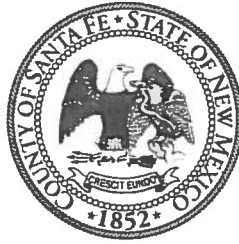


Henry P. Roybal
Commissioner, District 1

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

**CDRC CASE # V/FDP 15-5170 JACONA TRANSFER STATION
FINAL DEVELOPMENT PLAN/VARIANCE(S)
SANTA FE COUNTY, APPLICANT**

ORDER

THIS MATTER came before the County Development Review Committee (CDRC) for hearing on July 16, 2015, on a request by Santa Fe County (Applicant) for a Final Development Plan approval to allow a facility to be utilized as a County Collection Center on a 19.63 acre \pm site. The Application included a request for a variance of Ordinance No. 2002-6, Article III, Section 4.4.4(c), Maximum Height, an amendment to the Santa Fe County Land Development Code, to allow the structure to exceed 24 feet in height; a variance of Ordinance No. 2000-01, Section 2.3.6.d.2, an amendment to the Santa Fe County Land Development Code, to allow retaining walls to exceed 10 feet in height; and a variance of the Santa Fe County Land Development Code, Ordinance No. 1996-10 (Code), Article VII, Section 3.4.1.c.1.c, No Build Areas, to allow 5 isolated disturbances of 30% slope for access roads totaling 1,313 square feet of disturbance. The CDRC, having reviewed the Application, supplemental materials, staff report, and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted, and makes the following findings of fact and conclusions of law:

1. The Applicant requests Final Development Plan approval for the Jacona Collection Center as a Community Service Facility in conformance with Ordinance No. 2010-13 Section 7, Community Service Facilities, an amendment to the Code on a 19.63 acre \pm site. Additionally, the Applicant requests three variances, a variance of Ordinance No. 2002-6, Article III, Section 4.4.4(c), Maximum Height, to allow the structure to exceed 24 feet in height; a

variance of Ordinance No. 2000-01, Section 2.3.6.d.2, to allow retaining walls to exceed 10 feet in height; and a variance of Article VII, Section, 3.4.1.c.1.c, No Build Areas, to allow 5 isolated disturbances of 30% slope for access roads totaling 1,313 square feet.

2. The property is located off of Highway 502, within the Jacona Land Grant, within Section 15, Township 19 North, Range 8 East.

3. The Jacona Land Grant property owners acquired the property by U.S. Patent on November 15, 1909. Santa Fe County holds a 25 year lease and an option to lease for an additional 25 years on 19.63 acres for use under Community Service Uses.

4. Notice requirements were met as per Article II Section 2.4.2, of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty-one days on the property, beginning on June 25, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on June 25, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners.

5. The applicable requirements under Ordinance No. 2010-13 and the Code which govern this request are:

a. Ordinance No. 2010-13 Section 7, Community Service Facilities, states, “[c]ommunity service facilities are facilities which provide service to a local community organization. These may include governmental services such as police and fire stations, elementary and secondary day care centers, schools and community centers, and churches.”

b. Ordinance No. 2010-13, Section 7.1, Standards, states:

Community service facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that:

7.1.1 The proposed facilities are necessary in order that community services may be provided for in the County;

7.1.2 The use is compatible with existing development in the area and is compatible with development permitted under the Code; and

7.1.3 A master plan and preliminary final development plan for the proposed development are approved.

c. Article V Section 7.2.2, Final Development Plan- Review, of the Code 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.

d. Ordinance No. 2002-6, Article III, Section 4.4.4(c), Maximum Height, states:

Structures shall be limited to a maximum of thirty-six (36') feet high in Major or Community Center Districts and to twenty-four (24) feet high in Neighborhood or Local Center Districts. Height is measured from any point on the upper surface of a building or structure to the natural grade or finished cut grade; whichever is lower, directly below that point. The vertical depth of fill material from the natural grade, with or without retaining walls, shall be considered as a component of the building or structure; this depth shall be included in determination of building height.

