

# CIELO COLORADO ESTATES FINAL PLAT, PHASE I



VICINITY MAP  
1" = 1000'

TOWNSHIP 15N, RANGE 10E, SEC 20, 21 & 22

**OWNERS:**  
CIELO COLORADO LAND COMPANY, LLC.  
ED DEZAVALLAS, PRESIDENT  
RT 3 BOX 380, CB  
SANTA FE, NM 87501

**CONSULTANTS:**  
JAMES W. SIEBERT & ASSOCIATES, INC.  
PLANNING CONSULTANT  
915 MERCER STREET  
SANTA FE, NM 87505  
(505) 983-5588  
  
JORGE GONZALEZ, P.E.  
ENGINEER  
P.O. BOX 5483  
SANTA FE, NM 87502  
(505) 695-6008  
  
HIGH DESERT SURVEYING  
SURVEYOR  
1925 ASPEN DRIVE, SUITE 401  
SANTA FE, NM 87505  
(505) 438-8094

**PURPOSE STATEMENT**  
TO CREATE 8 LOTS AS PHASE I OF A 24 LOT SUBDIVISION

**CONSENT OF OWNERS**  
CIELO COLORADO LAND COMPANY, LLC. \_\_\_\_\_ DATE \_\_\_\_\_  
EDWARD F. DEZAVALLAS,  
AS PRESIDENT OF CIELO COLORADO ESTATES, INC.  
MANAGING MEMBER OF CIELO COLORADO LAND COMPANY, LLC.

INDEX TO SHEETS	
LIST OF SHEETS	SHEET NUMBER
<b>PLANNING SHEETS</b>	
COVER SHEET	P-1
EXISTING CONDITIONS PLAN	P-2
EXISTING UTILITIES PLAN	P-3
TOPOGRAPHY, SLOPE & NATURAL DRAINAGE MAP	P-4
SOILS MAP	P-5
FINAL DEVELOPMENT PLAN	P-6
BUILDING EVALUATION PLAN	P-7
WASTEWATER PLAN	P-8
<b>SURVEY SHEETS</b>	
FINAL PLAT	S-1~S-4
<b>CML SHEETS</b>	
DRAINAGE PLAN	C-1

**COUNTY**  
APPROVED BY THE COUNTY DEVELOPMENT REVIEW COMMITTEE  
AT THEIR MEETING OF \_\_\_\_\_ 2014.  
CHAIRPERSON \_\_\_\_\_ DATE \_\_\_\_\_  
APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY AT THEIR MEETING OF \_\_\_\_\_ 2014.  
CHAIRPERSON \_\_\_\_\_ DATE \_\_\_\_\_  
ATTESTED BY COUNTY CLERK \_\_\_\_\_ DATE \_\_\_\_\_  
**COUNTY REVIEW**  
COUNTY FIRE MARSHAL \_\_\_\_\_ DATE \_\_\_\_\_  
PUBLIC WORKS \_\_\_\_\_ DATE \_\_\_\_\_  
LAND USE ADMINISTRATOR \_\_\_\_\_ DATE \_\_\_\_\_  
FISCAL ADMINISTRATOR \_\_\_\_\_ DATE \_\_\_\_\_  
COUNTY TREASURER \_\_\_\_\_

**JAMES W. SIEBERT**  
AND ASSOCIATES, INC.  
915 MERCER STREET • SANTA FE, NM 87505  
(505) 983-5588

**CIELO COLORADO ESTATES, PHASE I**

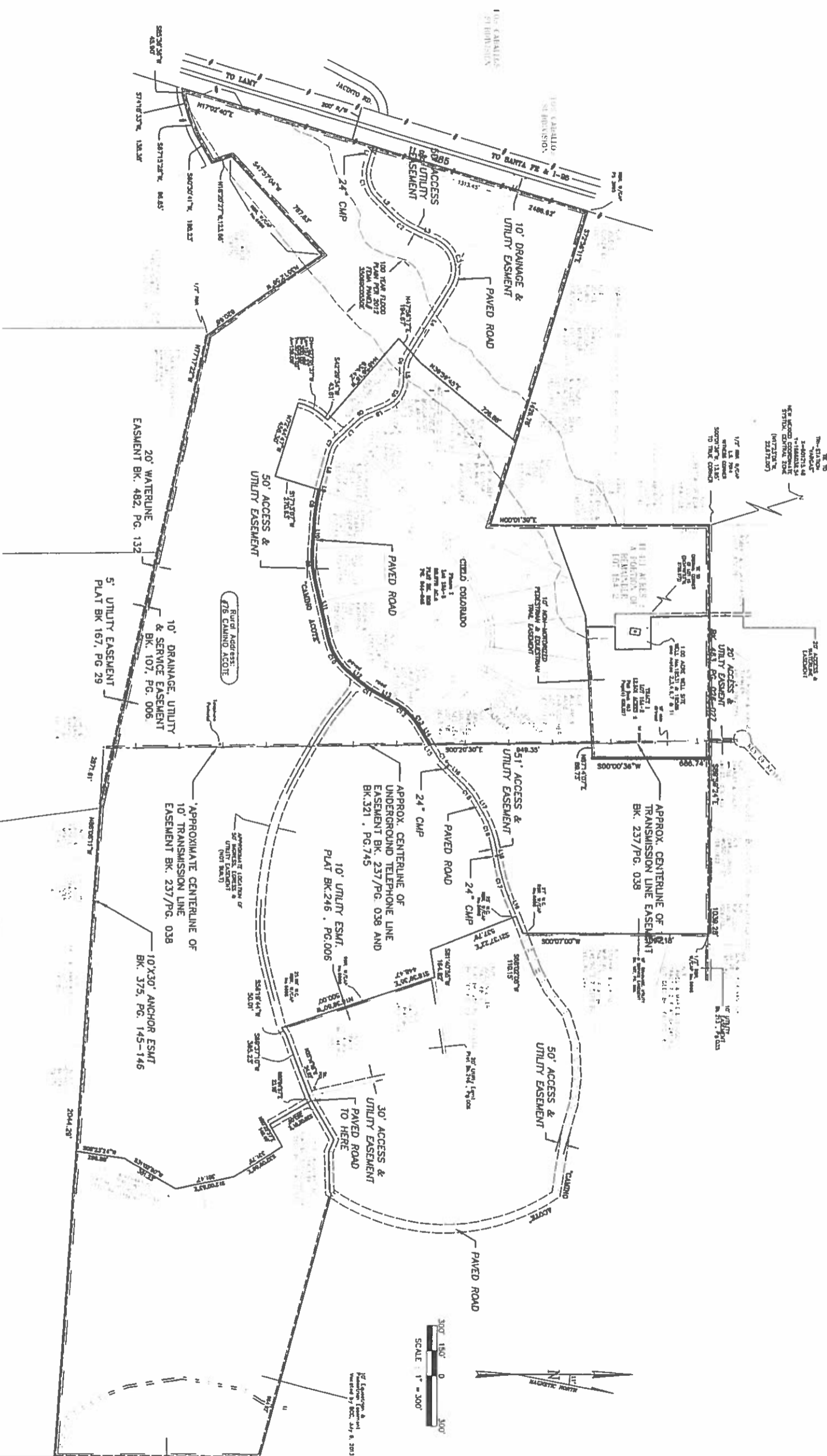
COVER SHEET

06/26/2014  
RECORD NO. 150/04/00

FILE NAME: 150-04-00-001  
RECORD NO. 150/04/00

P-1





LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N77°31'16"W	109.66'	L1	N77°31'16"W	109.66'
L2	S45°16'10"W	128.82'	L2	S45°16'10"W	128.82'
L3	S29°07'38"W	178.32'	L3	S29°07'38"W	178.32'
L4	N48°54'07"W	61.43'	L4	N48°54'07"W	61.43'
L5	N42°24'03"W	113.31'	L5	N42°24'03"W	113.31'
L6	N44°27'57"W	188.14'	L6	N44°27'57"W	188.14'
L7	N75°15'28"W	218.86'	L7	N75°15'28"W	218.86'
L8	N75°15'28"W	13.83'	L8	N75°15'28"W	13.83'
L9	N78°00'27"E	202.34'	L9	N78°00'27"E	202.34'
L10	N78°00'27"E	201.17'	L10	N78°00'27"E	201.17'
L11	N75°15'28"W	119.00'	L11	N75°15'28"W	119.00'
L12	N78°00'27"E	110.00'	L12	N78°00'27"E	110.00'
L13	N75°15'28"W	200.00'	L13	N75°15'28"W	200.00'
L14	N75°15'28"W	178.53'	L14	N75°15'28"W	178.53'
L15	N75°15'28"W	81.33'	L15	N75°15'28"W	81.33'
L16	N43°04'00"E	184.18'	L16	N43°04'00"E	184.18'
L17	N43°04'00"E	64.93004'	L17	N43°04'00"E	64.93004'
L18	N43°04'00"E	110.00'	L18	N43°04'00"E	110.00'
L19	N43°04'00"E	200.00'	L19	N43°04'00"E	200.00'
L20	N43°04'00"E	200.00'	L20	N43°04'00"E	200.00'
L21	N43°04'00"E	200.00'	L21	N43°04'00"E	200.00'
L22	N43°04'00"E	200.00'	L22	N43°04'00"E	200.00'
L23	N43°04'00"E	200.00'	L23	N43°04'00"E	200.00'
L24	N43°04'00"E	200.00'	L24	N43°04'00"E	200.00'
L25	N43°04'00"E	200.00'	L25	N43°04'00"E	200.00'
L26	N43°04'00"E	200.00'	L26	N43°04'00"E	200.00'
L27	N43°04'00"E	200.00'	L27	N43°04'00"E	200.00'
L28	N43°04'00"E	200.00'	L28	N43°04'00"E	200.00'
L29	N43°04'00"E	200.00'	L29	N43°04'00"E	200.00'
L30	N43°04'00"E	200.00'	L30	N43°04'00"E	200.00'
L31	N43°04'00"E	200.00'	L31	N43°04'00"E	200.00'
L32	N43°04'00"E	200.00'	L32	N43°04'00"E	200.00'
L33	N43°04'00"E	200.00'	L33	N43°04'00"E	200.00'
L34	N43°04'00"E	200.00'	L34	N43°04'00"E	200.00'
L35	N43°04'00"E	200.00'	L35	N43°04'00"E	200.00'
L36	N43°04'00"E	200.00'	L36	N43°04'00"E	200.00'
L37	N43°04'00"E	200.00'	L37	N43°04'00"E	200.00'
L38	N43°04'00"E	200.00'	L38	N43°04'00"E	200.00'
L39	N43°04'00"E	200.00'	L39	N43°04'00"E	200.00'
L40	N43°04'00"E	200.00'	L40	N43°04'00"E	200.00'

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N77°31'16"W	109.66'	L1	N77°31'16"W	109.66'
L2	S45°16'10"W	128.82'	L2	S45°16'10"W	128.82'
L3	S29°07'38"W	178.32'	L3	S29°07'38"W	178.32'
L4	N48°54'07"W	61.43'	L4	N48°54'07"W	61.43'
L5	N42°24'03"W	113.31'	L5	N42°24'03"W	113.31'
L6	N44°27'57"W	188.14'	L6	N44°27'57"W	188.14'
L7	N75°15'28"W	218.86'	L7	N75°15'28"W	218.86'
L8	N75°15'28"W	13.83'	L8	N75°15'28"W	13.83'
L9	N78°00'27"E	202.34'	L9	N78°00'27"E	202.34'
L10	N78°00'27"E	201.17'	L10	N78°00'27"E	201.17'
L11	N75°15'28"W	119.00'	L11	N75°15'28"W	119.00'
L12	N78°00'27"E	110.00'	L12	N78°00'27"E	110.00'
L13	N75°15'28"W	200.00'	L13	N75°15'28"W	200.00'
L14	N75°15'28"W	178.53'	L14	N75°15'28"W	178.53'
L15	N75°15'28"W	81.33'	L15	N75°15'28"W	81.33'
L16	N43°04'00"E	184.18'	L16	N43°04'00"E	184.18'
L17	N43°04'00"E	64.93004'	L17	N43°04'00"E	64.93004'
L18	N43°04'00"E	110.00'	L18	N43°04'00"E	110.00'
L19	N43°04'00"E	200.00'	L19	N43°04'00"E	200.00'
L20	N43°04'00"E	200.00'	L20	N43°04'00"E	200.00'
L21	N43°04'00"E	200.00'	L21	N43°04'00"E	200.00'
L22	N43°04'00"E	200.00'	L22	N43°04'00"E	200.00'
L23	N43°04'00"E	200.00'	L23	N43°04'00"E	200.00'
L24	N43°04'00"E	200.00'	L24	N43°04'00"E	200.00'
L25	N43°04'00"E	200.00'	L25	N43°04'00"E	200.00'
L26	N43°04'00"E	200.00'	L26	N43°04'00"E	200.00'
L27	N43°04'00"E	200.00'	L27	N43°04'00"E	200.00'
L28	N43°04'00"E	200.00'	L28	N43°04'00"E	200.00'
L29	N43°04'00"E	200.00'	L29	N43°04'00"E	200.00'
L30	N43°04'00"E	200.00'	L30	N43°04'00"E	200.00'
L31	N43°04'00"E	200.00'	L31	N43°04'00"E	200.00'
L32	N43°04'00"E	200.00'	L32	N43°04'00"E	200.00'
L33	N43°04'00"E	200.00'	L33	N43°04'00"E	200.00'
L34	N43°04'00"E	200.00'	L34	N43°04'00"E	200.00'
L35	N43°04'00"E	200.00'	L35	N43°04'00"E	200.00'
L36	N43°04'00"E	200.00'	L36	N43°04'00"E	200.00'
L37	N43°04'00"E	200.00'	L37	N43°04'00"E	200.00'
L38	N43°04'00"E	200.00'	L38	N43°04'00"E	200.00'
L39	N43°04'00"E	200.00'	L39	N43°04'00"E	200.00'
L40	N43°04'00"E	200.00'	L40	N43°04'00"E	200.00'

NOTE: INFORMATION DERIVED FROM SURVEY PLAT RECORDED IN BOOK 730, PAGE 037.

**JAMES W. SIEBERT**  
 AND ASSOCIATES, INC.  
 219 JARDINER STREET - SUITE 111 NEW BRIDGE TOWN  
 (908) 863-0588

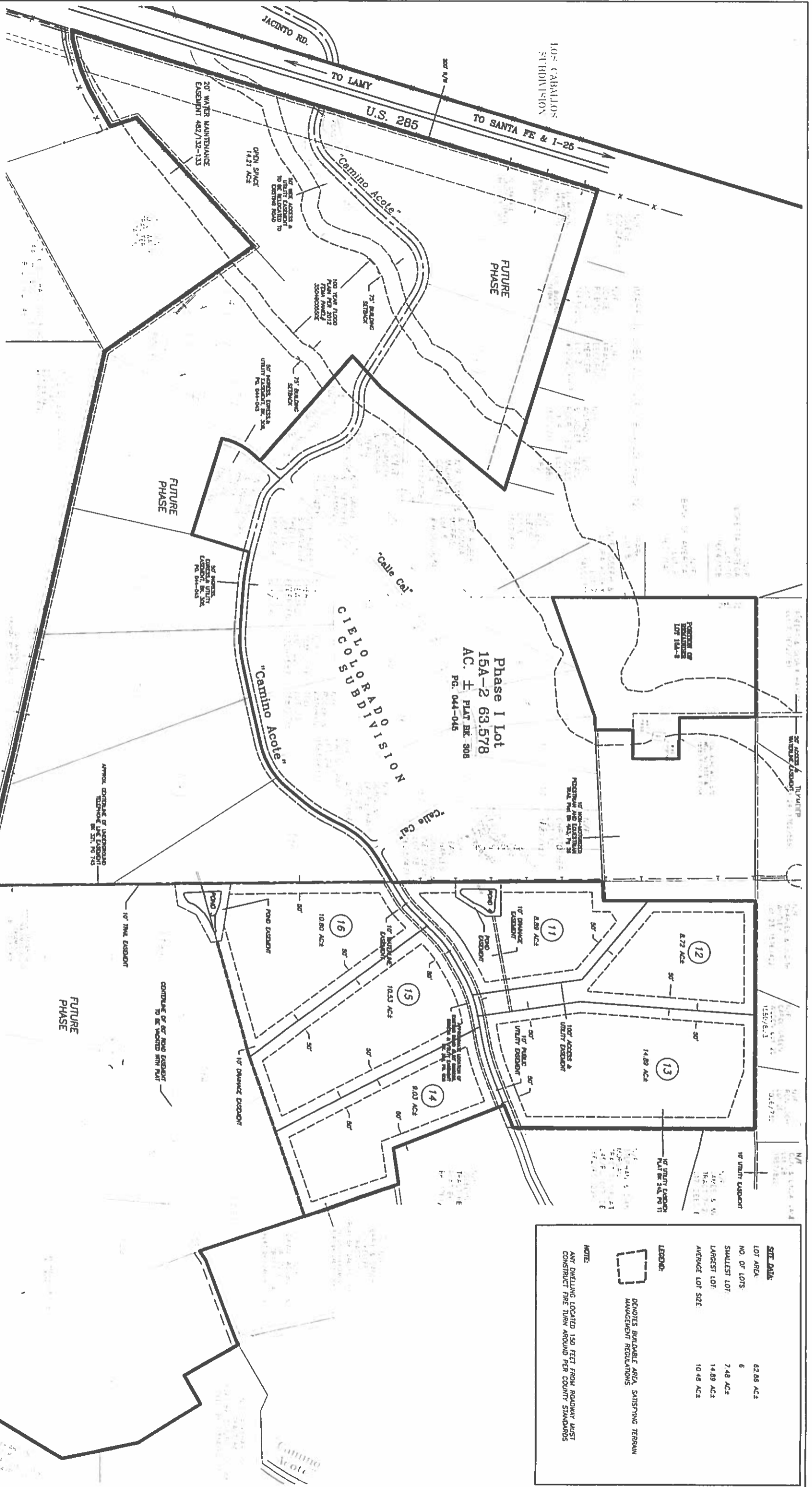
**CIELO COLORADO**  
 ESTATES, PHASE I  
 EXISTING CONDITIONS

DATE: 11/11/14  
 DRAWN BY: JWS  
 CHECKED BY: JWS  
 SCALE: 1" = 300'

DATE: 02/00/00  
 DRAWN BY: JWS  
 CHECKED BY: JWS  
 SCALE: 1" = 300'

B-25

P-2



Phase I Lot  
15A-2 63.578  
AC. ± PLAT BK. 508  
PG. 044-045

**SITE DATA:**

LOT AREA	62.06 AC±
NO. OF LOTS	6
SMALLEST LOT	7.48 AC±
LARGEST LOT	14.89 AC±
AVERAGE LOT SIZE	10.48 AC±



LEGEND:  
DENOTES BUILDABLE AREA SATISFYING TERRAIN  
MANAGEMENT REGULATIONS

NOTE:  
ANY DWELLING LOCATED 150 FEET FROM ROADWAY MUST  
CONSTRUCT FIRE TURN AROUND PER COUNTY STANDARDS

**JAMES W. SIEBERT**  
AND ASSOCIATES, INC.  
315 REDON STREET • SANTA FE NEW MEXICO 87505  
(505) 824-5288 FAX (505) 869-7213

**CIELO COLORADO  
ESTATES, PHASE I  
FINAL DEVELOPMENT  
PLAN**

SCALE	DATE	NOTES
1" = 200'	MAY 2014	
DRAWN BY	CHECKED BY	DATE
JKP	JMS	06/26/2014
REVISIONS:	DATE	BY
	06/26/2014	JMS
WORKED ON:	DATE	
	07/02/2014	
TITLE BLOCK	DATE	
PLAT		
P-6		

B.26

SANTA FE COUNTY APPROVAL, NOTES AND CONDITIONS

COUNTY LAND USE ADMINISTRATION BCC CASE NUMBER 15-12-5452

COUNTY TREASURER'S OFFICE COUNTY RURAL ADDRESSING

COUNTY DEVELOPMENT REVIEW COMMITTEE CHAIRMAN DATE

Approved at The Board of County Commissioners meeting of \_\_\_\_\_ DATE

BCC CHAIRMAN DATE

COUNTY CLERK DATE

FINE MARSHALL DATE

PUBLIC WORKS DATE

SANTA FE COUNTY NOTES AND CONDITIONS

SOIL PAVING, PURSUANT TO THE SANTA FE COUNTY LAND DEVELOPMENT CODE, THE SOIL PAVING ON THIS PROPERTY IS DESIGNATED AS BEING MODERATE/SEVERE REGARDING LIMITATIONS TO SEPTIC TANKS. POTENTIAL MODERATE/SEVERE SOILS ARE IDENTIFIED ON THE SOILS MAP REVISION 06/17/08 AS NOTED. THE PREVIOUS LIMITS OF ZONE A, AS SHOWN ON THE ENVIRONMENTAL DEPARTMENT WHEN THESE SOILS WERE SUITABLE FOR A CONVENTIONAL SEPTIC SYSTEM OR IF AN ALTERNATIVE SYSTEM IS REQUIRED.

SANTA FE COUNTY'S APPROVAL OF THIS SURVEY PLAT DOES NOT INCLUDE THE CONSTRUCTION OF THE PRIVATE EASEMENTS ON ROADS AS SHOWN PRIOR TO THE CONSTRUCTION OF SAID PRIVATE EASEMENTS ON ROADS. IT IS REQUIRED THAT AN ADDITIONAL DEVELOPMENT PERMIT BE APPLIED FOR AND THEN APPROVED BY THE SANTA FE COUNTY LAND USE DEPARTMENT. THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT, INCLUDING BUILDING PERMITS, HAVE NATURAL BARRIERS OF 150' OR GREATER. ALL DEVELOPMENT MUST BE IN CONFORMANCE WITH THE APPROVED DEVELOPMENT PLANS, LANDSCAPING PLANS AND FURTHER SITE REQUIREMENTS OF THE SANTA FE COUNTY LAND DEVELOPMENT CODE.

THE SUBDIVISION DISCLOSURE STATEMENT FOR THESE TRACTS IS FILED IN THE AS DOCUMENT NO. \_\_\_\_\_ RECORDED IN BOOK \_\_\_\_\_ PAGES \_\_\_\_\_ MAINTENANCE OF ACCESS ROADS IS THE OWNER'S ASSOCIATION. UNLESS CURRENTLY MAINTAINED BY THE SANTA FE COUNTY PUBLIC WORKS DEPARTMENT. ROADS ARE TO BE PRIVATE AND SHALL BE MAINTAINED BY THE 'LOT 15A-2 LOT OWNERS ASSOCIATION'. THIS PLATTING DOES NOT CHANGE PREVIOUS ROAD MAINTENANCE COMMITMENTS.

EXISTING NATURAL DRAINAGEWAYS WILL NOT BE MODIFIED OR IMPEDED WITHOUT THE WRITTEN PERMISSION OF THE LAND USE ADMINISTRATOR OR THE COUNTY ENGINEER. DEVELOPMENT SHALL NOT IMPERE HISTORIC FURNITURE OR BUILDINGS ON OR FROM THESE LOTS.

THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FINE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR BUILDING PERMIT.

THESE LOTS ARE SUBJECT TO CC & R'S RECORDED IN THE OFFICE OF THE COUNTY CLERK AS DOCUMENT NO. \_\_\_\_\_

UTILITY SIGNATURES

UTILITY	PHONE	DATE
CENTURY LINK		
PUBLIC SERVICE CO OF NEW MEXICO	TELECO	DATE
NEW MEXICO GAS	GAS	DATE
CORCAST	CABLE	DATE
ELDORADO WASTE WATER SANITATION DISTRICT	WATER	DATE

FLOOD NOTES:

A PORTION OF THESE LOTS LIE WITHIN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. A PORTION OF THESE LOTS LIE WITHIN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. A PORTION OF THESE LOTS LIE WITHIN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. FLOOD ZONE INFORMATION WAS TAKEN FROM FEMA FIRM MAP #29049C0530E DATED DECEMBER 4, 2012.

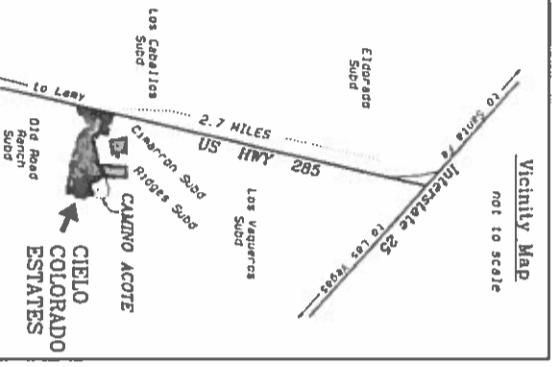
OWNERS CONSENT

THE UNDERSIGNED OWNERS AND PROPRIETORS OF THE LANDS SHOWN HERON HAVE HEREBY REVIEWED AND APPROVED THE SUBDIVISION AND THE SUBDIVISION IS BEING MADE WITH THE FREE CONSENT OF AND IS IN ACCORDANCE WITH THE DESIRES AND WISHS OF THE UNDERSIGNED. THE UNDERSIGNED DO HEREBY GRANT UTILITY EASEMENTS TO THE PUBLIC UTILITIES AND TO THE OWNERS/USERS OF THESE LOTS FOR PUBLIC UTILITIES SAID EASEMENTS ARE FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF UTILITIES, EASEMENTS ARE HEREBY GRANTED FOR UTILITIES THAT MAY EXIST CURRENTLY WITHIN THESE TRACTS OR LOTS.

MAINTENANCE OF PONDS AND DRAINAGE STRUCTURES IS THE RESPONSIBILITY OF THE CIELO COLORADO ESTATES HOMEOWNERS ASSOCIATION.

