

**DRAFT**  
subject to approval

**MINUTES OF THE**  
**SANTA FE COUNTY**  
**DEVELOPMENT REVIEW COMMITTEE**

**Santa Fe, New Mexico**

**March 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 4:06 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  
Manuel Roybal

**Member(s) Excused:**

None

**Staff Present:**

Penny Ellis-Green, Land Use Administrator  
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

Chair Drobnis advised the audience that according to the Fire Marshal those in the audience must occupy a seat and there will be no standing. He invited the overflow audience to watch the proceedings in the legal conference room where a television is set up.

#### **IV. APPROVAL OF AGENDA**

Ms. Lucero indicated that under the Public Hearings, case #MPA 131-5380, Elevation at Rancho Viejo, was requested for tabling by the applicant.

Depending on the length of time the Buena Vista Estates & Rockology case consumes, Chair Drobni said the items at the end of the agenda may not be heard this evening. He suggested the Committee make a decision regarding those cases later in the meeting.

Upon motion by Member Katz and second by Member Martin the agenda was unanimously approved 7-0. [Also tabled, Item F: Z/V.S. 10-5362, St. Francis South Master Plan amendment and variance. See page 26]

#### **V. APPROVAL OF MINUTES: February 20, 2014**

An error was noted on page 7, the last paragraph before case D, the word was “against” not again.

Member Martin moved to approve the February minutes as corrected. Member Katz seconded and the motion passed by unanimous [7-0] voice vote.

#### **VI. CONSENT CALENDAR – Final Order**

- A. **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 (Approved 6-0)

Mr. Katz moved to approve the final order with the following amendment to item 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 finds that the requested use fully complies with all five of the home occupation performance standards in Article III, Section 3.2 of the Land Development Code and hereby grants the appeal and overturns the Land Use Administrator’s denial...”

Ms. Booth seconded and the motion passed by unanimous [7-0] voice vote.

## VII. Public Hearings

- A. **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 two 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)

Chair Drobnis reminded the Committee that at its February meeting the vote on this case ended in a tie vote. Under Commission Rules of Order the application is automatically tabled until the next meeting when a tie can be broken. The case is being presented for vote only.

Ms. Lucero advised the Committee that the motion at last month's meeting was to grant the applicant's request for the exemption.

The motion to approve the request was approved by majority [4-3] voice vote with members Roybal, Gonzales, Booth and Anaya voting for and members Drobnis, Martin and Katz voting against.

- B. **CDRC CASE # ZMXT 13-5360 Buena Vista Estates, Inc. & Rockology LLC** 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)

*[Exhibit 1: Red binder of materials opposing the strip mine application on La Bajada Mesa compiled by the Rural Conservation Alliance; Exhibit 2: League of Women Voter letter in opposition of request; Exhibit 3: San Marcos Association letter in opposition to request, dated 3/20/14; Exhibit 4: 101 signatures of individuals outside the County Chambers; Exhibit 5: Ross Lockridge letter, dated 3/20/14 against the request; Exhibit 6: Sam Worthman, email in support of the request; Exhibit 7: Packet of emails sent to County staff opposing the application]*

JOSE LARRAÑAGA: 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 coarse. 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.

The mining operation is expected to last 25 years with the operation to be conducted in three phases. A materials stockpile 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 11, Section 1.1 states that the mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring materials, shall be allowed anywhere in the County, provided the requirements of this Ordinance are met. Article 11, Section 1.2, Location Standards for Creation of New Mining Zones, states that "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, Incorporated, 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. 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, Section 1.5.1.d, 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. The 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, Section 1 of the Land Development Code.

The approval sought the 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 mile radius of the mine site drawn on a USGS 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 required to be obtained to engage in the mining use on the mine site; submission of an affidavit of ownership of mineral rights which is Exhibit 8.

Area of Mineral Extraction Activities: The neighboring activities are all –

CHAIR DROBNIS: Mr. Larrañaga, can I interrupt for a moment. Jeff, can you give us any more volume on the loud speakers. Thank you.

MR. LARRAÑAGA: 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.”

Archaeological: Medium Potential, archeological report required for development of more than 10 acres. An archaeological report has been submitted for review. The Historic Preservation Division reviewed the archaeological report prepared by Townsend Archaeological Consultants and concurred with the findings that no additional archaeological investigations are necessary. Because of the presence of segments of US 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. 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 as described on page 13 of the Applicants Report. 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 SFCU 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 supply 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 and 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 percent 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 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 three 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-foot story poles, with white banners, at each corner of the 50-acre site. The Applicants also placed 20-foot 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 Road, and County Road, 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 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.

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.

**Agencies Reviews:** County Fire Marshal, approval; County Utilities, approval, NMDOT, approval, Public Works, approval with conditions, Traffic Planner, approval with conditions, Office State Engineer, declined to comment; State Historic Preservation Office, approval, New Mexico Environmental Department Groundwater, approval; New Mexico Energy and 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, Section 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, Section 1.5.1.d of the Land Development Code.



Mr. Chair, I stand for any questions.

CHAIR DROBNIS: Are there questions from the Committee to staff?

Mr. Anaya.

COMMITTEE MEMBER ANAYA: Mr. Chair, first thing I want to do is tell staff personally that the work that you guys had done on this particular project right here was very professional done and I appreciate it. It made it easy for myself to view everything and follow along as it read. So I just want to thank staff publicly for the work that they've done not only on this one but on many other cases too. So I want to start off with just that right there. And then we'll continue.

CHAIR DROBNIS: Any other questions from the Committee? Ms.

Martin.

COMMITTEE MEMBER MARTIN: I'm not sure if this is for you or this is for the utilities department but how does the utilities department make a decision on supplying the bulk water.

AUDIENCE: Can't hear.

COMMITTEE MEMBER MARTIN: It's a question for staff I wanted to know how the County water utilities makes a decision to provide bulk water services to an applicant such as this?

CHAIR DROBNIS: I think we're looking for a utilities department person.

COMMITTEE MEMBER MARTIN: I'll hold it.

CHAIR DROBNIS: We'll hold that question until somebody can be located. Mr. Gonzales, did you have something?

COMMITTEE MEMBER GONZALES: Member Drobnis, I kind of have the same question. Maybe you can answer it instead. Regarding the bulk water is it – where is it specifically that they're getting the water from?

MR. LARRAÑAGA: Mr. Chair, Committee Member Gonzales, the water that they're getting is from the County water from Highway 14 by the County jail, right in front of the County jail.

COMMITTEE MEMBER GONZALES: Is that just potable water or is it greywater?

MR. LARRAÑAGA: Mr. Chair, Committee Member Gonzales, potable water, yes.

COMMITTEE MEMBER GONZALES: Thank you.

CHAIR DROBNIS: Mr. Katz.

COMMITTEE MEMBER KATZ: I have a question about the history of the zoning of this area if staff could give us some input on that please. What is it zoned now? When was it zoned that? Has it ever been changed? What considerations went into the zoning originally?

MR. LARRAÑAGA: Mr. Chair, Committee Member Katz, right now it is zoned agricultural. It has been assessed agricultural so we consider it agricultural slash residential. They could go out there and build a house with the proper permits. This is changing the zoning just on the 50-acre site within that large parcel as a mining zone.

COMMITTEE MEMBER KATZ: I understand that. How did it get the – does it have zoning now?

MR. LARRAÑAGA: Mr. Chair, Committee Member Katz, it has never gone through a zoning process, no. But we do consider it as residential/agricultural.

COMMITTEE MEMBER KATZ: What is the basis of your considering it that? I'm a little puzzled.

MR. LARRAÑAGA: Mr. Chair, Committee Member Katz, most properties aren't – don't ever come in for zoning. This property is going through zoning is assessed agricultural and used for grazing but it's not zoned as a subdivision. It's just zoned as a large tract residential.

COMMITTEE MEMBER KATZ: Thank you. That's all I have.

CHAIR DROBNIS: Are there other questions from the Committee? Ms. Booth.

COMMITTEE MEMBER BOOTH: I'm wondering the Sustainable Growth – our new plan that is going to be coming into effect, how that would affect this or how it would be perceived differently? Is that a fair question? Is that a legal question?

CHAIR DROBNIS: How is it zoned in the Sustainable Development Land Use Plan?

MS. LUCERO: Mr. Chair, Committee Members, under the Sustainable Land Development Code this – the zoning designation for a mining operation would be considered a development of Countywide Impact so it would be a different procedure that they would have to follow under the Sustainable Land Development Code.

CHAIR DROBNIS: If this application for rezoning were denied what would be the zone under the new code?

MS. LUCERO: Mr. Chair, the zoning map is still – the draft is in the process of being finalized so I don't know the specific zoning designation of this particular parcel.

CHAIR DROBNIS: Thank you. Are there any other questions from the Committee, Mr. Katz?

COMMITTEE MEMBER KATZ: A similar application came before the County a few years back and staff recommended against approving it. Why is there a different recommendation this go around? What's different?

MR. LARRAÑAGA: Mr. Chair, Committee Member Katz, a few years back when it came through it came in as trying to do temporary for the Rail Runner also the water was an issue. We had a negative recommendation on water from the then county hydrologist.

COMMITTEE MEMBER KATZ: Thank you.

CHAIR DROBNIS: Are there any other questions from the Committee? Is the applicant present? Oh, excuse me just a moment. Is someone from the Public Utilities Department available to answer the question we asked?

ADAM LEIGLAND: Good afternoon members of the Committee. I am Adam Leigland, public works director. Mr. Chair, I understand the question is how does the County evaluate requests for bulk water; is that correct? There is not approval process. We have a bulk water dispenser which I think has been mentioned off of State Road 14 and you would come in and create a customer account and so there is no approval process. We don't evaluate what your uses are. You just come in and create an account and then you purchase water and the amount you purchase goes against your account and then you're billed monthly according to your usage.

CHAIR DROBNIS: If we're going to get through the meeting within any of our lifetimes it going to be necessary for us to be polite and let everyone speak their turn. Thank you.

Are there other questions for public utilities? Ms. Martin.

COMMITTEE MEMBER MARTIN: Yeah, I've got a question. What's the basis for the utilities as willing and able to provide bulk water services for this project that's anticipated to be 25-year lifespan.

MR. LEIGLAND: Mr. Chair, Ms. Martin, as I said, we have a bulk water dispenser that in order to avail yourself of it, you open up an account. This particular client said if we open up an account can we buy water from you and the answer is yes. There is no policy that says you have to use the water for a specific purpose – so that was the basis for that letter.

COMMITTEE MEMBER MARTIN: Is there a time period specified?

MR. LEIGLAND: Mr. Chair, Member Martin, no, because it would be no different if a resident came in and said I'm going to be buying water from you for 25 years or maybe the applicant buys water one time. So we have approximately 150 customer accounts for the bulk water dispenser. Some are commercial, some are residential, we have different rates for each of these. This particular application would be a commercial rate. Commercial rate for water is 2 cents a gallons which is actually about three times what it would be if you had it right off the utility. So it's a pretty high rate for water but there's no mention of a time frame as long as that bulk water dispenses exist.

CHAIR DROBNIS: Yes, Mr. Katz.

COMMITTEE MEMBER KATZ: So if I wanted to buy a million gallons a day from you and would have trucks lined up all day long, you would just automatically approve that?

MR. LEIGLAND: Mr. Chair, Member Katz, yes, under our current policy, yes.

COMMITTEE MEMBER KATZ: Thank you.

CHAIR DROBNIS: Ms. Booth.

COMMITTEE MEMBER BOOTH: Will that change under the new plan? Will water rates or water – I'm sorry. Will that change under the new plan? The access to that much water and the rates? Is that part of the sustainable plan?

MR. LEIGLAND: Mr. Chair, Member Booth, no, the bulk water dispenser would not be part of the land use policy. If we wanted to address a question like Member Katz asked we'd have to do that in a bulk water distribution policy. We don't have. Most of our customers buy 5,000 gallons a month or something like that.

CHAIR DROBNIS: Mr. Gonzales.

COMMITTEE MEMBER GONZALES: Adam, could this application drill a well if he got a permit from the State Engineer? Is that why they didn't have any dog in this fight sort of speak? Could the get a permit to drill a well and use it there at the site?

MR. LEIGLAND: Mr. Chair, Member Gonzales I don't know that. I presume this is a question for Mr. Siebert. I presume the answer to that question is yes. I don't know why they chose to come to us. Again, they came to us and we charge a high rate of water. You know, going back to Member Katz' question, in theory anyone could buy million gallons but they would quickly put themselves out of business because our

rates are so high and plus the maximum, if you followed state, the maximum amount of water you could deliver at any one time by a truck is only 6,000 gallons otherwise you're exceeding state truck weight limits. So the max you could even expect to deliver at a time is say, 5,000 gallons. So that is why we never thought it would be necessary to have a policy that says you can't buy a million gallons because we can't imagine a usage where 5,000 gallons at a time at 2 cents a gallon where it would be economical to buy that. Most of the commercial users we have are going to be maybe one-time users with a 6,000/5,000 gallons makes sense.

But to get to your question, I don't know why or what the nature of the well is. I presume the answer is yes. But I think that might be a question for Mr. Siebert.

COMMITTEE MEMBER GONZALES: This bulk water that they're going to buy from the County it's going to be primarily used for dust control?

MR. LEIGLAND: Mr. Chair, Member Gonzales, that is my understanding, yes.

COMMITTEE MEMBER BOOTH: Mr. Anaya.

COMMITTEE MEMBER ANAYA: Mr. Chair, Adam, I believe that was your name and I apologize if it's not.

Along that same line of questioning I was going to ask you and you answered it pretty clear to me but I just want to make it a little bit clearer there. The water that they're using, the amount of gallons that they're using about how much would say is reclaimable water?

MR. LEIGLAND: Mr. Chair, Member Anaya, so when you say reclaimable water – I'm not understanding.

COMMITTEE MEMBER ANAYA: How much of that water is going to be just sprayed where it goes right back down into the gravel into the aquifer and how much of that water is going to be hauled out?

MR. LEIGLAND: Mr. Chair, Mr. Anaya, I don't know the answer to that question. Presumably if they use all of it for dust control 100 percent of it will be returned.

COMMITTEE MEMBER BOOTH: Any other questions from the Committee? Ms. Martin.

COMMITTEE MEMBER MARTIN: I just wanted to clarify. This is potable water we're talking about?

MR. LEIGLAND: Mr. Chair, Member Martin, yes.

CHAIR DROBNIS: Any other questions? Is the applicant present?

RACHEL BROWN (Deputy County Attorney): Mr. Chair, if I could clarify a point that was made earlier.

CHAIR DROBNIS: Please.

MS. BROWN: Just so that the record is correct as you move forward. There was a discussion as to whether this is a rezoning of property. And I want to make it clear that the Land Use Code allows gravel pits anywhere in the county. So all property is in theory zoned for gravel pits. It's more in mind with a conditional permit that's at issue today. A discretionary discussion as to whether to allow that use as opposed to a rezoning.

CHAIR DROBNIS: Okay. The label for the item says, request zoning approval to create a mining zone, so that is strictly speaking the accurate term?

MS. BROWN: Rezoning is not the correct term.

CHAIR DROBNIS: Very good, thank you. Any other question from the Committee? May we have the applicant now, please.

[Jim Siebert and Steve Hooper were duly sworn]

JIM SIEBERT: My name is Jim Siebert. My business address is 915 Mercer, Santa Fe. I'm going to let Steve Hooper who is the president of Rockology lead out here and provide you some of the background on his company and what his company has done historically in the past in terms of having experience in this kind of an operation. With that I'll ask that power point presentation be turned on. Thank you.

STEVE HOOPER: Thank you. Mr. Chair, Committee members my name is Steve Hooper. Address is 3601 Pan American Freeway, Albuquerque. I'd like to just give a brief introduction of myself and who Rockology is. Essentially Rockology is an LLC that is comprised of the owners of Buena Vista who are applying for this application and myself. I have no ownership in the property. I basically am the managing member of Rockology for purposes of what we're hoping to do. So basically the purpose of the organization is to engage in the business of selling aggregates.

Quick background on myself. I know that there's a lot of people here opposed to it but I'm a very proud New Mexican myself. And I'm a professional engineer in aggregate, concrete and asphalt business my entire career. I have operated numerous pits in Colorado, a couple in Colorado but primarily here in New Mexico. Have worked with the zoning in the past, Santa Fe County in particular in a quarry in Edgewood, operated several pits in Albuquerque that have been reclaimed. Albuquerque balloon field is a good example of one. There was a sand and gravel pit that I was involved in the ultimate reclamation. The Renaissance development area in Albuquerque where Costco and those kinds of things are. So I've been involved in very large ones and I've also been involved in small ones. Operated and ran Santa Fe Brown Pit before the Ecker brothers got in it for those that are familiar with Santa Fe Brown Pit we operated one right next to the waste treatment plant.

So I have a long history of being in the sand and gravel business. It's been quite some time since I've been in front of a group trying to get an application approved. And I always recognize that there's opposition to it. There's always opposition and I'm sure we're going to hear a lot. I think that though one of the things to remember is that aggregates are a foundation product for any society that wants to go. We all drive on roads. We all have houses. Certainly, there are people that believe we need to go and that kind of stuff but no matter whether you're going to build a hospital or a school, it takes our materials. One of the things that has happened is that the quality of aggregates particularly for Santa Fe that are permitted and zoned and legal are becoming depleted. Santa Fe County really relies or Santa Fe in particular relies on a lot of aggregates coming out of the Algodones and Placitas area and this would be an opportunity and it's spelled out in our application to create a closer location with a high quality aggregate and quite frankly the Algodones areas are also becoming depleted. So it's something that I think not only Santa Fe County but Sandoval County, Bernalillo County, people, decision makers like you, have to be aware that our industry requires a quality source, number one. And then a demand, and there's obviously demand for it. And then approval for it because we all need these kinds of materials.

In my operations I've always been proud. I love the business. I wouldn't do anything different. People probably think that's crazy. It's a wonderful business. The company that I've worked for and the people that have worked with me, we've won numerous national awards for community relations and that's one of the things that we would like to extend as this thing progresses that we get involvement. And if we're not proposing it correctly, we're always open. We want to be good neighbors to everybody and be sure that we're doing it right.

I'd like to just maybe quickly go through some of the slides here. We can go to the next one here? This is a picture, basically the permit, the application has an air quality permit, these are all under the jurisdiction of the New Mexico Environment Department and what we've done is we actually put in an application for a significantly large plant. And the only reason that we did that, it's a 500 ton an hour plant, has multiple crushers and screens and this is a picture of the plant, if there should be highway project or something where there is a fair amount of material that you need quick we would use this size of a plant. Typically, we would probably not have that many components. This has two primary jaw crushes, two cone crushers, multiple screens but we don't anticipate that kind – but if there is a job that need and we need to come in and do something, say for the Highway Department, they're widening I-25 or something like that, we want to have that ability. But air permits also allow you to just take components of it and run smaller plants.

Our anticipated volume is about 250,000 tons a year. This is not – and that's based on kind of projections of annual consumption of communities like Santa Fe and we don't see it going much over that in any given year. There may be spikes because of a highway project or something like that. So what we would intend on doing is bringing in a portable plant, running it, stocking piling material, moving it. So it's not a full time, 40-hour a week, full year operation. Next slide. I just want to give you some pictures of some of the plants here. Here's a stacking conveyor. As Mr. Larrañaga pointed out we ran some poles up 20 feet high. We don't intend on stacking or having any equipment higher than 20 feet above the grade that we're mining. So this is an example of a stacker staking material, loader in the background. Next slide, please. Just a close up of some type of equipment. High quality equipment. It's all very well maintained. It's state-of-the-art type equipment. Next please. The types of trucks, I know that that's always a concern and part of the reason that we felt that this was a good location is that we have a very short distance to an interstate 6/10 of a mile. Trying to go further within the property of the landowners didn't make sense to access more of the county road. This is the type of truck, all legal type trucks. We will primarily be running the semi type in – and they're all street legal and you see them everyday on the interstate. Next please. We'll see some of these. Most of the trucks are going to be full-loads but this is a tandem type truck. So those are the two types of trucks you'll see running out of there. Here in a little bit, Jim will go over some of the traffic count and so forth on what we're expecting. Next, go ahead. Jim, I think this is where you're going to take over. Do you have any questions? Jim is going to go through more and if you have any particular questions before I sit down.

CHAIR DROBNIS: I think it would be better to hold the questions until the end of your presentation.

MR. HOOPER: Thank you, very much.

MR. SIEBERT: So what I'm going to do is go through kind of the overview of the sites itself where it's located and some of the existing activities that surround it to the yellow area is the 50-acre site lies 2,800 feet from I-25, right-of-way of I-25 and around 1,300 feet from County Road 57. The [inaudible] line on the top is hard to see but it says not a part. That's a 200-acre site that's not a part of the Buena Vista on top of the mesa. Next slide. This is an indication of how this site works well in terms of supply and demand both to the south and to the north. The immediate access to the north along I-25 which provides access to southern areas and what's anticipated is that for a road work project that area will provide for good access. I think it points out to – further north of that is Algodones, instead trucks coming north from Algodones or Placitas they would be coming south down at the south. Another advantage is on NM 599 you can access that going north and traveling through relatively unpopulated residential areas. Next. There is some activity that already exists on this property – it may not look like it. Right up against the northern property lines, the gas transmission line, that's actually the gas transmission line that feeds Santo Domingo it's a 12 or 14 inch high pressure line and then right below that, existing cell, there is an electric line, an underground electric that goes out to serve the cell towers. And the bottom line also coincides with the road which the maintenance road to the cell towers. And further down going further south to [inaudible] is a PNM high voltage transmission line that crosses the property and further down from that is the Rail Runner crosses into the south and east of this particular site. Next. This is kind of an overview of how the site works. The purpose of this slide was to show you where these activities would take place to the left. The next slide is a blowup of a better view of this but the yellow area – let me go back one slide if I could. Is that better there – no, the other way.

What happens is the road, the current road goes out to the salt towers is that we'll use that same road and there's a small off shoot that will go into this tract. That road will get a base course material and we'll talk about that in a bit. The location – the heavier yellow areas are equipment actually moves around on the site – could you go to the next slide, thank you. Once again, there's a trailer, there's fire storage, there's scales, there's equipment sheds, all of those things are permanently stationed on the site. To the right you would have the materials storage, the screeners, the crushers, the equipment that moves things around. That obviously will move around on the site for each phase and even the amendment phase, again, to extract the material in that particular phase. Next.

There has been some concern about you have a 5,000 gallon diesel tank for diesel storage and we're [inaudible] liner that would contain any spillage or any leaks that would occur on that and we certainly don't anticipate any that would take place. There's kind of an extraordinary measure, a secondary backup for any potential leaks with the diesel storage tank. Next.

We talked a little about the history of mining in the area. This is a map and if it's a little hard to read, I apologize. But there's a dash circle within that dash circle was the designated Cerrillos Road mining district and that's something that was established by the State. We are not within that district. We are to the south and west of that. Next. This is taken from the New Mexico Geological Society guidebook and what it does it shows the type of mining activity that is either ongoing or historic or has taken place within Santa Fe County. You can see there is a significant amount of activity around the railroad line and just to the north of it. I can point that out but – so this site is real

consistent with some of the mining activity that has historically taken place. Next slide. And this actually is a sign that you see at the Cerrillos Hills State Park and what it says it talks about the mining history of the area which is pretty extensive. In fact, the real history began probably back in the 17<sup>th</sup> Century when the Indians were mining turquoise and then there was exploration for gold and silver and then coal. But there's a long history of mining in this particular area. Next. And then what's going on currently. The site you can see by the square to the right and is Española Mercantile Mine sometimes referred to as the Waldo mine and that's a current material extraction site that ongoing. Then to the left along the – down below the railroad track is the prior gypsum mine that took place in the Santo Domingo Pueblo and then right next to the railroad tracks it was the spur tracks, it was the asphalt tanks were it stores petroleum that's used for the production of asphalt. And then further down on the very bottom towards the very bottom of the screen is Waldo the kind of historic mining town which everybody refers to. Next.

So the site – and this is an actual aerial photograph – indicated that the distance is about 4,400 feet from the intersection at County Road 57 to the beginning of the ramps on I-25. That, as you can see, there's this area along either of County Road 57 and then the general area has no physical evidence of development. This is a slide from the traffic study. And what the traffic study did was it took counts, it took what's called peak hour counts which are from 7 o'clock to 9 o'clock in the morning and from 4 o'clock to 6 o'clock in the afternoon because those are the peak hours of travel. Within that the highest count over a 15-minute period is selected for 1 hour thus the term peak hour. But the amount of traffic on County Road 57 is very limited. I can't remember the number but I think it was 7 that were northbound and fewer southbound. A lot of that traffic also is the entrance to what we call the Española Mercantile pit is further to the south so a lot of that traffic is actually truck traffic from the [inaudible] operation. The traffic – is this the next slide? I can't – the next slide indicates the volume of traffic that's turning in front of the project onto County Road 57 and generally between 20 and 16 vehicles that are turning and that includes both trucks and the employees coming to and from the site. And just to reiterate this is in a one-hour period that was taken. Next.

So we did a visibility analysis and the way we did this is we posted what we call visual banners and I'll describe how that works and they were light colored banners, at the four corners for the 50 acre site. And then we placed 8 land banners visual banners in that area where phase I operations would begin. The reason that they're brown is that the equipment and the material would be a dark color as well so we did not – next. So the banners, the way we did this is we drove post in the ground. We had a 2-inch PVC and then had to mast arms and for the light banners they are 3 feet wide. For the brown banners they are 2 feet wide. The height of the banner, the total height of the manner itself is 14.5 feet. The total height of the pole was 20 feet and then the banners were kind of 6 inches down from the top of the pole. So they're just slightly less than 20 feet. And the reason we did this is that if you just dug a PVC in the ground and stuck it out in the area there's not a way that you'd be able to see it from the distances that – and this is a visibility analysis from I-25 – the one on the south, and the reason I started there is that the further down you get there's an embankment and the embankment blocks any visibility. To the north is the [inaudible] underpass where the power was [inaudible] to I-25 and then the next slide. This is from I-25, it's the southern most point. There's a for



sale there and we use that as kind of a point of reference so people could locate themselves. And what happens there's a ridge at that point and there's no visibility from I-25. Next. This is moving a little further to the north. And, once again you have the ridge and there's no visibility from I-25. And then this once again is further up the road passed the turn off to County Road 57 at this point. And then as you can see further north and at this point you would really from I-25 you would have to look back over your right shoulder driving down the road in order to see it. And the reason we have [inaudible] is that the one – and this would be the corner point, it wouldn't be the points where the actual operation is taking place, that's what would be visible from that point on I-25. Next, and this is further up the road, there's two poles and it's difficult to see those from I-25 looking over your shoulder but the one thing that we did do is we used a camera with a 50 millimeter lens which is generally approximately somebody with 20/20 vision. Next.

So the other analysis that we did is along County Road 57 and we began at the south end as our start point and on the next slide – so at this point there is some visibility on the southeast side of the site. There's two poles that are visible at that point. Next. And this is kind of looking at approximate 1/10-mile increments. This is the same, basically the same site, pretty much the same visibility and notice that the poles on the left are the poles for the height of the transmission line. Next. This is right in front of the high voltage transmission line that crosses County Road 57, at that point there's only a part of the corner of the property that would be visible. Next. And this is moving further up and once again there's one point of the property that is visible. And where the car is parked is the location to the entry to the site. This because the ridge has disappeared you would have two points of visibility at the corners.

CHAIR DROBNIS: Excuse me. Let me interrupt for just a moment. Will the people in the hallway please keep their voices down. It makes difficult for all of us to hear. This is an old building and it has some particular echoes so please keep your voices down. Thank you.

MR. SIEBERT: Next slide. And this is further along and there's still some visibility that takes place from County Road 57. And as we move further down what happens is there's less and less visibility. At this point there's only point of the property that would be visible. And then once again, further north one point that is visible of the site. Next. Once again, these were done on 1/10-mile increments so – next. I think – did we go back or are we moving backwards or forward? Go forward. Oh, and then as you go further up County Road 57 towards I-25 interchange it's no longer visible. Next. This is kind of a point of reference. Right across to the left is where I-25 frontage road intersects County Road 57 and at that point and obviously from further down to the south there is on visibility of the site. And the other thing we did was located the closest residential dwellings to the site. And the closest one is approximately 3 miles away – it's actually the La Bajada – what I use to refer to as La Bajada Ranch and that has no visibility. Actually, none of these points here with the exception of the one on the south have visibility to the site and then [inaudible] visibilities approximately 5 miles away.

This is a cross-section of what the actual excavation the site will look like. The different colors are the different phases and what happens is that Phase I which is where we show the ground visual is where the first pit takes place. What happens is that's approximately 30 feet deep and then the first period of excavation with the equipment

and the stockpiles within the pit and are not visible from anywhere – let me back up a little here.

There was a mathematical error that we caught in the calculation of materials removed. We had estimated about 3.3 million cubic yards and the real estimate is 3.6 million yards. And then the phases that the yards go into the phases is shown on the screen. Next. What will take place with the phasing is a reclaiming of the banks that are created by the operation for each phase of the development. So if all goes well – start a new pit, new depth and those slopes would get revegetated at each phase. It was simply showing that – the second phase the reclamation for the second phase of excavation – and then this is the third phase were basically everything is, the topsoil is brought back in and everything is reseeded at that point of phase III and the following phase.

Water use estimate was an issue about [inaudible] for water use and actually Steve Hooper prepared this table. The top row is assuming that there would be a 0.5 percent moisture content during the dust control operation which is pretty much as I understand industry standard. But he has seen that there is about 11 percent moisture content and production would be 300,000 tons of material on an annual basis. If you run those numbers out what it does it comes out to 2.2 acre-feet. Let me back up, the way it works in terms in dust control – and I may need to have Steve jump in here – but what takes place is these pre-wetting and the shot rack before it's blasted, the entrance road besides having base course on it, they treat it with a surfacant to cut down the [inaudible] blast and then the water in the crushers is kind of a fine mist that is used to manage dust control along with the conveyors and then there will be a need for watering at the time that there's reclamation for each of the phases. Next. And the issue about dust blowing and what happens to if there's any fugitive dust that leaves the site. The weather that we have and the direction of the north winds that take place, the winter winds, and the property immediately south of this is also run by [inaudible] State, Inc. So anything that would happen north would be along their property. To the south [inaudible] and the southwest and the property nearly north of that, north and west of that, is vacant. And one of the landowners in Buena Vista is also a landowner in the property across the street. Next.

So let's take a look at the County requirements for establishing mining zones. And maybe that's where the kind of confusion came up with rezoning. They call these mining zones. So I can see there would be some confusion on there. That there be a demonstrated existence of significant mineral resources and we've proven that. I don't think there's much of an issue surrounding that. This is basaltic material that goes down a long ways. That the use of the land, mining use is reasonably compatible with other uses in the area affected by the mining use including the map of traditional patterns of land use, recreation use and present plan population centers. I think the concern there was that they didn't want mining zones mixing in with more intensive developments especially residential development. And, in this case, there really is no development. It's all currently ranching. History of significant mining activity in the area. Mining has been conducted in the area although in parenthesis not required for creation of new mining zones, but we have established that mining activity is an activity that has taken place for a long time in this particular area. The area is designated as particularly suited for mining uses in comparison to other uses of the County. We actually addressed that in the next few bullet points.

AUDIENCE: Wrap it up.

MR. SIEBERT: The application is in – one of the conditions in favor of this site for extraction. The application is in conformance with the requirements with the Santa Fe County Land Development Code in this particular case it has received approval from all State and County agencies. It satisfies the criteria for history of mining in the area although that's not required. An interchange is available with direct access to the interstate highway and this is one of the reasons that Steve Hooper felt that this was an especially appropriate site for him as a businessman. The interchange of limited traffic and no conflict with a residential area. The traffic on this interchange is relatively nil really. The land between I-25 and access from County Road 57 is devoid of any development. With one exception, the type of material being extracted on site is distinct from other sand and gravel operations in Santa Fe County. This would be an important point. There is another site that extracts basaltic material and that's at the regional landfill site. Two things on that: one is they generate material – use cells to store the solid waste. Steve Hooper attended a bid recently and was told that the next cells would begin to leave the basaltic formation, so they no longer have that material available. The site is located where it can easily serve Santa Fe and surrounding communities, Albuquerque markets so it's been quite a change. Normally, it's Sandoval is delivering materials up here and we'd like to delivery materials in Sandoval. Has limited visibility from I-25 with completion of Phase I with the sunken ground it would have no visibility from I-25. Next.

So, I think we're going to anticipate some of the comments that the opposition is going to provide to you today and discuss each of those in anticipation. There is the issue of water use. We think we've established that under industry standards that 2.2 acre-feet is sufficient. There was a comment in the paper that this operation is going to operate on 40 hours a week, 52 weeks out of the year and that's simply not the way it works in a sand and gravel operation. There will be times where they need material, they bid on a project, they're successful and they will be operating 40 hours a week. Other times there will be no crushing activity taking place. It will simply be managing the stockpiles and working off of existing stockpiles. There's an issue of potable water; why use potable water? What on a previous application we were told by the County hydrologist that we were not be able to use treated effluent water. There seems to be a difference of opinion now on whether that's possible or not. We would very much agree to use treated effluent water. There is no reason that you need to use potable water for dust control methods when treated water is more than sufficient. The materials of extraction is compatible with existing uses, well, you've seen the area photographs. There are no existing uses – habitable at this time.

The adverse impact on cultural resources, the State Historic Preservation Office has taken a look at this project and determined that there was no archaeological or historic artifacts within the 50 acres and that the Camino Real is far enough away and has visual barriers that there is no impact on that. And that was from the State Historic Preservation Office. Next. So that issue is fairly important – you have here the location of the El Camino Real which is a little past, the southern part of the overall property when actually if the plan crosses County Road 57 and on for a period of time to the north, it actually runs pretty much parallel to the Camino.

There's already another basalt operation in Santa Fe County, why would you need this? I don't think Steve mentioned this and if he did I'll repeat it that there is a difference in the quality of this basalt material versus the basaltic material from the regional landfill. This is much more dense material. It doesn't absorb concrete or asphalt to the degree of the other location.

And they're going to say, there's no demand for sand and gravel products and the current extraction sites can satisfy your demand. One thing that is not taken into consideration is that some of these pits especially in Sandoval and Placitas are starting to be depleted. They may be able to expand or they may not. And some of the local pits are beginning to run out of material.

And dust control: we do feel we have enough water to provide for dust control. Let me reiterate, if treated effluent is permitted, we would certainly use treated effluent instead of potable water.

And there was a statement about a need for a visibility study. Well, we did do a visibility study and one suggestion that I might leave with – and we're at the end here – one suggestion that I might have for the committee is it might be worthwhile for us to set up those poles again and actually visit the site. See what it looks like from your own eyes. We can give you picture but they're pictures – you have to prove to yourself that they're accurate representations. To give you an idea of what kind of traffic they have on County Road 57 with the road passed the paved road going over to Cerrillos Road State Park and we would be more than willing to table for one month to allow for that site visit. And there's an issue of ex parte but I guess is that there's a way to legally overcome that.

I'll answer any questions you may have?

CHAIR DROBNIS: Questions from the Committee? Mr. Katz.

COMMITTEE MEMBER KATZ: Mr. Chair, thank you. Jim, one of the concerns I've heard expressed and read in the materials here is that this is just sort of the tip of what would be done here. And that after this is utilized you'd want to do more of the mesa and the other portions of the land that the company owns. What's the story on that?

MR. SIEBERT: Yeah, I hear that argument on almost all of my cases that are controversial that this will lead into something much bigger. And the answer is always the same; if they were ever to expand the pit they would have to go through the exact same process that they're going through now. And my guess is that under the SLDC it would be a little more complicated. It would be development with a countywide impact. There's always a possibility but this is 25 years of – we're estimating 25 years of material and Steve [inaudible] I'm not sure how much longer he's going to want to do this.

COMMITTEE MEMBER KATZ: What led you to choose that particular 50 acres out of the 1,300 in the larger area which seems to encompass the mesa top? Is that what is owned by the company?

MR. SIEBERT: Right, well it was really visibility had a lot to do with it. The type of material is basically consistent throughout the mesa. We selected a point where it's in a broader valley. There's a ridge that protects it from I-25 in particular and is setback from County Road 57 and you didn't want to get that close to the escarpment itself.

COMMITTEE MEMBER KATZ: To what extent do you think the owners would be willing to enter into a covenant to have no other mining on that property? To perhaps assure people that this is not just going to be the camel's nose shall we say?

MR. SIEBERT: I'm sure that they'd be happy to consider that. I'd have to talk to Steve about that.

COMMITTEE MEMBER KATZ: With regard to water. It sounds as though you're using maybe a little water on the haul road, water around the crushers, water when you blast. Those were I think the three uses you mentioned. How about these large piles of material that are going to be just sitting there? Are they going to be susceptible to being blown – there's quite a wind up there.

MR. SIEBERT: They probably would have to be wetted at times. After the pit is excavated there would dampening of the pit. There would less susceptibility to blowing at that point.

COMMITTEE MEMBER KATZ: Thank you, Mr. Chair.

CHAIR DROBNIS: Mr. Anaya.

COMMITTEE MEMBER ANAYA: Mr. Chair. Jim, for just wasting an hour of my time with the figures. I sat up here trying to figure out where your mistake was and then you finally come to the end and tell me cause I was going to jump all over you for that. But having said that, it just increased all of my figures doubled. And our gross receipts went up doubled and you based it only on 50 percent. Where is the other 50 percent going? Gross receipts, everything is taxed, even all projects, state and local government, federal government they're all taxed.

MR. SIEBERT: Right, are you referring to the gross receipts part of it?

COMMITTEE MEMBER ANAYA: Yeah, your figures that you have submitted to us.

MR. SIEBERT: Well, the gross receipts are the gross receipts. Part of this whole process is we can't – we're saying is that there's 250,000 tons processed every year and that's a guess. Some years going back between 2008 and 2010 there would probably be very little processing take place and very little gross receipts. The gross receipts are just what they are. Whatever gets processed out of the pit is what has for the value standpoint has to be paid to Santa Fe County.

COMMITTEE MEMBER ANAYA: Well, these are your figures not mine. I didn't come up with them nor did anyone else up here so – if there's something else that you're trying to tell us –

MR. SIEBERT: Well, if the roll on the gross receipts was a calculation error on the amount of volume that was taken out.

COMMITTEE MEMBER ANAYA: So these estimates are accurate or not?

