)

16. The Plaintiffs herein, as well as the intervenor Wilder, and their predecessors in title continued to use the

ancient road

said road over its new alignment as described in Finding No. 13 above, and the said road continued to be graded and maintained by employees of the Santa Fe County Road Department. The so-called diagonal road was blocked by the Defendants by the placing of barriers thereon, but Plaintiffs herein took no affirmative action to remove said barriers and proceeded to use the new North - South road and have continued to do so until the present.

17. Plaintiffs Peckham purchased their property in 1966 and made improvements thereon in reliance, in part, upon the 1963 County Road Map, showing County Road 69 extending into the Hall tract. ?

18. Until the present controversy arose, no right-of-way fences had been placed on either the diagonal or North - South roads. The total gate and cattleguard entrance into the Hall tract was approximately 30 feet wide. The diagonal road had a main-travelled graded area 16 feet in width, plus drain gutters or trenches and "back-slope" thereto of approximately two to four feet on either side depending on terrain, and the reasonable overall right-of-way width therefor in the area in question was and is twenty (20) feet.

19. As admitted by the pleadings, the principal Defendants beginning about March 1967 stated they intended to interfere with and block Plaintiffs' access, strung a barrier fence across the diagonal alignment, placed fencing along the Northerly corners of the "North - South" road, placed a gate across said opening and stated they would padlock said gate. Said statements were communicated by said Defendants to the County.

20. The North - South road had approximately the same width of main-travelled graded area and trenching or drainage as the diagonal road. The acts of the principal Defendants on and after March 15, 1967, however, have materially reduced the formerly existing unfenced turning area where entrance or exit was made to or from the Northerly end of the North - South road and have materially reduced or narrowed portions of the North - South road.

21. Plaintiffs had no other feasible or reasonable means of access to their respective properties except by means of the diagonal or the North - South road, as the principal Defendants knew or should have known at the time they sought to deny and impede access.

22. Defendant Mike Tapia physically blocked access to the Peckhams for a period of approximately three hours in September 1967, resulting in delay to them and spoilage of groceries of a value of \$5.00.

36yrs
off

23. The acts of the principal Defendants, and in particular the acts of Defendant Mike Tapia in restricting, impeding, and denying access, and in threatening to lock the gate placed across fence opening erected near the Northerly end of the North-South road was unwarranted and completely unjustified.

24. Aforesaid acts led to and were the proximate cause of the County's inability and unwillingness to maintain the North - South road and County Road 69 within the Hall tract, resulting in further delays and inconvenience to, and personal road maintenance work by one or more of the Plaintiffs during winter and other inclement weather from the Summer of 1967 to the present time.

(2 1/2 yrs)
off

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CONCLUSIONS OF LAW

From the foregoing Findings of Fact, the Court concludes as a matter of law:

1. Plaintiffs are entitled to declaratory and injunctive relief declaring, recognizing, and adjudging a public road over and across the lands of the principal Defendants.

2. Said public road should be declared and adjudicated as the North - South road with a main-travelled width of sixteen feet, plus an additional two feet on either side for drainage, drainage structures, and back-slope.

3. The acts of Defendants Mike, Elen and Larry Tapia in impeding, denying and blocking access were wilfull and without justification in fact or in law.

4. Defendants Tapia are barred and estopped from denying that the North - South road is the proper alignment of said public road across their respective tracts in the Southerly portion of Sec. 10, T 16 N, R 9 E, N.M.P.M.

5. All Defendants Tapia should be perpetually enjoined from interfering with, restricting or in any way impeding the use of the road hereinabove declared, by Plaintiffs or any member of the public.

6. Plaintiffs and intervenor are entitled to a declaratory judgment declaring, recognizing and adjudging their right of easement over and across the lands of the Defendants Tapia.

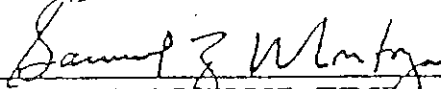
7. Plaintiffs and intervenor are entitled to a declaratory judgment declaring, recognizing and adjudging a public road over and across the lands of the Defendants Tapia. Said easement and

public road should be declared and adjudicated to have a sixteen foot travelled portion and a two foot allowance on each side of the roadway for suitable and safe passage of vehicles.

