

DRAFT
subject to approval

MINUTES OF THE

SANTA FE COUNTY

DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

February 20, 2014

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

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

Members Present:

Dan Drobnis, Chair
Susan Martin, Vice Chair
Phil Anaya
Bette Booth
Louie Gonzales
Frank Katz

Member(s) Excused:

Manuel Roybal

Staff Present:

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

IV. APPROVAL OF AGENDA

Ms. Lucero indicated that the first case under New Business, #A 13-5320, the Maurilio and Amanda Calderon Appeal, was tabled until next month. Case #ZMXT 13-5360, Buena Vista Estates, Inc. and Rockology, LLC had been tabled earlier.

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

V. APPROVAL OF MINUTES: January 16, 2014

Member Katz moved to approve the January minutes as submitted. Member Martin seconded and the motion passed by unanimous voice vote.

VI. CONSENT CALENDAR

Findings of Fact:

A. CDRC CASE # A 13-5320 Janet Eigner Appeal. Janet Eigner, Applicant, Appealed the Land Use Administrator's Decision to Approve a Request for a Home Occupation Business Registration Allowing a Gunsmith Business Which Conducts Background Checks, Sells, Services and Repairs Firearms. The Property is Located At 74 Verano Loop, in the Eldorado Subdivision, Within Section 7, Township 15 North, Range 10 East, (Commission District 5) John M. Salazar, Case Manager (Denied 6-0)

Member Martin moved to approve the findings of fact. Member Katz seconded and the motion carried unanimously. [6-0]

VII. NEW BUSINESS

B. CDRC CASE #A 14-5040 Rachael Tapia Appeal. Rachael Tapia, Applicant, is appealing the Land Use Administrator's decision to deny a home occupation business registration for a pet crematorium on 2.5 acres. The property is located at 40 Vista Del Monte, within the Valle Lindo subdivision, within Section 25, Township 16 North, Range 8 East (Commission District 5) [Exhibit 1: Letter of Opposition and Petition]

Mr. Salazar read the case caption and gave the following staff report:

"In August of 2007, the Applicant submitted an application for an amendment to her existing home occupation for a home office. The Applicant requested permission to install an incinerator on her property in order to expand into a pet cremation business. Currently her business is to provide cremation services for pets where she picks up deceased animals and takes them directly to the crematorium. The cremation process takes place at the Santa Fe Animal Shelter.

"The Applicant proposed this use in order to provide clients a more personal experience with their deceased pets since it is currently possible that the client could receive not only the remains of their pet but also the remains of other animals as the Santa Fe Animal Shelter uses a community kiln in order to cremate

animals. The Land Use Administrator denied the Applicant's request. The Applicant appealed the decision to the County Development Review Committee and the Board of County Commissioners. The CDRC and BCC upheld the Land Use Administrator's decision to deny the request. The Applicant appealed to the First Judicial District Court of New Mexico in which the BCC decision was affirmed by Judge Daniel A. Sanchez. The standards upon which Judge Sanchez made his decision were based upon criteria from the Extraterritorial Zoning Ordinance which was repealed in 2009. Since these standards no longer apply, the Applicant is afforded the right to reapply under the Santa Fe County Land Development Code.

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

Mr. Salazar stated staff recommends that the CDRC uphold the Land Use Administrator's decision. Under the SLDC, the use of a crematorium as a home occupation would be prohibited.

Member Katz asked why isn't the CDRC bound by the district court decision?

Ms. Brown stated the court's decision was based on standards set forth in the EZC which are no longer in place. Member Katz asked how the Land Development Code standards differed. Mr. Salazar said those sections referring to home occupations do not appear in the code now in use. Land Use staff offered to research the matter.

Karl Sommer, appearing as counsel for the applicant stated she currently has a home occupation trapping wildlife for relocation the wild; she wants to add a service cremating dead pets. He said there are no emissions, noise, or additional traffic involved in the proposed use. She is the only employee. The only change would be a modification to the house which will not make it out of character in the neighborhood. He noted that a nearby property has porta-potty storage, a far more intrusive use.

Duly sworn, Rachel Tapia described her current business and the amendment plan. Mr. Sommer stressed there was minimal difference in the impact. He said he believed the application was denied previously because some people are "creeped out" by the idea. He pointed out human creations are performed in town, on Luisa Street.

Member Katz asked if people would be coming to the property to bring or pick up their pets. Mr. Sommer said they would not.

Member Anaya asked if the trapped animals were stored on her property and Ms. Tapia said they were relocated immediately.

Member Booth sought and received verification there would be no emissions and no smoke. Mr. Sommer said the Air Quality Bureau has no regulations for this equipment since there is no smell or particulate emissions.

In response to questions from Member Gonzales. Ms. Tapia said she has been in business since 1992 and at this location since 2000. She's had no complaints from the neighbors. She anticipates there will be around 70 cremations per year and only of small animals.

Member Katz asked Mr. Sommer about the difference between the current application and previous request. Mr. Sommer said it was his understanding that the previous attorney failed to file a notice of appeal pursuant to Rule 74 and instead filed a complaint. He said it was dismissed due to the misfiling. Ms. Brown noted the order addresses the land use standards it was applying and a misfiling is not reflected in the court order.

Member Gonzales asked if the current home occupation is in good standing and only an amendment is requested. Mr. Salazar said the original request was for a home occupation office and this is a request to amend that. Mr. Sommer said she is required to comply with other County requirements covering square footage, number of employees, etc.

Member Araya asked if she had a fireplace at her house and Ms. Tapia said she has a wood-burning stove and two fireplaces, and the neighbors also have stoves and fireplaces.

Mr. Salazar referred to the final order, #7, which quotes the Extraterritorial Zoning Ordinance, a more detailed exposition or requirements.

There was no one from the public wishing to speak about this issue.

Member Katz moved to grant the appeal and overturn the previous decision, with staff recommended conditions, noting the findings of fact relied on erroneous information. Member Booth seconded and the motion carried by unanimous 6-0 voice vote.

VII. C. CDRC CASE # MIS 13-5390 Louie Rael Sr. Exemption. Louie Rael Sr. and Louie Rael Jr., Applicants, request an Exemption for five year holding between Family Transfer Applications, Section 6.14.4 of Ordinance No. 2002-9, to allow a Small Lot Family Transfer Land Division of 2 lots consisting of 2.54 and 2.56 acres into four lots. The property is located at 34A Camino Montoya and 53B Paseo Martinez, within the Traditional Historic Community of La Cienega/La Cieneguilla, within Section 20 & 29 Township 16 North, Range 8 East, (Commission District 3) [Exhibit 2: Plat]

John Lovato read the case caption and gave the following staff report:

“The Applicants intend to divide one 2.54-acre lot into two 1.27 acre lots, and one 2.56 acre lot into two 1.28 acre lots. Louie Rael Sr. has owned the subject property for over forty years. In 2010, a Family Transfer Land Division was approved (4 lots) in which then they transferred parcels to their daughters Valarie Rael (Tract 6I), Tammy Rael (Tract 6K), and son Louie Rael Jr. (Tract 6J) and also retained a parcel for Louie Rael Sr. (Tract 6H)

“The Applicants now wish to divide tracts 6H and 6J in order to give property to their adult child and grandchild. The Applicant Louie Rael Sr. wishes to complete this final family transfer because of poor health and limited income available.

“Section 6.14.3 of Ordinance No. 2002-9 La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District states, ‘Any Applicant for a Family Transfer must demonstrate a minimum of five years direct ownership of the lot(s) since the last Land Division(s) or sale or Transfer of the property’. The 2.5-acre lots which the Applicants intend to divide further and transfer to family members have been in their divided state since 2010. However, they have not been held by the Applicants in their divided state for a five year period. Therefore, they are requesting an exception to the five year holding period. The lots are of sufficient size to allow for their division into lots of at least 1.25 acres through the Small Lot Family Transfer Land Division process with signed and recorded water restrictions.”

Mr. Lovato gave the following staff recommendation: Ordinance 2002-9 states, “Any Applicant for a family transfer or small lot family transfer must demonstrate a minimum of five years direct ownership of lot(s) since the last land division(s) or sale of transfer property.” Therefore staff recommends denial of the Exemption for Five-Year Holding between Family Transfer Applications. If the decision of the CDRC is to approve the Applicants request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk’s Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (Article III, § 2.4.2).
3. The Applicants shall comply with all Fire Prevention Division requirements at time of Plat Review (As per 1997 Fire Code and NFPA Life Safety Code).

Member Gonzales asked if the property was in a subdivision and Mr. Lovato said it was part of a land division among large lots.

Richard Chatroop, under oath, said the Rael family originally owned all the land near the Racetrack Subdivision and the airport and this has been divided and passed down over the years. He said Exhibit 6 in the packet shows over 20 lots of similar size in the area.

Member Katz asked why there was urgency in not waiting for the five-year time period. Mr. Chatroop said Mr. Rael is aging and in poor health, he has trouble paying all the taxes, and this type of small-lot family transfers will not be allowed under the new land use code.

Citing similar circumstances in his family, Member Anaya ascertained that there was no conflict of interest.

Member Booth noted a reference to the approval required from the La Cienega Development Review Committee. Mr. Lovato said that committee was disbanded.

Member Gonzales asked if this was in the traditional community and Mr. Chatroop said he believed it was. Mr. Lovato said it is within the traditional historic community and the minimum lot size is 10 acres. It can be divided further with water restrictions and under family transfer. With the holding period of five years met the division could be approved administratively.

Land Use Administrator Penny Ellis-Green stated they are currently in the process of approving the zoning map which she anticipated would take four to six months. At that point the SLDC will go into effect.

Member Gonzales established the five years will expire in September 2015. Ms. Ellis-Green explained that family transfers will still be allowed but lots will not be allowed at half the minimum size. All lots will be zoned and have a minimum lot size; this has not yet occurred on this tract.

Duly sworn, Katherine Becker, a resident of La Cieneguilla and member of the La Cienega Valley Association. She referred to a letter from the LCVA [Exhibit 3] which asks that the request be denied in order to preserve the rural nature of the area and conserve water. The standard acreage in the area is 2.5. There are no extraordinary circumstances of hardship to warrant an exemption. She suggested the same aims could be achieved through a codicil.

Under oath, Gabriel Martinez who lives directly across from the property, voiced his concern that the .6 mile road, which he personally maintains, will suffer from the additional traffic. He wondered if the Rael's would be willing to help with maintenance. He was also concerned with water and whether the homes would be stick-built. He said he tried to buy the property in the past.

Member Anaya asked if there were covenants in the area. Mr. Martinez said the situation is vague. There are currently four properties served by the road and if four more were added he would think about forming a homeowners association.

Member Gonzales asked if a condition could be imposed requiring help with road maintenance. Ms. Brown stated private parties can make agreements between themselves. Mr. Lovato pointed out that offsite road improvements are exempt in small-lot family transfers.

Citing groundwater concerns, Member Gonzales also asked if they could be forced to do shared wells. Ms. Lucero said La Cienega watershed conditions encourages sharing of wells, and when the County system is within 200 feet they would be required to hook up.

Member Martin asked if there was a time frame when community water would be available. Ms. Lucero said she did not know but when the time comes the Utilities Department will coordinate with Land Use.

Mr. Chatroop clarified that only two of the lots would have access off Mr. Martinez' road; the other two would use Camino Montoya. There is one existing well and they intend to share.

Member Katz said the issue is one of density, not sharing, since the amount of water used will be the same. He saw no reason for an exception in this case and the only motivation seemed to be enhancing the value of the property.

Member Anaya move to approve the exception with staff conditions, based on common sense. Member Gonzales seconded. The vote tied 3-3 with Members Anaya, Booth and Gonzales voting in favor and Members Drobnis, Katz and Martin voting again. A vote will be taken when the full committee is present to break the tie.

VII. D. CDRC CASE # V 13-5400 Tod Amon Variance. Tod Amon, Applicant, requests a variance of Article V, Section 8.1.3 (Legal Access) of the Land Development Code to allow a road that does not have all weather access and does not meet the required 20' width to access a driveway to a property consisting of 18.46 acres. The property is located at 29 Puertecito Road, within the vicinity of Golden, within Section 19, Township 12 North, Range 7 East (Commission District 3)

Mr. Lovato gave the staff report as follows:

“The Applicant requests a variance to allow a driveway to access a buildable site on 18.46 acres. The access is located off of Puertecito Road which is a private road that does not meet County Road standards of having 20-foot wide driving surface and it crosses a drainage way through a low water dirt surface. Puertecito

Road ranges from 15'-20' in width throughout the length of the road, is approximately 1 mile in length, and enters Sandoval County.

"The Applicant states he has contacted several Professional Engineers and has received quotes for costs of construction of a crossing and states he cannot afford to construct a bridge or place culverts for the crossing. The lowest quote for this project was \$116,000 and the highest was \$225,000.

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

Mr. Lovato said staff was recommending denial of a variance from Article V, Section 8.1.3 (Legal Access) to construct a driveway from Puertecito Road which does not have adequate drainage control and does not have 20-foot driving surface. If the decision of the CDRC is to recommend approval of the Applicants request for a variance, staff recommends imposition of the following conditions:

1. The Applicant must obtain a development permit from the Building and Development Services Department for the driveway and residence. (As per Article II, § 2).
2. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application (As per 1997 Fire Code and 1997 Life Safety Code).

Member Katz noted that the map in the packet shows the two alternate accesses going over the same arroyo. Mr. Lovato said the wording is not correct. He added six miles go through Sandoval County. Chair Drobnis pointed out that the picture of the mailboxes implies many people live off the road.

Duly sworn, Tod Amon indicated unusual topography is involved. Puertecito Road is one of the few roads that connect Highway 14 with I-25 which makes it a major road, although it is rough. He referred to a letter in the packet from Jason Clark, Road Manager for Sandoval County which states that the part of Puertecito Road in Sandoval County is maintained by them; only the last quarter mile is in Santa Fe County. Sandoval County occasionally maintains that section as well as a courtesy. He explained that one of the possible crossings shown on the map would require a bridge or very large structure. An estimate of cost starts at \$116,000. He said he would do his best to maintain his part of the road.

Member Booth asked if his driveway would be up to County standards and Mr. Amon said it would. He added the road has been in existence since the 1800s.

Member Gonzales asked how large his property was and Mr. Amon replied 18 ½ acres. Most of his property is north of the arroyo and he needs to access it somehow. This is the first hurdle before building.

There was no one from the public wishing to speak.

Based on the testimony heard Member Katz moved to approve Case #C 13-5400 with two staff conditions. He noted many people used the road. Member Anaya seconded and the motion carried by 6-0 voice vote.

VII. E. CDRC CASE # V 14-5020 Dennis & Lynne Comeau Variance. Dennis and Lynne Comeau, Applicants, request for a variance of Article VII, Section 3.4.1.c.1.c.i (No-Build areas) of the Land Development Code, to allow 30 percent slope disturbance for an existing driveway to access a buildable area on a 66.52-acre parcel. The property is located at 191 County Road 74 in the vicinity of Tesuque, within Section 20, Township 18 North, Range 10 East, (Commission District 1)

Mr. Lovato read the caption and gave the following staff report:

“The Applicants request a variance to allow disturbance of 30 percent slope for a driveway to access a parcel totaling 66.52 acres. The driveway has been previously cut and was not permitted through the Santa Fe County Building and Development Services Department. The existing access contains grades greater than 11 percent which exceeds access requirements for Fire and Emergency vehicles.

“The previously cut driveway requires a variance of Article VII, § 3.4.1.c.1.c.i (No Build areas) to allow 30 percent slope disturbance. The first occurrence is 28,572 square feet, and the second occurrence is 2,568 square feet. The total combined disturbance is 31,140 square feet. The Land Development Code allows up to three isolated occurrences each not to exceed 1,000 square feet for access.

“The Applicants state the driveway was created before the purchase of the property, and they have no other route to the only buildable site on the property. Therefore, they are asking for a variance to allow the disturbance of 30% slope. Staff has confirmed that this is the only buildable site on the property. The driveway was cut without approved plans. The Applicant has submitted plans sealed by a Professional Engineer that identify a total of 31,140 square feet of slope disturbance with 443 linear feet of retaining wall.

“Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the request meets the intent of the variance criteria of the Code, due to unusual topography of the site and the limited buildable area.”

Mr. Lovato indicated Staff acknowledges this request does not meet Code requirements. This driveway accesses the only buildable area on the property. The cut was done prior to the Applicants owning the property. Staff feels this could be considered an easing of code requirements due to the driveway being previously cut. The Applicant

proposes to make the driveway more accessible for emergency vehicles, meeting life safety concerns, and fire code requirements. It also meets the intent of the Code criteria for variances due to the unusual topography of the site. Therefore, Staff recommends approval of the Applicant's request.

If the decision of the CDRC is to recommend approval of the Applicant's request for a variance, staff recommends imposition of the following conditions:

1. The Applicant must obtain a development permit from the Building and Development Services Department for construction of the driveway. (As per Article II, § 2).
2. The Applicant shall submit a grading plan. Any further disturbance shall be marked before any grading is done. (As per Article VII, § 3.4.3.c).
3. ~~The driveway grade shall not exceed 11%. (As Per Article V, § 8.1.3 (Legal Aeeess) [Removed at staff report.]~~
4. The Applicant shall comply with all Fire Prevention Division requirements at time of development application (As per 1997 Fire Code and 1997 Life Safety Code).

Member Katz noted that since there is only one buildable site, denial of this variance could constitute a taking. Ms. Brown said that was a nuanced legal determination but it was a possibility.

Member Booth asked for clarification on the grade percentage allowed for the driveway. Mr. Lovato said up to 15 percent is allowed and this driveway has a maximum of 13 percent. She asked if the people who created the driveway were fined and Mr. Lovato said they were not. The situation did not become clear into a residence permit was requested.

Deb Short, under oath and the builder for the property, stated the problem was discovered in the course of permitting. They have worked to comply with all the conditions recommended by Land Use and the Fire Marshal. The house will be sprinklered and there are staging and passing areas for emergency vehicles. They are trying to avoid disturbing any more of the land.

Member Gonzales ascertained that the lot was 66 acres and there was no plan to subdivide further. Ms. Short said there is very little buildable land. The have a private well.

Chair Drobnis asked if there would be additional grading and retaining walls. Ms. Short said there would be.

Fire Marshal Patty indicated that the property is very steep and the route they anticipate appears to be the only possible access. It is impossible to get the slope less than 13 percent.

Henry Carey, duly sworn, provided maps and supporting materials. [Exhibit 4] He said he owns the property to the east and demonstrated his easement, which goes along the northern boundary on the map. The road as built does not follow the easement as drawn. His concern was that the Comeau's driveway would form a stair-step with his planned driveway and in places intersect with it. Some of the slopes are at around 40 percent. He asked that there be an accurate survey and an engineering study of the driveways being so close to one another. He has spoken with Mr. Comeau and he is open to a common solution.

Member Katz asked how Mr. Carey intends to build his driveway. He said he would have the same problems. The easement dates back to the time of the Pacheco Family. The land under the easement belongs to the Comeau's.

Member Gonzales asked what the effect of the new code would be. Mr. Lovato said there would be minimal or no difference.

Duly sworn, Engineer Morey Walker used a map to show the difficulties involved. The Comeau property is much closer to the road so they have to start the slope sooner. A shared driveway would require an additional variance since it would have to be 20 feet wide instead of 14 feet and disturb more slopes.

Chair Drobnis asked if they would be willing to delay a month in order to work for a common solution. Ms. Short said they've already delayed three months.

Mr. Carey expressed his concern that he would be prevented from building his driveway in the future.

Member Booth asked if they were ones who put the driveway in originally. Mr. Walker said they were not but they're attempting to fix it. Member Booth said she didn't want to encourage people to put in illegal roads. Mr. Walker said his clients were unaware of the problems when they purchased the property. Ms. Brown said she was unaware of any effective remedy against the people who originally put in the driveway at this point.

Mr. Walker explained the grading they were planning.

