

DRAFT

subject to approval

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

November 20, 2014

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

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

Members Present:

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

Member(s) Excused:

Susan Martin, Vice Chair
Manuel Roybal

Staff Present:

Wayne Dalton, Building & Services Supervisor
Vicki Lucero, Building & Services Manager
Rachel Brown, Deputy County Attorney
Vicente Archuleta, Development Review Specialist
John Lovato, Development Review Specialist
Mike Romero, Development Review Specialist
Mathew Martinez, Development Review Specialist
Buster Patty, Fire Marshal
Andrea Salazar, Assistant County Attorney

III. APPROVAL OF AGENDA

Vicki Lucero read the tablings made prior to the final agenda: VII. A. CDRC Case #V 14-5340, Luis and Isela Rodriguez Variance; C. CDRC Case #V 14-540, Melody Saucedo Variance; D. CDRC Case #V 14-5310, Patrick Lysaght Variance; and E. CDRC Case #V/ZA/S 10-5352, Rio Santa Fe Business Park.

Member Anaya moved approval as amended and Member Katz seconded. The motion carried by unanimous 5-0 voice vote.

IV. APPROVAL OF MINUTES: October 16, 2014

Member Katz moved to approve the October minutes as submitted. Member Anaya seconded and the motion passed by unanimous 5-0 voice vote.

VI. OLD BUSINESS

- A. CDRC CASE # V 14-5300 Cathy and Chris Stoia Variance. Cathy and Chris Stoia, Applicants, request a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow a Land Division of 12.87 acres into two lots. The property is located at 20 La Barbaria Road, within Section 17, Township 16 North, Range 10 East (Commission District 4) [*Exhibit 1: Tackett Letter of Opposition*]**

Chairman Drobnis read the case caption and John Lovato gave the staff report as follows:

“On October 16, 2014 the CDRC met and acted on this case. The decision of the CDRC ended in a tie vote with two committee members voting in favor of the motion to approve the requested variance and two committee members voting against the motion of the requested variance. Under Commission rules of order the application is automatically tabled until the next meeting where a greater number of members are present. This case now is coming before the CDRC for vote only.”

Member Anaya moved to approve CDRC Case #V 14-5300 with staff conditions and an additional condition as follows:

5. There will be a shared well agreement in the case one of the wells fails, with water restrictions of .25 acre-foot per residence per year. This is to be noted on the plat.

Member Gonzales seconded and the motion passed by majority [3-2] voice vote with Members Anaya, Gonzales and Drobnis voting in favor and Members Katz and Booth voting against

- B. CDRC CASE # MIS 14-5360 Mark Martineau Accessory Structure. Mark Martineau, Applicant, requests approval to allow an accessory structure greater than 2,000 square feet on 15.03 acres to be utilized as a garage/storage building. The property is located at 22 Ranchos Canoñcito, off Ojo de la Vaca Road, within Section 14, Township 15 North, Range 10 East, (Commission District 4)**

Mathew Martinez gave the following staff report:

“The Applicant requests approval for a 2,600 square foot accessory structure to be utilized as a garage/storage building. The purpose of the structure is to store and protect the Applicants recreational vehicles, sports equipment, and personal vehicles. The proposed structure is steel framed, and will be constructed on a concrete slab. There is currently a residence on the property.

“On October 16, 2014, the CDRC met and acted on this case. During the meeting it was discovered that there was a discrepancy in the square footage on the plan’s 2,600 square feet versus the written requests submitted by the applicant – 2,184 square feet. The decision of the CDRC was to table this case for clarification of the discrepancy. The applicant has submitted a letter requesting a 2,600 square foot accessory structure as depicted on the proposed plans.”

Mr. Martinez stated staff was recommending approval of an accessory structure greater than 2,000 square feet to be utilized as a garage/storage building subject to the following conditions:

1. Compliance with minimum standards for Terrain Management as per the Land Development Code and compliance with Ordinance No. 2003-6 Water Harvesting.
2. The structure shall not be utilized for commercial use.
3. The height of the accessory structure shall not exceed 24 feet.

Member Gonzales clarified that the discrepancy arose from the roof area of the portal.

Counsel for the applicant, Karl Sommer, stated the new square footage amount had been republished and renoticed. There was no response to the posting.

There was no one from the public wishing to speak.

Member Katz moved to approve CDRC Case #MIS 14-5360 with staff conditions. Member Anaya seconded the motion which carried unanimously 5-0.

VII. NEW BUSINESS

- B. CDRC CASE # V 14-5330 Francisco and Arlene Tercero. Francisco and Arlene Tercero, Applicants, request a variance of Ordinance No. 2007-2 Village of Agua Fria Zoning District), Section 10.6 (Density and Dimensional Standards) to allow a Family Transfer of 1.53 acres into two lots; Both lots consisting of +/-0.75 acres. The property is located at 1645 Calle de Quiquido, within Section 32, Township 17, North, Range 9 East (Commission District 2)**

Mike Romero gave the staff report as follows:

“The subject lot was created in 1985, via Division of Land, and is recognized as a legal lot of record. Currently there is a residence on the property which was

permitted by Santa Fe County as Permit# 99-1369, that the Applicants' son and his family reside in. The Applicants wish to give their son the portion of the property that he resides on and the other lot will be given to the Applicants' other child. The Applicants request a variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.6 (Density and Dimensional Standards) to allow a Family Transfer of 1.53 acres into two lots; both lots consisting of 0.75 acres +/- . The Applicants state a variance is needed in order to leave their children with a piece of property of their own.

“The minimum lot size in this area is 2.5 acres with 0.25 acre-foot water restrictions, Ordinance No. 2007-2 Village of Agua Fria Zoning District, Section 10.6 Density and Dimensional Standards. According to the Office of the State Engineer, the owner of the well on the property is Francisco and Arlene Tercero (Permit RG-64227), which was approved on December 4, 1998. The well permit provides the maximum amount of water that may be appropriated under this permit is three acre-feet in any year. At this time the subject property has no water restrictions.

Mr. Romero indicated staff was recommending denial of a variance of Ordinance No. 2007-2, Village of Agua Fria Zoning District, Section 10.6, Density and Dimensional Standards. If the decision of the CDRC is to recommend approval of the Applicants' request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 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).
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; unless all lots are served by community water and sewer. This shall be noted on the plat (As Per Article III, Section 10).
4. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat review (As per 1997 Fire Code.)

Member Katz asked what the NMED lot size requirement was for a septic system. Ms. Lucero said .75 acres was the minimum.

Arlene and Francisco Tercero were placed under oath. Ms. Tercero said they have eight children and this is one piece of property they hope to divide in order to give it to their children. She said this has been a drawn out process and they have been working with staff to eliminate some of the conditions. Staff requires a 38-foot utility easement which would conflict with the location of the two wells which are close to the existing roadway. She asked about the repercussions: Would they be able to redrill the wells if necessary? Would they be forced to abandon the wells when community water is near?

Member Anaya asked if there were any utilities within the easement. Mr. Tercero stated the gas line is in the 38-foot proposed easement along with the well. The gas line is within 20 feet. He said there is only one family past the lot which already has all utilities within the original 15-foot easement. No one would be landlocked by what they propose.

Member Gonzales noted that the plat makes mention of an emergency vehicle turnaround. He suggested making provisions for a turnaround at the end rather than having the entire road widened. Member Gonzales noted the report says water and sewer are both 2,000 feet away. He asked if they would be willing to hook up when they are nearer. Ms. Tercero stated they invested heavily in having the wells drilled and she did not want to cause problems for their children in the future. The lot is not amenable to having greater density than two lots due to the presence of arroyos.

Mr. Tercero described the acreage of the nearby properties.

Member Katz asked for staff clarification on the easement requirements. Ms. Lucero said the code requires a 38-foot easement for any roads that are accessing three or more lots, however, that could be reduced to 20 feet with adequate drainage control. Member Katz suggested these issues should be clarified before the CDRC makes a decision.

Mr. Romero said hooking up to community water and sewer were triggered when they were within 200 feet. Ms. Lucero recommended tabling the case to clear up the various issues.

Member Katz moved to table and Member Anaya seconded. The motion passed unanimously [5-0]

- F. CDRC CASE # Z 06-5033 Village at Galisteo Basin Preserve (“Trenza”) Master Plan Amendment. Commonweal Conservancy (Ted Harrison), Applicant, requests a Master Plan Amendment to a previously approved Master Plan to reconfigure the Planning Envelope from 10,360 acres to 3,560 acres, to reduce the size of the development from 965 dwelling units and 150,000 square feet of commercial and civic land uses to 450 dwelling units and 88,500 square feet of mixed use, commercial and civic land uses, a green cemetery and a 60-seat outdoor amphitheater. The Applicant also requests a modification of the original five-phase development to six phases that would take place over a period of 12 years. The property is located south of Eldorado, west off US 285, south of the railroad tracks, within Sections 1, 3, 11-14 23 and 24, Township 14 North, Range 9 East; Sections 5-7 and 18, Township 14 North, Range 10 East; Sections 34-36, Township 15 North, Range 9 East; and Sections 30 and 31, Township 15 North, Range 10 East (Commission District 5)**

Vicente Archuleta read the case caption and gave the following staff report:

“On June 12, 2007, the Board of County Commissioners granted Master Plan Zoning approval for a mixed-use development consisting of 965 residential units;

150,000 square feet of commercial, institutional, educational, and recreational land uses; and open space, parks, and trails on 10,316 acres.

“On February 9, 2010, the BCC granted Preliminary Plat and Development Plan approval for Phase I of the referenced subdivision which consisted of 131 single family residential lots and three multi-family residential lots for a total of 149 residential units, and five non-residential lots within a 60-acre development envelope. This approval was set to expire on February 9, 2012.

“On December 13, 2011, the BCC granted a 36-month time extension of the previously approved Preliminary Plat and Development Plan for Phase 1 which consists of 131 single-family residential lots, three multi-family residential lots for a total of 149 residential units and five non-residential lots within a 60-acre development envelope within the 10,316 acre area. A new Preliminary and Final Plat conforming to the Master Plan will need to be submitted. This time extension is set to expire on Feb 9, 2015.

“The Applicant now requests a Master Plan Amendment to reconfigure the Planning Envelope from 10,360 acres to 3,560 acres, to reduce the size of the development from 965 dwelling units and 150,000 square feet of commercial and civic land uses to 450 dwelling units and 88,500 square feet of mixed use, commercial and civic land uses, a green cemetery and a 60-seat outdoor amphitheater, and also requests a revision of the original five-phase development to six phases that would take place over a period of 12 years.

“The Applicant states: ‘In the face of a deep and protracted economic recession, Commonwealth has been re-evaluating its economic opportunities and development ambitions for Trenza and the larger Galisteo Basin Preserve.’

“The Applicant proposes to reduce the extent of the original planning envelope from 10,316 acres to 3,560 acres.

“Based on the changed size and scale of the proposed development, the project’s water budget will be reduced. Specifically the water budget for the development uses will involve a 78 acre-foot allocation for residential uses and 20.45 acre-foot allocation for mixed use, commercial and civic land uses. By this allocation, the proposed water demand at full build-out in 2026 would total 98.45 acre-foot.

“The Applicant also requests a modification to the original Master Plan to change the location of the proposed Memorial Landscape known as the Green Cemetery. The Memorial Landscape will be relocated slightly south of its current location to an area that will allow for improved access from Morning Star Ridge Road.

“The Application includes a revision to the original five-phase development to six phases that would take place over a period of 12 years. Phase 1 of the development, a residential neighborhood will consist of 11 residential units

ranging in size from 750 square feet to 1,450 square feet and an 11-acre Memorial/Green Cemetery, a 60-seat community outdoor performance space/amphitheater and a 10,000 square foot storage facility for the Special Use parcel, which will be located approximately 1/3 mile southeast of the North Face neighborhood. The storage facility will be constructed in two phases. The facility's first 5,000 square feet will be constructed in Phase 1 with the remaining square footage to be constructed in Phase 3.

"The following Phases 2 through 6 will consist of the following: Phase 2 - 88 residential units and 27,850 square feet of commercial/civic uses; Phase 3 - 88 residential units and 27,850 square feet of commercial/civic uses; Phase 4 - 88 residential units and 27,800 square feet of commercial/civic uses; Phase 5 - 88 residential units; and Phase 6 - 87 residential units.

Mr. Archuleta stated the Applicant requests a Master Plan Amendment to reconfigure the Planning Envelope from 10,360 acres to 3,560 acres, to reduce the size of the development from 965 dwelling units and 150,000 square feet of commercial and civic land uses to 450 dwelling units and 88,500 square feet of mixed use, commercial and civic land uses, a green cemetery and a 60-seat outdoor amphitheater. The Applicant also requests a revision of the original five-phase development to six phases that would take place over a period of 12 years. Therefore, staff recommends approval of the request for Master Plan Amendment subject to the following conditions:

1. The Amended Master Plan must be recorded with the County Clerk's office prior to Preliminary Plat.
2. An Affordable Housing Agreement must be prepared and submitted for consideration by the Board of County Commissioners along with the Final Plat and/or Development Plan for the projects first development phase.
3. The Applicants shall meet all Preliminary and Final Plat and Development Plan requirements for each phase.
4. The Applicants shall construct the Community Water and Community Sewer system with Phase 1.

Mr. Archuleta distributed additional pages consisting of the Hydrologist's report.
[Exhibit 2]

Member Gonzales asked about the average lot size and if the new water budget is adequate for the proposed development. Mr. Archuleta said the hydrologist report says it is sufficient.

Duly sworn, agent Scott Hoeft said they concur with the conditions of approval. In response to the question from Member Gonzales he said the lots range from 4,500 to 6,500 square feet. The water budget allows .16 acre-feet for the residential uses and additional for the civic and commercial uses.

He gave a history of the projects, including a number of extensions, saying through it all the project has been true to its initial vision which emphasizes preservation

of open space. There has been an adjustment to market conditions. He said 25 of the 50 miles of public trails have been completed.

Member Katz asked what was anticipated for commercial development. Mr. Hoeft said in addition to the amphitheater there will be civic uses and small retail and mixed use. It will be evaluated as they proceed.

Member Gonzales asked if the trails were being used and Mr. Hoeft said they see 12,000 users per year. There are three trailheads.

There was no one from the public wishing to speak.

Member Katz moved to approve CDRC #A 06-5033 with conditions. Member Booth seconded. The motion carried by unanimous 5-0 voice vote.

- G. CDRC CASE # FDP Glorieta Fire Station No. 2 Final Development Plan. Santa Fe County, Applicant, Riskin Associates Architecture (Marcie Riskin), Agent, request Final Development Plan approval for an unmanned fire station on 1.52 acres. The proposed 3,140 square foot fire station will consist of 3 apparatus bays and an administration area (restrooms, office, classroom and storage). The property is located at 366 Old Denver Highway in Glorieta, east of Leadville Lane, within Section 1, Township 15 North, Range 11 East (Commission District 4) [Exhibit 3: Fire Marshal's Report]**

Mr. Archuleta read the staff report as follows:

“The Applicant is requesting Final Development Plan approval for a 3,140 square foot un-manned volunteer fire station to be located in Glorieta, which will consist of three apparatus bays and administration area, which will consist of restrooms, office, classroom and storage. . The nearest fire station is located approximately four miles to the west on the south side of I-25. The property was acquired from the New Mexico Department of Transportation (NMDOT) on December 9, 2004 and the deed was recorded in the Office of the County Clerk on December 21, 2004 and recorded as Document No. 1359749. The applicant met the Public Notice requirements of the Land Development Code by sending letters to the adjoining property owners and by placing the Public Notice Boards on the subject property.

“Article V, § 7.2, Final Development Plan, states: ‘a final development plan conforming to the approved preliminary plan and approved preliminary plat, if required, and containing the same required information shall be submitted. In addition, the final development plan shall show, when applicable, and with appropriate dimensions, the locations and size of buildings, heated floor area of buildings, and minimum building setbacks from lot lines or adjoining streets.’”

Mr. Archuleta gave the recommendation as follows: The Application for Final Development Plan approval is in conformance with Article V, Section 7.2. Therefore, staff recommends approval of the request for Final Development Plan subject to the following conditions:

1. The Development Plan must be recorded with the County Clerk's Office as per Article V, Section 7.2 of the Land Development Code prior to building permit issuance.
2. The Applicant shall comply with all review agency comments and conditions as per Article V, Section 7.1.3.c. of the Land Development Code prior to Final Development Plan Recordation.
3. The water use shall not exceed .25 acre-feet (81,457 gallons) per year. The Water Restrictive Covenants must be recorded with the Final Development Plan.
4. The Applicant must obtain an Access Permit from NMDOT to provide access for the proposed development prior to obtaining a Development Permit for the construction of the building.
5. The Applicant shall utilize roll-over curb from edge of right-of-way through the radiuses, to minimize interference with snow plows on Old Denver Highway.

Fire Chief Dave Sperling said the project has been a long time in the planning and adds a second fire station to the Glorieta fire district. The other is four miles away on the south side of the highway.

In response to questions from Member Anaya Chief Sperling said there would be pumper, a tanker and probably a brush truck. He added this will improve safety and likely the ISO rating for the district. He explained it is vacant most of the time; volunteers respond when an alarm sounds. Some training will also take place at the station. He noted the existing Glorieta station is solarized.

Duly sworn, John Felix said he was speaking on behalf of Margie Rodriguez who was notified about the proposal. Her property adjoins this project and she is concerned about her well. He asked how deep the station's well would be.

Under oath, Paul Rodriguez, son of Ms. Rodriguez stated a number of other families have wells on the same vein of water. Although he appreciates the presence of a fire station he worried that the wells would be drained. He also expressed concern about the road to the station.

Marci Riskin, architect, previously sworn, said there would be a well on the property. An arroyo separates the Rodriguez property from that of the station. The access will be through an easement off Old Denver Highway. The driveway opening is staggered from other driveways.

Chairman Drobnis noted that the water budget was .11 acre-feet per year. Ms. Riskin said the principal water use would be washing the trucks.

Mr. Rodriguez said there have been water shortages in the past and the wells have been there for years. He said washing trucks is a waste of water.