8. Said public road should be declared and adjudicated to be wide enough for the reasonable passage of two vehicles going in opposite directions along any part of the said easement and public roadway.

9. Plaintiff Peckham is entitled to recover from Defendants Larry and Mike Tapia direct damages for loss of groceries in the amount of \$5.00.

Let Judgment be entered accordingly.

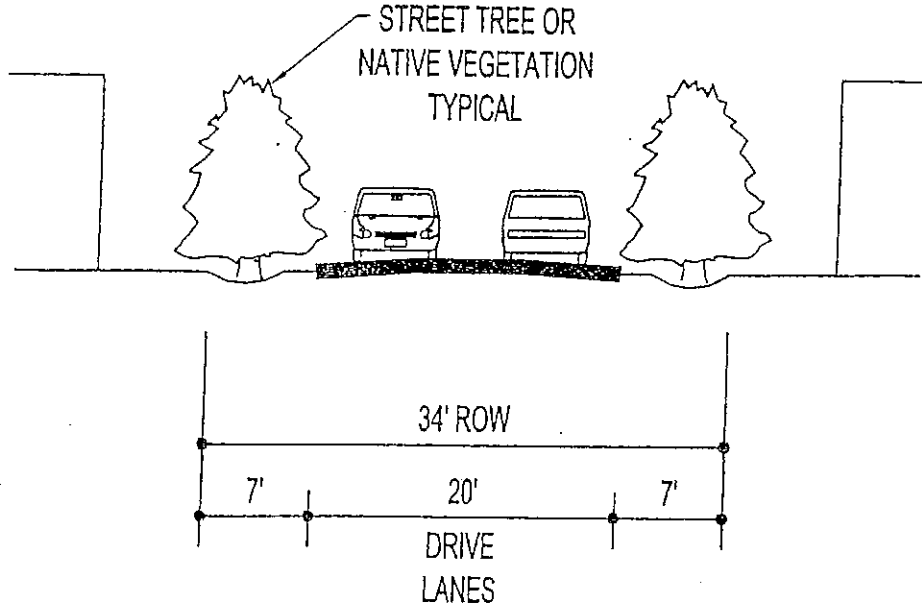

DISTRICT JUDGE

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iv. Lane: this Section is suitable for low-density Neighborhood, Fringe and Rural areas.

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Name:	Lane	Striping:	Centerline only
Category:	Living	Sidewalks:	Optional, may be "shared street"
Design Speed:	25 mph	Bike lanes:	No
Travel lanes:	2	Median:	No
Curb Radii:	10 feet	Drainage:	Swales
		On-street parking :	No

5

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EXHIBIT

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2.5 Zoning

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

2.6 Subdivisions

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

2.7 Other Requirements

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

SECTION 3 - VARIANCES3.1 Proposed Development

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

3.2 Variation or Modification

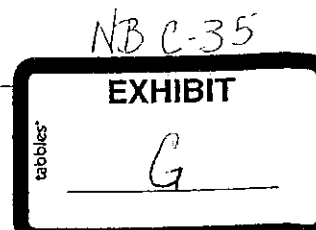
In no case shall any variation or modification be more than a minimum easing of the requirements.

3.3 Granting Variances and Modifications

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

3.4 Height Variance in Airport Zones

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



Joseph Karnes asked to be heard about tabling one of the cases, Assistant Attorney Linda Trujillo suggested it would be more appropriate to hear Mr. Karnes request as part of the testimony.

Member Anaya seconded and the motion carried unanimously. [7-0]

IV. APPROVAL OF MINUTES: March 17, 2011

Member Katz moved to approve the March minutes as submitted. Member Martin seconded and the motion passed by unanimous [7-0] voice vote.

VI. OLD BUSINESS

The Tierra Bello Case remained tabled.