PROVISIONS LOCATIONS OF 'CAMINO ACOTE' TRACTS 10, 11, 12, 13, 14 & 15 ARE HEREBY REVISED AND RELOCATED TO THE LOCATIONS AS SET FORTH HERON. CAMINO ACOTE IS HEREBY GRANTED AS SHOWN.

THESE TRACTS LIE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE SANTA FE COUNTY, NEW MEXICO.



**SURVEYORS CERTIFICATE**  
I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES SHOWN HERON WERE ACCURATELY REPRESENTED BY A FIELD SURVEY WHICH WAS COMPLETED ON 5/8/2014. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT TRACTS OR EASEMENTS THE MINIMUM STANDARDS FOR LAND SURVEYING IN NEW MEXICO.



DEAN L. SPRADLER  
NEW MEXICO PROFESSIONAL SURVEYOR, No. 12451

OWNER	SECTION	TRNSP	RANGES	LOCATION/TREASURER NAME
CIELO COLORADO, LLC	31 & 32	11 S. X	R. 10 E.	NORTH OF HIGHWAY 285

**HIGH DESERT SURVEYING, INC.**  
PROFESSIONAL SURVEYING  
1925 ASPEN DRIVE, SUITE 401  
SANTA FE, NM, 87505  
PHONE: (505) 436-0094  
FAX: (505) 424-1709

FINAL PLAT FOR  
"CIELO COLORADO ESTATES"  
Subdivision Phase 1  
LOTS 11, 12, 13, 14, 15 & 16

LYING WITHIN THE REMAINDER LOT 15A-2; OF LOT 15 OF ELDORADO AT SANTA FE, WITHIN PROTECTED SECTIONS 20, 21, AND 22; WITHIN A PORTION OF THE BISHOP JOHN LAMY GRANT, T 15 N, R 10 E, NMPM, NORTH OF THE VILLAGE OF LAMY SANTA FE COUNTY, NEW MEXICO, CONTAINING 257.718 ACRES ±

NOTES:

- REFER TO A PLAT TITLED 'LOT SPLIT FOR RED SKY LAND AND CATTLE CO.', BY RICHARD A. MORRIS, PS 10277 FILED AT THE COUNTY CLERK'S OFFICE ON 8/29/94, AS DOCUMENT NO. 87-751, IN PLAT BOOK 281, PAGE 030.
- REFER TO A 'SUMMARY REVIEW SUBDIVISION OF LOT 15A-2 FOR RED SKY LAND AND CATTLE CO.' FILED AT THE OFFICE OF THE COUNTY CLERK ON 1/22/2002, AS DOC NO. 1214, 007, IN PLAT BOOK 507, PAGES 00-06 ON 7/15/2002, AS DOC NO. 1214, 007, IN PLAT BOOK 507, PAGES 00-06.
- REFER TO 'SPLITTING OF LOT 15A-2 FOR RED SKY LAND AND CATTLE CO.' FILED AT THE OFFICE OF THE COUNTY CLERK ON 10/19/1981, IN PLAT BOOK 107, PAGE 008.
- REFER TO A '20 EASEMENT FOR CONSTRUCTION, REPAIR, AND MAINTENANCE OF WATER SYSTEM PLANT EASEMENT WAS RECORDED AT THE OFFICE OF THE SANTA FE COUNTY CLERK IN 1920, BOOK 482, PAGES 132-133.
- REFER TO A 'SUBDIVISION OF EASEMENT', DATED 12/21/08, AS RECORDED IN BOOK 597, PAGES 050-056, 1/17/09, IN BOOK 597, PAGES 050-056.
- (INTENTIONALLY OMITTED)
- REFER TO A '20 WATERLINE EASEMENT WITHIN LOT 15, ELDORADO AT SANTA FE', RECORDED AT THE OFFICE OF THE SANTA FE COUNTY CLERK IN BOOK 482, PAGE 450.
- REFER TO A 'LOT SPLIT FOR RED SKY LAND & CATTLE CO.' BY MITCHELL MOONAK, PS 6998, RECORDED AT THE OFFICE OF THE SANTA FE COUNTY CLERK ON 7/14/02, AS DOC NO. 779, 921, IN PLAT BOOK 507, PAGE 030.
- REFER TO A PLAT TITLED 'CIELO COLORADO SUBDIVISION - PHASE 1' BY RICHARD A. MORRIS, PS 10277 RECORDED AT THE SANTA FE COUNTY CLERK ON 8/29/94, IN PLAT BOOK 281, PAGES 044-045, AS DOC NO. 87-751, 008, 009.
- REFER TO A 'LOT SPLIT FOR TONI L. CORRELL', PREPARED BY MITCHELL MOONAK, PS 6998, RECORDED AT THE OFFICE OF THE SANTA FE COUNTY CLERK ON 3-25-03, AS DOC NO. 808, 267, IN PLAT BOOK 246, PAGE 006.
- FOR 94515 OF BEARINGS REFER TO A 'BOUNDARY SURVEY PLAT OF REMAINDER OF LOT 15A-1, PREPARED BY GARY E. DAMSON ON 7/11/01, AS RECORDED AT THE OFFICE OF THE SANTA FE COUNTY CLERK ON 4/10/2011, RECORDED AT THE OFFICE OF THE SANTA FE COUNTY CLERK ON APRIL 19TH, 2011 AS INSTRUMENT NO. 1532, 358, IN PLAT BOOK 720, PAGES 37-38.

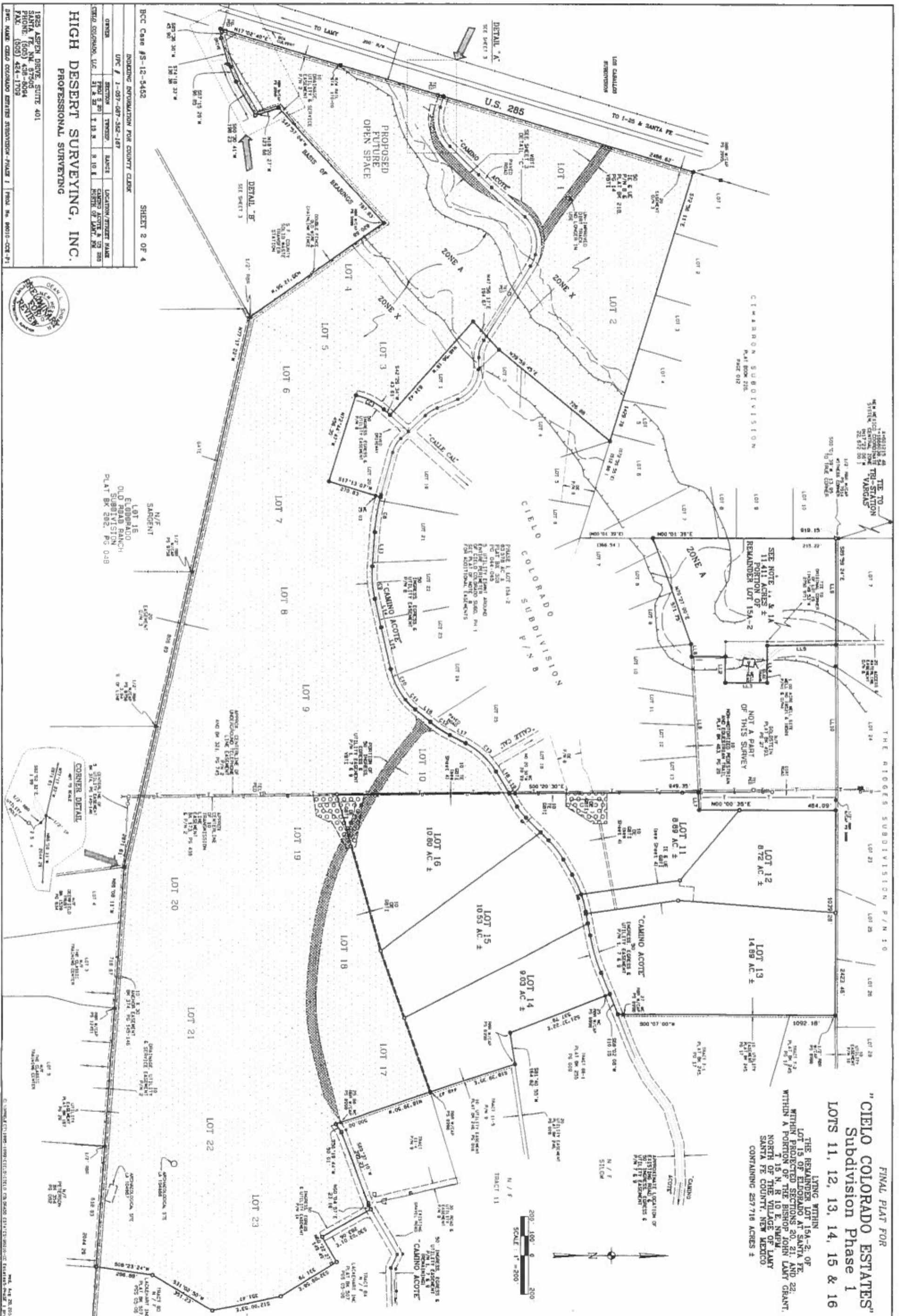
BCC Case #S-12-5452 SHEET 1 OF 4

B-27



FINAL PLAT FOR  
**"CIELO COLORADO ESTATES"**  
 Subdivision Phase 1  
 LOTS 11, 12, 13, 14, 15 & 16

LYING WITHIN  
 THE REMAINDER OF LOT 15A-2, OF  
 LOT 15 OF ELBORADO AT SANTA FE,  
 WITHIN PROJECTED SECTIONS 20, 21, AND 22,  
 WITHIN A PORTION OF THE BISHOP JOHN LAMY GRANT,  
 T. 15 N., R. 10 E., NORTH  
 NORTH OF THE VILLAGE OF LAMY  
 SANTA FE COUNTY, NEW MEXICO.  
 CONTAINING 297.718 ACRES ±



BCC Case #S-12-3452  
 SHEET 2 OF 4

INDEXING INFORMATION FOR COUNTY CLERK

OFFICE	SECTION	TRACT	BLK	LOCATION/PREPARER NAME
UNCL	1-057-087-342-187			CAMINO ACOTE & 10 200
CIMD COLORADO, LLC	31 N. 20	1 15 N.	8 10 E.	PORTION OF LAMY, PM

**HIGH DESERT SURVEYING, INC.**  
 PROFESSIONAL SURVEYING

1925 ASPEN DRIVE, SUITE 401  
 SANTA FE, NM 87505  
 PHONE: (505) 438-8084  
 FAX: (505) 424-1703  
 DBC NAME: CEMO COLORADO ESTATES STRADDLING PHASE 1 [Final No. 0010-028-21]



**DRAFT**

**DRAFT**

**SANTA FE COUNTY  
AFFORDABLE HOUSING AGREEMENT  
CIELO COLORADO ESTATES**

This Affordable Housing Agreement (the "Agreement") for Cielo Colorado Estates subdivision (the "Project") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, between Cielo Colorado Land Company, LLC, a New Mexico LLC, with its principal place of business at 915 Mercer Street, Santa Fe, NM 87505 (the "Applicant") and Santa Fe County (the "County").

**RECITALS:**

WHEREAS, the Applicant has received master plan approval and preliminary development plan and plat approval from the Board of County Commissioners ("BCC") for a 24 lot residential subdivision named Cielo Colorado Estates subdivision located within tract 15A-2 of the Eldorado at Santa Fe subdivision (the "Approval")

WHEREAS, Santa Fe County Ordinance No. 2006-02 and Ordinance No. 2012-1 ("Ordinances") require, among other things, the Applicant to provide Affordable Units within the Project and/or comply with the Ordinance through alternative means; and

WHEREAS, the County has adopted the Santa Fe County Affordable Housing Regulations ("Regulations") to implement the Ordinance; and

WHEREAS, pursuant to the Ordinance and Regulations, Applicant submitted an Affordable Housing Plan which was approved by the Affordable Housing Administrator (the "Plan"); and

WHEREAS, the Project is classified as a minor project and the Ordinances establish the affordable housing requirement for a minor project at eight percent (8%); and

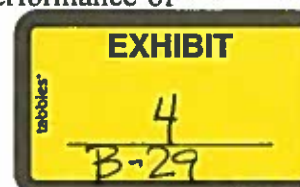
WHEREAS, the Applicant desires to meet its affordable housing obligations by constructing and selling affordable units in conformance with the Regulations; and

WHEREAS, Applicant and the County desire to memorialize the Applicant's obligations under the Approval, the Ordinances and the Regulations.

**AGREEMENT**

NOW, THEREFORE, in consideration of the mutual covenants and obligations contained herein, the County and Applicant hereby agree as follows:

1. **Definitions.** All capitalized terms herein have the same meanings given them in the Ordinances and the Regulations.
2. **Controlling Affordable Housing Ordinance and Regulations.** The Ordinances and the Regulations shall apply to this Project and shall govern the Applicant's performance of



all obligations under this Agreement, unless otherwise stated herein. The applicable affordable housing percentage for the Project is eight percent (8%).

3. **Required Affordable Units and Lots.** The eight percent (8%) affordable housing requirement is applied to the twenty four (24) lots in the Project, resulting in a requirement of two (2) Affordable Units. Applicant agrees to cause to be built and sold one (1) Affordable Unit for Income Range 2 and one (1) Affordable Unit for Income Range 3 to Eligible Buyers at Maximum Target Housing Prices set forth in the Regulations. The County may revise the Maximum Target Housing Prices annually and the Applicant agrees to be subject to this revision. Until this revision is made, the Applicant shall be subject to the current Maximum Target Housing Prices in the Regulations. The Maximum Target Housing Prices represent the maximum effective purchase prices to be paid by the Eligible Buyer, after any subsidies are applied, including the County Affordability Mortgage and Lien. The contract sales prices, as set forth in the HUD-1 settlement statement, for all Affordable Units shall be set at ninety five percent (95%) of the unit's appraised value. Both Affordable Units shall be three bedroom, two bath homes located on lots four (4) and five (5) of the Project and shall meet the minimum structural requirements, minimum bedrooms and bathrooms, minimum heated floor area, energy efficiency requirements and other requirements set forth in the Ordinances and the Regulations, unless otherwise stated herein.
4. **Adjustment of Maximum Target Housing Prices.** The Maximum Target Housing Prices set forth in the Regulations may be adjusted annually and the Applicant agrees to be subject to the adjusted prices.
5. **Adjustment of Maximum Target Housing Prices Due to Homeowners Association Fees.** In the event that the homeowners' association fee applicable to an Affordable Unit exceeds \$100 per month (regardless of the billing cycle), the Maximum Target Housing Price as defined in Section 3 for each Affordable Unit shall be reduced by the Applicant so that the buyer's mortgage loan principal amount is reduced by the amount that the monthly fee exceeds \$100. Applicant must disclose the homeowners' association fee to the County and make any required adjustment to the Maximum Target Housing Price in order for the Affordable Unit sale to be certified as a Qualified Transaction.
6. **Alternate Means of Compliance in Lieu of Construction.** The parties have chosen to cause to be built and sold Affordable Units within the Project, rather than present an Alternate Means of Compliance for the fulfillment of the Applicant's affordable housing obligations.
7. **Development Schedule.** The development schedule for the Project shall be such that a minimum of one (1) Affordable Unit shall be constructed for every seven (7) units constructed. The parties agree that the first phase of the Project shall consist of six (6) units and shall not include Affordable Units and further agree that the second phase of the Project consisting of four (4) lots shall include one (1) Affordable Unit.

8. **Integration of Affordable Units and Affordable Lots in the Project.** Lot numbers 4 and 5 of the Project are the lots upon which Affordable Units shall be designed and built in conformance with the Ordinances and the Regulations. Architectural and landscaping features of the Affordable Units and market rate units shall be similar in appearance.
9. **Final Plat Recordation.** This Affordable Housing Agreement must be filed and recorded simultaneously with the Final Plat for the first phase and subsequent phases of the Project. Should the Final Plat for any phase be filed and recorded without this Affordable Housing Agreement, such filing and recordation shall be null and void and without any legal effect.
10. **Marketing Plan.** In accordance with the Plan, Applicant agrees to market the Affordable Units through print advertising, fliers and other promotional media, notice to the County, notice to affordable housing agencies whose mission it is to promote affordable housing and first time homebuyers, and notice to real estate brokers.
11. **Closing of Qualified Transactions.** All Qualified Transactions shall be closed in accordance with the procedures in this Section.
- A. **Notice of Closing; Appraisal.** The Applicant shall give the County at least ten (10) days' advance written notice of the scheduled closing date for a Qualified Transaction. The notice shall include:
1. The name of the Eligible Buyer (s) as well as a copy of their Certification of Eligibility;
  2. The date and time of the scheduled closing;
  3. The name and location of the title company closing the transaction and the name and telephone number of the closing agent(s);
  4. An appraisal of the Affordable Unit being sold, which appraisal shall (i) be prepared by a properly licensed, certified real estate appraiser; (ii) be paid for by the Applicant, unless such appraisal is required by the mortgage lender, in which case it shall be paid for by the lender or the Eligible Buyer; and (iii) has been prepared within the previous six (6) months.
- B. **Recordation of Affordability Mortgage and Lien.** The Ordinances' goals of having Affordable Units owner-occupied by Eligible Buyers and maintaining long term affordability shall be achieved through the execution at closing of a County Affordability Mortgage and Lien, which contains a right of first refusal as set forth in the Ordinances and the Regulations. At least two (2) business days prior to the date of the scheduled closing, the County shall deliver to the title company (with a copy to the Applicant and the Eligible Buyer), the Affordability Mortgage and Lien along with written instructions to the closing agent concerning the execution, recording, and returning of the Affordability Mortgage and Lien. Any cost associated with the recording and returning of the Affordability Mortgage and Lien shall be borne by the Applicant.
- C. **Settlement Statement.** The Applicant shall cause the title company to



transmit, within ten (10) days of the closing of a Qualified Transaction, a copy to the County of the Settlement Statement (HUD-1) for the Qualified Transaction, signed by the seller and purchaser.

D. Certificate of Compliance. Upon receipt and review by the County of the closing statement from the title company or the Applicant, the County shall issue a Certificate of Compliance for the Qualified Transaction.

12. **Affordability Lien and Maintenance of Long-Term Affordability.** Notwithstanding the provisions of Section 11, County and Applicant agree that the Applicant may provide the required Affordable Units through a program with a non-profit housing organization where the non-profit holds a lien in lieu of the County affordability lien provided that the total lien held by the non-profit, including its cash subsidy, can be no greater than three (3) times the amount of cash proven to be contributed by the non-profit from its own funds to subsidize the homeowner. Furthermore, the principal amount of the lien shall equal the contract sales price as shown on the HUD-1 settlement statement, which includes all liens; less the effective sales price, which is the affordable buyer's first mortgage amount plus down payment from their own funds; less the cash subsidy contributed by entities other than the non-profit. If there remains a difference between the total principal amount of the lien that is allowed per the above formula and the maximum lien amount that can be retained by the non-profit, as set forth above, the difference shall become the principal amount of a subordinate County affordability mortgage and lien. The effective sales price paid by the Eligible Buyer after any subsidy shall be less than or equal to the Maximum Target Housing Price, as set forth in the Regulations. Applicant agrees that the contract sales price for an Affordable Unit must be set between ninety-five percent (95%) and one hundred percent (100%) of the unit's appraised value. Applicant agrees that the note and mortgage instruments used by the non-profit to secure this lien shall represent a deferred payment, non-amortizing, zero percent (0%) loan that shall not include a shared appreciation provision, nor include a right of first refusal with the County and must be approved by the Affordable Housing Administrator. Applicant agrees that the difference between the cash subsidy provided by the non-profit and the total amount of the lien retained by the non-profit shall, upon payoff of this subsidy loan, be committed to affordable housing programs for households in Santa Fe County, per an agreement between the non-profit and the Applicant, a copy of which shall be provided to the County prior to the first closing of an Affordable Unit under this Agreement. Applicant agrees that for such a transaction to be certified as a Qualified Transaction, all other provisions of Section 11 of this Agreement must be satisfied, along with all provisions of the Ordinances and Regulations, unless otherwise stated herein.
13. **Incentives.** In consideration of Applicant's obligations hereunder and in accordance with the Ordinances, County has agreed to provide the following incentives to Applicant:
- A. **Density Bonus.** County agrees to grant Applicant a density bonus of zero (0) units for the provision of the Affordable Units identified in Section 3 hereof.
  - B. **Relief from Development Fees.** County agrees to waive all development fees for each Affordable Unit to be provided by Applicant hereunder.

**14. Successors, Assigns and Buyers of Affordable Lots.** Applicant's obligations hereunder shall be binding upon its successors and assigns as well as any developer, contractor or other third party (other than an Eligible Buyer) to whom an Affordable Lot identified in Section 8 is transferred. Applicant agrees to provide County with ten (10) business days advance written notice of its intent to transfer an Affordable Lot to someone other than an Eligible Buyer, such notice to include a copy of the sales contract or other agreement by which such third party shall irrevocably assume Applicant's obligations hereunder with respect to such Affordable Lot. County shall have the right to (i) request further assurances that Applicant's obligations with respect to the Affordable Lot are being assumed by the transferee; (ii) require changes to the portion of the sales contract or other agreement concerning the transferee's assumption of Applicant's obligations; and (iii) attend the closing of the transfer to assure that the sales contract or other agreement whereby the transferee assumes Applicant's obligation is executed.

**15. Remedies.** Applicant acknowledges and agrees that, but for the Affordable Housing Agreement, County would not have approved the final plat for the Project. Applicant further acknowledges and agrees: (i) that because the Affordable Units to be provided by Applicant are a public good, no adequate remedy exists at law to remedy Applicant's failure to fulfill its obligations hereunder; and (ii) that it would be inconvenient and unfeasible for County to accurately measure the value of some of the incentives that Applicant received hereunder; and (iii) an appropriate remedy for Applicant selling Affordable Lots to non-Eligible Buyers, or for Applicant to not provide the required number of Affordable Units in the Project, is to: (a) pay the County 50% of the Maximum Target Housing Price set forth in the Affordable Housing Regulations for each required Affordable Unit, defined as a three bedroom unit, in the applicable Income Range; (b) collect all development fees that were waived for each house on an Affordable Lot. Accordingly, County shall be entitled to the following remedies for the indicated breaches by Applicant of this Agreement, which remedies Applicant acknowledges and agrees are fair and reasonable.

In the event Applicant does not sell Affordable Units to Eligible Buyers in the amount required in Section 3 and Section 7 within seven (7) years, which time may be extended by the County if a proportional number of market rate units also remains unsold, and has not paid the County fifty percent (50%) of the Maximum Target Housing Price set forth in the Regulations for each required Affordable Unit, defined as a three bedroom unit, in the applicable Income Range, the County shall be entitled to:

- A. Execute an injunction halting all construction or development on the Project until such time as Applicant remedies its breach and complies with its obligations hereunder;
- B. Refuse to grant preliminary or final plat approval for any future phase of the Project;
- C. Collect all development fees that were waived for each house on an Affordable Lot that Applicant sold to a non-Eligible Buyer or;

- D. Receive title at no cost to all remaining identified Affordable Lots, per Exhibit A;
- E. Receive fifty percent (50%) of the Maximum Target Housing Price set forth in the Regulations for each required, yet unsold Affordable Unit, defined as a three bedroom unit, in the applicable Income Range.

**16 . Miscellaneous Provisions.**

- A. If any provision of this Agreement or the application thereof to any person or circumstances is held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is held invalid or unenforceable.
- B. This Agreement shall be construed and enforced in accordance with the Ordinances, and the Regulations and the laws of the State of New Mexico.
- C. No actions taken by the parties following a breach of any of the terms contained in this Agreement shall be construed to be a waiver of any claim or consent to any succeeding breach of the same or any other term.
- D. This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such agreements, covenants and understandings have been merged into this written Agreement. No prior or contemporaneous agreement, covenant or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.
- E. At the request of the County, Applicant shall provide the County with such documentation the County deems relevant to establish Applicant's compliance with this Agreement. Any failure by Applicant to comply with this subparagraph shall constitute a breach of this Agreement, subjecting Applicant to the per unit payment provisions of Section 15 above, multiplied by the number of Affordable Units for which information has been requested.
- F. This Agreement shall not relieve Applicant from complying with present or future County ordinances, duly adopted resolutions or regulations applicable to development within the County.
- G. This Agreement shall not be altered, changed or amended except by instrument in writing executed by the parties thereto.
- H. This Agreement must be filed and recorded.

17. This Agreement shall terminate upon the County issuing a certificate of compliance with the Agreement in accordance with Section 7.5 of the Regulations. The County may terminate this Agreement and impose all Section 15 enabled payments for the required, yet unsold Affordable Units and recapture the cost of any granted incentives in the event of a breach of the Applicant.

