

DRAFT

subject to approval

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

April 16, 2015

I. This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Chair Frank Katz, on the above-cited date at 4:00 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Frank Katz, Chairman
Susan Martin, Vice Chair
Phil Anaya
Bette Booth
Louie Gonzales
Rena Gray

Member(s) Excused:

Leroy Lopez

Staff Present:

Rachel Brown, Deputy County Attorney
Wayne Dalton, Building and Development Services Supervisor
Vicki Lucero, Building and Development Services Manager
John Salazar, Development Review Specialist
Miguel Romero, Development Review Specialist
Victoria Devargas, Fire Admin
John Lovato, Development Review Specialist
Vicente Archuleta, Development Review Specialist
Andrea Salazar, Assistant County Attorney

IV. APPROVAL OF AGENDA

Upon motion by Member Martin and second by Member Katz the agenda was unanimously approved 6-0 as published.

V. **APPROVAL OF MINUTES: May 19, 2015**

Member Martin isolated two errors in the draft minutes and moved for approval as corrected. Member Gonzales seconded and the motion passed by unanimous voice vote. [Those corrections were made and filed with the County Clerk as corrected.]

VI **NEW BUSINESS**

- A. **CDRC CASE # S 15-5040 Uninvest-Rancho Viejo (La Entrada Phase Preliminary and Final Plat and Development Plan Amendment.**
Uninvest-Rancho Viejo LLC, Applicant, James W. Siebert and Associates, Agent, request a Preliminary and Final Plat and Development Plan Amendment for La Entrada Phase 1. The request includes a reduction in the number of lots from 456 lots to 404, as well as to increase the area of undeveloped open space from 139.78 acres to 146.36 acres, the area of developed open space from 5.69 acres to 7.87 acres and to reduce the area of the private park from 4.13 acres to 3.94 acres. The request also includes the removal and realignment of several roads within the subdivision. The property is located north of Rancho Viejo Blvd and west of Avenida Del Sur, within the College District, within Sections 19 and 20, Township 16 North, Range 9 East (Commission District 5) [Exhibit 1: Bob Wilber note with attached public notice letter and plat]

Case Manager Vicente Archuleta recited the case caption and provided the staff report as follows:

“On March 9, 2006, the Extraterritorial Zoning Commission (EZC) recommended Master Plan approval for Rancho Viejo Village West, a mixed-use development – residential, commercial, community – consisting of 1,250 residential units and 117,250 square feet of commercial space on 668 acres to be developed in three phases within Ranch Viejo. On April 6, 2006, the Community College Development Review Committee recommended Master Plan approval for Rancho Viejo Village West, a mixed use development consisting of 1,250 residential units and 117,250 square feet of commercial space on 668 acres to be developed in three phases in Rancho Viejo.

“On April 11, 2006, the Board of County Commissioners granted Master Plan approval for Rancho Viejo Village West, a mixed use development consisting of 1,250 residential units and 117,250 square feet of commercial space on 668 acres to be developed in three phases.

“On September 12, 2006, the BCC approved the La Entrada Subdivision, Phase 1 request for Preliminary and Final Plat and Development Plan approval of 456 residential lots with a Commercial Community Center on 249 acres with the approved Master Plan and a Variance to permit a cul-de-sac road exceeding 300 feet. On June 10, 2014, the BCC approved the vacation of the platted

archaeological easement located within La Entrada Phase 1 residential subdivision.

“The Applicant now requests a Preliminary and Final Plat and Development Plan Amendment for La Entrada Phase 1. The request includes a reduction in the number of lots as well as to increase the area of undeveloped open space from 139.78 acres to 146.36 acres, the area of developed open space from 5.69 acres to 7.87 acres and to reduce the area of the private park from 4.13 acres to 3.94 acres.

“The number of lots will be reduced from 456 lots to 404 which will result in a decrease of 52 lots. Lot sizes will range from 0.116 to .685 acres. With the reduction in the number of lots, the undeveloped open space will increase in size from 139.78 acres to 146.36 acres for an increase of 6.58 acres; the existing developed open space will increase in size from 5.69 acres to 7.87 acres for an increase of 2.18 acres. The re-configuration and reduction of lots has resulted in the reduction in size of the private parks from 4.13 acres to 3.94 acres.

“Due to the reconfiguration of lots and open space, the lots will be easier to sell than previously designed. The proposed reconfiguration meets code requirements for road circulation and also meets open space code requirements. Therefore, the request also includes the removal and realignment of several roads within the subdivision. The roads that are to be adjusted are as follows: Caminito de las Rositas, Via Orilla Dorado, Avenida Correcaminos, Via Punto Nuevo, Calle Ancla, Camino Ala Libre and Camino Cerro Escondido. The roads to be removed are as follows: Rastro Conejo, Calle Cuervo Negro, Vuelta Tecolote, Paseo Giroso, and Alley Circle.

“Article V, Section 5.3.1.c of the Land Development Code states: A preliminary plat may be submitted for only a phase or portion of the entire project so long as it conforms to the approved master plan and preliminary development plan.

