

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

Santa Fe, New Mexico

March 21, 2013

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

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

Members Present:

Juan José Gonzales, Chair
Susan Martin, Vice Chair
Phil Anaya [4:10 arrival]
Maria DeAnda
Dan Drobnis
Frank Katz
Manuel Roybal

Member(s) Excused:

None

Staff Present:

Penny Ellis-Green, Land Use Administrator
Rachel Brown, Deputy County Attorney
Steve Brugger, Affordable Housing Director
Vicki Lucero, Building & Development Services Manager
Wayne Dalton, Building & Development Services Supervisor
Jose Larrañaga, Development Review Specialist
John Lovato, Development Review Specialist
Buster Patty, Fire Marshal
Karen Torres, County Hydrologist

New Member Roybal was welcomed to the Committee.

IV. APPROVAL OF THE AGENDA

Vicki Lucero said there were no changes from the recently published amended agenda: Old Business case A, CDRC Case #Z/S 12-5450, Cielo Colorado Subdivision is tabled.

She noted that Old Business item B, Tierra Bello Subdivision, was presented for deliberation and vote only and requires the presence of all seven members. She recommended postponing action until Member Anaya arrives.

Member Martin moved to approve the agenda as amended. Her motion was seconded by Member Katz and passed by unanimous [6-0] voice vote. [Member Anaya was not present for this action.]

V. APPROVAL OF THE MINUTES: February 21, 2013

Although he was not present for CDRC Case #V 12-5111, William Frederick Wagner Variance, Member Katz said he would have recused himself because of a conflict with his nephew serving as representative.

Chairman Gonzales noted a gender error on page two.

Member Martin moved to approve the minutes as corrected. Her motion was seconded by Member Drobni and passed by unanimous [6-0]. [Member Anaya was not present for this action.]

VII. NEW BUSINESS

- A. **CDRC CASE # V 13-5030 Wladimir Senutovitch Variance Wladimir & Diane Senutovitch, Applicants, request a variance of Article VII, Section 3.4.1.c.c.i (No Build Areas) to allow four (4) separate areas of 30 percent slope disturbance for a proposed driveway on two parcels totaling 7.33 acres. The property is located at 214 and 216 State Road 76 in the vicinity of Santa Cruz, within Section 6, Township 20 North, Range 9 East, (Commission District 1)**

John Lovato, Case Manager, presented the staff report as follows:

“The Applicants request a variance to allow the reconstruction of a driveway to access an existing residence on two parcels totaling 7.33 acres. A permit was issued on June 19, 1998, under permit # 98-823 for a residence and a driveway. The existing access contains grades greater than 15 percent which exceed access requirements for Fire and Emergency vehicles. The proposed grade would be within fire requirements of 11 percent

The request would require a variance of Article VII, § 3.41.c.c.i , No Build areas, to allow four separate areas of 30 percent slope disturbance. The first isolated occurrence is 388 square feet, the second occurrence is 2,801 square feet, the third is 308 square feet, and the fourth is 2,806 square feet. The total combined disturbance is 6,303 square feet.

The Applicants state it is their intent to make their house accessible with a driveway that can be used by emergency vehicles such as ambulance and fire apparatus. This Application was submitted on February 5, 2013.”

Mr. Lovato said that Growth Management staff has 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. Acknowledging that, staff feels this should be considered an easing of code requirements due to the proposed driveway being more accessible for emergency vehicles and life safety concerns. Therefore, Staff recommends approval of the Applicants’ request.

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

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

[Member Anaya arrived]

Mr. Lovato confirmed that a driveway to the residence exists and to improve the driveway for accessibility slopes of 30 percent will be disturbed.

Duly sworn, Wladimir Senutovitch, Santa Cruz, New Mexico, said the existing driveway is very steep and was created for the construction of the residence. The proposed driveway will be accessible to emergency vehicles. It currently contains a hairpin corner and steep slopes. He confirmed that he met with the County Fire Marshal.

In response to Member DeAnda’s question regarding stabilization of the slope, Mr. Senutovitch said he would have grasses.

Member Roybal noted the engineering plans call for erosion protection matting on the steeper slopes. Mr. Senutovitch said he will be following the engineering plan.

There was no in the public wishing to speak on this issue.

Member Katz recognized the applicant was improving the access and safety of the property and moved approval with staff conditions. Member Martin seconded. The motion passed by unanimous [7-0] voice vote.

VII. OLD BUSINESS

- A. CDRC CASE # Z/S 08-5440 Tierra Bello Subdivision. Joseph Miller, Applicant, Danny Martinez, Agent, Requests Master Plan Zoning Approval for a 73-Lot Residential Subdivision on 263.769 Acres + and Preliminary and Final Plat and Development Plan Approval for Phase 1, Which Will Consist of Nine Lots. The Property is Located at the Northeast Intersection of Avenida de Compadres and Spur Ranch Road, South of Avenida Eldorado in Eldorado, within Sections 24 And 25, Township 15 North, Range 9 East (Commission District 5)**

Vicki Lucero read the caption and gave the staff report as follows:

“On February 21, 2013, the CDRC heard this case and a motion was made to recommend approval of the request; however, with only six committee members present the motion ended in a tie vote. Under Commission rules of order, the application is automatically tabled until the next meeting at which time a great number of members are present. This case is now coming before the CDRC for deliberation and vote only.”

Ms. Lucero stated that Staff recommends approval of the request for Master Plan Zoning for a 73-lot residential subdivision and Preliminary and Final Plat and Development Plan Approval for Phase 1, which will consist of 9 lots subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, Article V, Section 7.1.3.c.
2. Conditions as stated in the memo from the Public Works Department shall be addressed prior to this case being heard by the BCC.
3. Master Plan and Final Plat and Development Plan, with appropriate signatures, and subdivision covenants and final disclosure statement shall be recorded with the County Clerk, as per Article V, Section 5.2.5 and Section 5.4.5.
4. The Applicant shall submit a financial guarantee, in a sufficient amount to assure completion of all required improvements. The financial guarantee shall be based on a county approved engineering cost estimate for the completion of required improvements as approved by staff prior to Final Plat recordation. All improvements shall be installed and ready for acceptance within eighteen months

Staff distributed a report from Jim Garland, President, Spur Ranch Road Association [*Exhibit 1*] outlining the meetings that occurred with Mr. Miller and Mr. VanAmberg. An additional exhibit of emails providing additional clarification via emails between Mr. Van Amberg and Mr. Garland was provided [*Exhibit 2*].

Deputy Attorney Brown advised the Committee that a new motion is required.

The Committee reviewed the distributed information.

Member Anaya moved to approve CDRC CASE # Z/S 08-5440, Tierra Bello Subdivision, with staff recommendations. Member DeAnda seconded.

Member Katz said he appreciated the discussions that took place and with the covenants having been clarified he no longer had those concerns.

Member Drobnis asked whether there was any legal basis for the County to enact the Association's request for a temporary ban on development in the proposed area. Ms. Brown responded that this proposal meets Code requirements.

Member DeAnda said this case has been on the Committee's agenda many times and she was pleased the developer has met with the community. With the assurance of staff that there is sufficient water for the development and the immediate area she was prepared to move this application forward.

Member Martin lauded Mr. Miller in his efforts to accommodate and meet with the neighbors. However, water availability and drought continue to concern her and she was not able to support the application.

Chair Gonzales thanked the area residents and Mr. Miller for working together. He pointed out that the CDRC's recommendation will be forwarded to the BCC for their action.

The motion passed by majority [6-1] voice vote with Member Martin voting against.

- B. CDRC CASE # V 13-5040 Roddy & Sherry Leeder Variance: Roddy & Sherry Leeder, Applicants, Ralph Jaramillo, Agent, request a variance of Article III, Section 2.4.1a.2.b (Access) of the Land Development Code and a variance of Article IV, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow the placement of a manufactured home on 7.68 acres. The property is located at 25 Bar D Four Road, in the vicinity of Arroyo Seco, within Section 18, Township 20 North, Range 9 East, (Commission District 1)**

Mr. Lovato provided the staff report as follows:

“The Applicant requests a variance to allow the placement of a manufactured home on 7.68 acres. Access to the subject property would be off Bar D Four Road which is a dirt road/private roadway crossing a FEMA designated Special Flood Hazard Area, via an existing low water concrete dip section which may be frequently impassible during inclement weather, and thereby is not all weather accessible.

“There is currently a residence and the proposed manufactured home on the property. The residence was permitted in July of 2010, under permit (# 10-343). The proposed manufactured home was allowed to be temporarily placed on the property for a period of 90 days while the Applicant proceed through the variance process. The Applicants state they have seven children and it is expensive to live in the market at the current moment and they want to help their children with housing. This Application was submitted on February 7, 2013.”

Mr. Lovato stated that Growth Management staff has 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. Staff recommends that the variance from Article III, § 2.4.1a.2.b (Access) of the Land Development Code and denial of a variance of Article IV, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) be denied.

If the decision of the CDRC is to recommend approval of the Applicants’ request for variances, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 1.00 acre-feet per year per home. A water meter shall be installed for the proposed home. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk’s Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the placement of the proposed home (As per Article II, § 2).
3. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application (As per 1997 Fire Code and 1997 Life Safety Code).
4. A restriction must be placed on the Warranty Deed 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).

Member Katz asked about the number of residences served by the road and Mr. Lovato said he lacked the exact number but there were a lot of homes there. Member Katz asked whether there were any FEMA issues with this property and Mr. Lovato responded in the negative.

Mr. Lovato confirmed that the road was not maintained by the County. Member Roybal said there are a lot of low-water crossing throughout Pojoaque and flooding occurs perhaps twice a year and will last for less than an hour. He said these low-crossings are throughout the County and he saw it as an equity issue in preventing this individual from building.

As the County's Flood Plain Administrator, Ms. Lucero and she focuses on following the County's Stormwater Management Ordinance as well as the Flood Damage Prevent Ordinance. Those ordinances establish that new residences cannot be constructed without an all-weather structure. FEMA does not mandate an all-weather crossing. She noted that the Sustainable Land Development Code may have additional language dealing with these issues.

Fire Marshal Patty said the 1997 Uniform Fire Code defines legal access, and a low-water crossing is not considered an all-weather crossing. He agreed with Member Roybal that the flooding happens rarely and for a very short period of time. The existing homes in the area are considered legal non-conforming. Because the road does not meet the UFC, staff is required to recommend denial.

Chair Gonzales asked what it would take to correct the crossing and Marshal Patty stated he was not engineer said a bridge or culvert but he had no idea of the cost.

Noting there were over 20 lots in the area, Chair Gonzales asked whether there have been calls that the fire department could not respond to because of the road. Marshal Patty was unaware of any incidents of that nature.

Chair Gonzales asked whether the County had plans to build a low-water crossing and Marshal Patty said the developer is responsible for access.

Duly sworn, Ralph Jaramillo, agent for the applicant, said the Leeders acquired the property a few years ago and he served as their realtor. The applicants have adequate density and desired to locate four mobile homes on the property for some of their seven children. The applicants were preparing to submit final documents to the County when they were advised that because of FEMA requirements the application would require a variance. He estimated that there were 60 homes in the area using the crossing under consideration. Mr. Jaramillo said his mother was from this area and he has never heard her mention a flood issue.

Mr. Jaramillo said prior to the Leeders purchasing the property he did research to insure they could place four mobile homes on the lot. There were no FEMA problems at that time.

Responding to Member DeAnda, Mr. Jaramillo said there are two mobile homes on the property.

Chair Gonzales asked whether Mr. Leeder considered building a bridge and Mr. Jaramillo said he was not in a position to do so.

Member Roybal estimated the length of the crossing to be 145 feet and the cost to build a FEMA acceptable bridge anywhere over \$500,000.

Member Martin asked about the water restrictions pointing out that the property was located within a traditional community, Mr. Dalton said there is a one acre-foot restriction.

Member Katz moved to approve the application with staff-imposed conditions. Member Martin seconded.

Member DeAnda said unless the County is willing to support ordinances that have been established to improve situations throughout the County things will not change. She said the flood situation concerned her and other neighboring residents may want to provide housing for their children making the situation direr. She said the property was purchased a few years ago and is not a long standing circumstance for the Leeders. She said she would be voting against this variance. Member Drobnis agreed with Member De Anda.

The motion passed by majority [4-3] voice vote with Members Martin, DeAnda and Drobnis voting again.

- C. **CDRC CASE # V 13-5050 Patrick Christopher & Marga Friberg**
Variance: Patrick Christopher & Marga Friberg, Applicants, request a variance of Article III, § 2.4.1a.2.b (Access) of the Land Development Code and a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow the construction of a residence on 15.3 acres. The property is located at 250C Kalitaya Way off Old Buckman Road, within Section 29, Township 19 North, Range 8 East, (Commission District 1).
[Exhibit 3: Santa Fe County Fire Department – Official Development Review]

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

“The Applicants request a variance to allow the construction of a residence on property consisting of five lots which total 15.3 acres. The lots consist of 3.84 acres, 3.87-acres and three 2.5-acre lots. The subject properties are part of a subdivision created in the 1940’s with the US Government’s “Small Parcel Act” which assisted veterans in acquiring their own property. The properties all have Land Patents from the US Government dating from 1962, and are recognized as legal lots of record.

“As part of the permitting process, the Applicants have agreed to consolidate all five lots in order to have the proposed residence on one lot consisting of 15.3 acres. The Applicants intend to sell the property contingent upon the outcome of the variance process and the buyer of the property will be constructing the residence.

The property is accessed by Old Buckman Road which is a County maintained road on BLM land, and Kalitaya Way which is a public road on BLM land. Old Buckman Road is a dirt/sand driving surface and is located in, and crosses two FEMA designated Special Flood Hazard Areas, numerous contributing arroyos

and drainage ways. The portion of Old Buckman Road that services the property is approximately nine miles in length. Kalitaya Way is a dirt driving surface and crosses one FEMA designated flood area, contributing arroyos and several drainage ways. The portion of Kalitaya Way that services the property is approximately 2.5 miles in length. Both Old Buckman Road and Kalitaya Way do not have an all-weather driving surface and may be frequently impassible during and after inclement weather, and thereby are not all-weather accessible.

“The Applicants state they are not in a position to upgrade 9 miles of Old Buckman Road to County standards, nor the 2.5 miles of Kalitaya Way. However they are interested in doing all they can to build responsibly. The Applicants also state that after consulting with County staff and the Fire Prevention Division, they understand that there are certain items that can be incorporated into the building plans to substantially enhance the protection against fire danger. These improvements may include a turnaround on the property, a water storage tank, sprinkler system, a vegetation management plan, and compliance with the Urban Wild Land Interface Code for building materials for any proposed structures on the property.”

Mr. Dalton said staff recommends denial of a variance from Article III, § 2.4.1a.2.b, Access, and denial of a variance of Article IV § 4.2 of Ordinance No. 2008-10. Flood Damage and Stormwater Management. However, if the decision of the CDRC is to recommend approval of the Applicants’ request for variances, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre-foot per year. A water meter shall be installed for the proposed home. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk’s Office (As per Article III, § 10.2.2 and Ordinance 2002-13).
2. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat review and Development Permit Application (As per 1997 Fire Code and 1997 Life Safety Code).
3. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval for the lot consolidation (As per Article III, § 2.4.2).
4. A note 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 Ordinance and Code. Site Access, including access by Emergency vehicles, may not be possible at all times. (As per Ordinance 2008-10).

In response to questions of Member De Anda, Mr. Dalton said there were no legal structures in the area and the surrounding area is BLM, Forest and tribal lands.

Member Drobni asked Marshal Patty if there were difficulties in getting emergency medical services to the site. Marshal Patty said EMS has the same

requirements as Fire and in the County approximately 85 percent of emergency calls are EMS.

The Agua Fria Fire Station would respond to a call for this area but technically it is within the Pojoaque Fire District, stated Marshal Patty. Pojoaque has no access to it. The nearest station is Las Campanas which is a two-man fire station for equipment only. EMS equipment would come from Agua Fria approximately 14 miles away. With good weather and a good road, he estimated it would take 30 minutes to reach the site.