IN WITNESS WHEREOF, the parties have duly executed this Agreement as of this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**APPLICANT:**

CIELO COLORADO LAND COMPANY, LLC  
A New Mexico Limited Liability corporation

By: \_\_\_\_\_  
Managing Member

SANTA FE COUNTY

By: \_\_\_\_\_  
Board of County Commissioners

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Gregory S. Shaffer, County Attorney

SANTA FE COUNTY AFFORDABLE  
HOUSING ADMINISTRATOR

By: \_\_\_\_\_  
Steven Brugger, AICP

By: Katherine Miller, County Manager



STATE OF NEW MEXICO )  
 ) ss  
COUNTY OF SANTA FE )

The foregoing was acknowledged before me this \_\_\_ day of \_\_\_\_\_,  
2014, by \_\_\_\_\_ (name), \_\_\_\_\_ (title) of \_\_\_\_\_  
\_\_\_\_\_, a New Mexico corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public

My commission expires:  
\_\_\_\_\_

V. APPROVAL OF MINUTES: June 20, 2013

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

VI. OLD BUSINESS

- A. CDRC CASE # Z/S 12-5450 Cielo Colorado Subdivision. Cielo Colorado, LLC., Applicant, Jim Siebert, Agent, requests Master Plan Zoning approval for a 24-lot residential subdivision on 246.30 acres  $\pm$  within Tract 15A-2 of the Eldorado at Santa Fe Subdivision. The Applicant also requests to allow two cul-de-sacs (dead-end roads) to exceed 500 feet in length. The property is located on the east side of US 285, off Camino Acote, within Sections 21 & 22, Township 15 North, Range 10 East (Commission District 4).

Mr. Larrañaga presented the staff report as follows:

“On February 21, 2013, the County Development Review Committee met and acted on this case. The decision of the CDRC was to table this case so that the Applicant could have further conversations with the community. The Applicant has had several meetings with the community and as a result has amended the Master Plan submittal to accommodate the concerns of the adjoining property owners.

“In the original Master Plan Zoning application the Applicant requested a 67-lot residential subdivision with the lot sizes ranging between 2.50 and 7.29 acres on 257.16 acres. The proposed subdivision would have been developed in 9 phases over a 9-year period with an anticipated start date of 2015.

“The Applicant is now requesting Master Plan Zoning for a 24-lot residential subdivision with the lot size ranging in size between 2.54 and 16.16 acres on 246.30 acres. The proposed subdivision will be developed in four phases over an eight-year period with an anticipated start date of 2014.

“Tract 15 A-2 was created as part of the Eldorado at Santa Fe Subdivision. A Master Plan for Cielo Colorado was approved by the BCC in 1995. The Master Plan included 91 lots with an average density of 3.79 acres on 344.58 acres; 25 of the 91 proposed lots were platted in 1995. An amended Master Plan, recorded in 2000, eliminated 4 lots totaling 12.5 acres. In 2002, the Master Plan was vacated to allow the platting of larger lots at the east end of Tract 15A-2. This Application for Master Plan includes the remainder of the property that has not been platted within Tract 15A-2.

“Article V, § 5.2.1.b states: ‘A Master Plan is comprehensive in establishing the scope of a project, yet is less detailed than a Development Plan. It provides a



means for the County Development Review Committee and the Board to review projects and the sub-divider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a Preliminary and Final Plat approval'.

"The Applicant also requests that the CDRC allow two cul-de-sacs to exceed 500 feet in length. The dead end road which serves Lots 3-6 is 787 feet in length, and requires a cul-de-sac with a minimum driving surface radius of 50 feet. The second dead end road, which is an extension of Camino Acote, serves Lots 18-21 and is 1,361 feet in length. These closed end roads will have a cul-de-sac with a minimum driving surface radius of 60 feet."

Mr. Larrañaga said staff reviewed the Applicant's request and recommends the approval of two cul-de-sacs to exceed 500 feet in length subject to the following staff conditions:

1. The Applicant shall comply with design standards set forth in Article V, § 8.2.1d.
2. The Applicant shall comply with the Santa Fe County Fire Marshal requirement that the extension of Camino Acote maintain a cul-de-sac with a minimum driving surface radius of 60 feet.

Staff also recommends approval for Master Plan Zoning for a 24-lot residential subdivision on 246.30 acres  $\pm$  within Tract 15A-2 of the Eldorado at Santa Fe Subdivision subject to the following staff condition:

1. Master Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.2.5.
2. The Applicant shall address the requirement for all weather access on Camino Acote with the Preliminary Development Plan.
3. A detailed water budget and water restrictive covenants shall be submitted prior to Preliminary Development Plan.
4. An analysis of appropriate liquid waste disposal setback shall be required for the first sustainable phase of this development prior to Preliminary Development Plan.

Mr. Larrañaga noted DOT's review [*Exhibit 1*] and a packet of support letters regarding the development [*Exhibit 2*] that were distributed to the CDRC

Duly sworn, Jim Siebert, agent for the applicant, said the developers have held five meetings with the neighbors following the CDRC's tabling. The project began with 67 lots and after several meetings there are now 24 lots.

Using a site map, Mr. Siebert located Tract 15 within the area and the existing utilities within the subdivision. The original master plan consisting of 2.5-acre lots was vacated to plat larger lots. He discussed the agreement with the Eldorado Area Water and Sanitation District to provide service, which was originally for 67 taps, and that will be revised and reduced. He discussed the entry to the subdivision, the equestrian and pedestrian trail and how the moratorium affected this subdivision.

Mr. Siebert said the developer is confident that water can be supplied to the subdivision. He added that the hydrants in the area meet the County's 500 gpm flow standard.

Duly sworn, Gregory Hart, 116 Camino Acote, president Lot 15A2 Homeowners Association, said a group of area residents concerned with the development met and organized to ask questions of the developer. He and other area residents now support the development. Mr. Hart said the revised master plan will definitely "increase value to our homes."

Chair Gonzales thanked the speaker and noted it was good when the area residents and developer can meet and come to agreement.

There were no other speakers on this case.

Member Katz moved to approve the variance regarding the cul-de-sac and recommend approval of Z/S 12-5450 master plan zoning with all staff-imposed conditions. His motion was seconded by Member Anaya and passed by unanimous [7-0] voice vote.

VI B. CDRC CASE # Z/S 13-5130 La Bajada Ranch Master Plan Amendment: Santa Fe County, Applicant, requests a Master Plan Amendment for a previously approved Master Plan (Santa Fe Canyon Ranch) to amend the water supply plan and to provide consistency with the current property owner boundaries. The amended Master Plan will allow for 156 residential lots on the 470.55 acres that the County of Santa Fe now owns. The amended Master Plan will utilize the Santa Fe County Water Utility (instead of the previously proposed new on-site community water system). The property is located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3) [Exhibit 3: Conditions distributed by staff; Exhibit 4: Toups letter to CDRC dated 7/18/13]

Chair Gonzales recused himself from this case and Member Martin assumed the responsibilities of Chair.

Vicente Archuleta, Development Review Team Leader, reviewed the staff report as follows:

"On June 20, 2013, the CDRC met and acted on this case. The decision of the CDRC was to table to allow the Applicant to address concerns brought forth by the community.



~~COMMISSIONER ANAYA: Madam Chair, I would move to extend the contract, the agreement with Katherine Miller, note that we had good discussion about opportunities that we have before us as a County, and that we look forward to taking on those opportunities with her leading as our County Manager.~~

~~COMMISSIONER CHAVEZ: Second.~~

~~CHAIR HOLIAN: Okay. So, Commissioner Anaya, your motion is to approve amendment #2?~~

~~COMMISSIONER ANAYA: It is.~~

~~CHAIR HOLIAN: Okay, I have a motion and a second. Is there any further discussion?~~

~~The motion passed by unanimous [5-0] voice vote. [Commissioner Mayfield's vote was recorded after the fact. See below.]~~

- XVIII. B. 2. CDRC Case # Z/S 12-5450 Cielo Colorado Subdivision. Cielo Colorado, LLC, Applicant, Jim Siebert, Agent, Requests Master Plan Zoning Approval for a 24-Lot Residential Subdivision on 246.30 Acres + within Tract 15A-2 of the Eldorado at Santa Fe Subdivision. The Property is Located on the East Side of US 285, Off Camino Acote, within Sections 21 & 22, Township 15 North, Range 10 East (Commission District 4)

JOSE LARRAÑAGA (Case Manager): Thank you, Madam Chair. On February 21, 2013, the County Development Review Committee met and acted on this case. The decision of the CDRC was to table this case so that the Applicant could have further conversations with the community. The Applicant has had several meetings with the community and as a result has amended the Master Plan submittal to accommodate the concerns of the adjoining property owners.

On July 18, 2013, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of the Applicant's request for Master Plan Zoning for a 24-lot residential subdivision. The CDRC also approved two cul-de-sacs to exceed 500 feet in length.

In the original Master Plan Zoning Application the Applicant requested a 67-lot residential subdivision with the lot sizes ranging between 2.50 and 7.29 acres on 257.16 acres. The proposed subdivision would have been developed in nine phases over a nine-year period with an anticipated start date of 2015.

The Applicant is now requesting Master Plan Zoning for a 24-lot residential subdivision with the lot size ranging in size between 2.54 and 16.16 acres on 246.30 acres. The proposed subdivision will be developed in four phases over an eight-year period with an anticipated start date of 2014.

Tract 15 A-2 was created as part of the Eldorado at Santa Fe Subdivision. A Master



Plan for Cielo Colorado was approved by the Board of County Commissioners in 1995. The Master Plan included 91 lots with an average density of 3.79 acres on 344.58 acres. 25 of the 91 proposed lots were platted in 1995. An amended Master Plan, recorded in 2000, eliminated four lots totaling 12.5 acres. In 2002, the Master Plan was vacated to allow the platting of larger lots at the east end of Tract 15A-2. This Application for Master Plan includes the remainder of the property that has not been platted within Tract 15A-2.

Building and Development Services staff has reviewed this project for compliance with pertinent Code requirements and has found that the following facts presented support the request for Master Plan Zoning: the Application is comprehensive in establishing the scope of the project; the review comments from State Agencies and County staff has established that this Application for Master Plan, is in compliance with State requirements, Ordinance No. 2005-8 and Article V, Section 5, Master Plan Procedures, of the Land Development Code.

Staff recommendation is for approval for Master Plan Zoning for a 24-lot residential subdivision on ±246.30 Acres within Tract 15A-2 of the Eldorado at Santa Fe Subdivision subject to the following conditions. Madam Chair, may I enter these conditions into the record?

[The conditions are as follows:]

1. Master Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.2.5.
2. The Applicant shall address the requirement for all weather access on Camino Acote with the Preliminary Development Plan.
3. A detailed water budget and water restrictive covenants shall be submitted prior to Preliminary Development Plan.
4. An analysis of appropriate liquid waste disposal setback shall be required for the first sustainable phase of this development prior to Preliminary Development Plan.

MR. LARRAÑAGA: Madam Chair, I stand for any questions.

CHAIR HOLIAN: Are there any questions for staff? Seeing none, is the applicant here? Will you please be sworn in?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: Madam Chair, my name is Jim Siebert. My address is 915 Mercer. Let me first say that we began with 67 lots and faced a considerable amount of neighborhood opposition and what you have before you tonight is really kind of the culmination of about six different neighborhood meetings that we've worked on this project.

But let me give you a little background on this. This is Lot 15 in the Eldorado Subdivision which is this kind of area here. The area outlined in black is the area that we're proposing for the subdivision. The area in red is actually the area that has a paved road and utilities in it. This area right here is the first subdivision that took place within Lot 15. There are 25 2 ½-acre lots and all utilities including Eldorado water are already within the area outlined in the red.

B-41

This is the subdivision. The entry off 285 – we’ve met with the neighbors here to make sure that they’re in agreement with the lot layout. We had originally 14 lots at the entry that didn’t seem to fly. We’re down to two now, and a large area that will remain as common open space for the entire development. There is very little new construction that needs to take place. The distance from the road to the end of the cul-de-sac here will be new construction. This cul-de-sac here would be new construction and the lots as laid out can be served off the existing roadways and existing utilities.

In all, we’re in agreement with conditions as stated by staff and I’ll answer any questions you may have.

CHAIR HOLIAN: Thank you, Mr. Siebert. Are there any questions for Mr. Siebert? Seeing none, this is a public hearing. Is there anyone here from the public who would like to speak about this case, either in favor or in opposition? Seeing none, the public hearing is closed. Are there any questions for either the staff or Mr. Siebert?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Siebert, I do have a question now on the archaeological zone. So as far as water and it will be serviced by the Eldorado water utility?

MR. SIEBERT: That’s correct.

COMMISSIONER MAYFIELD: And staff – a question for staff now, please. Based on the diagram all the infrastructure is already there for the water utility hookups?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, they will have to extend some of the waterlines and of course improve the extended roads and the roadways, but yes, the infrastructure is already in, and there are some fire hydrants in place.

COMMISSIONER MAYFIELD: Okay. And there’s no issues with low water pressure or anything else with that system out there?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, not that I am aware of.

COMMISSIONER MAYFIELD: Okay. Thank you. That’s all I have, Madam Chair.

CHAIR HOLIAN: Are there any further questions? What are the wishes of the Board? Commissioner Chavez.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes.

COMMISSIONER STEFANICS: I’ll move for approval with staff conditions.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay. I have a motion and a second for approval of CDRC Case Z/S 12-5450, Cielo Colorado Subdivision with staff conditions.

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

COMMISSIONER CHAVEZ: I have a follow-up question, Madam Chair, for staff.

CHAIR HOLIAN: Yes.

COMMISSIONER CHAVEZ: For staff. Are these conditions of approval, are they recorded anywhere on the plat or how are they documented, Mr. Larrañaga?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, they are documented on the final order, of course which is the final decision and then the follow-up would be getting the master plan recorded with the proper signatures and so on.

COMMISSIONER CHAVEZ: Got it. Okay. That was really more for my clarification but I wanted just to be sure that we were tracking that. Thank you, Madam Chair.

- XVIII. B. 3. CDRC Case # V/Z/PDP 13-5080 Windmill Water Variance, Master Plan & Preliminary Development Plan. Diana & Leon Rictor, Applicants, Jim Siebert, Agent, Request Master Plan Zoning & Preliminary Development Plan Approval to Allow a Small Scale Commercial Use Consisting of a Domestic Water Supply Service. This Request Includes a Variance of Article VII, Section 6.4.1d (Requirements for Water Availability Assessments). The Applicant Also Requests That Final Development Plan Be Approved Administratively. The Property is Located at 2042 Old U.S. 66, Near the Town of Edgewood, within Section 34, Township 10 North, Range 7 East, (Commission District 3)

MR. LARRAÑAGA: Thank you, Madam Chair. On June 20, 2013, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of the Applicants' request for a variance of the requirement to demonstrate a 100-year water supply, Master Plan Zoning, Phase I and II Preliminary Development Plan and to allow the Final Development Plan, for Phase I and II to be reviewed and approved administratively.

The Applicants request Master Plan Zoning approval to allow a small-scale commercial use consisting of a domestic water supply service to be completed in two phases. The request also includes Preliminary Development Plan approval for Phase I and II. Phase I consists of a 2,200 square foot residence, a 1,064 square foot garage, a 100 square foot shed, a 1,188 square foot bottling plant, a 224 square foot office, a 5,000 gallon storage tank, a 50 square foot self-serve dispenser structure, a domestic well and a well registered with State Engineer as a commercial well. Phase II will consist of a 1,200 square foot addition to the existing dwelling to be utilized as an office. The site is located within the Edgewood Traditional Community where commercial zoning may be approved anywhere provided the performance standards and criteria set forth by the code are met. The Applicants' request includes that the Final Development Plan, for Phase I and II, be reviewed and approved

B-43



DRAFT

the meeting as well. If there are no other questions or comments of the applicant we'll open the public hearing. Is there anybody present to speak in favor or against this proposal? Seeing none, the public hearing portion is closed. What's the pleasure of the Board? Commissioner Mayfield, you had a comment?

CHAIR MAYFIELD: Commissioner, this is in your district so I'll defer.

COMMISSIONER ANAYA: Okay. Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Chair, I'll go ahead and make a motion to approve BCC case MIS 10-5152, Extension of the Downs at Santa Fe Master Plan.

CHAIR MAYFIELD: Second, Commissioner.

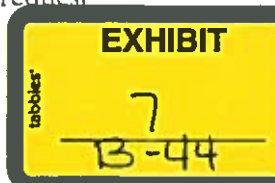
COMMISSIONER ANAYA: There's a motion from Commissioner Chavez to approve the two-year time extension, a second by Commissioner Mayfield, Chairman Mayfield. Any further discussion? Just a comment from me. I too look forward to continued communication and coordination as the Commissioner from District 3 that has the Downs in the district. I'm happy that you've continually worked with Mr. Dickens and other members of the La Cienega Valley area, keeping their interests in mind and know that those communications will continue. If there's no other questions or comments.

The motion passed by unanimous [4-0] voice vote.

- VI. A. 5. CDRC Case # S/V 12-5451 Cielo Colorado Estates Preliminary Development Plan, Plat and Variance. Cielo Colorado LLC, Applicant, James W. Siebert, Agent, Request Preliminary Development Plan and Plat Approval for a 24-Lot Residential Subdivision on Tract 15A-2 of the Eldorado at Santa Fe Subdivision Consisting of 246.30 Acres, More or Less. The Application Also Includes a Request for a Variance of Ordinance No. 2008-10 (Flood Damage Prevention and Stormwater Management) to Allow Access Through a 100-Year Flood Plain without an All-Weather Crossing. The Property is Located on the East Side of US 285, off Camino Acote, within Sections 21 and 22, Township 15 North, Range 10 East (Commission District 4)

VICENTE ARCHULETA (Case Manager): Thank you, Mr. Chair. On February 14, 2014 the County Development Review Committee recommended preliminary development plan and plat approval for a 24-lot residential subdivision on Tract 15A-2 at the Eldorado at Santa Fe Subdivision consisting of 246.30 acres. The CDRC also recommended approval of a variance of Ordinance No. 2008-10 to allow access through a 100-year floodplain without an all-weather crossing. On July 18, 2013, the CDRC recommended approval Master Plan approval of a 24-lot residential subdivision. The CDRC also approved two cul-de-sacs to exceed 500 feet in length.

On September 10, 2013, the Board of County Commissioners approved the request



DRAFT

for Master Plan for a 24-lot residential subdivision on 246.30 acres. In 1995, a Master Plan for Cielo Colorado was approved by the BCC. The Master Plan included 91 lots with an average density of 3.79 acres on 344.58 acres. Twenty-five of the 91 proposed lots were platted in 1995. An amended Master Plan eliminating four lots totaling 12.5 acres was recorded in 2000. In 2002 the Master Plan was vacated to allow the platting of larger lots at the east end of Tract 15A-2. This Application includes the remainder of the property that has not been platted within Tract 15A-2.

The Applicants now request Preliminary Development Plan and Plat approval for 24 lots on 246.30 acres within tract 15A-2 of the Eldorado at Santa Fe Subdivision in conformance with the approved Master Plan. Lot sizes will range from 2.54 acres to 16.16 acres, more or less.

The Applicants also request a variance of Ordinance No. 2008-10, Section 4.2, to allow for access to the subdivision through an existing road that crosses over a FEMA designated special flood hazard area.

The Applicant states the roadway crossing the drainage has been in place for over 20 years, serving over 30 housing units, and there has been no occurrence of damage to the road or drainage structures under the road during heavy rainstorms. The floodplain is unusually wide and shallow requiring an extensive drainage infrastructure across the entire width of the drainage in order to comply with the 100-year crossing standards. The initial subdivision was reduced from 67 lots to 24 lots to address the concerns of the residents living within the Cielo Colorado Subdivision. The expense of such a 100-year crossing of the drainage is beyond the financial resources of this 24-lot subdivision.

The Applicant has submitted an analysis and calculations from a Professional Engineer which addresses the existing low water crossing dip-section and the 100-year storm event. The letter states the crossing will be subject to a water depth of 8 inches for a period of fifteen minutes or less. The existing curb will hold back a depth of six inches for a period of forty-five minutes while it drains via an existing curb cut. Therefore, the engineer's opinion is emergency vehicles and fire apparatus will be able to safely cross the low water crossing during a 100-year event.

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

The Application for Preliminary Development Plan and Plat approval is in conformance with all Code requirements. Therefore, staff recommends approval of the request for Preliminary Plat and Development Plan subject to the following conditions:

1. The Applicant shall comply with all review agency comments and conditions, Article V, Section 7.1.3.c.
2. All portions of the 50-foot ingress/egress and utility easement to be vacated must be approved by the BCC.3. The Applicant must apply for an access permit from NMDOT prior to construction.

B-45

CONFIDENTIAL

Mr. Chair, I stand for questions.

COMMISSIONER ANAYA: Are there any questions of staff? Seeing no questions of staff, is the applicant present?

[Duly sworn, Victoria Dalton testified as follows:]

VICTORIA DALTON: Victoria Dalton with James Siebert and Associates, 915 Mercer Street, Santa Fe, New Mexico, 87505. So as staff stated the request is for preliminary development plan and preliminary plat. This is the same designed that you reviewed during the master plan last September for approval and in addition we are requesting a variance for the crossing of the floodplain. The project engineer has submitted the study which supports access across the floodplain. I stand for questions if you have any.

COMMISSIONER ANAYA: Would the applicant be amendable to a notation on the plat that states that they understand that they're in a floodplain area?

MS. DALTON: I believe we would. Yes, I can agree to that.

COMMISSIONER ANAYA: Because I think that would be consistent with what we've done in the past. That would be one thing I would ask any maker of the motion to consider. Any other questions? Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, I guess I have a question to staff and it has to do with the low-water crossing. I know that these can be expensive but they can also cause problems for people getting in and out of their homes and also for the emergency vehicles. But we have a staff recommendation. It says that the professional engineer, which addresses the low-water crossing dip section, the engineer concluded that emergency vehicles will be able to safely cross the low-water crossing during a 100-year storm event. Does our staff concur with that? You're in agreement with that?

MR. ARCHULETA: Mr. Chair, Commissioner Chavez, we got a recommendation of approval from our Fire Department.

COMMISSIONER CHAVEZ: Okay. Thank you. Thank you, Mr. Chair. I just wanted to double check. So having said that -- you're going to do the public hearing?

COMMISSIONER ANAYA: I'm going to go ahead and open up the public hearing. Is there anyone here to speak on behalf of or against this project? Seeing none, the public hearing is closed.

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I am satisfied with the engineering analysis about the floodplain crossing, and I would also like to thank the developer for working with the community to rework the platting so that the neighborhood was satisfied with how it all turned out.

MS. DALTON: Thank you. He worked hard on it.

COMMISSIONER HOLIAN: And I would like to make a motion to approve CDRC Case S 12-5451, Cielo Colorado Estates preliminary development plan, plat and variance with staff conditions, and I'm amenable to an extra condition noting on the plat about the floodplain crossing.

DRAFT

COMMISSIONER CHAVEZ: Second.

COMMISSIONER ANAYA: There's a motion and a second with staff conditions and an additional notation relative to the flood plain. Is there any other questions or comments? Commissioner Mayfield? I don't think we have Commissioner Mayfield. I don't have any other questions.

The motion passed by unanimous [4-0] voice vote. [Commissioner Mayfield's vote was recorded after the meeting.]

VII. CONCLUDING BUSINESS

- A. Announcements
- B. Adjournment

Having completed the agenda and with no further business to come before this body, Chair Holian declared this meeting adjourned at 7:56 p.m.

Approved by:

\_\_\_\_\_  
Board of County Commissioners  
Daniel W. Mayfield, Chair

ATTEST TO:

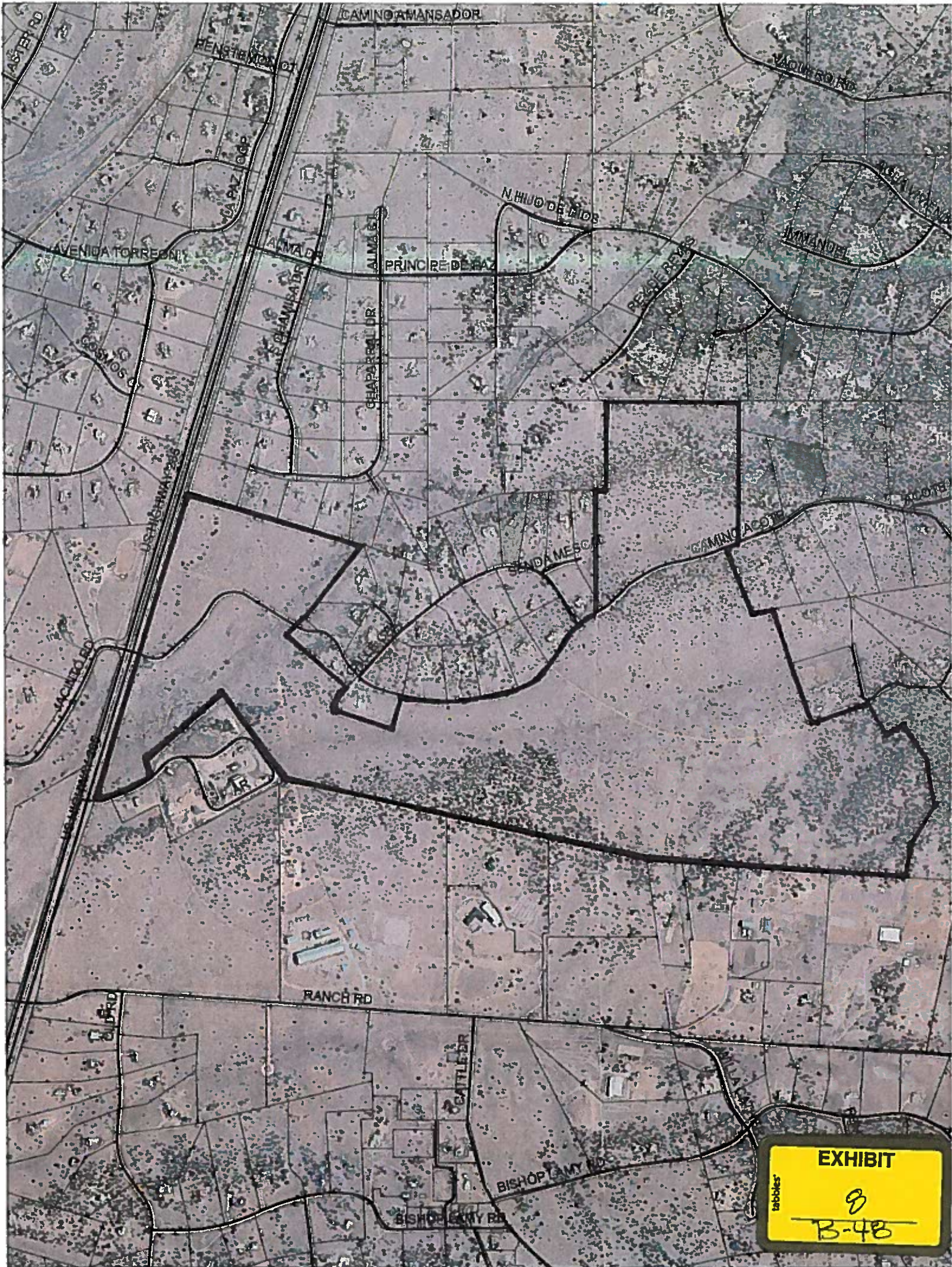
GERALDINE SALAZAR  
SANTA FE COUNTY CLERK

Respectfully submitted:

Karen Farrell, Wordswork  
453 Cerrillos Road  
Santa Fe, NM 87501

B-47





EXHIBIT

8

B-48

tabbles



**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:** October 16, 2014

**TO:** County Development Review Committee

**FROM:** Vicente Archuleta, Development Review Team Leader VA

**VIA:** Penny Ellis-Green, Growth Management Director PE  
Vicki Lucero, Building and Development Services Manager VL  
Wayne Dalton, Building and Development Services Supervisor WD

**FILE REF.:** CDRC CASE # Z 06-5033 Village at Galisteo Basin Preserve ("Trenza") Master Plan Amendment

**ISSUE:**

Commonweal Conservancy (Ted Harrison), Applicant, request a Master Plan Amendment to reconfigure the Planning Envelope from 10,360 acres to 3,560 acres, to reduce the size of the development from 965 dwelling units and 150,000 square feet of commercial and civic land uses to 450 dwelling units and 88,500 square feet of mixed use, commercial and civic land uses, a green cemetery and a 60-seat outdoor amphitheater. The Applicant also requests a revision of the original five phase development to six phases that would take place over a period of 12 years.

