

DRAFT

subject to approval

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

January 16, 2014

This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Vice Chair Susan Martin on the above-cited date at approximately 4:00 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico. Elections for new officers occurred following roll call.

Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

Dan Drobnis, Chair
Susan Martin, Vice Chair
Phil Anaya [arrival after elections]
Bette Booth
Louie Gonzales
Frank Katz
Manuel Roybal

Member(s) Excused:

None

Staff Present:

Rachel Brown, Assistant County Attorney
Wayne Dalton, Building and Development Services Supervisor
Jose Larrañaga, Development Review Specialist
Vicki Lucero, Building and Development Services Manager
Buster Patty, Fire Marshal
John M. Salazar, Development Review Specialist
Karen Torres, County Hydrologist

Vice Chair Martin welcomed the new CDRC members Bette Booth and Louie Gonzales.

IV. ELECTION: CDRC Chair and Vice Chair

Member Katz nominated Dan Drobnis for the position of CDRC Chair. Member Roybal seconded the nomination. Member Drobnis was elected Chair by unanimous voice vote with Member Drobnis abstaining. [Member Anaya was not present for this action.]

Member Katz nominated Susan Martin for the position of CDRC Vice Chair. Member Gonzales seconded. Member Martin was elected Vice Chair by unanimous voice vote with Member Martin and Chair Drobnis abstaining. [Member Anaya was not present for this action.]

V. APPROVAL OF AGENDA

Ms. Lucero informed the Committee that New Business item C, CDRC MIS 13-5390, Louie Rael Exemption, has been tabled due to applicant's improper notice.

Upon motion by Member Katz and second by Member Martin the agenda was approved [5-0] as amended. [Chair Drobnis did not vote and Member Anaya was not present for this action and arrived immediately thereafter.]

VI. APPROVAL OF MINUTES: December 19, 2013

Member Katz moved to approve the December minutes as submitted. Member Martin seconded and the motion passed by unanimous [6-0] voice vote with the Chair not voting.

VII. NEW BUSINESS

- a **CDRC CASE # V 13-5350 Joseph Lujan Variance. Joseph Lujan, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Three Dwelling Units on 2.371 Acres. The Property is Located at #27262 I-25 East Frontage Road, in the Chuck Taylor Subdivision, within Section 4, Township 15 North, Range 8 East (Commission District 5)**

Wayne Dalton provided the staff report as follows:

“The subject lot was created in 1977, and is recognized as a legal non-conforming lot. There are currently three dwelling units and two accessory structures on the subject property. The Applicant states their residence was constructed shortly after the purchase of the property in 1977, an aerial photograph from 1981 shows only one residence on the property. A 1992, aerial photograph shows that an addition was added to the main residence, a detached garage was constructed for the main residence and a singlewide mobile home was placed on the property

where the Applicant's son lives. None of these structures were permitted by Santa Fe County.

"A 2001 aerial photograph shows that the Applicant's daughter had already moved her manufactured home, which is the third residence, onto the property without a Development Permit from Santa Fe County. An aerial photograph from 2005, shows that the Applicant's son had constructed an addition to his residence and built a detached garage without permits from Santa Fe County.

"According to the Applicant, approximately 16 years ago the Applicant's daughter moved her manufactured home onto the property due to a divorce and financial hardship. The Applicant, along with his son and his daughter all reside in their individual homes on the subject property.

"On September 27, 2013, the Applicant applied for a Development Permit for roof mounted solar panels to be placed on his residence. On October 24, 2013, Santa Fe County Code Enforcement conducted an inspection at the Applicant's residence pertaining to the Development Permit Application and observed multiple dwelling units and accessory structures on the property. During the inspection Code Enforcement staff reviewed the Application to find that the Applicant only listed one residence on the Development Permit Application. At that time Code Enforcement issued the Applicant a Notice of Violation for Unpermitted Development and Exceeding Density.

"In 1991 the Applicant requested a variance to allow two dwelling units on 2.37 acres. At that time staff recommended recognizing the lot as 2.5 acres so the Applicant could qualify for a Family Transfer. The BCC approved the variance for a Family Transfer and to recognize the lot as 2.5 acres with staff conditions and you can refer to BCC Minutes attached as Exhibit 8. Since that time, the Applicant has not moved forward with the Family Transfer nor has he complied with staff conditions. The Applicant has been informed by staff that they can still move forward with the small-lot family transfer. However, the Applicant now states that rather than divide the property, it is their intention to move forward and request a variance to allow three homes on their property."

Mr. Dalton stated that the Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request. Staff recommends denial of a variance of Article III, §10, Lot Size Requirements, of the Land Development Code. If the decision of the CDRC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre-feet per year per home. A water meter shall be installed for each residence. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (as per Article III, § 10.2.2 and Ordinance 2002-13).

2. The Applicant must obtain a development permit from the Building and Development Services Department for all structures on the property (as per Article II, § 2).
3. The placement of additional dwelling units or division of land is prohibited on the property (as Per Article III, Section 10).
4. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application (as per 1997 Fire Code and 1997 Life Safety Code).
5. All Junk Vehicles, Litter and Debris must be removed from the property (as Per Ordinance 1993-6 and Ordinance 1993-11).
6. The Applicant shall comply with all conditions of approval within 90 days. [Condition added by staff during report.]

Duly sworn, husband and wife, Joseph and Henrietta Lujan of 27262 1-25 East Frontage Road, Santa Fe, appeared before the CDRC. Ms. Lujan said her husband suffers from PTSD. She assured the CDRC that it was never their intent to disregard Santa Fe County's requirements but "we just had to do what we have to do." She said she was confused by the 1977 requirements and they were appearing before the CDRC to do whatever is necessary to maintain the structures on the property.

Speaking to Ms. Lujan, Member Katz said he understood the County granted a lot split providing for two residences, one on each lot. He asked whether that was not sufficient for them at this time. Ms. Lujan responded that that was possible; however, they currently have three residences on the property and they were at the CDRC's mercy with what to do.

Member Katz asked whether any of the homes were manufactured and could be relocated and Ms. Lujan said her daughter's home is but they have improved it over the years and would be difficult to move.

If the applicants followed through with the previous lot split approval could a guesthouse be added to the lots, asked Member Gonzales. Mr. Dalton said the approval was a small-lot family transfer, dividing the property into two lots allowing one residence per lot.

Joseph Lujan said the trailer required remodeling because it was falling apart. He said there was a metal shed on the property that fell apart and a garage was constructed in its place. He said it was never their intent to willfully disobey the ordinances of the County and he was never advised that he was in violation until he came forward for the installation of solar panels on one of the houses.

Mr. Lujan said there is one well on the property with 3 acre-feet that satisfies their needs. Each unit has its own septic system and are individually metered for utilities.

Duly sworn, Vincent Salazar, Santa Fe expressed his support for Mr. Lujan. He said there was enough land for the residences for the applicant to take care of his family. He urged the CDRC to support the variance.

Mr. Lujan said he read the conditions and while he would try to abide accomplishing them within 90 days it would be challenging. He requested 120 days.

There were no further comments from the public.

Member Gonzales moved to approve CDRC #V 13-5350 with staff imposed conditions and allowing 120 days for compliance. Member Anaya seconded. The motion failed by majority [3-4] voice vote with members Drobnis, Katz, Martin and Booth voting against.]

Member Katz moved to deny CDRC #V 13-5350. Member Booth seconded and the motion to deny the variance passed by majority [4-2] voice vote with Members Gonzales and Roybal voting against. [Chair Drobnis abstained.]

Mr. Dalton advised the applicants that this item will be on the March 11th BCC agenda.

Ms. Lucero advised the Chair that according to committee procedures the chair was permitted to vote. Chair Drobnis said he preferred not to vote unless it was necessary to break a tie.

- B. CDRC CASE # V 13-5340 Vincent Salazar Variance: Vincent Salazar, Applicant, requests a variance of Ordinance 2002-9 (La Cienega /La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Zoning District), Section 6.4.3 to allow two dwelling units on 1.00 acre. The property is located at 73 Camino Torcido Loop, Within Section 17 & 20, Township 16 North, Range 8 East (Commission District 3)**

Mr. Dalton reviewed the staff report as follows:

“The subject lot was created on January 8, 1968 by subdivision, and there is currently a residence and a garage on the property. The garage was permitted in 1999 and is being converted into a dwelling unit. On August 16, 2013 Building and Development services received a complaint regarding unpermitted development. On August 19, 2013 code enforcement conducted an inspection on the property and issued a Notice of Violation for exceeding density.

“The Applicant states his son is attending Santa Fe Community College pursuing an education in nursing. The Applicant further states he has another son and his family is residing in his house which interferes with his son’s education and study time. The Applicant also states he cannot afford to pay for housing for his son so that he can continue his education and concentrate on achieving his goal of graduating.

“Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request.”

Mr. Dalton stated that staff recommends denial of a variance of Ordinance 2002-9, Section 6.4.3 to allow two dwelling units on one acre. If the decision of the CDRC is to recommend approval of the Applicant’s request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre-feet per year per home. A water meter shall be installed for each residence. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk’s Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the additional dwelling unit. (As per Article II, § 2).
3. The Applicant shall provide an updated liquid waste permit from the New Mexico Environment Department with the Development Permit Application (As per Article III, § 2.4.1a.1 (a) (iv).
4. The placement of additional dwelling units or Division of land is prohibited on the property. (As per Ordinance 2002-9, § 6.4.3).
5. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit Application (As per 1997 Fire Code and NFPA Life Safety Code).
6. The Applicant shall comply with all conditions of approval within 90 days.

Member Katz asked whether the garage could be turned into a non-dwelling studio. Mr. Dalton said that was possible and it would be limited to having either a kitchen or bathroom but not both.

Previously sworn, Vincent Salazar corrected the staff report noting the house was permitted and built in 1999 and the garage constructed in 2006. He provided history about his son’s education and explained that he currently shares his home with three young grandchildren and their parents and it not a conducive environment for studying. The garage was converted to an apartment to help him continue his education. He mentioned another son who is presently homeless.

Member Katz pointed out to the applicant that the garage could serve as a study/studio for his son. Mr. Salazar said he understood and in the event the variance is not granted he would consider that option.

Previously sworn, Joseph Lujan said he fully supports Mr. Salazar’s request.

Duly sworn, the applicant’s brother, Michael Salazar, 1067 Willow Way, Santa Fe, said his brother has suffered financial hardships and merely wants to do what’s right

for his family. Mr. Salazar said he serves as a deacon at the Catholic church and has been working through those channels to help find shelter for his brother's homeless child.

Under oath, Ignacio Salazar, father of Vincent and Michael, said in 1991 he applied for a similar variance when Vincent needed a home. The BCC approved the variance and he contended that action set a precedent. He noted there have been many variances of this nature in the area where he lives.

Duly sworn Tomas Jimenez, Vincent Salazar's son, stated that his father, although not a blood relation, has been there for him since the beginning. He provides a loving home and has always provided for the family. His father has helped him financially over the years in pursuing his dream of being a nurse. Trying to study in a home with three young children has been very difficult.

Michael Salazar returned to the podium and said his brother has raised these children as his own.

There was no further public input.

Member Katz commended the entire Salazar family. His concern was setting the precedent and the importance of upholding County rules. He appreciated the student required an appropriate study environment and that could be accomplished by converting the garage into a studio.

Member Katz moved to recommend denial of CDRC Case V 13-5340. His motion was seconded by Member Martin and passed by majority (4-2) voice vote with Members Roybal and Gonzales voting against and Chair Drobnis abstaining.

Mr. Dalton said converting the garage into a studio is handled administratively. This application will go before the BCC on March 11th.

B. Petitions from the Floor

None were presented.

C. Communications from the Committee

Member Roybal advised the Committee that he recently bid a proposal for the Nambe Community Center and he would continue bidding on County projects. Ms. Brown said with disclosure and abstention on voting matters where there is a financial interest she saw no problem.

D. Communications From the Attorney

Ms. Brown referred to the County's Code of Conduct Ordinance 2010-12. She reviewed provisions of the ordinance to keep the members conscious of it and in compliance. She isolated two definitions: conflict of interest: a situation in which a person exercising a duty has an interest, financial or otherwise, that potentially conflicts with the exercise of that duty or that maybe be perceived as conflicting with the exercise of that duty; and conflict of interest and disclosure statement: volunteers, employees and elected officials strictly avoid transactions and relationships that create a conflict of interest and where the conflict of interest is unavoidable it must disclosed and subordinated to the public interest.

Ms. Brown encouraged the members to read the ordinance and proffer disclosures to increase public confidence.

In regard to *ex parte* communications, Ms. Brown said it was imperative that members avoid communications with people interested in the application in any way. Those communications have to occur in the public hearing. In the event *ex parte* communications do occur it is important to disclose and abstain from participating in the case. Ms. Brown advised the members that going to look at the property must be done in a formal Board noticed meeting.

Violation of this ordinance is a criminal offense and Ms. Brown repeated her encouragement that the members become familiar with and honor the ordinance. She invited questions at rabrown@santafecounty.org or 986-6326.

In response to question posed by Member Martin, Ms. Brown stated it was important that any information that could be perceived as *ex parte* communication be forwarded to land use staff or the attorney.

E. Matters From the Land Use Staff

Member Gonzales asked whether the requests that came before the CDRC this evening would be permitted and not require a variance with the new code. Ms. Lucero responded that the SDA area these requests were located in as defined in the new code would not permit the variances.

Ms. Lucero said unless located within a designated traditional community or the Community College District, minimum lot size is 2.5 acres.

Ms. Lucero said the SLDC will become effective once the zoning map is adopted which will occur this year.

Ms. Lucero welcomed the new CDRC members.

F. Next CDRC Regular Meeting: February 20, 2014

VIII. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Drobnis declared this meeting adjourned at approximately 5:00 p.m.

Approved by:

Dan Drobnis, Chairman
CDRC

ATTEST TO:

COUNTY CLERK

Submitted by:

Karen Farrell, Wordswork

Daniel "Danny" Mayfield

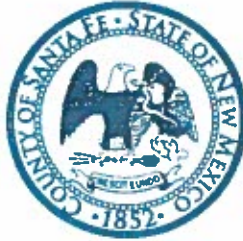
Commissioner, District 1

Miguel M. Chavez

Commissioner, District 2

Robert A. Anaya

Commissioner, District 3



Kathy Holian

Commissioner, District 4

Liz Stefanics

Commissioner, District 5

Katherine Miller

County Manager

**CASE NO. APP 13-5320
APPEAL OF LAND USE ADMINISTRATOR'S DECISION
JANET EIGNER, APPELLANT**

ORDER

THIS MATTER came before the County Development Review Committee (hereinafter referred to as "the CDRC") for hearing on December 19, 2013, on the appeal of Janet Eigner (hereinafter referred to as "the Appellant"), appealing the Land Use Administrator's decision to approve a request for a home occupation business development permit allowing a gunsmith business which conducts background checks, sells, services and repairs firearms. The CDRC, having reviewed the appeal and supplemental materials, staff reports and having conducted a public hearing on the appeal, finds that the appeal is not well-taken, and the decision of the Land Use Administrator should be upheld, and makes the following findings of fact and conclusions of law:

1. The Appellant requests that the CDRC overturn the Land Use Administrator's decision to approve application #AHBL 13-4071, granting a home occupation business development permit.
2. The subject property is located at 74 Verano Loop, within Section 7, Township 15 North, Range 10 East.
3. On October 11, 2013 the Applicant and owner of the subject property, applied for a home occupation business development permit pursuant to the Santa Fe County Land Development Code, Ordinance 1996-10 (the Code).
4. According to Article III, Section 3.1 of the Code, "[h]ome occupations are allowed anywhere in the County, provided all of the requirements of the Code are met."

5. The requirements of Article III, Section 3 of the Code pertaining to home occupation business registrations include the following:

- “3.2.1 Not more than six(6) persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home occupation;
- 3.2.2 The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation;
- 3.2.3 There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one (1) non-illuminated name plate sign not more than nine square feet in area;
- 3.2.4 Parking for employees and for customers or clients of the home occupation as required by Section 9 of this Article III shall be provided off the street;
- 3.2.5 No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area.”

6. The Land Use Administrator determined that the application met all Code requirements and granted the home occupation business development permit based on the following facts:

- a. There would be no employees other than the home owner working at the business;
- b. The home owner proposed using 194 square feet of the 2290 square foot home for the business;
- c. There would be no signs posted on the property or other modifications to the exterior of the building, all work would be performed inside the residence and there would not be significant traffic generated by the business.
- d. Customers or clients will park in the driveway of the residence rather than on the local roads and will not be visible from Verano Loop;
- e. The home owner intends to have far fewer than the allowed eight appointments per day generated by the home occupation. Most pickups and drop offs of firearms will occur off site and background checks are completed using the internet.

f. All firearms will be locked away when not being repaired and the home owner will not sell ammunition or discharge the firearms on the property. Firearms will not be loaded while on the Applicant's property.

7. As required by Article II, Section 2.3.4b of the Code, on November 8, 2013, within five days of the Code Administrator's decision, Appellant filed an appeal contesting the granting of the home occupation business development permit.

8. In support of the Appeal, the Appellant submitted petitions from neighbors in opposition to the granting of a home occupation business development permit, and asserted that a gunsmith business was not an appropriate home occupation in a safe, peaceful, residential neighborhood. The Appellant asserted that guns in the home are inherently dangerous, whether locked up or not.

9. Appellant requested that this Board, in recognition that a home occupation cannot create nuisance conditions, and in recognition of the Board's duty to protect health, safety and welfare of county residents, overturn the granting of the home occupation business development permit.

10. Appellant acknowledged the absence of a legal basis for denying the home occupation business application and the fact that residents can own guns and keep those guns in their homes.

11. In addition to Appellant, four members of the public spoke in support of the Appeal, alleging that the individuals coming to the neighborhood to purchase guns posed a risk to the community, expressing concern about customers driving through the residential community to reach the Applicant's business, and predicting a drop in property values if police began cruising the area as a result of the presence of the business in the community.

12. One area resident spoke in support of the Land Use Administrator's decision to grant the home occupation business development permit, advising that if the business resulted in an increased police presence in the neighborhood that would be beneficial to the community.

13. The home occupation business development permit application complied with all aspects of the Land Development Code.

14. The CDRC is cognizant of Article II, Section 6 of the New Mexico Constitution which prohibits counties from regulating an incident of the right to keep and bear arms.

15. After conducting a public hearing on the appeal and having heard from the Appellant, the Applicant and the public, and having considered all materials submitted on the matter, including a letter in opposition to the home occupation business, the County Development Review Committee hereby denies the appeal and upholds the Land Use Administrator's approval of the application for a home occupation business development permit allowing a gunsmith business at 74 Verano Loop in Santa Fe County.

WHEREFORE the County Development Review Committee of Santa Fe County hereby denies the appeal and upholds the Land Use Administrator's decision to approve a request for a home occupation business development permit. The motion to deny the appeal passed by a 6-0 vote with Committee Members Gonzalez, Fry, Martin, Roybal, Katz, Anaya and Drobnis voting in favor of the motion.

IT IS SO ORDERED

This Order was approved by the Santa Fe County Development Review Committee on this ___ day of _____, 2014.

SANTA FE COUNTY DEVELOPMENT REVIEW COMMITTEE

By: _____
Dan Drobnis, Chair

IT IS SO ORDERED

This Order was approved by the Santa Fe County Development Review Committee on this

___ day of _____, 2014.

SANTA FE COUNTY DEVELOPMENT REVIEW COMMITTEE

By: _____
Chair

Attest:

Geraldine Salazar, County Clerk

Approved as to form:



Stephen C. Ross, County Attorney

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: February 20, 2014

TO: County Development Review Committee

FROM: John M. Salazar, Development Review Specialist *JMS*

VIA: Penny Ellis-Green, Land Use Administrator *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: CDRC CASE # A 14-5030 Maurilio & Amanda Calderon Appeal

ISSUE:

Maurilio and Amanda Calderon, Applicants, are appealing the Land Use Administrator's decision to deny a home occupation business registration for a welding business located on 2.48-acres.

The property is located at 8 Ernesto Road, off of Rabbit Road, within Section 10, Township 16 North, Range 10 East, (Commission District 4).

Vicinity Map:



NBA-1

REQUEST SUMMARY:

On November 5, 2013, the Applicant applied for a home occupation business registration. The Applicant requested permission for a welding business. The Santa Fe County Fire Prevention Division along with the Santa Fe County Sheriff's Office conducted reviews and inspections, there are no code violations.

The Land Use Administrator reviewed the Application as it relates to the Home Occupation requirements listed in the Land Development Code in Article III, Section 3. The Land Use Administrator has determined that the subject Application does not conform to Code requirements and has denied the request per the following sections:

Article III, Section 3.2.2 states: "The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation."

The Applicant proposed to use 832 square feet of his 1,950 square foot metal garage. He is allowed to use 832 square feet for business operations, office work, material and vehicle storage since his residence is 1,664 square feet. The Land Use Administrator has concerns that he will be unable to keep his business operations within the 832 square feet he has proposed. Upon conducting a site visit, staff observed that there was no clear distinction between the area used for business and the area used for personal use.

3.2.5 No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area.

The Applicant proposed to contain all business activity within his insulated metal garage. Corporal Michael Delgado with the Santa Fe County Sheriff's Office along with Growth Management staff conducted a site inspection in which sound measurements were taken. Corporal Delgado took various readings from different areas of the property and concluded "that the property owner is in compliance with the Santa Fe County Noise Ordinance (Ordinance No. 2009-11) while conducting his daily/routine business at his shop." However, Growth Management staff noted that while the sound generated from the business operations did not violate Public Nuisance levels, the sound does carry out to neighboring properties at a level that would not be expected among single family homes as this area is primarily residential with few businesses around.

The Applicant has submitted petitions to the County from various neighbors in support of the home occupation (Exhibit 6).

The County has also received petitions from various neighbors throughout the Rabbit Road area in opposition of the home occupation stating the noise and fumes generated from the business as their objection (Exhibit 7).

Article II, Section 2.3.4 (Appeals) of the Code states: "Any person aggrieved by a decision of the Code Administrator under Section 2.3.1 (Administrative Procedures) may file an appeal to the County Development Review Committee within five (5) working days of the date of the Code Administrator's decision. The County Development Review Committee shall hear the appeal within

sixty (60) days of the date the appeal is filed. The County Development Review Committee shall make and file its decision approving or disapproving the application or approving the application with conditions or modifications.”

This Application was submitted on January 17, 2014.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds no evidence that would justify overturning the Land Use Administrator’s decision.

APPROVAL SOUGHT: To overturn the Land Use Administrator’s decision to deny application #AHBL 13-4076.

GROWTH MANAGEMENT AREA: El Centro, SDA-1

STAFF RECOMMENDATION: Staff recommends that the CDRC uphold the Land Use Administrator’s decision to deny the home occupation by denying the appeal.

EXHIBITS:

1. Letter of Appeal
2. Growth Management File #AHBL 13-4076
3. Article III, Section 3 (Home Occupations)
4. Article II, Section 2.3.4 (Appeals)
5. Petitions in Support for Home Occupation
6. Petitions in Opposition for Home Occupation

January 13, 2014

Land Use Administrator:

Have you ever had your hopes and dreams crushed? Well we have! My name is Amanda Calderon I am a state employee and have been a Santa Fe resident for 12 years. My Husband Maurilio Calderon has lived in Santa Fe for 19 years, and we have a small welding company, Adonai Custom Iron Works, Inc. We have three small children who we love dearly. Our company has helped the community be a safer place with our security doors and windows, hand and wall rails, etc.

We have been denied a home occupation license at our residence at 8 Ernesto Rd. We are going to appeal this decision. We are crushed by this decision made by the land use department based on the land development code. The odd thing about everything is that we passed every inspection that was conducted. The inspector Rick Lovato, Code enforcement inspector came out and took pictures and gave us a passing inspection. The Fire department came out and conducted an inspection that we also passed. The county Sheriff deputy and John Salazar with business licenses came out and performed a noise ordinance inspection that we also passed. We received signatures from thirty neighbors who are supporting our home occupation. I am confused as to why we are not given the opportunity to have a home occupation. There are four other companies in our same area.

We have heavily insallated the garge. This was just done recently in November 2013. We propose to conduct business with the garaje doors closed at all times (all seasons). Meaning that this will make dramatically less noise. Noise should not be a factor because we passed the noise ordinance inspection for our area given by the Sheriff Deputy. The garaje is also fenced in with latillas, and behind that fencing we have built a block fence to cover the garage and our residence. We did this in consideration of the neighbors. We would also like to propose instead of the latillas fence we can put another block fence. We have no plans to bother or inconveince our neighbors.

Welding is what my family lives from. My husband is a welder and has been working in this occupation for 19 years. We purchased this land two years ago and all of our hopes and dreams and money have gone into this land. We only want the chance to make a living and bring up our children on this residence. We do not want to bother or be an inconvenience to anyone. Thank you for your time and consideration. We are looking to receive a helping hand.

Sincerely,

Amanda Calderon Maurilio Calderon

Amanda and Maurilio Calderon



NBA-4

SANTA FE COUNTY BUSINESS REGISTRATION APPLICATION

NAME OF BUSINESS: Adonai Custom Iron Works Inc. PHONE NO: 505-204-9995
BUSINESS ADDRESS: 8 Ernesto Rd Santa Fe Nm 87508
MAILING ADDRESS: 4 Sunset Canyon Ln Santa Fe Nm 87508
NAME OF PRINCIPAL BUSINESS OWNER: Maurilio Calderon
HOME OCCUPATION: COMMERCIAL:
NEW MEXICO GROSS RECEIPTS TAX NUMBER: 03-212226-00-8
DESCRIPTION OR NATURE OF BUSINESS: Welding

A business registration fee of \$35.00 will be assessed at time of approval, and thereafter, before March 15 of each calendar year. A late fee of \$10.00 will be assessed on ANY untimely payment. Business Registrations are effective from date of issuance through the end of the calendar year. Thereafter, registrations are effective from January 1 through December 31 of each year.

Maurilio Calderon
SIGNATURE OF APPLICANT

me
10/4/13
DATE OF APPLICATION

FOR OFFICIAL USE ONLY

Location ID: 99304725 UPC: 1-052-095-151-022

DEVELOPMENT PERMIT NO: 13-4076 BUSINESS REGISTRATION NO: _____

TOWNSHIP 16 RANGE 9 SECTION 10 COMMISSION DISTRICT 4

FEE PAID \$35.00 _____ RECEIPT NO. _____ PROCESSED BY John M. Salazar

FIRE HAZARD POTENTIAL: HIGH _____ MEDIUM LOW _____

LAND USE DIRECTOR _____ DATE _____ COUNTY FIRE MARSHAL _____ DATE _____

TREASURER _____ DATE _____ FINANCE _____ DATE _____

COMMENTS: _____





**BUILDING AND DEVELOPMENT SERVICE AND
SANTA FE COUNTY FIRE PREVENTION DIVISION
DEVELOPMENT PERMIT APPLICATION**



Applicant Name: (Present &/or Former Names) Maurilio Calderon Development Permit Number 13-4076 Project Manager/Type/Date Received JMS / 11-5-13

Development Fees Paid Y N Amount: 350 Fire Impact Fee Paid Y N Amount: 50 Total Fees Paid: 400.00
Additional Fire Inspections will be charged a minimum \$25.00 fee.
For official use only

Type of Development Permit:

(Indicate all that apply)

Master Plan Prelim. Plan Final Plan Family Transfer Driveway Lot Line Adj. Land Div. Accessory Structure
 Residential Bldg. Plan Commercial Bldg. Plan Res. Sub. Com. Sub. Sprinkler/Alarm Mobile Home Other Home Occ.

Wildland Hazard Rating: Moderate High Very High Extreme N/A Fire District Hondo

Fire Protection Water Source: Fire Hydrant Draft Hydrant Pond Other _____ Driveway length: 329' Width: 25'

PROPERTY OWNER INFORMATION: First Name: Maurilio + Amanda Last Name: Calderon
Mailing Address: 4 Sunset Canyon #149 Santa Fe NM Zip: 87508
Rural address of Project: 8 Ernesto Rd Santa Fe NM Zip: 87508
Written Directions to Project Site: see attached

Cell Phone: 505-231-5805 Home Phone: 505-982-3293 Email address: amcalderon@live.com
Contractor / Company Name: Lobo Construction Address: 41 Sunrise Rd Santa Fe NM
Cell Phone: 505-169-4756 Work Phone () _____ Contractor's License #: 85180

PROJECT DESCRIPTION: Home Occupation
Section: 10 Township: 116 Range: 9 Commission District 4 Parcel ID: 99304725
UPC Number: 1-052-095-151-022 Plat Book: 737 Page: 3 Date Recorded: 9-27-11
Warranty Deed Instrument #: 1648133 Date Recorded: 10/14/11 Subdivision Name: _____
Acreage: 2.48 Estimated Completion Date: _____ Valuation: _____
Proposed Number of Dwellings Onsite: 0 Existing: 1 Total: 1
Proposed Number of Lots Onsite: 0 Existing: 1 Total: 1
Proposed Roofed Area Sq. Ft.: _____ Existing Roofed Area Sq. Ft.: 1664 Total Roofed Area Sq. Ft.: 1664
Lot Number: A2 Phase: _____ Affordable Unit: Yes No All Weather Access: Yes No (*Access improvements required)
County Road: Yes * No (Access Permit DPW required) Legal Access: Yes No
FEMA 100-year floodplain: Yes * No Zone _____ Panel Number: _____ D (*Floodplain Dev. Permit required)
NMED Septic Permit: Yes No Community Sewer System Yes No Water Restrictions: Yes * No Book _____ Page _____
Shared Well: Yes * No *Share Agreement Inst. # N/A Well Meter Reading: N/A
Well Permit # N/A Well Meter Serial Number: _____ Meter Type _____ Unit of Measure: _____
Community Water System: Yes * No (*Water Service Letter Required) Cistern Required: Yes No Rainbarrels Required: Yes No
Proof of Taxes: Yes No Hydrologic Zone: Basin B. Fringe Homestead Mountain Traditional Metro Geohydro Req'd TIA Req'd

Owner Acknowledgment or Authorized Representative: Signature: _____ Date: _____

By signing I acknowledge all information is true and accurate, and I authorize Santa Fe County staff to conduct necessary inspections on my property as related to this permit application. I agree and I understand that the issuance of any subsequent permits does not prevent the Santa Fe County Fire Prevention Division from requiring additional compliance with the provisions of the Santa Fe County Fire Code as adopted by the Board of County Commissioners.

Type of Permit Issued: _____ Date: _____
Approved By: _____ Date: _____
Redlines Yes No Inspections Conducted: Initial Pre-Final Final Certificate of Completion Yes No

November 4, 2013

Santa Fe County

We, Maurilio and Amanda Calderon would like to take the opportunity to apply for a home occupation permit for 8 Ernesto Rd in Santa Fe New Mexico for our off-site welding company Adonai Custom Iron Works, Inc. We have been given the opportunity to make the city of Santa Fe a safer place with our security doors, windows, handrails, and wall rails. We propose to help the residents and companies of Santa Fe to feel and be a safer place. The principal materials used for welding are metal square tubing and metal piping. We propose to have one or two employees one of the employees will be Rutilio Rodriguez, 3531 Cerrillos rd #71 Santa Fe NM 87507, 505-310-4316. We do not plan to put a sign on the property for the business or have people at the garage. We do not want to cause traffic at our home occupation or cause any disturbances. Thank you for your consideration.

Sincerely,

Maurilio and Amanda Calderon

Maurilio Calderon
Amanda Calderon

NBA-7


HOME OCCUPATION APPLICATION PACKET

AS PER THE COUNTY LAND DEVELOPMENT CODE, ARTICLE III, SECTION 3, AND THE EXTRATERRITORIAL ZONING ORDINANCE, SECTION 5-B-4-d, HOME OCCUPATIONS ARE PERMITTED ANYWHERE IN THE COUNTY, PROVIDED THE FOLLOWING STANDARDS HAVE BEEN MET:

- Not more than six (6) persons other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home occupation;
- There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one (1) nonilluminated name plat sign not more than nine square feet in area;
- The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes of its occupants, and not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation.
- The home occupation shall not involve operations or structures not in keeping with the residential character of the neighborhood.
- No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area (e.g. Noise vibration, glare, fumes, odors, electrical interference).
- No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the residential neighborhood area.
- Parking for employees and for customers or clients of the home occupation shall be provided off the street (one (1) parking space per employee plus one (1) per 400 sq. ft. to be used for the home occupation).
- The home occupation shall be located on the same lot as the permitted principal use of structures or on a contiguous lot in the same ownership.
- Primary sale of goods in connection with the home occupation shall be that which is prepared or produced upon the premises.

ACKNOWLEDGMENT

I hereby acknowledge that I have read the above standards and fully understand what is required of me to operate a home occupation business.


Signature

11/4/13
Date

HOME OCCUPATION

Questionnaire

PLEASE DESCRIBE THE FOLLOWING

1) WHAT ARE THE ACTIVITIES INVOLVED?

Welding metal

2) WHAT TYPES OF MATERIALS AND EQUIPMENT ARE TO BE USED?

metal square tubing, metal piping. Equipment used are welding machine, and a band cutter.

3) WHAT PROCEDURES ARE USED IN CONDUCTING YOUR DAILY BUSINESS OPERATIONS?

To use and enforce the use of welding mask, eye protection and any other safety precautions.

4) OTHER THAN MEMBERS OF YOUR FAMILY, HOW MANY EMPLOYEES WILL BE ENGAGED IN THE HOME OCCUPATION?

One or two employees.

5) WHAT IS THE TYPE OF PRODUCT TO BE PRODUCED, SERVICED OR REPAIRED?

Producing metal products and repairing them.

6) WILL THERE BE ANY MECHANICAL AND/OR ELECTRICAL EQUIPMENT NECESSARY TO THE CONDUCT OF THE HOME OCCUPATION? IF SO, PLEASE DESCRIBE.

welding machines are electrical equipment.

7) DESCRIBE THE AMOUNT, LOCATION AND METHOD OF STORAGE OF SUPPLIES AND/OR EQUIPMENT.

Supplies and equipment are stored in safety racks.

8) DESCRIBE THE LOCATION OF PARKING FOR THE HOME OCCUPATION?

on the north side of the garage.

9) WHAT TYPE AND AMOUNT OF TRAFFIC DO YOU ANTICIPATE TO BE GENERATED PER DAY? WILL THE BUSINESS BE CONDUCTED ON AN APPOINTMENT BASIS?

no traffic. we do not plan to have people at the location.

10) WILL THERE BE A SIGN POSTED ON THE PREMISES? IF SO, PLEASE STATE SIZE & LOCATION. (ATTACH A SKETCH OF THE SIGN SHOWING DIMENSIONS AND WHAT LOGO IT WILL HAVE ON IT.)

We do not plan to put a sign.

SEC 1
CLERK RECORDED 10/14/2011

WARRANTY DEED (JOINT TENANTS)

XLR, LLC, a New Mexico limited liability company, for consideration paid, grants to Maurilio Calderon and Amanda Calderon, husband and wife as joint tenants, whose address is 4 Sunset Canyon Lane #149, Santa Fe, NM 87508, the following described real estate in SANTA FE County, New Mexico:

Tract A-2, all as shown on plat of survey entitled "Land Division for XLR, LLC Tract A within the S.E. 1/4 of S.W. 1/4 of Section 10, T. 16N., R. 9E., N.M.P.M., Santa Fe County, New Mexico" all as shown on plat of Survey dated May 5, 2010 and recorded September 27, 2011 in Plat Book 737, Page 3, as Instrument No. 1846368, records of Santa Fe County, New Mexico.



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
WARRANTY DEED
PAGES: 1

I Heraby Certify That This Instrument Was Filed for Record On The 14TH Day Of October, 2011 at 04:09:12 PM and Was Duly Recorded as Instrument # 1648133 Of The Records Of Santa Fe County

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

SUBJECT TO reservations, restrictions and easements of record, and taxes for the year 2012 and subsequent years, with warranty covenants.

WITNESS my hand and seal this 14th day of October, 2011.

XLR, LLC, a New Mexico limited liability company

[Signature]
By: Gerald Medina, Member

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
COUNTY OF SANTA FE } SS

This instrument was acknowledged before me this _____ day of _____, _____ by _____
(Name or Names of Person or Persons Acknowledging)

My commission expires: _____
Notary Public

ACKNOWLEDGMENT FOR LIMITED LIABILITY COMPANY (L.L.C.)

STATE OF NEW MEXICO
COUNTY OF SANTA FE } SS

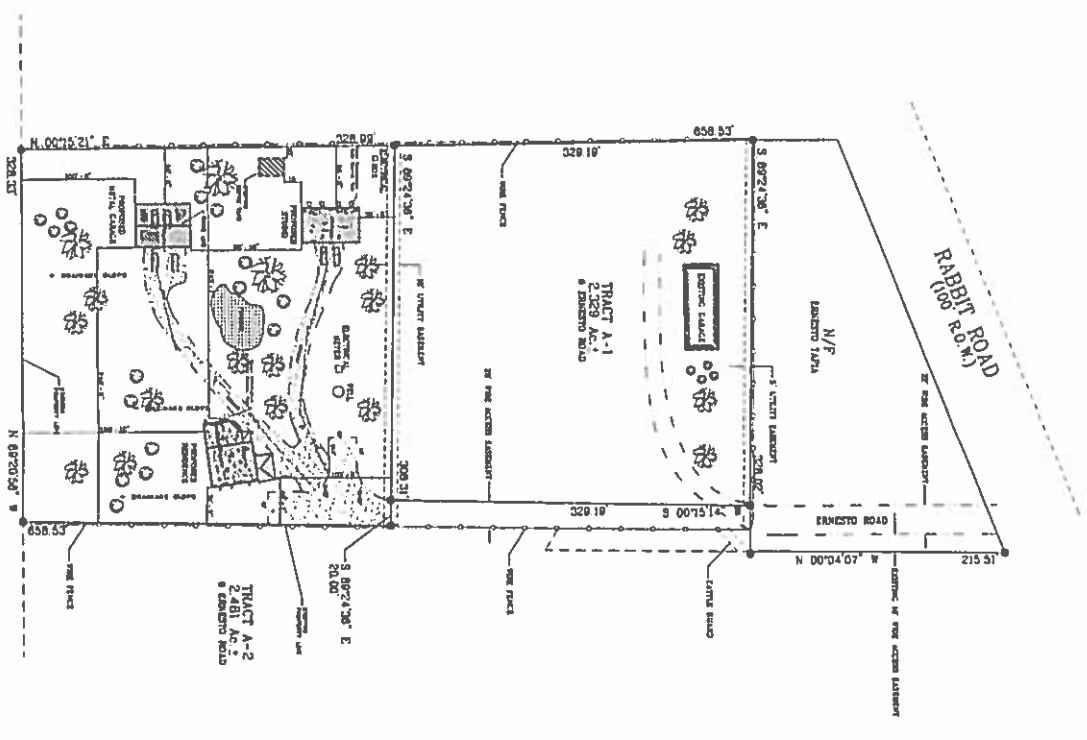
This instrument was acknowledged before me this 14th day of October, 2011.

By Gerald Medina
(Name of Officer)
Member
(Title of Officer)
of XLR, LLC
(Name of Limited Liability Company Acknowledging)

a New Mexico limited liability company, on behalf of said L.L.C.
(State of L.L.C.)

My commission expires: _____
[Signature]
Notary Public





Site Plan
SCALE: 1" = 50'-0"

	SHEET TITLE	BUILDING PERMIT FOR NEW RESIDENCE		
	Site Plan	5110 ERNESTO ROAD 8 Ernesto SANTA FE, N.M. 87508		

NBA-K

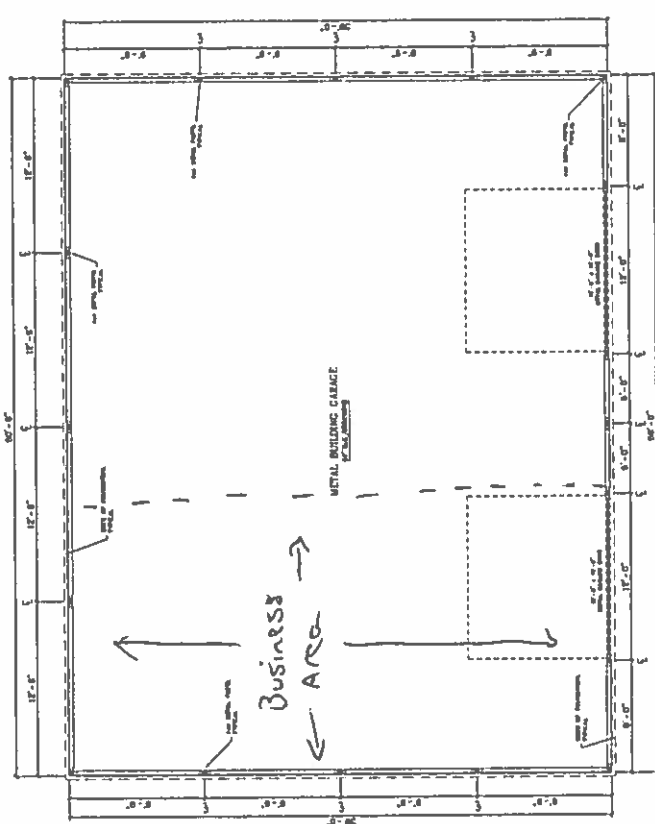
BB
10/11/13

DATE

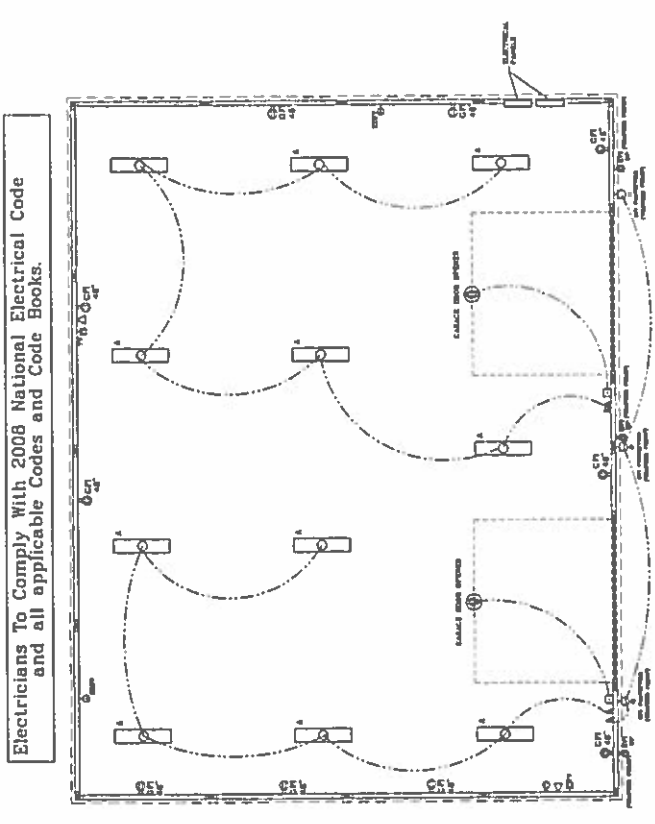
BUILDING PERMIT FOR NEW METAL BUILDING GARAGE
 217 GLENN ROAD & Franco
 SANTA FE, N.M. 87508

SHEET TITLE
 New Garage
 Floor Plan And
 Electrical Plan

14
 SHEET NO



Floor Plan
 SCALE: 1/4" = 1'-0"



Electrical Plan
 SCALE: 1/4" = 1'-0"

Electricians To Comply With 2008 National Electrical Code
 and all applicable Codes and Code Books.

GENERAL INFORMATION
 GENERAL INFORMATION OF THIS PROJECT
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ALL NEW DOORS
 ALL NEW DOORS SHALL HAVE A MINIMUM U-VALUE OF (5.0)
 ALL NEW SKYLIGHTS PROVIDED SHALL HAVE A MINIMUM U-VALUE OF (.80)
 ALL NEW WINDOWS PROVIDED SHALL HAVE A MINIMUM U-VALUE OF (.25)

MECHANICAL / FINISHING NOTES
 1. ALL NEW DOORS SHALL BE INSULATED TO A MINIMUM U-VALUE OF 5.0
 2. ALL NEW SKYLIGHTS SHALL BE INSULATED TO A MINIMUM U-VALUE OF .80
 3. ALL NEW WINDOWS SHALL BE INSULATED TO A MINIMUM U-VALUE OF .25

ELECTRICAL NOTES
 1. ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NATIONAL ELECTRICAL CODE AND ALL APPLICABLE LOCAL ORDINANCES
 2. ALL ELECTRICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE 2008 NATIONAL ELECTRICAL CODE AND ALL APPLICABLE LOCAL ORDINANCES

GENERAL NOTES ELECTRICAL PLAN

POWER LEGEND

LIGHTING LEGEND

1. ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NATIONAL ELECTRICAL CODE AND ALL APPLICABLE LOCAL ORDINANCES
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Contractors To Comply With 2008 International Residential Code
 and all applicable Codes and Code Books.

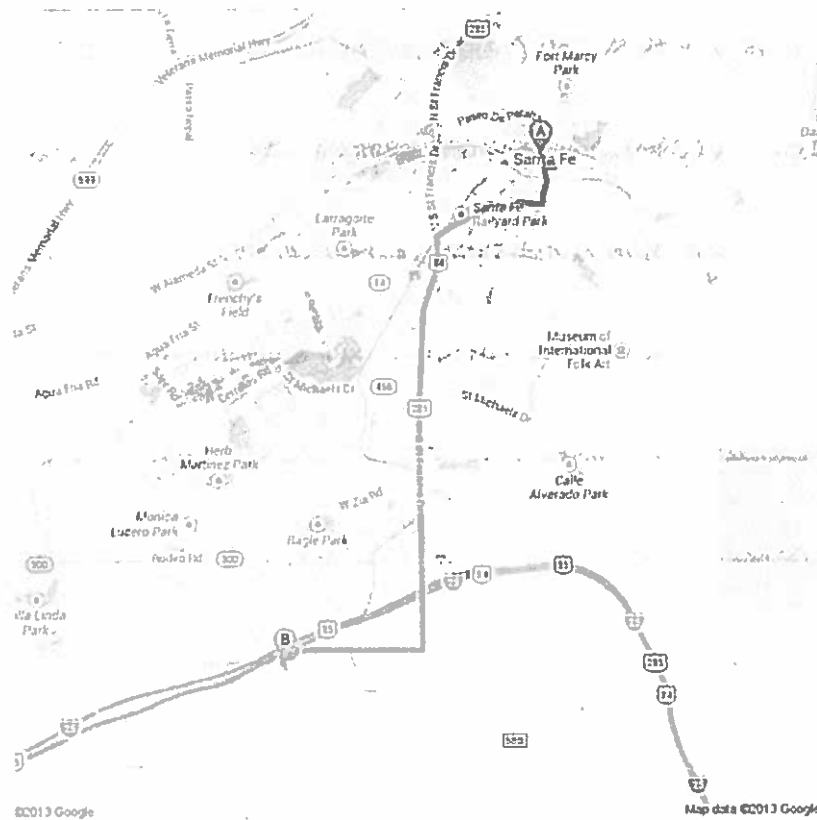
ALL LIGHT FIXTURES TO BE UL LISTED BY ELECTRICIAN. SEE OWNER FOR SPECS.

Non-Illuminated - Plumbing - Electrical
 Illuminated - Electrical, and Plumbing - Electrical
 See Owner for applicable Codes and Code Books

NBA-13

Google

Directions to 8 Ernesto Rd, Santa Fe, NM 87508
6.3 mi - about 15 mins



NBA-14

A Santa Fe Plaza
80 E San Francisco St, Santa Fe, NM 87501

- 1. Head east on E San Francisco St toward Old Santa Fe Trail go 456 ft
total 456 ft
- ➔ 2. Turn right onto Cathedral Pl go 262 ft
total 0.1 mi
- ➔ 3. Take the 1st right onto E Water St go 427 ft
total 0.2 mi
- ↶ 4. Take the 1st left onto Old Santa Fe Trail
About 2 mins go 0.3 mi
total 0.5 mi
- ➔ 5. Turn right onto Paseo De Peralta
About 2 mins go 0.5 mi
total 1.0 mi
- ↶ 6. Turn left onto Cerrillos Rd
About 2 mins go 0.5 mi
total 1.5 mi
- ↶ 7. Turn left onto S St Francis Dr
About 6 mins go 3.5 mi
total 5.0 mi
- ➔ 8. Turn right onto Rabbit Rd
About 2 mins go 1.2 mi
total 6.2 mi
- ↶ 9. Turn left onto Ernesto Rd
Destination will be on the right
About 50 secs go 495 ft
total 6.3 mi

B 8 Ernesto Rd, Santa Fe, NM 87508

xJBA-15

Account ID, location ID : 99304725 99304725
 Parcel Code (Map Code) . : 1-052-095-151-022|000-000
 Pending : .00
 Account balance : 1,911.35
 Current due : 955.68

Type options, press Enter.

5=View detail

Opt	Date	Type	Code	Year	Roll	Period	Amount	Tax receipt
-	11/01/13	BILL		13	R	2	955.67	0978774
-	11/01/13	BILL		13	R	1	955.68	0978774
-	5/09/13	PAYMENT	TX				610.20-	0138673
-	3/12/13	TRF ADJ	XFER	12	R	1	12.20	A13-164
>	3/08/13	PAYMENT	TX				610.20-	0097514
-	2/07/13	CR BASE	CORR	12	R	2	801.56-	CA-0032
-	2/07/13	CR BASE	CORR	12	R	1	801.57-	CA-0032
-	2/07/13	DR BASE	CORR	12	R	2	610.20	CA-0032
-	2/07/13	DR BASE	CORR	12	R	1	610.20	CA-0032

More...

F3=Exit F5=Valuation inq F6=Year summ inq F8=History print
 F10=View 2 acct data F12=Cancel F18=Freeze inq

Project nbr/desc . . : 13 00004076 ADONAI CUSTOM IRON WORKS INC. / HOME
Project type . . . : HOME OCCUPATION BUSINESS LICENSE

Select fees due, press Enter.
1=Select entire amount

Opt	Amount to apply	Bal Due	Fee Description	Trans amt
-	50.00	50.00	FIRE REVIEW BUSINESS LICENSE	50.00
-	75.00	75.00	INSPECTION - INITIAL	75.00
-	100.00	100.00	APPLICATION FEE	100.00
-	175.00	175.00	HOME OCCUPATION/BUSINESS REVIE	175.00

Total 400.00

F3=Exit F5=Select all fees F12=Cancel

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Business Registration Review

Date	November 13, 2013		
Project Name	Adonal Custom Iron Works		
Project Location	8 Ernesto Road		
Description	Custom welding; gates, railings, etc.	Case Manager	John M. Salazar
Applicant Name	Maurilio Calderon	County Case #	13-4076
Applicant Address	4 Sunset Canyon Ln #149 Santa Fe, NM 87508	Fire District	Hondo
Applicant Phone	505-204-9995		

Review Type: Commercial Registration Home Occupancy Business

Project Status: Approved Approved with Conditions Denial

The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated (*Note underlined items*):

Access and Addressing (1997 Uniform Fire Code 901.4.4 & 902.4):

Fire access roads shall not be obstructed in any manner, including customer or delivery parking. Signs may be required to maintain fire access.

Approved building numbers or addresses shall be placed on all buildings in such a position so that they are plainly visible and legible from the street or road fronting the property. These numbers shall contrast with their background and be at least 5 inches in height.

To prevent the possibility of emergency responders being locked out, all access gates should be operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency

Access System (Knox Rapid Entry System). Details and information are available through the Fire Prevention office.

Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development. Fire apparatus road, driveway, turnouts and turnarounds shall have an approved, all weather driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds. Minimum gate and driveway width shall be 14' and an unobstructed vertical clearance of 13'6".

The driveway shall incorporate a turnaround area for emergency vehicle purposes conforming to the access and turnaround requirements and dimensions of the Santa Fe County Fire Department.

Driveway/fire access shall not exceed 11% slope and shall have a minimum 28' inside radius on curves. (1997 UFC, Section 902.2.2.6)

Storage and Accumulation of Rubbish and Vegetation (1997 Uniform Fire Code 1103.2 – 1103.2.4):

Combustible rubbish kept or accumulated within or adjacent to buildings or structures shall be stored in approved containers or in rooms or vaults constructed on non-combustible materials. Cut or uncut weeds, grass, vines, and other vegetation shall be removed when determined to be a fire hazard.

Storage of Combustible Materials (1997 Uniform Fire Code 1103.3.2.2):

All combustible storage shall be a minimum of 24 inches (2 feet) from the ceiling. If sprinklered, there shall be a minimum of 18 inches from the sprinkler head deflector to the top shelf.

Fire Protection Systems (1997 Uniform Fire Code 1001.5):

Any sprinkler, fire hydrant, or fire alarm systems, smoke or heat detectors and ventilators, smoke removal systems and other fire protective systems or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired when defective. (1997 Uniform Fire Code 1001.5)

Fire Extinguishers (1997 Uniform Fire Code 1001 and 1002):

This business requires two, 5 lb. ABC Class fire extinguishers.

All fire extinguishers shall have a current service tag and shall be serviced annually by a qualified fire extinguisher company (NFPA 10) and inspected monthly by your staff.

Extinguishers shall be installed/mounted in conspicuous locations and be readily accessible. The top of the extinguisher shall not be higher than 48 inches from the floor. A recommended method to confirm if extinguisher(s) is at the right height is to try to reach the extinguisher from a sitting position (ie: wheel chair accessibility).