There was no one else from the public wishing to speak.

Member Katz moved to postpone the case for a month in order to allow a consolidation of the two plans to minimize slope disturbance. Member Booth seconded and to motion carried 4-2 with Members Anaya and Gonzales voting against.

Ms. Lucero said the case would be placed on next month's agenda.

VII. F. CDRC CASE # V 14-5000 Lee Pack Variance. Lee Pack, Applicant, requests a variance of Article V, § 8.1.3 (Legal Access) and Article V, § 8.2.1c (Local Roads) of the Land Development Code to allow the construction of a Residence on 2.5 acres. Both roads that service the property (Old Buckman Road and Kalitaya Way) do not meet the specifications of local lane, place or cul-de-sac roads and do not have adequate drainage control necessary to insure adequate access for emergency vehicles. The property is located at 111 Kalitaya Way, off Old Buckman Road, within Section 31, Township 19 North, Range 8 East, (Commission District 1).

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

“The subject property is part of a subdivision created in the 1940’s with the US Government’s “Small Parcel Act” which assisted veterans in acquiring their own property. The property has a Land Patent from the US Government dated from 1962, and is recognized as a legal lot of record.

“The property is accessed by Old Buckman Road which is a County maintained road on BLM Land and Kalitaya Way which is a public road on BLM Land. The portion of Old Buckman Road that services the property is approximately nine miles in length and ranges from 20 to 24 feet in width and is a dirt/sand driving surface. The portion of Kalitaya Way that services the property is approximately one mile in length and ranges from 8 to 10 feet in width and is a dirt driving surface. Both Old Buckman Road and Kalitaya Way do not meet the specifications of local lane, place or cul-de-sac roads, which require two ten-foot driving lanes and six inches of basecourse. Old Buckman Road and Kalitaya Way do not have adequate drainage control necessary to insure adequate access for emergency vehicles.

“The Applicant states he is not in a position to upgrade nine miles of Old Buckman Road to County standards, nor the 1 mile of Kalitaya Way. The Applicant also states he and another property owner in the area have had some discussions on improving Kalitaya Way and are intending to do some light tractor work, but cannot upgrade the road to County standards.

“The Applicant intends to construct a residence of all metal construction, fiberglass and drywall. No wood except for cabinetry, handrails etc. The Applicant may also be required to incorporate certain items into his building plans to substantially enhance the protection against fire danger. These improvements may include a turnaround on the property, a water storage tank, sprinkler system, a vegetation management plan, and compliance with the Urban Wildland Interface Code for building materials for any proposed structures on the property, and that’s to be determined by the Fire Prevention Division.

“On May 14, 2013, the BCC granted a variance for Patrick Christopher and Marga Friberg which was CDRC Case # V 13-5050, for the construction of a residence on property totaling 15.3 acres which received access from these same roads.”

Mr. Dalton stated staff was recommending Denial of a variance from Article V, § 8.1.3 (Legal Access) and Article V, § 8.2.1c (Local Roads) of the Land Development Code. If the decision of the CDRC is to recommend approval of the Applicant's request for variances, staff recommends imposition of the following conditions:

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-foot per year. A water meter shall be installed for the proposed home. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the construction of the residence. (As per Article II, § 2).
3. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application (As per 1997 Fire Code and 1997 Life Safety Code).

Applicant Lee Pack was placed under oath and stated he purchased 2.5 acres one mile off Old Buckman Road, which is used to access pumping stations for the City's water supply. Upgrading nine miles of Old Buckman is beyond his capacity, although he and another owner intend to do some light tractor work. He will have a metal house, a 5,000-gallon water tank. The home will be solarized and off the grid.

Member Katz asked if he purchased the property from Mr. Christopher and Mr. Pack said he did and it is closer in than Mr. Christopher's property.

Duly sworn, Patrick Christopher, owner of the neighboring property, stated Mr. Pack has lived in Alaska and understands the rigors of living far out. He has sensible ideas for the property and he would be happy to have him as a neighbor.

Member Anaya asked if the Christopher case was recommended for denial by the CDRC and Mr. Dalton said it was, but it was approved by the BCC.

Member Katz moved to approve Case #V 14-5400 with staff conditions. Member Anaya seconded the motion passed by unanimous [6-0] voice vote.

[The Committee recessed from 6:15 to 6:25.]

VII. G. CDRC CASE #S 12-5451 Cielo Colorado Estates Preliminary Development Plan, Pat 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 (Stormwater Prevention and Stormwater Management) to allowing access through a 100-year floodplain without an all-weather crossing. The property is located on the east side of US 285, off Camino Acote, within Sections 20, 21 and 22, Township 15 North, Range 10 East (Commission District 4)

CDRC CASE #S 12-5451 Cielo Colorado Estates Preliminary Development Plan, Pat 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 (Stormwater Prevention and Stormwater Management) to allowing access through a 100-year floodplain without an all-weather crossing. The property is located on the east side of US 285, off Camino Acote, within Sections 20, 21 and 22, Township 15 North, Range 10 East (Commission District 4)

Vicki Lucero read the caption and gave the staff report.

“On July 18, 2013, the County Development Review Committee recommended approval of the Applicant’s request for Master Plan approval for 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 for Master Plan approval 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 (Flood Prevention and Stormwater Management), Section 4.2, to allow for access to the subdivision through an existing road that crosses over a FEMA designated floodplain.

“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 rain storms. 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 a letter, 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 have 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.”

Ms. Lucero gave the staff recommendation as follows: The Applicant has submitted an analysis and calculations prepared by a Professional Engineer which addresses the existing 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. Staff recommends approval of the variance based on the Engineer’s report, reviewing agency comments, and a site visit conducted by staff.

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.

Member Booth asked if it was general practice that an outside engineer makes a ruling on something like this, rather than a County engineer, and is that engineer liable for the decision. Ms. Lucero said the applicant is responsible for hiring experts to do various required reports. Ms. Brown said this is a certified professional engineer and has the necessary qualifications.

Agent Jim Siebert was placed under oath and stated the professional engineer in this case is Jorge Gonzales who has been a civil engineer for 30 years and is an expert in drainage issues. The study in question has been done on two occasions with the same conclusions. The master plan was approved by the CDR and the BCC. He used a map to show the drainage crossing vis-à-vis the road and a nearby subdivision that has been in existence for 20 years with no damage or problems. The Fire Department is in agreement with the variance.

Member Gonzales asked how many lots have been using the crossing and Mr. Siebert said there are 24 close in and ten more beyond that who use the crossing daily.

Member Anaya pointed out that Jorge Gonzales' stamp of approval appears on many of the plans in the packet.

Fire Marshal Patty had nothing to add.

Duly sworn, Damian Gessler from the neighboring subdivision endorsed the project, adding the engineers and the developers have come a long way in making a project that fits well with the character of the area. He confirmed for Member Gonzales that there have been no problems with the crossing.

Gregory Hart, under oath and president of the Lot 15-A-2 Homeowners Association, stated he has lived there for 20 years and there has never been any problem with the road. He was in full support of the variance.

There was no one else from the public wishing to speak.

Member Martin noted that the State Engineer gave a negative opinion on water supply, which is a concern to her.

Member Anaya moved to approve Case #S/V 12-5451 with staff recommendations. Member Booth seconded and the motion carried unanimously 6-0.

I. PETITIONS FROM THE FLOOR

None were presented

J. COMMUNICATIONS FROM THE COMMITTEE

Member Gonzales asked what should be done about the cases in the packet that will be presented at meetings in the future. Ms. Lucero said staff can recycle those.

K. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

L. COMMUNICATIONS FROM STAFF

The next meeting was scheduled for March 20, 2014.

M. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Drobnis declared this meeting adjourned at approximately 6:45 p.m.

Approved by:

Dan Drobnis, Chair
CDRC

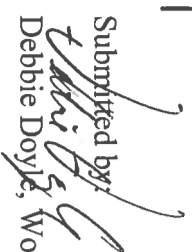
ATTEST TO:

COUNTY CLERK

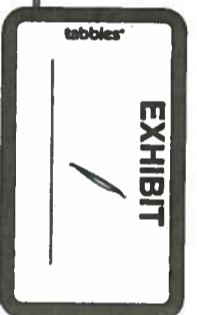
Before me, this ____ day of _____, 2014.

My Commission Expires: _____

Notary Public

Submitted by: 
Debbie Doyle, Wordswork

John M. Salazar



From: Patty Montes-Burks <artalacart@gmail.com>
Sent: Thursday, February 20, 2014 11:46 AM
To: John M. Salazar
Subject: CDRRC DENIAL OF PET CREMATORIUM

John- Can you please give CDRRC this letter instead? I made additions to the last paragraph. Thank You.

--
Patty Montes Burks
14 Vista del Monte
Santa Fe, New Mexico 87507
505/471-0526

To:
CDRRC Members:

Feb. 20, 2014 Agenda Item B. CDRRC CASE # A 14-5040 Rachael Tapia Appeal. Rachael Tapia, Applicant, Is Appealing The Land Use Administrator's Decision To Deny A Home Occupation Business Registration For A Pet Crematorium On 2.5-Acres. The Property Is Located At 40 Vista Del Monte, Within The Valle Lindo Subdivision, Within Section 25, Township 16 North, Range 8 East. (Commission District 5). John M. Salazar, Case Manager.

I wish to submit my objection to any appeal of a previous denial for the above case. I am advised that there have been previous denials by county boards of the use of Ms. Rachel Tapia's home to operate a PET CREMATORIUM in our Santa Fe County neighborhood (Valle Lindo Subdivision). I also understand that she has appealed in court and the court upheld the County's denial for this type of operation. This subdivision was established in the 1950-1960's and from its beginning, covenants never intended for any such type of industrial incinerator use coming from a property within our neighborhood, which is what she wants for her property. I've been a resident here since 1978 and recognize that the county has undoubtedly designated other areas as industrial areas --which would be more appropriate for Ms. Tapia's endeavor. For her to continue to bring this matter before you for approval is a waste of everybody's time and energy. She needs to realize that a bona fide home-occupation does not entail the incineration of dead animals. It is certainly not the intent of the County Land Use Plan.

We rely on you as our board for protection of our neighborhood and direct her to the areas zoned for this type of use. Aside from the most obvious reasoning as to why this should not be allowed; my additional concerns are, Vista del Monte is a local resident road that is not designed to serve the types of vehicles that would need to transport the dead animals. It is only designed and designated for local resident use. Other concerns are how she intends to manage proper waste management regulations and receive other government permits, eliminate environmental hazard, provide fire protection to neighbors and properly direct the use of heavy equipment in and out of her driveway. Please contact me if you need to,

Thank you for your consideration.

Residents of Turquoise Trail Subdivision

County Land Use Administration
102 Grant Avenue
Santa Fe, NM 87504-0276

RE: CDRC Case # APP 14-5040

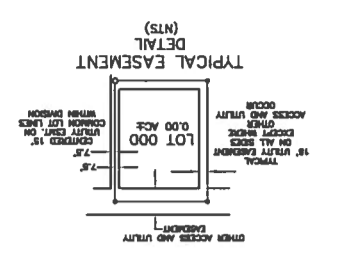
The undersigned owners/residents of Turquoise Trail Subdivision hereby support the decision of the County Development Review Committee to deny a home occupation business license, and further deny the applicant's appeal, to Rachael Tapia for Loving Animal Services on residential property at 40 Vista Del Monte, within Section 25, Township 16 North, Range East.

The intended use is a dog crematorium and even the best equipment used inevitably creates unacceptable air quality emissions, and odors. At a previous meeting of the County Development Review Committee, a member said that a crematorium should not be allowed in a residential neighborhood.

We agree and ask you to deny the appeal.

Name	<u>JoAnn Lovato</u>	Address	<u>13 Carson Valley Way SF 104 87508</u>
Name	<u>John Montano</u>	Address	<u>73 Car- Wells Way SE, NM 87508</u>
Name	<u>Mike Montoya</u>	Address	<u>74 Carson Valley Way</u>
Name	<u>Patricia Esquivel</u>	Address	<u>95 Carson Valley Way</u>
Name	<u>Bernadette Lead</u>	Address	<u>92 Carson Valley Way</u>
Name	<u>Maurice Reed</u>	Address	<u>72 Carson Valley Way</u>
Name	<u>Jeff Burman</u>	Address	<u>69 Carson Valley Way, 87508</u>
Name	<u>Hannah Harau</u>	Address	<u>69 Carson Valley Way, 87508</u>
Name	<u>Adrian Wolff</u>	Address	<u>8 Sky Ridge</u>

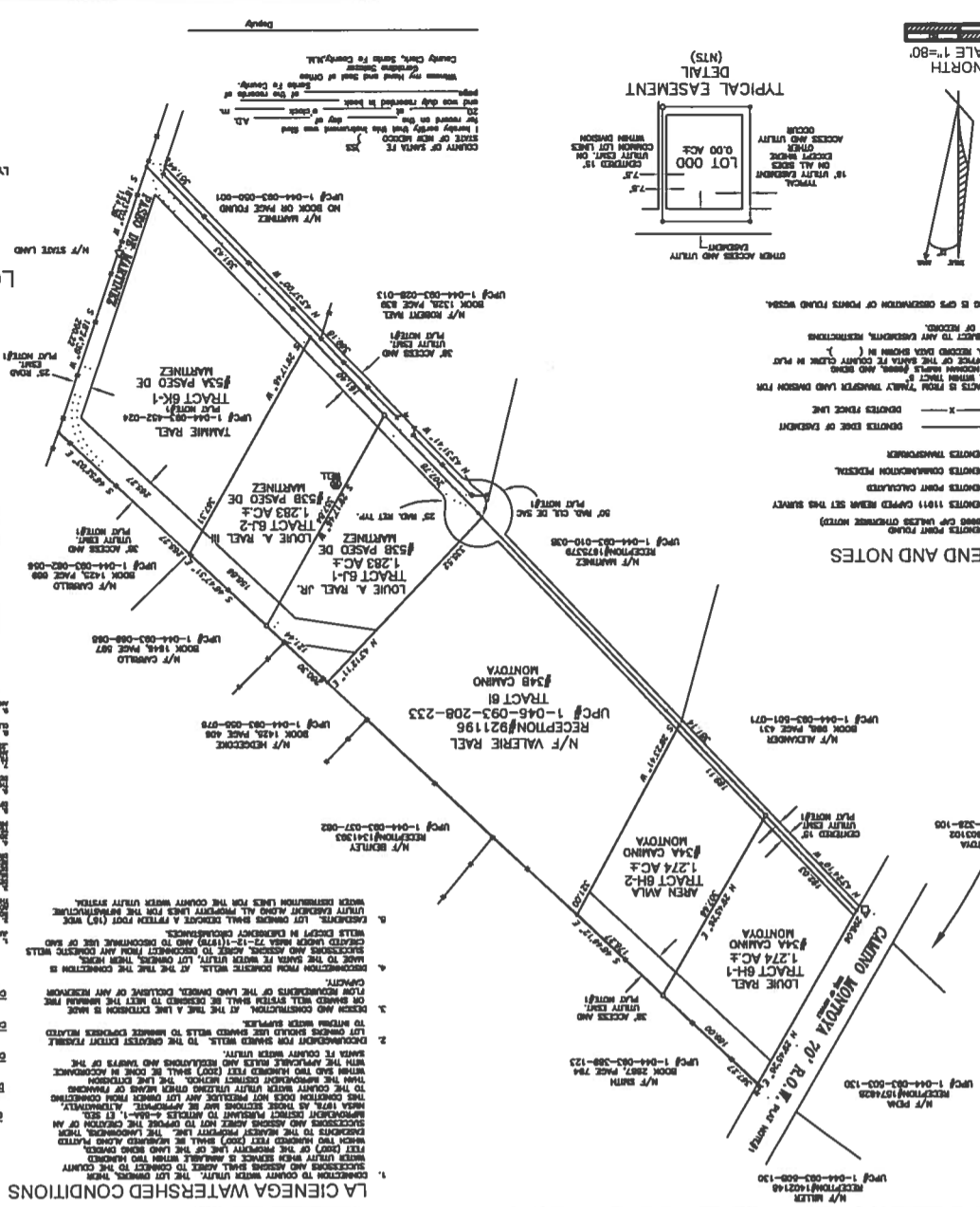
SURVEYORS CERTIFICATE
 I HEREBY CERTIFY THAT THE ABOVE DESCRIBED TRACTS ARE THE PROPERTY OF THE COUNTY OF SANTA FE, NEW MEXICO, AND ARE BEING OFFERED FOR SALE BY THE COUNTY OF SANTA FE, NEW MEXICO, AND ARE BEING OFFERED FOR SALE BY THE COUNTY OF SANTA FE, NEW MEXICO, AND ARE BEING OFFERED FOR SALE BY THE COUNTY OF SANTA FE, NEW MEXICO.



- LEGEND AND NOTES**
- 1. SECTION OF TRACTS IS FROM TRACTY TRACTOR LAND DIVISION FOR
 - 2. THIS MAP IS SUBJECT TO ANY EXISTING EASEMENTS, ENCUMBRANCES AND
 - 3. BOUNDARIES OF TRACTS IS BY OBSERVATION OF POINTS FOUND AND
 - 4. BOUNDARIES OF TRACTS IS BY OBSERVATION OF POINTS FOUND AND
 - 5. BOUNDARIES OF TRACTS IS BY OBSERVATION OF POINTS FOUND AND
 - 6. BOUNDARIES OF TRACTS IS BY OBSERVATION OF POINTS FOUND AND
 - 7. BOUNDARIES OF TRACTS IS BY OBSERVATION OF POINTS FOUND AND
 - 8. BOUNDARIES OF TRACTS IS BY OBSERVATION OF POINTS FOUND AND
 - 9. BOUNDARIES OF TRACTS IS BY OBSERVATION OF POINTS FOUND AND
 - 10. BOUNDARIES OF TRACTS IS BY OBSERVATION OF POINTS FOUND AND

DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED COUNTY OF SANTA FE, NEW MEXICO, HAS HEREBY DEDICATED TO THE PUBLIC THE TRACTS DESCRIBED HEREIN AND HAS HEREBY DEDICATED TO THE PUBLIC THE TRACTS DESCRIBED HEREIN AND HAS HEREBY DEDICATED TO THE PUBLIC THE TRACTS DESCRIBED HEREIN.



LA CIENEGA WATERSHED CONDITIONS

1. CONNECTION TO COUNTY WATER UTILITY. THE LOT DRAINAGE SHALL BE CONNECTED TO THE COUNTY WATER UTILITY AND THE LOT DRAINAGE SHALL BE CONNECTED TO THE COUNTY WATER UTILITY AND THE LOT DRAINAGE SHALL BE CONNECTED TO THE COUNTY WATER UTILITY.

2. THE PROPOSED LOTS SHALL BE DESIGNED TO MEET THE MINIMUM REQUIREMENTS FOR THE LA CIENEGA WATERSHED CONDITIONS AND THE PROPOSED LOTS SHALL BE DESIGNED TO MEET THE MINIMUM REQUIREMENTS FOR THE LA CIENEGA WATERSHED CONDITIONS AND THE PROPOSED LOTS SHALL BE DESIGNED TO MEET THE MINIMUM REQUIREMENTS FOR THE LA CIENEGA WATERSHED CONDITIONS.

3. THE PROPOSED LOTS SHALL BE DESIGNED TO MEET THE MINIMUM REQUIREMENTS FOR THE LA CIENEGA WATERSHED CONDITIONS AND THE PROPOSED LOTS SHALL BE DESIGNED TO MEET THE MINIMUM REQUIREMENTS FOR THE LA CIENEGA WATERSHED CONDITIONS AND THE PROPOSED LOTS SHALL BE DESIGNED TO MEET THE MINIMUM REQUIREMENTS FOR THE LA CIENEGA WATERSHED CONDITIONS.