The property is located south of Eldorado, west off US 285, south of the Railroad tracks, within Sections 1, 3, 11-14 23 and 24, Township 14 North, Range 9 East; Sections 5-7 and 18, Township 14 North, Range 10 East; Sections 34-36, Township 15 North, Range 9 East; and Sections 30 and 31, Township 15 North, Range 10 East (Commission District 5).

**SUMMARY:**

This case is tabled to allow the Applicant to submit additional information.



**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:** October 16, 2014

**TO:** County Development Review Committee

**FROM:** John Lovato, Development Review Specialist Senior

**VIA:** Penny Ellis-Green, Growth Management Director  
Vicki Lucero, Building and Development Services Manager  
Wayne Dalton, Building and Development Services Supervisor

**FILE REF.:** CDRC CASE # V 14-5260 Mastrantoni/Garrison Variance

**ISSUE:**

Vincent Mastrantoni, and Webb Garrison, Applicants, request a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow four dwelling units on 5 acres.

The property is located at 28 Vista De Luna, within the vicinity of Nine Mile Road, within Section 25, Township 16 North, Range 10 East, (Commission District 4).

**SUMMARY:**

This case is **tabled** to allow the Applicant more time to provide additional information. Staff recommends this case be withdrawn from the agenda.

**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:** October 16, 2014

**TO:** County Development Review Committee

**FROM:** John Lovato, Development Review Specialist Senior

**VIA:** Penny Ellis-Green, Growth Management Director  
Vicki Lucero, Building and Development Services Manager  
Wayne Dalton, Building and Development Services Supervisor

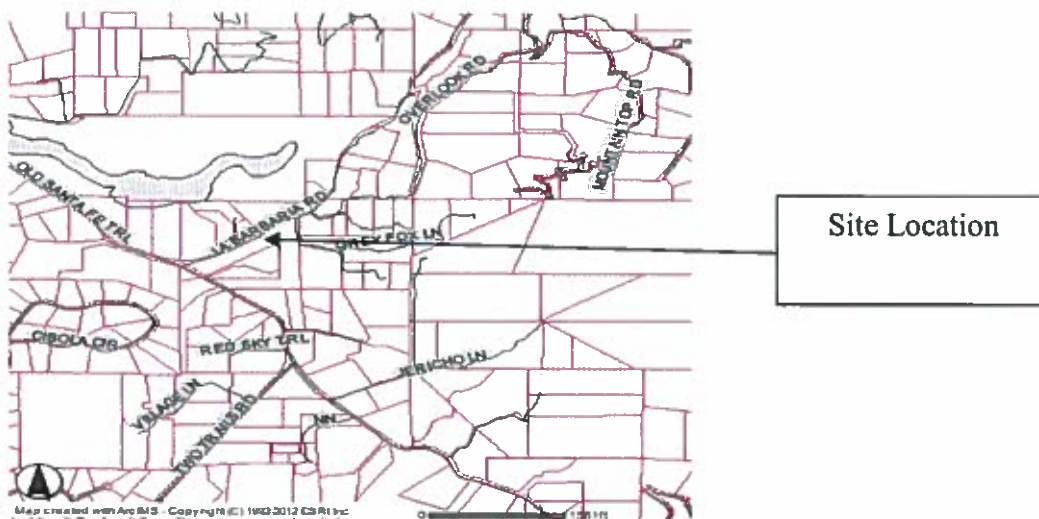
**FILE REF.:** CDRC CASE # V 14-5300 Cathy and Chris Stoia Variance

**ISSUE:**

Cathy and Chris Stoia, Applicants, request a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow a Land Division of 12.87 acres into two lots.

The property is located at 20 La Barbaria Road, within Section 17, Township 16 North, Range 10 East (Commission District 4).

**Vicinity Map:**



## SUMMARY:

The subject lot is recognized as a non-conforming lot. There is currently a residence and an accessory structure (shed) on the property. The residence on the property is recognized as legal non-conforming and was constructed in 1974. On December 11, 2012, the Applicants were granted a variance of height and placed an addition onto the existing residence. The Applicants now wish to divide their property into two lots: One lot consisting of a 5.06 acre and one lot consisting of 7.81 acres.

The minimum lot size in this area is 20 acres with 0.25 acre foot water restrictions. Lot size can be further reduced with proven water availability. On August 6, 2013, the Applicants applied for a Summary Review Subdivision to create two lots and submitted a Geohydrological report for review. It was determined by the County Hydrologist that the information submitted in the report was outdated and insufficient. Therefore, the Geohydrological report did not provide adequate water to divide the land, and the Application was denied.

The Applicants state, they have stalled their Application in hopes the Sustainable Land Development Code (SLDC) would take effect. The Application would be in conformance with the proposed SLDC, where the property falls within the Residential Fringe Zoning District and will be subject to minimum lot sizes of one dwelling per 5 acres. The Applicant further states that the proposed 5.08 acre lot and 7.81 acre lot are larger than most lots in the surrounding area and will not be out of character with existing densities in the area. Lot sizes range from 1.55 acres to 7.87 acres within the immediate area (Exhibit 7).

The Applicant claims, one parcel will have a high quality non-shared well which tested at 4 gallons per minute. According to the geohydrology report provided, the use of that well for an additional residence will have no effect on neighboring wells. All taxes on the property are current according to documentation provided by the Applicant. According to the Office of the State Engineer, the owner of the well on the property is William Keller the III, as permit #72-12-1 and allows up to 3 acre feet of water for the subject property. It appears the well was installed in 1972.

The Applicant provided receipts for mailing notices before the CDRC and BCC by certified mail on September 24, 2014. It appears that all noticing requirements of the Code were met. Noticing in the legal section of the Santa Fe New Mexican occurred on September 23 and 25, 2014 as evidence by the clipping of that publication in the file and the affidavit of publication provided by the New Mexican. A certification of posting and photographs of the posting were provided by the Applicant.

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 August 8, 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 of a variance of Article III, § 10 (Lot Size Requirements) to allow a Land Division of 12.87 acres into two lots.

**GROWTH MANAGEMENT AREA:** SDA-2

**HYDROLOGIC ZONE:** Mountain Hydrologic Zone. The minimum lot size is 80 acres per dwelling unit. Lot sizes can be reduced to 20 acres per dwelling unit with signed and recorded water restrictions. The request does not meet the minimum lot size requirements for this area.

**FIRE PROTECTION:** Hondo Fire District.

**WATER SUPPLY:** Domestic Well

**LIQUID WASTE:** Conventional Septic System

**VARIANCES:** Yes

<b>AGENCY REVIEW:</b>	<u>Agency</u>	<u>Recommendation</u>
	County Fire	Conditional Approval

**STAFF RECOMMENDATION:** Denial of a variance of Article III, § 10 (Lot Size Requirements) to allow a Land Division of 12.87 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 1<sup>st</sup> of each year.

Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance No. 2008-05).

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).

**EXHIBITS:**

1. Letter of request
2. Article III, § 10 (Lot Size Requirements)
3. Article II, § 3 (Variances)
4. Letters of Opposition
5. Site Photographs
6. Proposed Plat
7. Aerial of Site and Surrounding Area
8. Review Comments

# Permits Santa Fe

13 OLD ROAD, SANTA FE, NEW MEXICO 87540  
[www.permittsantafe.com](http://www.permittsantafe.com)

August 6, 2014  
Santa Fe County Land Use  
102 Grant Avenue  
Santa Fe, NM 87501

RE: Variance for lot split of 20 LaBarbaria Road.

Dear Land Use staff,

The applicants, Cathy and Christopher Stoia, seek a variance to subdivide their current 13 acre parcel into two parcels. The resulting subdivision would result in one parcel of approximately 8 acres (with an existing dwelling), and one adjoining undeveloped parcel of approximately 5 acres.

The Stoias have stalled this application for several months in hopes that the proposed Santa Fe County Sustainable Land Development Code (SLDC) would be approved and in effect. When the SLDC does eventually go into effect, the subject property (20 LaBarbaria) will then be in the area designated as "Residential Fringe" and will therefore be subject to minimum lot sizes of 1 dwelling per 5 acres. The proposed variance is therefore essentially a pleading by the applicants to proceed with a lot subdivision that is clearly in keeping with the intent of the proposed SLDC.

The proposed six acre parcel has a high quality, non-shared well that will convey with the property. This well has tested at 4 gallons per minute. An attached Geohydrology report authored by Watershed West summarizes an extensive study of many local wells, known local geology, and documented aquifer levels in the area. This report concludes that: drought patterns (not development) have had the only measurable impact on well water levels in the neighborhood, that the proposed development will have zero drawdown effect on neighboring wells, and that eventual residential development on this parcel will not measurably impact the long-term viability of the aquifer which serves the neighborhood and beyond. Please see sections 7, 8 and 9 of the Geohydrology report for this information.

As to the general nature of this proposed subdivision of land at 20 LaBarbaria Road, the proposed 5 and 8 acre parcels will not be out of character with existing development densities in the neighborhood, other than that the proposed parcels would still be larger than what is currently existing and typical in the neighborhood. An attached map and spreadsheet clearly demonstrate that when the acreages of 23 surrounding parcels is averaged, the result is an average local acreage of only 3.376 acres. The proposed new parcels will be within the intent of the proposed SLDC, and will contribute to less urban sprawl by allowing increased density in an area that is closer to our urban center.

Thank you for your consideration in these matters.

Sincerely,



Bryan Berg

Agent/Owners Representative



NBE-S



TYPE OF USE	NUMBER OF PARKING SPACES
Retail Centers	1 per 1 employee plus per 200 sq. ft.
Restaurants, Bars	1 per 1 employee plus per 150 sq. ft.
Gas Stations	1 per 1 employee plus 1 per 300 sq. ft. of garage space.
Industrial	1 per employee plus 1 per 500 sq. ft.
Small Scale Centers, Home Occupations	1 per 1 employee plus 1 per 400 sq. ft. of commercial space.
Large Scale Residential, Institutional, Residential Resorts	2 per dwelling unit
Churches, auditoriums, theaters, arenas, spaces used for public assembly	1 for each 4 seats
Uses not listed	As determined by the County

- 9.2 Multiple use projects shall calculate cumulative parking needs for each type of use in the project to be developed.
- 9.3 Minimum size of parking space shall be 300 square feet which includes the parking stalls and aisles.
- 9.4 Commercial, industrial, other non-residential and large scale residential uses shall provide for handicap parking.

History: 1980 Comp. 1980-6. Section 9. Parking Requirements was amended by County Ordinance 1990-11 adding requirements for auditorium uses, multiple uses and handicap access.

## SECTION 10 - LOT SIZE REQUIREMENTS

### 10.1 Relationship of Lot Sizes to Water Policies

The General Plan sets forth the policy that future population growth in the County should be supported by adequate long term water availability and concentrate population growth in Urban and Metropolitan Areas and Traditional Communities. Development within these areas will generally be served by one or more regional water systems, or community water systems. Development outside of the Urban, Metropolitan Areas and Traditional Communities using domestic wells (Section 72-12-1 wells) should consider estimated long term water availability and protect water resources for existing County residents having domestic wells. Development may also be permitted if the applicant for a development permit demonstrates that he/she has water rights, excluding rights permitted under 72-12-1 NMSA 1978 or 75-11-1 NMSA 1953, recognized and permitted by the Director of Water Resources Department of Natural Resources Division of the State of New Mexico which are approved for transfer by the Director of Natural Resources Division to the site of the Development, and the permitted water rights are sufficient to support the proposed development.



10.1.1 Water Policies Governing Lot Sizes Where the Development will Utilize Permitted Water Rights

Applicants seeking a development permit may base their application on water rights authorized and permitted by the Director of Water Rights Division of the Natural Resources Department of the State of New Mexico, (with the exception of water rights permitted under Section 75-11-1 NMSA 1953 or 75-12-1 NMSA 1978). The applicant shall provide evidence that he/she owns or has an option to purchase the permitted water rights in an amount adequate to meet the needs of the development as shown by Article VII, Section 6.6.2, Water Budgets and Conservation Covenants. Any development permit approved and issued by the County shall be expressly conditioned upon the applicant obtaining final non appealable order or final non appealable approval from the Director of Water Rights Division of the Natural Resources Department of the State of New Mexico authorizing the change in use and change in point of diversion to meet the needs of the proposed development. The minimum lot size permitted by this Section shall be 2.5 acres, unless the proposed development is within an Urban, or Metropolitan Area or a Traditional Community, in which case further adjustments of the lot size shall be permitted as provided by Sections 10.4, 10.5.2 and 10.5.3.

10.1.2 Water Policies Governing Lot Sizes Where Developments Will Not Utilize Permitted Water Rights

BASIN ZONE: Minimum lot size shall be calculated based upon ground water storage only. Water that is in storage beneath the lot in the Basin Zone may be depleted over a 100-year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water without consideration of recharge of the ground water.

BASIN FRINGE ZONE: Same as Basin Zone.

HOMESTEAD ZONE: Minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 100 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 100 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead Zone minimum lot sizes based on storage in this zone would be larger than those based on recharge.

MOUNTAIN ZONE: Same as Homestead Zone.

METROPOLITAN AREAS-BASIN AND BASIN FRINGE: For Basin and Basin Fringe zones within a Metropolitan Area as shown on Code Maps 12, 14 and 15, it is anticipated that regional water systems will eventually be developed. Therefore, water that is in storage beneath a lot within a Metropolitan Area may be depleted over a 40 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 40 year supply of water without consideration of recharge of the ground water.

METROPOLITAN AREAS-HOMESTEAD AND MOUNTAIN ZONE: For Homestead and Mountain Zones within a Metropolitan Area, the minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not

both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 40 year lifetime. The lot must be large enough to have a ground water in storage beneath the lot for a 40 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 40 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead and Mountain Zones, minimum lot sizes based on storage in these zones would be larger than those based on recharge.

10.2 Calculation of Minimum Lot Size

Calculation of the minimum lot size under Section 10.1.2 shall be determined by the formula:

$$\frac{\text{Acre Feet}}{\text{Use (Year) x acres}}$$

Minimum Lot Size (Acres)=Water Available in acre feet per acre/year

$$\text{MLS} = \frac{U \times \text{acres}}{A}$$

Where:

MLS is the minimum lot size in acres; it is the size of a lot needed to supply anticipated water needs.

U is the anticipated water needs for the lot; it is the use of water which will occur from the intended development of the lot, measured in acre-feet per year. The standard values listed for A were derived using the procedures set forth in the water appendix of the Code. The standard value for U is set forth in Section 10.2.2. A is the amount of water available in the aquifers which are beneath the lot, measured in acre-feet per acre per year using recharge or storage as described in 10.1.2.

10.2.1 Standard Values for A and Adjustments. The standard values for A shall be as follows:

<u>BASIN ZONE:</u>	0.1 acre-feet per acre per year
<u>BASIN FRINGE ZONE:</u>	.02 acre-feet per acre per year
<u>MOUNTAIN ZONE:</u>	.0125 acre-feet per acre per year
<u>HOMESTEAD ZONE:</u>	.00625 acre-feet per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

<u>BASIN ZONE:</u>	10 acres
<u>BASIN FRINGE ZONE:</u>	50 acres
<u>MOUNTAIN ZONE:</u>	80 acres
<u>HOMESTEAD ZONE:</u>	160 acres

The standard values of A may be adjusted if the applicant submits a hydrology report, either a detailed report (see Section 6.4 of Article VII), or a reconnaissance report (see Section 6.7 of Article VII). Values of A determined in such reports shall be reviewed by the County Hydrologist, who shall recommend to the Code Administrator whether or not

the value is reasonable, and if not, shall recommend a value appropriate for the use in determining minimum lot size.

The actual value of A used shall be based on the information submitted by the applicant, by the County Hydrologist or by others submitting information. If water conservation measures are used, as provided in Section 10.2.4b, and an actual value of A is determined, in most cases minimum lot sizes will be reduced below those listed in Section 10.2.1. However, applicants are advised that because of varying geologic conditions in Santa Fe County there is no assurance that a hydrology report will determine that the water supply in an area is more abundant than indicated by the standard value of A. In cases where the actual study shows a value of A which is less than the standard value (that is, there is less water available than assumed by the standard value), minimum lot size requirements may be increased beyond those indicated in this Section.

#### 10.2.2 Calculation of Use

U shall have a standard value of 1.0 acre feet per year per dwelling unit for residential use. For all other uses U shall be equal to the actual anticipated consumptive use for the development. The standard value for residential use may be adjusted if an applicant proposes to utilize water conservation measures. There shall be no adjustments for conservation in Urban, Traditional Community and Agricultural Valley Areas.

The Code Administrator shall maintain an application form upon which are listed potential water conservation measures. This form shall indicate the effect of each conservation measure on the value of U. As a minimum, the measures shall include: restrictions on use of water for irrigation purposes (including watering of lawns, gardens and shrubbery); restrictions on use of water for swimming pools; restrictions on the number of bathrooms per dwelling unit; restrictions on garbage disposal units; devices which reduce the utilization of water by appliances, kitchen fixtures, and bathroom fixtures; and pressure-reduction devices on in-coming water lines.

Any applicant who uses the application form as a basis for proposing conservation measures shall be allowed to reduce U in accordance with the effectiveness of the measures proposed. The maximum reduction in U which shall be considered achievable using this approach shall be a reduction of U to no less than 0.25 acre feet per year per dwelling unit. An applicant who proposes water conservation measures sufficient to reduce U to less than 0.25 acre feet per year per dwelling unit shall be required to prepare a water conservation report: See Section 6.6 of Article VII.

The actual value of U, and the minimum lot sizes which result, will depend on the conservation measures proposed by the applicant. In general, applicants who substantially restrict the use of irrigation (lawn and garden) water will be assumed to have a U of 0.5 acre feet per year per dwelling unit, while those who further restrict other types of water use will be assumed to require even less water. For reference purposes, the following lot sizes would be allowed if U is equal to 0.5 acre feet per year per dwelling unit.

<u>BASIN ZONE:</u>	5 acres
<u>BASIN FRINGE ZONE:</u>	25 acres
<u>MOUNTAIN ZONE:</u>	40 acres
<u>HOMESTEAD ZONE:</u>	80 acres

For reference purposes, the following lot sizes would be allowed if U is equal to 0.25 acre feet per year per dwelling unit.

<u>BASIN ZONE:</u>	2.5 acres
<u>BASIN FRINGE ZONE:</u>	12.5 acres
<u>MOUNTAIN ZONE:</u>	20 acres
<u>HOMESTEAD ZONE:</u>	40 acres

10.2.3 Special Standards for Calculation of Use for Small Scale Commercial Development

Special standards which set forth specific limitations on use for small scale commercial developments are set forth in this subsection. Applicants who propose small scale commercial development are required to prepare a written estimate of water use. The value of U shall be determined by that estimate unless otherwise determined by the Code Administrator. The Code Administrator shall have on file, a list of standard water consumption requirements for commercial activities. The applicant may use these figures in lieu of the written estimate of water use. Applicants may use standardized values for A as set forth in Section 10.2.2, or they may submit a hydrology report which contains an actual estimate of A for the land which is to be developed.

10.2.4 Special Standards for Calculation of Water Availability for Metropolitan Areas

Special standards which set forth limitations on water availability for metropolitan areas shown in Code Map 12, 14, and 15 are set forth in this Sub-section.

a. Standard Values of Water Availability

Because the policy for water management in Metropolitan areas allows for depletion of storage over a 40 year period, standard values for A are as follows:

<u>BASIN ZONE:</u>	.25 acre feet per acre per year
<u>BASIN FRINGE ZONE:</u>	.05 acre feet per acre per year
<u>MOUNTAIN ZONE:</u>	.0125 acre feet per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

<u>METRO BASIN ZONE:</u>	4 acres
<u>METRO BASIN FRINGE ZONE:</u>	20 acres
<u>METRO MOUNTAIN ZONE:</u>	80 acres

b. Adjustments for Water Conservation

For the division of land into four (4) or less lots, the minimum lot size may be adjusted using the procedures set forth in Section 10.2.2. For reference purposes, the minimum lot sizes which result if U = 0.25 acre feet per year per dwelling unit or commercial use are:

<u>BASIN ZONE:</u>	2.5 acres
<u>BASIN FRINGE ZONE:</u>	5 acres
<u>MOUNTAIN ZONE:</u>	20 acres

10.3 Exceptions to Minimum Lot Size Requirements

The minimum lot sizes calculated under Sections 10.1 and 10.2 shall not apply to the areas described in this Section and the minimum lot size contained in this Section shall control.

10.3.1 Metropolitan Area - Community Water Systems

Where a community water system provides water service to a development within the Metropolitan Areas, as shown on Code Maps 12, 14 and 15, the minimum lot sizes shall be:

<u>BASIN ZONE:</u>	1 acre
<u>BASIN FRINGE ZONE:</u>	2.5 acres
<u>MOUNTAIN ZONE:</u>	5 acres

10.3.2 Agricultural Areas

In the Estancia Valley Agricultural Area, minimum lot sizes shall be 50 acres for the Basin Fringe Zone and 10 acres for the Basin Zone. Adjustments for water conservation and water availability will not be allowed. In the Northern Valley Agricultural Area, the minimum lot size for lands with permitted water rights shall be five (5) acres. Adjustments to lot sizes in these areas are conditioned on the finding in each case by the County Development Review Committee that it is in the best interest of the County to convert water rights from agricultural to commercial or residential use.

10.3.3 Traditional Communities

The minimum lot size in traditional communities as shown on Code Maps 40-57, shall be .75 acres, except as follows:

14,000 sq. ft. - Where community water service and community sewer service systems are utilized, or a Local Land Use and Utility Plan is adopted.

10.3.4 Urban Areas

The minimum lot size in Urban Areas shall be 2.5 acres, except as follows:

1 acre - Where community water or community liquid waste disposal systems are utilized.

.50 acre - Where community water and community sewer systems are utilized.

10.4 Density Transfer

The minimum lot sizes specified in this Section 10 shall be taken as gross figures for the purposes of determining the total number of dwellings allowed in a particular development. The arrangement of dwellings in clusters or in such locations as to take advantage of topography, soil conditions, avoidance of flood hazards, access and reduced cost of development, shall not violate the lot size requirements of the Code so long as the total number of acres per lot conforms with the requirements of the Code.

## SECTION 11 - IMPORTING OF WATER

### 11.1 Location Requirements

Developments which import water from the surface Rio Grande or other locations outside Santa Fe County to any location in Santa Fe County designated in the Development Code as other than urban or metropolitan locations are permitted to locate anywhere in the County provided they meet all requirements of the Code, except that in lieu of the density requirements as specified in Article III, Section 10, the proposed development shall meet the following criteria.



**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



1 October 2014

Santa Fe County Growth Management/Land Use Administrator  
and Santa Fe  
County Development Review Committee  
PO Box 276  
Santa Fe, NM 87504-0276

RE: Variance Request to Sub-divide a 13-acre property at 20 La Barbaria Road  
CDRC Case # V14-5300

Dear Land Use Administrator and CDRC Members:

I am writing to request that the County deny the referenced Development Permit Variance Request. When a similar variance request, at this same property [20 La Barbaria Road], was under consideration in September of 2013 [V-13-3064], I spoke with the County and was informed that the County [Norman Lagasse] had asked for more information on the hydrology at this property, along with related information. Subsequently, SF County staff DENIED this permit based upon the hydrology report submitted - the data did not support the requested variance.