e. Ordinance No. 2000-01, Section 2.3.6.d.2 states, "... [e]ach retaining wall shall be set back a minimum of six horizontal feet (6') from face of wall to face of wall and shall be a maximum of ten feet in height..."

f. Article VII, Section, 3.4.1.c.1.c., No Build Areas, states:

Natural slopes of thirty percent (30%). Exceptions may be approved by the Code Administrator for: i. access corridors, utility corridors and landscape areas proposed on natural slopes in excess of thirty percent (30%) that disturb no more than three (3) separate areas of no more than one thousand (1,000) square feet each, provided the applicant demonstrates that no alternative development location is available...

g. Article II, Section 3, Variances, of the 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, an applicant may file a written request for a variance. A Development Review Committee may recommend to the [BCC] and the [BCC] may vary, modify or waive the requirements of the Code upon adequate proof that compliance with a Code provision at issue will result in an arbitrary and unreasonable taking of property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety.

h. Article II, Section 3.1 concludes that, “[i]n no event shall a variance...be recommended by [the] Development Review Committee nor granted by the [BCC] if by doing so the purpose of the Code would be nullified.”

i. Article II, Section 3.2 states, “[i]n no case shall any variation or modification be more than a minimum easing of the requirements.”

6. The following facts support the request for Final Development Plan: the facility will provide a community service to the County; the use is compatible with development permitted under the Code; the Application (excluding the height of the structure and retaining walls and the disturbance of 30% slopes) satisfies the submittal requirements set forth in the Code.

7. The review by the following State Agencies: New Mexico Department of Transportation (NMDOT), New Mexico Environmental Department (NMED), New Mexico Historic Preservation Department (SHPO), and the Office of the State Engineer (OSE), has established that that the Application is in compliance with all state requirements. The review by County staff has established that that the Application is in compliance with Ordinance No. 2010-13, Section 7 and Section 7.1, Community Service Facilities.

8. The Applicant asserted that the variances are needed because the height of the structure is required to provide safe and adequate service, as a Collection Center, for the general public and the employees. The height of the retaining walls is required for proper circulation of vehicles and for efficient use of the facility. The five occurrences of disturbance of slope over

thirty percent (30%) totaling 1,313 square feet is well below the square footage allowed by the code for three (3) occurrences which is allowed to total 3,000 square feet. The requested variances will have little to no visual impact to the surrounding properties as well as the public traveling along Highway 502. These variances may be considered a minimum easing of the Code.

9. At public hearing before the CDRC on July 16, 2015, staff recommended approval for a Final Development Plan to allow a facility to be utilized as a County Collection Center on 19.63 acres with three variances. The following are the conditions recommended by staff:

- 1) The Applicant shall comply with all review agency comments and conditions as per Article V, Section 7.1.3.c. Conditions shall be noted on the recorded Final Development Plan.
- 2) Final Development Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, Section 7.2.2.
- 3) Water restrictive covenants, restricting the water use to 0.25 acre-feet per year, shall be recorded along with the Final Development Plan. Meter readings shall be submitted to the County Hydrologist on an annual basis.
- 4) Construction crews shall stop work if archaeological artifacts (i.e. pottery shards, bone, flaked stone, etc.) are observed and Santa Fe County shall contact the State Historic Preservation Division.

10. Joseph Martinez, Project Manager for Santa Fe County, and Marcie Risken, Project Architect, spoke in favor of the Application and addressed all questions and concerns raised by the CDRC.

11. At the public hearing, Dave Dogruel, a lifelong resident of Nambe and Chair of the Pojoaque Valley Planning Committee, spoke in favor of the Application. He asserted that the new state-of-the-art facility will be both functional and safe. No one from the public spoke in opposition to the Application.

12. The Final Development Plan is in conformance with the County General Plan, Ordinance No. 2010-13, Community Service Facilities, and the Code.

13. Granting the variance requests will not result in conditions injurious to health or safety, will not nullify the purpose of the Code/Ordinance, and is a minimal easing of the Code/Ordinance.