Heat Producing Devices:

The clearance between stored materials and unit heaters, radiant space heaters, duct furnaces, and flues shall not be less than 3 feet in all directions and the device shall be in good working order. (NFPA 231-4.2.4)

Hot water heaters must be kept free from combustible storage. Clearance from electric water heaters is no less than 24 inches and gas water heaters no less than 36 inches.

Chimneys and fire boxes shall be inspected and cleaned annually to prevent the build-up of creosote.

Storage and Handling of Combustible Materials (1997 Uniform Fire Code 1103.1):

Combustible materials shall not be stored in exits, exit enclosures, equipment rooms, attics, under floors and in concealed spaces.

Exits and Aisles:

All exits shall remain free of any material or matter (1997 Uniform Fire Code 1203).

Exit doors shall be maintained in an operable condition. Exit doors shall be able to be opened from the inside without use of a key or any special knowledge or effort. They shall not be locked, bolted, barred, latched, or otherwise rendered unusable (1997 Uniform Fire Code 1207).

Aisles and stairs must be maintained open, continuous and unobstructed.

Fire doors shall not be blocked open or obstructed.

Extension Cords and Multi-plug Adapters:

Multi-plug adapters shall be UL listed (1997 Uniform Fire Code 8507).

Extension cords shall not be used as a substitute for permanent wiring (1997 Uniform Fire Code 8506).

Extension cords cannot run through walls, ceilings door jams, window casings, or under carpets. They shall not go through suspended ceiling grids or be attached to window casings or steel posts with tape or string.

Flammable Liquid Storage (1997 Uniform Fire Code Article 79):

Flammable liquids shall be stored in approved tanks, closed containers, safety cans, flammable storage cabinets or H-2 rooms.

Storage containers: No container over 5 gallons, maximum of 120 gallons per cabinet of which not more than 60 gallons to be class 1 or class 2.

LP Gas – provide 10 feet clearance from weeds and combustibles (*1997 Uniform Fire Code 8209*).

Cleaning rags or cloths soiled with flammable or combustible liquids must be kept in a metal container with a tight fitting or spring loaded lid.

Flammable liquids cannot be stored near heating appliances or near exit passages, exit doors or stairways.

Storage of Stock or Trash:

Stock piles shall be orderly. Aisles are to be maintained throughout the stock room (*1997 Uniform Fire Code 1103.3.2.1*).

Storage of stock is not allowed in exit passages or under stairways.

Combustible trash must be removed from buildings daily (*1997 Uniform Fire Code 1103.2.1.5*).

Fireplace ash must be placed in noncombustible, covered containers and kept at least 24 inches from any combustible surfaces (*1997 Uniform Fire Code 1109.6*).

Meters, Motors, Compressors and Electrical Panels:

Meters shall be kept clear, accessible and protected from vehicular damage.

All working motors and compressors shall be maintained in a clean manner.

Electrical breakers or fuses must be marked. Taped open breakers are prohibited. Breakers are not to be used as switches. All empty breaker spaces shall be covered with a blank cover. Panel doors and covers shall be kept closed and accessible at all times.

Storage is not permitted within 30" from the operating face of electrical panels (*1997 UFC, Section 8509.2*).

General Requirements/Comments

▪ **Inspections/Acceptance Tests**

The fire prevention bureau shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provision of this code and of any other law or standard affecting firesafety. (*1997 UFC Article 1, Section 103.3.1.1*).

When any work is being done or a condition is being established contrary to the provisions of this code, the fire chief may order the work stopped by notice in writing served on any persons

engaged in doing or causing the work to be done. Such work shall stop until continuation is authorized by the chief. (1997 UFC Article 1, Section 103.3.2.1).

This business shall be required to have an annual fire inspection completed by the Santa Fe County Fire Prevention Division. A copy of the Pre-Inspection checklist was provided to the property owner at the time of the initial inspection. If you have any questions, please contact the Fire Prevention Division office or visit the Fire Department web site at www.santafecountynm.gov/fire.

▪ **Permits**

As required

Final Status

Recommendation for Business Registration approval with the above conditions applied.


Tim Gilmore, Inspector


Code Enforcement Official

11-14-13
Date

Through: David Sperling, Chief

File: DevRev/BusReg/H/Adonai/111313

Cy: Buster Patty/Fire Marshal 
John M. Salazar, Land Use Office
Applicant
District Chief
File

Enclosed: (applicant only) Fire Department Access Requirements

received
11-7-13 *Elm*

SANTA FE COUNTY BUSINESS REGISTRATION APPLICATION

NAME OF BUSINESS: Adonai Custom Iron Works Inc. PHONE NO: 505-201-9995
BUSINESS ADDRESS: 8 Ernesto Rd Santa Fe Nm 87508
MAILING ADDRESS: 4 Sunset Canyon Ln Santa Fe Nm 87508
NAME OF PRINCIPAL BUSINESS OWNER: Maurilio Calderon
HOME OCCUPATION: COMMERCIAL:
NEW MEXICO GROSS RECEIPTS TAX NUMBER: 03-212226-00-8
DESCRIPTION OR NATURE OF BUSINESS: welding

A business registration fee of \$35.00 will be assessed at time of approval, and thereafter, before March 15 of each calendar year. A late fee of \$10.00 will be assessed on ANY untimely payment. Business Registrations are effective from date of issuance through the end of the calendar year. Thereafter, registrations are effective from January 1 through December 31 of each year.

Maurilio Calderon
SIGNATURE OF APPLICANT

11/4/13
DATE OF APPLICATION

FOR OFFICIAL USE ONLY

Location ID: 993 04 725 UPC: 1-052-095-151-022
DEVELOPMENT PERMIT NO: 13-4076 BUSINESS REGISTRATION NO: _____

TOWNSHIP 16 RANGE 9 SECTION 10 COMMISSION DISTRICT 4

FEE PAID \$35.00 _____ RECEIPT NO. _____ PROCESSED BY John M. Salazar

FIRE HAZARD POTENTIAL: HIGH _____ MEDIUM LOW _____

LAND USE DIRECTOR _____ DATE _____

COUNTY FIRE MARSHAL _____ DATE _____

TREASURER _____ DATE _____

FINANCE _____ DATE _____

COMMENTS: _____



**BUILDING AND DEVELOPMENT SERVICES AND
SANTA FE COUNTY FIRE PREVENTION DIVISION
DEVELOPMENT PERMIT APPLICATION**



Applicant Name: (Present &/or Former Names) Maurilio Calderón Development Permit Number 13-4076 Project Manager/Type/Date Received JMS / 11-5-13

Development Fees Paid Y N Amount: 350 Fire Impact Fee Paid Y N Amount: 50 Total Fees Paid: 400.00

Additional Fire Inspections will be charged a minimum \$35.00 fee.
For official use only

Type of Development Permit:
(Indicate all that apply)

Master Plan Prelim. Plan Final Plan Family Transfer Driveway Lot Line Adj. Land Div. Accessory Structure

Residential Bldg. Plan Commercial Bldg. Plan Res. Sub. Com. Sub. Sprinkler/Alarm Mobile Home Other Home Occ.

Wildland Hazard Rating: Moderate High Very High Extreme N/A Fire District Hondo

Fire Protection Water Source: Fire Hydrant Draft Hydrant Pond Other _____ Driveway length: 329' Width: 25'

PROPERTY OWNER INFORMATION: First Name: Maurilio + Amanda Last Name: Calderon

Mailing Address: 4 Sunset Canyon Ln #149 Santa Fe nm Zip: 87508

Rural address of Project: 8 Ernesto Rd Santa Fe nm Zip: 87508

Written Directions to Project Site: see attached

Cell Phone: 505-231-5805 Home Phone: 505-982-3293 Email address: amcalderon@live.com

Contractor / Company Name: Lobo Construction Address: 41 Sunrise Rd Santa Fe nm 7508

Cell Phone: 505-169-4756 Work Phone () _____ Contractor's License # 85180

PROJECT DESCRIPTION: Home Occupation

Section: 10 Township: 16 Range: 9 Commission District: 4 Parcel ID: 99304725

UPC Number: 1-052-095-151-022 Plat Book: 237 Page: 3 Date Recorded: 9-27-11

Warranty Deed Instrument #: 1648133 Date Recorded: 10/14/11 Subdivision Name: _____

Acres: 2.48 Estimated Completion Date: _____ Valuation: _____

Proposed Number of Dwellings Onsite: 0 Existing: 1 Total: 1

Proposed Number of Lots Onsite: 0 Existing: 1 Total: 1

Proposed Roofed Area Sq. Ft.: _____ Existing Roofed Area Sq. Ft.: 1664 Total Roofed Area Sq. Ft.: _____

Lot Number: A2 Phase: _____ Affordable Units: Yes No All Weather Access: Yes No (*Access Improvements required)

County Road: Yes No (Access Permit DPW required) Legal Access: Yes No

FEMA 100-year Floodplain: Yes No Zone _____ Panel Number: _____ (*Floodplain Dev. Permit required)

NMED Septic Permit: Yes No Community Sewer System Yes No Water Restrictions: Yes No Book _____ Page _____

Shared Well: Yes No *Share Agreement Inst. # N/A Well Meter Reading: N/A

Well Permit # N/A Well Meter Serial Number: _____ Meter Type _____ Unit of Measure: _____

Community Water System: Yes No (*Water Service Letter Required) Cistern Required: Yes No Rainbarrels Required: Yes No

Proof of Taxes: Yes No Hydrologic Zone: Basin B. Fringe Homestead Mountain Traditional Metro Geohydro Req'd TIA Req'd

Owner Acknowledgment or Authorized Representative: Signature: _____ Date: _____

By signing I acknowledge all information is true and accurate, and I authorize Santa Fe County staff to conduct necessary inspections on my property as related to this permit application. I agree and I understand that the issuance of any subsequent permits does not prevent the Santa Fe County Fire Prevention Division from requiring additional compliance with the provisions of the Santa Fe County Fire Code as adopted by the Board of County Commissioners.

Type of Permit Issued: _____ Date: _____

Approved By: _____ Date: _____

Revisions Yes No Inspections Conducted: Initial Pre-Final Final Certificate of Completion Yes No

Robert A. Garcia
Sheriff
986-2455

ragarcia@santafecountynm.gov



Ron E. Madrid
Undersheriff
986-2455

rmadrid@santafecountynm.gov

35 Camino Justicia – Santa Fe, New Mexico 87508

MEMORANDUM

To: John M. Salazar

Fr: Corporal Michael Delgado

Date: 01-07-14

Subject: Sound measurement reading at 8 Ernesto Road

Mr. Salazar in reference to the sound measurement reading I took back in November at 8 Ernesto Road, none of the readings taken throughout the property exceeded the Santa Fe County Noise Ordinance levels. The readings were taken with a calibrated 3M Quest Technologies SOUNDPATROL DP SOUND LEVEL METER. Again readings were taken at different areas of the property while the property owner was grinding metal, hammering metal, moving and dropping metal etc., all in the front driveway of the large metal shop on the property. My findings were that the property owner is in compliance with the Santa Fe County Noise Ordinance while conducting his daily/routine business at his shop.

NBA-25

PUBLIC NOTICE

Notice is hereby given that an application has been filed with Santa Fe County for **A REQUEST TO ALLOW A HOME OCCUPATION BUSINESS REGISTRATION FOR A WELDING BUSINESS**

Name of Applicant **MAURICIO CALDERON**

Address of Request **8 ERNESTO RD**

Legal Description: Section **15** Township **16 NORTH** Range **18 EAST** NMPM Santa Fe County, New Mexico.

AN ADMINISTRATIVE DECISION will be held/made at the Old Santa Fe County Courthouse, corner of Palace and Grant Avenues, Santa Fe, New Mexico on/after the **20th** day of **UNKAGE** 2005, at **11** before the

LAND USE ADMINISTRATOR.
Further information can be obtained by contacting:
The Land Use Department, P.O. Box 276, Santa Fe, NM 87504
Phone (505) 986-6225, Development Permit # **13-497**

7/21/05

PUBLIC NOTICE

Notice is hereby given that an application has been filed with Santa Fe County for A REQUEST TO ALLOW A HOME OCCUPATION BUSINESS REGISTRATION FOR A WELDING BUSINESS

Name of Applicant MAURILIO CALDERÓN

Address of Request 8 ERNESTO RD

Legal Description Section 10 Township 16 NORTH Range 9 EAST NMPM Santa Fe County, New Mexico, AN ADMINISTRATIVE DECISION will be held/made at the Old Santa Fe County Courthouse, corner of Palace and Grant Avenues, Santa Fe, New Mexico on/after the 20th day of NOVEMBER, 1976, at _____ before the

LAND USE ADMINISTRATOR

Further information can be obtained by contacting the Land Use Department, P.O. Box 276, Santa Fe, NM 87504
Phone (505) 988-6225 Development Permit # 13-4076

from off-site road improvements for the first lot, the person transferring the lot shall file an affidavit as described in Article II, Section 4.3.2b.v.

- (d) Water Conservation. All lots created in accordance with Sections 2.3.1a,ii(b), (d), (f), (g) and (h), which are less than ten (10) acres in size shall be subject to water conservation covenants as set forth in Article VII, Section 6.6.2.

History. Sections 2.3 and 2.4.1 of Section 2 were amended by County Ordinance 1996-3, providing for site planning standards, required submittals and a review procedure regarding terrain management. Section 2.4.2 was amended by Ordinance 1996-8 to include summary review subdivisions, update road and access requirements, clarify provisions for family transfers and add water conservation requirements for some land divisions.

SECTION 3 - HOME OCCUPATIONS

The requirements of this Section 3 of Article III apply to home occupations.

3.1 Location of District

Home occupations are allowed anywhere in the County, provided all of the requirements of the Code are met.

3.2 Performance Standards

A development permit involving a home occupation may be approved only if the following standards are met:

- 3.2.1 Not more than six (6) persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home occupation.
- 3.2.2 The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation:
- 3.2.3 There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one (1) non-illuminated name plate sign not more than nine square feet in area:
- 3.2.4 Parking for employees and for customers or clients of the home occupation as required by Section 9 of this Article III shall be provided off the street:
- 3.2.5 No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area.

3.3 Submittals

The application shall be submitted on a form provided by the Code Administrator which shall include a description of:

- 3.3.1 Activities involved;
- 3.3.2 Materials and equipment used;
- 3.3.3 Methods of operation;
- 3.3.4 Number of employees;
- 3.3.5 Type of product to be produced, serviced or repaired;



- 3.3.6 Mechanical and electrical equipment necessary to the conduct of the home occupation use;
- 3.3.7 Amount, location and method of storage of supplies and/or equipment;
- 3.3.8 Location of parking;
- 3.3.9 Type and amount of traffic generated.

SECTION 4 - COMMERCIAL AND INDUSTRIAL NON-RESIDENTIAL DISTRICTS

4.1 Purpose and Intent

Commercial, and industrial non-residential land uses are permitted only in zoned districts of various sizes and locations in the County of Santa Fe. Non-residential districts specifically for commercial or industrial land uses are established in order:

- 4.1.1 To permit intensive development of selected land uses at designated locations;
- 4.1.2 To avoid strip commercial and industrial patterns of development along highways, arterials, collectors, and local roads of the County;
- 4.1.3 To protect the function of the County's highways, arterials, collectors, and local roads by controlling the number of access locations to commercial and industrial use areas;
- 4.1.4 To prevent the preemption of prime areas for commercial or industrial development by residential development;
- 4.1.5 To protect existing and future residential development from encroachment of non-residential uses;
- 4.1.6 To provide the opportunity to master plan non-residential use areas, so that adequate fire and police protection may be provided and appropriate infrastructure constructed.

4.2 Types and Locations of Commercial or Industrial Districts

4.2.1 Types of Districts and Location Criteria

- a. There are four types of commercial or industrial non-residential districts which may be established at specific qualifying intersections of various types of roads in the County:
 - 1) Regional or major center districts, which are established or may be established, shall be located at intersections of major arterials and major highways. The purpose of major center or regional districts is to concentrate extensive regional non-residential activities. Section 4.3.1 infra, defines uses which may be established.
 - 2) Community center districts, which are or may be located at intersections of arterial and/or collector roads for the purpose of concentrating community oriented commercial uses, shopping, offices and service businesses, including travelers services, light industry, research and development complexes and other similar uses. Sub-section 4.3.1, defines uses which may be established.
 - 3) Local or village center districts, which are or may be located at intersections of collector and local roads and in traditional community areas for the purpose of concentrating activities which serve such neighborhood areas for shopping, travel, and personal services. Section 4.3.2, lists suggested uses.
 - 4) Neighborhood or small scale center districts, which are or may be located at intersections of local roads or in traditional community areas. Uses similar to those which may be established in local or village center districts may be established.

for compliance with the requirements of the Code, and shall make and file a report to the County Development Review Committee evaluating the application and recommending that the County Development Review Committee approve, disapprove, or approve the application with modifications and/or conditions or recommending that the County Development Review Committee recommend the same to the Board depending on which body has final authority pursuant to Section 2.3.2e.

- 2.3.2b The Code Administrator may hold an informal conference with the applicant and any interested person at any time prior to the making of his recommendation. The Code Administrator shall give at least three (3) working days' notice, either orally or in writing, to the applicant or any interested person who has requested in writing that he receive notice of any informal conference held under this Subsection b.
- 2.3.2c At least twenty one (21) calendar days prior to any public meeting at which an application will be heard, the applicant shall post notice of the filing of the application prominently on the land, building, or other structure which is the subject of the application in such a way as to give reasonable notice to persons interested in the application and shall provide written verification of the posting of the notice to the Code Administrator.
- 2.3.2d For development other than subdivisions under the New Mexico Subdivision Act (which shall comply with the public agency review process as set forth in Article V, Section 5.3.3d.), the Code Administrator may refer an application to an appropriate agency or official of the State of New Mexico for an opinion concerning whether the application would be disapproved or approved with conditions or modifications. Unless otherwise required by law, the opinion of the state agency or official shall be advisory. The Code Administrator may delay the making and filing of his recommendation for up to sixty (60) calendar days to await the opinion if he believes that such a delay is in the public interest.
- 2.3.2e The County Development Review Committee has final approval authority on preliminary and final development plans and on appeals of the Code Administrator's decisions and has recommendation authority on variances, preliminary and final plats, and all master plans, including zoning, for which the Board shall have final approval authority. Plats for Type V subdivisions containing six (6) or more parcels go directly to the Board for review and approval, in accordance with Article V, Section 5.5.4b.

2.3.4 Appeals

2.3.4a Filing an Appeal

All appeals under the Code shall be filed in writing with the Code Administrator.

2.3.4b Appeal of Code Administrator Decision under Section 2.3.1 to the County Development Review Committee

- i. Any person aggrieved by a decision of the Code Administrator under Section 2.3.1 may file an appeal to the County Development Review Committee within five (5) working days of the date of the Code Administrator's decision. The County Development Review Committee shall hear the appeal within sixty (60) calendar days of the date the appeal is filed. The County



Development Review Committee shall make and file its decision approving or disapproving the application or approving the application with conditions or modifications.

- ii. A decision of the County Development Review Committee on an appeal shall become final thirty (30) calendar days after the decision is filed, unless within that month an appeal of the decision has been filed by an interested person including the Code Administrator, pursuant to Section 2.3.4c of this Article or the Board on its own initiative has decided to review the decision.

2.3.4.c Appeal of Development Review Committee Decisions to the Board

- i. Any person aggrieved by a decision of a Development Review Committee may file an appeal in writing to the Code Administrator within thirty (30) calendar days of the date of the decision of the Development Review Committee. The Board shall hear the appeal within sixty (60) calendar days after the date the appeal is filed. The Board shall timely make and file its decision approving or disapproving the application or approving the application with conditions or modifications.
- ii. The decision of the Board shall become final on the date when the decision is filed.

2.4 Notice and Conduct of Public Hearing

2.4.1 Notice by County

Notice of a public hearing to be held by a Development Review Committee or the Board, shall be given as provided by resolution of the Board and as otherwise required by law. Copies of the public notice policies shall be posted in the Code Administrator's office. Public hearings shall be conducted as provided by policies established by the body holding the hearing or as required by law. All interested persons shall be allowed a reasonable opportunity to be heard at a public hearing held under the Code.

2.4.2 Notice by Applicant

2.4.2a For all zoning cases, master plans, development plans, variances, preliminary and final subdivision plats, Type V subdivisions containing six (6) or more parcels and appeals of these matters, the following public notice requirements shall be completed by the applicant at least twenty one (21) calendar days prior to the public meeting:

- i. A notice shall be published in the legal section of the daily newspaper which covers the area in which the project is located;
- ii. Certified letters, prepared by the Code Administrator, shall be mailed return receipt requested to all property owners within one hundred (100) feet (excluding rights-of-way) of the subject property;
- iii. The subject property shall be posted, in the manner outlined in Section 2.3.2c of this Article II.

2.4.2b For all summary review subdivisions containing five (5) or fewer parcels, Sections 2.4.2a.ii. and iii. Shall be completed by the applicant at least fifteen (15) calendar days prior to the administrative decision.

History. Section 2.4 was amended by Ordinance 1996-8 to include notice requirements for most projects.

John M. Salazar

From: Richard Young <rmyoung@cybermesa.com>
Sent: Monday, November 11, 2013 5:55 PM
To: John M. Salazar
Subject: Santiago Subdivision - Adonai-Custom-Iron-Works-

Mr. Salazar,

I own my family house in the Santiago subdivision at 10 west Traviesa De Camilo,

I am just west of Iron Works Shop and I have no problem with them having their business there. 80% of the subdivision is further from the work shop than my home.

I hope that you will consider that it is far more important that a family can work from their home by not incurring the cost of a home and the added expense of a business property (leased or mortgaged) as to better provide for their family during this economic down time.

They work during normal business hours and have not bothered me.

I hope that you will grant them their permit, if you have any questions, Call me at 505.470.0030, thanks, Richard Young



NBA-32

November 21, 2013

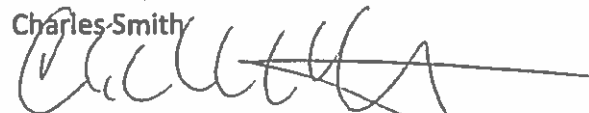
To whom it may concern,

We are Charles & Eduvijinia Smith we reside at 2 Entrada de Santiago. in regards to the complaint that was made towards our neighbor Maurilio Calderon. We have no complaints about noise, building, or any other disturbances that might have brought this complaint on. He has been a good, respectable, and decent neighbor.

If you have any questions concerning this matter I can be reached at 505-479-3718 / 505-920-4449.

Thank You,

Charles Smith



Eduvijinia Smith



NBA-33

November 18, 2013

I, Neighbor of Maurilio and Amanda Calderon support them that they have a home occupation, Adonai Custom Iron Works, Inc. a welding company at their residence at 8 Ernesto Rd in Santa Fe, New Mexico. Please use my signature as support and approval for them.

Name:	Address:	Phone#:
1. <u>Gloria Tapia</u>	<u>45-A Los Tapia Ln</u>	<u>471-8286</u>
2. <u>Vincent Calderon</u>	<u>6 Ernesto Rd</u>	<u>231-6342</u>
3. <u>Paul M. Sult</u>	<u>6 Ernesto Rd</u>	<u>316-1350</u>
4. <u>Mark Hunt</u>	<u>308 RABBIT Rd.</u>	<u>507.4350</u>
5. <u>Mark Hunt</u>	<u>308 RABBIT RD</u>	<u>507-4350</u>
6. <u>Paul A. Carlson</u>	<u>306 Rabbit Rd</u>	<u>577-1626</u>
7. <u>Julie Ludwig</u>	<u>306 Rabbit Rd</u>	<u>690-1819</u>
8. <u>Don J. Tapia</u>	<u>34 Los Tapias Ln</u>	<u>490 3017</u>
9. <u>Edmundo M. P.</u>	<u>02 ENTERADA DE COLORES</u>	<u>474-0340</u>
10. <u>Bob S.</u>	<u>7 TRAV. USA DE Camilo E.</u>	<u>471-8329</u>
11. <u>Margaret A. Gonzalez</u>	<u>7 TRAVESA DE Camilo E SF 87508</u>	<u>471-8329</u>
12. <u>Mark S.</u>	<u>316 A Rabbit Rd</u>	<u>920-8615</u>
13. <u>Laura S.</u>	<u># 3 + ARRIA ESTATES</u>	<u>670-4996</u>
14. <u>V. MARS</u>	<u># 3 TARIA ESTATES</u>	<u>619-7682</u>
15. <u>Keith Varela</u>	<u># 6 Tapia Estates</u>	<u>501-3339</u>
16. <u>Angelina Cano</u>	<u># 6 Tapia Estates</u>	<u>501-4379</u>
17. <u>Mike Larranaga</u>	<u>37 Los Tapia</u>	<u>505-471-7401</u>
18. <u>Joe Larranaga</u>	<u>37 Los Tapia Ln</u>	<u>505-4718361</u>
19. <u>Mary Larranaga</u>	<u>37 Los Tapias Ln</u>	<u>505-4718361</u>
20. <u>Jynis O.</u>	<u>45 B Los Tapias Ln</u>	<u>505-660-4449</u>
21. <u>Edmundo M. P.</u>	<u>38C LOS Tapias Lane</u>	<u>629-8976</u>
22. <u>Edmundo M. P.</u>	<u>38 c Los TAPIAS Ln</u>	<u>505-501-4443</u>
23. <u>Adrian Roman</u>	<u>10 Entrada de Colores</u>	<u>(505) 577-2176</u>

I support the home Occupation Adunai
Custom Iron Work, Inc. at Ernesto Rd.

505 438 3370

- | | | | |
|-----|-------------------------|--|--------------------|
| 24. | <u>Anna E. Lawton</u> | <u>10 Entrada Colores</u> | <u>Santa Fe NM</u> |
| 25. | <u>John Nini</u> | <u>33 B Old Galisteo Rd</u> | <u>795-8884</u> |
| 26. | <u>Andy Vigil</u> | <u>33 B Old Galisteo Rd</u>
<small>SF, NM 87508</small> | <u>795-8884</u> |
| 27. | <u>Theresa Sandoval</u> | <u>1117 Harrison Rd</u> | <u>473-5920</u> |
| 28. | <u>Keith Sandoval</u> | <u>1117 Harrison Rd</u> | <u>204-1796</u> |
| 29. | <u>CHARLES SMITH</u> | <u>#2 ENTRADA DE Santiago</u> | <u>970-4449</u> |
| 30. | <u>[Signature]</u> | <u>2 ENTRADA DE Santiago</u> | <u>413-3118</u> |

November 17, 2013

Mr. John M. Salazar
Development Review Specialist
Santa Fe County Land Use Department
Santa Fe, New Mexico

Dear Mr. Salazar,

We, the undersigned, would like to register our opposition to the granting of a Home Occupation Business License that would allow Adonai Custom Iron Works, Inc. to operate its commercial welding business on a residentially zoned lot at 8 Ernesto Road.

We live in the neighborhood that borders 8 Ernesto Road. The residential property on which Adonai Custom Iron Works, Inc. proposes to place its commercial operation overlooks our homes from atop a hill.

We oppose the application for the following reasons:

1. **Fire danger.** Welding is a commercial activity that involves use and storage of compressed, flammable gases. To locate such a business in a residential lot that is 6.4 miles from our local volunteer fire department would be extremely dangerous to the homes of all of the families who live here.
2. **Noise.** Adonai Custom Iron Works, Inc. proposes to conduct welding, which is a noisy, high-impact industrial activity, in a quiet, rural, residential neighborhood. This is totally out of character for our neighborhood.
3. **Fumes.** Welding generates fumes, smoke, and heat. Further, painting of welded items involves use of solvents, which generate fumes and represent an additional fire danger.
4. **Appearance.** The heavy equipment needed to handle the large metal items made by Adonai Custom Iron Works, Inc. is unsightly and has no place in a residential neighborhood.
5. **Traffic.** The heavy equipment used to move the large metal items made by Adonai Custom Iron Works, Inc. will increase traffic on our local roads.

In summary, this application should be denied by the County.

Sincerely,

The undersigned:



NBA-36

Name	Address	Signature
Blouin Bacon	48 Entrada de Santiago	Blouin Bacon
Jacob Becu	48 Entrada de Santiago	Jacob Becu
Jerome Bacon	44 Entradade San Hugo	Jerome Bacon
Brian Bachicha	6 Calle Jacinta	Brian Bachicha
Michael Gonzalez	16 Calle Jacinta	Michael Gonzalez
Jenny Armijo	7W TRAVIESA DE CAROLI	JENNY ARMISO
Justin Benitez	7W TRAVIESA DE CAROLI	Justin Benitez
Kinsey Brown	13 Entrada de Santiago	Kinsey Brown
Douglas Brenner	15 Entradade Santiago	Douglas Brenner
Bill Beacham	39 Entrada Santiago	Bill Beacham
Oakley Vigil	38 Entrada de Santiago	Oakley Vigil
Mary Alice V.	"	Mary Alice Vigil

John M. Salazar

From: William Beacham <WBEACHAM@sfps.info>
Sent: Tuesday, November 19, 2013 5:04 PM
To: John M. Salazar
Subject: Opposition to Warehouse

John:

We are homeowners in the Santiago Subdivision. My wife and I write this email in opposition to the proposed commercial warehouse located at 8 Ernesto Rd. In addition to all of the concerns you have received from other property owners, I would like to share this thought. I think the owners were not straight forward when they originally applied for a building permit for that very large building. That is a residential area and they must have applied to build a residential support structure. They obviously had this commercial idea in mind at that time. I feel that there is a possibility that they are trying to work the system and we are all going to suffer those consequences if their commercial permit is approved.

Disclaimer: This message and any attachments are intended for the use of the addresses(s) only and may be confidential and/or legally privileged. If the reader is not the intended recipient, DO NOT READ, notify sender and delete this message. In addition, be aware that any disclosure, copying, distribution or use of the contents of this message is strictly prohibited. The contents of this message, while possibly falling under the exceptions of the Inspection of Public Records ACT [NMSA Chapter 14, Article2] may be subject to inspection by the public.

John M. Salazar

From: Ekkehard Koch <melaniek@icloud.com>
Sent: Tuesday, November 19, 2013 8:24 PM
To: John M. Salazar
Subject: Objection To The Granting Of A Home Business License to Marillo Calderon for his property at 8 Ernesto Road, Santa Fe, NM 87508

Dear Mr. Salazar,

I object to the To The Granting Of A Home Business License to Marillo Calderon for his property at 8 Ernesto Road, Santa Fe, NM 87508.

I live near the property, (actually our properties touch corners) that is asking for a in home business license on 8 Ernesto Road, Santa Fe, NM 87508 where Maurilio Calderon has applied for a home occupation business license to operate his commercial welding business, Adonai Custom Iron Works, Inc.

Based on the picture on the businesses website at (<https://www.facebook.com/pages/Adonai-Custom-Iron-Works-Inc/327987970574137>) and our observations of noise and fumes that come from the site it appears he has been operating this business there already prior to having a license.

As I understand his shed was constructed to residential standards. Welding and painting businesses have the potential to create quite a bit of pollution that is harmful for people in the area. The main issues are:

- Noise
- Fumes
- Solvents

In a commercial setting these hazards can be properly controlled and managed. Santa Fe County as you know has put out information regarding "Welding & Cutting" at <http://santafenm.gov/DocumentCenter/Home/View/3239>. As 8 Ernesto Road was constructed to residential standards I am concerned that the proper precautions have not been taken to protect the residential neighbors of Mr. Calderon from harm due to the hazards mentioned above.

I am an entrepreneur myself and am in support of small business owners. Due to the nature of the business and the apparent attempt to convert a residential property in a residential neighborhood into a commercial property with potentially environmentally hazardous impact I object to Mr. Calderon getting a "home business permit" for his property at 8 Ernesto Road.

The residential character of Santiago Subdivision, a subdivision of 22 families, and the neighboring residential properties, would be forever altered and the business would be financed via the loss of property values in our neighborhoods.

I work outside most days on developing our property, cleaning up brush and clearing, gardening and landscaping. It is unbearable on the days that they weld whatever material that gives up those TOXIC fumes!!!! We live down hill from their property, those fumes are heavier than air obviously and find their way down! Our quality of life has been taken away! Not just a little bit! We cannot enjoy being outside at all anymore! They play their music so loud you can feel the reverberation in your chest! I feel personally victimized by by being blasted by both the noise and the (full body music experience?) and the UNBEARABLE toxic fumes. The endless construction type noise--pipes CLANKING as they drop to the cement floor etc. (At least with a house being constructed you know there is a completion day when the noise STOPS!)

All spring and summer I was so frustrated, what could I do? Who to complain to? Who would even care? We invested in this wonderful property to improve it and make it beautiful, our dream home! If we were to try to sell it, how could we? I wouldn't buy a place with all that racket going on, not mentioning again the intolerable stink!

Our value is definitely LOST if they are allowed to continue what they illegally started. I don't expect to get away with breaking the law, why are we even having to consider it will be skirted around for law-breakers. (a little ps. - one might also check if the three workers are even legal) I always thought the law was in place to protect from this kind of FREUD!

Thanks for taking the time to hear my desperate concerns.

Melanie

melaniek@me.com - 505.570.1296

John M. Salazar

From: Bernadette Redd <bernie.redd@mac.com>
Sent: Saturday, November 16, 2013 12:13 PM
To: John M. Salazar
Subject: Home occupation welding license for 8 Ernesto Road, Santa Fe

Dear Mr. Salazar,

I am writing to express my extreme opposition to the application for a home occupation welding business license for Mr. Calderon, of Adonai Custom Iron Works, Inc. at 8 Ernesto Road, Santa Fe.

I live in the Santiago Subdivision and have lived here for over 13 years. When I look out my front door now I view a hilltop with a commercial warehouse building where I once saw only Piñon trees. I voiced opposition to construction of this warehouse building to the Santa Fe Land Management authority at the time of its construction. Mr. Lovato and Mr. Dalton responded to my objections by reporting that it was within code and therefore permitted. I reluctantly accepted this clearly non-residential building with the understanding that it would be used only as per its approval by the County: for residential purposes. It was obvious to me and everyone else in the neighborhood that this was a commercial building and not in any way standard for residential purposes. I am not surprised that Adonai Custom Iron Works, Inc. is doing commercial work in this building but I am vehemently opposed. It was duplicitous at best to claim this building was for residential use.

The proposed Adonai Custom Iron Works Inc. worksite sits atop a well-established residential community that has been in existence since the early 80's. The character of the community was well established prior to the worksite construction. The community is not new. What is new is the worksite. To say the worksite is not in keeping with the residential character of the community is a gross understatement. Adonai Custom Iron Works, Inc. is not a small "mom and pop" business hidden away from passers-by. It is now a dominant feature of the neighborhood and the hilltop overlooking the neighborhood. The "oh no's" and "I thought that wasn't allowed" from neighborhood visitors seeing the warehouse are difficult to hear for anyone in the community who takes pride in their home and has put effort into maintaining a rural residential feel to the neighborhood. We have had to accept a drop in home values due to the warehouse already.

In addition to the unsightly appearance of the warehouse, the ongoing nuisance issues of this high-impact commercial business include welding related noise, compressor related vibration noise, worker-related worksite noise, black smoke, and industrial fumes.

The fire hazard is cause for deep concern for everyone in our neighborhood. Welding falls into the "hot works" category by OSHA, requiring the presence of a fire watch person at the time of activity. In addition to working with open flames, welding requires the use of compressed gases, and toxic solvents when painting. These hazardous supplies have to be transported to and from the worksite and stored at the worksite. Adonai Custom Iron Works Inc.'s web site clearly shows the size and sophistication of their ironwork products, some of which are painted. Given Adonai Custom Iron Works, Inc.'s disregard for the need for a business license, I have little confidence

they are using appropriate fire precautions. We all wonder how much the cost of our home owner insurance policies will rise when insurance providers find out we are living below a commercial welding factory. They already know we live in the arid Southwest, have a volunteer fire department 6.4 miles away, and have battled difficult-to-control regional fires for several summers in a row.

I am not opposed to home business licenses in general. We have other successful unobtrusive home businesses in our neighborhood. Adonai Custom Iron Works Inc., however, is a high-impact commercial business that should be located in an appropriate industrial center in the county. It violates the concept of a home business by its size, volume of work, hazardous material use, noise, and need for a large warehouse for production. Given the hazards associated with this work it needs to out in the open at an industrial site, with signage clearly indicating the type of work and the associated hazards at the site. It is completely inappropriate for a quiet residential neighborhood.

Sincerely,

Bernadette Redd

John M. Salazar

From: EDDIE VIGIL <vigilef@msn.com>
Sent: Thursday, November 14, 2013 3:28 PM
To: John M. Salazar
Subject: Adonai-Custom Iron Works, Inc.

Mr. J.M. Salazar
Santa Fe, County
Santa Fe, New Mexico 87501

R.E. Adonai-Custom Iron-Works-Inc.

My wife Rosalie and I built and moved into our house in 1995. It was a residential subdivision with quiet and peaceful surroundings. Today we drive up to our home and you see this metal building which makes you wonder if it's an industrial or residential area. This metal building would be better placed at the industrial park, not in our neighborhood.

This industrial building, built so close to our homes will bring down the value of our property which is a big concern to us.

This letter is to oppose the operation of a commercial welding shop, Adonai Custom Iron Works, Inc. this close to our house, which will impact the quality of the air we breath and the noise level it creates.

Before you make your decision on this welding shop, I want you to consider the negative impact this will incur on all the residents of the surrounding area.

Sincerely,

Eddie Vigil
33 Calle Jacinta
Santa Fe, N. M. 87508

Dear Mr. Salazar,

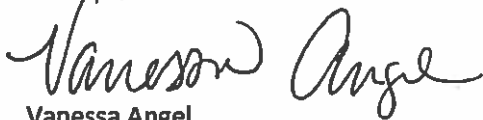
11/15/13

I am writing this letter on behalf of my family and fellow neighbors who live in very close proximity to a business that has recently applied for a home business license. This business has been a functional business since the building was erected early in the spring. I am a stay-at-home parent during the summer months and often heard the sounds, smelled foul odors of the business while out and about in the neighborhood with my children.

I implore you to not allow this industrial business be allowed in a residential zone. Please consider the families that live in very close proximity to this business. This is the very reason we are writing, to express our concerns regarding the toxic fumes, fire dangers as well as noise pollution and increased traffic of large vehicles to a residential area.

Thank you for your support on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Vanessa Angel". The signature is written in black ink and is positioned to the right of the typed name.

Vanessa Angel

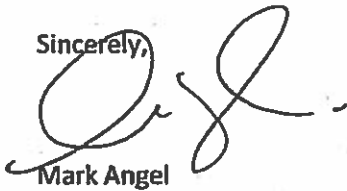
Dear Mr. Salazar,

I am writing to express my concern about the welding business, Adonis, which has recently applied for a home business license in my neighborhood. The business has been working prior to the application to the county which is of great concern. The owner is producing noise and air pollution to our neighborhood while producing industrial sized projects in a residential zoned area. This business is within several hundred feet of my home which sits in the lower valley of the Santiago Sub-division and is in a direct brush fire zone area. Welding uses chemicals as well as heavy machinery to produce heat to melt metals, thus creating sparks which are cast to the ground. As we all know, Santa Fe is in severe drought and one spark could potentially start a massive fire. This could very well trap me and my family as well as the other 22 families that live below and behind this business. We only have one road in/out of the community.

I ask that you preserve our area for what is designed for, residential use only. There are designated areas around Santa Fe that are designed specifically for industrial businesses such as Adonis.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Angel', written over the word 'Sincerely,'.

Mark Angel

Santiago Resident

November 13, 2013

Karin B. Hall
8 Calle Jacinta
Santa Fe, NM 87508
Tel. 505-982 3203
Email: knbhall@cybermesa.com

Santa Fe County
Attention: Mr. JM Salazar
JMSALAZAR@CO.SANTA-FE.NM.US

Re: 8 Ernesto Drive, Santa Fe, 87508

Dear Mr. Salazar,

I am a resident of Santa Fe County and live in the vicinity of # 8 Ernesto Drive where the property owner has erected an industrial style structure in which a very active custom welding business is being conducted.

I absolutely oppose the County granting the property owner permission to operate a home occupation business at # 8 Ernesto Drive. The business being conducted out of this industrial size warehouse is of commercial quality and definitely no "mom & pop" home business.

Furthermore, because it is a commercially successful business, it has significantly increased the traffic (from delivery trucks), the noise (from hammering and welding), fire risk (from solvents) and health risks (from fumes) in our neighborhood.

Our subdivision, Santiago, consists of 22 families who now live below the site of this proposed commercial welding business. Ours is a well-established and quiet subdivision on dead-end roads where families have raised their children for years. Our roads are quiet and safe for kids.

Please assist us in stopping the placing of a commercial welding business in the midst of our quiet, family oriented, residential neighborhood.

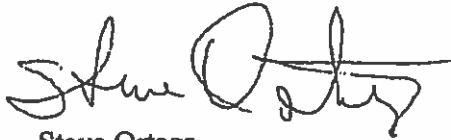
Thank you for your attention to our concerns.
Respectfully
Karin B. Hall

November 9, 2013

To Whom It May Concern:

My name is Steve Ortega. I live directly across the street from Laura Gordon. I am writing this letter to inform you that I am in favor of allowing her to run a pet sitting business on her property. I believe she will be responsible with the animals, and considerate of her neighbors.

Sincerely,

A handwritten signature in black ink that reads "Steve Ortega". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Steve Ortega

45 Chaparral Dr
Santa Fe, NM
87508

NBA-48

John M. Salazar

From: EMK International <emkinter@me.com>
Sent: Wednesday, November 13, 2013 8:54 PM
To: John M. Salazar
Subject: Objection To The Granting Of A Home Business License to Marillo Calderon for his property at 8 Ernesto Road, Santa Fe, NM 87508

Dear Mr. Salazar,

I object to the To The Granting Of A Home Business License to Marillo Calderon for his property at 8 Ernesto Road, Santa Fe, NM 87508.

I live near the property on that is asking for a in home business license on 8 Ernesto Road, Santa Fe, NM 87508 where Maurilio Calderon has applied for a home occupation business license to operate his commercial welding business, Adonai Custom Iron Works, Inc.

Based on the picture on the businesses website at (<https://www.facebook.com/pages/Adonai-Custom-Iron-Works-Inc/327987970574137>) and our observations of noise and fumes that come from the site it appears he has been operating this business there already prior to having a license.

As I understand his shed was constructed to residential standards. Welding and painting businesses have the potential to create quite a bit of pollution that is harmful for people in the area. The main issues are:

- Noise
- Fumes
- Solvents

In a commercial setting these hazards can be properly controlled and managed. Santa Fe County as you know has put out information regarding "Welding & Cutting" at <http://santafenm.gov/DocumentCenter/Home/View/3239>. As 8 Ernesto Road was constructed to residential standards I am concerned that the proper precautions have not been taken to protect the residential neighbors of Mr. Calderon from harm due to the hazards mentioned above.

I am an entrepreneur myself and am in support of small business owners. Due to the nature of the business and the apparent attempt to convert a residential property in a residential neighborhood into a commercial property with potentially environmentally hazardous impact I object to Mr. Calderon getting a "home business permit" for his property at 8 Ernesto Road.

The residential character of Santiago Subdivision, a subdivision of 22 families, and the neighboring residential properties, would be forever altered and the business would be financed via the loss of property values in our neighborhoods.

--
Ekkehard

emkinter@me.com - +1 505.920.0724

John M. Salazar

From: Sue Parks <sue@clsf.us>
Sent: Wednesday, November 13, 2013 8:40 PM
To: John M. Salazar
Subject: RE: Permit Application 8 Ernesto Road

John M. Salazar
Development Review Specialist
Santa Fe County Land Use Office
Santa Fe, NM

Dear Mr. Salazar,

My husband James and I bought Lot 22 in what came to be known as the Santiago Subdivision in the fall of 1982. We built our home one year later and as the first residents onsite have enjoyed watching completion of our small rural 22 lot "community" over the years. Neighbors have come and gone with the changing of lot ownerships but one thing has remained consistent throughout thirty plus years for those that remained and joined in and that is to collectively and jealously guard the lifestyle that brought each of us to this quiet, peaceful, and what we consider special home setting. Maurilio Calderon's application for a business permit at 8 Ernesto Road threatens to change that significantly.

While we would not expect Mr. Calderon has any openly negative intentions towards our subdivision, his actions in running a Commercial, not a Home, business in a residential setting will if approved have very many consequences which we will experience as a result.

The Santa Fe County Land Use Department has developed guidelines, policies, procedures, and restrictions on what can and cannot take place in both residential and business settings after much thought, research, debate, and experience over the years. Case by case exceptions should always be considered, but this application can only be looked at as what would be on the extreme fringe of a home occupation business.

I believe it goes without saying there is a reason we have commercial industrial zoning and rural residential zoning. They have entirely different purposes which should not and cannot be combined for the safeguard of both.

I join my husband in adamantly opposing the issuance of this application for the following reasons:

- Mr. Calderon has evaded following proper procedures in setting up this business where most likely would not have been approved prior to its start in its present setting ,
- this business if approved can have a very dramatic negative impact on neighboring property values,
- I would question whether Mr. Calderon has proper insurance in place to protect his neighbors against loss should an accident occur given the dangers associated with this line of work and which I believe would be required in the proper industrial setting,
- the facilities evidently needed for the business are clearly visible on the ridge north of Santiago Subdivision and change the character of our valley, and lastly
- should future diversification by the business occur it would be much more difficult to monitor, control, and correct by the Santa Fe County land Use Department

I respectfully request that this application request be denied for the above reasons as well as others which will be brought before your department.

Sincerely,
Susan J Parks
Santiago Subdivision Home Owner-Lot 22
49 Entrada de Santiago

In His Service,

Sue

Susan J. Parks
Administrator
121 Siringo Road
Santa Fe, NM 8750S
sue@clsf.us
www.clsf.us

John M. Salazar

From: SAM SHAW <liz_sam@msn.com>
Sent: Tuesday, November 12, 2013 2:36 PM
To: John M. Salazar
Subject: OPPOSE granting of home occupation business license

Dear Mr. Salazar,

I am a resident of Santa Fe County and live downhill from 8 Ernesto Rd, where Maurilio Calderon has applied for a home occupation business license to operate his commercial welding business, Adonai Custom Iron Works, Inc. My property connects to the Calderon property via a 'four corners' type of intersection.

When construction first began on that property I visited Maurilio and was informed by him that he was building his residence in stages with the first part being a garage. We talked for some time and I even gave him some seedling cherry trees from the certified organic hoophouse on my property (NMDA certificate #431) as a welcome to the area.

Boy do I feel like a fool now!

This 'garage' has turned out to be a full scale welding and painting operation. There is no question in my mind that I was deliberately deceived by someone who was gaming the zoning regulations.

I OPPOSE the County granting his application to operate a home occupation business at this location. The application is another attempt at deception and, if approved, places me at risk because of the nature of the business that is being slipped in behind everyone's backs.

The specific risk that I refer to is that my certified organic operation is directly in the drainage path of runoff from the Calderon property. Every year I am inspected by NMDA and every year they are satisfied that there is no danger of industrial or agricultural contamination from the uphill sites. That is....until now. I can explain the risk that is posed by a properly inspected industrial operation but I don't see any way to explain that there is a rogue business operating by thumbing its nose at the county zoning officials.

Since my home is downhill from the Calderon property the drainage necessarily puts my home at risk as well.

I am not concerned about contamination from a fully compliant business that is properly inspected and certified. I feel however that granting a home occupation business for this operation is not a correct action. This is clearly a full scale operation being operated with no regard to zoning or other regulations that are properly applicable to all other county residents.

Samuel Shaw
05 E Traviesa de Camilo
Santa Fe, NM 87508

John M. Salazar

From: Andrew Drom <andrew_drom@msn.com>
Sent: Wednesday, November 13, 2013 2:44 AM
To: John M. Salazar
Subject: Expression of Opposition to Adonai Custom Iron Works Request for License to Operate a Welding Fabrication Plant Near our home

Dear Mr. Salazar:

I am an owner of residential property in Santa Fe County which is adjacent 8 Ernesto Rd. I have been notified that a Mr. Maurilio Calderon has applied for a home occupation business license to operate a commercial welding business, Adonai Custom Iron Works, Inc. My property is very close to this illegal operation and I firmly oppose the County granting his application to operate a industrial manufacturing business at this location.

I understand that the property at 8 Ernesto Road is residential, yet its owners propose to operate an established commercial welding business, Adonai Custom Iron Works, on a residential lot located above our quiet residential neighbourhood. Our neighbourhood is a private development which we paid a significant premium to purchase land and a home. Development and operation of a commercial industrial metal fabrication facility is completely inappropriate and would create unacceptable amounts of noise and would damage views of the surroundings. A significant number of families reside in the Santiago Subdivision who are negatively impacted by this commercial welding business, which overlooks the Santiago Subdivision. Our property and the way of living for my fellow residents would be harmed by the noise, increased risk of fire, pollution and air quality impairments, and loss of a quiet subdivision where families have raised their children for decades in peace an quiet. It is not, nor should it ever be, an industrial estate set out to support manufacturing and industrial activities.

In summary, there is no place in an community residential setting for a commercial welding company. It does not pass the common sense test and we are certain other communities would object if such an operation were set out without due consideration as to the impacts to the tax paying residents of Santa Fe County. Logic suggests it is not supported by the intent of the Santa Fe County Code. I firmly oppose any action to authorize Mr. Calderon's request.

Sincerely,

Andrew E. Drom

Owner of 13 Calle Jacinta
Santa Fe, NM 87508

John M. Salazar

From: C Mitchell <janopher@aol.com>
Sent: Monday, November 11, 2013 6:39 PM
To: John M. Salazar
Subject: Opposing Home Occupation Business License for Adonai Custom Iron Works

Dear Mr Salazar:

I oppose the application of Mr. Maurilio Caderon to operate Adonai Custom Iron Works from a residential neighborhood. Operating it would adversely affect Santiago Subdivision where I reside.

Santa Fe has locations zoned for such activities: Siler Road area being the obvious example. That is the area potential customers would seek welding & iron works.

Even worse than the noise of the metalworks shop is the potential hazard of fire & the pollution of chemicals.

Please do not allow Adonai such negative impact on our neighborhood.

Sincerely,

Jane Mitchell
14 Calle Jacinta
Santa Fe NM 87508

John M. Salazar

From: Peter Johnson <PJohnson@argentmanagementllc.com>
Sent: Monday, November 11, 2013 8:41 PM
To: John M. Salazar
Cc: Daniel Mayfield
Subject: B ernesto road welding business in a residential subdivision

Dear Mr Salazar,

I am a joint owner of the residential property known as 14 Entrada de Santiago.

I am writing to express my strong opposition to the application recently filed by our neighbor, Mr. Calderon, to allow a welding business to operate out of a residential property under a home occupation permit. This is absolutely not consistent with the intent of the home occupation permit provisions in the zoning code, which is designed to encourage home-based occupations such as bookkeeping and consulting.

This is a full-blown commercial welding shop working out of what the property owner claims is his garage.

When he began construction of the metal building that now overshadows our rear yard area, Mr. Calderon told us that it was "the garage". But it seems he has always intended to operate an unapproved industrial business from the property.

In fact, Mr. Calderon has been less than an ideal neighbor since day one. Since he has been living on the property we are woken up at dawn every day by roosters crowing and trucks coming and going at all hours of the day just the other side of our property line.

While the existing zoning ordinance is a little vague as to what permissible uses are in a residential area, I am sure you are aware that the county has spent the past three years rewriting its zoning ordinance and that that new development code will be adopted at the November 19 commission hearing. Presumably this clearer new ordinance will be the standard by which these issues will be judged as soon as the ordinance is ratified. The new code is much clearer and quite explicit as to what uses are allowed and not allowed in a residential zone. Although the online documentation is difficult to decipher, I assume the zone we are in is the "residential community" zone. Section 10.6.2.4 is quite clear in prohibiting "any industrial type use" on residential property. The code is also clear that, even for a medium impact occupation (which is subject to a conditional use permit) the use may not exceed 50% of the heated square footage of the residence. The "garage" is 1,950 square feet, which in itself exceeds the 1,500 maximum storage allowed in the code. And unless the house Mr. Calderon has built is over 4,000 s.f. he is in violation of the 50% requirement (aside from not having applied for and received a conditional use permit for this business).

Zoning regulations are created to manage land uses and the compatibility of neighboring uses is one of their key elements. It is clear that Mr. Calderon not only has little regard for these regulations, but also has no concern for his neighbors.

This business with its associated noise, odor, traffic and fire hazard cannot be permitted to continue to operate in a residential zone. There is nothing about this commercial welding business that qualifies it for a home occupation, from the employees who come and go all day, to the fire hazard in our neighborhood from the incessant welding, and the noise from the machinery and activities, not to mention the smoke and air pollution resulting from that activity.

I am writing to insist that this "home occupation" license be denied and that the proponent be required to conform with both the existing and proposed zoning ordinances. If he insists on pursuing this application it should be in the form of a conditional use permit application with the appropriate staff review and report, noticing and hearings to give his neighbors an opportunity to participate in the process of building a manufacturing facility in a residential neighborhood.

Peter Johnson
909-528-2288 cell
949-241-8408 office

John M. Salazar

From: jane Mitchell <cmychell@gmail.com>
Sent: Monday, November 11, 2013 7:09 PM
To: John M. Salazar
Subject: Objection to Industrial Activity at 8 Ernesto Dr. Santa Fe

Dear Mr. Salazar:

To allow the activities to continue in the welding shed at 8 Ernesto Dr. would be a severe detriment to its neighbors & the residents of the subdivision of which it overlooks.

I understood that this huge metal shed was designated as auxiliary to the house, to be used for domestic activities & storage.

Now I learn that Mr. Calderon proposes to carry out a major industrial operation with all the associated dangers of fire, fumes, noise & traffic.