Marshal Patty said the sprinkler requirement would add more time before the structure is lost.

Chair Gonzales identified this application as the most extreme the CDRC has seen in years. He asked whether there was an agreement the applicant could enter into with the County acknowledging that the owner assumes all responsibility in terms of emergency response. Marshal Patty said the Fire Department is bound to respond to any 911 call.

Marshal Patty said this application, to his recollection, is the furthest out with the worst roads. He said there have been calls out on Buckman Road, usually car fires, and there have been times when the department's engines cannot navigate the road. Brush trucks can be used but that road would be difficult.

Duly sworn, Patrick Christopher, 518 Alto Street, Santa Fe, said he and his business partner are both architects and they propose to build a home on the site. He said he has experience working/designing off the grid and they were prepared to consolidate the five lots into one thereby constricting the level of development. The property was created for veterans and the federal government created land patents and then sold the lots. He surmised that the federal administration never inspected this area. Over 80 percent of the development failed and the land was reacquired by the BLM except for approximately 40 lots that are in private hands. He said he and his partner are the first to attempt a development although there are a few illegal dwellings.

Mr. Christopher said they spent over a year getting rights-of-way with BLM. Obtaining a building permit is the next step. He lauded the assistance and professionalism of Mr. Dalton.

Mr. Christopher said they were willing to relieve the County of any emergency response liability; however, it may not be possible. Improvements have been made to Kalitaya but the nine miles on Buckman is over difficult terrain. If San Ildefonso granted access off of 502 the site would be 1.5 miles from a paved road. He said they wanted to move forward and create an off the grid, architecturally responsible solution.

Member DeAnda said she understood the desires of applicants to build in that area but she questioned whether it was appropriate public policy for the applicant to waive all emergency services. Mr. Christopher suggested a disclaimer in the deed.

Mr. Christopher said there were no wells in the immediate area and their plan was to drill. He said cell phone service was excellent and he has been visiting the

property often for the past few years. In that period he has experienced one flood and he thought the road was maintained a few times a year.

There was no one in the public wishing to speak to this case.

Member Katz said it was obviously a remote area and the question is whether people are allowed to live away from civilization/off the grid. The applicants purchased the property with the knowledge it was remote and emergency service risk was evident. He opined that people should be allowed to live out there if they want to.

Member Drobnis said he couldn't support the application because emergency medical service would not be available.

Member Roybal mentioned that he has relatives 30 to 40 minutes outside of Tierra Amarilla and when it rains, they're stuck. He appreciated the Fire Department's vow to help everyone but you can't bring the city to the country and some people don't want that safety component. He said it was the applicants' choice to live out there.

Member Anaya said without the expertise and response of the EMS he wouldn't be here today and he could not support the application.

Member Katz moved to approve the variance with staff-imposed conditions. Member Roybal seconded and the motion failed by [2-5] majority voice vote with Member Katz and Roybal casting the yea votes.

Member DeAnda moved to deny the variance for case #13-5050. Her motion was seconded by Member Anaya and passed by majority [5-2] voice vote with Members Katz and Roybal voting against.

VIII. PETITIONS FROM THE FLOOR

None were offered.

IX. COMMUNICATIONS FROM THE COMMITTEE

None were offered.

X. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

XI. COMMUNICATIONS FROM STAFF

Member Drobnis said he would miss the April meeting.

Member Roybal was welcomed to the Committee.

The next CDRC meeting: April 18th at 4 p.m.

XII. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Gonzales declared this meeting adjourned at approximately 5:35 p.m.

Approved by:

J.J. Gonzales, Chair
CDRC

ATTEST TO:

COUNTY CLERK

Before me, this ____ day of _____, 2013.

My Commission Expires: _____
Notary Public

Submitted by:

Karen Farrell, Wordswork

16 March, 2013

Dear Neighbor,

Here is a final report on my discussions with Mr. Joe Miller and his attorney, Mr. Ron VanAmberg, re their goals for the Tierra Bello subdivision. My negotiations were based primarily on comments and suggestions supplied by many of you, for which I am most grateful. Our community does not speak with one voice, but there were identical concerns expressed about this subdivision from nearly everybody who contacted me, so I felt that I mostly had the weight of the community in my corner during the discussions.

There are two major issues regarding Tierra Bello. First is the substance of the restricted covenants, and whether they are sufficiently constraining to ensure a development that reflects the values and standards of our community. Keep in mind, however, that restrictive covenants do not define the scope of the development, but only establish rules for the future residents who live there.

Thus the second, and larger, issue pertains to the development itself, and whether the community can endorse a large, high-density housing project that places additional demands on public services— particularly with respect to water consumption and availability, but also with respect to roads and traffic, police and fire protection, etc. First, let me turn to the covenants.

I found Mr. Miller and Mr. VanAmberg very willing to consider community comments on Tierra Bello's covenants. We were in frequent contact, and I felt like they both made a genuine effort to solicit community views. That doesn't mean we were in agreement on every topic, but I believe there is no misunderstanding about where the two sides stand. More to the point, I felt Mr. Miller tried to be as accommodating as he could on many – but not all – issues of community concern. Here is a list of the areas of negotiated agreement and clarification, followed by a list of areas where there is no agreement.

I. Areas of Agreement/Clarification:

1. Structure and Language of Covenants: The covenant document has been thoroughly revised, edited, and reorganized. After several back-and-forth revisions, the vague language and disorganization have been eliminated. The covenants are now much tighter, more understandable, and generally professional. The second document attached to the accompanying email is the latest revision of the covenants.

2. Mobile Homes: Ambiguity in the definition of “mobile home” has been eliminated. Mobile homes will be absolutely prohibited in the development. “Modular homes” (manufactured off site) will be allowed, but only if they conform architecturally to the prevailing Pueblo, Territorial, and Northern New Mexico styles and colors.

II. Areas of Disagreement:

1. Exterior Road Support: Mr. Miller declines to provide any financial assistance to maintain or improve either Spur Ranch Road, or Avenida des Compadres (other than the northern-most 0.9 mile.) His view is that (i) TB residents will not use those roads, and (ii) he has already committed to a major expenditure in paving part of Compadres. Our view is that he underestimates the traffic on these roads from TB residents and service vehicles, and that TB residents should pay a fair share for their upkeep. (Note: lacking financial assistance from Mr. Miller, the Spur Ranch Road Association will likely decline access to Spur Ranch Road from all TB construction traffic.)

With respect to incorporating a covenant provision for HOA support of local road associations, Mr. Miller's attorney writes: "Joe believes that few if any [residents] will use unpaved roads when paved roads can get them to wherever they want to go. But if Joe is wrong, he sees no reason why the HOA would not want to participate in the future. It would be in the HOA's interest to do so if in fact the residents are using the unpaved roads." Our view is that this position, although seemingly reasonable, does not adequately obligate any future HOA to participate in any neighborhood road associations.

2. Subdivision Name: Many people have commented that Tierra Bello is grammatically incorrect, and that the proper Spanish name would be Tierra Bella. Mr. Miller is aware of the problem, but declines to change the name at this point, less he give the County grounds for requiring a complete reapplication of the project. (Editorial note: If and when the Tierra Bello subdivision is approved, let us hope that the County would agree to allow the name change, given that the current name would be an embarrassment to the community and to future TB residents.)

The Larger Issue:

Probably the single biggest community concern I have heard is over the additional burden Tierro Bello would place on the Eldorado water system. Basically, the argument is that (a) the community is in a severe drought that is likely to continue for years; (b) the prediction of future water reserves is significantly less certain than has often been presumed (especially lacking a signed agreement between EAWSD and the County to obtain additional water); and (c) that despite assurances to the contrary there are growing concerns in the science community that EAWSD may lack the capacity to handle the peak summer demand for water if the current drought worsens.

Mr. Miller's position is that he has a "will serve" commitment from EAWSD, that this is a binding contract, and that from a legal perspective the issue is closed. Further, at a recent CDRC meeting in which the question came up, the CDRC was informed by its staff attorney that it is legally required to accept a "will serve" permit, regardless of whether the permit was prudently issued.

What all this means is that water availability is a public policy matter that falls outside the domain of any particular developer. Basically, the question is whether the

Sincerely,

Jim Garland
President, Spur Ranch Road Association
102 Spur Ranch Road

Ronald VanAmberg

From: Jim Garland <4cx250b@miamioh.edu>
Sent: Friday, March 15, 2013 5:32 PM
To: 'Ronald VanAmberg'
Subject: RE: Tierra Bello

Ron,
Many thanks for your note and additional clarification. I appreciate Joe's willingness to meet in person on Saturday, but I believe we've pretty well clarified our respective positions, so I don't think there's much to be gained by meeting in person. Please tell Joe to enjoy his weekend. Please also convey to him that I appreciate his flexibility on many of the issues of community concern. I don't know how the County will rule on his application, but at least we can all say that there's no misunderstanding about Joe's plans for Tierra Bello. I also think you should take considerable satisfaction in your role in clarifying, tightening, and improving the CC&Rs.

Best wishes,
Jim

> -----Original Message-----

> From: Ronald VanAmberg [<mailto:rvanamberg@nmlawgroup.com>]

> Sent: Friday, March 15, 2013 12:01 PM

> To: 4cx250b@miamioh.edu

> Subject: Tierra Bello

>

> Jim - Thanks for your letter of March 13, 2013.

> First, your areas of agreement are accurate.

> Relating to your areas of unresolved issues:

> 1, Internal Roads. As you note, the internal roads issue should not

> impact the neighbors. The way Joe sees this working is that when 6

> lots

are

> sold, there will not be much road maintenance, as these owners can

> decide what they want to do. The burden will primarily fall on Joe. As

> more lots are sold, the more the owners can afford maintenance. If

> their level of maintenance is not to Joe's liking for marketing

> purposes, then he will likely increase the level of maintenance. So he

> sees this as a gradual transitioning.

> 2. External Roads. Joe is having to pave .9 mile of road. Paving was

> something that he should not be required to do, base course was all

that

> was required, but he agreed to pave. The County then required 4 inches

> of asphalt when the code only calls for 3 inches. One inch does not

> seem like much, but it will likely require two lifts which will add

> considerably to the cost of the road. We do disagree about the

> subdivision residents using unpaved area roads. Joe believes that few

> if any will use unpaved roads

when

> paved roads can get them to wherever they want to go. But if Joe is

> wrong, he sees no reason why the HOA would not want to participate in the future.

> It would be in the HOA's interest to do so if in fact the residents

> are using the unpaved roads.

> 3. Sequence of Phases. Joe has always intended that when the 25th

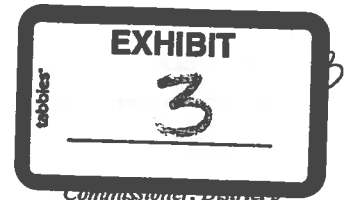
> lot is sold, no matter the numbers of the lots, he has to pave, and I

> am sure that is the County's intent. So your request about paving at
> the sale of the 25th lot is accepted.
> 4. Water. This has been discussed to death. The OSE acknowledges that
> there are more than sufficient water rights. EAWSD and others also
> contend that there is enough wet water with the addition of new wells
> and plans to add more wells as needed.
>
> I am not sure what else Joe is prepared to do. He can meet with you
> on Saturday. I am preparing for a week long trial which starts Monday,
> but
I
> can be available by phone. 690-4818. Joe will go to your home unless
> at
the
> suggested time. If that scheduling changes, please let me know. Thanks
>
> Thanks. Ron VanAmberg

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Development Review

Date	3/19/2013		
Project Name	Patrick Christopher & Marga Friberg		
Project Location	250-C Kalitaya Way Santa Fe, NM 87594		
Description	Variance for non compliant access	Case Manager	Wayne Dalton
Applicant Name	Patrick Christopher & Marga Friberg	County Case #	13-5050
Applicant Address	P.O. Box 33261 Santa Fe, NM 87594	Fire District	Pojoaque
Applicant Phone	505-794-9416		
Review Type:	Commercial <input type="checkbox"/>	Residential <input checked="" type="checkbox"/>	Sprinklers <input type="checkbox"/>
	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input checked="" type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
Project Status:	Approved <input type="checkbox"/>	Approved with Conditions <input type="checkbox"/>	Denial <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*):

Fire Department Access

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

- **Fire Access Lanes**

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

- **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.*

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 903.3 Type of Water Supply (1997 UFC) *Water supply is allowed to consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. In setting the requirements for fire flow, the chief may be guided by Appendix III-A.*

Due to the lack of adequate resources for fire flow a minimum 10,000-gallon cistern and draft hydrant shall be installed, tested, approved and operable prior to the start of any building construction. Plans and location for said system shall be submitted prior to installation for approval by this office and shall meet all minimum requirements of the Santa Fe County Fire Department. Details and information are available through the Fire Prevention office.

The water level shall be maintained by an external water source (well), or by a water shuttle system (trucked).

The water storage system shall incorporate the use of a tank water level monitoring system which maintains the minimum required water for fire protection needs at all times. When the tank water level exceeds the required limits, power to the domestic water pump shall be automatically disconnected.

▪ **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 should 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.

General Requirements/Comments

▪ **Inspections/Acceptance Tests**

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

Prior to acceptance and upon completion of the any 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.

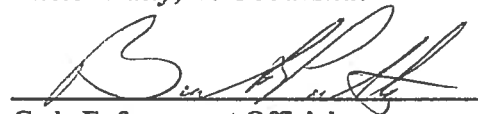
▪ **Permits**

As required

Final Status

Recommendation for Final Development Plan is a Denied.

Buster Patty, Fire Marshal



Code Enforcement Official

3-19-13

Date

Through: David Sperling, Chief

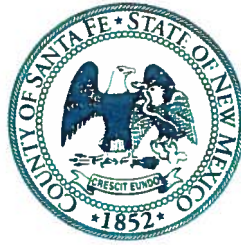
File: Landuse/Distr Pojoaque. /Patrick Christopher
3-19-2013

Cy: Case Manager, Wayne Dalton
Applicant/ Patrick Christopher & Marga Friberg
District Chief/Nick Martinez
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

DATE: April 18, 2013

TO: County Development Review Committee

FROM: Jose E. Larrañaga, Commercial Development Case Manager *JEF*

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

FILE REF.: **CDRC CASE # Z/S 12-5450 Cielo Colorado Subdivision**

ISSUE:

Cielo Colorado, LLC, Applicant, Jim Siebert, Agent, requests Master Plan Zoning approval for a 63-lot residential subdivision on 257.16 Acres ± within Tract 15A-2 of the Eldorado at Santa Fe Subdivision. The Applicant also requests approval to allow four cul-de-sacs (dead end roads) to exceed 500 feet in length. The property is located on the east side of US 285, off Camino Acote, within Sections 21 & 22, Township 15 North, Range 10 East (Commission District 4).

SUMMARY:

This case is being tabled, at the request of the Applicant, to continue an ongoing effort to work with the area residents on the proposed Master Plan.



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

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

MEMORANDUM

Date: April 9, 2013

To: Jose Larranaga

From: James W. Siebert *JWS*

Re: Cielo Colorado Case #12-5450

I am requesting a tabling from the April 18th, 2013 CDRC meeting until June 20th, 2013. There has been a total of three community meetings held with the adjoining property owners and there is an ongoing effort to continue to work with the surrounding neighborhoods.