WHEREFORE the County Development Review Committee of Santa Fe County hereby approves the request for Final Development Plan approval in conformance with the Code/Ordinance to allow a facility to be utilized as a County Collection Center on a 19.63 acre ± site subject to the conditions set forth in paragraph 9 above. Additionally, the CDRC recommends approval of three variances, a variance of Ordinance No. 2002-6, Article III, Section 4.4.4(c), Maximum Height, to allow the structure to exceed 24 feet in height; a variance of Ordinance No. 2000-01, Section 2.3.6.d.2, to allow retaining walls to exceed 10 feet in height; and a variance of Article VII, Section, 3.4.1.c.1.c, No Build Areas, to allow 5 isolated disturbances of 30% slope for access roads totaling 1,313 square feet. The motion to approve the Application passed by a unanimous (6-0) voice vote, with Members Katz, Martin, Anaya, Booth, Gonzales, and Lopez voting in favor of the motion.

IT IS SO ORDERED

This Order was approved by the County Development Review Committee of Santa Fe County on this ___ day of _____, 2015

The County Development Review Committee of Santa Fe County

By: _____
Frank Katz, Chairperson

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer, County Attorney

without a variance. The SLDC has a provision that if the County is not providing sewer services within the next five years the landowner developing a property in that area can be held harmless from the mandate of having to hook up to a community sewer line within 200 feet.

Ms. Stokes said the proposed changes attest to the fact it is unfair to require hooking up to utilities if the area does not have the services available.

Ms. Stokes identified the two buildings on her lot and said the aerial photo is out of date. One of the buildings that appears was a shop and is no longer there.

Returning to the microphone, Mr. Mee confirmed Ms. Stokes' statement that Agua Fria is working to update the community plan. Mr. Mee said he has been working some 36 years planning for the area and mentioned a resident that began asking for sewer connection 56 years ago.

Mr. Mee said Ms. Stokes' property contains some rolling hills which further exacerbates the cost of utilities. For a private individual to install utility lines is a very difficult, complex and time consuming task. He said the Association supports this variance.

Mr. Mee said the timetable for the inclusion of the Agua Fria Village plan, which was approved by the BCC, within the County's Sustainable Growth Management Plan is at this point an unknown.

In response to Member Anaya's question, Mr. Archuleta said the variance stays with the property.

Member Anaya moved to approve CDRC V 15-5160 with the staff-imposed condition. Member Booth seconded and the motion passed by unanimous voice vote.

- C. CDRC CASE # V/FDP 15-5170 Jacona Transfer Station Santa Fe County, Applicant, requests Final Development Plan approval to allow a facility to be utilized as a County Collection Center on 19.63 acres +. The Applicant's request also includes a variance of Ordinance No. 2002-6, Article III, Section 4.4.4(c) (Maximum Height) to allow the structure to exceed 24 feet in height, a variance of Ordinance No. 2000-01, Section 2.3.6.d.2, to allow retaining walls to exceed 10 feet in height and a variance of Article VII, Section, 3.4.1.1.c.1 (No Build Areas) to allow 5 isolated disturbances of 30 percent slope for access roads totaling 1,313 square feet of disturbance. The property is located off of Highway 502, within the Jacona Land Grant, within Section 15, Township 19 North, Range 8 East, (Commission District 1) [Exhibit 1: Santa Fe County Fire Department -Prevention Division review]**

Jose Larrañaga, case manager, presented the staff report as follows:

“The Applicant is requesting Final Development Plan approval for the Jacona Collection Center as a Community Service Facility in conformance with Ordinance No. 2010-13 § 7, Community Service Facilities and Santa Fe County Ordinance No. 1996-10, the Santa Fe County Land Development Code. The Center will consist of a main building which will be utilized for waste unloading and recycling and a sheltered area for re-use items for a combined roofed area of 9,623 square feet, in addition to a flat pad for green waste and a flat pad for scrap metal and tires. The Jacona Collection Center will be a County-owned and operated facility.

“Ordinance No. 2010-13 § 7, Community Service Facilities, states, Community service facilities are facilities which provide service to a local community organization. These may include governmental services such as police and fire stations, elementary and secondary day care centers, schools and community centers, and churches. Ordinance No. 2010-13 § 7.1, Standards, states, Community service facilities are allowed anywhere in the County, provided all requirements of the Code are met.