“Article V, Section 5.3.5.a states: Approval or conditional approval of a preliminary plat shall constitute approval of the proposed subdivision design and layout submitted on the preliminary plat, and shall be used as a guide to the preparation of the final plat

“Article V, Section 5.4.1.a states: Final plats shall be submitted for Type-I, Type-II, Type-III, except Type-III subdivisions that are subject to review under summary procedure as set forth in Subsection 5.5 of this Section, and Type-IV subdivisions. Following approval or conditional approval of a preliminary plat, and before the expiration of the plat, the subdivider may prepare a final plat in substantial conformity with the approved or conditionally approved preliminary plat. At the discretion of the Code Administrator, preliminary and final plats may be reviewed for approval simultaneously. Final plats for subdivisions proposed to be phased shall be submitted as indicated on the phasing schedule submitted with

the master plan as specified in Section 5.2. The final plat shall comply with the New Mexico Subdivision Act and these regulations.

“Article V, Section 5.4.4b of the Land Development Code states: “The Board shall not deny a final plat if it has previously approved a preliminary plat for the proposed subdivision if: 1) the preliminary plat was approved after July 1, 1996; 2) all preliminary plat conditions have been or are in the process of being met; and 3) it finds the final plat is in substantial compliance with the previously approved preliminary plat.

“Article V, Section 7.2.1 states: “A final development plan conforming to the approved preliminary plan and approved preliminary plat, if required, and containing the same required information shall be submitted. In addition, the final development plan shall show, when applicable, and with appropriate dimensions, the locations and size of buildings, heated floor area of buildings, and minimum building setbacks from lot lines or adjoining streets. Documents to be submitted at this time are: proof of ownership including necessary title documents, articles of incorporation and by-laws of owners' association; required disclosure statements; final engineering plans and time schedule for grading, drainage, and all improvements including roads, water system, sewers, solid waste, utilities; engineering estimates for bonding requirements; development agreements; and final subdivision plats, if required.

“Notice requirements were met as per Article II Section 2.4.2, of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for 21 days on the property, beginning on March 26, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on March 26, 2015, as evidenced by a copy of that legal notice contained in the record.

“This Application was submitted on February 6, 2015.”

Mr. Archuleta stated that Growth Management Staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria in the Code for this type of request. Staff recommends approval of the Preliminary and Final Plat and Development Plan Amendment to the La Entrada Phase 1 Subdivision for the reduction in the number of lots from 456 lots to 404, as well as to increase the area of undeveloped open space from 139.78 acres to 146.36 acres, the area of developed open space from 5.69 acres to 7.87 acres and to reduce the area of the private park from 4.13 acres to 3.94 acres and the request for the removal and realignment of several roads within the subdivision subject to the following condition:

1. The Applicant shall submit a new signage plan for review and approval prior to BCC approval.

2. Compliance with all conditions of approval of the Master Plan and of the previous Preliminary and Final Plat and Development Plan.
3. The Final Plat and Development Plan must be recorded with the County Clerk's office.
4. The Applicant must submit proof that they transferred necessary water rights to the County. [Added by staff at the meeting]

Duly sworn, agent Jim Siebert, 915 Mercer, Santa Fe, said the request before the CDRC came about because the previously configured lots were not coinciding with the actual market demands and were adjusted to meet the market. The previous configuration included 8-foot to 10-foot high retaining walls to address the lot configuration. The reconfiguration before the CDRC has significantly reduced the need for retaining walls.

Mr. Siebert displayed the existing recorded plat and the proposed plat and demonstrated the differences in terms of open space, lot configuration and the vacation of the easement at the archaeological site which was an eroded hearth. The developer mitigated the archaeological site via an exhaustive archaeological study. The larger lots were substantially reduced and the gained acreage was added to the open space. Many of the roads were not changed to maintain the integrity of the installed sewer lines. The roads that were changed provide greater efficiency.

In terms of the trails, Mr. Siebert said those amenities have also been improved. He indicated that the developer was in agreement with all staff conditions. He identified the location of an additional pond and the two existing ponds.

Duly sworn, Ken Vallen, 95 Via Orilla Dorado, said he was unable to see the Applicant's presentation from the audience. Mr. Vallen had a question that was answered by the project developer, Warren Thompson, who was placed under oath. Mr. Thompson stated that all of the properties/homes will have two-car garages.

Mr. Siebert addressed one of Mr. Vallen's questions stated the existing trail was designed and established by Santa Fe County, not the developer.

Mr. Vallen noted that the trails will require crossing an arroyo which is in places 20 feet deep. Mr. Thompson said that the County hired an engineering firm out of Denver that developed the trail system.

Mr. Vallen said upon his review it appears the proposed roadway comes out of the Petchesky Ranch, a conservation area. Mr. Siebert confirmed that it does show the roadway going through Petchesky land but that is no longer practical and that roadway cannot go onto that conservation trust land. He said it is a future road and if ever constructed it will have to address the trail.