MR. SIEBERT: We would have to go back and take a look at those numbers to make sure they're consistent with the volume metric calculations.

COMMITTEE MEMBER ANAYA: And how long will that take you to do that?

MR. SIEBERT: We can have it done in a week or so or day so.

COMMITTEE MEMBER ANAYA: Okay, cause pretty much everyone else, Mr. Katz has asked you a lot about the water issues and stuff which I have written

down over here and I'm not going into those either because I believe they were explained at least to my satisfaction, now I don't know about the rest but to me they did. One of the things that I'm looking at on the business side, again, on the calculations and I'll look at it as a business aspect of okay, what's the County going to get? What are the people that live in your area, what are they going to receive as far dollars for improvements if you will for their projects, for their lands and issues like that? So this is why I was playing around with all the numbers is to try to justify in my own head as to how good your company is going to – well, not our company, well it could be your company – their company is going to be as neighbors as what you all said earlier, you want to be good neighbors and good stewards and I want to make sure as a member sitting up here too that you are that. And so that's why I used your figures trying to get to that satisfaction for me as a businessperson trying to justify the means.

MR. SIEBERT: We'll take a closer at those.

COMMITTEE MEMBER ANAYA: Thank you.

CHAIR DROBNIS: Other questions from the Committee? Ms. Booth.

COMMITTEE MEMBER BOOTH: I have a couple. We know that the trucks are going to be extracting the material out toward the highway but they were going to be brining water in across from Highway 14. So how many trucks would that be and how much traffic is that going to increase on that part of the road? I don't see anything relating to that in the packet.

MR. SIEBERT: Let me defer that to Steve. He can tell you what the size of the trucks are that are delivering and the gallons in the trucks delivering water. There's a 10,000-gallon tank that's used to store water for dust control purposes on the site. We can load that tank in off periods. But I think Steve would have a better idea about that.

MR. HOOPER: We'll be using a 4,000 gallon water truck and like you said we will store 10,000 gallons on site so kind of on a typical day somewhere between five and 10 loads depending on what we have going. I'd have to go back through our calculations because – normally, I think by the ton and stuff.

COMMITTEE MEMBER BOOTH: Has there been any study on what that will do in terms of the road and traffic study from that side?

MR. HOOPEP: I think that Jim will have to answer that. Did we have Jorge look at something on the road?

MR. SIEBERT: The traffic volumes actually was something that were taken – if you take a look at the generation manual that the State engineers use, there's no category for sand and gravel extraction. So what we did was we asked Steve to give us based on an operating pit what we saw as kind of the typical traffic and it's from him 65 vehicles per day. What we showed you was the peak hour, a one-hour period. But the 24-hour period would be more in the area of around 65.

COMMITTEE MEMBER BOOTH: That's the extractive trucks. I'm talking about the water trucks that would be coming across from 14.

MR. SIEBERT: I would assume that – did the other sites have water trucks? Steve, did the other sites have water trucks that you gave traffic counts on?

MR. HOOPER: No.

MR. SIEBERT: Okay, so I guess that would not include water trucks. The advantage we have is that the water trucks because of the 10,000-gallon tank – and come at those hours that are not peak hours.

COMMITTEE MEMBER BOOTH: Then the other question that I have is about the blasts and how frequent they would be and how far people would be able to hear them and what times of day?

MR. SIEBERT: We're back to Steve again. I'm a planner.

MR. HOOPER: I want to clarify. I missed that question but I was just talking on the truck count. We would need about 200 trips for the full year. So on given days, that's the water truck coming in, that's about 800,000 gallons on 4,000 gallons per load. So on given days when we're running we'll need several trucks. When we've pulled the plant out and we just need to wet the haul road it might be just one load a day.

COMMITTEE MEMBER BOOTH: Has the traffic study been done to see what impact that would have on the road coming from Highway 14 and whether or not there might be some remediation needed?

MR. HOOPER: There has not been. I think under the recommendation that Mr. Larrañaga gave which was to do some overlay to improve the road.

CHAIR DROBNIS: Any other questions? Mr. Gonzales.

COMMITTEE MEMBER BOOTH: Question, sir, about the blasts.

CHAIR DROBNIS: I'm sorry, Ms. Booth's question about the number of blasts, when and how far they could be heard.

MR. HOOPER: We are typically we'll blast and this is again depending on – we try to minimize the frequency of them and they will typically be somewhere between 10 and 20,000 cubic yard blasts. A cubic yard will equate to almost two tons of aggregate. That gives us a fair amount of material. We are planning on using a company called WESCO and they do all the blasting. As a matter of fact, they're doing the blasting for the County landfill at Caja del Rio. They are a top quality company. They would – so basically, it really depends on the demand but once or twice a month would be kind of the typical when we're operating.

CHAIR DROBNIS: Excuse me; allow me to follow up on that. On the back of my napkin I'm looking at 250,000 tons a year and if I understood you correctly, each blast gives you about 2 tons –

MR. HOOPER: Cubic yard. Correct

CHAIR DROBNIS: So that would be roughly 125 blasts per year, is my arithmetic –

MR. HOOPER: If we did a 20,000-yard blast that gives you 40,000 tons.

CHAIR DROBNIS: Okay, so that would be roughly six blasts a year?

MR. HOOPER: Correct. So we can do larger ones to minimize the frequency or we can do them more frequently. There really is no – people will hear it. It's obviously a fairly – just like they do at the Santa Fe County landfill. I'm sure that they hear that when that happens. But there would be no disturbance to any property or anything with that. So we would be amenable to working with the frequency that works for you.

CHAIR DROBNIS: Thank you for the clarification. Mr. Gonzales.

COMMITTEE MEMBER GONZALES: Chair Drobnis. Is it Mr. Hooper?

MR. HOOPER: That's correct.

COMMITTEE MEMBER GONZALES: Regarding the water issue. If you were to drill a well, I don't know that that would be such a good idea, but if you were to get non-potable water, where would you get that from?

MR. HOOPER: We could get it from the Santa Fe County Water Treatment Plant. And that was part of the reasons that we pulled off of this project for some time because we were looking to acquire water rights and so forth. Our original plan was to use the effluent from the waste treatment plan and it came back to us that that was not going to be adequate. So we spent some time, if anybody has worked with the State Engineer, great people and everything but things take a long time. So we were looking at acquiring the water rights during the meantime. Once it became available to buy it from the County we decided that that was the best way to go. But we would definitely use the waste treatment plant if that's available.

COMMITTEE MEMBER GONZALES: So why – do you know why it wasn't adequate?

MR. HOOPER: Jim may have heard a response on that. My understanding was that that didn't demonstrate that we had adequate water for the life of the mine. And I don't know, unless the waste treatment is going to go away or the water is not available that that would be true.

COMMITTEE MEMBER GONZALES: Well, in my view, it seems if we could use non-potable water that would be a lot better than using good water.

MR. HOOPER: Absolutely, right.

COMMITTEE MEMBER GONZALES: Another question, once you've scraped off the overburden how much overburden is it?

MR. HOOPER: It varies from a foot to five foot.

COMMITTEE MEMBER GONZALES: And you stockpile the overburden there and then you'll use that to do the reclamation?

MR. HOOPER: Right.

COMMITTEE MEMBER GONZALES: And if you've dug this hole that keeps getting bigger what do you do, go get extra dirt somewhere? In your history how do you do that?

MR. HOOPER: Typically you control the land around a lower area.

COMMITTEE MEMBER GONZALES: And you can have enough of the overburden to –

MR. HOOPER: You can't bring it back to original grade, no.

COMMITTEE MEMBER GONZALES: You can't bring it back to original grade but you would have enough with the overburden that's there to cover the area and then reseed it?

MR. HOOPER: That's correct.

COMMITTEE MEMBER GONZALES: Thank you.

CHAIR DROBNIS: Any other questions from the Committee. Yes, Mr. Katz.

COMMITTEE MEMBER KATZ: On the water trucks and the trips. I think I heard you correctly to say there would often be six or so trips a day and the trucks hold 4,000 gallons and the tank 10,000 gallons. So if you're working during the day that



makes me realize that some of those trips have to happen during the day not off hours but during the day; is that correct?

MR. HOOPER: That's correct.

COMMITTEE MEMBER KATZ: How long does it take to fill up a 4,000-gallon truck?

MR. HOOPER: I'm not sure at this particular facility how long it takes.

COMMITTEE MEMBER KATZ: We need the answer to that I think. Because that's one of the big concerns that seems to be expressed in some of the materials that your trucks will be there all day long filling up and make it hard for other people to get their water. I want to know if that's a realistic problem. Maybe it's not a problem, I don't know.

MR. HOOPER: I don't know if the gentleman from the water department is here or not.

CHAIR DROBNIS: I think somebody may be coming who can answer that.

COMMITTEE MEMBER KATZ: Or we'll get somebody, thank you.

MR. HOOPER: You know, obviously, we're going to have to work through that because we can run if we don't have water. We have to meet New Mexico Environment Department air quality standards at all transfer ports and crushers. So, if that's a problem, we can't run.

CHAIR DROBNIS: Any other questions from the Committee?

COMMITTEE MEMBER ANAYA: Mr. Chair.

CHAIR DROBNIS: Yes, Mr. Anaya.

COMMITTEE MEMBER ANAYA: On the last question that was just asked about how long it takes to fill up 4,000 gallons tank of water, I'm pretty sure the water works department has adequate commercial filling stations and I know this based on what I used to do before in another life that it would take us to fill up a 2,000 gallon, it would take us about 12 minutes. Just so this question doesn't get further back so that it's – I'm going to leave it there, thank you.

MR. HOOPER: We will look into that. I'll get with the people that we need to get back with and on the gross receipt question, if you'll give us a little bit of time on. We'll evaluate the time to load, time to get back and forth to be sure we have adequate water capacity.

CHAIR DROBNIS: Any other questions from the Committee. All right, thank you very much.

MR. HOOPER: Thank you.

CHAIR DROBNIS: This is a public hearing and I see that we have some members of the public here. In order for us to be able to hear everyone who wants to speak – first of all those of you who think you would like to speak raise your hands – this is not a firm commitment but just an idea of how many people will be speaking. Thank you.

MS. BROWN: Mr. Chair. I just wanted to advise you that there are people not in the room who also want to speak, both downstairs and in the legal conference room.

CHAIR DROBNIS: Okay. I think it would be a good idea if the people who are not sure they are not going to speak could step out of the room and allow the

people who are going to speak to come into the room. This will minimize the amount of traffic that we have coming and going while people are actually speaking.

COMMITTEE MEMBER ANAYA: Mr. Chair.

CHAIR DROBNIS: Yes.

COMMITTEE MEMBER ANAYA: Do we have a time limit?

CHAIR DROBNIS: Yes, I'm going to set some ground rules. Those of you who are here please listen and take note. I will repeat these later on but to get started, first of all there will be a limit of 2 minutes for each speaker. The time will be kept by our audio/visual technician and I think he has arranged to project it on the screen so that everyone in the audience including the speaker can see it. Unfortunately, it is not easy for the people on the committee to see it so I have asked him to do the following, Jeff, are you there? After a minute and 30 seconds please call out, 30 more seconds and at two minutes call out time. That way everyone will have an equal opportunity to be heard. Second of all, if you agree with what someone has already said, it is not necessary to restate it. You can simply say, I agree with what the speaker addressing the color of the sky has said. And we will take it as if you had stated all those remarks yourself. And to go along with that, it is not necessary to take all of your two minutes. If you can say what you need to say in less than two minutes then all of the Committee members will bless you.

Finally, no applauding, no cheering, no booing, no parade floats, no balloons. We want everything to proceed as smoothly and efficiently as possible and with the maximum consideration for the value of everybody's time in the room. The committee members, the staff members and particular those of you in the audience.

So, is there anyone who has an organized presentation? All right. Are there members of that presentation besides yourself? All right, then the organized presentation will have two minutes as well.

Based on the number of people that we have who want to speak and the opportunity – in fact, we want everyone to have an opportunity to speak, I think we will have to table agenda item F and I think we can probably accommodate E if everyone is considerate and uses time efficiently. Item F is the St. Francis South Master Plan Amendments for the 650 dwelling units and if there is anyone who is here for that or anyone who comes in, I will repeat this announcement again, but we will be tabling agenda item F, the St. Francis South Master Plan Amendment and Variance.

Is everybody in the room who thinks they will want to speak? What I want you to please is stand and you'll all be sworn.

COMMITTEE MEMBER ANAYA: Point of correction, please, or clarification, I guess.

CHAIR DROBNIS: Yes.

COMMITTEE MEMBER ANAYA: You said item F is tabled?

CHAIR DROBNIS: Yes.

COMMITTEE MEMBER ANAYA: And in the minutes or the agenda we tabled G, is this correct?

CHAIR DROBNIS: That's correct. So the agenda this evening will end with item E.

COMMITTEE MEMBER ANAYA: F and G are tabled but we didn't table F originally.

CHAIR DROBNIS: That's correct.

COMMITTEE MEMBER ANAYA: We need to do that for – we don't?

CHAIR DROBNIS: We will be tabling item F, St. Francis Master Plan.

Those of you who are standing please raise your right hand and be sworn.

[Those standing were duly sworn. The recorder asked that the speakers provide their name, address and verify that they are under oath.]

AUDIENCE: Is that part of our two minutes? To say we're under oath.

CHAIR DROBNIS: The answer to that seeing the number of people who wish to speak, the answer to that has to be yes or else we will be here all night and into the morning.

AUDIENCE: Can we yield our time to another?

CHAIR DROBNIS: No, we will not be horse-trading time. Each individual will have two minutes and if they don't use their two minutes then we will move onto the next. Because we have a large number of people who want to be heard and we don't have time to do the horse-trading.

I'm sorry, you are out of order. You have not been recognized by the chair, please be seated.

MS. LUCERO: Mr. Chair, I think it would be in order to table Case letter F, if that is the wishes of the CDRC.

COMMITTEE MEMBER MARTIN: I so move to table item F.

COMMITTEE MEMBER KATZ: Second.

The motion passed by unanimous [7-0] voice vote.

CHAIR DROBNIS: May we have the first person that wishes to speak.

MATTHEW MCQUEEN: Mr. Chair, my name is Matthew McQueen. I'm an attorney and I'm here on behalf of the Rural Conservation Alliance and Conservancy in Cerrillos. Before I start my time and --

CHAIR DROBNIS: Please confirm you have been sworn.

MR. MCQUEEN: I'm here as an attorney. I am not providing evidence and I have not been sworn.

CHAIR DROBNIS: Thank you.

MR. MCQUEEN: We do have an organized presentation. We have I think six members. I would like to give an introduction and have our members in turn give their presentation and then I would like to close with a few comments. Is that permissible?

CHAIR DROBNIS: Yes. If you have six people then you may have 12 minutes to make your organized presentation.

MR. MCQUEEN: So I as the representative of this organization only have two minutes, is that correct?

CHAIR DROBNIS: That's correct.

MR. MCQUEEN: Okay. As I said my name is Matthew McQueen. I live at 38 Avenida de Vigil in the Village of Galisteo. I represent the Rural Conservation Alliance and Conservancy of Cerrillos. We have a lot of information to present, a lot more than we're going to be able to in two minutes. We asked to present a power point

presentation even in keeping with the time limitation and we were told we could not. That puts us at a technological disadvantage which I feel is inappropriate.

There are for four points I would like you all to remember as you listen to the testimony. The first point is that this is their third application. The first two applications were denied and were recommended for denial by staff. I'm not sure what has changed in this application. The second key point is that this is indeed a fit in the door camel's nose approach to zoning. Mr. Siebert has said if they want to expand the mind that they will have to come back and go through the process. Of course, at that point, it won't be a new mine. It won't be a new zone. It'll be an expansion and it will be much easier for them to continue mining. The third point deals with rezoning. There has been some question with the County Attorney opining that this is not a rezoning. It is still a zoning action. It is a change of zoning or at the very least a creation of a zone – it is a discretionary approval. This is not an existing use that is permitted in this area. They are asking for the creation of a new zone in it's discretionary.

The third point I'd like you to keep in mind is the difference in [inaudible] between the prescriptive or required elements and again the description of the approvals. And it is up to this committee and ultimately the BCC to exercise your judgment for the discretionary approvals. I apologize that's all the time I have. I do have a lot more I would like to cover. Next up from our group is Diane Senior. [A gentleman expressed his dissatisfaction that he had been present since 2:45 and wanted to have his turn to speak first.]

CHAIR DROBNIS: If people would like to line up that certainly an efficient way to do it. I'm sorry you weren't somehow included in that. It's not something that I announced, but I think it's a good idea.

Yes, please go ahead.

DIANE SENIOR: My name is Diane Senior. I live at 317 B Camino Cerro Chato in Madrid. And I am under oath.

Since our time is so limited there is one thing that I want to be sure that I communicate to you today and that is that we're talking about some little back water part of the County that nobody cares about. We're talking about not a Mom and Pop operation but a massive industrial operation on a historic landscape that thousands of people care about and have for centuries.

This is a place that matters to people. Henry Shukman from the *New York Times* recently wrote of La Bajada mesa: "It's still one of those approaches, those arrival, it seems mythical and possibly grand. A place that could change not only ones external life but also ones inner spiritual life. You will never be the same again."

This place matters. If it didn't all of us would not be here today asking you to save it. I've already submitted many comments that talk to the technical reasons why I think the application is flawed and I hope that you would have read that and particularly the letter I sent in yesterday. Thank you.

CHAIR DROBNIS: Thank you, next. Please go ahead.

DON VAN DOREN: Mr. Chair, members of the Committee, I'm Don Van Doren. I'm at 317B Camino Cerro Chato in Cerrillos and I am under oath.

I am here to address a number of the economic issues that have been raised on the part of the applicants. Given the time constraints I am going to focus on just several of these. The first fact is that within the county production exceeds demand by

approximately over 200,000 tons and this is data from 2008 through 2012. That's very important because what it means is that adding this mine will not cause any more construction to occur. It will simply take demand away from other existing facilities both within the county and outside.

But I think that's going to be a very important issue. A couple of other points. There are calculations of what they're going to produce simply do not add up. We put in this information in the written material we have sent to you. The claim is for a quarter of a mile in terms of years for 25 years, and at the rate that they're saying they're going to do this they're going to sell 886,000 cubic yard in 25 years. That's [inaudible] 240,000 tons that's five years of production at the rate they're talking not 25.

I need to move quickly. The gross receipts tax is a key issue. The claim is that they're [inaudible] the facts are because they're going to do this in five years, not 25, the numbers are way out of sight. The County only receives 25 percent of the 7 percent gross receipts tax and I don't get all the calculations that they have provided. There are no, no gross receipts tax that are going to be available because money is collected outside of the – or inside in the County wherever the material is used –

CHAIR DROBNIS: Mr. Van Doren, thank you very much. I'm sorry you're out of time. Next.

RICK WESSEL: My name is Rick Wessel. I live in State Highway 50 in Pecos, New Mexico. And I'm an archaeologist and cultural resource manager for the past 40 years and I am under oath, I recognize that.

I wish to address the aspects of the cultural heritage of the area and the potential impacts that this project may have. I realize that the applicants have conducted an archaeological survey but that has been limited to the archaeology underneath the footprint of the mine itself, the open pit. And I'm more concerned about neighboring resources and a more active element of our cultural heritage. The ability to interpret and understand that and to appreciate it – taking one example in particular is the Camino Real Tierra Adentro. It is within one-mile distance and whereas the State Historic Preservation Office has looked at a few points to see if you can see it from it, I have conducted a much broader viewshed on the entire Juana Lopez segment of it and you can clearly see in the material I just presented to you that it is visible from – or that the pit is visible from the trail and not so much in the way of a photographic image that you saw in the earlier presentation about visibility. That method is terribly flawed by the mechanics of the camera and the lens itself in a phenomenon called barrel distortion. What it does is it compresses the – all you get to see is what's in the foreground. But that's an important part. The Bureau of Land Management as well as the Forest Service have developed a technique for measuring the impacts of features upon the landscape and they don't use photographs they use simply what I've done here, a viewshed analysis at a distance from the object itself. And we are clearly within their one-mile radius of what would be considered within the foreground of the viewshed and therefore very noticeable by anybody walking along that trail and – so the problem there is that it would interrupt your ability to appreciate it.

CHAIR DROBNIS: Thank you. Thank you for your input. Next.

JAN-WILLEM JANSENS: Mr. Chair, Commissioners, my name is Jan-Willem Jansens. I live in Santa Fe County on 770 West Manhattan Avenue in Santa Fe and I realize I am under oath. I'm an ecological landscape planner and I've worked for

about 20 years in Santa Fe County and a lot in the Galisteo Basin where this mine is located, or the proposed mine.

The proposed mine would impact ecological values and landscape conservation values especially habitat values, some water values, scenic values and cumulative of all these values and other values that constitute together a significant conservation value in this landscape. These combined values are very high for the entire County actually in the Galisteo Basin including this area and that has been stated in a study that was supported by Santa Fe County for which Santa Fe County adopted a resolution to support this in March 27, 2012 and the study was called the Galisteo Watershed Conservation Initiative.

In this area we also have wildlife corridors that are local linkage areas. Study have been conducted particularly about cougar but all associated species like deer, bear, pronghorn are a part of that ecosystem of the cougar pathways as well. And this corridor particularly is part of the wildlife linkage between the Sangre de Cristos and the Manzanos and Sandia complex and was identified as one of 20 wildlife linkages that are of importance in the spin of wildlife corridor between Alaska and Mexico and therefore this area should not be impacted in this way.

Secondly, as the New Mexico Crucial Habitat Assessment which was developed a year or two years ago by New Mexico Natural Heritage which is part of the biology department at UNM and funded by State Game and Fish, but the area here of the proposed strip mine sits in an area of highly ranked natural vegetation and then it supports the observations that this area is actually considered a critical habitat and states that the reclamation of overburden can not just be reseeded. It requires watering and inoculation with biological [inaudible] which cost about a million dollars for 50 acres. Than you very much.

CHAIR DROBNIS: Thank you for your input. Hold your applause please. Next.

KIM SORVIG: Mr. Chair, member of the Committee, my name is Kim Sorvig. I'm a research associate professor at the UNM School of Architecture and Planning, also a County resident, licensed landscape architect. I have prepared the same kind of stormwater management, dust control and revegetation plans as we are discussing here. And I would challenge the adequacy of all of these and of staff's review of any of them.

But first I want to make one point. I have here the advertisement which is online from Buena Vista and Buildology as Rockology used to be called offering 5,421 acres for sale on the international market, quote which includes 5,200 acres of rich aggregate deposits for possible mining. This is a foot-in-the-door strategy. They have only reduced the acreage on the three identical applications that they have put in since 2005.

The problem with dust, this is a public health and safety issue, and as such I believe one that you have a great obligation to consider. They are complying with the requirement for dust from their machinery but if they stockpile topsoil in the tiny little oval that they're showing in each phase, they will have 17,000 cubic yards in one pile that will 30, 40, and some people have estimated 70 feet tall. It will be impossible to keep it wet. The soil organisms will die which is against all practices of landscape architecture and that will turn into nothing but dust. It will also cause the revegetation to fail. That is my professional experience and opinion.

I would also say that denial to County residents who rely on it and have prior existing agreements with the County water service, denial of potable water is a health and safety of the first sort and probably actionable. I would sincerely urge you to deny this misguided application. Thank you.

CHAIR DROBNIS: Thank you. Hold your applause. Next please.

PAM BENNETT CUMMING: Pam Bennett Cumming. My assistant is handing out the 8-minute version of my talk. I'm a retired county land use planner and I just want to go over a few brief things.

The County's growth management mission statement is to preserve the character of our existing communities and unique rural landscapes from future growth and development through effective planning, zoning, data analysis, permitting and enforcement – makes available meaningful choices in terms of alternative living environments and lifestyles and preserve resources for future generations. And to address the needs and concerns of our citizens while insuring their quality of life.

I am one of the many citizens that lives in an apparently nonexistent community to the south of the mine. The view from our front windows is this [points to a photo on an easel] this picture. And I hope the press takes a photo. So the County rural planning history and the proposed planning for this area are consistent. In other words, the County seems to show an intent of continuing the zoning of agricultural ranches. So I would suggest that rezoning, creating a new mining zone as the chapter says would be inconsistent with this plan that the County has.

Others have addressed the fact that there were several proposals and that they were either denied or withdrawn pending denial. One question I have is, what has changed? The code is the same. Two reviews were the same one is different. What changed?

The other issue, the last issue, is mining zones and water. By the land development code mining, surface mining section is pretty clear that the Board may create a mining zone. In other words, there is thought for discretion before you decide if you want to put one there. Under the issue of water, Section 1.7 says shall submit evidence that the applicant has a State Engineer's permit. They do not.

CHAIR DROBNIS: Thank you. Thank you very much. Next please.

BRIAN EGOLF: Mr. Chair, member of the Commission, my name is Brian Egolf. I am a state representative and I represent this area. I don't usually appear –

CHAIR DROBNIS: Mr. Egolf, you are under oath, is that correct?

REPRESENTATIVE EGOLF: I am under oath and I also appear in my oath as an attorney. But I appear in my capacity as a state representative, Mr. Chairman. I like your clock, by the way, I'm going to use it next time I get a county lobbyist calling me for something.

Mr. Chair, I represent the area affected. I was joined during the session by Representative Stephanie Garcia Richard, Senator Peter Wirth and Senator Phil Griego who all wrote to the County Commission that at a minimum there be a moratorium imposed on this and that more work be done and a thoughtful ordinance be implemented such as the one that was done in the oil and gas situation a number of years ago.

The reason I seldom appear is that these are local issues and obviously we deal with statewide matters. I'm concerned about this project because this goes a long way towards undermining a tremendous amount of work that we're doing at the state level to

support a diversification of the economy of northern New Mexico. Just in one instance we're receiving an explosion of jobs and economic activity from film and TV and the creative culture that exists here to turn the entrance of Santa Fe into a new mining zone with the risk of 30, 40 foot high piles of rubble and all the intending consequences you've heard and will hear about throughout the evening undermines tremendously what we're doing.

Also, we've been working very hard and succeeded in getting the state penitentiary off their wells to support the spring fed acequias in La Cienega. That's a project that Stephanie Garcia Richard and I worked on and we succeeded in that and we put the state pen on the County's water system. Putting this effort and this drain on that line of the water system completely undermines what we've been trying to do to get the state pen on that system to support the local area.

Please consider the impact of what you're going to do not just locally but to the statewide economy as we attempt to diversify. Please consider not just the areas that I represent, Madrid and Cerrillos and San Marcos, but the countywide impact from the truck traffic and also the impacts that you're going to have from economic activities throughout the County and completely throughout the north. We certainly hope that you'll reject this mining zone that is being contemplated and I appear here tonight because I normally would have appeared before the Board of County Commission but hopefully it won't make it that far. Thank you, Mr. Chairman.

CHAIR DROBNIS: Thank you, Mr. Egolf. Hold your applause.

COMMITTEE MEMBER ANAYA: Mr. Chair.

CHAIR DROBNIS: Yes.

COMMITTEE MEMBER ANAYA: Can I get one clarification from Mr. Egolf, please as to what district he represents – 47 or 48?

REPRESENTATIVE EGOLF: I'm sorry, what was your question?

COMMITTEE MEMBER ANAYA: What district do you represent?

REPRESENTATIVE EGOLF: I represent 47 which is Madrid and Cerrillos and Stephanie Garcia Richard is 43. Peter Wirth is district –

CHAIR DROBNIS: Thank you. Appreciate your input, thank you.

WALTER WAIT: My name is Walter Wait, 48 Bonanza Creek Road and I'm representing the San Marcos Association.

We would argue that the proposed mine should have been evaluated under Santa Fe County Ordinance 1996-10 Article 11 but should have evaluated under Article 5, the Santa Fe County Mineral Exploration and Extraction regulations. We believe that the regulations for gravel mining were intended for operations that remove naturally occurring gravel from a defined space not for the production of gravel from hard rock formation. This is clearly stated in Article 11, which states, mineral activities or mineral extraction activities for construction materials are as included but not limited to sand, stone, gravel, aggregate or a similar naturally occurring materials. That would be allowed anywhere in the County providing the requirements of the ordinance are met. The key phrase that signifies intent is similar naturally occurring material. In order for the proposed development to qualify under Article 11, the material proposed to be extracted must be naturally occurring. That is to say, it must be already in a state that would qualify as sand, gravel or stone useful in construction activities. In this instance the material to be mined is not gravel and Article 11 does not apply.



Since Section 11 doesn't apply, then Section 5 must be applied to the application. We believe, therefore, that the application should have been rejected before it came before the CDRC because it doesn't follow the requirements set forth in Section 5, Mineral Exploration and Extraction. We therefore urge the CDRC to reject the application on these grounds. Thank you.

CHAIR DROBNIS: Thank you. Nicely timed. Next please.

JUDY WILLIAMS: My name is Judy Williams. I live at 13 Ute Circle, Santa Fe. I'm under oath.

I represent the League of Women Voters of Santa Fe County. I'm the recent past president. The League of Women Voters takes positions on issues after careful study. We have studied land use issues for this County for several years. We have followed the Sustainable Growth Management Plan development and the code and we have urged passage of strong plans and codes which the County Commission has done.

The code has been approved but is not going to be final until the zoning map is approved. We understand that but still we believe that this body should adhere to the spirit of the code that was adopted.

This project has been rejected before under the old code and it should be rejected again. And if I didn't say so in the beginning, we oppose the development of a mining zone at La Bajada Mesa. We believe that highway corridors should aim to retain historic and scenic approaches which La Bajada Mesa clearly is. We believe that this is a development of countywide impact even though the DCI code has not been finalized. There are principles in the code that should be adhered to in this project. We believe that an environmental impact study should be required and that careful consideration of the findings should be an important part of any decision on this proposed development. We also believe that any development should be tied to the availability of water. Additionally, both the long-term cumulative impacts of the water usage by this development and the short-term impacts should be taken into account of the County. We are all acutely aware of the dwindling water supplies and increasing demands. I agree with pretty much everything everyone has said before and I thank you for the opportunity to speak.

CHAIR DROBNIS: Thank you very much. Next please.

JAN BOYER: Hello, I'm Jan Boyer and I live at 815 Rio Vista Street. I've lived here for 30 years and my business is that I do psychological retreats for people who come from all over the country.

CHAIR DROBNIS: Have you been sworn? Have you been sworn?

MS. BOYER: I'm sorry. I have been sworn.

CHAIR DROBNIS: Thank you.

MS. BOYER: So the people who come here for my business come here mostly for the beauty and that includes the way in through La Bajada. It sounds to me like and I am to understand it but I appreciate all the specific details people have been giving. But it kind of sounds to me like if this project is approved and they are asking for a certain amount of water, it sounds like once you've opened the gates to the project they can keep asking for more water with no limitation. Maybe I didn't understand that correctly, but that would be a grave concern for me as if it weren't bad enough already. So I respectfully beg you to reject this as vigorously as you possibly can. This is our water; this is our mother, thank you.

CHAIR DROBNIS: Thank you. Next please.

BARBARA KING: Good evening. I am Barbara King, 29 Rancho Alegria Road, Santa Fe and I've been sworn.

While the applicants tonight did not address light pollution nor the route that the water trucks will take, I'm here tonight to speak to you about the use of water using words written by William deBuys author of a *Great Aridness Climate Change and the Future of the American Southwest*. He is also widely respected as a water expert. He says, over the decades ahead water supply for the Santa Fe area will almost certainly decline. This includes local sources as well as imported San Juan-Chama water. Santa Fe County needs to focus on its water resilience for a region looking at a substantially drier and warmer future – this is a poor use of a very valuable and exceedingly finite resource both for the time that the mine is being operated and for the extreme needs to remediate the land following. Thank you.

CHAIR DROBNIS: Thank you. Let me announce that in about 15 minutes we will taking a break for the committee and at that time if we still have people lined up we'll pass out slips of paper so that you can take a break also and resume the same place in line.

Please go ahead.

RUSSELL JAY BENNETT CUMMING: Thank you. I have been sworn. Russell Jay Bennett Cumming, MIT educator retired.

There are those in our community who have conveyed that the public should not bother to state their case against the La Bajada strip mine because the scuttlebutt is that the go-ahead for this proposal is already a done deal. I do not believe that the public process is subverted nor do I believe that the commissions will fail to do the right and the just thing for the community. Indeed, commissioners denied this very proposal in 2005 and denial was recommended in 2008.

Experts in our position to the La Bajada strip mine propose we have already exposed compelling and valid reasons to deny the destruction of a historic, pristine landmark that is part of our community's geographic and aesthetic heritage. [inaudible] unnecessary mining under the guise of permitting business expansion. Unwise use of scarce potable water, risk of excessive dust and rock particles blowing into Santa Fe, unseemly light pollution which mares night skies, continuous rock crushing and blasting noise which travels for many miles. Defacing two gateways to our lovely region. Endangering traditional wildlife traffic and wildlife itself. Alas, the list continues.

However, the most egregious negative could be the creating of the mining zone in the midst of an aesthetically pleasing, sedate, agricultural, ranch zoning plan. Those in the trusted decision making position of overseeing zoning changes to allow for non-conforming use would be responsible for much legacy of future indiscriminant development. Those changes would not reflect how citizens view and value their region. Thank you very much.

CHAIR DROBNIS: Thank you very much for your input.

KEN WEAVER: I have been sworn. My name is Ken Weaver. I live at 53 Old Coal Road, Cerrillos, New Mexico.

There's a couple of things that bother me. Number one, putting up the placard, taking pictures so you can see that you couldn't see anything. Well, that's fine but the dust goes a lot higher than that. Let's put those placards up to the height of the dust so

that we really see what we're going to see. 25,438,975 gallons in 25 years of water. That's a lot of water. And that's at 3 acre-feet. It bothers me that our bulk people, they don't seem to know how much water they'll use – or they don't care how much water you can take. They could take four, five, six acre-feet. We wouldn't care: bulk people wouldn't care. That really concerns me. The bulk people should know how much water is being taken and how much they're going to have to give. Not just a guess.

Bonds, I use to work for Caterpillar, 30 years I've been to a lot of quarries. I've been to a lot of road projects. I've seen a lot of quarries that were set up; people went in with the best of intentions. Twenty years later they left and it was a mess. They tried to reclaim it. They tried to reclaim it to their standards though. The County better know what they mean by reclaiming before they get into this. And they better have a bond to make sure that they do it. A bond big enough to take care of this in 25 years. Now if you say, okay, there 1.5 percent inflation per year. Your dollar today is worth 69 cents in 25 years. If it's 2 percent, it's worth 61 cents. So the bond better be big enough because I've seen a lot of places where the bond wasn't big enough, it never got reclaimed. Who reclaimed it? The taxpayer. Not fair. Thank you.

CHAIR DROBNIS: Thank you.

VIRGINIA MILLER: My name is Virginia Miller. I live at 125 Calle Don Jose in Santa Fe. And the reason I am like this is because of dust in the air and other particles.

CHAIR DROBNIS: I didn't hear you state that you have been sworn.

MS. MILLER: Oh, I have been sworn.

CHAIR DROBNIS: Thank you.

MS. MILLER: I do not support mining on La Bajada Mesa. It is unnecessary to destroy this historic and cultural and economical landmark. Residents and tourists alike value the beauty and stillness of the land. It's greatest value that must be preserved for future generations. The county water required for dust control is unacceptable during a time of drought. We must conserve and prioritize our water usage as water grows more scarce.

I'm very concern about what the man talked about with health and safety. I know it's going to impact me. The cost to the County in water loss and road maintenance would be immeasurable. Please maintain the current residential/agricultural zoning for La Bajada Mesa and do not permit any mining now or ever. Thank you.

CHAIR DROBNIS: Thank you very much. Next please.

ANNE MURRAY: My name is Anne Murray, PO Box 22, Cerrillos. I am under oath. I would like to read a statement from Ross Lockridge of Cerrillos who could not be here tonight.

Time and time again citizen have had to rise to fight the same proposal only to watch as applicants skillfully and repeatedly withdraw their applications when they sense things weren't going their way. When in 2005 they proposed to commence a quote initial stripping of 108 acres and they were confronted by a recommendation to deny by County staff they retreated before the CDRC had the chance to officially deny them.

Again, in 2008, they repeated responded by postponements and then withdrew their application. These were not temporary proposals. OSE right now has a protest before them. Rural Conservation Alliance is protesting a mining application by Buena Vista and Rockology for mining anywhere on 5,200 acres. How ironic it is that now in

2014 after citizens have given untold hours to help develop a sustainable county plan and code they are back. Having shamelessly slid in an application just under the wire before the enactment of the new code. The irony extends in finding County staff appalling recommending approval of this unsustainable scheme.

It's that inexplicable judgment by County staff that brings us before the CDRC when clearly Article XI's location standards have not been met. Here is where the CDRC can finally help rid New Mexicans of this nuisance by recommending but denial.

I'd also like to emphasize some comments in your packet by former County planner Arnold Valdez who writes, I hope that Santa Fe County will stand firmly by the Sustainable Growth Management Plan and directives. Map 5.2, scenic and historic routes from the 2010 Sustainable Growth Management Plan depicts La Bajada Mesa as a potential gateway corridor and is supported by goal 21 and the policies he notes.

I would also like to bring to your attention the red binders before you. There are 4,000 signatures opposing mining on La Bajada Mesa, Thank you.

CHAIR DROBNIS: Roger Taylor, 54 Camino Los Angelitos, Galisteo. I have been sworn.

I serve as president of Ranchitos de Galisteo Waterusers Association. We're a small community with a private water system; however, due to our emphasis on responsible use of water and conservation of water we have significantly used less water than our allocation allows for. Many residents and visitors to our county have the same value for water here. I know many mutual domestics and private water associations who could also make the same claim. I wonder and I want you to think about this very carefully, what message do we give our community people or residents and our visitors about water and our value of water when we are doing so much to conserve and we give potable water for dust control on a dubious operation.

Now, I will also speak as president of the Santa Fe Basin Water Association which has been in operation for 30 years conserving aquifer supplies. In our current climate of concern over water supplies for the general public with shutdowns of the Buckman the last couple of years during the summer high season, with concerns over agricultural use being in the newspapers on a regular basis, at a time when Texas is suing New Mexico for additional water supplies, it is unconscionable that we would give potable water to a mining operation that is not needed.

Finally, I'd like us to think about the value of tourism and the revenues that brings in. The image leaving Santa Fe going to the airport of a large mining operation does not give a good memory or one that gets recommended to other people when they talk about their visit to Santa Fe.

CHAIR DROBNIS: Thank you. Next please.