4. THE PROPOSED LOTS SHALL BE DESIGNED TO MEET THE MINIMUM REQUIREMENTS FOR THE LA CIENEGA WATERSHED CONDITIONS AND THE PROPOSED LOTS SHALL BE DESIGNED TO MEET THE MINIMUM REQUIREMENTS FOR THE LA CIENEGA WATERSHED CONDITIONS AND THE PROPOSED LOTS SHALL BE DESIGNED TO MEET THE MINIMUM REQUIREMENTS FOR THE LA CIENEGA WATERSHED CONDITIONS.

5. THE PROPOSED LOTS SHALL BE DESIGNED TO MEET THE MINIMUM REQUIREMENTS FOR THE LA CIENEGA WATERSHED CONDITIONS AND THE PROPOSED LOTS SHALL BE DESIGNED TO MEET THE MINIMUM REQUIREMENTS FOR THE LA CIENEGA WATERSHED CONDITIONS AND THE PROPOSED LOTS SHALL BE DESIGNED TO MEET THE MINIMUM REQUIREMENTS FOR THE LA CIENEGA WATERSHED CONDITIONS.

PROFESSIONAL LAND SURVEYOR
 RICK CHATROOP
 NEW MEXICO REGISTRATION NO. 11011
 (505) 475-0000 110 NORTH MAIN ST. CHEROKEE HILL DRIVE
 LOCATION: LYING WITHIN SECTIONS 20 & 29, T19N, R9E, N40E, SANTA FE COUNTY, NEW MEXICO.

SMALL LOT
 LOUIE RAE & LOUIE RAE JR.
 FAMILY TRANSFER LAND DIVISION FOR
 TRACTS 81 & 82
 PURPOSE: TO CREATE SIX RESIDENTIAL LOTS
 LYING WITHIN SECTIONS 20 & 29, T19N, R9E, N40E, SANTA FE COUNTY, NEW MEXICO.

NOTES AND CONDITIONS:

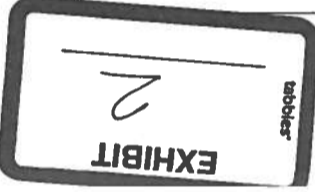
1. THE LOTS DESCRIBED HEREIN ARE THE PROPERTY OF THE COUNTY OF SANTA FE, NEW MEXICO, AND ARE BEING OFFERED FOR SALE BY THE COUNTY OF SANTA FE, NEW MEXICO, AND ARE BEING OFFERED FOR SALE BY THE COUNTY OF SANTA FE, NEW MEXICO.

2. THE LOTS DESCRIBED HEREIN ARE THE PROPERTY OF THE COUNTY OF SANTA FE, NEW MEXICO, AND ARE BEING OFFERED FOR SALE BY THE COUNTY OF SANTA FE, NEW MEXICO, AND ARE BEING OFFERED FOR SALE BY THE COUNTY OF SANTA FE, NEW MEXICO.

3. THE LOTS DESCRIBED HEREIN ARE THE PROPERTY OF THE COUNTY OF SANTA FE, NEW MEXICO, AND ARE BEING OFFERED FOR SALE BY THE COUNTY OF SANTA FE, NEW MEXICO, AND ARE BEING OFFERED FOR SALE BY THE COUNTY OF SANTA FE, NEW MEXICO.

4. THE LOTS DESCRIBED HEREIN ARE THE PROPERTY OF THE COUNTY OF SANTA FE, NEW MEXICO, AND ARE BEING OFFERED FOR SALE BY THE COUNTY OF SANTA FE, NEW MEXICO, AND ARE BEING OFFERED FOR SALE BY THE COUNTY OF SANTA FE, NEW MEXICO.

5. THE LOTS DESCRIBED HEREIN ARE THE PROPERTY OF THE COUNTY OF SANTA FE, NEW MEXICO, AND ARE BEING OFFERED FOR SALE BY THE COUNTY OF SANTA FE, NEW MEXICO, AND ARE BEING OFFERED FOR SALE BY THE COUNTY OF SANTA FE, NEW MEXICO.





La Cienega Valley Association
PO Box 23554
Santa Fe, New Mexico 87502
Preserving Our Rural Way of Life

February 19, 2014

Wayne Dalton, Committee Liaison
Santa Fe County Development Review Committee
102 Grant Avenue
Santa Fe, New Mexico 87501

Re: CDRRC CASE # MIS 13-5390 Louie Rael Sr. Exemption.

Dear Mr. Dalton,

The La Cienega Valley Association (LCVA) has researched the request being made in "CDRC CASE # MIS 13-5390 Louie Rael Sr. Exemption". In looking into the matter the LCVA Board found no circumstances to warrant an exemption to the five year transfer period requirement. Therefore the LCVA supports County staff's recommendation to deny the application. This is the appropriate action for protecting our community ordinance, which is designed to manage growth and maintain the rural nature of La Cieneguilla and La Cienega.

The LCVA Board recognizes the community standing of the Rael family but feel it is essential that the intent and purpose of the ordinance be maintained.

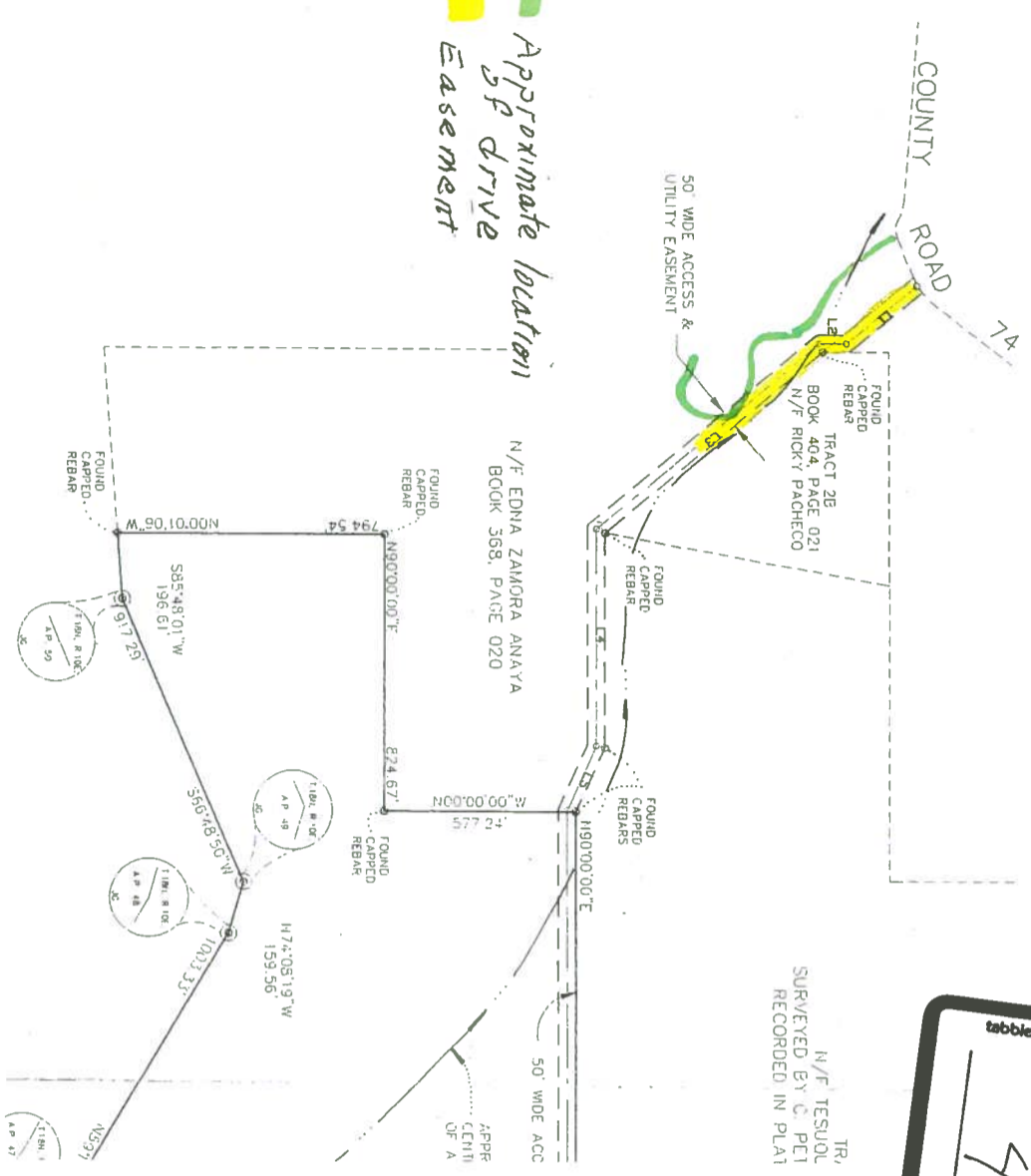
Thank you.

Carl Dickens, President
La Cienega Valley Association

tabbles
EXHIBIT
 4

①

TR,
 N/F TESUDL
 SURVEYED BY G. PELI
 RECORDED IN PLAT

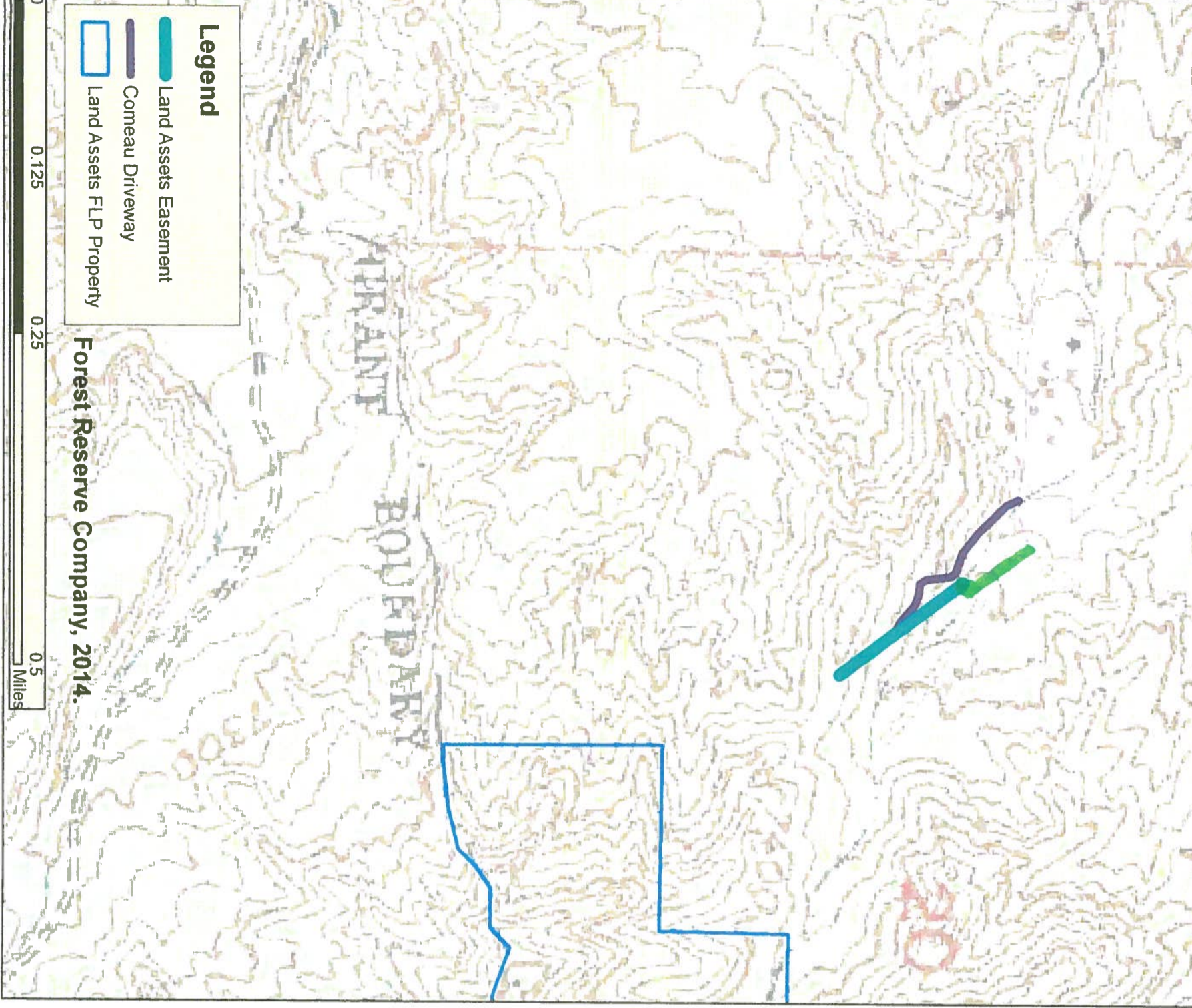


Approximate location of drive Easement

Land Assets FLP



2

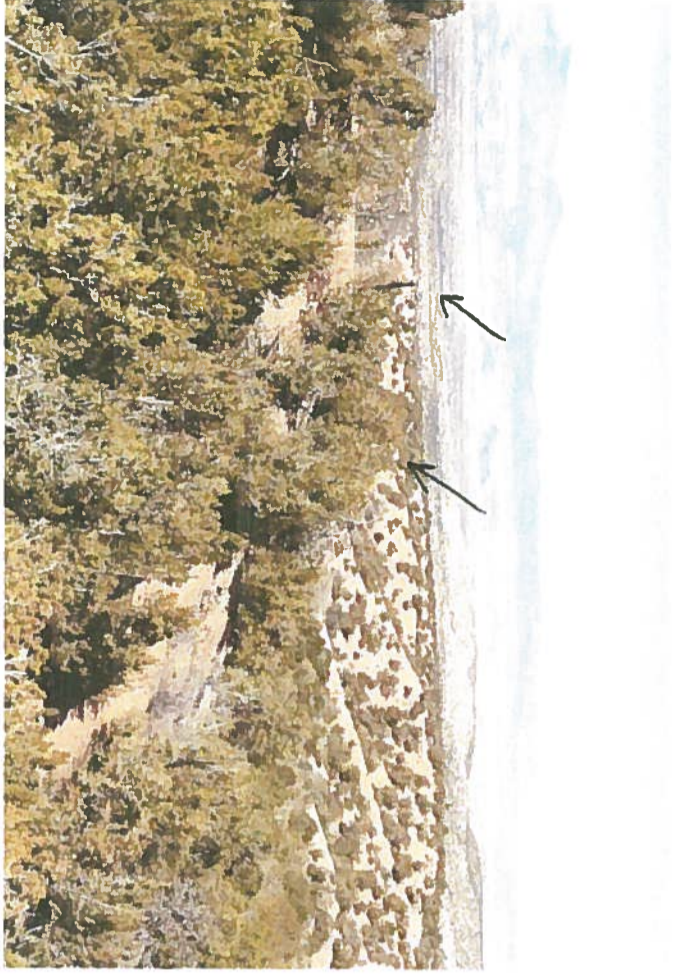


Legend

-  Land Assets Easement
-  Comeau Driveway
-  Land Assets FLP Property

Forest Reserve Company, 2014.

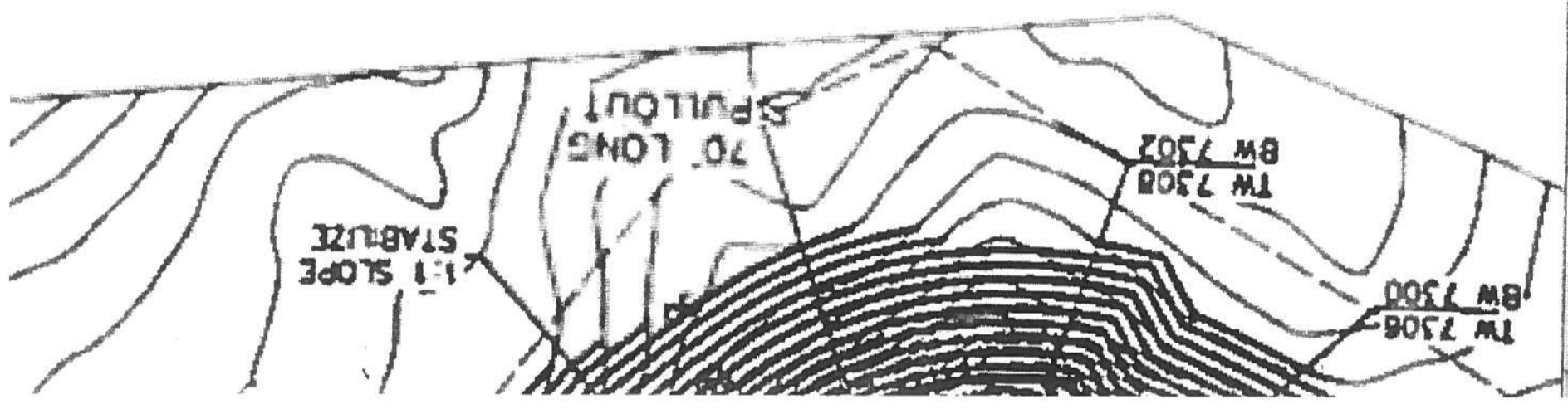




(3)

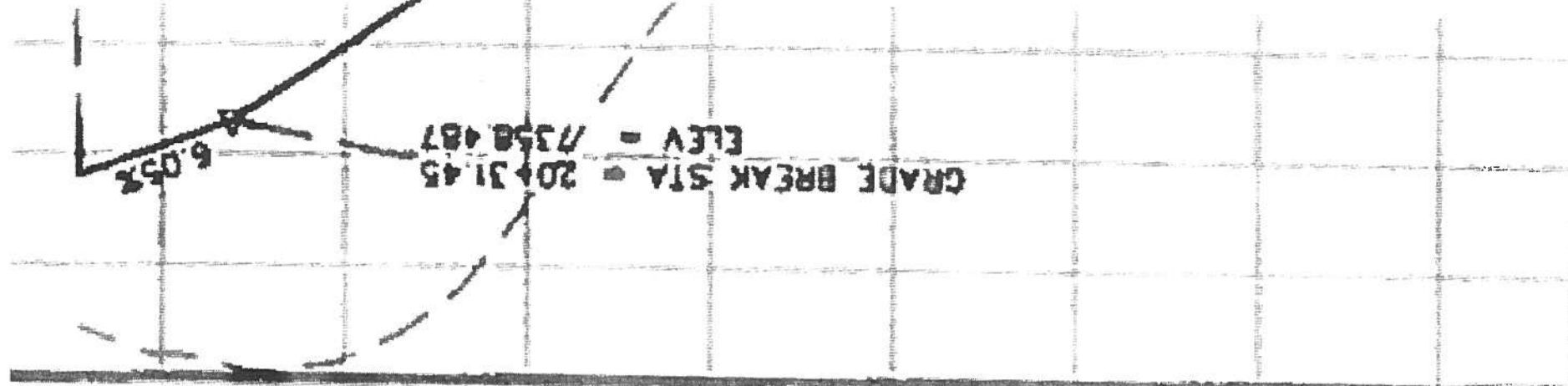
TOPOGRAPHY NOTE

ALL EXISTING TOPOGRAPHIC SURVEY DATA SHOWN ON THESE PLANS HAS BEEN OBTAINED AND CERTIFIED BY OTHERS. WALKER ENGINEERING HAS UNDERTAKEN NO FIELD VERIFICATION OF THIS TOPOGRAPHY INFORMATION, AND MAKES NO REPRESENTATION PERTAINING THERETO, AND ASSUMES NO RESPONSIBILITY OR LIABILITY THEREOF OF THIS TOPOGRAPHY WALKER ENGINEERING RESPONSIBILITY IS LIMITED TO THE ENGINEERING ANALYSIS THAT UTILIZES THE TOPOGRAPHY SURVEY



GRADE BREAK STA = 20+31.45
ELEV = 7358.487

6.05%



Daniel "Danny" Mayfield
Commissioner, District 1
Miguel M. Chavez
Commissioner, District 2
Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4
Liz Stefanics
Commissioner, District 5
Katherine Miller
County Manager

CASE NO. APP 14-5040
APPEAL OF LAND USE ADMINISTRATOR'S DECISION
RACHAEL TAPIA, APPELLANT

ORDER

THIS MATTER came before the County Development Review Committee (hereinafter referred to as "the CDRC") for hearing on February 20, 2014, on the appeal of Rachael Tapia (hereinafter referred to as "the Appellant"), appealing the Land Use Administrator's decision to deny a request for an amendment to her home occupation business development permit allowing an onsite pet crematorium. The CDRC, having reviewed the appeal and supplemental materials, staff reports and having conducted a public hearing on the appeal, finds that the appeal is well-taken, and the decision of the Land Use Administrator should be overturned, and makes the following findings of fact and conclusions of law:

1. The Appellant requests that the CDRC overturn the Land Use Administrator's decision to deny application #AHBL 13-4087, denying a home occupation business development permit.
2. The subject property is located at 40 Vista Del Monte, within Section 25, Township 16 North, Range 8 East.
3. On December 17, 2013 the Applicant and owner of the subject property, applied for a home occupation business development permit pursuant to the Santa Fe County Land Development Code, Ordinance 1996-10 (the Code).
4. According to Article III, Section 3.1 of the Code, "[h]ome occupations are allowed anywhere in the County, provided all of the requirements of the Code are met."