VII. NEW BUSINESS

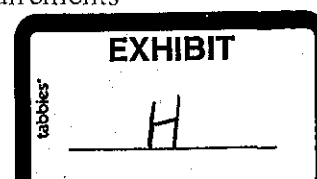
The Teresa Martinez and Linda Finkelstein cases were both tabled.

- C. CDRC CASE # V 11-5070 Joya de Hondo Road Variance. Gray-Hall, LLC (Damion Terrell), Applicant, Jenkins/Gavin Design and Development, Agent, request a variance of Article XV, Section 6.E (Community College District Road Standards) of the County Land Development Code to allow an off-site Living Priority Lane with a Right-of-Way ranging in size from 20 to 30 feet and a driving surface of 16 feet for a portion of the roadway (approximately 640 feet) for the purpose of creating a four-lot Summary Review Subdivision on 43.8 acres. The property is located off of Old Galisteo Way, within Section 15, Township 16 North, Range 9 East within Commission District 4**

Vicki Lucero read the case caption and gave the following staff report:

“The subject property is an existing 43.8-acre tract located off of Old Galisteo Way which lies within the Community College District. The lot is currently vacant.

“On April, 14, 2009, the Applicant submitted an application to Santa Fe County to create a four-lot Summary Review Subdivision on the 43.8 acres. As part of this submittal the Applicant was proposing to construct a 20-foot wide driving surface on Old Galisteo Way from Los Tapias Lane to the entrance of his property. County Staff reviewed the application and determined that it met the requirements



of the County Land Development Code. The Land Use Administrator was prepared to approve the plat when several of the neighbors filed an appeal of his decision claiming that as a result of a court order filed in 1970 the road surface could not be increased beyond the existing 16-foot wide driving surface on Old Galisteo Way from Los Tapia Lane south for approximately 640 feet.

“Upon review of the court documents, County Staff determined that the easement precludes widening of the road as required by Code.

“Article XV, Section 6.E.7.a.iv of the County Land Development Code provides that a Living Priority Lane shall consist of a 34-foot right-of-way with two 10-foot driving lanes. The Applicant states that because of the Court Order they are unable to make improvements that meet County standards to that 640-foot portion of road where only a 20’ easement exists. Therefore, a variance is requested for the width of ROW and width of road surface (16 feet). In addition, the ROW outside of the 640-foot portion is a maximum of 30 feet however on this portion of the roadway the Applicant will be able to construct the required improvements for a 20-foot driving surface so a variance is only needed to allow a ROW width of 30 feet for a length of approximately 470 feet.

“Article II, Section 3.1 (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 non-self-inflicted conditions or that these conditions would result in inhibiting in achievement of the purposes of the Code, an applicant may file a written request for a variance.’

“The Applicant states that the 16-foot wide road surface within the 20-foot access easement is non-self-inflicted. Additional access was previously available through the Santiago Subdivision to the north, however, in 1985 the Board of County Commissioners vacated these easements which eliminated the additional means of access to the subject parcel.

“This request was submitted to the County Transportation Planner for review. The County Transportation Planner states that the proposed project lies in the vicinity, east of the conceptual alignment of the proposed Southeast Connector. Planning Staff analyzed the potential for connectivity between Old Galisteo Way and the Southeast Connector, which should be constructed within the next ten years. Planning Staff supports the proposed four-lot summary review subdivision and requested variance and believes that any further division of the remaining acreage should require that traffic be diverted onto the proposed Southeast Connector.”

Ms. Lucero stated staff believes that the creation of four proposed lots will not significantly increase the traffic on Old Galisteo Way. As part of the proposed subdivision, the Applicant will construct an approved fire turn-around within the subject

property. At the current time there are no Fire Marshal approved turnarounds on Old Galisteo Way. The construction of the turnaround provided by this development would benefit the entire neighborhood.

It is staff's position that the variance requested is unavoidable due to the ruling in the Court Order that would prohibit the Applicant from doing the required road improvements on the access road. This could constitute an extraordinary hardship to the Applicant as stated in Article II, Section 3.1 of the Code. Therefore, staff recommends approval of the variance requested subject to the following condition:

1. Any further subdivision of land will require a secondary point of access. This shall be noted on the plat.

Ms. Lucero stated a letter of concern from a neighbor had also been submitted. *[Exhibit 1]*.

