

DRAFT

subject to approval

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

December 18, 2014

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

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

Members Present:

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

Member(s) Excused:

Manuel Roybal

Staff Present:

Vicki Lucero, Building & Services Manager
Wayne Dalton, Building & Services Supervisor
Jose Larrañaga, Development Review Specialist
Rachel Brown, Deputy County Attorney
John Salazar, Development Review Specialist
Mathew Martinez, Development Review Specialist
Buster Patty, Fire Marshal
Rudy Garcia, Manager's Office

III. APPROVAL OF AGENDA

Mr. Dalton noted the cases that were tabled: Old Business item A. CDRC Case V #14-5330, Tercero; New Business items F. CDRC Case #V/ZA/S 10-5352, Santa Fe Business Park; and G. CDRC Case #APP 13-5062, Robert and Bernadette Anaya Appeal.

Member Martin moved approval and Member Booth seconded. The motion carried [5-0] voice vote [Member Anaya was not present for this action.]

V. **APPROVAL OF MINUTES: November 20, 2014**

Upon motion by Member Katz and second by Member Booth the minutes were unanimously [5-0] approved as submitted. [Member Anaya was not present for this action.]

VI. **CONSENT CALENDAR: Final Order**

- A. **CDRC CASE # MIS 14-5360 Mark Martineau Accessory Structure.**
Mark Martineau, Applicant, requests approval to allow a 2,184 square foot accessory structure on 15.03 acres to be utilized as a garage/storage building. The property is located at 22 Ranchos Cañoncito, off Ojo de la Vaca Road, within § 14, Township 15 North, Range 10 East (Commission District 4). Approved 5-0

Member Katz moved to approve the consent calendar as presented. His motion was seconded by Member Martin and passed by [5-0] voice vote. [Member Anaya was not present for this action.]

VII. **OLD BUSINESS**

- B. **CDRC CASE # V 14-5330 Francisco and Arlene Tercero.**
TABLED

VIII. **NEW BUSINESS**

- A. **CDRC CASE # V 14-5340 Luis and Isela Rodriguez Variance . 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)**
[Exhibit 1: Santa Fe County Fire Prevention memo; Exhibit 2: La Cienega Valley Association letter opposing the variance]

Case Manager Martinez read the case caption and presented the staff report as follows:

“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 square foot 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 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.

“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 and recommends to allow two dwelling units on 2.5 acres.”

Mr. Martinez advised the CDRC that staff has four proposed conditions if the variance were approved.

The applicants, Luis and Isela Rodriguez, and their translator were placed under oath.

Through their interpreter, the applicants requested permission to maintain the property as it was purchased.

Responding to questions posed by Member Katz, the applicants through their interpreter said they submitted the application and the drawings for the addition and they failed to show the kitchen because they didn't think it was necessary. They confirmed the unit is only used for visiting family and friends. The applicants also stated that the unit has not been used as a rental.

Staff confirmed that one non-metered domestic well serves the units that are within one structures. The subdivision is pre-code. A discussion ensued that if the variance were approved the applicant would be required to meter the well and use .25 acre-feet per year per unit.

There was no public wishing to speak regarding this item.

Member Anaya arrived at this time.

Member Booth moved to deny the variance. Member Katz seconded and in support of the denial mentioned the misrepresentation in the 2001 application for the second unit and that the kitchen could be shared by the family. The motion passed by majority 4-1-1 voice vote: Member Gonzales voting against and Member Anaya abstaining.

- B. CDRC CASE # V 14-5400 Melody Saucedo Variance. 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)
*[Exhibit 3: La Cienega Valley Association letter opposing variance]***

Case Manager Martinez read the case caption and provided a staff report as follows:

“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 square foot and her elderly mother resides in the second dwelling unit which is 696 square feet.

“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 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 four 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.”

Mr. Martinez said staff reviewed the request and recommends denial of a variance of Ordinance No. 2002-9, Section 6.4, Zoning Density, to allow two dwelling units on 3.26 acres. He advised the CDRC that if they were to approve the application, staff has six recommended conditions.