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

“3.2.1 Not more than six (6) persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home occupation;

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

3.2.3 There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one (1) non-illuminated name plate sign not more than nine square feet in area;

3.2.4 Parking for employees and for customers or clients of the home occupation as required by Section 9 of this Article III shall be provided off the street;

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

6. On January 17, 2014, the Land Use Administrator determined that the application did not meet all Code requirements and denied the home occupation business development permit based on the following facts:

a. The current application differs from the original 2007 application for the reason that the location of the crematorium has changed whereby the 2007 request had a separate structure for the crematorium while the new request has the structure attached to the dwelling;

b. The application had not significantly changed from prior submittals made by the Appellant;

c. The Appellant had appealed a similar request in 2007 to the CDRC, the Board of County Commissioners and First Judicial District Court in 2008 which all upheld the Land Use Administrator’s decision to deny the application;

d. The requested use of the property in the December 17, 2013 application does not comply with the Home Occupation Performance Standards set forth in Article III, Section 3.2 of the Land Development Code.

7. As required by Article II, Section 2.3.4b of the Code, on January 3, 2014, within five working days of the Code Administrator's decision, Appellant filed an appeal contesting the denial of an amendment to her existing home occupation business license.

8. The County Development Review Committee found that the Land Use Administrator's findings of fact relied on erroneous information.

9. After conducting a public hearing on the appeal and having heard from the Appellant, the Appellant's lawyer, and having considered all materials submitted on the matter, the County Development Review Committee hereby grants the appeal and overturns the Land Use Administrator's denial of the application for amendment of a home occupation business development permit allowing a pet crematorium business at 40 Vista Del Monte in Santa Fe County.

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

IT IS SO ORDERED

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

____ day of _____, 2014.

SANTA FE COUNTY DEVELOPMENT REVIEW COMMITTEE

By: _____
Chair

Attest:

Geraldine Salazar, County Clerk

Approved as to form:



for: Stephen C. Ross, County Attorney

SUMMARY:

On February 20, 2014, the CDRC met and acted on this case. The decision of the CDRC ended in a tie vote with three members voting in in favor of the motion to approve the request and three voting against the motion. Under Commission Rules of Order the Application is automatically tabled until the next meeting at which the greater number of member are present. **This case is now coming before the CDRC for vote only.**

EXHIBITS:

1. February 20, 2014 CDRC Minutes
2. February 20, 2012 CDRC report

~~Member Booth sought and received verification there would be no emissions and no smoke. Mr. Sommer said the Air Quality Bureau has no regulations for this equipment since there is no smell or particulate emissions.~~

~~In response to questions from Member Gonzales. Ms. Tapia said she has been in business since 1992 and at this location since 2000. She's had no complaints from the neighbors. She anticipates there will be around 70 cremations per year and only of small animals.~~

~~Member Katz asked Mr. Sommer about the difference between the current application and previous request. Mr. Sommer said it was his understanding that the previous attorney failed to file a notice of appeal pursuant to Rule 74 and instead filed a complaint. He said it was dismissed due to the misfiling. Ms. Brown noted the order addresses the land use standards it was applying and a misfiling is not reflected in the court order.~~

~~Member Gonzales asked if the current home occupation is in good standing and only an amendment is requested. Mr. Salazar said the original request was for a home occupation office and this is a request to amend that. Mr. Sommer said she is required to comply with other County requirements covering square footage, number of employees, etc.~~

~~Member Anaya asked if she had a fireplace at her house and Ms. Tapia said she has a wood-burning stove and two fireplaces, and the neighbors also have stoves and fireplaces.~~

~~Mr. Salazar referred to the final order, #7, which quotes the Extraterritorial Zoning Ordinance, a more detailed exposition or requirements.~~

~~There was no one from the public wishing to speak about this issue.~~

~~Member Katz moved to grant the appeal and overturn the previous decision, with staff recommended conditions, noting the findings of fact relied on erroneous information. Member Booth seconded and the motion carried by unanimous 6-0 voice vote.~~

VII. C. CDRC CASE # MIS 13-5390 Louie Rael Sr. Exemption. Louie Rael Sr. and Louie Rael Jr., Applicants, request an Exemption for five year holding between Family Transfer Applications, Section 6.14.4 of Ordinance No. 2002-9, to allow a Small Lot Family Transfer Land Division of 2 lots consisting of 2.54 and 2.56 acres into four lots. The property is located at 34A Camino Montoya and 53B Paseo Martinez, within the Traditional Historic Community of La Cienega/La Cieneguilla, within Section 20 & 29 Township 16 North, Range 8 East, (Commission District 3) [Exhibit 2: Plat]



John Lovato read the case caption and gave the following staff report:

“The Applicants intend to divide one 2.54-acre lot into two 1.27 acre lots, and one 2.56 acre lot into two 1.28 acre lots. Louie Rael Sr. has owned the subject property for over forty years. In 2010, a Family Transfer Land Division was approved (4 lots) in which then they transferred parcels to their daughters Valarie Rael (Tract 6J), Tammy Rael (Tract 6K), and son Louie Rael Jr, (Tract 6I) and also retained a parcel for Louie Rael Sr. (Tract 6H)

“The Applicants now wish to divide tracts 6H and 6J in order to give property to their adult child and grandchild. The Applicant Louie Rael Sr. wishes to complete this final family transfer because of poor health and limited income available.

“Section 6.14.3 of Ordinance No. 2002-9 La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District states, ‘Any Applicant for a Family Transfer must demonstrate a minimum of five years direct ownership of the lot(s) since the last Land Division(s) or sale or Transfer of the property’. The 2.5-acre lots which the Applicants intend to divide further and transfer to family members have been in their divided state since 2010. However, they have not been held by the Applicants in their divided state for a five year period. Therefore, they are requesting an exception to the five year holding period. The lots are of sufficient size to allow for their division into lots of at least 1.25 acres through the Small Lot Family Transfer Land Division process with signed and recorded water restrictions.”

Mr. Lovato gave the following staff recommendation: Ordinance 2002-9 states, “Any Applicant for a family transfer or small lot family transfer must demonstrate a minimum of five years direct ownership of lot(s) since the last land division(s) or sale of transfer property.” Therefore staff recommends denial of the Exemption for Five-Year Holding between Family Transfer Applications. If the decision of the CDRC is to approve the Applicants request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk’s Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (Article III, § 2.4.2).
3. The Applicants shall comply with all Fire Prevention Division requirements at time of Plat Review (As per 1997 Fire Code and NFPA Life Safety Code).

Member Gonzales asked if the property was in a subdivision and Mr. Lovato said it was part of a land division among large lots.

Richard Chatroop, under oath, said the Rael family originally owned all the land near the Racetrack Subdivision and the airport and this has been divided and passed down over the years. He said Exhibit 6 in the packet shows over 20 lots of similar size in the area.

Member Katz asked why there was urgency in not waiting for the five-year time period. Mr. Chatroop said Mr. Rael is aging and in poor health, he has trouble paying all the taxes, and this type of small-lot family transfers will not be allowed under the new land use code.

Citing similar circumstances in his family, Member Anaya ascertained that there was no conflict of interest.

Member Booth noted a reference to the approval required from the La Cienega Development Review Committee. Mr. Lovato said that committee was disbanded.

Member Gonzales asked if this was in the traditional community and Mr. Chatroop said he believed it was. Mr. Lovato said it is within the traditional historic community and the minimum lot size is 10 acres. It can be divided further with water restrictions and under family transfer. With the holding period of five years met the division could be approved administratively.

Land Use Administrator Penny Ellis-Green stated they are currently in the process of approving the zoning map which she anticipated would take four to six months. At that point the SLDC will go into effect.

Member Gonzales established the five years will expire in September 2015. Ms. Ellis-Green explained that family transfers will still be allowed but lots will not be allowed at half the minimum size. All lots will be zoned and have a minimum lot size; this has not yet occurred on this tract.

Duly sworn, Katherine Becker, a resident of La Cieneguilla and member of the La Cienega Valley Association. She referred to a letter from the LCVVA [Exhibit 3] which asks that the request be denied in order to preserve the rural nature of the area and conserve water. The standard acreage in the area is 2.5. There are no extraordinary circumstances of hardship to warrant an exemption. She suggested the same aims could be achieved through a codicil.

Under oath, Gabriel Martinez who lives directly across from the property, voiced his concern that the .6 mile road, which he personally maintains, will suffer from the additional traffic. He wondered if the Rael's would be willing to help with maintenance. He was also concerned with water and whether the homes would be stick-built. He said he tried to buy the property in the past.

Member Anaya asked if there were covenants in the area. Mr. Martinez said the situation is vague. There are currently four properties served by the road and if four more were added he would think about forming a homeowners association.

Member Gonzales asked if a condition could be imposed requiring help with road maintenance. Ms. Brown stated private parties can make agreements between themselves. Mr. Lovato pointed out that offsite road improvements are exempt in small-lot family transfers.

Citing groundwater concerns, Member Gonzales also asked if they could be forced to do shared wells. Ms. Lucero said La Cienega watershed conditions encourages sharing of wells, and when the County system is within 200 feet they would be required to hook up.

Member Martin asked if there was a time frame when community water would be available. Ms. Lucero said she did not know but when the time comes the Utilities Department will coordinate with Land Use.

Mr. Chatroop clarified that only two of the lots would have access off Mr. Martinez' road; the other two would use Camino Montoya. There is one existing well and they intend to share.

Member Katz said the issue is one of density, not sharing, since the amount of water used will be the same. He saw no reason for an exception in this case and the only motivation seemed to be enhancing the value of the property.

Member Anaya move to approve the exception with staff conditions, based on common sense. Member Gonzales seconded. The vote tied 3-3 with Members Anaya, Booth and Gonzales voting in favor and Members Drobnis, Katz and Martin voting again. A vote will be taken when the full committee is present to break the tie.

VII. D. CDRC CASE # V 13-5400 Tod Amon Variance. Tod Amon, Applicant, requests a variance of Article V, Section 8.1.3 (Legal Access) of the Land Development Code to allow a road that does not have all weather access and does not meet the required 20' width to access a driveway to a property consisting of 18.46 acres. The property is located at 29 Puertecito Road, within the vicinity of Golden, within Section 19, Township 12 North, Range 7 East (Commission District 3)

Mr. Lovato gave the staff report as follows:

"The Applicant requests a variance to allow a driveway to access a buildable site on 18.46 acres. The access is located off of Puertecito Road which is a private road that does not meet County Road standards of having 20-foot wide driving surface and it crosses a drainage way through a low water dirt surface. Puertecito

SUMMARY:

The Applicants intend to divide one 2.54 acre lot into two 1.27 acre lots, and one 2.56 acre lot into two 1.28 acre lots. Louie Rael Sr. has owned the subject property for over forty years. In 2010, a Family Transfer Land Division was approved (4 lots) in which then they transferred parcels to their daughters Valarie Rael (Tract 6I), Tammy Rael (Tract 6K), and son Louie Rael Jr, (Tract 6J) and also retained a parcel for Louie Rael Sr. (Tract 6H)

The Applicants now wish to divide tracts 6H and 6J in order to give property to their adult child and grandchild. The Applicant Louie Rael Sr. wishes to complete this final family transfer because of poor health and limited income available.

Section 6.14.3 of Ordinance No. 2002-9 La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District states, "Any Applicant for a Family Transfer must demonstrate a minimum of five (5) years direct ownership of the lot(s) since the last Land Division(s) or sale or Transfer of the property". The 2.5-acre lots which the Applicants intend to divide further and transfer to family members have been in their divided state since 2010. However, they have not been held by the Applicants in their divided state for a five year period. Therefore, they are requesting an exception to the five year holding period. The lots are of sufficient size to allow for their division into lots of at least 1.25 acres through the Small Lot Family Transfer Land Division process with signed and recorded water restrictions.

This Application was submitted on December 6, 2013.

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

APPROVAL SOUGHT:

Approval of an Exemption to the Five Year Holding between Family Transfer Applications. (Per Section 6.14.4 of Ordinance 2002-9) The CDRC is the final approval on this request.

GROWTH MANAGEMENT AREA: El Centro, SDA-2

HYDROLOGIC ZONE:

Basin Zone, minimum lot size per Code is 10 acres per dwelling unit. Lot size can be reduced to 2.5 acres per dwelling via Family Transfer and with signed and recorded water restrictions. Lot size can be further reduced to 1.25 acres per dwelling via Small Lot Family Transfer.

FIRE PROTECTION:

La Cienega.

WATER SUPPLY:

Domestic Well.

LIQUID WASTE:

Conventional Septic System.

VARIANCES:

No

STAFF RECOMMENDATION:

Ordinance 2002-9 states, "any Applicant for a family transfer or small lot family transfer must demonstrate a minimum of five (5) years direct ownership of lot(s) since the last land division(s) or sale of transfer property." Therefore staff recommends denial of the Exemption for Five Year Holding between Family Transfer Applications.

If the decision of the CDRC is to approve the Applicants request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (Article III, § 2.4.2).
3. The Applicants shall comply with all Fire Prevention Division requirements at time of Plat Review (As per 1997 Fire Code and NFPA Life Safety Code).

EXHIBITS:

1. Letter of request
2. Ordinance 2002-9 § 6.14.3& 6.14.4
3. Site Photographs
4. Existing Plat
5. Proposed Plat
6. Aerial of Site and Surrounding Area

December 6th 2013

County Development Review Committee
Santa County
Land Use Division

Dear Staff and Committee Members:

On behalf of Louie Andrew Rael (Louie Senior) and Louie Rael Jr. (Tracts 6H and 6J owners), I am requesting an exemption (section 6.14.4, Santa Fe County Ordinance No.2002-9) to the time of ownership element (section 6.14.3, Santa Fe County Ordinance No.200-9) to avoid unnecessary hardship for the Rael family as stated above. Louie senior has been paying property taxes on this vacant land since the transfer into his name by his father on April 8th, 1974 (quitclaim deed bk.316,pg.454) at which time his father also deeded the north and south adjoining parcels to Louie's brothers Jerry and Robert. Louie senior and his wife Mary Lou Rael (warranty deed #1535990) have been working to pass the property on to their children (Family Transfer Land Division plat bk.722, pg.003) and grandchildren (proposed Family Transfer Land Division). Louie senior is the principal listed on the county tax records and has been the acting as patriarch of his family for this process but due to his advancing age mid 80's, poor health and now limited income wishes to complete this final transaction to insure his families future. The Rael family has owned this property for over 40 years and Louie's brothers have split and family transferred the properties on the north and south of the subject land (plat bk. 135, pg.028, bk.339, pg.20, bk.374, pg.26) and this request matches the character of the area and easily shows the Rael's have a proven record of longtime ownership in this area.

Rick Chatroop NMPLS#11011 on behalf of Louie & Louie Jr.

Attached please find:

- "Small Lot Family Transfer Land Division for Louie Rael & Louie Rael Jr."
- Owner's deeds
- Proof of taxes paid
- Recorded survey plat(proof of legal lot)
- Development application
- Vicinity map
- address confirmations
- additional deeds and plats referenced above

Thank you for your consideration.

Richard A. Chatroop
N.M.P.L.S. #11011
(505) 470-0037



A-10

6.14.2 Family Transfer Densities:

The maximum densities achieved by family transfer shall not be adjusted below those outlined in the Article II, Section 4 of the Code, as amended.

6.14.3 Five Year Holding Between Family Transfer Applications:

Any applicant for a family transfer or small lot family transfer must demonstrate a minimum of five (5) years direct ownership of the lot(s) since the last land division(s) or sale or transfer of the property.

6.14.4 Exemption for Five Year Holding Between Family Transfer Applications:

An exemption to the five-year holding period may be applied for and must clearly state how the additional family transfer lot division is needed in order to avoid an unnecessary hardship, that the request is a minimal easing of the Ordinance requirements, making possible the reasonable use of the land and that it will have no adverse impact to neighboring properties, the community or the environment. Such requests for exemption must be approved by the La Cienega and La Cieneguilla Development Review Committee.

6.14.5 Review of Family Transfer Applications:

All family transfer applications shall be administratively reviewed by the Land Use Administrator. A summary of all applications shall be forwarded by fax or email to the La Cienega and La Cieneguilla Development Review Committee (LCDRC) for review. LCDRC members shall have five (5) working days to review applications; no response from any LCDRC members shall constitute concurrence of the administrative decision. Applications may be reviewed by the LCDRC if a quorum of LCDRC members request, in writing, that the application be reviewed by the LCDRC. Such requests must clearly state how the application does not meet Code requirements for the family transfer under Article III, Section 2.4.2. Such cases shall be placed on the agenda of the LCDRC's next available meeting date. If a quorum of the LCDRC does not request review of the case, the Land Use Administrator will authorize the transfer application. Family transfer applications shall demonstrate that the parcel to be divided/transferred is suitable for subdivision, and follow County Land Development Code noticing requirements, and persons who write a letter of inquiry or comment regarding a Family Transfer application will be sent a letter stating the administrative decision no later than one day following the decision.

6.14.6 Notice of Family Transfer Applications:

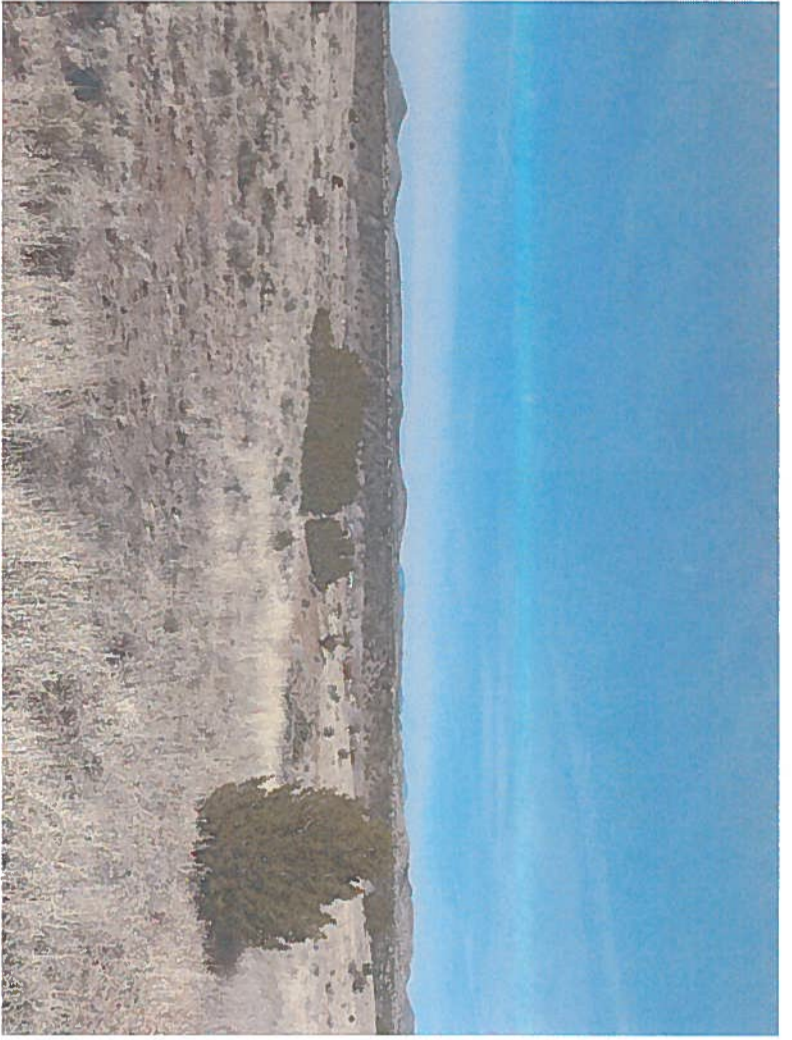
All applications for family transfer must follow County Code requirements and notice of the application shall be posted at Community notice boards identified by the Land Use Department.