Referring to the Sam Hitt letter received in the previous days *[Exhibit 1]*, Member Gonzales asked if notice requirements had been met. Ms. Lucero said the letter refers to the Melton-Robinson property that was not sent notice. She said that according to the Assessor's Office, that property is not within 100 feet. She added there is a sign posted on the property that would be seen by those neighbors. Staff felt that was adequate notice.

Duly sworn, Jennifer Jenkins, agent for the applicant, gave a presentation demonstrating the location of the property in the Community College District, the proposed lots and the roadways in question. She stated the 43.8-acre property is part of a larger parcel purchased by Mr. Terrell's grandfather in 1933. She showed the section of Old Galisteo Way under adjudication, which the County Attorney determined should be retained in its current condition rather than bringing it up to County standards, thus necessitating the variance request. She said other sections of the road will be improved.

Chair DeAnda asked what the plans were for the 36-acre parcel. Ms. Jenkins said there are no current plans.

Ms. Jenkins stated there were historically two other points of access/easements which were vacated in 1985, creating a neighborhood with one way in/one way out. She outlined possible future connectors contemplated for the Community College District.

Jeremy Damion Terrell, under oath, reiterated that he inherited the land as part of his grandfather's original 160 acres. He described his personal history, including his family falling apart, his time in foster care in Los Alamos and ultimately his working his way through college, something almost unheard of among foster kids. He said he feels a responsibility to the land and wants to leave a legacy. He has worked on covenants that will minimize impact and plans to leave 42 percent of the land as open space.

Those wishing to speak about the case were placed under oath.

Under oath, Sam Hitt, 48 Old Galisteo Way, distributed a proposal for converting the property to open space. [A copy was not made available for the record.] There were

attempts to have COLTPAC purchase the property but this was not economically feasible. Mr. Hitt described his vision for the land as being in an agricultural conservation easement with parcels leased out to growers from the farmers' market. He said this is an important floodplain with major ruins and a wildlife corridor. He stressed food security is a goal of the new Sustainable Growth Plan. He said he would like to continue to work with Mr. Terrell to place the land in a conservation easement.

Referring to the planned roads, Mr. Hitt said they are far in the future. He said the current traffic situation is unsustainable and "a disaster". The road is maintained by the neighbors. Touching on the issue of hardship, he said he did not see any financial documents in the packet material; Mr. Terrell should be required to prove hardship beyond a reasonable doubt. Since the easement issue has always been well known it cannot be called a non-self-inflicted condition.

Mr. Hitt said the Tapias did not know about the meeting as there was no posting and no certified mailing. He said the section of roadway under discussion is perhaps half a mile away from the proposed development. In the past the Tapias, who have been on the land for generations, were notified.

Chair DeAnda asked if the appeals referred to in Exhibit 1 had been resolved. Mr. Hitt said they had been but the situation is still unclear. Chair DeAnda asked for clarification on the 100-foot notification provision and Ms. Lucero stated notice is required for all property owners within 100 feet of the subject property boundary, excluding roadways and rights-of-way. With the exception of Mr. Melton all owners were notified by certified mail. The Tapia property is not within 100 feet.

Ms. Jenkins indicated when the original permit was requested the Tapias were notified because there would be construction activity adjacent to the land. In this case the intent is to leave that road alone.

Member Anaya asked if the owner had agreed to sell the land for open space. Mr. Hitt said a price was not agreed upon and the County did not have the funds to make the purchase. Member Anaya asked if Mr. Hitt's road would be affected, and he said he did not know. Ms. Jenkins said necessary improvements will be made to the remainder of Old Galisteo Way to ensure a minimum driving surface.

Member Katz asked about the extent of the property to be designated open space under Mr. Hitt's plan and Mr. Hitt said it was the entire property. He added the certified letter did not mention anything about road improvements.