Duly sworn, Dave Park, 2 Rabbit Run West, said his neighbor, Bob Wilber, received notice of the hearing by certified mail; however, he did not. Mr. Park said he supports the reduction of units and the increase in open space. He mentioned a buffer zone between the northern boundary where the homes are proposed and his property line. He understands from Land Use staff that the buffer would not be changed. Referring to the plat that was included in the certified letter [*Exhibit 1*] Mr. Park said it would be more valuable if it also contained the existing plat to better identify the changes.

Kathy Brown, 83 Via Orilla Dorado, duly sworn, said the actual notice was regarding La Entrada Phase 1 for preliminary, final plat and the development plan amendment. The vicinity map from the certified letter shows the site commonly known as Phase 1B. Mr. Siebert said there are no changes in A; all the changes are within B.

There were no other speakers and the public hearing was closed.

Chair Katz asked who would maintain the buffer zones and Mr. Archuleta said Santa Fe County would.

Member Gonzales moved to approve CDRC Case S 15-5040, Uninvest-Rancho Viejo Preliminary and Final Plat and Development Plan Amendment with the staff-imposed conditions. Member Booth seconded and the motion passed by unanimous [6-0] voice vote.

B. CDRC CASE # V 14-5130 Juan Gonzalez Variance. Juan Gonzalez, Applicant, requests a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on 10.07 acres. The property is located at 59 B South Fork, within Section 31, Township 15 North, Range 9 East, (Commission District 5)

Case Manager John Salazar recited the case caption and provided the staff report as follows:

“The subject lot was created in 1998 through a lot line adjustment and is recognized as a legal lot of record. There is currently a residence and a barn on the property.

“The Applicant states the additional residence is needed in order to help family members who have fallen on hard economic times. The Applicant also mentions that he was going to wait until the Sustainable Land Development Code was adopted in order to place an accessory dwelling unit on the property, however, with the delays that have taken place for its adoption he can no longer wait and thus, is requesting a variance. The Applicant is proposing to convert the existing barn on his property into a dwelling unit. This would create two units which does not meet minimum lot size requirements set forth in Article III, Section 10 of the Land Development Code. The lot is already smaller than the Code requires for a single dwelling unit. In that area it is 12.5 acres.”

Mr. Salazar said staff recommends denial of a variance of Article III Section 10; however, 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 home. 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 at the time of Development Permit (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 Division for the proposed dwelling unit (As per Article II, § 2).
3. The placement of additional dwelling units is prohibited on the property (As per Article III, § 10).
4. The Applicant shall provide an updated liquid waste permit for the proposed dwelling unit from the New Mexico Environment Department with the Development Permit Application (As per Article III, § 2.4.1a.1(a)iv).
5. The Applicant shall comply with all Fire Prevention Division requirements at the time of Development Permit Application (As per 1997 Fire Code and NFPA Life Safety Code).

Chair Katz asked how the enactment of the Sustainable Land Development Code would change the situation. Mr. Salazar stated that the applicant's property would be within a residential fringe area where the density would be one dwelling unit per 5 acres and thus allowed to have the two units. The SLDC also allows for accessory structures and a guesthouse would be allowed.

The applicant, Juan Gonzalez was placed under oath and said the staff report accurately reflects the request. They had hoped the zoning map would pass and their request could be handled administratively. Mr. Gonzalez confirmed that at this point he wants another house on the 10 acres.

In response to Member Anaya's question to why he couldn't wait for the passage of the zoning map, Mr. Gonzalez said that his sister in-law is ill and would be better served in a quiet home. The barn which is a block and wood structure would be converted to a house. Mr. Gonzalez said the property is served by a well and there have never been problems with it.

There was no one from the public wishing to speak to this case and the public hearing portion was closed.

Mr. Salazar confirmed that if approved the applicant will have two units on one 10-acre lot. If the lot were split in the future there would be one structure on each of the 5-acre lots.

Member Martin moved to approve CDRC #V 14-5130, Juan Gonzalez variance with the staff-imposed conditions. Member Anaya seconded and the motion passed by unanimous [6-0] voice vote.

C. CDRC CASE # V 15-5080 Thomas Ketcheson Variance. Thomas Ketcheson, Applicant, requests a variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.6 (Density and

Dimensional Standards), to allow two dwelling units on 2.99 acres. The property is located within the Agua Fria Low-Density Urban Zone, at 1719 Roys Way within Section 31, Township 17 North, Range 9 East, (Commission District 2)

Wayne Dalton, Building and Development Services Supervisor, read the case caption and staff report as follows:

“The subject lot was created in 2001, by way of land division and is recognized as a legal lot of record. There are currently two dwelling units and a garage on the property. The Applicant resides in one dwelling unit which is 3,816 square feet main residence and the other is occupied by tenants which is 825 square feet. Staff has found no evidence of development permits being issued for this property.