Please bring a halt to this industrial activity so that this property can revert to the residence for which it is zoned & not a major nuisance & danger to its neighbors.

Regards,

Chris Mitchell
14 Calle Jacinta
Santa Fe NM 87508

John M. Salazar

From: John Redd <john.redd@mac.com>
Sent: Monday, November 11, 2013 9:10 AM
To: John M. Salazar
Subject: LETTER OF OBJECTION to 8 Ernesto Rd home occupation business application

Dear Mr. Salazar,

I am a resident of Santa Fe County and live downhill from 8 Ernesto Rd, where Maurilio Calderon has applied for a home occupation business license to operate his commercial welding business, Adonai Custom Iron Works, Inc. My home has a direct line of sight (and sound) to his property.

I absolutely oppose the County granting his application to operate a home occupation business at this location.

The property at 8 Ernesto Road is residential, yet its owners propose to operate an established commercial welding business, Adonai Custom Iron Works, on a residential lot located above our quiet residential neighborhood. The site looks down on all of our homes from a hilltop. The owners were granted a residential development permit and should not be allowed to conduct this commercial metalworking business there.

There are 24 families (22 in the Santiago Subdivision and two adjacent families) who live below the proposed site of this commercial welding business, which overlooks the Santiago Subdivision. It is a well-established, quiet subdivision on dead-end roads where families have raised their children for decades. The roads are quiet enough that my children learned to ride bikes on them. The area is peaceful and still.

I object for the following reasons:

- 1. The residential character of the neighborhood.** The commercial activity on the lot is not incidental and subordinate to its use for residential purposes. The site is zoned as a residence; placing the commercial welding activities of Adonai Custom Iron Works, Inc., in a metal shed perched on a hill above our neighborhood's homes will irreversibly alter the character of our quiet neighborhood and reduce our quality of life.
- 2. Noise.** Welding and metal fabrication involve welding, grinding, cutting, chipping, gouging, and painting. All of these industrial processes are noisy and utterly unsuited to a residential neighborhood.
- 3. Grave fire risk.** Welding is considered "hot work" by OSHA. It uses compressed gas cylinders, which are inherently dangerous and regulated as such, and arcs of electricity. The usual temperature at which welding occurs is over 6,000 degrees Fahrenheit. The residential property at which the home business is being proposed is located at the top of a hill, adjacent to other residential properties, behind a metal gate at the top of an upsloping dirt road, and is served only by a volunteer fire department, Hondo Fire and Rescue, that is 6.4 miles away. This business would pose a grave and continual fire risk to all of the residential properties surrounding it.
- 4. Rubbish.** The work will generate metal shavings and other industrial rubbish.
- 5. Fumes.** All types of welding produce fumes that are recognized as health hazards by OSHA. Furthermore, these fumes are noxious and will make it unpleasant for the families around the site to work in their yards and play outdoors - which are the very reasons we love living in Santa Fe County and have chosen to raise our families here.

6. **Solvents.** Painting and cleanup of metal parts will involve use and storage of volatile industrial solvents in the middle of a residential neighborhood.

7. **Hilltop location.** This residential property is at the very top of a hill that overlooks all of our homes. It is utterly unsuited to a loud, dangerous commercial operation that produces gases and debris.

To see how big an operation Adonai Custom Iron Works, Inc. is, please review their Facebook page at <https://www.facebook.com/pages/Adonai-Custom-Iron-Works-Inc/327987970574137>. This page makes it obvious that this is a large-scale, commercial metalworking operation.

To see what the government of Santa Fe has put on the record about welding, please see the document "Welding and Cutting" available at <http://santafenm.gov/DocumentCenter/Home/View/3239>, which states:

"There is also the ever-present chance of fire," and "Welding hazards pose an unusual combination of safety and health risks. By its nature, welding produces fumes and noise, gives off radiation, involves electricity or gases, and has the potential for burns, shocks, fire, and explosions."

The placing of a commercial welding company in our residential neighborhood made up of families is not in keeping with the letter or the spirit of the Santa Fe County Code and will forever destroy the character of our neighborhood. I oppose it.

Respectfully,

John Redd
12 Traviesa de Camilo E
Santa Fe, NM 87508

John M. Salazar

From: Rebecca Lowndes <rlowndes@mac.com>
Sent: Monday, November 11, 2013 3:17 PM
To: John M. Salazar
Subject: Adonai Custom Iron Works

Dear Mr. Salazar,

I write to you today to voice my objection to the Home Business application submitted by Adonai Custom Iron Works at 8 Ernesto Road submitted by the owner, a Mr. Maurilio Calderon.

As a resident of Santa Fe County and homeowner of the property abutting the southwest corner of Mr. Calderon's, I am adversely impacted by his plans for a business permit and the current activities on his property. I purchased this house and property with my partner, Peter Johnson just over 4 years ago and moved here to enjoy a quiet residential cul-de-sac. Around my property and below are more than 20 families who also enjoy this valley. We are families with children and pets. When Peter Johnson and I purchased this property, the land above it was for sale, but as it and the properties surrounding are all under residential zoning, I had no great concerns about it's eventual purchase.

Since Mr. Calderon's purchase of the the property abutting mine at 8 Ernesto Road, he has constructed, among other buildings, a large, metal shed which looms over my backyard. I met Mr. Calderon just prior to construction of the building and he told me it was to be his garage. Since the "garage" was built, there has been all manner of noisy activity going on in the building which I hear Monday through Friday, often Saturday and occasionally Sunday as well. Banging, clanking, metal screeching and sawing, what sounds like a compressor continues literally from dawn until dusk every week, day in and day out. Before he erected a screening wall between my property and his, I also saw trucks coming and going and it was normal for there to be at least 3 trucks parked by the "garage" everyday during work hours. While I can no longer see the trucks because of the wall, I do hear them coming and going. I can also hear working noises as described above from anywhere in my yard and even inside my home. My bedroom window looks out to Mr. Calderon's "garage" and when he worked late in the warm summer months, I was awakened by noise as early as 7am and went to bed with work still going on after 9pm. He worked yesterday afternoon for several hours on Sunday, November 10th.

It has come to my attention that Mr. Calderon is in the business of welding to make gates, doors and so forth and that he is currently applying for a Home Business permit. Welding emits all kinds of hazardous materials in the form of waste, odors and gases. In addition, Mr. Calderon's products are apparently painted, and high volume painting also emits many hazardous materials which are toxic to the environment. In addition, this area is considered a high brush fire incidence area by the Arroyo Hondo Fire Department which serves us. Welding and metal working create sparks and high heats which are an additional fire hazard. The activities in this building are regular, incessant and hazardous to our community.

As a resident of this community and tax payer in New Mexico and the County of Santa Fe, I object to the possibility that Mr. Calderon might be issued a permit to continue his welding company as a Home Business at this location. His activities create hazardous materials, emit noxious odors, create incessant noise from machinery and negatively affect my right to peaceful enjoyment of my own property in a residential neighborhood. In addition, it is certain that his business activities will continue to be detrimental to the value of my home and property as well as those of the surrounding neighborhood. Home Businesses are intended for artists, writers, computer programmers, events planners, not light industrial businesses. Adonai Custom Iron Works has a page on Facebook which can be easily found on Google. His business is clearly established, professional and successful enough to cover the purchase of the the land at 8 Ernesto Road and the construction of buildings to house his company. I will suggest that Adonai Custom Iron Works and Mr. Calderon's business are more suited to perhaps Siler Road, and certainly do not belong in a residential neighborhood.

I respectfully request that a permit for a Home Business not be issued to Mr. Calderon and that all Adonai Iron Works business activities cease at once.

Thank you for your time and consideration.

Sincerely,

Rebecca Lowndes
14 Entrada de Santiago
Santa Fe, NM 87508

November 12, 2013

Mr. John M. Salazar
Development Review Specialist
Santa Fe County Land Use Department
Santa Fe, New Mexico

Dear Mr. Salazar,

I am a resident of Santa Fe County and live a short distance from 8 Ernesto Rd, where Maurilio Calderon has applied for a "home occupation" business license to operate his commercial welding business, Adonai Custom Iron Works, Inc. My home has a direct line of sight (and sound) to his property and is part of the Santiago Subdivision. I have enclosed several pictures taken from my house that shows the position of the welding building in relation to my home and those of my neighbors.

I absolutely oppose the County granting his application to operate a home occupation business at this location.

The property at 8 Ernesto Road is residential, yet its owners propose to operate an established commercial welding business, Adonai Custom Iron Works, on a residential lot located above our quiet residential neighborhood. The site looks down on all of our homes from a hilltop (see enclosed pictures). The owners were granted a residential development permit and should not be allowed to conduct this commercial metalworking business there.

There are 24 families (22 in the Santiago Subdivision and two adjacent families) who live below the proposed site of this commercial welding business, which overlooks the Santiago Subdivision. It is a well-established, quiet subdivision on dead-end roads where families have raised their children for decades. The area is peaceful and still. I walk my dogs twice a day year round. In recent months the welding noise from the iron works has increased and can be heard as I am walking. My dogs stop to try to determine what the noise is and I have a hard time getting them to continue to walk.

NBA-61

I object to this business for the following reasons:

1. **Not a home business.** As can be seen by the pictures the large building is not part of a home and in fact is twice the size of the small "home" building next to it. It does not appear the home is actually a residence and may be an office for the company. When I have operated a home business in the past it was always in the house and was a small segment of the house not the entire property.

2 **Noise.** Welding and metal fabrication involve welding, grinding, cutting, chipping, gouging, and painting. All of these industrial processes are noisy and utterly unsuited to a residential neighborhood. I can hear the noises throughout the day as I work in my yard and around the house.

3. **The residential character of the neighborhood.** I understand the site is zoned as a "residence"; placing the commercial welding activities of Adonai Custom Iron Works, Inc., in a metal shed perched on a hill above our neighborhood's homes will irreversibly alter the character of our quiet neighborhood and reduce our quality of life.

4. **High fire risk.** This business would pose a very high and continual fire risk to all of the residential properties surrounding it. The residential property at which the home business is being proposed is located at the top of a hill, adjacent to other residential properties, behind a metal gate at the top of an up sloping dirt road, and is served only by a volunteer fire department, Hondo Fire and Rescue, that is 6.4 miles away.

5. **Fumes.** All types of welding produce fumes that are recognized as health hazards. These fumes are noxious and will make it unpleasant for the families around the site to work in their yards and play outdoors - which are the very reasons we love living in Santa Fe County and have chosen to raise our families here.

6. **Hilltop location.** This residential property is at the very top of a hill that overlooks all of our homes. It is utterly unsuited to a loud, dangerous commercial operation that produces gas.

9. **Required sign posting for application is not visible.** When I heard of the proposed welding business I went to look for the required sign indicating the application process had started. I could not find the sign as I drove by the road to the building location. I stopped and looked for the sign but could not locate it. I had to walk back to the turnoff to the property to see if there was actually a sign. I finally found it up against a fence about

NBA-62

35 feet from the road. I have included four pictures that clearly show the location of the sign and the fact that it has been placed in a position that would not be noticed by those passing by.

10. **Built as a business.** My observation of the construction of the buildings is that it was built as a commercial business and not as a residence from the very start. The size, location and nature of the two-story building depict a structure that is not associated with a home but was designed and built as a welding shop. Applying for a license to actually operate the business was an afterthought. I believe that an inspection of the property and the structures will validate this view.

Thank you for your consideration of this situation.

Sincerely,

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

Marlin Mackey
5 Calle Jacinta
Santa Fe, New Mexico

Enclosure

John M. Salazar

From: Kinsey Brown <kinseyb428@live.com>
Sent: Wednesday, November 20, 2013 11:54 AM
To: John M. Salazar
Subject: Adonai Custom Iron Works Inc. Opposition

Dear Mr. Salazar,

My family and I reside in Santa Fe County at 13 Entrada de Santiago. We strongly oppose Maurilio Calderon's application for a business licence

November 20, 2013

Mr. John M. Salazar
Development Review Specialist
Santa Fe County Land and Use Department
Santa Fe, New Mexico

Dear Mr. Salazar,

I live in Santa Fe County, a short distance away from 8 Ernesto Rd. It is my understanding that Maurilio Calderon has applied for a "home occupation" business license to operate his "commercial welding shop", Adonai Custom Iron Works, Inc.

I STRONGLY OPPOSE the County granting his application to operate a "home occupation business" at this location. Clearly, the owner's intent has always been to establish a "commercial business" in a "residential zone". The building that has been constructed to house the business in no way comports with the meaning of a "home occupation". It is huge warehouse overlooking our residential neighborhood giving what was once a quiet, family, residential area the appearance of an area built behind an industrial warehouse area. It is my understanding that the owners of the warehouse were granted a residential building permit which leads me to question the legality of the building that now sits on the site. The visual effect of the building along with the additional traffic and the noise generated by the business have disrupted our subdivision, of over 20 year, in ways that make me sorry to be a resident of Santa Fe County. We have worked our entire life to live in the type of neighborhood which we live in. Please do not allow these people, who seem to have no respect for the zoning of Santa Fe County, or the rights of the citizens who live in Santa Fe County to continue to destroy our dreams.

I oppose the business for the following reasons:

1. This is not a home business. It is, in fact a commercial welding shop. It is clear that the original intent, before approval of the County, was to establish a commercial business in a residential neighborhood. The building is totally out of line with the type of buildings that are normally allowed in a residential area.
2. The noise (grinding, cutting and hammering) generated by the business is not in line with a residential neighborhood.
3. This type of business poses a high fire risk to our and surrounding neighborhoods. As demonstrated by our current insurance premiums, the County is already a "high" risk area. There is no need to put residents at an even higher risk and increase in insurance premiums.
4. The business of welding is a recognized health hazard. I would hope that the life and safety concerns of the citizens would take priority over the request of one person who seems to be operating outside the lines already.
5. To have an operation like this overlooking our neighborhood has destroyed the residential feel of our neighborhood.

For the reasons listed above, I respectfully request your serious consideration of this issue as well as your support in denying this false request for a "home occupation business". I thank you in advance for your support.

Sincerely,
Sandra K. Mackey
5 Calle Jacinta, Santa Fe, NM

NBA-65

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: February 20, 2014

TO: County Development Review Committee

FROM: John M. Salazar, Development Review Specialist *JMS*

VIA: Penny Ellis-Green, Land Use Administrator *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

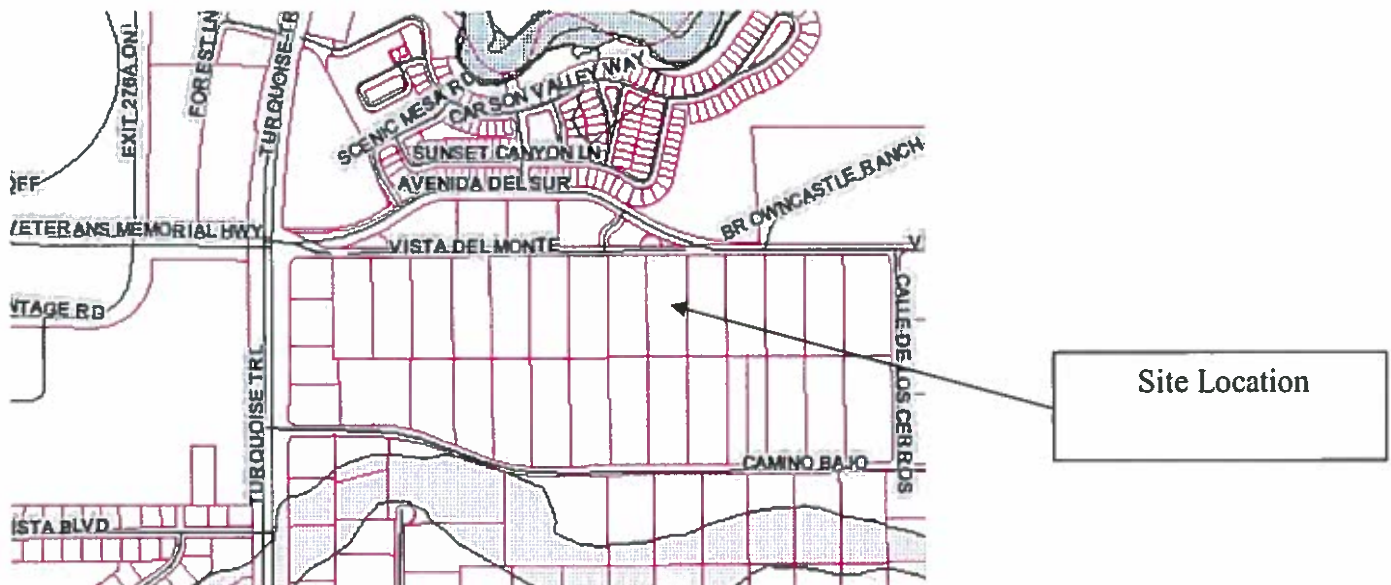
FILE REF.: CDRC CASE #A 14-5040 Rachael Tapia Appeal

ISSUE:

Rachael Tapia, Applicant, is appealing the Land Use Administrator's decision to deny a home occupation business registration for a pet crematorium on 2.5-acres.

The property is located at 40 Vista Del Monte, within the Valle Lindo subdivision, within Section 25, Township 16 North, Range 8 East, (Commission District 5).

Vicinity Map:



REQUEST SUMMARY:

In August of 2007, the Applicant submitted an application for an amendment to her existing home occupation for a home office. The Applicant requested permission to install an incinerator on her property in order to expand into a pet cremation business. Currently her business is to provide cremation services for pets where she picks up deceased animals and takes them directly to the crematorium. The cremation process takes place at the Santa Fe Animal Shelter. The Applicant proposed this use in order to provide clients a more personal experience with their deceased pets since it is currently possible that the client could receive not only the remains of their pet but also the remains of other animals as the Santa Fe Animal Shelter uses a community kiln in order to cremate animals. The Land Use Administrator denied the Applicant's request. The Applicant appealed the decision to the County Development Review Committee (CDRC) and the Board of County Commissioners (BCC). The CDRC and BCC upheld the Land Use Administrator's decision to deny the request. The Applicant appealed to the First Judicial District Court of New Mexico in which the BCC decision was affirmed by Judge Daniel A. Sanchez (Exhibit 7). The standards upon which Judge Sanchez made his decision were based upon criteria from the Extraterritorial Zoning Ordinance which was repealed in 2009. Since these standards no longer apply, the Applicant is afforded the right to reapply under the Santa Fe County Land Development Code.

A similar request for an amendment to the existing Home Occupation Business Registration was submitted by the Applicant in January 2012 (Exhibit 3). The 2007 request proposed a separate, detached structure for the crematorium while the 2012 request had the structure attached to the dwelling. The Application was denied by the Land Use Administrator citing the decision rendered for the Applicant's 2007 submittal. Land Use staff never received notice from the Applicant or her agent regarding a desire to appeal the Land Use Administrator's decision.

On December 17, 2013 the Applicant's agent submitted a new application requesting an amendment to her existing home occupation similar to the 2012 submittal. Staff reviewed the material submitted which included: letter of intent; acknowledgement of the home occupation criteria; Development Permit Application; Business Registration Application; vicinity map; letter from NMED Air Quality Bureau dated 1/17/08; site plan; floor plan of the proposed structure; and a report by the manufacturer on emissions testing on the proposed crematory incinerator. Staff also reviewed the findings of the BCC from the 2007 request (Exhibit 6) and has determined that the subject Application is for the same use and that the Application is not substantially different from neither the 2007 nor the 2012 Applications. Therefore this request is denied, as it does not comply with the Home Occupation Performance Standards set forth by Article III, Section 3.2 of the Land Development Code (Exhibit 4).

Article III, Section 3.2.5 states: "No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area."

The Land Use Administrator has determined that a decision rendered by the First Judicial District Court is not something that can be overturned administratively and the proposed use could negatively impact neighboring properties with the smoke emitted from the incinerator. Under the Sustainable Land Development Code, the use of a crematorium as a home occupation would be prohibited.

Article II, Section 2.3.4 (Appeals) of the Code states: "Any person aggrieved by a decision of the Code Administrator under Section 2.3.1 (Administrative Procedures) may file an appeal to the County Development Review Committee within five (5) working days of the date of the Code Administrator's decision. The County Development Review Committee shall hear the appeal within sixty (60) days of the date the appeal is filed. The County Development Review Committee shall make and file its decision approving or disapproving the application or approving the application with conditions or modifications."

This Application was submitted on January 23, 2014.

Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds no evidence that would justify overturning the Land Use Administrator's decision.

APPROVAL SOUGHT: To overturn the Land Use Administrator's decision to deny Application #AHBL 13-4087 to a decision of approval.

GROWTH MANAGEMENT AREA: El Centro, SDA-1

STAFF RECOMMENDATION: Staff recommends that the CDRC uphold the Land Use Administrator's decision. Under the SLDC, the use of a crematorium as a home occupation would be prohibited.

EXHIBITS:

1. Letter of Appeal
2. Growth Management File #AHBL 13-4087
3. Growth Management File #AHBL 12-4009
4. Article III, Section 3 (Home Occupations)
5. Article II, Section 2.3.4 (Appeals)
6. BCC Findings from 2007 Appeal
7. Decision by Judge Sanchez on 2007 Appeal
8. Letter of Opposition

January 23, 2014

To: Santa Fe County Land Use Administrator

Re: Appeal of Land Use Administrator's Decision

I would like to appeal the Land Use Administrator's decision to deny my request for an amendment to my existing home occupation business license. I would like to go before the County Development Review Committee as soon as possible. Thank you for your assistance.

Sincerely,



Rachael Tapia



NBB-4

SANTA FE COUNTY BUSINESS REGISTRATION APPLICATION

NAME OF BUSINESS: LOVING ANIMAL SERVICES PHONE NO: _____

BUSINESS ADDRESS: 40 VISTA DEL MONTE

MAILING ADDRESS: P.O. BOX 9029 SFMM 87504

NAME OF PRINCIPAL BUSINESS OWNER: RACHAEL TAPIA

HOME OCCUPATION: X COMMERCIAL: _____

NEW MEXICO GROSS RECEIPTS TAX NUMBER: _____

DESCRIPTION OR NATURE OF BUSINESS: TRANSPORT / CREATION OF
DECLASSIFIED PETS

A business registration fee of \$35.00 will be assessed at time of approval, and thereafter, before March 15 of each calendar year. A late fee of \$10.00 will be assessed on ANY untimely payment. Business Registrations are effective from date of issuance through the end of the calendar year. Thereafter, registrations are effective from January 1 through December 31 of each year.

Karl R
SIGNATURE OF APPLICANT

12/10/13
DATE OF APPLICATION

FOR OFFICIAL USE ONLY

Location ID: 1-048-092-215-230 UPC: 64260096

DEVELOPMENT PERMIT NO: ~~13-4087~~ 13-4087 BUSINESS REGISTRATION NO: _____

TOWNSHIP 16N RANGE 7E SECTION 25 COMMISSION DISTRICT 5

FEE PAID \$35.00 _____ RECEIPT NO. _____ PROCESSED BY JOHN M. SALAZAR

FIRE HAZARD POTENTIAL: HIGH _____ MEDIUM _____ LOW _____

LAND USE DIRECTOR _____ DATE _____

COUNTY FIRE MARSHAL _____ DATE _____

TREASURER _____ DATE _____

FINANCE _____ DATE _____

COMMENTS: _____



NBB-5

**HOME OCCUPATION
APPLICATION PACKET**

AS PER THE COUNTY LAND DEVELOPMENT CODE, ARTICLE III, SECTION 3, AND THE EXTRATERRITORIAL ZONING ORDINANCE, SECTION 5-B-4-d, HOME OCCUPATIONS ARE PERMITTED ANYWHERE IN THE COUNTY, PROVIDED THE FOLLOWING STANDARDS HAVE BEEN MET:

- Not more than six (6) persons other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home occupation;
- There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one (1) nonilluminated name plat sign not more than nine square feet in area;
- The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes of its occupants, and not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation.
- The home occupation shall not involve operations or structures not in keeping with the residential character of the neighborhood.
- No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area (e.g. Noise vibration, glare, fumes, odors, electrical interference).
- No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the residential neighborhood area.
- Parking for employees and for customers or clients of the home occupation shall be provided off the street (one (1) parking space per employee plus one (1) per 400 sq. ft. to be used for the home occupation).
- The home occupation shall be located on the same lot as the permitted principal use of structures or on a contiguous lot in the same ownership.
- Primary sale of goods in connection with the home occupation shall be that which is prepared or produced upon the premises.

ACKNOWLEDGMENT

I hereby acknowledge that I have read the above standards and fully understand what is required of me to operate a home occupation business.



Signature

1/17/14

Date

NBB-6



BUILDING AND DEVELOPMENT SERVICES AND
SANTA FE COUNTY FIRE PREVENTION DIVISION
DEVELOPMENT PERMIT APPLICATION



Applicant Name: (Present &/or Former Names) _____ Development Permit Number _____ Project Manager/Type/Date Received _____

Development Fees Paid Y N Amount: _____ Fire Impact Fee Paid Y N Amount: _____ Total Fees Paid: _____
 Additional Fire Inspections will be charged a minimum \$35.00 fee.
 For official use only

Type of Development Permit:
(Indicate all that apply)

Master Plan Prelim. Plan Final Plan Family Transfer Driveway Lot Line Adj. Land Div. Accessory Structure

Residential Bldg. Plan Commercial Bldg. Plan Res. Sub. Com. Sub. Sprinkler/Alarm Mobile Home Other _____

Wildland Hazard Rating: Moderate High Very High Extreme N/A Fire District _____

Fire Protection Water Source: Fire Hydrant Draft Hydrant Pond Other _____ Driveway length: _____ Width: _____

PROPERTY OWNER INFORMATION: First Name: RACHAEL TAPIA Last Name: TAPIA

Mailing Address: P/O Karen A. Sommer P.O. Box 2471 SFAM Zip: 87504

Rural address of Project: 40 VISTA DEL MONTE Zip: 87508

Written Directions to Project Site: 2.5 ACRES PARCEL WITH A SINGLE FAMILY
(COCONUTIAL STRUCTURE. THE PROJECT WILL INVOLVE A SMALL 3600
(X110) ACCESSORY - ATTACH STRUCTURE

Cell Phone: _____ Home Phone: 909-3800 Email address: KASA.SOMMER-ASJDC.COM

Contractor / Company Name: N/A Address: _____

Cell Phone: () _____ Work Phone () _____ Contractor's License # _____

PROJECT DESCRIPTION: SEE ATTACHED PERMIT

Section: 16N Township: 84 Range: 25 Commission District _____ Parcel ID: 9A0007827

IPC Number: _____ Plat Book: _____ Page: _____ Date Recorded: _____

Warranty Deed Instrument #: _____ Date Recorded: _____ Subdivision Name: _____

Acreage: 2.5 Estimated Completion Date: _____ Valuation: _____

Proposed Number of Dwellings Onsite: 1 Existing: 1 Total: 1

Proposed Number of Lots Onsite: 1 Existing: 1 Total: 1

Proposed Roofed Area Sq. Ft.: 4000 Existing Roofed Area Sq. Ft.: 3600 Total Roofed Area Sq. Ft.: 4000

Lot Number: _____ Phase: _____ Affordable Unit: Yes No All Weather Access: Yes No (*Access improvements required)

Country Road: Yes* No (*Access Permit DPW required) Legal Access: Yes No

FEMA 100-year floodplain: Yes* No Zone _____ Panel Number: _____ D (*Floodplain Dev. Permit required)

NMED Septic Permit: Yes No Community Sewer System Yes No Water Restrictions: Yes* No Book: _____ Page _____

Shared Well: Yes* No *Share Agreement Inst. # _____ Well Meter Reading: _____

Well Permit # _____ Well Meter Serial Number: _____ Meter Type _____ Unit of Measure: _____

Community Water System: Yes* No (*Water Service License Required) Cistern Required: Yes No Rainbarrels Required: Yes No

Proof of Taxes: Yes No Hydrologic Zone: Basin E. Fringe Homestead Mountain Traditional Metro Geohydro Req'd TIA Req'd

Owner Acknowledgment or Authorized Representative: Signature: Karl M Date: 12/10/19

By signing I acknowledge all information is true and accurate, and I authorize Santa Fe County staff to conduct necessary inspections on my property as related to this permit application. I agree and I understand that the issuance of any subsequent permits does not prevent the Santa Fe County Fire Prevention Division from requiring additional compliance with the provisions of the Santa Fe County Fire Code as adopted by the Board of County Commissioners.

Type of Permit Issued: _____ Date: _____

Approved By: _____ Date: _____

Redlines Yes No Inspections Conducted: Initial Pre-Final Final Certificate of Completion Yes No

NBB-7

SOMMER KARNES & ASSOCIATES LLP

Mailing Address
Post Office Box 2476
Santa Fe, New Mexico 87504-2476

Street Address
200 West Marcy Street, Suite 133
Santa Fe, New Mexico 87501

Telephone: (505) 989.3800
Facsimile: (505) 982.1745

John Michael Salazar
Land Use & Planning
Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87501

December 10, 2013

Re: Rachel Tapia
Amendment to Home Occupation

Dear Mr. Salazar:

This letter constitutes Ms. Tapia's letter of intent with respect to the application to amend her existing Home Occupation Permit. This letter summarizes the history of Ms. Tapia's use of her property, the previous application, and the current application. You will note that this application differs substantially from the earlier application. If you find the application complete, please provide us with the notice and posting materials in order that we may start the process.

Ms. Tapia owns the located at 40 Vista del (See Warranty Deed enclosed). She has lived there from the time she purchased the property. Ms. Tapia owns and operates her business Loving Animal Services, for which she has business license. Ms. Tapia to conduct a business that transports deceased pets for cremation at the Santa Fe Animal Shelter.

As the County is aware, Ms. Tapia has purchased equipment that would allow her to perform the cremation of deceased pets on the property. The equipment can be housed in a small addition to the her residence in the form of an attached shed. Ms. Tapia had previously proposed the construction of a building in the location shown on the drawing attached hereto as Exhibit A, which was part of her previous application. Ms. Tapia appealed the denial of her previous application to the Board of County Commissioners, which denied the application. The only evidence presented to the Board indicated that (1) the use would *not* produce any fumes, odors, emissions, noises or vibrations of any type, (2) would *not* involve the employment of any additional employees, (3) would *not* create traffic beyond that which created now by Ms. Tapia's current home occupation permit, but (4) would be housed in the proposed building detached from the current residential structure located the property. Because the location of the proposed structure was not

Karl H. Sommer, Attorney at Law
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Joseph M. Karnes, Attorney at Law
jmk@sommer-assoc.com

Mychal L. Delgado, Certified Paralegal
mld@sommer-assoc.com

James R. Hawley, Attorney at Law
Of Counsel
Licensed in New Mexico and California
jrh@sommer-assoc.com

NBB-8

Sommer, Karnes & Associates, LLP

adjacent to or attached to the current residence, it appears that the BCC rejected the application. That perceived deficiency has been remedied.

The enclosed application details the new location and dimensions of the proposed shed-like structure. As you can see, the new location makes the appearance of the proposed addition more harmonious with the existing residence. In addition, all other aspects of the current code are complied with under this amendment to Ms. Tapia's existing permit.

I have reviewed the current proposal for changes to the Code related to Home Occupations. The structure of the new requirements is a four-tiered approach; the scrutiny and administrative approval process is more complicated as the proposed impact of the use increases – from a No Impact Home Business to and Exception. The most important aspects of both of these categories is found in the following standards:

Proposed No Impact Regulations:

5. **Building Space:** The home based business shall be conducted entirely within the dwelling unit, but is limited to incidental use thereof.
6. **Noise, Vibration, Glare, Fumes and Odors:** The No Impact Home Business shall not create noise, vibration, glare, fumes or odors detectable to normal sensory perception off the subject property.

Propose Low Impact Regulations:

6. **Exterior Storage/Use of Accessory Structures:** A maximum of 600 square feet of accessory space may be used for the Low Impact Home Business. If a portion of an accessory building is authorized for use in the LIHB, a partition wall of six feet shall separate the LIHB from the accessory building. A partition wall may include a door for ingress and egress.
7. **Noise:** Noise shall be regulated according to Ordinance 2009-11. A noise study may be required by the Code Administrator to demonstrate compliance.
8. **Vibration, Glare, Fumes and Odors:** The Low Impact Home Business shall not create vibration, glare, fumes or odors detectable to normal sensory perception off the subject property.

Ms. Tapia's proposed amendment falls entirely within either the proposed No Impact or Low Impact Home Occupation. We realize that these standards have not been adopted, but they mirror the current requirements under the Code, except that the current requirements allow for the shed that is proposed by this application. In other words, the

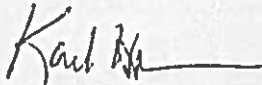
Sommer, Karnes & Associates, LLP

current requirement is more lenient. The new location of her proposed addition brings the addition into complete harmony with the character of her property and adjacent properties.

We request that that County issue the permit for a home occupation. Ms. Tapia will thereafter apply for the necessary construction permits for the addition. Please contact me if the application is deficient in any respect.

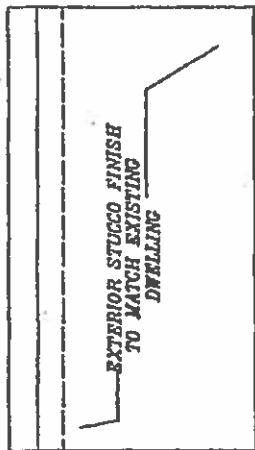
Thank you for your time and attention to this matter.

Sincerely,

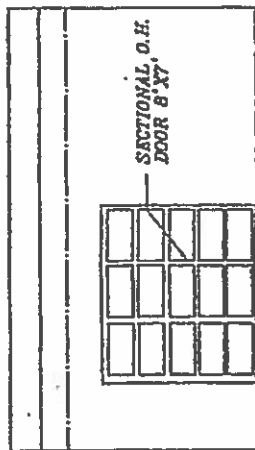


Karl H. Sommer

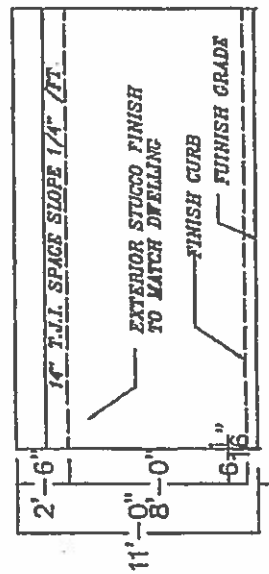
cc: Rachel Tapia



REAR ELEVATION



FRONT ELEVATION



LEFT ELEVATION

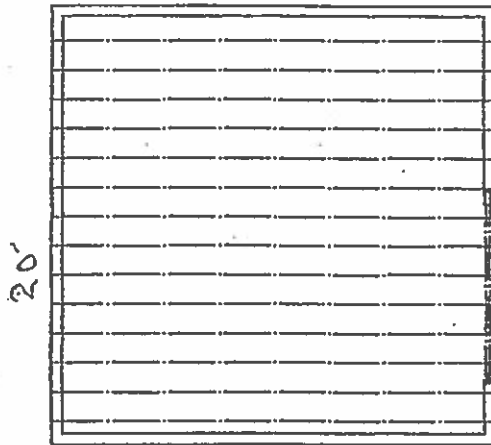
(RIGHT IS SIGNALAR)

EXTERIOR BUILDING ELEVATIONS

ROOF FRAMING PLAN KEYNOTES

ALL ROOF MEMBERS ARE TO BE
1" T.J.I. @ 16" O/C W/ 3/4" O.S.B.
DECKING ABOVE SLOPE MIN. 1/4" / FT
USE 5-PLY HOT MOP SURFACE

HEADER @ GARAGE DOOR IS TO BE MIN
(2) 2X12 NAILED SOLID
SOLID BLOCK T.J.I. @ 4' O/C/



ROOF FRAMING PLAN

SCALE 1/8" = 1'-0"



NBB-12

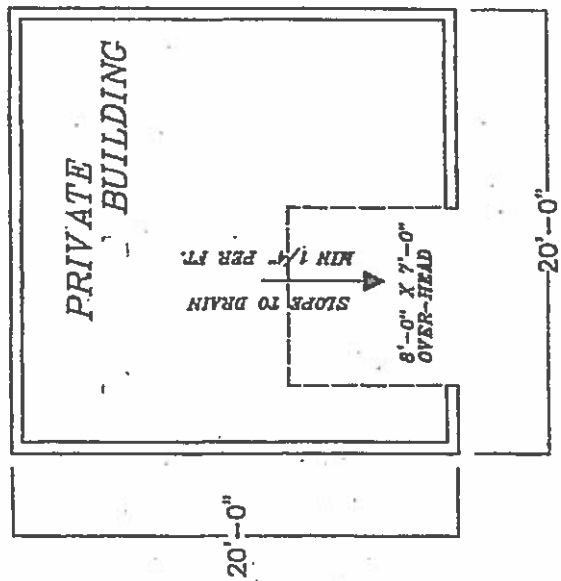
200-3

FOUNDATION PLAN KEYNOTES

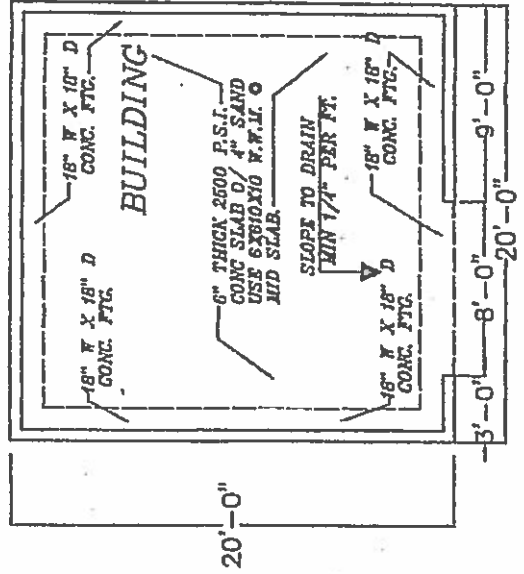
- PROVIDE 6" 2500 P.S.I. CONC SLAB W/ 6X610X10 W.W.M. AT MID-SLAB O/ 4" CLEAN SAND BASE
- CONCRETE FOOTINGS TO BE MIN 10" BELOW GRADE AND MIN 16" WIDE W/ 2# 4 REBAR AT MID-SLAB ELEVATED 4 MIN 5" ABOVE BOTTOM OF FOOTING
- PROVIDE MIN 16" WIDE X 18" DEEP GRADE BEAMS AT ALL STORAGE DOOR OPENINGS.
- SLOPE STORAGE SPACE SLAB MIN. 1/4" PER FOOT TO DRAIN.
- PROVIDE MIN 1/2" ROUND X 10" LONG ANCHOR BOLTS AT MAX 6' O/C AND WITH-IN 2' OF ALL CORNERS.

FLOOR PLAN NOTES

- ALL WALL FRAMING IS TO BE 2X4 STUDS @ 16" O/C W/ PLATE @ 8'-0"
- OWNER: SPACE DOOR TO BE 8' X 7'
- OWNER TO SELECT

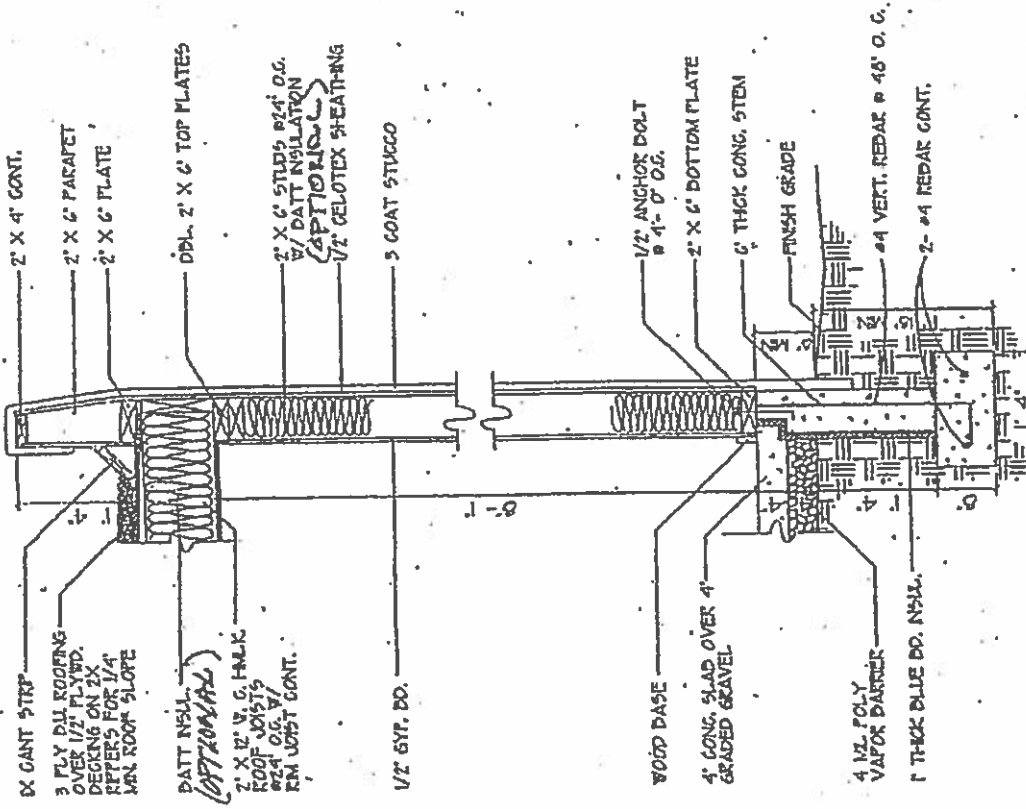


FLOOR PLAN



FOUNDATION PLAN

SCALE 1/8" = 1'-0"



1/2" GANT STRIP
 3 PLY DBL ROOFING
 OVER 1/2" PLYWD.
 DECKING ON 2X
 RAFTERS FOR 1/4"
 MIN ROOF SLOPE

2" X 4" CONT.
 2" X 6" PARAFET
 2" X 6" PLATE
 DBL. 2" X 6" TOP PLATES
 2" X 6" STUDS @ 24" O.C.
 W/ DATT INSULATION
 (OPTIONAL)
 1/2" CELOTEX SHEATHING
 3 COAT STUCCO
 1/2" GYF. DO.

DATT NSUL.
 (OPTIONAL)
 2" X 12" V. G. F.H.K.
 ROOF JOISTS
 @ 24" O.C. V/
 FIN JOIST CONT.

WOOD BASE
 4" CONC. SLAB OVER 4"
 GRADED GRAVEL
 1/2" ANCHOR BOLT
 @ 4'-0" O.C.
 2" X 6" BOTTOM PLATE
 6" THICK CONC. STEN
 FINISH GRADE
 #4 VERT. REBAR @ 48" O.C.
 2- #4 REBAR CONT.

4 ML FOLY
 VAPOR BARRIER
 1" THICK BLUE PD. NSUL.

A WALL SECTION
 SCALE: 1/2" = 1'-0"

1 X GANT STI
 3 PLY D. U. F
 ON 1/2" PLYWD
 ON 2 X RAFTERS
 PER FOOT
 DRAINAGE
 2 X

VISTA DEL MONTE

DEAD END

Driveway
is
Asphalt

6 FT BRICK WALL

Residence
60 x 60
36.00 sq ft

PROPOSED WALL

PROPOSED SHED - NON VISIBLE
FROM STREET

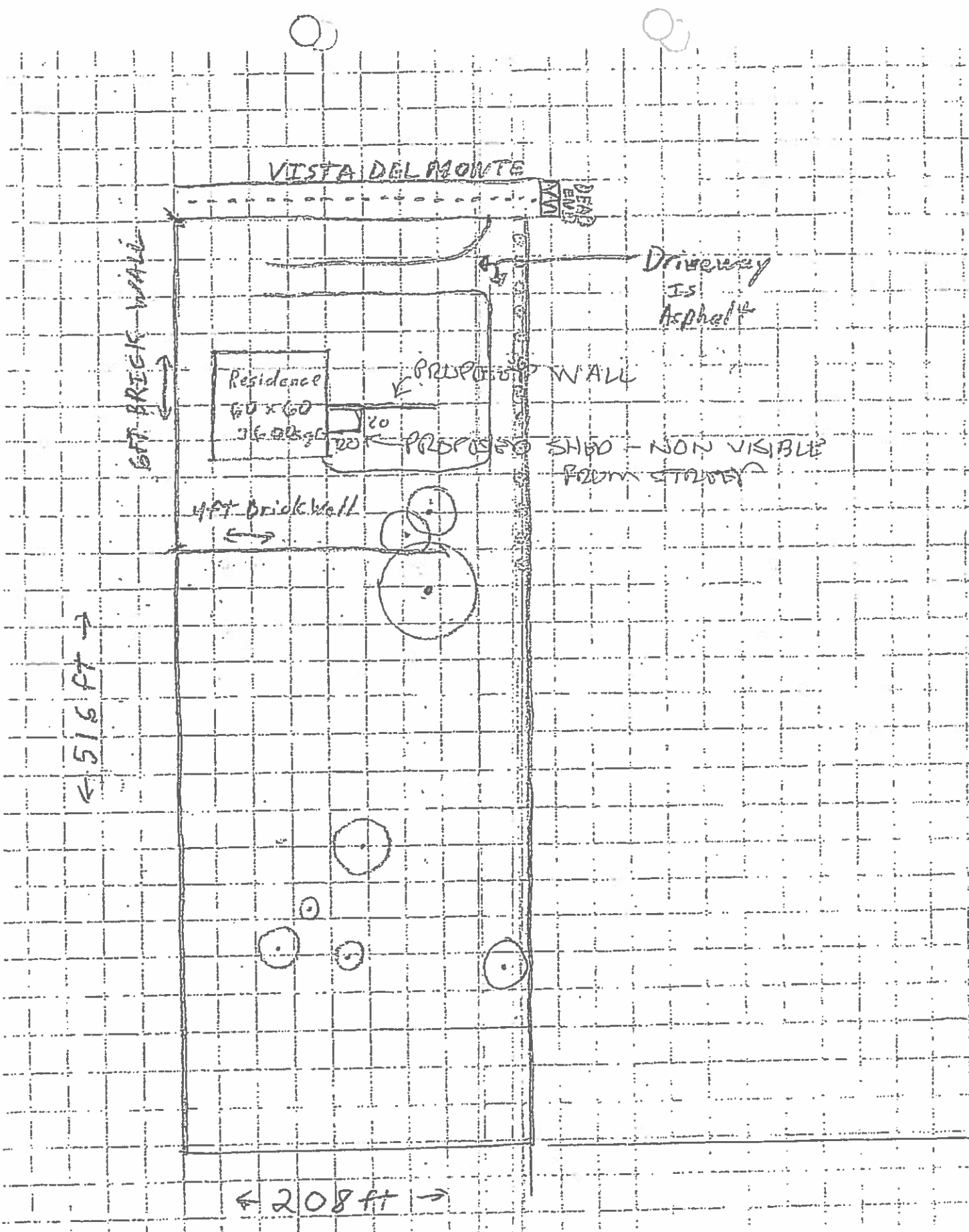
4 FT Brick Wall

516 FT

208 FT

PROPOSED

NBB-15





APPROVE
 OCT 4 1958
 DIVISION OF LANDS
 STATE OF CALIFORNIA

SUBDIVISION CERTIFICATE

I, Clerk of the Board, do hereby certify that the above described subdivision has been approved by the Board of Supervisors of the County of Santa Clara, California, on the 1st day of October, 1958.

J. J. Hill

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County of Santa Clara, California, at San Jose, California, this 1st day of October, 1958.

J. J. Hill
 Clerk of the Board

APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA, CALIFORNIA, ON THE 1ST DAY OF OCTOBER, 1958.

[Signature]
 Board of Supervisors

CITY OF SAN JOSE, CALIFORNIA

APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA, CALIFORNIA, ON THE 1ST DAY OF OCTOBER, 1958.

[Signature]
 Board of Supervisors

CITY OF SAN JOSE, CALIFORNIA

DEDICATION

I, APRIL M. BROWN, hereafter referred to as the donor, do hereby dedicate to the City of San Jose, California, for the use and benefit of the public, the land described in the following: [Detailed description of the land being dedicated, including lot numbers and street names.]

CENTRO AMERICANO COMPANY
LAND SUBDIVISION
 STATE OF CALIFORNIA

[Signature]
 Clerk of the Board



NEW MEXICO
ENVIRONMENT DEPARTMENT



Air Quality Bureau

SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

1301 Siler Road, Building B
Santa Fe, New Mexico, 87507
Phone (505) 476-4300 Fax (505) 476-4375
www.nmenv.state.nm.us

F. DAVE MARTIN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

May 23, 2012

Rachel Tapia
40 Vista del Monte
Santa Fe, NM 87508

SCANNED

MAY 24 2012

Karl Sommer & Assoc.

RECEIVED

MAY 24 2012


Karl Sommer & Assoc.

Dear Ms. Tapia:

This letter is in response to your request for confirmation that that an air permit for Loving Animal Services is not required.

Currently, the Department is not requiring a permit for a crematory, however this may change in the future if the Department determines that permitting such facilities is necessary or if a Federal regulation from the Environmental Protection Agency is issued that requires such a permit.

Sincerely,


Elizabeth Bisbey-Kuehn
Major Source Section
Air Quality Bureau

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 61 SMOKE AND VISIBLE EMISSIONS

20.2.61.1 ISSUING AGENCY: Environmental Improvement Board.
 [11/30/95; 20.2.61.1 NMAC - Rn, 20 NMAC 2.61.100 10/31/02]

20.2.61.2 SCOPE: All geographic areas within the jurisdiction of the Environmental Improvement Board.
 [11/30/95; 20.2.61.2 NMAC - Rn, 20 NMAC 2.61.101 10/31/02]

20.2.61.3 STATUTORY AUTHORITY: Environmental Improvement Act, NMSA 1978, section 74-1-8(A)(4) and (7), and Air Quality Control Act, NMSA 1978, sections 74-2-1 et seq., including specifically, section 74-2-5(A), (B), and (C).
 [11/30/95; 20.2.61.3 NMAC - Rn, 20 NMAC 2.61.102 10/31/02]

20.2.61.4 DURATION: Permanent.
 [11/30/95; 20.2.61.4 NMAC - Rn, 20 NMAC 2.61.103 10/31/02]

20.2.61.5 EFFECTIVE DATE: November 30, 1995.
 [11/30/95; 20.2.61.5 NMAC - Rn, 20 NMAC 2.61.104 10/31/02]
 [The latest effective date of any section in this Part is 10/31/02.]

20.2.61.6 OBJECTIVE: The objective of this Part is to establish controls on smoke and visible emissions from certain sources. This Part is not intended to preempt any more stringent controls on smoke and visible emissions provided in any other air quality control regulation or in any local ordinance or regulation.
 [11/30/95; 20.2.61.6 NMAC - Rn, 20 NMAC 2.61.105 10/31/02]

20.2.61.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (Definitions), as used in this Part:

A. "Air curtain destructor" means a combustion device or system designed to achieve controlled combustion of woodwaste and slash materials in an earthen trench or refractory-lined pit or bin through means of a fan-generated air curtain.

B. "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

C. "Part" means an air quality control regulation under Title 20, Chapter 2 of the New Mexico Administrative Code, unless otherwise noted; as adopted or amended by the Board.

D. "Stationary combustion equipment" means any stationary device or system used to oxidize solid, liquid, or gaseous materials, including fuels or wastes, and includes but is not limited to incinerators, wood-fired boilers, air curtain destructors, and stationary oil burning equipment.

E. "Visible emissions" means particulate or gaseous matter which can be detected by the human eye.
 [11/30/95; 20.2.61.7 NMAC - Rn, 20 NMAC 2.61.107 10/31/02]

20.2.61.8 AMENDMENT AND SUPERSESION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation ("AQCR") 401 -- Regulation to Control Smoke and Visible Emissions last filed July 15, 1986.

A. All references to AQCR 401 in any other rule shall be construed as a reference to this Part.
 B. The amendment and supersession of AQCR 401 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 401.
 [11/30/95; 20.2.61.8 NMAC - Rn, 20 NMAC 2.61.106 10/31/02]

20.2.61.9 DOCUMENTS: Documents cited in this Part may be viewed at the New Mexico Environment Department, Air Quality Bureau, Runnels Building, 1190 Saint Francis Drive, Santa Fe, NM 87505 [2048 Galisteo St., Santa Fe, NM 87505].
 [11/30/95; 20.2.61.9 NMAC - Rn, 20 NMAC 2.61.108 10/31/02]

20.2.61.10 to 20.2.61.108 [RESERVED]

20.2.61.109 STATIONARY COMBUSTION EQUIPMENT: The owner or operator of stationary combustion equipment shall not permit, cause, suffer or allow visible emissions from the stationary combustion equipment to equal or exceed an opacity of 20 percent; provided, however, stationary combustion equipment which is regulated by Parts 20.2.10

NMAC through 20.2.18 NMAC, 20.2.37 NMAC, and 20.2.42 NMAC, and any other Part of Chapter 2 which specifically limits particulate emissions is exempted from this Part.

[11/30/95; 20.2.61.109 NMAC - Rn, 20 NMAC 2.61.109 10/31/02]

20.2.61.110 DIESEL-POWERED VEHICLE:

A. No person shall permit, cause, suffer or allow the emission into the open air of any smoke having an opacity greater than thirty percent for any period greater than ten seconds from any diesel-powered vehicle operating below 8,000 feet (mean sea level).

B. No person shall permit, cause, suffer or allow the emission into the open air of any smoke having an opacity greater than forty percent for any period greater than ten seconds from any diesel-powered vehicle operating above 8,000 feet (mean sea level).