Shelley Cobau stated detailed engineering plans are not required until after a variance is approved. Mr. Hitt said two variances are under consideration – one for 640 feet and another for 470 feet. The neighbors know nothing of the 470-foot variance request.

Member Valdez asked to see a copy of the certified letter.

In response to questions by Member Pato, Mr. Hitt said he has lived on his

property for 24 year and his house has been substantially improved. Prior to that the land was open space.

Returning to the notice issue, Mr. Hitt said the Melton land touches the Terrell property and this is the third time they have not been notified. Ms. Lucero indicated according to the Assessor's records that property is 280 feet away from the subject property.

Member Valdez asked when the new road was scheduled for. Land Use Administrator Jack Kolkmeier said staff is currently working on the transportation plan. He expects the southeast connector will be built within the next three to five years. Regarding the notice issue, Mr. Kolkmeier says the Assessor's map does not show the driveway access as being part of the Melton-Robinson property, and they rely on the Assessor's information.

Mr. Hitt provided a copy of the Melton-Robinson plat showing the driveway access as deeded land as required by the County.

Ms. Jenkins noted that applicants are not required to do research on the plats and said she would be happy to add Melton and Robinson to their mailing list.

Duly sworn, James Molkris, 19-year resident of 27 Old Galisteo Way asked how many of the committee had driven on Old Galisteo Way. He referred to the blind corners, creeping vegetation, and dips in the dirt/caliche road. He said if there is an oncoming vehicle one must stop to get by. He said the area is quiet and did not want to see any collector roads coming in, as this would make the area less safe. He said he was suspicious of the scale of the map provided. He doubted four lots would constitute a legacy for Mr. Terrell and asked the committee to consider the maximum potential for development and the impact it could have on the residents' quality of life. He pointed out there has been a trend toward dividing the lots into smaller pieces. He added everyone lives in a house that was once on open space.

Ken Mock, duly sworn, 60 Old Galisteo Way, explained he grades and plows the road for the Old Galisteo Way Road Association. He said the road is fine if people go slow. He said if there was a gate at the west it would alleviate the problem quite a bit without letting in crime.

Carl Tapia, under oath, said he owns five acres in the area. His grandfather purchased the property at great sacrifice, and his father lived on the property for 80 years. He has witnessed people using Old Galisteo Way for 59 years. He suspected there would be further subdivision after these lots are approved which will lead to more and more traffic.

Duly sworn, Greg Tapia, 34 Los Tapias Lane clarified that Old Galisteo Way is not a County road and never has been, since it runs through 640 feet of Tapia property. "We've given up a lot in our lifetimes...and we're not willing to give any more." He said

the traffic was now obscene and there was no reason to add more. He believed a connector road would bring in vandals, and that Mr. Terrell was trying to find loopholes.

A resident of the area for over 32 years, Tony Tapia, under oath, expressed her concern about what would be done with the 36-acre lot. She is worried about the aquifer and the road conditions. There are parts of the road where it is difficult for cars to pass safely and it would be difficult to get emergency vehicles in. Four more lots would affect the water and the traffic. "As the County knows, we're not going to give an inch on either side."

Duly sworn, Carl Tapia stated he was born and raised in the area and opposes the subdivision because it would create crime, dust and litter, and would affect the water table. If the subdivision proceeds his five-year old daughter would not be able to ride her bike on the road.

Under oath, Manual Pinon, a member of the Tapia family, said he has small children and it now unsafe due to people driving out of control. He said his shop has recently been broken into twice and the new lots would make it even more unsafe. He believed it would not stop with four lots and recommended that Mr. Terrell find other access.

Heidi Vittiger, duly sworn, from Rabbit Road said Old Galisteo Road is her favorite place to bike-ride. She asked what the current road width requirement was.

Ms. Cobau first reminded the audience that the question under discussion was not density or water availability but a road variance. The code currently requires a 20-foot driving surface for a local lane, the definition of which is based on traffic counts. She indicated the upcoming code contemplates narrower road standards to promote a village-type feel. This will call for a 14-foot driving surface for purposes of traffic-calming. She added this is the type of variance that is allowed by the code.

