

DRAFT
subject to approval

MINUTES OF THE

SANTA FE COUNTY

DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

June 19, 2014

This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Chair Dan Drobnis, on the above-cited date at 4:06 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Member(s) Excused:

Manuel Roybal

Staff Present:

Wayne Dalton, Building and Development Services Supervisor
Rachel Brown, Deputy County Attorney
Yicki Lucero, Building and Development Services Manager
John Michael Salazar, Development Review Specialist
Buster Patty, Fire Marshal
John Lovato, Development Review Specialist

IV. APPROVAL OF AGENDA

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

V. APPROVAL OF MINUTES: May 15, 2014

Member Martin moved to approve the May minutes. Member Katz seconded and the motion passed by unanimous [6-0] voice vote.

VI. CONSENT CALENDAR: Final Order

- A. CDRC Case #MIS 13-5390 Louie Rael Sr. Exemption. Louie Rael, Sr. and Louie Rael, Jr., Applicants, Requested an Exemption from Five Year Holding Between Family Transfer Applications, Section 6.14.4 of Ordinance No. 2002-9, to Allow a Small Lot Family Transfer Land Division of 2 Lots Consists of 2.54 and 2.56 Acres into Four Lots. The Property is Located at 34A Camino Montoya and 53B Paseo Martinez, within the Traditional Historic Community of La Cienega/La Cieneguilla, within Sections 20 & 29 Township 16 North, Range 8 East, Commission District 3 - Approved 4-3

Member Martin moved to approve the consent calendar. Member Katz seconded and the motion passed by unanimous [6-0] voice vote.

VII. NEW BUSINESS

- A. CDRC CASE # V 14-5150 Lorenzo Atencio Variance. Lorenzo Atencio, Applicant, requests a variance of Ordinance No. 2008-5 (Pojoaque Valley Traditional Community District), § 12.5 (Density Standards) to allow a Land Division of 1.45 acres into two lots. The Property is located at 10 Frances Lane, within the Traditional Community of Pojoaque, within Section 7, Township 19 North, Range 9 East, Commission District 1

Jon Lovato, Case manager, reviewed the staff report as follows:

“The subject lot was created in 1995 by way of a land division and is recognized as a legal lot of record. There is currently a residence under construction on the property. A permit for a 3,462 square foot home was issued on October 3, 2013.

“The Applicant states a variance is needed due to his medical condition. The Applicant states he can no longer maintain the 1.45-acre parcel and wishes to sell one of the lots he is proposing to divide. The size of lots will be 0.725 acres each. The Applicant further states, the size of lots to be created is close to the minimum 0.75-acre lot size and will not impact potential buyer’s health, safety, or welfare.

“Growth Management staff 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 Recommendation: Denial of a variance from Ordinance No. 2008-5, Pojoaque Valley Traditional Community District, Section 12.5, Density Standards, to allow a Land Division of 1.45 acres into two lots.”

Mr. Lovato stated that if the decision of the CDRC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.50 acre-feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance No. 2008-05).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2).
3. Further Division of land is prohibited on the property. (As per Article Ordinance No. 2008-5, § 12.5).
4. The proposed vacant lot may be subject to utilizing an advanced liquid waste disposal system in conformance with NMED requirements. This shall be noted on the plat.
5. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat Review (As per 1997 Fire Code and NFPA Life Safety Code).

Mr. Lovato corrected an item in the staff report to read as follows: "Hydrologic Zone: Traditional Community of Pojoaque. The minimum lot size is 0.75 acres per dwelling unit. The request does not meet the minimum standard for lot size in this area."

The applicant, duly sworn, Lorenzo Atencio, said the ordinance from which they request a variance was adopted for the purpose of maintaining the traditional rural community in Pojoaque. The ordinance regulates land uses and density. He said the home they built on the lot is positioned to facilitate the splitting of the lot into .75 and .695 acre lots. Using a plat of survey he sited his house and corrected the lot sizes on the proposed lots. He went on to say that the purpose of plat aside from showing what the proposed lots would look like also depicts that the tracts created by Frances S. Gomez were done so with the idea of further splits. [This plat was not made available for the record] He also referred to the plat created by Frances S. Gomez [Exhibit 1] for the original split and pointed out there was .75-acre lot in that original split. Pointing out that the Gomez split created five lots, Mr. Atencio said it should have been considered under the Subdivision Act.

Mr. Atencio addressed the objections that were forwarded to the County regarding his request. He indicated that the private covenants [Exhibit 2] are irrelevant to the County. He said he and his wife agreed to the covenants which do not speak to splitting lots.

Mr. Atencio said Frances Gomez' daughter, Sylvia Gomez Sexton, contends the variance should not be approved because her mother specifically created lots less than 1.5 acres to prevent a division. Ms. Gomez is deceased and if that was her intent it should have been spelled out. Mr. Atencio noted that the ordinance from which he is requesting a variance was adopted in 2008 and the plat was filed and signed in 1998. The objectors state they want to keep the land pristine and private; Mr. Atencio said they should have bought it.

Mr. Atencio said building another house on the property will not impact his neighbors. The variance is 55/1000 of an acre and he submitted that that puts the plat in substantial compliance of the subject ordinance. Denying the variance will not further the purpose of the ordinance in a significant way. He pointed out that the CDRC may waive this requirement and he suggested not doing so would result in an arbitrary and unreasonable taking of his property and exact a hardship. He requested approval of his variance and a modification to condition 1 asking for water use in the permit amount issued by the State Engineer.

Duly sworn, Arch Sproul, the builder of the Atencios' home, mentioned that the State Engineer required the installation of a structured sewage system which contains the nitrates and reduces the impact more than standard septic systems. He noted that both Mr. and Mrs. Atencio are retired living on a fixed income.

Responding to Member Katz, Mr. Atencio said the deeds he located were prior to 1998, prior to the plat [Exhibit 1] and the 2004 dated covenants. Mr. Katz pointed out that lot A could have been made smaller to leave B with enough acreage to divide into three parcels that would be each 1.5 acres still leaving A large enough to further divide. Mr. Atencio said that could have been the case but that was speculation.

Duly sworn, Guy Eden, the husband of one of Frances Gomez' daughters stated that Frances Gomez split the lot for her three children. Mr. Eden said Mr. Atencio is a knowledgeable attorney who knew the County rules prohibiting subdivision below .75 acre. The Atencios' well is post-basin, permitted for domestic use only and permitted .4 acre-feet annually which is not enough for two households.

Mr. Eden pointed out that the Atencios' house is very large and putting another house on that property will create a high-density appearance. The covenants do not speak to splitting the lots because the family relied on the County ordinance to prohibit it. He went on to say that a reduction in the lot size will affect his property and its property value. He said Frances Gomez deliberately made these lots less than 1.5 acres to prevent splits.

Erline Eden, under oath, the daughter of J.A. and Frances Gomez, stated that she along with her mother, their attorney Uncle Claude Sena and the surveyor had several meetings to get her mother's affairs in order before she died. This is the home property that she wanted to leave to her children. Ms. Eden said she represented her mother as her guardian and conservator of the estate and understood her mother's wishes.

Ms. Eden said she sold her tract to the McDougals who have built a home there with the understanding it was one residence per tract. She went on to identify each of the tracts and who lives there. The tract the Atencios own was originally her brother's and he sold it to a realtor who sold it to the Atencios. Ms. Eden emphasized that it was her mother's intent to keep the property as one dwelling per lot.

Ms. Eden corrected Mr. Atencio's comment that there were three children. There were four and one died before her mother.

Karl Sommer, appearing as counsel for the McDougals, said the issue is a variance for density. The CDRC predominantly rules to uphold the code in these situations. This case highlights the principle upon which those decisions were made, that a variance and the hardship for a variance must be related to some condition of the property which is not self-inflicted by this owner or the previous owner. There is nothing unique about the condition of this property. The property was divided with specific intentions to meet particular requirements of the code.

Mr. Sommer said the CDRC is being asked to allow a division for reasons personal to the applicant, not by reason of anything related to the condition of the property. He said this division will burden the egress/ingress. The request is for personal reasons and the CDRC has consistently upheld the density requirements of the Code.

Mr. Sommer recognized that this was a slight variation from the requirements, but it is a variation of the principle and should not be approved.

Harold Sexton, duly sworn, said the manner in which the Atencios sited their home made him immediately think they were going to try and divide and sell the property. He said his mother-in-law, Frances Gomez, was very intentional in creating the lots.

Sylvia Sexton, duly sworn, acknowledged this was a very difficult situation for the family members. She too said that her mother's intentions were very clear from the beginning: "She did not want this property split..." It seemed clear from where the Atencios sited their home that their intention was to sell the rest of the property.

Duly sworn, Barbara McDougal, provided a Google aerial map to the CDRC and added that if a second home is permitted on that property it will access via her south property line and that will be very difficult for them.

Returning to the podium, Mr. Atencio stated that contrary to the comments about the size of his home it is 2,200 square feet. He asked why Frances Gomez who had access to an attorney didn't include the lot size in the covenants if she felt so strong about it. He referred to the warranty deed [Exhibit 3] that allows him to use his property how he wants and to sell it to whom he wants. Permitting this variance will not impact the community; instead a decision to deny the variance would result in an arbitrary and unreasonable taking of his property.

There were no further speakers and the public hearing was closed.

Member Katz asked whether the minimum lot size was .75 acres when the plat was filed in 1995. Mr. Lovato said it was.

Stating the applicant has not shown extraordinary hardship because of unusual topography and other such non-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, Member Martin moved to deny CDRC Case #V 14-5150. Member Booth seconded and the motion passed by unanimous [6-0] voice vote.

B. CDRC CASE # S 10-5551 Tessera Subdivision Phase 2 Preliminary Plat and Development Plan. Homewise Inc., Applicant, Design Enginity (Oralyn Guerrortiz), Agent, request Preliminary Plat and Development Plan approval for Phase 2 of the Tessera Subdivision (formerly College Hills) which consists of 78 residential lots on 69.4 remaining acres of 146 acres. The property is located off the NMS99 West Frontage Road, west of the La Tierra exit, within Section 20, Township 17 North, Range 9 East, Commission District 2

Case manager Vicente Archuleta presented the staff report as follows:

“The subject property received Master Plan approval for a request for 88 lots on 84 acres in the late 1990’s under the name of College Hills. On December 18, 2001 the Extraterritorial Zoning Authority granted a Master Plan Amendment for the Tessera Subdivision, which consisted of 166 residential lots on 145.97 acres to be developed in two phases. Phase 1 consisted of 88 lots on 76.57 acres and Phase 2 consisted of 78 lots on 69.4 acres.