It is my understanding, after talking to County Staff [John Lovato] on September 30, 2014, that the property owner has submitted exactly the same hydrology report submitted last year to support this new variance request. The county and CDRC must deny this permit because the hydrology data is no different this year than it was last year and the variance was denied previously.

PLEASE DENY THIS VARIANCE REQUEST - WE LIVE IN A FRAGILE AREA WITH WATER RESOURCES DETERIORATING. New information about water availability and the fragile nature of the water in the La Barbaria Canyon area includes the following anecdotal information:

- Two Close-By Properties [Both On Roy Crawford Lane The Next Road Up From La Barbaria Road] Have Just This Year Had Water Wells That Went Dry And Have Had To Drill Deeper Just To Get Water For Home Use.
- Further Up La Barbaria Canyon We Know At Least 12 Homes That Were On Shared Wells - All Wells Went Dry And A New Well Had To Be Drilled. Legal Action Was Involved And The Result Of Both The Well Drilling And The Legal Actions Cost Each Property Owner Prohibitive Amounts Of Money.
- In La Barbaria Canyon, We All Share The Same Water Sources And We Simply Cannot Continue To Allow More Homes Than Can Be Supported By The Available Water.

In summary, I am requesting, as a directly adjacent neighbor, that you deny this variance to "sub-divide" this 12+ acre property into 2 6+ acre properties because:

#1- The WATER supply, availability, and quality in this part of the county is FAR TOO PRECARIOUS and un-predictable for the County - particularly in light of the SLDC that has already been adopted and the "zoning map" that is close to adoption - to grant this variance request. It would be outrageous and inconsistent with the current County position on land development for the County to grant this right of sub-division based on water and sustainability alone. The lack of a common area-wide sewer system to handle household waste in the this part of the County means that the only viable means of household waste management remains



NBE-13

individual septic systems for residential properties. We KNOW from reports by SF County staff that this very neighborhood has HUGH problems with water quality being compromised and severely damaged by existing septic systems.

#2- This is an area that has had a 20-acre minimum lots size for years and despite the fact that we await the adoption of a new land use code for the County MANY of the existing residents in the La Barbaria Canyon area have not been allowed to sub-divide their property into smaller than 20-acre plots and have not been given the benefit of a land-split provision never intended for the new owners of this property [as noted below]. The County and CDRC must fully enforce the land use code and regulations currently in force.

#3 - The current property owners purchased this property about one year ago and moved from out of state into Santa Fe County. This is NOT A PROPERTY OWNER who should be allowed to take advantage of the "family land split" provisions of the current code. There is NO JUSTIFICATION for letting a brand new property owner, who was fully aware of the current code, to be granted a land-split based upon the specific provisions allowing such splits in the old SF County Code. New owners, without any history of long-term family held property, should NOT be benefitting from a provision in the Code that gave preferences to long-held family plots to split lots for the exclusive use of other family members. Indeed, as we all know the concept of "family land splits" - which has been SO ABUSED over the past two decades, is one of the MAJOR REVISIONS/CHANGES SF COUNTY STAFF are recommending by eliminating this provision in the new SLDC.

#4 - Further erosion of the visual quality of the foothills area in this part of the County. If this variance is granted, once again the unique visual qualities of the La Barbaria Canyon area will be further eroded by more homes of a greater density than is currently allowed. The precedent of allowing for any lot split simply for the promise of "economic" gain by the current owners - in order to sell the 2nd plot - is unfair and further impacts all the surrounding residents - for the benefit of only one resident. The previous variance that SF County granted - allowing the building to be higher than the code permits - has already produced an un-intended negative visual impact across the entire area. The house sticks out like a sore thumb! for miles around.

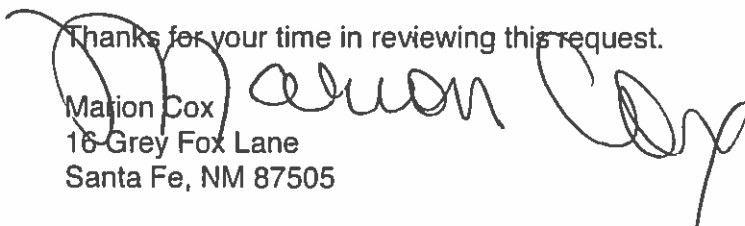
I know that Santa Fe County Staff, and the CDRC members, understand and support the principles and on-the-ground realities of what is necessary to implement a truly "sustainable" land development code. I am therefore, HOPEFUL that the CDRC will support the previous County Staff recommendation to deny this variance request [the same as was presented in 2013] and will decide to DENY this lot split variance request.

PLEASE ACT RESPONSIBLY as our County Staff - as residents of the County, we count on staff to make the tough decisions and do the right thing

PLEASE DENY THIS PERMIT.

Thanks for your time in reviewing this request.

Majion Cox  
16 Grey Fox Lane  
Santa Fe, NM 87505



Alison Keogh / Robert Mang  
6, Placita Lorenzo  
Santa Fe, NM 87505

October 6, 2014

County Land Use Administration Office  
PO Box 276  
Santa Fe, NM 87504

**CDRC CASE # V 14-5300**

Attn: John Lovato

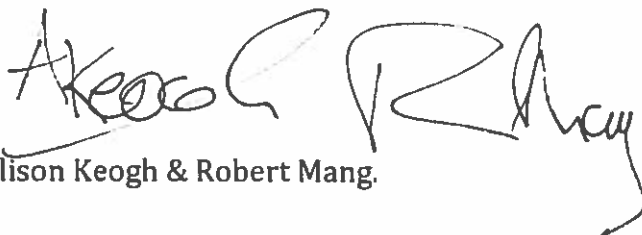
Concerning the above case # we are submitting our comments regarding the request for a variance to allow a lot split.

We do **not** support this variance request due to the following criteria;

- 1 Increased water consumption on an aquifer which is all ready stressed. Flow rates in the neighborhood have decreased.
- 2 Fire hazard – increased risk.
- 3 Inter-urban wildlife interface will be further compromised.
- 4 Preservation of the night sky.
- 5 Increased traffic – ingress and ingress onto presumably La Barbaria Rd.

Currently the owners are using 20, La Barbaria as a vaction rental through various on line sites, airbnb and flipkey under the title Casa Que Pasa. If the lot is split and developed this will increase the potential for another vacation rental. There is less ability to control all of the above criteria when transient renters are not responsible and not sensitive to the fragile nature of this environment.

Sincerely,

  
Alison Keogh & Robert Mang.

NBE-15





EXHIBIT  
5.

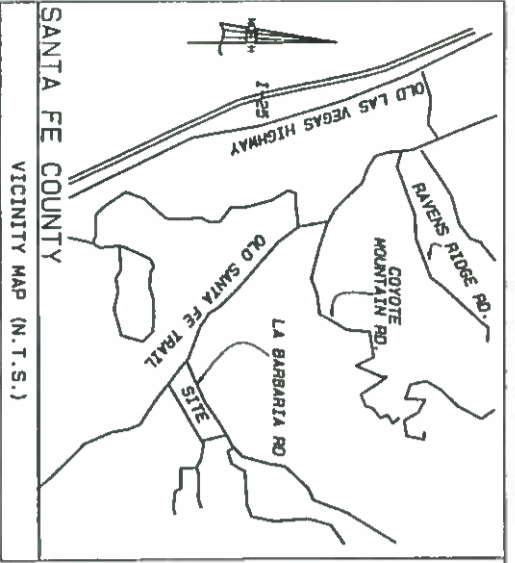
NBE-16





# SUMMARY REVIEW SUBDIVISION OF TRACT 20

NO. 20 LA BARBARIA ROAD  
 WITHIN SECTION 17, T16N, R10E, NMPH  
 SANTA FE COUNTY, NM



SANTA FE COUNTY APPROVAL, NOTES AND CONDITIONS

LAND USE ADMINISTRATION	DATE	RURAL ADDRESSING	DATE
COUNTY DEV PERMIT NO.		COUNTY TREASURER	DATE

- THE LANDS SHOWN HEREON LIE WITHIN THE PLANNING AND PLATTING JURISDICTION OF SANTA FE COUNTY.
- MAINTENANCE OF PRIVATE ACCESS EASEMENTS, UTILITY EASEMENTS AND/OR PRIVATE ROADWAYS IS NOT THE RESPONSIBILITY OF SANTA FE COUNTY UNLESS DESIGNATED AND ACCEPTED FOR MAINTENANCE BY THE SANTA FE COUNTY PUBLIC WORKS DEPARTMENT AND THE BOARD OF COUNTY COMMISSIONERS.
- THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT INCLUDING BUILDING PERMITS, ALL STANDARD COUNTY PERMITS AND FEES MUST BE IN PLACE PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PLAT IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE COUNTY DOES NOT GUARANTEE THAT THE PROPERTY WILL BE FREE FROM FLOODING OR FLOOD RELATED DAMAGES.
- ACCORDING TO FEMA FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 32040C0303E DATED DECEMBER 04/2012, THIS PROPERTY LIES OUTSIDE THE LIMITS OF THE 100-YEAR (1%) FLOODPLAIN. IN ZONE X THIS DESIGNATION DOES NOT GUARANTEE THAT THE PROPERTY WILL BE FREE FROM FLOODING OR FLOOD RELATED DAMAGES.
- THE TRACTS, PARCELS AND/OR LOTS SHOWN HEREON LIE INSIDE THE EXTREME HAZARDOUS AREA OF THE URBAN WILDLAND INTERFACE ZONE AS DEFINED BY THE SANTA FE COUNTY FIRE DEPARTMENT. THE SPRINKLER AND/OR FIRE STORAGE WATER USE ON THESE TRACTS, PARCELS AND/OR LOTS IS RESTRICTED BY COVENANTS FILED IN THE OFFICE OF THE COUNTY CLERK AS INDICATED BY INSTRUMENT NO. 13839 AND IS RESTRICTED TO 0.50 ACRES PER PER YEAR OF LESS THAN 15%.
- BUILDABLE AREA IS DEPICTED HEREON. THE BUILDABLE AREA INDICATED HAS SLOPES OF LESS THAN 15%.
- THE SUBDIVISION DISCLOSE STATEMENT REGARDING THESE TRACTS/PARCELS AND/OR LOTS IS FILED IN THE OFFICE OF THE COUNTY CLERK AS INSTRUMENT NO. 13839.

**SPECIAL BUILDING PERMIT CONDITIONS**

- THE INSTALLATION OF AN AUTOMATIC FIRE SUPPRESSION SYSTEM IS HIGHLY RECOMMENDED FOR ALL HOMES ON LOTS.
- THE PARCELS, LOTS OR TRACTS PLATTED HEREON ARE SUBJECT TO ARTICLE VII, SECTION 3, AND ORDINANCE 2008-10, AS WELL AS ALL PERMITTING COUNTY CODE AND ORDINANCES AT THE TIME OF DEVELOPMENT.
- THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR DEVELOPMENT PERMIT.
- NEW DRIVEWAY/ROADWAY ACCESS FROM LA BARBARIA ROAD IS SUBJECT TO APPROVAL BY THE COUNTY PUBLIC WORKS DIRECTOR AND FIRE MARSHAL.
- DEVELOPMENT PERMITS FOR BUILDING CONSTRUCTION WILL NOT BE ISSUED UNTIL REQUIRED IMPROVEMENTS FOR ROAD EMERGENCY TURN AROUND ARE COMPLETED AND APPROVED BY STAFF.

## SURVEYOR'S CERTIFICATE

I, MICHEL K. NOONAN, N.M.P.S. No. 6998 DO HEREBY CERTIFY TO CHRISTOPHER C. & KATHY K. STOIA THAT THIS BOUNDARY SURVEY PLAT AND THE ACQUISITION SURVEY INSTRUMENT NO. 13839 WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM RESPONSIBLE FOR THIS SURVEY THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

COUNTY OF SANTA FE  
 STATE OF NEW MEXICO  
 I HEREBY CERTIFY THAT THIS INSTRUMENT NO. 13839 WAS FILED FOR RECORD ON THE DAY OF \_\_\_\_\_ A.D. 2013 AT \_\_\_\_\_ O'CLOCK AND WAS DULY RECORDED IN PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OF THE RECORDS OF SANTA FE COUNTY.  
 WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013.



**OWNER'S CONSENT**

THE UNDERSIGNED OWNER(S) DO HEREBY ATTEST THAT THE LOT SPLIT OF THIS EXISTING LOT, EASEMENTS AND THE PLATTING AS SHOWN HEREON IS MADE WITH THEIR FREE CONSENT AND IS IN ACCORDANCE WITH THEIR INTERESTS AND DESIRES. THE UNDERSIGNED OWNER(S) DO HEREBY GRANT EASEMENTS FOR ALL EASEMENTS SHOWN HEREON TO THE PROPERTY SHOWN HEREON AND TO THE SUCCESSORS OF THE PROPERTY SHOWN HEREON AND TO THE CITY AND COUNTY OF SANTA FE, STATE OF NEW MEXICO.

CHRISTOPHER C. STOIA  
 STATE OF NEW MEXICO ) SS  
 COUNTY OF SANTA FE )  
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013 BY CHRISTOPHER C. STOIA

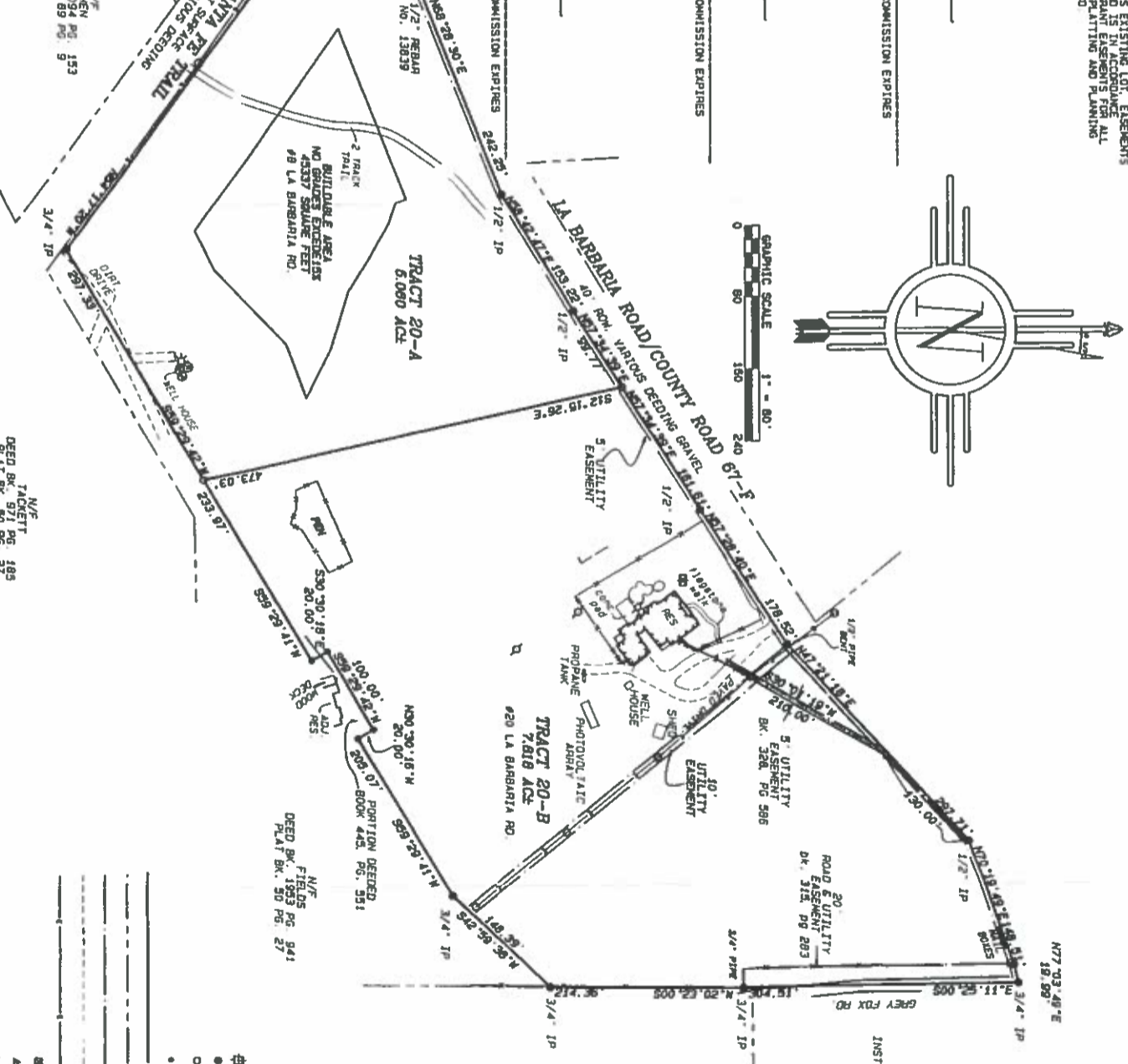
NOTARY PUBLIC  
 MY COMMISSION EXPIRES \_\_\_\_\_

KATHY K. STOIA  
 STATE OF NEW MEXICO ) SS  
 COUNTY OF SANTA FE )  
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013 BY KATHY K. STOIA

NOTARY PUBLIC  
 MY COMMISSION EXPIRES \_\_\_\_\_

WILLIAM WELLEN III  
 STATE OF NEW MEXICO ) SS  
 COUNTY OF SANTA FE )  
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013 BY WILLIAM WELLEN III

NOTARY PUBLIC  
 MY COMMISSION EXPIRES \_\_\_\_\_



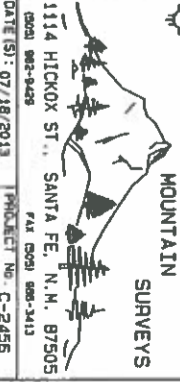
## SURVEYOR'S NOTES:

- 1) BASIS OF BEARINGS IS TAKEN FROM AUTONOMOUS GPS OBSERVATIONS OF ASTROMETRIC NORTH ON 07/18/2013. ANY MONUMENTED LINE NOTED HEREON MAY BE USED AS A LOCAL BASIS OF BEARINGS.
- 2) REFER TO A PLAT OF SURVEY ENTITLED "BOUNDARY SURVEY PREPARED FOR WILLIAM WELLEN III, BY PAUL A. RODRIGUEZ, N.M.P.S. No. 13839, RECORDED AT THE OFFICE OF THE SANTA FE COUNTY CLERK IN BOOK 729, PAGE 047."
- 3) REFER TO A MARGRANTY DEED BETWEEN WILLIAM WELLEN (GRANTOR) TO CHRISTOPHER & KATHY STOIA (GRANTEE), RECORDED WITH THE SANTA FE COUNTY CLERK'S OFFICE, INSTRUMENT NO. 1370780 AND TO A MARGRANTY DEED BETWEEN WILLIAM WELLEN III (GRANTOR) TO CHRISTOPHER & KATHY STOIA (GRANTEES), RECORDED WITH THE SANTA FE COUNTY CLERK'S OFFICE, INSTRUMENT NO. 13839493.
- 4) REFER TO PLAT ENTITLED "KIRK SUBDIVISION," BY JACK & HORNE WARRS No. 888, DATED 08/28/74, NOT RECORDED. REFER TO CHAIN OF DEEDING FOR LEGAL LOT OF RECORD.
- 5) THIS SURVEY IS SUBJECT TO ALL RELEVANT EASEMENTS, RESTRICTIONS AND COVENANTS.

PURPOSE: THIS PLAT CREATES TWO RESIDENTIAL LOTS,  
 TRACT 20A & TRACT 20B FROM TRACT 20

INDEXING INFORMATION FOR COUNTY CLERK

NAME:	CHRISTOPHER & KATHY STOIA
FILE:	No. 1370780
SUBDIVISION:	N/A
RECORDS:	17, 718X, R10E
FILE:	1-056-094-340-180



1114 HICKOX ST., SANTA FE, N.M. 87505  
 (505) 963-4435  
 FAX (505) 966-3413  
 PROJECT No. C-2456

NRE-



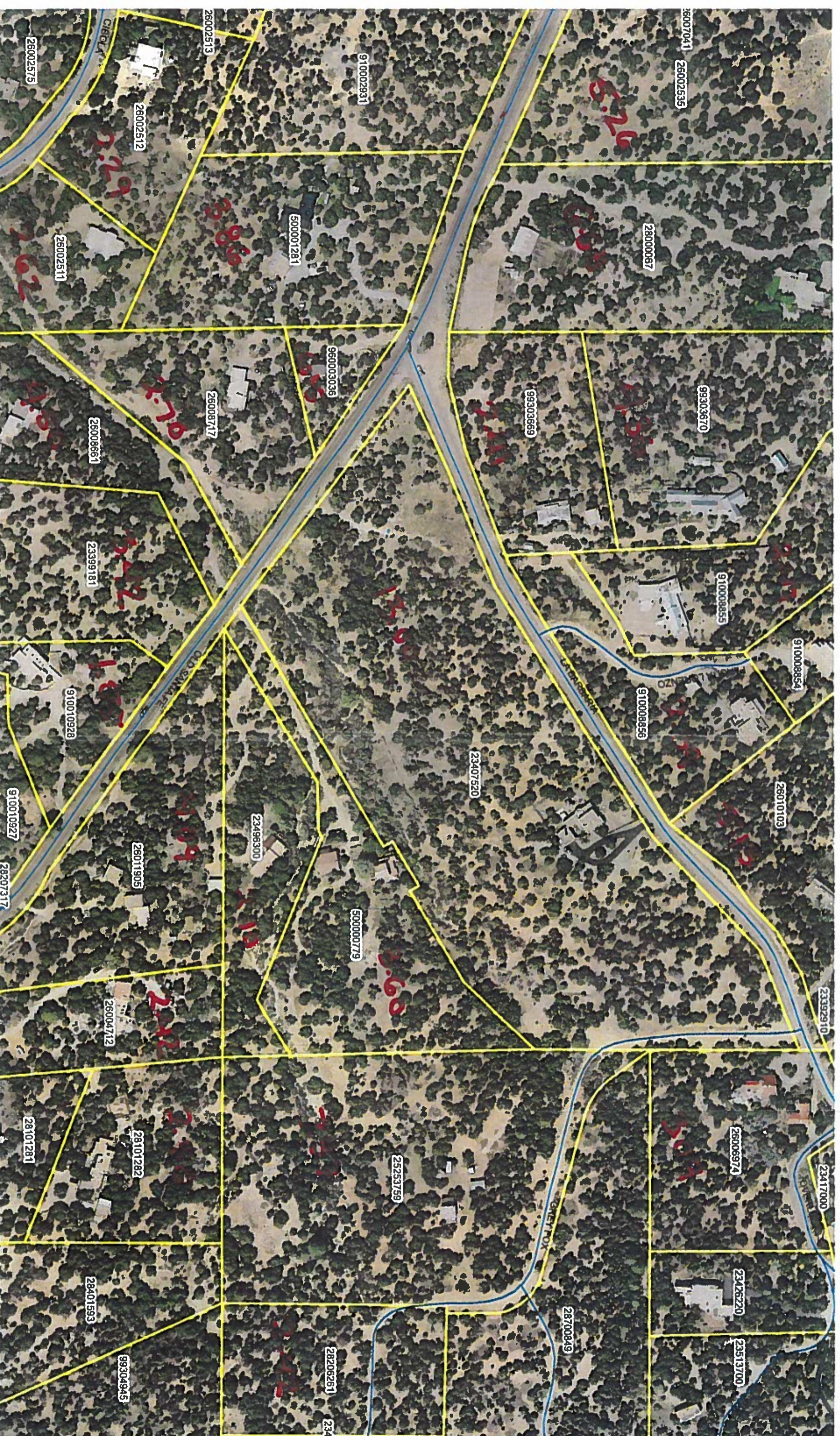


EXHIBIT  
**7**



WARNING:  
Two (2) foot contour data sets are  
NOT SUITABLE FOR ENGINEERING WORK  
These data are appropriate for  
PLANNING PURPOSES ONLY

Cryphoto from 2008  
Contour Interval: 2 Feet  
This information is for reference only. Santa Fe County assumes  
no liability for errors associated with the use of these data.  
Users are solely responsible for confirming data accuracy.

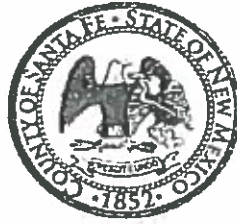
NBE



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 Development Review

Date	October 2, 2014		
Project Name	Stoia, Cathy & Chris		
Project Location	20 La Barbara Road T16; R10; S17 "Extreme Wildland-Urban Hazard Area"		
Description	Variance for lot split (density)	Case Manager	John Lovato
Applicant Name	Chris & Cathy Stoia	County Case #	14-5300
Applicant Address	20 La Barbara Road Santa Fe, NM 87508	Fire District	Hondo
Applicant Phone	505-603-1066		
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 type="checkbox"/>
	Wildland <input checked="" type="checkbox"/>	Variance <input checked="" type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
		Inspection <input checked="" type="checkbox"/>	Lot Split <input checked="" 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):

#### Summary of Review

- Per plat notes: New driveway/roadway access from La Barbara Road is subject to approval by the County Public Works Director and Fire Marshall. (page #2)
- Per plat notes: Development permits for building construction will not be issued until required improvements for road emergency turn around are completed and approved by staff. (page #2)
- This driveway/fire access shall not exceed 11% slope and shall have a minimum 28' inside radius on curves. (page #3)
- This development's location is rated within an "Extreme Wildland-Urban Hazard Area" and shall comply with all applicable regulations... (page #3)



## 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*

- **Fire Access Lanes**

*Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.*

- **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*

Per plat notes: New driveway/roadway access from La Barbaria Road is subject to approval by the County Public Works Director and Fire Marshal.