MCKENZIE ALLEN: McKenzie Allan, 9 Camino Sudeste in the County. I've been sworn.

The most baffling thing to me, it's absolutely bewildering is how this project, this nightmare project, got this far. This thing should have been dead on arrival. Despoiling the landscape, destroying wildlife habitat, ruining quality of life, noise pollution, air pollution, light pollution – is there no point at which we will not condone destruction for the sake of money? These guys sitting here spewing this nonsense – I think they think you're all naïve. I don't get how anybody can believe this. I'm no hydrologist I think it's laughable that the guy from the utility says 100 percent of the water will go back to the

aquifer. I bet my mortgage that 100 percent or 98 percent is going evaporate unless magically a cloud appears over the pit.

If we were in New Jersey we'd be looking for the bagman who brought the satchel of cash in here to promote this project. But we're in not in New Jersey. This is Santa Fe. Mr. Chairman, you had some interesting remarks at the beginning. To keep the place quiet you said we need to be considerate and aware of each other. Everything these guys want to do is in contravention of a Santa Fe attitude and atmosphere. Completely the opposite of what we should be doing. You know, I'm sure you've all heard the expression that perception is truth to the perceiver. Now I'm not saying it's true but if you make the very ill advised decision to allow this thing to go forward, the perception of the people in this city and county is going to be that something very underhanded happened here. And I'm not saying that's true but that is going to be the perception and I think it's important for the County, the council, to decide to whom you are accountable: the pit miners or the residents and the tourists and guests who visit our city, thank you.

CHAIR DROBNIS: Thank you for your input.

COMMITTEE MEMBER GONZALES: Chairman. I would like to make. I personally don't like attacks against this board or the land use staff or the application. . So please have some respect. I'm very offended by this. We're up to listen to this case and give the applicant and you a fair shake on our decision. I would appreciate the same.

CHAIR DROBNIS: Thank you for your thoughts Mr. Gonzales. I think the most effective presentation addresses the facts rather than personalities. Please go ahead.

BUSY MCCARROLL: Hi, my name is Busy McCarroll and I've been sworn. I'm here on behalf of myself and my husband. We own – our address is 44 Main Street and 44B I guess you would call it Main Street and 46 Main Street. We've lived in Cerrillos for close to 40 years. We have a business. We have a recording studio, a home and a guest house.

I agree with what everyone else has said but I'd also want to add about Highway 14. There's an elementary school there, Turquoise Trail. There's a school bus. There's kids on that school bus. The trucks that will be riding on that narrow highway will effect safety in and around our village of Cerrillos and on the highway. Cerrillos and Highway 14 is a populated and growing area. We have a state park. We have hikers. We have horseback riders, businesses, bike riders. We have annual Cerrillos events. There's weekly events at the state park. There's village fiesta. There's art walks. There's a yearly yard sale that everybody is involved in. There's local businesses. There's accidents on Highway 14 as it is. A lot of drunk drivers have been known to drive on that road. These trucks will just add to it. On Highway 14 the gravel will cause spillage and damage to our vehicles. There will be noise on both areas in our town. This will affect our growing tourism and films being shot there in our village and in Madrid and I just hope that you don't approve it. Thank you.

CHAIR DROBNIS: Thank you for your input. Next please.

PIERRE WERBROUK: My name is Pierre Werbrouk and I'm sworn in. Dear member of the committee, good afternoon.

CHAIR DROBNIS: Excuse me, could we have your address please.

MR. WERBROUK: Pierre Werbrouk, 341 Rogersville Road, Cerrillos, south of the proposed strip mine. So my name is Pierre Werbrouk, my wife Dominique Samyn and I have built an [inaudible] artist education retreat center on our 400 acres ranch south of the proposed strip mine. Artists from all over the United States come to take art lessons and enjoy hiking and horseback riding on the ranch with its beautiful views and unspoiled nature of La Bajada Mesa.

The artists stay overnight in lodging facilities of Madrid, Cerrillos and Santa Fe. They spend money as tourists. When we came to live in New Mexico, La Bajada Mesa was zoned as agricultural land and we spent our savings to buy land construct a ranch home, stables and art studios. We pay annual property taxes on this investments. The expectation of a strip mine which is just noise and light pollution in full view of our ranch and studios will reduce the attractiveness of our place. It will reduce our business and reduce the value of our property.

We are convinced the proposed environment to mitigation measures of 2.8 gallons of water about one bucket of water per ton of gravel are largely insufficient to keep the dust down. Moreover, the hauling of water is logistically so cumbersome and costly that in all likelihood little or no dust control will take place as the authorities never check the implementation of such environmental measures. Our drinking and household water originates almost exclusively from rainwater catchments the government instructed us to build. The strip mine dust will fall on every house, enter into our drinking water and may negatively affect our health and that of our visiting artists. Therefore, at least [inaudible] an environmental assessment is needed to measure the real impact of this strip mines.

The future of Santa Fe County lies in research, alternative energy, tourism, health and cultural diversity sectors not in attracting pollution. [inaudible] shared responsibility protecting the environment and the beauty of this County. Thank you.

CHAIR DROBNIS: Thank you.

SUSAN HARRIS: Good evening. Thank you for letting me speak. My name is Susan Harris. I have been sworn in. My address is 518 Old Santa Fe Trail. And I happen to be a realtor. I'm going to address one fact that I think is going to be an important caution.

Last year I participated in a transaction that was the sale of commercial property in Rio Arriba County. This property had been 25 or more years in production as a mine, a mica mine, which is highly dust prone. They – the State Environmental Department at the time when this went under – went into effect, asked for a pitifully small bond to be able to cover the restoration of this site. I think what we're talking about here – and what is of somewhat of concern especially someone having referenced the fact that on the internet is this offer of sale for 5,200 acres that we may not be dealing with the same individual who may have perhaps good intentions and so on. But the kinds of things that we want to consider is that finally northern New Mexico, New Mexico as a whole, our County has clean industry in the film business. This makes jobs. This does a wonderful thing. We have tourism. We have something to preserve. The confusion that we will see with lights and dust, I've been watching weather forecast with wind, they now project wind in terms of its height and the dust blowing. So we have issues of safety. You know, there is just too much variables here so again as someone has said so eloquently why isn't this dead on arrival?

CHAIR DROBNIS: Thank you for your input. Next please.

DOUG SPEER: My name is Doug Speer and I live at 100 Pine West. And I've been sworn.

You've heard many compelling reasons why the La Bajada Mesa should remain from gravel mining. Of all of these one stands clear and above all of the others water conservation. At the end it comes down to a very simple decision. Will this committee vote to provide water for people or will they vote to provide water for gravel? Clearly the official position of Santa Fe County as declared in Ordinance 2002-13 is that conserving water is and should be the overriding concern of this body and of all the citizens of Santa Fe County. The amount of water that has been conservatively estimated to be needed for the gravel-mining project stands at 713,600 gallons per year. Although that estimate has been disputed as much less than would be required that equates to 18 million gallons of water over the life of the proposed project. 18 million gallons of water for gravel instead of people at a time when our county has declared that our water resources are vulnerable to depletion by drought and that it is critical to conserve our water resources. How does 18 million gallons of water for gravel conserve our resources for the public welfare?

Claims of economic benefit to the County are the primary rationale advanced in favor of the gravel strip mines. Buena Vista stated that the operation will create seven full time jobs and a few more part time positions and create approximately \$122,000 in gross receipt revenue for the County. That equals approximately 17 cents for a gallon of water. That is the economic impact that is driving this proposal. We're going to squander the one resource we can't live without at a rate of 17 cents per gallon so we can have gravel. The fact is the residents of Santa Fe County can live without gravel and the County can function without the \$122,000 every year. One resource we can't live without is water. If we want to measure the economic impact of this proposal we must vote against this proposal.

CHAIR DROBNIS: Thank you for your input.

CINDY SHEFF: Hello my name is Cindy Sheff. I live 1 Camino No Es in Madrid New Mexico. I have been sworn. I'm also an associate broker with Santa Fe Properties and I'm heavily present in the Turquoise Trail area. I was asked what the impact that this may have on property values. And I said, we've been through this before with the oil and gas drilling in the Galisteo Basin. It pulled the plug on the real estate market. We're a fragile real estate market. The rural areas are in a slow recovery compared to Santa Fe. We're already seeing the pulled plug in the Cerrillos/ Madrid real estate market based on the information that is out there about this mine.

People come to the area because it's a scenic byway, the Turquoise Trail. They hear about mining and it's not just an impact on the immediate neighbors it's a broad impact all across the Turquoise Trail. It shows whether or not, what kind of steward we are of our beautiful country that we have and the water. We've already had two deals crash in real estate that were under contract because of concerns about support for expanded mining in the area. Those deals crash from people who came from out of state fell in love with the area and the Turquoise Trail and then had concerns over whether there would be water and what the quality of that water would be. When I hear that the County is going to give away water and my village is struggling with their water source, it concerns me in terms of the long-term impact of the project and I have several clients here who have properties on the market, some of them in the off the grid areas which will

have visibility of this project and I'm sorry to say that it may make it impossible to sell their properties in the environment of the type of people such as artists, people who enjoy nature who are attracted to the area.

We really appreciate that the County and the Governor's support with the Galisteo Basin Preserve and the strong ordinance that you put in place has been very effective and we hope that you will do that again when you consider this proposal. Thank you.

CHAIR DROBNIS: Thank you.

ANDREW BRAMBLE: My name is Andrew Bramble, 36 White Wolf off of Rogersville Road in Cerrillos. I'm sworn.

I have a very similar view to this view right here shown. Should the mine go in I will have an amazing view of a blight on the land. Would you buy a piece of property that had a view like this with a mine on it? I'm going to guess no. I sure wouldn't. I might not have bought my property if I knew there was going to be a mine on it. A lot of people have a view like this in the Cerrillos/Madrid area, a lot of people. I don't see that mentioned in the proposal. I doubt that it was considered.

They say there's a long history of mining in the area. Well, in certain parts of this country there's a long history of slavery. Just because something has been happening doesn't mean it should continue.

And with regards to the earlier comment that 100 percent of the water would go back to the aquifer, I would really like to hear from a hydrologist not associated with this project if any of that water would make it back into the aquifer given how hot, dry and windy it is up there.

And with regard to the reseeded with the reclamation, are they going to go out there and nurture the seedlings? Are they going to water it for however long it takes? A couple of years at least. I have my doubts about that too. Thank you.

CHAIR DROBNIS: Thank you. Next please.

JOHN PEN LAFARGE: Good evening. My name is John Pen LaFarge. I live 647 Old Santa Fe Trail here in Santa Fe. I'm the president of the Old Santa Fe Association and I am under oath.

On behalf of the Old Santa Fe Association I urge you to consider the importance of the history of La Bajada. First, La Bajada has been kept as it, the entrance to Santa Fe clean and clear for centuries and has been kept that way deliberately. As far past as Governor Juan Bautista de Anza this was so. When giving out the entrance to the city as a grant, he said, Cognizance that the issuance of the grant would offer the greatest protection of the vicinity to the capitol made the requested concession in the name of the King and for the sole purpose of pasturing stock.

As Old Santa Fe Association is the oldest organization that looks after the heritage of Santa Fe its authenticity and its truth and although this is an issue outside our usual purview, we believe it relates directly to the City's quality of life, moreover, every study made of what brings people to the City Different first and foremost it is the legitimacy of its history and its culture. Some 15,000 local jobs depending upon these factors and La Bajada is the entry gateway to Santa Fe. It is what one sees first. It is our – it is our introduction.

It seems to the Old Santa Fe Association that to turn the first sight of a city known for its physical location and dramatic beauty into an industrial function would be perverse. This is the location of the Camino Real, the Juana Lopez Grant, an area



nominated to be a national monument to allow this area to be an area of ugly exploitation would be flat wrong.

We, the Old Santa Fe Association ask you to deny permission for this requested industrial use. Thank you.

CHAIR DROBNIS: Thank you.

MIKE TAYLOR: My name is Mike Taylor. I live at --

CHAIR DROBNIS: Excuse me. I just wanted to announce that at the end of your presentation we will take a short break of about 15 minutes. Mr. Larrañaga, can I ask you to help out by distributing some numbered tags to the people who are in line so they can take a break also and then get back into line.

MR. TAYLOR: Thank you, Mr. Chair, members of the Committee. My name is Mike Taylor. I live at 52 Sunset Road in La Cienega and I am under oath.

La Bajada is probably the most important natural landmark in New Mexico traditionally separating Rio Arriba from Rio Abajo and symbolically uniting our great land of enchantment. I am a 17<sup>th</sup> century New Mexican whose ancestors have been ascending and descending La Bajada escarpment for over 300 years. Movement through this incredible landscape continues today as we travel Interstate 25 back and forth to Albuquerque. It is truly the perfect gateway to the north in an almost pristine approach to Santa Fe.

Some may think that permitting this mine will have negligible impacts. I and thousands of others know that it will be the crack in the door to allow repeated abuse to our sacred cultural landscape, our common wealth. The litany of common sense reasons to deny their permit is huge as each of you by now know. Allowing the mining would be allowing a huge gash into the heart and soul of who we are.

Please deny this permit and everybody here I'm sure is going to be very appreciative of that. And I also wanted to state that there's a great cultural landscape geographer named J.B. Jackson who used to live in La Cienega. J.B. Jackson is known worldwide. One of his seminal books on cultural landscapes had on the dust cover this incredible photograph of La Bajada. Millions of people have seen this book and this person really knew and appreciated the cultural landscape of our area. I'm very happy that somebody me, JJ Gonzales, is going to be talking about water issues. JJ knows more about water than anybody else in this room and he's going to I'm sure let us know what the status is. And, finally, I want to state that I very much appreciate all of you being public servants cause you do put a lot of time into this and we very much --

CHAIR DROBNIS: Thank you very much. We will take a 15-minute break and reconvene at 7:15.

[The Committee recessed from 7:00 to 7:25]

CHAIR DROBNIS: May we have the next speaker please.

ALLAN SINDELAR: Members of the Committee, my name is Allan Sindelar. I live at 39 Via de Loma, Madrid, New Mexico. I am under oath.

I have several points to make. I will be concise. First, the application is deficient on its face. The owners of the mineral rights have not been identified as required by code. In addition, the applicants have not secured a certificate for the water rights from the Office of the State Engineer as required by County code.

Second point, the application should be denied due to its inaccuracies, fuzzy math and false assumptions that have been addressed in specific terms as submitted in Diane Seniors letter submitted yesterday, 3/19.

Third, the application should be denied due to the overwhelming evidence that this mine would have a significant adverse affect on the health, safety and welfare of all of the citizens of the county.

I will offer finally that the quarry manager at Caja del Rio has stated last week that he has currently 800,000 to 1 million tons of stockpiled material that is appropriate for this purpose and has reclaimed effluent water available for dust control. Thank you.

CHAIR DROBNIS: Thank you. Go ahead.

GAIL CARR: My name is Gail Carr. I live at 100 Rancho Alegre Road in Santa Fe County. I'm sworn in. I'm a voter and an artist.

And I really came into this hearing thinking I was going to say something else but what's occurred to me is that this is still the Wild West. I used to believe that the battles over from the 1800s were going to come again and it looks like they're here. I currently have a well. I have a cistern and I haul water. So to me this is of utmost concern because one thing I think we really have to look at is that I pay more than 2 cents for a gallon of water. I don't think this is a fair market value. I think it is totally against the State anti-donation clause and I think that is grounds for really looking at this much more. We're being told to look at and conserve our water. I got a letter from Tom Udall the other day, they're raising money federally to conserve water and what are we doing wasting it. In other countries, in Israel alone they have 250 reservoirs of recycled water to use. You know, every place else is saving it. We are in a drought. We cannot afford to waste it and we can't give it away at those prices. Something is really wrong.

Something else that I needed to say is that what came out to me as I was hearing these people speak is that we need to have a policy for water usage and priorities with this drought going on with the water going probably to people first. Water is life. We can recycle all we do on our own and then we see blatant waste of the water. And we know already that dust is the major polluter in this state.

Anyway, I think we need to have a moratorium before we give any more water away and we have to figure out what we need first.

CHAIR DROBNIS: I'm sorry, your time is up. Thank you.

MS. CARR: Oh, but can I say one thing?

CHAIR DROBNIS: No, I'm sorry.

MS. CARR: The adobe houses cannot take the blasts and the sounds.

CHAIR DROBNIS: Please. Next please.

MICHAEL COLLINS: Hello. My name is Michael Collins. I wanted to thank you for your service for sitting here and listening for so long. I'm a County resident for 40 some odd years and I swear to god I still love water and I like the gentleman here who represents Rockology, we represent biology and ecology of Santa Fe County, our wonderful community. And I think communities and community rights trump corporate interest every day and this counts for our whole county and our whole state.

There's some issues like Gail just mentioned, I'd like to know about decibels. Possible decibels from blasting and trucks et cetera as far as what people are going to be hearing. Also, damage to the highways. I know I've consistently gotten rocks in

windshield; this is just minor, rocks in windshields from gravel trucks. Even when I try to avoid them.

The other thing would be chemicals. What the surfactant was mentioned. What are the chemicals in the surfactant that is going to be used to hold it down? My understanding is a surfactant can be anything from something like a detergent or something like that but Dawn has been proven to be hormonal damage – has given hormonal damage. Dawn the dishwasher soap. So there's a lot of questions..

The other thing is that treated water is also usable and water has been proven to be treated to where it can even be potable even though [inaudible] worst water. So even the treated water that we need it's precious to us and please vote against this change in zoning. Thank you.

CHAIR DROBNIS: Thank you. Next please.

TERESA MUZIEK: My name is Teresa Muziek. I've been sworn in. I live at 2417 Camino Agua Azul in Santa Fe.

One of the things that I would like to see is what the blast vibrations will do to that gas line that you pointed out on the property. That would be awful if that exploded. It would cut off all of our gas in Santa Fe. Also, I feel that the traffic through Cerrillos, the answer was a bit evasive. I know those streets are kind of skinny and the roads are kind of bad inside Cerrillos itself and they're going to be driving water trucks through there? Anyway, I would like that to be addressed a little bit better.

And, maybe the County hydrologist could take a look at the estimate of how much water is available in that aquifer that they're going to be pulling the water out of. I'm a hydrologist for the state and I know that the aquifers everywhere are dropping. On the eastside of the state it's like 6, 10 feet a year. Some other places it's only, 2, 3, 4 feet a year. How deep is that aquifer and how much water is in it? Is it even capable to supply just the gravel mine? I'm not sure about that. They also said that the water will go back into the aquifer, 100 percent of it, well, basalt is impermeable. It's like cement, right? Nothing gets through. And they said that basalt is better than the basalt out at Caja because it doesn't have as many holes in it which makes it less permeable. So it won't go down back into the aquifer. Besides the whole evaporation thing around here, right? So also –

CHAIR DROBNIS: I'm sorry, time is up. Thank you very much. I have an announcement I've been asked to make. A lady has lost a blue wallet in the room. Could you look around you and see if you see a dark blue wallet about 4 by 5 inches and if you find it bring it over to the staff on the side of the room.

Thank you. Please go ahead.

COBY LIVINGSTONE: Thank you for this opportunity. Coby Livingstone. I'm a registered voter at 303 East Buena Vista, Santa Fe, New Mexico. I'm a new resident to Santa Fe but I am livid that La Bajada hill, mesa, may be used for mining. It seems to be that what I've learned in the last year is the city and county want to grown and have wonderful things happening in this county and how does a mining company help with that. I think you've heard so many non-repetitive facts, science, evidence that you should deny this permit for a mining company at La Bajada Mesa.

CHAIR DROBNIS: Thank you. Next please.

JAN UDELL: Good evening. My name is Jane Udell. My address 5 Blanco Road, Santa Fe. And I am sworn.

I bought 20 acres off Red Rock Road 40 years ago. I have a million dollar view of the mesa from that place. I'm strongly against changing the zoning from agricultural/residential to mining for all the reasons voiced by the other speakers with the exception of the first two.

Another thing I might mention and I hadn't heard anything until this evening about blasting. I should have realized it was part of the process. There was a very large equine population there. I don't think they'll get along well with blasts.

Four years ago my 20 acres was appraised at \$85,000. That's unimproved property. I think that a working mine above my place would cut that value by 50 percent or more. That would cause a related lower tax for me and every other owner in that area. What I'm trying to say is that Santa Fe County could lose far more in property taxes than this mine would produce in gross receipt taxes. I heard about man who figured out how to reclaim oil by scraping the paint off the Mona Lisa. Sort of like scraping gravel off the mesa. Thank you very much.

CHAIR DROBNIS: Thank you. Next please.

LOUIS DEMELON: Greetings Council members. My name is Louis DeMelon. I live at 2521 Camino Estribo in the City of Santa Fe and I have been sworn in.

I'm 24 years old and for most of that time I have been a Santa Fean and I look forward to being one for many more years. It is with that in mind that I objected to this mine. It is because in a 25 year time scale both the applicants, the citizen who are concerned and let all of you know what they're concerned about and you yourselves will not be working – or you certainly hope you won't be working in 25 years, if we were to do a minimum age of the people in this room with myself and the other person that would put us in the mid 40s. Once this mind has come through in that 25 years the reclamation will begin, if they were to get their projections incorrect, the gentleman who had proposed this would not be accountable, the councilmen who may or may not have agreed with it would not be accountable and the people who objected to it would have no method of recourse.

This concerns me deeply because I am one of the people who are going to have to deal with this issue in 25 years and I would like to thing that since this is the City Different we would different than most other cities and put the interest of people ahead of the economic interests of the select few individuals.

I am hoping you will all consider that. Thank you for your time.

CHAIR DROBNIS: Thank you. Please go ahead.

JOANNA CONTE DURHAM: Hi, thank you. I'm also of the younger generation concerned. I thank you for the opportunity to speak. I'm JoAnna Conte Durham. I'm a resident of 10 years in Cerrillos, 6 Anthercite Avenue. And I've been sworn.

I hope you hear our concerns. I appreciate the chance to speak and I appreciate you listening. I hope you reject the mine. As a homeowner on Highway 14 right at the Cerrillos Village turn this impacts my home and my many neighbors. And it impacts my farm and my home work studio. As an artist – and I use art as therapy – in my studio I work with kids and adults as a healing modality as artist therapy and I'm concerned with the impact of large trucks, the safety in our small village, with the kids, with pets. We live off the land here. I live off tourism. The beauty of the land. The charming land that

we love. This will impact our small businesses disrupt our home. We're concerned about limited water. We're concerned about the impact on the earth for future generations as well as now. The history, the unique beauty – I'm concerned about the wildlife in the hills. Who is protecting the natural order of life? The hills are still wild with deer, wildcats, coyotes – the turquoise mining that is done in the hills is done with hand tools. I'm concerned about the noise pollution, the disruption of blasting rocks along with the wild animals what about our domestic animals, our farms? We're an agriculture community. It's our food. It's our life. This impacts us, our animals, our chickens, our goats, they're disrupted being so close to these blasted rocks, the light pollution, the noise pollution, the vibration. This is Santa Fe County lifestyle. Along with earning land right on 14 and my home, my family owns 40 acres two miles west from this proposed mine. So right there on Waldo Canyon on this land as a helping profession, I work with many people, children, adults and I help the health of the community. Please choose the people. Hear the people. Honor the unique community –

CHAIR DROBNIS: I'm sorry, ma'am, your time is up.

MS. CONTE-DURHAM: Sorry. Keep it wild.

CHAIR DROBNIS: Thank you. Please go ahead.

LOUISE BAUM: My name is Louise Baum. I live at 54 San Marcos Road West. I really appreciate that –

CHAIR DROBNIS: Have you been sworn?

MS. BAUM: I've been sworn. I really appreciate you all staying so long. You must be hungry. Anyway, thanks for listening this is a crucial process for the people to be able to tell you our concerns.

Santa Fe calls itself the City Different and it is different. It is beautiful. La Bajada Hill has a long history and is the entrance to Santa Fe. When settlers came in wagons they paused there for the night at the bottom of the hill to rest and gather strength for the difficult ascent up La Bajada Hill. Now it's much easier, a 6-lane highway takes us up. But still when we reach La Bajada it is significant. We know we've come home.

If we let this gravel mine go ahead who does it benefit? Rockology? I'm concerned about that ad in the internet that someone mentioned. I'm concerned that this is just the beginning. I'm not convinced that it's a small operation that they intent to keep small. I'm not convinced that the dust will not be a huge problem. I'm thinking of about two days ago when there was dust all over the sky. You know, we're having very different weather conditions now. It's not necessary to have this mine that will trash the beautiful entrance to our beautiful city. Instead of the City Difference, we'll be one more ecologically ruined industrial landscape. Just the same as so much of the modern world.

We don't have to do this. We value the beauty of this place. Let's keep it beautiful. Let's keep it different. Say no to the gravel mine.

CHAIR DROBNIS: Thank you. Please go ahead.

APRIL JEAN TAFOYA: Hello, good evening. My name is April Jean Tafoya. I live at 1600 Lena, Suite F4 in Santa Fe. I've been sworn.

I hold a masters degree in earth and planetary sciences from the University of New Mexico. My specialty is hydrogeology. The proposed 50-acre mining zone is within the Galisteo Creek Watershed. My main concern with the proposed project is the erosion in the area.

The La Bajada Mesa exists as a mesa because of the basalt flow that caps it. We call this inverted topography. That was once the lowest part of the landscape, the lava flowed in, capped and everything eroded around. It caps with the unconsolidated sediments of the Santa Fe Group. I am referencing USGS Professional Paper 1720 A and B for this. So this basalt cap is what prevents erosion of this mesa.

The watershed restoration action strategy for the Galisteo Creek Watershed which was funded by grants from the New Mexico State and the Surface Water Quality Bureau of the New Mexico Environment Department and it was authorized by the Clean Water Act, lists soil erosion and run off control as their second major priority after community involvement. They report that soil loss occurs at a more rapid rate than soil accumulation in this particular area. Also note that the US Department of Interior, the Bureau of Land Management in December 2012, and I quote the report, soil erosion is a key concern in the greater Galisteo Basin because of the highly erodible nature of the soils in the area. This will ultimately end up in the Galisteo Creek which is 1,500 feet from this proposed site. The Galisteo Creek is a major tributary of the Rio Grande. This extra sediment load will indeed be a problem even if potable or non-potable water is used in this. This is something that should be of major concern for the area. Thank you.

CHAIR DROBNIS: Thank you. Please, go ahead.

JJ GONZALES: My name is JJ Gonzales. I live at 54 Entrada La Cienega. And I have been sworn in.

Chairman Drobnis and committee members, thank you for this opportunity to address you. There's a groundswell of opposition to this project and even though maybe it complies with the County Code I kind of feel that this is not just a gravel operation, this is a hard rock mining operation. They talk that gravel was allowed in areas such as this – at the very end of the presentation they came up with this was basalt. It's one of the hardest rocks on the planet and it's extracted only with blasting. That's one thing that they didn't really address very clearly in the story poles that they put up. You know, they don't tell the whole story. They don't tell about the dust that appears. They don't talk about the noise. The other thing that they mentioned was getting water from Santa Fe County. There is a water distribution place by the penitentiary or Justicia Road by the County jail. That is utilized because a lot of people in Cerrillos used to be water haulers. When Santa Fe County put a water system out there they put in a spigot there for water haulers that did not have water so they could get water to supplement their use, either indoor use or outdoor use. All of a sudden we have a County person who says, Oh, they can have a million gallons of water if they want. You know, I live on a farm. Our water is precious. We fought hard for our water rights. This project is dependent on Santa Fe County giving them water. They should go to the State Engineer like everybody else does and bring water rights to the table or have an application for their own water rights. It's like other projects in this county that rely on Santa Fe County to bail them out. That's a flaw that I see. Mining in the area. Mining has been done there for centuries but not since the first code was adopted in 1980. Mining hasn't occurred since then. So this is a flaw.

Thank you very much.

CHAIR DROBNIS: Mr. Gonzales, thank you. Next please.

DANA MAVEN: Thanks for being here to hear us out. My name is Dana Maven. I'm sworn in. I live in the Village of Cerrillos at 8 First Street and I'm new to

the area. One of the things that is beautiful about this area is the peace and quiet. I have a feeling that everybody is going about their business, doing their work, participating in community. I think that if community is the first important thing to protect the environment, we certainly have that as you can see. My concerns, really personal concerns in the Village of Cerrillos are those water trucks coming through. They're going to create a lot of noise. They're going to damage the roads that we have – I think this is delicate balance. There's a little bit of an irony here in that mining a bunch of things to repair roads and then making the road so if you have to repair them is an odd feature of this whole proposition.

I would really want to emphasize that people that live in the Cerrillos, in the area of La Bajada, we are not nobodies. We have work. This mine would probably create work for a few more people but it might destroy livelihoods for very many, many more. People who depend on the land. People who depend on the quiet. I'm a musician myself. I don't want to hear blasts all the time. I think the horses are going to freak out. We've got a stable at the road; what are they going to do with blasts? I don't like that idea.

Finally, I think we do have a sustainable land development code in place; it's not official yet. It's going to take some time but I would urge you to just throw this proposal out the window immediately based on the evidence that you've heard and if that's not possible delay it until we can see if it matches with the sustainability land code that is going to be in place very soon. Thank you very much.

CHAIR DROBNIS: Thank you. Please go ahead.

JANET MCVICKAR: Good evening, I want to thank – my name is Janet McVickar. I live at 17 Vista Aronda in the County and I've been sworn. I want to thank you all for asking some very good, pertinent questions to the applicants. And I really thank the people behind me who have brought up some incredible points some of which I've never thought of.

I wanted to do kind of a cleanup of a few things that I haven't heard spoken of completely and the main one has to do with the roads. For example, transporting that water from the County facility up near the prison, think about what that road is going to be. Yes, it's going to go down Highway 14 and then where? It's probably going to go, I'm guessing, west on County Road 45 over to the frontage road. I see several problems with that. The population in the County down in the Highway 14 area has increased significantly in the time that I've lived in that area which is – well, I've lived in New Mexico for almost 45 years. I've lived in that area for almost 15. And already the traffic load on 14 is getting a little bit out of hand at times. But traffic load on County Road 45 is going to really damage it. Also, the creek, San Marcos Creek crosses that road there and during the flooding last year part of that road was washed out. Think about these trucks are going to impact that. And finally, the frontage road I don't know if you've all driven that but especially near that one cell tower, there's a pretty dangerous curve. I guess it's just south of it and I can just imagine these trucks going a little too fast and having various accidents in that location.

Anyway, I would encourage you to deny this application. Thank you.

CHAIR DROBNIS: Thank you. Please go ahead.

MARIANNA HATTEN: Thanks for listening. My name is Marianna Hatten, 29 High Feather Ranch, Cerrillos, New Mexico, and I've been sworn. I own and

operate a B&B up Goldmine Road which is an area that has this same view by the way. I'm at an elevation of 6,153 feet and that's what I see every morning. That's what my guests see. When I considered relocating from Colorado to New Mexico 15 years ago I had several criteria in order to get myself situated in the best possible place for a successful business. One was the proximity to a major center of tourism. I consider Santa Fe one of the preeminent centers of tourism in our country and it's often rated that way. Conde Nast or many other studies if you listen to our own chamber of commerce it's a great place for tourism. The other factor was views. I wanted a scenic place. I bought 130 acres. This is my view. I also wanted live water – I had to give that up. I wasn't going to get all of that in one package. So I don't have a running creek through my property. But I do operate a B&B. I also host weddings. Some of them are at night. Some of them are in the late afternoon. Sunset is very popular for that. I also have an astronomer who is the former head of New Mexico night skies/dark skies program who is at my property three or more times a week at night hosting star parties. And light pollution, dust pollution – that's why he's at my property. He can't operate that kind of business out of Eldorado or downtown Santa Fe but he can at the ranch.

There are probably about 300 people living up on this mesa where I am off of Goldmine and High Feather Ranch. We bought there for a reason and –

CHAIR DROBNIS: I'm sorry, we have come to the end of your time.

MS. HATTEN: Okay.

CHAIR DROBNIS: Thank you.

MS. HATTEN: Don't sell them the water.

CHAIR DROBNIS: Please go ahead.

MARGARET CUSHING: Hello. I am Margaret Cushing. I am under oath I live at 8 First Street in Cerrillos. I just want to second everything that has been said about the water rights and the pollution, dust pollution and chemical pollution, light pollution but I'd also like you to consider that human use is not necessarily the best use. In addition to the wildlife migration patterns and the affects on humans and larger animals. I'd also like you to consider the smaller life; rodents, insects and even smaller the vast microcosm of life that's on the mesa. Oh, yes, along with the rich plant life as described by previous speakers these animals have created and inhabited a magnificent habitat that we hold in awe.

Please reject this proposal out of hand to allow the centuries old non-human development and conservation to continue. Thank you.

CHAIR DROBNIS: Thank you.

DIANNE STRAUSS: Good evening. My name is Dianne Struass. I live at 104 Three Rock Road. I've been sworn in.

For your edification regarding public health, safety, welfare, dust is a public health and traffic safety hazard. Dust from basalt crushing is associated with lung disease. Studies find that lung disease those similar to asbestos and silica are current 27 percent of basalt mine crusher workers. The term is basalt and I'll spell it, P-N-E-U-M-O-C-O-N-I-O-S-I-S. Disturbed soil carries Valley Fever. Already one fatality has been reported in Madrid. Fungi resides in the soil, spores are swept into the air by disruption of soil.

In conclusion there are no conditions in the quote willing and able letter we were given, water to be used into perpetuity without analyzing could be viewed as illegal.



Also there is currently an official protest before the Office of the State Engineer for the transfer of water rights by Buena Vista LLC, the hearing is pending. Thank you.

CHAIR DROBNIS: Thank you. Please go ahead.

ERIC JOHNSON: My name is Eric Johnson. I live at 2843 Turquoise Trail in Madrid, New Mexico. And yeah, I was sworn in before the break. I've lived in New Mexico since 1973 and partly in Chicago also and in 1981 I was the youngest JD ever to become a licensed attorney in the State of New Mexico.

The reason I wanted to speak is that it seems to me this campaign to blow up La Bajada is a frontal assault on the power and authority of the County of Santa Fe to protect its national and historic monuments. And it's so much a matter of whether it's a good idea to have the mine but whether or not Santa Fe County takes every possible step to maintain its power and authority over the activity. A scenario that strikes me as most likely it would be dangerous but if the mine is sold to a foreign owner, the foreign owner would be actually immune to many of the regulations not only to the County but even from the State or perhaps from the federal government under NAFTA and other treaties of that kind. And, maybe even worse, if the folks here aren't doing such a back job but some other historic landmark in Santa Fe County is bought by a foreign mining company and they want to say, blow up Camel Rock or something, and they say, Well, you let those other guys blow up La Bajada, how they stop me from blowing up Camel Rock?

The only way we can protect the national monuments and historical monuments in Santa Fe County is to protect all of them. The first one. The last one and everyone in between.

And thanks a lot for letting me talk.

CHAIR DROBNIS: Thank you. Are there – is there anyone else who would like to speak on this subject? If not then this public hearing is closed. And, we can open discussion amongst the committee members. Are there any committee members who wish to speak?

Would the applicant like an opportunity to respond?

MR. SIEBERT: Mr. Chair, Committee members, I'll make a few short comments here.

[Audience complains that the applicant already spoke.]

CHAIR DROBNIS: Thank you for trying to keep us honest. But the fact is that the applicant gets as much time as he needs –

MR. SIEBERT: The top of La Bajada Mesa is owned by Buena Vista is about 11,060 acres. If you take the current zoning today you would be permitted one dwelling per 40 acres on the top of that mesa. That's 29. You'd have 29 dwelling units under the current County code and my understanding is that it will probably be the same under the SLDC. At .25 acre-feet per dwelling unit that 7.25 acre-feet. So if you take a look at what residential versus commercial material extraction would have, actually residential would be a larger consumer of water.

The other issue is we hear a lot about water trucks going through the Town of Cerrillos. The route would be to take I-25, there's no reason not to, take I-25 get off at the Cerrillos/Madrid exit. Go down Cerrillos and just turn around and reverse that route back to the site. They will not be going through Cerrillos – there's no sense to doing that.

And the other thing, if we can use the treated effluent water the route there would be I-25 to 599 to Airport Road. Airport Road is actually an industrial area and actually

from a truck route, you're probably right, it would probably be a more reasonable truck route. Thank you.

CHAIR DROBNIS: Are there any questions from the Committee?  
Discussion or motion? Mr. Katz.

COMMITTEE MEMBER KATZ: I have a question of staff as to whether this should be reviewed under Article 5 or Article 11? I thought that the point that was made that this is not just where you're scraping sand out of the arroyo or gravel out of the arroyo but blasting does seem a lot more like mining. Basalt does seem to be different from the items mentioned in the code there. Maybe the County Attorney can give us some wisdom on that.

MS. BROWN: Mr. Chair, Committee member Katz, there was consideration of which article this fell under and given that the code explicitly places sand and gravel operations under Article 5 and this is a gravel operation they do generally involve some blasting, it was determined that this was the appropriate code provision.

COMMITTEE MEMBER KATZ: Thank you. Thank you, Mr. Chair.

CHAIR DROBNIS: Any one else from the Committee. Yes, Mr.

Gonzales.

COMMITTEE MEMBER GONZALES: Addressing that issue regarding blasting. I understand that in the new Sustainable Land Development Code regarding mining and I may be wrong on this but it's going to – any mine that comes before in the future is going to be having to blast. They're not going to be able to mine in flood zones, arroyos, or close river ways and I think – I don't know if that's true. Maybe you guys can address that.

CHAIR DROBNIS: Can someone on the staff help out with that?

PENNY ELLIS-GREEN (Land Use Administrator): Mr. Chair, Committee members, originally that section of the code was written that if you were over 20 acres or included blasting you would be considered a DCI. We have not yet written the DCI section of the code. The DCI section has been changed now or was changed prior to adoption –

CHAIR DROBNIS: And what does DCI stand for?

MS. ELLIS-GREEN: A Development of Countywide Impact. So the other kinds of developments of Countywide Impacts are oil and gas, hard rock mining, junkyards, a feedlot, that kind of use. So the language under the DCI for sand and gravel is sand and gravel extraction that is of a scope and scale as determined by subsequent amendment to the SLDC that it merits regulation as a DCI pursuant to Section 11.3.6 which is the development of countywide impact section. So those standards were actually changed due to public comment and that is what is in the approved land development code or the SLDC. The SLDC does not go into effect, that's the Sustainable Land Development Code, so that will be the code that will replace the code that we're reviewing under now, that does not go into effect until the zoning map is approved. We are just getting ready to release the last draft of the zoning map and do public comments and the legal noticing for that. So we're hoping that that will be approved by the middle part of this year and that means that the Sustainable Land Development Code would come into effect. However, there are sections of the code that have yet to be written and the Development of Countywide Impact section is one of those.