“On December 12, 2002, the EZC granted Preliminary Plat and Development Plan approval for Phase 1 of the Tessera Subdivision which consisted of 88 lots. On January 13, 2004, the BCC granted Final Plat and Development Plan approval for Phase 1. The Final Plat for Phase 1 was recorded on April 5, 2007. There are currently three homes within Phase 1.

“On December 14, 2010, the Board of County Commissioners granted approval of a two-year time extension of the Master Plan for the Tessera Subdivision. On December 11, 2012, the BCC approved an additional 2-year time extension of the previously approved Master Plan for Tessera Subdivision consisting of 166 lots on 146 acres.

“The Master Plan was amended in December 2001 by the EZA under the Extraterritorial Zoning Regulations to have a total of 166 lots on 145.97 acres and to be developed in two phases.

“The Applicants now request Preliminary Plat and Development Plan approval for Phase 2 of the Tessera Subdivision which consists of 78 lots on 69.4 acres. Seventy-eight lots will be added to the Tessera development for a total of 166 residential lots on 146 acres. Phase 2 will encompass 69.4 acres; with 35 acres or 50 percent of the property designated as permanent open space.

“In 2012, Homewise Inc. purchased the property and intends to build and sell all the homes and it anticipates having the entire 166 lots fully built out within seven years. The previous developer installed the infrastructure needed for Phase 1 prior to the economic downturn. Homewise has posted a financial guarantee for the remaining deficiencies in Phase 1, such as trails which had not been completed.

“The applicant is seeking preliminary plat and development plan approval for Phase 2 of the Tessera Subdivision which consist of 78 residential lots on 69.4 acres.”

Mr. Archuleta said the OSE issued a negative response apparently based on the lack of a ready, willing and able to serve letter from the County. That letter was recently provided and the OSE has not had an opportunity to respond. The CDRC can table until the next meeting awaiting the OSE's response or advance the case to the BCC conditional on a positive response from the OSE.

All recommendations of the Code have been met and Staff recommends approval of the Applicant's request for Preliminary Plat and Development Plan approval for Phase 2 of the Tessera Subdivision which consists of 78 residential lots on 69.4 acres subject to the following conditions:

1. The Applicant shall comply with all review agency comments and conditions, Article V, Section 7.1.3.c.
2. The Applicant shall submit documentation in regards to the Board of County Commissioners (BCC) approval of New Water Deliveries for Phase 2, as required by Resolution 2006-57, “Adopting Santa Fe County Water Resource Department Line Extension and Water Service Policy”, and all other conditions in that resolution and other SFCU policies are met.
3. The Applicant shall obtain a letter from the City of Santa Fe Water Division (City) that identifies what, if any, additional water utility infrastructure is needed in order to supply the maximum 19.5 acre-foot-year demand proposed by Phase 2 prior to Final Plat and Development Plan submittal.
4. The Applicant shall agree to construct and dedicate all their fair share of infrastructure needs identified by the City's water utility hydraulic modeling. [Revised at motion]
5. The Applicant shall enter into a Water Delivery Agreement and Wastewater Service Agreement with SFCU, which will specify construction standards (e.g., line-taps and meter cans) and inspection and dedication requirements for Phase 2 prior to Final Plat and Development Plan submittal. The agreement will specify many of the requirements identified in SFCU's March 27, 2014 letter.
6. Copies of the Water Delivery and Sewer Service agreements shall be submitted to the County Growth Management Department along with the Final Design of the Sewer System for review and approval prior to Final Plat and Development Plan submittal

Mr. Archuleta said even with the ready, willing and able letter from the County Utility, it is possible the OSE may have a negative response. Ms. Lucero said it appears that the OSE's only concern was the lack of the letter from the County.

Member Gonzales opined that tabling the case would serve no purpose other than to delay the applicant's request.

Oralyrn Guerrotiz, duly sworn, said she was representing Homewise and sited the property north of 599, west of Camino la Tierra, and next to Aldea. The new zoning map labels the area as a planned development district. She outlined the history of the development stating Homewise acquired the development from a bank. She noted that there are three existing homes in Phase 1 and four under construction. Phase 2 has utilities and roadways and additional roads are anticipated. Using a site map she located the trails and highlighted the rolling terrain. Because of the terrain, grinder pumps will be used and at this point the sewer system is still under development. The original Phase 1 has city sewer. The project borders Las Campanas and there is the possibility of pumping north to that system if the City does not approve sewer service for Phase 2.

Ms. Guerrotiz said there are 12 affordable lots in Phase 2 and described the services Homewise provides. She said Homewise's goal is to help build long-term financial security for community members.

Ms. Guerrotiz offered the following on the development: there are no requests for variances, build-out is expected in seven years, a traffic impact study shows no change in road ratings, there are water conservation mechanisms throughout the development with timed irrigation and advanced instant hot water taps, there are fire hydrants and two protected archaeological sites.

Regarding condition 4, Ms. Guerrotiz requested modification as follows: The Applicant shall agree to construct and dedicate ~~at~~ their fair share of infrastructure needs identified by the City's water utility hydraulic modeling.

Regarding the ready, willing and able letter from the County, Ms. Guerrotiz said the County utility failed to use those words and for that reason the OSE provided a negative recommendation. The County has now prepared the appropriate letter and she was confident there were no other issues.

Duly sworn, Tony Brown the onsite manager for Aldea de Santa Fe said the Aldea Board of Directors met with Homewise to discuss their concerns, and most have been addressed. However, he noted the report states Santa Fe County owns the lifts and grinding stations and they do not. They are owned by Aldea.

Mr. Brown said there is a concern about soil erosion from the arroyos. The previous developer did not install controls and all the sediment washed into Aldea. Aldea is required to maintain check dams and retention areas to hold its soil and for the past four+ years they have been holding Tessera's soil which overloaded their system. He asked that the County require Tessera to have EPA engineer inspections conducted twice a year and to control their sediment on their own property and not release it into Aldea.

Janet Davidson, duly sworn, said she was one of the first homeowners in Aldea on East Villa Plaza Nueva and Homewise will be building on that street. She said there is a trust issue that needs to be addressed. The Aldea homes on the street range in price from \$450,000 to \$800,000 and while she has no opposition to living in a mixed neighborhood she wants Homewise to educate the residents on how to live in the neighborhood. The trust issue begins with a very large orange sign directly in her window and appears to be

in her neighbor's patio. Homewise said they would take it down and that has not happened.

Ms. Davidson said the deliveries come in through an Aldea entrance not Homewise's.

Under oath, Rob Gibbs, director of real estate development for Homewise, said they certainly want to be good neighbors to the residents of Aldea. In fact, Homewise is currently building 20 homes in Aldea and they understand what is expected of them as a contractor, home builder and neighbor. The suppliers and contractors working in Tessaera have been instructed to use Tessaera's entrance and he said they will continue to reiterate those instructions.

Mr. Gibbs said there were some speeding problems and the orange sign Ms. Davidson referred to slows traffic alerting drivers to truck traffic. The homes being constructed by Homewise in Aldea will be priced in the high \$200,000s to the mid \$400,000. Homewise is working with custom builders to build higher priced homes, above \$500,000, in Tessaera 2

Mr. Gibbs said they have contracted with an engineer to monitor sediment, etc and they follow all EPA requirements.

Member Katz asked when the orange sign could be moved and Mr. Gibbs responded said they will move it further down the street. He said the sign addresses a safety issue and will be removed once the construction is completed.

Mr. Gibbs said they are monitoring the sediment and buildup in the arroyo and Mr. Brown's concerns occurred prior to Homewise's ownership.

Member Gonzales inquired as to where the original water rights for the development were obtained. Ms. Guerrerotiz read from County Hydrologist Torres' letter in which she states that the water rights were not specifically addressed and the current connection fee for the utility allows for purchase of the necessary water rights to serve the development.

In regard to CDRRC Case #S 10-5551, Member Katz moved to approve the request for preliminary plat and development plan for Phase 2 with the staff-imposed conditions, amendment to condition 4, adding condition 7 that the Applicant implement proper sediment control and a positive recommendation from the State Engineer. Member Martin seconded and the motion passed by unanimous [6-0] voice vote.

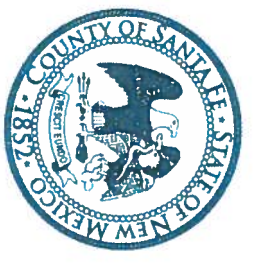
F. PETITIONS FROM THE FLOOR

None were presented

F. COMMUNICATIONS FROM THE COMMITTEE

Member Anaya requested an excused absence for the July meeting. Ms. Lucero said she would confirm a quorum for the next meeting.

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: July 17, 2014

TO: County Development Review Committee

FROM: John Lovato, Development Review Specialist Senior

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

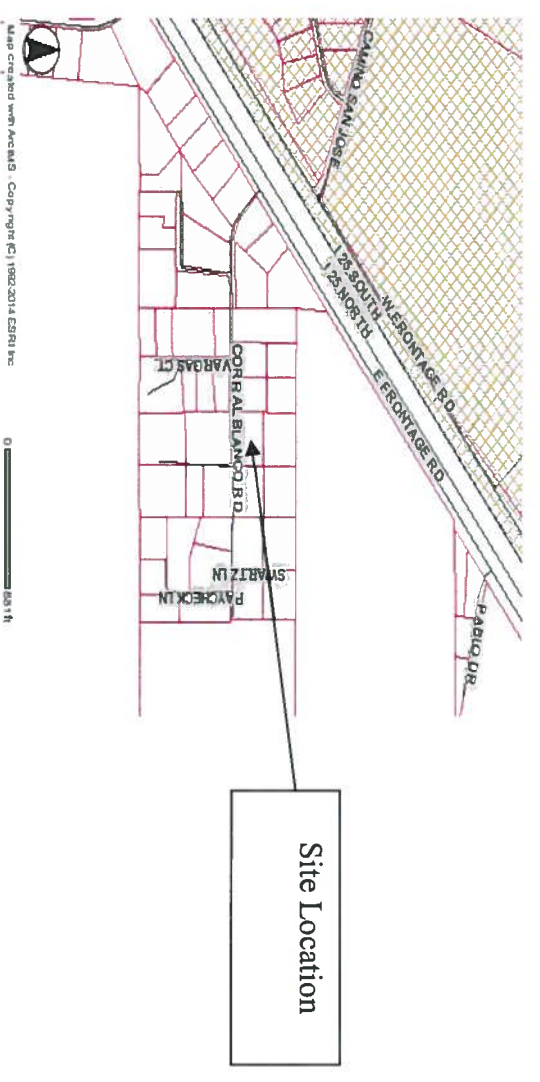
FILE REF.: CDRC CASE # V 14-5200 Rita Madril Variance

ISSUE:

Rita Madril, Applicant, Annette Madril Martinez, Agent, request a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code, to allow a Small Lot Family Transfer Land Division of 2.12 acres into two lots consisting of 1.06 acres each.