[11/30/95; 20.2.61.110 NMAC - Rn, 20 NMAC 2.61.110 10/31/02]

20.2.61.111 EXCLUSIONS: This Part does not apply to:

A. emissions from diesel-powered vehicles if the emissions are a direct result of a cold engine start-up;

B. off-highway, diesel-powered vehicles operating in non-urban areas; and

C. oil well drilling rigs and oil well servicing rigs.

D. for sources subject to the provisions of 20.2.70 NMAC (Operating Permits), emissions which result from insignificant activities as defined in 20.2.70 NMAC.

[11/30/95; 01/10/96; 20.2.61.111 NMAC - Rn, 20 NMAC 2.61.111 10/31/02]

20.2.61.112 DIESEL-POWERED LOCOMOTIVES:

A. No person shall permit, cause, suffer or allow the emissions into the open air of any smoke having an opacity greater than twenty percent for any period greater than ten seconds from any diesel-powered locomotive operating below 8,000 feet (mean sea level).

B. No person shall permit, cause, suffer or allow the emission into the open air of any smoke having an opacity greater than forty percent for any period greater than ten seconds from any diesel-powered locomotive:

(1) operating above 8,000 feet (mean sea level); or

(2) involved in switching and railroad yard use.

C. This Part does not apply to emissions for diesel-powered locomotives if the emissions are a direct result of a cold engine start-up.

[11/30/95; 20.2.61.112 NMAC - Rn, 20 NMAC 2.61.112 10/31/02]

20.2.61.113 AIR CURTAIN DESTRUCTORS: An exemption to this Part may be granted by the Department for start-up and burn-down periods of operation of air curtain destructors, if the owner or operator has demonstrated to the satisfaction of the Department that such an exemption is necessary and takes all actions necessary to minimize emissions during such periods.

[11/30/95; 20.2.61.113 NMAC - Rn, 20 NMAC 2.61.113 10/31/02]

20.2.61.114 OPACITY DETERMINATIONS: Opacity of emissions from equipment subject to 20.2.61.109 NMAC shall be determined consistent with the method set forth by the US EPA in 40 CFR, Part 60 Appendix A, Method 9, or any other method receiving prior approval from the Department. The minimum time period for taking opacity readings shall be ten minutes.

[11/30/95; 20.2.61.114 NMAC - Rn, 20 NMAC 2.61.114 10/31/02]

HISTORY OF 20.2.61 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records-state records center and archives:

HSSD 70-1, Ambient Air Quality Standards And Air Quality Control Regulations, 01/27/70;

EIB/AQCR 401, Air Quality Control Regulation 401 - Regulation To Control Smoke And Visible Emissions, 07/15/86.

History of Repealed Material: [RESERVED]

Other History:

EIB/AQCR 401, Air Quality Control Regulation 401 - Regulation To Control Smoke And Visible Emissions, filed 07/15/86 was renumbered into first version of the New Mexico Administrative Code as 20 NMAC 2.61, Smoke And Visible Emissions, filed 10/30/95.

20 NMAC 2.61, Smoke And Visible Emissions, filed 10/30/95 was renumbered, reformatted and replaced by 20.2.61 NMAC, Smoke And Visible Emissions, effective 10/31/02.

PZ821U01

Santa Fe County
Payment Due Selection

12/11/13
13:58:21

Project nbr/desc . . : 13 00004087 LOVING ANIMAL SERVICES / HOME
Project type . . . : HOME OCCUPATION BUSINESS LICENSE

Select fees due, press Enter.
1=Select entire amount

Opt	Amount to apply	Bal Due	Fee Description	Trans amt
-	50.00	50.00	FIRE REVIEW BUSINESS LICENSE	50.00
-	75.00	75.00	INSPECTION - INITIAL	75.00
-	100.00	100.00	APPLICATION FEE	100.00
-	175.00	175.00	HOME OCCUPATION/BUSINESS REVIE	175.00

Total 400.00

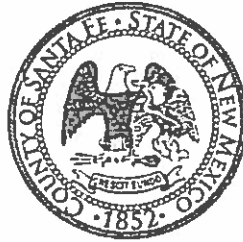
F3=Exit F5=Select all fees F12=Cancel

NBB-22

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

January 17, 2014

Loving Animal Service
Rachael Tapia
40 Vista Del Monte
Santa Fe, New Mexico, 87508

Re: Amendment of an existing Home Occupation Business Registration

This letter is in response to your request to amend the Home Occupation Business Registration for Loving Animal Service to include on-site cremation of deceased pets. Staff has reviewed the material submitted on December 17, 2013, which included: letter of intent; acknowledgement of the home occupation criteria; Development Permit Application; Business Registration Application; vicinity map; letter from NMED Air Quality Bureau dated 1/17/08; site plan; floor plan of the proposed structure; and a report by the manufacturer on emissions testing on the proposed crematory incinerator.

A similar request for an amendment to the existing Home Occupation Business Registration was submitted by the Applicant in 2008. Staff has evaluated the current application and has determined that the current application differs from the original 2008 application for the reason that the location of the crematorium has changed. The 2008 request had a separate structure for the crematorium and the new request has the structure attached to the dwelling.

On March 11, 2008, the Board of County Commissioners (BCC) denied your appeal of the Land Use Administrator and County Development Review Committee's denial of the use of a crematorium as an expansion to an existing Home Occupation Business (Exhibit "A"). The denial by the BCC was supported by Judge Daniel A. Sanchez of the First Judicial District Court (Exhibit "B").

Staff has reviewed the findings of the BCC on the 2008 request and has determined that this application is for the same use and that the application is not substantially different from the 2008 application. Therefore this request is denied, as it does not comply with the Home Occupation Performance Standards set forth by Article III, Section 3.2 of the Land Development Code.

Article II, Section 2.3.4b of the Code states: "Any person aggrieved by a decision of the Code Administrator under Section 2.3.1 may file an appeal to the County Development Review Committee within five (5) working days of the date of the Code Administrator's decision. The County Development Review Committee shall hear the appeal within sixty (60) calendar days of the date the appeal is filed. The County Development Review Committee shall make and file its decision approving or disapproving the application or approving the application with conditions or modifications". (Exhibit "C")

NBB-23

Staff will be happy to meet with you to discuss any concerns or questions you may have, please do not hesitate to contact this office at 986-6225.

Sincerely,



for Penny Ellis-Green
Land Use Administrator

CC: John M. Salazar, Development Review Specialist

SANTA FE COUNTY BUSINESS REGISTRATION APPLICATION

NAME OF BUSINESS: LOVING ANIMALS SERVICE PHONE NO: _____

BUSINESS ADDRESS: 40 VIOTA DR MENDOZA

MAILING ADDRESS: P.O. BOX 9029 SFNM 87504

NAME OF PRINCIPAL BUSINESS OWNER: RACHAEL TAPIA

HOME OCCUPATION: COMMERCIAL:

NEW MEXICO GROSS RECEIPTS TAX NUMBER: _____

DESCRIPTION OR NATURE OF BUSINESS: TRANSPORT CREMATION OF DECEASED PETS

A business registration fee of \$35.00 will be assessed at time of approval, and thereafter, before March 15 of each calendar year. A late fee of \$10.00 will be assessed on ANY untimely payment. Business Registrations are effective from date of issuance through the end of the calendar year. Thereafter, registrations are effective from January 1 through December 31 of each year.

Karl M
SIGNATURE OF APPLICANT

1/26/12
DATE OF APPLICATION

FOR OFFICIAL USE ONLY

Location ID: 1-048-092-215-230 UPC: 64260096

DEVELOPMENT PERMIT NO: 12-4009 BUSINESS REGISTRATION NO: 13145

TOWNSHIP 16N RANGE 8E SECTION 25 COMMISSION DISTRICT _____

FEE PAID \$35.00 _____ RECEIPT NO. _____ PROCESSED BY John M. Salazar

FIRE HAZARD POTENTIAL: HIGH _____ MEDIUM _____ LOW _____

LAND USE DIRECTOR _____ DATE _____

COUNTY FIRE MARSHAL _____ DATE _____

TREASURER _____ DATE _____

FINANCE _____ DATE _____

COMMENTS: _____



NBB-25



BUILDING AND DEVELOPMENT SERVICES AND
SANTA FE COUNTY FIRE PREVENTION DIVISION
DEVELOPMENT PERMIT APPLICATION



Applicant Name: (Present &/or Former Names) Tapia Development Permit Number 124009 Project Manager/Type/Date Received _____

Development Fees Paid Y N Amount: _____ Fire Impact Fee Paid Y N Amount: _____ Total Fees Paid: _____

Additional Fire Inspections will be charged a minimum \$25.00 fee.
For official use only

Type of Development Permit:
(Indicate all that apply)

Master Plan Prelim. Plan Final Plan Family Transfer Driveway Lot Line Adj. Land Div. Accessory Structure

Residential Bldg. Plan Commercial Bldg. Plan Res. Sub. Com. Sub. Sprinkler/Alarm Mobile Home Other HOMB/ACC

Wildland Hazard Rating: Moderate High Very High Extreme N/A Fire District _____

Fire Protection Water Source: Fire Hydrant Draft Hydrant Pond Other _____ Driveway length: _____ Width: _____

PROPERTY OWNER INFORMATION: First Name: RACHAEL Last Name: TAPIA

Mailing Address: 910 KARL H. SOMMER POB. 2476 SFNM Zip: 87504

Rural address of Project: 40 VISTA DEL MONTE Zip: 87508

Written Directions to Project Site: THE SITE IS A 2.5 ACRE PARCEL WITH A SINGLE FAMILY RESIDENTIAL STRUCTURE. THE PROJECT WILL INVOLVE A SMALL SHOP (10X10) ACCESSORY - ATTACHED STRUCTURE.

Cell Phone: _____ Home Phone: 989-3800 Email address: 910 KHSP SOMMER-ASSOC.COM

Contractor / Company Name: N/A Address: _____

Cell Phone: () _____ Work Phone () _____ Contractor's License # _____

PROJECT DESCRIPTION: SM ATTACHE GARAGE A

Section: 16N Township: 84 Range: 25 Commission District _____ Parcel ID: 9A0007827

UPC Number: _____ Plat Book: _____ Page: _____ Date Recorded: _____

Warranty Deed Instrument #: _____ Date Recorded: _____ Subdivision Name: _____

Acreage: 2.5 Estimated Completion Date: _____ Valuation: _____

Proposed Number of Dwellings Onsite: _____ Existing: _____ Total: 1

Proposed Number of Lots Onsite: 1 Existing: _____ Total: 1

Proposed Roofed Area Sq. Ft.: ~~3600~~ 4000 Existing Roofed Area Sq. Ft.: 3600 Total Roofed Area Sq. Ft.: ~~3600~~ 4000

Lot Number: _____ Phase: _____ Affordable Unit: Yes No N/A All Weather Access: Yes No* (*Access improvements required)

County Road: Yes* No (Access Permit DPW required) N/A Legal Access: Yes No

FEAL 100-year floodplain: Yes* No Zone _____ Panel Number: _____ D (*Floodplain Dev. Permit required)

NMED Septic Permit: Yes No Community Sewer System Yes No Water Restrictions: Yes* No Book _____ Page _____

Shared Well: Yes* No *Share Agreement Inst. # _____ Well Meter Reading: _____

Well Permit # _____ Well Meter Serial Number: _____ Meter Type _____ Unit of Measure: _____

Community Water System: Yes* No (*Water Service Letter Required) Cistern Required: Yes No Rainbarrels Required: Yes No

Proof of Taxes: Yes No Hydrologic Zone: Basin B. Fringe Homestead Mountain Traditional Metro Geohydro Req'd TIA Req'd

Owner Acknowledgment or Authorized Representative: Signature: Karl H. Sommer Date: 1/28/17

By signing I acknowledge all information is true and accurate, and I authorize Santa Fe County staff to conduct necessary inspections on my property as related to this permit application. I agree and I understand that the issuance of any subsequent permits does not prevent the Santa Fe County Fire Prevention Division from requiring additional compliance with the provisions of the Santa Fe County Fire Code as adopted by the Board of County Commissioners.

Type of Permit Issued: _____ Date: _____

Approved By: _____ Date: _____

Redlines Yes No Inspections Conducted: Initial Pre-Final Final Certificate of Completion Yes No

NBB-26

SOMMER, KARNES & ASSOCIATES, LLP

Mailing Address
Post Office Box 2476
Santa Fe, New Mexico 87504-2476

Street Address
200 West Marcy Street, Suite 142
Santa Fe, New Mexico 87501

Telephone: (505) 989.3800
Facsimile: (505) 982.1745

Karl H. Sommer, Attorney at Law
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jmk@sommer-assoc.com
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jrh@sommer-assoc.com

Mychal L. Delgado, Paralegal
mld@sommer-assoc.com
Magdalena Babuljak, Legal Assistant
mpb@sommer-assoc.com

January 26, 2011

John Michael Salazar
Land Use & Planning
Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87501

Re: Rachel Tapia
Amendment to Home Occupation

Dear Mr. Larranaga:

This letter constitutes Ms. Tapia's letter of intent with respect to the application to amend her existing Home Occupation Permit. This letter summarizes the history of Ms. Tapia's use of her property, the previous application, and the current application. You will note that this application differs substantially from the earlier application. If you find the application complete, please provide us with the notice and posting materials in order that we may start the process.

Ms. Tapia owns the located at 40 Vista del (See Warranty Deed enclosed). She has lived there from the time she purchased the property. Ms. Tapia owns and operates her business Loving Animal Services, for which she has business license. Ms. Tapia to conduct a business that transports deceased pets for cremation at the Santa Fe Animal Shelter.

As the County is aware, Ms. Tapia has purchased equipment that would allow her to perform the cremation of deceased pets on the property. The equipment can be housed in a small addition to the her residence in the form of an attached shed. Ms. Tapia had previously proposed the construction of a building in the location shown on the drawing attached hereto as Exhibit A, which was part of her previous application. Ms. Tapia appealed the denial of her previous application to the Board of County Commissioners, which denied the application. The only evidence presented to the Board indicated that (1) the use would *not* produce any fumes, odors, emissions, noises or vibrations of any type, (2) would *not* involve the employment of any additional employees, (3) would *not* create traffic beyond that which created now by Ms. Tapia's current home occupation permit, but (4) would be housed in the proposed building detached from the current residential structure located the property. Because the location of the proposed structure was not

NBB-27

Sommer, Karnes & Associates, LLP

adjacent to or attached to the current residence, it appears that the BCC rejected the application. That perceived deficiency has been remedied.

The enclosed application details the new location and dimensions of the proposed shed-like structure. As you can see, the new location makes the appearance of the proposed addition more harmonious with the existing residence. In addition, all other aspects of the current code are complied with under this amendment to Ms. Tapia's existing permit.

I have reviewed the current proposal for changes to the Code related to Home Occupations. The structure of the new requirements is a four-tiered approach; the scrutiny and administrative approval process is more complicated as the proposed impact of the use increases – from a No Impact Home Business to and Exception. The most important aspects of both of these categories is found in the following standards:

Proposed No Impact Regulations:

5. **Building Space:** The home based business shall be conducted entirely within the dwelling unit, but is limited to incidental use thereof.
6. **Noise, Vibration, Glare, Fumes and Odors:** The No Impact Home Business shall not create noise, vibration, glare, fumes or odors detectable to normal sensory perception off the subject property.

Propose Low Impact Regulations:

6. **Exterior Storage/Use of Accessory Structures:** A maximum of 600 square feet of accessory space may be used for the Low Impact Home Business. If a portion of an accessory building is authorized for use in the LIHB, a partition wall of six feet shall separate the LIHB from the accessory building. A partition wall may include a door for ingress and egress.
7. **Noise:** Noise shall be regulated according to Ordinance 2009-11. A noise study may be required by the Code Administrator to demonstrate compliance.
8. **Vibration, Glare, Fumes and Odors:** The Low Impact Home Business shall not create vibration, glare, fumes or odors detectable to normal sensory perception off the subject property.

Ms. Tapia's proposed amendment falls entirely within either the proposed No Impact or Low Impact Home Occupation. We realize that these standards have not been adopted, but they mirror the current requirements under the Code, except that the current requirements allow for the shed that is proposed by this application. In other words, the

Sommer, Karnes & Associates, LLP

current requirement is more lenient. The new location of her proposed addition brings the addition into complete harmony with the character of her property and adjacent properties.

We request that that County issue the permit for a home occupation. Ms. Tapia will thereafter apply for the necessary construction permits for the addition. Please contact me if the application is deficient in any respect.

Thank you for your time and attention to this matter.

Sincerely,



Karl H. Sommer

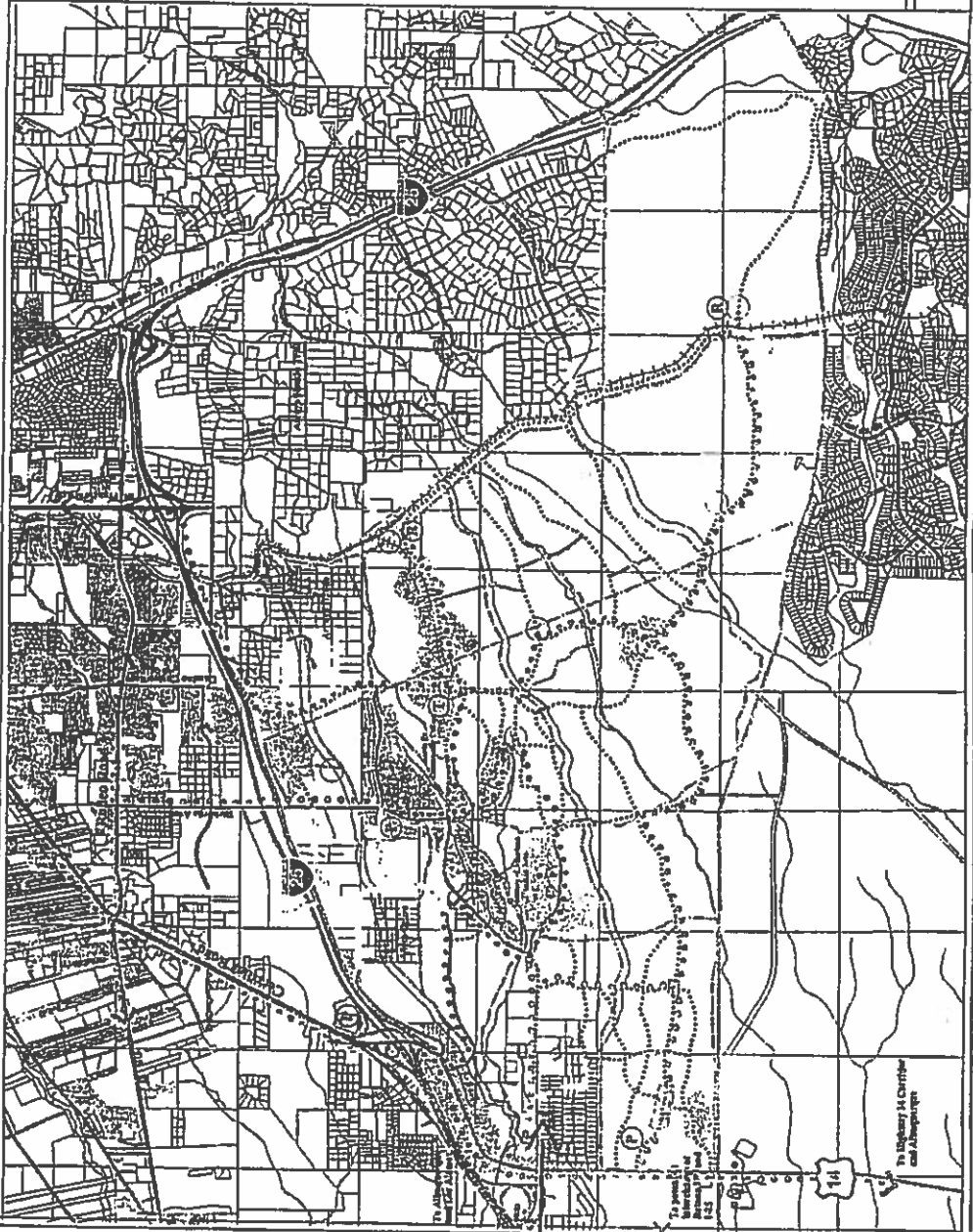
cc: Rachel Tapia

filed at 1846063

Circulation Map

Legend

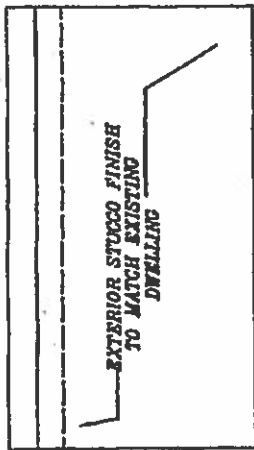
- Community College
- Neighborhood Boundary
- Major Drainage
- Existing Post Road
- Proposed Post Road
- Employment/Community Center
- Industrial/Community
- Existing Primary Roads
- Proposed Primary Roads
- Proposed Secondary Roads
- Designated Trails
- Proposed Alignment
- Existing Transit Route
- Phase I Transit
- Phase II Transit
- Phase III Transit
- Transit Station
- Transit Stop
- Transit Station
- Park and Ride
- Transit Station
- Low Water Crossing
- Iron Community Center



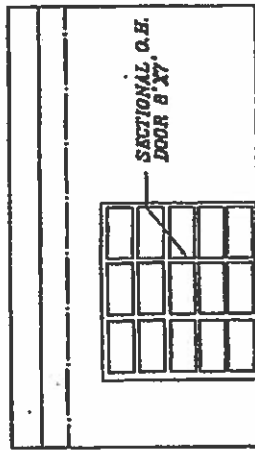
Santa Fe Community College District



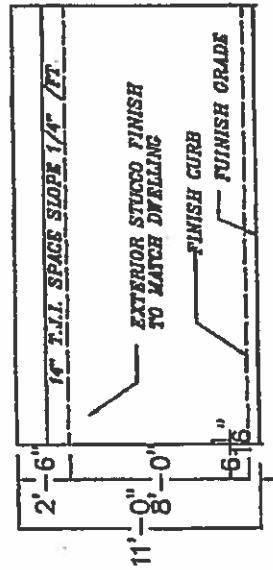
NBB-30



REAR ELEVATION



FRONT ELEVATION



LEFT ELEVATION

(RIGHT IS SIGNALAR)

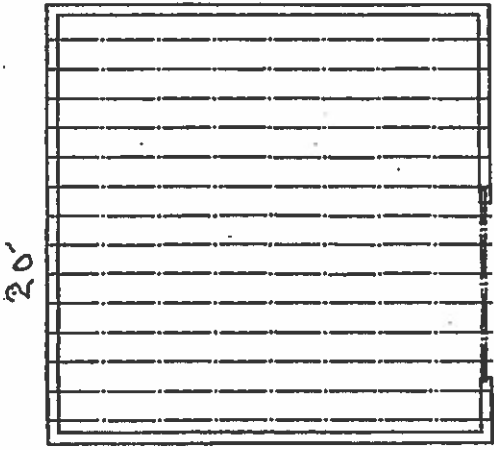
EXTERIOR BUILDING ELEVATIONS

ROOF FRAMING PLAN KEYNOTES

ALL ROOF MEMBERS ARE TO BE
1" T.J.L. @ 16" O.C. W/ 3/4" D.S.B.
DECKING ABOVE SLOPE MIN. 1/4" / FT
USE 3-PLY HOT TOP SURFACE

HEADER @ GARAGE DOOR IS TO BE MIN
(2) 2X12 NAILED SOLID

SOLID BLOCK T.J.L. @ 4' O.C.



ROOF FRAMING PLAN

SCALE 1/8" = 1'-0"



NBB-31

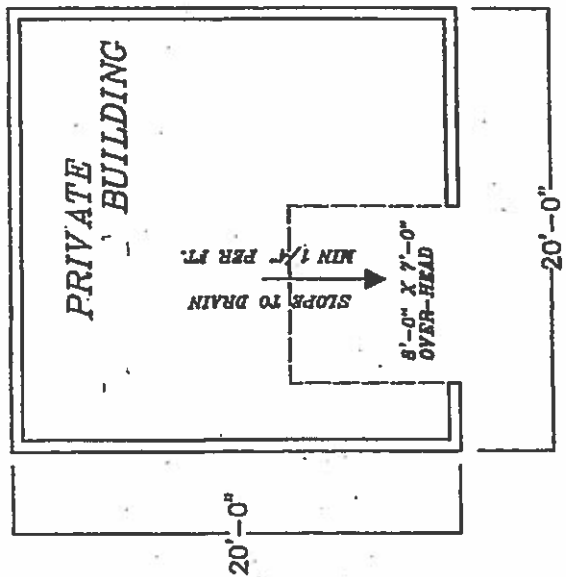
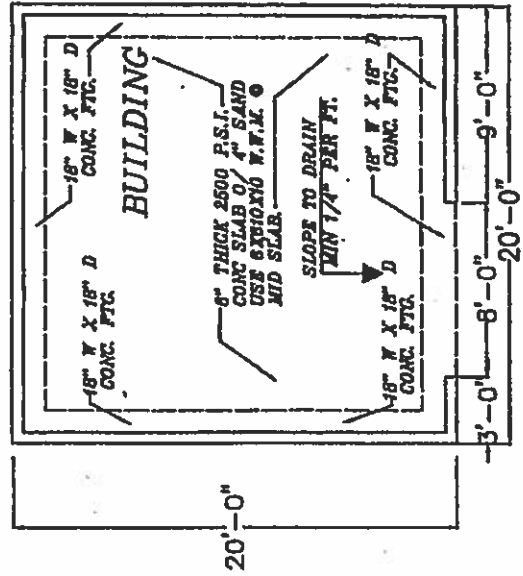
2BB-32

FOUNDATION PLAN KEYNOTES

- PROVIDE 6" 2500 P.S.I. CONC SLAB W/ 6X6X10X10 W.F.M. AT MID-SLAB 0/4" CLEAN SAND BASE
- CONCRETE FOOTINGS TO BE MIN 18" BELOW GRADE AND MIN 16" WIDE W/ 2# 4 REBAR AT MID-SLAB ELEVATED 4 MIN 3" ABOVE BOTTOM OF FOOTING
- PROVIDE MIN 18" WIDE X 18" DEEP GRADE BEAMS AT ALL STORAGE DOOR OPENINGS.
- SLOPE STORAGE SPACE SLAB MIN. 1/4" PER FOOT TO DRAIN.
- PROVIDE MIN 1/2" ROUND X 16" LONG ANCHOR BOLTS AT MAX 6" O/C AND WITH-IN 2' OF ALL CORNERS.

FLOOR PLAN NOTES

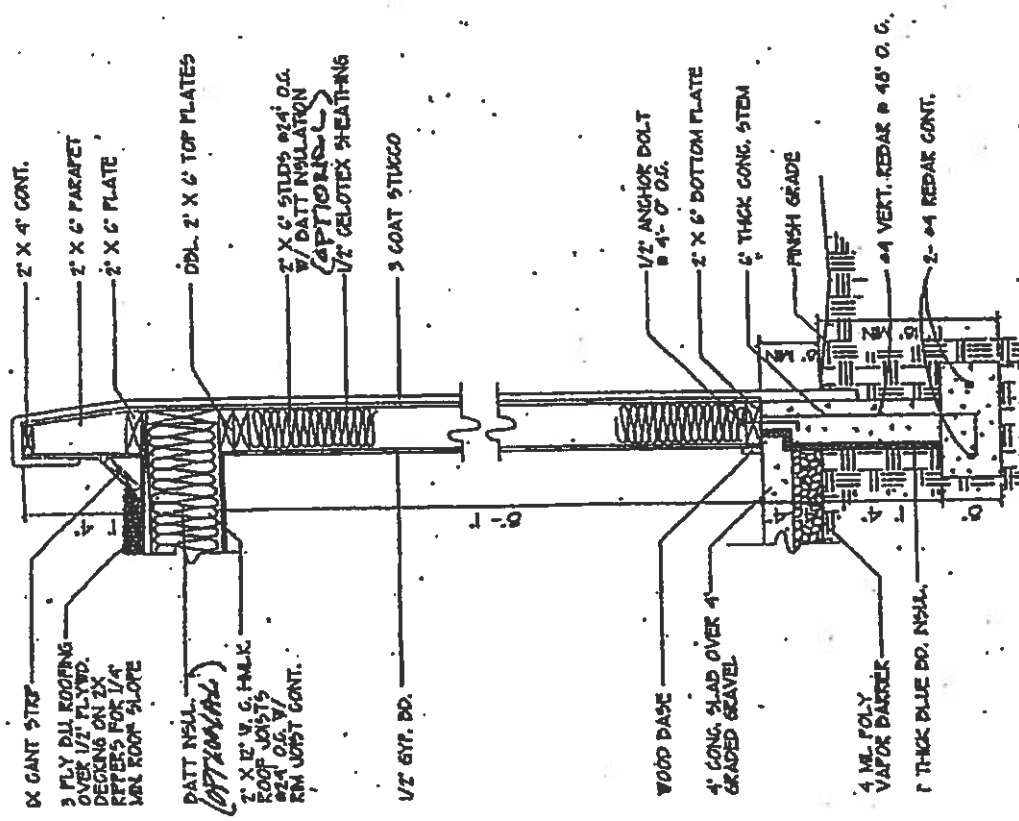
- ALL WALL FRAMING IS TO BE 2X4 STUDS @16" O/C/W/ PLATE @ 6'-0"
- SPACE DOOR TO BE 8' X 7' CORNER TO SECT



FOUNDATION PLAN

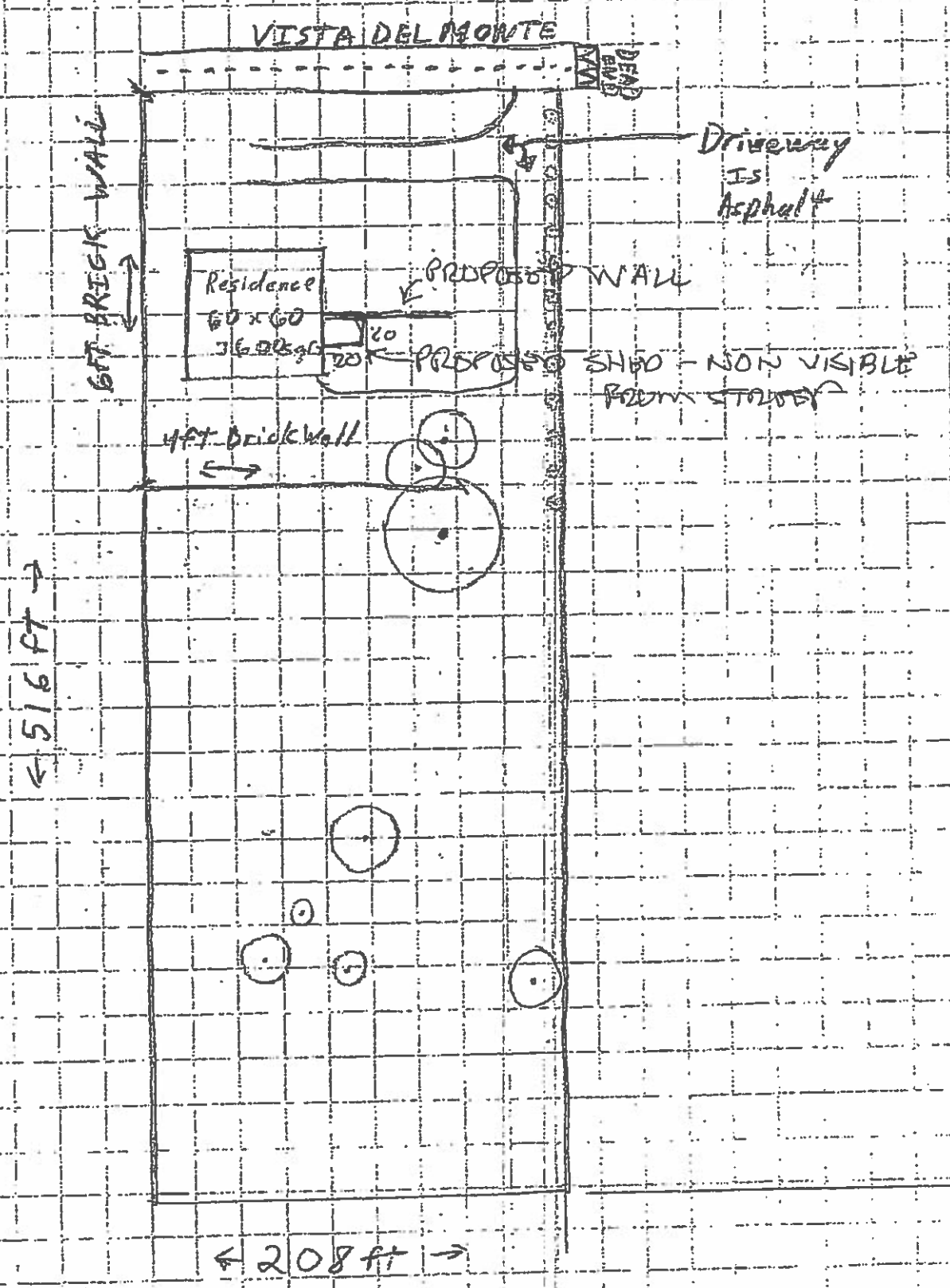
SCALE 1/8" = 1'-0"

FLOOR PLAN



A WALL SECTION
 D-1 SCALE: 1/2" = 1'-0"

1 X CANT STI
 3 FLY D. U.S.
 ON 1/2" FLYW
 ON 2 X RFTS
 PER FOOT
 DRAINAGE
 2 X



PROPOSED

NBB-34

**HOME OCCUPATION
APPLICATION PACKET**

AS PER THE COUNTY LAND DEVELOPMENT CODE, ARTICLE III, SECTION 3, AND THE EXTRATERRITORIAL ZONING ORDINANCE, SECTION 5-B-4-d, HOME OCCUPATIONS ARE PERMITTED ANYWHERE IN THE COUNTY, PROVIDED THE FOLLOWING STANDARDS HAVE BEEN MET:

- Not more than six (6) persons other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home occupation;
- There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one (1) nonilluminated name plat sign not more than nine square feet in area;
- The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes of its occupants, and not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation.
- The home occupation shall not involve operations or structures not in keeping with the residential character of the neighborhood.
- No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area (e.g. Noise vibration, glare, fumes, odors, electrical interference).
- No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the residential neighborhood area.
- Parking for employees and for customers or clients of the home occupation shall be provided off the street (one (1) parking space per employee plus one (1) per 400 sq. ft. to be used for the home occupation).
- The home occupation shall be located on the same lot as the permitted principal use of structures or on a contiguous lot in the same ownership.
- Primary sale of goods in connection with the home occupation shall be that which is prepared or produced upon the premises.

ACKNOWLEDGMENT

I hereby acknowledge that I have read the above standards and fully understand what is required of me to operate a home occupation business.

Karl H. An
Signature for Rachel Dapin

1/28/12
Date

PLEASE DESCRIBE THE FOLLOWING

1. WHAT ARE THE ACTIVITIES INVOLVED?

Loving Animal Services provides a service to people in their time of need with their departed pets and trapping of wildlife. The business is Mobile and all work is done at the clients house.

2. WHAT TYPES OF MATERIALS AND EQUIPMENT ARE TO BE USED?

On the property traps will be stored and a small room for a computer and fax is all that is necessary.

3. WHAT METHODS OF OPERATION DO YOU PLAN TO FOLLOW?

When a persons pet passes away Loving Animal Services goes out to the home picks up the pet and transports to the Santa Fe Animal Selter. If the client had a wildlife problem Loving Animal Services goes out to the home and places traps and then relocates all animals to the Santa Fe National Forest.

4. OTHER THAN MEMBERS OF YOUR FAMILY, HOW MANY EMPLOYEES WILL BE ENGAGED IN THE HOME OCCUPATION?

None other than myself.

5. WHAT IS THE TYPE OF PRODUCT TO BE PRODUCED, SERVICED OR REPAIRED?

Sales in departed pets and trapping of wildlife.

6. WILL THERE BE ANY MECHANICAL AND/OR ELECTRICAL EQUIPMENT NECESSARY TO THE CONDUCT OF THE HOME OCCUPATION? IF SO, PLEASE DESCRIBE.

No mechanical equipment and electrical other than a computer and fax.

7. DESCRIBE THE AMOUNT, LOCATION AND METHOD OF STORAGE OF SUPPLIES AND /OR EQUIPMENT.

A 5x5 area in my garage is all that is necessary.

NBB-36

8. DESCRIBE THE LOCATION OF PARKING FOR THE HOME OCCUPATION?

Loving Animal Services will be the only car needing parking. There will be no clients at the home.

9. WHAT TYPE AND AMOUNT OF TRAFFIC DO YOU ANTICIPATE TO BE GENERATED PER DAY? WILL THE BUSINESS BE CONDUCTED ON AN APPOINTMENT BASIS?

Loving Animal Services will have no traffic to the area all work is done at the clients house. All appointments will be taken by phone and then Loving Animal Services will go to the clients house.

10. WILL THERE BE A SIGN POSTED ON THE PREMISES? IF SO, PLEASE STATE SIZE & LOCATION. (ATTACH A SKETCH OF THE SIGN SHOWING DIMENSIONS AND WHAT LOGO IT WILL HAVE ON IT.)

The vehicle has signs with logos on both sides of the car this is the only ad on the property.

WARRANTY DEED


Stephen K. Markley as personal representative of The Estate of Mike E. Boylan, deceased, for consideration paid, grant(s) to Rachael Annetapia, *a single person* whose address is *40 Vista del Monte*, Santa Fe, NM 87507, the following described real estate in Santa Fe County, New Mexico:

Lot 9, Tract B, Valle Lindo Subdivision, as shown on plat filed in the office of the County Clerk, Santa Fe County, New Mexico, on December 21, 1965, recorded in Plat Book 13, page 60, as Document No. 288,830.

Subject to patent reservations, restrictions, and easements of record and taxes for the year 2006 and subsequent years.

with warranty covenants.

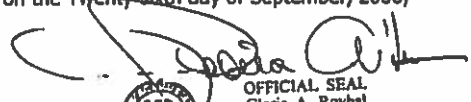

WITNESS my/our hand(s) and seal(s) this Twenty-sixth day of September, 2006.


Stephen K. Markley as personal representative of The Estate of Mike E. Boylan, deceased

Individual Capacity

State of New Mexico)
) §
County of Santa Fe)

This instrument was acknowledged before me on the ~~Twenty-sixth~~ day of September, 2006, by The Estate of Mike E. Boylan, deceased
BY: Stephen K. Markley, Personal Representative.


Notary Public

OFFICIAL SEAL
Gloria A. Roybal
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires:

My commission expires:
9-21-2010

Representative Capacity

State of New Mexico)
) §
County of Santa Fe)

This instrument was acknowledged before me on September 26, 2006, by as of, a NM corporation, on behalf of said corporation.

My commission expires: Notary Public

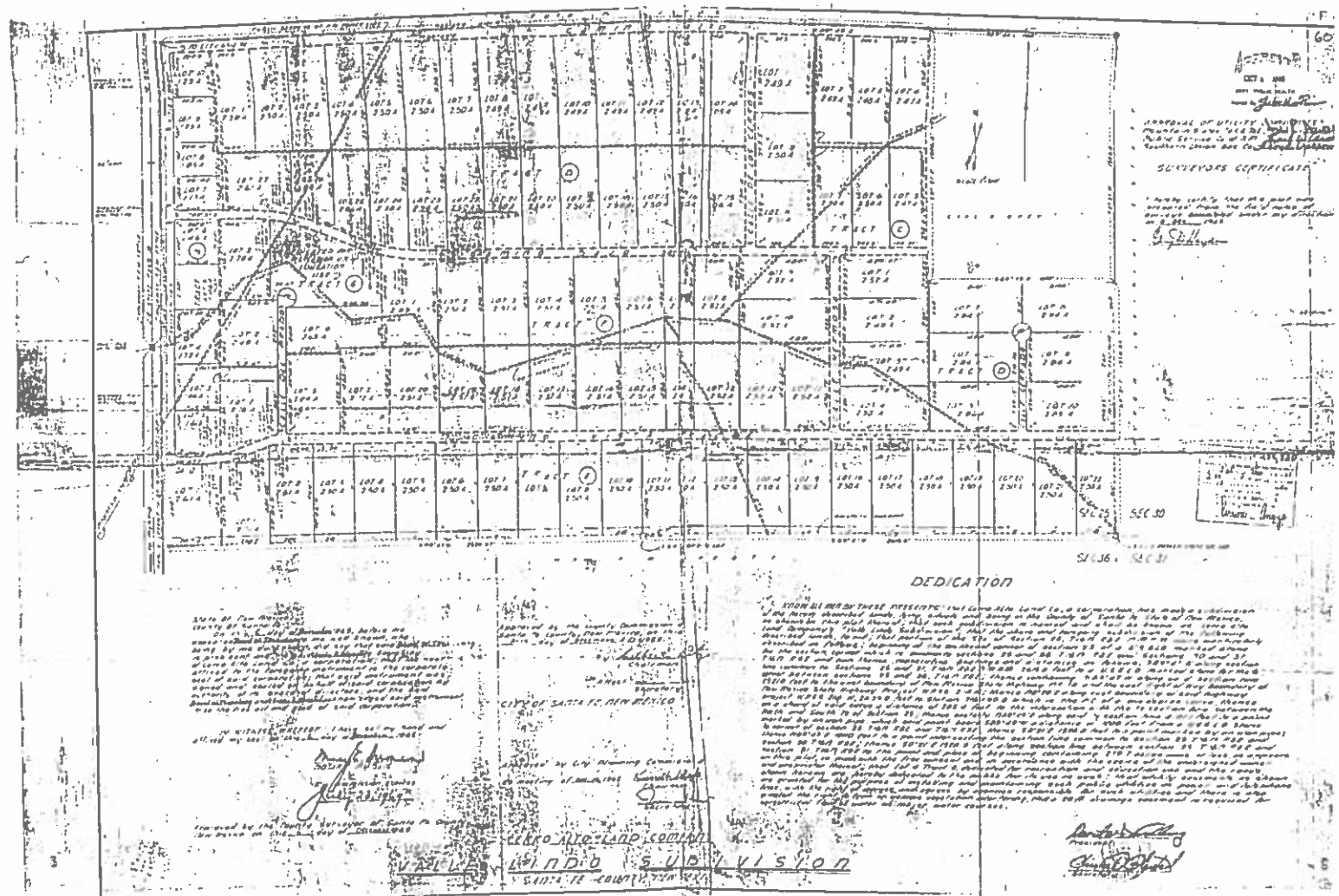
(Seal)



COUNTY OF SANTA FE) WARRANTY DEED
STATE OF NEW MEXICO) ss PAGES: 1

I Hereby Certify That This Instrument Was Filed for Record On The 2ND Day Of October, A.D., 2006 at 11:39 and Was Duly Recorded as Instrument # 1453110 of The Records Of Santa Fe County.

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



APPROVAL OF UTILITY AUTHORITY
 OCT 4 1968
 SUPERVISOR'S CERTIFICATE
 I hereby certify that the plan was
 recorded from the file of maps of
 the City of Santa Fe, New Mexico
 on 10/4/68
 J. J. [Signature]

DEDICATION

WHEREAS by these provisions that certain lots in a subdivision...
 the City of Santa Fe, New Mexico...
 the City of Santa Fe, New Mexico...
 the City of Santa Fe, New Mexico...

IN WITNESS WHEREOF, I have set my hand and
 the seal of the City of Santa Fe, New Mexico, on this 4th day of October, 1968.
 [Signature]
 Mayor

APPROVED BY THE CITY ENGINEER
 [Signature]
 City Engineer

VALLEY HINDO SUBDIVISION
 SANTA FE COUNTY, NEW MEXICO

PZ821001

Santa Fe County
Payment Due Selection

1/27/12
10:42:08

Project nbr/desc . . : 12 00004009 LOVING ANIMAL SERVICES / HOME
Project type . . . : HOME OCCUPATION BUSINESS LICENSE

Select fees due, press Enter.
1=Select entire amount

Opt	Amount to apply	Bal Due	Fee Description	Trans amt
-	50.00	50.00	FIRE REVIEW BUSINESS LICENSE	50.00
-	75.00	75.00	INSPECTION - INITIAL	75.00
-	100.00	100.00	APPLICATION FEE	100.00
-	175.00	175.00	HOME OCCUPATION/BUSINESS REVIE	175.00

Total 400.00

F3=Exit F5=Select all fees F12=Cancel

NBB-40

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

June 11, 2012

Loving Animal Service
Rachael Tapia
40 Vista Del Monte
Santa Fe, New Mexico, 87508

Re: Amendment of an existing Home Occupation Business Registration

This letter is in response to your request to amend the Home Occupation Business Registration for Loving Animal Service. Staff has reviewed the material submitted on January 28, 2012, which included: letter of intent; acknowledgement of the home occupation criteria; Development Permit Application; Business Registration Application; vicinity map; letter from NMED Air Quality Bureau dated 1/17/08; site plan; floor plan of the proposed structure; and a report by the manufacturer on emissions testing on the proposed crematory incinerator.

The site was posted for this request in February 2012. The site was reposted on March 21st, 2012, stating that an administrative decision would be made on April 5th, 2012, as the initial posting was not visible to surrounding properties.

On February 21st, 2012 an e-mail was sent to your agent Karl Sommer requesting the following information: amount of animals your client will be processing per week; the type of vehicle she will be using to pick up carcasses; any other type of equipment she may be using other than her vehicle (i.e. forklifts, wheel barrows, etc...); how many trips per day will she be making; hours of operation; storage of carcasses, especially if she should have a surplus; updated emission test on the cremation system; the type of animal carcasses she will be servicing; disposal of unwanted ashes (Exhibit "C"). The email stated that no further action would be taken by the County until the requested information was submitted. No response was provided to the request for additional information apart from an updated emission test on the cremation system. A letter from the NMED Air Quality Bureau, dated May 23rd, 2012, was received via e mail on May 30th, 2012.

The request for an amendment to the existing Home Occupation Business Registration states the application differs from the original 2008 application for the reason that the location of the crematorium has changed. The 2008 request had a separate structure for the crematorium and the new request has the

structure attached to the dwelling. However, the proposed use is identical to the use proposed in 2008.

On March 11, 2008, the Board of County Commissioners (BCC) denied your appeal from the Land Use Administrator and County Development Review Committee's denial of the use of a crematorium as an expansion to an existing Home Occupation Business (Exhibit "A"). The denial by the BCC was supported by Judge Daniel A. Sanchez of the First Judicial District Court (Exhibit "B").

Staff has reviewed the findings of the BCC on the 2008 request and has determined that this application is for the same use and that the application is not substantially different from the 2008 application. Therefore your request is denied.

Article II, Section 2.3.4b of the Code states: "Any person aggrieved by a decision of the Code Administrator under Section 2.3.1 may file an appeal to the County Development Review Committee within five (5) working days of the date of the Code Administrator's decision. The County Development Review Committee shall hear the appeal within sixty (60) calendar days of the date the appeal is filed. The County Development Review Committee shall make and file its decision approving or disapproving the application or approving the application with conditions or modifications". (Exhibit "D")

Staff will be happy to meet with you to discuss any concerns or questions you may have, please do not hesitate to contact this office at 986-6225.

Sincerely,



Penny Ellis-Green
Interim Land Use Administrator

CC; Jose E. Larrañaga, Commercial Development Case Manager

NBB-47

**EMISSIONS TESTING
of the
FOSTER'S PET CREMATION SERVICE
B & L SYSTEMS, INC. BLP 500/150
ANIMAL CREMATORY INCINERATOR
Spring Hill, Florida**

March 9, 2004

FDEP Permit No.: 1010377-002-AO
EU No. 003
SES Reference No. 04S61

Conducted by:

SOUTHERN ENVIRONMENTAL SCIENCES, INC.
1204 North Wheeler Street
Plant City, Florida 33563
Phone (813) 752-5014, Fax (813) 752-2475

Project Participants

Mark S. Gierke
Dale A. Wingler
Travis B. Nelson

NBB-43

EMISSIONS TESTING
of the
FOSTER'S PET CREMATION SERVICE
B & L SYSTEMS, INC. BLP 500/150
ANIMAL CREMATORY INCINERATOR
Spring Hill, Florida

March 9, 2004

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1.0 INTRODUCTION

Southern Environmental Sciences, Inc. conducted emissions testing of the Foster's Pet Cremation Service animal crematory on March 9, 2004. This facility is located at 15204 County Line Road, Spring Hill, Florida. Testing was conducted for particulates, carbon monoxide and visible emissions. Oxygen (O_2) concentrations were measured to correct emission rates to 7% O_2 . Testing was performed to determine if the plant was operating in compliance with requirements of the Florida Department of Environmental Protection (FDEP).

2.0 SUMMARY OF RESULTS

The facility was found to be in compliance with all applicable emission limiting standards. Results of the particulate and carbon monoxide testing are summarized in Table 1. Particulate emissions from this source are limited to a maximum allowable concentration of 0.080 grains per dry standard cubic foot (corrected to 7% O_2), and 0.30 pounds per hour. The average measured particulate concentration was 0.009 grains per dry standard cubic foot (corrected to 7% O_2), and 0.031 pounds per hour, well within the limit. The maximum allowable carbon monoxide emissions concentration from this source is 100 parts per million, dry basis (corrected to 7% O_2), and 0.17 pounds per hour. The average measured carbon monoxide emission concentration was 4.3 parts per million, dry basis (corrected to 7% O_2), and 0.01 pounds per hour, well within the allowable limit.

A visible emissions evaluation was performed over a one hour period. The average

TABLE 1. EMISSIONS TEST SUMMARY

Company: FOSTER'S PET CREMATION SERVICE

Source: Animal Crematory Incinerator

	Run 1	Run 2	Run 3
Date of Run	3/9/04	3/9/04	3/9/04
Process Rate (lbs/hr)	124	124	124
Start Time (24-hr. clock)	1135	1302	1425
End Time (24-hr. clock)	1238	1403	1526
Vol. Dry Gas Sampled Meter Cond. (DCF)	35.293	36.308	37.298
Gas Meter Calibration Factor	0.986	0.986	0.986
Barometric Pressure at Barom. (in. Hg.)	30.14	30.14	30.14
Elev. Diff. Manom. to Barom. (ft.)	0	0	0
Vol. Gas Sampled Std. Cond. (DSCF)	34.324	34.476	35.476
Vol. Liquid Collected Std. Cond. (SCF)	8.020	6.794	5.913
Moisture in Stack Gas (% Vol.)	18.9	16.5	14.3
Molecular Weight Dry Stack Gas	29.04	29.12	29.30
Molecular Weight Wet Stack Gas	26.95	27.29	27.69
Stack Gas Static Press. (in. H ₂ O gauge)	-0.01	-0.01	-0.01
Stack Gas Static Press. (in. Hg. abs.)	30.14	30.14	30.14
Average Square Root Velocity Head	0.164	0.175	0.178
Average Orifice Differential (in. H ₂ O)	1.049	1.041	1.118
Average Gas Meter Temperature (°F)	80.6	93.7	92.9
Average Stack Gas Temperature (°F)	1240.3	1367.1	1359.6
Pitot Tube Coefficient	0.84	0.84	0.84
Stack Gas Vel. Stack Cond. (ft./sec.)	17.01	18.68	18.85
Effective Stack Area (sq. ft.)	1.77	1.77	1.77
Stack Gas Flow Rate Std. Cond. (DSCFM)	457	482	501
Stack Gas Flow Rate Stack Cond. (ACFM)	1,803	1,981	1,999
Net Time of Run (min.)	60	60	60
Nozzle Diameter (in.)	0.611	0.611	0.611
Percent Isokinetic	108.7	103.6	102.5

TABLE 1. EMISSIONS TEST SUMMARY (con't)

Company: FOSTER'S PET CREMATION SERVICE
 Source: Animal Crematory Incinerator

	Run 1	Run 2	Run 3	
Date of Run	3/9/04	3/9/04	3/9/04	
Process Rate (lbs/hr)	124	124	124	
Start Time (24-hr. clock)	1135	1302	1425	
End Time (24-hr. clock)	1238	1403	1526	
Oxygen (%)	8.0	10.0	10.5	
				<u>Average</u>
Particulate Collected (mg.)	34.0	11.1	7.4	
Particulate Emissions (gr./DSCF)	0.015	0.005	0.003	0.008
Particulate Emissions (gr./DSCF @ 7% O2)	0.016	0.006	0.004	0.009
Allowable Part. Emissions (gr./DSCF @ 7% O2)				0.080
Particulate Emissions (lb./hr.)	0.060	0.021	0.014	0.031
Allowable Part. Emissions (lb./hr.)				0.30
CO Emissions (PPM)	3.08	2.25	5.00	4.3
CO Emissions (PPM @ 7% O2)	3.3	2.9	6.7	4.3
Allowable CO Emissions (PPM @ 7% O2)				100
CO Emissions (lb./hr.)	0.006	0.005	0.011	0.007
Allowable CO Emissions (lb./hr.)				0.12

Note: Standard conditions 68°F, 29.92 in. Hg

maximum six minute opacity was zero percent, well within the allowable limit of 5 percent.

3.0 PROCESS DESCRIPTION

The B & L Systems, Inc. Model BLP 500/150 Series crematory incinerator cremates animal remains in an environmentally acceptable manner. Emissions are controlled by an afterburner. The afterburner is preheated and maintained at a minimum operating temperature of 1600°F prior to ignition of the primary chamber. The unit is designed to be charged with a maximum of 500 pounds of animal remains and incinerate at a maximum rate of 150 pounds per hour with a maximum heat input of 1.35 MMBTU per hour (primary chamber 0.35 MMBTU per hour, secondary chamber 1.0 MMBTU/hr), each chamber fired exclusively on propane gas only. The time required for complete incineration depends upon the total weight of the waste. Process operational data was provided by facility personnel and is included in the appendix.