“The Applicant requests a variance to allow two dwelling units on 2.99 acres. The Applicant claims when he purchased the property in 2004 it contained both the single family home and a guesthouse. The Applicant states he purchased the property with the intent to use the guesthouse occasionally, however, current financial circumstances have led him to continuously rent out the guesthouse, otherwise, he would be unable to keep up with his mortgage payments.

“On July 14, 2014, the Building and Development Services Division received a complaint regarding a potential density violation on the property. On July 15, 2014, Code Enforcement conducted an inspection and found the property contained three dwelling units; a duplex in the main residence and a separate guesthouse. On that date, Code Enforcement issued a Notice of Violation for the density violation, junked vehicles, and litter.

“The Applicant has removed one of the kitchens in the main residence converting it back to a single family residence, which has been verified by Code Enforcement, and cleaned up the property. Currently, the property contains two dwelling units, the single family home and the guesthouse.”

Mr. Dalton said staff recommends denial of the Applicant’s request for a variance of Ordinance No. 2007-2 to allow two dwelling units on 2.99 acres. 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 home within 90 days of recording the order granting the variance. 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).
2. The Applicant must obtain a development permit from the Building and Development Services Department for all structures on the property within 90 days of recording the order granting the variance. (As per Article II, § 2).

3. The placement of additional dwelling units is prohibited on the property. (As per Ordinance No. 2007-2 § 10.6).
4. 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).
5. The Applicant shall provide an updated liquid waste permit for both homes from the New Mexico Environment Department with the Development Permit Application. (As per Article III, § 2.4.1a.1 (a) (iv).
6. These conditions are conditions precedent to the granting of the variance. If the Applicant fails to comply with any conditions set forth above within the time periods provided, the variance shall be denied.

Duly sworn applicant, Tom Ketcheson, 1719 Roys Way, Santa Fe presented a diagram of the property to the CDRC indicating that the property was originally developed and occupied by the Atunno family. He said he purchased the property over a decade ago and there are 12 properties in the immediate opposite side of the area ranging in size from 1.4 acres to 1.5 acres. On the side he resides there are nine properties with an approximate average of 1.5 acres. Of the 21 properties the largest, 4 acres, is at the end of the street and was recently granted a variance to allow three dwellings. He owns the second largest property.

Mr. Ketcheson said when he acquired the property the guesthouse and main house were there. He acknowledged that he failed to conduct due diligence and now understands the property exceeds density. He noted that he may be the only one in his area required to meet the current zoning requirement. None of the residence in his area meets the 2.5 acres per dwelling requirement.

The guesthouse on his property accommodates one tenant. Mr. Ketcheson noted that with the variance the property will still be well below the average density in his neighborhood.

Duly sworn, Beth Wright, Mr. Ketcheson's tenant, said she loves living in the guesthouse and she requested the CDRC approve the variance.

There were no other speakers and Chair Katz closed the public hearing.

Mr. Dalton confirmed that the homes in the area are served by individual wells and septic systems. Without having researched the residences in the area, Mr. Dalton assumed the smaller lots were created by family transfer. Mr. Ketcheson would be allowed to conduct a family transfer on his property.

Member Anaya asked whether the rental property had an approved septic system and Mr. Ketcheson responded that the main house has an ED approved septic tank and he is currently in the process of having the existing septic tank that services the guesthouse approved. Mr. Ketcheson said both dwellings are served by one well.

Member Anaya moved to approved CDRC case V 15-5070 with the staff-imposed conditions. Member Gonzales seconded and the motion passed by unanimous [6-0] voice vote.

- D. CDRC CASE # V 15-5070 Jennifer Farquhar Variance. Jennifer Farquhar, Applicant, requests a variance of Article III § 10 (Lot Size Requirements) of Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code (Code) to allow a Land Division of 11.34 acres into two lots. The property is located at 21 Piedras Negras, within the vicinity of Old Santa Fe Trail, within Section 21, Township 16 North, Range 10 East, (Commission District 4)**
[Exhibit 2: Farquhar-supplied lot divisions; Exhibit 3: Letter of opposition to request signed by Kate Fitz Gibbon, Andrew Hale, Vila Montoya, and John Andrews of Piedras Negras]

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

“The subject lot is part of the Vista Piedras Negras Subdivision which was created in 1980 and is recognized as a legal lot of record. There is currently a residence which is 2,770 square feet, where the Applicant resides, and an accessory structure which is 200 square feet on the property.

“The Applicant requests a variance to allow a land division of 11.34 acres into two lots, she has not specified whether they will be split equally The Applicant states that she and her husband intended to split the property in order to build on the lower portion of the property for their retirement. The Applicant asserts that neighboring properties on Piedras Negras are all between 5 to 6 acres apiece, making their lot the largest in the area. The Applicant claims that the lower half of the property is more accessible than the upper 5 to 6 acres were the existing home is located. The Applicant’s existing home has a long driveway and the access from the driveway and carport to the residence requires a walk up the stairs or a long walkway with a steep change in elevation. The Applicant further states that since her husband passed away 8 years ago, it is difficult raising their son as a single mother living on a property where the elevation affects driving to and from their home when there is snow. The Applicant also states that it is difficult to haul firewood and groceries up to the residence. The Applicant claims that she needs to sell the existing residence for both physical and financial reasons.”