The property is located at 29 Corral Blanco Rd. within the vicinity of the I-25 East Frontage Road, within Section 4, Township 15 North, Range 8 East, (Commission District 4).

Vicinity Map:



102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:
505-995-2740 www.santafecounty.org

NBA-1

SUMMARY:

The subject lot was created in 1976 and is recognized as a legal non-conforming lot. The 1976 survey plat shows the lot along with a 40 foot road easement on the southern boundary and a 30 foot road and utility easement on the eastern boundary. The Applicant has owned the lot since 1990. There are currently two legal non-conforming residences on the property. The Applicant has submitted an aerial photo dated 1979, showing both residences on the property.

Currently, there are no water restrictions on this parcel. The allotted use for legal non-conforming residences is 1 acre feet per year. The Small Lot Family Transfer will require water restrictions of .25 acre feet per year for each lot. There are existing lots that range from 1 acre to 2.8 acres within the vicinity.

The Applicant states, a variance is needed due to her medical health conditions. The Applicant also states there have always been two homes on the property and she would like to give her daughter half the property with one of the homes, to alleviate the financial burden and maintenance of the property. The Applicant intends to split the lot into two equal parcels.

Article II, § 3 (Variances) of the County Code states: Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking of property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified. **The variance criteria does not consider financial or medical reasons as extraordinary hardships.**

Article II, § 3.2 (Variation or Modification) of the County Codes states: In no case shall any variation or modification be more than a minimum easing of the requirements.

This Application was submitted on June 15, 2014.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements. The project does not comply with density requirements of the Code.

APPROVAL SOUGHT: Approval of a variance of Article III, §10 (Lot Size Requirements) of the Land Development Code.

GROWTH MANAGEMENT AREA: SDA-1

HYDROLOGIC ZONE:

Basin Hydrologic Zone. The minimum lot size is 10 acres per dwelling unit. Lot size can further be reduced to 5 acres with .50 acre feet per year with water restrictions. The maximum allowable adjusted lot size can further be reduced to 2.5 acres per dwelling unit with .25 acre feet per year with water restrictions. Small Lot Family Transfers may reduce to 1.25 acres with .25 acre feet per year. The request does not meet minimum lot size requirements for this type of request.

FIRE PROTECTION:

La Cienega Fire District.

WATER SUPPLY:

Shared Domestic Well

LIQUID WASTE:

Conventional Septic System

VARIANCES:

Yes

AGENCY REVIEW:

<u>Agency</u>	<u>Recommendation</u>
Fire	None Needed at this time.

STAFF RECOMMENDATION:

Denial of a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code for a Small Lot Family Transfer Land Division of 2.12 acres into two lots.

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

1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 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. 2008-05).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2).
3. Further division of either tract is prohibited: This shall be noted on the plat. Only one dwelling unit shall be permitted on each lot. (As per Article III, § 10.

4. Deed(s) transferring the Parcel(s) to or among the heirs or beneficiaries shall be recorded at the time the plat is filed. (**As per Article II, § 4.3.3**)
5. The Applicant shall provide an updated liquid waste permit for both homes from the New Mexico Environment Department with the Development Permit Application for the Family Transfer Land Division. (**As per Article III, § 2.4.1a.1 (a) (iv)**).
6. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat Review (**As per 1997 Fire Code and NFPA Life Safety Code**).

EXHIBITS:

1. Letter of request
2. Article III, § 10 (Lot Size Requirements)
3. Article II, § 3 (Variances)
4. Site Photographs
5. 1978 Aerial
6. Site Plan
7. Aerial of Site and Surrounding Area

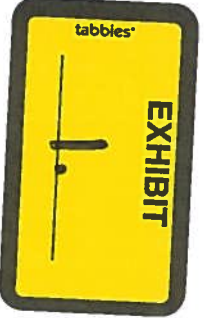
NBA-4

Rita Madril
29 Corral Blanco Rd.
Santa Fe NM 87508

06/15/14

I am writing this letter for approval of variance for a family transfer. My property is located on 29 Corral Blanco Rd and I would like to transfer half of it to my daughter Annette Madril Martinez. I have many health issues and I am getting to that age where I need help with everything. The property has always had two homes and I would like to give half to my daughter to help alleviate the burden of maintaining the large property. The property is 2.12 acres and I would like to split the land in half into two equal parts which will be roughly 1.06 acres. I am at the age where I would like to have my property and finances in order. Please feel free to call me if you have any questions but note that Annette is my power of attorney and has permission legally to represent me. Thank you for your assistance on this important issue for me.

Sincerely,
Rita Madril
Rita Madril
505-471-4495



NBA-5

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

- 9.2 Multiple use projects shall calculate cumulative parking needs for each type of use in the project to be developed.
 - 9.3 Minimum size of parking space shall be 300 square feet which includes the parking stalls and aisles.
 - 9.4 Commercial, industrial, other non-residential and large scale residential uses shall provide for handicap parking.
- History: 1980 Comp. 1980-6. Section 9. Parking Requirements was amended by County Ordinance 1990-11 adding requirements for auditorium uses, multiple uses and handicap access.

SECTION 10 - LOT SIZE REQUIREMENTS

10.1 Relationship of Lot Sizes to Water Policies

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



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

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

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

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

BASIN FRINGE ZONE: Same as Basin Zone.

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

MOUNTAIN ZONE: Same as Homestead Zone.

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

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

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

10.2 Calculation of Minimum Lot Size

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

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

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

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

Where:

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

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

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

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

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

- BASIN ZONE: 10 acres
- BASIN FRINGE ZONE: 50 acres
- MOUNTAIN ZONE: 80 acres
- HOMESTEAD ZONE: 160 acres

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

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

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

10.2.2 Calculation of Use

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

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

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

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

- BASIN ZONE: 5 acres
- BASIN FRINGE ZONE: 25 acres
- MOUNTAIN ZONE: 40 acres
- HOMESTEAD ZONE: 80 acres

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

BASIN ZONE:	2.5 acres
BASIN FRINGE ZONE:	12.5 acres
MOUNTAIN ZONE:	20 acres
HOMESTEAD ZONE:	40 acres

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

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

10.2.4 Special Standards for Calculation of Water Availability for Metropolitan Areas

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

a. Standard Values of Water Availability

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

BASIN ZONE:	.25 acre feet per acre per year
BASIN FRINGE ZONE:	.05 acre feet per acre per year
MOUNTAIN ZONE:	.0125 acre feet per acre per year

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

METRO BASIN ZONE:	4 acres
METRO BASIN FRINGE ZONE:	20 acres
METRO MOUNTAIN ZONE:	80 acres

b. Adjustments for Water Conservation

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

BASIN ZONE:	2.5 acres
BASIN FRINGE ZONE:	5 acres
MOUNTAIN ZONE:	20 acres

10.3 Exceptions to Minimum Lot Size Requirements

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

10.3.1 Metropolitan Area - Community Water Systems

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

- BASIN ZONE: 1 acre
- BASIN FRINGE ZONE: 2.5 acres
- MOUNTAIN ZONE: 5 acres

10.3.2 Agricultural Areas

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

10.3.3 Traditional Communities

The minimum lot size in traditional communities as shown on Code Maps 40-57, shall be .75 acres, except as follows:
14,000 sq. ft. - Where community water service and community sewer service systems are utilized, or a Local Land Use and Utility Plan is adopted.

10.3.4 Urban Areas

The minimum lot size in Urban Areas shall be 2.5 acres, except as follows:
1 acre - Where community water or community liquid waste disposal systems are utilized.
.50 acre - Where community water and community sewer systems are utilized.

10.4 Density Transfer

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

SECTION 11 - IMPORTING OF WATER

11.1 Location Requirements

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

2.5 Zoning

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

2.6 Subdivisions

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

2.7 Other Requirements

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

SECTION 3 - VARIANCES

3.1 Proposed Development

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

3.2 Variation or Modification

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

3.3 Granting Variances and Modifications

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

3.4 Height Variance in Airport Zones

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

EXHIBIT

3



NBA-13



Residences

tabbles
EXHIBIT
5.

NBA-14



Data Services Manager
Earth Data Analysis Center
MSC01 1110, Bandler West Room 118
1 University of New Mexico

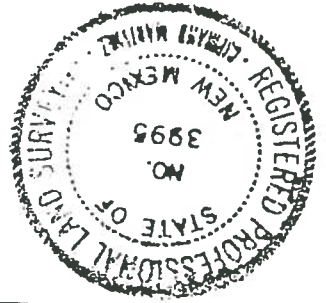


392,138
 STATE OF NEW MEXICO)
 COUNTY OF SANTA FE) SS
 DANNY ORTIZ
 Witness my Hand and Seal of Office
 County Clerk, Santa Fe County, N.M.

I hereby certify that this instrument was filed
 for record on the 9th day of August, 1976,
 at _____ o'clock _____ M.
 and was duly recorded in my book _____
 page _____ of the records of Santa Fe county.
 DEPUTY
 Lawrence M. ...

Begin at the Northwest corner of the tract herein des-
 cribed from whence the section corner common to Sections
 4, 5, 8, and 9 T15N, R8E, bears S29°32'W, 4166.77 feet from
 said point of beginning thence S89°13'41"E, 329.34 feet to
 the Northeast corner; thence S01°34'32"W, 279.48 feet to the
 Southeast corner; thence N89°13'11"W, 329.66 feet to the point
 Southwest corner; thence N01°35'53"E, 279.33 feet to the point
 and place of beginning, containing 2.114 acres, more or less.