COMMITTEE MEMBER GONZALES: And so this application is under the code as it exists today, correct?

MS. ELLIS-GREEN: Mr. Chair, Committee member Gonzales that's correct. It's under the current Land Development Code that was adopted in 1996.

COMMITTEE MEMBER GONZALES: And if the maps to the Sustainable Land Development Code are adopted because this application is under this purview sort of speak of this code, if it is – if it's adopted it's still going to be under the old code because the application is made now?

MS. ELLIS-GREEN: Mr. Chair, Committee member Gonzales, yes, I believe that is correct. The Sustainable Land Development Code Specifically talks about preliminary plats and master plans and allows them to continue through the process as long as they're done within a certain timeframe.

COMMITTEE MEMBER GONZALES: Thank you.

CHAIR DROBNIS: Mr. Katz.

COMMITTEE MEMBER KATZ: I have another question for staff. It concerns that Sustainable Growth Management Plan that is in effect now, is it not?

MS. ELLIS-GREEN: The SGMP has been approved. It was approved in 2010 and, yes, it is in effect.

COMMITTEE MEMBER KATZ: And to what extent does that inform the current statutory provision that no mining use activity will be permitted if it is determined that the use will have a significant adverse impact on general welfare of the County and its residents? Can we look to the kinds of standards they have in the plan as informative of what would be the general welfare of the County and its residents?

MS. ELLIS-GREEN: Mr. Chair, Committee member Katz, yes, it is the policy statement of the County. So the SGMP is the policy statement. The implementation will happen through the SLDC, the land development code. So it is the policy statement for the County. So the Growth Management Plan is the policy statement and the implementation will be through the Sustainable Land Development Code.

COMMITTEE MEMBER KATZ: Thank you.

COMMITTEE MEMBER ANAYA: Mr. Chair.

CHAIR DROBNIS: Mr. Anaya.

COMMITTEE MEMBER ANAYA: Along those same lines again. So are we to take – those provision and work on this today? Or are we just actually it's a moot issue because the policies have not been written.

MS. BROWN: Mr. Chair, Committee member Anaya, you are tasked with implementing the current code and this application is to be evaluated under the current code.

COMMITTEE MEMBER ANAYA: Thank you, ma'am.

CHAIR DROBNIS: Any other member of the committee? Ms. Martin.

COMMITTEE MEMBER MARTIN: I'd like to make a motion.

CHAIR DROBNIS: Please go ahead.

COMMITTEE MEMBER MARTIN: I so move that CDRC case ZMXT 13-5360 Buena Vista Estates Inc. and Rockology for a zoning request be denied.

CHAIR DROBNIS: Is there a second?

COMMITTEE MEMBER KATZ: Second.

CHAIR DROBNIS: Any discussion on the motion?

COMMITTEE MEMBER ANAYA: Mr. Chair.

CHAIR DROBNIS: Mr. Anaya.

COMMITTEE MEMBER ANAYA: Yeah, I have a discussion for that. I would – and I would have made a motion on this merely to table it so we could have received a little bit more information from the applicant based on a lot of the questions that have been arose – arised, such as water, oh, I mean I’ve got five pages of notes here. They brought up the gas line; what gas line are you talking about? Somebody brought up issues and I understand the water, the mining issues that I still am concerned about being blasted. I guess I’m just kind of uncertain of making a decision without being thoroughly knowledgeable about that particular section.

CHAIR DROBNIS: Mr. Anaya, I believe that the motion to table – is there a second to that motion?

COMMITTEE MEMBER KATZ: There’s already a motion on the floor.

COMMITTEE MEMBER ANAYA: No, his motion was second already. I’m just –

CHAIR DROBNIS: A motion to table takes precedence. Is there a second to the motion to table?

COMMITTEE MEMBER GONZALES: I’ll second that. Point of order, Mr. Chair. Can we do that? Wait, I’m going to ask the lawyer.

MS. BROWN: Mr. Chair, Committee members you can table in order to request additional information or for other reasons that you may want to articulate.

COMMITTEE MEMBER GONZALES: That wasn’t –

MS. BROWN: And the motion to table does take precedence over –

CHAIR DROBNIS: According to Roberts Rules of Order it takes precedence and is non-debatable.

COMMITTEE MEMBER GONZALES: So the motion to deny was seconded and then Member Anaya made a motion to table and we can rule on the tabling; is that correct?

MS. BROWN: Mr. Chair, Committee members, I believe it is. And I will look at the rules –

COMMITTEE MEMBER GONZALES: Okay, so I seconded to table.

CHAIR DROBNIS: Yes, and we will vote immediately, on the motion to table. Those in favor of tabling Mr. Katz’s motion or Ms. Martin’s motion to deny. Those in favor of tabling that motion please raise your hands.

The motion to table failed by majority [2-5] vote with Members Anaya and Gonzales voting for the motion.

CHAIR DROBNIS: The motion fails and we will continue discussing the motion to deny. Mr. Katz.

COMMITTEE MEMBER KATZ: I’m in favor of the motion to deny because I would find that the proposed mining activity would have a significant adverse effect on the general welfare of the citizens of the area. And I base that on the policy of the County to not allow development near prominent landmarks, natural features, distinctive rocks and landforms and of that sort. And I think that really comes to the crux of what the problem with the proposal is. I absolutely agree we need construction

materials. I think that the applicant has done a somewhat thoughtful job on how mining occurs. This is just not the place to do it. It is just a – it's an incredibly prominent place that is seen. It's in everybody's backyard in this County and for that reason I think it's inappropriate to have a mine here. Dust does go up way more than 20 feet. It would be terribly visible. I don't think it's compatible with the transportation aspect of I-25 going right by it. I don't think it's an area that's suited for mining because of the visibility. The history of mining is not in that area. It's somewhat removed and that's history in its old mining and it's not modern mining with modern machinery. And I also feel that the water supply and would find that the way they want to obtain their water is simply not acceptable. And it's possible they could use non-potable water but that's not what they're asking for.

And, I would ask that those findings be included in the motion.

CHAIR DROBNIS: Any other discussion on the motion. Yes.

COMMITTEE MEMBER BOOTH: First of all, I want to thank everyone for coming. This is democracy in action and it's wonderful to see. I would also vote to deny this and I'm looking at Article 11 where it says, the land for mining is reasonably compatible with other uses in the area, not just on their property, affected by the mining use including but not limited to traditional patterns of land use and recreational uses. And I just really believe that when you look at all of the testimony and all of the data that this is truly a historic landscape, a cultural heritage, a scenic byway and that this is just not compatible for a mining use.

CHAIR DROBNIS: Any other discussion on the motion. Ms. Martin.

COMMITTEE MEMBER MARTIN: I just have a comment. I would like to thank the audience to for your generosity of information. And it was the League of Women Voters that said that they and Santa Fe County residents, the environmental community and many concerned citizens had worked very hard and very many years on the Sustainable Growth Management Plan and the Sustainable Land Development Code and the latter does require further implementation but this is a development of countywide impact and should not be approved in this manner.

CHAIR DROBNIS: Any other discussion on the motion?

The motion passed by majority [5-2] voice vote with Members Roybal, Booth, Drobnis, Martin and Katz voting for and Members Gonzales and Anaya voting against.

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

John Lovato presented the case update as follows:

“On February 20, 2014 The CDRC met and acted on this case. The CDRC recommended tabling of the case to allow the Applicant to meet with the adjacent

property owner to try to come to an agreement for shared access which would minimize slope disturbance that would be created by having two totally separate driveways.

“On February 25, 2014, staff met with the two parties and recommended sharing the existing driveway to reduce further scarring of an additional access. The Applicants have agreed to share a portion of the existing driveway with the adjoining property owner. The letter is attached as your Exhibit 9.”

If approved, Staff recommends 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 Applicant shall comply with all Fire Prevention Division requirements at time of development application (As per 1997 Fire Code and 1997 Life Safety Code).

Duly sworn, Deb Short, the applicant’s agent, Albuquerque, said they have been working to make the driveway acceptable and Mr. Comeau and neighbor Mr. Carey have met and agreed upon an easement solution.

Chair Drobnis recalled that public testimony on this case was heard at last month’s meeting and he invited questions from the committee.

Ms. Brown said the case was advertised as a public hearing and she encouraged the CDRC to accept public comments.

There was no one in the public wishing to address this issue.

Member Roybal moved to approve CDRC Case #V 14-5020 with the staff-imposed conditions. Member Katz seconded and the motion passed by unanimous [7-0] voice vote.

- D. CDRC CASE #A 14-5030 Maurilio & Amanda Calderon Appeal: Maurilio and Amanda Calderon, Applicants, are appealing the Land Use Administrator’s decision to deny a home occupation business registration for a welding business located on 2.48 acres. The property is located at 8 Ernesto Road, off of Rabbit Road, within Section 10, Township 16 North, Range 10 East (Commission District 4) [Exhibit 8: Photos of site; Exhibit 9: Opponent supplied information on welding fumes and other hazards in the life of a welder]**

Mr. Salazar presented the staff report as follows:

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

“The Land Use Administrator reviewed the Application as it relates to the Home Occupation requirements listed in the Land Development Code in Article III, Section 3. The Land Use Administrator has determined that the subject Application does not conform to Code requirements and has denied the request per the following sections: Article III, Section 3.2.2 states: ‘The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation.’

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

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

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

The Applicant has submitted petitions to the County from various neighbors in support of the home occupation. The County has also received petitions from various neighbors throughout the Rabbit Road area in opposition to the home occupation stating the noise and fumes generated from the business as their objection.”

Mr. Salazar indicated that this Application was submitted on January 17, 2014. Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds no evidence that would justify overturning the Land Use Administrator's decision. Staff recommends that the CDRC uphold the Land Use Administrator's decision and deny this appeal.

Mr. Salazar confirmed Member Gonzales' observation that the business could encroach further from the 832 square feet of the garage.

Duly sworn, appellant Maurilio Calderon said he was he was asking the CDRC to grant him his dream of having a home occupation license. He introduced his wife of 12 years and their two children. He offered information about gaining citizenship in the United States and that his welding experience exceeds 18 years.

Mr. Calderon said he has support from many of his neighbors. He said he has all his permits and has passed all his inspections adding this is property is well organized. The business does not make noise that can be heard by neighbors.

Mr. Calderon said he merely wants the opportunity to make a living and support his family.

Appellant Amada Calderon, under oath, presented the CDRC with photos of their property [*Exhibit 8*]. She said she was a state employee, proud to say she was born and raised in New Mexico and that her family's dream has been "crushed with the denial" of the home occupation license.

Ms. Calderon said they have passed all the inspections, have the appropriate licenses and were taxpaying citizens. She said the County denied the license because of residents that live over 100 feet from her property have raised concerns. She found the complaints from the residents of the Santiago Subdivision strange and questioned their validity. The garage is insulated and work is conducted with the doors closed. There are no fumes or gases because her husband uses a wire-welding shield.

Ms. Calderon said two other companies are located on the private road she and her husband share to access their property. The garage is surrounded by a sand-filled block fence and their yard is always clean.

Ms. Calderon said she and her husband want the opportunity to have a home occupation to make a living to provide for the family. She explained the photos.

Ms. Calderon confirmed that the garage was not connected to their home and there was only one garage.

Those individuals wishing to speak were duly sworn.

John Redd, 12 Traviesa de Camilo East, under oath stated that metal working is his family's business and that business is located in a zoned industrial area. Speaking as the president of the 22-lot Santiago Subdivision he said they oppose the appeal because Adonai Custom Iron Works (the appellant's business) is not a home business in either the letter or spirit of the Code. He said the garage is larger than allowable and overlooks and dominates the other structures in the neighborhood. He noted that Adonai has been in



existence long before the applicant's built their home and erected the garage. The products built by Adonai are large and the materials used to build them and the end product would exit through their neighborhood.

Mr. Redd said there have been commercial activities at the garage since it was built which includes noise, smoke and fumes, sounds of metal working, heavy equipment and the noise of workers. He said after complaints were filed with the County the owner was cited for operating the business without a permit. It was only after receiving the citation that the application for a home business license was sought.

Mr. Redd referred to the code violations and mentioned Exhibit 9 outlining the potential of fire from welding and fumes and gases. He said Adonai is not a home business in letter or spirit of the code and urged the Committee to deny the appeal.

Duly sworn, Ekkehard Koch, 13 Traviesa de Camilo East, said he too was an immigrant as Mr. Calderon had indicated he was. He said he admired the work ethic of immigrants and is sympathetic to businesses. However, he has objections to this business because he can smell the fumes and hear the noise. The business will alter the residential nature of the neighborhood and he asked the Committee to reject the application.

Melody Koch, under oath said she lives kitty-corner to the property and cannot have a garden much less go outside when the welding is occurring. She said the music and fumes coming from the garage cause her to have headaches. She had no doubt that the Calderons were hardworking people but the business does not belong in a residential neighborhood.

Rebecca Lowndes, 14 Entrada de Santiago, under oath, said the east line of her property is bound by the west line of Adonai Iron Works, and the 1,950 square foot garage is directly above her 1,440 square foot house. She discussed how upset she is with this business directly above her. She asked the Committee to uphold the denial.

Duly sworn, Marlin Mackey, a resident of the subdivision where Adonai is located said the garage is tremendous and overlooks the entire subdivision. He said he lives in the area because it's quiet, has nice views and people respect each other. The appellant's garage obliterated his view and the noise travels directly to his home.

Mr. Mackey said this is not the right business for a home occupation: too big, too noisy, fire danger, etc.

The public hearing was closed and Ms. Calderon returned to the podium. She said it was her husband and one other man that work at Adonai. She said he needs only a table in the garage on which to work. She repeated that this was their dream and asked the Committee to grant their appeal.

Member Katz moved to affirm the decision of the Land Use Administrator and to deny the home occupation which is not a proper business for the area. Member Booth seconded and the motion passed by unanimous [7-0] voice vote.

- E. CDRC CASE # MP/PDP/FDP 14-5010 31 Bonanza Creek Road: Leslie Moody and Mitchell Ackerman, Applicants, JenkinsGavin, Agents, request Master Plan Zoning, Preliminary and Final Development Plan approval to allow a Bed and Breakfast within an existing residence on 9.94 acres. The property is located on the west side of Highway 14 off Bonanza Creek Road (County Road 45), within Section 26, Township 15 North, Range 8 East, Commission District 5 [Exhibit 10: Support letter from San Marcos Association]**

Mr. Larrañaga presented the staff report as follows:

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

“The Bed & Breakfast is currently in operation without the proper zoning approval or Business License from Santa Fe County. This statement is based on an observation made by staff on a site visit and advertisement on the internet as Rancho Gallina in Santa Fe.

“The two existing dwellings on the 9.94 acre parcel are non-conforming as per the density requirements of the Land Development Code. The Applicants propose two kitchens in the five bedroom residence which will operate as the Bed and Breakfast and a kitchen in the Applicants residence. Ordinance No. 1998-9 states: “any such structure, mobile home or unit that contains both a kitchen or cooking facility and a bathtub or shower shall be presumed to be a dwelling”. At the most basic level, a bed and breakfast is a place, often found in a renovated home, mansion or small hotel, to spend the night and enjoy a full breakfast in the morning. In observance of the non-conforming status of the site only two kitchens shall be utilized on site.

“Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Master Plan only: the Application is comprehensive in establishing the scope of the project; the Application satisfies the submittal requirements set forth in the Land Development Code. The review comments from State Agencies and County staff have established findings that this Application is in compliance with state requirements and Article V, Section 5, Master Plan Procedures of the Land Development Code.

“Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts

- E. CDRC CASE # MP/PDP/FDP 14-5010 31 Bonanza Creek Road: Leslie Moody and Mitchell Ackerman, Applicants, JenkinsGavin, Agents, request Master Plan Zoning, Preliminary and Final Development Plan approval to allow a Bed and Breakfast within an existing residence on 9.94 acres. The property is located on the west side of Highway 14 off Bonanza Creek Road (County Road 45), within Section 26, Township 15 North, Range 8 East, Commission District 5 [Exhibit 10: Support letter from San Marcos Association]**

Mr. Larrañaga presented the staff report as follows:

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

“The Bed & Breakfast is currently in operation without the proper zoning approval or Business License from Santa Fe County. This statement is based on an observation made by staff on a site visit and advertisement on the internet as Rancho Gallina in Santa Fe.

“The two existing dwellings on the 9.94 acre parcel are non-conforming as per the density requirements of the Land Development Code. The Applicants propose two kitchens in the five bedroom residence which will operate as the Bed and Breakfast and a kitchen in the Applicants residence. Ordinance No. 1998-9 states: “any such structure, mobile home or unit that contains both a kitchen or cooking facility and a bathtub or shower shall be presumed to be a dwelling”. At the most basic level, a bed and breakfast is a place, often found in a renovated home, mansion or small hotel, to spend the night and enjoy a full breakfast in the morning. In observance of the non-conforming status of the site only two kitchens shall be utilized on site.

“Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Master Plan only: the Application is comprehensive in establishing the scope of the project; the Application satisfies the submittal requirements set forth in the Land Development Code. The review comments from State Agencies and County staff have established findings that this Application is in compliance with state requirements and Article V, Section 5, Master Plan Procedures of the Land Development Code.

“Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts

presented do not support the request for Preliminary and Final Development Plan: the County Hydrologist has determined that the requested use, as a 5 bedroom Bed & Breakfast, will exceed the water use allowed by the Land Development Code for Preliminary and Final Development Plan; the County Hydrologist states that the application is sufficient for Master Plan; the Applicants have agreed to this recommendation and are requesting Master Plan Zoning approval only New Mexico Environmental Department has determined that the on sight liquid waste systems are not sufficient to meet the needs of the proposed B&B; the Application does not comply with Article V, Section 7.1.2.y and Section 7.1.2.aa.

Staff is recommending conditional approval of Master Plan Zoning, only, to allow a Bed and Breakfast within an existing residence on 9.94 acres. If the decision of the CDRC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c.
2. Master Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.2.5.
3. Only two kitchens shall be allowed on the site in keeping with the non-conforming status of the site, as per Article II, § 4.5.

Mr. Larrañaga said the property is neither zoned nor licensed to operate as a B&B. The applicant will be required to return with a water budget proving .25 acre-feet per year. The combined two dwellings total 9,000 square feet. In response to Member Gonzales' question, Mr. Larrañaga said there is a listing for the B&B on the internet and at staff's visit it appeared the business was operational.

Mr. Larrañaga explained the different options the applicant has in proving water usage and stated that the applicant will be required to use no more than .25 acre-feet for the development.

Duly sworn, Jennifer Jenkins, agent for the applicants Mitchell Ackerman and Leslie Moody in their request for a master plan approval for a bed and breakfast, presented a slide show to clarify the history and location of the subject property. The applicants purchased the property in July 2012 and have made significant improvement. There are two residences: 4,500 square feet and 5,400 square feet. The property is just less than 10 acres. The applicants have installed geo-thermal, solar panels, and water catchment. They are not advertising as a B&B. Family and friends have visited and they hosted a wedding.

The applicants came to the County to start the process and follow the proper procedures. Ms. Jenkins said the previous owner operated a B&B for over 20 years without permits or licenses. The applicants are here of their own volition and have invested significant financial resources into the process.

Ms. Jenkins said the applicants have written support from the Turquoise Trail Association. She said they have worked closely with County staff, will comply with all conditions and are here seeking the Committee's support.

Duly sworn, Leslie Moody, confirmed Ms. Jenkins' statement that they are not running a B&B. She said she and her husband have invested their life savings in improving the property for energy efficiency. They will meter the well and prove they can operate the business within the .25 acre-foot limit. She noted that she has received support from the local residents and looks forward to opening their business.

Ms. Moody confirmed that they have the needed permits for the solar and geothermal additions. She said there are two septic systems which were upgraded, however, one of the leach fields needs to be expanded.

Ms. Gavin, agent for the applicant, said the two septic tanks are appropriately sized, however, one of the leach fields will need to be expanded. Bids have already been received to expand it 360 square feet. That expansion will occur whether this application is approved or not.

Previously sworn, Walter Wait said he has lived for over 30 years on Bonanza Creek Road and is well acquainted with the subject property which had been a school, a facility for race horses, and an art place and it has always had residents. The San Marcos Association met with the applicants and at the Association's March 2014 meeting the Board supported the B&B as a good contribution to the community.

Mr. Wait said limiting the B&B to .25 acre-feet per year might impose an undue hardship on the proposal and the Board recommends changing the budget to .50 acre-feet.

Duly sworn, Helen Boyce, said she was one of the first six residences between the Village of Cerrillos and I-25 and she was happy to have these "enthusiastic" people wanting to operate the B&B. She agreed with Mr. Wait's comment and fully supported the application.

Member Katz moved to recommend to the BCC approval of the master plan zoning for the B&B in case Z/DP 14-5010 with staff-imposed conditions. Member Anaya seconded.

Member Gonzales suggested that in the event the water budget proves to be higher than .25 acre-feet, the applicants should provide the appropriate water rights. Ms. Jenkins said they have confidence in the applicant's water budget; however, if need be a geo-hydro study can occur to prove the necessary water. She did not think water rights would be relevant to this application.

Member Gonzales asked that the applicant provide water rights if they exceed three acre-feet as an amendment. Member Katz agreed as did Member Anaya.

The motion passed by unanimous [7-0] voice vote.

**H. PETITIONS FROM THE FLOOR - None were presented**

**I. COMMUNICATIONS FROM THE COMMITTEE**

Rather than having the packet materials for tabled items E and G re-copied, Member Katz asked that staff reuse this evening's packets. The binders and other materials from the Buena Vista & Rockology case were also left for staff to reuse.

**J. COMMUNICATIONS FROM THE ATTORNEY**

None were presented.

**K. COMMUNICATIONS FROM STAFF**

Ms. Ellis-Green said staff has distributed the recorded final version of the Sustainable Land Development Code. The code will not go into effect until the zoning map is approved which she anticipated would occur mid-year. She said a training session on the new code will occur.

The County Development Review Committee will be called the Planning Commission once the code is enacted.

**L. NEXT CDRC REGULAR MEETING: April 17, 2014**

**J. ADJOURNMENT**

Having completed the agenda and with no further business to come before this Committee, Chair Drobis declared this meeting adjourned at approximately 9:30 p.m.

Approved by:

\_\_\_\_\_  
Dan Drobis, Chair  
CDRC

ATTEST TO:

COUNTY CLERK

Before me, this \_\_\_\_ day of \_\_\_\_\_, 2014.

My Commission Expires:

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

Submitted by:

  
Karen Farrell, Wordswork

---

**Exhibits presented during the March 20, 2014, CDRC Meeting are attached to the original March 20<sup>th</sup> CDRC minutes.**

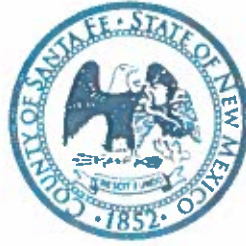
**Exhibits will be recorded with the approved March 20, 2014 CDRC minutes.**

---

**Daniel "Danny" Mayfield**  
Commissioner, District 1

**Miguel M. Chavez**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Kathy Holian**  
Commissioner, District 4

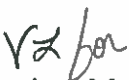

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**DATE:** April 9, 2014

**TO:** County Development Review Committee

**FROM:** Miguel "Mike" Romero, Senior Development Review Specialist 

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

**FILE REF.:** CDRC CASE # V 14-5050 Lloyd and Magdalena Vigil Variance

**ISSUE:**

Lloyd and Magdalena Vigil, Applicants, request a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a 1.25 acre parcel of land to be divided into two (2) lots; one lot consisting of 0.614 acres and one lot consisting of 0.637 acres.

The property is located at #15 Calle Rio Chiquito in the Traditional Community of Rio Chiquito, Within Section 5, Township 20 North, Range 10 East, (Commission District 1)

**Summary:**

This case is being tabled to allow the request to be re-noticed to include a change in the proposal for an additional variance of road standards.

NBA-1



**Daniel "Danny" Mayfield**  
Commissioner, District 1

**Miguel M. Chavez**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Kathy Hollan**  
Commissioner, District 4

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**DATE:** April 17, 2014

**TO:** County Development Review Committee

**FROM:** John Lovato, Development Review Specialist Sr.

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

**FILE REF:** CDRC CASE # V 14-5070 Judith Moore Variance

**ISSUE:**

Judith Moore, Applicant, requests a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow a Family Transfer Land Division of 3.44 acres into two (2) lots that do not meet the all-weather access requirements.

The property is located at 22 Santa Cruz Dam Road in the vicinity of Chimayo, within Section 7, Township 20 North, Range 10 East, (Commission District 1).

**Vicinity Map:**



**REQUEST SUMMARY:**

The Applicant requests a variance to allow a Family Transfer Land Division of 3.44 acres into two lots. Access to the subject property would be off County Road 92 (Santa Cruz Dam Road) which is a dirt road located within a FEMA designated Special Flood Hazard Area, which may be frequently impassible during inclement weather and thereby is not all weather accessible. The existing driveway also lies within the FEMA designated special flood hazard and is the only access to the property. The driveway has been in existence for over 20 years. The floodplain runs along the entire frontage of the property, and there would be no place to relocate the driveway outside of the floodplain.

There are currently two manufactured homes on the property. The main residence on the property is recognized as a legal non-conforming residence. There is a permit associated with the Applicants daughters' current modular home on the property for a foundation permit only.

The Applicant states she requests the variance so she can provide her daughters family with an affordable place to reside. She further states, the only way her daughter can place a new manufactured home on the property is if the property is in her daughter's name to obtain a Mortgage.

Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) states: "At no time shall a permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure where the site is absent all weather access".

Article II, § 3 (Variances) of the County Code states: "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This Section goes on to state "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified". **(The variance criterion does not consider financial or medical reasons as an extraordinary hardship).**

**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.**

**This Application was submitted on February 26, 2014.**

**APPROVAL SOUGHT:**

Approval of a Family Transfer of 3.44 acres into two lots, which due to site conditions would require a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management).

**VARIANCES:** Yes

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

**HYDROLOGIC ZONE:** Traditional Community of Chimayo, minimum lot size per Code is 0.75 acres per dwelling unit.

**ACCESS:** Santa Cruz Dam Road (CR.92) located within FEMA designated Special Flood Hazard Area, which does not comply with Code criteria.

**FIRE PROTECTION:** Chimayo Fire District.

**WATER SUPPLY:** Domestic Well

**LIQUID WASTE:** Conventional Septic

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

**STAFF RECOMMENDATION:** Denial of a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management); If the decision of the CDRC is to recommend approval of the Applicants request, staff recommends imposition of the following conditions.

1. Water use shall be restricted to 1.00 acre foot per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the additional dwelling unit. (As per Article II, § 2).
3. A plat of survey meeting County Code requirements shall be submitted to the Building and Development Services Department for review and approval for the Family Transfer. (As per Article III, § 2.4.2

4. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application (As per 1997 Fire Code and 1997 Life Safety Code).
5. The Applicant shall provide an updated liquid waste permit from the New Mexico Environment Department with the Development Permit Application (As per Article III, § 2.4.1a.1 (a) (iv)).
6. A restriction must be placed on the Plat regarding the lack of all-weather access to the subject lot. This restriction shall include language as follows: the access to this property does not meet minimum standards set forth by County Ordinances and Code. Site access including access by emergency vehicles, may not be possible at all times (As per Ordinance #2008-10).

**EXHIBITS:**

1. Letter of request
2. Review Agency Comments
3. Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management)
4. Article II, § 3 (Variances)
5. Site Plan
6. Site Photographs
7. Aerial of Site and Surrounding Area

Pg 1

Judith K Moore  
POB 546  
Chimayo Nm 87522  
505 351 4730  
2-26-14

To Whom it May Concern,

Partial  
Re: Variance Request  
hand release for my daughters New home  
We started the process  
family transfer hand division  
July of 2013. The decision that  
we need a variance was  
just made 2-24-14.

We need the variance so  
my Daughter's family can purchase  
adequate housing. She + her husband  
+ 3 children are now living in  
an older single wide - They plan  
to get a manufactured double  
wide. The only way to get <sup>FHA</sup> financing  
is to have 3/4 acre in their names.  
The cost without an FHA loan is  
prohibitive. They need a new house  
She is a teacher + we need to order the  
new home + get them moved next summer  
~~the~~ We are located on the land  
for 24 yrs. The road to our home is on  
a County Rd which is a flood plain B-5



Pg 2 Re: Judith Moore  
2-26-14

We have never had a ~~PR~~  
problem accessing our  
land.

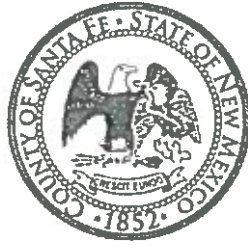
Please approve the  
variance + expedite the  
process as they need to  
move in next summer.

Thank You  
Judith Moore

**Daniel "Danny" Mayfield**  
Commissioner, District 1

**Virgina Vigil**  
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 31, 2014

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

**FROM:** Vicki Lucero, CFM, Building and Development Services Manager, Floodplain Administrator 

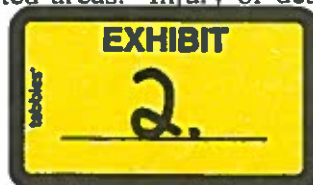
**REF.:** CDRC Case # V 14-5070 Judith Moore Variance

---

The Applicant is requesting approval to allow a family transfer land division of 3.44 acres into two lots. The proposed lots will not be benefited by all-weather access as required by Code. This application has been reviewed specifically for compliance to Ordinance 2008-10 (Flood Damage Prevention and Stormwater Management Ordinance).

Article 4, Section 4.2 states: "At no time shall a Floodplain Development Permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure including single family homes, residential subdivisions, etc, when ... the site is absent all weather access. A Floodplain Development Permit will not be issued based upon the following:

1. Santa Cruz Dam Road (CR 92), which is the primary access used to access the subject parcel, is within a federally mapped Special Flood Hazard Area, Zone A. The Zone A designation indicates these areas will be inundated by floodwater during the 1% recurrence interval storm event, or 100-year storm. This area is unstudied by FEMA and depth, velocity and duration of inundation are not provided.
2. Access to the site, is through a dirt road, which do not provide dry access for emergency vehicles during storm events.
3. Section 5.11 (Basis for Approval or Denial) (E) states: "Approval or Denial of a Stormwater Management Analysis (none provided by applicant)...shall be based on relevant factors", including "The safety of access to the property in times of flood for ordinary and emergency vehicles"
  - a. The applicant has not provided a Stormwater Analysis which identifies the quantity, depth, and velocity of the flows present. This information would be needed to assess the potential danger of the access. Note that flow depths of as little as 12", when velocity is considered, are enough to wash away or create buoyancy of an average vehicle. Additional danger arises when motorists are unable to view the driving surface and enter inundated areas. Injury or death can occur if the driving surface



has been scoured away by high velocity floodwater, and unknowing motorists often attempt to cross these inundated areas without regard for the surface of the road. Notably, death during flash flood events are surpassed only by hurricane fatalities, and more deaths occur nationwide from flood related deaths than any other natural disaster. This is a dangerous and sometimes deadly situation.

- b. As a minimum, the applicant should be required to provide an analysis of the depth and velocity of flooding expected within the area of proposed access using the methodology and techniques presented in Ordinance 2008-10, and place a culvert or other conveyance as needed based on the report to provide dry access for emergency vehicles.
4. Ordinance 2008-10 contains specific criterion that recommending and approval bodies must consider. These are copied below:
- A. *The Board of County Commissioners (Board) after recommendation by the County Development Review Committee (CDRC) shall hear and render judgment on a request for variance from the requirements of this Ordinance.*
  - B. *The CDRC may recommend and the Board take action on an appeal of the Floodplain Administrator's decision only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.*
  - C. *Any person or persons aggrieved by the decision of the Board may appeal such decision to a court of competent jurisdiction within thirty days of the Board's decision.*
  - D. *The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.*
  - E. *Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Ordinance.*
  - F. *Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.*
  - G. *Upon consideration of the factors noted above and the intent of this Ordinance, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Ordinance (Article I, Section C).*
  - H. *Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.*
  - I. *Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's*



*continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.*

*J. Prerequisites for granting variances:*

- 1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.*
- 2. Variances shall only be issued upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.*
- 3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.*
- 4. Variances may be issued by the Board for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D(1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.*

**Finding:**

This application does not meet the standards required for the creation of lots as described in the Code and Ordinance 2008-10, and in considering the criteria for variance issuance as noted above does not meet these criteria, therefore as Santa Fe County Floodplain Administrator, **it is recommended that this variance is denied based on the lack of all-weather access to the proposed lots.**

Be advised that should the BCC grant approval of this variance, as noted in the federally mandated conditions for variance, FEMA must be notified of this decision as required by Federal Code of Regulations.

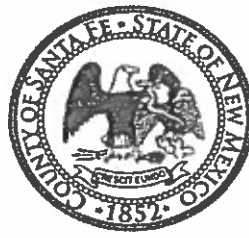
Should the BCC approve this case the following note should be placed on the Plat:

**The access to this property does not meet minimum standards set forth by County Ordinance and Code. Site access, including access by Emergency vehicles, may not be possible at all times.**

Daniel "Danny" Mayfield  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## Santa Fe County Fire Department Fire Prevention Division

### Official Submittal Review

Date	3/5/14		
Project Name	Moore, Judith		
Project Location	22 Santa Cruz Dam Road		
Description	Variance	Case Manager	J. Lovato
Applicant Name	Judith Moore	County Case #	14-5070
Applicant Address	22 Santa Cruz Dam Road Chimayo, NM 87522	Fire District	Chimayo
Applicant Phone	505-351-4730		
Review Type	Commercial <input type="checkbox"/>	Residential <input type="checkbox"/>	Sprinklers <input type="checkbox"/>
	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input checked="" type="checkbox"/>	
		Hydrant Acceptance <input type="checkbox"/>	Inspection <input type="checkbox"/>
			Lot Split <input type="checkbox"/>
Project Status	Approved <input type="checkbox"/>	Approved with Conditions <input type="checkbox"/>	Denial <input type="checkbox"/>

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

#### Fire Department Access

*Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal*

The/Any walking trail system proposed for this development shall have a trail identification number or name and be marked with a number every 1/10<sup>th</sup> of a mile (528 feet) for the purpose of expediting emergency response.

- Fire Access Lanes

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

Curbs or signage adjacent to the building, fire hydrant, entrances and landscape medians in traffic flow areas shall be appropriately marked in red with 6" white lettering reading "FIRE LANE – NO PARKING" as determined by the Fire Marshal prior to occupancy. Assistance in details and information are available through the Fire Prevention Division.

No off-site parking shall be allowed and shall be marked accordingly as approved by the Fire Marshal.

(Subdivision version)

Curbs adjacent to the, fire hydrants, landscape medians in traffic flow areas and in designated no parking areas shall be appropriately marked in red with 6" white lettering reading "FIRE LANE - NO PARKING" as determined by the Fire Marshal prior to final approval. Assistance in details and information are available through the Fire Prevention Division. The Home Owner's and/or the Home Owner's Association will maintain said markings following the final approval and for the duration of the subdivision.

- **Roadways/Driveways**

*Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.*

Roads shall meet the minimum County standards for fire apparatus access roads of a minimum 20' wide all-weather driving surface and an unobstructed vertical clearance of 13' 6" within this type of proposed development.

The primary access to this property does not meet the Santa Fe County Fire Department access code requirements of an all weather driving surface as there is a drainage, low water crossing that could block access during inclement weather. Because this is a County road, and it would be impossible for the applicant to bring the primary access to code, per 1997 Uniform Fire Code, Article 9, Section 902.2.1, Exception 2, an automatic fire suppression system meeting NFPA-13D requirements shall be provided in any future development.

The alternative hammer head turn around submitted to this office in August of 2013 has been reviewed and approved.

- **Street Signs/Rural Address**

Section 901.4.4 Premises Identification (1997 UFC) *Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.*

Section 901.4.5 Street or Road Signs. (1997 UFC) *When required by the Chief, streets and roads shall be identified with approved signs.*

Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot or building site within 72 hours of the commencement of the development process for each building.

- **Slope/Road Grade**

Section 902.2.2.6 Grade (1997 UFC) *The gradient for a fire apparatus access road shall not exceed the maximum approved.*

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

- **Restricted Access/Gates/Security Systems**

Section 902.4 Key Boxes. (1997 UFC) *When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.*

To prevent the possibility of emergency responders being locked out, all access gates should be operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System). Details and information are available through the Fire Prevention office.

## **Automatic Fire Protection/Suppression**

Due to the remote location of this proposed residence and the possibility of this residence being made inaccessible in inclement weather, for life safety and property protection this office requires the installation of an Automatic Fire Suppression system meeting NFPA 13D requirements. Assistance in details and information are available through the Fire Prevention Division.

All Automatic Fire Protection systems shall be developed by a firm certified to perform and design such systems. Copies of sprinkler system design shall be submitted to the Fire Prevention Division for review and acceptance prior to construction. Systems will not be approved unless tested by the Santa Fe County Fire Department. Fire sprinklers systems shall meet all requirements of NFPA 13-D Standard for the Installation of Sprinkler Systems.

The required system riser shall meet the requirements of the NFPA 13 1996, but not less than 1 1/2" inches.

All sprinkler and alarm systems as required shall be tested and approved by the Santa Fe County Fire Department, prior to allowing any occupancy to take place. It shall be the responsibility of the installer and/or developer to notify the Fire Prevention Division when the system is ready for testing.

The requirement for residential fire protection sprinkler systems shall be recorded on the plat and in the covenants at the time of filing or as otherwise directed by the County Fire or Land Use Department.

## Life Safety

Fire Protection requirements listed for this development have taken into consideration the hazard factors of potential occupancies as presented in the developer's proposed use list. Each and every individual structure of a private occupancy designation will be reviewed and must meet compliance with the Santa Fe County Fire Code (1997 Uniform Fire Code and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code, which have been adopted by the State of New Mexico and/or the County of Santa Fe.

## Urban-Wildland Interface

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

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

- **Building Materials**

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

- **Location/Addressing/Access**

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

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

- **Vegetation Management**

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

## General Requirements/Comments

### ▪ Inspections/Acceptance Tests

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

The developer shall call for and submit to a final inspection by this office prior to the approval of the Certificate of Occupancy to ensure compliance to the requirements of the Santa Fe County Fire Code (1997 UFC and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code.

Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall call for and submit to a final inspection by this office for confirmation of compliance with the above requirements and applicable Codes.

### ▪ Permits

As required

## Final Status

Recommendation for Final Development Plan approval with the above conditions applied.

*Victoria DeVargas, Inspector*

Victoria DeVargas  
Code Enforcement Official

3/5/14  
Date

Through: David Sperling, Chief  
Buster Patty, Fire Marshal 

File: NorthReg/DevRev/Chimayo/MooreJudithVAR.doc

Cy: **J. Lovato, Land Use**  
Applicant  
District Chief  
File

**ARTICLE 4**

**FLOODPLAIN DEVELOPMENT PERMIT PROCEDURAL REQUIREMENTS**

**SECTION 4.1 AREAS REQUIRING A FLOODPLAIN DEVELOPMENT PERMIT**

A. For development within a designated SFHA, including lands which are traversed by, bisected by, or directly adjacent to the SFHA designated on the effective FIRM as described in Article 2, §2.2C, Article 3, §3.2 and Article 3, §3.10, a Floodplain Development Permit issued by the Floodplain Administrator in conformity with the provisions of the Ordinance shall be secured pursuant to Article 3, §3.3(B) prior to commencement of construction.

**SECTION 4.2 NON-ELIGIBLE NEW DEVELOPMENT OR CONSTRUCTION**

At no time shall a Floodplain Development Permit be issued for a new dwelling unit site, lot, parcel or tract of land intended for placement of a habitable structure including single family homes, residential subdivisions, modular home sites and modular home subdivisions where the site is:

- i. An alternative buildable area located outside the limits of the SFHA is available;
- ii. Unable to be removed from the SFHA through the formal FEMA map revision process described in Article 4, § 4.4;
- iii. Absent all weather access.

**SECTION 4.3 PROCEDURES FOR SUBDIVISION PROPOSALS**

All subdivision proposals which include area traversed by, bisected by, or directly adjacent to SFHA, including manufactured home parks and manufactured home subdivisions shall be required to secure a Floodplain Development Permit per Article 4, §4.4, and:

- A. SFHA may be used in computation of density;
- B. SFHA may be utilized to meet open space criteria;
- C. Primary and secondary subdivision access as required by County Code must be all weather access;
- D. For phased subdivisions, an overall Master Drainage Analysis shall be provided which demonstrates that floodplain management policies and stormwater management criteria will be compliant with this Ordinance and function independently in each phase, or construction of the entire conveyance system will be required in the first phase of construction.



**2.5 Zoning**

In connection with the review of an application for a development permit with respect to matters described in the New Mexico Statutes concerning zoning, the procedures concerning zoning matters set forth in the New Mexico Statutes, as amended from time to time, shall apply in addition to the review procedures provided in the Code. The time limits established in this Article II may be extended if required, in order to comply with the procedures concerning zoning matters.

**2.6 Subdivisions**

In connection with review of an application for a development permit with respect to matters described in the New Mexico Subdivision Act, as it may be amended from time to time, the procedures for review provided for in Article V of the Code and the New Mexico Subdivision Act shall apply in addition to the review procedures provided in this Article II of the Code. The time limits established in this Article II shall be extended if required in order to comply with the procedures concerning subdivision matters.

**2.7 Other Requirements**

The time limits set forth in this Article II shall be extended in order to comply with other provisions of the Code providing for time limits in connection with reviews and requirements under the Code.

**SECTION 3 - VARIANCES****3.1 Proposed Development**

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking of property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.

**3.2 Variation or Modification**

In no case shall any variation or modification be more than a minimum easing of the requirements.

**3.3 Granting Variances and Modifications**

In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

**3.4 Height Variance in Airport Zones**

All height variance requests for land located with approach, Transitional, Horizontal and Conical surfaces as described within Map #31 A, incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the









Judith Moore

22A&B Santa Cruz Dam Road





Judith Moore

22A&B Santa Cruz Dam Road



Judith Moore

22A&B Santa Cruz Dam Road



Judith Moore

22A&B Santa Cruz Dam Road

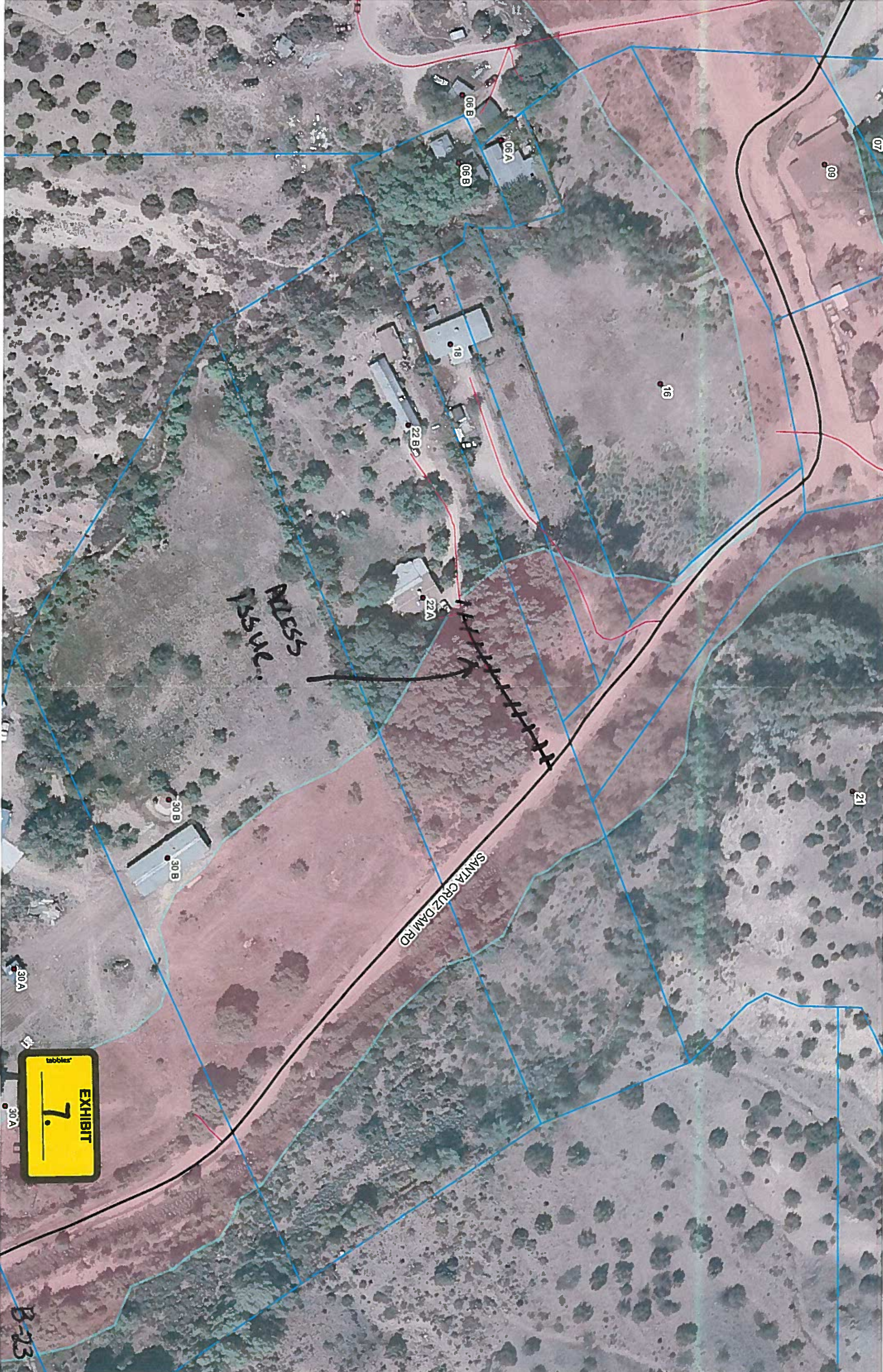
B-21



Judith Moore

22A&B Santa Cruz Dam Road

B-22



07

09

16

06B

06A

06B

18

22B

22A

21

SANTA CRUZ DAM RD

ADDRESS  
15500 L.

30B

30B

30A

tabbier  
EXHIBIT  
7

30A

B-23

**Daniel "Danny" Mayfield**  
Commissioner, District 1

**Miguel Chavez**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Kathy Holian**  
Commissioner, District 4

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**DATE:** April 17, 2014

**TO:** County Development Review Committee

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

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

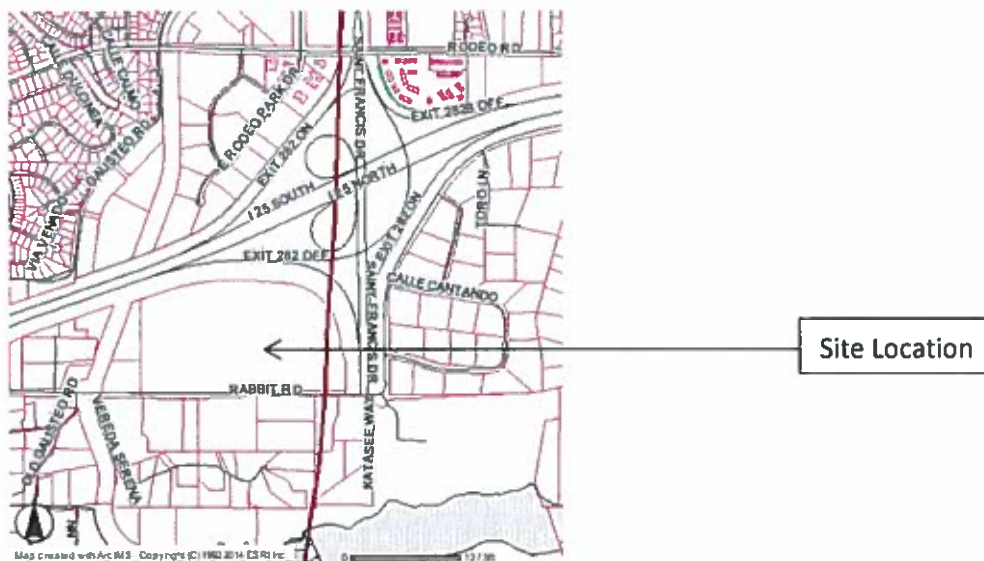
**FILE REF.:** CDRC CASE # S 10-5362 Saint Francis South Preliminary Plat and Development Plan

**ISSUE:**

Vegas Verdes, LLC. Applicant, JenkinsGavin Design and Development Inc., (Jennifer Jenkins), Agent, request Preliminary Plat and Development Plan approval for Phase 1, of the St. Francis South mixed-use subdivision which consists of 5 lots on 68.94 acres.

The property is located on the northwest corner of Rabbit Road and St. Francis Drive, within Section 11, Township 16 North, Range 9 East, (Commission District 4).

**VICINITY MAP:**



NBC-1



**SUMMARY:**

On September 16, 2010, the County Development Review Committee (CDRC) recommended approval of a request for Master Plan Zoning for a mixed-use subdivision (commercial, residential and community service) consisting of 22 lots on 68.94 acres, more or less, with approximately 760,000 sq. ft. of structures at full build out (Refer to September 16, 2010 CDRC Meeting Minutes as Exhibit 5).

On December 14, 2010, the Board of County Commissioners (BCC) approved the Master Plan Zoning for the mixed-use subdivision consisting of 22 lots on 68.94 acres more or less to be developed in 4 phases (Refer to December 14, 2010 BCC Meeting Minutes as Exhibit 6).

On January 14, 2014, the BCC approved a request for Master Plat Authorization to proceed with the creation of up to 22 mixed-use lots on 69 acres more or less (Refer to January 14, 2014 BCC Meeting Minutes as Exhibit 7). This allows for the Land Use Administrator to have the authority to administratively approve a specific lot lay-out for the subdivision once the CDRC and BCC have approved the Preliminary and Final Plat.

The Applicant's original request included a Master Plan Amendment to establish the maximum allowable residential density of 650 dwelling units and 760,000 square feet of non-residential development on 68.94 acres and a variance request. In order to obtain the density requested, a variance of Article III, Section 10 (Lot Size/Density Requirements) of the Land Development Code would be required.

The Applicant has modified their original request and is now requesting only Preliminary Plat and Development Plan approval for Phase 1, of the St. Francis South mixed-use subdivision which consists of 5 lots on 68.94 acres (4-lots which will be created and developed and the remainder tract which will be subdivided and developed in a future phase or phases). Phase 1 as shown on the Master Plan has been relocated from the east side of the property to the west side of the property.

**This Application was submitted on December 11, 2013.**

**Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for the proposed Preliminary Plat and Development Plan under the current Land Development Code.**

**APPROVAL SOUGHT:**

Preliminary Plat and Development Plan approval for Phase 1, which will consist of 5-lots (4-lots which will be created and developed and the remainder tract which will be subdivided and developed in a future phase or phases) of a 22-lot Large Scale Mixed-Use project on 68.94 acres.

**GROWTH MANAGEMENT  
AREA:**

El Centro SDA-2

**LOCATION:**

The development is located on Rabbit Road at the southwest corner of Interstate 25 and St Francis Drive.

**HYDROLOGIC ZONE:**

Basin Hydrologic Zone, minimum lot size is 10 acres per dwelling unit. However, in this area, lot size can be reduced to 2.5 acres per dwelling unit with signed and recorded water restrictions.

**ARCHAEOLOGIC ZONE:**

The proposed project lies within the High Potential, Archeological Zone. An Archeological report is required for development of more than 5 acres. An Archeological survey was conducted and submitted to NMSHPO for review.

The Historic Preservation Division (HDP) of the State of New Mexico has reviewed the report and recognized two recorded archaeological sites within the property. HPD is of the opinion that the sites are not significant and not eligible for listing in either the National Register of Historic Places or the State Register of Cultural Properties and no further archaeological investigations are necessary and the proposed development will have no effect on historic properties.

**ACCESS AND TRAFFIC:**

The site will be accessed via a horseshoe shaped roadway with two access points off of Rabbit Road. The project's access will be comprised of two 12-foot drive lanes, curb and gutter, 5-foot sidewalks and 6-foot planting strips within a 50-foot private right-of-way, which will be dedicated to and maintained by the St. Francis South Lot Owners' Association.

The Individual lots will be accessed directly from the roadway or via shared driveways. The width of the access and utility easement will be determined at the time of platting based on the number of lots being accessed.

Per the Master Plan Approval, Phase 1 will require only a partial completion of the access road, culminating in a temporary, emergency turn-around.

Since Phase 1 has been relocated to the southwest corner of the project, roadway improvements for that phase comprising the western full access point on Rabbit Road will include construction of a new right turn deceleration lane on Rabbit Road. An updated TIA reflecting the current road conditions shall be submitted with Preliminary Plat/Development Plan for Phase 2 and shall include timing of improvements and complete road design for full build-out.

**AFFORDABLE HOUSING:**

The residential component of the proposed project will be large scale residential defined in the plan submittal as multi-family apartments, senior housing/assisted living and live/work on an undetermined number of lots. Using past and present interpretations of the Affordable Housing Ordinance and Regulations, the affordable requirement applies only to single family homes (detached or attached) on individual fee-simple lots, not multi-family developments with multiple units constructed on one lot.

The application was submitted to the Affordable Housing Administrator for review. The Affordable Housing Administrator states: "With the understanding that no single family residences will be created and conveyed through this subdivision and that the residential uses proposed will be large-scale multi-family uses, and given the uncertainty over the number of residential lots that will be created, an affordable housing requirement cannot be calculated for this application. Therefore, staff cannot apply an affordable housing requirement for this Preliminary Plat and Development Plan request."

**FIRE PROTECTION:**

The subject property lies within the jurisdiction of the Hondo Volunteer Fire Department. The final placement of

fire hydrants will be coordinated and approved by the Fire Prevention Division prior to installation.

**WATER SUPPLY:**

The project will be served by the Santa Fe County Water Utility. A County Master Meter is planned for the Campo Conejo Subdivision, which is approximately 1.5 miles east of the project. The project will connect to a Master Meter, Pressure Reducing Valve and Vault via a 12 inch water main in the Rabbit Road right-of-way.

Individual lot development will be required to comply with the water conservation measures outlined in Ordinance 2002-13.

**LIQUID WASTE:**

A Community Wastewater system will be constructed on Lot 8 to serve the project. Lot lines will be modified accordingly to maintain the 22 lots and to provide land area for the Wastewater System.

**SOLID WASTE:**

Solid Waste will be collected in receptacles located on each individual lot and hauled to an approved landfill by a licensed disposal service. Dumpsters will be screened by a wall or fence and gated. This must be noted in the Subdivision Disclosure Statement.

**FLOODPLAIN &  
TERRAIN MANAGEMENT:**

The subject property has gently sloping terrain with minor isolated occurrences of 15% - 30% slopes. The 30% percent slopes shall remain undisturbed. The northern two-thirds of the site drains to the north while the remainder drains to the south. Storm water from the on-site roadway will be collected in swales located in the 100-foot open space buffer along Rabbit Road and will serve as passive irrigation for the vegetation.

A Lot Owners' Association will be created to maintain the roadway and common drainage facilities. In addition, each lot will be individually responsible for collecting storm water in on-site retention ponds and cisterns.

**OPEN SPACE:**

Open Space buffers totaling 17.29 acres, or 25% of the total land area is proposed. The open space will be left as natural

and undisturbed as possible to preserve existing vegetation. The open space will be dedicated to and maintained by the St. Francis South Lot Owners' Association.

A pedestrian trail will be constructed on a phased basis within the 100-foot open space buffer along Rabbit Road that will connect with the Rail Trail west of the site.

**LANDSCAPING:**

Landscaping for individual lots will be the responsibility of each lot owner. Each lot will be landscaped in accordance with County requirements, to include setback areas, parking lot screening, internal landscape islands, etc. In addition, the owner of each lot with frontage on the main access roadway will be required to plant deciduous trees in the planting strips.

Water harvesting will also be the responsibility of each lot owner and will be provided at the time of the development plan submittal for each individual lot.

**PHASING:**

The project will be developed in four phases of approximately five to six lots per phase over a period of 8-10 years. The original Master Plan showed Phase 1 at the southeast corner of the site, with future phases progressing westward, culminating in Phase 4.

The Phasing Plan has been modified to move Phase 1 to the southwest corner of the site and phasing will continue to be a fluid process based on the needs of future users.

**SIGNAGE AND LIGHTING:**

Each lot will have signage at the driveway entrance and potentially, a wall mounted sign on each building. Lighting will be used for safety purposes and will be down-lit and fully shielded in accordance with County requirements. Lighting types may include wall mounted lights at building entrances and bollards to illuminate pedestrian walkways on individual lots. A detailed Signage and Lighting Plan will be submitted with the Development Plan application for each lot.

**AGENCY REVIEW:**

<u>Agency</u>	<u>Recommendation</u>
SFC Fire	Approval with Conditions
SFC Utilities	Approval with Conditions
NMDOT	Approval with Conditions
SFC Open Space	Approval with Conditions
SFC Public Works	Approval with Conditions
OSE	Negative
NMED	No Opinion
Public Schools	Approval
Soil & Water	No Opinion
Affordable Housing	No Opinion
County Hydrologist	Approval with Conditions

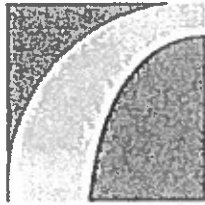
**STAFF RECOMMENDATION:** The Application for Preliminary Plat and Development Plan approval is in conformance with the previously approved Master Plan and Master Plat Authorization and Article V, Section 5.3 (Preliminary Plat Procedures) of the Land Development Code. Therefore, staff recommends approval of the request for Preliminary Plat and Development Plan for Phase 1 to create 5 mixed-use lots on 68.94 acres in accordance with the previously approved Master 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. The Applicant must apply for an access permit from NMDOT prior to construction.
3. Maximum density shall not exceed 1 dwelling unit per 2.5 acres, **Article III, Section 10.1.1.**
4. Compliance with conditions of the Original Master Plan.
5. A Residential component shall be required at Phase 2 of the development.
6. Complete design of Community Sewer System will be required at the time of Final Plat approval for Phase 1.
7. A discharge permit from NMED will be required when discharge exceeds 2,000 gallons per day.
8. A revised and updated TIA reflecting current road conditions shall be submitted with the Preliminary Plat/Development Plat for Phase 2 and shall include timing of improvements and complete road design for full build-out of the development.

9. The road design for the right turn deceleration lane on Rabbit Road must be submitted with the Final Plat/Development Plan for Phase 1.

**EXHIBITS:**

1. Letter of Request
2. Developer's Report
3. Developer's Plans
4. Reviewing Agency Reports
5. September 16, 2010 CDRC Meeting Minutes
6. December 14, 2010 BCC Meeting Minutes
7. January 14, 2014 BCC Meeting Minutes
8. Aerial Photo of Site and Surrounding Areas



**jenkinsgavin**  
DESIGN & DEVELOPMENT INC.

March 10, 2014

Vicente Archuleta, Senior Development Review Specialist  
Building & Development Services  
Santa Fe County  
102 Grant Avenue  
Santa Fe, NM 87501

**RE: St. Francis South  
Preliminary Plat & Preliminary Development Plan Applications Revision**

Dear Vicente:

This letter is respectfully submitted on behalf of Vegas Verdes, LLC in request to amend our application for Preliminary Plat and Preliminary Development Plan applications to include only Phase 1 as reflected in the Phasing Plan.

Furthermore, the on-site waste water system shall be in compliance with a "Community Sewer System" per the requirements of the New Mexico Environment Department.

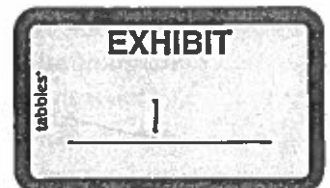
Please do not hesitate to call should you have any questions or need additional information.

Thank you for your consideration.

Sincerely,

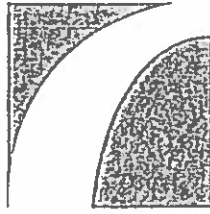
Jennifer Jenkins  
JenkinsGavin Design & Development, Inc.

Colleen C. Gavin, AIA



NBC-9





jenkinsgavin  
DESIGN & DEVELOPMENT INC

December 6, 2013

Vicente Archuleta, Senior Development Review Specialist  
Building & Development Services  
Santa Fe County  
102 Grant Avenue  
Santa Fe, NM 87501

RE: St. Francis South  
Master Plan Amendment/Variance, Preliminary Plat & Preliminary Development  
Plan Applications

Dear Vicente:

This letter is respectfully submitted on behalf of Vegas Verdes, LLC in application for Master Plan Amendment, Variance, Preliminary Plat and Preliminary Development Plan approvals. The subject property is a 68.9-acre parcel located on Rabbit Road at the southwest corner of Interstate 25 and St. Francis Drive.

### Background Summary

The St. Francis South Master Plan for a 22-lot Large Scale Mixed-Use Project ("the Project") was approved by the Board of County Commissioners at their meeting of December 14, 2010 as Case #Z10-5360. The Project is approved for a mix of commercial and residential development.

The subject property is bordered by I-25 to the north, St. Francis Drive to the east, Rabbit Road (the Northeast Connector) to the south, and two large residential lots to the west. The Master Plan contemplates twenty-two parcels ranging in size from 1.04 to 2.90 acres. At build out, the gross building area is anticipated to be approximately 760,000 square feet, with a combination of office, community service, retail, warehouse, and residential uses.

### ~~Master Plan Amendment & Variance~~

~~As an approved Large Scale Mixed-Use Project, St. Francis South's Permitted Uses include senior housing, live/work, and multi-family uses. However, when the Master Plan was approved, the allowable residential density was not identified as part of the review process. Therefore, we are requesting an amendment to the Master Plan to establish the maximum allowable residential density. These types of residential uses are categorized as Large Scale Residential per Article III, Section 6 of the Santa Fe County Land Development Code. In order to accommodate the requisite densities for multi-family projects, a variance is requested from Article III, Section 6.4.2, which states that, "No application shall be approved unless it is~~

~~determined that the density requirements of the Code will be met." The subject property is in the Basin Hydrological Zone, which permits a minimum lot size of 2.5 acres. Obviously, the multi-family uses permitted by the St. Francis South Master Plan and the Large Scale Residential code provisions cannot be feasibly developed at this single family density. Therefore, we are requesting a Master Plan Amendment and a variance to allow a maximum residential density of 18 dwelling units per acre.~~

### Preliminary Plat and Preliminary Development Plan

Submitted herewith is a Preliminary Subdivision Plat creating 22 lots ranging in size from 1.0 acre to 5.4 acres, with an average lot size of 2.23 acres. A few minor adjustments have been made to the lot configuration, which remains consistent with the intent of the approved Master Plan. Commensurate with this application, we are applying for Master Plat Authorization to permit the administrative approval of future lot line adjustments and consolidations to accommodate the needs of individual users. The Preliminary Development Plan and associated civil plans address the infrastructure improvements that will serve the Project. No new building construction is proposed as part of these applications.

### Phasing Plan

The Project will be developed in four phases (or sub-phases) of approximately five to six lots per phase over a period of 8-10 years. The Master Plan shows Phase 1 at the southeast corner of the site, with future phases progressing westward, culminating in Phase 4 in the southwest quadrant of the property. The approved Master Plan states, "Phasing may be adjusted administratively through the Development Plan process." Accordingly, due to the needs of the first facility planned for Lot 1, the Phasing Plan is now being modified to move Phase 1 to the southwest corner of the site (see revised Phasing Plan). Phasing will likely continue to be a fluid process based on the needs of future users.

### Access & Traffic

The Project will be accessed from Rabbit Road via a horseshoe shaped roadway with two access points on Rabbit Road. The Project's access roadway will comprise two 12-foot drive lanes, curb and gutter, 5-foot sidewalks, and 6-foot planting strips within a 50-foot private right-of-way, which will be dedicated to and maintained by the St. Francis South Lot Owners' Association. Individual lots will be accessed directly from the roadway or via a shared driveway within a 30-foot access and utility easement. Per the Master Plan approval, Phase 1 will require only a partial completion of the access road, culminating in a temporary, emergency turnaround. Since Phase 1 has been relocated to the southwest corner of the Project, roadway improvements for that phase will comprise the western full access point on Rabbit Road, which will include construction of a new right-turn decel lane in Rabbit Road. At full build-out, the eastern driveway access will be limited to right-in, right-out and left-in turning movements only, and the western driveway will remain full access.

A Traffic Impact Analysis (TIA) was prepared by Santa Fe Engineering for the Master Plan

NBC-11

submittal. As required by the Master Plan, the TIA has been updated with new traffic counts conducted at the intersection of St. Francis Drive and Rabbit Road, as requested by the New Mexico Department of Transportation. There has been little increase in traffic since the original TIA was prepared in 2010. Therefore, no changes to the proposed off-site roadway improvements are warranted at this time. Please refer to the TIA and Addendum attached hereto.

As detailed in the TIA and shown in the attached plans, the Project will construct significant improvements to Rabbit Road, including medians with associated left-turn and right-turn lanes into the site. Bike lanes will also be added, as well as a phased pedestrian trail in the 100' open space buffer along Rabbit Road. Since the exact mix of use types is unknown, the TIA will be updated as part of the approval process for each phase of development, making adjustments as necessary to the required off-site improvements.

### Open Space & Landscaping

Per the Master Plan, significant open space buffers are proposed totaling 17.29 acres, or 25.0% of the total land area. The open space areas will be left as natural and undisturbed as possible in an effort to preserve existing vegetation. The open space tracts will be dedicated to and maintained by the St. Francis South Lot Owners' Association. Furthermore, a pedestrian trail will be constructed on a phased basis within the 100-foot open space buffer along Rabbit Road that will connect with the Rail Trail west of the site. The first phase of the trail improvements will be between the Rail Trail and the west side of the western access road. A segment of the trail will be constructed within the Rabbit Road right-of-way between the railroad right-of-way and the western boundary of the subject property. Upon completion of the each phase of the trail, a public non-motorized trail easement will be created and dedicated to Santa Fe County.

Landscaping for individual lots will be the responsibility of each lot owner. Each lot will be landscaped in accordance with County requirements, to include setback areas, parking lot screening, internal landscape islands, etc. In addition, the owner of each lot with frontage on the main access roadway will be required to plant deciduous street trees in the planting strips. Water harvesting will also be the responsibility of each lot owner and will be provided in accordance with County Ordinance 2003-6. Water harvesting details will be provided at the time of the development plan submittal for each individual lot.

### Terrain Management

The subject property has gently sloping terrain with minor, isolated occurrences of 15% - 30% slopes. There are no slopes that are 30% or greater. The northern two-thirds of the site drains to the north, while the remainder drains to the south. An existing 48-inch CMP under St. Francis Drive daylights at the east boundary into a drainage way flowing in a northwesterly direction to a 72-inch CMP under I-25. As shown in the Grading Plans, we propose to channelize the drainage way using natural materials. Storm water from the on-site roadway will be collected in some swales located in the 100-foot opens space buffer along Rabbit Road and will serve as passive irrigation for the vegetation. In addition, storm water within historic flow volumes will be directed into the existing drainage way. A Lot Owners' Association will be created to maintain

NBC-12

the roadway and common drainage facilities. In addition, each lot will be individually responsible for collecting all storm water in on-site retention ponds and cisterns.

### Water Supply Plan

The Project will be served by the County Water Utility per the attached Utility Service Analysis from the County Public Utilities Department. Two possible water supply options are being considered for the Project, as described below. The selected option will be detailed in the Final Plat and Development Plan submittal.

Option A: The Project would be served via a County master meter connected to City water infrastructure on the north side of I-25 in Rodeo Business Park. The County Public Utilities Division is currently analyzing the feasibility of this option, including water pressure, line capacity, and other technical matters.

Option B: A County master meter is planned for the Campos Canejos Subdivision, approximately 1.5 miles east of the Project. As contemplated in the Master Plan, the Project could connect to the master meter via a new 12" water main in the Rabbit Road right-of-way. To accommodate future needs of the County water system, the developer has agreed to construct a 12" line, even though only an 8" line is required to serve the Project. Therefore, as is customary, the County will issue a credit to the developer in the amount of the costs associated with the increase in line size.

An updated Project Water Budget, totaling 48.22 acre feet/year, is submitted herewith for your review. Individual lot development will be required to comply with the water conservation measures outlined in Ordinance 2002-13, such as low-flow toilets, waterless urinals, self-closing faucets, and drought tolerant landscaping.

### Liquid Waste

As with the Water Supply Plan, two possible liquid waste disposal options are under review, as described below. The selected option will be detailed in the Final Plat and Development Plan submittal.

~~Option A: A gravity connection would be constructed to the City sewer infrastructure north of I-25 in Rodeo Business Park. The County will be the City's customer and the Project's users will be customers of the County.~~

Option B: An on-site wastewater treatment system would be constructed to serve the Project, as proposed in the Master Plan, on what has now been reclaimed as Lot 8. If this option is implemented, lot lines will be modified accordingly to maintain the 22 lots and to provide land area for a multi-flow septic system. Final design and requisite NMED permits would be provided as part of the Final Plat and Development Plan submittal.

### Solid Waste

Solid waste will be collected in receptacles located on each individual lot and hauled to an approved landfill by a licensed disposal service. Dumpsters will be screened by a wall or fence and gated.

### Signage & Lighting

It is anticipated that each lot will have signage at their driveway entrance and, potentially, a wall-mounted sign on each building. In order to preserve dark skies for the neighborhood, lighting will be kept to a minimum, only used for safety purposes, and will be down-lit and fully shielded in accordance with County requirements. Lighting types may include wall mounted lights at building entrances and bollards to illuminate pedestrian walkways on individual lots. A Signage and Lighting plan will be submitted with the Development Plan application for each lot.

### Environmental Performance Standards

The Project will comply with all County codes as they pertain to environmental performance standards. Furthermore, environmental protection is accomplished through (1) the preservation of open space and existing vegetation; (2) passive irrigation through storm water harvesting; (3) night sky protection; and (4) pedestrian access to the Rail Trail to encourage alternative modes of transportation.

### Archaeology

An archaeological survey of the subject property was conducted by Ron Winters and approved by the State Historic Preservation Office ("SHPO") as part of the Master Plan approval process. The SHPO approval letter is attached.

### Sustainable Land Development Plan & Code

This Large Scale Mixed-Use project is consistent with the property's designations in the Sustainable Land Development Plan ("SLDP"). The site is located within *Sustainable Development Area 1*, the highest priority for future development and "*the primary location targeted for new growth*". In addition, and more importantly, the property is identified as a *Mixed-Use Non-Residential Regional Center*. Similarly, the subject property is zoned "Commercial" in the October 2013 draft of the Sustainable Land Development Code. It is our objective to respect the spirit and intent of the SLDP, while remaining fully compliant with the current Santa Fe County Land Development Code.

In support of these requests, the following documentation is included herewith for your review and consideration:

- Development Permit Application
- Warranty Deed
- Letter of Authorization from Owner
- County Utility Service Analysis

NBC-14

- Project Water Budget
- School Impact Form
- Archaeological Clearance Permit
- Draft Disclosure Statement
- Conceptual Restrictive Covenants
- Legal Lot of Record Verification
- Proof of Property Taxes Paid
- Preliminary Plat & Development Plan Submittal Drawings – 20 full size & 2 reduced sets

Finally, included herewith is a check in the amount of \$8,425.00 for the application fees, calculated as follows:

Application Fee	100.00
Inspection Fee	100.00
25.00 additional fee per Lot	550.00
5-24 lot Subdivision	950.00
75.00 additional per lot	1650.00
Preliminary Plan Mixed Use S/D	750.00
100.00 additional per lot	2200.00
TIA Review	500.00
Public Notice Boards 4@ 25.00	100.00
Fire Inspection	25.00
Fire Development Review	1100.00
Variance & Master Plan Amendment	400.00
<b>TOTAL</b>	<b>\$8,425.00</b>

Please do not hesitate to call should you have any questions or need additional information.

Thank you for your consideration.

Sincerely,



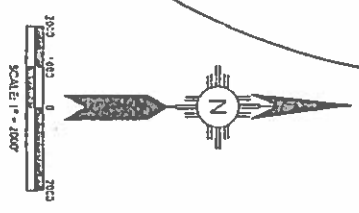
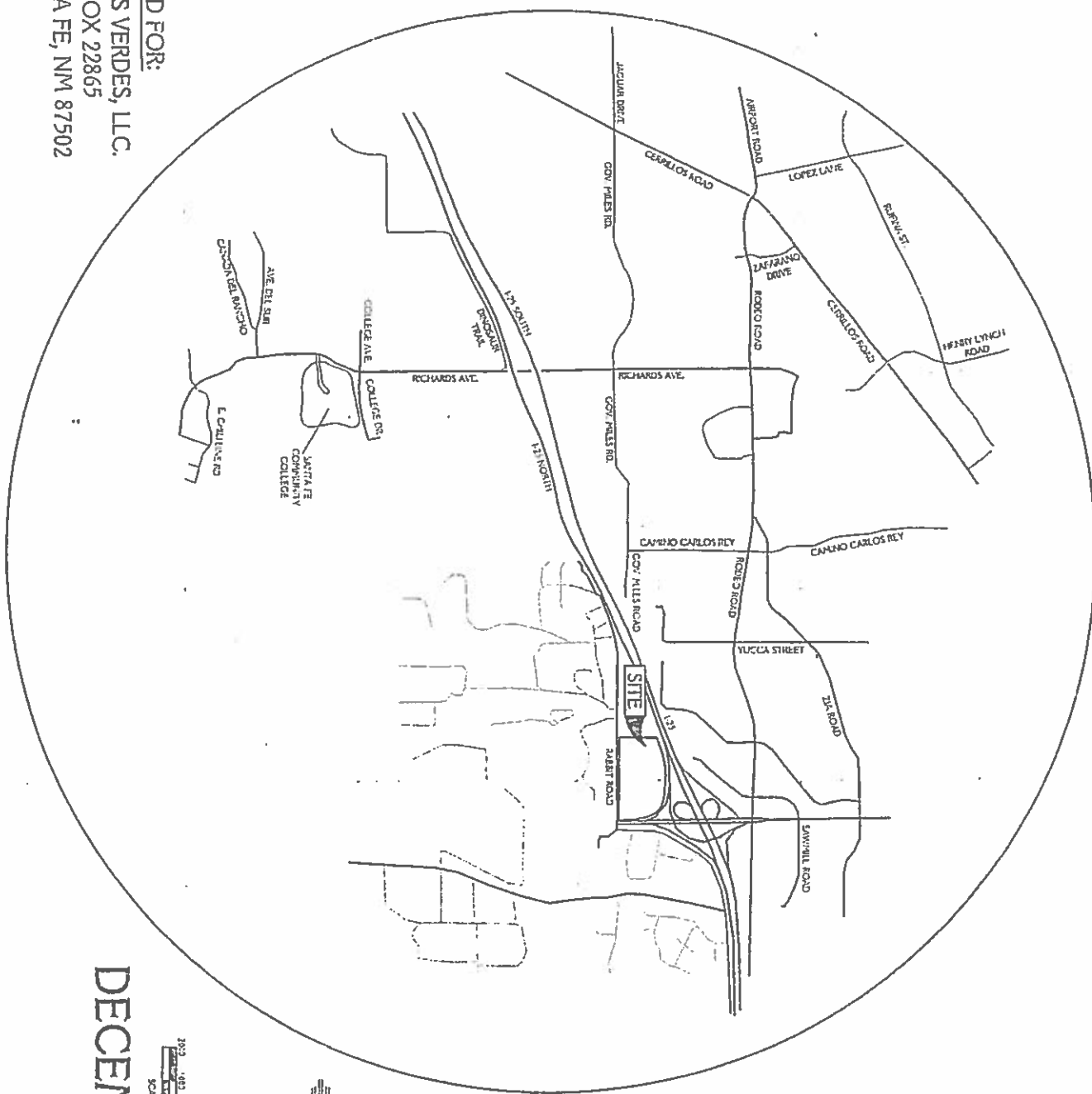
Jennifer Jenkins  
JenkinsGavin Design & Development, Inc.