Member Katz asked Mr. Rodriguez how much water he was allotted from his well. He replied he was worried that the fire department would be deeper and would drain the other wells. Member Katz pointed out they were proposing to use only a small amount of water. Mr. Archuleta emphasized they will be using less than half of what a family is normally granted. There will be cisterns for water catchment. The tankers are filled elsewhere.

Member Anaya moved to approve CDRC #FDP 14-5390 with staff conditions. Member Katz seconded and the motion carried by unanimous voice vote. [5-0]

Chairman Drobnis urged the neighbors to work with the Fire Department.

H. PETITIONS FROM THE FLOOR

None were offered.

I. COMMUNICATIONS FROM THE COMMITTEE

Chairman Drobnis said he would not be reapplying to continue to serve on the committee.

J. COMMUNICATIONS FROM STAFF

Ms. Lucero distributed an update on BCC action on land use cases. [Exhibit 4] She said members whose terms are due to expire in January are Members Roybal, Anaya, Katz and Drobnis. She asked that those interested submit to her letters of interest and résumés by December 12th.

The next meeting was scheduled for December 18, 2014.

X. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Drobnis declared this meeting adjourned at approximately 6:00 p.m.

Approved by:

Dan Drobnis, Chair
CDRC

ATTEST TO:

COUNTY CLERK

Before me, this ____ day of _____, 2014.

My Commission Expires:

Notary Public

Submitted by:


Debbie Doyle, Wordswork

PAULA TACKETT
7459 B. OLD SANTA FE TRAIL
SANTA FE, NEW MEXICO 87505
(505) 982-3784; ptackett13@gmail.com

November 18, 2014

Penny Ellis-Green
County Land Use Administrator
c/o Land Use Dept.
P.O box 276
Santa Fe, New Mexico 87504-0276

Subject: Stoia Request for a Variance of Article III, Section 10 (Lot Split Request)
CDRC Case # 14-5300

Dear Ms. Ellis-Green:

I attended the earlier hearing in October on this matter and have learned that there will be a follow-up hearing on November 20, 2014. I will unfortunately be out-of-town on that day, but after the last hearing I was able to visit with Antonia Quast and the gentleman who attended the hearing representing the Stoias, who were unable to appear because of a family emergency. We discussed their willingness to accede to Commissioner Anaya's suggestion regarding limiting the water usage to ¼ acre foot per lot if the split was allowed. I also believe there was some discussion about requiring a third-party monitoring condition but I did not get that down in my notes.

I have since had a conversation with Antonia Quast who confirmed the Stoias' willingness to agree to limiting the water usage on each of the parcels to ¼ acre-foot as a condition of approval of the lot split. As I expressed at the October hearing, my primary concern was the impact the use of two wells would have on the existing water table, given that one of the wells alone had authorization for 3-acre feet of water. If, as a condition of the lot split, the Stoias and the purchasers of the 5 + acre parcel agree to reduce their water usage to the ¼ acre foot per lot as suggested by Commissioner Anaya, and agree to install meters on their wells to allow for third-party monitoring and reporting on the usage on a quarterly basis, the normal reporting requirement for the county, then I would withdraw my earlier objection to this lot split.

Although I am out-of-state at meetings, I can be reached on my cell phone, 505 803-7084 if any of the members of the County Development Review Committee have any questions, or if I can be of any further assistance. Thank you for your attention to this matter.

Sincerely,



Paula Tackett

cc. John Lovato, Case Manager
Kathy Stoia
Antonia Quast

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy H. ...
Commissioner

Liz Stefanius
Commissioner, District 5

Katherine Miller
County Manager

EXHIBIT

2

September 16, 2014

To: Vicente Archuleta, Development Review Team Leader

From: Karen Torres, County Hydrologist

Re: CDRC Case # 06-5033 Village at Galisteo Basin Preserve (aka "Trenza") Master Plan Amendment.

The subject master plan amendment was reviewed for technical accuracy and compliance with the SFC Land Development Code. The applicant has met the code requirements for Master Plan. Additional submittals necessary for Preliminary and Final Development Plan are outlined in this conclusions of this memo.

Project Description

The applicant is requesting an amendment to existing master plan approved by the BCC in June of 2007. The amendment proposed a reduction in the original residential development from 965 to 450 dwelling units and a reduction in area designated as mixed use, commercial and civic land from 150,000 to 65,000 square feet. The development will be served by the creation of a new community water and sewer system. Phase I of this development includes 11 residential dwelling units, an 11 acre Memorial Landscape / Green Cemetery and a 10,000 square foot nursery /storage facility with an estimated water budget of 1.97 acre-feet.

Master Plan Requirements for Water

Article V, Section 5.2.2 g, Master Plan Procedures, as amended by Ordinance 2005-2, requires a master plan report to include the following:

1. A preliminary water supply plan and liquid waste disposal plan which identifies the source of water, water budget by phase and water conservation plan.
2. Submission of a water supply plan for the first sustainable phase of development, as required by Article VII, Section 6 of the Code. Water right permits are not required for master plan but sufficient written documentation that water rights are available for Phase I of the development is required.

Article VII, Section 6 – Phase I Only Water Supply Plan Requirements for Master Plan

Article VII, Section 6.2 entitled General Requirements and Submittals for a Water Supply Plan sets forth requirements based on the type and scale of the development. Table 7.4, entitled Required Code Sections for Water Supply, states subdivisions required to have community water systems as listed on Article V Section 9 Table 5.1, which applies to the subject development, is required to submit a water supply plan which consists of submittals compliant with the following requirements:

1. *Article VII, Section 6.2.2 entitled “Required Water Right Permits”*
2. *Article VII, Section 6.3 Community Water Systems*
3. *Article VII, Section 6.4.1 entitled “Requirements for Water Availability Assessments”*
4. *Article VII, Section 6.5 entitled “Water Quality”*
5. *Article VII, Section 6.6 entitled “Water Conservation”*
6. *Article VII, Section 6.7 entitled “Fire Protection”*

Each code section will be addressed separately as to compliance for Phase I only. Subsequent phases will require a separate review by county staff.

Article VII, Section 6.2.2 entitled “Required Water Right Permits”

This article states for all subdivisions containing 20 or more parcels any one of which are 2 acres or less in size, the subdivider shall provide proof that the person providing water has a valid water right permit.

The Office of the State Engineer approved Permit No. SP-1121-N-A into RG-88989 et al on March 21st, 2014. This allows for the diversion of 5.0 acre-feet of water with a consumptive use of 2.1 acre-feet per year from one existing (Village Well No. 1) and three proposed wells. The Purpose of Use was approved for domestic, livestock, irrigation, municipal and commercial purposes and has a priority date of October 26, 1940. There are sufficient water rights permitted in well RG-88989 aka Village Well No. 1 to serve Phase I of this development.

This code requirement for water right permits has been met for Phase I of this development.

Article VII, Section 6.3: Water Supply Plan - Community Water Systems

This article states community water systems shall be required for subdivisions according to the number and size of lots as indicated in Article V Section 9.3, Table 5.1. From Table 5.1 developments that propose between 100+ lots between the size of less than 1 acre to 10.0 acres are required to have a community water and sewer system to serve the project. The code has specific requirements for submittals and review of community systems as follows:

Requirements for Community Water Systems under Article VII, Section 6.3.1

6.3.1a: When a community water system is required, the developer shall provide water from existing or proposed water supply systems for domestic use, fire protection, and any other use that the developer proposes.

6.3.1b: The developer shall provide for the completion of the proposed water supply systems, in accordance with applicable minimum design standards of the New Mexico Environment Department and the Construction Industries Division.

6.3.1c: The developer shall meet fire flow requirements set forth in Article VII Section 6.7.

6.3.1d: The developer shall provide sufficient potable water for full development of all properties within the proposed development.

6.3.1e: If the development is in a Traditional Community District, the community water system shall be designed to minimize the use of local water resources. The applicant shall obtain water rights as the State Engineer requires. The community water system shall be consistent with the Local Land Use and Utility Plan, if any.

6.3.1f: All distribution mains shall be a minimum of six inches in diameter

6.3.1g: It shall be noted on the final plat and plans and in the covenants and disclosure statement that the drilling or use of individual or shared wells is strictly prohibited.

6.3.1h: The developer shall meet all applicable requirements of the Public Utility Act Articles 1 through 6 and 8 through 13 of Chapter 62 NMSA 1978.

Submittals for Community Water Systems Article VII, Section 6.3.2

The applicant shall submit a water supply plan which demonstrates that the [water] system will comply with the requirements of Section 6.3.1 of Article VII. The water supply plan shall be prepared by or under the supervision of a professional engineer and shall include the following:

6.3.2a: Information showing the volume and peak rate of production of water required for each month to supply each use at full use of the development

6.3.2b: Plans and specifications for production or diversion, storage and distribution facilities and a time schedule for their completion, prepared by or under the supervision of a registered professional engineer.

6.3.2c: A legal description of the location of all construction easements and right-of-way necessary for the installation of the water supply system.

6.3.2d: Well plans indicating casing diameter, total depth, screened interval and proposed pump setting.

6.3.2e: An agreement providing for:

- i. The construction and operation of the water supply system as shown in the plat documents and plans
- ii. Collateral, in the form of a performance bond or other means, adequately assure the complete construction and operation of the system in accordance with design and time specifications.
- iii. Certification of the operator of the system
- iv. Involvement as prescribed in the plat documents of a Homeowner's Association, Mutual Domestic Association, or non-profit corporation for the purpose of operation and maintenance of the system.

6.3.2f: If the developer is within a declared basin, the applicant shall obtain a valid water right permit issued by the State Engineer pursuant to Section 6.2.2 of this section.

Though Article VII Section 6.3 code section is technically part of the submittal of a Water Supply Plan for Phase I of this development but it is recommended these items be addressed by the applicant at Preliminary and Final Development Plan approval.

Requirements for Water Availability Assessments - Article VII, Section 6.4.1

Article VII Section 6.4.1a states "For developments where the source of water will be a new community well and community water system permitted pursuant to Section 72-12-3 the applicant shall demonstrate a one hundred year supply and shall submit a geohydrologic report and other information in accordance with Article VII Section 6.4.2 or a reconnaissance water availability assessment in accordance with Section 6.4.6 if applicable."

Water Availability Assessments For New Community Wells and Community Water Systems - Article VII, Section 6.4.2,

Article VII, Section 6.4.2 states the applicant shall submit a water availability assessment, this is only required for the first sustainable phase of the development at Master Plan Level. Such an assessment includes the following:

6.4.2a - Geohydrologic Report Demonstration of Physical Water Overview

A comprehensive geohydrologic report entitled "Hydrologic Report for the Galisteo Basin Preserve, Santa Fe County, New Mexico September 2006" was initially submitted to demonstrate water availability. Portions of this report were subsequently amended 5 times to reflect new data and/or changes to the original master plan. Based on the June 8, 2007 letter by JS&A to Ted Harrison regarding results from drilling, construction, and testing an exploratory well full scale production well (Village Well #1) at the Galisteo Basin Preserve a production of 50 gpm and the drilling of three additional wells was recommended.

The applicant has met this requirement Article VII Section 6.4.2a for Phase I.

6.4.2b - Sufficient Exploratory Wells

For type II subdivisions, one exploratory well shall be made within the development.

The applicant has met this requirement Article VII Section 6.4.2b for Phase I.

6.4.2c – Calculated 100 year schedule of effects (Amended by Ordinance 2005 -2)

Calculations of 100 year drawdown were described in the June 8, 2007 letter by JS&A to Ted Harrison regarding the Village Well #1. It appears the OSE methodology was used based on the Morrison criteria not requirements of the SFC Land Development Code. Based on this method a sustainable production of 50 gpm for 100 years was estimated. Due to the small amount of water required for Phase I (1.97 acre-feet) of this development this method is acceptable but additional calculations of regional decline, drawdown on adjoining properties and submission of model runs for staff review is requested for subsequent phases.

The applicant has met the requirement of Article VII Section 6.4.2c for Phase I but submission of model runs used to determine the regional and long-term drawdown is requested for preliminary and final development of subsequent phases.

6.4.2d – Lowest Practical Pumping Level

This section of the code requires an additional 20% reduction of the total available water column calculated in the previous section. Since the 100 year schedule of effects could not be properly verified it cannot be determined at this point if this reduction will impact the proposed production rate of this well. This is not seen as an issue for Phase I of this development due to the low amount of water required but this code section should be addressed for subsequent phases of this development.

The applicant has met the requirement of Article VII Section 6.4.2d for Phase I but updated calculations of lowest practical pumping level is requested for preliminary and final development of subsequent phases.

6.4.2e – Contents of Geohydrologic Report

Based on the original submittal in 2006 and subsequent amendments this code requirement has been met.

6.4.2 f – Density Calculation pursuant to Article III Section 10.2.

On August 8, 2014 a letter to Vicki Lucero from JS&A revised previous calculations for water is storage to reflect the revised planning envelope. Through the drilling of the Village Well No. 1 (RG-88989) the applicant's consultant has used the Land Use Code water storage equation to estimate water in storage in an area called Aquifer A. A summary is as follows:

Water in Storage = Acres of Land (340) x Specific Yield (0.09) x Saturated Thickness (448) x Reliability Factor (1.0) x Recovery Factor (0.8) = 10,967 acre-feet

Availability is defined as storage (10,967 acre-feet)/ acres of land (340) x 100 years = 0.32 acre-foot per acre per year or 109.7 acre-feet per year for 100 years.

Based on this submittal, the applicant has demonstrated sufficient water availability in Aquifer A to serve the proposed development. Water from this area will be conveyed to the development area approximately two miles to the southwest of well RG-88989.

Article VII, Section 6.5 entitled "Water Quality"

Lab report dated May 4th 2007 for the Village Well No 1 shows exceedances for EPA Secondary Drinking Water Standards for fluoride, total dissolved solids, pH.

The applicant is required to disclose in the disclosure statement on water quality the name of the contaminant, the contaminant level, the EPA SMCL, the expected adverse effects and the recommended treatment method. This can be accomplished as part of the Final Development Plan for Phase I.

Article VII, Section 6.6 entitled "Water Conservation"

A water budget by phase for the entire development was submitted for review which describes the average residential usage as 0.16 and 0.17 acre-foot per year with 20 acre-feet designated for commercial development. At master plan level this summary water budget is acceptable but a better understanding of outdoor water usage will be required for preliminary and final development approval.

For Phase I a combination of storage / nursery facility is proposed and has an estimated water usage of 0.07 acre-foot per year. Further clarification of the nursery portion of this facility is requested for review as a part of the submission of the Phase I Preliminary Plat.

Article VII, Section 6.7 entitled "Fire Protection"

This section to be addressed by the County Fire Department.

Conclusions

The applicant has met the code requirements for Master Plan. Additional submittals necessary for Preliminary and Final Development Plan are as follows:

1. Submission of necessary submittals for Article VII Section 6.3 code section for Phase I of this development with request for Preliminary and Final Development Plat approval.
2. The applicant has met the requirement for Article VII Section 6.4.2c for Phase I but submission of model runs used to determine the regional and long-term drawdown is requested for preliminary and final development of subsequent phases.
3. The applicant has met the requirement of Article VII Section 6.4.2d for Phase I but updated calculations of lowest practical pumping level is requested for preliminary and final development of subsequent phases.
4. The applicant is required to disclose in the disclosure statement on water quality the name of the contaminant, the contaminant level, the EPA SMCL, the expected adverse effects and the recommended treatment method. This can be accomplished as part of the Final Development Plan for Phase I.
5. Further clarification of the water demand for the nursery portion of the storage facility described in Phase I is requested for review as a part of the submission of the Phase I Preliminary Plat.

If you have any questions, please feel free to call me at 992-9871 or email at ktorres@co.santa-fe.nm.us

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Development Review

Date	10-21-2014		
Project Name	Glorieta Fire Station #2		
Project Location	Old Denver Hwy east of Lower La Joya Rd. Glorieta NM 87535		
Description	New Fire Sub Station #2	Case Manager	Vicente Archuleta
Applicant Name	Santa Fe County	County Case #	DP 14-5390
Applicant Address	102 Grant Ave. Santa Fe, NM 87504	Fire District	Glorieta Pass Fire
Applicant Phone	505-992-9863		
Review Type:	Commercial <input checked="" type="checkbox"/>	Residential <input type="checkbox"/>	Sprinklers <input checked="" type="checkbox"/>
	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input checked="" type="checkbox"/>
	Wildland <input checked="" type="checkbox"/>	Variance <input type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
Project Status:	Approved <input checked="" type="checkbox"/>	Approved with Conditions <input type="checkbox"/>	Denial <input type="checkbox"/>

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

Fire Department Access

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

- Fire Access Lanes

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

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

- **Roadways/Driveways**

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

Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development. Final acceptance based upon the Fire Marshal's approval.

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

- **Street Signs/Rural Address**

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

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

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

- **Slope/Road Grade**

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

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

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

Section 902.4 Key Boxes. (1997 UFC) When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible

location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.

All gates shall be operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System).

A final inspection by this office will be necessary to determine the applicability of the installation of the Knox lock access system in regards to emergency entrance into the fenced area. Should it be found suitable for such, the developer shall install the system.

Fire Protection Systems

▪ Water Storage/Delivery Systems

Shall comply with Article 9, Section 903 - Water Supplies and Fire Hydrants of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Section 903.2 Required Water Supply for Fire Protection. *An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protect is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the chief.*

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

In the event that a fire protection system meeting the following fire code requirements is not available in the proposed area, this office may require additional means of fire protection.

Due to the lack of adequate resources for fire flow a minimum 15,000-gallon cistern for fire suppression system as shown on plans shall be installed, tested, approved. Plans and location for said system shall be submitted prior to installation for approval by this office and shall meet all minimum requirements of the Santa Fe County Fire Department. Details and information are available through the Fire Prevention office.

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

Automatic Fire Protection/Suppression

Automatic Fire Protection Sprinkler systems shall be required as per 1997 Uniform Fire, Article 10 Section 1003.2 in accordance with the Building Code as adopted by the State of New Mexico and/or the County of Santa Fe.

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

Locations of all Fire Department Connections (FDC's) shall be determined and approved prior to the start of construction on the system. All FDC's shall have ports with NST threads.