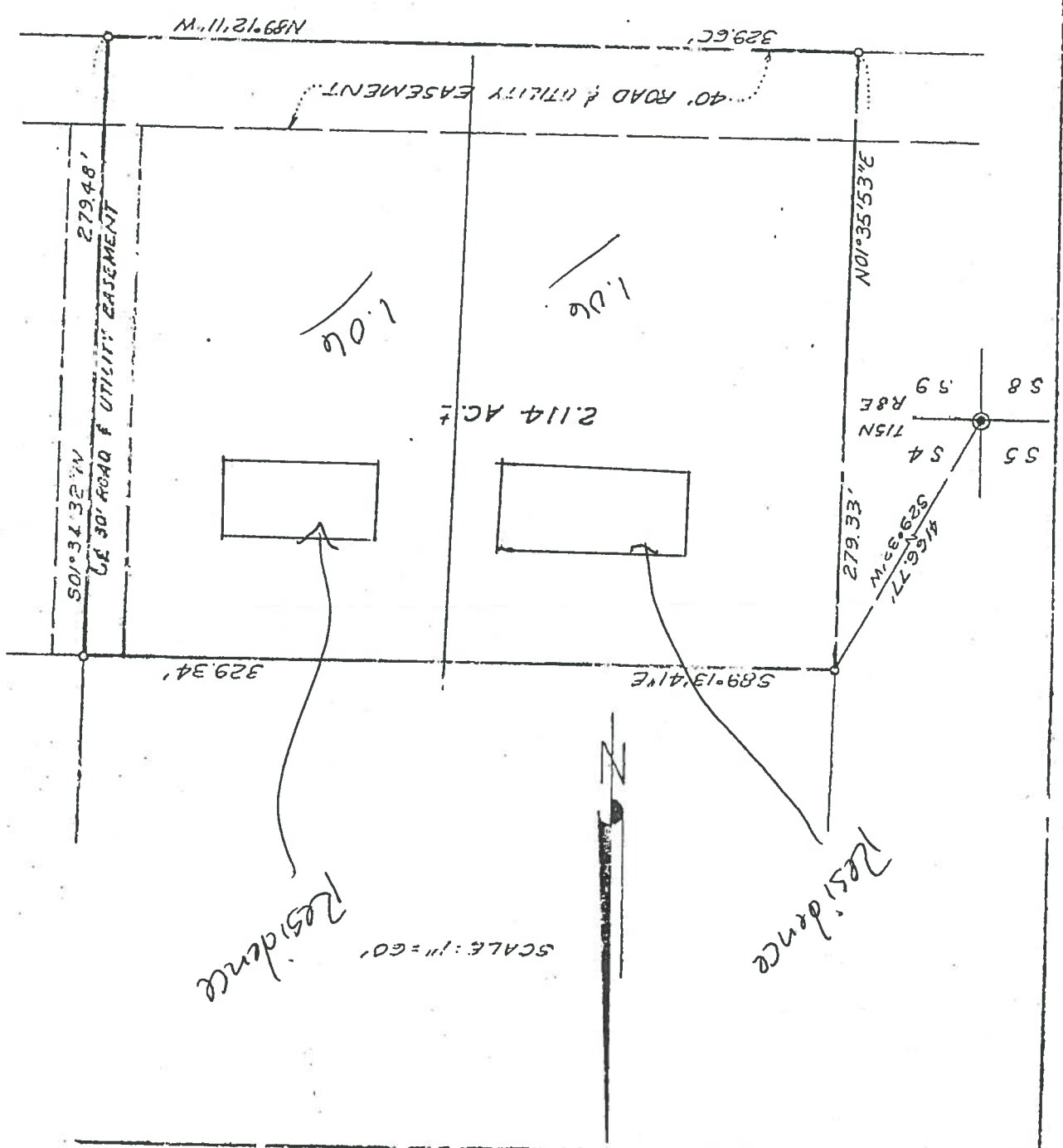
All that certain tract of land lying and being situated
 in Section 4, T15N, R8E, N.M.P.M. and being more parti-
 cularly described as follows, to wit:



Cipriano Martinez
 N.M.L.S. No. 3995

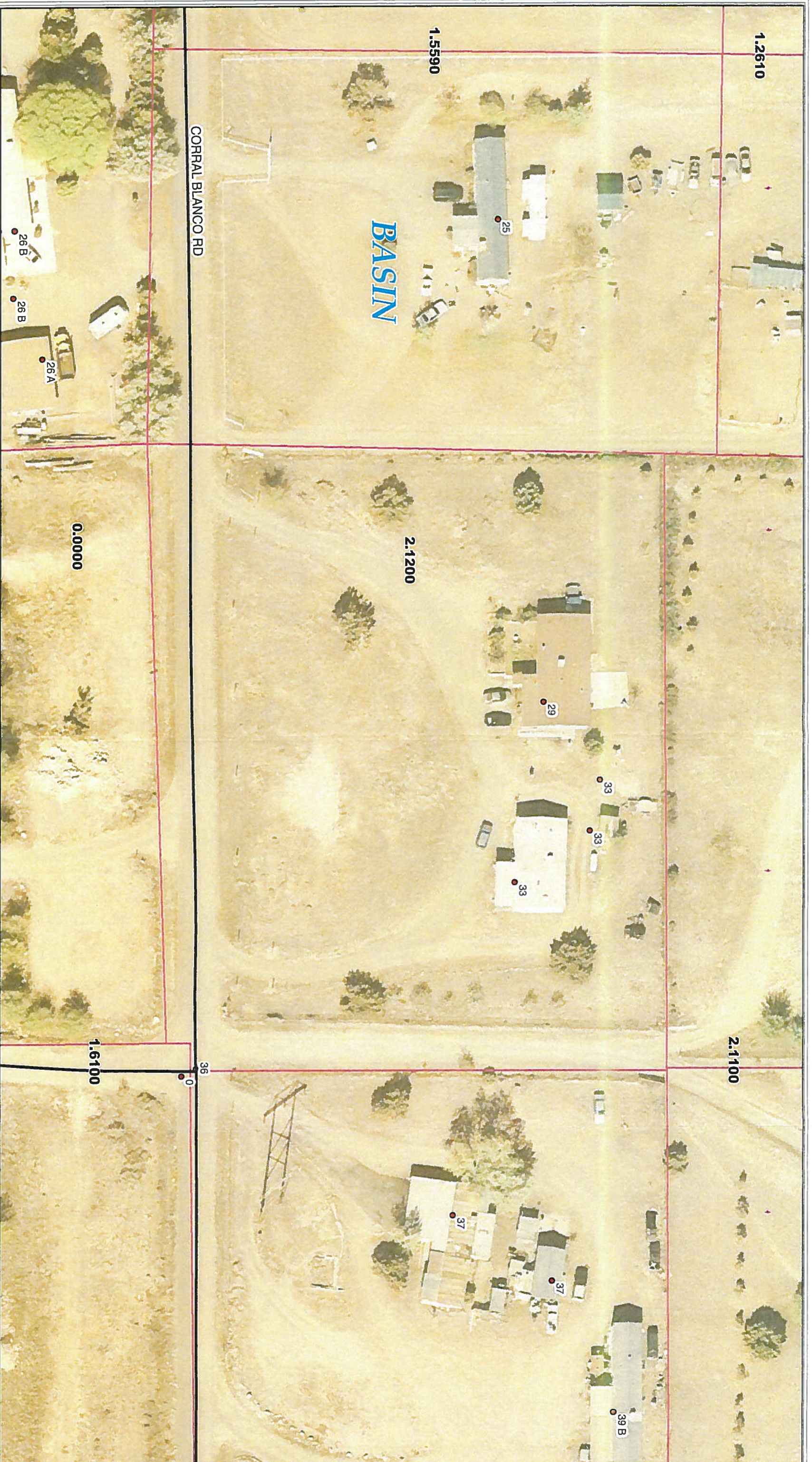
PLAT OF SURVEY FOR
 RAYMOND E. BURTON
 WITHIN SECTION 4, T15N, R8E
 SANTA FE COUNTY, NEW MEXICO

I hereby certify that this plat is an
 accurate delineation of notes of a field
 survey completed under my direction August
 23, 1976 and is true and correct to the
 best of my knowledge and belief.



5/31/76

NBA-11



Legend

ROADS

PARCELS

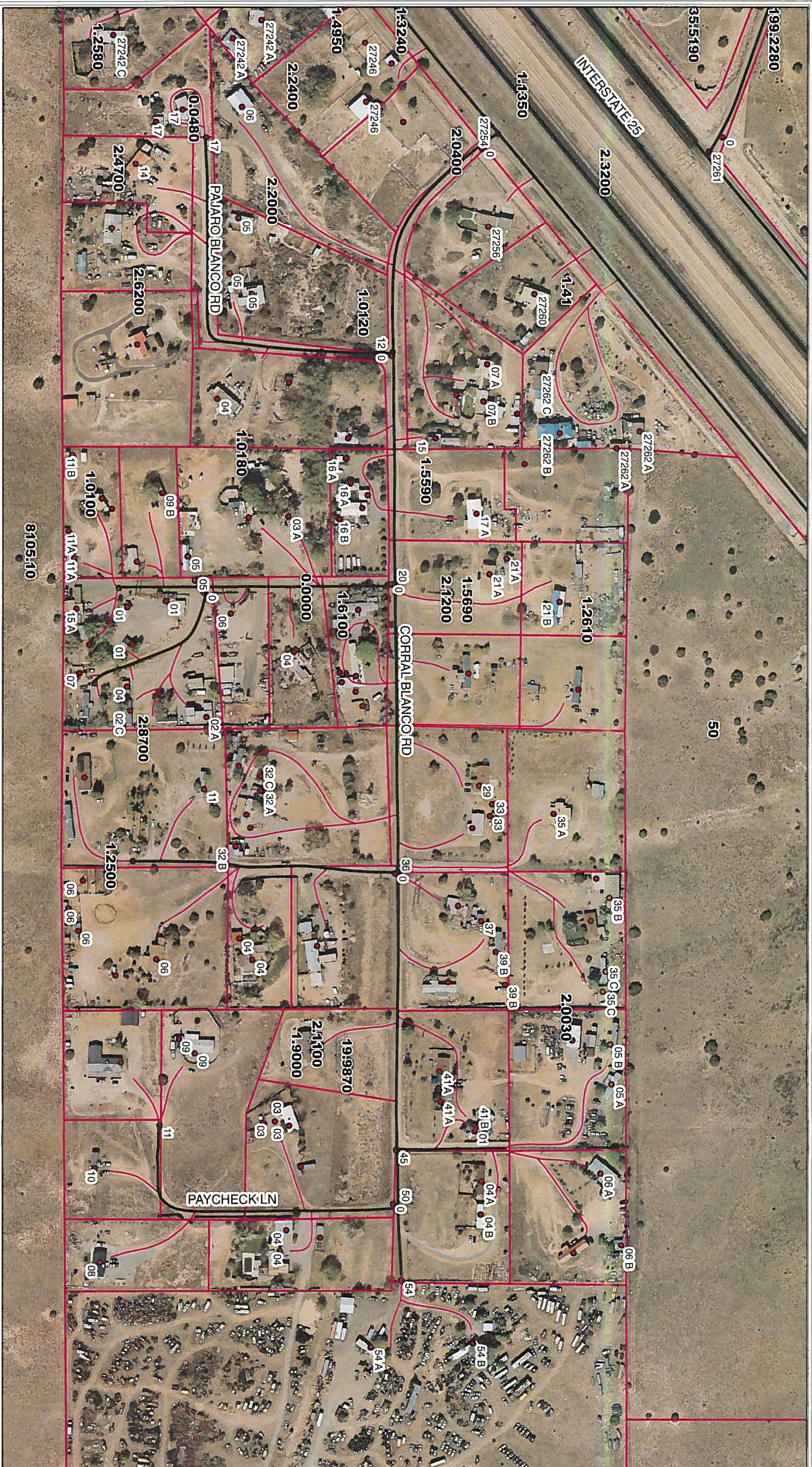
tabbles[®]
EXHIBIT
7.