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 18, 2013

TO: County Development Review Committee

FROM: Jose E. Larrañaga, Commercial Development Case Manager *gdf*

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

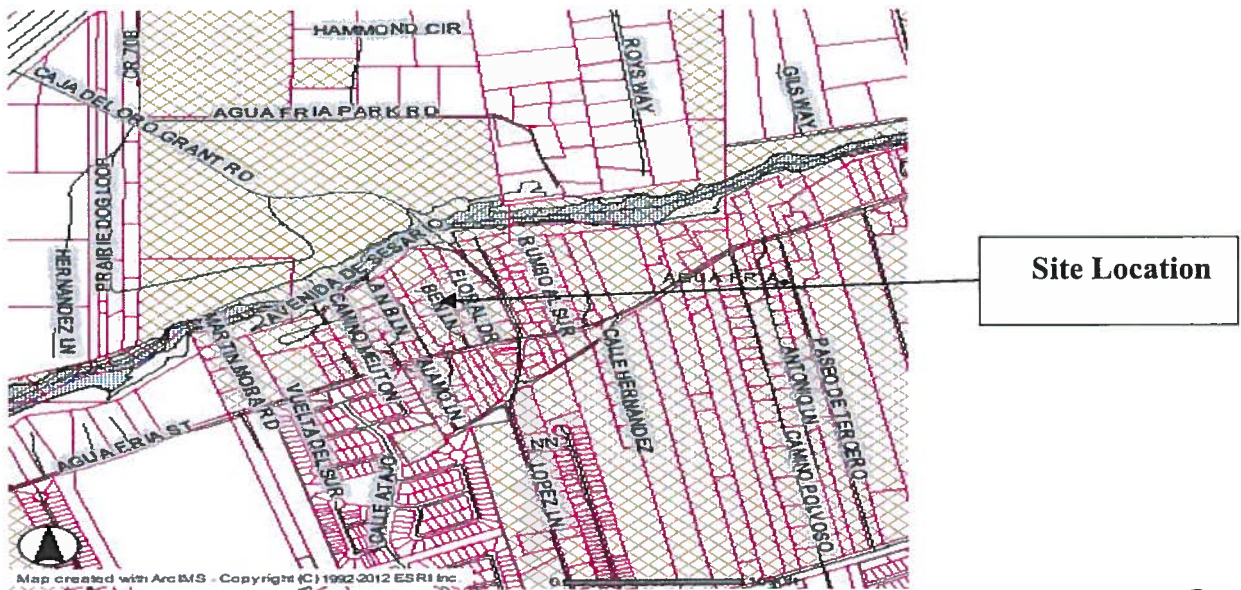
FILE REF.: CDRC CASE # Z/PDP 13-5060 Robert & Bernadette Anaya Master Plan/Preliminary Development Plan

ISSUE:

Robert & Bernadette Anaya, Applicants, Talia Kosh, Agent, request Master Plan Zoning and Preliminary Development Plan approval for a commercial towing business as a Special Use under the Village of Agua Fria Zoning District Ordinance Use Table (Ordinance No. 2007-2). The request includes that Final Development Plan be approved administratively.

The property is located at 2253 Ben Lane, within the Traditional Community of Agua Fria, within Section 31, Township 17 North, Range 9 East, (Commission District 2).

Vicinity Map:



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SUMMARY:

On August 14, 2012, the Board of County Commissioners (BCC) approved a request, by the Applicants, for a variance to allow a towing business as a Special Use under Ordinance No. 2007-2, § 10.5, Village of Agua Fria Zoning District Use Table. A Special Use is an allowed use which is subject to Master Plan and Development Plan approval by the BCC. The use as a towing company falls under the category of "Vehicle service not listed" which is not allowed as a use as outlined in the commercial use category within the Traditional Community Zoning District.

The Applicants request Master Plan Zoning and Preliminary Development Plan approval to allow a towing business on .33 acres \pm . The request is to allow the storage of eight (8) tow trucks on the site. The Applicants propose to divide the existing .70 acre \pm parcel and create a .33 acre \pm lot to be utilized for the towing business. The other lot, which is where the Applicants currently reside, will remain as residential. The Applicant also requests that Final Development Plan be processed administratively.

The Applicants state that there is a need for the tow trucks to be in close proximity to their residence is to be able to respond to any emergency calls in a timely fashion. The Applicants also state that they wish to utilize the .33 acre site to store personal recreational vehicles.

Staff's response: the .33 acre site shall maintain a hammerhead 60' in length and 20' in width, parking spaces for eight (8) large tow trucks, and the circulation of these vehicles, landscape, retention ponds and a dumpster. The Applicants have not demonstrated where the personal recreational vehicles would be placed that would still allow them to maintain the site requirements for the towing business on .33 acres. To combine the placement of two (2) recreational vehicles, one (1) boat, two (2) low-boy trailers and other personal vehicles with the proposed towing business may significantly hinder the business activity on the site. The Applicant has not submitted a circulation plan demonstrating internal vehicular circulation.

Article V, § 7.1.2.e (Development Plan Requirements) states that information of internal vehicular and pedestrian circulation, and ingress and egress shall be submitted at Preliminary Development Plan.

Ordinance No. 2007-2, § 10.5 (Village of Agua Fria Zoning District Use Table) state: "a Special Use is allowed only if a Development Plan and Master Plan are reviewed and approved by the Board of County Commissioners".

Article V, § 5.2.1.b (Master Plan Procedure) states: "a Master Plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval".

Article V, § 7.1.3.a (Preliminary Development Plans) states: “a Preliminary Development Plan may be only a phase or portion of the area covered by an approved Master Plan, so long as the Preliminary Development Plan substantially conforms to the approved Master Plan”.

This Application was submitted on February 8, 2013.

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: 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, Ordinance No. 2007-2 and Article V, § 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 Development Plan: information of internal vehicular and pedestrian circulation, and ingress and egress has not been submitted; conceptual plan for outdoor lighting, including type, size, location of fixtures has not been submitted; the Application does not comply with Article V, § 7.1.2.e & § 7.1.2.j (Development Plan Requirements) and Article III, § 4.4 (Development and Design Standards).

- APPROVAL SOUGHT:** Master Plan Zoning and Preliminary Development Plan approval to allow a towing business on .33 acres ± and Final Development Plan to be approved administratively.
- GROWTH MANAGEMENT AREA:** El Centro, Agua Fria Traditional Community SDA-2.
- HYDROLOGIC ZONE:** Agua Fria Traditional Community, minimum lot size in this area is .75 acres and can be reduced to .33 acres with community water and sewer.
- ARCHAEOLOGIC ZONE:** Traditional Community, less than 2 acres, an Archaeological Survey is not required.
- ACCESS AND TRAFFIC:** The property takes access from Ben Lane via Agua Fria, a County Road.
- FIRE PROTECTION:** Agua Fria Fire District.
- WATER SUPPLY:** Agua Fria water system, this development is proposing zero water use.

LIQUID WASTE: City of Santa Fe Sanitary Sewer System, this development is proposing zero discharge to the sewer system.

SOLID WASTE: The Applicant's state a dumpster will be placed on site. The dumpster shall be screened and the plan set shall illustrate where the dumpster shall be placed.

FLOODPLAIN & TERRAIN MGMT: The Applicant's site plan illustrates a proposed grading and drainage plan. The Applicant's propose to utilize tree wells to control stormwater runoff. The total volume of cubic feet provided as indicated on sheet C-1 is 58.8 cubic feet. The total pond volume needed is a total of 54 Cubic Feet. Therefore, the submittal is in conformance with Article VII, Section 3.4.6 and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance.

SIGNAGE AND LIGHTING: The Applicant does not propose to install signage for this development. Staff has determined that the signage element of the Application does comply with Article VIII (Sign Regulations).

The Applicants propose to install outdoor lighting. The Applicants shall specify the location of the proposed lighting and provide cut sheets. The proposed outdoor lighting shall be shielded. Staff has determined that the lighting element of the Application does not comply with Article III, Section 4.4.4 h and Table 3.1 (Outdoor Lighting).

EXISTING DEVELOPMENT: The site is currently being utilized as a towing business without a County Business License.

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

PARKING: The plan set illustrates a total of 8 parking spaces for 8 tow-vehicles. The Applicants propose to park 2 recreational vehicles, 1 boat, 2 low-boy trailers, a dumpster and other personal vehicles, on a 0.33 acre site. The principle use of the site is to allow the storage of 8 large tow-trucks to be accessible for emergency calls. The site shall maintain a hammerhead 60' in length and 20' in width. The Applicants shall illustrate the circulation of the tow-trucks on the site and designate an area for parking the proposed personal vehicles. The Applicants shall illustrate the width

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of all parking spaces. Staff recommends bollards to be placed within the landscape area to prevent the tow trucks from hitting the northern wall. Staff has determined that the parking element of the Application does not comply with Article III, Section 9. (Parking Requirements).

LANDSCAPING:

The Applicants have provided a general description for the landscaping concepts for this project. The Applicants propose to plant nine Gleditsia Triacanthos (Honey Locust) Trees. Six Honey Locust will be planted at the North end of the perimeter along the existing six foot high privacy fence/wall, and three Honey Locust, planted along the East side of the proposed parking lot facing Ben Lane, to provide additional screening. The proposed Landscaping Plan indicates that the trees will be irrigated using a drip irrigation system. The planting of the trees shall be irrigated until established. The Applicants are also proposing to use nine secured rail road ties as parking bumpers for the tow trucks. The Applicants plan on constructing two six foot high walls along the west side of the parking lot and along the south side of the parking lot, which will provide screening from the existing residential lots. This segment of the proposed landscape plan does comply with **Master Plan Procedure, Article V 5.2 g (1)**. The Application shows a nine space gravel parking lot. This segment of the proposed landscape plan does comply with **Article III Section 4.4.4f.11**. Final Development Plan shall require that, all landscaping requirements (**Landscaping Plan Art III Sec 4.4.4f 4 a-n and Landscaping for Parking Lots Art III Sec 4.4.4f.11 a-c** of the Code for commercial development are met.

RAINWATER HARVESTING:

Conceptually the Applicants are proposing to irrigate with a drip irrigation system at 6-2 gph. However, it is not clear as to what water source the Applicants will be utilizing to irrigate. Final Development Plan will require that the water source for irrigation be included in the landscape Plan.

AGENCY REVIEW:

<u>Agency</u>	<u>Recommendation</u>
NMOSE	No Formal Comment
NMDOT	Approval
NMED	No Permit Required
NMDHP	No impact on Archaeological Sites
County Fire	Conditional Approval
County PW	Conditional Approval
County Utility	Conditional Approval

Planning

Approval

STAFF RECOMMENDATION: **Conditional approval for Master Plan Zoning to allow the storage of eight (8) tow trucks, to be utilized as a towing business, on .33 acres ±.**

If the decision of the CDRC is to recommend approval of the Applicant's request for Master Plan, 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. The Applicant shall comply with **Ordinance No. 2007-2, § 10.6** (Density & Dimensional Standards).

Staff has deemed the request for Preliminary Development Plan incomplete due to non-compliance with Article V, § 7.1.2.e & § 7.1.2.j (Development Plan Requirements) and Article III, § 4.4 (Development and Design Standards). Therefore staff recommends denial of the proposed Preliminary Development Plan.

Staff recommends that the Preliminary and Final Development Plan be presented to the CDRC for consideration after the recordation of the Master Plan.

EXHIBITS:

1. Master Plan Report
2. Drawings
3. Photos of Site
4. Aerial Photo of Property
5. Agency Review Comments
6. Ordinance No. 2007-2, § 10.5
7. Article III, § 4.4.1.a (Design Standards and Review Criteria)
8. Article V, § 5.2 (Master Plan Procedure)
9. Final Order & August 14, 2012 BCC Minutes
10. Ordinance No. 2007-2, § 10.6
11. Article V, § 7.1.2.e (Development Plan Requirements).

NBA-6

ROBERT AND BERNADETTE ANAYA MASTER
PLAN AND
PRELIMINARY DEVELOPMENT PLAN
REPORT

FEBRUARY 2013



NBA-7

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Figures

Figure 1 - Vicinity Map

Appendices

Appendix A- Conditions of Approval
Appendix B-Letter of Request for Development Plan
Appendix C-Proposed Site Data
Appendix D-Reduced Plan Sets
Appendix E-Development Application
Appendix F- Reduced Legal Lot of Record Plat and Warranty Deed
Appendix G-PNM Application for Telephone Pole Removal
Appendix H-Letter from Agua Fria Community Water Systems
Appendix I-Meeting Minutes and Letter from Agua Fria Village Association Meeting
Appendix J-Blank
Appendix K-Proof of Taxes Paid
Appendix L- Flood Plain Map
Appendix M-Traffic Assessment

Introduction

The subject property at 2253 Ben Lane, Santa Fe, NM 87505, consisting of .702 acres is located in the Agua Fria Village in Santa Fe County. See **Appendix F**.

A variance was granted by the Board of County Commissioners to proceed with a master plan and development plan that allows for special use within Agua Fria Village for the parking of commercial towing vehicles at the back of the property for a towing business operated by the Anayas. The master plan and preliminary plan is hereby submitted for approval. The conditions of approval are attached as **Appendix A**.

Letter of Request for Development Plan

See **Appendix B**

Project Location

The subject tract consists of .702 acres of land located within Agua Fria Village, located at 2253 Ben's Lane, Santa Fe, NM 87505. One can access Ben lane from Agua Fria Road. At **Figure 1** is a vicinity map showing the location of the property overlaid on a USGS map.

Ownership and Legal Lot Record

The property is owned by Bernadette Anaya, along with her husband, Robert Anaya, who are residents of Agua Fria Village and have owned the property for over 20 years. A reduction of the plat and the warranty deed is found in **Appendix D** to this report.

Development Request

Preliminary development plan approval for the master plan is being requested. There will be only one phase: division of the property into two different properties, landscaping, walls, designation of hammer head, installation of minimal lighting and any other such necessary actions required by the Code.

The Anayas' master plan and preliminary development plan is focused around their development of a parking area for up to 8 tow vehicles at the back of their property when these vehicles are not in use, in between dispatch calls. See Vicinity Map attached as **Appendix N** of the Development Plan and the Proposed Site Data, at **Appendix C** of the Development Plan. The calls received to dispatch these tow trucks will be received and dispatched from their residence on this same property.

As a condition for the approval of this development plan, Applicants request that the subject property be divided into two lots: (1) the lot upon which the Anayas have their current residence (Tract 4A at **Appendix C**). They will seek a home occupation license for this property so that they may dispatch calls from the residence and conduct administrative work and park a single tow vehicle at their home, in their off-street designated parking space. They will also continue to park their personal use vehicles at this residence, as permitted by applicable laws.; (2) the back lot of their property shall be divided from the residence (Tract 4B at **Appendix C**). Tract 4 B will be the subject of this development plan for designated parking, landscaping and hammer head.

The Anayas' property is naturally separated by Ben Lane and appears to be two pieces of property, when in fact, it is one parcel. The division of this parcel into two lots would ease the

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ability to designate the back of their property for storing and parking the tow vehicles. Conditional upon the approval of the Development Plan, the properties will be divided and processed administratively and be recorded prior to final development of the project. The division of their property in this way would allow the Anayas to apply for a home occupation license in order to continue to dispatch calls from their residence on the property. As a part of this administrative processing, Applicants will apply for a Home Occupation License in order to dispatch calls from their residence, conduct administrative work and to park one commercial truck off-street at their residence.

The Applicants will also apply for a Business License for Tract 4B, at the back of their property. This Tract 4B is the subject of this Development Plan, Master and Preliminary.

Tract 4B, Appendix C of the Development Plan: Proposed Site Plan:

Tract 4B is the Location of Parking for Towing Vehicles: The subject of this Development Plan is Tract 4B only. Tract 4A will be divided, as stated above, and will be operated under a home occupation license. As for Tract 4A, the location of the storing of these towing vehicles when not in use will be at the back of the Anayas' property, will occur at the end of Ben Lane along the N45°31'30"E wall which is adjacent to Henry Romero and Georgia Romero's property line (Tract 4B). The tow trucks will be parked along this wall in designated parking places.

Tract 4B will be used for the following purposes: parking towing vehicles in designated spaces when not in use-up to 8 at a time, although there will be 3-5 parked there most regularly, and for parking personal and recreational vehicles.