Mr. Martinez confirmed that there were two separate dwelling units both containing kitchens. If one of the kitchens were removed the property would be in compliance.

Mr. Martinez said there is no aerial photography verifying that the two units were there at the time the applicant purchased the property.

Duly sworn, applicant, Melody Saucedo, said the detached dwelling was present on the property when she purchased it. She stated she was unaware of any violation when she purchased the property.

Member Katz asked the applicant whether she was willing to remove the kitchen in the second dwelling. Ms. Saucedo said it was impractical because her mother is elderly, needs to be able to prepare meals for herself and in the winter when it is icy and dark it would be very difficult for her mother.

There were no members of the public wishing to comment on this case.

Member Katz moved to deny the request noting there was no compelling basis to grant the variance. Member Martin seconded.

Chair Drobnis allowed the applicant to speak again and she said she understood that she was able to conduct a family transfer and urged the CDRC to approve her variance. Ms. Saucedo said she'd prefer to keep the land whole but would seek a family transfer if necessary. Chair Drobnis recommended she meet with staff.

The motion passed by unanimous [6-0] voice vote.

- C. CDRC Case #Z/DP/V 14-5430 Santa Fe Brewing Co.Expansion. 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 percent open space rather than the required 50 percent 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)**

Case Manager John Salazar read the case caption and summarized the staff report as follows:

“On November 9, 2004, the Board of County Commissioners approved CDRC 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 on 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 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.

“Santa Fe Brewing Company has applied to Santa Fe County for economic assistance pursuant to the Local Economic Development Act. The Economic Development Manager has evaluated the project and determined that Santa Fe Brewing Company is qualified for economic assistance pursuant to LEDA. The New Mexico Economic Development Department 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. The Community College District Ordinance requires 50 percent open space for new development which would consist of about 149,693.94 square feet of open space. The Applicant is proposing 37 percent 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 percent, 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 percent 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 percent 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.”

Mr. Salazar said staff recommends denial of the Applicant's request for a variance of Ordinance No. 2000-12 Article XV, Section 6.H, Open Space Standards, to allow 37 percent 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.

Mr. Salazar confirmed that the issue of the variance is open space and he directed the CDRC to an exhibit identifying the applicant's plans.

The applicant, Brian Lock and his agent, Jennifer Jenkins were duly sworn.

Jennifer Jenkins said the applicant was in agreement with all staff-imposed conditions and thanked staff for their efforts. She said the expansion is important for Santa Fe County and discussed the LEDA funds. Ms. Jenkins located the project on a site map noting that the restaurant functions for special events and the brewery is accessed off of Fireplace Place. When additional adjacent lots became available the applicant purchased them to further his plans to expand the brewery. The tasting area and lobby area will be relocated. The heart of the project is an outdoor landscaped beer garden with seating and a platform for entertainment. An existing access off SR 14 will be improved and the Fireplace Place access will be maintained.

Ms. Jenkins identified the open space that will be landscaped. Santa Fe Brewing will provide property for trailhead parking for people accessing the Arroyo Hondo Trail.

Brian Lock said he was pleased to have the opportunity to grow his business in Santa Fe rather than relocating. When the state decided to lower the excise tax it leveled the playing field and he was able to stay in Santa Fe. Local breweries are a growing industry across the country and he was pleased he could stay in Santa Fe. The expansion will increase employment in the County. Currently he has approximately 42 employees. The expansion will be completed in 2020 and he estimated having 105 employees.

There was no one from the public wishing to speak for or against this project.

Member Anaya moved to approve Z/DP/V 14-5430 with staff-imposed conditions. Ms. Booth seconded and the motion passed by unanimous [6-0] voice vote.

The applicant was lauded for expanding his business in Santa Fe County.