2008 Orthophotography
 2 FOOT CONTOURS

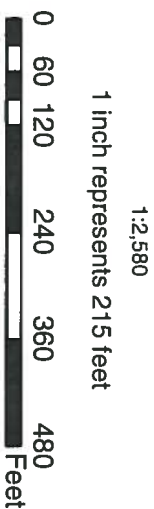
This information is for reference only.
 Santa Fe County assumes no liability for
 errors associated with the use of these data.
 User are solely responsible for
 confirming data accuracy.





Legend

-  ROADS
-  DRIVEWAYS
-  PARCELS

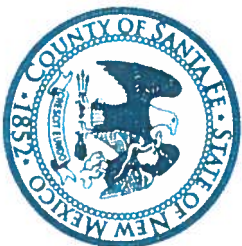


2008 Orthophotography
2 FOOT CONTOURS

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



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



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

DATE: July 17, 2014

TO: County Development Review Committee

FROM: Vicente Archuleta, Development Review Team Leader

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

FILE REF.: CDRC CASE #S 12-5452 Cielo Colorado Estates Final Plat and Development Plan

ISSUE:

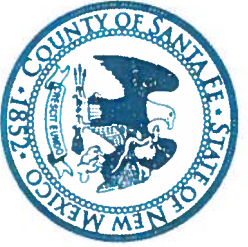
Cielo Colorado LLC, Applicant, James W. Siebert, Agent, request Final Plat and Development Plan approval for Phase 1 and 2 (Lots 7-17) consisting of 11 lots of the Cielo Colorado Estates 24-lot residential subdivision on Tract 15A-2 of the Eldorado at Santa Fe Subdivision consisting of 246.30 acres more or less.

The property is located on the east side of US 285, off Camino Acote, within Sections 20, 21 and 22, Township 15 North, Range 10 East (Commission District 4).

SUMMARY:

The Applicant has requested this case be tabled to address certain affordable housing issues.

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



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

DATE: July 17, 2014

TO: County Development Review Committee

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

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

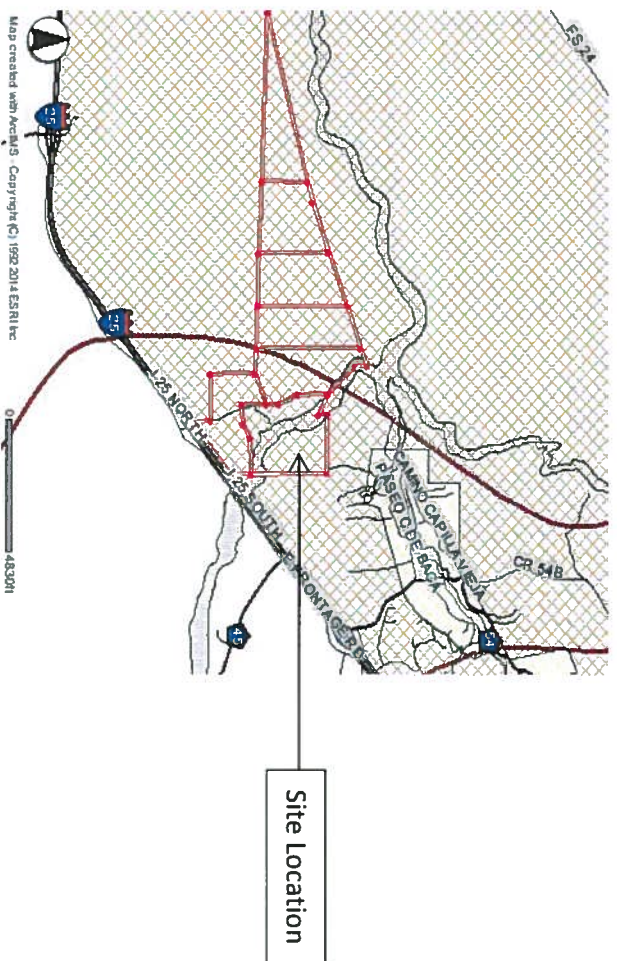
FILE REF.: BCC CASE # Z/V 13-5131 Ranch at Santa Fe Canyon Master Plan Amendment

ISSUE:

Ranch at Santa Fe Canyon LLC (formerly known as Santa Fe Canyon Ranch LLC), Applicant, request a Master Plan Amendment to the previously approved master plan (Santa Fe Canyon Ranch) to remove six tracts of land (containing 845 acres) from the approved Master Plan which consisted of a total of 1,316 acres. The request also includes a variance of Article VII, Section 6.6.2g (Water Budgets and Conservation Covenants) and Ordinance No. 2007-1 (Swimming Pool Ordinance) to allow the installation of one swimming pool on the 845 acres utilizing permitted water rights and to amend the water restrictive covenants to reflect the allowance of a swimming pool and to specify that water restrictions for landscaping and irrigation restrictions shall apply to 72-12-1 wells only.

The property is located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3).

Vicinity Map:



SUMMARY:

On September 10, 2013, the Board of County Commissioners (BCC) approved a 2-year Time Extension of the previously approved Master Plan for the Santa Fe Canyon Ranch Residential Subdivision consisting of 162 lots (174 residential units) on 1,316 acres to be developed in three (3) phases (refer to September 10, 2013 BCC meeting minutes as Exhibit 4).

On September 30, 2008, the Board of County Commissioners (BCC) granted Master Plan approval for a residential subdivision consisting of 162 lots (174) residential units on 1,316 acres to be developed in 3 phases. At the time of approval the Applicant proposed to construct a new on-site community water system.

Since the time of approval, Santa Fe County has purchased approximately 470.55 acres of the 1,316 acres (Santa Fe Canyon Ranch). The property is made up of three Tracts which consist of Tract G (188.70 acres), Tract H (141.47 acres) and Tract I (140.38 acres) now known as La Bajada Ranch.

The Applicant is now requesting a Master Plan Amendment to the previously approved master plan (Santa Fe Canyon Ranch) to remove six tracts (Tracts 4-A through 4-F) of land (containing 845 acres) from the approved Master Plan which consisted of a total of 1,316 acres. The remainder of the Master Planned area would remain intact.

Article V, Section 5.2.1.b states: "A Master Plan is comprehensive in establishing the scope of a project, yet is less detailed than a Development Plan. It provides a means for the County Development Review Committee and the Board to review projects and the sub-divider to obtain

concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a Preliminary and Final Plat approval”.

The Applicant is also requesting a variance of Article VII, Section 6.6.2g (Water Budgets and Conservation Covenants) and Ordinance No. 2007-1 (Design, Construction, Operation, Replacement and Maintenance of Swimming Pools within the Unincorporated Ares of Santa Fe County) to allow the installation of one swimming pool on the 845 acres utilizing permitted water rights and to amend the water restrictive covenants to reflect the allowance of a swimming pool and to specify that water restrictions for landscaping and irrigation restrictions shall apply to 72-12-1 wells only.

Article VII, Section 6.6.2g states: Swimming pools, of a permanent or temporary nature are not permitted, except as commercially operated or publicly open community facilities.” Ordinance No. 2007-1 states: “This Ordinance shall only apply to lots of record created prior to the enactment of the Santa Fe County Land Development Code, Ordinance No. 1996-10.

This Application was submitted on June 10, 2014.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for this type of request.

APPROVAL SOUGHT:

Master Plan Amendment to the previously approved master plan (Santa Fe Canyon Ranch) to remove six tracts of land (containing 845 acres) from the approved Master Plan which consisted of a total of 1,316 acres. The request also includes a variance of Article VII, Section 6.6.2g (Water Budgets and Conservation Covenants) and Ordinance No. 2007-1 (Swimming Pool Ordinance) to allow the installation of one swimming pool on the 845 acres utilizing permitted water rights and to amend the water restrictive covenants to reflect the allowance of a swimming pool and to specify that water restrictions for landscaping and irrigation restrictions shall apply to 72-12-1 wells only.

GROWTH MANAGEMENT AREA: El Centro, SDA-2

STAFF RECOMMENDATION: The Application for the Master Plan Amendment is in conformance with Article III, Section 5.2.1b of the Land Development Code. Staff also recommends approval of the swimming pool subject to the following condition:

1. The Applicant must use water rights for the pool. These water rights must be allowed for this use on the lot where the proposed pool will be located.