Parking Area Landscaping Development Plan:

This development plan consists of building walls and planting drought-resistant trees (honey locusts or similar type) to separate the commercial parking area from surrounding residences. The existing wall that separates the Romeros' property from the Anayas' property will be lined with trees as an additional screening. See Existing and Proposed Site Date at **Appendix C and F** of the Development Plan. There will also be secured rail road ties that will be utilized as bumpers for the tow trucks. The largest tow truck has been taken account for with regard to these measurements at 42.5 feet. These bumpers for parking will be strategically placed for correct spacing of the tow vehicles, keeping in mind the boom length and width of the vehicles. There will be sufficient room for the circulation of traffic of the tow trucks. They will be able to pull into the parking area and back up with sufficient room to do so.

The same type of trees will also be planted along the East side of the property line, taking into consideration the amount of space needed for the tow trucks to park and enter the property, so as not to obstruct the purpose of the development.

Personal Use Vehicles:

The Anayas will also continue to utilize any unused area near the hammer head designated on the Proposed Site Plan (Appendix C to the Development Plan) for parking their recreational vehicles, including the possibility of parking their two personal RVs (a Montana and a Toy Hauler), a medium sized boat (Bayliner), 2 low-boy trailers for personal use, a dumpster (2 cubic yards) and several personal vehicles.

Landscaping Plan

The proposed landscaping plan will improve and enhance the visual quality of the subject area. It will serve to buffer or screen visually unattractive land uses from residential areas surrounding the parking area. It will shade, cool and define the proposed parking area and minimize erosion, dust and any slope instability.

This development plan consists of building walls and planting drought-resistant trees to separate the commercial parking area from surrounding residences. The existing wall that separates the Romeros' property from the Anayas' property will be lined with trees as additional screening. See Existing and Proposed Site Date at **Appendix C and F** of the Development Plan. There will also be secured rail road ties that will be utilized as bumpers for the tow trucks. The largest tow truck has been taken account for with regard to these measurements at 42.5 feet. These bumpers for parking will be strategically placed for correct spacing of the tow vehicles, keeping in mind the boom length and width of the vehicles. There will be sufficient room for the circulation of traffic of the tow trucks. They will be able to pull into the parking area and back up the trucks with sufficient room to do so.

The same type of trees will also be planted along the East side of the property line, taking into consideration the amount of space needed for the tow trucks to exit and enter the property, so as not to obstruct the purpose of the development.

Walls:

Two walls will be constructed on the south side of Tract B, behind the hammer head, and on the west side of the property.

The contractor will be certain that the landscape treatment and improvements are designed, installed and maintained so they conform to submitted plans for landscaping. This plan promotes conservation of water throught the use of drought tolerant plants, such as honey locusts. Along the North and South property lines of the parking area, within twenty five feet of a property line adjoining residential uses, screening of trees will occur. Walls

will be built along the West and South side of the property to enclose the parking area from the adjacent residential areas.

Liquid and Solid Waste Plan

No waste will be produced with regard to this request and plan. From their residence, there will be no liquid waste that will require disposal for this project. The subject property is on a community sewer system, however. No septic system will be needed for this development.

Charlie Smith Construction will be responsible for the removal of any waste material from the site, although none is anticipated. A dumpster already located on the property will be available for the collection of any trash that may occur on the property. Waste will be taken to a County transfer station, the regional landfill in Santa Fe or the Los Alamos Landfill. Mr. Smith will attempt to recycle any materials possible through public or private sources.

Signs and Lighting Plan

Signage: There will be no utilization of signage in this development project.

Lighting: The Applicants wish to put in a minimal amount of lighting that would conform to residential requirements for lighting. This lighting will be outdoors and designed and arranged to enhance the safety of the area during evening hours, to provide security, to protect the night sky and to prevent the spillover, nuisance or hazard effects of light and glare on adjacent locations and uses of land. . However, this is not essential to the development plan, but would be pursued for safety and security purposes only.

Existing Conditions, Topography and Drainage

Adjoining Land Uses: The property to the North of the Applicant's property is residential and walled with no access to Ben Lane. The property to the West of the back of the Anayas' property, which is the focus of the development plan, is an empty field, owned privately and zoned for residential. The property to the South of the Applicant's property consists of residential trailers. The property to the East of the subject property consists of Ben Lane and residential properties.

Description of Terrain: There is no natural terrain on the subject property for the parking area. The entire area is dirt which will not be affected by development. There are no natural grades or slopes-all is man-made.

Slope and Grading: The Slope of the subject property for the parking area goes from NE to SW at a 1%-2% slope. The proposed development will be set at the existing grade and will not be changed or affected.

Drainage and Detention Pond: Terrain Management Plan

This plan will protect and promote the health, safety and welfare of residents of SF County through proper landscaping, including screening, detention pond and drainage considerations. Natural drainage patterns will be preserved, and the development will adapt to the existing topography, soils and other conditions existing on the lot prior to development. The parking area will not be paved.

Detention Pond: The detention pond will be located at the SW corner of the property at the end of the proposed location of the hammer head. See **Appendix C** to the Development Plan. The proposed development will not change the grade of the property.

Drainage: Draining requirements will be met by proposed landscaping.

Topography and Drainage:

No descriptive topography. No natural slope. It's all man made Graphic representation of existing topography, slopes and flood plains are depicted at **Appendix M**. There is very little slope on the lot. There is natural drainage that occurs from North to South through the property. A detention pond will be at the Southwest corner of Tract 4B. Drainage will be addressed through the proposed landscaping plan.

Existing and Planned Utilities

There will be no utility use other than that discussed under lighting in this development plan. Applicants have applied with PNM to have the telephone pole moved at the corner of Agua Fria Road and Ben Lane in Agua Fria Village. This pole is obstructing the requirements of the Fire Code regarding the turning radius requirements. **Appendix G**.

Water Budget Plan

There will be no water utilized and needed for this development. The Water Budget is 0.00

Water Harvesting:

Due to the fact that no development of structures is proposed, a water harvesting plan is unnecessary.

Fire Protection and ACCESS

Access: Access to the property is from Agua Fria. The closest County fire substation to the site is within a mile from the property and would be accessed from Agua Fria Road. Water is available through Agua Fria Community Water Systems, See **Appendix H**.

Front access. The driveway entrance meets the 20 foot minimum width; however, access does not meet the required 28 foot radius. A hammer head is proposed in the development plan, as required by the Fire Code. A fire hydrant is within 1,000 feet as required for residential structures. Applicants have requested that PNM move the telephone pole at the corner of Agua Fria and Ben Lane to accommodate the access required for a 28 foot radius. See **Appendix G**.

On the other corner of Ben Lane and Agua Fria, a wall has recently been built, believed to be without a permit, at 2261 Ben Lane, Santa Fe, NM, that is in violation of Fire Code and is a fire hazard as it completely obstructs all visibility from Ben Lane when turning onto Agua Fria. A complaint for this violation will be filed with the County as part of this development plan. Applicants request that this wall be re-built to conform to the fire code. Rounding off the corner of the wall and taking off several feet from the corner of the wall would be sufficient to meet code requirements for the radius on the right side of Ben Lane. A survey shall be conducted on the entrance at Ben Lane and Agua Fria Road to determine exact measurements.

Hammerhead: A hammerhead will be designated on the back lot of the Applicant's property to conform to fire code requirements

Environmental Evaluation

The proposed development shall utilize standard techniques available in order to minimize noise, vibration, smoke and other particulate matter.

This property is outside of the flood plain. See **Appendix L**. Water Budget: There will be no water used for development. Water Harvesting: Due to the fact that no development of structures is proposed, a water harvesting plan is unnecessary.

APPENDIX B
Letter or Request for Development Plan
Master and Preliminary

NBA-15

February 7, 2013

Re: LETTER OF REQUEST for Master Plan and Preliminary Development Plan For Anaya Development.

To Whom It May Concern:

Robert and Bernadette Anaya, owners and residents of 2253 Ben Lane, Santa Fe, New Mexico 87507, hereby submit this letter of request as part of their application for Master Plan and Preliminary Development Plan pursuant to the variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), § 10.5 (Village of Agua Fria Zoning District Use Table), that was granted by the Board of County Commissioners, to allow a towing business to park their vehicles on this property, as a Special Use under the Zoning Use Table on 0.70 acres. See Ordinance attached as **Appendix A** to the "Anaya Master Plan and Preliminary Development Plan," (hereinafter referred to as the "Development Plan").

Statement of Facts and Purpose of Letter of Request:

Background:

The Anayas' family towing business has created many relationships with emergency responders over the years and stand ready to respond at any hour of the day or night to such community emergencies, including calls from New Mexico State Police Department, the Santa Fe Police Department, the Bureau of Indian Affairs, the NM Department of Transportation, Tesuque Tribal and other governmental organizations. It is necessary that the Anayas be permitted to continue to park up to 8 tow vehicles on their property, as they have done since 1989, in order to be able to respond to any emergency call in a timely fashion. Should the Anayas store their tow trucks off site, the time it takes to travel to retrieve these towing vehicles could mean the difference between whether or not a life is saved or important government property is preserved. Often, emergency responders, such as the fire department and various law enforcement agencies, cannot get to victims or those in exigent and dire circumstance without the assistance of a tow truck company with the versatile capability offered by the Anayas. For a complete description of the history of this project, please see Anayas' "Letter of Request for Variance" dated May 11, 2012.

In fact, the Anayas have a very unique towing capacity that only a few other tow truck companies in the entire State of New Mexico possess. In all of Northern New Mexico, only the Anayas have the unique capacity to tow and/or recover very heavy loads, which means they are the first towing company called by several government agencies, to respond to unique emergency situations. The quick access to their vehicles at the back of the Anaya's home makes their vehicles available for emergency calls at any time of day or night. Should the Anayas' store their vehicles away from their home, this would effectively destroy their ability to respond to such emergency situations and make it impossible for them to carry out their contracts and agreements with these governmental agencies. This would injure and effectively destroy the Anayas' towing business.

SCOPE OF REQUESTED DEVELOPMENT:

The Anayas' master plan and preliminary development plan is focused around their development of a parking area for up to 8 tow vehicles at the back of their property when these vehicles are not in use, in between dispatch calls. See Vicinity Map attached at **Figure 1** of the Development Plan and the Proposed Site Data, at **Appendix C** of the Development Plan. The calls received to dispatch these tow trucks will be received and dispatched from their residence on this same property. See Tract 4, **Appendix F** of the Development Plan.

Division of Property, Conditional Upon Approval of Development Plan:

In order to better effectuate and simplify the commercial zoning of their property and to park these tow trucks, conditional upon the approval of the Development Plan, the property at issue, Tract 4 (**Appendix F**) will be divided into two lots, Tract 4A and Tract 4B at **Appendix C** to the Development Plan. The total amount of acreage for both of these tracts together is .702 acres. Tract A would be a total of .332 acres and Tract B would be a total of .370 acres. Tract A has water and sewer, and because of this, the tract size can be as low as 1/3 of an acre.

Dividing the property into two lots will more easily and naturally separate the land into commercial and residential lots. The Anayas' property is naturally separated by Ben Lane and appears to be two pieces of property, when in fact, it is one parcel. The division of this parcel into two lots, would ease the ability to designate the back of their property for storing and parking the tow vehicles. Conditional upon the approval of the Development Plan, the properties will be divided and processed administratively and be recorded prior to final development of the project. The division of their property in this way would allow the Anayas to apply for a home occupation license in order to continue to dispatch calls from their residence on the property. As a part of this administrative processing, Applicants will apply for a Home Occupation License in order to dispatch calls from their residence, conduct administrative work and park one commercial truck off-street at their residence. The Applicants will also apply for a Business License for Tract 4B, at the back of their property. This Tract 4B is the subject of this Development Plan, Master and Preliminary.

Tract 4B, Appendix C of the Development Plan: Proposed Site Plan:

Tract 4B is the Location of Parking for Towing Vehicles: The subject of this Development Plan is Tract 4B only. Tract 4A will be divided, as stated above, and will be operated under a home occupation license that will be applied for as a condition to the approval of this development. As for Tract 4B, the location of the storing of these towing vehicles when not in use will be at the back of the Anayas' property, will be at the end of Ben Lane along N45°31'30"E wall which is adjacent to Henry Romero and Georgia Romero's property line (Tract 4B). The tow trucks will be parked along this wall in designated parking spaces. See **Appendix C** to the Development Plan.

Tract 4B will be used for the following purposes: parking towing vehicles in designated spaces when not in use-up to 8 at a time, although there will be 3-5 parked there most

regularly, and parking personal and recreational vehicles. See **Appendix C** to the Development Plan.

Parking Area Landscaping Development Plan:

This development plan consists of building walls and planting drought-resistant trees to separate the commercial parking area from surrounding residences. The existing wall that separates the Romeros' property from the Anayas' property will be lined with trees as an additional screening. See Existing and Proposed Site Date at **Appendix C and F** of the Development Plan. Along the wall where the tow trucks will be parked, there will also be secured rail road ties that will be utilized as bumpers for the tow trucks. **Appendix C**. The largest tow truck will establish the length of this measurement at 42.5 feet. These bumpers for parking will be strategically placed for correct spacing of the tow vehicles, keeping in mind the boom length and width of the vehicles. There will be sufficient room for the circulation of traffic of the tow trucks. They will be able to pull into the parking area and back up, with sufficient room to do so.

The same type of trees will also be planted along the East side of the property line, taking into consideration the amount of space needed for the tow trucks to exist and enter the property, so as not to obstruct the purpose of the development. **Appendix C**.

Walls:

Two walls will be constructed on the south side of Tract B, behind the hammer head, and on the west side of the property. **Appendix C**.

Personal Use Vehicles:

The Anayas will also continue to utilize any unused area near the hammer head designated on the Proposed Site Plan (**Appendix C** to the Development Plan) for parking their recreational vehicles, including the possibility of parking their two personal RVs (a Montana and a Toy Hauler), a medium sized boat (Bayliner), 2 low-boy trailers for personal use, a dumpster (2 cubic yards) and several personal vehicles.

Hammerhead: A hammerhead will be designated on the back lot of the Applicant's property to conform to fire code requirements. **Appendix C**.

Description of Terrain: There is no natural terrain on the subject property for the parking area. The entire area is dirt which will not be affected by development. There are no natural grades or slopes-all is man-made.

Slope and Grading: The Slope of the subject property for the parking area goes from NE to SW at a 1%-2% slope. The proposed development will be set at the existing grade and will not be changed or affected. **Appendix C**.

Drainage and Detention Pond:

Detention Pond: The detention pond will be located at the SW corner of the property at the end of the proposed location of the hammer head. See **Appendix C** to the Development Plan. The proposed development will not change the grade of the property.

Drainage: Draining requirements will be met by the proposed landscaping.

Lighting: The Applicants wish to put in a small amount of lighting that would conform to residential requirements for lighting. This lighting will be outdoors and designed and arranged to enhance the safety of the area during evening hours, to provide security, to protect the night sky and to prevent the spillover, nuisance or hazard effects of light and glare on adjacent locations and uses of land.

The subject property is outside of the flood plain. See **Appendix L** to the Development Plan.

Signage: There will be no utilization of signage in this development project.

Water Budget: There will be no water used for development.

Water Harvesting: Because no development of structures is proposed, a water harvesting plan is unnecessary.

Liquid Waste Disposal Plan: There will be no liquid waste that will require disposal for this project. The subject property is on a community sewer exists on the property, however.

Agua Fria Village Review: The Anayas were on the Agua Fria Village Association Agenda for February 4, 2013. The Anayas presented at this Association Meeting through their attorney, Talia Kosh, Esq., and presented in detail the proposed development plan herein. See **Appendix E**.

Noise and Air Quality Issues:

Noise and Air Quality concerns shall be addressed by the landscaping plan.

