

## MEMORANDUM

**DATE:** January 17, 2013

**TO:** County Development Review Committee

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

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

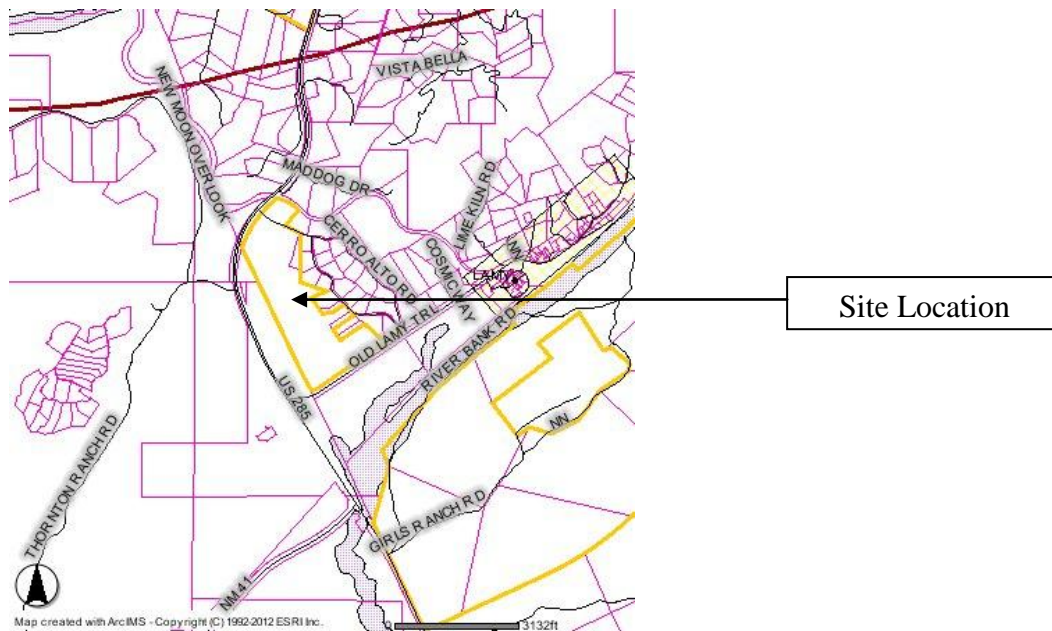
**FILE REF.:** CDRC CASE # Z/S 08-5430 Spirit Wind West Subdivision

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### ISSUE:

Joseph Miller, Applicant, Danny Martinez, Agent, request Master Plan Zoning approval for a 39-lot residential subdivision (Spirit Wind West) on 133.73 acres  $\pm$  and Preliminary and Final Plat and Development Plan Approval for Phase 1, which will consist of 16 lots. The property is located south of Eldorado, on the east side of US 285, off Old Lamy Trail (CR 33), within Section 5, Township 14 North, Range 10 East and Section 32, Township 15 North, Range 10 East (Commission District 4).

### Vicinity Map:



## **SUMMARY:**

On December 20, 2012, the CDRC tabled this case to allow the applicant to meet with the neighbors to discuss their concerns, to have the County Hydrologist or Utilities Director present at the next CDRC meeting to address questions about water, and to have staff contact the OSE to get an update on the status of the request by EAWSD for the additional Point of Diversion (POD) (Refer to Meeting Minutes in Exhibit 6).

A meeting is scheduled between the Applicant and neighbors for Thursday, January 10, 2012. An update on that meeting will be presented to the CDRC on January 17<sup>th</sup>.

Staff did contact the OSE and was informed that the application for the POD was approved. Staff requested a revised memo from the OSE, however, we have not yet received it.

The Applicant requests Master Plan Zoning approval for a residential subdivision located northeast of the intersection of US 84-285 and Old Lamy Trail. The subdivision will consist of 39 single family residential lots on 133.73 acres  $\pm$ , which will be developed in 4 phases. The proposed lots range in size from 2.49-acres to 3.47-acres. The property is located within the Homestead Hydrological Zone where the minimum lot size is 40-acres per dwelling unit with a 0.25 acre foot per year per lot water restriction; unless water availability is proven to support increased density or community water and/or sewer is available.

The Applicant also requests Preliminary and Final Plat and Development Plan approval for Phase I of the subdivision which will consist of 16 residential lots.