Mr. Dalton said staff recommends denial of the Applicant’s request for a variance to allow a Land Division of 11.34 acres into two lots. 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 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).

2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2).
3. Further Division of either tract is prohibited; this shall be noted on the plat (As per Article III, § 10)
4. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat Review (As per 1997 Fire Code and NFPA Life Safety Code).

Duly sworn, Applicant Jennifer Farquhar, said staff's report outlined her request. She said her husband and Jim Alley developed and split the property in the area in 1974 through 1978 before the ordinances cited by staff. She said she has been hiking in the property for 26 years since their home was built. Originally, they anticipated splitting the lot. She said it has been very difficult to sell the property and it may be easier to sell the main house with less acreage.

Ms. Farquhar said the Articles of Covenants, written by Mr. Alley and her husband, allows for tracts 1 and 2 to be divided to no less than 5 acres which her request would meet. Splitting the lot would allow her to reduce the price of the property and she hoped accelerate the sale. Ms. Farquhar said she is a single parent living on a nurse's salary. She referred to the elevation in the area and mentioned the ownership of the homes and properties in the area. Concern about her request has centered on exactly where the second home would be sited, and water. She noted that her husband provided easements to many of her neighbors. She failed to recognize how another home would impact the water in the area since a barn and horses using far more water would be permitted.

Duly sworn, Kate Fitz Gibbon, 31 Piedras Negras, said she was present with other area residents asking the CDRC to deny the variance request. Ms. Fitz Gibbon said she has been Ms. Farquhar's neighbor for more than 20 years and it was difficult to stand in opposition of the request. In the interest of the neighborhood and sustainability the request should be denied. The water issue is of great concern. Most of the properties are greater than 10 acres.

Ms. Fitz Gibbon said even if Ms. Farquhar does not build on the lower 5-acre parcel someone will. She said the area residents disagree with Ms. Farquhar's statement that one house will not make a difference in water. If the request were approved the other 10 acres lots could be split creating four more lots.

Ms. Fitz Gibbon said there is a visible decrease in water that can be seen in vegetation in the area. The springs that ran above the land have disappeared and the land is much drier than it was 20 years ago. The Fire Department has stated there are problems getting up the roads during the winter. One of the wells in the area has experienced diminished recovery.

Despite the short-term economic benefit to Ms. Farquhar, Ms. Fitz Gibbon said it would be a really bad idea for the landowners to violate the rules.

Duly sworn, John Andres, 30 Piedras Negras, said Ms. Fitz Gibbon stated the opponents' case. This is not a personal issue but instead an issue of water and property value. Without water, the value of his property will disappear.

Duly sworn, Artemio Franco, Santa Fe, suggested that to address the water issue a meter be placed on the well.

Returning to the podium, Ms. Farquhar disputed that her lot split would affect the water table of the homes below.

The public hearing was closed.

Member Anaya moved to deny the variance request for CDRC Case V 15-5070. Member Gonzales seconded and the motion passed by unanimous [6-0] voice vote.

E. CDRC CASE # V 15-5031 Juan Franco Variance. Juan Franco, Applicant, requests a variance of Article III § 10 (Lot Size Requirements) of the Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code (Code) to allow a Land Division of 2.6 acres into two lots; each lot will be 1.3 acres. The property is located at 88 Taylor Loop off the I-25 East Frontage Rd, within Section 5, Township 15 North, Range 8 East, (Commission District 5)

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

“The subject lot was created in 1977. The lot is recognized as a legal non-conforming lot of record and is currently vacant.

“The Applicant requests a variance to allow a Land Division of 2.6 acres into two lots, dividing the 2.6-acre parcel into two equal 1.3-acre lots. The Applicant states, that the variance is in order to plan for his children’s future. The Applicant further articulates that after 9 years of marriage that he and his wife have grown apart and may divorce but they intend to divide the property and place one parcel in his wife’s name and the other parcel in his own name in order to eventually pass down each lot to their two children once they become adults. The Applicant also states that this would provide his children with an affordable place to live in the future.”

Mr. Dalton said staff recommends denial of the Applicant’s request for a variance of Article III, Section 10 to allow a Land Division of 2.6 acres into two equal 1.3 lots. 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 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).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2).

3. Further Division of either tract is prohibited; this shall be noted on the plat. (As per Article III, § 10)
4. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat Review (As per 1997 Fire Code and NFPA Life Safety Code).

Mr. Dalton said the minimum lot size in the area is 2.5 acres per dwelling unit. The applicant would be required to have 5 acres to conduct an administrative family transfer.

Previously sworn, Artemio Franco, agent for the applicant, stated that they want to pass the property to their children.