Colleen C. Gavin, AIA

NBC-15

# PRELIMINARY PLAT AND PRELIMINARY DEVELOPMENT PLAN SUBMITTAL FOR ST. FRANCIS SOUTH




**DECEMBER  
2013**

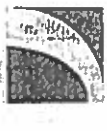
PREPARED FOR:  
VEGAS VERDES, LLC.  
P.O. BOX 22865  
SANTA FE, NM 87502

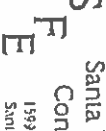
**SANTA FE COUNTY, NEW MEXICO**  
**SECTION 11, TOWNSHIP 16 N, RANGE 9 E NMPM**

## TABLE OF CONTENTS

1-1 1-2 2-1 to 2-2 2-3 3-1 3-2 4-1 4-2 4-3 to 4-4 5-1 to 5-2 6-1 7-1 to 7-2 8-1 9-1 to 9-7 10-1 11-1 11-2 to 11-5 11-6 to 11-11 12-1 12-2 12-3 12-4 12-5 to 12-11	COVER SHEET AND INDEX OF SHEETS APPROVED MASTER PLAN PRELIMINARY SUBDIVISION PLAT PRELIMINARY DEVELOPMENT PLAN TYPICAL LOT LAYOUT PHASING PLAN CERTIFIED TOPOGRAPHIC MAP SLOPE ANALYSIS MAP TYPICAL SECTIONS, NOTES AND DETAILS UTILITY PLANS GRADING AND DRAINAGE PLAN ROADWAY PLAN AND PROFILE SANITARY SEWER PLAN AND PROFILE ROADWAY CROSS SECTIONS STRUCTURE SECTIONS GABION AND CHECK DAM DETAILS SANITARY SEWER STANDARD CONSTRUCTION DETAILS STANDARD DRAINAGE SERIALS STORM WATER POLLUTION PREVENTION PLAN TEMPORARY EROSION CONTROL PLAN PERMANENT EROSION CONTROL PLAN STORM WATER CONTROL DETAILS T.E.S.C.M. STANDARD DETAILS
---	--

  
**DAWSON SURVEYS INC**  
 PROFESSIONAL LAND SURVEYORS  
 2920 CAMINO ANILLO  
 SANTA FE, NEW MEXICO

  
**Jenkins Gavin**  
 PROFESSIONAL LAND SURVEYORS  
 1101 West Alameda, Suite 101  
 Santa Fe, NM 87505

  
**Santa Fe Engineering  
Consultants, LLC**  
 1599 St. Francis Drive, Suite B  
 Santa Fe, N.M. 87505  
 (505) 832-2845 Fax: (505) 982-2611  
 HTTP: WWW.SFENGR.COM

COUNTY OF SANTA FE } SS  
STATE OF NEW MEXICO }  
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  
page \_\_\_\_\_ of the records of  
Santa Fe County

Witness my hand and Seal of Office  
\_\_\_\_\_  
Valerie Espinosa  
County Clerk, Santa Fe County, N.M.  
Deputy

  
**EXHIBIT**  
 3

NBC-116

**W**  
ARCHITECTS

1700 A Paseo De Peralta  
Santa Fe, NM 87501  
(505) 505-2430  
(505) 505-2431  
sfrchitect@comcast.net  
www.sfrchitect.com

**St. Francis South Master Plan**  
Santa Fe, New Mexico

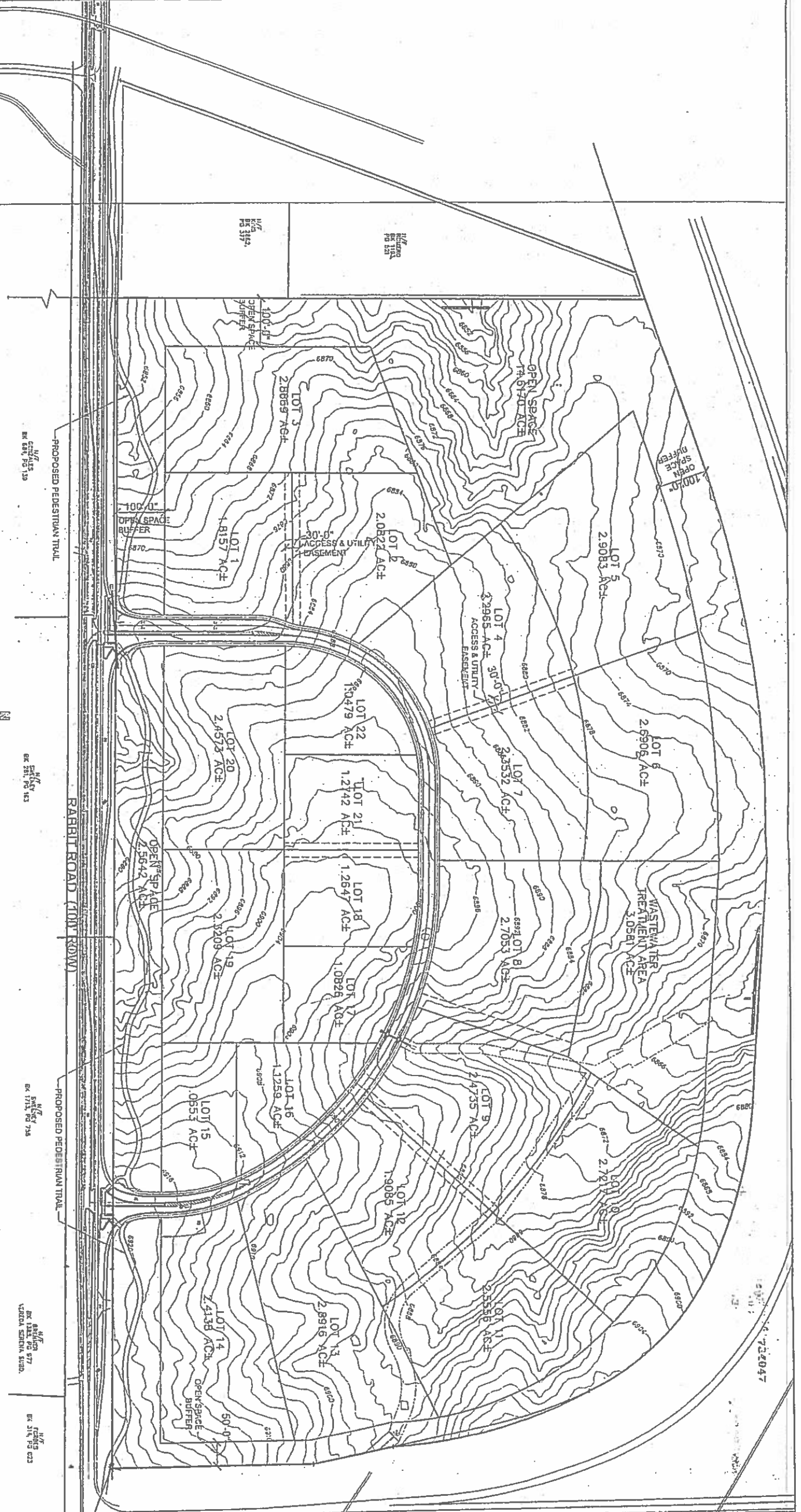
NO.	REVISIONS:
1	DATE: 1-7-2011
2	DATE: 9-15-2010

DATE: 9-15-2010  
DRAWN BY: FR  
CHECKED BY: PAJ

**GENKINS & SAVILL**  
ARCHITECTS & ENVIRONMENTAL PLANNERS

300 Canal Avenue, Suite 101  
Santa Fe, New Mexico 87501

SHEET: 1-2



**MASTER PLAN**  
SCALE: 1" = 100'-0"

**SITE DATA**

ZONING: LARGE SCALE MIXED USE DISTRICT  
COND. CASE # \_\_\_\_\_  
TOTAL ACRES: 68.94 ACRES +/- (2,712,236 +/- 5,571)

**NOTES**

1. A TRAIL BE REQUIRED WITH FUTURE PHASES 1, 2, 3, AND 4 TO ENSURE THAT OFF-SITE RESPONSIBILITIES ARE ADDRESSED FOR THE DEVELOPMENT.
2. FUTURE TRAIL ACCESS AT FUTURE DEVELOPMENT CONCERNS REGARDING THE FEASIBILITY OF A SIGNAL LIGHT OR A ROUNDABOUT.
3. THE APPLICANT SHALL PROVIDE TURNAROUNDS WITH A DRIVING SURFACE OF MINIMUM 10' CLEARANCE AT ALL DEVELOPMENT SERVICE DRIVE LOTS.
4. A LIDAR SHOWING THE COMPLETE DRAINAGE BASIN CONTRIBUTING FLOWS TO AND WITHIN THE SITE SHALL BE SUBMITTED AT PRELIMINARY PLANNING/DEVELOPMENT PLAN STAGE IN ACCORDANCE WITH ORDINANCE NO. 2009-10.

**PURPOSE STATEMENT**

THE PURPOSE OF THIS MASTER PLAN IS TO ALLOW FOR LARGE SCALE MIXED USE DEVELOPMENT TO INCLUDE COMMERCIAL, RESIDENTIAL, AND COMMUNITY SERVICE USES.

5. IN THE EVENT THAT APPROVAL FROM THE CITY OF SANTA FE FOR A SANITARY SEWER CONNECTION IS NOT OBTAINED, A TEMPORARY ON-SITE WASTEWATER TREATMENT SYSTEM THAT MEETS THE APPROVAL OF SANTA FE COUNTY UTILITIES WILL BE INSTALLED BY THE LANDOWNER AT THEIR EXPENSE, AS PART OF THE DEVELOPMENT PLAN FOR PHASE 1. THE PLAN WILL OBTAIN WATER DISCHARGE PERMIT TO BE ISSUED BY THE NEW MEXICO ENVIRONMENTAL DEPARTMENT. FURTHERMORE, THE DEVELOPMENT WILL CONNECT TO A PUBLIC SANITARY SEWER SYSTEM WITHIN 1,000 FEET OF THE DEVELOPMENT SITE BOUNDARY. THE CONNECTION LINE SHALL BE DESIGNED AND INSTALLED IN CONJUNCTION WITH EXISTING PUBLIC SEWER STANDARDS AND ALL DESIGN SHALL BE APPROVED BY THE COUNTY PRIOR TO CONSTRUCTION. THE CONNECTION TO THE PUBLIC SANITARY SEWER SYSTEM SHALL BE IMPLEMENTED WITHIN ONE YEAR FROM THE DATE NOTICE FROM SANTA FE COUNTY IS RECEIVED BY THE LANDOWNER THAT THE PUBLIC SYSTEM IS AVAILABLE.

**ACKNOWLEDGMENT**

City of Santa Fe  
I, John J. Tuma, Director of Planning and Development, do hereby certify that the above described project is in compliance with the provisions of the Santa Fe County Ordinance No. 2009-10.  
Date: 1-8-11

City of Santa Fe  
I, John J. Tuma, Director of Planning and Development, do hereby certify that the above described project is in compliance with the provisions of the Santa Fe County Ordinance No. 2009-10.  
Date: 1-8-11

**COUNTY APPROVALS**

Approved by the Board of County Commissioners at their meeting of December 16, 2010 at Santa Fe, New Mexico.  
Date: 12/16/10

Approved by the County Director of Planning and Development at their meeting of December 16, 2010 at Santa Fe, New Mexico.  
Date: 12/16/10

**OWNER'S CONSENT**

I, the undersigned, do hereby certify that the above described project is in compliance with the provisions of the Santa Fe County Ordinance No. 2009-10.  
Date: 1-8-11

Approved by: John J. Tuma, Director of Planning and Development  
Date: 1-8-11

Approved by: John J. Tuma, Director of Planning and Development  
Date: 1-8-11

Approved by: John J. Tuma, Director of Planning and Development  
Date: 1-8-11

Approved by: John J. Tuma, Director of Planning and Development  
Date: 1-8-11

Know all persons that the undersigned herein have consented to the above project as presented. All that appears on this plan or maps and the contract and is in accordance with the desires of the undersigned owner.  
J.O.E.B., LLC  
By: John J. Tuma  
Date: 1-8-11

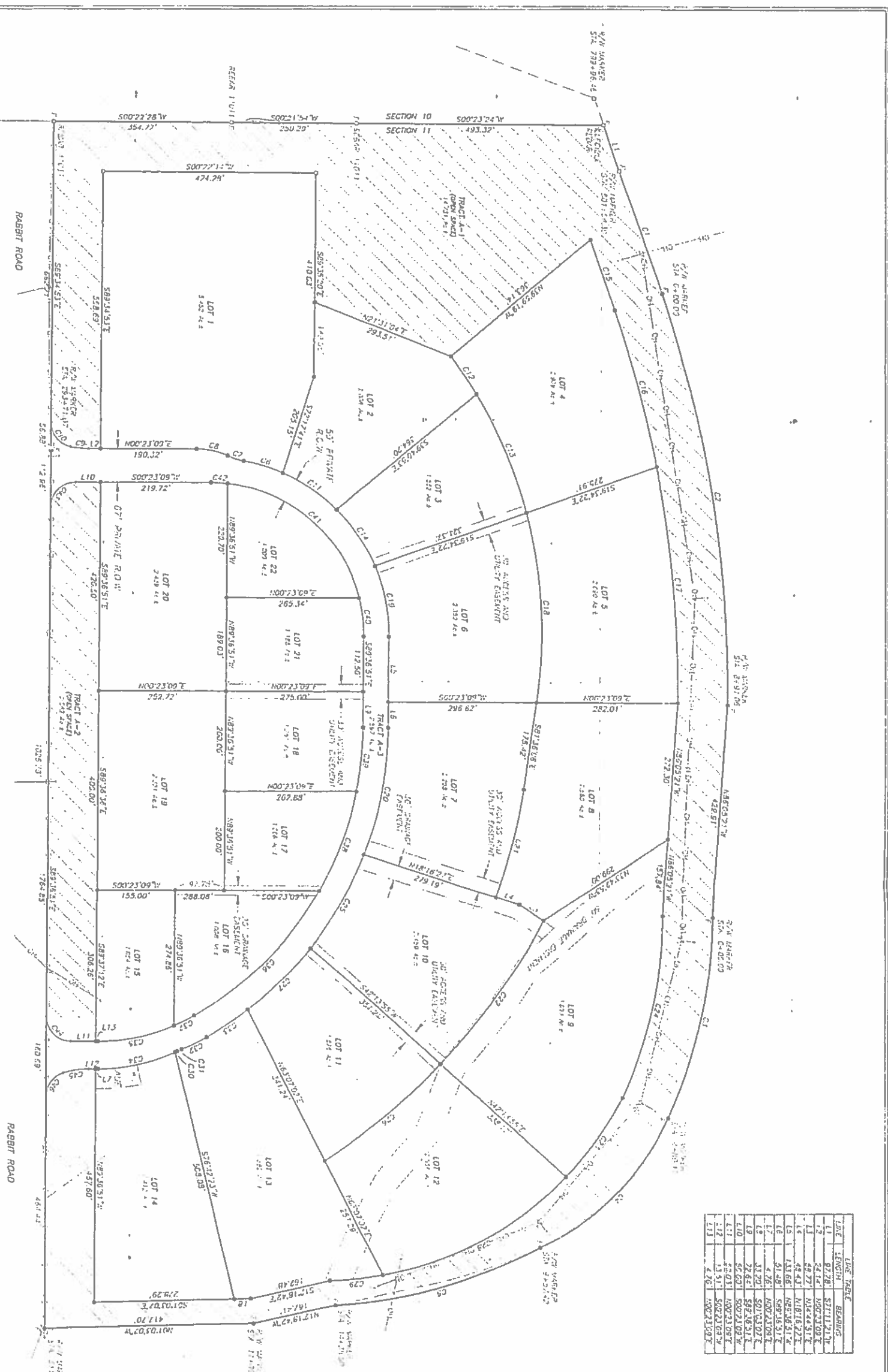
NBC-17





LEGEND  
 BEARINGS ARE REFERRED TO THE NEW MEXICO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE DISTANCES SHOWN ARE GROUND LEVEL REFERRED TO 6800 ANGL. DATA, TO CONVERT DISTANCES SHOWN TO GRID DISTANCES MULTIPLY BY A SCALE FACTOR OF 0.999554

- DENOTES FOUND MONUMENT AS SHOWN
- DENOTES REBAR TO BE SET UPON RECORDING
- DENOTES CALCULATED POINT NOT SET
- DENOTES UTILITY POLE WITH ANCHOR
- DENOTES OVERHEAD UTILITY LINES
- DENOTES EXISTING BARBED WIRE FENCE
- DENOTES OPEN SPACE TRACT



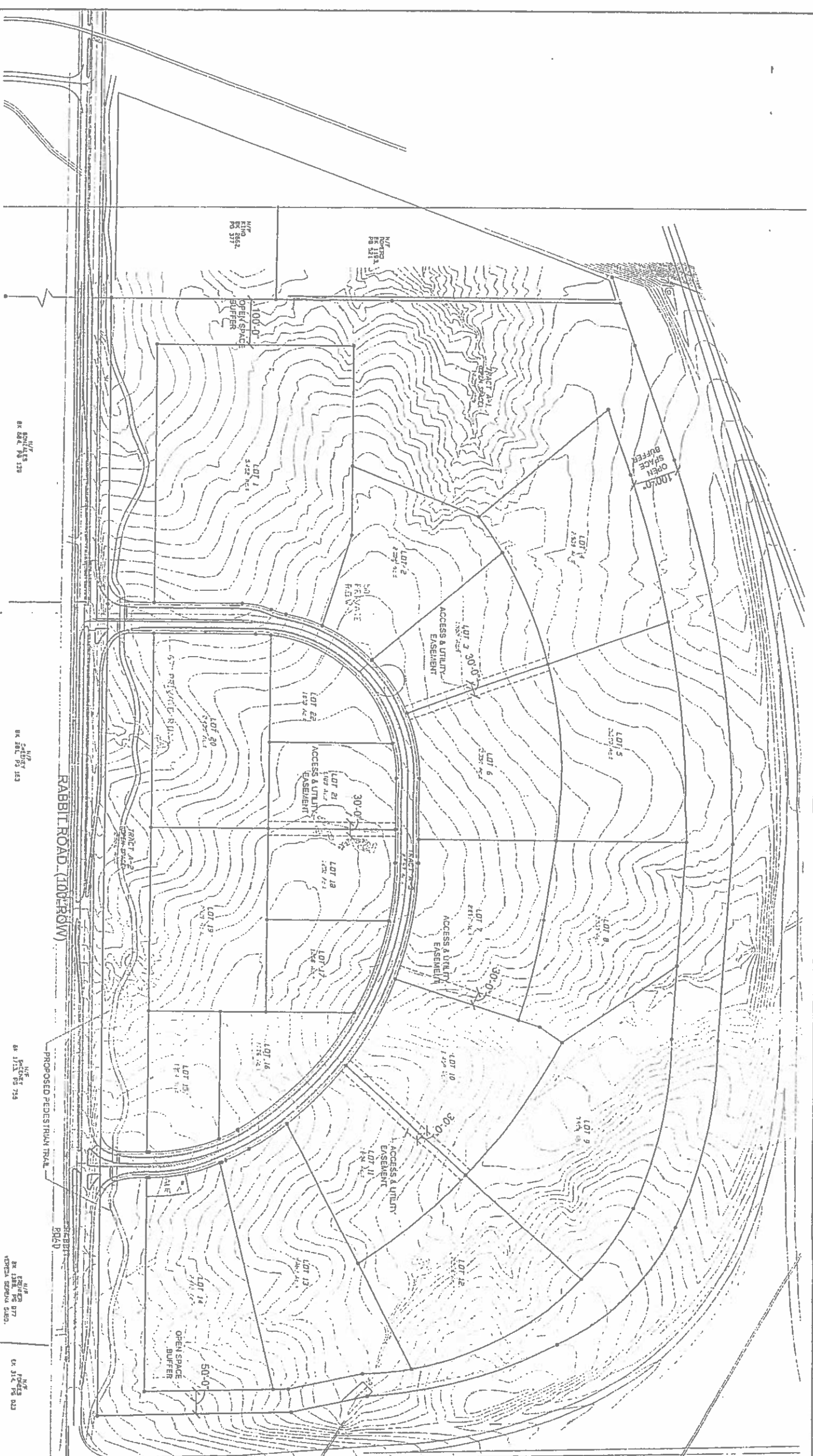
LINE	LENGTH	BEARING
C1	97.78	S71°11'21"W
C2	34.14	N60°23'09"E
C3	48.27	N44°44'51"E
C4	48.43	N61°16'22"E
C5	131.66	N85°16'51"E
C6	91.48	S89°16'51"E
C7	4.26	N00°21'00"E
C8	11.20	S01°53'07"E
C9	72.64	S89°16'51"E
C10	45.00	S00°23'09"W
C11	45.00	N00°23'09"E
C12	1.31	S02°23'09"E
C13	4.26	N00°23'09"E

CURVE TABLE	CHORD E. LONG	CHORD
C1	262.45	171.82
C2	86.55	45.06
C3	416.47	215.76
C4	376.64	407.25
C5	428.44	248.12
C6	22.84	13.11
C7	11.88	1.78
C8	44.17	12.00
C9	32.44	17.00
C10	62.60	48.91
C11	140.00	100.00
C12	21.12	9.10
C13	260.15	139.11
C14	152.47	86.00
C15	428.44	248.12
C16	481.15	285.28
C17	481.15	285.28
C18	481.15	285.28
C19	481.15	285.28
C20	481.15	285.28
C21	481.15	285.28
C22	481.15	285.28
C23	481.15	285.28
C24	481.15	285.28
C25	481.15	285.28
C26	481.15	285.28
C27	481.15	285.28
C28	481.15	285.28
C29	481.15	285.28
C30	481.15	285.28
C31	481.15	285.28
C32	481.15	285.28
C33	481.15	285.28
C34	481.15	285.28
C35	481.15	285.28
C36	481.15	285.28
C37	481.15	285.28
C38	481.15	285.28
C39	481.15	285.28
C40	481.15	285.28
C41	481.15	285.28
C42	481.15	285.28
C43	481.15	285.28
C44	481.15	285.28
C45	481.15	285.28
C46	481.15	285.28
C47	481.15	285.28
C48	481.15	285.28
C49	481.15	285.28
C50	481.15	285.28
C51	481.15	285.28
C52	481.15	285.28
C53	481.15	285.28
C54	481.15	285.28
C55	481.15	285.28
C56	481.15	285.28

SHEET 2 OF 2

DAWSON SURVEYS, INC.  
 PROFESSIONAL LAND SURVEYORS  
 2022 DENVER AVENUE  
 DENVER, COLORADO 80202  
 PHONE 303.733.0000  
 DATE: 12-05-13





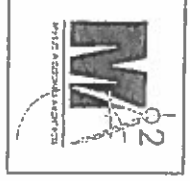
**PRELIMINARY DEVELOPMENT PLAN**

SCALE: 1" = 100'-0"

**SITE DATA**

ZONING: LARGE SCALE MIXED USE DISTRICT  
 PROPOSED DENSITY: 22 UNITS PER ACRE (RANGING FROM 1000 TO 1400 S.F. PER UNIT)  
 TOTAL ACRES: 66.54 ACRES (±) (27.52 ACRES ± S.F.)

COUNTY APPROVALS:  
 Approved by the Board of County Commissioners at their meeting of \_\_\_\_\_ at Case # \_\_\_\_\_  
 Approved by the County Development Review Committee at their meeting of September 18, 2010 at Case # 210.5370

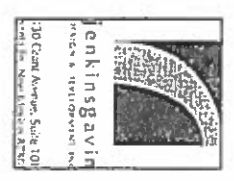


1700 A Paso De Parula  
 Santa Fe, NM 87501  
 (505) 982-8853  
 (fax) 505-989-1311  
 info@architect.com  
 www.architect.com

**St. Francis South - Preliminary Development Plan**  
 Santa Fe, New Mexico

NO.	REVISIONS:
DATE	DATE

DATE: 12-5-2013  
 DRAWN BY: PR  
 CHECKED BY: PML



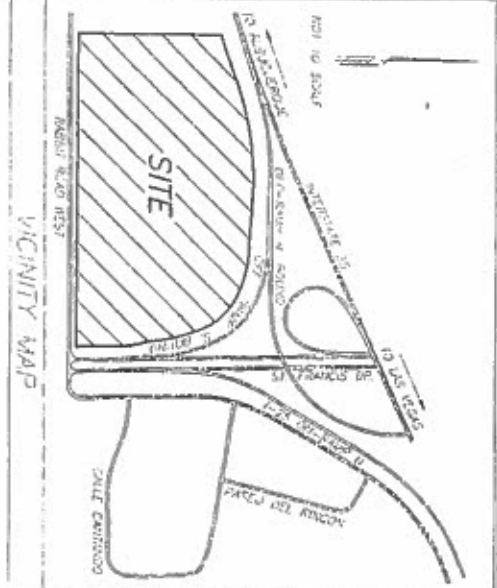
300 East Avenue, Suite 100  
 Santa Fe, New Mexico 87501  
 (505) 982-8853  
 www.jonkinsbavin.com

2-3

NBC-2D







**REFERENCE DOCUMENTS**

BOUNDARY SURVEY PLAN OF TRACT A ON RABBIT ROAD WEST, PREPARED BY DEAN L. SHUGER, MAPS NO. 1961, RECORDED IN THE OFFICE OF THE SANTA FE COUNTY CLERK AS PLAT BOOK 674, PAGE 037.

LINE	LENGTH	BEARING
1	87.761	S111°12'17"W

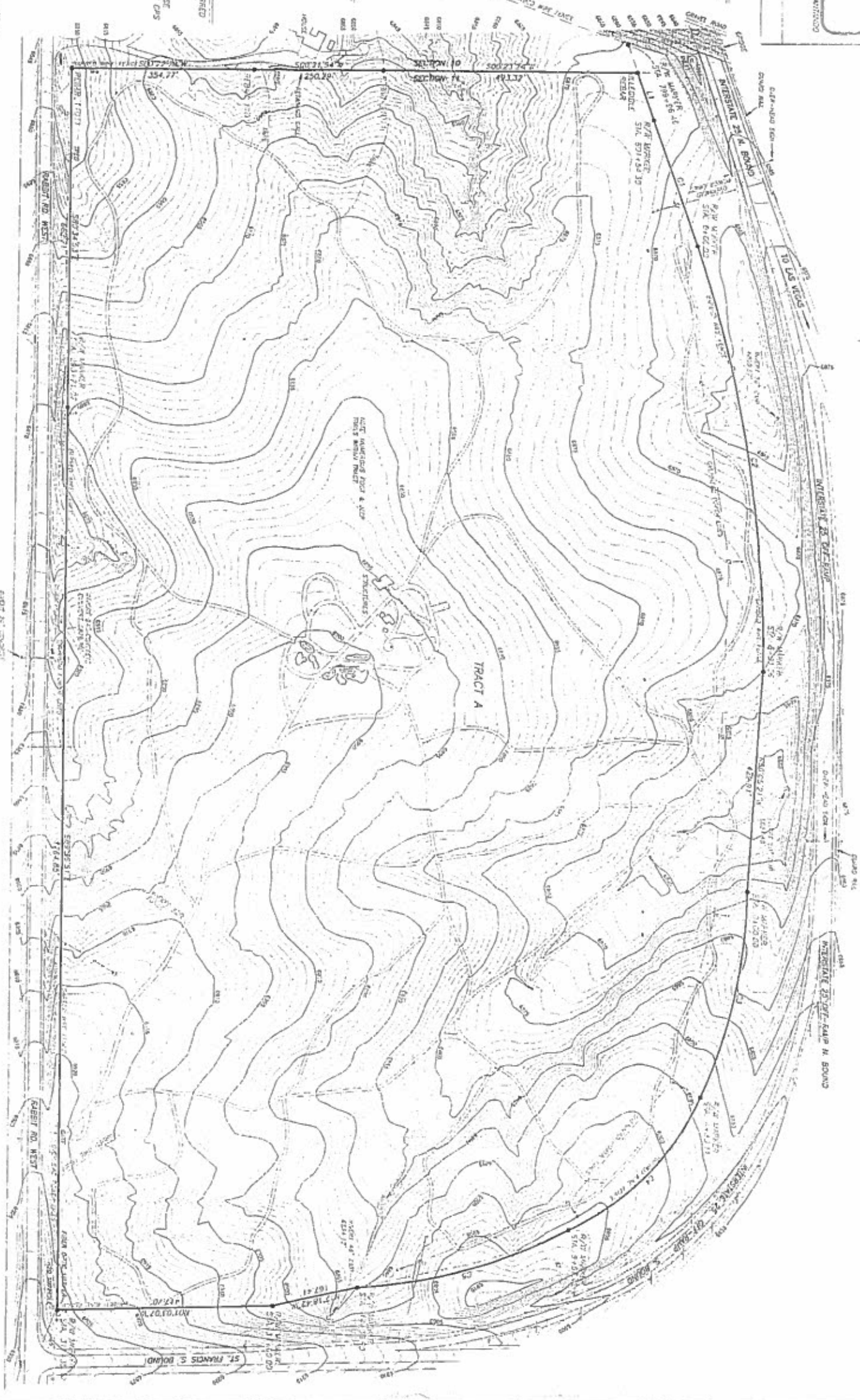
  

CURVE	LENGTH	BEARING	DELTA	CHORD BEARING	CHORD
C1	242.42	S118°24'	62°27'02"	S70°45'54"W	543.42
C2	646.55	S20°42'	157°21'02"	S81°00'39"W	643.43
C3	416.42	S93°02'	33°52'26"	N22°11'59"W	411.40
C4	370.66	S92°02'	20°12'56"	N45°55'57"W	361.41
C5	428.54	S82°02'	34°29'12"	N15°22'23"W	424.53

**TOPOGRAPHIC MAP**  
 SHOWING TRACT A ON RABBIT ROAD WEST  
 PREPARED FOR  
**SANTA FE ENGINEERING CONSULTANTS, LLC**  
 SITUATED WITHIN PROJECTED SECTION 11  
 T. 16 N., R. 9 E., N.M.P.M.  
 COUNTY OF SANTA FE, NEW MEXICO

**FLOOD ZONE**

THIS MAP SHEET IS LOCATED WITHIN FEMA FLOOD ZONE 3. FLOODS ESTIMATED TO BE QUANTILE 1% OF ANNUAL CHANCE FLOOD (PROBABILITY) AS SHOWN ON FEMA MAP PANEL 35085C0101E, WITH REVISION DETERMINED ON 2012.



**NOTES**

THIS PLAN SUBJECT TO ANY RESTRICTIONS, CONDITIONS AND EASEMENTS OF RECORD.

DIMENSIONS SHOWN LARGER THAN ACTUAL SIZE FOR MEASURING PURPOSES.

NO UNRECORDED UTILITIES WERE LOCATED.

THIS IS NOT A BOUNDARY SURVEY. JURISDICTION PROPERTY CORNERS ARE SHOWN FOR ORIENTATION ONLY. ALL DIMENSIONS MAY NOT BE SHOWN.

**LEGEND**

BOUNDARIES ARE SHOWN WITH STATE PLANT CONTROL ZONE DISTANCES ARE REFERRED TO GEOLOGICAL TO CORRELATE TO N.M. STATE PLANT CONTROL ZONE MULTIPLE DISTANCES BY 0.889558681.

STATIONING ARE METER, ZERO TO NUMBER FROM CONTROL POINTS. GEOMETRIC BEST STATIONING PASSING THROUGH OR NEAREST TO STATIONING POINTS. STATIONING DISTANCES ON 1992 SANTA FE COUNTY GIS MAPS ARE CONTROL.

○ DEWATERED AREA, OR AS SHOWN FIELD  
 □ DEWATERED SCOUR  
 ○ DEWATERED T. CONTROL WETLAND  
 ○ DEWATERED S. CONTROL WETLAND  
 ○ DEWATERED WETLAND WITH ANCHOR

**SURVEYORS CERTIFICATE**

I HEREBY CERTIFY THAT THIS MAP IS A TRUE REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY SUPERVISION AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF NEW MEXICO AND WAS PRESENT AT THE TIME AND PLACE WHERE THE FIELD WORK WAS PERFORMED.

DAWSON SURVEYS, INC.  
 1615 W. UNIVERSITY BLVD. SUITE 100  
 ALBUQUERQUE, NM 87104  
 PHONE: 505.263.1111  
 FAX: 505.263.1112  
 WWW.DAWSONSURVEYS.COM






DAWSON SURVEYS, INC.  
 1615 W. UNIVERSITY BLVD. SUITE 100  
 ALBUQUERQUE, NM 87104  
 PHONE: 505.263.1111  
 FAX: 505.263.1112  
 WWW.DAWSONSURVEYS.COM

SHEET 4.1

NBC-23

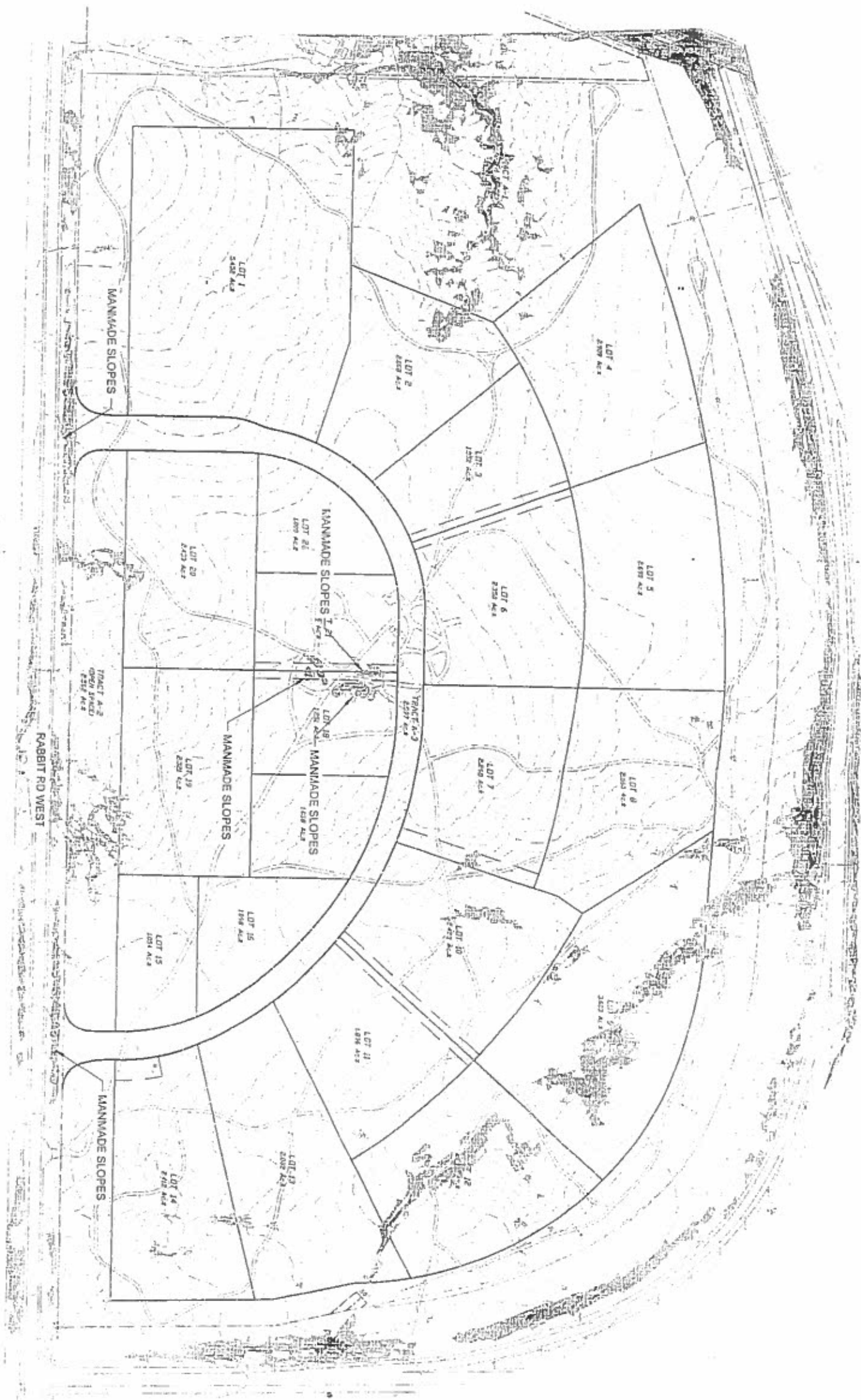
**LEGEND**

-  AREA OF 15% TO 20% SLOPE
-  AREA OF 20% TO 30% SLOPE
-  AREA OF 30% AND GREATER SLOPE

THIS SLOPE ANALYSIS MAP IS BASED UPON A 2 FOOT CONTOUR INTERVAL



**SLOPE ANALYSIS MAP**  
SCALE: 1" = 100'



**S** Santa Fe Engineering  
**F** Consultants, LLC  
**E** 1599 St. Francis Drive, Suite B  
**C** Santa Fe, N.M. 87505  
 (505) 982-2545 Fax: (505) 982-2641  
 http://www.stenger.com

PRELIMINARY FLAT AND PRELIMINARY  
 DEVELOPMENT PLAN SUBMITTAL  
 FOR ST. FRANCIS SOUTH

SLOPE ANALYSIS MAP

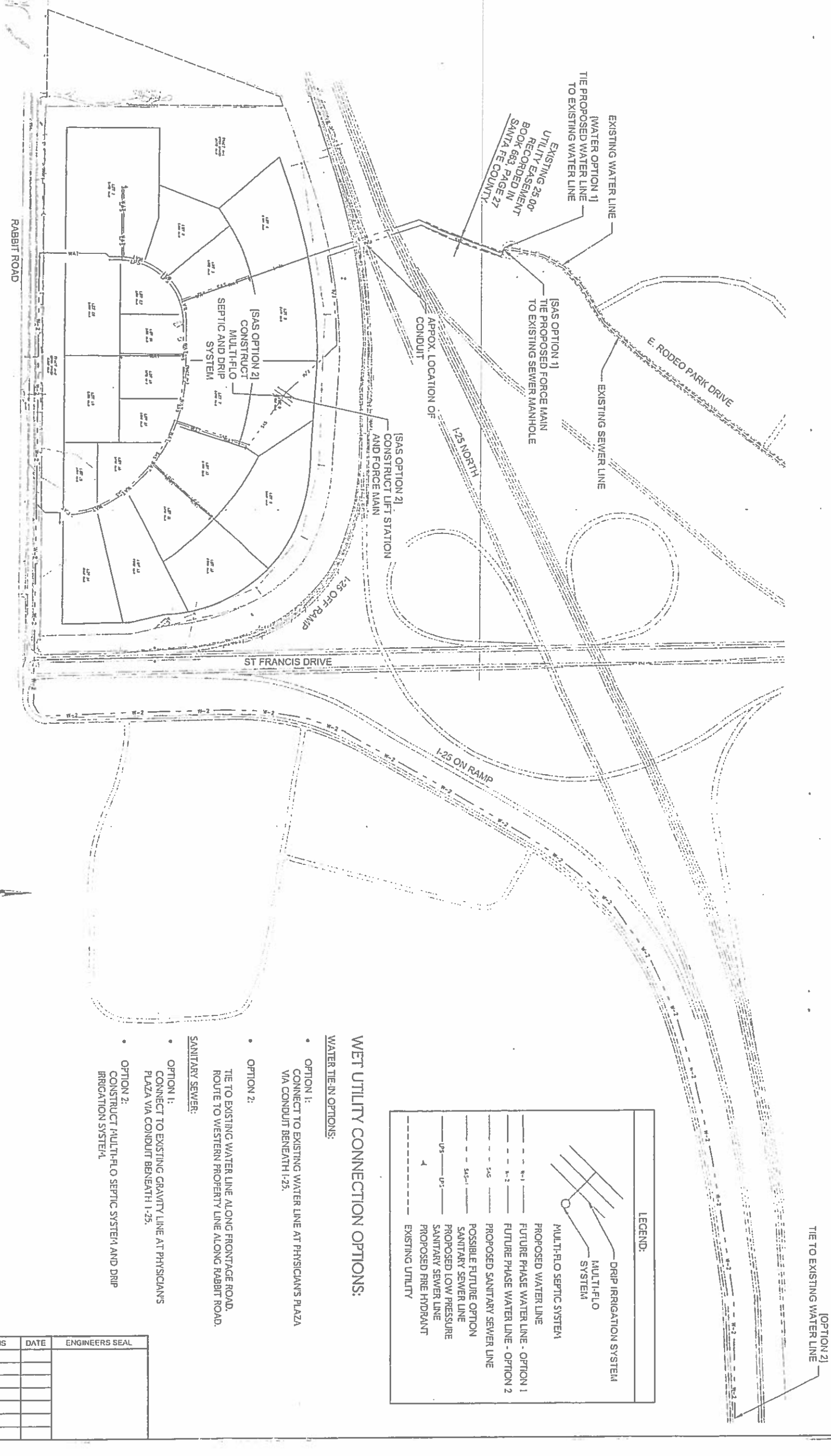
DATE: DECEMBER 2013

SCALE: 1" = 100'

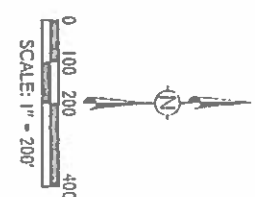
SHEET 4-2

REVISIONS	DATE	ENGINEERS SEAL

NBC-24



**UTILITY PLAN - WET UTILITIES**  
SCALE: 1" = 200'



**LEGEND:**

- D RIP IRRIGATION SYSTEM
- M ULTI-FLO SYSTEM
- M ULTI-FLO SEPTIC SYSTEM 1
- P ROPOSED WATER LINE
- FUTURE PHASE WATER LINE - O P T I O N 1
- FUTURE PHASE WATER LINE - O P T I O N 2
- P ROPOSED SANITARY SEWER LINE
- P OSSIBLE FUTURE O P T I O N SANITARY SEWER LINE
- P ROPOSED L O W P R E S S U R E SANITARY SEWER LINE
- P ROPOSED F I R E H Y D R A N T
- E X I S T I N G U T I L I T Y

**WET UTILITY CONNECTION OPTIONS:**

**WATER TIE-IN OPTIONS:**

- O P T I O N 1: C O N N E C T T O E X I S T I N G W A T E R L I N E A T P H Y S I C I A N ' S P L A Z A V I A C O N D U I T B E N E A T H I - 2 5 .
- O P T I O N 2: T I E T O E X I S T I N G W A T E R L I N E A L O N G F R O N T A G E R O A D . R O U T E T O W E S T E R N P R O P E R T Y L I N E A L O N G R A B B I T R O A D .