Access and Fire Code:

The access to the development is from Agua Fria road onto Ben Lane in the Agua Fria Village. The closes County fire substation to the site is within a mile from the property and would be accessed from Agua Fria Road. Water is available through Agua Fria Community Water Systems. See **Appendix H**. The driveway entrance meets the 20 foot minimum width; however, access does not meet the required 28 foot radius. A hammer head is proposed in the development plan, as required by the Fire Code. A fire hydrant is within 1,000 feet as required for residential structures. Applicants have requested that PNM move the telephone pole at the corner of Agua Fria and Ben lane to accommodate the access required for a 28 foot radius. See **Appendix G** of the Development Plan.

On the other corner of Ben Lane and Agua Fria, a wall has recently been built that is in violation of Fire Code requirements and is a fire hazard as it completely obstructs all visibility from Ben Lane when turning onto Agua Fria at 2261 Ben Lane. The wall also encroaches upon an easement. A complaint for this violation is to be filed with the County and measures to re-build this wall to Fire Code is conditional on this development plan. Applicants will request that this wall be re-built to conform to the fire code. Rounding off the corner of the wall and taking off

several feet from the corner of the wall would be sufficient to meet code requirements. A survey will be conducted of this access road to determine exact measurements.

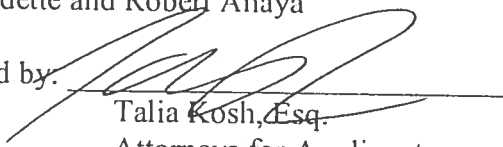
Traffic Assessment: The acceptance of a traffic assessment, in lieu of a traffic study, has been approved. See **Appendix M** to the Development Plan.

Thank you for your consideration of this letter of request.

Sincerely

Bernadette and Robert Anaya

Signed by:



Talia Kosh, Esq.
Attorneys for Applicants
460 Saint Michaels Drive, Ste 703
Santa Fe, NM 87505
(505) 983-9834

APPENDIX I

Meeting Minutes and Letter from Agu Fria Village Association

Subj: **Agua Fria meeting on Anaya Case**
Date: 2/5/2013 11:48:19 A.M. Mountain Standard Time
From: williamhenrymee@aol.com
To: joselarra@co.santa-fe.nm.us, vlopez@co.santa-fe.nm.us
CC: AnayaBrightEyes@aol.com, robanaya_20@gmail.com, Chiquillo_22@q.com

Jose,

Attached is a letter stating that the Agua Fria Village Association had a presentation from the Anya Wrecker Service on their masterplan.

William Mee

NBA-22

Agua Fria Village Association

2073 Camino Samuel Montoya
Santa Fe, NM 87507



To Whom it may Concern:

February 5, 2013

The Agua Fria Village Association (AFVA), met last night February 4th for our regular monthly meeting. We heard a presentation from Robert and Bernadette Anaya, and their attorney, on their lot and the Anaya Wrecker Service Masterplan (Case #V12-5200, the Robert and Bernadette Anaya Variance).

The 15 minute presentation included a survey plat and pertinent facts about the screening of the tow truck business from the neighbors. The presentation was followed by a question and answer period.

I announced that no decision on this property for either support or opposition would be made since the it is a difficult case to weigh in on since both Robert and Bernadette Anaya are members of our Association, as well as the opponents to the case, Henry and Georgia Romero.

AFVA member Gilbert Tercero asked about the County-mandated mediation suggested by former Commissioner Virginia Vigil, and if this could be continued.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "William H. Mee". The signature is written in a cursive, flowing style.

William Henry Mee, President AFVA
(505) 473-3160
WilliamHenryMee@aol.com

N13A-23.

Subj: **Agua Fria Village Community Update for January- meeting Feb 4th at 6 NRCC**
Date: 1/24/2013 10:40:15 A.M. Mountain Standard Time
From: williamhenrymee@aol.com
To: ideasmee@aol.com

COMMUNITY UPDATE – JANUARY 2013

The Agua Fria Village Association (AFVA) has been working on your behalf to make our community a better place. This Community Update describes what actions have been taken and how YOU the reader can help to achieve even more.

NOTE: The next AFVA Meeting is on Monday, February 4th, 2013 at 6 p.m. at NRCC. Agenda items will be accepted by emailing: WilliamHenryMee@aol.com.

This is an exciting meeting described in #21 below (Please Come!).

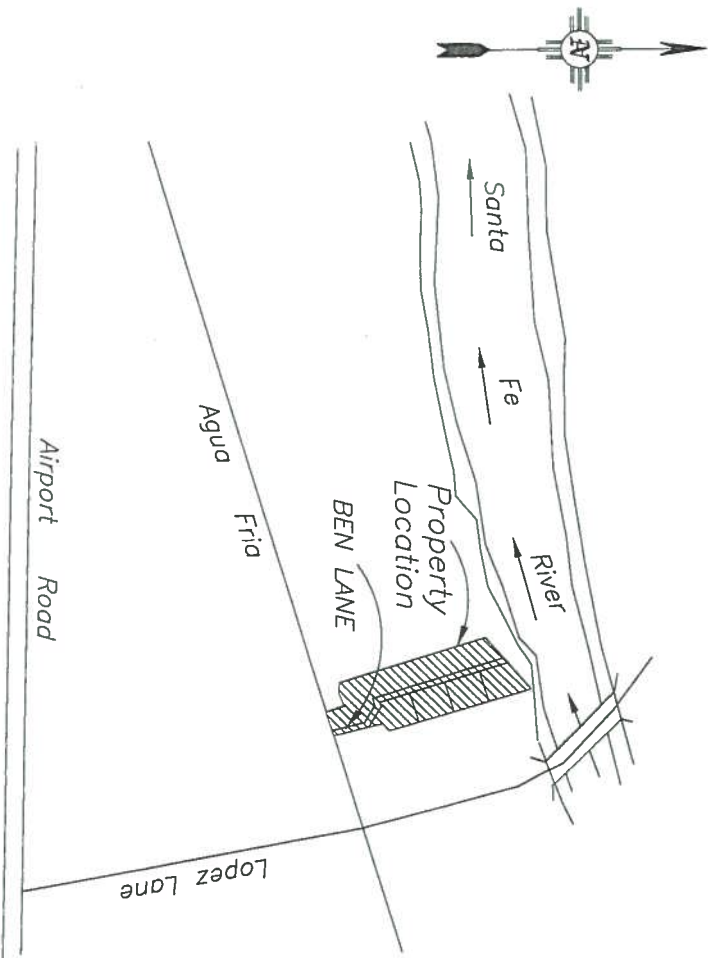
QUICK Announcements:

1. On Thursday, January 24th, at 6:00 p.m. at the Southside Library, the City of Santa Fe is hosting a public meeting on the future use of waste water from its system.
2. **School Board Forum** Thursday, January 24th from 6-7:30 PM at the Center for Progress and Justice 1420 Cerrillos Road, Santa Fe. Candidates:
District 3: Susan Duncan/ Fred Zimble
(505) 982-3036 (505) 660-7234
suduncan@comcast.net zimble4sfeschoolboard@hotmail.com
www.susan-duncan.com
District 5: Lorraine Price/ Louis Carlos
(505) 988-4126 (505) 428-0437
lorrainepriec@comcast.net louis.carlos@comcast.net
www.lorraineprice.com
All Districts: Bond Election
Moderator Joseph Maestas
3. Meet and Greet Susan Duncan, Precinct 66 School Board:
Hotel Santa Fe 5:50 to 7 p.m. Friday, January 25th.
4. There is a Water Advisory Group meeting at the La Farge Library on Wednesday, January 30th at 5:30 p.m.
5. **Anaya's Wrecker Service Master Plan:**
In lieu of a standing organization like the old Agua Fria Development Review Committee, complex development plans are requiring neighborhood input. Therefore, Robert and Bernadette Anaya are coming before the Agua Fria Village Association at its meeting of February 4th to have their attorney present a 5-10 minute presentation to show the conceptional master plan for their lots and how their commercial Wrecker Service will be housed their. Santa Fe County case manager Jose Larranaga (986-6296) said they will have to have everything submitted to his office by February 8, 2013. You can call him for more information.

ANAYA PROPERTY

MASTER AND PRELIMINARY DEVELOPMENT PLAN SET TOWNSHIP 17N, RANGE 9E, SECTION 31 SANTA FE COUNTY

VICINITY MAP



VICINITY MAP N.T.S.

NOT TO SCALE

CONSULTANTS

<p>ENGINEERING</p> <p>Civil Engineering • Water Resources • Traffic Engineering</p> <p>W.E. Walker Engineering</p> <p>805 Camino Sierra, Suite 100 Santa Fe, NM 87505 505-824-7888 cfw@walkerengineering.net Fax: 505-824-3539</p>	<p>SURVEYING</p> <p>A-Z SURVEYING INC.</p> <p>5538 AGUA FRIA SANTA FE - NM 87507 TELEPHONE (505) 471-3368</p>
---	--

DATE: 2/08/13

SHEET INDEX

SHEET TITLE	No.
COVER SHEET	C
LOT OF RECORD	S-1
DEVELOPMENT PLAN	D-1
GRADING, DRAINAGE & LANDSCAPE PLAN	C-1

PURPOSE STATEMENT:

THE PURPOSE OF THIS DEVELOPMENT PLAN IS TO ZONE TRACT 4B TO COMMERCIAL ZONING.

THIS DEVELOPMENT PLAN IS OF THE OWNER'S CONSENT

OWNER'S SIGNATURE _____ DATE _____
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY THIS _____ DAY OF _____, 2013

NOTARY PUBLIC _____

CDRC CASE#

APPROVED BY THE SANTA FE COUNTY CDRC AT THEIR MEETING OF _____
20____ AT SANTA FE, NEW MEXICO.

CDRC CHAIRMAN _____ DATE _____
APPROVED BY THE SANTA FE COUNTY BCC AT THEIR MEETING OF _____
20____ AT SANTA FE, NEW MEXICO.

BCC CHAIRMAN _____ DATE _____

COUNTY CLERK _____ DATE _____

FIRE MARSHALL _____ DATE _____

LAND USE ADMINISTRATOR _____ DATE _____

COUNTY UTILITIES _____ DATE _____

COUNTY PUBLIC WORKS _____ DATE _____

ANAYA PROPERTY

MASTER & PRELIMINARY DEVELOPMENT PLAN

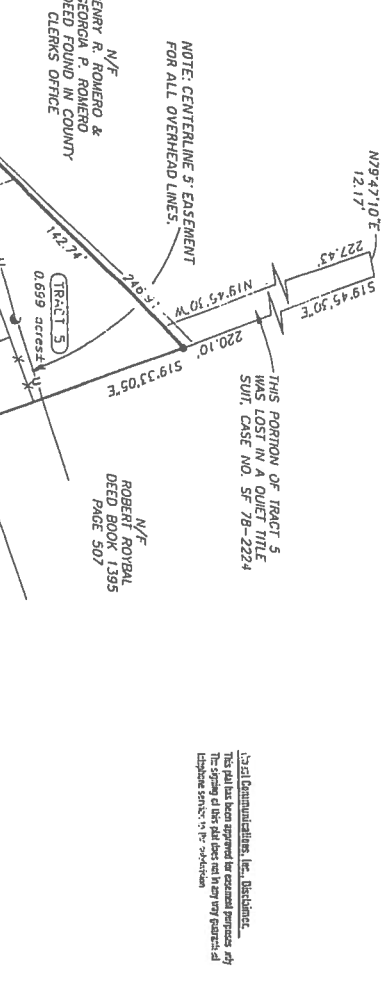
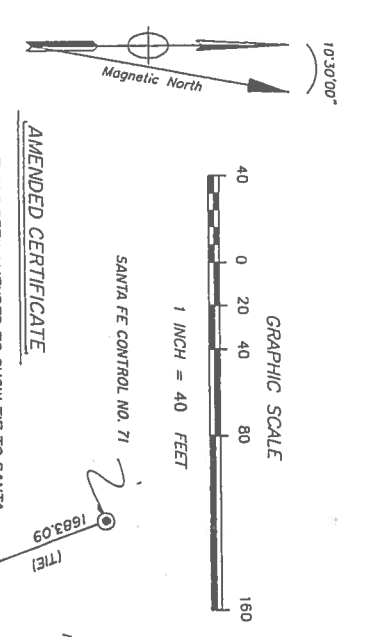
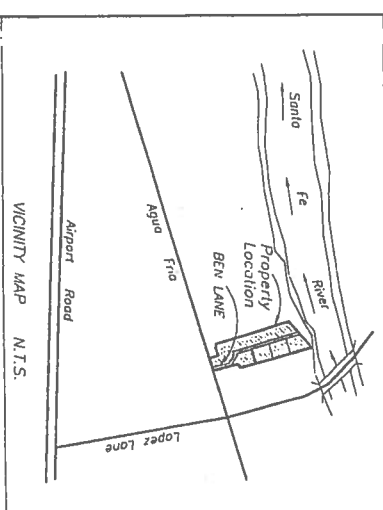
SHEET NO.

C

EXHIBIT

2

NBA-25



UTILITIES
 Santa Fe Water Association
 6-5-08 DATE
 6-18-2008 DATE
 6-4-08 DATE
 Santa Fe County Approvals
 Santa Fe County Clerk
 7-1-08 DATE
 6/24/08 DATE
 Santa Fe County Permit No. 08-3075

LEGEND

- MARKERS SET THIS SURVEY 1/2" REBAR WITH CAP 5300
- U.S.G.L.O. BRASS CAP
- POWER POLE
- FENCE
- CONCRETE AREA
- U- OVERHEAD UTILITY LINE

OWNERS CONSENT AND AFFIDAVIT

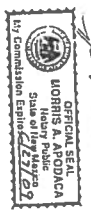
THE UNDERSIGNED OWNERS DO HEREBY ATTEST THAT THE LOT LINE ADJUSTMENT SHOWN HEREON IS WITH THEIR FREE CONSENT AND IN ACCORDANCE WITH THEIR WISHES AND DESIRES AND DO FURTHER DEDICATE ANY EASEMENTS PRIVATE/PUBLIC TO THE APPROPRIATE UTILITY COMPANY OR USER. THIS PROPERTY LIES WITHIN THE PLATTING AND PLANNING JURISDICTION OF THE CITY AND COUNTY OF SANTA FE, NEW MEXICO.

ESTATE OF STELLA SANDOVAL, LEONARD C DE VACA AND ESTHER ORTIZ, ADMINISTRATORS
 Leonard C de Vaca
 Esther Ortiz
 DATE: 6-2-08

Tract 1: ESTHER ORTIZ, DATE: 6/2/08
 Tract 2: LEONARD C DE VACA, DATE: 6-2-08
 Tract 3: PATRICK C DE VACA, DATE: 6-2-08
 Tract 4: ANTHONY C DE VACA, DATE: 6-2-08
 Tract 5: CARRILLO DE VACA, DATE: 6-2-08

**STATE OF NEW MEXICO
 COUNTY OF SANTA FE**

ON THIS 2ND DAY OF JULY, 2008, THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY THE PERSON(S) WHOSE NAME APPEARS IN THE ABOVE:
 DATE: 6/2/08



GENERAL NOTES

1. SURVEY REFERENCE OF PLAT OF SURVEY ENTITLED "BEN SUBDIVISION" PREPARED BY GEORGE RIVERA N.M.P.L.S. NO. 3149 ON OCTOBER 1981, RECORDED IN PLAT BOOK 124 PAGE 003 IN THE RECORDS OF SANTA FE COUNTY CLERK.
2. SURVEY REFERENCE OF PLAT OF SURVEY ENTITLED "LOT LINE ADJUSTMENT LEONARD C DE VACA AND STELLA SANDOVAL, PREPARED BY CIPRIANO MARTINEZ N.M.P.L.S. NO. 3995 JULY 14, 1993, RECORDED IN PLAT BOOK 250 PAGE 042 IN THE RECORDS OF SANTA FE COUNTY CLERK.
3. BEARINGS ARE BASED ON GRID NORTH (NCS4) FROM FIELD OBSERVATIONS BY MEANS OF R.I.T.K. GLOBAL POSITIONING SYSTEM (GPS). DISTANCES ARE GROUND.
4. WARRANTY DEED FROM ESTHER ORTIZ, LEONARD C DE VACA, ANTHONY C DE VACA, BERNARDETTE C DE VACA, PATRICK C DE VACA, HENRY R. ROMERO AND DAVID SANDOVAL TO STELLA SANDOVAL, TO STELLA SANDOVAL RECORDED IN DEED BOOK 421 PAGE 083 IN THE RECORDS OF SANTA FE COUNTY. OTHER WARRANTY DEEDS THAT ARE FILED TO LEONARD C DE VACA BOOK 458 PAGE 280, TO PATRICK C DE VACA BOOK 458 PAGE 242, TO BERNARDETTE C DE VACA BOOK 458 PAGE 242 AND TO ANTHONY AND CARLA C DE VACA, JUST NO. 1359359.
5. THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN IN SANTA FE COUNTY FIRM, PANEL NO. 350069 02278 DATED NOVEMBER 4, 1988.
6. SURVEY REFERENCE OF THE DISTRICT COURT, OF THE COUNTY OF SANTA FE QUET TITLE SUIT CASE NO. 978-2224 SIGNED BY DISTRICT JUDGE LORENZO GARCIA.