Development permits for building construction will not be issued until required improvements for road emergency turn around are completed and approved by staff.

Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development. Driveway, turnouts and turnarounds shall be County approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate and driveway width shall be 14' and an unobstructed vertical clearance of 13'6".

The driveway for any proposed building site shall incorporate a turnaround area for emergency vehicle purposes such as a cul-de-sac or K-type or hammerhead type turnaround conforming to the access and turnaround requirements and dimensions of the Santa Fe County Fire Department.

- **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.*

This driveway/fire access shall not exceed 11% slope and shall have a minimum 28' inside radius on curves.

- **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.

## **Fire Protection Systems**

### **Automatic Fire Protection/Suppression**

Due to the location of the proposed development/residence and the lack of a pressurized hydrant or water storage (draft hydrant) system in this area, for life safety and property protection this office highly *recommends* the installation of an Automatic Fire Suppression system meeting NFPA 13D requirements on any new construction. Assistance in details and information are available from the Fire Prevention Division.

### **Urban-Wildland Interface**

*SFC Ordinance 2001-11, Urban Wildland Interface Code*

This development's location is rated within an "Extreme Wildland-Urban Hazard Area" and shall comply with all applicable regulations within the SFC Ordinance 2001-11 / EZA 2001-04 as applicable for the Urban Wildland Interface Code governing such areas.

- **Building Materials**

Buildings and structures located within urban wildland interface areas, not including accessory structures, shall be constructed in accordance with the Fire Code, the Building Code and the Urban Wildland Interface Code.



▪ **Location/Addressing/Access**

Per SFC 2001-11/EZA 2001-04, addressing shall comply with Santa Fe County Rural addressing requirements.

Per SFC 2001-11 / EZA 2001-04 Chapter 4, Section 3.2 Roads and Driveways; Access roads, driveways, driveway turnarounds and driveway turnouts shall be in accordance with provisions of the Fire Code and the Land Development Code. Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development.

▪ **Vegetation Management**

It is recommended that the development also have a vegetation management plan to establish fire-safe areas and to minimize the threat and occurrence of fire in the urban wildland interface areas. Assistance in details and information are available through the Fire Prevention Division

### General Requirements/Comments

▪ **Inspections/Acceptance Tests**

Prior to acceptance and upon completion of 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 Development Plan approval with the above conditions applied.

*Tim Gilmore, Inspector*



Code Enforcement Official

10-2-14

Date

Through: David Sperling, Chief

File: DevRev/H/Stoia/100214

Cy: Buster Patty, Fire Marshal  
John Lovato, Land Use  
Applicant  
BC & Regional Lts  
District Chief  
File

Official Submittal Review

4 of 4

NBE-23

**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:** October 16, 2014

**TO:** County Development Review Committee

**FROM:** John Lovato, Development Review Specialist Senior

**VIA:** Penny Ellis-Green, Growth Management Director  
Vicki Lucero, Building and Development Services Manager  
Wayne Dalton, Building and Development Services Supervisor

**FILE REF.:** CDRC CASE # V 14-5270 Madeleine Wells and Mary O'Brien Variance

**ISSUE:**

Madeline Wells and Mary O'Brien, Applicants, request a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on 6.195 acres.

The property is located at 30 Sibley Road, within the vicinity of Canoncito, within Section 13, Township 15 North, Range 10 East, (Commission District 4)

**Vicinity Map:**



NBF-1

**SUMMARY:**

The subject lot was created in 1993, by way of a Land Division, approved by the Land Use Administrator, and is recognized as a Legal Lot of Record. In 1995, by warranty deed, Maria O'Brien transferred to Madeline Wells an undivided half interest in the subject property. There is currently a residence, an abandoned structure, and two storage sheds located on the property. The Abandon structure is non-habitable, and the current habitable residence is 1,425 square feet.

According to a point diversion summary, the property has a well which was installed in November of 2004, at a depth of 340 feet, and which draws approximately 10 gallons per minute. In 2005, the New Mexico Environment Department Community Services Bureau issued a liquid waste permit to the property for a single family residence served by a septic tank.

The Applicants request a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on 6.195 acres. The Applicants state, when they initially purchased the property in 1993, both structures existed. Since the purchase of the property, the structure across the creek has been abandoned and is no longer accessible due to lack of all-weather access and the structure is non-habitable. The proposed new structure will not be located across the river and will have all- weather access. The Applicants state they purchased the property together with the intention of constructing a second dwelling so they both have homes they could reside in. Their request is to replace the abandon second dwelling with a habitable dwelling. There are several properties with similar lot sizes and multiple dwellings and accessory structures in the immediate area.

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 July 14, 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 of a variance of Article III, §10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on 6.195 acres.

**GROWTH MANAGEMENT AREA:** El Centro, SDA-2

NBF-2

**HYDROLOGIC ZONE:** Homestead Hydrologic Zone. The Minimum lot size per Code is 160 acres per dwelling unit. Lot size can be reduced to 40 acres per dwelling unit with signed and recorded water restrictions. The proposed additional dwelling unit exceeds the number of dwelling units allowed on the subject property.

**FIRE PROTECTION:** Hondo Fire District.

**WATER SUPPLY:** Domestic Well

**LIQUID WASTE:** Conventional Septic System.

**VARIANCES:** Yes

	<b>Agency</b>	<b>Recommendation</b>
<b>AGENCY REVIEW:</b>	Fire Prevention	Conditional Approval

**STAFF RECOMMENDATION:** 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 1<sup>st</sup> 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 Department for the additional dwelling. (As per Article II, § 2).
3. 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)).
4. The placement of additional dwelling units or Division of land is prohibited on the property. (As per Article III, § 10).
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 remove the abandon structure on the property prior to Development Permit issuance. (As per Ordinance No. 2009-11).

**EXHIBITS:**

1. Letter of request
2. Article III, §10 (Lot Size Requirements)
3. Article II, § 3 (Variances)
4. Site Photographs
5. Site Plan
6. Aerial of site and surrounding area
7. Fire Prevention Memo



34 Sibley Rd.  
Santa Fe, NM 87508  
July 7, 2014

County Development Review Committee and Board of County Commissioners  
102 Grant Ave.  
Santa Fe, NM 87501

Mr. Chairman and Members of the Committee and Board:

Madeleine Wells and Mary O'Brien, co-owners of the property at #30 and #34 Sibley Rd., Santa Fe, NM request a variance to the Santa Fe County Land Development Code to allow construction of an accessory structure on their property as described in the accompanying application.

The accessory structure would be a "casita" independent of the main house. It would be occupied by one of the co-owners.

Reasons for the request are as follows: At the time that the present owners bought the property, all-weather vehicle access existed to the habitable structure at the northeast corner of the property. Since then, erosion in the bed of the Galisteo Creek has made vehicle access to that location mostly impossible. In particular, it has not been possible to bring in materials for maintenance and repairs, so the structure is now not habitable. The variance would allow the property owners to replace the now inaccessible and uninhabitable structure with a substantially equivalent structure.

The proposed structure meets the requirements for an accessory structure that would be allowed on the property by the proposed new zoning map.

Thank you for your attention.

Sincerely,

*Madeleine Wells*

Madeleine Wells



NBF-5

TYPE OF USE	NUMBER OF PARKING SPACES
Retail Centers	1 per 1 employee plus per 200 sq. ft.
Restaurants, Bars	1 per 1 employee plus per 150 sq. ft.
Gas Stations	1 per 1 employee plus 1 per 300 sq. ft. of garage space.
Industrial	1 per employee plus 1 per 500 sq. ft.
Small Scale Centers, Home Occupations	1 per 1 employee plus 1 per 400 sq. ft. of commercial space.
Large Scale Residential, Institutional, Residential Resorts	2 per dwelling unit
Churches, auditoriums, theaters, arenas, spaces used for public assembly	1 for each 4 seats
Uses not listed	As determined by the County

- 9.2 Multiple use projects shall calculate cumulative parking needs for each type of use in the project to be developed.
- 9.3 Minimum size of parking space shall be 300 square feet which includes the parking stalls and aisles.
- 9.4 Commercial, industrial, other non-residential and large scale residential uses shall provide for handicap parking.

History. 1980 Comp. 1980-6. Section 9, Parking Requirements was amended by County Ordinance 1990-11 adding requirements for auditorium uses, multiple uses and handicap access.

**SECTION 10 - LOT SIZE REQUIREMENTS**

**10.1 Relationship of Lot Sizes to Water Policies**

The General Plan sets forth the policy that future population growth in the County should be supported by adequate long term water availability and concentrate population growth in Urban and Metropolitan Areas and Traditional Communities. Development within these areas will generally be served by one or more regional water systems, or community water systems. Development outside of the Urban, Metropolitan Areas and Traditional Communities using domestic wells (Section 72-12-1 wells) should consider estimated long term water availability and protect water resources for existing County residents having domestic wells. Development may also be permitted if the applicant for a development permit demonstrates that he/she has water rights, excluding rights permitted under 72-12-1 NMSA 1978 or 75-11-1 NMSA 1953, recognized and permitted by the Director of Water Resources Department of Natural Resources Division of the State of New Mexico which are approved for transfer by the Director of Natural Resources Division to the site of the Development, and the permitted water rights are sufficient to support the proposed development.



10.1.1 Water Policies Governing Lot Sizes Where the Development will Utilize Permitted Water Rights

Applicants seeking a development permit may base their application on water rights authorized and permitted by the Director of Water Rights Division of the Natural Resources Department of the State of New Mexico, (with the exception of water rights permitted under Section 75-11-1 NMSA 1953 or 75-12-1 NMSA 1978). The applicant shall provide evidence that he/she owns or has an option to purchase the permitted water rights in an amount adequate to meet the needs of the development as shown by Article VII, Section 6.6.2. Water Budgets and Conservation Covenants. Any development permit approved and issued by the County shall be expressly conditioned upon the applicant obtaining final non appealable order or final non appealable approval from the Director of Water Rights Division of the Natural Resources Department of the State of New Mexico authorizing the change in use and change in point of diversion to meet the needs of the proposed development. The minimum lot size permitted by this Section shall be 2.5 acres, unless the proposed development is within an Urban, or Metropolitan Area or a Traditional Community, in which case further adjustments of the lot size shall be permitted as provided by Sections 10.4, 10.5.2 and 10.5.3.

10.1.2 Water Policies Governing Lot Sizes Where Developments Will Not Utilize Permitted Water Rights

BASIN ZONE: Minimum lot size shall be calculated based upon ground water storage only. Water that is in storage beneath the lot in the Basin Zone may be depleted over a 100-year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water without consideration of recharge of the ground water.

BASIN FRINGE ZONE: Same as Basin Zone.

HOMESTEAD ZONE: Minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 100 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 100 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead Zone minimum lot sizes based on storage in this zone would be larger than those based on recharge.

MOUNTAIN ZONE: Same as Homestead Zone.

METROPOLITAN AREAS-BASIN AND BASIN FRINGE: For Basin and Basin Fringe zones within a Metropolitan Area as shown on Code Maps 12, 14 and 15, it is anticipated that regional water systems will eventually be developed. Therefore, water that is in storage beneath a lot within a Metropolitan Area may be depleted over a 40 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 40 year supply of water without consideration of recharge of the ground water.

METROPOLITAN AREAS-HOMESTEAD AND MOUNTAIN ZONE: For Homestead and Mountain Zones within a Metropolitan Area, the minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not

both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 40 year lifetime. The lot must be large enough to have a ground water in storage beneath the lot for a 40 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 40 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead and Mountain Zones, minimum lot sizes based on storage in these zones would be larger than those based on recharge.

## 10.2 Calculation of Minimum Lot Size

Calculation of the minimum lot size under Section 10.1.2 shall be determined by the formula:

$$\frac{\text{Acre Feet}}{\text{Use (Year) x acres}}$$

Minimum Lot Size (Acres)=Water Available in acre feet per acre/year

$$\text{MLS} = \frac{U \times \text{acres}}{A}$$

Where:

MLS is the minimum lot size in acres; it is the size of a lot needed to supply anticipated water needs.

U is the anticipated water needs for the lot; it is the use of water which will occur from the intended development of the lot, measured in acre-feet per year. The standard values listed for A were derived using the procedures set forth in the water appendix of the Code. The standard value for U is set forth in Section 10.2.2. A is the amount of water available in the aquifers which are beneath the lot, measured in acre-feet per acre per year using recharge or storage as described in 10.1.2.

10.2.1 Standard Values for A and Adjustments. The standard values for A shall be as follows:

<u>BASIN ZONE:</u>	0.1 acre-feet per acre per year
<u>BASIN FRINGE ZONE:</u>	.02 acre-feet per acre per year
<u>MOUNTAIN ZONE:</u>	.0125 acre-feet per acre per year
<u>HOMESTEAD ZONE:</u>	.00625 acre-feet per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

<u>BASIN ZONE:</u>	10 acres
<u>BASIN FRINGE ZONE:</u>	50 acres
<u>MOUNTAIN ZONE:</u>	80 acres
<u>HOMESTEAD ZONE:</u>	160 acres

The standard values of A may be adjusted if the applicant submits a hydrology report, either a detailed report (see Section 6.4 of Article VII), or a reconnaissance report (see Section 6.7 of Article VII). Values of A determined in such reports shall be reviewed by the County Hydrologist, who shall recommend to the Code Administrator whether or not

the value is reasonable, and if not, shall recommend a value appropriate for the use in determining minimum lot size.

The actual value of A used shall be based on the information submitted by the applicant, by the County Hydrologist or by others submitting information. If water conservation measures are used, as provided in Section 10.2.4b, and an actual value of A is determined, in most cases minimum lot sizes will be reduced below those listed in Section 10.2.1. However, applicants are advised that because of varying geologic conditions in Santa Fe County there is no assurance that a hydrology report will determine that the water supply in an area is more abundant than indicated by the standard value of A. In cases where the actual study shows a value of A which is less than the standard value (that is, there is less water available than assumed by the standard value), minimum lot size requirements may be increased beyond those indicated in this Section.

#### 10.2.2 Calculation of Use

U shall have a standard value of 1.0 acre feet per year per dwelling unit for residential use. For all other uses U shall be equal to the actual anticipated consumptive use for the development. The standard value for residential use may be adjusted if an applicant proposes to utilize water conservation measures. There shall be no adjustments for conservation in Urban, Traditional Community and Agricultural Valley Areas.

The Code Administrator shall maintain an application form upon which are listed potential water conservation measures. This form shall indicate the effect of each conservation measure on the value of U. As a minimum, the measures shall include: restrictions on use of water for irrigation purposes (including watering of lawns, gardens and shrubbery); restrictions on use of water for swimming pools; restrictions on the number of bathrooms per dwelling unit; restrictions on garbage disposal units, devices which reduce the utilization of water by appliances, kitchen fixtures, and bathroom fixtures; and pressure-reduction devices on in-coming water lines.

Any applicant who uses the application form as a basis for proposing conservation measures shall be allowed to reduce U in accordance with the effectiveness of the measures proposed. The maximum reduction in U which shall be considered achievable using this approach shall be a reduction of U to no less than 0.25 acre feet per year per dwelling unit. An applicant who proposes water conservation measures sufficient to reduce U to less than 0.25 acre feet per year per dwelling unit shall be required to prepare a water conservation report: See Section 6.6 of Article VII.

The actual value of U, and the minimum lot sizes which result, will depend on the conservation measures proposed by the applicant. In general, applicants who substantially restrict the use of irrigation (lawn and garden) water will be assumed to have a U of 0.5 acre feet per year per dwelling unit, while those who further restrict other types of water use will be assumed to require even less water. For reference purposes, the following lot sizes would be allowed if U is equal to 0.5 acre feet per year per dwelling unit.

<u>BASIN ZONE:</u>	5 acres
<u>BASIN FRINGE ZONE:</u>	25 acres
<u>MOUNTAIN ZONE:</u>	40 acres
<u>HOMESTEAD ZONE:</u>	80 acres



For reference purposes, the following lot sizes would be allowed if U is equal to 0.25 acre feet per year per dwelling unit.

<u>BASIN ZONE:</u>	2.5 acres
<u>BASIN FRINGE ZONE:</u>	12.5 acres
<u>MOUNTAIN ZONE:</u>	20 acres
<u>HOMESTEAD ZONE:</u>	40 acres

10.2.3 Special Standards for Calculation of Use for Small Scale Commercial Development

Special standards which set forth specific limitations on use for small scale commercial developments are set forth in this subsection. Applicants who propose small scale commercial development are required to prepare a written estimate of water use. The value of U shall be determined by that estimate unless otherwise determined by the Code Administrator. The Code Administrator shall have on file, a list of standard water consumption requirements for commercial activities. The applicant may use these figures in lieu of the written estimate of water use. Applicants may use standardized values for A as set forth in Section 10.2.2. or they may submit a hydrology report which contains an actual estimate of A for the land which is to be developed.

10.2.4 Special Standards for Calculation of Water Availability for Metropolitan Areas

Special standards which set forth limitations on water availability for metropolitan areas shown in Code Map 12, 14, and 15 are set forth in this Sub-section.

a. Standard Values of Water Availability

Because the policy for water management in Metropolitan areas allows for depletion of storage over a 40 year period, standard values for A are as follows:

<u>BASIN ZONE:</u>	.25 acre feet per acre per year
<u>BASIN FRINGE ZONE:</u>	.05 acre feet per acre per year
<u>MOUNTAIN ZONE:</u>	.0125 acre feet per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

<u>METRO BASIN ZONE:</u>	4 acres
<u>METRO BASIN FRINGE ZONE:</u>	20 acres
<u>METRO MOUNTAIN ZONE:</u>	80 acres

b. Adjustments for Water Conservation

For the division of land into four (4) or less lots, the minimum lot size may be adjusted using the procedures set forth in Section 10.2.2. For reference purposes, the minimum lot sizes which result if U = 0.25 acre feet per year per dwelling unit or commercial use are:

<u>BASIN ZONE:</u>	2.5 acres
<u>BASIN FRINGE ZONE:</u>	5 acres
<u>MOUNTAIN ZONE:</u>	20 acres

10.3 Exceptions to Minimum Lot Size Requirements

The minimum lot sizes calculated under Sections 10.1 and 10.2 shall not apply to the areas described in this Section and the minimum lot size contained in this Section shall control.

10.3.1 Metropolitan Area - Community Water Systems

Where a community water system provides water service to a development within the Metropolitan Areas, as shown on Code Maps 12, 14 and 15, the minimum lot sizes shall be:

<u>BASIN ZONE:</u>	1 acre
<u>BASIN FRINGE ZONE:</u>	2.5 acres
<u>MOUNTAIN ZONE:</u>	5 acres

10.3.2 Agricultural Areas

In the Estancia Valley Agricultural Area, minimum lot sizes shall be 50 acres for the Basin Fringe Zone and 10 acres for the Basin Zone. Adjustments for water conservation and water availability will not be allowed. In the Northern Valley Agricultural Area, the minimum lot size for lands with permitted water rights shall be five (5) acres. Adjustments to lot sizes in these areas are conditioned on the finding in each case by the County Development Review Committee that it is in the best interest of the County to convert water rights from agricultural to commercial or residential use.

10.3.3 Traditional Communities

The minimum lot size in traditional communities as shown on Code Maps 40-57, shall be .75 acres, except as follows:

14,000 sq. ft. - Where community water service and community sewer service systems are utilized, or a Local Land Use and Utility Plan is adopted.

10.3.4 Urban Areas

The minimum lot size in Urban Areas shall be 2.5 acres, except as follows:

1 acre - Where community water or community liquid waste disposal systems are utilized.

.50 acre - Where community water and community sewer systems are utilized.

10.4 Density Transfer

The minimum lot sizes specified in this Section 10 shall be taken as gross figures for the purposes of determining the total number of dwellings allowed in a particular development. The arrangement of dwellings in clusters or in such locations as to take advantage of topography, soil conditions, avoidance of flood hazards, access and reduced cost of development, shall not violate the lot size requirements of the Code so long as the total number of acres per lot conforms with the requirements of the Code.

## SECTION 11 - IMPORTING OF WATER

11.1 Location Requirements

Developments which import water from the surface Rio Grande or other locations outside Santa Fe County to any location in Santa Fe County designated in the Development Code as other than urban or metropolitan locations are permitted to locate anywhere in the County provided they meet all requirements of the Code, except that in lieu of the density requirements as specified in Article III, Section 10, the proposed development shall meet the following criteria.

**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



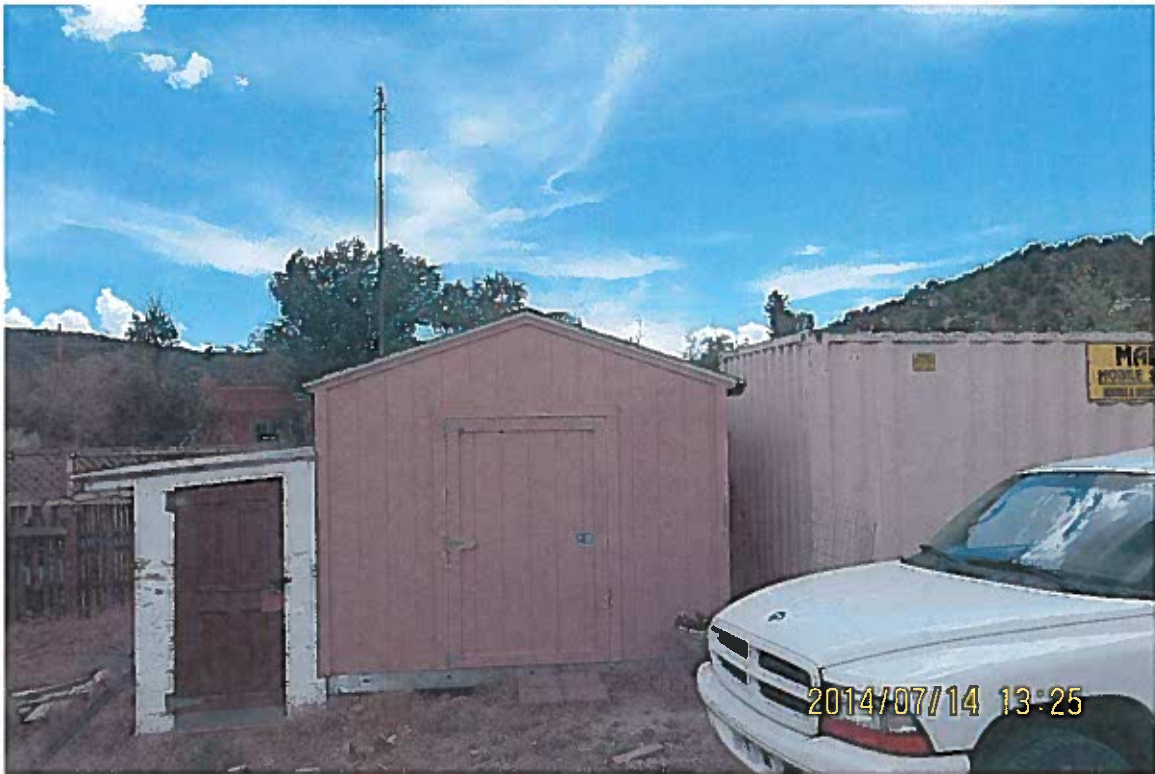
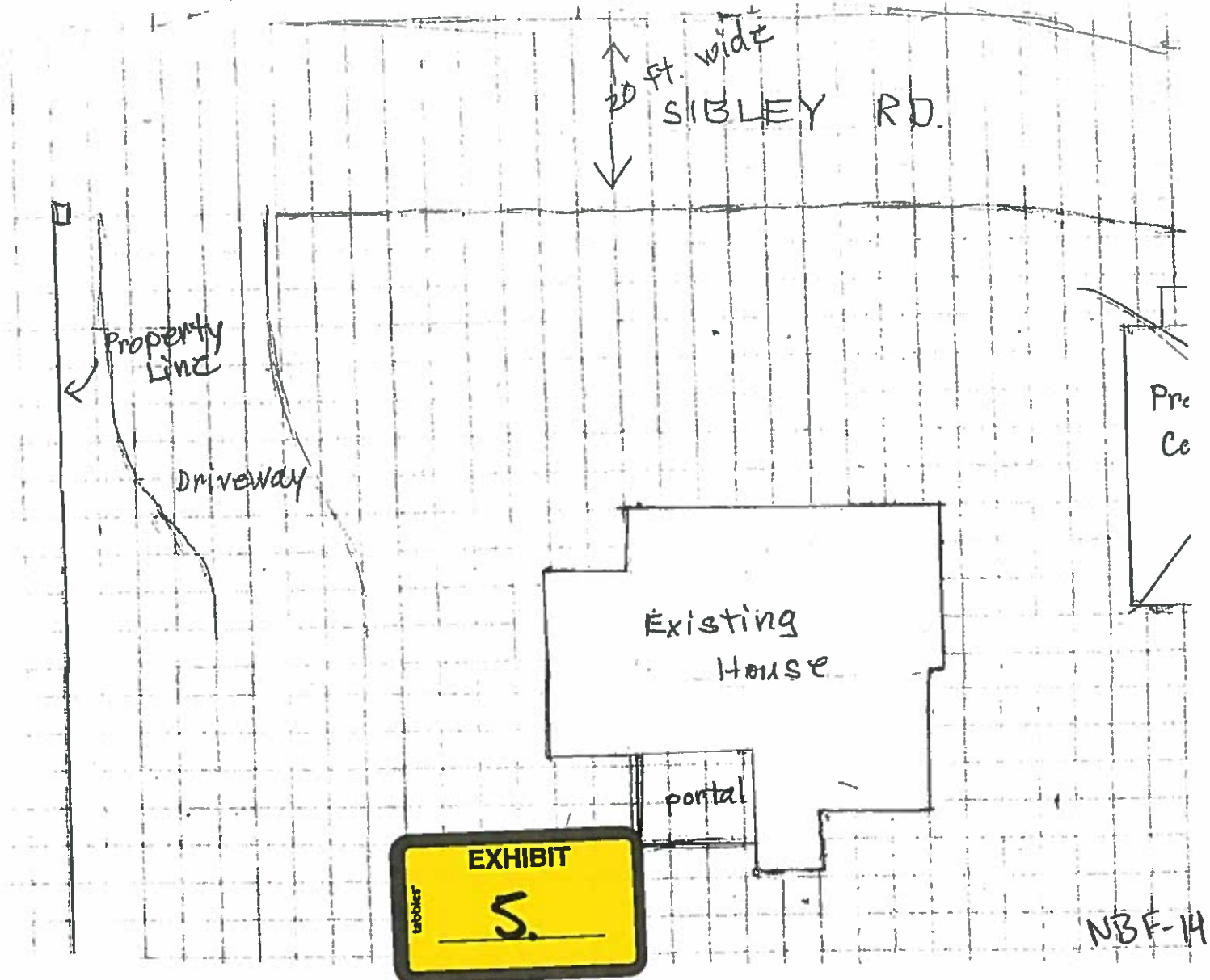
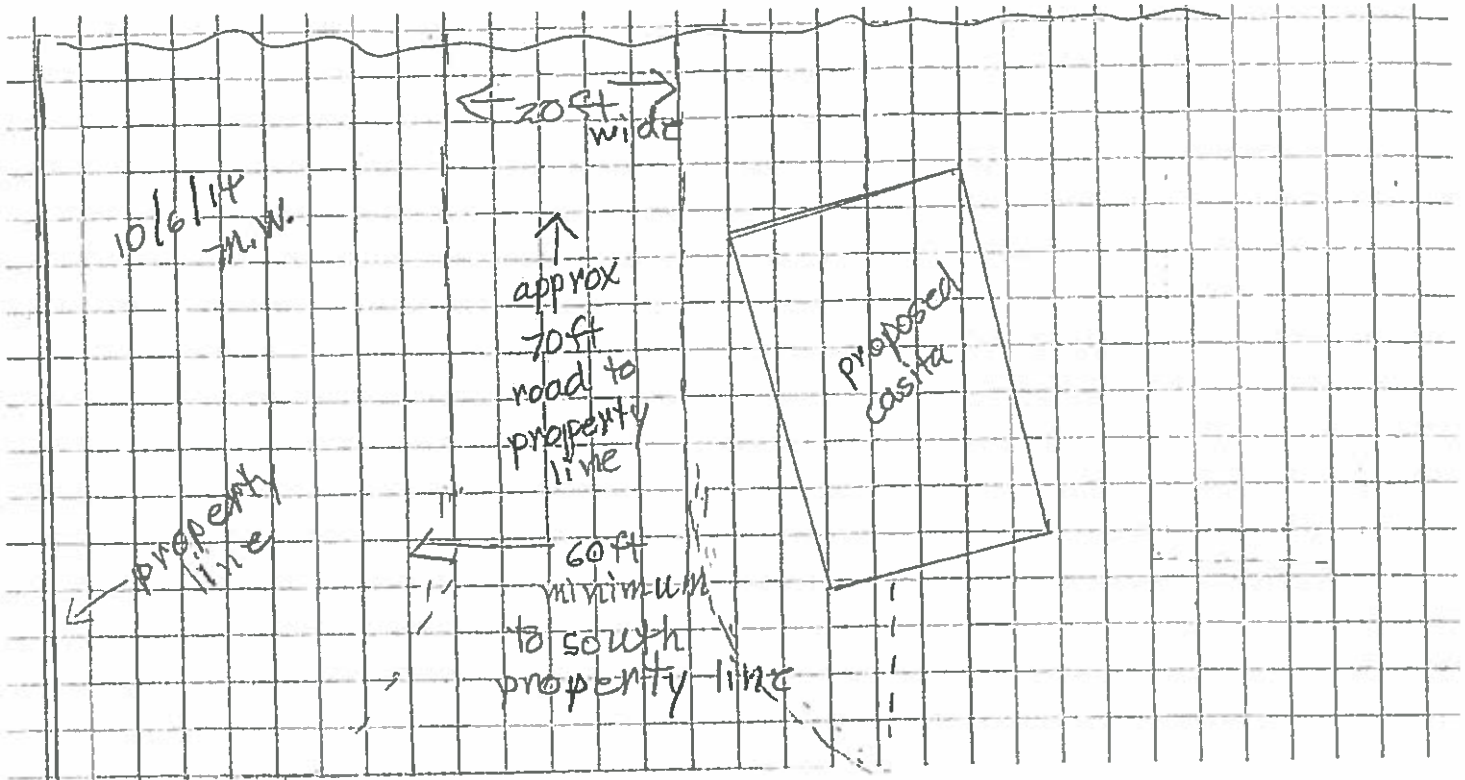