“In order for the facility to function, the tunnel where trash collects in trailers must be at least 16 feet below the collection/tip floor in the main facility, and the public areas need to be at least 2'-8" above the tip floor. The tunnel needs 14 feet of clear space above the tip floor as well. Because of these functional considerations, the height of the facility requires an exception. The overall height from lowest grade to highest point is 41 feet 9 inches. However, the ridge of the main facility is only 23'-1" above finish grade. The ridge of the tunnel is 38' above grade.

“Other mitigating factors: The design incorporates several features to lessen the appearance of height. The tunnel floor is 10' below grade so that it is not seen from Highway 502. The slope of the roof is 2:12 so although the visible height above grade is 28' at the ridge it's only 22'-3" and 19'-3" at the eaves. The mass of the facility is broken up into four volumes; an open-air cover echoes the roof pitches and breaks up the mass of the tunnel.

“Staff Response: The height of the structure is necessary in order for the facility to function in a safe and efficient manner. The height is required to allow the headroom required for the equipment to be used in the daily operation of the facility. The Applicant has designed the facility, utilizing the natural topography, so that the height will be a minimal visual impact on the public traveling along Highway 502.

“Given the function requirements of the facility, some retaining walls are required to be built over ten feet to allow waste to be pushed into trailers from the green waste area and the main facility, 18'-8" high retaining wall, below the public level. Where possible the retaining walls will be designed with a series of walls set back from each other/face of wall to face of wall.

“Staff Response, The facility is designed to handle a large amount of waste and large trucks and trailers will be utilized to haul off the waste. The facility is designed for these trucks/trailers to be positioned below the main facility and still be able to circulate through the facility and not impede the traffic created by the public. The design creates an efficient and safe facility and utilizes the bulk of the structure and the natural topography to shield the mass of the retaining walls from any possible visual impact to Highway 502.

“The Applicant states that the project site is relatively flat, however, the topography of the areas surrounding the site is challenging with hills and arroyos, making access an issue. The main facility is located on slopes of less than 20 percent and is sited to preserve natural features such as trees and hills. Roads were designed to avoid arroyos and hills as much as possible, winding around the hill that screens the collection facility site from Highway 502. Some grading on 30 percent slopes is inevitable due to the topography of the site. The location of the entrance was dictated by the features of Highway 502, and it enters the site at a steep embankment. The road enters on a man-made area greater than 30 percent slopes, 1,874 square feet. An exception is required because there are more than three instances of disturbance of greater than 30 percent natural slopes. There are five instances, however, these are all small and represent only 1,313 square feet, less than half of the 3000 square feet allowed. The disturbance is only on areas for access roads and not for any buildings.

“Staff Response: The disturbance of the five separate occurrences of 30 percent slopes is minimal as the square footage of those combined disturbances totals 1,313 square feet. The disturbance of the 30 percent slopes is necessary to create an access that is safe not only for the general public utilizing the facility and the employees, but also creates a safe and adequate access for emergency vehicles. The disturbance of the 30 percent slopes will have a minimal visual impact from Highway 502.”

Mr. Larrañaga said 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 Final Development Plan: the facility will provide a community service to the County; the use is compatible with development permitted under the Code; the Application, excluding the height of the structure and retaining walls and the disturbance of 30 percent slopes, satisfies the submittal requirements set forth in the Code.

The review comments from State Agencies and County staff have established findings that this Application, for Final Development Plan, excluding the height of the structure and retaining walls and the disturbance of 30 percent slopes, is in compliance with state requirements and the County Code.

Mr. Larrañaga said staff reviewed the requests for variances and finds the information provided supports the granting of the variances as a minimum easing of the Code and recommends granting Final Development Plan approval to allow a facility to be

utilized as a County Collection Center on 19.63 acres, subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the recorded Final Development Plan.
2. Final Development Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 7.2.2.
3. Water restrictive covenants, restricting the water use to 0.25 acre-feet per year, shall be recorded along with the Final Development Plan. Meter readings shall be submitted to the County Hydrologist on an annual basis.
4. Construction crews shall stop work if archaeological artifacts (i.e. pottery shards, bone, flaked stone, etc.) are observed and Santa Fe County shall contact the State Historic Preservation Division.