4.0 SAMPLING PROCEDURES

4.1 Methods

All sampling was performed using methods currently acceptable to the FDEP. Particulate sampling and analyses were conducted in accordance with EPA Method 5 - Determination of Particulate Emissions from Stationary Sources, 40 CFR 60, Appendix A-3. Carbon monoxide emissions were conducted in accordance with EPA Method 10 - Determination of Carbon Monoxide Emissions from Stationary Sources, 40 CFR 60, Appendix A-4. The oxygen content of the stack gas was determined in accordance with EPA Method 3B - Gas

Analysis for the Determination of Emission Rate Correction Factor or Excess Air, 40 CFR 60, Appendix A-2. The visible emissions evaluation was performed using procedures described in EPA Method 9 - Visual Determination of the Opacity of Emissions from Stationary Sources, 40 CFR 60, Appendix A-4.

4.2 Sampling Locations

Locations of the sample ports and stack dimensions are shown in Figure 1. Particulate sampling was accomplished by conducting horizontal traverses through each of two ports located on the stack at a ninety degree angle from one another. Twenty four sample points were chosen in accordance with EPA Method 1 - Sample and Velocity Traverses for Stationary Sources, 40 CFR 60, Appendix A-1. Carbon monoxide and oxygen sampling were performed from the same sampling ports as the particulate sampling.

4.3 Sampling Trains

The particulate sampling train consisted of a Nutech Corporation 3 foot quartz lined probe and nozzle, a heated glass fiber filter and four impingers arranged as shown in Figure 2. Flexible tubing was used between the heated filter and the impingers. The first two impingers were each charged with 100 milliliters of water, the third served as a dry trap and the fourth impinger was charged with indicating silica gel desiccant. The impingers were cooled in an ice and water bath during sampling. A Nutech Corporation control console was used to monitor the gas flow rates and stack conditions during sampling.

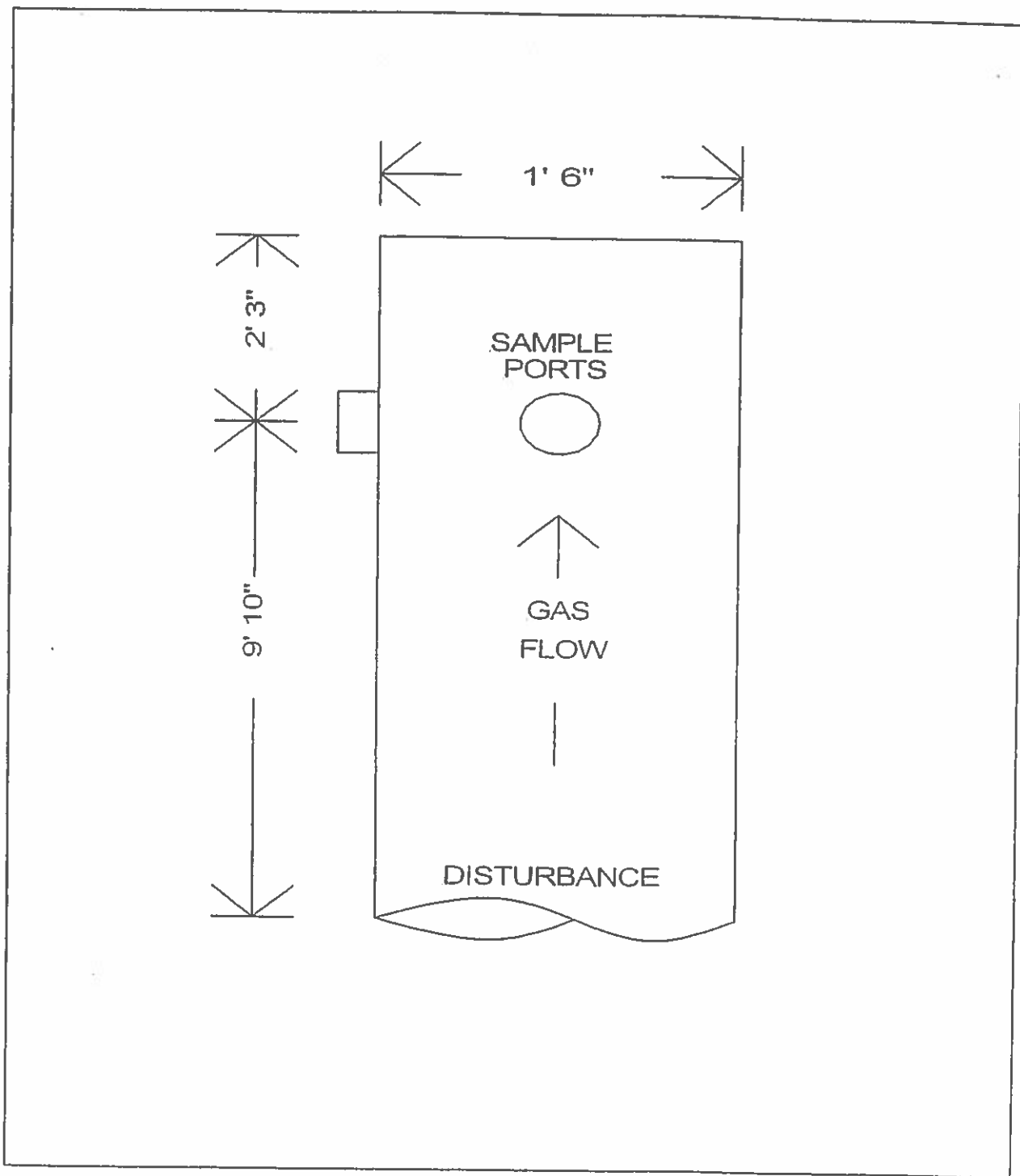


Figure 1. Stack Dimensions and Sample Port Locations, Foster's Pet Cremation Service, Animal Crematory Incinerator, Spring Hill, Florida.

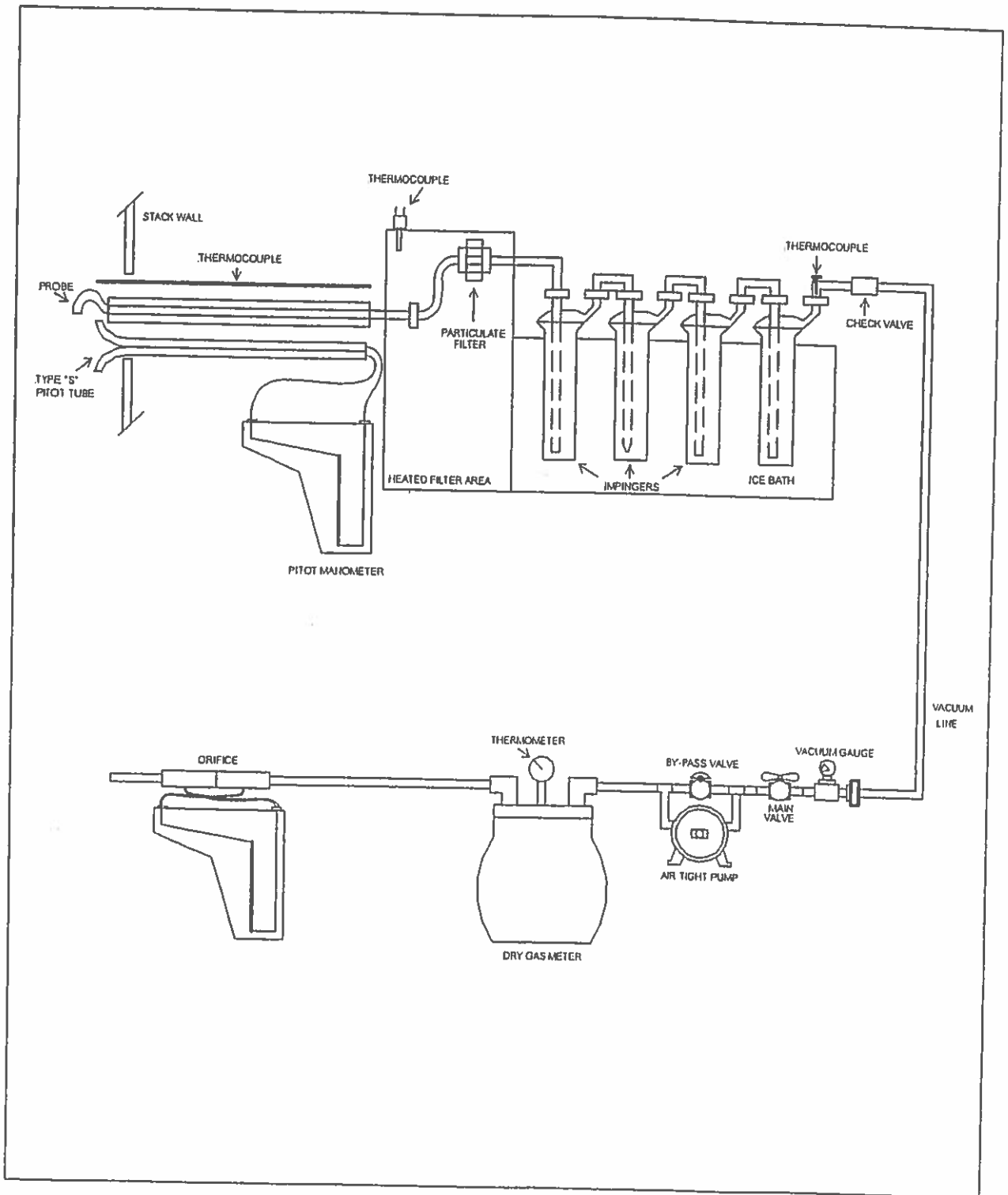


Figure 2. EPA Method 5 Sampling Train.

The carbon monoxide sampling train consisted of a stainless steel probe, teflon sample line, condenser, silica gel and carbon dioxide adsorbent tubes and a Thermo Environmental Instruments, Inc. Model 48 Gas Filter Correlation CO analyzer arranged as shown in Figure 3. The oxygen sampling train consisted of a probe, sample line, tedlar bag in a rigid container, valve, vacuum pump, and flow meter.

4.4 Sample Collection

Prior to particulate sampling, the pitot tubes were checked for leaks and the manometers were zeroed. A pretest leak check of the particulate sampling train was conducted by sealing the nozzle and applying a 15" Hg vacuum. A leak rate of less than 0.02 cubic feet per minute was considered acceptable. Particulate sample was collected isokinetically for two and one half minutes at each of the points sampled.

The carbon monoxide analyzer was calibrated immediately prior to the beginning of the test and checked after each run by introducing known gases into the instrument through the sampling train.

The tedlar bag used for obtaining an integrated oxygen sample was leak checked prior to the test by pressurizing it to 2 to 4 in. H₂O and allowing it to stand overnight. The bag was considered leak free if it remained inflated. A one hour integrated sample was obtained at a rate 0.5 liters per minute for each run.

Carbon monoxide and oxygen sampling were conducted simultaneously with particulate

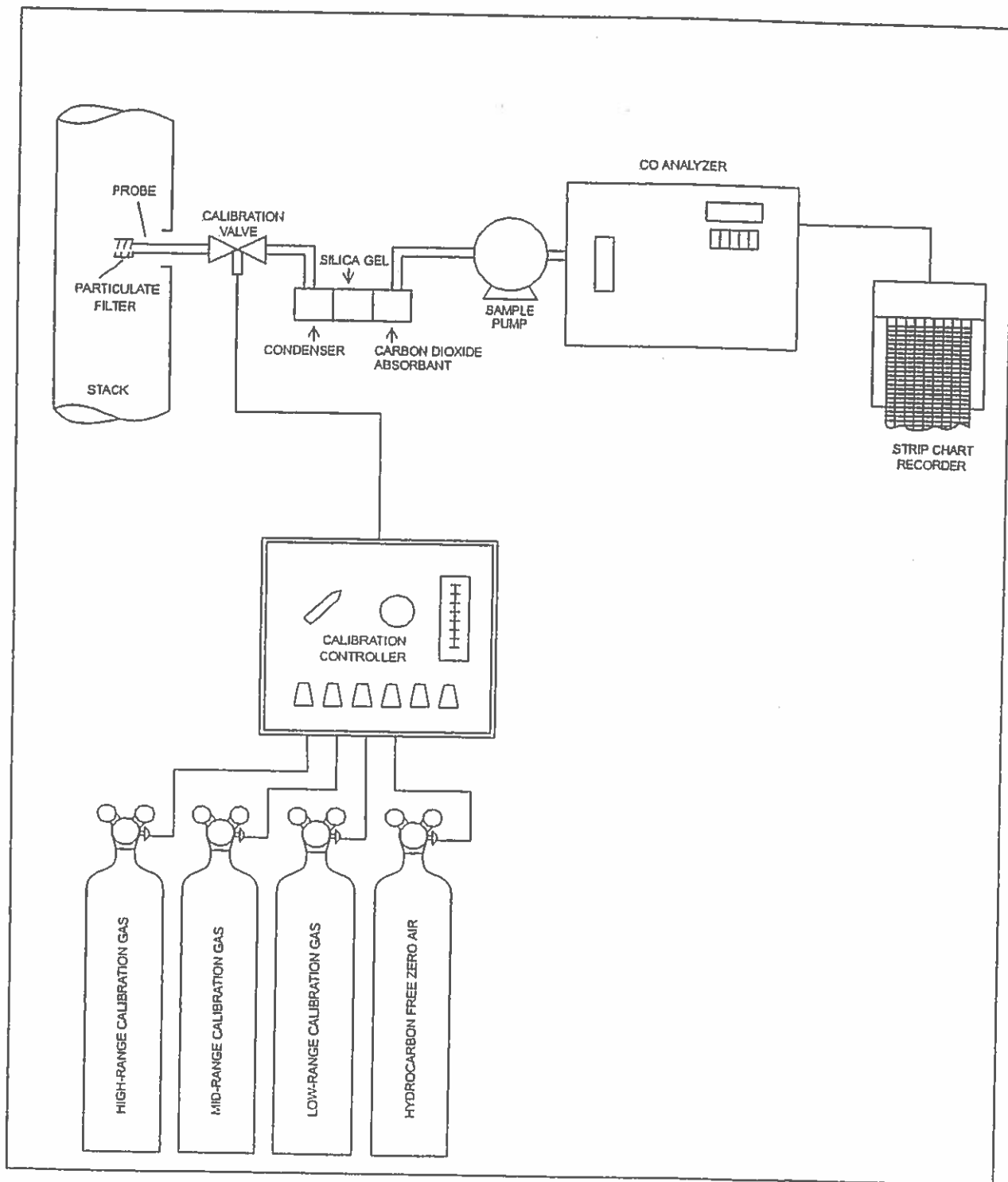


Figure 3. EPA Method 10 Sampling Train.

sampling.

4.5 Sample Recovery

A post test leak check of the particulate sampling train was performed at the completion of each run by sealing the nozzle and applying a vacuum equal to or greater than the maximum value reached during the sample period. A leak rate of less than 0.02 CFM or 4 percent of the average sampling rate (whichever was less) was considered acceptable. The nozzle and probe were then brushed and rinsed with reagent grade acetone and the washings were placed in clean polyethylene containers and sealed. The glass fiber filter was removed from the holder with forceps and placed in a covered petri dish for return to the laboratory. The front half of the filter holder was rinsed with acetone and the washings were added to the nozzle and probe wash. The contents of the first three impingers were measured volumetrically and the silica gel in the fourth impinger was weighed to the nearest 0.1 gram for determination of moisture content.

Two calculations of the moisture content of the stack gas were made for each run, one from the impinger analysis and one from the assumption of saturated conditions based upon the average stack gas temperature and a psychrometric chart as described in EPA Method 4, Determination of Moisture Content in Stack Gases, 40 CFR 60, Appendix A. The lower of the two values of moisture content was considered to be correct and was used in the emissions computations.

5.0 ANALYTICAL PROCEDURE

5.1 Pretest Preparation

The glass fiber filters for the particulate train were numbered, oven dried at 105°C for two to three hours, desiccated and weighed to a constant weight in preparation for the test. Results were recorded to the nearest 0.1 milligram. Filters were loaded into holders and a filter was set aside as a control blank. The impingers were charged as described in section 4.3 and the contents of the fourth impinger were weighed to the nearest 0.1 gram.

5.2 Analysis

Upon return to the laboratory, the particulate filters were removed from the containers with forceps, dried at 105°C for two to three hours, desiccated and weighed to a constant weight. Results were recorded to the nearest 0.1 milligram. The probe and nozzle washes and an acetone blank were measured volumetrically and transferred to clean, tared evaporating dishes and evaporated to dryness over low heat. The evaporating dishes were then oven dried at 105°C for two to three hours, desiccated and weighed to a constant weight. Results were recorded to the nearest 0.1 milligram. The total particulate reported is the sum of the filter weight gain and the weight gain of the evaporating dishes, corrected for the acetone blank.

APPENDIX

Project Participants

Certification

Visible Emissions Evaluation

Process Operational Data

Laboratory Data

Temperature Recording Chart

Field Data Sheets

CO Analyzer Strip Chart

Calibration Data

Calculations and Symbols

SOUTHERN ENVIRONMENTAL SCIENCES, INC.
1204 North Wheeler Street, Plant City, Florida 33566 (813)752-6014

VISIBLE EMISSIONS EVALUATION

COMPANY Foster's Pet Cremation Service	
UNIT Animal Crematory Incinerator	
ADDRESS 15204 County Line Rd Spring Hill, FL	
PERMIT NO. 1010377-002-A0	COMPLIANCE? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
AIRS NO. 1010377	EU NO. 003
PROCESS RATE 497 lb Batch 124 lbs/hr	PERMITTED RATE 500 lb Batch 150 lbs/hr
PROCESS EQUIPMENT Batch 500/150 crematory	
CONTROL EQUIPMENT Air Turbine	
OPERATING MODE Nat. Gas Fired	AMBIENT TEMP. (°F) START 70 STOP 75
HEIGHT ABOVE GROUND LEVEL START ~20' STOP same	HEIGHT REL. TO OBSERVER START ~20' STOP same
DISTANCE FROM OBSERVER START ~80' STOP same	DIRECTION FROM OBSERVER START 350° STOP 350°
EMISSION COLOR NONE	PLUME TYPE N/A CONTIN. <input type="checkbox"/> INTERMITTENT <input type="checkbox"/>
WATER DROPLETS PRESENT NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>	IS WATER DROPLET PLUME N/A ATTACHED <input type="checkbox"/> DETACHED <input type="checkbox"/>
POINT IN THE PLUME AT WHICH OPACITY WAS DETERMINED START Stack Exit STOP same	
DESCRIBE BACKGROUND START SKY STOP same	
BACKGROUND COLOR START SB/W STOP same	SKY CONDITIONS START Scat. STOP same
WIND SPEED (MPH) START 3-10 STOP same	WIND DIRECTION START S STOPS S
AVERAGE OPACITY FOR HIGHEST PERIOD 0%	RANGE OF OPAC. READINGS MIN. 0 MAX. 0
SOURCE LAYOUT SKETCH DRAW NORTH ARROW	
COMMENTS Serial # 203-17-93	
#3 Incinerator	

OBSERVATION DATE 3/9/04					START TIME 1135					STOP TIME 1235				
SEC	0	15	30	45	SEC	0	15	30	45	MIN	0	15	30	45
MIN					MIN									
0	0	0	0	0	30	0	0	0	0	1	0	0	0	0
1	0	0	0	0	31	0	0	0	0	2	0	0	0	0
2	0	0	0	0	32	0	0	0	0	3	0	0	0	0
3	0	0	0	0	33	0	0	0	0	4	0	0	0	0
4	0	0	0	0	34	0	0	0	0	5	0	0	0	0
5	0	0	0	0	35	0	0	0	0	6	0	0	0	0
6	0	0	0	0	36	0	0	0	0	7	0	0	0	0
7	0	0	0	0	37	0	0	0	0	8	0	0	0	0
8	0	0	0	0	38	0	0	0	0	9	0	0	0	0
9	0	0	0	0	39	0	0	0	0	10	0	0	0	0
10	0	0	0	0	40	0	0	0	0	11	0	0	0	0
11	0	0	0	0	41	0	0	0	0	12	0	0	0	0
12	0	0	0	0	42	0	0	0	0	13	0	0	0	0
13	0	0	0	0	43	0	0	0	0	14	0	0	0	0
14	0	0	0	0	44	0	0	0	0	15	0	0	0	0
15	0	0	0	0	45	0	0	0	0	16	0	0	0	0
16	0	0	0	0	46	0	0	0	0	17	0	0	0	0
17	0	0	0	0	47	0	0	0	0	18	0	0	0	0
18	0	0	0	0	48	0	0	0	0	19	0	0	0	0
19	0	0	0	0	49	0	0	0	0	20	0	0	0	0
20	0	0	0	0	50	0	0	0	0	21	0	0	0	0
21	0	0	0	0	51	0	0	0	0	22	0	0	0	0
22	0	0	0	0	52	0	0	0	0	23	0	0	0	0
23	0	0	0	0	53	0	0	0	0	24	0	0	0	0
24	0	0	0	0	54	0	0	0	0	25	0	0	0	0
25	0	0	0	0	55	0	0	0	0	26	0	0	0	0
26	0	0	0	0	56	0	0	0	0	27	0	0	0	0
27	0	0	0	0	57	0	0	0	0	28	0	0	0	0
28	0	0	0	0	58	0	0	0	0	29	0	0	0	0
29	0	0	0	0	59	0	0	0	0					
Observer: Mark Gierke														
Certified by: FDP Certified at: Ty MP9														
Date Certified: 2/04 Exp. Date: 8/04														
I certify that all data provided to the person conducting the test was true and correct to the best of my knowledge:														
Signature: See Process with Statement														
Title:														

NBB-57

PROJECT PARTICIPANTS AND CERTIFICATION

**FOSTER'S PET CREMATION SERVICE
B & L SYSTEMS, INC. BLP 500/150
ANIMAL CREMATORY INCINERATOR
Spring Hill, Florida**


March 9, 2004

Project Participants:

Mark S. Gierke Dale A. Wingler Travis B. Nelson	Conducted the field testing.
Fred T. Smith II (Foster's Pet Cremation)	Provided process rates.
Mark S. Gierke	Performed visible emissions evaluation.
Kenneth M. Roberts	Performed laboratory analyses.
Dale A. Wingler	Prepared the final test report.

Certification:

I certify that to my knowledge all data submitted in this report is true and correct.



Mark S. Gierke

BS-88N

PROCESS WEIGHT STATEMENT

DATE 3/9/04 SAMPLING TIME: FROM 11:35 A.M. TO 3:25 P.M.

STATEMENT OF PROCESS WEIGHT

COMPANY:	Foster's Pet Cremation Service
MAILING ADDRESS	15204 County Line Rd.
	Spring Hill, FL 34610
SOURCE IDENTIFICATION	Animal Crematory Incinerator
SOURCE LOCATION	Spring Hill, FL

DATA ON OPERATING CYCLE TIME

START OF OPERATION, TIME	
END OF OPERATION, TIME	
ELAPSED TIME	
IDLE TIME DURING CYCLE	
DESIGN PROCESS RATING	PROCESS WEIGHT RATE (INPUT)
	PRODUCT (OUTPUT)

* 497 lbs/Batch

DATA ON ACTUAL PROCESS RATE DURING OPERATION CYCLE

MATERIAL	Animal Bodies	RATE	R#1 124 lbs/hr
MATERIAL	" "	RATE	R#2 124 lbs/hr
MATERIAL	" "	RATE	R#3 124 lbs/hr
AVERAGE PROCESS WEIGHT		RATE	
PRODUCT		RATE	
PRODUCT		RATE	
PRODUCT		RATE	

I certify that the above information is true and correct to the best of my knowledge.

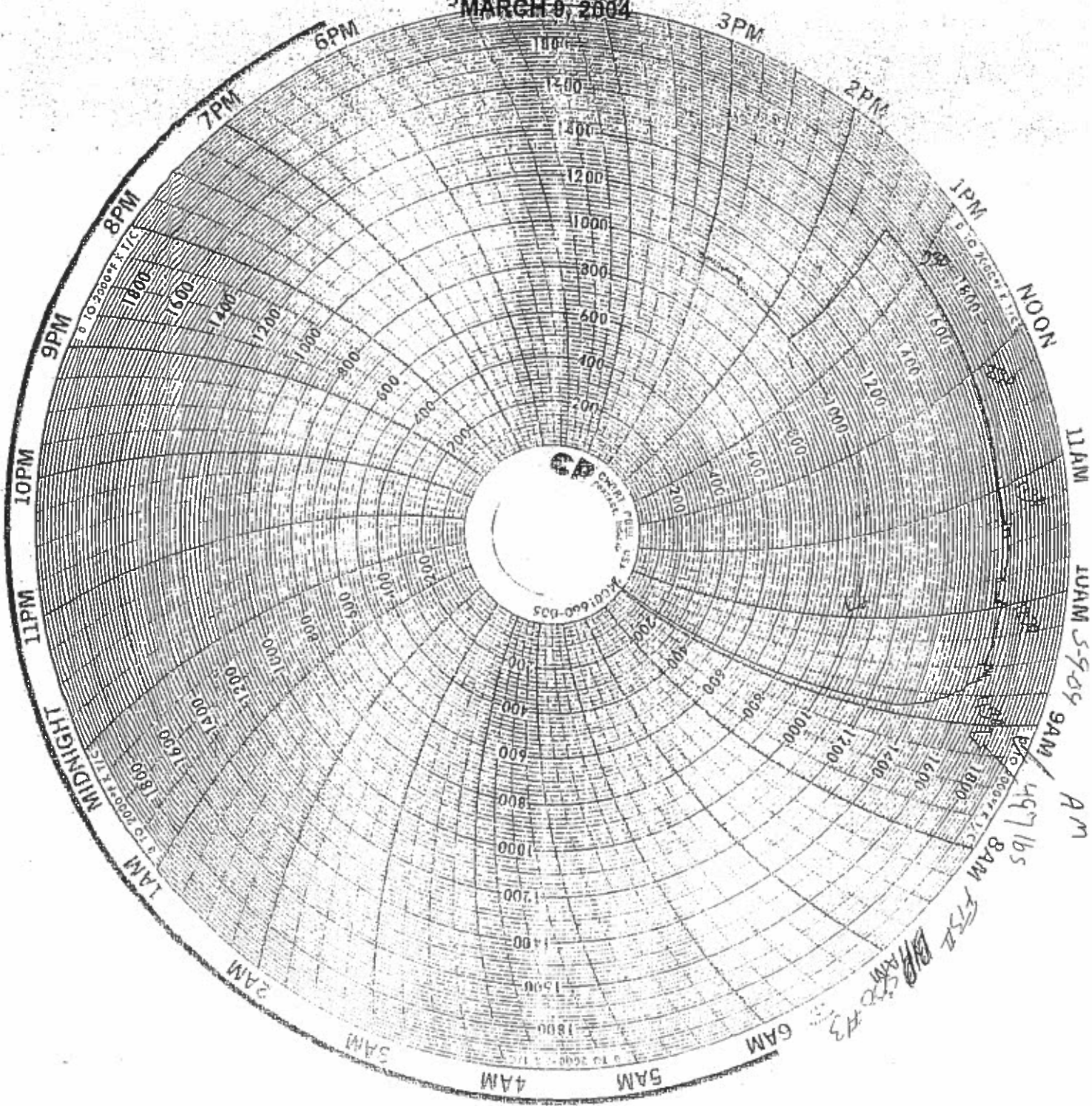
Name (PLEASE PRINT) Fred T. Smith

Signature [Signature]

Title Operator

FOSTER'S PET CREMATION SERVICE
 ANIMAL CREMATORY INCINERATOR

MARCH 9, 2004



98B-60

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

PARTICULATE MATTER COLLECTED

Plant: FOSTER'S PET CREMATION SERVICE
 Unit No. ANIMAL CREMATORY INCINERATOR
 Test Date: 03/09/2004

Analyzed by: DW

Acetone blank container no.	106	Filter blank no.	7158
Acetone blank volume, ml., (Va)	200	Filter blank tare weight, g.	0.3691
Acetone blank final weight, g.	104.2163	Filter blank final weight, g.	0.3692
Acetone blank tare weight, g.	104.2159	Filter weight diff., g.	0.0001
Acetone blank weight diff., g., (ma)	0.0004		

Run No. 1
 Filter No. 7111
 Liquid lost during transport, ml. 0
 Acetone wash container no. 23
 Acetone wash volume, ml. (Vaw) 100
 Acetone wash residue, g. (Wa) 0.0002

Container Number	WEIGHT OF PARTICULATE COLLECTED		
	Final Weight	Tare Weight	Weight Gain
1 (Filter)	0.3935	0.367	0.0265
2 (Wash)	100.6231	100.6154	0.0077
TOTAL			0.0342
Less acetone blank, g. (Wa)			0.0002
Weight of particulate matter, g.			0.0340

Run No. 2
 Filter No. 7113
 Liquid lost during transport, ml. 0
 Acetone wash container no. 43
 Acetone wash volume, ml. (Vaw) 95
 Acetone wash residue, g. (Wa) 0.0002

Container Number	WEIGHT OF PARTICULATE COLLECTED		
	Final Weight	Tare Weight	Weight Gain
1 (Filter)	0.3686	0.3661	0.0025
2 (Wash)	108.7303	108.7215	0.0088
TOTAL			0.0113
Less acetone blank, g. (Wa)			0.0002
Weight of particulate matter, g.			0.0111

Run No. 3
 Filter No. 7117
 Liquid lost during transport, ml. 0
 Acetone wash container no. 4
 Acetone wash volume, ml. (Vaw) 105
 Acetone wash residue, g. (Wa) 0.0002

Container Number	WEIGHT OF PARTICULATE COLLECTED		
	Final Weight	Tare Weight	Weight Gain
1 (Filter)	0.3695	0.3692	0.0003
2 (Wash)	103.1044	103.0971	0.0073
TOTAL			0.0076
Less acetone blank, g. (Wa)			0.0002
Weight of particulate matter, g.			0.0074

NBB-61-

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

MOISTURE COLLECTED

Plant Foster's Crematory

Unit Animal Incinerator
 Date 3/9/04
 Run No. 1

Impinger Number	1	2	3	4	Weighed by:
Final Weight (grams):	<u>260.0</u>	<u>100.0</u>	<u>0</u>	<u>261.0</u>	<u>[Signature]</u>
Initial Weight (grams):	<u>100.0</u>	<u>100.0</u>	<u>0</u>	<u>250.9</u>	<u>[Signature]</u>
Difference (grams):	<u>160.0</u>	<u>0</u>	<u>0</u>	<u>10.1</u>	
Total Condensate (grams):				<u>170.1</u>	

Unit Animal Incinerator
 Date ~~3/9/04~~ 3/9/04
 Run No. ~~1~~ 2

Impinger Number	1	2	3	4	Weighed by:
Final Weight (grams):	<u>230.0</u>	<u>106.0</u>	<u>0</u>	<u>253.9</u>	<u>[Signature]</u>
Initial Weight (grams):	<u>100.0</u>	<u>100.0</u>	<u>0</u>	<u>245.8</u>	<u>[Signature]</u>
Difference (grams):	<u>130.0</u>	<u>6.0</u>	<u>0</u>	<u>8.1</u>	
Total Condensate (grams):				<u>144.1</u>	

Unit Animal Incinerator
 Date 3/9/04
 Run No. 3

Impinger Number	1	2	3	4	Weighed by:
Final Weight (grams):	<u>210.0</u>	<u>106.0</u>	<u>0</u>	<u>255.0</u>	<u>[Signature]</u>
Initial Weight (grams):	<u>100.0</u>	<u>100.0</u>	<u>0</u>	<u>245.6</u>	<u>[Signature]</u>
Difference (grams):	<u>110.0</u>	<u>6.0</u>	<u>0</u>	<u>9.4</u>	
Total Condensate (grams):				<u>115.4</u>	

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SOUTHERN ENVIRONMENTAL SCIENCES, INC.

FIELD DATA SHEET

Company Foster's Pet Cremation Service
 Source Animal Crematory
 Operator(s) D. W. Taylor / T. Nelson

Run Number 2
 Date 3/4/04
 24 hr Time at Start 1302
 24 hr Time at End 1403
 Filter No(s) 713
 Barometric Pressure ("Hg) 30.14
 Elev Diff. Mano. To Barom. (Ft) 0
 Ambient Temperature (°F) 72

Dimensions Dia
 LxW 18"
 Static Press. ("H2O) -01
 Meter Box No. 002
 Meter ΔH@ 1.726
 Meter Correction Factor 496
 Pitot Tube Cp .84
 Nozzle ID Quartz
 Nozzle Dia. (Inches) .611
 Probe Length/Liner 3' Quartz

Assumptions
 % Moisture 15
 Stack Temp. 1350
 Meter Temp. 95
 Md/Ms 1.04
 K Factor 33.98

Sample Train Leak Check:
 Initial 0.002 CFM @ 15 "ft
 Final 0.002 CFM @ 10 "ft
 Initial Pitot Tube (-) (+)
 Final Pitot Tube (-) (+)

Moist. Collected: Imp. No. 1, Imp. No. 2 & 3, Imp. No. 4, Total

Point No.	Sample Time (min.)	Meter Vol. Vm (ft³)	Vel. Head ΔP ("H₂O)	Orifice Diff. ΔH ("H₂O)	Stack Temp., Ts (°F)	Meter Temp., Tm (°F)	Hot Box Temp. (°F)	Exit Temp. (°F)	Pump Vacuum ("Hg)	Other
1	0	83.822	.03	1.02	1190	89	241	64	1.0	
2	2.5	85.35	.03	1.02	1350	89	242	64	1.0	
3	5	86.86	.035	1.19	1356	90	240	64	1.0	
4	7.5	88.43	.04	1.36	1374	91	241	63	1.0	
5	10	90.12	.04	1.36	1380	92	255	63	1.5	
6	12.5	91.84	.04	1.36	1395	93	263	63	1.5	
7	15	93.57	.03	1.02	1338	93	249	63	1.0	
8	17.5	95.07	.03	1.02	1398	94	267	62	1.0	
9	20	96.57	.03	1.02	1390	94	260	63	1.0	
10	22.5	98.07	.03	1.02	1380	94	263	62	1.0	
11	25	99.57	.03	1.02	1377	94	261	62	1.0	
12	27.5	101.07	.03	1.02	1387	94	257	62	1.0	
13	30	102.56	.03	1.02	1364	94	268	61	1.0	
14	32.5	104.07	.03	1.02	1377	94	270	61	1.0	
15	35	105.58	.035	1.19	1376	94	268	60	1.0	
16	37.5	107.18	.03	1.02	1382	94	263	60	1.0	
17	40	108.68	.03	1.02	1399	95	267	60	1.0	
18	42.5	110.2	.035	1.19	1402	95	270	58	2.0	
19	45	111.79	.025	.85	1382	96	257	58	1.0	
20	47.5	113.25	.025	.85	1369	96	248	58	1.0	
21	50	114.62	.025	.85	1368	96	246	58	1.0	
22	52.5	116.00	.025	.85	1369	96	243	58	1.0	
23	55	117.37	.025	.85	1377	96	241	57	1.0	
24	57.5	118.75	.025	.85	1368	96	244	57	1.0	
	60	120.130								

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Airgas Specialty Gases
 12722 South Wentworth Avenue
 Chicago, IL 60628
 773 785.3000 Fax: 773 785.1928
 www.airgas.com

Certificate of Analysis: E.P.A. Protocol Gas Mixture

Certification performed in accordance with "EPA Traceability Protocol (Sept. 1997)"
 using assay procedures listed.

Cylinder No:	<u>SX32489</u>	Order No:	<u>157779-00</u>
Certification Date:	<u>01/6/2003</u>	Expiration Date:	<u>01/6/2006</u>
Cylinder Pressure:	<u>2000</u>	Part No:	<u>E02NI98E15A0700</u>

*Do not use cylinder below 150 psig.

Component	Certified Concentration	Unit of Measure	Accuracy	Procedure	Analytical Principle
Carbon Monoxide	120.7	PPM	1%	G-1	NDIR
Nitrogen	Balance				

Nox
 (Reference Value Only)

Reference Standard Information

Type	Component	Concentration	Unit	Cylinder Number
NTRM	Carbon Monoxide	244.7	PPM	SG9159519BAL

Analytical Data

Component 1	<u>Carbon Monoxide.</u>			
1st Analysis Date:	<u>12/30/2002</u>			
Zero	<u>0.000</u>	Cand	<u>120.700</u>	Ref <u>244.800</u>
Zero	<u>0.000</u>	Cand	<u>120.700</u>	Ref <u>244.800</u>
Zero	<u>0.000</u>	Cand	<u>120.700</u>	Ref <u>244.800</u>
2nd Analysis Date:	<u>01/06/03</u>			
Zero	<u>0.000</u>	Cand	<u>120.800</u>	Ref <u>244.800</u>
Zero	<u>0.000</u>	Cand	<u>120.800</u>	Ref <u>244.800</u>
Zero	<u>0.000</u>	Cand	<u>120.900</u>	Ref <u>244.700</u>

Analyzed by: *Alvin Flores*

Approved by: *[Signature]*

Certificate of Analysis EPA Protocol Gas Mixture

Cylinder No:	SG9162702BAL	Reference Number:	54-ST9736-000
Cylinder Pressure:	2,013 psig	Expiration Date:	09/30/2006
Certification Date:	09/30/2003	Laboratory:	ASG - Chicago - IL

Certified Concentrations

Component	Concentration	Accuracy	Analytical Principle	Procedure
Carbon Monoxide	142.4 PPM	+/- 1%	NDIR	G1
Nitrogen	Balance			

Certification performed in accordance with "EPA Traceability Protocol (Sept. 1997)" using the assay procedures listed. Analytical Methodology does not require correction for analytical interferences.

Notes:

Do not use cylinder below 150 psig.

Approved for Release 6.31

Reference Standard Information

<u>Type</u>	<u>Component</u>	<u>Cyl. Number</u>	<u>Concentration</u>
NTRM	Carbon Monoxide	SG9159474BAL	244.7 PPM

Analytical Results

1st Component		Carbon Monoxide	
1st Analysis Date: 09/22/2003			
R	244.7 S	142.3 Z	0.0000 Conc 142.4 PPM
S	142.4 Z	0.0000 R	244.7 Conc 142.3 PPM
Z	0.0000 R	244.7 S	142.4 Conc 142.4 PPM
AVG: 142.4 PPM			
2nd Analysis Date: 09/30/2003			
R	244.7 S	142.5 Z	0.0000 Conc 142.4 PPM
S	142.4 Z	0.0000 R	244.7 Conc 142.5 PPM
Z	0.0000 R	244.7 S	142.5 Conc 142.5 PPM
AVG: 142.5 PPM			

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

FIELD DATA SHEET

Company Foster's Crematory
 Source Animal Crematory - Engineer
 Operator(s) D. Dwyler / T. Nelson

Run Number 1
 Date 3/9/04
 24 hr Time at Start 11:35
 24 hr Time at End 12:38
 Filter No(s) 711
 Barometric Pressure ("Hg) 30.14
 Elev Diff. Mano. To Barom. (Ft) 0
 Ambient Temperature (°F) 68

Dimensions Dia
 LxW 18"
 Static Press. ("H2O) -.01
 Meter Box No. 002
 Meter ΔH@ 1.726
 Meter Correction Factor .986
 Pitot Tube Cp .84
 Nozzle ID Quartz
 Nozzle Dia. (Inches) .611
 Probe Length/Liner 3' Quartz

Assumptions
 % Moisture 14
 Stack Temp. 1000/1200
 Meter Temp. 75
 Md/Ms 6.05
 K Factor 42.42/37.31

Sample Train Leak Check:
 Initial 0.002 CFM @ 15 "H₂O
 Final 0.002 CFM @ 10 "H₂O
 Initial Pitot Tube (-) (+)
 Final Pitot Tube (-) (+)
 * 0-.25" Magnehelic used *
 Filter Tare Wt.

Moist. Collected: Imp. No. 1, Imp. No. 2 & 3, Imp. No. 4, Total

Point No.	Sample Time (min.)	Meter Vol. Vm (ft ³)	Vel. Head ΔP ("H ₂ O)	Orifice Diff. ΔH ("H ₂ O)	Stack Temp., Ts (°F)	Meter Temp., Tm (°F)	Hot Box Temp. (°F)	Exit Temp. (°F)	Pump Vacuum ("Hg)	Other
1	0	045.727	.02	.85	1350	66	269	63	2.0	
2	2.5	47.10	.04	1.7	1349	67	269	63	2.0	
3	5	48.67	.04	1.7	1359	68	267	62	3.0	
4	7.5	50.66	.02	.85	1323	70	265	62	1.5	
5	10	52.04	.02	.95	1299	71	265	61	1.5	
6	12.5	53.36	.02	.85	1280	72	269	61	1.5	
7	15	54.68	.025	.93	1194	73	265	62	1.5	
8	17.5	56.03	.025	.93	1170	74	264	61	2.0	
9	20	57.43	.02	.85	1113	76	264	61	1.5	
10	22.5	58.77	.025	.93	1119	77	256	60	1.5	
11	25	60.10	.025	.93	1152	78	249	60	2.0	
12	27.5	61.54	.025	.93	1180	79	257	60	2.0	
13	30	62.92	.03	1.12	1134	80	257	59	2.0	
14	32.5	64.42	.03	1.12	1142	81	256	59	3.0	
15	35	65.95	.03	1.12	1197	83	255	59	3.0	
16	37.5	67.16	.035	1.31	1235	84	252	59	3.5	
17	40	69.15	.035	1.31	1241	85	260	58	4.0	
18	42.5	70.83	.03	1.12	1241	87	267	58	4.0	
19	45	72.40	.025	.93	1254	89	268	59	4.0	
20	47.5	73.43	.025	.93	1275	90	262	58	3.5	
21	50	75.22	.025	.93	1289	91	268	58	3.5	
22	52.5	76.65	.025	.93	1274	92	263	58	3.5	
23	55	78.06	.03	1.12	1280	93	258	58	3.5	
24	57.5	79.58	.025	.93	1281	94	252	57	4.0	
	60	81.020					247	58	4.0	

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SOUTHERN ENVIRONMENTAL SCIENCES, INC.

FIELD DATA SHEET

Page 1 of 1

Company Foster's Pet Cremation Service
 Source Animal Crematory
 Operator(s) D. Douglas / T. Nelson

Run Number 3
 Date 3/9/04
 24 hr Time at Start 1425
 24 hr Time at End 1526
 Filter No(s) 2717
 Barometric Pressure ("Hg) 30.14
 Elev Diff. Mano. To Barom. (Ft) 0
 Ambient Temperature (°F) 72

Dimensions Dia
 LxW 18"
 Static Press. ("H2O) -0.01
 Meter Box No. 000
 Meter ΔH@ 1726
 Meter Correction Factor .986
 Pitot Tube Cp .84
 Nozzle ID Quartz
 Nozzle Dia. (Inches) .611
 Probe Length/Liner 3' Quartz

Assumptions
 % Moisture 12
 Stack Temp. 1375
 Meter Temp. 95
 Md/Ms 1.05
 K Factor 35.17

Sample Train Leak Check:
 Initial 0.002 CFM @ 15 "Hg
 Final 0.002 CFM @ 10 "Hg
 Initial Pitot Tube (-) 1(+)
 Final Pitot Tube (-) 1(+)

Moist. Collected:- Imp. No. 1, Imp. No. 2 & 3, Imp. No. 4, Total

Point No.	Sample Time (min.)	Meter Vol. Vm (ft³)	Vel. Head ΔP ("H₂O)	Orifice Diff. ΔH ("H₂O)	Stack Temp., Ts (°F)	Meter Temp., Tm (°F)	Hot Box Temp. (°F)	Exit Temp. (°F)	Pump Vacuum ("Hg)	Filter Tare Wt.	Other
1	0	121.290	.04	1.41	1345	90	239	65	1.0		
2	2.5	123.00	.035	1.23	1375	90	240	65	1.0		
3	5	124.65	.04	1.41	1395	90	245	65	1.0		
4	7.5	126.39	.035	1.23	1386	90	243	64	1.0		
5	10	128.04	.035	1.23	1328	91	236	64	1.0		
6	12.5	129.69	.03	1.06	1324	91	249	63	1.0		
7	15	131.22	.03	1.06	1329	91	257	63	1.0		
8	17.5	132.72	.03	1.06	1340	92	264	62	1.0		
9	20	134.24	.03	1.06	1350	92	269	62	1.0		
10	22.5	135.76	.035	1.23	1362	92	268	62	1.5		
11	25	137.40	.03	1.06	1371	93	269	61	1.5		
12	27.5	138.91	.03	1.06	1385	93	265	61	1.5		
13	30	140.43	.03	1.06	1391	93	260	61	1.5		
14	32.5	141.96	.03	1.06	1380	93	252	60	1.5		
15	35	143.46	.03	1.06	1370	93	248	61	1.0		
16	37.5	144.97	.03	1.06	1352	93	248	60	1.5		
17	40	146.49	.03	1.06	1344	94	252	60	1.5		
18	42.5	148.00	.03	1.06	1347	94	257	60	1.5		
19	45	149.51	.03	1.06	1345	95	266	60	1.5		
20	47.5	151.02	.03	1.06	1349	95	267	59	1.5		
21	50	152.52	.03	1.06	1360	96	264	59	1.5		
22	52.5	154.04	.03	1.06	1361	96	262	60	1.5		
23	55	155.55	.03	1.06	1363	96	261	60	1.5		
24	57.5	157.10	.03	1.06	1370	96	260	60	1.0		
	60	158.578									

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SOUTHERN ENVIRONMENTAL SCIENCES, INC.

GAS ANALYSIS DATA FORM

Plant	Foster's Pet Cremation Service		
Unit	Animal Crematory Incinerator	Test No.	1
Date	3/9/04	Sampling Location	Stack
Sampling Time (24-hr Clock)	1135-1235		
Sample Type: Continuous <input type="checkbox"/>	Integrated Bag <input checked="" type="checkbox"/>	Grab <input type="checkbox"/>	
Analytical Method	DISAT		
Operator	MG		
	Ambient Temperature 68°F		

GAS ↓	1		2		3		Average Net Volume	Multiplier	Molecular Weight of Stack Gas (Dry Basis) (M _d)
	Actual Reading	Net	Actual Reading	Net	Actual Reading	Net			
CO ₂	4.5	4.5	4.5	4.5	4.5	4.5	.44		
O ₂ (NET IS ACTUAL O ₂ READING MINUS ACTUAL CO ₂ READING)	12.5	8.0	12.5	8.0	12.6	8.1	.32		
CO (NET IS ACTUAL CO READING MINUS ACTUAL O ₂ READING)							.28		
N ₂ (NET IS 100 MINUS ACTUAL CO READING)							.28		
	TOTAL								

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SOUTHERN ENVIRONMENTAL SCIENCES, INC.

GAS ANALYSIS DATA FORM

Plant	Foster's Pet Cremation Service		
Unit	Animal Crematory Incinerator	Test No.	2
Date	3/9/04	Sampling Location	Stack
Sampling Time (24-hr Clock)	1302-1402		
Sample Type: Continuous <input type="checkbox"/>	Integrated Bag <input checked="" type="checkbox"/>	Grab <input type="checkbox"/>	
Analytical Method	DISAT		
Operator	MG		
	Ambient Temperature 74°F		

GAS ↓	1		2		3		Average Net Volume	Multiplier	Molecular Weight of Stack Gas (Dry Basis) (Md)	
	Actual Reading	Net	Actual Reading	Net	Actual Reading	Net				
CO ₂	4.5	4.5	4.5	4.5	4.5	4.5	4.5	.44		
O ₂ (NET IS ACTUAL O ₂ READING MINUS ACTUAL CO ₂ READING)	14.5	10.0	14.5	10.0	14.5	10.0	10.0	.32		
CO (NET IS ACTUAL CO READING MINUS ACTUAL O ₂ READING)								.28		
N ₂ (NET IS 100 MINUS ACTUAL CO READING)								.28		
	TOTAL									

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

GAS ANALYSIS DATA FORM

Plant	Foster's Pet Cremation Service		
Unit	Animal Crematory	Test No.	3
Date	3/9/04	Sampling Location	Stack
Sampling Time (24-hr Clock)	1425-1525		
Sample Type:	Continuous <input type="checkbox"/>	Integrated Bag <input checked="" type="checkbox"/>	Grab <input type="checkbox"/>
Analytical Method	OISAT		
Operator	MG		
		Ambient Temperature	75°

GAS ↓	1		2		3		Average Net Volume	Multiplier	Molecular Weight of Stack Gas (Dry Basis) (M/d)	
	Actual Reading	Net	Actual Reading	Net	Actual Reading	Net				
CO ₂	5.5	5.5	5.5	5.5	5.5	5.5	5.5	.44		
O ₂ (NET IS ACTUAL O ₂ READING MINUS ACTUAL CO ₂ READING)	16.0	10.5	16.0	10.5	16.0	10.5	10.5	.32		
CO (NET IS ACTUAL CO READING MINUS ACTUAL O ₂ READING)								.28		
N ₂ (NET IS 100 MINUS ACTUAL CO READING)								.28		
	TOTAL									

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

POSTTEST DRY GAS METER CALIBRATION FORM

Meter Box Number: 002 Wet Test Meter No.: P-576
 Date: 03/24/2004 Pretest Y: 0.986
 Barometric Pressure: 30.38 Calibrated by: TW

Gas Volume	Wet Test Meter	Dry Gas Meter	Inlet Temp	Outlet Temp	Barometric Pressure	Wet Test Meter	Dry Gas Meter	
2.00	10.000	10.363	71.5	78.0	12.57	10.00	0.972	
2.00	10.000	10.503	71.0	86.0	12.62	10.00	0.974	
2.00	10.000	10.632	71.0	93.0	12.67	10.00	0.975	
Average								0.974

Acceptable Limits 0.937 to 1.035

$$Y_i = \frac{V_w P_b (T_d + 460)}{V_d (P_b + \Delta H / 13.6) (T_w + 460)}$$

Where:

- V_w = Gas volume passing through the wet test meter, ft.³.
- V_d = Gas volume passing through the dry gas meter, ft.³.
- T_w = Temperature of the gas in the wet test meter, deg F.
- T_{di} = Temperature of the inlet gas of the dry gas meter, deg F.
- T_{do} = Temperature of the outlet gas of the dry gas meter, deg F.
- Delta H = Pressure differential across orifice. in. H₂O.
- Y_i = Ratio of accuracy of wet test meter to dry gas meter for each run.
- Y = Average ratio of accuracy of wet test meter to dry gas meter for all three runs; tolerance = pretest Y +/- 0.05Y.
- P_b = Barometric pressure, in. Hg
- Theta = Time of calibration run, min.