EXHIBIT  
4.

NBF-13







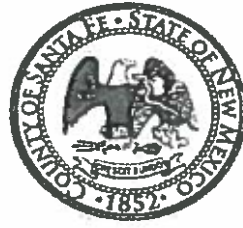




Daniel "Danny" Mayfield  
Commissioner, District 1

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 Development Review

Date	October 6, 2014		
Project Name	Wells, Madeleine		
Project Location	30 Sibley Road T15; R10; S13 "Very High Wildland-Urban Hazard Area"		
Description	Variance for construction of casita (density)	Case Manager	John Lovato
Applicant Name	Madeleine Wells & Mary O'Brien	County Case #	14-5270
Applicant Address	30/34 Sibley Road Santa Fe, NM 87508	Fire District	Hondo
Applicant Phone	505-690-5307		
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 checked="" type="checkbox"/>	Variance <input checked="" type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
			Inspection <input checked="" 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):

#### Summary of Review

- Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development... (page #2)
- Per amended drawing the driveway shall incorporate a hammerhead type turnaround area for emergency vehicle purposes... (page #2)
- This development's location is rated within a "Very High Wildland-Urban Hazard Area" and shall comply with all applicable regulations ... (page #3)
- 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. (page #4)



## 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*

- **Fire Access Lanes**

*Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.*

- **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*

Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development. Driveway, turnouts and turnarounds shall be County approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate and driveway width shall be 20' and an unobstructed vertical clearance of 13'6".

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

- **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.

- **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.*

This driveway/fire access shall not exceed 11% slope and shall have a minimum 28' inside radius on curves.

- **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.

## **Fire Protection Systems**

### **Automatic Fire Protection/Suppression**

Due to the location of the proposed development/residence and the lack of a pressurized hydrant or water storage (draft hydrant) system, for life safety and property protection this office *highly recommends* the installation of an Automatic Fire Suppression system meeting NFPA 13D requirements. Assistance in details and information are available from the Fire Prevention Division.

### **Urban-Wildland Interface**

*SFC Ordinance 2001-11, Urban Wildland Interface Code*

This development's location is rated within a "Very High Wildland-Urban Hazard Area" and shall comply with all applicable regulations within the SFC Ordinance 2001-11 / EZA 2001-04 as applicable for the Urban Wildland Interface Code governing such areas.

- **Building Materials**

Buildings and structures located within urban wildland interface areas, not including accessory structures, shall be constructed in accordance with the Fire Code, the Building Code and the Urban Wildland Interface Code.

- **Location/Addressing/Access**

Per SFC 2001-11/EZA 2001-04, addressing shall comply with Santa Fe County Rural addressing requirements.

Per SFC 2001-11 / EZA 2001-04 Chapter 4, Section 3.2 Roads and Driveways; Access roads, driveways, driveway turnarounds and driveway turnouts shall be in accordance with provisions of the Fire Code and the Land Development Code. Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development.

- **Vegetation Management**

It is recommended that the development also have a vegetation management plan to establish fire-safe areas and to minimize the threat and occurrence of fire in the urban wildland interface areas. Assistance in details and information are available through the Fire Prevention Division

### **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

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.


*Tim Gilmore, Inspector*

  
Code Enforcement Official

10-7-14  
Date

Through: David Sperling, Chief

File: DevRev/H/Wells/100714

Cy: Buster Palty, Fire Marshal   
John Lovato, Land Use  
Applicant  
BC & Regional Lts  
District Chief  
File

Official Submittal Review

4 of 4

NBF-19



**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:** October 16, 2014

**TO:** County Development Review Committee

**FROM:** Jose E. Larrañaga, Development Review Team Leader

**VIA:** Penny Ellis-Green, Growth Management Director *VE for*  
Vicki Lucero, Building and Development Services Manager *VE*  
Wayne Dalton, Building and Development Services Supervisor *WD*

**FILE REF.:** CDRC CASE # V/ZA/S 10-5352 Rio Santa Fe Business Park

**ISSUE:**

Peña Blanca Partnership, Applicant, Jim Siebert, Agent, request a Master Plan Zoning Amendment to an existing Zoning approval and Preliminary and Final Plat and Development Plan approval to create four (4) commercial lots on a 34.44 ± acre parcel to be utilized as a Commercial/Industrial use. The Applicant also requests a variance of Ordinance 2008-10, Section 4.2 (Flood Damage Prevention & Stormwater Management) to allow access to the development which is absent all weather access. The property is located at 54 Colony Drive, North West of N.M. 599, North of Paseo De River, within Section 10, Township 16 North, Range 8 East, (Commission District 2).

**SUMMARY:**

Staff has requested supplemental material for this Application therefore this case is being tabled to allow the Applicant a reasonable amount of time to submit the material requested.

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:** October 16, 2014

**TO:** County Development Review Committee

**FROM:** Jose E. Larrañaga, Development Review Team Leader *JEL*

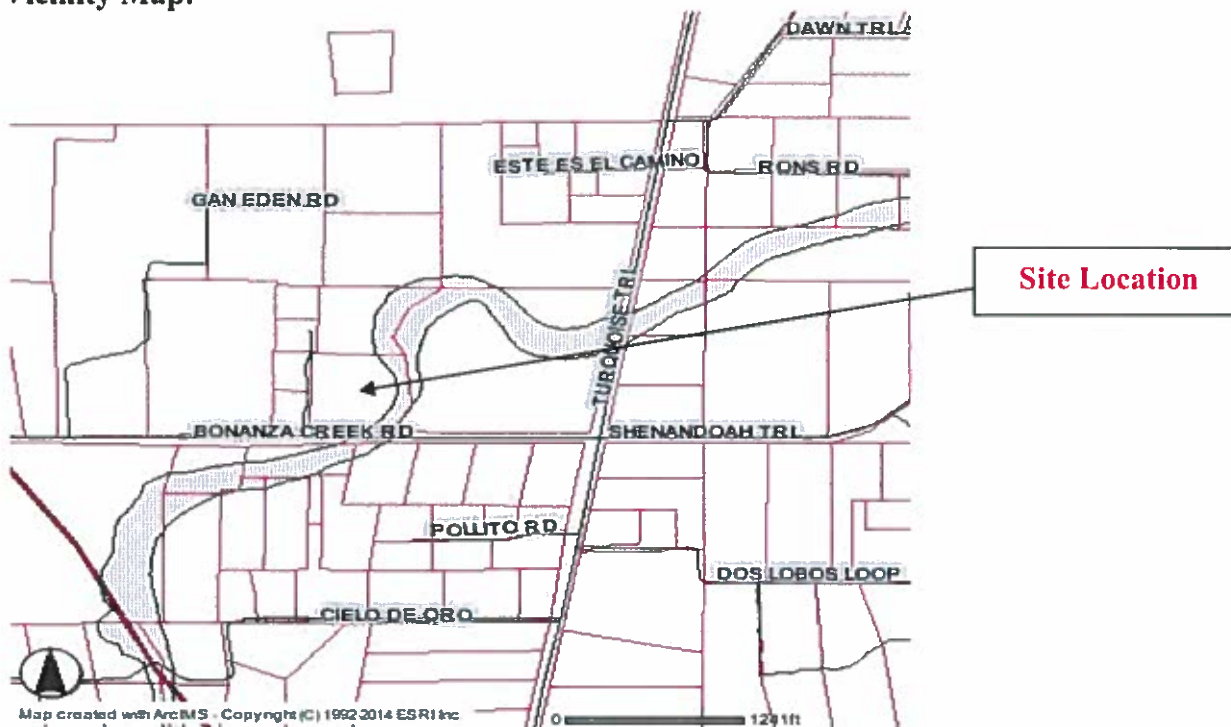
**VIA:** Penny Ellis-Green, Growth Management Director *PEG*  
Vicki Lucero, Building and Development Services Manager *VL*  
Wayne Dalton, Building and Development Services Supervisor *WD*

**FILE REF.:** CDRC CASE # PDP/FDP 14-5011 31 Bonanza Creek Road

**ISSUE:**

Leslie Moody and Mitchell Ackerman, Applicants, JenkinsGavin, Agents, request Preliminary and Final Development Plan approval to allow a Bed and Breakfast within an existing residence on 9.94 acres. The property is located on the west side of Highway 14 off Bonanza Creek Road (County Road 45), within Section 26, Township 15 North, Range 8 East (Commission District 5).

**Vicinity Map:**



## SUMMARY:

On May 13, 2014, the Board of County Commissioners approved Master Plan Zoning to allow a Bed and Breakfast within an existing residence on 9.94 acres. The following conditions of approval were imposed, on the Master Plan, by the BCC: the Applicant shall comply with all review agency comments and conditions (as per Article V, § 7.1.3.c); Master Plan with appropriate signatures, shall be recorded with the County Clerk (as per Article V, § 5.2.5); only two (2) kitchens shall be allowed on the site in keeping with the non-conforming status of the site (as per Article II, § 4.5); the Preliminary and Final Development Plan shall be submitted promptly after 90 days of data collection on actual water use is obtained; the Final Development Plan shall be submitted to the County Development Review Committee accompanied by a staff report (as per Article V, § 7); the Applicant shall provide water rights if the proposed water use for the Bed and Breakfast exceeds 3 acre feet of water per year.

The Applicants request Preliminary and Final Development Plan approval to allow an existing 5,580 square foot five bedroom residence to operate as a Bed and Breakfast. There are two dwellings on the 9.94 acre site. A 4,561 square foot residence will be utilized by the Applicants as their primary residence and the second residence will be utilized as a five bedroom Bed and Breakfast. The Applicants are not proposing any expansion of the existing structures as part of this Application.

The Applicants have complied with the conditions of approval of the Master Plan: the Applicants have complied with all review agency comments and conditions, as illustrated in the proposed Final Development Plan drawings; the Master Plan was recorded with the County Clerk; the Final Development Plan drawings illustrates two kitchens; the Application for Preliminary and Final Development Plan was submitted in a timely manner; on May 1, 2014, the Applicants installed a water meter on the existing well and 92 days of meter readings were recorded through July 31, 2014. The water use averaged 157.97 gallons per day, which calculates to 0.174 acre feet per year.

Article III, § 8, Other Development (8.1 Uses Permitted) states: "All uses not otherwise regulated by the Code are permitted anywhere in the County".

Article V, § 7.1.3 (Preliminary Development Plans) states: "a preliminary development plan may be only a phase or portion of the area covered by an approved master plan, so long as the preliminary development plan substantially conforms to the approved master plan; the application for preliminary development plan approval shall be presented to the County Development Review Committee for review with a staff report. The staff report shall include a description of the proposed project, an evaluation of pertinent planning issues, and a statement on the compliance of the project with the County General Plan and Code. The report may include recommended conditions of approval. The report shall include all comments from appropriate State or Federal agencies, the County Fire Marshal, the County Hydrologist, and other appropriate County personnel. Particular attention shall be given in the staff report to public agency comments which relate to potential limitations of lot size, intensity, or character of development".

NBH-2

Article V § 7.2 (Final Development Plan) states: “the final development plan shall be submitted to the County Development Review Committee accompanied by a staff report. The County Development Review Committee shall review the plan and make a determination as to its compliance with the County General Plan and Code. The County Development Review Committee may recommend changes or additions to the plan as conditions of its approval. The final development plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved final development plan becomes the basis of development permits and for acceptance of public dedications. Any changes in the plan must be approved by the County Development Review Committee”.

This Application was submitted on August 8, 2014.

**Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Preliminary and Final Development Plan: the Application is comprehensive in establishing the scope of the project; the Preliminary Development Plan substantially conforms to the approved Master Plan; the Final Development Plan conforms to the Preliminary Development Plan; the County Hydrologist has determined that the code requirements for water availability for Preliminary and Final Development Plan have been met; the Application satisfies the submittal requirements set forth in the Land Development Code.**

**The review comments from State Agencies and County staff have established findings that this Application is in compliance with state requirements, Article V, § 7.1.3 Preliminary Development Plans, Article V § 7.2 Final Development Plan and Article VII § 6 Water Supply, Table 7.4 of the Land Development Code.**

<b>APPROVAL SOUGHT:</b>	Preliminary and Final Development Plan approval for a Bed and Breakfast within an existing residence on 9.94 acres
<b>GROWTH MANAGEMENT AREA:</b>	SDA-2 within the Residential Fringe Zoning District
<b>HYDROLOGIC ZONE:</b>	Basin Fringe Hydrologic Zone, minimum lot size in this area is 12.5 acres. The 9.94 acre lot size and dwellings are non-conforming.
<b>ARCHAEOLOGIC:</b>	Moderate potential area, less than 10 acres, no further disturbance of the site is proposed. The Applicants requested a waiver from conducting an Archaeological Study on this site from the Historic Preservation Division (HPD). HPD reviewed the submittal and determined that the Bed and Breakfast would have no effect on historic properties and an archaeological survey is not required.

NBH-3



**ACCESS AND TRAFFIC:**

The property takes access from Bonanza Creek Road (County Road 45), Via Highway 14. County Public Works determined that a Traffic Impact Study is not required for this type of use.

**FIRE PROTECTION:**

Turquoise Trail Fire District. The Santa Fe County Fire Prevention Division has reviewed the Application and states: "the Bed and Breakfast 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".

**WATER SUPPLY:**

Existing on-site well; proposed water use shall not to exceed 0.25 acre feet of water per year. The County Hydrologist review of the water budget states: "Total water usage was 14,257 gallons (0.04 acre-feet) for the Bed and Breakfast and the residential usage. The rate of occupancy ranged from 27% to 55% with an average occupation of 40%. By projecting this usage out for 12 months an estimate of 0.174 acre-foot per year is derived. Based on this data it appears this development can operate with a water usage of less than 0.25 acre-foot per year". Conditions of approval include: monthly submission of meter readings to Santa Fe County and the Office of the State Engineer is recommended; if the water usage exceeds 0.25 acre-foot submission of a geohydrologic report approved by the County Hydrologist demonstrating water availability as allowed by the Code will be required.

**LIQUID WASTE:**

The 5,580 square foot residence utilizes two conventional septic systems (1,000 & 1,200 gallons). The 4,561 square foot residence utilizes a 1,000 gallon conventional septic system. NMED had one potential concern for the septic system which serves the main residence, specifically the kitchen. A grease interceptor will need to be installed in order to keep the septic system from being overwhelmed with kitchen waste.

**SOLID WASTE:**

Weekly disposal of trash to the County Transfer Station.

**FLOODPLAIN & TERRAIN  
MGMT:**

The Applicants proposal shows 2 retention ponds located on the southwestern portion of the property and there is no new expansion to existing or proposed use. Pond (1) one is 2,400

NBH-4

cubic feet and pond (2) two is 2,200 cubic feet. The required retention for this project is 3,226 cubic feet. Therefore, the submittal is in conformance with Article VII, Section 3.4.6 and Ordinance No. 2008-10 Flood Damage Prevention and Stormwater Management.

The Project contains slopes of 0-15% and slopes from the west to the east into the Arroyo Gallina. The site is located within a 100 Year Flood Zone and is located in designated Flood Hazard Zone A. The structures are setback at 88' feet therefore, the submittal is in conformance with Ordinance No. 2008-10 Flood Damage Prevention and Stormwater Management.

**SIGNAGE AND LIGHTING:** No Signage is proposed within this Application.

The Applicants propose to utilize existing outdoor lighting on the property. The Applicants have provided a lighting plan. Staff has determined that the lighting element of this Application complies with Article III, Section 4.4.4 h.

**EXISTING DEVELOPMENT:** The two existing residential structures are recognized as non-conforming constructed prior to the implementation of the Land Development Code (1981).

**ADJACENT PROPERTY:** The site is within a residential area and is bordered on all sides by rural residential property.

**PARKING:** The Applicant has provided 7 parking spaces for the Development. The Applicant has designated 1 space for handicap use. All parking spaces shall be defined with striping, wheel stops, parking bumpers, or railroad ties. Staff has determined that the parking element of the Application complies with Article III, section 9 Parking Requirements.

**LANDSCAPING:** The site is heavily vegetated with native grasses, shrubs, evergreens and drought tolerant deciduous and fruit trees. The south side of the site shall require additional landscape (trees) to screen the site.

**RAINWATER HARVESTING:** A 6,000 gallon cistern has been installed to capture rain water which will be used to irrigate the existing landscape. Water conservation measures shall be implemented with the development.

NBH-5

**AGENCY REVIEW:**

<u>Agency</u>	<u>Recommendation</u>
NMOSE	No Opinion
NMDOT	Approval
NMED	Approval with Conditions
NMDHP	Approval
County Fire	Approval with Conditions
County PW	Approval
County Utility	Approval for Master Plan
County Hydrologist	Approval with Conditions

**STAFF RECOMMENDATION:** **Conditional approval for Preliminary and Final Development Plan, to allow a Bed and Breakfast within an existing residence on 9.94 acres, subject to the following staff conditions:**

1. The Applicants shall comply with all review agency comments and conditions, as per **Article V, § 7.1.3.c.**
2. Final Development Plan with appropriate signatures, shall be recorded with the County Clerk, as per **Article V § 7.2.**
3. The Applicants shall submit documentation, verifying that well RG-31117 has been permitted for commercial use by the Office of the State Engineer Water Rights Division, prior to the recordation of the Final Development Plan..
4. The Applicants shall submit monthly meter readings, from Well RG-31117, to Santa Fe County and to the Office of the State Engineer.
5. The Applicants shall record water restrictive covenants restricting the water use to the property to 0.25 acre feet per year.
6. A note shall be placed on the Final Development Plan, stating that: "If the total water usage exceeds 0.25 acre-foot per year (afy), submission of a geohydrologic report approved by the County Hydrologist demonstrating water availability as allowed by the Code, will be required." In the event the geohydrologic report cannot support water availability above 0.25 afy, the Applicant shall take measures to meet the 0.25 afy, by reducing the amount of rooms to be utilized for the

NBH-6

Bed and Breakfast and/or limit the months of operation. In the event that the Applicant cannot meet the water use requirement the Business license for the Bed and Breakfast may be rescinded.

**EXHIBITS:**

1. Final Development Plan Report
2. Proposed Plans
3. Aerial Photo of Property
4. Agency Reviews and Comments
5. Article III, § 8, Other Development
6. Article V, § 7.1.3 (Preliminary Development Plans)
7. Article V § 7.2 (Final Development Plan)
8. Review Letter from County Hydrologist
9. Article VII, § 6, Table 7.4
10. BCC Final Order approving Master Plan

NBH-7





**jenkinsgavin**  
DESIGN & DEVELOPMENT INC

August 8, 2014

José Larrañaga, Senior Development Review Specialist  
Planning and Development Division  
Santa Fe County  
102 Grant Avenue  
Santa Fe, NM 87501

**RE: 31 Bonanza Creek Road  
Preliminary/Final Development Plan Application**

Dear José:

This letter is submitted on behalf of Leslie Moody and Mitchell Ackerman in application for Preliminary and Final Development Plan approval for a Bed and Breakfast Inn for consideration by the Board of County Commissioners at their meeting of October 16, 2014. The Board of County Commissioners approved the Master Plan at their meeting of May 13, 2014.

### **Project Summary**

The subject property is a ±9.94-acre parcel located at 31 Bonanza Creek Road. The property comprises two existing structures, a 5,580 square foot, five bedroom house, which will serve as the bed & breakfast, and a 4,561 square foot private residence, which the owners occupy. No new development is proposed as part of this application. Preliminary and Final Development Plan approval is requested to designate the subject property as "Other Development" per Article III, §8 of the Santa Fe County Land Development Code to permit a five-unit Bed and Breakfast Inn. Per the Preliminary Zoning Map of the Sustainable Land Development Code (the "SLDC"), the property will be zoned RUR-R 10AC (Residential, one dwelling unit per 10 acres). A Bed and Breakfast Inn is permitted as a Conditional Use in a Rural Residential zone. This request for "Other Development" aligns with the Conditional Use approval process, and is therefore consistent with the provisions and intent of the SLDC.

The subject property lies 0.25 miles west of State Highway 14 on Bonanza Creek Road. The Bonanza Creek neighborhood is a diverse, primarily residential community, which includes small 2.0-acre parcels, as well as significant ranches of hundreds of acres. The mix of neighborhood uses includes a 50-acre horse training facility next door to the subject property, a horse hospital, a retreat center, and the Bonanza Creek Movie Ranch. Furthermore, several of the area ranches offer horseback riding, boarding, and training.



NBH-8

**San Marcos District Community Plan**

The subject property lies within the boundaries of the San Marcos District Community Plan (the "Plan"). The Zoning Map in the Plan designates the property as "Rural," which permits bed and breakfasts of less than seven units as a Special Use. This application and approval process for "Other Development" is consistent with the requirements of a Special Use Permit and, therefore, consistent with the provisions of the Plan.