Ms. Vittiger said, morally speaking this is a no-brainer. As she understood it he proceeded without solving the access problem and is now claiming a hardship. "Well, whose fault is that?" She wondered if the new residents would chip in for road maintenance. She said the proposal pitted one man against a whole community that had lived in the area for a long time. "Either you can make a far-sighted, moral, eco-savvy, sustainable decision here, or you can accommodate this one man in his as he called it, vision." She said there would be grave repercussions for the people on the road.

Ms. Jenkins noted that the application is conditioned on the fact that any division of the fourth lot would require alternative access to the west, probably via the Southwest Connector. The Greer-Girard Family was contacted regarding securing access now but it was not financially feasible, and other means of access were pursued.

Regarding the road, she reiterated that where necessary and possible they will be improving the road. The new landowners will be required to contribute to road maintenance. While no one wants to see more traffic in their neighborhood she doubted three new lots would make a big difference. "Change is hard." She agreed it was a moral

issue in that people are allowed to develop their property within the limitations set forth in the code. At least 20 new lots have been created recently and none were required to come in for a variance. She pointed out that on the original 160-acre Tapia property just south of I-25 there are now 48 lots.

Member Katz asked about the original access to the 40 acres. Ms. Jenkins showed the historic route of Old Galisteo Way before it was realigned. Potential access easements through the Santiago Subdivision were vacated.

Member Katz asked if the new access would still have to go through the Greer property. Ms. Jenkins said the County will be involved in future negotiations.

Greg Tapia clarified that when Mr. Terrell's grandfather purchased his property it was landlocked and as a neighborly gesture, Filiberto Tapia granted an easement through his property, which resulted in his family being taken advantage of.

The public hearing was closed.

Member Anaya moved to approve the variance in Case #V 11-5070. Member Pato seconded and the motion carried 6-0 with Chair DeAnda abstaining. The motion was remade to include the condition.

Attorney Trujillo clarified that substantial compliance with notice requirements is called for and she recommended the motion include that the Melton-Robinson property owners be notified of any future meetings.

Member Anaya rescinded his previous motion and restated it to read: Approval of CDRC Case 11-5070 to include recommendations by staff. Further subdivisions of the land require secondary points of access, to be included on all plats, and also to include notice to all landowners specifically including Melton and Robinson. Member Pato seconded and the motion passed by unanimous 6-0 voice vote with Chair DeAnda abstaining.

Ms. Lucero stated the case will be heard by the BCC in June or July.

- D. CDRC CASE # V 11-5030 Ivan Salcido Variance. Ivan Salcido, Applicant, requests a variance of Article II, Section 4.3.2c (Family Proper) of the Land Development Code to allow a Family Transfer Land Division of 2.8 acres into two 1.4-acre lots from sibling to sibling. The property is located at 17 Corral Blanco Road off the East Frontage Road, South of the N.M. 599/I-25 Intersection, within Section 4, Township 15 North, Range 8 East, within Commission District 5**

Wayne Dalton gave the following presentation:

"The Applicant requests a variance of Article II, Section 4.3.2c of the Land Development Code in order to divide 2.8 acres into two 1.4-acre lots. The Applicant states he would convey 1.4 acres to his brother who originally helped him purchase the

June 3, 2011

County of Santa Fe

Santa Fe County Commissioners

Re: Development of 51 Acres – Arroyo Joya Del Hondo Subdivision

Dear Santa Fe County Commissioners,

I am writing this letter on behalf of myself (Manuel Pena), my mother Shirley Tapia and my Grandfather Larry Tapia to object to the possibility for Damion Terrell to split any property he owns off of Old Galisteo Way.

Mr. Terrell has inquired about widening the 16' easement to a 20' drivable easement on Old Galisteo Way. In which the Tapia Families have opposed for many years now. As you are probably aware the above mentioned easement is **NOT** a county road. This easement belongs to the Tapia Families, which have paid taxes on this property for over 80+ years. The easement was developed back in 1970 and was granted a 16' drivable surface so that Mr. Hall and Mr. Peckham could access their property. Since then the area has become severely over populated and has caused our family great grief. There are now many safety hazards due to this over population, such as speeding, making it unsafe for our children to play, noise pollution at all hours of the day, extreme dust and even theft. All of which had never been an issue or problem in the past. We feel that creating more homes in the area will only intensify these problems.