THERMOMETER CALIBRATIONS

Reference	Wet Test Meter		Dry Gas Meter	
	Inlet	Outlet	Inlet	Outlet
Deg F	Deg F	Deg F	Deg F	Deg F
75.0	n/a	73.0	n/a	73.0
Difference	n/a	2.0	n/a	2.0

Quality Control Limits = +/- 5 Deg F

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

DRY GAS METER CALIBRATION

Meter Box Number: 002 Barometric Pressure: 29.99
 Date: 07/03/2003 Wet Test Meter No.: P-576

Orifice Meter Reading (Delta H) (in. H2O)	Gas Volume		Temperature		Time (Theta) (min)	Yi	Delta H@ (in. H2O)
	Wet Test Meter (Vw) (ft.³)	Dry Gas Meter (Vd) (ft.³)	Wet Test Meter (Tw) (deg F)	Dry Gas Meter (Td) (deg F)			
0.50	5.000	5.155	76.0	86.5	12.15	0.988	1.641
1.00	5.000	5.196	76.0	91.0	8.88	0.987	1.738
1.50	10.000	10.428	76.0	93.0	14.28	0.986	1.680
2.00	10.000	10.470	75.5	95.0	12.50	0.985	1.707
3.00	10.000	10.489	75.0	97.0	10.43	0.985	1.773
4.00	10.000	10.485	75.0	98.0	9.15	0.985	1.816
						0.986	1.726

Delta H@ Acceptable Range 1.926 to 1.526
 Yi Acceptable Range 1.006 to 0.966

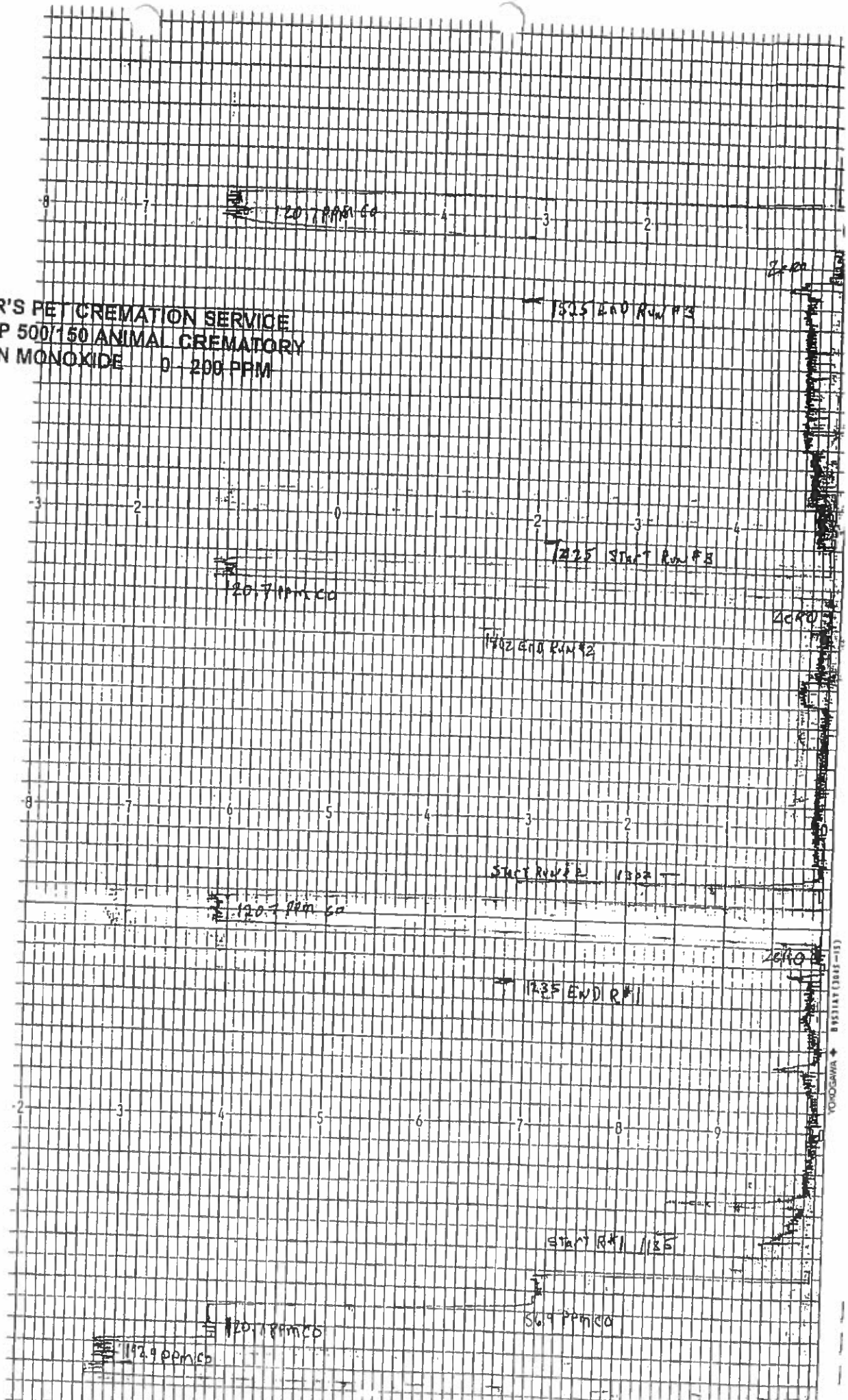
$$Y_i = \frac{V_w P_b (T_d + 460)}{V_d (P_b + \Delta H / 13.6) (T_w + 460)}$$

$$\Delta H@ = \frac{.0317 (\Delta H)}{P_b (T_d + 460)} \left[\frac{(T_w + 460) (Theta)}{V_w} \right]^2$$

Where:

- Vw = Gas Volume passing through the wet test meter, ft.³
- Vd = Gas Volume passing through the dry gas meter, ft.³
- Tw = Temperature of the gas in the wet test meter, deg F.
- Td = Average temperature of the gas in the dry gas meter, deg F.
- Delta H = Pressure differential across orifice, in. H2O.
- Yi = Ratio of accuracy of wet test meter to dry gas meter for each run.
- Y = Average ratio of accuracy of wet test meter to dry gas meter for all three runs; tolerance = pretest Y +/- 0.05Y.
- Pb = Barometric pressure, in. Hg
- Theta = Time of calibration run, min

FOSTER'S PET CREMATION SERVICE
B&L BLP 500/150 ANIMAL CREMATORY
CARBON MONOXIDE 0 - 200 PPM
3/9/04
6 cm/hr



NBB-74

TOUGAWA * BPS111 (3) (15)

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

TYPE S PITOT TUBE INSPECTION FORM

PITOT TUBE ID NUMBER	003INC	
INSPECTION DATE	03/31/03	
INSPECTED BY	T. Wilson	
PITOT TUBE ASSEMBLY LEVEL ?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
PITOT TUBE OPENINGS DAMAGED ?	YES (explain please)	<input checked="" type="radio"/> NO

ANGLE	MEASUREMENT	LIMITS
α_1	2°	< 10°
a2	3°	< 10°
b1	3°	< 5°
b2	2°	< 5°
Y	2°	
θ	3°	
A	.290 inches	
$z = A \sin Y$.010 inches	< 1/8 inch
$w = A \sin \theta$.015 inches	< 1/32 inch
Pa	.145 inches	
Pb	.145 inches	
Dt	.190 inches	

COMMENTS:

CALIBRATION REQUIRED	YES	<input checked="" type="radio"/> NO
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NBB-75.

SOUTHERN ENVIRONMENTAL SCIENCES, INC.
THERMOMETER CALIBRATIONS

Calibrated By/Date: T. Wilson 3/31/03

ALL TEMPERATURES ARE DEGREES RANKIN

ID No.	Type	Range	ICE BATH			TEMPID WATER			BOILING WATER			HOT OIL		
			STD Therm	Temp	Deg or Diff	STD Therm	Temp	Deg or Diff	STD Therm	Temp	Deg or Diff	STD Therm	Temp	Deg or Diff
T1	PT	2000° F	495	496	0.2%	539	537	0.1%	672	670	0.2%	860	861	0.3%
T2	PT	2000° F	495	497	0.2%	539	537	0.1%	673	672	0.2%	870	872	0.3%
T3	PT	2000° F	495	497	0.2%	539	538	0.1%	673	671	0.3%	870	872	0.2%
T4	PT	2000° F	494	496	0.2%	539	538	0.1%	674	672	0.3%	863	864	0.2%
T5	PT	2000° F	494	496	0.2%	539	538	0.2%	672	670	0.2%	860	862	0.2%
T6	PT	2000° F	494	496	0.2%	539	537	0.3%	672	674	0.3%	852	854	0.2%
T7	PT	2000° F	495	497	0.2%	539	538	0.3%	673	671	0.2%	853	854	0.3%
T8	PT	2000° F	495	496	0.1%	539	537	0.2%	674	672	0.1%	864	865	0.2%
T9	PT	2000° F	495	497	0.1%	539	538	0.3%	673	671	0.1%	854	856	0.3%
Lab 14	BM	212° F	494	495	1°	538	535	1°	672	673	2°			
I5	BM	250° F	494	496	1°	536	535	1°	672	672	2°			
I6	BM	220° F	494	496	1°	538	536	2°	672	672	3°			
SS110	BM	220° F	494	496	1°	540	539	2°	670	672	2°			
SS300	PT	2000° F	495	497	0.2%	540	538	0.1%	674	672	0.2%	850	852	0.2%
SS301	PT	2000° F	495	497	0.2%	540	538	0.2%	672	670	0.1%	856	858	0.2%
SS306	PT	2000° F	495	496	0.2%	540	538	0.2%	672	670	0.2%	856	858	0.2%
2.5'PA	PT	2000° F	495	496	0.2%	541	538	0.0%	672	674	0.3%	856	854	0.3%
2.5'PB	PT	2000° F	495	497	0.2%	541	538	0.0%	673	675	0.2%	858	860	0.3%
3'P	PT	2000° F	495	497	0.2%	541	539	0.1%	676	678	0.2%	852	854	0.3%
3'INC	PT	2000° F	494	496	0.1%	540	538	0.1%	673	675	0.2%	858	860	0.3%
5'PA	PT	2000° F	494	496	0.3%	540	539	0.0%	672	674	0.3%	856	854	0.3%
5'PB	PT	2000° F	495	497	0.3%	540	538	0.1%	674	672	0.3%	856	858	0.2%
5'PC	PT	2000° F	495	497	0.3%	540	538	0.2%	674	672	0.3%	856	858	0.3%
5'VP	PT	2000° F	495	497	0.2%	541	540	0.2%	676	678	0.1%	856	858	0.3%
5'INC	PT	2000° F	494	496	0.3%	542	540	0.2%	674	676	0.2%	856	858	0.2%
8'PA	PT	2000° F	494	496	0.3%	541	538	0.0%	676	678	0.1%	850	852	0.3%
8'PB	PT	2000° F	494	495	0.3%	541	539	0.1%	676	678	0.2%	856	858	0.2%
10'P	PT	2000° F	494	495	0.2%	541	539	0.0%	674	676	0.3%	854	856	0.2%

Quality Control Limits: Impinger Thermometers ± 2°F, Bimetallic Thermometers(BM) ± 5°F, Pyrometers/Thermocouples(PT) ± 1.5%

2BB-76

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

PRESSURE MEASUREMENT DEVICE CALIBRATION FORM

Device Type	Magnehelic	Calibration Date	04/01/2003
Range	0 - .25" H2O	Calibrated by	K. Roberts
Manufacturer	Dwyer	Reference Device	Manometer
Serial No.	R991014CA18	Measurement Units	" H2O

Device Reading	Reference Device Reading	% Difference*
0	0	0.00
0.059	0.06	-1.67
0.119	0.12	-0.83
0.18	0.18	0.00
0.249	0.25	-0.40

* % difference shall not exceed +/- 5%

NBB-77

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

1204 North Wheeler Street St. Plant City, Florida 33563 (813) 752-5014

INSTRUMENT CALIBRATION

TEST DATA:	
DATE:	03/09/2004
COMPANY:	FOSTER'S PET CREMATION SERVICE
SOURCE:	BLP 500/150 ANIMAL CREMATORY
PARAMETER:	CARBON MONOXIDE
TECHNICIAN:	M. GIERKE

INSTRUMENT DATA:		
MANUFACTURER:	MODEL NO.:	RECORDER:
TECO	48	Yokogawa
48-27158-228		
200		6CM/HR

CALIBRATION GASES			
SUPPLIER	AIR PRODUCTS	AIR PRODUCTS	AIR PRODUCTS
CYLINDER #	SG9170323	SX32489	SG9162702
CONC. (PPM)	56.9	120.7	142.4
EXPIRATION DATE	04/25/2004	01/06/2006	09/30/2006

POINT	OBSERVED CONC	ACTUAL CONC	PERCENT DIFF
0	0	0	0.00
55.6	55.6	56.9	-0.65
122	122	120.7	0.65
142	142	142.4	-0.20

Regression Output:

Constant		1.6234
Std Err of Y Est		1.9109
R-Squared		1.0000
No. of Observations		4
Degrees of Freedom		2
X Coefficient(s)	1.0058	
Std Err of Coef	0.0029	

NBB-78

For Technical Information Call
1-800-752-1597



Air Products and Chemicals, Inc. * 12722 S. Wentworth Avenue, Chicago, IL 60628

ISO CERTIFICATION: 9002

CERTIFICATE OF ANALYSIS: EPA PROTOCOL GAS STANDARD

PERFORMED ACCORDING TO EPA TRACEABILITY PROTOCOL FOR ASSAY AND CERTIFICATION OF GASEOUS CALIBRATION STANDARDS (PROCEDURE #G1)

Customer: 851 -1
APCI-LARGO

7900 118TH AVENUE NORTH
LARGO FL 33773-

Order No: CSS704108-01
Batch No: 86181785
PO:
Release:

Cylinder No: SG9170323BAL
Bar Code No: FHK790
Cylinder Pressure*: 2000 psig
Certification Date: 04/25/2001
Expiration Date: 04/25/2004

CERTIFIED CONCENTRATION		REFERENCE STANDARDS			ANALYTICAL INSTRUMENTATION			
Component	Certified Concentration	Cylinder Number	Standard Type	Standard Concentration	Instrument Make/Model	Serial Number	Last Calibration	Measurement Principal
CARBON MONOXIDE	56.9±.60 PPM	SG9161497BAL	NTRM 81679	99.90 PPM	HORIBA VIA-510	405079	04/01/01	NON DISPERSIVE INFRARED

NITROGEN Balance Gas

* STANDARD SHOULD NOT BE USED BELOW 150 PSIG

EPA PROTOCOL GAS MIXTURE : CARBON MONOXIDE IN NITROGEN
To reorder this mixture please use Mix ID: 27578

NBB-79

Analyst: 59211

Suzanne Hauter
SUZANNE HAUTER

Approved By: *James Leas*
James Leas

CO EMISSION TEST CALCULATIONS

COMPANY: FOSTER'S PET CREMATION SERVICE
 SOURCE: B&L BLP 500/150 ANIMAL CREMATORY
 TEST DATE: 03/09/2004
 Data analyst: MG

Run No.	Average			Stack Flowrate (dscfm)	Emissions		
	CO (PPM)	O2 (%)	CO @ 7% O2 (PPM)		mg/m3	lbs/ft3	lbs/hr
1	3.08	8.0	3.3	457	3.6	2.24E-007	0.006
2	2.25	10.0	2.9	482	2.6	1.64E-007	0.005
3	5.0	10.5	6.7	501	5.8	3.63E-007	0.011
Averages	3.44	9.5	4.3	480	4.0	2.50E-007	0.007

FORMULAS: $CO @ 7\% O_2 = Actual\ CO \times (14/(21 - \%O_2))$

$mg/m^3 = ppm \times .041573 \times \text{molecular wt.}$

$$lb/ft^3 = \frac{mg/m^3}{35.31\ ft^3/m^3 \times 1000\ mg/g \times 453.59\ g/lb}$$

$lb/hr = lb/ft^3 \times \text{flowrate} \times 60\ \text{min/hr}$

where: Pstd = 29.92 "Hg
 Tstd = 528 deg R
 Molecular Weight of CO = 28

NBB-80

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

EMISSIONS TEST CALCULATIONS

Plant: FOSTER'S PET CREMATION SERVICE
 Unit: ANIMAL CREMATORY INCINERATOR
 Run No: 2

Test Date: 03/09/2004
 Data Input By: DW

$$Pbar = (Pbar \text{ at barom.}) - (\text{Elev. diff. barom. to manom., ft.}) \times (.1/100)$$

$$= 30.14 - 0 \times (0.1/100) = 30.14$$

$$Pm = Pbar + \frac{\Delta H}{13.6}$$

$$= 30.14 + \frac{1.041}{13.6} = 30.22$$

$$Vm(\text{std}) = (Vm) \times (Y) \times \frac{(T_{\text{std, deg R}}) \times (Pm)}{(Tm, \text{deg R}) \times (P_{\text{std}})}$$

$$= 36.308 \times 0.986 \times \frac{528 \times 30.22}{553.7 \times 29.92} = 34.476$$

$$Vw(\text{std}) = Vlc \times (.04715)$$

$$= 144.1 \times 0.04715 = 6.794$$

$$Bws = \frac{Vw(\text{std})}{Vw(\text{std}) + Vm(\text{std})}$$

$$= \frac{6.794}{6.794 + 34.476} = 0.165$$

$$Bws \text{ @ saturation} = 0.99$$

$$1 - Bws = 0.835$$

USE LOWER BWS

$$Md = 0.44(\%CO_2) + .32(\%O_2) + .28(\%N_2 + \%CO)$$

$$= .44 \times 4.5 + .32 \times 10 + 0.28 \times 78$$

$$= \text{assume } 29.12$$

$$Ms = Md(1-Bws) + 18(Bws)$$

$$= 29.12 \times 0.835 + 18 \times 0.165$$

$$Ps = Pbar + \frac{(Pg, \text{ in. H}_2\text{O})}{13.6}$$

$$= 30.14 + \frac{-0.01}{13.6} = 30.14$$

$$Vs = 85.49 \times (Cp) \times (\text{avg sqrt delta P}) \times \text{sqrt}((Ts, \sim R)/(Ps)(Ms))$$

$$= 85.49 \times 0.84 \times 0.175 \times \text{sqrt} \frac{1827.1}{30.14 \times 27.29}$$

$$= 18.68$$

$$An = \left[\frac{(\text{Nozzle diam, in.}/12)^2 \times 3.14159}{4} \right]$$

$$= \frac{0.611^2 / 12^2 \times 3.14159}{4} = 0.00204$$

$$\%I = \frac{(.09450) \times (Ts, \text{ deg R}) \times (Vm(\text{std}))}{(Ps) \times (Vs) \times (An) \times (\text{Sample Time}) \times (1-Bws)}$$

$$= \frac{0.0945 \times 1827.1 \times 34.476}{30.14 \times 18.68 \times 0.0020361 \times 60 \times 0.835}$$

$$= 103.6$$

NBB-8.1.

SOUTHERN ENVIRONMENTAL SCIENCES, INC.

EMISSIONS TEST CALCULATIONS

Plant: FOSTER'S PET CREMATION SERVICE
 Unit: ANIMAL CREMATORY INCINERATOR
 Run No: 2

Test Date: 03/09/2004
 Data Input By: DW

$$A_s = \frac{(\text{Stack Diam., ft.})^2 \times 3.14}{4} = \frac{1.5^2 \times 3.14}{4} = 1.77$$

$$A_{s,eff} = \frac{A_s \times (\text{total No. pts.} - \text{No. neg. pts.})}{(\text{Total No. pts.})} = \frac{1.767146 \times (24 - 0)}{24} = 1.77$$

$$Q = 60(A_{s,eff})(V_s) = 60 \times 1.77 \times 18.68 = 1,981$$

$$Q_{std} = \frac{(Q) \times (T_{std}) \times (P_s) \times (1-B)}{(T_s, \text{degR}) \times (P_{std})} = \frac{1980.505 \times 528 \times 30.139265 \times 0.83537}{1827.125 \times 29.92} = 482$$

$$C_s = \frac{(0.01543) \times (\text{mn, mg})}{V_m(\text{std})} = \frac{0.01543 \times 11.1}{34.4759} = 0.00497$$

$$PMR = \frac{(C_s)(Q_{std})(6)}{7000} = \frac{0.0050 \times 481.60559 \times 60}{7000} = 0.02$$

Emissions calculations in emissions test summary may differ slightly from example calculations due to rounding of some numbers in example.

Southern Environmental Sciences, Inc.
1204 North Wheeler Street □ Plant City, Florida 33566-2354 □ (813) 752-5014

**NOMENCLATURE USED IN
STACK SAMPLING CALCULATIONS**
(Continued)

- Q = Stack gas flowrate, ACFM
- Q_{std} = Stack gas flowrate, DSCFM
- T_m = Absolute average meter temperature, °R
- T_s = Absolute average stack gas temperature, °R
- T_{std} = Standard absolute temperature, 528 °R
- V_a = Volume of sample aliquot titrated, ml
- V_{lc} = Liquid collected in impingers and silica gel, grams
- V_m = Sample volume at meter conditions, DCF
- $V_{m(std)}$ = Sample volume at standard conditions, DSCF
- V_s = Stack gas velocity, ft/sec
- V_{soln} = Total volume of solution, ml
- V_t = Volume of barium perchlorate titrant used for the sample, ml
- V_{tb} = Volume of barium perchlorate titrant used for the blank, ml
- $V_{w(std)}$ = Volume of water vapor in sample corrected to standard conditions, SCF
- Y = Dry gas meter calibration factor
- 13.6 = Specific gravity of mercury

Southern Environmental Sciences, Inc.
1204 North Wheeler Street □ Plant City, Florida 33566-2354 □ (813) 752-5014

**NOMENCLATURE USED IN
STACK SAMPLING CALCULATIONS**

- A_n = Cross-sectional area of nozzle, ft²
- A_s = Cross-sectional area of stack, ft²
- B_{ws} = Water vapor in gas stream, proportion by volume
- C_p = Pitot coefficient
- C_s = Pollutant concentration, gr/DSCF
- F_d = Ratio of gas generated to heat value of fuel, DSCF/mm BTU
- ΔH = Average pressure differential across orifice, in. H₂O
- %I = Isokinetic variation, %
- M_d = Molecular weight of dry gas
- M_n = Total amount of pollutant collected, mg
- M_s = Molecular weight of stack gas
- N = Normality of barium perchlorate titrant
- $\sqrt{\Delta P_{avg}}$ = Average of the square roots of the velocity heads
- P_{bar} = Barometric pressure at the sampling site, in. Hg
- P_g = Stack gas static pressure, in. H₂O
- P_m = Absolute pressure at the dry gas meter, in. Hg
- P_s = Absolute stack pressure, in. Hg
- PMR = Pollutant mass rate, lb/hr
- P_{std} = Standard absolute pressure, 29.92 in. Hg
- θ = Total sampling time, minutes

NBB-84



NEW MEXICO
ENVIRONMENT DEPARTMENT



Air Quality Bureau

SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

1301 Siler Road, Building B
Santa Fe, New Mexico, 87507
Phone (505) 476-4300 Fax (505) 476-4375
www.nmcnv.state.nm.us

F. DAVE MARTIN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

May 23, 2012

Rachel Tapia
40 Vista del Monte
Santa Fe, NM 87508

SCANNED

MAY 24 2012

Karl Sommer & Assoc.

RECEIVED

MAY 24 2012

Karl Sommer & Assoc.

Dear Ms. Tapia:

This letter is in response to your request for confirmation that that an air permit for Loving Animal Services is not required.

Currently, the Department is not requiring a permit for a crematory, however this may change in the future if the Department determines that permitting such facilities is necessary or if a Federal regulation from the Environmental Protection Agency is issued that requires such a permit.

Sincerely,



Elizabeth Bisbey-Kuehn
Major Source Section
Air Quality Bureau

TABLE 1. EMISSIONS TEST SUMMARY (con't)

Company: FOSTER'S PET CREMATION SERVICE
 Source: Animal Crematory Incinerator

	Run 1	Run 2	Run 3	
Date of Run	3/9/04	3/9/04	3/9/04	
Process Rate (lbs/hr)	124	124	124	
Start Time (24-hr. clock)	1135	1302	1425	
End Time (24-hr. clock)	1238	1403	1528	
Oxygen (%)	8.0	10.0	10.5	
				<u>Average</u>
Particulate Collected (mg.)	34.0	11.1	7.4	
Particulate Emissions (gr./DSCF)	0.015	0.005	0.003	0.008
Particulate Emissions (gr./DSCF @ 7% O ₂)	0.016	0.006	0.004	0.009
Allowable Part. Emissions (gr./DSCF @ 7% O ₂)				0.080
Particulate Emissions (lb./hr.)	0.060	0.021	0.014	0.031
Allowable Part. Emissions (lb./hr.)				0.30
CO Emissions (PPM)	3.08	2.25	5.00	4.3
CO Emissions (PPM @ 7% O ₂)	3.3	2.9	6.7	4.3
Allowable CO Emissions (PPM @ 7% O ₂)				100
CO Emissions (lb./hr.)	0.006	0.005	0.011	0.007
Allowable CO Emissions (lb./hr.)				0.12

Note: Standard conditions 68°F, 29.92 in. Hg

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 61 SMOKE AND VISIBLE EMISSIONS

- 20.2.61.1 ISSUING AGENCY:** Environmental Improvement Board.
 [11/30/95; 20.2.61.1 NMAC - Rn, 20 NMAC 2.61.100 10/31/02]
- 20.2.61.2 SCOPE:** All geographic areas within the jurisdiction of the Environmental Improvement Board.
 [11/30/95; 20.2.61.2 NMAC - Rn, 20 NMAC 2.61.101 10/31/02]
- 20.2.61.3 STATUTORY AUTHORITY:** Environmental Improvement Act, NMSA 1978, section 74-1-8(A)(4) and (7), and Air Quality Control Act, NMSA 1978, sections 74-2-1 et seq., including specifically, section 74-2-5(A), (B), and (C).
 [11/30/95; 20.2.61.3 NMAC - Rn, 20 NMAC 2.61.102 10/31/02]
- 20.2.61.4 DURATION:** Permanent.
 [11/30/95; 20.2.61.4 NMAC - Rn, 20 NMAC 2.61.103 10/31/02]
- 20.2.61.5 EFFECTIVE DATE:** November 30, 1995.
 [11/30/95; 20.2.61.5 NMAC - Rn, 20 NMAC 2.61.104 10/31/02]
 [The latest effective date of any section in this Part is 10/31/02.]
- 20.2.61.6 OBJECTIVE:** The objective of this Part is to establish controls on smoke and visible emissions from certain sources. This Part is not intended to preempt any more stringent controls on smoke and visible emissions provided in any other air quality control regulation or in any local ordinance or regulation.
 [11/30/95; 20.2.61.6 NMAC - Rn, 20 NMAC 2.61.105 10/31/02]
- 20.2.61.7 DEFINITIONS:** In addition to the terms defined in 20.2.2 NMAC (Definitions), as used in this Part:
- A. "Air curtain destructor" means a combustion device or system designed to achieve controlled combustion of woodwaste and slash materials in an earthen trench or refractory-lined pit or bin through means of a fan-generated air curtain.
 - B. "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.
 - C. "Part" means an air quality control regulation under Title 20, Chapter 2 of the New Mexico Administrative Code, unless otherwise noted; as adopted or amended by the Board.
 - D. "Stationary combustion equipment" means any stationary device or system used to oxidize solid, liquid, or gaseous materials, including fuels or wastes, and includes but is not limited to incinerators, wood-fired boilers, air curtain destructors, and stationary oil burning equipment.
 - E. "Visible emissions" means particulate or gaseous matter which can be detected by the human eye.
- [11/30/95; 20.2.61.7 NMAC - Rn, 20 NMAC 2.61.107 10/31/02]
- 20.2.61.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS:** This Part amends and supersedes Air Quality Control Regulation ("AQCR") 401 – Regulation to Control Smoke and Visible Emissions last filed July 15, 1986.
- A. All references to AQCR 401 in any other rule shall be construed as a reference to this Part.
 - B. The amendment and supersession of AQCR 401 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 401.
- [11/30/95; 20.2.61.8 NMAC - Rn, 20 NMAC 2.61.106 10/31/02]
- 20.2.61.9 DOCUMENTS:** Documents cited in this Part may be viewed at the New Mexico Environment Department, Air Quality Bureau, Runnels Building, 1190 Saint Francis Drive, Santa Fe, NM 87505 [2048 Galisteo St., Santa Fe, NM 87505].
 [11/30/95; 20.2.61.9 NMAC - Rn, 20 NMAC 2.61.108 10/31/02]
- 20.2.61.10 to 20.2.61.108 [RESERVED]**
- 20.2.61.109 STATIONARY COMBUSTION EQUIPMENT:** The owner or operator of stationary combustion equipment shall not permit, cause, suffer or allow visible emissions from the stationary combustion equipment to equal or exceed an opacity of 20 percent; provided, however, stationary combustion equipment which is regulated by Parts 20.2.10

NMAC through 20.2.18 NMAC, 20.2.37 NMAC, and 20.2.42 NMAC, and any other Part of Chapter 2 which specifically limits particulate emissions is exempted from this Part.
[11/30/95; 20.2.61.109 NMAC - Rn, 20 NMAC 2.61.109 10/31/02]

20.2.61.110 DIESEL-POWERED VEHICLE:

A. No person shall permit, cause, suffer or allow the emission into the open air of any smoke having an opacity greater than thirty percent for any period greater than ten seconds from any diesel-powered vehicle operating below 8,000 feet (mean sea level).

B. No person shall permit, cause, suffer or allow the emission into the open air of any smoke having an opacity greater than forty percent for any period greater than ten seconds from any diesel-powered vehicle operating above 8,000 feet (mean sea level).

[11/30/95; 20.2.61.110 NMAC - Rn, 20 NMAC 2.61.110 10/31/02]

20.2.61.111 EXCLUSIONS: This Part does not apply to:

A. emissions from diesel-powered vehicles if the emissions are a direct result of a cold engine start-up;

B. off-highway, diesel-powered vehicles operating in non-urban areas; and

C. oil well drilling rigs and oil well servicing rigs.

D. for sources subject to the provisions of 20.2.70 NMAC (Operating Permits), emissions which result from insignificant activities as defined in 20.2.70 NMAC.

[11/30/95; 01/10/96; 20.2.61.111 NMAC - Rn, 20 NMAC 2.61.111 10/31/02]

20.2.61.112 DIESEL-POWERED LOCOMOTIVES:

A. No person shall permit, cause, suffer or allow the emissions into the open air of any smoke having an opacity greater than twenty percent for any period greater than ten seconds from any diesel-powered locomotive operating below 8,000 feet (mean sea level).

B. No person shall permit, cause, suffer or allow the emission into the open air of any smoke having an opacity greater than forty percent for any period greater than ten seconds from any diesel-powered locomotive:

(1) operating above 8,000 feet (mean sea level); or

(2) involved in switching and railroad yard use.

C. This Part does not apply to emissions for diesel-powered locomotives if the emissions are a direct result of a cold engine start-up.

11/30/95; 20.2.61.112 NMAC - Rn, 20 NMAC 2.61.112 10/31/02]

20.2.61.113 AIR CURTAIN DESTRUCTORS: An exemption to this Part may be granted by the Department for start-up and burn-down periods of operation of air curtain destructors, if the owner or operator has demonstrated to the satisfaction of the Department that such an exemption is necessary and takes all actions necessary to minimize emissions during such periods.

11/30/95; 20.2.61.113 NMAC - Rn, 20 NMAC 2.61.113 10/31/02]

20.2.61.114 OPACITY DETERMINATIONS: Opacity of emissions from equipment subject to 20.2.61.109 NMAC shall be determined consistent with the method set forth by the US EPA in 40 CFR, Part 60 Appendix A, Method 9, or any other method receiving prior approval from the Department. The minimum time period for taking opacity readings shall be ten minutes.

11/30/95; 20.2.61.114 NMAC - Rn, 20 NMAC 2.61.114 10/31/02]

HISTORY OF 20.2.61 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records-state records center and archives:

HSSD 70-1, Ambient Air Quality Standards And Air Quality Control Regulations, 01/27/70;

EIB/AQCR 401, Air Quality Control Regulation 401 - Regulation To Control Smoke And Visible Emissions, 07/15/86.

History of Repealed Material: [RESERVED]

Other History:

EIB/AQCR 401, Air Quality Control Regulation 401 - Regulation To Control Smoke And Visible Emissions, filed 07/15/86 was renumbered into first version of the New Mexico Administrative Code as 20 NMAC 2.61, Smoke And Visible Emissions, filed 10/30/95.

20 NMAC 2.61, Smoke And Visible Emissions, filed 10/30/95 was renumbered, reformatted and replaced by 20.2.61 NMAC, Smoke And Visible Emissions, effective 10/31/02.



BILL RICHARDSON
Governor

DIANE DENISE
Lieutenant Governor

New Mexico
ENVIRONMENT DEPARTMENT

Air Quality Bureau

P.O. Box 26110
Santa Fe, NM 87502-0110

Phone (505) 827-1404

Fax (505) 827-1543

www.nmenv.state.nm.us



RON CURRY
Secretary

EMBU BABILLA
Deputy Secretary

January 17, 2008

Rachael Tapia
40 Vista del Monte
Santa Fe, NM 87508

SCANNED

FEB 22 2012

Karl Sommer & Assoc.

RECEIVED

FEB 24 2012

Karl Sommer & Assoc.

Dear Ms. Tapia:

This letter is in response to your request for confirmation that that an air permit for Loving Animal Services is not required.

Currently, the Department is not requiring a permit for a crematory, however this may change in the future if the Department determines that permitting such facilities is necessary or if a Federal regulation from the Environmental Protection Agency is issued that requires such a permit.

Sincerely,

Elizabeth Bisbey-Kuehn
New Source Review
Air Quality Bureau

NBB-89

Jan Daniels

From: Kuehn, Elizabeth, NMENV [Elizabeth.Kuehn@state.nm.us]
Sent: Thursday, January 17, 2008 9:56 AM
To: Jan Daniels
Subject: Lovington Animal Services
Attachments: No Permit Required.pdf

Jan-

Please see the attached document. The New Mexico Environment Department Air Quality Bureau has made the determination that no air quality permit is required for the Lovington Animal Services crematorium. Feel free to call if you have any questions.

Liz

Elizabeth Bisbey-Kuehn
New Source Review
NMED Air Quality Bureau
1301 Siler Road - Bldg B
Santa Fe, NM 87507-3113
505.476.4338

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1/17/2008

NBB-90

SOUTHERN ENVIRONMENTAL SCIENCES, INC.
 1204 North Wheeler Street, Plant City, Florida 33566 (813)752-5014

VISIBLE EMISSIONS EVALUATION

COMPANY <u>Foster's Pet Cremation Service</u>	
UNIT <u>Animal Crematory Incinerator</u>	
ADDRESS <u>1504 County Line Rd</u> <u>Spring Hill, FL</u>	
PERMIT NO. <u>1010377-003-#0</u>	COMPLIANCE? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
AIR NO. <u>1010377</u>	EU NO. <u>103</u>
PROCESS RATE <u>497 lb Batch</u> <u>124 lbs/hr</u>	PERMITTED RATE <u>Serial Batch</u> <u>150 lbs/hr</u>
PROCESS EQUIPMENT <u>Batch 500/150 Crematory</u>	
CONTROL EQUIPMENT <u>AFTER burner</u>	
OPERATING MODE <u>Nat. Gas Fired</u>	AMBIENT TEMP. (°F) START <u>70</u> STOP <u>75</u>
HEIGHT ABOVE GROUND LEVEL START <u>N/A</u> STOP <u>same</u>	HEIGHT REL. TO OBSERVER START <u>20'</u> STOP <u>same</u>
DISTANCE FROM OBSERVER START <u>90'</u> STOP <u>same</u>	DIRECTION FROM OBSERVER START <u>350°</u> STOP <u>350°</u>
EMISSION COLOR <u>NONE</u>	PLUME TYPE <u>M/A</u> CONTINUOUS <input type="checkbox"/> INTERMITTENT <input type="checkbox"/>
WATER DROPLETS PRESENT NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>	IS WATER DROPLET PLUME <u>N/A</u> ATTACHED <input type="checkbox"/> DETACHED <input type="checkbox"/>
POINT IN THE PLUME AT WHICH OPACITY WAS DETERMINED START <u>Stack Exit</u> STOP <u>same</u>	
DESCRIBE BACKGROUND START <u>SKY</u> STOP <u>same</u>	
BACKGROUND COLOR START <u>gray w/ mist</u> STOP <u>same</u>	SKY CONDITIONS START <u>scat.</u> STOP <u>scat.</u>
WIND SPEED (MPH) START <u>3-10</u> STOP <u>same</u>	WIND DIRECTION START <u>S</u> STOP <u>S</u>
AVERAGE OPACITY FOR HIGHEST PERIOD <u>0%</u>	RANGE OF OPAC. READINGS MIN <u>0</u> MAX <u>0</u>
SOURCE LAYOUT SKETCH DRAW NORTH ARROW	
COMMENTS <u>Serial # 20347-93</u> <u>F3 Incinerator</u>	

OBSERVATION DATE <u>3/9/04</u>		START TIME <u>1135</u>		STOP TIME <u>1235</u>					
SEC	0	15	30	45	SEC	0	15	30	45
MIN					MIN				
0	0	0	0	0	30	0	0	0	0
1	0	0	0	0	31	0	0	0	0
2	0	0	0	0	32	0	0	0	0
3	0	0	0	0	33	0	0	0	0
4	0	0	0	0	34	0	0	0	0
5	0	0	0	0	35	0	0	0	0
6	0	0	0	0	36	0	0	0	0
7	0	0	0	0	37	0	0	0	0
8	0	0	0	0	38	0	0	0	0
9	0	0	0	0	39	0	0	0	0
10	0	0	0	0	40	0	0	0	0
11	0	0	0	0	41	0	0	0	0
12	0	0	0	0	42	0	0	0	0
13	0	0	0	0	43	0	0	0	0
14	0	0	0	0	44	0	0	0	0
15	0	0	0	0	45	0	0	0	0
16	0	0	0	0	46	0	0	0	0
17	0	0	0	0	47	0	0	0	0
18	0	0	0	0	48	0	0	0	0
19	0	0	0	0	49	0	0	0	0
20	0	0	0	0	50	0	0	0	0
21	0	0	0	0	51	0	0	0	0
22	0	0	0	0	52	0	0	0	0
23	0	0	0	0	53	0	0	0	0
24	0	0	0	0	54	0	0	0	0
25	0	0	0	0	55	0	0	0	0
26	0	0	0	0	56	0	0	0	0
27	0	0	0	0	57	0	0	0	0
28	0	0	0	0	58	0	0	0	0
29	0	0	0	0	59	0	0	0	0
30	0	0	0	0	60	0	0	0	0
Observer: <u>Mark Greke</u>									
Certified by: <u>F.M.P.</u> Certified at: <u>Spring</u>									
Date Certified: <u>3/04</u> Exp. Date: <u>8/04</u>									
I certify that all data provided to the person evaluating the test was true and correct to the best of my knowledge.									
Signature: <u>Gen. Process W. S. ...</u>									
Title:									

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from off-site road improvements for the first lot, the person transferring the lot shall file an affidavit as described in Article II, Section 4.3.2b.v.

- (d) Water Conservation. All lots created in accordance with Sections 2.3.1a.ii(b), (d), (f), (g) and (h), which are less than ten (10) acres in size shall be subject to water conservation covenants as set forth in Article VII, Section 6.6.2.

History. Sections 2.3 and 2.4.1 of Section 2 were amended by County Ordinance 1996-3, providing for site planning standards, required submittals and a review procedure regarding terrain management. Section 2.4.2 was amended by Ordinance 1996-8 to include summary review subdivisions, update road and access requirements, clarify provisions for family transfers and add water conservation requirements for some land divisions.

SECTION 3 - HOME OCCUPATIONS

The requirements of this Section 3 of Article III apply to home occupations.

3.1 Location of District

Home occupations are allowed anywhere in the County, provided all of the requirements of the Code are met.

3.2 Performance Standards

A development permit involving a home occupation may be approved only if the following standards are met:

- 3.2.1 Not more than six (6) persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home occupation.
- 3.2.2 The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation.
- 3.2.3 There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one (1) non-illuminated name plate sign not more than nine square feet in area.
- 3.2.4 Parking for employees and for customers or clients of the home occupation as required by Section 9 of this Article III shall be provided off the street.
- 3.2.5 No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area.

3.3 Submittals

The application shall be submitted on a form provided by the Code Administrator which shall include a description of:

- 3.3.1 Activities involved;
- 3.3.2 Materials and equipment used;
- 3.3.3 Methods of operation;
- 3.3.4 Number of employees;
- 3.3.5 Type of product to be produced, serviced or repaired;



- 3.3.6 Mechanical and electrical equipment necessary to the conduct of the home occupation use;
- 3.3.7 Amount, location and method of storage of supplies and/or equipment;
- 3.3.8 Location of parking;
- 3.3.9 Type and amount of traffic generated.

SECTION 4 - COMMERCIAL AND INDUSTRIAL NON-RESIDENTIAL DISTRICTS

4.1 Purpose and Intent

Commercial, and industrial non-residential land uses are permitted only in zoned districts of various sizes and locations in the County of Santa Fe. Non-residential districts specifically for commercial or industrial land uses are established in order:

- 4.1.1 To permit intensive development of selected land uses at designated locations;
- 4.1.2 To avoid strip commercial and industrial patterns of development along highways, arterials, collectors, and local roads of the County;
- 4.1.3 To protect the function of the County's highways, arterials, collectors, and local roads by controlling the number of access locations to commercial and industrial use areas;
- 4.1.4 To prevent the preemption of prime areas for commercial or industrial development by residential development;
- 4.1.5 To protect existing and future residential development from encroachment of non-residential uses;
- 4.1.6 To provide the opportunity to master plan non-residential use areas, so that adequate fire and police protection may be provided and appropriate infrastructure constructed.

4.2 Types and Locations of Commercial or Industrial Districts

4.2.1 Types of Districts and Location Criteria

- a. There are four types of commercial or industrial non-residential districts which may be established at specific qualifying intersections of various types of roads in the County:
 - 1) Regional or major center districts, which are established or may be established, shall be located at intersections of major arterials and major highways. The purpose of major center or regional districts is to concentrate extensive regional non-residential activities. Section 4.3.1 infra, defines uses which may be established.
 - 2) Community center districts, which are or may be located at intersections of arterial and/or collector roads for the purpose of concentrating community oriented commercial uses, shopping, offices and service businesses, including travelers services, light industry, research and development complexes and other similar uses. Sub-section 4.3.1, defines uses which may be established.
 - 3) Local or village center districts, which are or may be located at intersections of collector and local roads and in traditional community areas for the purpose of concentrating activities which serve such neighborhood areas for shopping, travel, and personal services. Section 4.3.2, lists suggested uses.
 - 4) Neighborhood or small scale center districts, which are or may be located at intersections of local roads or in traditional community areas. Uses similar to those which may be established in local or village center districts may be established.

for compliance with the requirements of the Code, and shall make and file a report to the County Development Review Committee evaluating the application and recommending that the County Development Review Committee approve, disapprove, or approve the application with modifications and/or conditions or recommending that the County Development Review Committee recommend the same to the Board depending on which body has final authority pursuant to Section 2.3.2e.

- 2.3.2b The Code Administrator may hold an informal conference with the applicant and any interested person at any time prior to the making of his recommendation. The Code Administrator shall give at least three (3) working days' notice, either orally or in writing, to the applicant or any interested person who has requested in writing that he receive notice of any informal conference held under this Subsection b.
- 2.3.2c At least twenty one (21) calendar days prior to any public meeting at which an application will be heard, the applicant shall post notice of the filing of the application prominently on the land, building, or other structure which is the subject of the application in such a way as to give reasonable notice to persons interested in the application and shall provide written verification of the posting of the notice to the Code Administrator.
- 2.3.2d For development other than subdivisions under the New Mexico Subdivision Act (which shall comply with the public agency review process as set forth in Article V, Section 5.3.3d.), the Code Administrator may refer an application to an appropriate agency or official of the State of New Mexico for an opinion concerning whether the application would be disapproved or approved with conditions or modifications. Unless otherwise required by law, the opinion of the state agency or official shall be advisory. The Code Administrator may delay the making and filing of his recommendation for up to sixty (60) calendar days to await the opinion if he believes that such a delay is in the public interest.
- 2.3.2e The County Development Review Committee has final approval authority on preliminary and final development plans and on appeals of the Code Administrator's decisions and has recommendation authority on variances, preliminary and final plats, and all master plans, including zoning, for which the Board shall have final approval authority. Plats for Type V subdivisions containing six (6) or more parcels go directly to the Board for review and approval, in accordance with Article V, Section 5.5.4b.

2.3.4 Appeals

2.3.4a Filing an Appeal

All appeals under the Code shall be filed in writing with the Code Administrator.

2.3.4b Appeal of Code Administrator Decision under Section 2.3.1 to the County Development Review Committee

- i. Any person aggrieved by a decision of the Code Administrator under Section 2.3.1 may file an appeal to the County Development Review Committee within five (5) working days of the date of the Code Administrator's decision. The County Development Review Committee shall hear the appeal within sixty (60) calendar days of the date the appeal is filed. The County



Development Review Committee shall make and file its decision approving or disapproving the application or approving the application with conditions or modifications.

- ii. A decision of the County Development Review Committee on an appeal shall become final thirty (30) calendar days after the decision is filed, unless within that month an appeal of the decision has been filed by an interested person including the Code Administrator, pursuant to Section 2.3.4c of this Article or the Board on its own initiative has decided to review the decision.

2.3.4.c Appeal of Development Review Committee Decisions to the Board

- i. Any person aggrieved by a decision of a Development Review Committee may file an appeal in writing to the Code Administrator within thirty (30) calendar days of the date of the decision of the Development Review Committee. The Board shall hear the appeal within sixty (60) calendar days after the date the appeal is filed. The Board shall timely make and file its decision approving or disapproving the application or approving the application with conditions or modifications.
- ii. The decision of the Board shall become final on the date when the decision is filed.

2.4 Notice and Conduct of Public Hearing

2.4.1 Notice by County

Notice of a public hearing to be held by a Development Review Committee or the Board, shall be given as provided by resolution of the Board and as otherwise required by law. Copies of the public notice policies shall be posted in the Code Administrator's office. Public hearings shall be conducted as provided by policies established by the body holding the hearing or as required by law. All interested persons shall be allowed a reasonable opportunity to be heard at a public hearing held under the Code.

2.4.2 Notice by Applicant

2.4.2a For all zoning cases, master plans, development plans, variances, preliminary and final subdivision plats, Type V subdivisions containing six (6) or more parcels and appeals of these matters, the following public notice requirements shall be completed by the applicant at least twenty one (21) calendar days prior to the public meeting:

- i. A notice shall be published in the legal section of the daily newspaper which covers the area in which the project is located;
- ii. Certified letters, prepared by the Code Administrator, shall be mailed return receipt requested to all property owners within one hundred (100) feet (excluding rights-of-way) of the subject property;
- iii. The subject property shall be posted, in the manner outlined in Section 2.3.2c of this Article 11.

2.4.2b For all summary review subdivisions containing five (5) or fewer parcels, Sections 2.4.2a.ii. and iii. Shall be completed by the applicant at least fifteen (15) calendar days prior to the administrative decision.

History: Section 2.4 was amended by Ordinance 1996-8 to include notice requirements for most projects.

Harry B. Montoya
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Paul Compos
Commissioner, District 4

Jack Sullivan
Commissioner, District 5

Roman Abeyta
County Manager

SEC
CLERK
RECORDED
05/19/2008

BEFORE THE BOARD OF COUNTY
COMMISSIONERS OF SANTA FE
COUNTY, NEW MEXICO.

CASE NO. 07-5490
RACHAEL TAPIA APPEAL
RACHAEL TAPIA, APPELLANT

ORDER

THIS MATTER came before the Santa Fe County Board of County Commissioners (hereinafter referred to as "the BCC" or "the Board") for hearing on March 11, 2008, on the Application of Rachael Tapia (Appellant) seeking reversal of a decision by the Land Use Administrator to deny an Application for a Home Occupation Business License to operate "Loving Animal Services" on residential property consisting of 2.5 acres ("Application"). After conducting a public hearing on the Appeal wherein presentations were made by Staff, the Appellant, and members of the public, the BCC finds that the Application is not well-taken and should be denied and makes the following findings of fact and conclusions of law:

1. The property is located at 40 Vista Del Monte in an existing neighborhood in the Community College Subdistrict within the Valle Lindo Subdivision., within Section 25, Township 16 North, Range 8 East, (Commission District 5).
2. On July 25, 2007, the Appellant was granted a Home Occupation Business License for operation of a home office to support the Appellant's business "Loving Animal Services".



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3. On November 5, 2007 the Appellant submitted an Application for an expansion of the home occupation, which includes placement of an incinerator on the property to cremate deceased pets.
4. On November 16, 2007, the Land Use Administrator recommended denial of a Home Occupation Business License to facilitate placement of a crematorium kiln on the subject lot.
5. On January 17, 2008, the County Development Review Committee ("CDRC") recommended denial of a Home Occupation Business License to cremate deceased pets on residential property.
6. The Appellant submitted a vicinity map and description of existing site data and a letter appealing the CDRC's decision to deny a Home Occupation Business License.
7. The Application does not comply with the following restrictions set forth by Article III, Section 3.2 (Home Occupation Performance Standards) of the Land Development Code. Paragraph d (3) states, "There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of the home occupation, except for one (1) non-illuminated nameplate sign not more than one (1) square foot in area; construction of walls, fences, sheds, studios, or other accessory structures to provide for storage of materials and equipment are allowed, as long as the floor area limitations of fifty (50%) of the residence, including the accessory buildings, are met." Paragraph d (4) states, "The Home Occupation shall not involve operations of structures not in keeping with the residential character of the neighborhood." Paragraph d (8) states, "No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises."
8. The denial of the Application is based upon the Appellant's failure to comply with conditions set forth by Article III, Section 3.2.
9. The Appellant stated that there would be no noise or odor from emissions by the

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crematorium and described the structure that would house it.

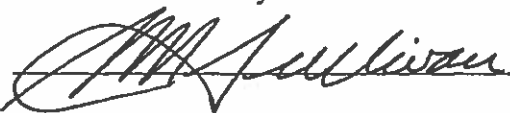
10. The following members of the public spoke against the Application: Joe Velarde Sr., Paul Crumbacher, and Mike Velarde.

11. The evidence does not support reversal of the CDRC's denial. The Application does not comply with requirements set forth by Article III, Section 3.2 (Conditional Uses; Home Occupations) of the Land Development Code.

IT IS THEREFORE ORDERED that the Appeal is denied.

I certify that the above variance was denied by the Board of County Commissioners on this 13th day of May, 2008.

The Board of County Commissioners of Santa Fe County



Jack Sullivan, Chair

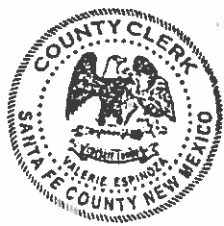
ATTEST:

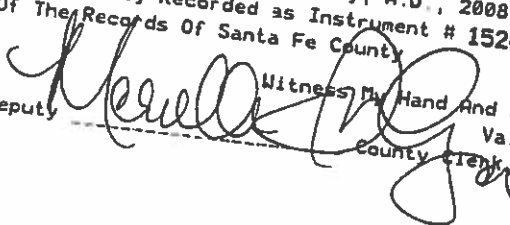

Valerie Espinoza, Santa Fe County Clerk



Approved as to form:


Stephen C. Ross, Santa Fe County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
I Hereby Certify That This Instrument Was Filed for
Record On The 19TH Day Of May, A.D., 2008 at 15:04
And Was Duly Recorded as Instrument # 1526181
Of The Records Of Santa Fe County
Deputy  Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

~~COMMISSIONER ANAYA: We're assuming.
COMMISSIONER CAMPOS: We know that.
COMMISSIONER ANAYA: I don't know that.
CHAIRMAN SULLIVAN: Okay. Other discussion?~~

~~The motion tied by 2-2 voice vote.~~

~~CHAIRMAN SULLIVAN: Motion ties, 2-2, and that will be taken up at the next Commission land use meeting in a month. Thank you.~~

- XIV. 3. **CDRC Case # APP 07-5490 Rachael Tapia Appeal. Rachael Tapia Appellant, is Appealing the Land Use Administrator's Decision to Deny a Home Occupation Business License For Operation of Loving Animal Services on Residential Property Consisting of 2.5 Acres. The Property is Located in an Existing Neighborhood in the community college Subdistrict within the Valle Lindo Subdivision at 40 Vista del Monte, within Section 25, Township 16 North, Range 8 East (Commission District 5) Vicente Archuleta [Exhibit 4: Opposition Letter; Exhibit 5: Emissions Evaluation]**

MR. ARCHULETA: Thank you, Mr. Chair. On January 17, 2008 the County Development Review Committee recommended denial of a home occupation business license for operation of Loving Animal Services on residential property consisting of 2.5 acres. The appellant is requesting an appeal of the CDRC's decision to support the Land Use Administrator's decision to deny an application for a home occupation business license for Loving Animal Services.

On July 25, 2007, the appellant was granted a home occupation for Loving Animal Services to pick up deceased pets and transport them to the Santa Fe Animal Shelter and to trap wildlife and relocate the animals to the Santa Fe National Forest. This business license was for the function of operating a home office for the business only. On November 5, 2007 the appellant submitted an application for the expansion of the home occupation which included placement of an incinerator on the property. This incinerator would be utilized to cremate deceased pets onsite. This application was denied by the Land Use Administrator on November 16, 2007.

The denial of the application was based upon the appellant's failure to comply with conditions set forth by Article III, Section 3.2 Home Occupation Performance Standards of the Land Development Code. Paragraph d (3) states, "There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of the home occupation, except for one (1) non-illuminated nameplate sign not more than one (1) square foot in area; construction of walls, fences, sheds, studios, or other accessory

structures to provide for storage of materials and equipment are allowed, as long as the floor area limitations of fifty percent of the residence, including the accessory buildings, are met." The appellant states that the 20 by 20" structure will be 11 feet high with a four-foot roof stack and will be located 200 feet from any surrounding residences. The structure will be incorporated into the existing property with a landscape plan that will add more trees and shrubs to those already existing and will resemble a garage.

Paragraph d (4) states, "The Home Occupation shall not involve operations or structures not in keeping with the residential character of the neighborhood."

CHAIRMAN SULLIVAN: Mr. Archuleta, do you want to just enter this into the record? We have all of that that you're reading here.

MR. ARCHULETA: I can go to the recommendation.

CHAIRMAN SULLIVAN: Okay.

MR. ARCHULETA: Recommendation: The application is not in compliance with Article III, Section 3.2 of the Land Development Code. Staff recommends denial of the appeal. Should the BCC decide to reverse the Land Use Administrator's decision and approve the application for a home occupation the following conditions shall apply. May I enter those into the record?

[The conditions are as follows:]

1. The appellant shall comply with Fire Marshal requirements.
2. A water-harvesting plan in accordance with Santa Fe County Regulations shall be approved administratively prior to obtaining a building permit.

CHAIRMAN SULLIVAN: Okay. Let's have any questions of staff by the Commission. Okay, I don't see any questions right now. Is the applicant present? Give us your name please and have the recorder swear you in.

[Duly sworn, Rachel Tapia testified as follows:]

RACHEL TAPIA: Good evening, Mr. Chair and Commissioners. My name is Rachel Tapia. Sitting behind me are my supporters. I own a business by name of Loving Animal Services and my business deals with people's pets who pass away. I recently purchased a piece of property that is 2.5 acres and at this time I'm trying to build my property so I can run a crematorium. I am trying to personalize cremations. I have a 19-year old pet of my own and I wish to cremate her when she does pass away.

The process would be as follows: If your pet passed away, I would pick up your pet from your home. I would transfer the pet to the crematorium. I would then cremate the pet, place the ashes in an urn and then return ashes to the pet owner. At the last meeting there were some concerns that came up and I would like to address those concerns if I may.

CHAIRMAN SULLIVAN: Go ahead.

MS. TAPIA: One of the concerns was emissions and odors. I do have a letter from the Environment Department. It states the New Mexico Environment Department Air Quality Bureau has made a determination that no air quality permit is

required for Loving Animal Services crematorium. In spite of the letter from the Environment Department I also have a visible emissions evaluations test that I would like to hand out to you if I may.