This Application was submitted on February 6, 2012. Staff sent the application to reviewing agencies and received several negative responses that required additional information to be submitted by the Applicant. Upon receipt of the additional information staff sent it back to reviewing agencies for comment. During the course of the review period, County staff had several meetings with the Applicant and his Agents to discuss deficiencies and concerns and come up with resolutions on these issues. During the middle of the review process the Applicant also modified his proposal to adjust the number of lots in Phase 1 from 9 lots to the 16 lots that are now part of this request.

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

**APPROVAL SOUGHT:** Master Plan Zoning Approval for a 39-lot residential subdivision and Preliminary and Final Plat and Development Plan Approval for Phase I which will consist of 16 lots.

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

**HYDROLOGIC ZONE:** Homestead, minimum lot size per Code is 40-acres per dwelling unit with a 0.25 acre foot per year per lot water

restriction; unless water availability is proven to support increased density or community water is available.

**ARCHAEOLOGIC ZONE:**

High potential. An archaeological report has been submitted for review. A total of three archeological sites were detected. The two smaller sites (LA 103858 & LA103857) shall be placed in non-disturbance easements. The larger site (LA 103861) will remain in a non-disturbance easement until a treatment plan is submitted and approved by SHPO in phase 2.

**ACCESS AND TRAFFIC:**

The site will be accessed off of Cierro Alto Road on the northern portion of the subdivision and off of Old Lamy Trail (CR 33) on the southern end of the subdivision. A 50' asphalt apron will be required on Paso A Lamy at the intersection of Old Lamy Trail (CR 33).

**FIRE PROTECTION:**

Eldorado Fire District; The EAWSD will provide the water source for fire protection. Fire hydrants will be located within 1,000 feet of all buildable areas.

**WATER SUPPLY:**

EAWSD, a ready, willing and able to serve letter has been provided by EAWSD.

**LIQUID WASTE:**

Individual on-site liquid waste disposal systems are proposed.

**SOLID WASTE:**

Solid waste disposal will be provided through a contracted Waste Disposal Management Firm that will service Spirit Wind West Subdivision. Individual lot owners will be responsible for all fees associated with the solid waste disposal. Homeowners will also be allowed to handle solid waste by disposing of it at the Eldorado Transfer Station. This must be noted in the Subdivision Disclosure Statement.

**FLOODPLAIN  
& TERRAIN MANAGEMENT:**

The site consists mainly of slopes of up to 10% with some minimal areas of slopes between 10% and 20%. Stormwater detention basins are proposed to mitigate runoff from the development. The entire project is outside the limits of the FEMA designated 100-year floodplain.

**SIGNAGE AND LIGHTING:**

No private subdivision signage or lighting has been proposed at this time.

**EXISTING DEVELOPMENT:** The project site is currently vacant.

**ADJACENT PROPERTY:** On the North side of the property are private residential parcels of land. To the south is County Open Space land. To the west is a private parcel of land, and to the east is the Spirit Wind Ranch Residential Subdivision.

**OPEN SPACE:** A total of 7.4686 acres is proposed as open space which allows for the development of a park as required by code.

**AFFORDABLE HOUSING:** The Applicant has signed an Affordable Housing Agreement with Santa Fe County in which the Applicant has agreed to provide 15% affordable housing. Phase 1 is a request for 16 lots and at 15% phase one would require 2 affordable units. The applicant is currently proposing one affordable lot and will be required to provide one additional affordable housing lot within the Cimarron Village development in accordance with the agreement.

**PHASING:** The project will be completed in 4 phases.

<b>AGENCY REVIEW:</b>	<b><u>Agency</u></b>	<b><u>Recommendation</u></b>
	County Fire	Approval with Conditions
	County Utilities	Approval with Conditions
	NMDOT	Approval with Conditions
	County Open Space	Approval with Conditions
	County Public Works	Approval with Conditions
	OSE	Negative Response
	SHPO	Approval with Conditions
	NMED	Approval with Conditions
	Public School	Approval

**STAFF RECOMMENDATION:** Approval of the request for Master Plan Zoning approval for a 39-lot residential subdivision and Preliminary and Final Plat and Development Plan Approval for Phase 1, which will consist of 16 lots subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, **Article V, Section 7.1.3.c.**
2. Master Plan and Final Plat and Development Plan, with appropriate signatures, and subdivision covenants and final disclosure statement shall be recorded with the County Clerk, as per **Article V, Section 5.2.5 and Section 5.4.5.**
3. The Applicant shall submit a financial guarantee, 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 as required by **Article V, Section 9.9**.

**EXHIBITS:**

1. Development Report
2. Proposed Plans
3. Reviewing Agency Responses
4. Disclosure Statement & Restrictive Covenants
5. Letters of opposition
6. December 20, 2012, CDRC Meeting Minutes