**Access & Traffic**

The property is accessed from Bonanza Creek Road via a 20' wide base course driveway. Due to the minimal traffic impact of a 5-bedroom bed & breakfast, no Traffic Impact Analysis is submitted with this report. Please refer to the attached ITE Trip Generation Summary, which reflects four AM and PM peak hour trips respectively.

**Terrain Management**

The site's terrain slopes gently from the northwest to the southeast and drains into the Arroyo Gallina on the east side of the property. In order to provide the requisite storm water retention for the existing impervious areas, two new drainage ponds are proposed. Pond 1 will be located east of the residence and Pond 2 will be southeast of the bed and breakfast on the south side of the driveway. All disturbed areas will be revegetated. For further details, please refer to the Terrain Management Plan, Drainage Calculations, and Soils Report attached for your review.

**Landscaping & Water Harvesting**

The property has a variety of mature landscaping comprised of drought tolerant deciduous and fruit trees, evergreens, native grasses, and native shrubs per the attached Landscape and Water Harvesting Plan. A 6,000 gallon cistern is located on the northwest corner of the residence and can easily accommodate one month's irrigation demand in accordance with the Landscape Water Budget outlined below:

Landscape Water Budget

	<i>Plant Type</i>	<i>Quantity</i>	<i>GPW/Plant</i>	<i>GPM</i>	<i>GPY</i>
Non-Growing Season (5 mos.)	Trees	52	2.0	447.2	5,366.4
	Shrubs	32	1.0	147.2	1,766.4
Growing Season (7 mos.)	Trees	52	8.0	1,788.8	21,465.6
	Shrubs	32	4.0	588.8	7,065.6
<b>ANNUAL BUDGET</b>					<b>35,664.0</b>
<b>MONTHLY REQUIREMENT</b>				<b>2,972.0</b>	

NBH-9

## **Water Supply Plan**

The property is served by an existing private well (Permit #RG-08039). The water budget for the property is 0.25 acre feet/year ("afy") as detailed in the attached Water Budget. Per the conditions of the Master Plan approval, the County Hydrologist required a water meter to be installed and 90 days of actual water use to be recorded prior to Development Plan application submittal. Accordingly, a water meter was installed at the property on May 1, 2014 and 92 days of meter readings were recorded through July 31, 2014. As shown in the attached Water Usage Report, the water use averaged at 154.97 gallons per day, which calculates to 0.174 acre feet per year. This usage is well within the .25 afy water budget. Please note that the metering period was during the prime occupancy period of the year. Draft Water Restrictive Covenants are included herein and will be recorded with the Master Plan.

## **Liquid Waste**

The bed and breakfast is served by two existing 1,200 and 1,000 gallon septic tanks. The residence is served by an existing 1,000 gallon septic tank. Please see attached liquid waste permit. Also, the leach field for the residence has been increased from 150 square feet to 1,060 square feet which exceeds the New Mexico Environment Department's requirement.

## **Solid Waste**

The property owners haul refuse to the County landfill.

## **Lighting & Signage**

Existing site lighting consists of 10-watt path lights, 60-watt pendant lights under the portals, and 60-watt building mounted sconces, as reflected on the attached Lighting Plan. All lights are down-lit and shielded in accordance with Santa Fe County requirements. No new lighting is proposed with this application. There is no existing signage and none is proposed.

## **Archaeology**

The property is located in a Medium Potential Archaeological Area. Per the Staff Report issued on March 20, 2014, the Historic Preservation Division determined that "the Bed and Breakfast would have no effect on historic properties and an archaeological survey is not required."

In support of this application, the following documentation is submitted herewith for your review and consideration:

- |   |  |
|---|--|
| <input type="checkbox"/> Development Permit Application | <input type="checkbox"/> Water Usage Report        |
| <input type="checkbox"/> Trip Generation Summary        | <input type="checkbox"/> Warranty Deed             |
| <input type="checkbox"/> Drainage Calculations Summary  | <input type="checkbox"/> NMED Liquid Waste Permits |
| <input type="checkbox"/> Soils Report                   |  |
| <input type="checkbox"/> Water Budget                   |  |

NBH-10

Letter of Application  
31 Bonanza Creek Road  
Preliminary & Final Development Plan  
Page 4 of 4

- Legal Lot of Record
- Letter of Owner Authorization
- Assigned Address Form
- Proof of Property Taxes Paid
- Preliminary/Final Development Plan Submittal Drawings: 7 full size and one reduced set

Please do not hesitate to contact us should you have any questions or require additional information.

Thank you for your consideration.

Sincerely,



Colleen C. Gavin, AIA  
JenkinsGavin Design & Development, Inc.



Jennifer Jenkins

NBH-11



**Bonanza Creek Water Budget**

Revised February 26, 2014

**RESIDENCE**

6 FLUSHES @ 1.26 GAL EACH	11,037.6	GPY		
SHOWER USE (5 MINUTES @ 1.5 GPM)	10,950.0	GPY		
3 MIN SINK @ 2.5 GPM	10,950.0	GPY		
1/3 LOAD LAUNDRY @ 20 GAL/LOAD	2,433.3	GPY		
DISHWASHER@13 GAL/LOAD X .3 LOADS/DAY	1,423.5	GPY		
KITCHEN SINK 5 MIN @ 2.0 GPM	7,300.0	GPY		
CLEANING	365.0	GPY		
<b>SUBTOTOTAL RESIDENCE</b>	<b>44,459.4</b>	<b>GPY</b>	<b>0.14</b>	<b>AFY</b>

**BED & BREAKFAST**

NUMBER OF ROOMS	5.0			
AVERAGE NUMBER OF GUESTS/ROOM	1.5			
TOTAL NUMBER OF GUESTS	7.5			
AVERAGE ANNUAL OCCUPANCY RATE	45%	104.3	DAYS/YR	
SHOWER USE	11,250.0	GPY		
4 FLUSHES @ 1.26 GAL EACH	6,208.7	GPY		
3 MIN SINK @ 2.5 GPM	9,239.1	GPY		
KITCHEN SINK 5 MIN @ 2.0 GPM	4,927.5	GPY		
CLEANING	365.0	GPY		
<b>SUBTOTOTAL B&amp;B</b>	<b>31,990.2</b>	<b>GPY</b>	<b>0.10</b>	<b>AFY</b>

**LANDSCAPING** 5,000.0 GPY 0.02 AFY

**TOTAL ANNUAL WATER BUDGET** 81,449.6 GPY 0.25 AFY

\*Allowance to supplement cisterns.

NBH-12

**Guest Occupancy Log  
May, June, July 2014**

	<u>May</u>	<u>June</u>	<u>July</u>
Date	Guests	Guests	Guests
1		6	4
2	2	6	1
3	4	6	5
4	4	7	8
5		1	10
6		3	11
7	2	5	10
8	2	3	5
9	2	2	7
10	2	2	10
11	1	2	9
12			5
13	2	3	5
14	2	3	4
15	3	2	4
16	7	4	4
17	7	4	8
18	7	2	8
19	2	4	4
20	3	4	3
21	3	3	4
22	3	3	7
23	5	2	7
24	2		3
25		5	5
26	4	6	5
27	4	6	7
28	2	8	4
29	2	7	
30		4	2
31	6		2
<b>Total</b>	<b>83</b>	<b>113</b>	<b>171</b>
<b>Guests Per Day</b>	<b>2.677</b>	<b>3.767</b>	<b>5.516</b>
<b>Total Guest Nights</b>	<b>310</b>	<b>300</b>	<b>310</b>
<b>Occupancy</b>	<b>27%</b>	<b>38%</b>	<b>55%</b>
<b>Average Occupancy</b>		<b>40%</b>	

NBH-13

**31 Bonanza Creek  
Water Usage Report**



**Initial Meter Reading on Date of Installation (Meter Previously Used)  
5/1/2014      120 gallons**

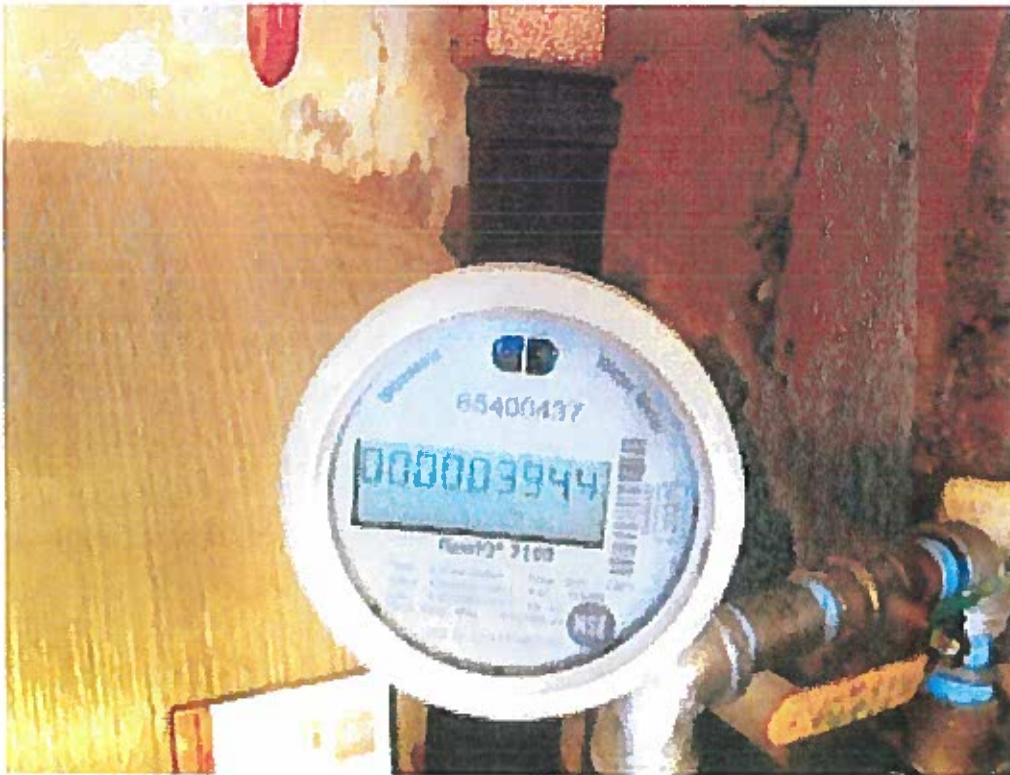


**5/22/2014      2,122 gallons (-120 gallons = 2,002 gallons)**

*NBH-14*



5/29/14 2,686 gallons



6/6/2014 3,944 gallons

NBH-15





612/2014

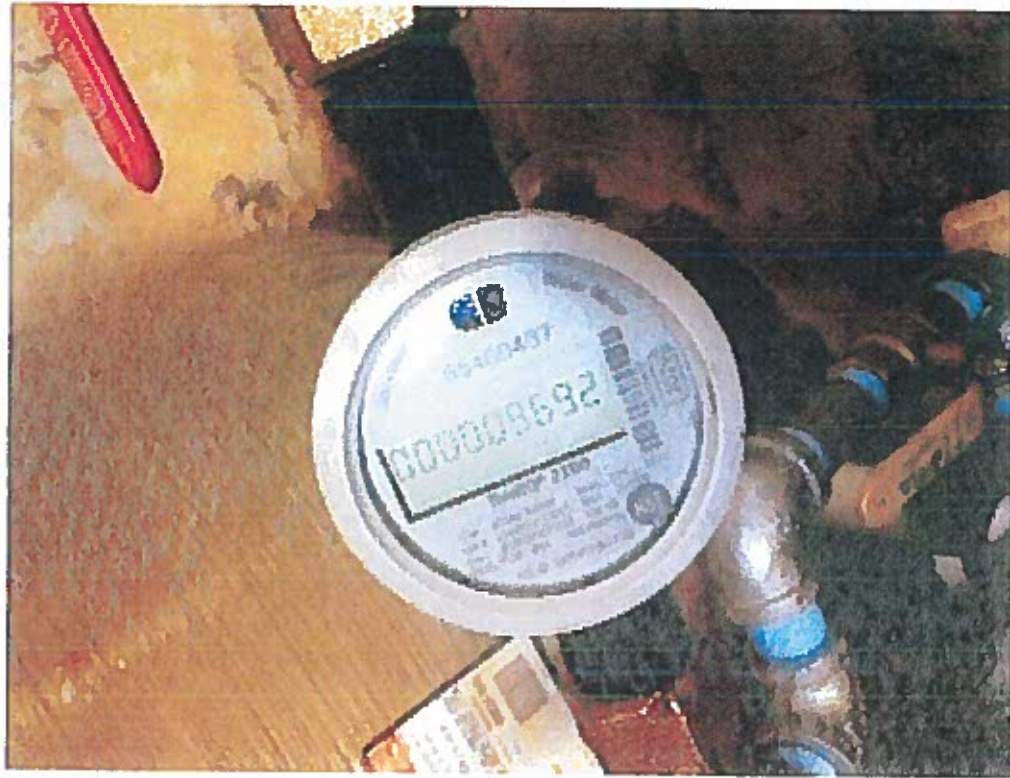
4,975 gallons



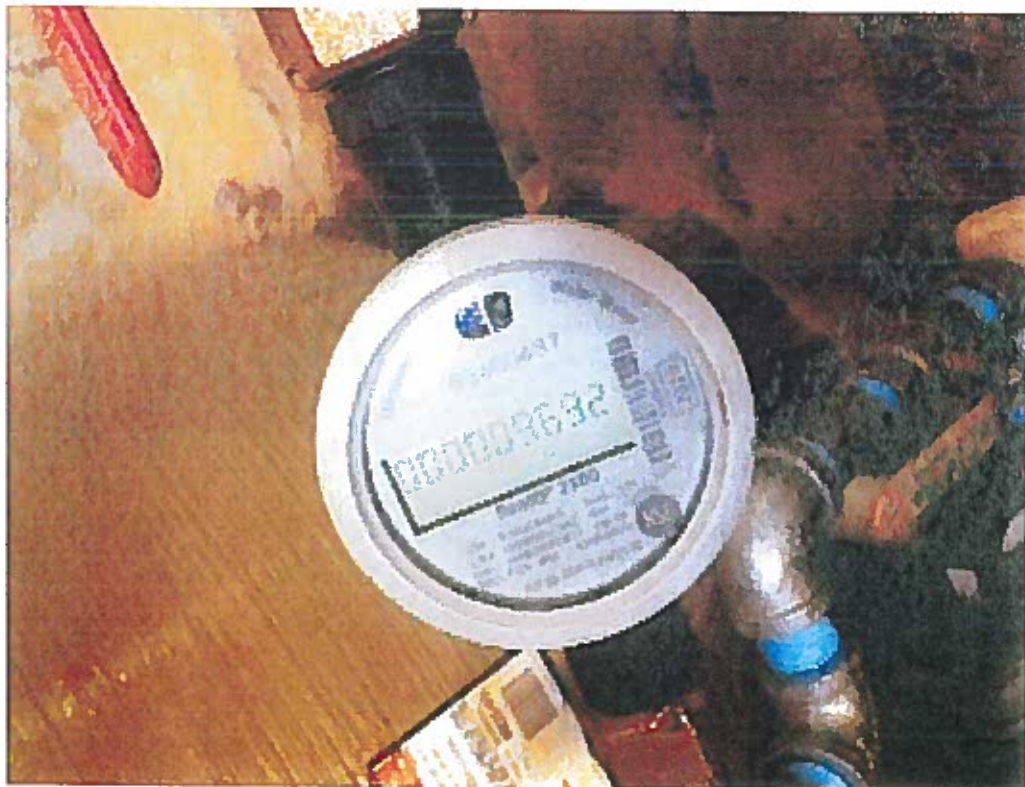
619/2014

5,779 gallons

NBH-16



7/4/2013 7,532 gallons



7/11/2014 9,692 gallons

NBH-17





7/17/2014 11,381 gallons



7/24/2014 12,740 gallons

NBH-18



7/31/2014 14,377 gallons

### Water Usage Summary

14,377 gallons – 120 (starting read) = 14,257 gallons ÷ 92 days = 154.97 average gallons/day

154.97 gallons x 365 days = 56,564.05 gallons/year ÷ 325,851 gal/af = 0.174 acre feet/year

NBH-19



Summary of Trip Generation Calculation  
 For 5 Occupied Rooms of Motel  
 January 06, 2014

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	9.11	4.39	1.00	46
7-9 AM Peak Hour Enter	0.23	0.00	1.00	1
7-9 AM Peak Hour Exit	0.41	0.00	1.00	2
7-9 AM Peak Hour Total	0.64	0.84	1.00	3
4-6 PM Peak Hour Enter	0.31	0.00	1.00	2
4-6 PM Peak Hour Exit	0.27	0.00	1.00	1
4-6 PM Peak Hour Total	0.58	0.78	1.00	3
Saturday 2-Way Volume	8.84	3.62	1.00	44
Saturday Peak Hour Enter	0.34	0.00	1.00	2
Saturday Peak Hour Exit	0.42	0.00	1.00	2
Saturday Peak Hour Total	0.76	0.93	1.00	4

Note: A zero indicates no data available.  
 Source: Institute of Transportation Engineers  
 Trip Generation, 8th Edition, 2008.

TRIP GENERATION BY MICROTRANS

NBH-20

## 31 Bonanza Creek Road DRAINAGE CALCULATIONS SUMMARY

### Present Conditions of Project

The project site is located at 31 Bonanza Creek Road in the Santa Fe County, New Mexico. Two large buildings (10,141 sf), several out buildings, stables and paddocks exists on the land. The site is 10 ± acres in size and drains gently southwest at an average grade of 2.3 %. There are no arroyos or defined drainage patterns on the area developed, but the Arroyo Gallina is located along the eastern boundary of the property. This Arroyo is mapped as a FEMA flood zone (Zone A base floods not determined). All existing and proposed structures are located at least 85 feet from the mapped flood zone.

**Soils:** On-site soils have been mapped by the US Natural Resource Conservation Service and the soil mapping can be found on their web page: [websoilsurvey.nrcs.usda.gov](http://websoilsurvey.nrcs.usda.gov). The soils present, percentage and hydrologic soil group are listed below:

- 91.2% Zia fine sandy loam (108) Hydrologic Soil Group B
- 4.9% Chupe-Riverwash complex (104) Hydrologic Soil Group A
- 3.9% Zozobra-Jaconita complex (101) Hydrologic Soil Group B

**Vegetation:** The site's vegetation consists of sage brush, creosote, juniper, elm, cottonwood, olive trees with an understory of grasses. Basal coverage is variable across the site, with fair coverage on the eastern and southern portions of the site (~60%), and poor coverage along the western and northern portions of the site (~40%).

For the purpose of this analysis a natural curve number of 55 was used for the soils.

**Offsite Flows:** The property is subject to sheet flow from the north-northwest. There are no defined drainage patterns of concentrated flow.

Using the TR-55 method, the pre-development (no structures or roadways on site) peak runoff for the 24hour, 100 year storm event is 1.70 CFS and the total volume of flow is expected to be 9,649 cubic feet.

### **Developed Conditions:**

No new structures have been proposed to be constructed. The access driveway will have a fire marshal turnaround defined in an existing parking area. Some structures that existed previously on the property have been removed.

The following conditions currently exist:

		% of Total	CN
3 structures totaling	10,474 SF	2.40%	98
Access Road	18,965 SF	4.35%	90
Well Vegetated Area	5.32 Acres	53.2%	48
Poor Vegetated Area	4.0 Acres	40%	67

The weighted curve number for current conditions is 58.6.

Using the TR-55 method, the current peak runoff for the 24hour, 100 year storm event is 2.27 CFS and the total volume of flow is expected to be 12,875 cubic feet.

NBH-21

**Detention Pond Requirements**

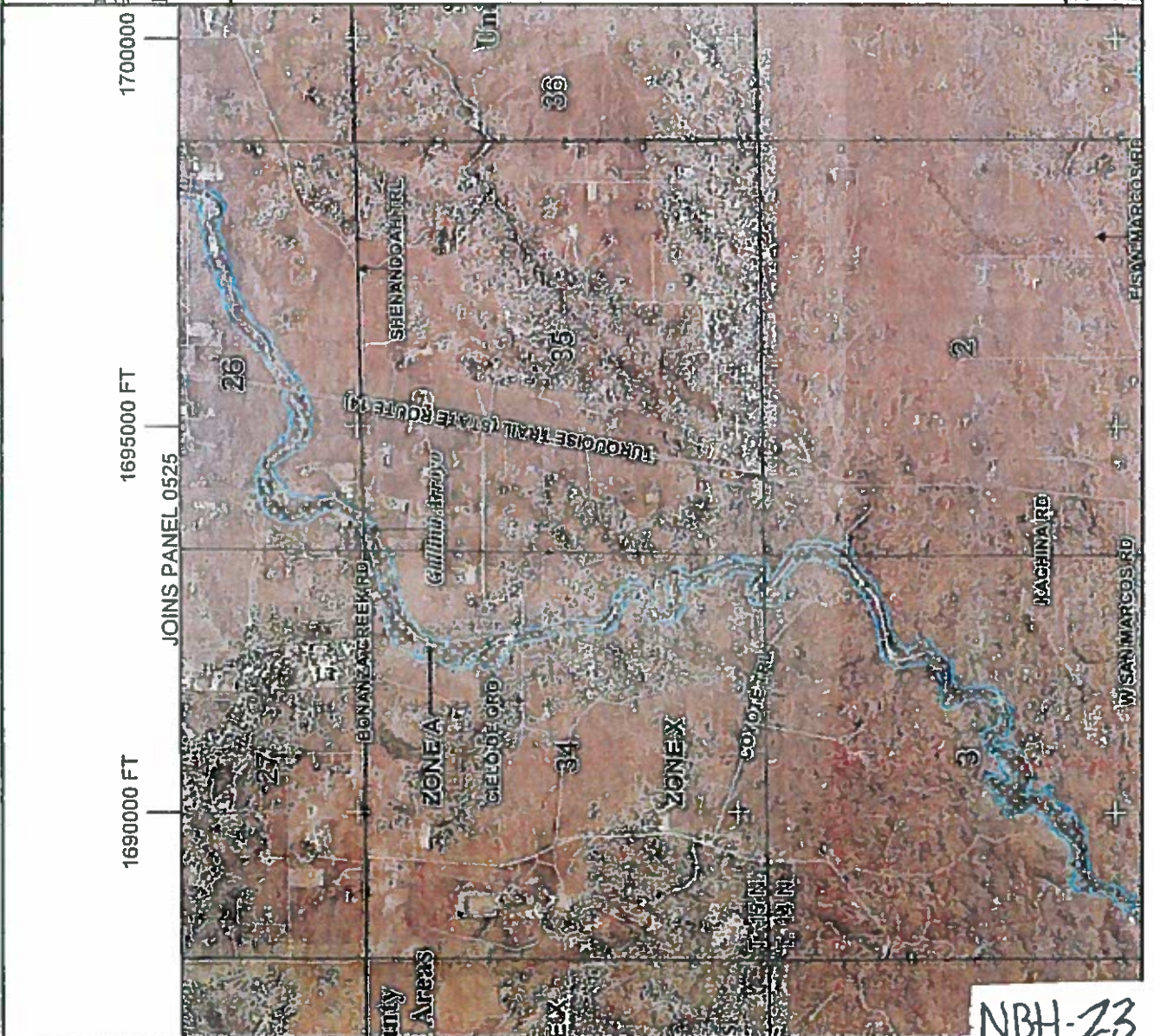
To return the project site to drainage conditions prior to the development of the property, detention ponding is necessary. The increase in runoff volume is (12,875-9,649) or 3,226 cubic feet.

Thus it is recommended that 3,230 Cu Ft of ponding volume be created on the site in one or more ponds located south of the existing improvements.



NBH-22

MAP SCALE 1" = 2000'



**NFP** NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0650D

**FIRM**

FLOOD INSURANCE RATE MAP  
 SANTA FE COUNTY,  
 NEW MEXICO  
 AND INCORPORATED AREAS  
 PANEL 650 OF 1100

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

**CONTAINS:**

<b>COMMUNITY</b>	<b>NUMBER</b>	<b>PANEL</b>	<b>SUFFIX</b>
SANTA FE COUNTY UNINCORPORATED AREAS	750070	0650	0

Notice to Users: The Map Number shown below should be used in all correspondence and applications for the subject community.



**MAP NUMBER**  
 35049C0650D  
**EFFECTIVE DATE**  
 JUNE 17, 2008

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.mac.fema.gov](http://www.mac.fema.gov)

NBH-23



TR-55						
31 BONANZA CREEK ROAD						
PRE-DEVELOPMENT						
1/8/2014						
CN	Frequency	Precipitation	Runoff Q, in	Peak Discharge, cfs	Runoff volume, cu ft	
55.00	100	3.25	0.27	1.70	9,649	
	50	2.92	0.17	1.11	6,319	
Acreage, acres	25	2.61	0.10	0.66	3,759	
10.00	10	2.21	0.04	0.24	1,364	
	5	1.9	0.01	0.05	299	
qu, cfs/ac-in	2	1.52	0.00	0.01	61	
0.64						
Percent Ponding						
0.00%						
Pond Adjustment Factor						
1						

NBH-24

TR-55						
31 BONANZA CREEK ROAD						
POST-DEVELOPMENT						
1/8/2014						
CN	Frequency	Precipitation	Runoff Q, in	Peak Discharge, cfs	Runoff volume, cu ft	
58.64	100	3.18	0.35	2.27	12,875	
	50	2.87	0.25	1.60	9,077	
Acreage, acres	25	2.56	0.16	1.03	5,843	
10.00	10	2.16	0.07	0.46	2,610	
	5	1.87	0.03	0.18	1,018	
qu, cfs/ac-in	2	1.51	0.00	0.01	50	
0.64						
Percent Ponding						
0.00%						
Pond Adjustment Factor						
1						

NBH-25