D. PNM Santa Fe County Solar Energy Center Project. Public Service Company of New Mexico, Applicant, Laurie Moye, Agent, requests Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 10 megawatt electric Solar Facility on a 100 acre site. The property is located south of the National Guard site and takes access via the East I-25 Frontage Road, within Sections 3 & 4, Township 15 North, Range 8 East, (Commission District 5)

Jose Larrañaga, case manager, recited the case caption and presented the staff report as follows:

“Public Service Company of New Mexico is requesting Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 10 megawatt tracking solar electric generating facility on a 100 acre site. The solar panels are tracking panels which will be configured together in long rows which will be oriented north-south. Each row of panels are approximately 210 feet in length, the row length varies depending on the amount of developable area and will rotate together, making adjustments as the panels move to track the sun east to west. The solar modules will be mounted on a ground mounted rack. The height of the top of the panels at full-rotation will not exceed 7 feet from the natural grade. A distribution line will be extended to the site for the delivery of the electricity being generated by the facility. For safety and security reasons the facility will be enclosed by a chain link fence with three strands of barbed wire, 8 feet in total height.

“The Applicant states: The solar generating facility is needed to meet PNM’s 2015 Renewable Energy Plan. The project is part of a utility distribution system for utility use for the greater public good and for the health, safety and welfare of the residents of Santa Fe County and will provide the community with a source of clean, renewable energy to support growth and economic development in the area.

“The Applicant has submitted a subsequent letter and drawings in response to staff and review agency comments. The Applicant states that typically there are 4,000 panels per megawatt, therefore the proposed ten megawatt site will contain approximately 40,000 panels and will encompass approximately 75 acres of the 100 acre site. The site will also house five power converters and one switchgear facility.

“On October 28, 2014, the Applicant held an open house to discuss the proposed development. Notice was sent to 67 adjacent property owners and three attended the meeting. The Applicant states that concerns of the individuals who attended the open house were primarily related to uncertainty as to what the facilities would look like and visibility of the site.

“Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Master Plan Zoning, Preliminary and Final Development Plan. The Application is comprehensive in establishing the scope of the project; the proposed use is in compliance with the uses associated with Other Development; the Application satisfies the submittal requirements set forth in the Land Development Code.

“The review comments from State Agencies and County staff have established findings that this Application, for Master Plan Zoning, Preliminary and Final

Development Plan, is in compliance with: State requirements and Final Development Plan of the County Land Development Code.”

Mr. Larrañaga said staff recommends approval of Master Plan Zoning, Preliminary and Final Development Plan to allow a 10 megawatt electric Solar Facility on a 100 acre site subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the Master Plan/Final Development Plan.
 - a. The development shall comply with Article 1, Section 103.3.2-New Construction and Alterations of the 1997 Uniform Fire Code.
 - b. The proposed access, to the site, shall be constructed with six inches of compacted base course and 20 feet in width.
2. Master Plan/Final Development Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 7.2.2.
 - a. Approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board (Article V, § 5.2.7).

Duly sworn, Laurie Moye representing PNM, said the solar energy facility will be used as a solar electric generating station. The facility is part of PNM’s 2015 renewable energy plan. Ms. Moye’s presentation included a power point which outlined the project vicinity, a description, access, etc. The parcel of land meets both PNM’s solar requirements and lay out for a successful solar generating station. A nearby electric distribution line will be used to transmit the generated energy.

Ms. Moye said the project will not generate traffic once built it will be operated remotely and only visited for maintenance and/or repair. No septic, sewer or water lines are necessary. The site will be enclosed for public safety purposes. Construction, if approved, is expected to start in 2015 and operational in winter of 2015.

Summarizing her presentation, Ms. Moye said this is clean renewable energy. The project has a low profile and creates neither air emissions nor waste products. The County will gain property taxes.

Member Anaya said he was unsure of where the transmission line was located is and whether it is over or underground. Ms. Moye said the exact line route has not been determined and it may require a variance to build it overhead. She said PNM was waiting for this approval before proceeding with design. At this point they have an easement on the property from the solar facility to the road; however, the public utility easement on the frontage road north has not been explored.

Member Anaya said he supported alternative energy and his concern had to do with easements and transmission lines. Ms. Moye said she was confident PNM would be able to move the power out of the site north to an existing distribution line.

Member Katz asked whether the facility would be visible from I-25 and Ms. Moye said it would be although it sits back from the road. The panels could be screened if additional building occurs on adjacent lots.

Member Gonzales said he was pleased that PNM was bringing forward what he referred to as a win/win project and mentioned with additional growth in the County this will be needed.