Mr. Terrell has recently stated that he needs to split and sell this property due to a financial hardship(no evidence ever submitted). To us, this is just a way to get himself started. Soon these lots will be sub-divided **AGAIN and AGAIN** just to make himself rich, and all these families will add to our road issues one family at a time. Mr Terrell is obviously using the loop holes in the system to build his subdivision one house at a time after being denied the last time! All this is going on and no one has yet to address where all the access will come from. You use to be able to drive down this road and see children riding their bikes, horseback riding and just spending true family time. Now if you see this, parents must accompany them just to keep them out of danger due to the congestion and traffic that is has already increased.

It is for these reasons that we oppose the development of Arroyo Joya del Hondo Subdivision and suggest that the Santa Fe County purchase the property from Damion Terrell to protect the Hondo Corridor as County Open Space or find accessibility other than through Old Galisteo Way. Please consider the people that have lived here for years and years, when making your decision.

Respectfully Submitted,

Manuel Peña



April 22, 2009

Damion Terrell
PO Box 4008
Albuquerque, NM 87196

Mr. Terrell,

I am responding on behalf of myself, my Uncle Carl Tapia and my Grandfather Larry Tapia to the letter we received dated April 16th, 2009 inquiring about widening the 16' easement to a 20' drivable easement on Old Galisteo Way. As you are aware the above mentioned easement is **NOT** a county road. This easement belongs to the Tapia Families, which have paid taxes on this property for over 80+ years. The easement was developed back in 1970 and was granted a 16' drivable surface so that Mr. Hall and Mr. Peckham could access his property. Since then the area has become severely over populated and has caused our family great grief. There are now many safety hazards due to this over population, such as speeding, making it unsafe for our children to play, noise pollution at all hours of the day, extreme dust and even theft. All of which had never been an issue or problem in the past. We feel that creating more homes in the area will only intensify these problems. I regret to inform you that not only do we oppose your request to widen the easement but we insist that you **DO NOT** make any improvements what so ever.

We have already experienced a tremendous increase in traffic, ever since the extension of Old Galisteo Road to Richards Avenue has been complete. We could only imagine how this small side street of Old Galisteo Way would be impacted as well. Should my grandfather and great uncle had known by allowing this easement back in 1970, that it would have added as much congestion as it has there is no doubt that they would have not given their consent. Nor would they have given consent if they had known that in later years that one of the individual they gave the easement for, that his grandson would try to go even further and get the easement increased. To us you have not appreciated nor honored the agreement put in place by my grandfather and great uncle with your grandfather. He would probably be pretty disappointed that you would even have the audacity to try and tell us that you're going to come and move our fence posts and that we don't even have a say. We completely understand that you too are in an awkward situation. With the land being given to you, we understand that you would like to develop your land and that it may benefit you financially. But we ask that it does not come at our expense (our land). Perhaps there is an alternative such as creating access through the Oshara Village (which borders your property) that way both subdivisions would have better access to the city, which to me seems more reasonable and convenient for yourself, your clients and our families as well.

So in conclusion, we are not allowing at this time nor any time in the near future to expand this easement. We are also not allowing any movement or improvement of our fencing or fence posts. Should you have any questions, feel free to contact us via mail.

Respectfully Submitted,

Manuel Peña

Larry Tapia

Carl Tapia

Cc:

- Jenkins Gavin, 130 Grant – Suite 101, Santa Fe, NM
- Santa Fe County Land Use, Attn: Land Use Administrator
PO Box 276, Santa Fe, NM 87504-0276

We the undersigned oppose any more development off Old Galisteo Way due to traffic, safety, private property rights and water concerns.