CHAIRMAN SULLIVAN: Sure. A copy to the recorder please.

MS. TAPIA: On this visible emissions evaluation I did highlight in green the emissions color. It does state there is none. It also states the range reading. I also says zero. All the emissions on the right hand side do state zero. I also have a source layout sketch which shows that the emissions would continue to rise north. Also another concern was the sound. Here I have a decibel chart, a decibel is how to measure sound. Of course it shows total near silence would be zero decibels. A whisper is 15 decibels. A normal conversation is 60 decibels and a lawnmower is 90 decibels. A car horn is 110. The crematorium works at 54 decibels. It would also be housed in a building so there would be virtually no sound whatsoever.

Also I have kind of made up a little bit of a chart as to the properties that are surrounding mine. This middle piece here would be my property. This large x in the middle of the property would be where the crematorium would be. I have gotten written consent from the neighbor below me and the neighbor to the right of me. The neighbor to the left has mentioned that he wishes to remain neutral and let me do as I choose on my property. Unfortunately, I do have two other neighbors who do oppose it who are here in the audience today. I am willing to make any adjustments to my property to appease the neighbors. If there's any other questions that I can address at this time.

CHAIRMAN SULLIVAN: Thank you, Ms. Tapia. Questions for the applicant? Commissioner Anaya, then Commissioner Montoya.

COMMISSIONER ANAYA: Mr. Chair, I just wanted to thank her for her brief explanation. Her presentation and charts are basic. I wish everybody else would be like you.

MS. TAPIA: Thank you.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Is that it?

COMMISSIONER ANAYA: That's it.

COMMISSIONER MONTOYA: Okay. That was a brief question too. Mr. Chair, Rachel, regarding the emissions, you say there's none. What about the smell?

MS. TAPIA: There is virtually no odor. The temperature of the crematorium, the primary chamber, is 1800 degrees Fahrenheit. Basically, in a cremation process, the definition here basically says in consideration, the process is ignited and burns solid, semi-solid or gaseous combustible waste to carbon dioxide and water vapor. So it basically takes it to those states of carbon dioxide and just water vapor. There would be virtually no scent, no visible color and no sound.

COMMISSIONER MONTOYA: So is this a different crematory than what would be used for like livestock?

MS. TAPIA: I would imagine so. The crematory that I have is rather small.

The largest animal I would assume would be maybe a 150-pound pet.

COMMISSIONER MONTROYA: Okay. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Any other questions from the Commission?

Okay. Thank you. This is a public hearing. Do we have anyone in the audience that would like to speak either in favor of or in opposition to come forward and have a seat up front if you would, whoever would like to speak. I don't know who left the black hat there, but if you need a hat, there's one.

[Duly sworn, Joe Velarde testified as follows:]

JOE VELARDE: This is my son and my neighbor. I live [inaudible] Personally, I want to apologize to these people. I know them [inaudible] However, I am opposing [inaudible] because I don't think it's a good health deal there for the neighborhood. In summer, even when people are barbecuing even if they are three or four blocks away. I don't know [inaudible] if she's got enough business she'll be cremating dogs day after day and I don't think that's a good idea and I'm opposed to it. That's my son and I have three more sons and we all agree because I told them I'd come and speak for them because I won't be here too much longer, okay? But they'll be there and [inaudible]

CHAIRMAN SULLIVAN: Thank you, sir.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Question.

COMMISSIONER ANAYA: Joe, on that map that she has, where do you live in relation to her property?

MR. J. VELARDE: We live on the left part.

COMMISSIONER ANAYA: Right down there on the bottom?

MR. J. VELARDE: Yes. [inaudible]

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Thank you, Mr. Velarde. I think we got the question answered. Next speaker.

[Duly sworn, Paul Crumbacher testified as follows:]

PAUL CRUMBACHER: My name is Paul Crumbacher. I've been in my property for about 14 years. Valle Lindo is a little valley, a pretty valley is what it means. When I moved there 14 years ago I didn't expect to have to cope with a residential area turning into a commercial area, so I object from that standpoint. It's not zoned commercial. So it's going to change the character of the neighborhood. And I believe there is a potential for smells and other types of aggravations, noise, etc. and I know she's done her homework. And I have nothing - I don't know this lady from Adam; I have nothing against her but I'm living in a neighborhood and someday I do want to sell. And when I sell I don't want a potential buyer saying, oh, I don't want to buy it because you have a crematorium.

Let me ask you, would you like to have a pet crematorium next to your property and I don't think any of us would say that we do. I think there will be a drop in the value

of my property. We're all homeowners. We're all paying mortgages. We don't want to see drops in our property any more than the national scene sets for us. So I think it affects my resale. I think it changes the character of the neighborhood and to a negative aspect. This is a nice little valley and all of a sudden I've got to deal with this kind of a thing which I don't think I should have to. I think it sets a precedent. Somebody else may want to come in and do other commercial types of things once the door is open and I don't think that's a good idea either. It just affects my general sensibility about where I'm living.

I know she spent money and maybe she didn't know that she couldn't do this commercially and that's somebody else's problem. It's not mine. I don't think this serves the public welfare as you were discussing with the last gentleman. This is a public welfare issue for our whole valley as far as I'm concerned. Would it affect our homeowners insurance besides? There are things here that she is not taking into account. She's just thinking about her own business and I relish her going out and setting up her own business but not in my neighborhood. I think it's a great idea and I think the concept is wonderful for people who love their pets and need pets. And I've had pets and I will probably have them in the future. So that's my statement.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Question, Commissioner Anaya.

COMMISSIONER ANAYA: Two questions. Where is Valle Lindo? I've seen it a million times.

MR. CRUMBACHER: Valle Lindo is on your way out towards the prison, just as you go past the 599 cut-off on Highway 14. It's on your left-hand side as you go down toward the south, about a tenth of a mile there's a little road. Well, there's actually three roads. There's one on the top where her property is located. I'm on the north side of the valley, and then there's another road on the south side of the valley.

COMMISSIONER ANAYA: We just paved that road.

MR. CRUMBACHER: Yes, you did. It's very nice. We appreciate it.

COMMISSIONER ANAYA: And then where do you live in regards to that map?

MR. CRUMBACHER: In regards to the map, I think I'm probably right there.

COMMISSIONER ANAYA: Okay. And those are 2.5-acre lots?

MR. CRUMBACHER: Yes, they are.

COMMISSIONER ANAYA: And do you - sorry, I've got a question for Ms. Tapia. Rachel, do you already have that set up?

MS. TAPIA: No.

COMMISSIONER ANAYA: You haven't even -

MS. TAPIA: I purchased the crematory but I've yet to place it on the lot due to this situation where we're at right now until I know that I can actually run it, I won't bring it. There was one other thing that I'd like to address if I may.

CHAIRMAN SULLIVAN: Ms. Tapia, just answer the question.

COMMISSIONER ANAYA: Let me ask another question. How many crematories – is that what you call them? Crematories?

MS. TAPIA: Yes.

COMMISSIONER ANAYA: Where do they have them in Santa Fe? Are they located in the community for human? Is there other dog or animal crematories that we don't know of, that we aren't aware of that are in the City of Santa Fe?

MS. TAPIA: There is McGee's crematorium, which is right there off by Salvador Perez Park, which is right here in town.

COMMISSIONER ANAYA: So they have one in town.

MS. TAPIA: They do have a crematorium there. There are two other crematorium sites. One would be the Santa Fe Animal Shelter, which would be off of Caja del Rio. That's where the Santa Fe Animal Shelter is now. And then there would be Braemar, where they are located is off of Old Las Vegas Highway, kind of by that Bob's Bit.

COMMISSIONER ANAYA: Oh, Bobcat Bite. Okay. Thank you.

MS. TAPIA: Is there any way I can address one –

CHAIRMAN SULLIVAN: Go ahead.

MS. TAPIA: He was mentioning –

CHAIRMAN SULLIVAN: No, we're not doing rebuttals now. You'll get a chance after the public hearing for rebuttals. Yes, sir. Step forward.

[Duly sworn, Mike Velarde testified as follows:]

MIKE VELARDE: I'm Mike Velarde. Commissioners, I just have a couple things to say. I do run a business out of my house. I just run my truck out of there. I don't run my business personally. Because that's been brought to my attention, I have a business; why can't she have one.

Another thing that was brought up is that my truck smells. I'm in the sewage business. And I welcome anybody in the county that would like to go check my truck. It doesn't smell. And I do have a permit. We've had a permit for probably 28 years with the County, since we've been in business. My only problems were it's not commercial. The properties are not commercial out there. I feel that a business like that should be in a commercial area. That's all I have to say. My dad addressed pretty much everything.

Another thing, as far as neighbors, I'd like to see a sheet of exactly what neighbors complained and were for her. Because I've been hearing all kinds of different things this week. So, everybody needs to get involved. We need to get all the neighbors here. That way everybody knows we're on the same page. Thank you.

CHAIRMAN SULLIVAN: Thank you. Is there anyone else who would like to address the Board in the public hearing? Okay, if not, I'll close the hearing. Ms. Tapia, would you like to comment?

MS. TAPIA: Mr. Crumbacher had mentioned he was worried about the depreciating of the property. I did receive a letter from my appraiser stating that this would not depreciate the values of any properties. It may increase the value if people decided that

they wanted to go commercial on their property. That would be it.

CHAIRMAN SULLIVAN: Okay. Thank you. All right. Back to questions from the Commission. I have a question. Shelley, on home occupation licenses, do those run with the land?

MS. COBAU: Mr. Chair, they run with the business.

CHAIRMAN SULLIVAN: With the business.

MS. COBAU: But if there's a permanent structure there, I guess it would run - we issue business licenses every year. So if people don't renew their business license, their business license goes away. It's not like a variance where the variance goes with the land. The home occupation business license only goes with that particular occupation.

CHAIRMAN SULLIVAN: Okay. If they moved and someone else wanted to come in and use this incinerator to incinerate animals, could they do it?

MS. COBAU: They would have to apply for a home occupation business license under their name.

CHAIRMAN SULLIVAN: Okay. And would it be approved by virtue of the fact that this crematorium already exists on the property?

MS. COBAU: I think it would make sense that we would consider it almost like a legal non-conforming business. If somebody were, for example, running an office out of their house, something simpler and someone came in and wanted to run an office we would just reissue it under a different name.

CHAIRMAN SULLIVAN: Okay, so at least potentially it could continue on.

MS. COBAU: Right. The building could stay but the kiln or the device that's used to cremate the animals could be moved.

CHAIRMAN SULLIVAN: It would have to be moved?

MS. COBAU: Well, it could be. It's not necessarily a permanent part of the structure.

CHAIRMAN SULLIVAN: The other question was the reason staff is recommending denial as I understand it is a permit has already been issued for a home office for the business and home occupation standards state that there shall be no change in the outside appearance of the building or premise or other visible evidence of the conduct of home occupation, and no signs and so forth. Is that the basic concern that staff has?

MS. COBAU: That's correct, Mr. Chair. If you look at Exhibit K in your packet there's an elevation of what this will look like and we felt that that is non-residential in nature.

MS. TAPIA: Excuse me, Mr. Chair, may I address that?

CHAIRMAN SULLIVAN: No. We're finished with the applicant's presentation and the hearing. Okay, so we have a picture of what it will look like here. Okay. That answers my questions. Any other questions from the Commission? Commissioner Anaya.

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COMMISSIONER ANAYA: You have to give me a second. I can't remember it.

CHAIRMAN SULLIVAN: Take your time.

COMMISSIONER ANAYA: Question to the applicant or staff. Is there other animal crematories in Santa Fe County?

MS. COBAU: Yes. There are several. There's one that operates out beyond the Bobcat Bite at the Braemar. It's closer to Canoncito, at the intersection of Valle C de Baca Road. There's a stable there by the KOA campground, and I believe there's one there.

COMMISSIONER ANAYA: So that does what she does.

MS. COBAU: That's correct. I'm not certain what the status of their permit is. I think they came in before the current home occupation code was enacted.

COMMISSIONER ANAYA: And how many - I guess this is to the applicant. How many animals will you do a day, a year, a week?

MS. TAPIA: I would estimate no more than 20 a year, because at this point I do maybe three departed animals a year at this time.

COMMISSIONER ANAYA: And where do you do it?

MS. TAPIA: Right now I do my cremations through the Santa Fe Animal Shelter. If they do not want a cremation I do a proper disposal.

COMMISSIONER ANAYA: What is the unit made of? Does it operate on butane?

MS. TAPIA: It will operate on butane - propane.

COMMISSIONER ANAYA: I guess that's all I had. Thank you.

CHAIRMAN SULLIVAN: Thank you, Commissioner. Commissioner Campos.

COMMISSIONER CAMPOS: You're saying you're only going to do 20. How much do you charge per cremation?

MS. TAPIA: At this time I'm wanting to be more affordable for people. At this time cremations are very expensive. A large animal could cost up to \$150 so I would like to make it more affordable to people.

COMMISSIONER CAMPOS: If you're only going to do 20 a year you're not going to make very much money there are you?

MS. TAPIA: At this time that's what I'm kind of estimating. I don't think I could ever go above 70 if that.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Okay. Other questions of staff or the applicant?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: In a way I want to support this, but then I put myself in their shoes and it seems kind of creepy. If I - Joe mentioned, Mr. Velarde about a barbecue. Right when he said that, I'm in the backyard and I'm having a barbecue and

I'm thinking, my neighbors are burning dogs, or they're - I just get a creepy feeling. And if I would see it, or wouldn't know about it maybe I'd be able to eat my hamburger a little better. But with that, I think that this probably needs to be in a different location. It's hard, because I'm a small business owner too, but this type, I think it needs to go somewhere else. I move to deny.

CHAIRMAN SULLIVAN: Motion from Commissioner Anaya. Is there a second?

COMMISSIONER CAMPOS: I second.

CHAIRMAN SULLIVAN: Motion and second. Discussion on the motion?

The motion passed by unanimous [3-0] voice vote. [Commissioner Montoya was not present for this action.]

CHAIRMAN SULLIVAN: The appeal is denied.

~~XIV. 5. CDRC Case # V 07-5420 Hawkins Variance. John Hawkins, Applicant Request a Variance of Article III, Section 2.3.6b (Height Standards for Residential and Accessory Uses) of the Land Development Code to Allow a 24'-9"-Foot Residence, Which Exceeds the Allowable Height of 24' Feet. The Property is Located on Lot 1 of the Tierra Colinas Subdivision off Avenida de la Paz Road, within Section 30, Township 15 North, Range 10 East (Commission District 5) John Lovato~~

~~JOHN LOVATO (Case Planner): On January 17, 2008, the County Development Review Committee, CDRC, met and acted on this case. The decision of the CDRC was to recommend approval of the applicant's request with staff conditions.~~

~~The applicant is requesting a variance of Article III, Section 2.3.6.b, Height Standards for Residential and Accessory uses, to allow a 24'9" residential dwelling exceeding the maximum allowable height of 24 feet. The applicant is currently constructing the residential dwelling and accessory structure on the property. The applicant states that he is requesting this variance to accommodate the existing construction height of 24'9" on their residence. A residential permit and accessory permit were issued in 2000. Article III, Section 2.3.6.b states the maximum height of any dwelling or residential accessory structure shall not exceed 24 feet. The vertical depth of fill materials from the natural grade, with or without retaining walls, shall be considered as a component of the building or structure, this depth shall be included in the determination of the building height.~~

~~Article II, Section 3, Variances, of the County Code, states that "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 condition or that these conditions would result in~~



CHAMBERS OF
DANIEL A. SANCHEZ
DISTRICT JUDGE
DIVISION VII

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First Judicial District
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05-18-09 09:37 AM

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TRIAL COURT ADMINISTRATOR

June 17, 2009

John Aragon, Esq.
523 Barela Lane
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David Stevens, Esq.
P. O. Box 276
Santa Fe, NM 87504-0276

RE: **Rachael Tapia vs. The Board of County Commissioners of Santa Fe, New Mexico**
Case No. D-0101-CV-2008-00887

Counsel:

Enclosed please find an endorsed copy of the Court's Memorandum Opinion.
Mr. Stevens, please prepare an Order consistent with the Memorandum Opinion. Thank you.

Sincerely,

Daniel Sanchez

Honorable Daniel Sanchez
District Judge, Division VII

Enclosure



NBB-108

ENDORSED
First Judicial District Court

JUN 17 2009

Santa Fe, Rio Arriba &
Los Alamos Counties
PO Box 2268
Santa Fe, NM 87501-2268

FIRST JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF SANTA FE

RACHAEL TAPIA,

Plaintiff/Appellants,

v.

No.D-101-CV-2008-00887

THE BOARD OF COUNTY
COMMISSIONERS OF SANTA FE
COUNTY, NEW MEXICO,

Defendant/Appellee.

MEMORANDUM OPINION

Rachael Tapia (the "Appellant"), appeals from a decision of the Board of County Commissioners of Santa Fe County of New Mexico (the "Appellee"), in denying the grant of a variance to expend the Home Occupation Business License so that she can operate a crematorium for her business on her property. Appellant operates a small business where one portion is where she picks up dead pets and animals and takes them to be disposed of properly usually through cremation. Appellants challenge the Appellee's denial of a variance to expand her Home Occupation Business License pursuant to SCRA 1986, 1-074. Having reviewed the whole record and briefing, and having heard oral arguments, this Court upholds the decision made by Appellee.

BACKGROUND

On July 25, 2007, Appellant was granted a Home Occupation Business License to operate a home office for her business "Loving Animal Services." *Record Proper* ("RP") at 31. One part of this business consisted of picking up deceased pets and transporting them to the Santa Fe Animal Shelter. *Id.* The other part of Appellant's business was to trap wildlife and

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relocate the animals to the Santa Fe National Forest. *Id.* On November 5, 2007 Appellant submitted an application to expand her home occupation to include the placement of an incinerator, which would be used to cremate deceased pets on Appellant's property. *Id.* The Land Use Administrator denied this application on November 16, 2007. *Id.* The application was denied because Appellant failed to comply with conditions set forth in Article III, Section 3.2 of the Home Occupation Performance Standards of the Land Development Code. *Id.* Appellant was given an appeal hearing in front of Appellee on March 11, 2008, where the Appellee denied the Appellant's appeal by a vote of 3-0. Appellant then appealed to this Court the Appellee's decision from the March 11th hearing.

I. Scope of Review

This Court must affirm the decision of the Board unless it is fraudulent, arbitrary or capricious, not supported by substantial evidence, outside the scope of the agency's authority, or not in accordance with the law. *See* Rule 1-074.Q; § 39-3-1.1. Whether an agency's ruling is in accordance with the law it is reviewed de novo, and an agency's legal interpretation does not bind the reviewing court. *See Clark v. New Mexico Children, Youth and Families Dep't*, 1999-NMCA-114, ¶ 7, 128 N.M. 18, 21, 988 P.2d 888, 891. This Court will not reweigh evidence nor substitute its judgment for that of the agency with regard to factual findings if they are supported by substantial evidence on the record as a whole, although a whole record review requires the Court to consider all of the evidence, both favorable and unfavorable to the administrative decision. *See Gallegos v. New Mexico State Corrections Dep't*, 115 N.M. 797, 800, 858 P.2d 1276, 1279 (Ct. App. 1992). When a district court is acting in its appellate capacity the "scope and standard of review is limited in the same manner as any other appellate body, and the court must view the evidence in the light most favorable to the decision of the agency and must defer

to the agency's factual determinations if supported by substantial evidence.” *New Mexico State Bd. of Psychologist Examiners v. Land*, 133 N.M. 362, 364, 62 P.3d 1244, 1246. Furthermore, “[t]he district court, acting in its appellate capacity, may not substitute its judgment for that of the agency and must evaluate whether the record supports the result reached, not whether a different result could have been reached.” *Id.* at 365, 1247.

II. Discussion

Appellant’s issues on appeal are whether Appellee’s findings on the following were arbitrary and capricious, supported by substantial evidence in the whole record or otherwise contrary to law:

1. That Appellant’s equipment and process would create “noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises;
2. That Appellant’s application is contrary to Article III, Section 3.2 ¶(d)(3), (Home Occupation Performance Standards of the Land Development Code) which proscribes visible evidence of the conduct of the home occupation; and
3. That Appellant’s application involves “operations of structures not in keeping with the residential character of the neighborhood, in violation of ¶(d)(8).

On Appellant’s issue number one Appellant argues that the crematorium would not create any “noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises. The Court does not agree with Appellant’s first argument. Appellant provided an Emissions Comparison from B&L Systems that stated that the crematorium would have minimal to no fumes or odor, and issued a comparative analysis with emissions from a fireplace, a diesel truck and a restaurant cooking one hundred (100) hamburgers being much

higher. The Court takes issue with this Emissions Comparison, because it was produced by the manufacturer of the equipment (as stated by Ms. Jan Daniels who provided the staff report to the Santa Fe County Development Review Committee on January 17, 2008). See Exhibit L of the Memorandum presented to the Appellee. The Court finds it hard to give this Emissions Comparison much evidentiary weight as it feels that this document is self-serving and cast a light more favorable to the manufacturer of the crematorium . Even if true as stated that there is minimal to no fumes or odor, there is a possibility that pollutants may be in the air, and these pollutants may be detectable to normal senses off the premises. (RP 34). The Court is not convinced by Appellant's argument that the crematorium will not create any fumes or odor that would be detectable to the senses off the premises, and as such Appellants issue number one fails.

On Appellant's issue number three Appellant argues that the operation of the structure would be in keeping with the residential character of the neighborhood in accordance with Article III, Section 3.2 ¶(d)(8) , of the Home Occupation Performance Standards of the Land Development Cod . The Court is not convinced of this argument by the Appellant. There are no other crematoriums located in this neighborhood. (RP 36, 38) As such adding a crematorium would not be in keeping with the residential character of the neighborhood. Commissioner Anaya stated that, "I think this probably needs to be in a different location." (RP 39). Commissioner Anaya also stated that it is a creepy feeling to be having a barbecue and that a neighbor is burning a dog. *Id.* With such testimony as presented this Court agrees that running a crematorium would not be in keeping with the residential character of the neighborhood, therefore the Court denies Appellant's issue number three.

This Court further finds that Appellee is in compliance with all laws specifically the power granted to them by N.M.S.A. § 3-21-1(A)(5). This section is the Zoning, authority of

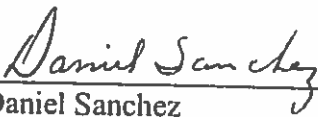
county or municipality and it states that, “[f]or the purpose of promoting health, safety, morals or the general welfare, a county or municipality is a zoning authority and may regulate and restrict within its jurisdiction the: location and use of buildings, structures and land for trade, industry, residence or other purposes.” N.M. STAT. ANN. § 3-21-1(A)(5) (2009). Accordingly, pursuant to this statute the Appellee has the authority to restrict the use of a building to promote the health, safety morals or the general welfare. *Id.* Testimony presented by Mr. Joe Velarde, who is a neighbor of Appellant, provided that he had a concern over the health of the neighborhood if Appellee was to allow such a variance for Appellant’s crematorium. (RP 34). Mr. Velarde’s testimony raises an issue regarding the health and well being of the neighborhood, and it is the duty of Appellee to regulate and restrict zoning to provide for the safety and well being of the neighborhood that is located in its county. N.M. STAT. ANN. § 3-21-1(A)(5) (2009). This court is therefore persuaded that N.M.S.A. § 3-21-1(A)(5) is applicable to the foregoing case, and that Appellee’s decision was not made contrary to law.

With regards to Appellant’s issue number two Appellant argues that the building structure to house the crematorium would not proscribe visible evidence of the home occupation in violation of Article III, Section 3.2 ¶(d)(3), of the Home Occupation Performance Standards of the Land Development Code, will not be addressed since the Court believes that the other issues stated in this Memorandum Opinion have precluded the Appellee from denying the variance requested for a crematorium were not made in an arbitrary and capricious manner, that there was substantial evidence based on the whole record, and that the decision was not contrary to law.

III. Conclusion

This Court after reviewing the record as a whole determines that Appellee has properly interpreted the application of Article III, Section 3.2 of the Home Occupation Performance

Standards of the Land Development Code, and does not find that Appellee's decision is arbitrary and capricious or contrary to law, and that Appellee's decision was based on substantial evidence based on the whole record . The Court further finds that the Appellee wholly acted within its capacity as a Zoning Authority to deny the variance in accordance with N.M.S.A. § 3-21-1(A)(5). It is therefore ordered by this Court that the decision by Appellee to not grant the variance to expand Appellant's Home Occupation License to include a crematorium on her property was properly made and is hereby upheld. The appeal is DENIED.




Daniel Sanchez
District Judge
Division VII

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was mailed to Counsel on this
17th day of June, 2009.

John Aragon, Esq.
523 Barela Lane
Santa Fe, NM 87505

David Stevens, Esq.
P. O. Box 276
Santa Fe, NM 87504-0276


Margaret Archuleta
Trial Court Administrative Assistant

SANTA FE SKIES RV PARK

Browncastle Ranch, Inc. dba Santa Fe HydroExcavation

14 Browncastle Ranch
Santa Fe, NM 87508 505-473-5946 1-877-565-0451 Toll Free
E-Mail: sfskysrv@swcp.com FAX (505) 471-9069
www.santafeskiesrvpark.com

County Land Use Administration
102 Grant Avenue
Santa Fe, NM 87504-0276

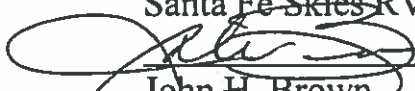
RE: CDRC Case # APP 14-5040


The undersigned owners/residents of Santa Fe Skies RV Park and Browncastle Ranch hereby support the decision of the County Development Review Committee to deny a home occupation business license, and further deny the applicant's appeal, to Rachael Tapia for Loving Animal Services on residential property at 40 Vista Del Monte, within Section 25, Township 16 North, Range East.


The intended use is a dog crematorium and even the best equipment used inevitably creates unacceptable air quality emissions, and odors. At a previous meeting of the County Development Review Committee, a member said that a crematorium should not be allowed in a residential neighborhood.

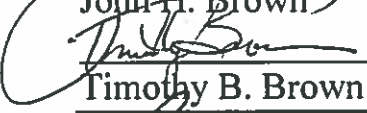
We agree and ask you to deny the appeal.

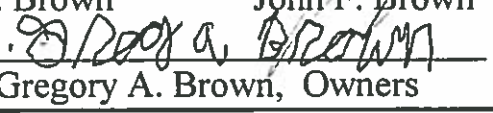
Santa Fe Skies RV Park by

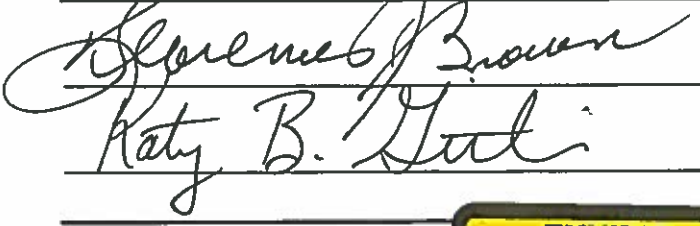

John H. Brown



Karen S. Brown


John F. Brown


Timothy B. Brown


Gregory A. Brown, Owners


Katy B. Galt


WILLIAM BROWN



NBR-116

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: February 20, 2014

TO: County Development Review Committee

FROM: John Lovato, Development Review Specialist Senior *JL*

VIA: Penny Ellis-Green, Land Use Administrator *PEG*
Vicky Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: CDRC CASE # MIS 13-5390 Louie Rael Sr. Exemption

ISSUE:

Louie Rael Sr. and Louie Rael Jr., Applicants, request an Exemption for five year holding between Family Transfer Applications, Section 6.14.4 of Ordinance No. 2002-9, to allow a Small Lot Family Transfer Land Division of 2 lots consisting of 2.54 and 2.56 acres into four lots.

The property is located at 34A Camino Montoya and 53B Paseo Martinez, within the Traditional Historic Community of La Cienega/La Cieneguilla, within Section 20 & 29 Township 16 North, Range 8 East, (Commission District 3).

Vicinity Map:



NBC-1

SUMMARY:

The Applicants intend to divide one 2.54 acre lot into two 1.27 acre lots, and one 2.56 acre lot into two 1.28 acre lots. Louie Rael Sr. has owned the subject property for over forty years. In 2010, a Family Transfer Land Division was approved (4 lots) in which then they transferred parcels to their daughters Valarie Rael (Tract 6I), Tammy Rael (Tract 6K), and son Louie Rael Jr, (Tract 6J) and also retained a parcel for Louie Rael Sr. (Tract 6H)

The Applicants now wish to divide tracts 6H and 6J in order to give property to their adult child and grandchild. The Applicant Louie Rael Sr. wishes to complete this final family transfer because of poor health and limited income available.

Section 6.14.3 of Ordinance No. 2002-9 La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District states, "Any Applicant for a Family Transfer must demonstrate a minimum of five (5) years direct ownership of the lot(s) since the last Land Division(s) or sale or Transfer of the property". The 2.5-acre lots which the Applicants intend to divide further and transfer to family members have been in their divided state since 2010. However, they have not been held by the Applicants in their divided state for a five year period. Therefore, they are requesting an exception to the five year holding period. The lots are of sufficient size to allow for their division into lots of at least 1.25 acres through the Small Lot Family Transfer Land Division process with signed and recorded water restrictions.

This Application was submitted on December 6, 2013.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request.

APPROVAL SOUGHT: Approval of an Exemption to the Five Year Holding between Family Transfer Applications. (Per Section 6.14.4 of Ordinance 2002-9) The CDRC is the final approval on this request.

GROWTH MANAGEMENT AREA: El Centro, SDA-2

HYDROLOGIC ZONE: Basin Zone, minimum lot size per Code is 10 acres per dwelling unit. Lot size can be reduced to 2.5 acres per dwelling via Family Transfer and with signed and recorded water restrictions. Lot size can be further reduced to 1.25 acres per dwelling via Small Lot Family Transfer.

FIRE PROTECTION: La Cienega.

WATER SUPPLY: Domestic Well.

LIQUID WASTE: Conventional Septic System.

NBC-2

VARIANCES:

No

STAFF RECOMMENDATION:

Ordinance 2002-9 states, "any Applicant for a family transfer or small lot family transfer must demonstrate a minimum of five (5) years direct ownership of lot(s) since the last land division(s) or sale of transfer property." Therefore staff recommends denial of the Exemption for Five Year Holding between Family Transfer Applications.

If the decision of the CDRC is to approve the Applicants request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (Article III, § 2.4.2).
3. The Applicants shall comply with all Fire Prevention Division requirements at time of Plat Review (As per 1997 Fire Code and NFPA Life Safety Code).

EXHIBITS:

1. Letter of request
2. Ordinance 2002-9 § 6.14.3& 6.14.4
3. Site Photographs
4. Existing Plat
5. Proposed Plat
6. Aerial of Site and Surrounding Area

December 6th 2013

County Development Review Committee
Santa County
Land Use Division

Dear Staff and Committee Members:

On behalf of Louie Andrew Rael (Louie Senior) and Louie Rael Jr. (Tracts 6H and 6J owners), I am requesting an exemption (section 6.14.4, Santa Fe County Ordinance No.2002-9) to the time of ownership element (section 6.14.3, Santa Fe County Ordinance No.200-9) to avoid unnecessary hardship for the Rael family as stated above. Louie senior has been paying property taxes on this vacant land since the transfer into his name by his father on April 8th, 1974 (quitclaim deed bk.316,pg.454) at which time his father also deeded the north and south adjoining parcels to Louie's brothers Jerry and Robert. Louie senior and his wife Mary Lou Rael (warranty deed #1535990) have been working to pass the property on to their children (Family Transfer Land Division plat bk.722, pg.003) and grandchildren (proposed Family Transfer Land Division). Louie senior is the principal listed on the county tax records and has been the acting as patriarch of his family for this process but due to his advancing age mid 80's, poor health and now limited income wishes to complete this final transaction to insure his families future. The Rael family has owned this property for over 40 years and Louie's brothers have split and family transferred the properties on the north and south of the subject land (plat bk.135, pg.028, bk.339, pg.20, bk.374, pg.26) and this request matches the character of the area and easily shows the Rael's have a proven record of longtime ownership in this area.

Rick Chatroop NMPLS#11011 on behalf of Louie & Louie Jr.

Attached please find:

- "Small Lot Family Transfer Land Division for Louie Rael & Louie Rael Jr."
- Owner's deeds
- Proof of taxes paid
- Recorded survey plat(proof of legal lot)
- Development application
- Vicinity map
- address confirmations
- additional deeds and plats referenced above

Thank you for your consideration.

Richard A. Chatroop
N.M.P.L.S. #11011
(505) 470-0037



NBC -4



EXHIBIT
3

NBC-6

FAMILY TRANSFER LAND DIVISION FOR MARY LOU RAE L WITHIN TRACT 6

722003

LYING AND BEING SITUATED WITHIN THE CIENEGUILLA GRANT
WITHIN PROJECTED SECTIONS 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

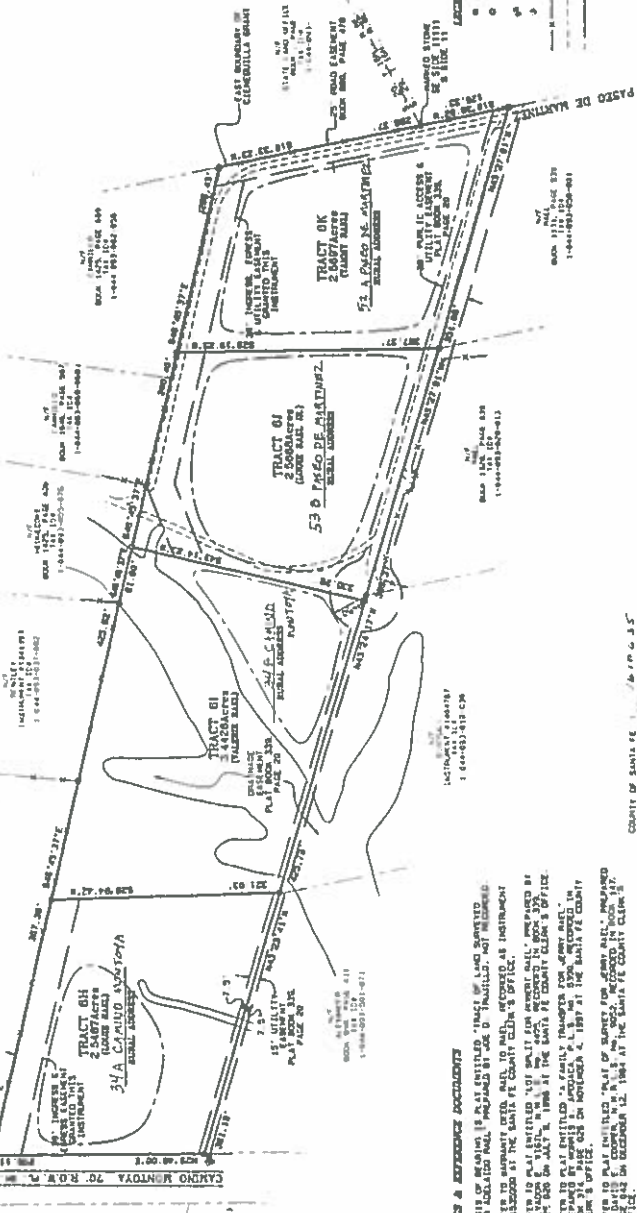
OFFICER'S CONSENT

WE HEREBY CERTIFY ON BEHALF OF THE LAND DIVISION AND PLATTING AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN AND AS TO THE VALIDITY OF THE INSTRUMENT AND AS TO THE ABSENCE OF ANY UNLAWFUL ENCUMBRANCES, UNLESS OTHERWISE INDICATED THEREON. WE FURTHER CERTIFY THAT THE INSTRUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT AS FILED WITH US. WE FURTHER CERTIFY THAT THE INSTRUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT AS FILED WITH US. WE FURTHER CERTIFY THAT THE INSTRUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT AS FILED WITH US.



NOTARY PUBLIC
BY COMPLETION EXPIRES

TRACT 6 HAS BOUNDABLE AREAS AND SETS
SIZES OF THE DRAINAGE BASIN OF QUINLAN
SITE TO BE DETERMINED AT TIME OF APPLICATING
FOR BUILDING PERMITS.



SANTA FE COUNTY APPROVAL NOTES AND CONDITIONS
DATE: 1/14/10
BY: [Signature]
COUNTY CLERK



SPECIAL BUILDING PERMIT CONDITIONS
THE TRACTS SHOWN HEREON ARE PARTIALLY WITHIN THE LIMITS OF THE FIRM ESTABLISHED BY THE STATE OF NEW MEXICO. THE TRACTS ARE SUBJECT TO THE PROVISIONS OF THE FIRM ESTABLISHED BY THE STATE OF NEW MEXICO. THE TRACTS ARE SUBJECT TO THE PROVISIONS OF THE FIRM ESTABLISHED BY THE STATE OF NEW MEXICO. THE TRACTS ARE SUBJECT TO THE PROVISIONS OF THE FIRM ESTABLISHED BY THE STATE OF NEW MEXICO.

- NOTES & REFERENCE DOCUMENTS**
1. BASIS OF RECORD IS AS SHOWN ON THE PLAT AND SURVEYED.
 2. THE PLAT IS SUBJECT TO THE PROVISIONS OF THE FIRM ESTABLISHED BY THE STATE OF NEW MEXICO.
 3. THE PLAT IS SUBJECT TO THE PROVISIONS OF THE FIRM ESTABLISHED BY THE STATE OF NEW MEXICO.
 4. THE PLAT IS SUBJECT TO THE PROVISIONS OF THE FIRM ESTABLISHED BY THE STATE OF NEW MEXICO.
 5. THE PLAT IS SUBJECT TO THE PROVISIONS OF THE FIRM ESTABLISHED BY THE STATE OF NEW MEXICO.

COUNTY OF SANTA FE, N.M.
STATE OF NEW MEXICO
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF SANTA FE COUNTY, NEW MEXICO, ON THIS 14th DAY OF JANUARY, 2010, AT 10:00 AM. THE INSTRUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT AS FILED WITH US.

SURVEYOR'S CERTIFICATE

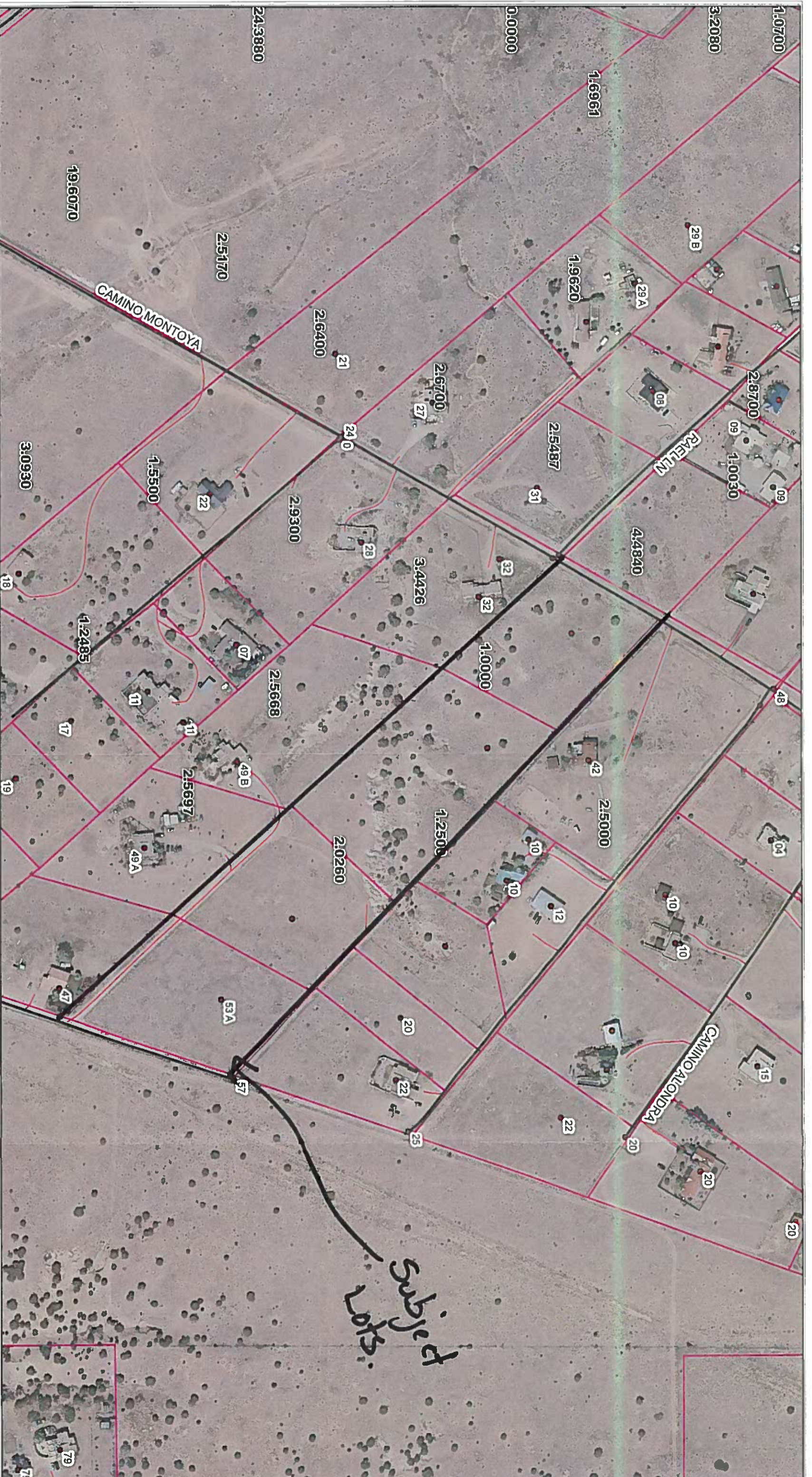
I, the undersigned, being a duly qualified and licensed surveyor in the State of New Mexico, do hereby certify that the foregoing is a true and correct copy of the original instrument as filed with me, and that the same is a true and correct copy of the original instrument as filed with me.

SOUTHAIR SURVEYS
1114 HICKORY BL., SANTA FE, N.M. 87501
PHONE: 970-833-1111
FAX: 970-833-1112
WWW.SOUTHAIRSURVEYS.COM

PRECEDING INFORMATION FOR COUNTY CLERK
FILE NO. 10-000000010
PLAT NO. 10-000000010
SUBMISSION NO. 10-000000010
SECTION: 10-000000010



200-2



*Subject
Lots*

Legend

-  ROADS
-  DRIVEWAYS
-  Parcels



2008 Orthophotography
2 FOOT CONTOURS

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



Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: February 20, 2014

TO: County Development Review Committee

FROM: John Lovato, Development Review Specialist Sr. *JL*

VIA: Penny Ellis-Green, Land Use Administrator *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: CDRC CASE # V 13-5400 Tod Amon Variance

ISSUE:

Tod Amon, Applicant, requests a variance of Article V, Section 8.1.3 (Legal Access) of the Land Development Code to allow a road that does not have all weather access and does not meet the required 20' width to access a driveway to a property consisting of 18.46 acres.

The property is located at 29 Puertecito Road, within the vicinity of Golden, within Section 19, Township 12 North, Range 7 East, (Commission District 3).

Vicinity Map:



102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:
505-995-2740 www.santafecounty.org

NBD-1

REQUEST SUMMARY:

The Applicant requests a variance to allow a driveway to access a buildable site on 18.46 acres. The access is located off of Puertecito Road which is a private road that does not meet County Road standards of having 20' wide driving surface and it crosses a drainage way through a low water dirt surface. Puertecito Road ranges from 15'-20' feet in width throughout the length of the road, is approximately 1 mile in length, and enters Sandoval County.

Article V, § 8.1.3 states "Legal access shall be provided to each lot and each lot must directly access a road constructed to meet the requirements of Section 8.2 of the Code. Parcels to be accessed via a driveway easement shall have a twenty (20) foot all weather driving surface, grade of not more than 11%, and drainage control as necessary to insure adequate access for emergency vehicles".

Article V, § 8.2.1c states "local lanes shall be constructed with two 10' driving lanes with a minimum right of way of 50' and constructed with 6" of base course".

The Applicant states he has contacted several Professional Engineers and has received quotes for costs of construction of a crossing and states he cannot afford to construct a bridge or place culverts for the crossing. The lowest quote for this project was \$116,000 and the highest was \$225,000.

Article II, § 3 (Variances) of the County Code states: "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This Section goes on to state "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified". **(The Variance Criteria does not consider financial or medical reasons as extraordinary hardships).**

This Application was submitted on December 27, 2014.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request.

APPROVAL SOUGHT: Approval to construct a driveway on 18 acres, which due to offsite conditions would require a variance from Article V, Section 8.1.3 (Legal Access)

GROWTH MANAGEMENT AREA: Galisteo, SDA-3

VARIANCES: Yes

NBD-2

HYDROLOGIC ZONE: Homestead Hydrologic Zone, minimum lot size per Code is 160 acres per dwelling unit. Lots size can be reduced to 40 acres with signed and recorded water restrictions. The subject lot was created in 1979 and is a pre-code lot.

ACCESS: Via 15'-20' roadway (Puertecito Road) and dirt low water crossing, which does not comply with minimum Code criteria.

FIRE PROTECTION: Edgewood Fire District.

WATER SUPPLY: Domestic Well

LIQUID WASTE: Conventional Septic System

AGENCY REVIEW:	<u>Agency</u>	<u>Recommendation</u>
	County Fire	Pending

STAFF RECOMMENDATION: Denial of a variance from Article V, Section 8.1.3 (Legal Access) to construct a driveway from Puertecito Road which does not have adequate drainage control and does not have 20' driving surface.

If the decision of the CDRC is to recommend approval of the Applicants request for a variance, staff recommends imposition of the following conditions:

1. The Applicant must obtain a development permit from the Building and Development Services Department for the driveway and residence. (As per Article II, § 2).
2. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application (As per 1997 Fire Code and 1997 Life Safety Code).

EXHIBITS:

1. Letter of request
2. Article V, § 8.1.3 (Legal Access)
3. Article V, § 8.2.1c
4. Article II, § 3 (Variances)
5. Site Photos
6. Aerial of Site and Surrounding Area

Tod Amon
15 Vega Rd
Sandia Park, NM 87047
December 13, 2013

To: Santa Fe County

Summary:

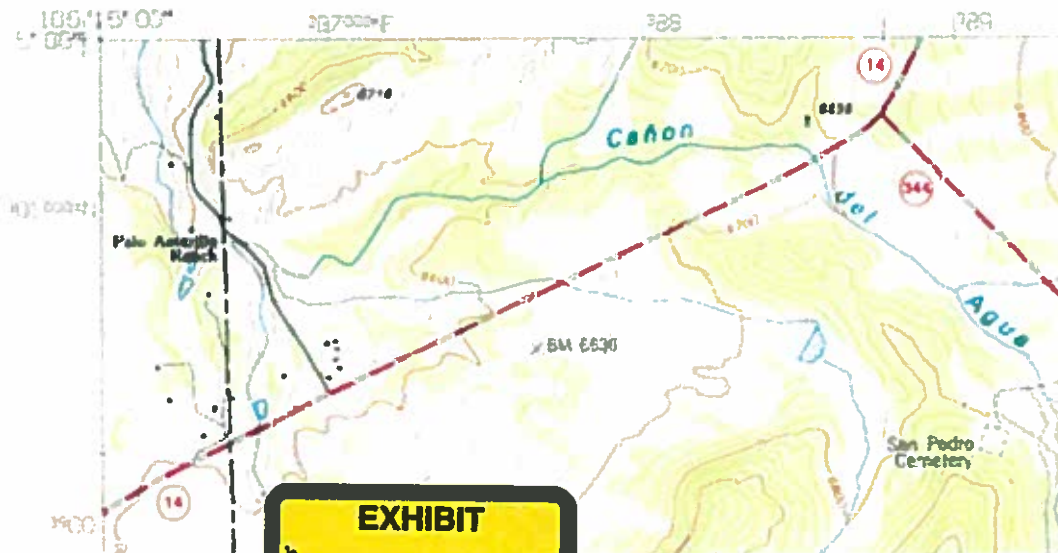
I am writing seeking permission to situate a private driveway north of the Canon del Agua crossing of Puertecito Road so as to allow me to move forward with plans to build a modest home on 18 acres of land I own in Santa Fe County. If granted, I will access this driveway and my property from Highway 14 using the existing low water crossing of the Canon del Agua on Puertecito Road (situated on my property) and from Interstate 25 using existing maintained Sandoval County roads.

Background:

My wife and I are the owners of "Tract B Lands of Louis E. Kerschion" platted on August 17, 2011 as document number 1642841. The west boundary of the property is the line between Sandoval and Santa Fe county. The property is located approximately 3 miles south of Golden NM and can be accessed via State Highway 14 and Puertecito Road. The parcel is located approximately 1500 feet down Puertecito Rd. from Highway 14. A portion of Puertecito Rd. is contained within my property and a part of the road contains an existing dry water crossing of a large arroyo, the "Canon del Agua".

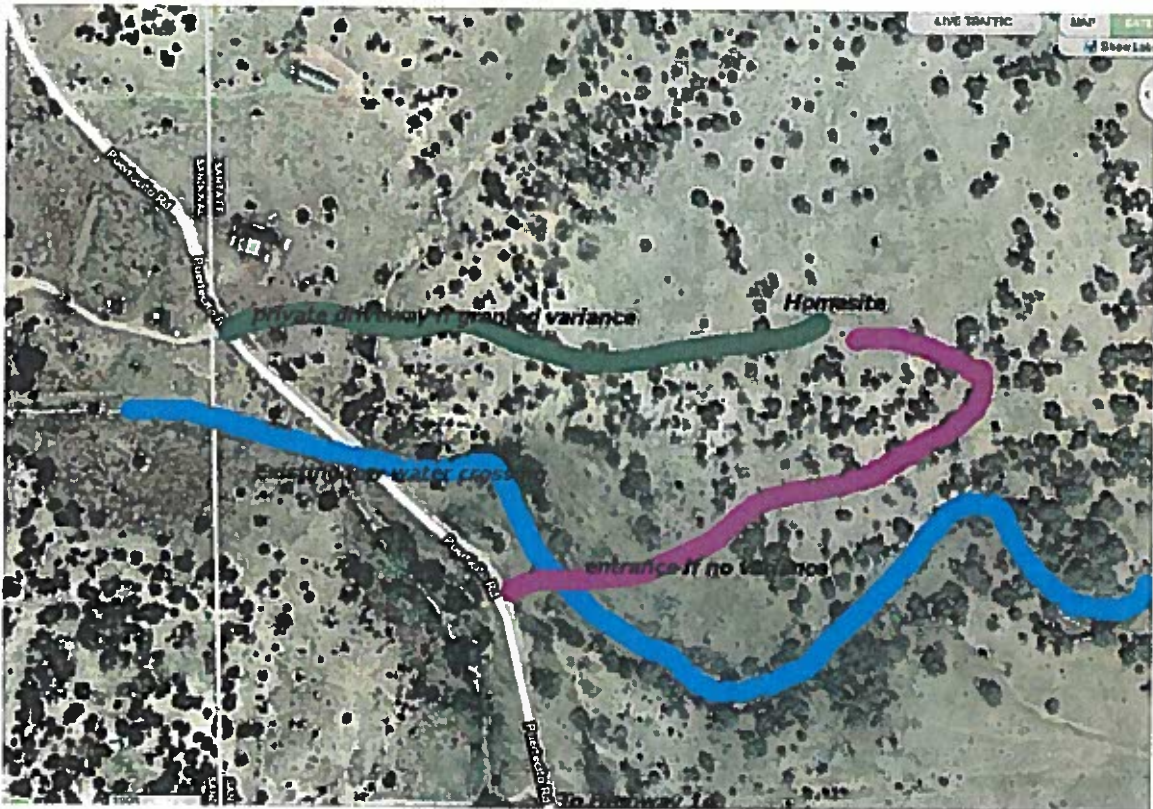


U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



NBD-4

The preceding photo shows Highway 14 and Puertecito Rd (unmarked). My property is located to the east of where the road and the county line cross. Almost all of my property is north of the Canon del Agua – e.g., I must cross it to access my property from Highway 14, which is the most convenient means of access (it is less than half a mile from the highway). The figure below shows (roughly) both the road I would like to construct if my request for a variance is granted and my only other alternative – constructing my own crossing of the Canon del Agua. During a courtesy pre-inspection on October 18th, 2013 John Lovato from the Santa Fe County Building and Development Services department along with his supervisor and Fire Captain Buster Patty walked my property and indicated that both road options were very feasible – the only concern was the existing low water crossing of the Canon del Agua on Puertecito Road.



Research

After the courtesy pre-inspection I retained the services of engineer Cory Pierce and have attached his letter containing his findings with regards to the arroyo (prior to meeting with him I didn't even realize it had a name) and the feasibility of building a private crossing to support access to my property. Of particular note is that the drainage basin is over 5 square miles in size and that there are numerous very large

culverts underneath Highway 14 (at various locations) that all feed into the arroyo. I came to discover that a New Mexico land grant is even name for the Canon del Agua arroyo. On my behalf he contacted several commercial firms that supply materials for bridges of this size and has provided several cost estimates, based on his firm's experience, for construction of my own crossing of the arroyo. For a crossing of this size and magnitude it is difficult to obtain more detailed pricing because more engineering work would need to be completed based on a detailed topographical analysis of the proposed crossing site, and only after this work has been completed would contractors be able to provide better cost estimates.

After I received this information from Mr. Pierce I retained the services of engineer Oralynn Guerrerortiz from Design Enginuity to provide another opinion. Her letter indicating that Mr. Pierce's data and estimates appear reasonable is also attached. If anything, she suggested the cost estimates from Mr. Pierce might be too low.