6.15 Water Use and Metering:

6.15.1 Commercial and Residential Water Meters:

All new wells and buildings using groundwater drawn from wells located within the Planning Area as a partial or total water supply must install a water meter on their wells. All new development using shared wells or community water systems must install a water meter on every dwelling unit or primary structure/intake that uses the well water.





tabbles
EXHIBIT
3

A-12

FAMILY TRANSFER LAND DIVISION FOR MARY LOU RAE L WITHIN TRACT 6

722003

LYING AND BEING SITUATED WITHIN THE CIENEGUILLA GRANT
WITHIN PROJECTED SECTIONS 20 & 29, T. 36 N., R. 08 E., N.M.P.M.,
COUNTY OF SANTA FE, NEW MEXICO
CONTAINING 11.1278 AC.
PURPOSE: THIS PLAT CREATES FOUR RESIDENTIAL TRACTS.

OWNER'S CONSENT

THE UNDERSIGNED OWNER(S) DO HEREBY ATTEST THAT THE LAND DIVISION AND PLATTING AS SHOWN HEREON ARE MADE WITH THEIR FREE CONSENT AND ARE IN ACCORDANCE WITH THEIR WISHES AND DESIRES; THE UNDERSIGNED OWNER(S) DO HEREBY GRANT EASEMENTS TO ALL EXISTING PUBLIC UTILITIES, AND THE 30' INGRESS & EGRESS EASEMENT TO BE CREATED HEREON, THESE LANDS LIE WITHIN THE PLATTING AND PLATTING JURISDICTION OF THE COUNTY OF SANTA FE, NEW MEXICO.

MARY LOU RAE L

STATE OF NEW MEXICO

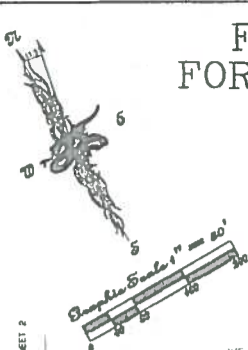
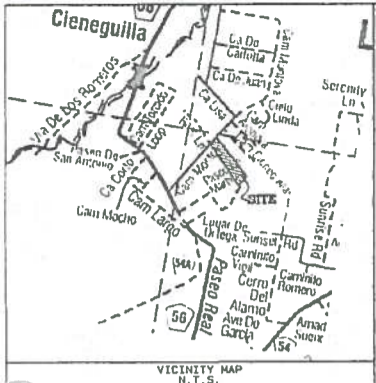
COUNTY OF SANTA FE

THE FOREGOING INSTRUMENT HAS ACKNOWLEDGED BEFORE ME THIS

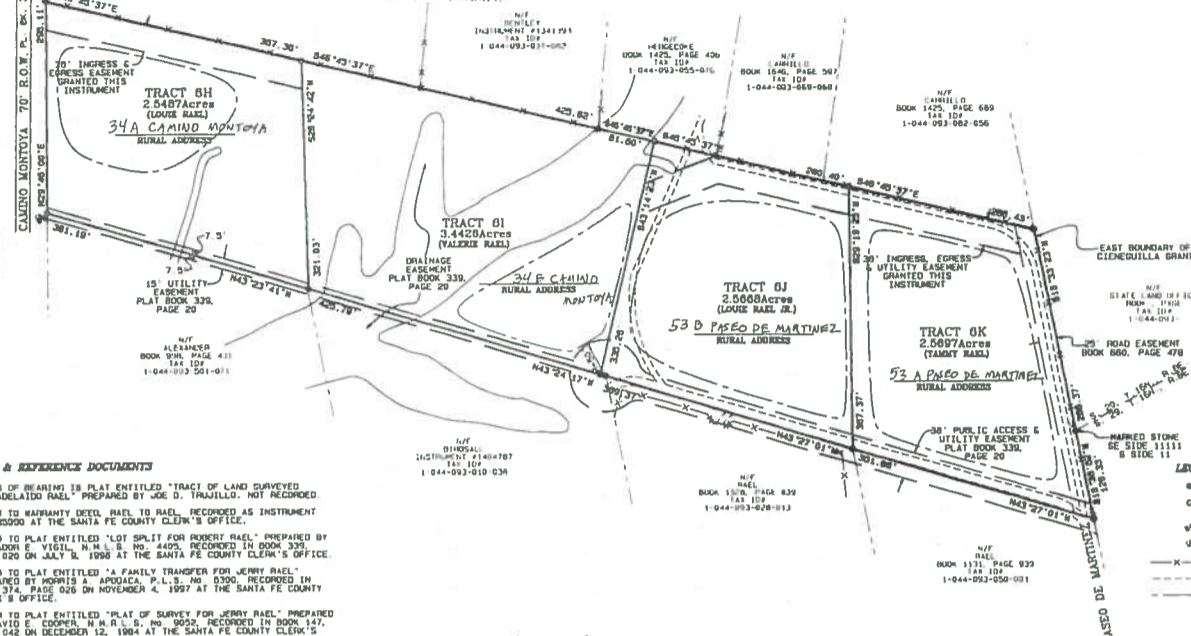
DATE OF 10/11/2009

NOTARY PUBLIC

BY COMMISSION EXPIRES



NOTE
TRACT 6 HAS BUILDABLE AREAS ON BOTH SIDES OF THE DRAINAGE EASEMENT. BUILDING SITE TO BE DETERMINED AT TIME OF APPLICATION FOR BUILDING PERMIT.



- LEGEND:**
- FOUND MONUMENT AS INDICATED
 - SET 1/8" REBAR STAMPED N. MOONAN, N.M.P.L.S. No. 6998
 - ⊕ ELECTRIC TRANSFORMER
 - ⊕ TELEPHONE JUNCTION BOX
 - FENCE LINE
 - EDGE OF DIRT ROAD
 - BUILDABLE AREA



SANTA FE COUNTY APPROVAL, NOTES AND CONDITIONS
LAND USE ADMINISTRATION DATE: 09-30-09
FIRE DEPARTMENT DATE: 09-30-09

SPECIAL BUILDING PERMIT CONDITIONS
TRACTS SHOWN HEREON ARE PARTIALLY WITHIN THE LIMITS OF THE FEMA DESIGNATED 100-YEAR (1%) SPECIAL FLOOD HAZARD AREA IN ZONE A. A FLOODPLAIN DEVELOPMENT PERMIT IS REQUIRED PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITY OF ANY KIND. THE TRACTS PLATTED HEREON ARE SUBJECT TO ARTICLE VII, SECTION 3 AND ORDINANCE 200-10, AS WELL AS ALL PERTINENT COUNTY CODES AND ORDINANCES AT THE TIME OF DEVELOPMENT.
TRACTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR DEVELOPMENT PERMIT.
NEW DRIVEWAY/ROADWAY ACCESS FROM COUNTY ROAD 54 IS SUBJECT TO APPROVAL BY THE COUNTY PUBLIC WORKS DIRECTOR.
THE INSTALLATION OF AN AUTOMATIC FIRE SUPPRESSION SYSTEM IS REQUIRED FOR ALL HOMES ON ALL LOTS.

- NOTES & REFERENCE DOCUMENTS**
1. BASIS OF BEARING IS PLAT ENTITLED "TRACT OF LAND SURVEYED FOR ADELAIDO RAE L" PREPARED BY JOE D. TRUJILLO, NOT RECORDED.
 2. REFER TO MATRIMONY DEED, RAE L TO RAE L, RECORDED AS INSTRUMENT # 1020090 AT THE SANTA FE COUNTY CLERK'S OFFICE.
 3. REFER TO PLAT ENTITLED "LOT SPLIT FOR ROBERT RAE L" PREPARED BY SALVADOR E. VIGIL, N.M.P.L.S. NO. 4405, RECORDED IN BOOK 309, PAGE 020 ON JULY 8, 1998 AT THE SANTA FE COUNTY CLERK'S OFFICE.
 4. REFER TO PLAT ENTITLED "A FAMILY TRANSFER FOR JERRY RAE L" PREPARED BY MORRIS S. APOCALA, P.L.S. NO. 0300, RECORDED IN BOOK 374, PAGE 026 ON NOVEMBER 4, 1997 AT THE SANTA FE COUNTY CLERK'S OFFICE.
 5. REFER TO PLAT ENTITLED "PLAT OF SURVEY FOR JERRY RAE L" PREPARED BY DAVID E. EDGEMER, N.M.P.L.S. NO. 0900, RECORDED IN BOOK 147, PAGE 042 ON DECEMBER 12, 1984 AT THE SANTA FE COUNTY CLERK'S OFFICE.

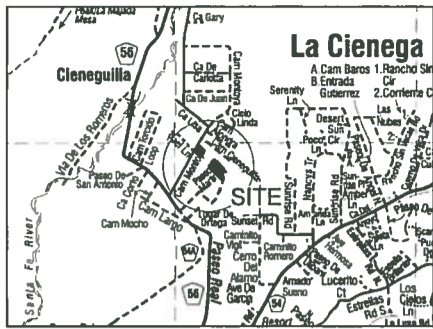
SURVEYOR'S CERTIFICATE
I, MITCHELL A. HODMAN, N.M.P.L.S. NO. 0298 DO HEREBY CERTIFY THAT THIS BOUNDARY SURVEY WAS MADE AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. 04/23/2009
MITCHELL A. HODMAN N.M.P.L.S. NO. 0298

COUNTY OF SANTA FE 10/11/2009
STATE OF NEW MEXICO
I HEREBY CERTIFY THAT THIS INSTRUMENT HAS BEEN FILED FOR RECORD ON THE 11th DAY OF OCTOBER, A.D. 2009, AT 9:55:42 O'CLOCK A.M. AND HAS BEEN RECORDED IN PLAT BOOK 722, PAGE 003, OF THE RECORDS OF SANTA FE COUNTY.
WITNESS MY HAND AND SEAL OF OFFICE
VALERIE ESPINOZA
COUNTY CLERK, SANTA FE COUNTY, N.M.
Deputy

INDEXING INFORMATION FOR COUNTY CLERK
TAX ID# 1-644-000-007-110
OWNER: MARY LOU RAE L
FILE# INSTRUMENT #
SUBDIVISION N/A
SECTION# REC. 20 & 29, T. 36 N., R. 08 E., N.M.P.M.
PLAT # 722
PAGE # 003

SOUTHWEST MOUNTAIN SURVEYS
1114 HICKOX ST., SANTA FE, N.M. 87501
(505) 882-8478 FAX (505) 882-5413
www.southwestmountainsurveys.com

A-13



VICINITY MAP

DEDICATION AND AFFIDAVIT

SHOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED (OWNER), HAVE CAUSED TO BE DIVIDED THOSE LANDS SHOWN HEREON, THIS DIVISION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNERS. UTILITY COMPASSES ARE GRANTED EASEMENTS AS SHOWN AND FOR EXISTING UTILITIES. OTHER EASEMENTS ARE GRANTED AS SHOWN. THIS DIVISION CONTAINS 7.878 AC.±, AND LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF SANTA FE, NEW MEXICO.

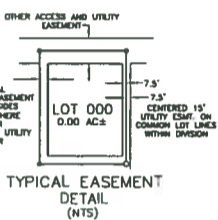
LOUIE RAEL
 STATE OF NEW MEXICO SS
 COUNTY OF SANTA FE
 THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY LOUIE RAEL.
 THIS DAY OF _____, 2013.
 MY COMMISSION EXPIRES _____ NOTARY PUBLIC

LEGEND AND NOTES

- DENOTES POINT FOUND (8990 CAP UNLESS OTHERWISE NOTED)
- DENOTES 11011 CAPPED REBAR SET THIS SURVEY
- DENOTES POINT CALCULATED
- △ DENOTES COMMUNICATION PEDESTAL
- DENOTES TRANSFORMER

— DENOTES EDGE OF EASEMENT
 — DENOTES FENCE LINE

1. CREATION OF TRACTS IS FROM "FAMILY TRANSFER LAND DIVISION FOR SMALL LOTS" WITHIN TRACT 61 BY MITCHEL K. HOOGAN PAPERS #8986, AND BEING FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BK.722, PG.003. RECORD DATA SHOWN IN ().
2. THIS PLAT IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.
3. BASIS OF BEARING IS GPS OBSERVATION OF POINTS FOUND WGS84.



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES HEREON ARE AN ACCURATE DELINEATION OF A FIELD SURVEY COMPLETED BY ME OR UNDER MY DIRECTION ON APR. 20TH, 2013, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEET THE STANDARDS FOR PROFESSIONAL LAND SURVEYING PRACTICES IN NEW MEXICO.

RICHARD A. CHATROOP N.M.P.L.S. #11011



NORTH SCALE 1"=80'

LA CIENEGA WATERSHED CONDITIONS

1. CONNECTION TO COUNTY WATER UTILITY. THE LOT OWNERS, THEIR SUCCESSORS AND HEIRS SHALL AGREE TO CONNECT TO THE COUNTY WATER UTILITY WHICH SERVICE IS AVAILABLE WITHIN TWO HUNDRED FEET (200') OF THE PROPERTY LINE OF THE LAND BEING OWNED, WHICH TWO HUNDRED FEET (200') SHALL BE MEASURED ALONG PLATTED EASEMENTS TO THE NEAREST PROPERTY LINE. THE LANDOWNERS, THEIR SUCCESSORS AND HEIRS SHALL AGREE NOT TO OPPOSE THE CREATION OF AN IMPROVEMENT DISTRICT PURSUANT TO ARTICLES 4-50A-1, ET SEQ. HSDA 1978, AS THOSE SECTIONS MAY BE APPLICABLE. ALTERNATIVELY, THIS CONDITION DOES NOT PRECLUDE ANY LOT OWNER FROM CONNECTING TO THE COUNTY WATER UTILITY UTILIZING OTHER MEANS OF FINANCING THAN THE IMPROVEMENT DISTRICT METHOD. THE LINE EXTENSION WITHIN SAID TWO HUNDRED FEET (200') SHALL BE DONE IN ACCORDANCE WITH THE APPLICABLE RULES AND REGULATIONS AND TARIFFS OF THE SANTA FE COUNTY WATER UTILITY.
2. ENCOURAGEMENT FOR SHARED WELLS. TO THE GREATEST EXTENT FEASIBLE LOT OWNERS SHOULD USE SHARED WELLS TO MINIMIZE EXPENSES RELATED TO INTERIOR WATER SUPPLIES.
3. DESIGN AND CONSTRUCTION. AT THE TIME A LINE EXTENSION IS MADE OR SHARED WELL SYSTEM SHALL BE DESIGNED TO MEET THE MINIMUM FIRE FLOW REQUIREMENTS OF THE LAND DIVIDED, EXCLUSIVE OF ANY RESERVOIR CAPACITY.
4. DISCONNECTION FROM DOMESTIC WELLS. AT THE TIME THE CONNECTION IS MADE TO THE SANTA FE WATER UTILITY, LOT OWNERS, THEIR HEIRS, SUCCESSORS AND ASSIGNS, AGREE TO DISCONNECT FROM ANY DOMESTIC WELLS CREATED UNDER HSDA 72-12-1(1878) AND TO DISCONTINUE USE OF SAID WELLS EXCEPT IN EMERGENCY CIRCUMSTANCES.
5. EASEMENTS. LOT OWNERS SHALL DEDICATE A FIFTEEN FOOT (15') WIDE UTILITY EASEMENT ALONG ALL PROPERTY LINES FOR THE INFRASTRUCTURE WATER DISTRIBUTION LINES FOR THE COUNTY WATER UTILITY SYSTEM.

SANTA FE COUNTY APPROVAL, NOTES AND CONDITIONS:

COUNTY LAND USE ADMINISTRATOR _____ DATE _____
 COUNTY PLANNING PERMIT NO. _____
 COUNTY RURAL ADDRESSING _____ DATE _____
 COUNTY TREASURER _____ DATE _____
 COUNTY FIRE MARSHAL _____ DATE _____

1. THE LANDOWNERS SHALL BE RESPONSIBLE FOR THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF SANTA FE.
2. UNAPPROVED PRIVATE ACCESS EASEMENTS, UTILITY EASEMENTS AND/OR FINANCING AGREEMENTS SHALL BE THE RESPONSIBILITY OF THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF SANTA FE. THE SANTA FE COUNTY PLANNING DEPARTMENT AND THE BOARD OF COUNTY COMMISSIONERS.
3. THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FUTURE DEVELOPMENT OR IMPROVEMENTS HEREON. ALL FUTURE COUNTY PLANNING AND FIRE DEPARTMENT APPROVALS SHALL BE THE RESPONSIBILITY OF THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF SANTA FE. THE SANTA FE COUNTY PLANNING DEPARTMENT AND THE BOARD OF COUNTY COMMISSIONERS.
4. AS A CONDITION TO THIS PLAT THE LOT OWNERS SHALL AGREE TO PROVIDE EASEMENTS TO THE COUNTY WATER UTILITY SYSTEM AS SHOWN ON THE PLAT. THE PROPERTY WILL BE FILED FROM PLANNING OR FLOOD RELATED SUBJECTS TO LESS THAN 15%.
5. THE SHARED WELLS AND/OR LOTS WITHIN SECTION 20 AND 29, T18N, R1E, N40M, SANTA FE COUNTY, NEW MEXICO, SHALL BE SUBJECT TO THE SANTA FE COUNTY FIRE DEPARTMENT. THE FIRE DEPARTMENT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE SHARED WELLS AND/OR LOTS WITHIN SECTION 20 AND 29, T18N, R1E, N40M, SANTA FE COUNTY, NEW MEXICO.
6. THESE RESIDENTIAL LOTS ARE CREATED BY FAMILY TRANSFER. RECORDS OF TRACTS, PARCELS AND/OR LOTS HEREON MUST RETAIN THEIR TRACT, PARCELS AND/OR LOTS UNDER _____.

- SPECIAL NOTES AND BUILDING PERMIT CONDITIONS**
1. THE INSTALLATION OF AN AUTOMATIC FIRE SUPPRESSION SYSTEM IS REQUIRED FOR ALL HOMES ON ALL LOTS.
 2. THE PARCELS, LOTS OR TRACTS PLATTED HEREON ARE SUBJECT TO ARTICLES VII, SECTION 3, AND ORDINANCE 2008-10, AS WELL AS ALL PERTINENT COUNTY CODE AND ORDINANCES AT THE TIME OF DEVELOPMENT.
 3. THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR DEVELOPMENT PERMIT.
 4. NEW DRIVEWAY/ROADWAY ACCESS FROM EXISTING ACCESS ROAD IS SUBJECT TO APPROVAL BY THE SANTA FE CO. PUBLIC WORKS DEPT.
 5. DEVELOPMENT PERMITS FOR BUILDING CONSTRUCTION WILL NOT BE ISSUED UNTIL REQUIRED IMPROVEMENTS FOR ROAD AND EMERGENCY TURN-AROUND ARE COMPLETED AND APPROVED BY STAFF.