Mr. Larrañaga said staff requests that the CDRC make a separate motion on the variance requests. The request for a variance of the height requirements may be considered a minimal easing due to: the height required for the structure is designed to provide safe and adequate service, as a collection center, for the general public and the employees; the height of the retaining walls is required for proper circulation of vehicles and for efficient use of the facility; the disturbance of 1,313 square feet of 30 percent slopes is well below what is allowed by the Code for three occurrences. The CDRC may recommend to the BCC to vary, modify or waive the requirements set forth in Ordinance No. 2002-6, Article III, Section 4.4.4(c), Maximum Height, to allow the structure to exceed 24 feet in height, a variance of Ordinance No. 2000-01, Section 2.3.6.d.2, to allow retaining walls to exceed 10 feet in height and a variance of Article VII, Section, 3.4.1.1.c.1 (No Build Areas) to allow 5 isolated disturbances of 30 percent slope for access roads totaling 1,313 square feet of disturbance.

Mr. Larrañaga said the property is owned by the Jacona Land Grant and the County has secured a lease for the 19 acres.

Member Gonzales asked whether there was a transfer station in the region now and Mr. Larrañaga suggested the applicant could better address those issues. This will be a transfer station so the waste will be hauled a permanent landfill.

Chair Katz requested the applicant address visibility of the facility from the highway.

Joseph Martinez, project manager for Santa Fe County, said the existing transfer station is east of the proposed site on leased pueblo land. While the existing facility is functional, the new facility which is just west of Pojoaque High School, will be indoors and reduce airborne garbage.

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Duly sworn, Marcie Riskin, project architect, said several things have been done to integrate the facility into the landscape. The facility is barn-like with a 2 and 2 slope and dropped down. The facility is two levels with a public level and a large truck/trailer level. To mitigate the height the trailer level has been dropped 10 feet into the ground. The mass was broken up into different elevations and tends to lower in height and blends in with the landscape.

Duly sworn, David Dogruel, lifelong resident of Nambe said he recently served as the chair of the Pojoaque Valley Planning Committee and is a volunteer firefighter and EMT with Pojoaque Valley Fire District.

Mr. Dogruel said he fully supports the relocation of the Jacona transfer station from the pueblo land. The reasons he supports the relocation include that many community members are having facing difficulties accessing their properties due to tribal jurisdiction issues and the benefits of having a new state-of-the-art facility. The old transfer facility was not enclosed and trash polluted the area. The new facility will be functional and safe.

Mr. Dogruel noted the land grant is not within the traditional community boundary and thus not within the jurisdiction of the community plan. However, the land grant has been identified in the community plan as an appropriate location for community services. The 20-acre tract the transfer station is proposed to be located on is also appropriate for a community center, a fire substation, a sheriff's substation, a community recreation facility, a community garden and a multitude of other possibilities.

Deputy County Manager Tony Flores said the existing transfer station is dilapidated and it would not be possible to renovate to the state-of-the-art facility being proposed.

Member Anaya asked whether the 10,000-gallon holding tank was sufficient for the facility. Fire Marshal Buster Patty said it is because there are fire station within the area that would provide additional water.

Member Booth moved to approve CDRC Case V/FDP 15-5170, final development plan, with the imposition of the four staff conditions. Member Martin seconded. The motion passed by unanimous voice vote.

Regarding CDRC Case V/FDP 15-5170, Member Martin moved to approve the variances: allow the structure to exceed 24 feet in height, allow the retaining walls to exceed 10 feet in height and a variance of Article 7, Section 3.4.1.1.c.1 to allow five isolated disturbances of 30 percent slope of access roads totaling 1,313 square feet of disturbance. Member Booth seconded and the motion passed by unanimous voice vote.

SFC CLERK RECORDED 08/25/2015