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

Fire Alarm/Notification Systems

Automatic Fire Protection Alarm systems shall be required as indicated on the plans per 1997 Uniform Fire Code, Article 10 Section 1007.2.1.1 and the Building Code as adopted by the State of New Mexico and/or the County of Santa Fe. Required Fire Alarm systems shall be in accordance with NFPA 72, National Fire Alarm Code, for given type of structure and/or occupancy use. Said requirements will be applied as necessary as more project information becomes available to this office during the following approval process.

▪ Fire Extinguishers

Article 10, Section 1002.1 General (1997 UFC) *Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the chief. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.*

Portable fire extinguishers shall be installed in occupancies and locations as set forth in the 1997 Uniform Fire Code. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.

Hazardous Materials

The following bulleted areas will be addressed with specific conditions in subsequent review submittals or as the information becomes available prior to or upon final inspection at the time of the Certificate of Occupancy as applicable to the building(s) occupancy use.

- **Fuel/Flammable Material Storage**
- **MSDS**
- **Other**

Urban-Wildland Interface

SFC Ordinance 2001-11, Urban Wildland Interface Code

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

- **Building Materials**

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

- **Location/Addressing/Access**

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

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

The project shall also have a vegetation management plan adopted by covenant as required by the Urban Interface Fire Code.

General Requirements/Comments

- **Inspections/Acceptance Tests**

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

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

▪ **Permits**

As required

Final Status

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

Buster Patty



Fire Marshal

Date

10-21-14

Through: David Sperling, Chief

File: Landuse/Distr./Glorieta Fire Station #2 10/21/2014

Cy: Vicente Archuleta, Land Use
Applicant
District Chief
File

Update of BCC Action on Land Use Cases as of November 2014

CDRC CASE #V14-5080 Jason Mohamed Variance. Jason Mohamed, Applicant, (Knutson Law P.C.) Kristofer C. Knutson, Agent, Requests A Variance Of Article III, Section 10 (Lot Size Requirements) Of The Land Development Code To Allow Two Dwelling Units On 2.5 Acres. The Property Is Located At 11 Virginia Lane, Within Section 24, Township 15 North, Range 8 East (Commission District 5). **Miguel "Mike" Romero, Case Manager.**

CDRC-Recommendation for approval (4-3 vote)

BCC-Approved (5-0 vote)

CDRC CASE # Z 13-5380 Elevation. Vedula Residential Operating, LLC, Applicants, JenkinsGavin, Agents, Request A Master Plan In Conformance With The Community College District Ordinance To Allow A Multi-Family Residential Community Consisting Of 214 Residential Units On 22 ± Acres. The Site Is Located On The North Side Of College Drive And East Of Burnt Water Road Within The Community College District, Within Section 21, Township 16 North, Range 9 East (Commission District 5). **Jose E. Larrañaga, Case Manager.**

CDRC-Recommendation for denial (5-1 vote)

BCC- Approved (3-2 vote)

CDRC CASE # V 14-5240 Julie Lopez Variance, Julie Lopez, Applicant, Michael Sandrin, Agent, Requests A Variance Of Article 4, Section 4.2 Of Ordinance No. 2008-10 (Flood Damage And Stormwater Management) To Allow A Driveway Within A Flood Hazard Area. The Property Is Located At 12 Calle Dos Puentes , Within The Vicinity Of Chimayo, Within Section 2, Township 20 North, Range 9 East, (Commission District 1). **John Lovato, Case Manager**

CDRC-Recommendation for Approval (5-0 vote)

BCC-Approved (5-0 vote)

CDRC CASE # V/Z 14-5210 Senior Campus @ Caja del Rio. Caja del Rio Holdings, LLC, Applicant, Jenkins/Gavin, Agents, Request Master Plan Zoning Approval To Allow The Creation Of A Large Scale Mixed Use District, To Be Utilized As A Senior Care Facility, To Be Developed In Four Phases On 28 ± Acres. The Request Also Includes A Variance Of Article III, Section 6.4.2 (Density Review) And Article III, Section 10 (Lot Size Requirements) Of The Land Development Code. The Property Is Located At 28 Caja Del Rio Road, Within Section 2, Township 16 North, Range 8 East, (Commission District 2). **Jose E. Larrañaga, Case Manager**

CDRC-Recommendation for Approval (5-0 vote)

BCC-Approved (5-0 vote)

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

CASE NO. MIS 14-5360

ACCESSORY STRUCTURE

MARK MARTINEAU, APPLICANT

ORDER

THIS MATTER came before the County Development Review Committee ("CDRC") for hearing on November 20, 2014, on the Application of Mark Martineau ("the Applicant") for approval for a 2,600 square foot accessory structure to be utilized as a garage/storage building on 15.03 acres. The purpose of the structure is to store and protect the Applicant's recreational vehicles, sports equipment, and personal vehicles. After conducting a public hearing on the Application, the CDRC hereby **APPROVES** the Application and makes the following findings of fact and conclusions of law:

1. The Applicant requests approval to allow a 2,600 square foot accessory structure to be used to store and protect the Applicant's recreational vehicles, sports equipment, and other personal vehicles.
2. The accessory structure will be placed on a 15.03 acre lot.
3. The property is located at 22 Ranchos Canoncito in Section 14, Township 15 North, Range 10 East.
4. The Applicant provided receipts for mailing notices before the CDRC by certified mail on October 30, 2014. It appears that all noticing requirements of the Code were met. Noticing in

the legal section of the Santa Fe New Mexican occurred on October 30, 2014, as evidence by the clipping of that publication in the file and the affidavit of publication provided by the New Mexican. A certification of posting and photographs of the posting were provided by the Applicant.

5. The Applicant acquired the real property by Warranty deed, which was recorded as instrument No. 1573260 in the Santa Fe County Clerk's records on the 7th day of August 2009.
6. The Applicant submitted the following document for consideration of the request.
 - a. Application Form/Development Permit Application.
 - b. A site plan showing a bird's eye view of the property.
 - c. A site plan for the garage/storage building with elevations and floor plan.
 - d. A copy of the Warranty Deed.
 - e. A recorded Plat of Survey.
 - f. A copy of the existing septic permit.
 - g. A copy of the well permit.
 - h. A copy of proof of taxes paid for the property.
 - i. A vicinity map showing the relative location of the subject property.
7. Santa Fe County Land Development Code ("Code"), as amended by Ordinance No. 1997-4 states, under Article II, Section 2.3.1. "An accessory structure greater than 2,000 square feet, shall be submitted with a site plan to the CDRC for approval."
8. Additionally, Article III, Section 2.1 provides, "Residential uses and accessory structures, as defined herein, are allowed anywhere in the County provided all of the requirements of the Code are met."

9. Staff supported the Application and recommended the following conditions of approval:

- a. Compliance with minimum standards for Terrain Management as per the Land Development Code and compliance with Ordinance No. 2003-6, Water Harvesting;
- b. The structure shall not be utilized for commercial use;
- c. The height of the accessory structure shall not exceed 24 feet.

10. The Applicant consented to staff's conditions.

11. No one from the public spoke in favor or in opposition to the request.

12. Ordinance No. 1997-4 requires that accessory structures be subordinate or incidental to the principal use of the property. This structure is subordinate and incidental to the 2,400 sq. ft. residence on this 15.03 acre property. Accessory structures include office/art studio/workshops, garages or carports for storage of personal vehicles, utility or storage sheds, stables or barns, and greenhouses. The Applicant's accessory structure will be for several of these allowed purposes. The structure meets the requirements of Ordinance No. 1997-4.

13. The Application met all Code requirements as per Ordinance No. 1997-4, which amended Articles II, III and X of the Santa Fe County Land Development Code.

14. After conducting a public hearing on the request and having heard from the Applicant and the public, the County Development Review Committee hereby approves the request for a 2,600 square foot accessory structure on 15.03 acres.

IT IS THEREFORE ORDERED that the Application to allow a 2,600 square foot accessory structure is approved subject to the conditions stated in paragraph 9.

This Order was approved by the County Development Review Committee on this _____
day of _____, 2014.

COUNTY DEVELOPMENT REVIEW COMMITTEE OF SANTA FE COUNTY

By: _____
County Development Review Committee, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer, County Attorney

Member Anaya moved approval as amended and Member Katz seconded. The motion carried by unanimous 5-0 voice vote.

IV. APPROVAL OF MINUTES: October 16, 2014

Member Katz moved to approve the October minutes as submitted. Member Anaya seconded and the motion passed by unanimous 5-0 voice vote.

VI. OLD BUSINESS

- A. CDRC CASE # V 14-5300 Cathy and Chris Stoia Variance. Cathy and Chris Stoia, Applicants, request a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow a Land Division of 12.87 acres into two lots. The property is located at 20 La Barbaria Road, within Section 17, Township 16 North, Range 10 East (Commission District 4) [Exhibit 1: Tackett Letter of Opposition]**

Chairman Drobnis read the case caption and John Lovato gave the staff report as follows:

“On October 16, 2014 the CDRC met and acted on this case. The decision of the CDRC ended in a tie vote with two committee members voting in favor of the motion to approve the requested variance and two committee members voting against the motion of the requested variance. Under Commission rules of order the application is automatically tabled until the next meeting where a greater number of members are present. This case now is coming before the CDRC for vote only.”

Member Anaya moved to approve CDRC Case #V 14-5300 with staff conditions and an additional condition as follows:

5. There will be a shared well agreement in the case one of the wells fails, with water restrictions of .25 acre-foot per residence per year. This is to be noted on the plat.

Member Gonzales seconded and the motion passed by majority [3-2] voice vote with Members Anaya, Gonzales and Drobnis voting in favor and Members Katz and Booth voting against

- B. CDRC CASE # MIS 14-5360 Mark Martineau Accessory Structure. Mark Martineau, Applicant, requests approval to allow an accessory structure greater than 2,000 square feet on 15.03 acres to be utilized as a garage/storage building. The property is located at 22 Ranchos Canoñito, off Ojo de la Vaca Road, within Section 14, Township 15 North, Range 10 East, (Commission District 4)**

Mathew Martinez gave the following staff report:

“The Applicant requests approval for a 2,600 square foot accessory structure to be utilized as a garage/storage building. The purpose of the structure is to store and protect the Applicants recreational vehicles, sports equipment, and personal vehicles. The proposed structure is steel framed, and will be constructed on a concrete slab. There is currently a residence on the property.

“On October 16, 2014, the CDRC met and acted on this case. During the meeting it was discovered that there was a discrepancy in the square footage on the plan’s 2,600 square feet versus the written requests submitted by the applicant – 2,184 square feet. The decision of the CDRC was to table this case for clarification of the discrepancy. The applicant has submitted a letter requesting a 2,600 square foot accessory structure as depicted on the proposed plans.”

Mr. Martinez stated staff was recommending approval of an accessory structure greater than 2,000 square feet to be utilized as a garage/storage building subject to the following conditions:

1. Compliance with minimum standards for Terrain Management as per the Land Development Code and compliance with Ordinance No. 2003-6 Water Harvesting.
2. The structure shall not be utilized for commercial use.
3. The height of the accessory structure shall not exceed 24 feet.

Member Gonzales clarified that the discrepancy arose from the roof area of the portal.

Counsel for the applicant, Karl Sommer, stated the new square footage amount had been republished and renoticed. There was no response to the posting.

There was no one from the public wishing to speak.

Member Katz moved to approve CDRC Case #MIS 14-5360 with staff conditions. Member Anaya seconded the motion which carried unanimously 5-0.

~~VII. NEW BUSINESS~~

- ~~B. **CDRC CASE # V 14-5330 Francisco and Arlene Tercero. Francisco and Arlene Tercero, Applicants, request a variance of Ordinance No. 2007-2 Village of Agua Fria Zoning District), Section 10.6 (Density and Dimensional Standards) to allow a Family Transfer of 1.53 acres into two lots; Both lots consisting of +/-0.75 acres. The property is located at 1645 Calle de Quiquido, within Section 32, Township 17, North, Range 9 East (Commission District 2)**~~

~~Mike Romero gave the staff report as follows:~~

~~“The subject lot was created in 1985, via Division of Land, and is recognized as a legal lot of record. Currently there is a residence on the property which was~~

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: December 10, 2014

TO: County Development Review Committee

FROM: Miguel "Mike" Romero, Development Review Specialist Sr. *MR*

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

FILE REF: CDRC CASE # V 14-5330 Francisco and Arlene Tercero Variance

ISSUE:

Francisco and Arlene Tercero Applicant, Request A Variance Of Ordinance No. 2007-2 (Village Of Agua Fria Zoning District), § 10.6 (Density and Dimensional Standards) To Allow A Family Transfer Of 1.53 Acres Into Two Lots; Both Lots Consisting Of 0.75 Acres +/-.

The Property Is Located At 1645 Calle De Quiquido, Within Section 32, Township 17N, Range 9 East (Commission District 2).

Summary:

This case is tabled to allow the Applicants to amend their Application to add an additional variance/s. This case is scheduled for December 18, 2014.

OBA-1

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: December 18, 2014

TO: County Development Review Committee

FROM: Mathew Martinez, Development Review Specialist *MM*

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

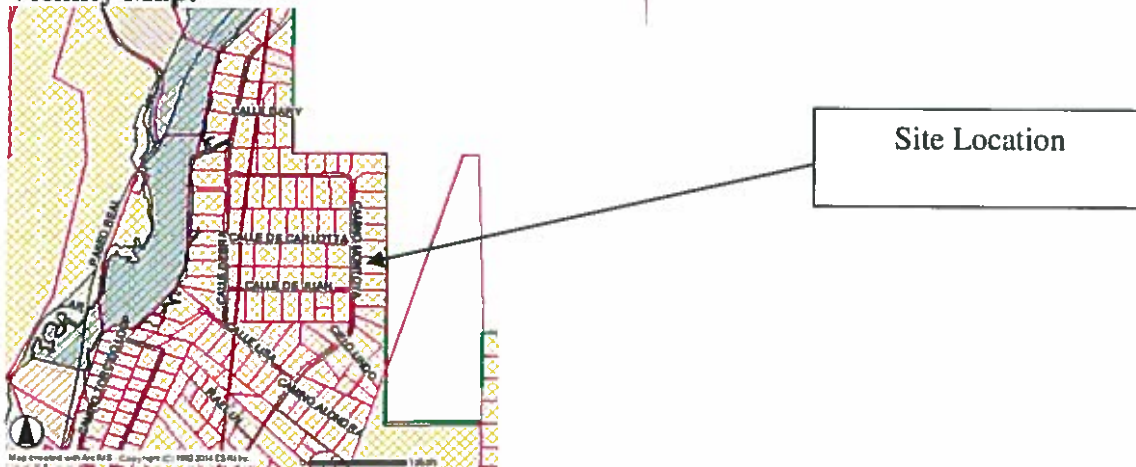
FILE REF.: CDRC CASE # V 14-5340 Luis and Isela Rodriguez Variance

ISSUE:

Luis and Isela Rodriguez, Applicants, request a variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to allow two dwelling units on 2.5 acres

The property is located within the Traditional Historic Community of La Cienega at 92 Camino Montoya, within Section 20, Township 16 North, Range 8 East, (Commission District 3).

Vicinity Map:



NBA-1

SUMMARY:

The subject lot is part of the Vista Land Subdivision (consisting of 86 lots) which was created in 1974, and is recognized as a legal lot of record. There is currently a duplex on the property. The Applicants have owned the property since August 13, 2001, and claim they purchased the property in its current state with the two dwelling units. On November 2, 2001, the Applicants applied for a 336 square foot residential addition to the existing 1,925 sq. ft. duplex. At that time, the Applicants floor plan did not indicate two kitchens were located in the residence and in fact misrepresented that the kitchen was a bedroom and the permit was issued. The residence, including the addition, does not exceed the maximum allowable lot coverage of twenty percent.

On August 13, 2014, the Building and Development Services Division received a complaint regarding a potential density violation on the property. On August 15, 2014, the Applicants met with staff and admitted that there were two kitchens within the residence which makes the structure a duplex rather than a single dwelling unit. The properties septic system was installed in 1978, and has a 1,000 gallon per day capacity.

The Applicants request a variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to allow a two dwelling units on 2.5 acres. The Applicants state a variance is needed to allow the property to remain in the current state in which they purchased it and will only be used by themselves and for visitation of family members and for their children when needed.

Section 6.25.2 (Review of Applications Requesting Increased Zoning Density) states "when examining requests for increases in zoning density, all applicable review bodies shall consider the proposed development's impact on factors such as but not limited to traffic, schools, water, liquid waste, and infrastructure as part of the development review process. It is appropriate requests for increases in zoning density to be denied in the Planning Area if the reviewing body determines that there is a reasonable expectation, based on the evidence presented, that the development would negatively impact the community and/or surrounding neighbors.

An increase in density from one dwelling unit per 10 acres to two dwelling units per 2.5 acres could negatively impact the community and neighboring properties due to potential water quality issues and an increase in water use per unit.

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

This Application was submitted on September 3, 2014

NBA-2

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

APPROVAL SOUGHT: Approval of a Variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to allow two dwelling units on 2.5 acres.

GROWTH MANAGEMENT AREA: SDA-2

HYDROLOGIC ZONE: The property is located within the Traditional Historic Community of La Cienega Basin Hydrologic Zone. Minimum lot size in this area is 10 acres per dwelling unit. Lot size can be reduced to 2.5 acres per dwelling unit with proof of 100 year water supply through a geohydrologic reconnaissance report, and adoption of water use covenants.

FIRE PROTECTION: La Cienega

WATER SUPPLY: Shared Domestic Well

LIQUID WASTE: Conventional Septic System

VARIANCES: Yes

AGENCY REVIEW:	<u>Agency:</u>	<u>Recommendation:</u>
	Fire Prevention	Comments not received

STAFF RECOMMENDATION: Denial of a variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to allow two dwelling units on 2.5 acres.

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

1. Water use shall be restricted to 0.25 acre feet per year per unit. A water meter shall be installed for each unit within ninety days of recording the order granting the variance. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st

NBA-3

of each year. Water restrictions shall be recorded in the County Clerk's Office at the time of Development Permit (As per Article III, § 10.2.2 and Ordinance No. 2002-13).