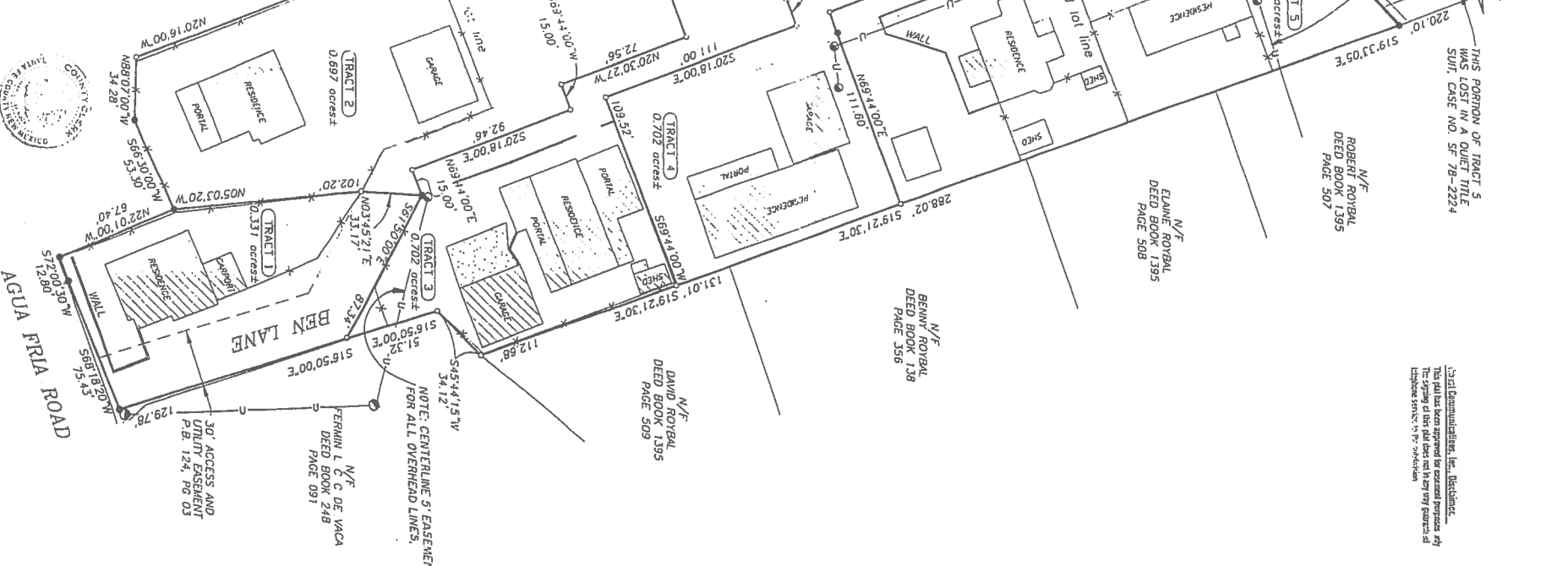


CERTIFICATE
 I, MORRIS A. RODAS, A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR CERTIFY THAT ON DECEMBER 17, 2007, I CONDUCTED AND AM RESPONSIBLE FOR THIS SURVEY. THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NEW MEXICO LAW HAS BEEN FULLY COMPLIED WITH FOR SURVEYING IN THE STATE OF NEW MEXICO.
 DATE: 6/2/08

BUILDING PERMIT CONDITION
 BUILDING PERMITS FOR NEW RESIDENTIAL CONSTRUCTION SHALL NOT BE ISSUED UNTIL PROPOSED STRUCTURE'S SEWER SERVICE MAIN LINE HAS BEEN COMPLETED ALONG BEN LANE.

NO DEED INFO FOUND IN COUNTY CLERKS OFFICE
 DATE: 1-8-08

**STATE OF NEW MEXICO
 COUNTY OF SANTA FE**
 I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE 9th DAY OF JULY, 2008, AT 10:02 O'CLOCK A.M. AND WAS DULY RECORDED IN PLAT BOOK 080 PAGE 002 OF THE RECORDS OF SANTA FE COUNTY, NEW MEXICO.
 COUNTY CLERK
 DEPUTY SANTA FE COUNTY CLERKS OFFICE, STATE OF NEW MEXICO



LOT	ADDRESS	U.P.C. CODE
TRACT 1	2626 BEN LN.	1-049-097-345-085
TRACT 2	2259 BEN LN.	1-049-097-360-075
TRACT 3	2253 BEN LN.	1-049-097-355-088
TRACT 4	2249 BEN LN.	1-049-097-345-111

LOT	SQUARE FEET	ACREAGE
TRACT 1	14,406.918	0.331±
TRACT 2	30,566.198	0.697±
TRACT 3	30,567.767	0.702±
TRACT 4	30,560.822	0.702±
TRACT 5	30,433.729	0.699±

SPECIAL BUILDING PERMIT CONDITIONS
 DEVELOPMENT PERMITS FOR BUILDING CONSTRUCTION WILL NOT BE ISSUED UNTIL REQUIRED IMPROVEMENTS FOR ROADS, FIRE PROTECTION AND DRAINAGE ARE COMPLETED BY OWNER.

PURPOSE: THIS PLAT IS TO AMEND EXISTING TRACT BOUNDARIES

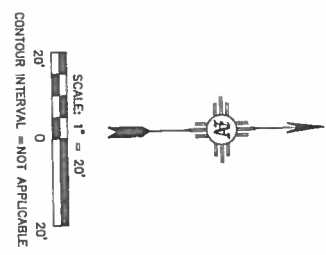
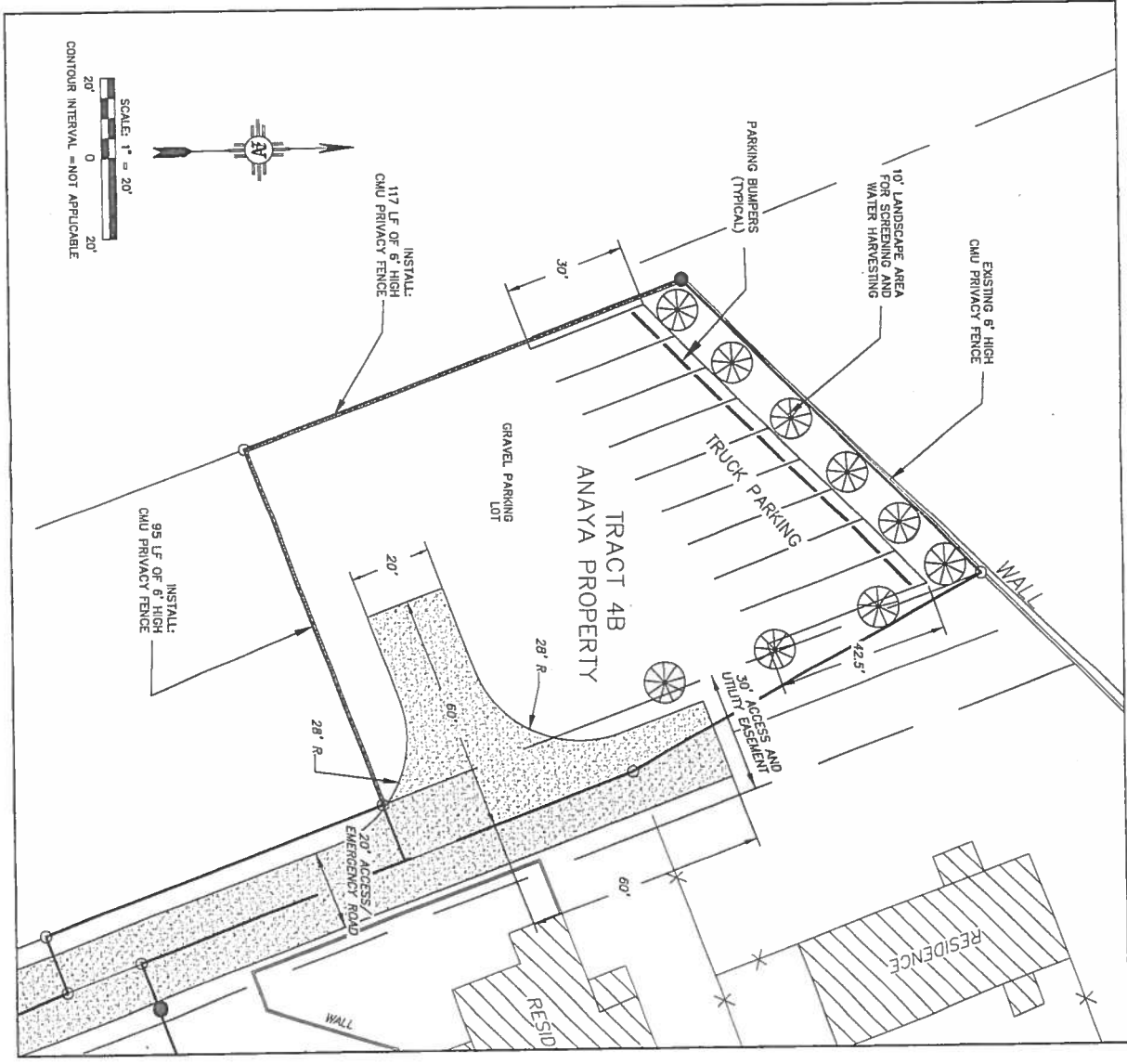
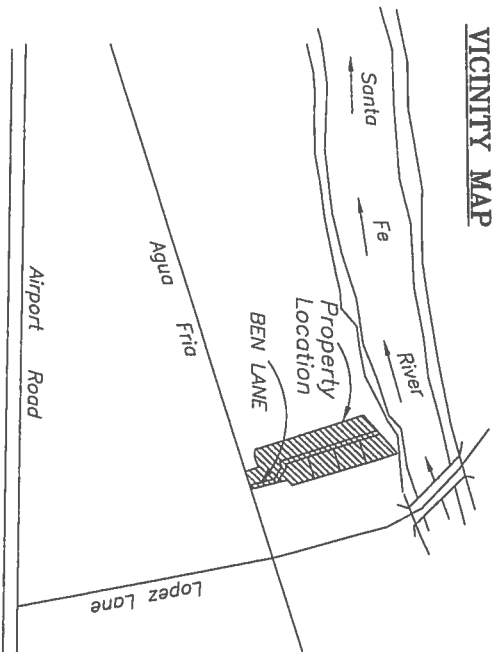
A-Z SURVEYING INC.
 5538 AGUA FRIA
 SANTA FE, NM 87507
 TELEPHONE: (505) 471-5386

ESTATE OF STELLA SANDOVAL, ET AL.
 LEONARD C DE VACA, BERNARDETTE C DE VACA, PATRICK C DE VACA, ANTHONY C DE VACA, CARLA M. C DE VACA
 IN BEN SUBDIVISION
 WITHIN S.H.C. 1182 P2 SECTION 31 TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M.
 SANTA FE COUNTY, NEW MEXICO

CHECKED BY: DATE: 2008 MAY 20 SURVEY NO: LOT-035
 SCALE: 1"=50'

NBA-214

VICINITY MAP



DEVELOPMENT PLAN

SITE DATA

LOT SIZE: 1747 SQ.FT.
 0.339 Acres
 LOT COVERAGE: 0.00 %
 REQUIRED OPEN SPACE: N/A
 PROVIDED PARKING SPACES: 9 SPACES

GENERAL NOTES

- UPON CONSTRUCTION OF ANY BUILDING, CONNECTION TO THE COUNTY WATER AND WASTEWATER COLLECTION SYSTEM IS REQUIRED.
- NO PORTION OF THIS PROPERTY IS WITHIN THE 100 YEAR FEMA FLOOD PLAN AS SHOWN ON MAP 35049-C03840 DATED JUNE 12, 2008

COUNTY OF SANTA FE
 STATE OF NEW MEXICO
 I HEREBY CERTIFY THAT THIS DOCUMENT WAS SUBMITTED FOR RECORD AND RECORDED IN BOOK NO. _____ AT PAGE _____ OF THE RECORDS OF SANTA FE COUNTY, NEW MEXICO
 WITNESSED BY HAND AND SEAL OF OFFICE
 COUNTY CLERK OF SANTA FE COUNTY, NEW MEXICO
 SANTA FE COUNTY APPROVALS
 BY: _____ (DEPUTY)

Civil Engineering • Water Resources • Traffic Engineering

W • E Walker Engineering

905 Camino Sierra Vista, Santa Fe, NM 87

505-820-7990
 FAX 505-820-3639

No.	REVISION	BY	APP.	DATE

PROJECT: 11-103 DESIGNED BY: M.E.W.
 FILE: DEV DRAWN BY: C.D.A.
 DATE: 5/1/12 CHECKED BY: M.E.W.