EXHIBITS:

1. Letter of Request
2. Existing Master Plan
3. Santa Fe County Plat
4. September 10, 2013 BCC Meeting Minutes
5. Aerial Photo of Site

STREET ADDRESS
200 WEST MARCY STREET
SUITE 129
SANTA FE, NM 87501

MAILING ADDRESS
POST OFFICE BOX 1984
SANTA FE, NM 87504-1984

t 505.982.4676
f 505.988.7029

www.SommerUdall.com

Kimball R. Udall
Janet McL. McKay
Eric M. Sommer
Jack N. Hardwick

Kurt A. Sommer
Tracy T. Sanders
Jeremy R. Jones
Mark Kriendler Nelson
Jacqueline Berg
Joseph P. Walsh
Patrick D. Barry
Lisa G. Adelman

Of Counsel to the Law Firm
Michael G. Sutin
Robert P. Worcester
J. Michael Hyatt
Joseph A. Sommer
(1922 - 2006)

June 6, 2014

Via Hand Delivery

Penny Ellis-Green, Director
Santa Fe County Growth Management
102 Grant Ave.
Santa Fe, NM 87501

Re: Plat of Survey for the Ranch at Santa Fe Canyon

Dear Ms. Ellis-Green:

As you know from our original request dated May 22, 2014, we represent the owner of the Ranch at Santa Fe Canyon, LLC

The purpose of this letter is to request to be placed on the Community Development Review Committee Agenda for Thursday, July 17, 2014. We request that the Property that is described on the attached legal description be withdrawn from the Master Plan for this Property, that the water covenants be modified and amended to allow for the free use of the water rights (the non NMSA §72-12-1 water rights) which are appurtenant to the Property, and finally, that the Property be granted a variance for the installation of a pool on the Property.

Please note that the purchasers now propose that the existing 6 lots will be maintained as a part of the sale rather than adjusting the lot lines from 6 lots to 3 lots.

I also enclose the completed Development Permit Application, our exhibit to the Development Permit Application, and the requisite filing fee of \$250.00.

We appreciate your assistance with this matter. Please contact me if you have any questions, or need additional information.

Sincerely yours,



Kurt A. Sommer

Enclosures

Cc: ✓ Katherine Miller, Santa Fe County Manager, via hand delivery
Rachel Brown, Deputy County Attorney, via hand delivery
Kyle Harwood, via email
Ricardo Borrego, via email
Jim Rutt, via email



C-5

LEGEND

COMMON OPEN SPACE	[Symbol]
PROJECT PERIMETER	[Symbol]
LOT NUMBER	[Symbol]
LOT AREA	[Symbol]
LOT LINE	[Symbol]
TRAIL	[Symbol]
APPROXIMATE BUILDING ENVELOPE	[Symbol]
LOT PRIVATE OPEN SPACE	[Symbol]

SITE DATA

PROJECT AREA	186.4 AC +/-
BASE DENSITY	151 UNITS
DENSITY BOUND	23 UNITS
TOTAL NUMBER OF UNITS	174 UNITS
PHASE ONE	156 UNITS
TRACTS 4A-4F (3/TRACT)	18 UNITS

- NOTES**
1. AFFORDABLE HOUSING WATER TO BE PROVIDED BY SANTA FE COUNTY.
 2. AFFORDABLE HOUSING TO CONFORM TO SANTA FE COUNTY ORDINANCE NUMBER PER DEVELOPER.
 3. SUBMITTAL OF THIS PLAN TO SANTA FE COUNTY SHALL BE AS AN AFFORDABLE HOUSING PLAN TO BE SUBMITTED FOR SANTA FE COUNTY APPROVAL. AT SUCH TIME AS ADDITIONAL WATER IS IDENTIFIED.
 4. LOT 166 IS A RESIDENTIAL LOT WITH ONE PERMITTED DWELLING UNIT.
 5. EXISTING TRACTS 4A-4F ARE PERMITTED UP TO 3 DWELLING UNITS PER TRACT. HORSES AND OTHER LIVESTOCK ARE PERMITTED AS LONG AS THE TOTAL WATER USE ON THE TRACT DOES NOT EXCEED THE COUNTY HYDROLOGIST APPROVED WATER BUDGET FOR THAT LOT. FURTHER DIVISION OF THESE TRACTS WILL REQUIRE COMPLIANCE WITH NOTE 3 (ABOVE) AND A MASTER PLAN AMENDMENT APPROVED BY THE BOARD OF COUNTY COMMISSIONERS TO CONNECT TO THE SANTA FE COUNTY WATER SYSTEM WHEN SAID SYSTEM IS EXTENDED TO WITHIN 200 FEET OF THE PROPERTY LINE OF THE LOT. RESIDENT TO OBTAINANCE 2002-1 SECTION 6.4.4.
 6. PORTIONS OF THE PROJECT (SECTION 5 AND 6, TEN REEL) LIE WITHIN THE URBAN WILDLAND INTERFACE ZONE AND ARE SUBJECT TO THE URBAN WILDLAND INTERFACE CODE.
 7. ANY SUBSTANTIAL CHANGES IN THE APPROVED MASTER PLAN, INCLUDING ANY INCREASES IN DENSITY OR A CHANGE OF USE ON LOT 166, WILL REQUIRE THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS.



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CHAIR HOLLIAN: Commissioner Stefanics.
COMMISSIONER STEFANICS: I'd like to make a generalized comment, and this is about the code coming up. I hope we will have a distinction in there about commercial versus domestic, because I think that is where my decision fell on that issue. Thank you very much.

XVIII.B. 4. BCC Case # MIS 13-5240 Santa Fe Canyon Ranch Time Extension. Santa Fe Canyon Ranch L.L.C. and Santa Fe County, Applicants, Request a 24-Month Time Extension of the Previously Approved Master Plan for a Residential Subdivision Consisting of 162 Lots (174 Residential Units) on 1,316 Acres to Be Developed in Three (3) Phases. The Property is Located Off of Entrada La Cienega Along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community, within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North Range 8 East (Commission District 3)

VICENTE ARCHULETA (Case Manager): Thank you, Madam Chair. On September 9, 2008, the Board of County Commissioners met and tabled the master plan until the September 30, 2008 BCC meeting. On September 30, 2008, the Board of County Commissioners granted Master Plan approval for a residential subdivision consisting of 162 lots, 174 residential units, on 1,316 acres to be developed in 3 phases.

The Applicants are requesting a two-year time extension of the Santa Fe Canyon Ranch Master Plan approval under Article V, Section 5.2.7.b of the County Land Development Code. The Applicant states: Santa Fe County is currently working with the community and the La Bajada Ranch Steering Committee to review and amend the master plan. This time extension will allow staff additional time to complete this process.

Article V, Section 5.2.7.b of the Code states, Master Plan approvals may be renewed and extended for additional two-year periods by the Board at the request of the developer. The time extension would render the Master Plan approval valid until September 10, 2015.

Staff recommendation is approval for a two-year time extension of the Master Plan for the Santa Fe Canyon Ranch Residential Subdivision. Thank you, Madam Chair.

CHAIR HOLLIAN: Thank you, Vicente. Are there any questions for staff?
COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, so let me just ask this of our attorney, please. So are we now asking to roll the two together? The County property and I guess the – let me ask this question a different way. The County purchased a parcel of the greater master plan when the County acquired its portion of it. Correct?

MR. ROSS: Yes. Madam Chair, Commissioner Mayfield, there are now two owners of this master plan. Ourselves and the sellers and this is an alternative to the



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following agenda item. This one proposes that the status quo be completely accepted. The next case is the one that you heard last month and it proposed to separate the two parcels based on ownership. So this one would retain the original master plan and simply extend it for two years.

COMMISSIONER MAYFIELD: Okay. So you're going to help me going back to the acquisition of this original ranch when the County decided to purchase it. So when the County decided to originally purchase this property, the County ordered an appraisal, correct?

MR. ROSS: Right.

COMMISSIONER MAYFIELD: And that appraisal included the whole master plan as the acquisition price? Or did it include – and was that part of the value of that acquisition price? Or was it when it was to be separated as the County's portion of that acquisition of what we actually acquired?

MR. ROSS: Madam Chair, Commissioner Mayfield, the appraisal was done with about three or four different scenarios.

COMMISSIONER MAYFIELD: Okay. So the County – so did the whole master plan have any value to it?

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't understand.

COMMISSIONER MAYFIELD: Okay, well, there was a master plan that came with the whole piece of property at the time, correct? When the County went into negotiations to acquire this property?

MR. ROSS: Madam Chair, Commissioner Mayfield, yes. It was master planned.

COMMISSIONER MAYFIELD: And that's what we're looking at right now to extend.

MR. ROSS: Right.

COMMISSIONER MAYFIELD: So, when the County purchased its portion of it, it separated – so what is that separation? What does the County again now own and what does, I guess, the private owners own?

MR. ROSS: Madam Chair, Commissioner Mayfield, the County owns about a third of it.

COMMISSIONER MAYFIELD: Okay.

MR. ROSS: Of the original property.

COMMISSIONER MAYFIELD: So and now you're proposing to put it all together again and ask in this proposal – I'm not saying you, Mr. Ross, but staff is asking to join it together and ask for a full extension, a two-year extension.

MR. ROSS: Madam Chair, Commissioner Mayfield, it's all part of one master plan right now. The following application separates it into two pieces but right now it's all one master plan. So what this application would do would be to simply preserve the status quo ante which is a master plan on parcels owned by two different owners.

COMMISSIONER MAYFIELD: Okay. Again my question though is when

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the County acquired this property was there any value of the whole intact master plan?

MR. ROSS: Madam Chair, Commissioner Mayfield, I –

COMMISSIONER MAYFIELD: Well, let me ask the question this way, Steve, Mr. Ross. There was an approved master plan at one time on this property as a whole. Correct?

MR. ROSS: Madam Chair, Commissioner Mayfield, it still exists on the property.

COMMISSIONER MAYFIELD: Still exists on the property.

MR. ROSS: But then the property was split and the County bought whatever portion the County purchased. Well, I know what it purchased. I have it in front of me. So how can you split a master plan in half at the time and why didn't the County take that into consideration when it split that, when we – I want to say we even though it was before I got on the bench. But when that acquisition happened, why wasn't that master plan at that time addressed?

MR. ROSS: Madam Chair, Commissioner Mayfield, it's very common to have master planned communities owned by different owners. Very common. So it wasn't considered to be an unusual circumstance.