Duly sworn, Sylvia Raybon, a neighbor, said her only concern was water and asked whether there would be a shared well.

Mr. Dalton said while shared wells are encouraged by Santa Fe County he was unsure of the Applicant's intent. A condition could be added.

Mr. Franco said the Applicant was willing to drill an additional well if required.

Deputy County Attorney Brown confirmed that Artemio Franco was given power of attorney for the Applicant.

Member Booth moved to deny CDRC Case V 15-5031. Member Martinez seconded and the motion passed by majority [5-1] voice vote with Member Gonzales voting against.

- F. **BCC CASE # S 15-5050 Cienda Partners (Estancias Unit III) Preliminary and Final Plat and Development Plan Amendment.**
Cienda Partners, Applicant, Scott Hoeft, Agent, requests a Preliminary and Final Plat and Development Plan Amendment to sub-phase the previously approved Estancias Unit III residential subdivision (37 lots on 117 acres) into two phases. Phase 1 will consist of 23 lots and Phase 2 will consist of 14 lots. The property is located within the Las Campanas Subdivision, north of Las Campanas Drive at the Caja del Rio Intersection, within Sections 2 and 11, Township 17 North, Range 8 East (Commission District 2)

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

“On August 14, 2001, the BCC granted Preliminary and Final Plat and Development Plan approval for the Estancias at Las Campanas, formerly Tesoro Enclaves, which consisted of a 128-lot residential subdivision on 432 acres.

“On August 12, 2003, the BCC approved a Final Plat and Development Plan which was redesigned for 128 residential lots in three phases of development. Estancias Unit I consists of 24 lots, which was recorded in 2003, and Estancias

Unit II consisting of 67 lots, was recorded in 2004. Homes have been completed on Unit I and Unit II. Unit III would have needed to be recorded by 2009.

“On May 14, 2013, the BCC granted a 24-month time extension for Unit III of the Estancias at Las Campanas consisting of the remaining 37 lots.

“The Applicants now request a Preliminary and Final Plat and Development Plan Amendment to sub-phase the previously approved Estancias Unit III subdivision into two phases. The Estancias Unit III consists of 37 lots on 117 acres and was approved to be completed in one phase. Phase 1 consists of 23 lots and Phase 2 will consist of the remaining 14 lots. No other changes to the subdivision are proposed.

“The Applicant states this adjustment of two phases will make it more financially palatable for Cienda Partners to move forward with the construction of the Estancias III subdivision this Spring/Summer, with the subsequent series of lots in Phase 2 to commence within two years.

“At the time the original approval was granted, the subject property was located in the 5-mile Extraterritorial Zoning District and therefore under the jurisdiction of the Extraterritorial Subdivision Regulation . With the elimination of the Extraterritorial Zoning District in 2009, this development now falls under the regulations of Ordinance No. 1996-10, the Santa Fe County Land Development Code.”

Mr. Dalton stated that staff recommends approval of the Preliminary and Final Plat and Development Plan amendment to subphase the Estancias Units III residential subdivision which is 37 lots on 117 acres into two phases: Phase I with 23 lots and Phase II with 14 lots subject to the following conditions:

1. The turnarounds at the end of the Camino Rosillo and Camino Alazon shall have a minimum driving surface of 26 feet wide with a 50-foot radius to meet requirements and dimensions of the Santa Fe County Fire Department.
2. The cul-de-sac at the end of Via del Caballo shall have a minimum driving surface of 20 feet wide with a 50-foot radius.

Scott Hoeft, Santa Fe Planning Group, duly sworn, said the intent of the application is to move forward with the final phase of Estancias in Las Campanas in a phasing plan. He said they agreed with the staff report and the conditions.

There was no public present to speak and that portion of the hearing was closed.

Member Anaya moved to approve CDRC #S 15-5050 preliminary and Final Plat and Development Plan Amendment with staff recommendations. The motion was seconded by Member Booth and passed by unanimous [6-0] voice vote.

E. PETITIONS FROM THE FLOOR

None were presented

F. COMMUNICATIONS FROM THE COMMITTEE

Member Anaya mentioned that he consulted the maps on his cell phone during the meeting to better determine where a property was located.

Member Martin noted for the record that she would have to leave the next meeting at 6 p.m.

G. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

H. COMMUNICATIONS FROM STAFF

Per the CDRC's standing request Ms. Lucero distributed the actions regarding CDRC cases forwarded to the BCC over the two months.

I. NEXT CDRC REGULAR MEETING: May 21, 2015

J. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Katz declared this meeting adjourned at approximately 5:50 p.m.