PROJECT: **ANAYA PROPERTY
 AGUA FRIA, NM**
 SHEET TITLE: **MASTER & PRELIMINARY
 DEVELOPMENT PLAN**

REVIEW		DATE
DEPARTMENT	SIGN-OFF	
WASTEWATER MGN'T. DIV.		
WATER SERVICES		
SUBDIVISION ENG.		
STREETS		
TRAFFIC		

SHEET NO.
D-1

NBSA-27

PLANT LEGEND

City	Symbol	Scientific Name	Common Name	Included Size	Mat. Ht.	Water	Use	Emitter
9		Quedalia urecenthosa	Honey Locust	2" Cal 8-10'	30'/30'	Medium +	6-2 gph	

Walker Engineering
905 Camino Sierra Vista
Santa Fe, NM 87501

Stormwater Drainage Calculations
Project: Anaya Property
Project No: 13-105
Date: 2/7/2013

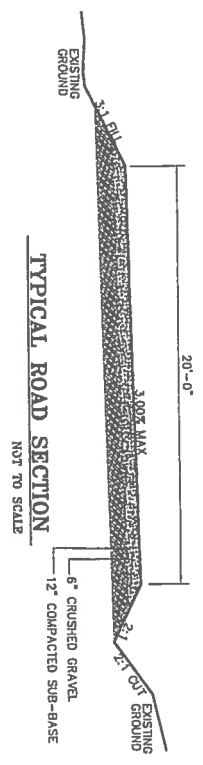
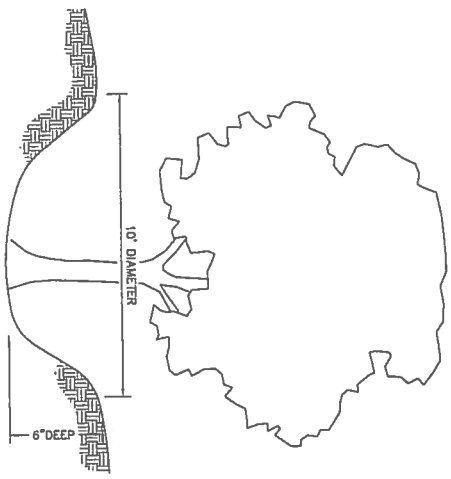
Present Land Use	Description	Developable Area:	
		Area (Ac)	C
Gravel	Area (Ac)	14747.00	0.34
Gravel	Area (Ac)	14747.00	0.85
Composite	Area (Ac)	14747.00	0.29

Proposed Land Use	Description	Area (Ac)		C	C/A
		Area (Ac)	Area (Ac)		
New Trucks	Area (Ac)	2072.00	0.05	0.98	0.05
Gravel	Area (Ac)	12675.00	0.29	0.85	0.25
Composite	Area (Ac)	14747.00	0.34	0.87	0.29

Discharge Calculations	Description	C/A	Rainfall (in/hr)	Discharge (cfs)
Proposed Land Use	0.29	7.3	2.15	
Difference	0.01	0.00	0.05	

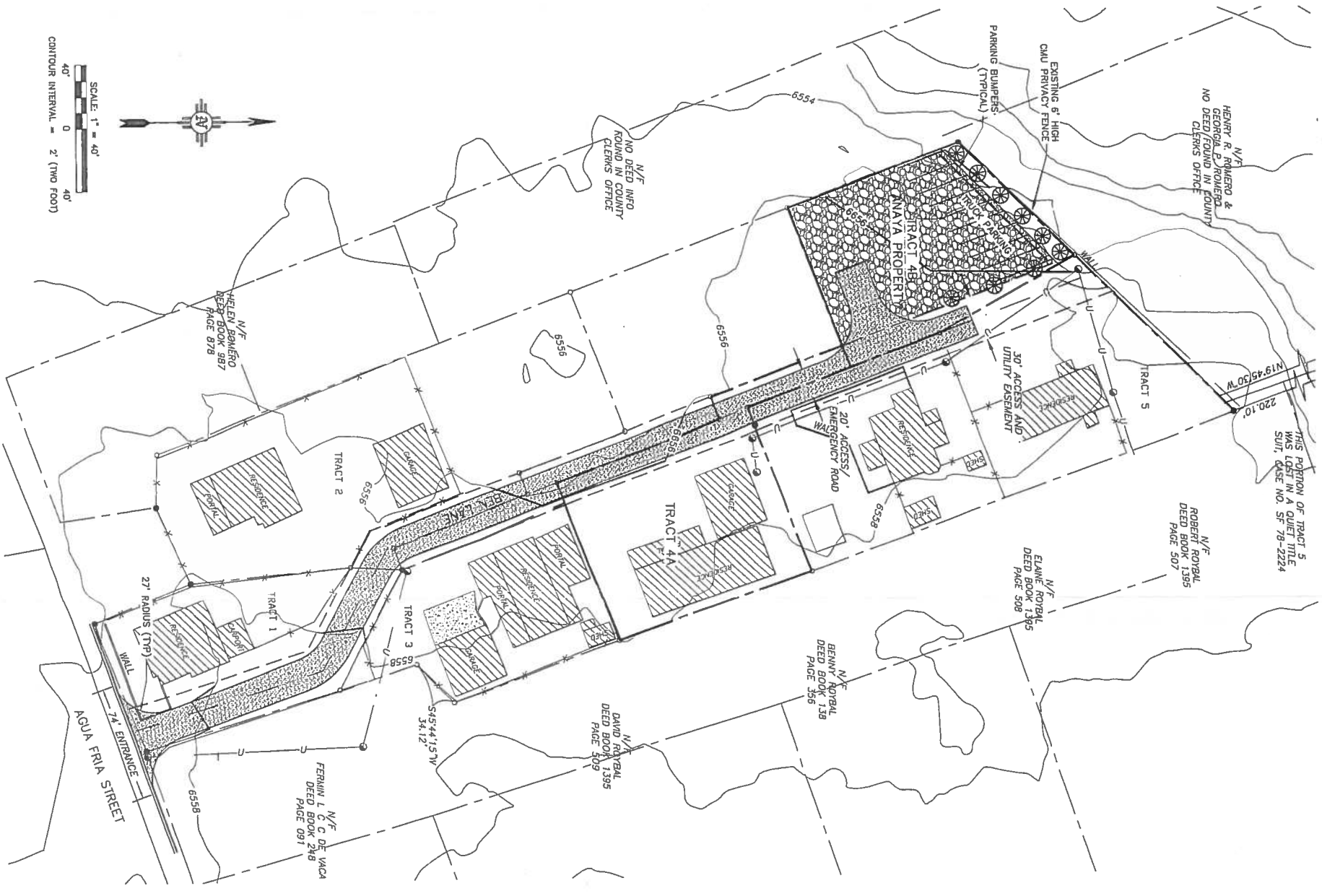
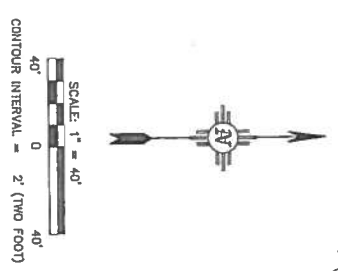
Tree Well Design	Description	Diameter of Tree Well (ft)	Depth of Tree Well (ft)	Storage Volume of Tree Well (cu ft)	Number of Trees	Pond Volume Provided (cu ft)

There is adequate capacity in the tree wells to contain the increase in runoff from this site.

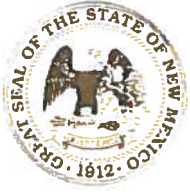


TOPOGRAPHY NOTE
1. PRESENTED TOPOGRAPHY FROM SANTA FE COUNTY GIS SECTION.
2. WALKER ENGINEERING HAS UNDERTAKEN NO FIELD VERIFICATION OF THE PRESENTED TOPOGRAPHY INFORMATION, AND MAKES NO REPRESENTATION PERTAINING THERE TO, AND ASSUMES NO RESPONSIBILITY OR LIABILITY OF PRESENTED TOPOGRAPHY ONLY.

LEGEND	
	EXISTING CONTOURS
	DESIGN CONTOURS
	SITE BOUNDARY
	SPOT ELEVATION
	NEW BASE COURSE
	EXISTING CURB AND GUTTER
	LOT BOUNDARY
	NEW PRIVACY WALL



NR-A-25



STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

BATAAN MEMORIAL BUILDING
407 GALISTEO STREET, SUITE 236
SANTA FE, NEW MEXICO 87501
PHONE (505) 827-6320 FAX (505) 827-6338

March 13, 2013

Jose E. Larrañaga
Commercial Development Case Manager
County of Santa Fe
102 Grant Avenue
P.O. Box 276
Santa Fe, NM 87504-0276

RE: CDRC Case # 13-5060, Robert & Bernadette Anaya Master Plan and Preliminary Development Plan

Dear Mr. Larrañaga:

I have completed my review of the above referenced master plan and preliminary development plan, received at the Historic Preservation Division (HPD) on February 11, 2013. This area does not contain any known archaeological sites or historic properties and the potential for unidentified archaeological sites is low given previous ground disturbances in the area. It is this office's opinion that the proposed master plan and preliminary development plan will not impact significant archaeological sites.

Please do not hesitate to contact me if you have any questions. I can be reached by telephone at (505) 827-4064 or by email at michelle.ensey@state.nm.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michelle M. Ensey".

Michelle M. Ensey
Archaeologist

Log: 96226



NBA-35



STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER
SANTA FE

Scott A. Verhines, P.E.
State Engineer

March 11, 2013

CONCHA ORTIZ Y PINO B
POST OFFICE BOX 25102
130 SOUTH CAPITOL
SANTA FE, NEW MEXICO 87504-5102
(505) 827-6091
FAX: (505) 827-3806

Mr. Jose E. Larranaga
Commercial Development Case Manager
Santa Fe County
P.O. Box 276
102 Grant Avenue
Santa Fe, NM 87504-0276

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Reference: Robert and Bernadette Anaya

Dear Mr. Larranaga:

On February 11, 2013 the Office of the State Engineer (OSE) received a request to provide comments for the Master/Development Plan submittal for Robert and Bernadette Anaya.

The proposal provides an outline for the development of a 0.702 acre parking lot. There will be no proposed water use for this development. The property is located at 2253 Ben Lane, Santa Fe, New Mexico within Sections 31, Township 17 North, and Range 9 East.

This proposal was reviewed pursuant to the Santa Fe County Land Development Code (Code) and the New Mexico Subdivision Act.

Development Plans are not required (by the Code) to provide the level of detail that is required by the OSE for a water demand analysis. Article VII, Section 6.1 of the Santa Fe County Land Development Code (Code) allows the Santa Fe County Land Use staff to refer development plan to state agencies for review "*if, in the opinion of the County Hydrologist and the Code Administrator, such referrals will provide information necessary to the determination of whether or not a proposed development is in conformance with provisions of this Code*". The OSE recognizes the proactive actions on behalf of the County to solicit the technical opinion of the OSE on this development plan. However, because the proposed development is not formally covered under the New Mexico Subdivision Act, the OSE declines to provide formal comments at this time. We appreciate the opportunity to review the Robert and Bernadette Anaya Master/Development Plan.

If you have any questions, please call Kenneth Richard at 505-827-3838.

Sincerely,


John W. Longworth, P.E.

Water Use & Conservation/Subdivision Review Bureau Chief

cc: OSE Water Rights Division, Santa Fe Office

NBA-36



Susana Martinez
Governor

State of New Mexico
ENVIRONMENT DEPARTMENT
Environmental Health Bureau
Santa Fe Field Office
2540 Camino Edward Ortiz
Santa Fe, NM 87507
505-827-1840
www.nmenv.state.nm.us



F. David Martin
Secretary

Butch Tongate
Deputy Secretary

Tom Blaine
Director

February 11, 2013

Mr. Jose E. Larrañaga, Case Manager
Santa Fe County - Planning & Zoning Department
P.O. Box 276
Santa Fe, New Mexico 87504-0276

RE: CDRC Case # 13-5060 Robert & Bernadette Anaya Master Plan & Preliminary Development Plan

Dear Mr. Larrañaga,

I have reviewed **CDRC Case # 13-5060 Robert & Bernadette Anaya Master Plan & Preliminary Development Plan** submittal for compliance with New Mexico Liquid Waste Disposal and Treatment Regulations (20.7.3 NMAC) only. The applicant proposes to use "the back of the property" at 2253 Ben Lane Santa Fe, NM 87505 for parking of commercial towing vehicles for a business.

The proposal states:

- that "There will be no water utilized and needed for this development. The Water Budget is 0.00."
- that "No waste will be produced with regard to this request and plan. From their residence there will be not liquid waste that will require disposal for this project. The subject property is on a community sewer system, however. No septic system will be needed for this development."

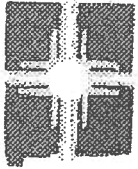
In Summary, according to the information provided there will be no proposed liquid waste system for this site. Therefore, no permits will be required for liquid waste disposal for this proposal.

If you have any questions regarding the review of the **CDRC Case # 13-5060 Robert & Bernadette Anaya Master Plan & Preliminary Development Plan** or other matters related to this permit, please contact me at the number above.

Sincerely,

Robert Italiano, Manager, District II
Environmental Health Bureau
New Mexico Environment Department
Santa Fe Field Office

NBA-37



New Mexico DEPARTMENT OF
TRANSPORTATION

March 27, 2013

Jose E. Larrañaga
Commercial Development Case Manager
102 Grant Avenue
P.O. Box 276
Santa Fe, NM 87504-0276

RE: CDRC Case # 13-5060 Robert & Bernadette Anaya Master Plan & Preliminary

Dear Mr. Larrañaga:

The New Mexico Department of Transportation (NMDOT) District 5 Traffic Section has reviewed the subject master plan dated February 2013. This master plan consists of a truck parking area for 9 units and landscaping and is off of Agua Fria Road. This development will not have any impacts to our roadway system and recommend approval.

Please feel free to contact me at (505)476-4223 if you have any questions.

Sincerely:

Ruben Chavez Garcia, P.E.
District 5 Traffic Engineer

Cc: Phil Gallegos, Assistant District Engineer – Engineering Support
Jeremy Lujan, Property Management Unit

Susana Martinez
Governor

Tom Church
Interim Cabinet Secretary

Commissioners

Pete Rahn
Chairman
District 3

Ronald Schmeits
Commissioner
District 4

Dr. Kenneth White
Secretary
District 1

Robert R. Wallach
Commissioner
District 2

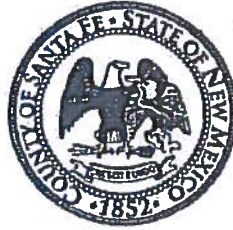
Butch Mathews
Commissioner
District 5

Jackson Gibson
Commissioner
District 6

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Hollan
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Development Review

Date	03/27/2013		
Project Name	Robert & Bernadette Anaya		
Project Location	2253 Ben Lane, Santa Fe, New Mexico 87507		
Description	Master Plan & Preliminary Development Plan	Case Manager	Jose Larranaga
Applicant Name	Robert & Bernadette Anaya	County Case #	13-5060
Applicant Address	2253 Ben Lane Santa Fe, New Mexico 87507	Fire District	Agua Fria
Applicant Phone	505-470-6621		
Review Type:	Commercial <input checked="" type="checkbox"/>	Residential <input type="checkbox"/>	Sprinklers <input type="checkbox"/>
	Master Plan <input checked="" type="checkbox"/>	Preliminary <input checked="" type="checkbox"/>	Final <input type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
			Inspection <input checked="" type="checkbox"/>
			Lot Split <input type="checkbox"/>
Project Status:	Approved <input checked="" 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:

Fire Department Access

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

- Fire Access Lanes**

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

- Roadways/Driveways**

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

Ben Lane roadway does meet the 20' wide International Fire Code and Santa Fe County requirements. The proposed hammerhead turnaround meets the 1997 Uniform Fire Code requirements as shown in master plan & preliminary plan page D1.

The proposed entry from Agua Fria Street into Ben Lane meets the 1997 Uniform Fire Code requirement as shown in master plan & preliminary plan page C1

- **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.*

- **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.*

There are no slopes the exceed 11%.

- **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.*

- **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.

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.* Hydrant location meeting residential flow requirements of 500 GPM is within 1000ft.

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.

As required

Final Status

Recommendation for Master Plan and Preliminary Development Plan approval with the above conditions applied.

Renge Nix, Inspector

Renge Nix
Code Enforcement Official

3-27-13
Date

Through: Chief David Sperling

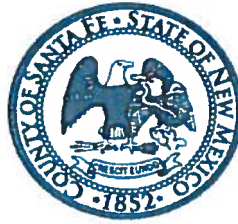
File: DEV/Robert & Bernadette Anaya/032713/AF

Cy: Buster Patty, Fire Marshal *MP*
Jose Larranaga, Land Use
Applicant
District Chief Agua Fria
File

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: February 20, 2013

To: Jose Larranaga, Land Use Department

From: Paul Kavanaugh, Engineering Associate *R*
Johnny P. Baca, Traffic Manager *JP*

Re: CDRC CASE # Z/PDP 13-5060 Robert & Bernadette Anaya Master Plan & Preliminary Development Plan

The referenced project has been reviewed for compliance with 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)**. The project is located within the Traditional Community of Agua Fria Village within the Santa Fe County Zoning Jurisdiction and is situated west of County Road 62 (Caja Del Oro Grant Road), north of Agua Fria Street. The applicant is requesting Master Plan and Preliminary Development Plan Approval for a Towing Business, located on .702 acres parcel of land.

Access:

The project is proposing to access the property through an existing road Ben Lane. Ben Lane accesses off of Agua Fria Street. At present Ben Lane is a twenty (20') feet base course road. A Site Threshold Assessment (STH) was provided by Morey Walker and Associates Engineering, Inc, dated February 07, 2013 for the project.

Conclusion:

Public Works Staff has reviewed the project and feels that they **can** support the above mentioned project with the following conditions;

- The engineer shall submit all horizontal control data on page C-1 on the plan set.
- Applicant shall provide sight triangles a minimum of thirty (30') feet from the edge of driving surface of Agua Fria Street.
- Applicant shall install an R1-1 30"x30" at the intersection of Ben Lane and Agua Fria Street.