COMMISSIONER MAYFIELD: Okay. So I know, when an individual sells a property and a new individual acquires it, in this case the County acquired it, is there any value to have, when you acquire a piece of property, to have an already approved master plan from Santa Fe County? Let me ask you this question, Mr. Ross. Did that factor into the appraised value of the acquisition of this ranch, when the County purchased it?

MR. ROSS: Madam Chair, Commissioner Mayfield, I'm not sure it played any part in the purchase price but it certainly did in the appraisal.

COMMISSIONER MAYFIELD: I'm sorry. Could you repeat that please?

MR. ROSS: An appraisal, obviously, of a property with an entitlement is affected by that entitlement.

COMMISSIONER MAYFIELD: Okay. So it had a value as a whole, approved master plan. Correct?

MR. ROSS: Well, it has value because it has an entitlement on it – development potential.

COMMISSIONER MAYFIELD: Explain the entitlement to me then.

MR. ROSS: It has some degree of development approval.

COMMISSIONER MAYFIELD: Okay, so what was the degree of development approval?

MR. ROSS: Well, it had a master plan on it that called for a number of residential properties on the property. But it wasn't a complete entitlement because it was only a master plan development at that point that had not been platted.

COMMISSIONER MAYFIELD: Had not been platted. And let's talk about the water also. There was also a potential of taking County water out to that property at that time? Or there was an existing well at that property? Because the County did not acquire any

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water rights with that property. As a matter of fact I don't think the County left the water rights on the piece it did not acquire. Correct?

MR. ROSS: Madam Chair, Commissioner Mayfield, the County did not acquire the water rights.

COMMISSIONER MAYFIELD: They left that on the part they chose not to take, correct?

MR. ROSS: In a sense, yes.

COMMISSIONER MAYFIELD: Explain in a sense.

MR. ROSS: Well, water rights are transitory, movable pieces of property. They could have easily been acquired and moved off the property. They're appurtenant to sources like groundwater or surface water, but that's not really part of the thinking, not acquiring the water rights.

COMMISSIONER MAYFIELD: That's all the questions I have for now, thank you, Madam Chair, Mr. Ross.

CHAIR HOLIAN: Any further questions? I believe that since the applicant is Santa Fe County I do not have to ask the applicant to come forward. So this is a public hearing. Is there anyone here who would like to speak on this case, either in favor or in opposition? A show of hands then. Please come forward.

COMMISSIONER MAYFIELD: Madam Chair, may I ask a quick question.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: This is a joint applicant. There's not just Santa Fe County as applicant. Is the other applicant here also? That's how I'm reading this. Joint applicants.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on this point, it's a good question. It's a question I asked at the last meeting before we heard this. The applicants would have to apply for the extension. The County being one applicant and the owners being the other, the other parcel. Did they apply for this extension?

MR. ROSS: Madam Chair, Commissioner Anaya, yes.

COMMISSIONER ANAYA: Thank you.

CHAIR HOLIAN: Did you have something to add?

MR. ARCHULETA: Madam Chair, the applicants gave Santa Fe County the approval to go forward with the master plan.

CHAIR HOLIAN: Thank you, Vicente. Any further questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, let me just ask that. Is that – does Santa Fe County represent the other applicant and can Santa Fe County do that? And that's a question for the attorney.

MR. ROSS: Madam Chair, Commissioner Mayfield, they signed the application and have agreed to go forward with us to see this approval. We're not

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representing them but they are co-applicants.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I think I'm a little confused. So on this case, not the next one, but on this case, Santa Fe County and the other owner would both have extensions for two years.

MR. ROSS: Madam Chair, Commissioner Stefanics, yes. The entire master plan would be extended for two years, preserving the status quo which currently exists.

COMMISSIONER STEFANICS: And Madam Chair, I guess I would ask staff, but maybe I'll wait to hear from the community about their concerns. Thanks.

CHAIR HOLIAN: Okay. Thank you, Commissioner. Please come forward and please be sworn in and state your name and address for the record.

[Duly sworn, Carl Dickens testified as follows:]

CARL DICKENS: I would like just to say – as chair of the La Cienega Valley Association I would like to say that our association supports the extension of the master plan. Thank you.

CHAIR HOLIAN: Thank you. Is there anyone else who would like to speak?

[Duly sworn, J.J. Gonzales testified as follows:]

J.J. GONZALES: Commissioners, Madam Chair, I'm a resident of La Cienega. I'm also an adjoining property owner. I own a piece of property next to the development. We would like to ask the County to extend this master plan and eliminate a big controversial amendment of changing the source of water for this development. Years ago, the past Board of County Commissioners, back in 2008, they denied water service to this area three separate times. This amendment I think goes against a lot of what we have in the community, the La Cienega, La Cieneguilla community plan and to preserve the status quo I would ask each and every one of you to grant the two-year extension to this master plan. Thank you very much.

CHAIR HOLIAN: Thank you, Mr. Gonzales.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and Mr. Gonzales, thank you for your testimony. You're also on the CDRC, correct?

MR. GONZALES: Yes, sir.

COMMISSIONER MAYFIELD: Did you take a position on this on the CDRC?

MR. GONZALES: I recused myself.

COMMISSIONER MAYFIELD: Okay. Just so we have that on the record also. Thank you.

MR. GONZALES: Thank you.

CHAIR HOLIAN: Is there anyone else here who would like to speak on this case? Please come forward.

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[Duly sworn, Kier Careccio testified as follows:]

KIER CARECCIO: My name is Kier Careccio. I live close to La Cienega in a little valley called El Cañon. It's a whole community that's there and I'm also the vice president of the La Cienega Valley Association. And I'd like to urge you all to approve the amendment – not the amendment, the extension. It's way too confusing to go down the amendment road at this time. I think it needs to be thought out in great detail and I think the two-year time frame would give some time for that to happen. Thank you.

CHAIR HOLLIAN: Thank you, Mr. Careccio. Is anyone else here who would like to speak? Please come forward.

[Duly sworn, Nick Jones testified as follows:]

NICK JONES: I recently moved to La Cienega a few years ago and I'd just like to say how impressed I am with the La Cienega Valley Association and the amount of work they do down there and the amount of work they put into the original master plan and working on that with the County Commissioners. And I'd hate to see any of that work go to waste, so I fully support the extension.

CHAIR HOLLIAN: Thank you, Mr. Jones.

[Duly sworn, Robert De Young testified as follows:]

ROBERT DE YOUNG: I'm Robert De Young. I'm a La Cienega resident and I too support the extension and oppose the amendment and to keep it brief I have no additional comments.

CHAIR HOLLIAN: Thank you, Mr. De Young. Any further comments?
Commissioner Mayfield, and then Commissioner Anaya.

COMMISSIONER MAYFIELD: Madam Chair, I've already had a say so I'll defer to Commissioner Anaya.

CHAIR HOLLIAN: If there are no further comments this public hearing is closed. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I wrote an entire page of comments that I was going to make but then I looked at the clock and I summed it up in one sentence, because I think it's getting late. And that sentence is this. We agree, we disagree. We listen and we learn and we act. That goes for this Commission. That goes for staff. That goes for communities at large. What I would say in addition to that is I think from time to time all of us find ourselves making missteps associated with what we may do or think about doing. But it's not a matter of whether we disagree with one another or we need to have debate. It's how we engage that debate and have that conversation. Staff, over this issue, I think by some were put in the position of being terrible rotten people that didn't know what they were doing. I think that maybe some of those remarks came out of passion, but however they came about they engaged all of us in a thought process and some critical analysis.

And from that, I think we find ourselves in this position and from that I'm appreciative of those comments and remarks that were made that provided some insight I think to all of us. I would say as we progress and we make other decisions that we all be mindful that no malice exists when we're trying to make decisions. We just try and do the

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best we can and as being living beings from time to time all of us maybe make wrong decisions on how we might choose a path.

But I'm here to defend the community. I'm here to defend the staff, and for us to take those disagreements and debate and have a real candid discourse and get to some decisions that make sense. And I think this is one of them. I would move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLLIAN: Okay. I have a motion and a second for approval of the Santa Fe Canyon Ranch Master Plan extension. Any further discussion?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Commissioner Anaya, thank you for the comments. I really do appreciate them and I appreciate the public. Just so I can have some clarification, and this is for our County Attorney. So if it was not – if the extension did not happen for two years, what would happen?

MR. ROSS: Madam Chair, Commissioner Mayfield, if we didn't have an extension or the next action the master plan would expire.

COMMISSIONER MAYFIELD: Okay. And what happens if the master plan expires? Then there would be the potential development of the 162 lots would just be null and void right now, correct?

MR. ROSS: Correct.

COMMISSIONER MAYFIELD: And then we would just have to look at that whole area again as split up individually to the applicant and then the Santa Fe County's portion would not have to go through new master planning individually.

MR. ROSS: Or collectively.

COMMISSIONER MAYFIELD: Or collectively. I guess collectively. Well, they would be individual parcels now, so we own our piece and they own their piece, right? That master plan would go away.

MR. ROSS: That's the situation on the ground, but like I said before, you can combine parcels and master plan them if you want to.

COMMISSIONER MAYFIELD: Okay. I appreciate that.

MR. ROSS: As a result of the planning process you'd come up with something that's proposed and you'd have to start at ground zero again with a master plan, although the new code kind of does away with master plans, but –

COMMISSIONER MAYFIELD: Sure. So even the County's portion – now let's just talk about the County's acquisition, La Bajada or Santa Fe County Ranch. So if this was not null and void and then the second action item that we have in front of us, whatever action happens there, the County then would start with I guess day one on our acquisition piece, knowing that we had a discussion earlier with our La Bajada Steering Committee of what we would do with that piece of property. Correct?

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MR. ROSS: Are you saying if the master plan expires and then we go through a process and that results in a plan, then we'd have to start with that, yes. That's where we'd start.

COMMISSIONER MAYFIELD: I just wanted that out there. So now let's go one – I'm just going to go to the summary. So on Santa Fe County's Canyon Ranch, right now it consists of 162 lots. So on the 162 lots, it was approved – again, it's still conceptually the master plan. There's a lot more phases it has to go through. But it was done in three phases. Phase 1 consisting of 80 lots on 200 acres. Steve, just help me out. Was that 80 acres on what we acquired in our piece or was that on the other piece?

MR. ROSS: Madam Chair, Commissioner Mayfield, there some high-density residential on our piece and low-density residential on the other piece, and I don't remember how they parsed out in Phase 1.