2. The placement of additional dwelling units or Division of land is prohibited on the property. (As per Ordinance No. 2002-9 § 6.4) (Zoning Density).
3. The Applicant shall provide an updated liquid waste permit for the duplex from the New Mexico Environment Department with the Development Permit Application (As per Article III, § 2.4.1a.1 (a) (iv)).
4. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit Application (As per 1997 Fire Code and NFPA Life Safety Code).
5. The conditions are conditions precedent to granting of the variance. If the Applicants fail to comply with any conditions set forth above within the time periods provided, the variance shall be denied.

EXHIBITS:

1. Letter of request
2. Ordinance No. 2002-9 § 6.4 (Zoning Density)
3. Article II, § 3 (Variances)
4. Site Plan
5. Site Photographs
6. Aerial of Site and Surrounding Area
7. 1984 NMDOT Aerial
8. 2001, Development Permit Application

NBA-4

September 2nd, 2014.

To Whom it May Concern:

This letter is to certify that the property at 92 Camino Montoya, Santa Fe N.M. 87507, was purchased with a duplex. This duplex is used only for visitation of family and for our children when they need it. For this reason is very important to us to conserve and maintain the property as we will use it to sustain and preserve it to the best of our ability as long as we own it.

Respectfully,

Luis Rodriguez

Rosa Isela Montes de Rodriguez

Luis Rodriguez and Rosa Isela Montes de Rodriguez



NBA-5

1 ~~plan approval where such approval is required, at the time of adoption of this Ordinance, shall~~
2 ~~comply with this ordinance. This Ordinance and standards may be amended from time to time.~~

3
4 **6.4 Zoning Density:**

5 **6.4.1 Traditional Community Zoning District:**

6 Maximum density is three quarters of an acre per one dwelling unit (.75 acre). Density
7 adjustments must follow requirements as outlined in Article III, Section 10 and Article
8 VII, Section 6 of the Code, as amended, along with all requirements outlined in this
9 ordinance. The maximum density shall not be increased even when community water and
10 sewer systems are provided except where density transfer is used to protect sensitive
11 lands or preserve community assets as described in Section 6.6 and gross density is
12 maintained. Note: the Traditional Community Zoning District is located within the
13 Traditional Historic Community boundary but the .75 acre zoning density applies only in
14 the Traditional Community Zoning District. See attached map b.), *La Cienega*
15 *Traditional Community Zoning District.*

16 **6.4.2 Basin Zone:**

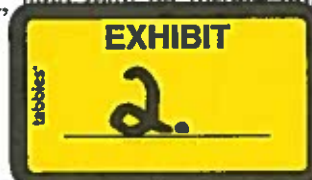
17 Maximum density in the Basin Zone shall be ten acres per one dwelling unit (10 acres).
18 With proof of 100 year water supply through a geohydrologic reconnaissance report, and
19 adoption of water use covenants (See Attachment 1), the maximum density may be
20 increased to one dwelling unit per 2.5 acres. Density adjustments above one dwelling unit
21 per 10 acres must follow requirements as outlined in Article III, Section 10 and Article
22 VII, Section 6 of the Code, as amended, along with all requirements outlined in this
23 ordinance. The maximum density shall not be increased even when community water and
24 sewer systems are provided except where density transfer is used to protect sensitive
25 lands or preserve community assets as described in Section 6.6 and gross density is
26 maintained.

27 **6.4.3 Basin Fringe Zone:**

28 Maximum density in the Basin Fringe Zone shall be fifty acres per one dwelling unit (50
29 acres). With proof of 100 year water supply through a geohydrologic reconnaissance
30 report, and application of water use covenants (See Attachment 1), the maximum density
31 may be increased to one dwelling unit per 12.5 acres. If an adequate 100 year supply of
32 water, and no impairment to neighboring wells, is proven by an on-site geohydrological
33 well test, land may be further divided to a maximum of 2.5 acres per dwelling unit.
34 Density adjustments above one dwelling unit per 50 acres must follow requirements as
35 outlined in Article III, Section 10 and Article VII, Section 6 of the Code, as amended,
36 along with all requirements outlined in this ordinance. The maximum density shall not be
37 increased even when community water and sewer systems are provided except where
38 density transfer is used to protect sensitive lands or preserve community assets as
39 described in Section 6.6 and gross density is maintained.

40 **6.4.4 Homestead Zone:**

41 Maximum density in the Homestead Zone shall be one hundred and sixty acres per one
42 dwelling unit (160 acres). With proof of 100 year water supply through a geohydrologic
43 reconnaissance report, and application of water use covenants (See Attachment 1), the
44 maximum density may be increased to one dwelling unit per 40 acres. If an adequate 100
45 year supply of water, and no impairment to neighboring wells, is proven by an on-site
46 geohydrological well test, land may be further divided to a minimum of 2.5 acres per



NBA-6

1 dwelling unit. Density adjustments above one dwelling unit per 160 acres must follow
 2 requirements as outlined in Article III, Section 10 and Article VII, Section 6 of the Code
 3 as amended, along with all requirements outlined in this ordinance. The maximum
 4 density shall not be increased when community water and sewer systems are provided
 5 except where density transfer is used to protect sensitive lands or preserve community
 6 assets as described in Section 6.6 and gross density is maintained.

7 **6.4.5 Density Requirements on Lots with Multiple Zoning Designations:**

8 If a single land parcel and/or subdivision lies within two separate hydrologic or zoning
 9 districts, the density of dwelling units per acre shall reflect the exact proportion of each
 10 district in which the parcels lies.

11 **6.4.6 Documentation of Wastewater System Compliance for Zoning and Land Division**
 12 **Applications:**

13 When property in the Planning Area is divided, subject to a family transfer or re-zoned
 14 the landowner must furnish complete and accurate documentation to the County which
 15 demonstrates that all facilities on-site are in compliance with all applicable New Mexico
 16 Environment Department regulations and that all necessary permits have been obtained
 17 for any and all septic and waste disposal facilities on the property. This section shall not
 18 be interpreted so as to exempt existing development from all applicable requirements.

19
 20 **6.5 Density Transfers to Protect Community Assets:**

21 Density transfer(s) should be used to protect community assets including but not limited to
 22 wetlands, open spaces, springs, watercourses, riparian areas, agricultural lands, acequias,
 23 traditional community centers, archeological sites, historical and cultural sites and multi-
 24 generational family housing compounds. When density transfers result in higher site densities,
 25 such development shall be clustered and sited in a manner to fit the topography, and existing rural
 26 character of La Cienega and La Cieneguilla, instead of in an urban grid pattern.

27
 28 **6.6 Open Space Land Protection through Density Transfers or other types of Easements:**

29 Open spaces set aside for density transfer or other easements for the protection of community
 30 assets, as described above, should interconnect to similar sites or potential sites on adjacent
 31 properties whenever possible. Easements shall clearly delineate the open space areas and no build
 32 areas as well as document any permitted uses in such areas.

33
 34 **6.7 Acequia Protection**

35 **6.7.1 Acequia Setback Requirements:**

36 No new structures or permanent fences or walls that will impair or obstruct normal
 37 operations of an acequia shall be permitted within six (6) feet of community acequia
 38 associations registered with the Office of the State Engineer. This will not apply to
 39 private acequia associations.

40 **6.7.2 Acequia Association Review of New Development:**

41 Prior to issuance of development permits for activities that may interfere with acequia
 42 operations including fences, walls, grading, drainage and septic systems, applications for
 43 development within twenty-five feet (25') of an acequia must be reviewed by the affected
 44 acequia association. Such review will include a recommendation of approval or denial
 45 and/or any suggested conditions for approval and will be non-binding. Applicants shall

NBA-7

~~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 or 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.

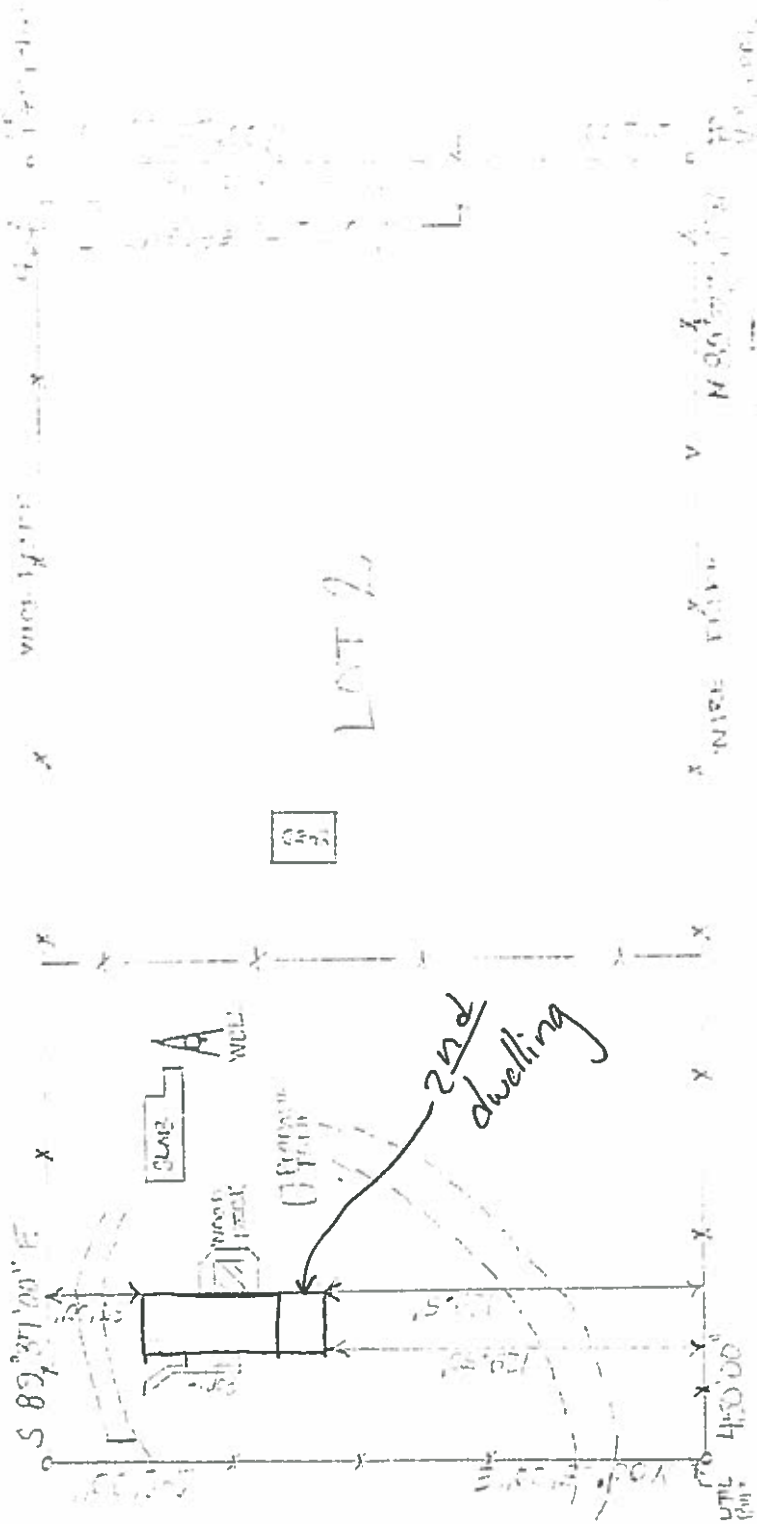
3.4 Height Variance in Airport Zones

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





LOT 3



9.2

EXHIBIT

4.

NBA-9

LOT 1

VISTA LAND SUBDIVISION
 SOUTH BE COUNTY ILL.
 SCALE: 3/4" = 100'
 OCTOBER 21, 1991



2014/11/10 15:09

NBA-11

DOOR CABINETS
1800 850-8500
www.doorcabinets.com



NBA-12

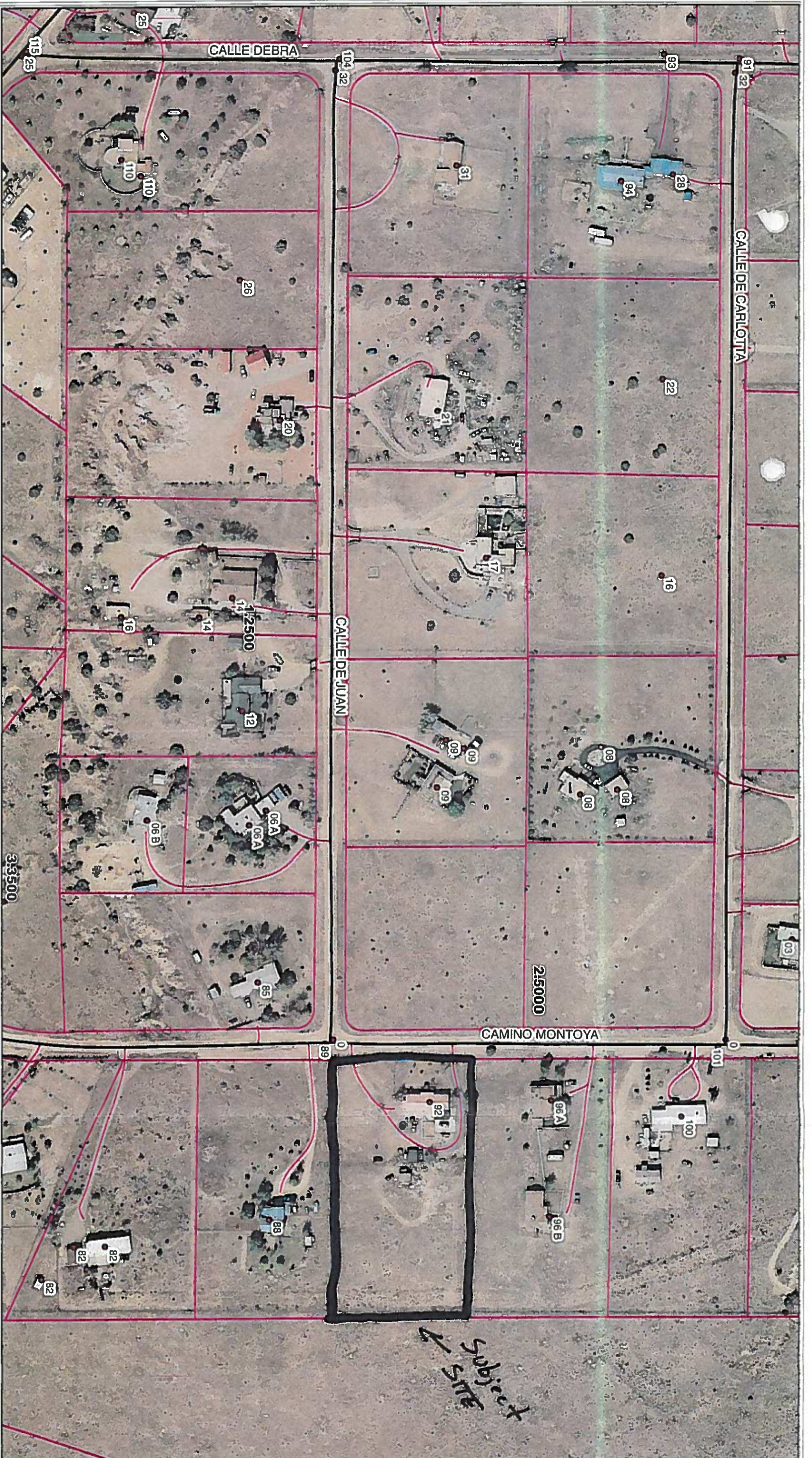
2014/11/10 15:10





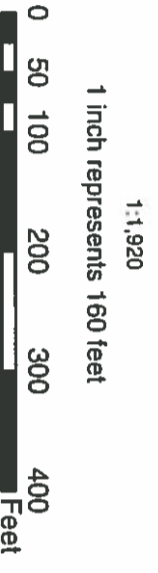
2014/11/10 15:10

NBA-13



Legend

- ROADS
- DRIVEWAYS
- PARCELS



Word Imagery
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.



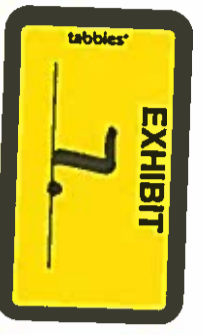
September 8, 2014

2

2



NMDOT
Aerial Photo
03-01-84



NBA-14

SANTA FE COUNTY

DEVELOPMENT PERMIT APPLICATION

CONTROL # 01-1562 APPLICATION DATE _____ ISSUE DATE _____

APPLICANT INFORMATION

OWNER NAME: Luis & Rosalinda Rodriguez
(LAST) (FIRST) (MIDDLE)

MAILING ADDRESS: 92 Camino Montoya Santa Fe NM 87507
STREET OR P.O. NUMBER CITY STATE ZIP

HOME PHONE (505) 438-4731 WORK PHONE (505) 982-8738

AGENT / CONTRACTOR NAME: Home Owner / Same as Above
(LAST) (FIRST) (MIDDLE)

AGENT / CONTRACTOR ADDRESS: _____
STREET OR P.O. NUMBER CITY STATE

AGENT HOME PHONE () _____ WORK PHONE () _____

PROPERTY INFORMATION

COUNTY RURAL ADDRESS: SAME AS ABOVE
This address is available from the Santa Fe County Rural Addressing Dept. 940-6330

PROPERTY LOCATION ID: 65253390 TAXES PAID: (Y/N) Y ACREAGE: 2.5

LEGAL DESCRIPTION - Twpshp: 16 N Range: 8 E Section: 21 01 02 03

Subdivision: _____

Grant/Claim _____ Unit: _____ Tract: _____ Block: _____ Lot: _____

DEED RECORDED AS - Deed Book 1956 Page: 897 PLAT RECORDED AS: Plat book 35 Page 4
Date Recorded Aug 13 2001 Date Recorded April 21 1974

PROJECT INFORMATION

DESCRIPTION: Addition PROJECT TYPE: B P R A

TOTAL NEW ROOFED AREA TO BE CONSTRUCTED: 336 Sq.Ft.