Name and Date	Address
John Tapia John TAPIA 4/30/2009	21-A- Los TAPIA'S LN SFNM 87508
Jonathan TAPA 4/30/2009	21A LOS TAPIAS LANE SF, NM 87508
Jeanette Tapia Jeanette Tapia 04/30/09	21-A LOS TAPIAS Lane SANTARRE NM 87508
[Signature]	21 B First Tapia Lane 3rd floor
[Signature]	[Address]
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June 3, 2011

Dear County Commissioners

My Name is Gregorio Tapia and my family resides off Los Tapia's Lane and Old Galisteo way. We have lived here continuously since the 1930's. We feel that our way of life and community is in jeopardy. Damion Terrell, the owner of a 43.80-acre parcel off of Old Galisteo Way, is requesting a variance that would allow him to subdivide his property.

If this variance is granted by you, it would have a terrible impact on my family and surrounding neighbors. Old Galisteo Way is a private easement and not a county road. If you choose to approve Mr. Terrell's variance you would be forcing us to provide access for Mr. Terrell's four lot subdivision. This may not seem like a big deal right now but we all know how developments start and end with more and more lots being made, sold and transferred.

Development off of Old Galisteo Way is making people rich and making money for Santa Fe County while leaving my family and my neighbors to foot the bill. The bill for us is an increase in traffic, dust, noise, vandalism, burglary, erosion and a strain on the aquifer.

The house I was raised in is a mere 20 feet from Old Galisteo Way. Long gone are the days of barbeques and enjoying the front porch because of the reasons listed above. It is difficult to sleep because of traffic and neighborhood kids cannot ride their bikes or horses because it is unsafe.

Mr. Terrell will tell you a story about his family legacy and how hard he has worked to get to where he is. He will tell you how much his property means to him. What about those of us who will remain here and have to deal with the decision of the County Commissioners? If Mr. Terrell cares for his property as much as he says, why is he carving it up and selling it to the highest bidder? He is seeing dollar signs and not taking into account the future of our neighborhood.

As I mentioned above, my family has been here since the 1930's. No one in my family has ever carved up their property and sold it. The simple reason being is this is our home and we will remain here for generations to come.

Before you make a decision on this matter, I urge you to drive down Old Galisteo Way and see what the traffic has already done to our properties and way of life. I invite you to eat a meal somewhere on Old Galisteo Way and see how much dust gets on your food. I would like you to think about how we have to deal with these issues every day.

Old Galisteo Way is an unsuitable access for the neighborhood as it is. To put more traffic on this road would be a disaster. If Mr. Terrell wants to develop, I suggest he should find a suitable access to his property other than Old Galisteo Way.

Please consider our position on this issue. A swipe of the pen for you will affect our family for years to come.

Thank You,

Gregorio Tapia

1 June 2011

Dear Santa Fe County Commissioners,

I am writing this letter to express my feelings about the 51 acre-parcel located in the Arroyo Hondo Corridor. I am in strong opposition to the proposed lot split by Damion Terrell of his property on Old Galisteo Way. The access to this property is granted by a private easement that belongs to my family.

This area has traditionally been a safe neighborhood for children and the elderly to grow and live. Recently, unfortunately, the increased development has led to a surge in vandalism, break-ins, traffic, erosion of the environment and a strain on our water supply. The road is no longer safe for walking, biking, and horseback riding due to the high increase in motor traffic.

It is important to me and my family that this area remains a safe place to live. My family has been here since the early 1930s. This land is an important piece of my heritage and a lasting legacy of my late father. I hope to someday raise my children here and provide them with the same safe, beautiful, and open environment that I was privy to grow up in. It is my fear that with the success of Mr. Terrell, all of the best qualities of this area will be destroyed.

I ask the members of the council to seriously consider the pleas and requests of the families that have been here for generations. This land and the communities of families that it hosts is so important to its inhabitants. It is a blessing to be able to live in a community where you know each of your neighbors and your aunt or uncle's house is within walking distance. It is our responsibility to preserve communities such as this one for the generations to come.

Thank you for your time and your contributions to protecting our heritage and community.

Sincerely,

Alexandria Layne Tapia

505-469-0530