

MEMORANDUM

DATE: March 9, 2010

TO: Board of County Commissioners

FROM: Vicki Lucero, Development Review Team Leader

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

FILE REF.: CDRC CASE #S 09-5211 Saddleback Ranch Estates

ISSUE:

Saddleback Ranch Estates LLC. (Gabriel Bethel) requests approval of a summary review (Type V) residential subdivision consisting of 24 lots (each 40-acres in size) on 960 acres. The project is located on State Road 41 within Section 13, 23, 25, & 26 of Township 14 North, Range 9 East and Sections 7, 8, 9, 16, 17, 18, 19, 20, 21, and 29 Township 14 North, Range 10 East, near the villages of Galisteo and Lamy (Commission District 3).

SUMMARY:

Recent Developments.

On January 12, 2010, the BCC tabled this case to allow the applicant to address concerns raised on the day of the public hearing by the County Hydrologist, County Open Space and Trails, and the State Department of Cultural Affairs, as well as to hold community meetings (Refer to BCC Minutes in Exhibit "J").

The County Hydrologist requests that the following information be submitted by the applicants prior to final plat approval. Some of these requirements are not mandated by the Land Development Code, but the developer has agreed to address these.

- A water distribution system map that includes each proposed well, location of distribution lines.
- A plat condition that requires domestic wells that serve the development be drilled to 500 feet or more, produce at least 5 gallons per minute, and screened, to the extent feasible given conditions that are encountered, to take advantage of the shallow alluvial aquifer the sandy units within the deeper shale aquifer.
- Water quality testing for the existing wells, performed by an EPA certified laboratory and submitted to the County for review. A disclosure statement concerning any adverse findings may be required as a result of the water quality analysis.

Staff has included these as recommended conditions of approval.

A revised memo from County Open Space & Trails (OS&T) was submitted since the last BCC meeting (Refer to Exhibit "D"). Their major concern is in regards to the archeological issues which have been evaluated by the State Department of Cultural Affairs. The State Department of Cultural Affairs has issued a new review letter since the last BCC meeting (Refer to Exhibit "D").

The applicant has been working with the Archaeological Conservancy which is a national non-profit organization dedicated to the preservation and protection of archaeological sites on private land and proposes to dedicate an archaeological easement on 800+ acres of the proposed development. The Conservancy's Board of Director's voted to accept the easement on January 30, 2010 (Refer to Exhibit "H").

The applicant has held five community meetings with one more planned before the March 9th BCC meeting. Documentation regarding those meetings is attached in Exhibit "G."

Background of the Application.

On November 13, 2008, the applicant submitted an application for a lot line adjustment for 39 lots (subsequently amended to 29 lots) on 3,129.495 acres.

On May 6, 2009, the Land Use Administrator rendered a decision to deny the application. The Applicant's Agent filed an appeal of the Land Use Administrator's decision on May 13, 2009. The appeal was heard by the CDRC on October 15, 2009. The CDRC upheld the Land Use Administrator's decision and denied the appeal.

Since that time the applicant has submitted a new application. The applicant is now requesting summary review plat approval for a 24 lot residential subdivision on 960 acres. Each lot will be 40 acres in size. The proposed subdivision is classified as a Type V Subdivision under the County Land Development Code, which is a subdivision containing 2 to 24 parcels each of which is 10 acres or greater in size.

Article V, Section 5.5.1 state that all Type V subdivisions shall be submitted to the County for review under Summary Review Procedures which does not require review by the County

Development Review Committee but only requires final approval by the Board of County Commissioners.

Existing Conditions

The existing property has a main ranch house with numerous outbuildings, wells, stables, windmills and other appurtenant structures. The property is bisected by the Galisteo Creek, and portions of the property are encumbered by a FEMA designated 100-year special flood hazard area (SFHA), designated as a Zone A.

Access and Traffic Impact

The development will be served by two points of access taken from Highway 41 just southwest of SR84/285. The applicant has submitted applications for access permits from NMDOT. Access permits must be issued prior to plat recordation.