BUILDING MATERIAL: Frame

PROJECT VALUATION (from appraisal): \$ 5,000.00 # EXISTING LOTS: 1

#EXISTING STRUCTURES: 1 TOTAL EXISTING BLDG. SQ. FT.: 1875

EXISTING USE:(S) M/H

NBA-15

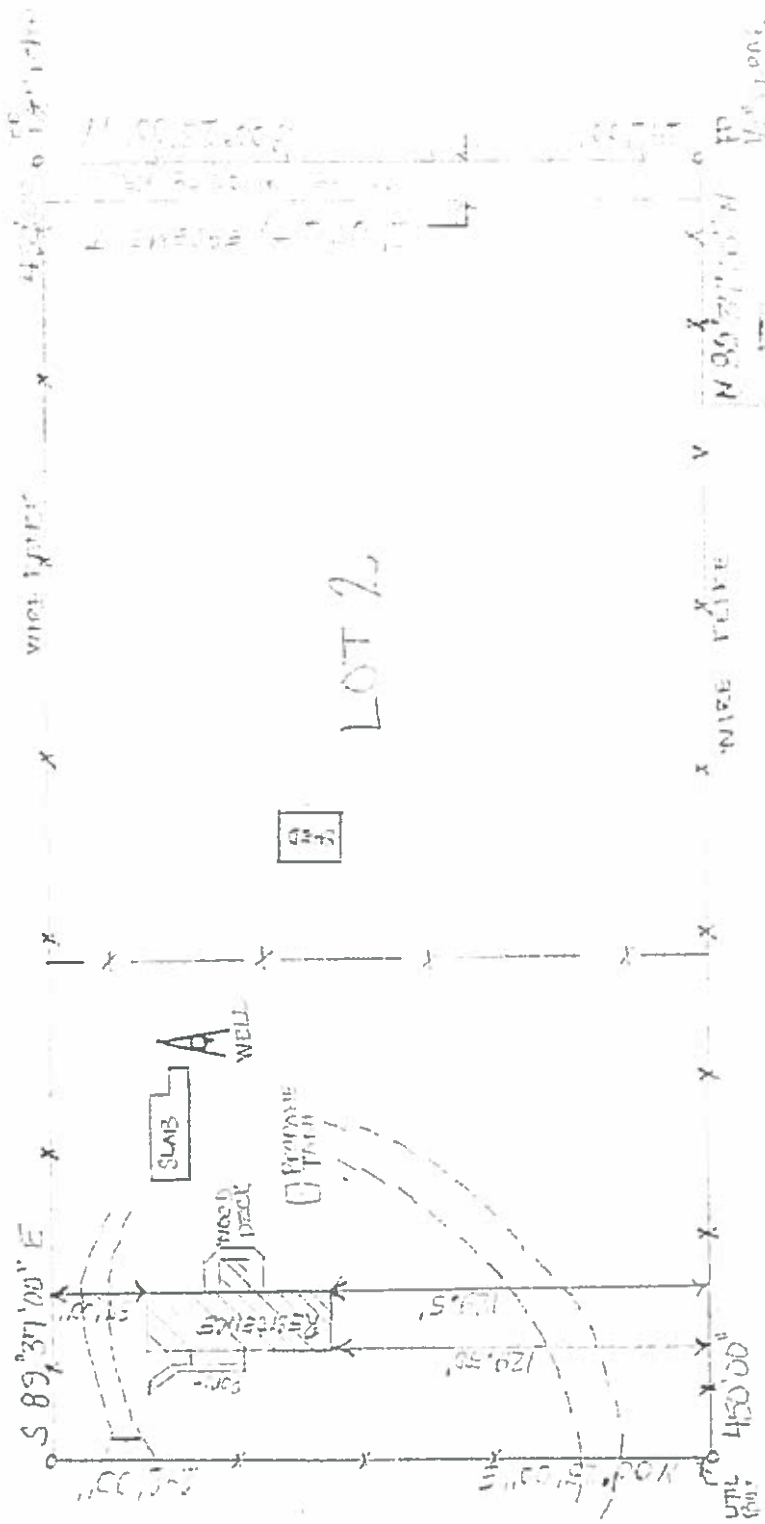
ALL OF THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

APPLICANT SIGNATURE Luis Rodriguez DATE 11-2-01





LOT 3

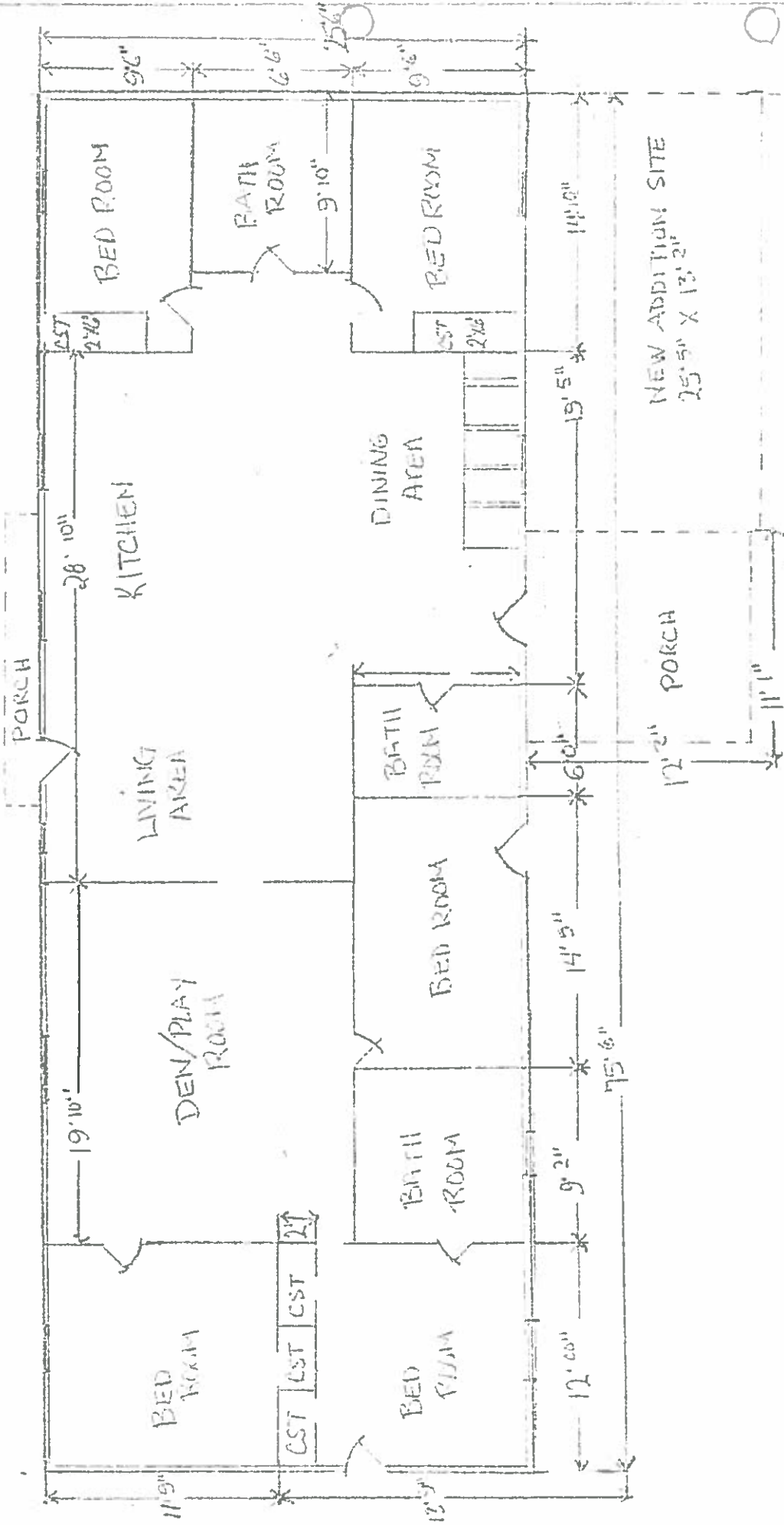


LOT 2

LOT 1

NBA-16

BOYDWOOD RESIDENCE	VISTA LAND SUBDIVISION	SCALE: 3/4" = 100'
DATE PLAN	SANTA FE COUNTY, N.M.	OCTOBER 21, 2001



→ N

NBA-17

W

RODRIGUEZ RESIDENCE

EXISTING RESIDENCE FLOOR PLAN

VISTA LAND SUBDIVISION

SANTA FE COUNTY N.M.

SCALE: 1/8" = 1'

OCTOBER 24, 2001

EXISTING RESIDENCE

NEW ADDITION

EXISTING POOL



13'-4"

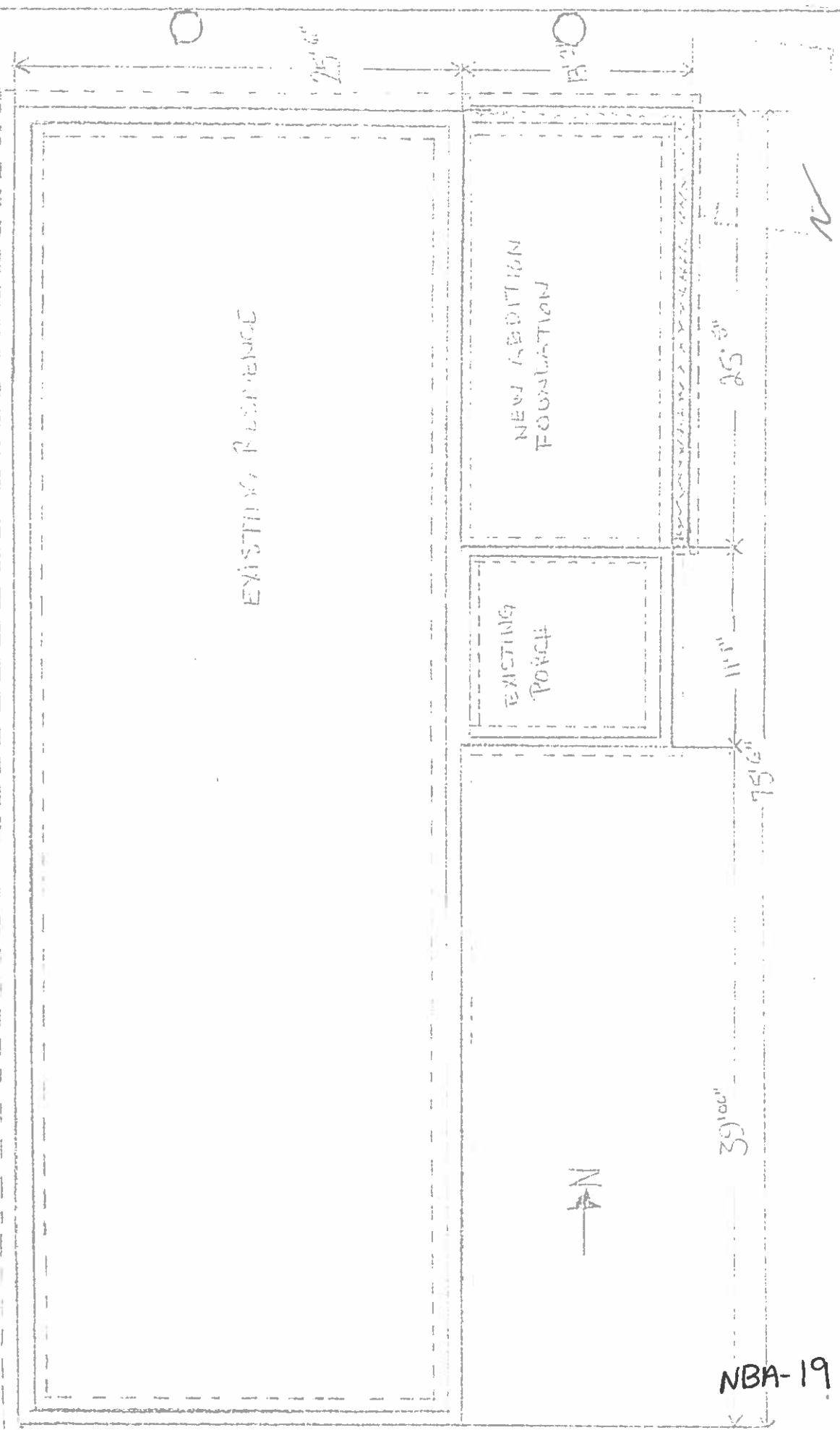
25'-0"



M

NBA-18

PROVISIONAL RESUBDIVISION	VISTA LAND SUBDIVISION	SCALE 1/4" = 1'
PLANNED	SANTA FE COUNTY, N.M.	OCTOBER 2-11-2001



EXISTING RESIDENCE

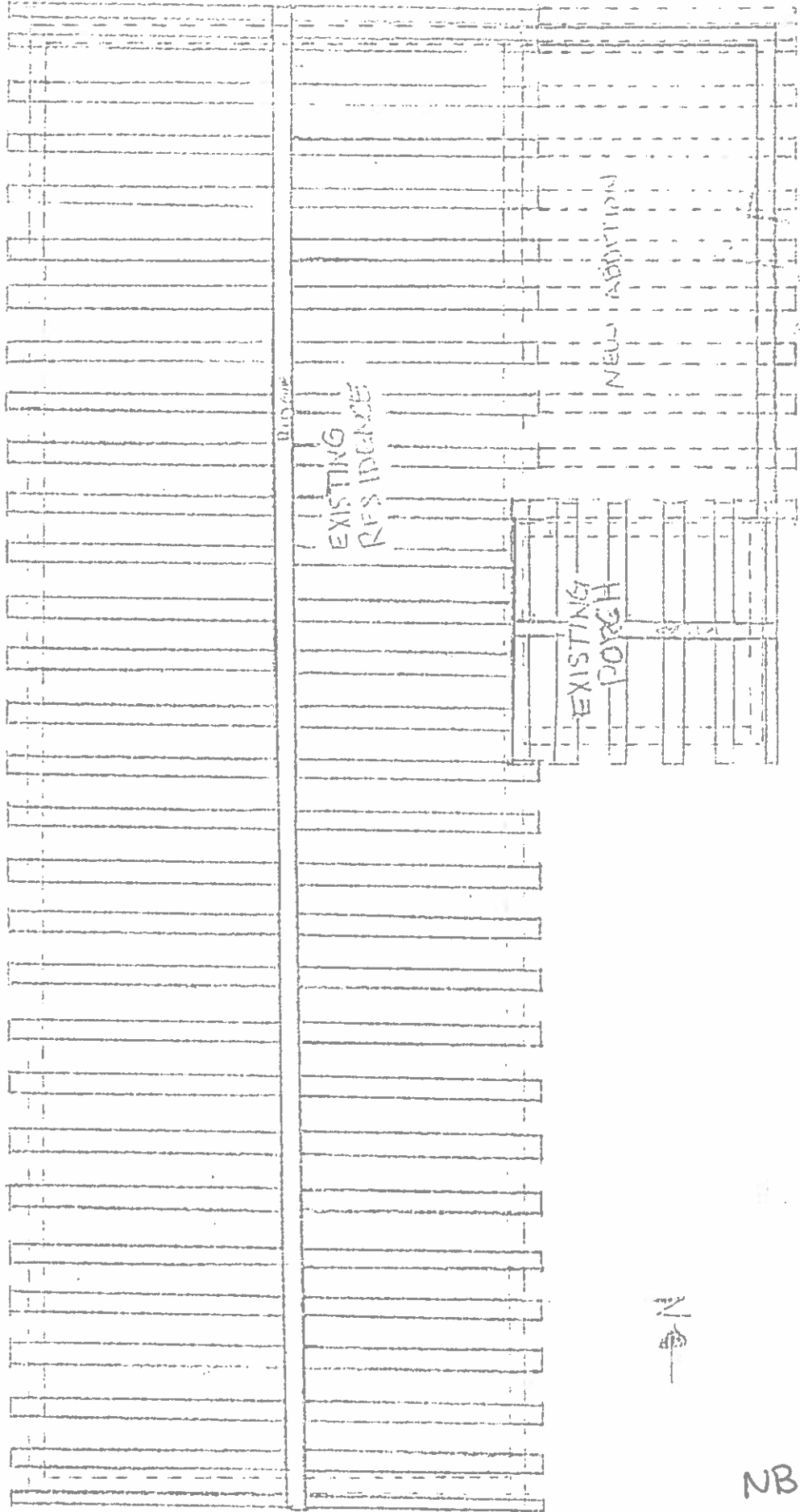
EXISTING PORCH

NEW ADDITION FOUNDATION



NBA-19

RODRIGUEZ RESIDENCE EXISTING FOUNDATION	VISTA LAND SUBDIVISION SANTA FE COUNTY, N.M.	SCALE: 1/8" = 1'	OCTOBER 14, 2001
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11/0/2001