**SANITARY SEWER:**

- O P T I O N 1: C O N N E C T T O E X I S T I N G G R A V I T Y L I N E A T P H Y S I C I A N ' S P L A Z A V I A C O N D U I T B E N E A T H I - 2 5 .
- O P T I O N 2: C O N S T R U C T M U L T I - F L O S E P T I C S Y S T E M A N D D R I P I R R I G A T I O N S Y S T E M .

**Santa Fe Engineering Consultants, LLC**  
1599 St. Francis Drive, Suite B  
Santa Fe, N.M. 87505  
(505) 992-2845 Fax (505) 992-2841  
http://www.sfeengineering.com

**PRELIMINARY PLAN AND PRELIMINARY DEVELOPMENT PLAN SUBMITTAL FOR ST. FRANCIS SOUTH**

**UTILITY PLAN - WET UTILITIES**

REVISIONS	DATE	ENGINEERS SEAL

DATE: DECEMBER 2013  
SCALE: 1" = 200'  
SHEET: 54

NBC-25



LEGEND:

---	PROPOSED JOINT UTILITY TRENCH
---	PROPOSED GAS LINE
---	PROPOSED TELECOMMUNICATION LINE
---	EXISTING UTILITY

**UTILITY CONNECTION OPTIONS:**

**ELECTRIC:**

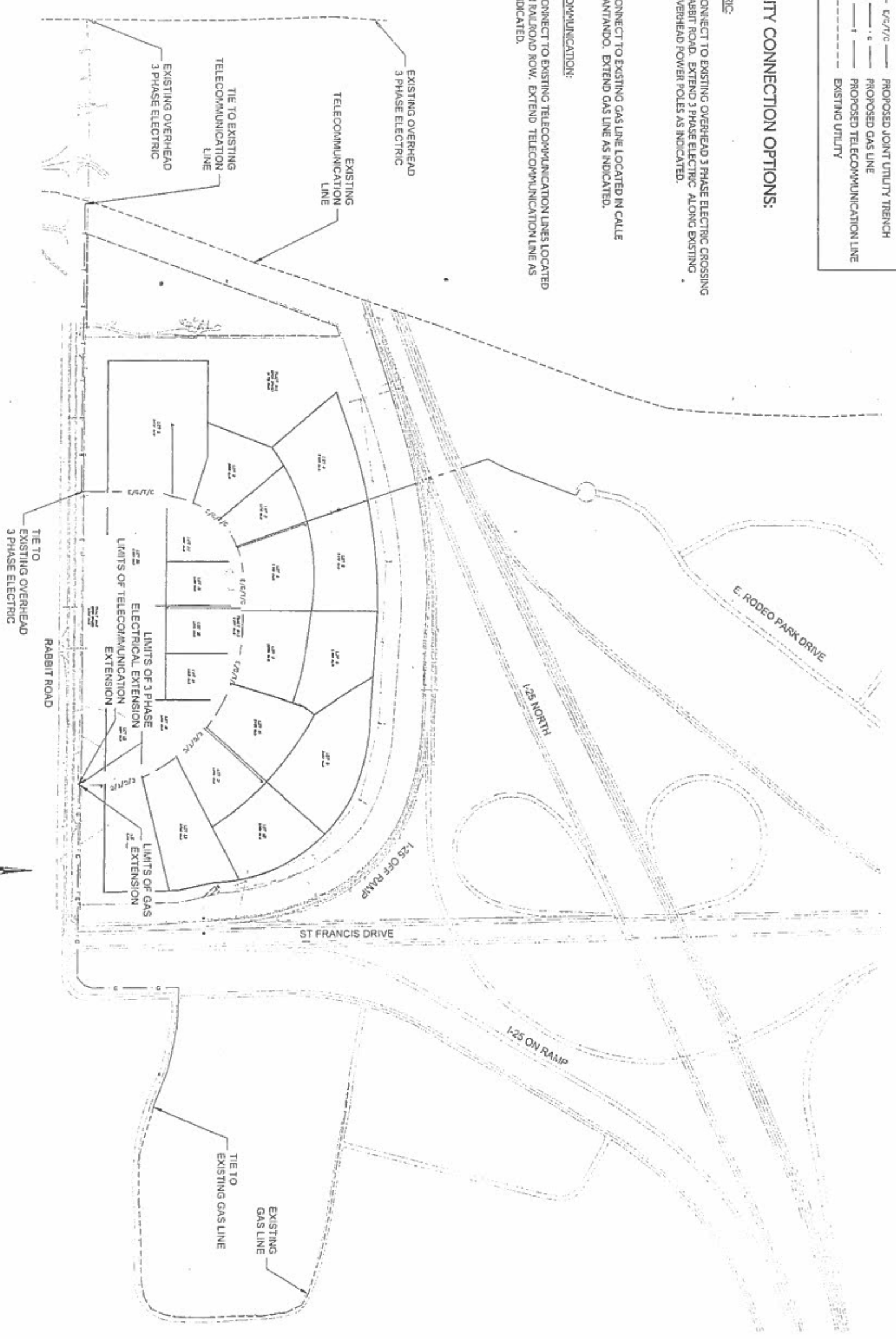
- CONNECT TO EXISTING OVERHEAD 3 PHASE ELECTRIC CROSSING RABBIT ROAD. EXTEND 3 PHASE ELECTRIC ALONG EXISTING OVERHEAD POWER POLES AS INDICATED.

**GAS:**

- CONNECT TO EXISTING GAS LINE LOCATED IN CALLE CANTANDO. EXTEND GAS LINE AS INDICATED.

**TELECOMMUNICATION:**

- CONNECT TO EXISTING TELECOMMUNICATION LINES LOCATED IN RAILROAD ROW. EXTEND TELECOMMUNICATION LINE AS INDICATED.



**UTILITY PLAN - DRY UTILITIES**  
SCALE: 1" = 200'



**Santa Fe Engineering Consultants, LLC**  
 1599 St. Francis Drive, Suite B  
 Santa Fe, N.M. 87505  
 (505) 982-2345 Fax (505) 982-2641  
<http://www.sfeengr.com>

PRELIMINARY PLAT AND PRELIMINARY DEVELOPMENT PLAN SUBMITTAL FOR ST. FRANCIS SOUTH

UTILITY PLAN - DRY UTILITIES

DATE: DECEMBER 2013  
 SCALE: 1" = 200'  
 SHEET: 5/2

REVISIONS	DATE	ENGINEERS SEAL
▽		
▽		
▽		
▽		
▽		

NBC-214

**PONDING CALCULATIONS**

THE PROPOSED DEVELOPMENT AT THE SITE CONSISTS OF THE FOLLOWING PROPOSED IMPERVIOUS AREAS (PROPS. IMPERV. AREAS):

- 168,118 FT<sup>2</sup>

THE COUNTY OF SANTA FE TERRAIN MANAGEMENT REGULATIONS REQUIRE THAT PEAK DISCHARGE AFTER DEVELOPMENT MUST NOT EXCEED PEAK DISCHARGE BEFORE DEVELOPMENT. EXCESS FLOW FROM NEW IMPERVIOUS AREAS MUST BE STORED IN LAKE OR POND AREAS WITH CONTROLLED RELEASE. CALCULATIONS TO DETERMINE PONDING VOLUMES ARE AS FOLLOWS:

ACCORDING TO THE SOIL SURVEY OF SANTA FE NEW METHOD BY THE SOIL CONSERVATION SERVICE, THE SOILS ON THE SITE ARE IN HYDROLOGIC GROUP B & D.

BEFORE THE DEVELOPMENT AT THE SITE, THE AREA COULD BE CONSIDERED A MIXED SOIL GROUP IN FAVORABLE CONDITIONS TO 99.55 THE DIRECT RUNOFF FOR THE 100 YEAR FRETCHMONT IS AS FOLLOWS:

USED SOIL GROUP	B & D	Q1	1.48
HYDROLOGIC SOIL GROUP	B & D	Q1	1.48
COVER CLASS		Q1	1.48

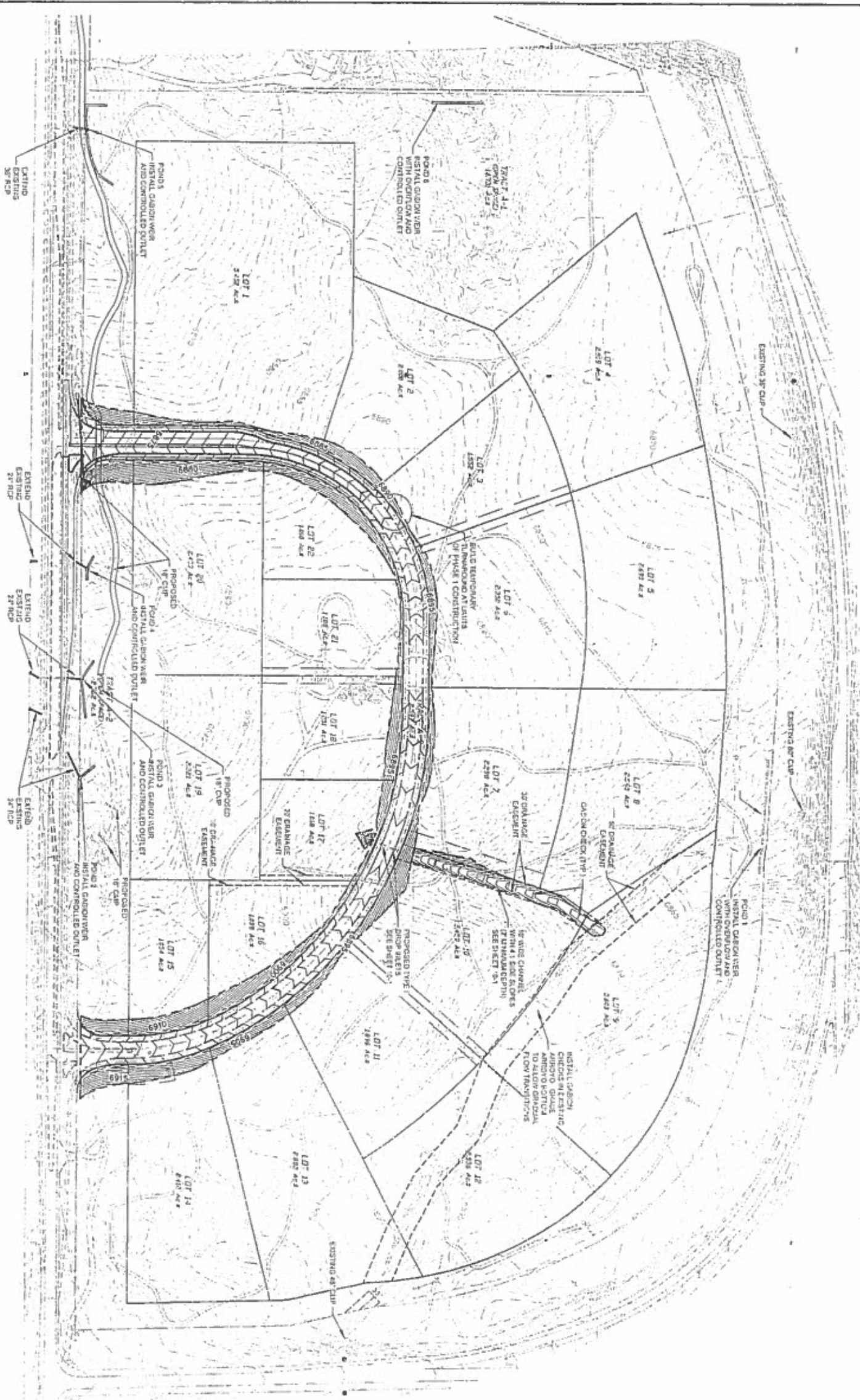
THE DIRECT RUNOFF FOR THE PROPOSED IMPROVEMENTS FOR THE 100 YEAR PRECIPITATION ACCORDING TO 99.55 ARE AS FOLLOWS:

DIRECT RUNOFF (INCHES)	2.76
DIRECT RUNOFF (FEET)	0.11
DIRECT RUNOFF (CFS)	2.76

TO ILLUSTRATE THE PROPOSED NEW IMPERVIOUS AREA, THE DETERMINED DIRECT RUNOFF FROM THE DEVELOPMENT CONDITIONS TO POST DEVELOPMENT CONDITIONS IS CALCULATED. PONDING VOLUME IS CALCULATED AS FOLLOWS:

2.76" DIRECT RUNOFF IMPERVIOUS AREAS  
 1.48" DIRECT RUNOFF PRE-DEVELOPMENT  
 STONE 1.27" OF RAINFALL FOR THE IMPERVIOUS AREAS  
 IMPERVIOUS AREAS = 168,118 FT<sup>2</sup>  
 POND 1.27" FROM ALL IMPERVIOUS AREAS  
 THE TOTAL VOLUME OF WATER TO BE STORED:  
 REQUIRED VOLUME = (1.27" x 168,118 FT<sup>2</sup>)  
 = 17,783 FT<sup>3</sup>

TOTAL PONDING VOLUME REQUIRED = 17,783 FT<sup>3</sup>  
 THE TOTAL VOLUME OF PONDING PROVIDED = 46,650 FT<sup>3</sup>

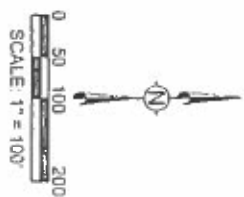


**GRADING AND DRAINAGE PLAN**  
 SCALE: 1" = 100'

**GRADING NOTES**

1. THE LIMITS OF CONSTRUCTION AND LOCATIONS OF THE CONSTRUCTING STAGING AREAS SHALL BE IDENTIFIED BY THE CONTRACTOR AND SHALL BE SHOWN ON THE GRADING PLAN. THE LIMITS OF CONSTRUCTION SHALL BE EXACTLY DELINEATED AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD TO MAINTAIN ALL WORKERS IN A SAFE CONDITION. TO PROTECT ACCESS, AND TO PREVENT O.B.A.
2. CONSTRUCTION IS REQUIRED TO PROVIDE DIRT AND EROSION CONTROL PROTECTION.
3. GRADING SETBACKS TO EXISTING PROPERTY LINES ARE AS FOLLOWS:  
 10' OF VERTICAL SLOPE = ONE FEET THE VERTICAL RETENTOR OR CUT WITH A MINIMUM OF 2 FEET AND A MAXIMUM OF 12 FEET.  
 12' OF HORIZONTAL SLOPE = ONE FEET THE VERTICAL RETENTOR OR CUT WITH A MINIMUM OF 2 FEET AND A MAXIMUM OF 12 FEET.
4. THE EXISTING GROUND SURFACE SHALL BE MAINTAINED TO A MINIMUM OF 2 FEET AND A MAXIMUM OF 12 FEET.
5. EXISTING MATERIAL FROM SITE GRADING AND REMOVAL OPERATIONS, SHALL BE DISPOSED OF AT AN APPROVED LANDFILL.
6. THE VOLUME OF FILLING REQUIRED IS 17,783 CUBIC FEET.
7. THE VOLUME OF FILLING REQUIRED IS 17,783 CUBIC FEET.
8. ALL DISTURBED AREAS SHALL BE REVEGETATED AND COMPLETED WITHIN THE USUALLY ASSUMED PLANTING PERIOD.
9. THE FILL SHALL BE COMPACTED TO 95% OF THE SPECIFIED GEOTECHNICAL SPECIFICATIONS.
10. ALL EXISTING CONCRETE SURFACES SHALL BE REPAIRED TO ORIGINAL ELEVATION AT ROOM OPERATED SHALL BE 1/2" (2009) SHALL THE FINISHED FLOOR 6149 ELEVATION.
11. THE SURFACE CROSS SLOPE OF WALKING SURFACES SHALL NOT EXCEED 2%.
12. MAXIMUM SLOPE SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
13. PROPERTY SETBACKS SHALL COMPLY WITH SECTION 14-4-12 (RECONSTRUCTION OF DOMESTIC & REMAIN) CODE.

HAZARD	AREA	PERCENT	SETBACK	MINIMUM	MAXIMUM
1	13,236.72	680.13	6.888	6.882	10,219.89
2	2,407.39	209.35	6.883	6.886	2,735.67
3	3,532.04	245.76	6.879	6.882	4,410.13
4	1,779.97	195.95	6.871	6.874	2,037.07
5	5,514.83	259.32	6.848	6.852	9,961.47
6	5,301.86	391.41	6.850	6.854	9,628.41



**SFE C**  
 Santa Fe Engineering  
 Consultants, LLC  
 1599 St. Francis Drive, Suite B  
 Santa Fe, N.M. 87505  
 (505) 982-2845 Fax (505) 992-2641  
 http://www.sfenegr.com

PRELIMINARY PLAT AND PRELIMINARY  
 DEVELOPMENT PLAN SUBMITTAL  
 FOR ST. FRANCIS SOUTH  
 GRADING AND DRAINAGE PLAN

DATE: DECEMBER 2013  
 SCALE: 1" = 100'  
 SHEET: 5-1

NBC-27

REVISIONS	DATE	ENGINEERS SEAL

Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## Santa Fe County Fire Department Fire Prevention Division

### Official Development Review

Date	December 17, 2013		
Project Name	St. Francis South Variance, Master Plan Amendment, Preliminary Plat and Development Plan		
Project Location	Northwest corner of the Intersection of St. Francis Dr. and Rabbit Rd. T16; R09; S11		
Description	Large Scale Mixed-Use Project	Case Manager	Vicente Archuleta
Applicant Name	JenkinsGavin Design & Development Inc.	County Case #	V/MIS/PP/PDP 10-5362
Applicant Address	130 Grant Avenue Suite 101 Santa Fe, NM 87501	Fire District	Hondo
Applicant Phone	505-699-0563		
Review Type:	Commercial <input checked="" type="checkbox"/>	Residential <input type="checkbox"/>	Sprinklers <input type="checkbox"/>
	Master Plan <input type="checkbox"/>	Preliminary <input checked="" type="checkbox"/>	Final <input type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input checked="" type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
Project Status:	Approved <input type="checkbox"/>	Approved with Conditions <input checked="" type="checkbox"/>	Denial <input type="checkbox"/>
		Inspection <input checked="" type="checkbox"/>	Lot Split <input type="checkbox"/>

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

#### Summary of Review

- Per submitted plans the roads shall meet the minimum County standards of 24' driving surface for fire apparatus access roads within this type of proposed development... (page #2)
- The dimensions and location for the temporary cul-de-sac indicated on the submitted plans for Phase I development are acceptable. (page #)
- Additional hydrants and/or relocation of indicated fire hydrants shown within the submittal packet may be required. Final placement of the fire hydrants shall be coordinated and approved by the Santa Fe County Fire Department prior to installation. (page #5)
- No building permits shall be granted until such time as the fire hydrants have been tested and approved by the Santa Fe County Fire Marshal. (page #5)



NBC-28

- Automatic Fire Protection Sprinkler systems shall be required in commercial or live/work occupancies as per 1997 Uniform Fire, Article 10 Section 1003.2 in accordance with the Building Code as adopted by the State of New Mexico and/or the County of Santa Fe (page#5)
- Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall call for and submit to a final inspection by this office for confirmation of compliance with the above requirements and applicable Codes. (page #6)

### Fire Department Access

*Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal*

Any walking trail system proposed for this development shall have a trail identification number or name and be marked with a number every 1/10<sup>th</sup> of a mile (528 feet) for the purpose of expediting emergency response.

- **Fire Access Lanes**

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

Curbs or signage adjacent to building(s), fire hydrant(s), entrances and landscape medians in traffic flow areas shall be appropriately marked in red with 6" white lettering reading "FIRE LANE - NO PARKING" as determined by the Fire Marshal prior to occupancy. Assistance in details and information are available through the Fire Prevention Division.

- **Roadways/Driveways**

*Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal*

Per submitted plans the roads shall meet the minimum County standards of 24' driving surface for fire apparatus access roads within this type of proposed development. Driveways, turnouts and turnarounds shall be County approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate width shall be 20' and an unobstructed vertical clearance of 13'6". Minimum driveway width shall be 14'

Fire access/driveways in future development shall incorporate an area for emergency vehicle purposes such as a cul-de-sac or K-type or hammerhead type turnaround conforming to the access and turnaround requirements and dimensions of the Santa Fe County Fire Department.

The dimensions and location for the temporary cul-de-sac indicated on the submitted plans for Phase I development are acceptable.

▪ **Street Signs/Rural Address**

Section 901.4.4 Premises Identification (1997 UFC) *Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.*

Section 901.4.5 Street or Road Signs (1997 UFC) *When required by the Chief, streets and roads shall be identified with approved signs.*

All access roadway identification signs leading to the approved development area(s) shall be in place prior to the required fire hydrant acceptance testing. Said signs shall remain in place in visible and viable working order for the duration of the project to facilitate emergency response for the construction phase and beyond.

Buildings within a commercial complex shall be assigned, post and maintain a proper and legible numbering and/or lettering systems to facilitate rapid identification for emergency responding personnel as approved by the Santa Fe County Fire Marshal.

▪ **Slope/Road Grade**

Section 902.2.2.6 Grade (1997 UFC) *The gradient for a fire apparatus access road shall not exceed the maximum approved.*

The maximum allowable cross slope grade on a cul-de-sac shall not exceed 3%

The maximum approved slope of driveway access/egress shall not exceed 11% and shall have a minimum 28' inside radius on curves.

▪ **Restricted Access/Gates/Security Systems**

Section 902.4 Key Boxes. (1997 UFC) *When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.*

Commercial developments may be required to install a Knox Cabinet or applicable Knox device as determined by this office for Fire Department access, Haz-Mat/MSDS data, and pre-fire planning information and for access to fire protection control rooms (automatic fire sprinklers, fire alarm panels, etc...).

All gates on a public way shall be operable by means of a key or switch, which is located in a Knox Lock entry system, keyed to the Santa Fe County system. Details, information and forms are available from the Fire Prevention Division

## **Fire Protection Systems**

- **Water Storage/Delivery Systems**

*Shall comply with Article 9, Section 903 - Water Supplies and Fire Hydrants of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal*

*Section 903.2 Required Water Supply for Fire Protection. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protect is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the chief.*

*Section 903.4.2 Required Installations. (1997 UFC) The location, number and type of the fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved.*

The water delivery system shall be designed to meet the minimum standards of the Sangre De Cristo Water and/or Santa Fe County Water utilities.

Water supply line sizes, which are connected to supply approved fire hydrants, shall be a minimum of eight inches in diameter.

- **Hydrants**

Shall comply with Article 9, Section 903 - Water Supplies and Fire Hydrants of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

Fire hydrants subject to possible vehicular damage shall be adequately protected with guard posts in accordance with Section 8001.11.3 of the 1997 UFC.

Fire hydrant spacing and the maximum distance from any point on the streets and access roads adjacent to a building shall comply with 1997 Uniform Fire Code, Appendix IIIB Section 5; Distribution of Fire Hydrants.

Fire hydrant locations shall be no further than 10 feet from the edge of the approved access roadways with the steamer connections facing towards the driving surface.

Additional hydrants and/or relocation of indicated fire hydrants shown within the submittal packet may be required. Final placement of the fire hydrants shall be coordinated and approved by the Santa Fe County Fire Department prior to installation.

Final fire hydrant locations shall be located in full view for incoming emergency responders. Landscape vegetation, utility pedestals, walls, fences, poles and the like shall not be located within a three foot radius of the hydrant per Article 10, Sections 1001.7.1 and 1001.7.2 of the 1997 UFC.

Supply lines shall be capable of delivering a minimum of 1,000 gpm with a 20-psi residual pressure to the attached hydrants. The design of the system shall be accordingly sized and constructed to accommodate for the associated demands placed on such a system through drafting procedures by fire apparatus while producing fire flows. The system shall accommodate the operation of two pumping apparatus simultaneously from separate locations on the system. Final design shall be approved by the Fire Marshal.

All hydrants shall have NST ports.

No building permits shall be granted until such time as the fire hydrants have been tested and approved by the Santa Fe County Fire Marshal.

All hydrants shall comply with Santa Fe County Resolution 2000-55, Hydrant color-coding, marking and testing. Note: Please have the installing contractor contact this office prior to the installation of the fire hydrants, so that we may assist you in the final location placement and avoid delays in your projects' final approval.

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

Automatic Fire Protection Sprinkler systems shall be required in commercial or live/work occupancies as per 1997 Uniform Fire, Article 10 Section 1003.2 in accordance with the Building Code as adopted by the State of New Mexico and/or the County of Santa Fe.

All Automatic Fire Protection systems shall be developed by a firm certified to perform and design such systems. Copies of sprinkler system design shall be submitted to the Fire Prevention Division for review and acceptance prior to construction. Systems will not be approved unless final inspection test is witnessed by the Santa Fe County Fire Department. Fire sprinkler systems shall meet all requirements of NFPA 13 Standard for the Installation of Sprinkler Systems.

The required system riser shall meet the requirements of the NFPA 13 1996.

Locations of all Fire Department Connections (FDC's) shall be determined and approved prior to the start of construction on the system. All FDC's shall have NST ports.

All sprinkler and alarm systems as required shall have a test witnessed and approved by the Santa Fe County Fire Department at rough-in and prior to allowing any occupancy to take place. It shall be the responsibility of the installer and/or developer to notify the Fire Prevention Division when the system is ready for testing.

## **Fire Alarm/Notification Systems**

Automatic Fire Protection Alarm systems shall be required as per 1997 Uniform Fire Code, Article 10 Section 1007.2.1.1 and the Building Code as adopted by the State of New Mexico and/or the County of Santa Fe. Required Fire Alarm systems shall be in accordance with NFPA 72, National Fire Alarm Code, for given type of structure and/or occupancy use. Said requirements will be applied as necessary as more project information becomes available to this office during the following approval process.

### ▪ **Fire Extinguishers**

Article 10, Section 1002.1 General (1997 UFC) *Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the chief. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.*

Portable fire extinguishers shall be installed in occupancies and locations as set forth in the 1997 Uniform Fire Code. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.

## **Life Safety**

Fire Protection requirements listed for this development have taken into consideration the hazard factors of potential occupancies as presented in the developer's proposed use list. Each and every individual structure of a commercial or public occupancy designation will be reviewed and must meet compliance with the Santa Fe County Fire Code (1997 Uniform Fire Code and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code, which have been adopted by the State of New Mexico and/or the County of Santa Fe.

## **General Requirements/Comments**

### ▪ **Inspections/Acceptance Tests**

The developer shall call for and submit to a final inspection by this office prior to the approval of the Certificate of Occupancy to ensure compliance to the requirements of the Santa Fe County Fire Code (1997 UFC and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code.

Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall call for and submit to a final inspection by this office for confirmation of compliance with the above requirements and applicable Codes.



▪ **Permits**

As required

**Final Status**

Recommendation for Master/ Preliminary Development Plan approval with the above conditions applied.

*Tim Gilmore, Inspector*



Code Enforcement Official

12.17.13  
Date

Through: David Sperling, Chief

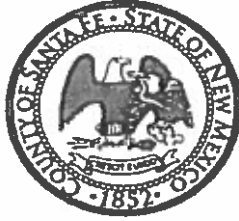
File: DevRev/H/StFrancisS 121813

Cy: Buster Patty, Fire Marshal  
Vicente Archuleta, Land Use  
Applicant  
District Chief  
File

Daniel "Danny" Mayfield  
*Commissioner, District 1*

Miguel M. Chavez  
*Commissioner, District 2*

Robert A. Anaya  
*Commissioner, District 3*



Kathy Holian  
*Commissioner, District 4*

Liz Stefanics  
*Commissioner, District 5*

Katherine Miller  
*County Manager*

January 23, 2014

Mr. Vicente Archuleta  
Development Review Team Leader  
Santa Fe County Land Use Department  
102 Grant Ave  
Santa Fe, NM 87504

**RE: Case #V/MIS/PP/PDP 10-5362 St. Francis South Variance, Master Plan Amendment, Preliminary Plat and Preliminary Development Plan**


Dear Vicente,

This letter is in response to your request for a review of St. Francis South Variance, Master Plan Amendment, Preliminary Plat and Preliminary Development Plan dated December 2013.

The Santa Fe County Utility Division would also like reference the Utility Service Analysis-St. Francis South Project letter written on August 27, 2010. In regards to WET UTILITY CONNECTION OPTIONS: for both Water and Sewer SFCU prefers Option 1.

If you have any questions or concerns, please do not hesitate to contact us.

Respectfully,

  
Paul Casaus  
Utilities Engineering Associate  
Santa Fe County Utilities Department

Harry B. Montoya  
*Commissioner, District 1*

Virginia Vigil  
*Commissioner, District 2*

Michael D. Anaya  
*Commissioner, District 3*



Kathy Holian  
*Commissioner, District 4*

Liz Stefanics  
*Commissioner, District 5*

Roman Abeyta  
*County Manager*

August 27, 2010  
JenkinsGavinn Design & Development, Inc.  
130 Grant Avenue, Suite 101  
Santa Fe, NM 87501

RE: Utility Service Analysis-St. Francis South Project

Dear Mrs. Welles,

This is in response to your inquiry about utilities service availability for the project in reference. Please be aware that any statements made here refer solely to the parcel and development concept you have described in your written inquiry and appurtenant documentation you submitted. If the development concept were to be modified, or the current field conditions are modified in the future, before this plan is approved by the County Commission, this letter will be automatically invalidated, unless otherwise indicated in writing by Santa Fe County Utilities (SFCU).

**Development Concept**

You have described your property to be approximately 68.9 acres undeveloped, with a conceptual development plan that will consist of 22 parcels large scale mixed-use ranging in size from 1.04 to 2.90 acres with a gross average lot size of 3.13 acres. This is to be phased out five to six lots per year for the next 8-10 years.

**Water**

The SFCU will require a 12" extension from Campo Conejos down Old Galisteo Road along Rabbit Road to the most western property line of the proposed 68.9 undeveloped parcel boundary. The line will require a Master meter and a PRV. In conjunction an 8" line between the new 12" and the terminus of the existing water line across I-25 with another meter at this point will be required. These features lie under dedicated easements/rights of way under the jurisdiction of the SFCU.

**Sewer**

Sewer shall be designed for gravity flow into the existing sewer located within the Rodeo Business Park, across I-25 at MH BMS241 unless noted otherwise. Negotiations with the City of Santa Fe for the utility connections across service area boundaries would be negotiated on your behalf by Santa Fe County.

**Water Rights**

Based on the customers proposed mixed use the 24.09 acre feet and a maximum anticipated water budget of 40 acre feet per year will have to be approved by Santa Fe County and partially allocated prior to each phase of build out.

**Design and Construction Requirements**

All facilities shall be designed by a professional engineer duly licensed in New Mexico, in compliance with all applicable standards of practice, local, state and federal codes/regulations and

102 Grant Avenue • P.O. Box 276 • Santa Fe, New Mexico 87504-0276 • 505-995-2732 • FAX: 505-992-3028

[www.santafecounty.org](http://www.santafecounty.org)

NBC-36

policies, including those adopted by the SFCU. The design shall be reviewed and accepted by Santa Fe County, prior to any construction being executed.

Construction shall be under the direct supervision of a utility contractor properly licensed in New Mexico, upon receiving all applicable construction permits, right of way use authorizations, and upon having met all applicable pre-construction requirements.

The County may accept the project in phases and adopt it for operations and maintenance, upon verification that all requirements have been met to the County's satisfaction, and in compliance with the County-accepted engineering design, including record drawings stamped by a licensed engineer.

We look forward to working with you to the best of our technical ability and in confidence with applicable laws, for the successful completion of your project. Please call Paul Casaus (986-6364), if you have any questions regarding this letter.

Sincerely,



Patricio Guerrerortiz, PE  
Santa Fe County Utilities Director

Daniel "Danny" Mayfield  
*Commissioner, District 1*

Miguel M. Chavez  
*Commissioner, District 2*

Robert A. Anaya  
*Commissioner, District 3*



Kathy Holian  
*Commissioner, District 4*

Liz Stefaniak  
*Commissioner, District 5*

Katherine Miller  
*County Manager*

## WATER UTILITIES DIVISION

February 18, 2014

Jennifer Jenkins & Colleen C. Gavin, AIA  
JenkinsGavin Design & Development, Inc.  
130 Grant Avenue, Suite 101  
Santa Fe, NM 87501

### RE: WATER/SEWER SERVICE AVAILABILITY, ST. FRANCIS SOUTH

Dear Ms. Jenkins and Ms. Gavin:

The Santa Fe County Utilities (SFCU) Division is in receipt of your request, submitted on behalf of Vegas Verdes, LLC, concerning water/sewer service for a property under development at the southwest corner of Interstate-25 and St. Francis Drive. The development project is known as "St. Francis South". Please be aware that any statements made here refer solely to the parcel and development concept you have described in your written inquiry and appurtenant documentation you submitted. If the parcel location or development concept is modified, or the current field conditions are modified in the future, this letter will be automatically invalidated, unless otherwise indicated in writing by SFCU.

The St. Francis South Master Plan includes approximately 68.9 acres of undeveloped property, with a conceptual development plan that will consist of a 22-lot, large-scale, mixed-use project. The project will contain a mix of commercial and residential development, to be constructed in four phases, approximately five to six lots per phase over an 8-10 year period. The St. Francis South Master Plan was approved by the board of County Commissioners at the December 14, 2010 meeting as Case #Z10-5360.

With respect to potable water supply, SFCU has identified two options for supplying water to this development. Water Supply Option 1 would require an extension of a 12" water line from the existing water line at Rodeo Business Park via a conduit installed beneath Interstate-25. Option 1 would require a master meter and a pressure reducing valve be installed in vaults which would likely be located just south of the crossing under Interstate-25.

NBC - 38

Water Supply Option 2 would consist of extending a 12" water line from the existing water line that serves the Campo Conejos subdivision, just south of Interstate-25 and carrying the line to the southwest along the alignment of the interstate to St. Francis South. Option 2 would require the installation of a master meter and a pressure reducing valve in vaults which would likely be located near the Campo Conejos subdivision, just south of where the existing line crosses under Interstate-25. Both options will need to be reviewed by the City of Santa Fe Engineering Division to determine if they are technically feasible (and which option is preferred) based upon the City's ability to meet the system demands from their existing potable supply infrastructure.

There are two evident options for providing sewer service to this development. Sewer Option 1 would consist of a gravity collection system that conveys sewage to a central liftstation which pumps through a conduit installed beneath Interstate-25 to the City's sanitary sewer located at Rodeo Business Park. Sewer Option 1 would require approval by the City/County Water/Wastewater Review Team (WWRT) process pursuant to Santa Fe City Code Chapter 22-6.2 regarding requests for sewer service outside the presumptive City limits. This process ultimately requires approval of the Santa Fe City Council and Santa Fe County Commission. Should this option be pursued, SFCU would be a co-applicant to the WWRT, along with the developer. The sewer infrastructure constructed would ultimately be deeded to the County and the SFCU would ultimately own, operate and maintain the infrastructure.