COMMISSIONER MAYFIELD: Can somebody answer that question for me, where Phase 1 and Phase 2 of 76 lots, and then Phase 3, please.

MR. ARCHULETA: Madam Chair, I didn't get that question from you.

COMMISSIONER MAYFIELD: Okay. So right now, we're doing an extension and the extension consisted of 162 lots, 174 dwelling units, and I'll just read the paragraph as it's stated, which will be developed in three phases. Phase 1 consisting of 80 lots on 200 acres, Phase 2 consisting of 76 lots on 199 acres, and Phase 3 consisting of six lots, three dwelling units per lot on 912 acres. I know we don't own 912 acres so where is Phase 1 potentially, and where is Phase 2? Is that on the piece that Santa Fe County acquired or is it on the other applicant's piece?

MR. ROSS: Madam Chair.

CHAIR HOLLAN: Yes.

MR. ROSS: I found that in the packet, Commissioner Mayfield. It's page 6 in the packet. It shows – it lays out –

COMMISSIONER MAYFIELD: Tell, me. Is it Santa Fe County's piece or the applicant's piece?

MR. ROSS: Phase 1 is half of the high-density residential on the County's piece.

COMMISSIONER MAYFIELD: Okay. And Phase 2?

MR. ROSS: Phase 2 is the other half of the high-density residential on the County's piece, and Phase 3 is the lower density residential on the part that we don't own.

COMMISSIONER MAYFIELD: Okay. And again, I know this is a potential extension for two years and we're all vetted out and I appreciate all the public's testimony, so this will still be a vetting process and we have our steering committee who is going to vet out a lot of other potential requests that will come to this piece of property. But now going in for the BDD water extension, knowing that Santa Fe County did not acquire the water rights with that piece of property out there, and that factored in I think into the acquisition price, as far as I guess what I'm seeing and when we acquired this, and I do again, I appreciate what Commissioner Anaya said.

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And I'm not passing judgment on anybody. I want that to be known. Staff, and I know staff put a lot of work into this. But I do know a lot of taxpayer dollars were spent on this money. A lot of taxpayer money was spent on this acquisition. And now we're talking about potentially taking our waterline out to this property and that's fine. I mean, to potentially develop this property you have to have water out there. Otherwise we won't be able to develop this property if we don't have water on it. And as it is today, Santa Fe County does not have water on the piece that we acquired.

So I recognize that. But also though how would a potential second piece of property, if this development would go through in phases, they also now would then be able to interconnect with potentially the BDD water also, correct?

MR. ROSS: Madam Chair, Commissioner Mayfield, are you talking about the third phase, owned by the other –

COMMISSIONER MAYFIELD: Well, again, I don't know what phases it's in. Maybe it's part of Phase 2, maybe it's part of Phase 3.

MR. ROSS: I can't really tell from the map. The La Cienega Ordinance says that if you're within 200 feet you have to hook up. And I don't know whether it's 200 feet between the boundary of Phase 2 which is on the County property, and the lower-density residential on the other parcel. It looks to me to be more than 200 feet, so if that's the case there would be no obligation to do that.

COMMISSIONER MAYFIELD: But again, our ordinance as it states right now is if we take it out to our property, and if that second phase is within 200 feet, they would be required to have to hook up their development into also, correct?

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't think that's clear from this diagram, because there is a large lot that the County acquired in between Phase 2 and the low-density residential lot that's still owned by the original owners.

COMMISSIONER MAYFIELD: And again, when we acquired this piece, we acquired it with no water rights. And now, I'm seeing all the water rights for sale out there, because I see it on the highway when I'm driving, all the water rights are for sale on the highway piece. So I guess that might be just, well, an opportunity to know they could hook up to the BDD water system, right? If the waterline goes out there.

MR. ROSS: Madam Chair, Commissioner Mayfield, like I said, I don't know whether the requirements of the ordinance are satisfied given the situation on the ground here as depicted on this page 6. To me it looks like it's more than 200 feet, in which case there would be no obligation to move the water. It's not our obligation. It would be the obligation of the owners to hook into the BDD water and cross that dead space between the two parcels, which is its own separate lot.

COMMISSIONER MAYFIELD: But again, hearing my colleagues, this extension and the members here, the community members will allow us this opportunity to vet this out over the next couple years. Steve, excuse me, Madam Chair, Mr. Ross, how close is the BDD line to our portion of the property?

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MR. ROSS: Madam Chair, Commissioner Mayfield, it's in County Road 50, which means it abuts the property on that long, skinny piece that goes to the north. And it's also on 50-F, up by Las Lagunitas, up by the interstate exchange which is roughly 500 feet away.

COMMISSIONER MAYFIELD: So if we wanted to just to help me just get a visual, and everybody who's listening, who understands the property, if we wanted to take BDD water to the actual residence that is on the piece of property that we own, how long would the connection to that be? Where are BDD line is?

MR. ROSS: Madam Chair, are you talking about the ranch?

COMMISSIONER MAYFIELD: The home, the home, the ranch that's on that.

MR. ROSS: Oh. Oh --

COMMISSIONER MAYFIELD: It may be a question for staff.

MR. ROSS: It's a ways.

CHAIR HOLIAN: Vicente, can you tell us about how far that is?

MR. ARCHULETA: Madam Chair, Commissioner Mayfield, off of County Road 50 you're looking at probably 2,000 feet from County Road 50 to where the houses would be.

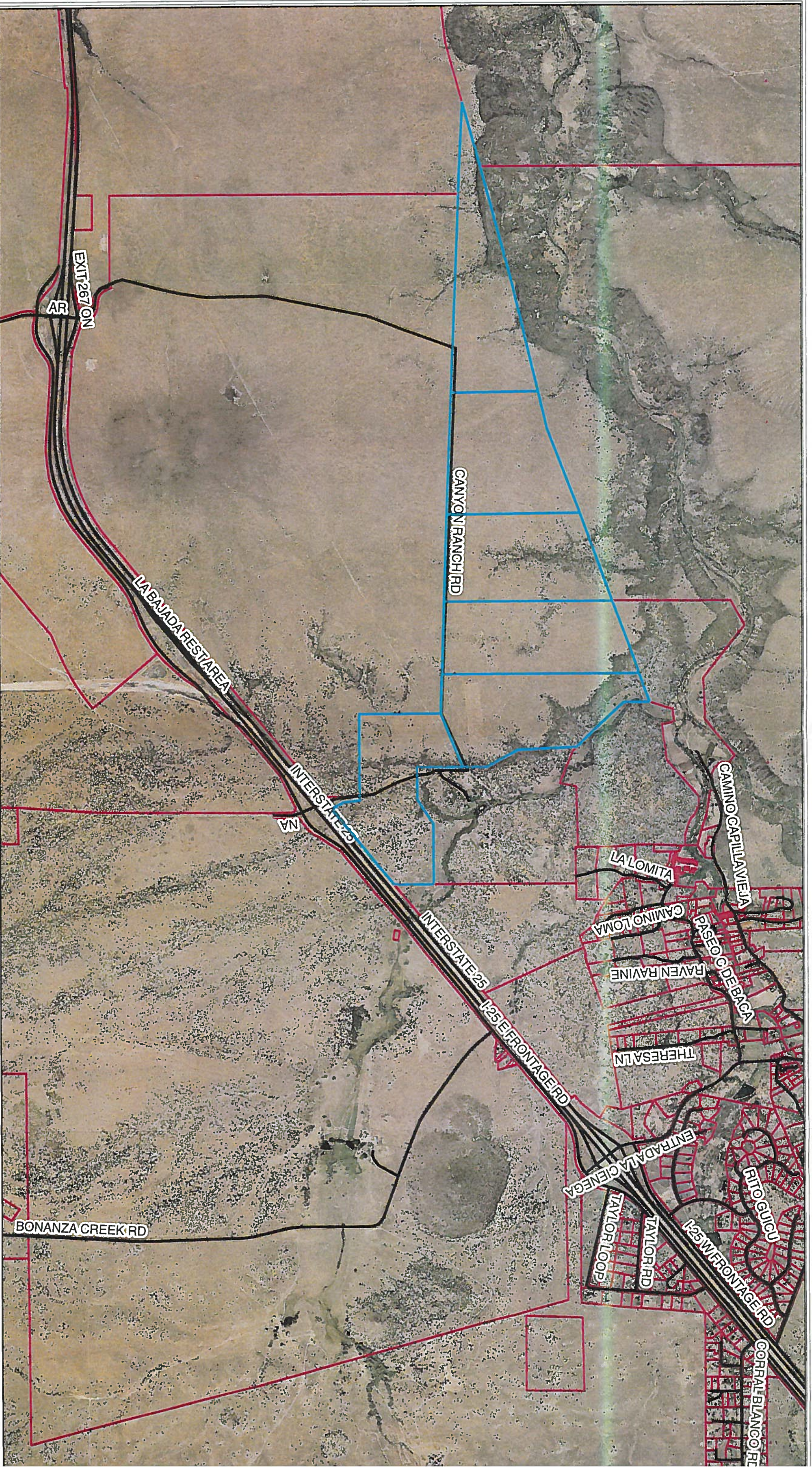
COMMISSIONER MAYFIELD: Okay.

MR. ARCHULETA: That may even be longer, farther. And then from the Las Lagunitas, you're looking at a lot further than that.

COMMISSIONER MAYFIELD: That's on that other piece of property. So we could relatively get our water to that front side of the property relatively quick. For potential development on the County's piece. Okay. That's all I have. Thank you, all. That's all I have.

CHAIR HOLIAN: Any further discussion? There is a motion and a second to approve the Santa Fe Canyon Ranch master plan extension.

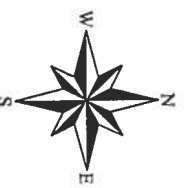
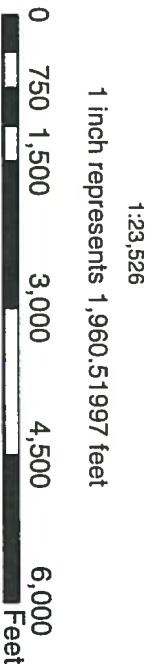
The motion passed by unanimous [5-0] voice vote.



Legend

ROADS

PARCELS



2008 Orthophotography
2 FOOT CONTOURS

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