EXISTING
RESIDENCE

EXISTING
PORCH

NEW ADDITION



(TRAILING) *W*

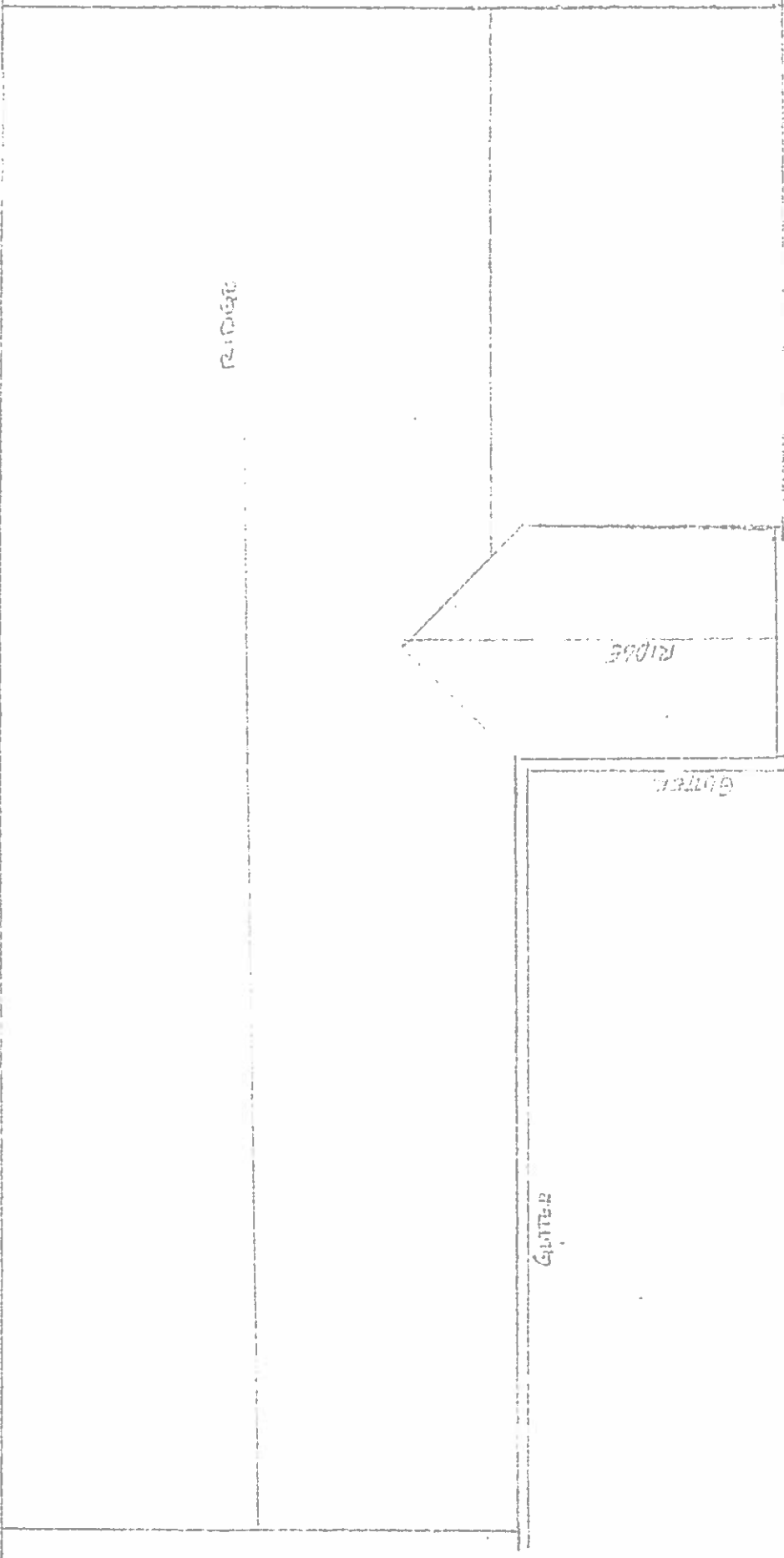
NBA-20

RODRIGUEZ RESIDENCE VISTA LAND SUBDIVISION SCALE: 1/8" = 1'
 ENSTING 'E ADDITION 1100F SANTA FE COUNTY, N.M. OCTOBER 24, 2001

GUTTER

RIDGE

GUTTER

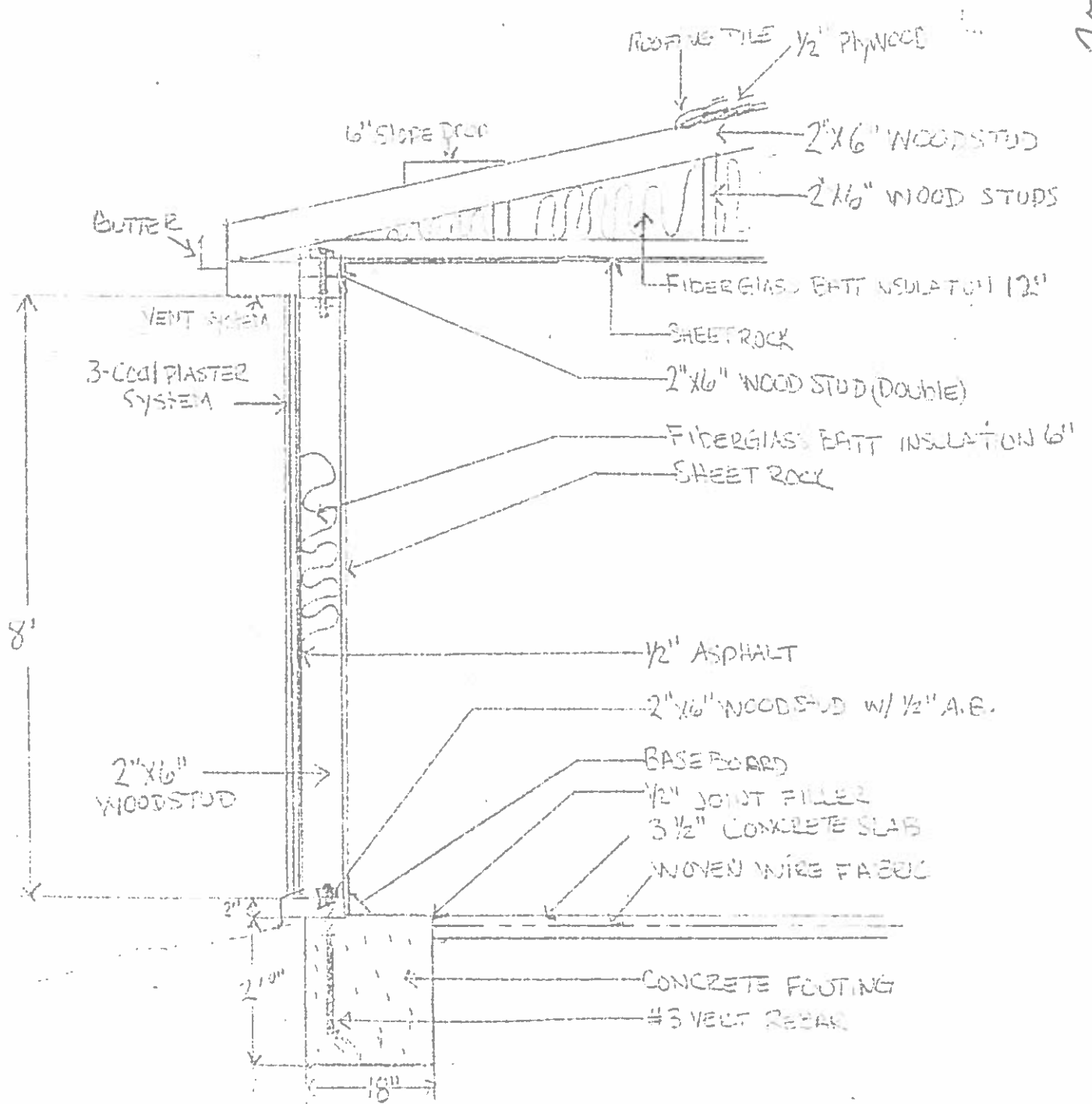


RODRIGUEZ RESIDENCE
 ROOFING DIAGRAM

VISTA LAND SUBDIVISION
 SANTA FE COUNTY, N.M.

SCALE: 1/8" = 1'
 OCTOBER 24, 2001

NBA-21



NBA-22

RODRIGUEZ RESIDENCE	VISTA LAND SUBDIVISION	SCALE: 1/2" = 1'
WOOD FRAME WALL, NO. 15 OF 15	SANTA FE COUNTY, NM	DATE: FEB. 2, 1961

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: December 18, 2014

TO: County Development Review Committee

FROM: Mathew Martinez, Development Review Specialist *MEd*

VIA: Penny Ellis-Green, Growth Management Director *VE/gol*
 Vicki Lucero, Building and Development Services Manager *VL*
 Wayne Dalton, Building and Development Services Supervisor *VD/gol*

FILE REF.: CDRC CASE # V 14-5400 Melody Saucedo Variance

ISSUE:

Melody Saucedo, Applicant, request a variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to allow two dwelling units on 3.26 acres

The property is located within the Traditional Historic Community of La Cienega at 77a Calle Debra, within Section 20, Township 16 North, Range 8 East, (Commission District 3).

Vicinity Map:



NBB-1

SUMMARY:

The subject lot, owned by the Applicant, is part of the Vista Land Subdivision (consisting of 86 lots) which was created in 1974, and is recognized as a legal lot of record. There are currently two dwelling units on the property. Staff has found no evidence that the structures were permitted by Santa Fe County. The Applicant has owned the property since March 3, 2008, and claims she purchased the property with both dwelling units on it. Currently the Applicant and her family reside in one dwelling unit (2,275 sq. ft.) and her elderly Mother resides in the second dwelling unit (696 sq. ft.).

In 1985, the New Mexico Environment Department issued a permit to install a liquid waste system for a three bedroom home on 3.26 acres. The permit indicated that it was for 375 gallons per day. The drawing submitted with the Application indicated only one dwelling unit on the property. The well for the property was drilled in 1985, at the depth of 100 feet.

On August 13, 2014, the Building and Development Services Division received a complaint regarding a potential density violation on the property. On August 15, 2014, Code Enforcement conducted an inspection on the property. At that time the Applicant was issued a Notice of violation for exceeding density.

The Applicants requests a variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to allow two dwelling units on 3.26 acres. The Code only allows one dwelling unit per ten acres. The Applicant has not undertaken a geohydrologic report which would allow an increase in density of up to one dwelling unit per 2.5 acres. The majority of surrounding properties appear to have one dwelling per legal lot.

The Applicant states a variance is needed due to her being a single mother of 4 and barely surviving the economic down fall of 2008. She further states that she is putting pennies together to feed her family. The Applicant also states that she provides affordable housing for her elderly mother and that her mother helps provide care for her children and without her help; her children would not have a place to call home.

Section 6.25.2 (Review of Applications Requesting Increased Zoning Density) of Ordinance No. 2002-9 states "when examining requests for increases in zoning density, all applicable review bodies shall consider the proposed development's impact on factors such as but not limited to traffic, schools, water, liquid waste, and infrastructure as part of the development review process. It is appropriate requests for increases in zoning density to be denied in the Planning Area if the reviewing body determines that there is a reasonable expectation, based on the evidence presented, that the development would negatively impact the community and/or surrounding neighbors.

An increase in density from one dwelling unit per 10 acres to two dwelling units per 3.26 acres would set a precedent that could negatively impact the community and neighboring properties due to potential water quality issues from the increase in liquid waste disposal and an, overall

NBB-2

increase in water use. Increased density would also increase traffic and could create a health safety issue due to the lack of fire protection in the area.

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

This Application was submitted on September 12, 2014

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

APPROVAL SOUGHT: Approval of a Variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to allow two dwelling units on 3.26 acres.

GROWTH MANAGEMENT AREA: SDA-2

HYDROLOGIC ZONE: The property is located within the Traditional Historic Community of La Cienega Basin Hydrologic Zone. Minimum lot size in this area is 10 acres per dwelling unit. Lot size can be reduced to 2.5 acres per dwelling unit with proof of 100 year water supply through a geohydrologic reconnaissance report, and adoption of water use covenants.

FIRE PROTECTION: La Cienega Fire District. The Santa Fe County Fire Department official development review noted that the applicant's driveway entrance and drivable surface will have to be increased to twenty feet with a secondary driveway of only fourteen feet to the second dwelling unit. The driveway will have to be improved to have a minimum of 6" compacted basecourse. The existing driveway ranges from approximately 13' to 25' in width and is approximately 235' in length.

WATER SUPPLY: Shared Domestic well

NBB-3

LIQUID WASTE: Conventional Septic System permitted for one dwelling unit. Conventional Septic System currently serving two dwelling units.

VARIANCES: Yes

AGENCY REVIEW: Agency: Fire Prevention Recommendation: Conditional approval

STAFF RECOMMENDATION: Denial of a variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to allow two dwelling units on 3.26 acres.

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 home. A water meter shall be installed for each homes within ninety days of recording the order granting the variance. 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 at the time of submission for a Development Permit (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for both dwelling units within ninety days of recording the final order granting the variance. (As per Article II, § 2).The placement of additional dwelling units or Division of land is prohibited on the property. (As per Ordinance No. 2002-9 § 6.4) (Zoning Density).
3. The Applicant shall provide an updated liquid waste permit for the second dwelling unit from the New Mexico Environment Department with the Development Permit Application (As per Article III, § 2.4.1a.1 (a) (iv)).
4. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit Application (As per 1997 Fire Code and NFPA Life Safety Code).

NBB-4

5. The existing driveway entrance and drivable surface shall be 20' wide to meet the minimum county standards for fire apparatus access roads for service to first residence. To the second residence the driveway shall be 14' wide county approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate shall be 20' and unobstructed vertical clearance of 13'6".
6. The conditions are conditions precedent to granting of the variance. If the Applicants fail to comply with any conditions set forth above within the time periods provided, the variance shall be denied.

EXHIBITS:

1. Letter of request
2. Ordinance No. 2002-9 § 6.4 (Zoning Density)
3. Article II, § 3 (Variances)
4. Site Plan
5. Site Photographs
6. Aerials of Site and Surrounding Area
7. Fire Prevention letter

NB13-5

To Whom it May Concern,

Re: Density Variance on property located at 77 A Calle Debra, Santa Fe, NM, 87507

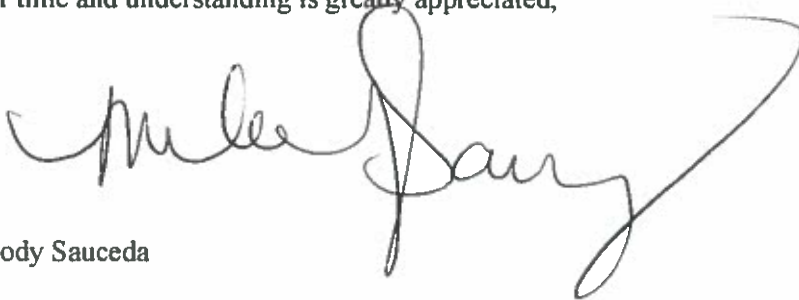
The 2,275 square foot house and the 696 square foot accessory dwelling were existing when I purchased the property in 2005. I have not altered nor expanded the structures. I was unaware of any County violations as far as density. I utilize the accessory dwelling to provide affordable housing for my elderly mother. I am a single mother of 3 minor children and 1 child on the way. My mother helps care for my children. I am barely surviving the economic down fall of 2008 and putting pennies together to feed my family.

The Santa Fe County Sustainable Land Development, Chapter 10, Section 10.4 allows for a main house and accessory dwelling. The criteria are: the accessory dwelling does not exceed 1,200 square feet or more than 50% of the square footage of the main house; the accessory dwelling unit shall be clearly incidental and subordinate to the use of the principal dwelling.

My property is located in the La Cienega/La Cienegilla Traditional Community where this section of the SLDC may not be applicable until the La Cienega/La Cienegilla Traditional Ordinance is amended. The existing structures and use of the structures are within the guidelines of the SLDC. I am asking that you consider my request as being collaborative with the SLDC.

In closing I would like to state that I do not want to expand the accessory dwelling. I would like to keep the structures as they were when I purchased the property and utilize the accessory dwelling for my mother to live in. Without her help it would be difficult to care for my children and provide them a place to call home. I agree to monitor the water use as the County Staff deems appropriate.

Your time and understanding is greatly appreciated,



Melody Saucedo

505-231-3298



NBB-6

1 plan approval where such approval is required, at the time of adoption of this Ordinance, shall
2 comply with this ordinance. This Ordinance and standards may be amended from time to time.

3
4 **6.4 Zoning Density:**

5 **6.4.1 Traditional Community Zoning District:**

6 Maximum density is three quarters of an acre per one dwelling unit (.75 acre). Density
7 adjustments must follow requirements as outlined in Article III, Section 10 and Article
8 VII, Section 6 of the Code, as amended, along with all requirements outlined in this
9 ordinance. The maximum density shall not be increased even when community water and
10 sewer systems are provided except where density transfer is used to protect sensitive
11 lands or preserve community assets as described in Section 6.6 and gross density is
12 maintained. Note: the Traditional Community Zoning District is located within the
13 Traditional Historic Community boundary but the .75 acre zoning density applies only in
14 the Traditional Community Zoning District. See attached map b.), *La Cienega*
15 *Traditional Community Zoning District.*

16 **6.4.2 Basin Zone:**

17 Maximum density in the Basin Zone shall be ten acres per one dwelling unit (10 acres).
18 With proof of 100 year water supply through a geohydrologic reconnaissance report, and
19 adoption of water use covenants (See Attachment 1), the maximum density may be
20 increased to one dwelling unit per 2.5 acres. Density adjustments above one dwelling unit
21 per 10 acres must follow requirements as outlined in Article III, Section 10 and Article
22 VII, Section 6 of the Code, as amended, along with all requirements outlined in this
23 ordinance. The maximum density shall not be increased even when community water and
24 sewer systems are provided except where density transfer is used to protect sensitive
25 lands or preserve community assets as described in Section 6.6 and gross density is
26 maintained.

27 **6.4.3 Basin Fringe Zone:**

28 Maximum density in the Basin Fringe Zone shall be fifty acres per one dwelling unit (50
29 acres). With proof of 100 year water supply through a geohydrologic reconnaissance
30 report, and application of water use covenants (See Attachment 1), the maximum density
31 may be increased to one dwelling unit per 12.5 acres. If an adequate 100 year supply of
32 water, and no impairment to neighboring wells, is proven by an on-site geohydrological
33 well test, land may be further divided to a maximum of 2.5 acres per dwelling unit.
34 Density adjustments above one dwelling unit per 50 acres must follow requirements as
35 outlined in Article III, Section 10 and Article VII, Section 6 of the Code, as amended,
36 along with all requirements outlined in this ordinance. The maximum density shall not be
37 increased even when community water and sewer systems are provided except where
38 density transfer is used to protect sensitive lands or preserve community assets as
39 described in Section 6.6 and gross density is maintained.

40 **6.4.4 Homestead Zone:**

41 Maximum density in the Homestead Zone shall be one hundred and sixty acres per one
42 dwelling unit (160 acres). With proof of 100 year water supply through a geohydrologic
43 reconnaissance report, and application of water use covenants (See Attachment 1), the
44 maximum density may be increased to one dwelling unit per 40 acres. If an adequate 100
45 year supply of water, and no impairment to neighboring wells, is proven by an on-site
46 geohydrological well test, land may be further divided to a minimum of 2.5 acres per



NBB-7

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 or 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.