SMALL LOT
 FAMILY TRANSFER LAND DIVISION FOR
 LOUIE RAEL & LOUIE RAEL JR.
 OF
 TRACTS 6H & 6J
 PURPOSE TO CREATE SIX RESIDENTIAL LOTS
 LYING WITHIN SECTIONS 20 & 29, T18N, R1E, N40M, SANTA FE COUNTY
 NEW MEXICO.

RICK CHATROOP
 PROFESSIONAL LAND SURVEYOR
 NEW MEXICO REGISTRATION NO. 11011
 (505) 478-0837 118 WALTON TRAIL DR. CERRILLOS HIL. 87910
 PROVIDING INFORMATION FOR THE COUNTY CLERK
 OWNER: RAEL
 LOCATION: LYING WITHIN SECTIONS 20 & 29, T18N, R1E, N40M,
 SANTA FE CO., N.M.

COUNTY OF SANTA FE YES
 STATE OF NEW MEXICO I
 I hereby certify that this instrument was filed for record on the _____ day of _____ A.D. 20____ at _____ o'clock _____ m. and was duly recorded in book _____ of the records of Santa Fe County.
 Witness my Hand and Seal of Office
 Santa Fe County, N.M.

 Deputy

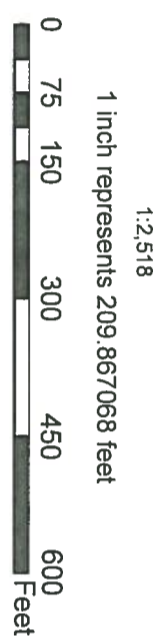


A-14



Legend

-  ROADS
-  DRIVEWAYS
-  Parcels



2008 Orthophotography
2 FOOT CONTOURS

This information is for reference only.
Santa Fe County assumes no liability
errors associated with the use of these
User are solely responsible for
confirming data accuracy.



January 7, 2013
A-15

*Subject
Lots.*

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

MEMORANDUM

DATE: March 20, 2014

TO: County Development Review Committee

FROM: Jose E. Larrañaga, Development Review Team Leader

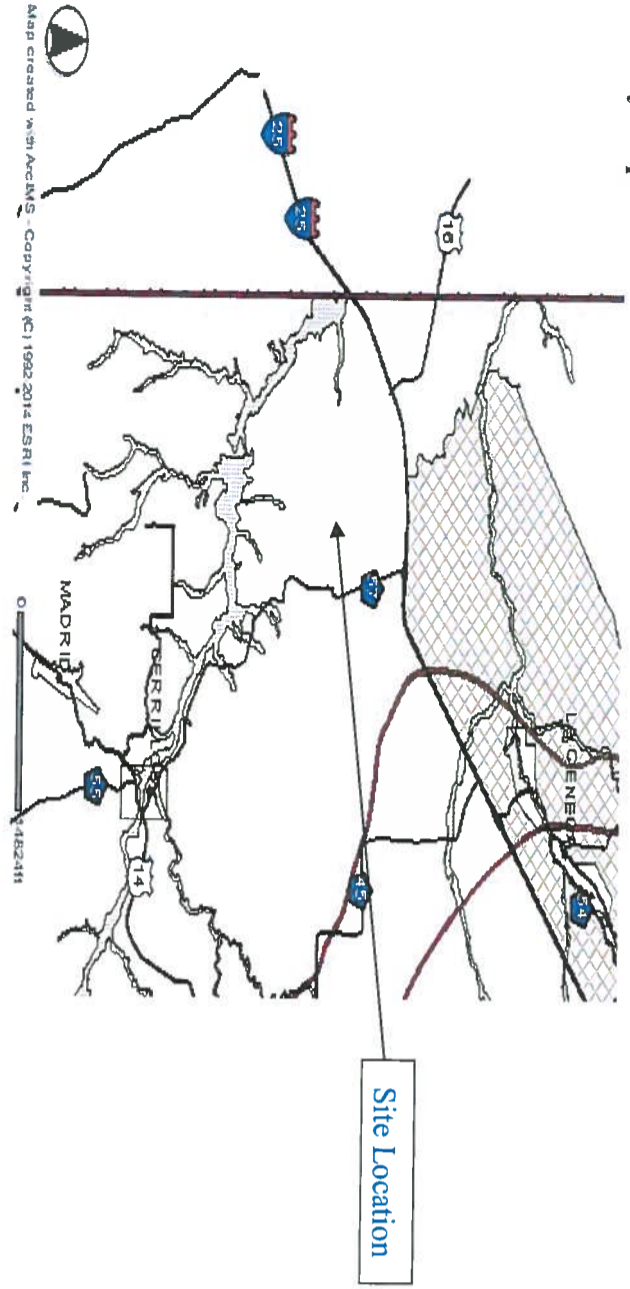
VIA: Penny Ellis-Green, Land Use Administrator *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: CDRC CASE # ZMXT 13-5360 Buena Vista Estates, Inc. & Rockology LLC.

ISSUE:

Buena Vista Estates, Inc, Applicant, Jim Siebert, Agent, requests zoning approval to create a mining zone, on a 50 acre ± site, to allow the extraction of aggregate for use as construction material. The site will take access off of Waldo Canyon Road (County Road 57) and the property is located on the south side of I-25, within Section 21, Township 15 North, Range 7 East (Commission District 3).

Vicinity Map:



SUMMARY:

Buena Vista Estates, Inc. owner, Rockology Limited, LLC, operator, are proposing the creation of a Mining Zone to allow the extraction of aggregate for construction purposes to be used in redi-mix concrete, asphalt, landscaping, and base course. The Applicant states: "the basaltic material is a durable, sound aggregate, which is needed in construction of roads, bridges, homes, schools, buildings, and public works projects. The quality of the aggregate pits in the Santa Fe area generally does not meet the requirements for these types of construction projects". The mining will encumber 50 acres of land within a 1,359 acre parcel owned by Buena Vista Estates, Inc.

The mining operation is expected to last 25 years with the operation to be conducted in three phases. A materials stock pile and crusher will be located in each of the three phases (pits) to be excavated. The mining for each phase (cell) will occur over an approximate seven to eight year period. Rock drilling will follow the removal of overburden, drilled in accordance with the approved blasting plan. A licensed and insured blaster will perform the blasting operations in compliance with all regulatory agencies, including Santa Fe County, MSHA and Federal ATF regulations.

Article XI, § 1.1 (Applicability) states: "mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring materials, (hereinafter: construction materials) shall be allowed anywhere in the County, provided the requirements of this Ordinance are met".

Article XI, § 1.2 (Location Standards for Creation of New Mining Zones) states: "the Santa Fe County Board of County Commissioners may create new mining zones, provided the following location standards are satisfied: 1. Demonstrated existence of significant mineral resources. 2. Use of the land for mining uses is reasonably compatible with other uses in the area affected by the mining use, including but not limited to traditional patterns of land use, recreational uses, and present or planned population centers or urban and metropolitan areas. 3. A history of significant mining activity in the area, if mining has been conducted in the area (not required for creation of new mining zones). 4. The area designated is particularly suited for mining uses, in comparison with other areas of the County".

The Applicants have submitted an analysis of the above mentioned location standards criteria: 1. A soils investigation of the site was conducted. An aggregate summary report, prepared by AMEC Earth Environmental, Inc., describes the type of material found on the site. Basaltic material was found to the limits of the depth that can be achieved by an excavator, or approximately 20 feet. 2. Currently the property is being used for grazing purposes which would continue during the mining operation. The site is privately owned and is not an open area for public use. The site is not within a present or planned population district. 3. There are several mine sites in the vicinity of this property (Waldo Quarry, Gypsum Mine-Santo Domingo, San Pedro Mine & Rosario Asphalt). 4. The site is not neighboring any residences. The traffic created by the mine will not go through residential communities. The mine site will not impact the neighboring properties.

Article XI, § 1.5.1.d (Submittals for Mining Uses) states: "a plan to provide for reclamation of the mine site. For mining uses involving open pit mining operations, the mining operator shall be

required to submit a plan for recontouring and reseeding or revegetation of the mine site or any phases thereof when the property or portions thereof has been mined. The plan for reseeding or revegetation may not require seeding or reseeding or revegetation of the open pit, but it shall require a plan to reseed or revegetate the remaining disturbed areas of the mine site, excluding roads, with reasonable allowances to recognize areas that cannot be practically seeded or revegetated because of slope, rock conditions or other limitation factors, in an attempt to provide roughly comparable vegetation to that which existed in the area prior to mining, through a single reasonable effort. The Board may require a security for completion of the reclamation required under the section. The security may be in the form of a:

- (1) surety bond issued by an insurance company which is rated "A" or better by Standard and Poors or a comparable rating service; or
- (2) by a letter of credit in a form approved by the Board, issued by a state or national bank whose deposits are insured by the Federal Deposit Insurance Corporation; or
- (3) if approved by the Board, by a corporate undertaking issued by the applicant corporation or its parent corporation listed on the New York or American Stock Exchange or major foreign stock exchange".

This Application was submitted on December 6, 2013.

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 the creation of a Mining Zone: the Application is comprehensive in establishing the scope of the project; existence of significant mineral resources has been demonstrated by the Applicant; the use of 50 acres of land, within a 1,359 acre parcel, for a mining use is reasonably compatible with other uses in the vicinity; the designated 50 acre site is particularly suited for mining uses, in comparison with other areas of the County; the review comments from State Agencies and County staff have established that this Application is in compliance with State and County requirements and Article XI, § 1 of the Land Development Code.

APPROVAL SOUGHT:

Creation of a Mining Zone to allow the extraction of aggregate for construction purposes on 50 acres of land within a 1,359 acre parcel.

SUBMITTAL FOR MINING USES:

The following was submitted by the Applicant as required by Article XI, § 1.5.1: a vicinity map showing the mine site and the area within a three (3) mile radius of the mine site drawn on a U.S.G.S. topographic quadrangle map; a map for the mine site, general survey, aerial photograph illustrating the existing site data; an operations plan in accordance with Article XI, § 1.5.1 – 8; a plan to provide reclamation of the mine site; an estimate of the average annual payroll/economic benefit of the mine site; a list of permits

NBB-3

required to be obtained to engage in the mining use on the mine site (Development Permit; Air Quality Permit; Mine Registration, Reporting, & Safe Guarding Program Services; Petroleum Storage Tank Bureau; Occupational Health & Safety Bureau; Mine Safety, Health Administration; Blasting); submission of an affidavit of ownership of mineral rights (Exhibit 8).

**AREA OF MINERAL
EXTRACTION ACTIVITIES:**

The neighboring activities are all industrial or transportation uses: the Waldo Quarry is 1.5 ± miles southeast of the proposed site; the New Mexico Rail Runner track traverses south of the proposed site; the Rosario Asphalt Terminal is located approximately three miles southwest of the proposed site; and in 1998, sand and gravel was mined in the area by Corn Construction for the I-25 construction.

ARCHAEOLOGIC:

Medium Potential, archeological report required for development of more than 10 acres. An archeological report has been submitted for review. The Historic Preservation Division (HPD) reviewed the archeological report prepared by Townsend Archeological Consultants and concurred with the findings that no additional archeological investigations are necessary. Because of the presence of segments of U.S. 85/66 and Camino Real within one mile of the project area, a line of site analysis was conducted to determine whether the materials pit would be visible from each of the segments. This analysis showed that the materials pit would not be visible from most locations because of intervening topography. Based on this analysis HPD had no concerns with the proposed project.

ACCESS AND TRAFFIC:

The site will be accessed from I-25 and Waldo Canyon Road (County Road 57). The distance from I-25, measured along County Road 57, to the access point to the site is approximately .6 miles. A Traffic Impact Analysis was submitted for review. NMDOT stated that traffic impact from the development would be minimal to the state roadway system and that no further action would be required. Santa Fe County Public Works Department has imposed conditions that County Road 57 be improved (a two inch overlay of HMA shall be applied on County Road 57 starting from the East Interstate 25 Frontage to the most southern boundary of the access road to the site) as per Code requirements. Truck traffic both to and from the site will utilize I-25 and County Road 57 (north of the site) as

described on page 13 of the Applicants Report (Haul Road Access). Traffic generated by the mine site will not go through any community, Traditional Community or pass any existing residences.

FIRE PROTECTION:

Turquoise Trail Fire District. Santa Fe County Fire Marshal recommends approval of the proposed project conditioned on compliance with Article 1, Section 103.3.2 of the Uniform Fire Code. A 10,000 gallon water tank will be dedicated for fire protection on the site. A draft hydrant will be attached to the tank to be accessible to fire trucks. A Knox locks will be installed on the gate located on County Road 57.

WATER SUPPLY:

Bulk water services from Santa Fe County will be used to serve this project. The County has issued a ready and willing letter to provide bulk water services from the SFCDU dispensing facility located at 13B Camino Justicia. The Applicant submitted a water budget on the annual use of water for dust control. Santa Fe County Utilities Department has reviewed the project and has verified the issuance of a ready and willing letter to provide bulk water services to this project.

LIQUID WASTE:

Portable toilets will be brought on site for sanitary purposes for the employees. The operator will enter into a contract to supply and maintain the portable toilets.

SOLID WASTE:

The solid waste produced on site will be associated with trash generated by the employees eating lunch at the plant. This trash will be placed in bags and taken to the Rockology office in Albuquerque to be disposed of in Albuquerque.

**FLOODPLAIN &
TERRAIN MANAGEMENT:**

The Applicant has submitted Topography data, a Soils map, Grading and Drainage Plan, and Reclamation Plan. A 31,245 cubic foot retention pond is proposed which will serve as drainage control for onsite drainage. The total amount of ponding required is 22,264. Therefore, the submittal is in conformance for phases I, II, and III and complies with Article VII, Section 3.4.6 and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance.

The site contains slopes of 0-15% and slopes from northeast to southwest portion of the extraction. The site is located outside of the 100 year FEMA designated flood hazard area and contains one small drainage location on the site. The

NB3-5

Submittal is in conformance of Article VII, Section 3.4.6 and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance

SIGNAGE AND LIGHTING:

No signage has been proposed for this project. A portable generator will serve the electric needs for this project. There will be periods of time that the extraction of material will not take place therefore a consistent source of electricity is not required. Temporary, portable lights will be used in the crusher/screener area, not to exceed 20 feet in height.

EXISTING DEVELOPMENT:

The 1,359 acre parcel is currently vacant. The property is currently being assessed as agricultural.

ADJACENT PROPERTY:

The 50 acre site is bordered on all sides by property owned by Buena Vista LTD. County Road 57 is approximately 1,250 feet away from the site to the east. The site is set back from I-25 and the Waldo Canyon overpass 4,250 feet at the northern boundary. The set back from the southern property line is 1,250 feet and 9,000 feet from the west property line.

PHASING:

The project will be completed in 3 phases within a 25 year period. The estimated time frame from start to completion of Phase I is 2014-2021, with approximately 326,000 cubic yards of material to be removed from the site. The estimated time frame from start to completion of Phase II is 2021-2028, with approximately 397,000 cubic yards of material to be removed from the site. The estimated time frame from start to completion of Phase III is 2028-2039, with approximately 543,000 cubic yards of material to be removed from the site. Reclamation will take place upon completion of each phase.

VISIBILITY:

On February 28, 2014, staff conducted a site visit to the proposed mine site. The Applicants placed 20' story poles, with white banners, at each corner of the 50 acre site. The Applicants also placed 20' story poles, with brown banners, where material would be stored within the 50 acre site. The purpose of placing the story poles was for staff to take photos at different locations to analyze the visibility of the proposed site. Staff GPS'd the property corners and the proposed stockpile location. Staff then went out onto I-25, I-25 Frontage Rd. and County Rd. 57 and took photos at locations where the poles or a portion of the poles were visible to the naked eye, these locations were also GPS'd. Staff also went out to areas to the south of the site and took

NBB - 6

photos of the general site using the cell tower as a landmark, the location of these photos were also GPS'd. Attached as Exhibit 6 is a map of the area which illustrates the location of the story poles and photos from different vantage points where staff could see the poles or a portion of the poles (each photo is matched up to the location where it was taken). Staff's conclusion is that the site will be visible on I-25 going west (headed towards Albuquerque), there will be very little visibility heading into Santa Fe on I-25. The site will be visible on County Rd. 57 at the entrance to the site.

AGENCY REVIEW:

<u>Agency</u>	<u>Recommendation</u>
County Fire	Approval
County Utilities	Approval
NMDOT	Approval
Public Works	Approval with Conditions
Traffic Planner	Approval with Conditions
OSE	Declined Comment
SHPO	Approval
NMED-	
Ground Water	Approval
NM Energy & Minerals	Approval

STAFF RECOMMENDATION:

Conditional approval for the creation of a mining zone, on a 50 acre ± site, to allow the extraction of aggregate for the use as construction material subject to the following staff condition:

1. Master Plan for all three Phases with appropriate signatures shall be recorded with the County Clerk, as per **Article V, § 5.2.5 of the Land Development Code.**
2. Staff recommends that the Board of County Commissioners require the Applicant to submit a financial security for completion of the reclamation in accordance with **Article XI, § 1.5.1.d of the Land Development Code.**

NB13-7

EXHIBITS:

1. Applicant Report
2. Proposed Plans
3. Reviewing Agency Responses
4. Aerial Photo of Site
5. Article XI, § 1
6. Visibility Assessment
7. Aerial of SFCCU Dispensing Facility located at 13B Camino Justicia
8. Affidavit
9. Letters of Concern

NBB-8

**CONSTRUCTION MATERIALS EXTRACTION
REPORT**

FOR

50 ± ACRE SITE

PREPARED

FOR

**BUENA VISTA ESTATES, INC
&
ROCKOLOGY LIMITED LLC**

PREPARED BY:

JAMES W. SIEBERT AND ASSOCIATES, INC.

NOVEMBER, 2013



NBB-9

Table of Contents

<u>DESCRIPTION</u>	<u>PAGE NUMBER</u>
Development Request, Purpose and Benefit	1
Economic Benefits	2
Owners, Lot of Record, and Mineral Rights Ownership	3
Project Location	3
Operator of Mineral Extraction Site	5
Neighboring Uses	5
Existing Structures and Improvements within 200 Feet	5-6
History of Mining in the Area	7-10
Mineral Resources	10
<i>Type of Material</i>	
Operations Plan	12-13
<i>Time Frame</i>	12
<i>Hours of Operation</i>	12
<i>Materials Processing</i>	12
<i>Pit Operations</i>	12
<i>Plant Processing</i>	13
<i>Product Loading and Distribution</i>	13
<i>Haul Roads</i>	13
<i>Hazardous Materials</i>	14
<i>Structures</i>	14
<i>Fire Protection</i>	14
Utilities & Outdoor Lighting	15
<i>Electric</i>	15
<i>Water</i>	15
<i>Lighting</i>	15
Volumetric Calculations	15-16
Environmental Review	16-17
<i>Air Quality</i>	16
<i>Storm Water/Drainage Management</i>	17
<i>Archaeological Review</i>	17
<i>Soils</i>	18

NBB-10

Water, Liquid Waste and Solid Waste	19
<i>Water Budget</i>	19
<i>Liquid Waste</i>	19
<i>Solid Waste</i>	19
Access and Traffic Impacts	20
Reclamation	20
<i>Revegetation</i>	21
Permits Required for Extraction Operations	21

NBB-11

Figures

Figure 1
Figure 2
Figure 3

Vicinity Map
State Register Map
Established Mining Location Map

Tables

Table 1
Table 2
Table 3
Table 4
Table 5
Table 6

History of Established Locations of Mining
Volumetric Calculations
Annual Use of Non-Potable Water
Traffic Generation
Seed Mix
Permitting Requirements, Construction Material

Appendices

Appendix A
Appendix B
Appendix C
Appendix D
Appendix E

District Court Judgment & Deed
Legal Interpretation of Mineral Rights
Material Found on Site
Wesco's Operation Procedures & Blasting Guidelines
Ready, Willing & Able Letter with Receipt of Payment

NBR-12

DEVELOPMENT REQUEST, PURPOSE AND BENEFIT

Buena Vista Estates, Inc. owner, Rockology Limited, LLC, operator, are proposing a Mining Zone to allow the extraction of aggregates for construction purposes to be used in ready-mix concrete, asphalt, landscaping, and base course. The basaltic material is a durable, sound aggregate, which is needed in construction of roads, bridges, homes, schools, buildings, and public works projects. The quality of the aggregate pits in the Santa Fe area generally does not meet the requirements for these types of construction projects. The mining will encumber 50 acres of land that is part of the existing 1,359 acre tract.