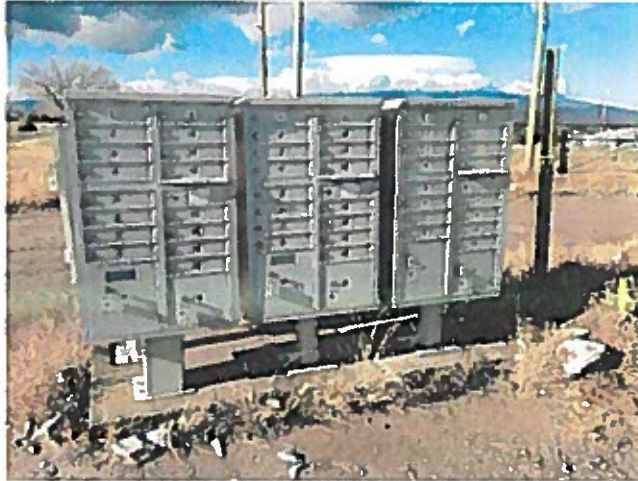
Safety

I appreciate very much the efforts of the county's many departments who do so much to help ensure public safety. I don't see myself as a risk taker or someone who typically would seek permission to avoid rules and regulations put into place to ensure not only my safety but the safety of future homeowners and county residents. I am the president of the Southwest Artist Blacksmith Association (<http://www.swaba-abana-chapter.org/>) and we teach safety and I put it into practice every time I use my forge and metal-working equipment.

I have found out from local residents that typically once or twice a year there is enough water crossing Puertecito Rd. at the arroyo (which contains not even a single culvert) so as to require a high clearance vehicle. I believe that most emergency vehicles who serve this area would have high clearance and thus this would not usually be a problem. Of course the vast majority of the time there is no water in the arroyo or road at all. I do believe that in the event of a 100 year flood, or 100 year snow storm, access to my property could be quite difficult, from both Highway 14 and Interstate 25.

Puertecito Road

There are currently many residents who live off of Puertecito road and utilize the existing low water crossing to access Highway 14. I visited and spoke with Mr. Makita Hill from the Sandoval County Planning and Zoning department but was not able to obtain an estimate regarding how many residents there are. The mailboxes at Highway 14 may provide the best estimate. Of course these mailboxes serve a few residents with nearby houses that do not cross the arroyo but surely some residents further down Puertecito also do not have a mailbox.



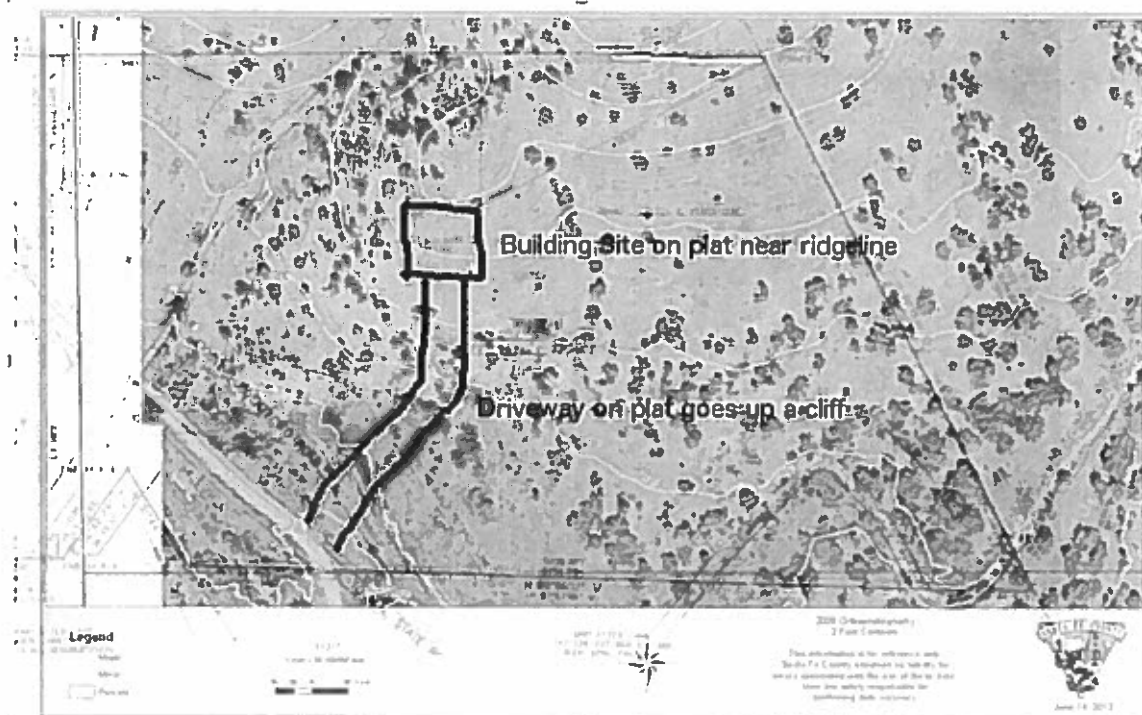
Puertecito Road receives a lot of regular traffic and is also used to support the new pipeline being constructed. I believe Puertecito Road is well over one hundred years old but have been unable to obtain definitive proof of this assertion. I have attached an email from Mr. Jason Clark, the road manager for Sandoval County. Sandoval County is currently maintaining Puertecito Road to the Santa Fe County line and has been for a long time: *“over a period of continued maintenance the maintained roadway becomes the County’s through prescriptive rights”* but even more interesting to me is the fact that Mr. Clark noted: *“Currently Sandoval county has from time to time graded and provided snow removal to the Santa Fe County portion of Puertecito to allow for school bus access and EMS vehicles to access La Madera and the residents via Puertecito Road.”*

Almost all of the property and residences served by Puertecito Road lie in Sandoval county. As a result, and perhaps as a matter of practicality, Sandoval county is at times maintaining the less than half a mile of road that lies in Santa Fe county. The existing dry water crossing of the Canon del Agua arroyo may not be ideal but it is currently serving a small community of people and being partially maintained by Sandoval County.

I believe at some point in the future (perhaps an agreement between the counties) it is possible that the arroyo crossing could be improved in the best interests of the public. Given that the arroyo crossing is on my property I certainly would be most amenable to providing additional easements, granting right of way or ownership, etc., as needed, to facilitate this future state – granting me a variance would result in my having a strong self interest in seeing such a future state come about and indeed I would likely undertake some regular maintenance on the low water crossing to help ensure my own access to my (future) residence. I should mention that replacing the low water crossing with a bridge is non-trivial because of the needed width and topography – essentially there is a long and gradual descent into the crossing and a somewhat gradual climb up out of it... the cost for improving Puertecito would be very substantial, something that only a public agency or large developer could contemplate.

Costs

The cost of a private crossing of the Canon del Agua is, for me, very prohibitive. Property values in the area are not high (homes are very modest) and a \$100,000 or more expenditure merely to allow access would simply not be a wise financial decision even if moneys were available. When I purchased the property I knew that the plat showed a private driveway crossing the arroyo. However, I also knew that the county had a limit on the slope of a driveway and the plat showed a driveway utilizing a slope of much more than 15% grade. The home site shown on the plat also might violate rules regarding placing homes on the top of ridgelines. I created the image below (superimposing the plat and GIS data I obtained from Santa Fe County) before purchasing the property.



I showed this image to Mr. Lovato and asked whether or not I would have to construct a driveway and use the building site shown on the plat. When he assured me that the plat was not requiring me to use the marked building site or put a road up a cliff, I mistakenly failed to investigate further both the cost of crossing the arroyo as well as my ability to utilize the existing low water crossing. My wife and I both love the land we purchased and, though we have already spent more money than I would have expected simply to investigate the possibility of our own crossing, are hopeful that my mistake will not force us to give up this dream.

Conclusion

Thank you for reviewing my request. I do not know what precise criteria you use when deciding to grant a variance however I believe that one or more of the following factors in my case should be persuasive:

- 1) The prohibitive cost of a private crossing.
- 2) The prominence of Puertecito Road and a consideration of its past and future
- 3) The fact that access to my property is available from I-25 using dirt roads maintained by Sandoval County (thus bypassing the low water crossing on my plat).
- 4) The fact that many residents of Sandoval County are already using Puertecito Road to access their properties from Highway 14 and I seek only to do the same.

I would be happy to provide any additional information you need and hope for a future that sees me becoming a proud resident of Santa Fe County.

Best Regards,

-Tod Amon

8.1.2 The Santa Fe County Master Plan For Roads

- a. Pursuant to 3-19-9 N.M.S.A., 1978, the Santa Fe County Master Plan for Roads establishes the general location of existing and proposed highway and arterial roads for the purpose of assuring a coordinated system of roads in Santa Fe County.
- b. The Santa Fe County Master Plan for Roads may be amended by resolution from time to time to accommodate changing or changed conditions.

8.1.3 Legal access shall be provided to each lot and each lot must directly access a road constructed to meet the requirements of Section 8.2 of this Article. Parcels to be accessed via a driveway easement shall have a twenty (20) foot all weather driving surface, grade of not more than 11%, and drainage control as necessary to insure adequate access for emergency vehicles.

8.1.4 Dead end roads may not serve more than thirty (30) dwelling units, except that the Code Administrator with the concurrence of the Fire Marshal may approve the development of more than thirty (30) lots on a dead end road. The Code Administrator may require a second access for any development with fewer than thirty (30) dwelling units where issues of public health, safety and welfare exists.

8.1.5 Coordination of Roads With Surrounding Property

- a. The arrangement of roads in a development shall provide for the continuation or appropriate projection of existing or proposed highway or arterial roads in surrounding areas according to the Santa Fe County Master Plan for Roads, and shall provide reasonable means of ingress and egress to surrounding property.
- b. Where land is subdivided into large tracts or where there is a potential for further subdivision or development of subsequent phases exists, the proposed development shall be designed to provide for a coordinated road system for the entire tract.
- c. Where it is in the public interest to establish a right-of-way or access to property which adjoins a proposed development, the right-of-way shall be extended to the boundary of the property which is the subject of a development application. The right-of-way shall either be dedicated to the County or granted to the Owner's Association, subject to a conditional dedication governed by Article V, Section 8.1.9. Such right-of-way shall be designated on the master or phase development plan and on the plat as a public access.

8.1.6 Access to highways and arterials; buffering requirements

- a. Where a proposed subdivision contains lots abutting or adjacent to an arterial or highway, it shall be planned so as to avoid having lots having frontage on said thoroughfares.
- b. The subdivision shall be laid out to have a minimum number of intersections with arterials or highways, and where appropriate, shall provide at least two separate points of ingress and egress to assure adequate access, and shall be designed for all weather conditions. Driveways from lots shall access local roads and may access collector roads on a limited basis as approved by the County Development Review Committee.
- c. Where the subdivision is traversed by or is adjacent to a state or federal highway, and in addition to these regulations, the subdivision must satisfy the New Mexico State Highway Department Regulations Covering Design and Construction of Driveways on Non-Controlled Access Highways in New Mexico, a copy of which is on file in the office of the Code Administrator for public inspection.
- d. Where a subdivision borders on or contains a railroad right-of-way or a limited access highway right-of-way, a parallel road or frontage road may be required at a distance suitable for the appropriate use of the intervening land. Such distances shall also be

EXHIBIT

2

V - 21

which schedule is on file at the Office of the Public Works Director and the Land Use Office.

8.1.12 Construction of roads or other required improvements may be phased according to a schedule that is part of an approved master or development plan.

8.1.13 Local roads shall be laid out so that their use by through traffic will be discouraged.

8.2 Road Design

Construction and design standards shall be according to sound engineering practice as follows:

8.2.1 Classification of Highways, Streets and Roads

8.2.1a Arterial Roads and Highways

A major arterial road or highway has from two to six driving lanes, may be divided with a median, and has sufficient additional right-of-way to provide for turning lanes and additional width at major intersections. Major arterials have an average daily traffic of more than 5000 vehicles and a minimum right-of-way of one hundred feet (100'). A minor arterial road has an average daily traffic of 2000 to 5000 vehicles, serves 200 to 1000 dwelling units or lots, and has a minimum right-of-way of sixty six (66) feet. Asphalt paving is required for major arterials at a minimum depth of five (5) inches and for minor arterials to a minimum depth of four (4) inches. Separated driving lanes or park-ways are encouraged. See Appendices A, B.1, B.2 and B.3 for further detail.

8.2.1b Collector Roads

A collector road has two (2) twelve (12) foot driving lanes. It serves 61 to 199 dwelling units or lots and has an average daily traffic volume of 601 to 1999 vehicles and a minimum right-of-way of fifty (50) feet; paving shall achieve a minimum depth of three (3) inches. See Appendices A, B.1, B.2 and B.3.



8.2.1c Local Roads

A local subcollector road has two (2) twelve (12) foot driving lanes, serves 31 to 60 dwelling units or lots, and carries an average daily traffic volume of 301 to 600 vehicles with a minimum right-of-way of fifty (50) feet. A local subcollector road has a six (6) inch minimum surface thickness of crushed gravel base course material, provided it can be shown that such minimum thickness is adequate based on subgrade soil conditions; a plasticity index of eight (8) to twelve percent (12%) shall be provided. A local lane, place or cul-de-sac road serves 0 to 30 dwelling units or lots and carries an average daily traffic volume of 0 to 300 vehicles with two (2), ten (10) foot driving lanes with a minimum right-of-way of fifty (50) feet. Local lanes, places and cul-de-sac roads shall be constructed with the same sub-grade and base course specifications as the subcollector road. See also Appendices A, B.1, B.2 and B-3 and Section 8.3 of this Article.

8.2.1d Cul-de-sacs

Cul-de-sacs (dead end roads) shall not be longer than five hundred (500) feet. At the closed end there shall be a turn around having a minimum driving surface radius of at least forty-two (42) feet for roads under 250 feet long and of at least fifty (50) feet for roads 250 feet and longer. A suitable alternative, such as a hammerhead turn around, may be acceptable if approved by the Code Administrator and the Fire Marshal. All turn around areas shall be designed to protect existing vegetation and steep terrain. There shall be a minimum right-of-



2.5 Zoning

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

2.6 Subdivisions

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

2.7 Other Requirements

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


SECTION 3 - VARIANCES
3.1 Proposed Development

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

3.2 Variation or Modification

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

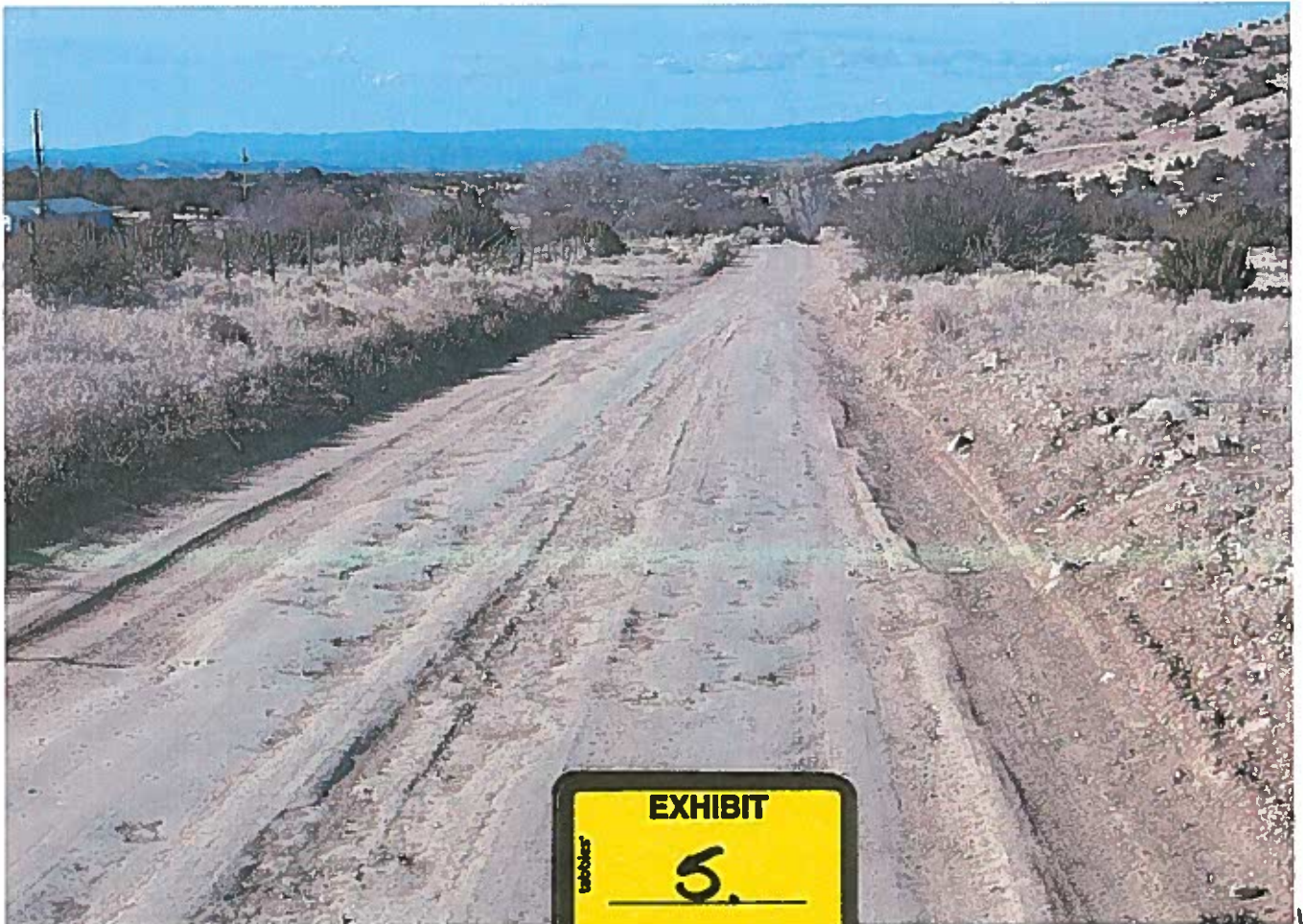
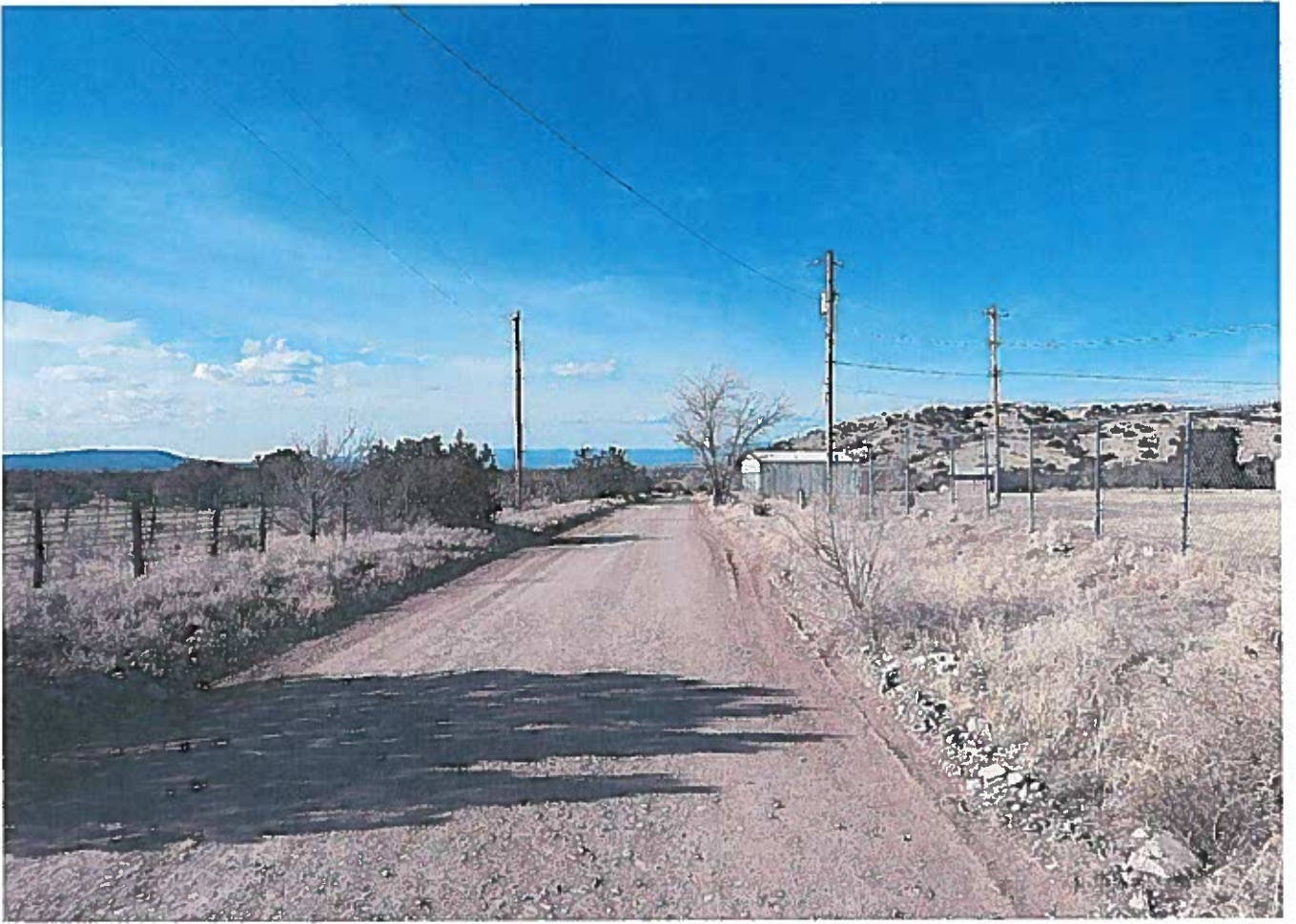
3.3 Granting Variances and Modifications

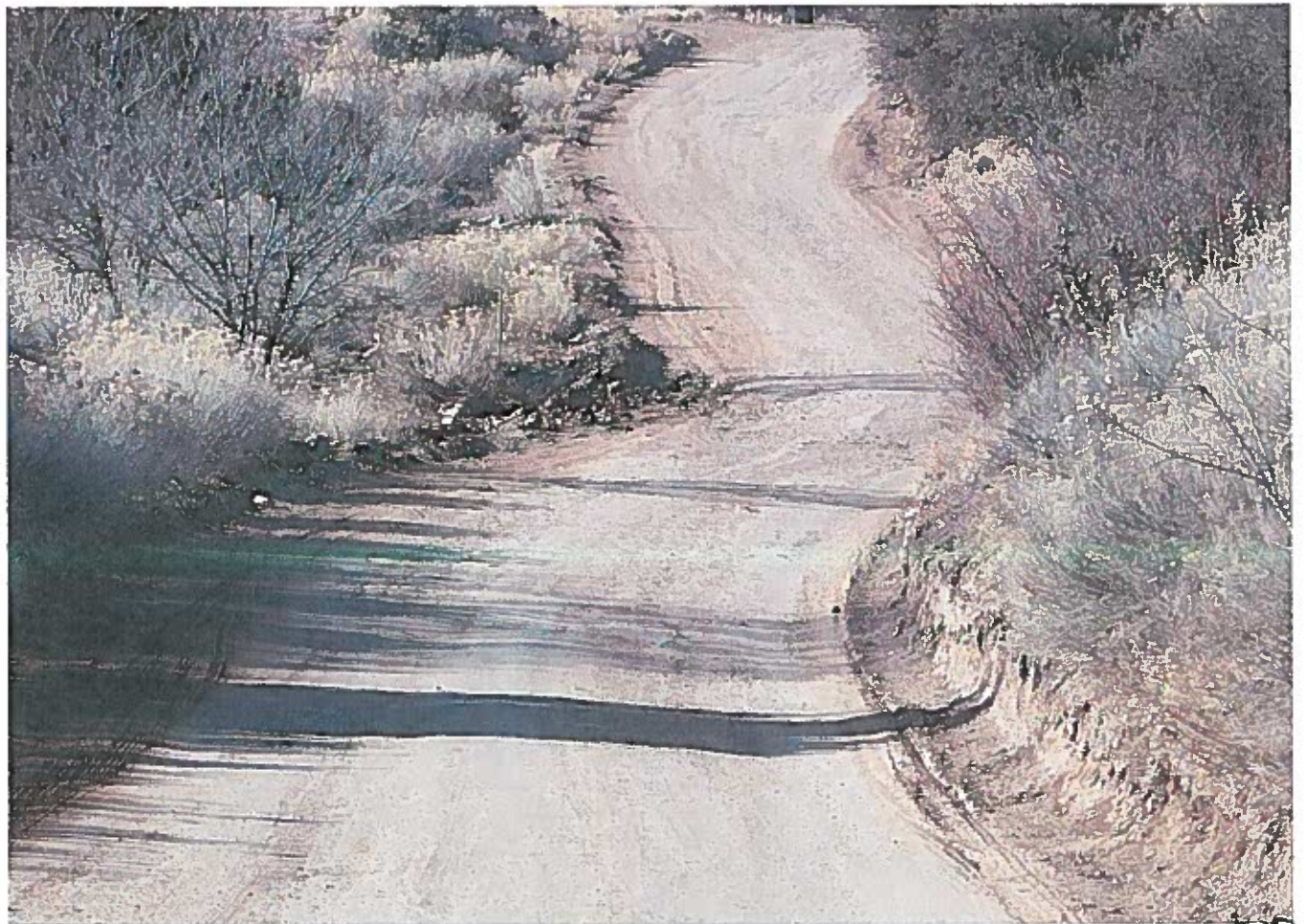
In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

3.4 Height Variance in Airport Zones

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







NBD-14




NBD-15



NBP-16




Legend

-  ROADS
-  Parcels



1:1,066
1 inch represents 88,824,858 feet



0 25 50 100 150 200 Feet



2008 Orthophotography
2 FOOT CONTOURS

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.



January 15, 2013

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: February 20, 2014

TO: County Development Review Committee

FROM: John Lovato, Development Review Specialist Sr.

VIA: Penny Ellis-Green, Land Use Administrator *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

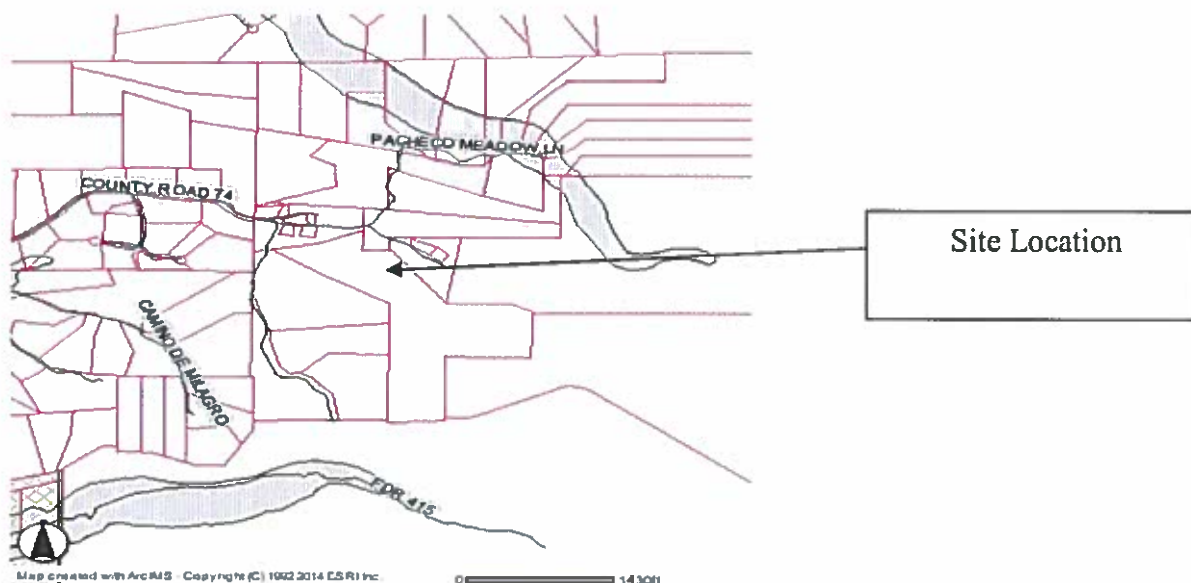
FILE REF.: CDRC CASE # V 14-5020 Dennis & Lynne Comeau Variance

ISSUE:

Dennis and Lynne Comeau, Applicants, request for a variance of Article VII, Section 3.4.1.c.1.c.i (No Build areas) of the Land Development Code, to allow 30% slope disturbance for an existing driveway to access a buildable area on a 66.52 acre parcel.

The property is located at 191 County Road 74 in the vicinity of Tesuque, within Section 20, Township 18 North, Range 10 East, (Commission District 1).

Vicinity Map:



102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:
505-995-2740 www.santafecounty.org

NBE-1

REQUEST SUMMARY:

The Applicants request a variance to allow disturbance of 30 % slope for a driveway to access a parcel totaling 66.52 acres. The driveway has been previously cut and was not permitted through the Santa Fe County Building and Development Services Department. The existing access contains grades greater than 11% which exceeds access requirements for Fire and Emergency vehicles.

Article VII, § 3.41.c.c.i (No Build Areas) of the Land Development Code states: “access for corridors, utility corridors and landscape areas proposed on natural slopes in excess of thirty percent (30%) that disturb no more than three (3) separate areas of no more than one thousand (1,000) square feet each provided the Applicant demonstrates that no alternative development location is available”

The previously cut driveway requires a variance of Article VII, § 3.4.1.c.1.c.i (No Build areas) to allow 30% slope disturbance. The first occurrence is 28,572 square feet, and the second occurrence is 2,568 square feet. The total combined disturbance is 31,140 square feet. The Land Development Code allows up to three isolated occurrences each not to exceed 1,000 square feet for access.

The Applicants state the driveway was created before the purchase of the property, and they have no other route to the only buildable site on the property. Therefore, they are asking for a variance to allow the disturbance of 30% slope. Staff has confirmed that this is the only buildable site on the property. The driveway was cut without approved plans. The Applicant has submitted plans sealed by a Professional Engineer that identify a total of 31,140 square feet of slope disturbance with 443 linear feet of retaining wall.

Article II, § 3 (Variances) of the County Code states: “Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance.” This Section goes on to state “In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified”. (The Variance Criteria does not consider financial or medical reasons as extraordinary hardship).

This Application was submitted on January 21, 2013.

Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the request meets the intent of the variance criteria of the Code, due to unusual topography of the site and the limited buildable area.

APPROVAL SOUGHT:

Approval for previously cut driveway to access a building site on a parcel containing 66.52 acres, which due to site

conditions would require a variance of Article VII, § 3.4.1.c.1.c.i (No Build Areas) to allow two (2) separate areas of 30% slope disturbance totaling 31,140 square feet.

GROWTH MANAGEMENT AREA: El Centro, SDA-2

VARIANCES: Yes

HYDROLOGIC ZONE: Mountain Hydrologic Zone, minimum lot size per Code is 80 acres per dwelling. Lot size can be reduced to 20 acres per dwelling with signed and recorded water restrictions.

ACCESS: County Road 74.

FIRE PROTECTION: Tesuque Fire District.

WATER SUPPLY: Domestic Well

LIQUID WASTE: Conventional Septic System

AGENCY REVIEW:	<u>Agency</u>	<u>Recommendation</u>
	County Fire	Approval
	Public Works	Approval

STAFF RECOMMENDATION: Staff acknowledges this request does not meet Code requirements. This driveway accesses the only buildable area on the property. The cut was done prior to the Applicants owning the property. Staff feels this could be considered an easing of code requirements due to the driveway being previously cut. The Applicant proposes to make the driveway more accessible for emergency vehicles, meeting life safety concerns, and fire code requirements. It also meets the intent of the Code criteria for variances due to the unusual topography of the site. Therefore, Staff recommends approval of the Applicants request.

If the decision of the CDRC is to recommend approval of the Applicant's request for a variance, staff recommends imposition of the following conditions:

1. The Applicant must obtain a development permit from the Building and Development Services Department for construction of the driveway. (As per Article II, § 2).

2. The Applicant shall submit a grading plan. Any further disturbance shall be marked before any grading is done. (As per Article VII, § 3.4.3.c).
3. The driveway grade shall not exceed 11%. (As Per Article V, § 8.1.3 (Legal Access))
4. The Applicant shall comply with all Fire Prevention Division requirements at time of development application (As per 1997 Fire Code and 1997 Life Safety Code).

EXHIBITS:

1. Letter of request
2. Review Agency Comments
3. Article VII, § 3.4.1.c.c.i (No Build Areas)
4. Article II, § 3 (Variances)
5. Applicant's Plans
6. Site Photographs
7. Aerial of Site and Surrounding Area

NBE -

Vineyard Homes LLC

LETTER OF INTENT RE: APPLICATION FOR VARIANCE FOR COMEAU DRIVEWAY

January 10, 2014
Santa Fe County
Variance Hearings
102 Grant Ave. Santa Fe, NM 87504

This letter is written to provide an explicit statement as to the nature and intent of the variance that is being requested by Vineyard Homes LLC (the contractor). The size of the property is 48 acres. The owners, Dennis and Lynne Comeau wish to build their home on a ridge top in Tesuque County. We are asking for a variance on a driveway that is on a hill that in sections exceed 30% slope.

Vineyard Homes LLC along with the Tesuque Fire department, Santa Fe Public Works and the Department of Land Use have determined that this driveway is the only route to the building pad of the home from SF County Road 74.

Buster Patty with the Tesuque fire department has requested a "pass by" and a "turn around" area for emergency vehicles. This will be satisfied with a "turn around" area at the top of the driveway near the home and a "pass by" $\frac{3}{4}$ of the way up the driveway. He also is requesting a staging area at the bottom of the driveway for emergency vehicles. We have been granted permission by the owner of the property where the community well is located to use his property as a staging area for emergency vehicles. This property is located at the base of the driveway on the other side of SF County Road 74.

We respectfully request relief from the strict letter of the ordinance requirements prohibiting driveways built on slopes equaling or exceeding 30%. The owners of the property have no other options for a driveway to their building site other than through this existing route. Disallowance of this variance would create an insurmountable hardship to the owners towards the construction of their personal residence on this particular property.



NBE-5

We trust you will concur with the Tesuque Fire Department, Santa Fe Public Works and the Department of Land Use that this driveway should be permissible as the access route of the owners to their future residence. The owners have no intention of deviating from the natural motif and architectural harmony of the existing surroundings.

Respectfully Submitted,

Deborah Short, Managing Member
Vineyard Homes LLC

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Submittal Review

Date	1/9/14		
Project Name	Comeau, Dennis and Lynne		
Project Location	191 Santa Fe County Road 74, West of the trailer park		
Description	Single Family Residence	Case Manager	C. Menle
Applicant Name	Dennis and Lynne Comeau	County Case #	13-675
Applicant Address	5820 4 th St. NW Albuquerque, NM 87107	Fire District	Tesuque
Applicant Phone	505-235-5225 (Vineyard Homes)		
Review Type	Commercial <input type="checkbox"/>	Residential <input checked="" type="checkbox"/>	Sprinklers <input type="checkbox"/>
	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input checked="" type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
		Inspection <input type="checkbox"/>	Lot Split <input type="checkbox"/>
Project Status	Approved <input type="checkbox"/>	Approved with Conditions <input checked="" type="checkbox"/>	Denial <input type="checkbox"/>

The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated (*Note underlined items*):

Fire Department Access

Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

▪ Roadways/Driveways

Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.



The proposed driveway and emergency vehicle turn around has been approved with the addition of a vehicle pull-out and the installation of an Automatic Fire Suppression System meeting NFPA 13D requirements. The roads shall meet the minimum County standards for fire apparatus access roads of a minimum 14' wide all-weather driving surface and an unobstructed vertical clearance of 13' 6" within this type of proposed development.

▪ **Street Signs/Rural Address**

Section 901.4.4 Premises Identification (1997 UFC) *Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.*

Section 901.4.5 Street or Road Signs. (1997 UFC) *When required by the Chief, streets and roads shall be identified with approved signs.*

Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot or building site within 72 hours of the commencement of the development process for each building.

▪ **Slope/Road Grade**

Section 902.2.2.6 Grade (1997 UFC) *The gradient for a fire apparatus access road shall not exceed the maximum approved.*

There is a portion of the driveway that cannot meet the 11% requirement, due to topography. The homeowner has agreed to install an Automatic Fire Suppression system meeting NFPA 13D requirements (per UFC Article 9, Section 9.2.2.1).

▪ **Restricted Access/Gates/Security Systems**

Section 902.4 Key Boxes. (1997 UFC) *When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.*

To prevent the possibility of emergency responders being locked out, all access gates should be operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System). Details and information are available through the Fire Prevention office.

Automatic Fire Protection/Suppression

All Automatic Fire Protection systems shall be developed by a firm certified to perform and design such systems. Copies of sprinkler system design shall be submitted to the Fire Prevention Division for review and acceptance prior to construction. Systems will not be approved unless tested by the Santa Fe County Fire Department. Fire sprinklers systems shall meet all requirements of NFPA 13-D Standard for the Installation of Sprinkler Systems.

All sprinkler and alarm systems as required shall be tested and approved by the Santa Fe County Fire Department, prior to allowing any occupancy to take place. It shall be the responsibility of the installer and/or developer to notify the Fire Prevention Division when the system is ready for rough-in and final testing.

The requirement for residential fire protection sprinkler systems shall be recorded on the plat and in the covenants at the time of filing or as otherwise directed by the County Fire or Land Use Department.

Life Safety

Fire Protection requirements listed for this development have taken into consideration the hazard factors of potential occupancies as presented in the developer's proposed use list. Each and every individual structure of a private occupancy designation will be reviewed and must meet compliance with the Santa Fe County Fire Code (1997 Uniform Fire Code and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code, which have been adopted by the State of New Mexico and/or the County of Santa Fe.

General Requirements/Comments

▪ Inspections/Acceptance Tests

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

The developer shall call for and submit to a final inspection by this office prior to the approval of the Certificate of Occupancy to ensure compliance to the requirements of the Santa Fe County Fire Code (1997 UFC and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code.

Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall call for and submit to a final inspection by this office for confirmation of compliance with the above requirements and applicable Codes.

▪ Permits

As required

Final Status

Recommendation for Final Development Plan approval with the above conditions applied.

Victoria DeVargas, Inspector

Victoria DeVargas
Code Enforcement Official

1/9/14
Date

Through: David Sperling, Chief
Buster Patty, Fire Marshal *BP*

File: NorthReg/DevRev/Tes/ComeauDennisLynneSFR.doc

Cy: C. Mente, Land Use
Applicant
District Chief
File

NBE-9

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Liz Stefanics
Commissioner, District 4

Kathy Holian
Commissioner, District 5

Katherine Miller
County Manager

**PUBLIC WORKS DIVISION
MEMORANDUM**

Date: January 8, 2014

To: Caleb Mente, Plans Examiner, Land Use Department

From: Paul Kavanaugh, Engineering Associate Public Works *PK*
Johnny P. Baca, Traffic Manager Public Works *JPB*

Re: Development Permit # 13-674 Comeau Driveway Construction.

The referenced project has been reviewed for compliance of the Land Development Code, and shall conform to roads and driveway requirements of **Article V (Subdivision Design Standards) and Section 8.1 (General Policy on Roads)**. The referenced project is located south of County Road 74 and East of Camino Tres Cruces within Section 20, Township 18 North, Range 10 East. The applicant is requesting an administrative approval to allow construction of a fourteen foot (14') driveway to a 44.512 acre parcel as shown as Tract 4-D, on Plat of Survey Dated June 18, 2009, and titled "LOT LINE ADJUSTMENT PLAT FOR RUDY ANAYA AND EDNA MAE ANAYA" Book 704 page 014.

Access:

The applicant is proposing to modify an existing fourteen (14') foot driveway accessing the 44.512 acre tract off County Road 74. Note 14) on the Plat of Survey titled "LOT LINE ADJUSTMENT PLAT FOR RUDY ANAYA AND EDNA MAE ANAYA" Book 704 page 014, states *New driveway/roadway access from County Road #74 is subject to approval by the County Public Works Director.*

Conclusion:

Prior to an approval from the Public Works Department the following shall be addressed;

- Applicant shall provide a proof that a Development Permit was obtained for the driveway prior to Public Works acknowledging that it is an existing permitted driveway, as stated note 14 of the plat.
- Applicant shall provide drainage plans that will address post development runoff onto County Road 74. Santa Fe County will not accept drainage liabilities created by storm water runoff created from a private property.

b. **Buildable Areas.** Each lot shall have a Buildable Area which shall meet the following criteria:

- 1) The natural slope is less than thirty percent (30%);
- 2) New lots shall contain an area suitable for building, including areas suitable for access corridor and utility sites and corridors which can be developed in accordance with these terrain management regulations and other requirements of the Code.
- 3) Meet all required setback standards for ridgetops, drainage ways, etc.
- 4) Contain a site with slope of less than fifteen percent (15%) and soils adequate by type and thickness in order for installation of a septic tank with leach field to be approved. In all other cases, alternative liquid waste disposal will be required.

c. **No Build Areas**

- 1) The following areas shall be set aside from use for development:
 - a) areas of rock outcropping, wetlands, arroyos and natural drainage ways.
 - b) A minimum of twenty-five feet (25') set back is required from the natural edge of streams, waterways, drainage ways or arroyos that may convey a discharge ("Q") of one hundred cubic feet per second (100 cfs) or more, generated by a design storm (100 year recurrence, 24 hour duration); the required setback may be increased if the Code Administrator determines that a clear hazard exists because of slope stability and hydrologic/hydraulic conditions. In evaluating the need to increase the setback, the Code Administrator shall consider property and channel slope, velocity of channel flow, hydraulic radius, roughness coefficient and sectional area of the particular drainage way. A requirement for increased setback imposed by the County shall not be interpreted to be an engineered development plan for development or encroachment to any FEMA designated 100 year floodplain or significant tributary thereof.
- c) Natural slopes of thirty percent (30%) or greater. Exceptions may be approved by the Code Administrator for :
 - i. access corridors, utility corridors and landscape areas proposed on natural slopes in excess of thirty percent (30%) that disturb no more than three (3) separate areas of no more than one thousand (1000) square feet each, provided the applicant demonstrates that no alternative development location is available; and
 - ii. arroyo crossings may be approved which disturb more than one thousand (1000) square feet in each instance provided that slope stability and hydrologic/hydraulic conditions are not changed from pre-development values; and
 - iii. siting of structures to preserve remaining traditional agricultural lands and uses.
 - iv. The applicant shall demonstrate that crossing such slopes has minimal impact to terrain or to visual quality and otherwise would conform to the purposes and standards set forth in Article III, Section 2.3 and Article VII, Section 3.4. See the Guidelines for Site Planning and Development in Santa Fe County.
- 2) No Build Areas may be used as part of the dedicated open space or may be included in lots as conservation easements or may be platted as common area within a subdivision or land division.

EXHIBIT

3.

2.5 Zoning

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

2.6 Subdivisions

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

2.7 Other Requirements

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

SECTION 3 - VARIANCES

3.1 Proposed Development

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

3.2 Variation or Modification

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

3.3 Granting Variances and Modifications

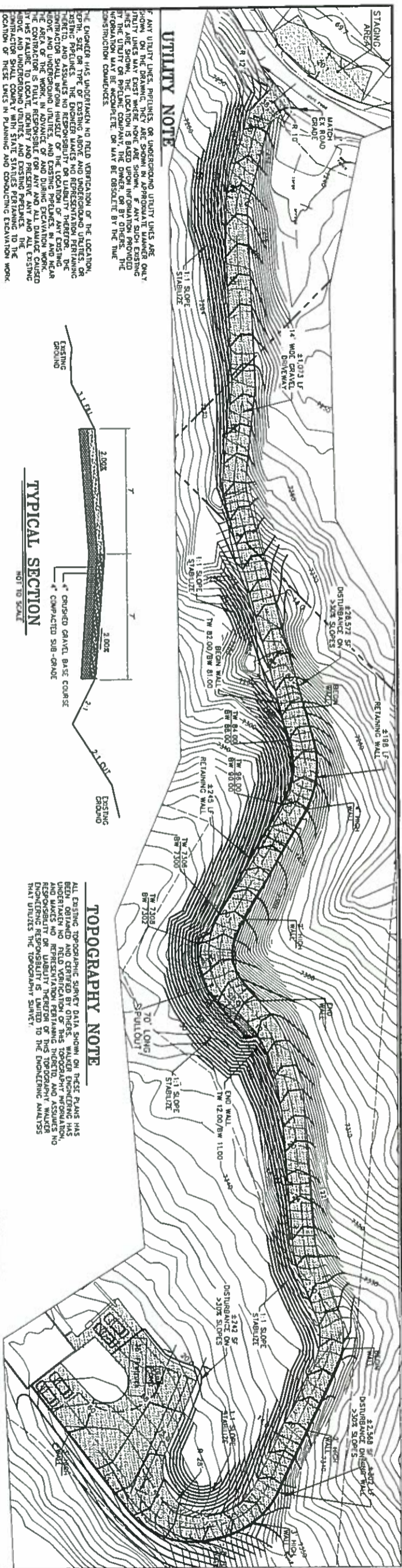
In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

3.4 Height Variance in Airport Zones

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



NBE-12



UTILITY NOTE

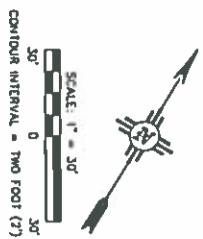
IF ANY UTILITY LINES, PIPELINES, OR UNDERGROUND UTILITY LINES ARE ENCOUNTERED BY THE CONTRACTOR, THE CONTRACTOR SHALL STOP WORK IMMEDIATELY AND NOTIFY THE ENGINEER. THE LOCATION OF ANY EXISTING UTILITY LINES MAY BE SHOWN BY THE OWNER, OR BY OTHERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ANY UTILITY LINES AND UNDERGROUND UTILITIES, AND EXISTING PRELIMINARY AND FINAL LOCATIONS SHALL BE SHOWN BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ANY UTILITY LINES AND UNDERGROUND UTILITIES, AND EXISTING PRELIMINARY AND FINAL LOCATIONS SHALL BE SHOWN BY THE CONTRACTOR.

TOPOGRAPHY NOTE

ALL EXISTING TOPOGRAPHIC SURVEY DATA SHOWN ON THESE PLANS HAS BEEN OBTAINED AND CERTIFIED BY OTHERS. WALKER ENGINEERING HAS UNDERTAKEN NO FIELD VERIFICATION OF THIS TOPOGRAPHIC INFORMATION, AND MAKES NO REPRESENTATION OR WARRANTY OF ANY KIND, INCLUDING BUT NOT LIMITED TO, THE ACCURACY, COMPLETENESS, OR TIMELINESS OF THE DATA. WALKER ENGINEERING'S RESPONSIBILITY IS LIMITED TO THE ENGINEERING ANALYSIS THAT UTILIZES THE TOPOGRAPHIC SURVEY.

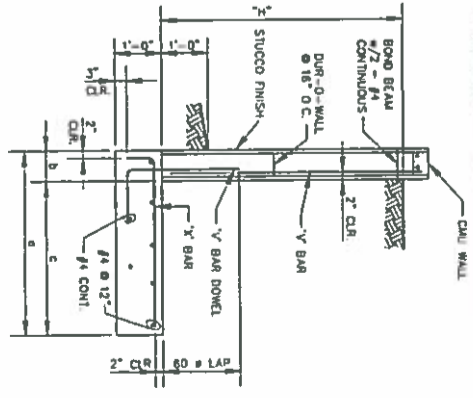
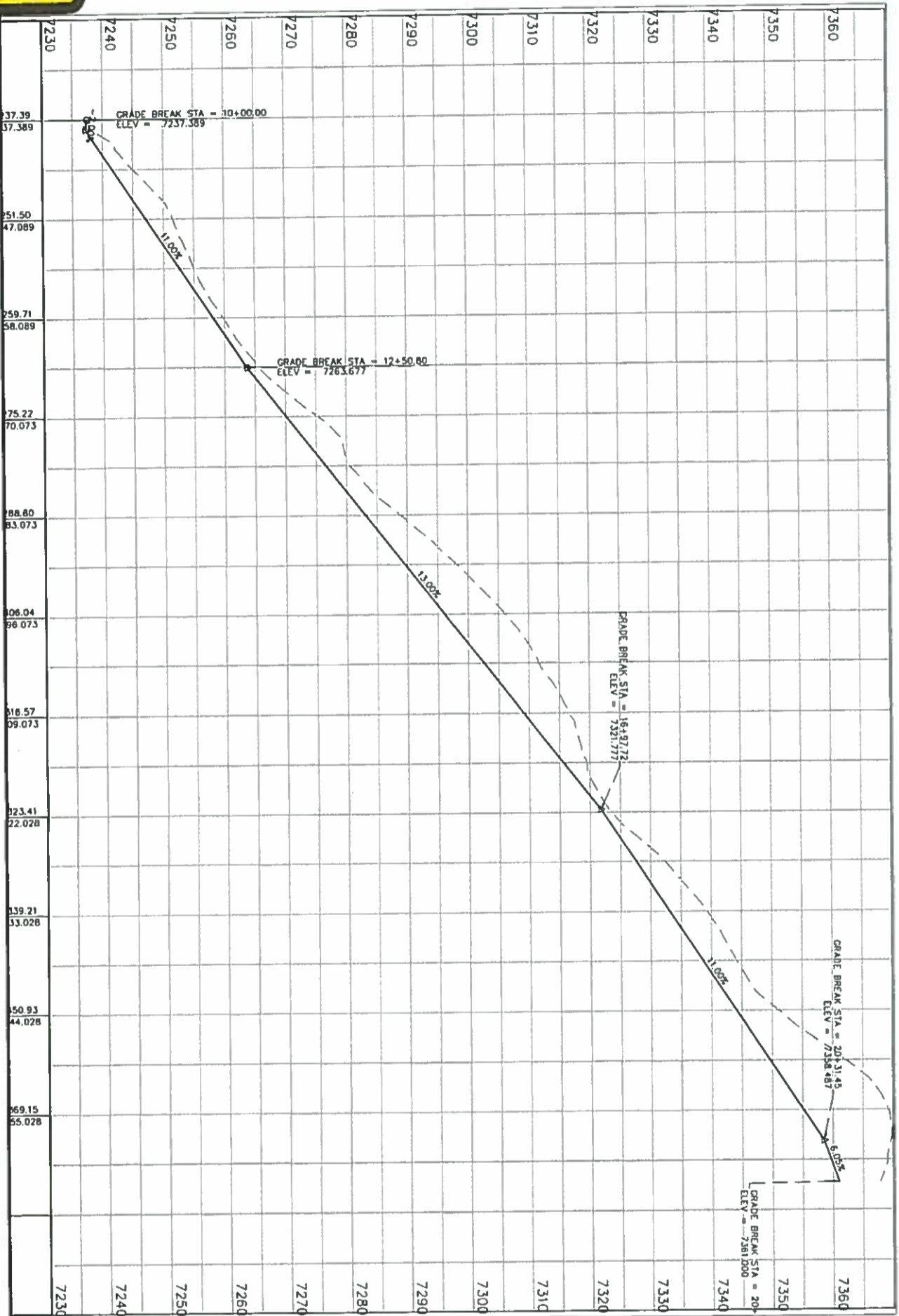
EARTHWORK

CUT: 9:120 CY
FILL: 483 CY
NET: 483 CY (NET ZERO)
COMPACTION FACTOR NOT INCLUDED



STAKING NOTE

STAKING SHOWN IS FOR GRADING AND DRAINAGE PURPOSES. SEE SITE PLAN FOR ACTUAL LOCATION OF IMPROVEMENTS.

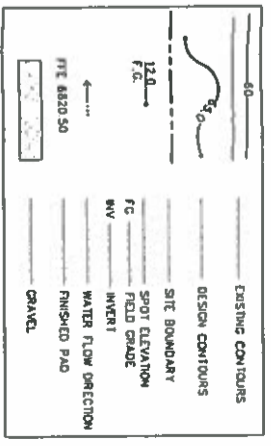


CANTILEVER RETAINING WALL SCHEDULE

H	a	b	c	V	X
8'-0" to 10'	5'-0"	12"	4'-0"	#8 @ 24"	#5 @ 24"
8'-0" to 10'	4'-0"	12"	3'-4"	#5 @ 18"	#4 @ 18"
4'-0" to 8'-0"	3'-0"	8"	2'-4"	#4 @ 18"	#3 @ 15"
2'-0" to 4'-0"	2'-0"	8"	1'-4"	#4 @ 12"	#3 @ 12"

REMARK: SEE 80,000 PSI
CANTILEVER WALL
CUT FILL = 1,350 psf
CUTOUT FILL = 2,000 psf
MORTAR TYPE M OR S
NOTE: V-BAR DIMENSIONS, SPACING AND CLEARANCE AS V-BARS

LEGEND



COUNTY REVIEW		PROJECT: TESUQUE HOUSE		No. REVISION BY APP. DATE		Civil Engineering • Water Resources • Traffic Engineering	
DEPARTMENT	SIGN-OFF	DATE	SHEET TITLE: GRADING AND DRAINAGE PLAN	PROJECT: 13-140	DESIGNED BY: P.L.B.	W. E. Walker Engineering	
SF COUNTY WATER RESOURCES DEPT.				FILE: 140 GRADE	DRAWN BY: P.L.B.	905 Camino Sierra Vista, Santa Fe, NM 87501	
SF COUNTY FIRE DEPARTMENT				DATE: 8/6/2013	CHECKED BY: M.E.W.	505-820-7900	
COUNTY USE ONLY				SCALE: AS NOTED		FAX 505-820-3539	
						E-MAIL: civil@walkerengineering.net	

NBE