Approved by:

Frank Katz, CDRC Chair

ATTEST TO:

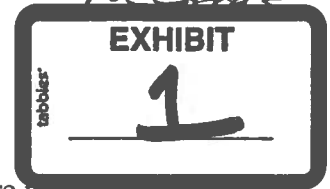
GERALDINE SALAZAR
COUNTY CLERK

Respectfully submitted by:


Karen Farrell, Wordswork

16 April 2015
For Commission's
Records

4-7-15



Note from your neighbor, Bob Wilber (699-1769):

Received this via certified mail a few days ago. If you didn't get it here is a copy. I will be out of town on the 16th and will miss the hearing, so I called the County Land Use Adm. Office and talked to Vicente Archuleta, the staff member assigned to this case. I asked if this would have any effect on the 325 ft. buffer zone we negotiated with Rancho Viejo a few years ago. He said "NO, IT HAS NO EFFECT ON THE BUFFER ZONE." He went on to say that the buffer zone was recorded in 2006 as part of the original La Entrada development plan and this amendment does not change it.

If you have any other questions you can reach Vicente at 986-6225. I'd also suggest attending the hearing and expressing your support for Rancho Viejo's continuing support of the buffer zone

Bob



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

915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
jim@jwsiebert.com

CDRC CASE # Z 15-5040

Dear Resident,

Notice is hereby given that a public hearing will be held to consider a request by Univest-Rancho Viejo LLC, Applicant, James W. Siebert and Associates, Agent, for a Preliminary and Final Plat and Development Plan Amendment for La Entrada Phase 1. The request includes a reduction in the number of lots from 456 lots to 404, as well as to increase the area of undeveloped open space from 139.78 acres to 146.36 acres, the area of developed open space from 5.69 acres to 7.87 acres and to reduce the area of the private park from 4.13 acres to 3.94 acres. The request also includes the removal and realignment of several roads within the subdivision.

The property is located north of Rancho Viejo Blvd and west of Avenida del Sur, within the Community College District, within Sections 19 and 20, Township 16 North, Range 9 East (Commission District 5).

A public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on the 16th day of April, 2015, at 4 p.m. on a petition to the County Development Review Committee.

Please forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Commission taking action. All comments, questions and objections to the proposal may be submitted to the County Land Use Administrator in writing to P.O. Box 276, Santa Fe, New Mexico 87504-0276; or presented in person at the hearing.