Aggregates are the most basic material required to support a growing and healthy economy. According to National Stone, Sand and Gravel Association:

- Each U.S. citizen uses 22,000 pounds of aggregates annually.
- 38,000 tons of aggregates are necessary to construct one mile of a four-lane highway
- 400 tons are required to build an average modern home.

As of August 2013, there were six permitted aggregate operations in Santa Fe County (Source: New Mexico Energy, Minerals and Natural Resources Department/Mining and Minerals Division).

- Waldo Quarry (owner Associated Asphalt and Materials)
- San Lazarus Gulch Mine (owner Paul Parker Construction)
- Aviation Mine (owner Montano's Excavating)
- Santa Fe River Pit (owner Eker Brothers, Inc.)
- Cerrito Pelado Mine (owner Big Chief Stone Inc.)
- La Cienega Mine (owner Crego Block)

Of the six operations, only three are capable of making construction grade aggregates.

Two of the operations produce scoria for landscaping and block production, and the Santa Fe River Pit is primarily for landscaping, as the physical properties are not suitable for construction aggregates.

The shortage of permitted quality aggregate sources in the area necessitates material to be hauled in from outlying sources to meet market demand. Significant quantities are currently being hauled from Albuquerque, Placitas, and Algodones.

NBB-13

ECONOMIC BENEFITS

Approval to allow mining on this site would provide numerous economic benefits to residents, businesses, and public agencies in Santa Fe County and surrounding areas.

1. Reduced cost of materials
(The location will reduce transportation costs for aggregates from Albuquerque sources by an estimated \$4-\$5/ton.)
2. Gross Receipts taxes:
Assuming 250,000 tons/year at average selling price of \$9/ton = \$2,250,000 revenue. Average haul rate at \$5/ton = \$1,250,000. (total revenue material and haul = \$3,500,000) Assuming 50% are non-taxable, potential GRT (at 7%) = \$122,500.
3. Employment opportunities
Anticipate 7 full-time employees at average wages of \$40,000 + benefits. Estimated annual payroll of \$280,000, plus cost of holidays, vacation, and insurance.
4. Will hire independent truckers to haul material:
Anticipate needing 6 independent haulers at average hourly rate of \$75/hour.
5. Purchase of water from Santa Fe Water Utilities
6. Reduction in truck traffic on I-25 from Albuquerque
7. Utilization of local vendors for goods and services, including fuel, gas, oil, office supplies, food, electrical and mechanical services.

N183-14

OWNERS, LOT OF RECORD, AND MINERAL RIGHTS OWNERSHIP

The owner of this tract is Buena Vista, Estates Inc. The address for this corporation is:

931 San Pedro SE
Albuquerque, NM 87108

The deed and the District Court judgment pertaining to this tract of land are found in Appendix A to this report.

Although Article XI, Section 1.5.1. specifies that the owner of mineral rights on the tract must be identified.

Various court cases have determined that sand and gravel extraction is not considered a mineral right. Attached as Appendix B is research on the current ownership of mineral rights on the subject property and a legal opinion prepared by Arthur Beach with the Keller law firm that supports the finding that sand and gravel is not a mineral right.

PROJECT LOCATION

The subject site is located east of Interstate 25 and south of Waldo Canyon Road (County Road 57). Figure 1 is a vicinity map which describes the location of this tract of land relative to known physical features.

The subject site is entirely surrounded by land owned by the co-applicant for this project. Adjoiners to the larger Buena Vista 1,358 acre parcel are:

To the East:

Peter Naumburg & Larry Pepler
Mesita de Juana de Santa Fe LTD
Box 447
Cerrillos, New Mexico 87010

To the South:

Happy Valley LTD
P.O. Box 5033
Santa Fe, New Mexico 87502

To the North:

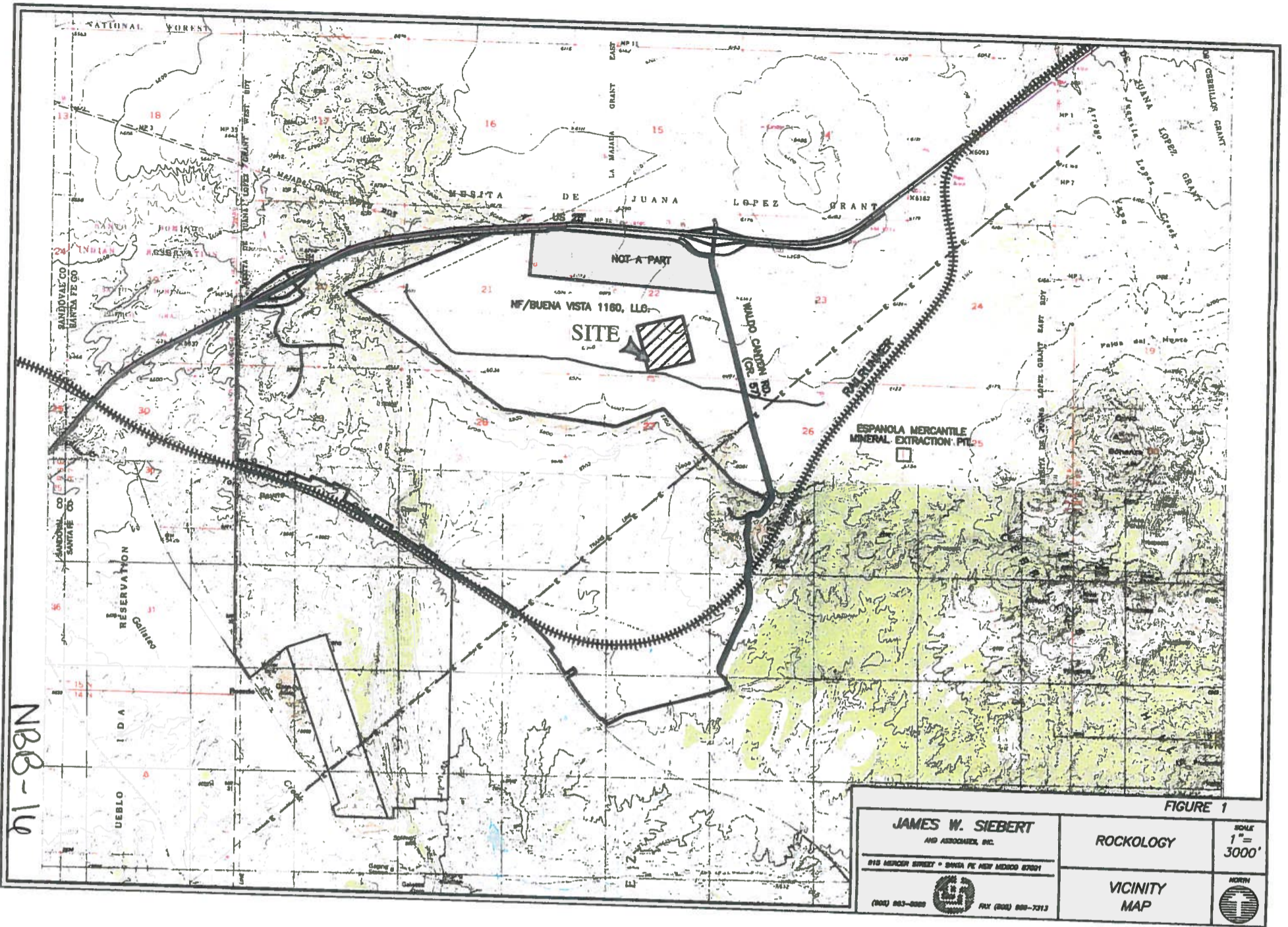
Martha Harris
4932 Arroyo Chamisa Rd. NE
Albuquerque, New Mexico 87111

To the West:

Remainder of Buena Vista Properties

NBFB-15

NBB-16



OPERATOR OF THE MINERAL EXTRACTION SITE

The operator of the mineral extraction site will be Rockology Limited, LLC and the owner of Rockology Limited, LLC is Steve Hooper who has 30 years' experience in the sand and gravel extraction and construction materials manufacturing business. The address for Rockology Limited, LLC is:

3601 Pan American Freeway
Albuquerque, NM 87107

NEIGHBORING USES

The majority of the land in the area surrounding the subject tract is vacant. The closest physical feature is County Road 57 to the east and I-25 to the north. Waldo Canyon Road (CR57) is located 1300 feet to the east of the northern-most boundary of the site. The closest existing use to this application is a sand and gravel mining operation located to the southeast of this site. This sand and gravel mining operation is owned and operated by Espanola Mercantile, Inc.

EXISTING STRUCTURES AND IMPROVEMENTS WITH 200 FEET OF THE SITE

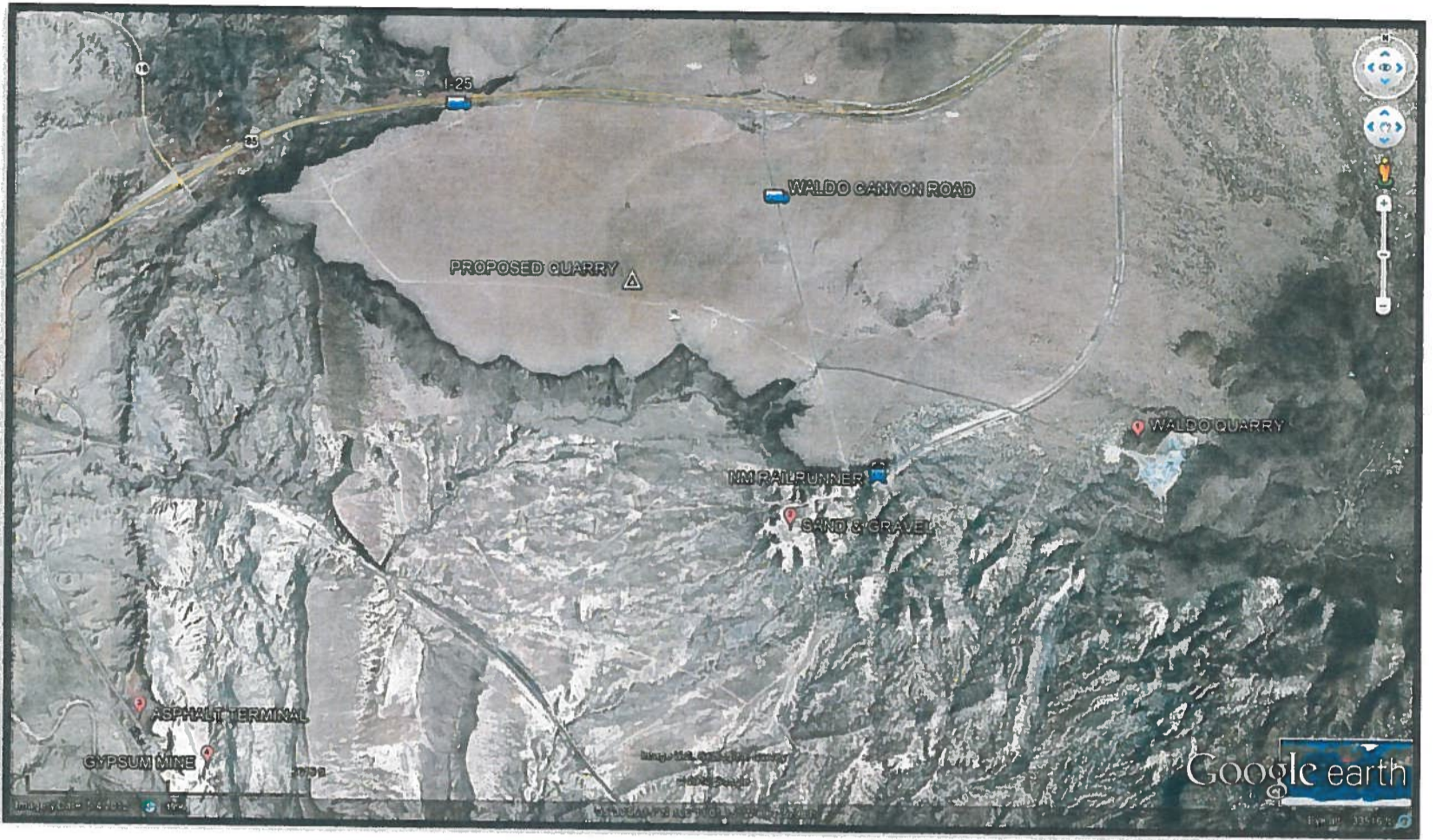
The only physical feature located within 200 feet of the perimeter of the extraction site is the underground electric line that provides electric service to the telecommunication towers at the western end of the subject property.

Area of Mineral Extraction Activities

The neighboring activities are all industrial or transportation uses:

- Waldo Quarry, owned and operated by Associated Asphalt & Materials, is more than 1 ½ miles southeast of the proposed site.
- The New Mexico Rail Runner track traverses below the proposed site, where tons of aggregate were used for ballast material.
- The Rosario Asphalt Terminal operated by NuStar Energy is located approximately three miles southwest of the proposed site.
- In 1998, sand & gravel was mined in the area by Corn Construction for I-25 construction.

NPB-17



NB18-18

There is a long history of mining in the Cerrillos and Waldo area of Santa Fe County. Mining has a tri-cultural history in this part of the County with mining by the Indian tribes lasting approximately 400 years, from 1300 to 1700 (Schroeder). Lead was also mined by the Indians for use in lead-glaze paint on pottery. Turquoise was mined by the Indian tribes at Turquoise Hill and Mount Chalchihuitl. The Castilian Mining Claim of 1879 and the Mount Chalchihuitl Claim were among the first turquoise mining claims in the U.S. (Elston, 1967). Turquoise was mined at the above two sites until 1950.

The Spanish and Mexicans mined this same area for 250 years from 1598 to 1848. The Spanish were looking for copper, silver and gold. A variety of metals have been mined in the Cerrillos area including zinc, lead, copper, silver and gold. Mining continued to occur in the area when United States took over New Mexico as a territory. Metal mining needed to supply the industrial revolution started in 1879 and the 1880's were the peak years for metal production. The metal mining operations were located about one mile north of Cerrillos and in Hungry Gulch, about three miles northwest of Cerrillos. Mining camps began to appear in this period at Carbonateville, south of El Cerro de la Cobena and Bonanza City on what is now the Bonanza Ranch.

Waldo began as a tent city in the 1880's and officially received its name in 1892. Coal became the most extensive mining operation in the late 1880's lasting until 1930's with Madrid being the primary producer of coal. Condie and Snow (2000) report the existence at Waldo of foundations for a zinc and carbonate smelter, which operated in the early 1920's. Condie and Snow also found the remains of 50 beehive coking ovens which operated in the era between 1896 and 1930.

New Mexico recognized the importance of this historical area and in 1973 placed the Cerrillos Mining District on the State Register of Cultural Properties. The boundary of this District is shown on Figure 2.

The more recent mining activity in the area of the requested construction materials extraction site includes active sand and gravel operations and one operation that has been abandoned. Espanola Mercantile, Inc. began its sand and gravel mining operation in the mid 1990's. All of Waldo Canyon Road from the paved section at the I-25 interchange, to the entry to the sand and gravel operation was paved as part of an effort to reduce dust on Waldo Canyon Road created by trucks accessing the mining site. During the construction of I-25, a mining construction site was established immediately east of the subject tract for the purpose of extracting borrow material and for sand and gravel for making base course and asphalt aggregates for the interstate highway construction. This pit was abandoned after completion of the Interstate Highway.

NBB-19

A gypsum mining and processing plant was located on the Santo Domingo Pueblo to the south and west of this proposed development. A railroad siding was constructed by the Atchison, Topeka and Santa Fe Railroad line for the purpose of loading aggregate ballast material to be used for bedding of the railway. This siding is currently used to off-load petroleum used as the binder in asphalt.

“The New Mexico Geological Society Guidebook, 40th Field Conference, Geology of the Santa Fe Region”, published in 1995 identified the mining sites in Santa Fe County. There is a heavy cluster of sites west of State Road 14 and along the railroad tracks of the Atchison, Topeka and Santa Fe Railroad. The sites identified in the report were divided into sand and gravel, scoria/cinders/pumice, stone and miscellaneous materials, consisting of barite, garnet, gypsum, iron oxide, silica and mica. The mining operations identified in the report that relate to this application are provided below identified by category.

**Table 1
History of Established Locations of Mining**

Deposit Name	Location (Sec, T, R)	Map Number
6618	S ½ 26, 15N, 7E	13
5607	NE ¼ 20, 14N, R8E	20
25-15-5	Sec's 26, 27, 34, 35, 15N, R7E	30
---	NE 1/4 11, 14N, 7E	40
Waldo Pit	S ½ 33, 15N 7E	48
0678	SE ¼ 6, 14N, 7E	50
25-15-2	SE ¼ 6, 14N, 7E	56

Stone O

Deposit Name	Location (Sec, T, R)	Map Number
Sandstone	NE ¼ 14, 14N, 7E	18
Monzonite-6814	Se ¼ 27	32
Monzonite-25-15-3	SE 1/4 28, 15N 8E	33
Monzonite Devil Throne Quarry	NW ¼ 18, 14N 8E	34
Monzonite Mina de Tiro	NW ¼ 8, 14N, 8E	35
Monzonite 25-15-6	Sec 30, 15N, 8E	36
Monzonite Horn Blende 0681	SW ¼ 5, 14N, 8E	38
Basalt 25-15-7	Sec 21, 15N, 7E	41

NB-21

Scoria, Cinders, Pumice ■

Type	Deposit Name	Location (Sec, T, R)	Map Number
Scoria	BLM Community Pit	Sec 1, 15N, 8E	1
Scoria	----	SW ¼ 22, 16N, 7E	2
Scoria	Crevo Mine	SW ¼ 18, 16N, 8E	3
Pumice	American Pumice Mill	Sec 2, 16N, 9E	4
Pumice	Copar Cuyamungue	Sec 28, 19N, 9E	5
Pumice	Guaje Canyon Mine	Sec's 31 & 32, 19N, 7E	6
Cinders	La Cienega	Sec 18, 16N, 8E	10

Misc. Material ☆

Type	Deposit Name	Location (Sec, T, R)	Map Number
Gypsum	Rosario	Sec 32, 15N, 7E	4
Gypsum	La Bajada/Rosario	SW ¼ 30, 15N, 7E	5

Source: Industrial Minerals and Rocks in Santa Fe County New Mexico
New Mexico Geological Society Guidebook, 46th Field Conference

An enlargement of the map included in the New Mexico Geologic Society Guidebook report is reproduced as Figure 3.

MINERAL RESOURCES

A soils investigation of the site was conducted using an excavator to determine the type and depth of material. A description of the material found at the site prepared by Rockology Limited, LLC, is found in Appendix C to the report. Basaltic material was found to the limits of the depth that can be achieved by the excavator, or approximately 20 feet. Except for 4-6 inches of top soil the basaltic material was relatively constant for the entire depth of 20 feet.

Type of Material

The principal material located within the mineral extraction area is basalt. Physical property testing demonstrates that the material is high quality, meeting soundness and durability specifications. The physical properties as tested are:

- Bulk specific gravity: 2.64 %
- Absorption: 1.4 %
- L.A. abrasion: 20.9%
- Magnesium Sulfate Soundness Loss: 7.1%
- Sodium Soundness: 1 -- 5%

This information is derived from testing conducted by Steven A. Hooper, P.E., owner of Rockology Limited, LLC.