Internal roads will be designed in compliance with Article V, Section 8.2 (Road Design Standards) of the County Land Development Code. Roads shall be designed as a looped road system with no cul-de-sacs (dead end roads) exceeding 500 feet in length. Maintenance of roadways will be the responsibility of the Home Owner's Association.

Terrain Management

All building areas proposed are on slopes of 15% or less, which complies with County Code. A portion of the FEMA designated 100-year floodplain runs through a portion of the property. Developed conditions will not affect the FEMA floodplain characteristics of the site and no structures are proposed in the floodplain or floodway.

The project site is composed of 14 tributary drainage basins. The existing flow patterns for each of these basins directs flow to one of the 14 existing culverts located along the existing roadways. The proposed roadway and minor widening of the existing roadway does not warrant a flow control facility. The change from existing conditions to post development conditions is relatively low.

Water and Liquid Waste

The Applicant has provided a Geo-Hydrological Report as required by Code to demonstrate 100-year water availability. The Applicant is proposing to utilize individual and shared well systems. A separate well sharing agreement for each shared well will be recorded with the Final Plat. The County's Water Resource Specialist has reviewed this Application and has concluded that there is sufficient water to supply the project (Exhibit D). The application has also been submitted for review to the Office of the State Engineer, however, comments have not been received at this time.

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

All residents will be required to install gray water and black water reclamation systems which have a recharge rate of 80% or better.

Solid Waste

The Homeowner's Association will contract with a licensed solid waste disposal service for solid waste removal. Individual homeowners may also dispose of solid waste at locally approved S

Fire protection

The project is within the Eldorado and Galisteo Fire Districts. The County Fire Marshal has reviewed this application and is requiring a 60,000 gallon water storage tank with draft hydrants for fire protection (Refer to Exhibit "D"). The Applicant is proposing a 30,000 gallon water storage tank which will feed into a series of hydrants located within the subdivision. The applicant is proposing that the other 30,000 gallons of water storage come from a proposed community swimming pool. This proposal shall be reviewed by the County Fire Marshal's Office.

Landscaping/Open Space/Archaeology

The Applicant will be required to provide a Landscaping Plan for revegetation of disturbed areas, prior to Final Plat recordation. Developable areas will be limited to a maximum of 3 acres per lot.

An Archaeology Report has been submitted to the State Historic Preservation Office for review. Comments have not been received comments, nor has the SHPO requested an extension of time pursuant to the Subdivision Act. The Archaeological report indicates that 18 isolated occurrences were discovered as well as 5 archeological sites. To insure that the archeological features are not disturbed, buildable areas must not impede upon archaeological sites. To achieve this, buildable areas must not be identified in any area identified in the Archeology Report; archaeological sites should be placed within protective easements, or fenced, or both.

Signage

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

REQUIRED ACTION:

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

RECOMMENDATION:

The proposed subdivision complies with Article V, Section 5.5 (Summary Review Procedures), of the Land Development Code.

Staff recommends Final Plat approval subject to the following conditions:

1. The Final Plat must be recorded with the County Clerk's office.
2. All redlines of staff must be addressed before recordation.
3. A condition will be recorded on the final plat that requires compliance with the water harvesting requirements of Ordinance 2003-6. A rainwater-harvesting plan will be required from individual lot owner upon application for a building permit. This requirement must be included in the Subdivision Disclosure Statement.
4. A condition will be recorded on the final plat that requires a liquid waste permit from the Environment Department for septic systems prior to issuance of building permits. This requirement must be included in the Subdivision Disclosure Statement.
5. The Applicant must record water restrictive covenants simultaneously with recordation of the Final Plat that imposes a 0.25-acre feet per lot per year. A condition will be recorded on the final plat that requires installation of a water meter on each well in the development at the time of development and meter readings must be submitted to the Land Use Administrator annually by January 31st of each year.
6. A location for a future cluster mailbox area to serve the Saddleback Ranch Subdivision and other areas must be provided. The pullout shall meet the minimum specifications for mailbox pullouts set forth by the NMDOT. The pullout driving surface shall be a minimum of 6" of aggregate base course, and adequate drainage must be provided. The detail of this location shall be submitted prior to plat recordation, and additional right-of-way if required shall be dedicated on the Final Plat.
7. The Applicant shall submit a financial guarantee, as required by Article V, Section 9.9 of the Code, in a sufficient amount to assure completion of all required improvements. The financial guarantee shall be based on a County-approved engineering cost estimate for the completion of required improvements as approved by staff prior to Final Plat recordation. All improvements shall be installed and ready for acceptance within eighteen months of recordation.
8. The Applicant will be required to provide a Landscaping Plan for revegetation of disturbed areas, prior to Final Plat recordation.
9. All utilities shall be underground. This shall be noted on the plat, covenants and disclosure statement.
10. The standard County water restrictions, final homeowner's association documents, and disclosure statement must be recorded with the Final Plat.