Jose Larranaga

From: Patricio Guerrerortiz
Sent: Friday, February 15, 2013 12:38 PM
To: Jose Larranaga
Cc: Richard A. Silva
Subject: CRDC Case 13-5060-Anaya Master Plan and Peliminary Development Plan

Jose, these are my comments on this case:

1. It would be nice to have an amended plat of record that reflects all pertinent information, such as dedicated access, public utility easements, and adjusted lot lines in one piece.
2. If I were the Fire Marshall, I would make sure that the lot at the end of the cul-de-sac has a fire hydrant available, especially when one considers that the turn-around arrangements for a conventional fire truck would represent a challenge.
3. Require that all existing dwellings connect to the existing sanitary sewer line in Ben Lane, and that every development on each of the remaining lots also be connected. No septic tanks should be left in operation as part of this action. The requirement shall be reflected on the plat of record. For connections to the sanitary sewer, they must contact the City of Santa Fe's Wastewater Division.

Please call me if you have any questions and have a great weekend. Thanks!

MEMORANDUM

DATE: February 26, 2013

TO: Jose Larranaga, Commercial Development Case Manager

FROM: Amanda Romero, Senior Development Review Specialist

VIA: Wayne Dalton, Building and Development Services Supervisor
Vicki Lucero, Building and Development Services Manager

FILE REF.: CDRC CASE # MP/PDP 13-5060 Robert and Bernadette Anaya

REVIEW SUMMARY

ARCHITECTURAL, PARKING, LIGHTING, AND SIGNAGE:

The referenced project has been reviewed for compliance with the Santa Fe County Land Development Code and with Santa Fe County Ordinance 2000-01 for Master Plan and Preliminary Development Plan approval. This Application does not conform to Article III, Section 9 (Parking Requirements), and does not conform to Article III, Section 4.4.4 h (Outdoor Lighting). The application does comply with Article VIII (Sign Regulations).

PARKING:

The plan set illustrates a total of 8 parking spaces for 8 tow-vehicles. The Applicant's propose to park 2 recreational vehicles, 1 boat, 2 low-boy trailers, a dumpster and other personal vehicles, on 0.33 acre site. The principle use of the site is to allow the storage of 8 large tow-trucks to be accessible for emergency calls. The site shall maintain a hammerhead 60' in length and 20' in width. The applicant shall illustrate the circulation of the tow-trucks on the site and designate an area for parking the proposed personal vehicles. The Applicant's state a dumpster will be placed on site. The dumpster shall be screened and the plan set shall illustrate where the dumpster will be placed. The applicant shall illustrate the width of all parking spaces. Staff recommends bollards to be placed within the landscape area to prevent the tow trucks from hitting the northern wall. Staff has determined that the parking element of the Application is does not comply with Article III, Section 9. (Parking Requirements)

NBA-

ARCHITECTURAL:

The Applicant's propose a 6 foot CMU privacy wall on the western and southern boundaries of the property. An existing 6 foot CMU privacy wall will be utilized to screen the northern boundary of the site. The Applicant shall screen the east side of the property from the adjacent residential property. The existing and proposed CMU walls meet the height requirements and comply with Santa Fe County Ordinance 2000-01.

SIGNAGE:

The Applicant does not propose to install signage for this development. Staff has determined that the signage element of the Application does comply with Article VIII (Sign Regulations).

LIGHTING:

The Applicants propose to install outdoor lighting. The applicant shall specify the location of the proposed lighting and provide cut sheets. The proposed outdoor lighting shall be shielded. Staff has determined that the lighting element of the Application does not comply with Article III, Section 4.4.4 h and Table 3.1 (Outdoor Lighting).

Due to the nature of the comments contained herein, additional comments may be forthcoming upon receipt of the required information.

SANTA FE COUNTY PLANNING DEPARTMENT
TRANSPORTATION PLANNING

February 21, 2013

Jose E. Larranaga
Commercial Development Case Manager

Re: CDRC Case# 13=5060 Robert and Bernadette Anaya Master Plan and Preliminary Development Plan

Jose:

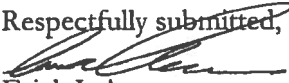
I have reviewed the Robert and Bernadette Anaya Master Plan and Preliminary Development Plan Report dated February 2013. I have the following comments:

1. The plat amending existing tract boundaries dated May 20, 2008 – Estate of Stella Sandoval, ET. AL. Plat Note #3 *Santa Fe County's approval of this survey plat does not include the construction of private easement(s) or road(s) as shown. Prior to the construction of said private easement(s) or road(s) it is required that an additional development permit be applied for and then approved by the Santa Fe County Land Use Administrator.*

Per section 5.2.2 Master Plan Submittals b. 7) *Proof of legal access from a county road as required by Code.* I am unclear if the above needed permit was applied for and approved. The absence of the required permit may jeopardize the “legal access” requirement. Please verify that the appropriate permits have been approved.

2. The plat calls out the 30' Access and Utility Easement P.B. 124. PG O3. The submitted plat is unclear as to where the easement exists. I have requested that this be added to the file by Jose Larranaga on February 13, 2013.

The submittal materials meet the street and access requirements set forth in Section 7 – Development Plan Requirements. Santa Fe County Engineering Associate, Mr. Paul Kavanaugh shall review the Site Threshold Assessment (7.1.2.1(w)) to determine if any further review is necessary. I shall also defer to the Fire Departments review for any further ingress/egress safety issues.

Respectfully submitted,

Erick J. Aune

Senior Transportation Planner

Erick J. Aune AICP, Senior Transportation Planner
102 GRANT AVENUE · SANTA FE, NEW MEXICO · 87501
PHONE (505) 986.6214 E-MAIL eaune@santafecounty.org

NBA-46

MEMORANDUM

DATE: February 27, 2013

TO: Jose Larranaga, Commercial Development Case Manager

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 # MP/PDP 13-5060 Robert & Bernadette Anaya Master plan / Preliminary development plan

REVIEW SUMMARY

The referenced project has been reviewed for compliance with the Santa Fe County Land Development Code. The request is for Master Plan Zoning and Preliminary Development Plan to allow parking for 8 tow truck vehicles on a 0.72 acre parcel. Currently there is an existing home on the parcel which will be utilized as a residence and home occupation. As a condition of approval the Applicant must apply for a Land division to allow for this type of request. The approval will allow for 0.33 acres to be utilized as parking for the 8 tow trucks.

Terrain Management

The site has slopes less than 15% and slopes south to north. The site does conform to Article VII, Section 3.3 (Terrain Management Plan.)

Storm Drainage and Erosion Control:

The Applicant's proposal shows a proposed grading and drainage plan. The Applicant's propose to utilize tree wells to control stormwater runoff. The total volume of cubic feet provided as indicated on sheet C-1 is 58.8 cubic feet. The total pond volume needed is a total of 54 Cubic Feet. Therefore, the submittal is in conformance of Article VII, Section 3.4.6 and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance.

NBA-47

MEMORANDUM

DATE: March 4, 2013

TO: Jose Larranaga, Commercial Development Case Manager

FROM: Vicente Archuleta, Development Review Team Leader

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

FILE REF: Case # MP/PDP 12-5060 Robert and Bernadette Anaya Master Plan and Preliminary Development Plan

REVIEW SUMMARY:

The Master Plan and Preliminary Development Plan by Robert and Bernadette Anaya has been reviewed for compliance of the Santa Fe County Development Code.

The Applicants are proposing a Land Division of Tract 4 into two lots. Tract 4 currently consists of .702 acres, more or less. The Land Division will consist of Tract 4A remaining a residential tract and Tract 4B will become the commercial tract.

The minimum lot size in the Agua Fria Traditional Community Zoning District is .75 acres per dwelling. With Community Services (both water and sewer) the minimum lot size is .33 acres per dwelling.

As per Ordinance No. 2007-2 (Village of Agua Fria Zoning District) Section 10.6 (Density and Dimensional Standards Table), residential and non-residential lots can be reduced to .33-acres with both community water and community sewer. Prior to the Land Division the Applicants shall provide documentation providing sewer and water for both proposed lots.

The Land Division must be approved and recorded prior to Final Development Plan approval.

NBA-48

MEMORANDUM

DATE: February 18, 2013

TO: Jose Larranaga, Commercial Development Case Manager

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 # MP/PDP 13-5060 Robert & Bernadette Anaya

REVIEW SUMMARY:

The Applicant requests approval of Master Plan and Preliminary Development Plan to allow a Commercial Parking Lot, to serve nine tow trucks on .702 acres in accordance with the Land Development Code and all pertinent Ordinances. The Landscaping Plan for Robert and Bernadette Anaya has been reviewed for compliance with the land **Development Code 1996-10, Article III Section 4.4.4.f. 4** (landscaping Plan), and **4.4.4f.11** (Landscaping for Parking Lots). Due to the nature of the referenced development, a Water Harvesting Plan may not be required.

Landscaping

The Applicant has provided a general description for the landscaping concepts for this project. The Applicant proposes to plant nine Gleditsia Triacanthos (Honey Locust) Trees. Six Honey Locust will be planted at the North end of the perimeter along the existing six foot high privacy fence/wall, and three Honey Locust, planted along the East side of the proposed parking lot facing Ben Lane, providing additional screening. The proposed Landscaping Plan indicates that the trees will be irrigated using a drip irrigation system. The planting of the trees shall be irrigated until established. The Applicant is also proposing to use nine secured rail road ties as parking bumpers for the tow trucks. The Applicant also plans on constructing two six foot high walls along the west side of the parking lot and along the south side of the parking lot, which will provide screening from the existing residential lots. This segment of the proposed landscape plan does comply with **Master Plan Procedure, Article V 5.2 g (1)**. The application shows a nine space gravel parking lot as proposed. This segment of the proposed landscape plan does comply with **Article III Section 4.4.4f.11**. Final Development Plan shall require that, all landscaping requirements (**Landscaping Plan Art III Sec 4.4.4f 4 a-n** and **Landscaping for Parking Lots Art III Sec 4.4.4f.11 a-c** of the code for commercial development are met.

NBA-49

Water Harvesting

Conceptually the Applicant is proposing to irrigate with a drip irrigation system at 6-2 gph. However, it is not clear as to what water source the Applicant will be utilizing to irrigate. Final Development Plan will require that the water source for irrigation be including in the landscape Plan.

Additional Comments

Due to the nature of the comments contained herein, additional comments may be forthcoming upon receipt of the required information.

SANTA FE COUNTY INTEROFFICE MEMORANDUM

TO: JOSE LARRANAGA, CASE MANAGER
FROM: ROBERT GRIEGO, PLANNING MANGER
SUBJECT: MP/PDP
DATE: 4/5/2013
RE: CDRC CASE # 13-5060 ROBERT AND BERNADETTE ANAYA MASTER PLAN AND PRELIMINARY DEVELOPMENT PLAN

Planning Division has reviewed **Case # 13-5060 Robert and Bernadette Anaya Master Plan and Preliminary Development Plan** report dated February 2012. The Board approved a variance to allow the applicant to submit a Master Plan and Development Plan in accordance with the procedures required in the Land Development Code. Staff has reviewed the application in accordance with Village of Agua Fria Zoning District, Ordinance 2007-2 and the Agua Fria Community Plan adopted by Resolution 2006-116.

The master plan development requests that the property be subdivided into two separate parcels. The existing property consists of .702 acres which includes the current residence for the Anaya's. The proposal is to create two lots, one with the existing residence and approximately .339 acres for the parking of commercial towing vehicles for a towing business operated by the Anaya's. The area for the proposed Master Plan is within the Traditional Community Zoning District (TCZD) which allows a base density lot size of .75 acres for both residential and non-residential uses. The proposed density for the two lots would be below the base density for the TCZD. The minimum lot size is .33 acres if the property has both water and sewer services in accordance with Article III Section 10 of the Code. The development permit application indicates that the property has community water and community sewer. The application includes a letter from the Agua Fria Community Water Association to "acknowledge that the water association "will make water available for Robert and Bernadette Anaya". There is no exhibit in the packet which indicates that the lots have access to a sewer system as required by Article III Section 10 of the Code.

The Village of Agua Fria Use Table identifies permitted uses, conditional uses and special uses for the TCZD. The use proposed on the Master Plan was submitted in accordance with the approved variance which requires compliance with all applicable Land Development Code requirements. The Master Plan and Preliminary Development Plan report proposes the creation of an approximately .339 acre property to be used for parking the vehicles associated with the towing company. The total number of parking

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spaces proposed on this lot is 9. Maximum lot coverage for non-residential uses in accordance with the AFTCZD is 40%. The proposal indicates a zero percent lot coverage. The property proposes to include 8 towing vehicles and the proposal includes use of the property for RV's a medium sized boat, 2 low-boy trailers for personal use, a dumpster and several personal vehicles.

The proposal indicates that a Home Occupation license will be submitted as part of this development for Tract 4A where the Anaya's currently reside. Tract 4B is the subject of this development plan and will be designated parking for the towing business.

Summary:

Case # 13-5060 Robert and Bernadette Anaya Master Plan and Preliminary Development Plan proposal is to create two lots on .702 acres in the Village of Agua Fria Traditional Community Zoning District. This proposal is to create a .339 acre parcel for purposes of designated parking for a nonconforming towing business. This project does not meet minimum lot size requirements to create two lots on .702 acres unless there is existing water and public sewer for both lots. The project received a Special Use Variance to allow the applicant to submit a Master Plan subject to Master Plan approval by the BCC. The Village of Agua Fria Zoning District indicates:

Special Use is allowed only if a Development Plan and Master Plan are reviewed and approved by the Board of County Commissioners, in accordance with the applicable procedures of this Code. Special Uses are subject to all other applicable regulations of this Code.

10.4 Village of Agua Fria Zoning Subdistricts Established

The following Village of Agua Fria Zoning Subdistricts are hereby established and approved for use in the Village of Agua Fria Zoning District:

Village of Agua Fria Zoning Subdistricts
Agua Fria Low-Density Urban Zone (AFLDUZ)
Agua Fria Traditional Community Zoning District (AFTCZD)

10.5 Village of Agua Fria Zoning District Use Table

A. Principal Uses

P Permitted Uses

A "P" indicates that a use is allowed by right in the subdistrict, in accordance with an administrative approval. Permitted uses are subject to all other applicable regulations of this Code. Application for a development permit is not required for agricultural, grazing and ranching uses as set forth in Article III, Section 1, Agriculture, Grazing and Ranching Uses.

C Conditional Uses

A "C" indicates that a use is allowed only if a Development Plan is reviewed and approved by the Agua Fria Development Review Committee (AFDRC), County Development Review Committee (CDRC) or applicable Local Development Review Committee (LDRC), in accordance with the applicable procedures of this Code. Conditional Uses are subject to all other applicable regulations of this Code.

S Special Uses

An "S" indicates that a use is allowed only if a Development Plan and Master Plan are reviewed and approved by the Board of County Commissioners, in accordance with the applicable procedures of this Code. Special Uses are subject to all other applicable regulations of this Code.

Uses Not Allowed

A blank cell (one without a "P", "C" or "S") indicates that a use type is not allowed in the subdistrict.

Uses Not Listed

B. Use Categories

(Section Reserved)

C. Accessory Uses

Accessory uses are subject to applicable provisions of the Code.

D. Temporary Uses

Temporary uses are subject to applicable provisions of the Code.

Commentary: Use Standards must meet requirements outlined in the Santa Fe County Land Development Code, as amended. The Use Table, below, is organized into 5 major use groups: Residential Use, Public, Civic and Institutional Use, Retail, Service and Commercial Use, Industrial Use, and Open Use. Each major use group is further divided into specific uses. The use category system is based on common functional, product or compatibility characteristics, thereby regulating uses in accordance with criteria directly relevant to the public interest. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.



2/9/2012



EXHIBIT
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