N133-8

SANTA FE COUNTY ASSESSORS MAP (Melody Saucedo)



tabbles®
EXHIBIT
4

NBB-9

1 in = 57 ft
1 point = 889.41 points

0 25 50 100 150 200 Feet



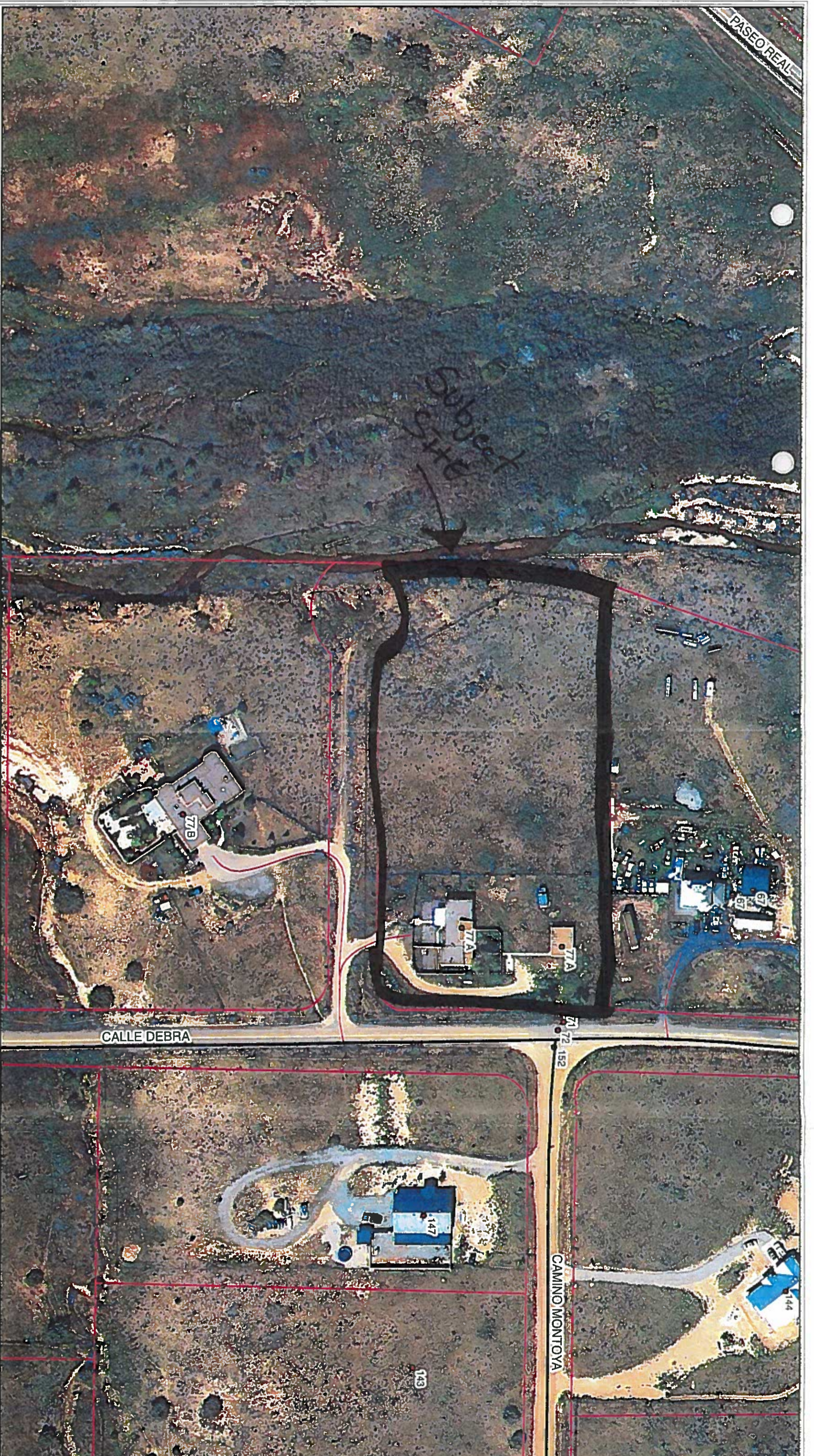


EXHIBIT
5

N13B-10

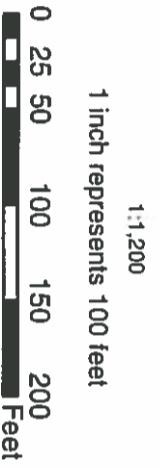


NBB-11



Legend

-  ROADS
-  DRIVEWAYS
-  PARCELS



2005 Imagery
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.



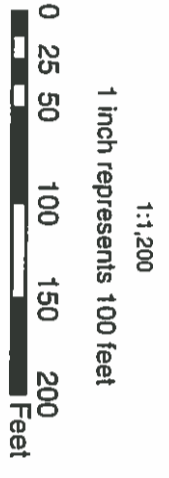
October 8, 2014

PASEO REAL



Legend

-  ROADS
-  DRIVEWAYS
-  PARCELS



1992 Imagery
2 FOOT CONTOURS

This information is for reference only.
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User are solely responsible for
confirming data accuracy.



October 8, 2014

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Development Review

Date	10-22-2014		
Project Name	Melody Saucedo		
Project Location	77 A Calle Debra, Santa Fe, New Mexico 87507		
Description	Variance of Density	Case Manager	Matt Romero
Applicant Name	Melody Saucedo	County Case #	14-5400
Applicant Address	77 A Calle Debra Santa Fe, New Mexico 87507	Fire District	La Cienega
Applicant Phone	505-231-3298		
Review Type:	Commercial <input type="checkbox"/>	Residential <input checked="" type="checkbox"/>	Sprinklers <input type="checkbox"/>
	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input checked="" type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
		Inspection <input checked="" type="checkbox"/>	Lot Split <input type="checkbox"/>
Project Status:	Approved <input type="checkbox"/>	Approved with Conditions <input checked="" type="checkbox"/>	Denial <input type="checkbox"/>

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

Fire Department Access

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

- Fire Access Lanes

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

- Roadways/Driveways

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

NBB-14
1



The existing driveway entrance and drivable surface shall be 20" wide to meet the minimum County standards for fire apparatus access roads for service to first residence. To the second residence the driveway shall be 14' wide County approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate width shall be 20' and an unobstructed vertical clearance of 13'6".

- **Street Signs/Rural Address**

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

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

All access roadway identification signs leading to the approved development area(s) shall be in place prior to the required fire hydrant acceptance testing. Said signs shall remain in place in visible and viable working order for the duration of the project to facilitate emergency response for the construction phase and beyond.

- **Slope/Road Grade**

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

There are no slopes the exceed 11%.

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

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

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

Fire Protection Systems

- **Automatic Fire Protection/Suppression**

This office highly recommends the installation of an automatic fire suppression system as per 1997 Uniform Fire Code, Article 10 Section 1003.2.1 and the Building Code as adopted by the State of New Mexico and/or County of Santa Fe. Required automatic fire suppression systems shall be in accordance with NFPA 13 and 13D Standard for automatic fire suppression systems. It is recommended that the homeowner contact their insurance carrier to find their minimum requirements.

- **Fire Alarm/Notification Systems**

Automatic Fire Protection Alarm systems are highly recommended per 1997 Uniform Fire and Building Codes as adopted by the State of New Mexico and/or the County of Santa Fe. Required Fire Alarm systems shall be in accordance with NFPA 72, National Fire Alarm Code for given type of

individual structure of a private occupancy designation will be reviewed and must meet compliance with the Santa Fe County Fire Code (1997 Uniform Fire Code and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code, which have been adopted by the State of New Mexico and/or the County of Santa Fe.

General Requirements/Comments

Inspections/Acceptance Tests

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

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

Permits

As required

Final Status

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

Renee Nix, Inspector
Renee Nix
Code Enforcement Official

10-22-14
Date

Through: Chief David Sperling

File: DEV/Melody Saucedo/102214/LC

Cy: Buster Patty, Fire Marshal
Caleb Mente, Land Use
Applicant
District Chief La Cienega
File

NBB-16

structure and/or occupancy use. Said requirements will be applied as necessary as more project information becomes available to this office during the following approval process.

Hydrants

Shall comply with Article 9, Section 903 - Water Supplies and Fire Hydrants of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Section 903.4.2 Required Installations. (1997 UFC) The location, number and type of the fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved.

Fire hydrants subject to possible vehicular damage shall be adequately protected with guard posts in accordance with Section 8001.11.3 of the 1997 UFC.

All fire hydrants shall be spaced so that the furthest buildable portion of a parcel shall be within one thousand feet (1,000') as measured along the access route.

Fire hydrant locations shall be no further than 10 feet from the edge of the approved access roadways with the steamer connections facing towards the driving surface. Final fire hydrant locations shall be located in full view for incoming emergency responders. Landscape vegetation, utility pedestals, walls, fences, poles and the like shall not be located within a three foot radius of the hydrant per Article 10, Sections 1001.7.1 and 1001.7.2 of the 1997 UFC.

Supply lines shall be capable of delivering a minimum of 500 gpm with a 20-psi residual pressure to the attached hydrants. The design of the system shall be accordingly sized and constructed to accommodate for the associated demands placed on such a system through drafting procedures by fire apparatus while producing fire flows. The system shall accommodate the operation of two pumping apparatus simultaneously from separate locations on the system. Final design shall be approved by the Fire Marshal. All hydrants shall have NST ports.

No building permits shall be granted until such time as the fire hydrants have been tested and approved by the Santa Fe County Fire Marshal.

All hydrants shall comply with Santa Fe County Resolution 2000-55, Hydrant color-coding, marking and testing.

- **Fire Extinguishers**

Article 10, Section 1002.1 General (1997 UFC) Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the chief. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.

Portable fire extinguishers are highly recommended to be installed in occupancies and locations as set forth in the 1997 Uniform Fire Code. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.

- **Life Safety**

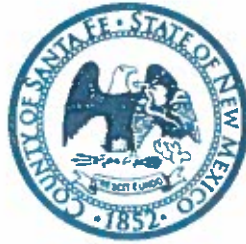
Fire Protection requirements listed for this development have taken into consideration the hazard factors of potential occupancies as presented in the developer's proposed use list. Each and every

NBB-17

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: December 18, 2014

TO: County Development Review Committee

FROM: John M. Salazar, Development Review Specialist *JMS*

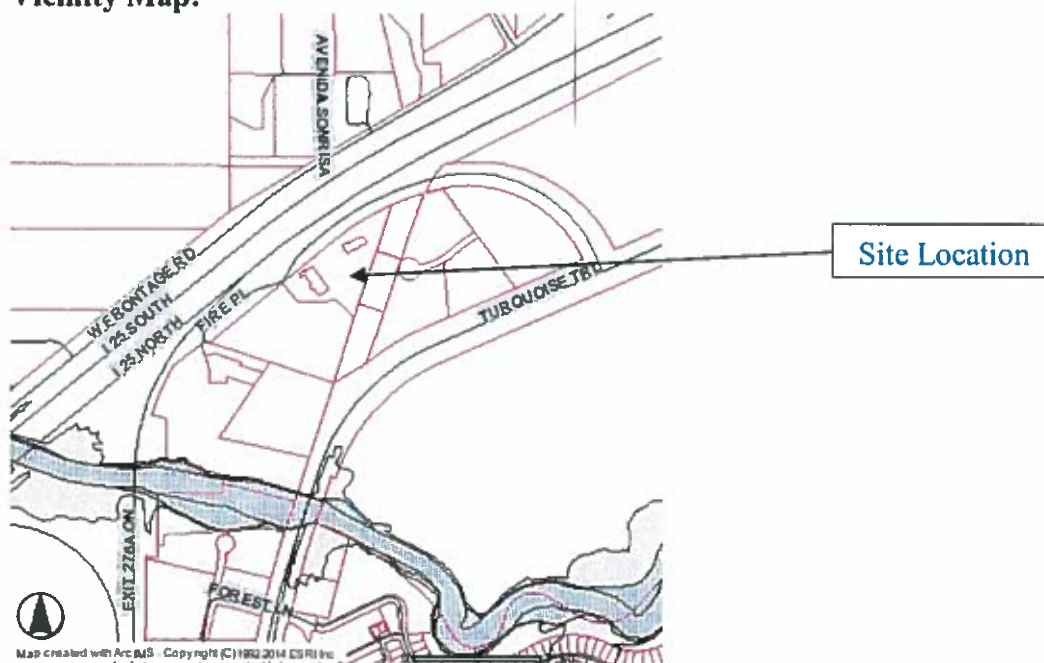
VIA: Penny Ellis-Green, Growth Management Director *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD for*

FILE REF.: CDRC CASE # Z/DP/V 14-5430 Santa Fe Brewing Co. Expansion

ISSUE:

Lock Builders, LLC, Applicant, JenkinsGavin, Agents, request a Master Plan Amendment, Preliminary and Final Development Plan approval to allow an expansion to an existing brewing facility on 4.97-acres. This request also includes a variance of Ordinance No. 2000-12, Article XV, Section 6.H Open Space Standards to allow 37% open space rather than the required 50% open space. The property is located at 35 Fire Place within the Community College District, within Section 24, Township 16 North, Range 8 East (Commission District 5).

Vicinity Map:



NBC-1

SUMMARY:

On November 9, 2004, the Board of County Commissioners approved CCDRC CASE # MP 04-5440 Santa Fe Brewing Master Plan. The approval incorporated Master Plan Zoning and Preliminary Development Plan within a designated Employment Center Zone to allow a brewing facility and restaurant, and an 11,200 square foot warehouse on 4.97-acres. The Master Plan was subsequently amended in 2011, to permit outdoor entertainment at the restaurant.

The Applicant requests a Master Plan Amendment to the existing 1.7-acre brewing facility site in order to rezone 3.27-acres on Lot 1-A (4.976 acres ±) which was recently added via a lot consolidation. The additional acreage was originally part of the Los Cabos Master Plan which was approved in August of 2008. The Master Plan created three lots for the purpose of constructing 18,750 square feet of commercial and industrial uses however, the project was never constructed and the approval has since expired.

The Applicant is also requesting Preliminary and Final Development Plan Approval for the expansion. The proposed brewery expansion will be developed in one phase and will include a 2,400 square foot addition to the north side of the existing brewing facility; a new 6,300 square foot entrance, lobby and tasting room on the east side of the existing building; additional bottling and brewing facilities totaling 47,000 square feet to be added to the proposed lobby and tasting room; and a 3,500 square foot landscaped outdoor area with seating and a performance platform.

With the planned expansion, production capacity at the Brewery will ramp up from 17,000 barrels of beer (2013) to 80,000 barrels of beer (2020). Sales are projected to ramp up from \$4.2 million (2013) to \$17 million (2020). The Brewery plans to have 105 employees on its payroll by January 1, 2020, an increase of approximately 64 new direct jobs. The expansion and additional jobs would create the following in tax revenue which will be expended for the benefit of the community:

SFBC Taxes Paid in NM	2009	2013	2017	2020
NM Excise Tax	\$8,125	\$77,000	\$80,000	\$100,000
State Gross Receipts Tax	\$7,500	\$25,700	\$90,875	\$115,000
State Payroll Tax	\$42,000	\$80,000	\$170,000	\$300,000
Property Tax	\$9,000	\$9,000	\$19,000	\$19,000
Total	\$66,625	\$191,700	\$359,875	\$534,000

Santa Fe Brewing Company has applied to Santa Fe County for economic assistance pursuant to the Local Economic Development Act (LEDA), NMSA 1978, Chapter 5, Article 10 and Santa Fe County Economic Development Ordinance, Ordinance No. 2014-7.

The Economic Development Manager has evaluated the project and determined that SF Brewing Company is qualified for economic assistance pursuant to LEDA. The New Mexico Economic Development Department (“NM EDD”) has similarly determined that the Brewery is qualified for LEDA funds. The LEDA funds will be used to design, construct, and implement a state of the art wastewater treatment system to treat all of the Brewery's effluent.

The Applicant is also requesting a variance of Ordinance No. 2000-12, Article XV, Section 6.H Open Space Standards (Exhibit 5). The Community College District Ordinance requires 50% open space for new development which would consist of about 149,693.94 square feet of open space. The Applicant is proposing 37% open space or 110,344 square feet.

The Applicant states the following reasons for the variance: The necessity for this (open space) reduction stems from the fact that the Project is a manufacturing facility in an Employment Center Zone. Therefore, although the lot coverage is only 26%, significant paved areas are essential for loading and deliveries, which reduces the amount of available open space. Full compliance would limit the functionality of the manufacturing facility and its role as an important employer in Santa Fe County.

Staff Response: The 50% open space requirement in the CCDO does not contemplate flexibility based on use. Planning Division staff has reviewed this application and has stated that the Applicant may utilize proposed trail connections allowing public access to district trail systems for the purpose of meeting the 50% requirement and has recommended the following conditions of approval should the variance be granted:

1. Provide a trail connection to the proposed district trail and trailhead/bicycle and pedestrian access point on the property which can be counted as open space.
2. Staff supports the inclusion of a district trail connection and trailhead/bicycle and pedestrian access point in the open space requirement.

The Applicant has agreed to accept the conditions as they believe it is a bigger benefit to the community rather than dedicating unusable property such as arroyos or floodplain as open space.

Article II, § 3 (Variances) 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.)

This Application was submitted on October 10, 2014.

Building and Development Services staff has reviewed the Applicants request for a variance of Ordinance No. 2000-12 Article XV, Section 6.H, of the Community College Ordinance, to allow 37% open space, for compliance with pertinent Code requirements and has found that the facts presented do not support the request: no Application shall be approved unless it is determined that the density requirements of the Code will be met; there are no features of the land which create a non-self-inflicted hardship which could be addressed through a variance; a variation or modification of this section of the Code may be considered more than a minimum easing of the requirements.

Building and Development Services staff has reviewed this project for compliance with pertinent Code requirements and has found the following facts presented support the request for a Master Plan Amendment, Preliminary and Final Development Plan approval: the Application is comprehensive in establishing the scope of the project; the proposed uses are in

compliance with the uses associated with an Employment Center Zone of Ordinance No. 2000-12; the Application satisfies the submittal requirements set forth in the Land Development Code and Ordinance No. 2000-12, with the exception of the open space variance element of the request.