11. A condition will be recorded on the final plat that states that a permit will be required for signage, and all signage must meet the requirements of the Code.
12. Driveways shall not exceed 11% grade.
13. A water quality test analysis must be submitted before Final Plat recordation as required in Article VII, Section 6.5.2 of the County Code that demonstrates that the water is of acceptable quality must be submitted prior to Final Plat recordation.
14. NMDOT access permits must be obtained by the applicants prior to recordation of the Final Plat.
15. Final road design and configuration will be reviewed administratively to ensure compliance with the requirements of Article V, Section 8.2 (Road Design Standards) of the Code prior to Final Plat recordation.
16. All roads must be designed as a loop road system. Cul-de-sacs (dead end roads) shall not exceed a maximum length of 500 feet as required by the Code.
17. Location and exact dimensions of the existing pond must be identified on the plat prior to recordation. Verification that the pond is properly permitted must be received prior to Final Plat recordation.
18. The water distribution system must be clearly shown on the Final Plat. The location of each proposed domestic well must be shown.
19. Roads shall meet the requirements set forth in the Code. Driveway, turnouts, and turnarounds shall be County approved all-weather driving surface of minimum 6' compacted basecourse. Minimum gate and driveway width shall be 14' and an unobstructed vertical clearance of 13'6".
20. Access gates must be operable by means of a key or key switch, keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System). Details and information are available through the Fire Prevention Office.
21. A minimum 60,000-gallon of water storage and draft hydrant(s) shall be installed, tested, approved and operable prior to the start of any building construction. Plans and location for said system(s) shall be submitted prior to installation for approval by this office and shall meet all minimum requirements for the Santa Fe County Fire Department. Details and information are available through the Fire Prevention Office.
22. Automatic fire Protection Sprinkler systems may be required by the New Mexico Fire Code.

23. If County water becomes available within $\frac{1}{4}$ mile of exterior boundary of the subdivision, all lots shall connect to the County System. Fire distributions mains may be utilized as water distribution lines.
24. A condition will be recorded on the final plat that states that domestic wells that serve the development be drilled to 500 feet or more, produce at least 5 gallons per minute, and screened, to the extent feasible given conditions that are encountered, to take advantage of the shallow alluvial aquifer the sandy units within the deeper shale aquifer.
25. Water quality testing for the existing wells, performed by an EPA certified laboratory and submitted to the County for review prior to Final Plat recordation. Amendments to the disclosure statement may be required concerning any adverse findings may be required as a result of the water quality analysis.

ATTACHMENTS:

- Exhibit "A"- Vicinity Map
- Exhibit "B"- Applicant's report
- Exhibit "C" - Applicant's plans
- Exhibit "D" - Reviewing Agency Responses
- Exhibit "E"-Letters of opposition
- Exhibit "F"- Disclosure Statement
- Exhibit "G"-Documentation on Community Meetings
- Exhibit "H"-Letter from Archaeological Conservancy & Archaeological Consultant
- Exhibit "I"-Applicant's response to GBASPC letter (Exhibit "E")
- Exhibit "J"-January 12, 2010, BCC Minutes