The second option for sewer service for this development (Sewer Option 2) consists of privately owned and operated advanced treatment units (ATUs) that would be installed for each lot or clusters of lots and dispose of treated wastewater to leach fields. Such ATUs would be permitted by the New Mexico Environment Department pursuant to the Liquid Waste Disposal and Treatment Regulations (20.7.3 NMAC) or the Water Quality Control Commission Regulations (20.6.2 NMAC), as appropriate. SFCU would not be involved with the ownership, operation or maintenance of the ATUs, nor would the owners of these systems be customers of SFCU. If SFCU is in a position to provide sewer collection, treatment and disposal services at some point in the future for this area, the ATUs would be decommissioned by their private owners and they would connect to a sanitary sewer belonging to Santa Fe County.

In order to proceed into design and SFCU review of this system, your professional engineer should determine which options best serve your project and consult with SFCU regarding how to resolve the unanswered questions regarding the chosen options.

Following the successful design and construction of the facilities, the SFCU will accept ownership of the project and adopt it as part of its infrastructure for operations and maintenance upon verification that all requirements of the County's ordinances have been met to the SFCU's satisfaction. The primary considerations for SFCU acceptance are summarized below:

1. The proposed facilities must be designed, constructed and tested in compliance with all applicable standards of practice and all local, state and federal codes/regulations and policies, including those adopted by Santa Fe County.
2. The applicant is responsible for the design and construction of this project in its entirety and pays for all costs associated with the water and wastewater system. Santa Fe County is not responsible for any costs incurred in order to ensure compliance with the County's ordinances or other applicable rules and regulations.
3. The design of the facilities and construction oversight must be performed by a professional engineer (PE) licensed by the State of New Mexico pursuant to the New Mexico Engineering and Surveying Practices Act.
4. As a condition of receiving a permit from the County for the construction of the water and wastewater systems, the applicant must provide proof of an approved current New Mexico Utility Contractor's license and a bond or other financial guarantee acceptable to County for the completion of the infrastructure. The amount of such bond shall not be less than the cost estimate for the construction of the water and sewer systems.
5. Conveyance of the infrastructure to the County shall include all associated easements, rights of way and or permits associated with the system. A formal survey granting these easements to SFCU for access, operation and maintenance of the infrastructure must be provided prior to final acceptance of the project.
6. All record drawings plans and final specifications of the water / wastewater systems certified by the design engineer and presented in both electronic (PDF) and hard copy formats, including all hydrostatic/vacuum test results, sewer videos and logs, backfill compaction test results, and all materials testing results must be reviewed and approved by SFCU.
7. Written certification that the constructed infrastructure were properly inspected during construction and were installed in conformance with the final design/specifications or in conformance with written change orders approved by the design engineer and SFCU must be submitted by the design engineer to SFCU.
8. All County utility customers, including Residential and Commercial Customers connected to the infrastructure, are required to meter their water supply with the use of a Neptune T-10 with E-Coder R900i Register and Radio Transmitter, furnished by SFCU. Proof that such a meter is installed and functional must be available to SFCU prior to final acceptance.
9. All subdivision lots and future customer will be subject to the County Water Utility service policies, including stand-by fees and connection fees.
10. County crews must have clear and unobstructed physical access to all of the water and wastewater structures for maintenance and inspection.
11. County ownership/maintenance of the system stops at the sewer main where lateral sewer connects and in regards to water at the meter can.

Final inspections of the new facilities by SFCU is also required. This inspection may require that additional work be performed in order to accept the work as complete. After

completion of all work associated with this project, a letter of acceptance will be issued by SFCU for the operation and maintenance of the systems.

We look forward to working with you toward the successful completion of this project. Please contact SFCU Associate Engineer Paul Casaus at (505) 986-6364 or contact me at 992-9872 if you have any questions and or concerns.

Respectfully,



Claudia Borchert, Director  
Santa Fe County Utilities Division

CB:PC/RJG

CC: Nick Schiavo PE, Public Utilities Director, City of Santa Fe (via email to: [naschiavo@ci.santa-fe.nm.us](mailto:naschiavo@ci.santa-fe.nm.us))  
Bryan Romero, Interim Division Director and Engineering Supervisor, City of Santa Fe, (via email to: [bjlromero@santafenm.gov](mailto:bjlromero@santafenm.gov))





October 30, 2013

Mr. Vicente Archuleta  
102 Grant Avenue  
P.O. Box 276  
Santa Fe, NM 87504-0276

**RE: St. Francis South Subdivision**

Dear Mr. Archuleta,

The appropriate engineers of the New Mexico Department of Transportation have reviewed the submitted material on the above referenced development and comments or concerns to be addressed are as follows:

**Environmental Division:** 1. The parcel slated for development is immediately adjacent to the proposed Northwest Connector, a connector (or bypass) being proposed by Santa Fe County. This proposed proximity of the bypass to the development will need to be disclosed to the developer (if it hasn't already) and all potential lot/home purchasers. 2. A cultural resources survey was conducted for the parcel in 2008. Two cultural resource sites are in the project area, LA 20601 and LA 20602. The developer will need to contact Michelle Ensey at the Historic Preservation Division under state statutes. Otherwise the sites will need to be avoided by project activities. 3. Any sound barriers between the development and I-25 would be the responsibility of the developer and not NMDOT. In addition, if access to NMDOT right of way is required for this project, including any infrastructure improvements in NMDOT right of way, the project would require an access permit and environmental clearance from the NMDOT. For environmental clearance for NMDOT ROW, the developer would need to contact Genevieve Head in the NMDOT Environmental Division at 505-827-5356.

**Traffic Technical Support:** Facilities on the state network impacted by the development consist of Interstate 25, US 285 (St Francis Drive), and FR-2100 (Rabbit Road). The report states that the development will consist of mixed land use and will occur in four phases. Phase 1 will consist of a 50,000 sq. ft. rehabilitation center to

**Susana Martinez**  
Governor

**Tom Church**  
Cabinet Secretary, Designate

**Commissioners**

**Pete K. Rahn**  
Chairman  
District 3

**Ronald Schmeits**  
Vice Chairman  
District 4

**Dr. Kenneth White**  
Secretary  
District 1

**Robert R. Wallach**  
Commissioner  
District 2

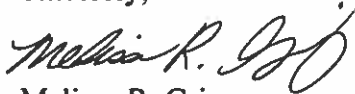
**Butch Mathews**  
Commissioner  
District 5

**Jackson Gibson**  
Commissioner  
District 6

be located on Lot 1 in the southwest corner of the site (as indicated on the Master Plan prepared by Mifsud Associates Architects and date July 1, 2010). A western access driveway is to be constructed during Phase 1 and an eastern driveway will be constructed in the future during subsequent phases. The updated Traffic Impact Analysis further states that "An updated Traffic Impact Analysis will be prepared for each phase of the development". It is noted that some portions of the report incorrectly indicated that Phase 1 will involve the construction of the eastern driveway, which is closer to the intersection of St. Francis Drive and Rabbit Road (for instance on Figure 50). Based on the materials submitted, the proposed Phase 1 development appears reasonable and adequate to accommodate the expected traffic generated. As specified in the report, an updated Traffic Impact Analysis should be prepared for subsequent phased to assess future traffic impacts and the possible need for a traffic signal or roundabout to mitigate the deficiencies identified.

If there are any questions you may contact me at (505) 827-5472 or by email at [melissar.griego@state.nm.us](mailto:melissar.griego@state.nm.us) .

Sincerely,



Melissa R. Griego  
Property Management Agent

FILE#: 1707

NBC-43

*Santa Fe County  
Open Space & Trails*



**MEMORANDUM**

**DATE:** January 24, 2014

**TO:** Vicente Archuleta, Senior Development Review Specialist

**FROM:** Lisa Roach, Open Space and Trails Planner  
Planning Division, Growth Management Department

**VIA:** Robert Griego, Planning Division Manager, Growth Management Department

**RE:** Case # V/MIS/PP/PDP 10-5362, St. Francis South Master Plan Amendment  
Variance, Preliminary Plat & Preliminary Development Plan Applications

---

I have reviewed the case submittal for technical accuracy and for compliance with the Land Development Code, and I have the following comment:

**Page 3 of 6, "Open Space and Landscaping" states "a pedestrian trail will be constructed on a phased basis within the 100-foot open space buffer along Rabbit Road that will connect with the Rail Trail west of the site. The first phase of the trail improvements will be between the Rail Trail and the west side of the western access road. A segment of trail will be constructed within the Rabbit Road right of way between the railroad right of way and the western boundary of the subject property."**

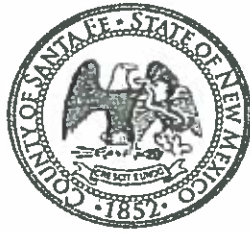
Clarification is needed regarding the "first phase of the trail improvements," as the text and plans do not clearly illustrate this trail connection. Private property separates the western boundary of the subject property and the Rail Trail.

N13C-44

Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Liz Stefanics  
Commissioner, District 4

Kathy Holian  
Commissioner, District 5

Katherine Miller  
County Manager

**PUBLIC WORKS DIVISION  
MEMORANDUM**

**Date:** January 17, 2014

**To:** Vicente Archuleta, Development Review Team Leader

**From:** Paul Kavanaugh, Engineering Associate Public Works *R*  
Johnny P. Baca, Traffic Manager Public Works *JP*

**Re:** Case # 10-5362 Saint Francis South Variance, Master Plan Amendment,  
Preliminary Plat and Preliminary Development Plan Approval.

---

The referenced project has been reviewed for compliance of the Land Development Code, and shall conform to roads and driveway requirements of Article V (Subdivision Design Standards) and Section 8.1 (General Policy on Roads), in which the roadway / driveway needs to conform. The project is located south of Interstate 25, west of the Saint Francis Drive and north of Rabbit Road, within Section 11, Township 16 North, Range 9 East. The applicant is requesting a Variance on Density Requirements, Master Plan Amendment to allow the maximum allowable density, Preliminary Development Plan approval and Preliminary Plat approval to for a Large Scale Mixed-Use District consisting of twenty-two (22) parcels ranging in size from 1.0 to 2.5.4 acres, with an average lot size of 2.23 acres.

**Access:**

The applicant is proposing two access points from Rabbit Road to the 68.94 acre tract. Rabbit Road course is east and west. The road is approximately 24 feet wide with two 12-foot driving lanes and 5-foot shoulders and bar ditches on both sides. The posted speed limit is 40 miles per hour. This portion of road is under the jurisdiction of New Mexico Department of Transportation.

The applicant proposes that the western access driveway will be constructed for Phase I of the development. This Phase I development access is comprised of two twelve (12') foot drive lanes with curb and gutter and five (5') foot sidewalks and will be a full access driveway for the project. The applicant states that the easterly driveway will be constructed in a future phase. At full build out the easterly access will serve as a right-in, right-out only. The applicant proposes that the westerly driveway will be a signalized intersection or modified as a round-about when traffic conditions warrant it.

A Traffic Impact Analysis prepared by Santa Fe Engineering Consultants, LLC, dated July 2010. The purpose of the study was to assess the traffic impacts the proposed project may have on road system within the area and identify any necessary required road improvements. The applicant provided Santa Fe County with updated traffic counts for the project. There has been minimal increase in traffic since the original TIA was prepared.

**Conclusion:**

Public Works has reviewed the REVISED Traffic Impact Analysis, dated December 2013, and feels that they can support the above mentioned project for a Variance, Master Plan Amendment, Preliminary Development Plan, Preliminary Plat Approval with the following conditions;

- Applicant shall comply with all NMDOT regulatory requirements for driveway access to Rabbit Road.
- Applicant shall address steep driveways created by the loop road and provide a plan on how it intends to mitigate the slopes.
- Applicant shall provide Turn-Arounds with a driving surface of a minimum of 120' diameter, at all dead ends servicing internal lots and temporary access for Phase I.
- The applicant shall ensure the slopes at the proposed accesses provide sufficient visibility within the Sight Triangles.
- Traffic Impact Analysis will be required with future Phases I, II, III, and IV to ensure that offsite improvements are addressed for the development.
- Speed Change Lanes and Tapers are required as per the Traffic Impact Analysis.
- It is staffs opinion that Future Traffic Impact Analysis address St. Francis Drive / Old Galisteo Road concerns regarding the feasibility of a signal light or a Round – About.



STATE OF NEW MEXICO  
OFFICE OF THE STATE ENGINEER  
SANTA FE

Scott A. Verhines, P.E.  
State Engineer

February 26, 2014

CONCHA ORTIZ Y PINO BLDG.  
POST OFFICE BOX 25102  
130 SOUTH CAPITOL  
SANTA FE, NEW MEXICO 87504-5102  
(505) 827-6091  
FAX: (505) 827-3806

Vicente Archuleta  
Senior Development Review Specialist  
Santa Fe County  
PO Box 276  
Santa Fe, NM 87504

**CERTIFIED MAIL**  
**RETURN RECEIPT**  
**REQUESTED**

**Re: St. Francis South Master Plan Amendment/ Variance, Preliminary Plat and Preliminary Development Plan**

Dear Mr. Archuleta:

The Water Use & Conservation/Subdivision Review Bureau of the Office of the State Engineer has reviewed the referenced subdivision proposal pursuant to the Santa Fe County Land Development Code and the New Mexico Subdivision Act.

Based on the information provided, this office cannot determine that the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, and that the subdivider can fulfill the proposals in his Master Plan Amendment/ Variance, Preliminary Plat and Preliminary Development Plan. Accordingly, a **negative** opinion is issued.

A staff memorandum providing specific comments is attached for your information. If you have any questions, please call Emily Geery at 505-827-6664.

Sincerely,

A handwritten signature in blue ink that reads "Molly L. Magnuson".

Molly Magnuson, P.E.  
Senior Water Resource Specialist  
Encl.

cc: OSE Water Rights Division, Santa Fe Office

NBC-47

**MEMORANDUM**  
**New Mexico Office of the State Engineer**  
**Water Use and Conservation Bureau**

**DATE:** February 26, 2014  
**TO:** Molly Magnuson, P.E., Water Resource Specialist  
**FROM:** Emily Geery, Senior Water Resource Specialist  
**SUBJECT:** St. Francis South Master Plan Amendment/ Variance,  
Preliminary Plat and Preliminary Development Plan

---

**SUMMARY**

On February 5, 2014 the Water Use & Conservation/Subdivision Review Bureau of the Office of the State Engineer received a request to re-evaluate the *St. Francis South Master Plan Amendment/ Variance, Preliminary Plat and Preliminary Development Plan*.

This office reviewed and provided comments for the St. Francis South Master Plan Amendment/ Variance, Preliminary Plat and Preliminary Development Plan on January 10, 2014. For details, please refer to this letter.

The applicant seeks approval from Santa Fe County for a Master Plan Amendment/ Variance, Preliminary Plat and Preliminary Development Plan for 22 lots. According to the Plat Map, the proposed Master Plan will be developed in phases as follows:

- Phase 1 – Lots 1, 2, 20 and 22
- Phase 2 – Lots 3-6, and 21
- Phase 3 – Lots 7-8, 17-19
- Phase 4 – Lots 11-16

The proposal provides an outline to subdivide a 68.9 acre tract into a 22-lot large scale mixed use project with parcels ranging in size from 1.04 to 2.9 acres. At build out, the gross building area is anticipated to be approximately 760,000 square feet with a combination of office, community service, retail, warehouse and residential uses. The property is bordered by I-25 to the north, St. Francis Drive to the east, Rabbit Road (the Northeast Connector) to the south and two large residential lots to the west. The proposed water will be supplied by the Santa Fe County Utilities.

The subdivision proposal was reviewed pursuant to the Santa Fe County Land Development Code (Code) and the New Mexico Subdivision Act (Act). Based on the information provided, the water supply proposal is not in compliance with the requirement of Section 6.4.4(a) of the Code and Section 47-6-11.F (1) of the Act. Accordingly, a **negative** opinion should be issued.

The new documents submitted to this office include the *Disclosure Statement, Landscaping Water Budget Letter, Rehabilitation Facility Letter, and Water Sewer Service Availability Letter*.

**WATER DEMAND ANALYSIS AND WATER CONSERVATION**

The proposal contains a water demand analysis for an office space of 5.87 acre feet per year (AFY); a warehouse of 1.57 AFY; and multifamily housing of 24 AFY. This estimate is

NBC-48

consistent with the findings presented in the City of Santa Fe's November 2009, *Resolution No. 2009-116* that adopted standard formulas by water use category for calculating development water budgets.

Previous comments regarding the *Disclosure Statement, Landscaping Water Budget Letter and Rehabilitation Facility Letter* have been addressed. The developer provided the *Disclosure Statement*, which was not included in the previous submittal. The OSE concurs with the developer's conclusion regarding the water budget for the Landscaping and the Rehabilitation Facility.

#### **WATER AVAILABILITY ASSESSMENT**

The proposed water supply will be provided by the Santa Fe County Utilities. The developer provided a letter from Santa Fe County regarding water availability. The letter describes two options for providing water, but does not state that the utility is "*ready, willing and able to provide the maximum annual water requirement for the development*" as required by Section 6.4.4(a) of the Code.

Section 47-6-11.F (1) of the Act requires that the developer provide documents demonstrating that water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision is available. The developer has not provided a sufficient commitment letter from the water utility. Therefore, Section 47-6-11.F (1) of the Act and 6.4.4(a) of the Code have not been satisfied.





January 17, 2014

Vicente Archuleta  
Development Review Team Leader  
Santa Fe County Land Use  
102 Grant Avenue  
Santa Fe, NM 87501

Re: St Francis South Variance

Dear Mr. Archuleta:

Santa Fe Public Schools has reviewed information received from Santa Fe County Development Review Team regarding the above referenced project. Given the estimated build out projections for the development plan, current capacities at assigned schools (EJ Martinez School, Capshaw Middle School, Santa Fe High School 9-12) will be adequate to serve the anticipated student population from this development.

We appreciate your observance of City Ordinance 2008-32 allowing Santa Fe Public Schools to adequately plan for impact to facilities and operations.

Sincerely,

A handwritten signature in black ink, appearing to read 'SMcDougall', written in a cursive style.

Shirley McDougall  
Property & Asset Management  
(505) 467-3443  
smcdougall@sfps.info



SUPERVISORS  
Alfredo Roybal  
José Varela López  
Shelley Winship

## Santa Fe – Pojoaque Soil and Water Conservation District

4001 Office Court Dr., Bldg 1000, Suite 1001

Santa Fe, New Mexico 87507

Telephone (505) 471-0410, Extension 4

Fax (505) 471-0933

---

March 07, 2014

Mr. Vicente Archuleta  
Development Review Team Leader  
County of Santa Fe  
PO Box 276  
Santa Fe, NM 87504-0276

Re: Case # V/MIS/PP/PDP 10-5362 St. Francis South Variance, Master Plan Amendment,  
Preliminary Plat and Preliminary Development Plan

Dear Mr. Archuleta:

The Santa Fe-Pojoaque Soil and Water Conservation District (District) along with the USDA-Natural Resources Conservation Service made a field inspection of the St. Francis South property in February 2014.

The St. Francis South Master Plan Preliminary Plat and Development Plan proposal consisting of 22 parcels on 68.94 acres was assessed for technical accuracy and code compliance aspects with regards to terrain management. The information contained in the report regarding topography and slope analysis are consistent with the physical attributes of the property. The six proposed drainage ponding areas are of adequate size for the project when considering that there will be additional on-site retention ponds and cisterns on each lot. Additionally, we found all soils on the property to be in Hydrologic Group B, which differs from the report's grading and drainage plan but also means that the soils are better at reducing overland flow than would Group D soils. The report lacked a soils map so we have attached our research regarding the soils information to this review.

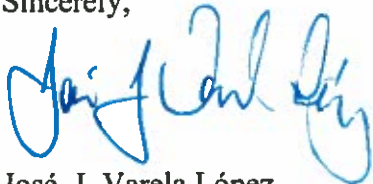
It should be noted that any major disturbance near the primary drainages on the property should be re-seeded to decrease the likelihood of accelerated erosion during major storm events. Such

erosion could cause premature siltation of the storm drainage ponds, prompting unnecessary expense by requiring more frequent pond maintenance.

In conclusion, the District would like to state that this review was undertaken at the request of the County of Santa Fe, as provided by state law. The District's comments should not be construed as a recommendation of approval or disapproval of the subdivision.

Please feel free to contact me at 660-5828 if you have any questions regarding this review.

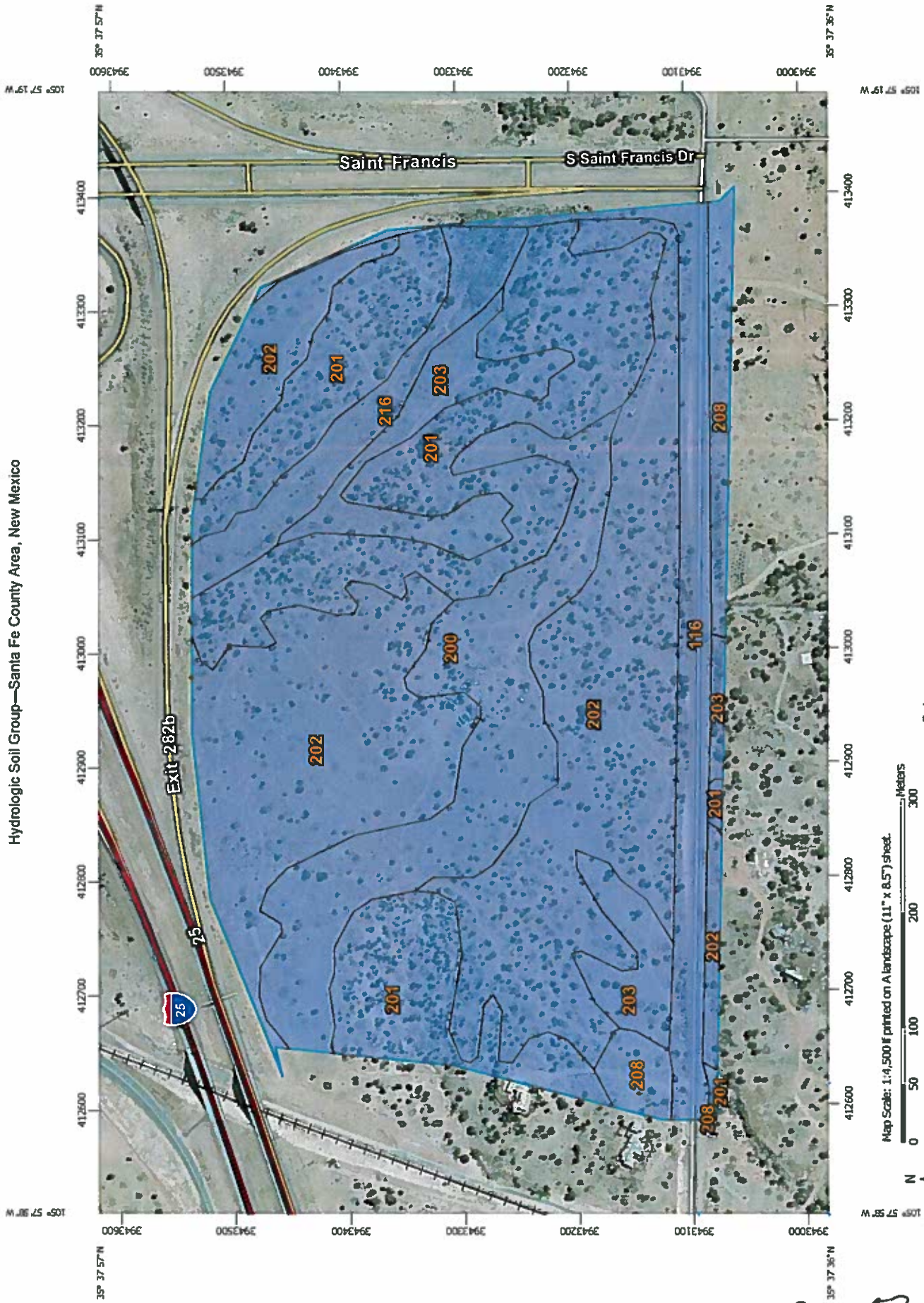
Sincerely,



José J. Varela López  
Vice Chairman  
Santa Fe-Pojoaque SWCD

attachment

Hydrologic Soil Group—Santa Fe County Area, New Mexico



Map Scale: 1:4,500 if printed on A landscape (11" x 8.5") sheet.

Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 13N WGS84

0 200 400 800 1200  
0 50 100 200 300  
Meters

0 200 400 800 1200  
Feet



Natural Resources  
Conservation Service

Web Soil Survey  
National Cooperative Soil Survey

NBC-53

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

**Warning:** Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.






































Soil Survey Area: Santa Fe County Area, New Mexico  
 Survey Area Data: Version 7, Dec 23, 2013

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 6, 2010—Jun 12, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## MAP LEGEND

 Area of Interest (AOI)	 C
 Soils	 C/D
<b>Soil Rating Polygons</b>	 D
 A	 Not rated or not available
 A/D	<b>Water Features</b>
 B	 Streams and Canals
 B/D	<b>Transportation</b>
 C	 Rails
 C/D	 Interstate Highways
 D	 US Routes
 Not rated or not available	 Major Roads
<b>Soil Rating Lines</b>	 Local Roads
 A	<b>Background</b>
 A/D	 Aerial Photography
 B	
 B/D	
 C	
 C/D	
 D	
 Not rated or not available	
<b>Soil Rating Points</b>	
 A	
 A/D	
 B	
 B/D	
 C	
 C/D	
 D	
 Not rated or not available	

NBC-54

## Hydrologic Soil Group

Hydrologic Soil Group— Summary by Map Unit — Santa Fe County Area, New Mexico (NM687)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
116	Arents-Urban land-Orthents complex, 1 to 60 percent slopes	B	6.1	7.3%
200	Predawn loam, 1 to 4 percent slopes	B	10.9	13.2%
201	Tanoan-Encantado complex, 5 to 25 percent slopes	B	21.2	25.7%
202	Alire loam, 2 to 6 percent slopes	B	32.4	39.3%
203	Buckhorse-Altazano complex, 2 to 8 percent slopes, flooded	B	5.7	6.9%
208	Alire-Urban land complex, 2 to 8 percent slopes	B	2.6	3.2%
216	Dondiego loam, 1 to 3 percent slopes	B	3.6	4.4%
<b>Totals for Area of Interest</b>			<b>82.6</b>	<b>100.0%</b>

NBC-55

## Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

**Group A.** Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

**Group B.** Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

**Group C.** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

**Group D.** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

## Rating Options

*Aggregation Method:* Dominant Condition

*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Higher



Santa Fe - Pojoaque Soil and Water Conservation District  
 4001 Office Court Drive • Suite 1001 • Santa Fe, NM 87507 • (505) 471-0410, ext. 4

January 14, 2014

Jennifer Jenkins and Colleen C. Gavin, AIA  
 JenkinsGavin Design & Development, Inc.  
 130 Grant Ave, Ste 101  
 Santa Fe, NM 87501

Re: Terrain Management Plan Review for St. Francis South Master Plan Amendment/Variance Preliminary Plat & Preliminary Development Plan

Dear Ms. Jenkins and Ms. Gavin,

The Santa Fe/Pojoaque Soil and Water Conservation District has received your proposal for the above-named subdivision and is preparing comments as required by law. Any request for additional required information needed for this District to conduct a comprehensive review of your subdivision proposal is attached to this invoice. Once the fee has been paid, our comments will be sent to the Santa Fe County Planner. Please remit the amount highlighted below by **January 21, 2014**.\*

<u># Lots</u>	<u>Fee</u>
1-25	\$550.00
26-100	\$800.00
101-200	\$1,050.00
201-300	\$1,300.00
301-400	\$1,450.00
401+	\$1,550.00 + \$5.00 for each additional lot
Master Plans	\$600.00 + \$.50/acre

TOTAL DUE for Terrain Management Plan Review: \$800.00 + GRT (8.1875%) = **\$865.50**

*\*Please note: If required information and payment has not been received in the District office by the due date, a \$150.00-per-hour fee will be charged to the Developer for any time Santa Fe/Pojoaque SWCD staff spends attempting to acquire information and/or this fee in order to conduct and submit their review.*

Best regards,

Supervisor  
 Santa Fe/Pojoaque SWCD

cc: Ms. Vicki Lucero, Building and Development Services Division Manager, Santa Fe County

NBC-57





**Office of Affordable Housing  
MEMORANDUM**

DATE: February 7, 2014

TO: Vicente Archuleta, Development Review Team Leader

FROM: Steven Brugger, Affordable Housing Administrator *SRB*

SUBJECT: Case # V/MIS/PP/PDP 10-5362; St. Francis South Variance, Master Plan Amendment, Preliminary Plat and Preliminary Development Plan – Affordable Housing Review

---

**Summary of Applicant's Affordable Housing Proposal**

It is our understanding that the Applicant is proposing 22 mixed-use lots which can accommodate commercial, large-scale multi-family residential and community service land uses. It is stated that one of the purposes of the Master Plan Amendment and Variance request is to establish maximum allowable residential densities for the multifamily tracts that are brought forward for development. The Master Plan Amendment and Variance request clearly contemplates multi-family residential development, as a maximum residential density of 18 dwelling units per acre is requested, and another note states that the maximum number of allowable multi-family/live work units is 450 and the maximum number of allowable senior housing/assisted living units is 200.

This submittal does not inform staff of the intended land uses on any of the proposed lots and does not indicate how many lots will be allocated for residential development. A notation on Sheet 3-1 does state the following: "36.11 acres eligible for residential development". However, it is unknown whether being "eligible for residential development" will result in residential development. It appears that the final land use allocation will be market driven.

As set forth in the submittal letter, the Applicant is also "applying for Master Plat Authorization to permit the administrative approval of future lot line adjustments and consolidations to accommodate the needs of individual users". With this provision, the current number of lots can change to reflect the needs of the firm that would be buying the land. Even if land uses were depicted on the 22 lots, the number of lots could ultimately change with approval of this requested provision.

To recap, upon review of this submittal, it appears that the residential component of the proposed project will be multi-family development on an undetermined number of lots.

*NBC-58*

## **Staff Comments**

In the Affordable Housing Ordinance 2006-02, as amended by Ordinance 2012-1, a Major Project is defined as “any division of property into twenty five (25) or more parcels for purpose of sale, lease or other conveyance of one or more single-family residences; a Minor Project is defined as “any subdivision of a parcel or parcels into between five (5) and no more than twenty four (24) parcels for purpose of sale, lease or other conveyance of one or more single family residences.

Depending upon its classification as Major or Minor, the project’s affordable housing requirement is determined by multiplying the applicable percentage times the number of total lots. For the subject project, the affordable unit requirement cannot be determined since the number of total residential lots has not been identified and may not be known until the completion of all lot line adjustments and consolidations.

In addition, in the definitions of Major and Minor projects, both projects address the conveyance of single family residences. In this project, it is our understanding that each residential lot will accommodate a large scale residential project, defined in the plan submittal as multi-family apartments, senior housing/assisted living, and live/work. Using past and present interpretations of the Affordable Housing Ordinance and Regulations, the affordable requirement applies only to single family homes (detached or attached) on individual fee-simple lots, not multifamily developments with multiple units constructed on one lot.

With the understanding that no single family residences will be created and conveyed through this subdivision and that the residential uses being proposed will be large-scale multi-family uses, and given the uncertainty over the number of residential lots that will be created, an affordable housing requirement cannot be calculated for this application.

## **Staff Recommendation**

Staff cannot apply an affordable housing requirement for this Master Plan Amendment/Variance, Preliminary Plat and Preliminary Development Plan request.



STATE OF NEW MEXICO  
**DEPARTMENT OF CULTURAL AFFAIRS**  
**HISTORIC PRESERVATION DIVISION**

Susana Martinez  
Governor

BATAAN MEMORIAL BUILDING  
407 GALISTEO STREET, SUITE 236  
SANTA FE, NEW MEXICO 87501  
PHONE (505) 827-6320 FAX (505) 827-6338

March 13, 2014

Vicente Archuleta  
Development Review Team Leader  
Santa Fe County Land Use Department  
102 Grant Avenue  
Santa Fe, NM 87501

Re: Case Z/V/S 10-5362, St. Francis South Master Plan Amendment, Variance, Preliminary Plat and Development Plan

Dear Mr. Archuleta,

I am writing concerning the above referenced development and the copy of the archaeological survey report you sent to the Historic Preservation Division (HPD) on February 28, 2014. Thank you for providing this office with a copy of that report.

I have completed my review of the report and it appears that the archaeological consultant, Ron Winters documented two previously recorded archaeological sites within the subject property. Both sites (LA 20601 and LA 20602) are historic road segments and Mr. Winters recommended clearance be provided for the property. HPD is of the opinion that the sites are not significant and not eligible for listing in either the National Register of Historic Places or the State Register of Cultural Properties. No further archaeological investigations are necessary and the proposed development will have no effect on historic properties.

Please do not hesitate to contact me if you have any questions. I can be reached at (505) 827-4064 or by email at [michelle.ensey@state.nm.us](mailto:michelle.ensey@state.nm.us).

Sincerely,

Michelle M. Ensey  
Archaeologist

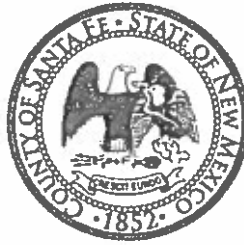
Log: 98795

NBC - 60

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: January 24, 2014

TO: Vicente Archuleta, Development Review Team Leader

FROM: Mathew Martinez, Development Review Specialist *HEM*

VIA: Vicki Lucero, Building and Development Services Manager  
Wayne Dalton, Building and Development Services Supervisor

FILE REF.: CDRC CASE # V/MIS/PP/PDP 10-5362 St. Francis South Variance, Master Plan Amendment, Preliminary Plat and Preliminary Development Plan

---

### REVIEW SUMMARY

#### ARCHITECTURAL, PARKING, LIGHTING, AND SIGNAGE:

The Referenced Project has been reviewed for compliance with the Santa Fe County Land Development Code. The request for Master Plan Amendment, Variance and Preliminary Development Plan approval for a 22 lot large scale mixed use subdivision on 68.9-acre parcel.

#### PARKING:

No parking is proposed within this Application. At time of Development Plan submittal the Applicant shall comply with all parking requirements within Article III, Section 9 (Parking Requirements).

#### ARCHITECTURAL:

No structures are proposed within this Application. The Applicant shall provide building elevations for all proposed structures at the time of Development Plan submittal.

#### SIGNAGE:

No signage is proposed within this Application. The Applicant shall comply with all signage requirements within Article VIII, (Sign Regulations) at time of Development Plan submittal.

**LIGHTING:**

No lighting is proposed within this Application. The Applicant shall comply with all outdoor lighting requirements within Article VIII Section 4.4.4 h at time of Development Plan submittal.

**Due to the nature of the comments contained herein, additional comments may be forthcoming upon receipt of the required information.**

NBC-62

## MEMORANDUM

**DATE:** January 23, 2014

**TO:** Vicente Archuleta, Development Review Team Leader

**FROM:** John Lovato, Terrain Management

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

**FILE REF:** CDRC CASE # V/MIS/PP/PDP 10-5362 St. Francis South

---

### REVIEW SUMMARY

The referenced project has been reviewed for compliance with the Santa Fe County Land Development Code. The request is for Master Plan Amendment, and Preliminary Plat and Preliminary Development Plan. The request is for the creation of 22 large scale Mixed-use lots. The lot sizes range from 1.0 acres to 5.4 acres.

### Terrain Management

The site has 0-15% percent slopes with minor 15%-30% isolated occurrences. The northern two thirds of the property drain north, and the remainder of the property drains to the southern portion of the parcel.

### Storm Drainage and Erosion Control:

The Applicant's proposal shows Existing Topography, Natural Drainage, and a proposed Grading and Drainage Plan. The proposed road off Rabbit Road will require approval through The Santa Fe County Public Works Department. The Applicants will provide a total of six (6) ponds providing a total of 46,690 cubic feet of ponding. The required amount needed is 17,793 cubic feet as indicated in sheet 6-1 by Santa Fe Engineering Consultants. Therefore, the submittal meets the requirements of Master Plan, Preliminary Plat, and Preliminary Development Plan, and is in conformance of Article VII, Section 3.4.6 and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance with conditions.

NBC-63

## MEMORANDUM

**DATE:** December 17, 2013

**TO:** Vicente Archuleta, Development Review

**FROM:** Miguel Romero, Development Review Specialist Senior

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

**FILE REF.:** Case # V/MIS/PP/PDP 10-5362 St. Francis South

---

### REVIEW SUMMARY:

The Applicant requests approval of a Master Plan Amendment, Preliminary Plat and Preliminary Development Plan on 68.9 acres (22 lots) large scale, mix use of commercial and residential lots, in accordance with the Land Development Code (Code) and all pertinent Ordinances. The Water Harvesting and Landscaping plan for the St. Francis South (Vegas Verdes) has been reviewed for compliance with the Code, Article III Section, 4.4.4 f.4 (Landscaping Plan) and Ordinance 2008-4, Water Harvesting Ordinance.

### Landscaping

The Applicant proposes to plant deciduous trees and shrubs along the internal access driveways, strips and provide parking lot screening. Areas disturbed by construction will be reseeded using Buffalo Grass and Blue Grama Grass. Native Evergreen Trees at the perimeter of the proposed structure. Native Shrubs and Native Grasses are proposed to be planted in all disturbed areas. This segment of the proposed landscape plan (**Complies? Does not comply? State pertinent section of code/ordinance. What is required to comply?**). The application includes a 48 space parking lot. This segment of the proposed landscape plan (**Complies? Does not comply? State pertinent section of code/ordinance. What is required to comply?**). List any deficiencies.

- a) **List any conditions, such as: what is required to meet code/ordinance requirements for Master Plan Zoning and Preliminary Development Plan; what will be required at Final Development Plan.**

The Applicant has proposed to plant Native Evergreen Trees (One Seeded Juniper, Rocky Mountain Juniper, Pinon Tree's and Pine Tree's) at the perimeter of the proposed structure. Native Shrubs (Mountain Mahogany, Chamisa, Apache Plume) and Native Grasses (Indian Grass, Big Bluestem, Sand Reed and Rice Grass) are proposed to be planted in all disturbed areas. The Applicant will need comply with Article III Section 4.4.4 f.4 a-n. The Applicant will need show how all proposed landscape will irrigated via cistern. The Applicant has proposed to

NBC-64