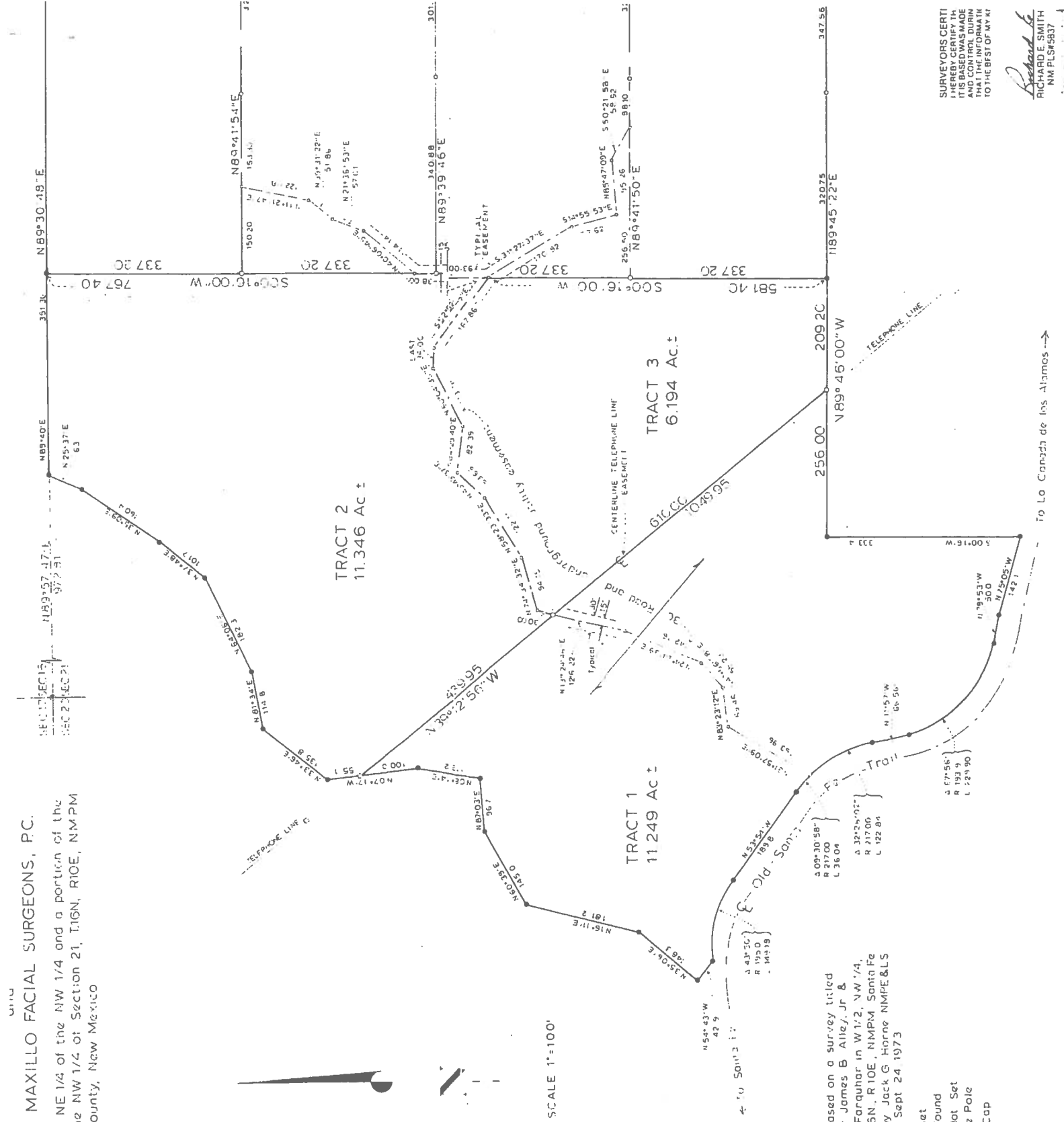
Sincerely,

James W. Siebert

See vicinity map on reverse side of letter

ORAL and MAXILLO FACIAL SURGEONS, P.C.

BEING The NE 1/4 of the NW 1/4 and a portion of the W 1/2 of the NW 1/4 of Section 21, T16N, R10E, NMPM Santa Fe County, New Mexico



LEGEND:

Bearings based on a survey titled "Survey for James B. Alley, Jr. & Richard L. Farquhar in W 1/2, NW 1/4, Sect 21, T16N, R10E, NMPM, Santa Fe Co., N.M." by Jack G. Horne NMPM & L.S. RBG, dated Sept 24, 1973

- Points Set
- Points Found
- ◊ Points Not Set
- Telephone Pole
- Brass Cap

SURVEYORS CERTIFY THAT THIS IS BASED ON A SURVEY MADE AND CONTROL DURING THE MONTHS OF SEPTEMBER AND OCTOBER 1973 TO THE BEST OF MY KNOWLEDGE

Richard E. Smith
N.M. PLS#5837

To La Canada de los Alamos →



Re: CRDC Case # V 15-5070 - Jennie Farquahar's requested variance to Article 3 Subsection 10 lot size requirements in the County Development Code for 31 Piedras Negras in Santa Fe.

April 12, 2015

To: Santa Fe Board of County Commissioners

Our long time neighbor, Jennifer Farquahar, is requesting a variance in the lot size requirements of Article 3 Section 10 of the Land Development Code. Jennie is a good neighbor and we've known her for over twenty years. We regret that we have to oppose her request and to ask you instead to hold to your commitment to the county Sustainable Land Development Code.

As we understand her proposal, Jennie says she wants to sell her current house and build a new home on an approximately 5-acre parcel carved out of her current lot.

She proposes to use her newly redone well, which is just a few dozen feet from the Fitz Gibbon-Hale property line, for both properties after the split. We are very concerned about the amount of water coming out of our land, which is already showing the effect of years of drier weather.

She says that one more house won't make a difference. We disagree, and we think it could make a big difference in the availability of water in our whole neighborhood.

Jennie's request doesn't mean we'll have to find water for one more house on our street. We'll have to find water for three more houses. There are already two other vacant lots on Piedras Negras above Jennie's lot that are buildable within the county density rules. On one of them, the owner put in a well just a couple of years ago. He has not built yet and that well is not being used. But there is nothing to stop two more houses from being built already.

In addition, two homes out of the six on our street have been vacant for most of the last two years, and that has meant much less water usage than we would normally have. Unless Jennie can show that we'll have enough water for three or more houses for the foreseeable future, then there is no justification for granting this variance. Evidence for adequate water should be based on average annual water usage for the demographic appropriate to this neighborhood. It should also document the basis for determining the water source and its capacity.

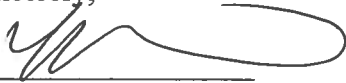
Our land is drier than when we moved here twenty years ago. There used to be little springs in several places in the hill above our land, but they're gone. Our Ponderosa pines have dead branches and areas of brown needles. We continue to lose pinon trees despite having thinned them every year. The cactus is spreading, but our other plant life is clearly stressed.

There are other issues: the fire department can't get most trucks up and around the sharp bends on our road, and there is nowhere to turn around. Our road is icy in winter, but the worst section is at the very bottom and there would be no difference if Jenny's access was a hundred feet lower.

It is not easy to come forward and argue against an old neighbor's wishes. But despite the short term economic benefit to her, it would be a bad idea for all of our land, including Jenny's, to

violate both the current rules and the newly adopted Sustainable Land Development Code. We ask you to hold to your commitment to the County requirements in all of our interests.

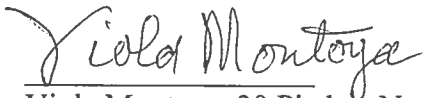
Sincerely,




Kate Fitz Gibbon, 31 Piedras Negras



Andrew Hale, 31 Piedras Negras



Viola Montoya, 30 Piedras Negras



John Andrews, 30 Piedras Negras