The review comments from State Agencies and County staff have established that this Application, for Master Plan Amendment, Preliminary and Final Development Plan to allow an expansion to an existing brewing facility, is in compliance with: State requirements; Article V, § 5 (Master Plan Procedures) of the Code; Article V, § 7 (Development Plan Requirements) of the Code.

APPROVAL SOUGHT: Master Plan Amendment, Preliminary and Final Development Plan approval in conformance with the Community College District Ordinance to rezone 3.27-acres on Lot 1-A which were recently added via a lot consolidation and to allow an expansion to the existing brewing facility consisting of 59,200 square feet.

VARIANCE: A variance of Ordinance No. 2000-12 Article XV, Section 6.H Open Space Standards to allow 37% open space.

GROWTH MANAGEMENT AREA: SDA 1, Planned Development District

HYDROLOGIC ZONE: Basin Hydrologic Zone

ACCESS AND TRAFFIC: The Santa Fe Brewing Company is accessed via an existing driveway off of Highway 14. The Applicant is proposing a new driveway off of Fire Place to include supplementary emergency access via Rumble Road. A traffic impact analysis was conducted by Walker Engineering recommending a northbound left turn lane and a southbound right turn deceleration lane be constructed on Highway 14.

Santa Fe County Public Works Department conditionally supports the development with conditions that include upgrading to diamond grade Type IX material to meet MUTCD standards, signage to meet MUTCD standards and to provide a copy of an approved access permit from NMDOT.

The New Mexico Department of Transportation has reviewed the submittal and recommends that the left turn deceleration lane on NM 14 and Fire Place be lengthened to meet the requirements in the NMDOT State Access Management Manual, a 4' minimum bike lane in each direction be maintained between Fire Place and the west driveway, and the Applicant shall submit an access permit application for any access to NM 14 and Fire Place.

FIRE PROTECTION:

La Cienega Fire District. There are two existing fire hydrants. One is located near the restaurant and the second one is located near the proposed biergarten. The Applicant is proposing to install a third hydrant south of the restaurant in the proposed parking lot which will be accessed from Highway 14.

The Santa Fe County Fire Prevention Division conditionally supports the development. (Memo Exhibit 3)

WATER SUPPLY:

The proposed water budget for this development is 11.9 afy. 1.90 afy is proposed for total domestic use while brewing activities is budgeted at 10 afy. An existing well on Lot 2-A will continue to be utilized solely for brewing activities. Santa Fe Brewing Co. is also an existing customer of the Santa Fe County water system. The facility expansion will continue to use County water for all domestic purposes.

LIQUID WASTE:

Santa Fe Brewing Company is served by an existing onsite wastewater treatment system. SFBC has received \$250,000 from NMEDD to upgrade the treatment system. Both Santa Fe County and SFBC have jointly applied for a wastewater connection to the City of Santa Fe's sewer line located along Highway 14. Upon City approval, a new sewer connection will be constructed to serve the property and the onsite treatment system will be used to treat the wastewater before it is injected into the sewer line in order to reduce the BOD's (Biochemical Oxygen Demand) produced from the brewing process. The City sewer treatment plant is capable of treating wastewater with a certain amount of BOD's which SFBC would exceed without treating their wastewater onsite before injecting it into the City sewer system.

Since the existing septic system comprises of plastic tanks and plastic disposal chambers, NMED is requiring that SFBC remove all components of the septic system from the ground and dispose of properly to preclude the possibility of any unsafe conditions following any connection to a sewer system.

SOLID WASTE:

Solid waste will be placed into two dumpsters at the northwest corner of the existing brewing facility and another one will be located at the southwest corner of the facility addition. Dumpsters will be screened with a six foot wall or fence.

TERRAIN MGMT:

The Development indicates that all improved areas including impervious areas will drain to proposed centralized ponding. A conceptual plan for ponding has been provided with a total site runoff of 86,783 cubic feet. The total ponding provided for site run off is 87,120 cubic feet. The request meets Ordinance 2008-10 (Flood Damage Prevention and

Stormwater Management) for Preliminary and Final Development Plan.

The property contains slopes of 0-15 %, and the project is not located within a designated FEMA Special Flood Hazard Area. After review, the request for Master Plan Zoning for Santa Fe Brewing Company is in conformance with Article VII, § 3 (Terrain Management), of the Santa Fe County Land Development Code.

SIGNAGE AND LIGHTING:

The Applicant proposes to utilize a building mounted sign on the proposed south facing building. In addition the Applicant proposes to include a freestanding "Employee Parking" sign in the proposed parking area and a fence mounted "Shipping & Receiving" sign on the north end of the property behind the existing building and proposed warehouse. The Applicant has provided signage details which comply with Article VIII (Sign Regulations).

The Applicant proposes to utilize 7 pole mounted lights in the parking areas, 21 exterior wall mounted lights at building entrances and within the biergarten along with the 6 existing wall mounted lights on the brewery. 36 walkway garden lights are proposed to illuminate pedestrian walkways within the biergarten. The walkway garden lights are shielded and the Applicant has provided cut sheets. The proposed lighting plan complies with Article III, Section 4.4.4.h (Outdoor Lighting).

ADJACENT PROPERTY:

The site is bordered to the northeast by Fire Place and Interstate 25, to the south by Rumble Road and Highway 14, to the east by Sandia Vista Center owned by Sonny Otero and to the west by vacant property owned by Thornburg Enterprises Ltd.

PARKING:

The Applicant is proposing 57 parking spaces. 40 spaces are proposed for the maximum amount of employees who will be onsite at any given time while 17 spaces will be provided for visitors to the tasting room. The Community College Ordinance requires one parking space per 250 square feet of building area. The total building will equal 66,900 square feet. With this square footage the Applicant would be required to provide 267.6 parking spaces for 72 employees, however, the CCDO in Section 6.C (Parking Requirements) states:

"To reduce the amount of land dedicated to parking lots, an applicant may propose a parking budget using shared parking, differential time use, one-stop multiple use and on-street parking... The Code Administrator shall have the authority to approve such a parking budget with different parking requirements than are set forth above, after determining that adequate parking is provided for the proposed uses."

Staff has found that the Applicant's proposed parking plan complies with Section 6.C as the project is for warehouse and manufacturing which requires less employees as compared to a retail or office use. In addition, parking for industrial/warehouse uses is typically one space per 500 square feet.

LANDSCAPING:

Landscape buffers are to be provided along Fire Place including low to moderate water using deciduous and evergreen trees and shrubs as well as a variety of ground covers and native grasses. Any disturbed areas will be re-seeded with a native grass and wildflower seed mix. This complies with Article III, Section 4.4.4.f (Landscaping Plan).

RAINWATER HARVESTING:

Ordinance 2008-4 (Water Harvesting) requires commercial development to collect all roof drainage into a cistern. Cisterns shall be sized to hold 1.5 gallons per sq. ft. of roofed area. The Applicant is proposing to utilize a 25,000 gallon for the 20,597 required gallons.

AGENCY REVIEW:

<u>Agency</u>	<u>Recommendation</u>
NMOSE	No Opinion
NMDOT	Conditional Approval
NMED	Conditional Approval
County Fire	Conditional Approval
County PW	Conditional Approval
County Utilities	Conditional Approval
County Planning	Conditional Approval

STAFF RECOMMENDATION:

Staff recommends denial of the Applicants request for a variance of Ordinance No. 2000-12 Article XV, Section 6.H (Open Space Standards) to allow 37% open space.

If the decision of the CDRC is to approve the open space variance, and the Master Plan amendment, Preliminary and Final Development Plan to allow an expansion to the existing brewing facility, staff recommends the following conditions be imposed:

1. The Applicant shall comply with all review agency comments and conditions as per Article V, § 7.1.3.c.
2. Master Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 5.2.5.
3. The Applicant shall provide a trail connection to the proposed district trail and trailhead/bicycle and pedestrian access point on the property which can be counted as open space behind the restaurant on Lot 2-A along with vehicular and bicycle parking.

4. Final design plans for the required improvements to Highway 14 shall be submitted for review and approval by NMDOT prior to Final Development recordation.

EXHIBITS:

1. Applicants Report
2. Proposed Plans
3. Agency Reviews and Comments
4. Aerial Photo of Property
5. Article V, § 5 (Master Plan Procedures)
6. Article V, § 7 (Development Plan Requirements)
7. Community College District Ordinance No. 2000-12 Article XV, Section 6.H (Open Space Standards)
8. Article II, § 3 (Variances)



jenkinsgavin
DESIGN & DEVELOPMENT INC

October 10, 2014

José Larrañaga, Senior Development Review Specialist
Planning and Development Division
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87501

**RE: Santa Fe Brewing Company
Preliminary and Final Development Plan**

Dear José:

This letter is respectfully submitted on behalf of Lock Builders, LLC in application for a Preliminary and Final Development Plan approval for the expansion of the Santa Fe Brewing Company facility for consideration by the County Development Review Committee at their meeting of November 20, 2014.

Project Summary

Preliminary and Final Development Plan approval is sought for a 55,700 s.f. addition to the existing brewing and bottling facility on Lot 1-A of the Santa Fe Brewing Company Master Plan ("the Project"). The expansion will include the following:

- Addition of 2,400 s.f. to the north side of the existing brewing facility.
- A new 6,300 s.f. entrance, lobby, and tasting room on the east side of the existing brewing facility.
- 47,000 s.f. of additional bottling and brewing facilities east of the new lobby and tasting room.
- A 3,500 s.f. outdoor landscaped "biergarten" with seating and a performance platform.

The brewing facility will continue to operate 24 hours a day and will employ a total of 72 onsite workers, as well as an additional 20 employees statewide in positions such as outside sales and distribution.

Access & Traffic

The Project will be accessed via an existing driveway off Highway 14, as well as by a new driveway off of Fire Place, with supplementary emergency access via Rumble Road. The existing parking area to the west of the brewery will be connected to a new parking area on the



south side of the addition. Loading docks/delivery areas will be located on the north and south sides of the addition. A Traffic Impact Analysis ("TIA") was conducted by Walker Engineering and is submitted herewith for your review. Per the recommendations of the TIA, a northbound left turn lane and a southbound right turn deceleration lane will be constructed on Highway 14. Please refer to the attached Turn Lane Plans for further information.

Parking

Per the Community College District Ordinance, required parking is calculated at one space per 250 square feet of building area, exclusive of storage. This would result in an excessive amount of parking and associated paving for a facility that is primarily occupied by machinery. Therefore, we have developed a parking plan consistent with the Project's actual parking demand. A total of 57 parking spaces will be provided, as follows:

- 40 employee spaces. This will accommodate the maximum number of employees who will be onsite at any given time.
- 17 spaces for visitors to the Tasting Room.

Terrain Management

The undeveloped terrain slopes gradually from north to south. The finished floor of the addition will step down ten feet to correspond to the existing terrain and minimize disturbance. Since the property already contains significant impervious area, it was determined that three new detention ponds will be sufficient, two on the west side of the new addition and one on the south side of the new parking area (please refer to the attached Grading and Drainage Site Plan). Swales will be incorporated into the landscaped areas to passively harvest water to serve the vegetation. Please refer to the attached Grading and Drainage Plan for further details.

Landscaping & Water Harvesting

Significant landscaped buffers are provided along Fire Place, on the east side of the addition, and adjacent to Highway 14, including low to moderate water use deciduous and evergreen trees and shrubs, as well as a variety of ground covers and native grasses. The biergarten area will be densely landscaped, providing an attractive amenity for guests and employees. Any disturbed areas will be re-seeded with a native grass and wildflower seed mix. Please refer to attached Landscape Plan for details.

Active water harvesting will be provided in accordance with County Ordinance 2003-6. Per the attached Water Budget, the maximum monthly irrigation needs are 20,597 gallons. Accordingly, a 25,000-gallon catchment tank is provided on the west side of the addition, which will capture storm water from the roof. Furthermore, two additional 25,000-gallon tanks will be installed as part of the pre-treatment of the wastewater from the brewing activities, one of which will store 25,000 gallons of treated effluent for irrigation. Thus, 50,000 gallons of collected and recycled water will be available to irrigate landscaped areas.

Water Supply Plan

An existing well on Lot 2-A (RG-42703) will continue to be utilized solely for brewing activities. 10.8 acre feet per year of commercial consumptive water rights are appurtenant to the well (see attached well documentation). The existing brewing facility is a customer of the Santa Fe County water system, and the new expanded facility will continue to use County water for all domestic purposes. A Water Budget is attached hereto for your reference.

Liquid Waste

The Project is currently served by an existing onsite wastewater treatment system. Santa Fe County and the Santa Fe Brewing Company have jointly applied to the City of Santa Fe for a wastewater connection to an existing sewer line in Highway 14. Although the line is currently private, the County proposes to take ownership from the line. Upon approval of the application to the City, a new sewer connection will be constructed to serve the Project and the onsite treatment system will be abandoned and decommissioned. Per the water harvesting plan described above, the wastewater from the brewing activities will be pre-treated prior to release into the sewer system and used for irrigation.

Solid Waste

Solid waste will be disposed of via a private contract. Waste will be placed into two dumpsters at the northwest corner of the existing brewing facility and one at the southwest corner of the addition. Dumpsters will be screened with a six foot wall or fence.

Lighting & Signage

The Project will be served by seven new pole lights: two in the existing parking area south of the existing brewing facility, two in the new parking area, three adjacent to the north loading area off of Fire Place Road. The addition will include wall mounted lights, and the biergarten area will contain low garden lighting. All lights will be shielded and downlit in accordance with County requirements. The proposed lighting cut sheets are attached.

Signage will consist of the following:

- A 20" x 60" building mounted "Santa Fe Brewing Company" sign on the south side of the addition. The sign will be illuminated from above by a downlit and shaded spotlight.
- A 20" x 30" "Employee Parking" sign in the new south parking lot.
- A 12" x 30" "Shipping & Receiving" sign at the entrance to the loading dock off of Fire Place Road.

Archaeology

The Project is located in a High Potential Archaeological District, but the property is less than five acres, so no archaeological survey is required.

In support of this application, the following documentation is submitted herewith for your review and consideration:

- Development Permit Application
- Traffic Impact Analysis (3 copies)
- Water Budget
- Well Documentation
- Discharge Permit
- Letter of Owner Authorization
- Warranty Deeds
- Lighting Cut Sheets
- Fees totaling \$2,350.00, as follows:
- Lot of Record Plats
- Assigned Address Forms
- Proof of Property Taxes Paid
- Master Plan Amendment #2 & Preliminary/Final Development Plan Submittal Set: 10 full size and one reduced set

Application Fee	\$100.00
Initial Inspection	\$150.00
Final Inspection	\$150.00
Master Plan	\$750.00
Preliminary/Final Development Plan	\$750.00
Variance	\$150.00
Public Notice Boards - 2@ \$25.00	\$50.00
Fire MP Review	\$100.00
Fire Dev Plan Review	\$100.00
Fire Inspection	\$50.00

Please do not hesitate to contact us should you have any questions or require additional information.

Thank you for your consideration.

Sincerely,

JenkinsGavin Design & Development, Inc.



Jennifer Jenkins



Colleen Gavin, AIA



jenkinsgavin
DESIGN & DEVELOPMENT INC

October 10, 2014

José Larrañaga, Senior Development Review Specialist
Planning and Development Division
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87501

**RE: Santa Fe Brewing Company
Master Plan Amendment #2 and Variance Request**

Dear José:

This letter is respectfully submitted on behalf of Lock Builders, LLC in application for Master Plan Amendment #2 and a Variance Request, for consideration by the County Development Review Committee at their meeting of November 20, 2014.

Master Plan Amendment #2

The subject property ("the Project") is located in the Community College District in an Employment Center Zone at 35 and 37 Fire Place, and comprises a ± 4.976 acre parcel (Lot 1-A) and a ± 1.897 acre parcel (Lot 2-A), for a total of ± 6.873 acres. A Master Plan Amendment is requested for both lots, which includes the ± 3.27 acres that were recently added to Lot 1-A via a Lot Consolidation. The purpose of the Master Plan Amendment is to permit the additional acreage and the expansion of the existing brewing facility on Lot 1-A. No further changes or improvements are proposed for Lot 2-A, which houses the existing restaurant building.

The original Santa Fe Brewing Company Master Plan was approved in April of 2010 for the existing restaurant and new brewery on a ± 3.586 acre parcel (Lot 2 of the Three Thieves Subdivision). The Master Plan was subsequently amended in 2011 to permit outdoor entertainment at the restaurant. The adjacent property to the east, known as the Los Cabos Master Plan, was approved in August of 2008. The Master Plan created three lots for the purpose of constructing 18,750 s.f. of "non-residential commercial and industrial uses." The project was never constructed and the Master Plan has since expired.

Variance Request

A Variance is requested to Community College District Ordinance, Section H – Open Space Standards, Paragraph 2, which requires 50 percent open space for new development. Fifty

percent of the total land area for Lots 1-A and 2-A would equal 149,693.94 s.f. of open space. A Variance is requested to permit 110,344 s.f. of open space (37%). The necessity for this reduction stems from the fact that the Project is a manufacturing facility in an Employment Center Zone. Therefore, although the lot coverage is only 26 percent, significant paved areas are essential for loading and deliveries, which reduces the amount of available open space. Attractive landscaping will be provided in open space buffers along the Project's perimeter, and the proposed biergarten will be densely landscaped to provide a formal outdoor amenity for visitors and employees.

Granting of the Variance is essential in accommodating the expansion of the existing brewing facility, which currently employs 35 skilled workers, a number which will more than double upon the Project's completion. In order to accommodate the planned expansion and maintain the brewing facility's location in Santa Fe County, the Santa Fe Brewing Company acquired the adjacent Los Cabos lots, which were the only available adjacent real estate. The constraints of the Los Cabos land area and configuration limit the ability to meet the open space requirement. Full compliance would limit the functionality of the manufacturing facility and its role as an important employer in Santa Fe County. Thus, granting the Variance will not cause conditions injurious to health or safety, but rather will benefit the vitality and growth of Santa Fe's local work force and the community at large.

All requisite supporting documentation has been submitted with the accompanying Preliminary and Final Development Plan application. Please do not hesitate to contact us should you have any questions or require additional information.

Thank you for your consideration.

Sincerely,

JenkinsGavin Design & Development, Inc.



Jennifer Jenkins



Colleen Gavin, AIA

NBC-14