NBB-22

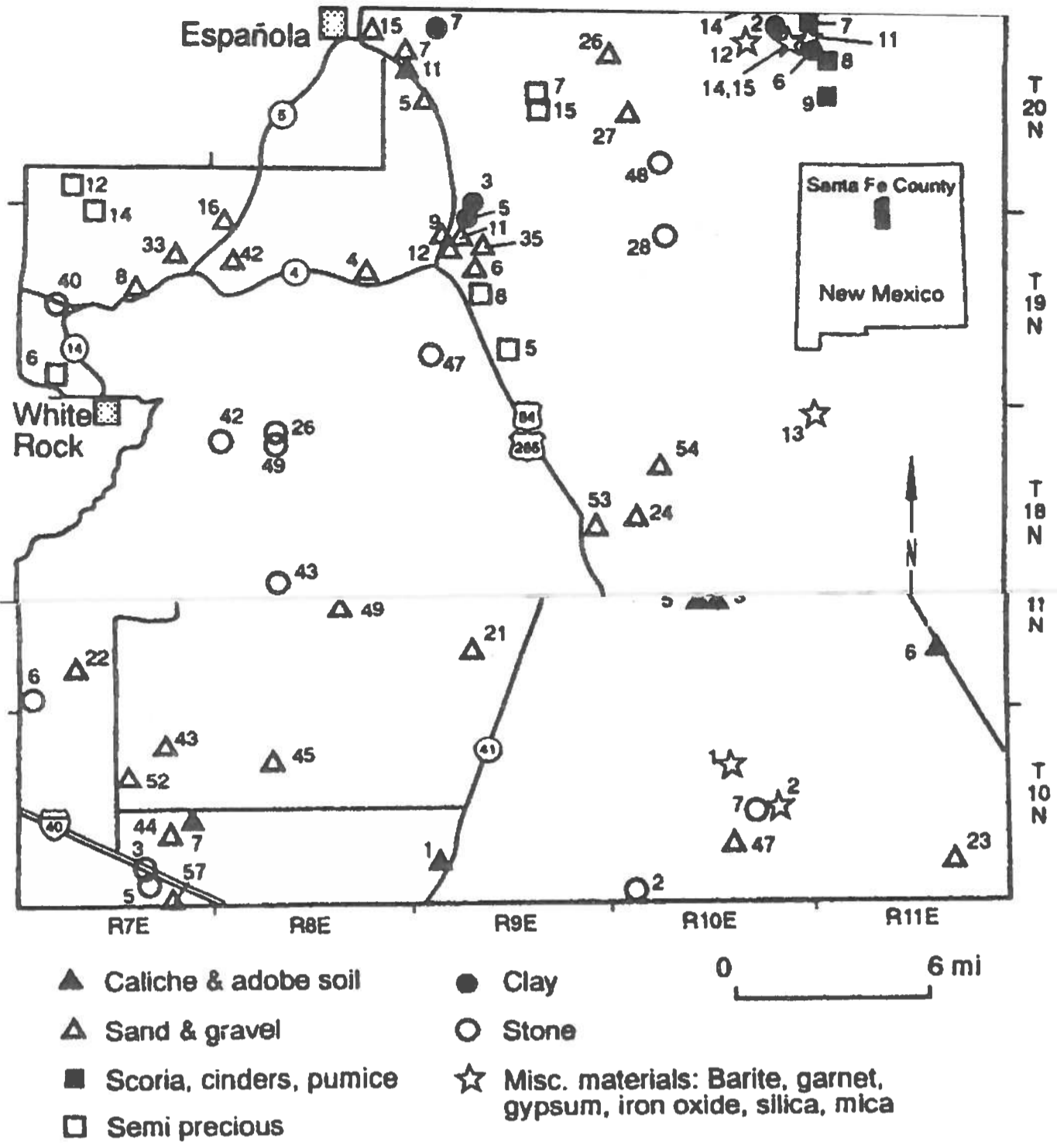


FIGURE 3

FIGURE 1 Location map for industrial mineral and rock deposits from Santa Fe.

NRS-23

OPERATIONS PLAN

Time Frame

The mining operation is expected to last 25 years with the operation to be conducted in three phases. A materials stock pile and crusher will be located in each of the three pits to be excavated over a 25 year period. The mining for each cell will occur over an approximate seven to eight year period.

Hours of Operation

During the warmer months (April - September) the hours of operation will be 7:00 AM to 5:00 PM for weekdays and 7:00 to 12:00 on Saturdays. During the colder months (October through March) the hours of operation during the weekday will be 9:00 to 4:00. Work will generally not take place on the weekends and during the colder months of the year.

Materials Processing

The processing and handling of materials will be accomplished in three segments: pit operations, plant processing and product loading and distribution.

Pit Operations

Preparation of each cell begins with the removal of natural soil overburden. A track dozer will be used to remove the overburden to expose the basaltic rock formation. The overburden will be stockpiled outside the excavation cell and will be used as topsoil in the reclamation of the site following completion of mining for each phase.

Three cells are proposed for the site. The location, phasing and acreage for the cells are found in the plan set submitted with this application.

Rock drilling will follow the removal of overburden, drilled in accordance with the written and approved blasting plan. A licensed and insured blaster will perform the blasting operations in compliance with Santa Fe County and federal ATF regulations. Blasting will only take place during daytime hours. Times for blasting will be coordinated to insure that regulatory agencies are properly notified. Blasting materials will not be stored on site.

Rock drilling will follow the removal of overburden, drilled in accordance with the written and approved blasting plan. Blasting will be contracted out to Western Explosive Systems Company (WESCO). A licensed and insured blaster, WESCO will perform the blasting operations in compliance with all regulatory agencies, including Santa Fe County, MSHA, and federal ATF regulations.

WESCO is currently providing drilling and blasting services for numerous contractors, including:

- Delhur Industries (Santa Fe landfill)
- GCC Rio Grande Cement in Tijeras Canyon
- Salls Brothers, rock pit west of Albuquerque
- C&E Concrete, Tinaja pit south of Grants

WESCO's Standard Operating and Blasting Procedures are attached in appendix D

Plant Processing

A front-end loader will feed the blasted material into a feed hopper, followed by crushing, screening and stockpiling of finished material. The crusher will be located in the excavated cell with limited visibility from public roadways, once the cell is excavated. Conveyors will be used to deliver materials into different size components. Unusable material is returned to the excavation area for use in reclamation.

Product Loading and Distribution

This component of the operation consists of a front-end loader placing the finished aggregate products into the haul trucks. All trucks will be required to be compliant with New Mexico Department of Transportation and New Mexico Public Regulation Commission requirements. All loads will be weighed to ensure that trucks are within the legal weight limits, and properly covered to secure the load.

Haul Road Access

Trucks hauling the aggregate material leaving the site will use County Road 57, entering I-25 at the Waldo interchange and then either proceeding north on I-25 or south on I-25. Haul trucks accessing the site will use I-25, either from the south or the north, exiting at the Waldo interchange and will proceed on County Road 57 to the entrance as discussed in the report. The trucks loading on water at the stand pipe on State Road 14 will use I-25 exiting at the State Road 14 interchange and will proceed on State Road 14 to the County water stand pipe. Trucks taking water to the aggregate site will use State Road 14 accessing I-25 at the State Road 14 interchange. Water trucks then exit I-25 at the Waldo interchange and will then proceed on County Road 57 to the project entry. Water trucks leaving the site will use County Road 57 entering I-25 at the Waldo interchange.

Both the water delivery trucks and the aggregate trucks will be given direction by the operator that under no circumstances will they access the site through the town of Cerrillos using County Road 57 at its terminus in the town of Cerrillos. There is no reason for any access to the site through the town of Cerrillos since County Road 57 after the turn-off to the Espanola Mercantile sand and gravel operation is a rough and narrow road that do to its current condition carries very little traffic.

Hazardous Materials

Standard hazardous materials used in aggregate processing are petroleum-based products such as diesel fuel, lubricants, and oils. These products will be stored in accordance with local, state and federal regulation. A spill prevention plan will be in place and administered by the operations superintendent, who receives annual training on spill prevention. A five thousand gallon diesel fuel storage tank will be used for heavy equipment operating on the site.

The tank will be padlocked and a secondary containment system will consist of a ten mil geosynthetic liner and earthen berm to contain spills equal to 110 percent of the tank's volume.

Other petroleum products will be stored and used according to industry standards and regulations. A service truck will visit the site on a weekly basis to serve the equipment located at the site. Servicing of equipment will be done in conformance with State regulations for disposing of waste materials and equipment oils. All used oils and lubricants will be stored in required containers, removed from the site and taken to Albuquerque for recycling

Structures

Much of the equipment that will be located on the site will be of a portable nature. With the exception of the water and diesel oil storage tanks the types of equipment operating at the extraction site will consist a tool trailer, administrative trailer, screening and crushing equipment and associated belt conveyor systems, water and fuel storage tanks and a weigh scale.

Fire Protection

A 10,000 gallon tank will be dedicated to fire protection on the site. This tank will have a draft hydrant attached to the fire protection tank with the location of the draft hydrant being accessible to fire trucks. A Knox locks will be installed at the gate located on County Road 57. A description of the tank and draft hydrant is shown on the Site and Operation Plan in the plan set.

20 pound ABC fire extinguishers will be located at the construction trailer, tool shed and at the crusher and screener. 10 pound extinguishers will be available at all movable machinery at the site.

UTILITIES & OUTDOOR LIGHTING

Electric

There is underground electric service sufficient to provide service to the project. A transformer or pedestal will be installed at the site.
There are no other utilities are being requested for this project

Water

Bulk water services from Santa Fe County will be used to serve this project. The County has issued a ready, willing letter to provide bulk water services. See letter attached as Appendix E along with the receipt that opened the commercial account with the County.

Lighting

Lighting will be used at the tool and administrative trailers to provide the necessary security to avoid vandalism at the site. Pole-mounted lights will not exceed 20 feet in height and will have cut-off shields to direct light downward. Upon completion of the cell the height of the lights and the ground level will be approximately the same. The observance of light from outside the property will be limited.

Temporary, portable lights will be used in the area of the crusher/screener for exceptional times that operations would occur during peak construction period when materials are needed for large construction projects that have a short time frame. These portable lights would illuminate in a downward manner on the work area and would face away from County Road 57.

VOLUMETRIC CALCULATIONS

The area to be mined consists of 50 acres with a maximum depth of 60 feet and the deepest part of the pit. Table 2 is a description of the quantities of material to be moved during each phase of the operation. It is estimated that a total of 3.36 million cubic yards of materials will be excavated over a 25 year time frame. Of the 1.26 million cubic yards of material 34,000 cubic yards of overburden/top soils will be stockpiled for reclamation. The estimated amount of material to be processed through the crusher is 1.26 million cubic yards. Of this processed material it is estimated that 886 thousand cubic yards will be exported from the site and sold on the open market.

Table 2
Volumetric Calculations

	Phase I	Phase II	Phase III
Size (acres)	34.7	36.8	37.2
Size (square feet)	1,514,779	1,606,124	1,605,234
Overburden (cu. yds.)	17,000	11,000	6,000
Depth of Excavation	30 ft.	15 ft.	16 ft.
Total Material removed (cu. yds.)	326,000	397,000	543,000
Material available for sale (cu.yds.)	228,200	277,900	380,100

ENVIRONMENTAL REVIEW

Air Quality

The air quality plan will comply with the requirements for the permit issued by the New Mexico Environment Department for the crusher that was previously located at another location. The air quality permit information for this existing permit is:

GCP-2-3164,
IDEA No. 22537-PRN20040001,
AIRS No. 350130065,
Permitted Production Rate is 500 THP.

The process equipment will include the following:

- 2 Primary Jaw Crushers with feeders
- Vertical Shaft Impact Crusher
- 2 Cone Crushers
- Surge Bin
- 2 - 6x20 Screens
- 1 - 8x20 Screen
- 1 - 6x18 Screen
- 1000 KW Generator
- 18 conveyors

In addition the following actions will be implemented at this site:

- The road to the excavation area will be constructed with 4 inches of gravel fines material and dust palliatives will be used on an as needed basis to manage particulates from traffic on the haul road.

- Dust suppression systems will be installed at the processing area and the material transfer sites using atomized sprayers.
- Employees will be trained in record-keeping for daily monitoring of opacity at the site.
- Finished stockpile material will be located in an area that is protected as much as possible from the prevailing winds.

Storm Water/Drainage Management

Jorge Gonzalez, PE, has prepared a grading and drainage plan for the site. This plan is included in the plan set submitted with this application. Ponding locations are described for each phase of the project. Each cell will be graded to direct storm water to these ponds. The site does not disturb any significant natural drainages and any runoff from the cells will be contained entirely within the cell. The detention pond has been designed to accommodate the difference in the pre and post condition for all phases of the project. The pond is designed to discharge within a 24 hour period.

A Storm Water Pollution Prevention Plan (SWPPP), as required by the NMED, will be prepared prior to the issuance of a development permit for the mining application. The plan will include the location of silt fences and measures to be taken to ensure the storm water from the site does not cause erosion problems either as part of the mining process or from access roads to the site.

Archaeological Review

This request is not located within an area of "Historic or Cultural Sites" as designated in the County Land Development Code. It is located within an area designated on Map 8, "Santa Fe County – Archaeological Districts", as having moderate potential for archaeological sites. An archaeological survey and report was prepared for the mineral extractions site. The report prepared by Townsend Archaeological Consultants did not find any sites within the perimeter of the subject site. Two copies of the report are submitted under a separate cover.

Soils

Based on findings from the Natural Resources Conservation Service Soils, NRCS, there is only three type of soils profile associated with the mineral excavation site. This soils type is described below.

110:	Cuerbio Loam <i>Setting</i> Landform: Position on landform: Subsurface Geology:	1 -3 Percent Slopes Mesas and erosional fan remnants Summits Silty alluvium of the Ancha Formation and basalt bedrock of the Cerros del Rio volcanic field Irregular 10 to 300 acres 5,800 to 6,700 feet
135:	Tsinat Gravelly Loam <i>Setting</i> Landform: Position on landform: Subsurface Geology:	1 – 6 Percent Slopes Mesas Summits Basalt bedrock of the Cerros del Rio Volcanic field Irregular 100to 300 acres 6,000 to 6,500 feet
136:	Churipa Very Cobbly Sandy Loam <i>Setting</i> Landform: Position on landform: Subsurface Geology:	5 – 15 Percent Slopes Mesas Beveled summits and shoulders Basalt bedrock of the Cerros del Rio Volcanic field Irregular 50 to 200 acres 6,000 to 6,500 feet

WATER, LIQUID AND SOLID WASTE

Water Budget

Water for dust control purposes will be brought to the site from the County bulk water supply site on State Road 14 and stored in the 10,000 gallon tank as shown on the site plan. Trucks will shuttle the water in off peak hour periods for use during periods that dust control is needed. The limited water needed for drinking purposes will be purchased in twenty gallon containers. For potable water ten to twenty gallons will be used on a daily basis for drinking purposes. A commercial account has also been opened with the Santa Fe County Utilities Division.

The water use for dust control is described on Table 3.

Table 3
Annual Use of Water for Dust Control

Month	Gals./Month
January	30,000
February	30,000
March	140,000
April	140,000
May	140,000
June	40,000
July	40,000
August	40,000
September	40,000
October	40,000
November	30,000
Total	710,000

Total 2.19 acre feet per year

Liquid Waste

Portable toilets will be brought to the site for sanitary purposes for the workers. The operator will enter into a contract to supply and maintain the portable toilets. A specified maintenance period will be included in the contract for service of the portable toilets.

Solid Waste

The only solid waste produced on the site will be associated with the trash generated by the workers associated with eating lunch at the plant. This trash, to be placed in bags, will be returned to the Rockology offices in Albuquerque for disposal in Albuquerque.

ACCESS AND TRAFFIC IMPACTS

Trucks will access the site from I-25 and Waldo Canyon Road. Waldo Canyon Road is currently paved up to the access to the property. The distance from I-25, measured along Waldo Road, to the access point is approximately .6 miles. An access road will be constructed to the site. Top soil from the access road to the site will be stockpiled along with the top soil from the excavation for the cell. A borrow ditch will be cut on each side of the road to manage storm water. The access road to the site will be approximately one quarter mile in length. This road will serve as the access road for all three phases and as a maintenance road for the underground electric line. The access road will not be reclaimed since it will continue to be used as the maintenance road for the underground electric line.

During maximum operation it is estimated that twelve trucks will haul materials from the site on a daily basis. It is also assumed that at peak capacity, ten persons will be working at the site. Table 4 is an estimate of traffic generation at the site.

Table 4
Traffic Generation

	AM Peak Enter	Peak Exit	PM Peak Enter	Peak Exit
Trucks	6	6	8	6
Work Vehicles	<u>10</u>	<u>10</u>	<u>12</u>	<u>8</u>
Total	16	16	20	14

Traffic movement estimates are based on traffic from other Rockology work sites. A Traffic report has been prepared by Jorge Gonzalez, PE. Five copies of this report are submitted with this application under a separate cover.

RECLAMATION

Procedure

Reclamation will take place upon completion of each phase of the operation. The sides of the excavation area will be shaped at cut slopes not to exceed a ratio of one vertical to three horizontal. The side slopes of the excavation area will conform to the requirements of the Mining Safety and Health Administration. The stock-piled overburden will be returned to the site and use as a base for the reseeded operations. Where the terrain contours are susceptible to erosion, furrows will be created at appropriate intervals to prevent soil erosion. Since the excavation area does not disturb any significant drainage channels there will be no need to restore the preexisting drainage patterns.

Re-vegetation

After replacing the top soil reseeding of the area will occur within six months of terminating the extraction process. A qualified contractor will be responsible for performing the reseeding operation. Seed will be spread on the site according to the following specifications.

Table 5
Seed Mix

Botanical Name	Common Name	PLS/ac
Bouteloua Gracilis	Blue Grama	2.0 lbs.
Bouteloua Cestipendula	Side Oats Grama	4.0 lbs.
Sporobolus Airoides	Alkali Scaton	0.5 lbs.
Andropogon Scoporioum	Little Bluestem	1.0 lbs.
Atriplex Canescens	Fourwing Saltbush	1.0 lbs.
Fallugia Paradoxa	Apache Plume	1.0 lbs.

Fertilizer (23-13-0) shall be applied at a rate of 75 lbs per acre and prairie hay shall be applied at a rate of 1,000 lbs/acre. Hydro seeding will be used where steep slopes prevent the use of a range drill. Hydro seeding will include a binder agent for securing seed, mulch and fertilizer.

Reseeding will occur only during the months of June, July and August for warm season species and October, November and December for the cool season species. Seeded areas will be protected from livestock grazing until a vegetative cover is established. The reseeded area will be watered on a regular basis to assist in the germination of the seed.

PERMITS REQUIRED FOR THE EXTRACTION OPERATION

Table 6 describes the permits that are required to initiate and operate a sand and gravel operation.

Table 6
Permitting Requirements
Mineral Extraction, Construction Materials

Permits	County	State	Federal	Comments
Development Permit	X			Hearing before CDRC & BCC
Air Quality Permit		X		Universal application (UA1, UA2, & UA30 must be completed for aggregate mining operations
Public Notice Guidance		X		Required under 20.272.203B NMAC) for permits using Universal Application.
Mine Registration, Reporting, and Safeguarding Program Services		X		Required under 19.7.21 NMCA Registration and Reporting
Petroleum Storage Tank Bureau-Petroleum Storage Tank Requirements		X		19.7.2-Safeguarding Title 20, Chapter 5, Part 2 NMAC
Occupational Health and Safety Bureau-Occupational Health and Safety Regulations		X		
Mine Safety, Health Administration (MSHA)		X		Registration with MSHA required
Blasting (MSHA), (ATF), (DOT)	X	X		

Blasting of material will occur on the site. The "Standard Operating Procedures and Blasting Guidelines".

APPENDICES

NBR-35

APPENDIX A

District Court Judgment & Deed

NBB-34