Member Anaya said he was aware of other solar panels that are having issues with transmitting services and that concerned him greatly. Ms. Moyer said the PNM generating entity will have to apply to PNM's transmission and distribution entity for transmission.

Chair Drobnis invited public comment.

Duly sworn, J.J. Gonzales, 54 Entrada, La Cienega, said he represents a partnership that owns property adjacent to this project. Mr. Gonzales said they were in support of PNM's efforts to develop renewable energy. His concerns centered around egress/ingress, accessing the power grid to get power onto the property and storage of energy on site. He said Ms. Moyer answered many of his questions and he hoped his remaining questions would be answered in the near future.

Duly sworn, Matthew Baca, identified himself as a proponent of solar energy, former president of New Mexico Solar Energy and Industry Association, current president of New Mexico Renewable Energy Developers Associates and former president of the City of Albuquerque's Energy Conservation Council. He applauded the regulations adopted by the PRC. Mr. Baca said it appeared that this proposal was not complete.

He advised the CDRC that he would be addressing the Caja del Rio PNM request and wanted it on the record that he supports solar energy.

There were no further speakers.

Member Katz moved to approve the application with staff-imposed conditions. Member Martin seconded and the motion passed by unanimous [6-0] voice vote.

E. CDRC CASE # Z/DP 14-5370 PNM Caja del Rio Solar Energy Center Project. Public Service Company of New Mexico, Applicant, Laurie Moyer, Agent, requests Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 5 megawatt electric Solar Facility on a 40-acre site. The property is located north of New Mexico Highway 599 and takes access via Caja del Rio Road, within Section 3, Township 16 North, Range 8 East, Commission District 2 [Exhibit 4: Staff distributed VanAmberg, Rogers, et al. memo dated 12/15/14; Exhibit 5: VanAmberg, Rogers, et al. distributed memo dated 12/14/14; Exhibit 6: Recorded Grant of Easement]

Member Gonzales recused himself from this case.

Mr. Larrañaga recited the case caption and reviewed the staff report as follows:

“Public Service Company of New Mexico is requesting Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 5 megawatt tracking solar electric generating facility on a 40 acre site. The solar panels are tracking panels which will be configured together in long rows which will be oriented north-south. Each row of panels are approximately 210 feet in length, and will rotate together, making adjustments as the panels move to track the sun east to west. The solar modules will be mounted on a ground mounted rack. The height of the top of the panels at full-rotation will not exceed 7 feet from the natural grade. A distribution line will be extended to the site for the delivery of the electricity being generated by the facility. For safety and security reasons the facility will be enclosed by a chain link fence with three strands of barbed wire eight feet in total height.

“The Applicant states: The solar generating facility is needed to meet PNM’s 2015 Renewable Energy Plan. The project is part of a utility distribution system for utility use for the greater public good and for the health, safety and welfare of the residents of Santa Fe County and will provide the community with a source of clean, renewable energy to support growth and economic development in the area.

“The Applicant has submitted a subsequent letter and drawings in response to staff and review agency comments. The Applicant states that typically there are 4,000 panels per megawatt, therefore, the proposed five megawatt site will contain approximately 20,000 panels and will encompass approximately 24 acres of the 40 acre site. The site will also house five power converters and one switchgear facility.

“On October 28, 2014, the Applicant held an open house to discuss the proposed development. Notice was sent to 10 adjacent property owners and three attended the meeting. The Applicant states that concerns of the individuals who attended the open house were primarily related to uncertainty as to what the facilities would look like and visibility of the site.

“Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Master Plan Zoning, Preliminary and Final Development Plan: the Application is comprehensive in establishing the scope of the project; the proposed use is in compliance with the uses associated with Other Development; the Application satisfies the submittal requirements set forth in the Land Development Code.

“The review comments from State Agencies and County staff have established findings that this Application, for Master Plan Zoning, Preliminary and Final Development Plan, is in compliance with: State requirements; Article III,

Section 8, Other Development; Article V, Section 5 Master Plan Procedures; Article V Section 7.2 Final Development Plan of the County Land Development Code.”

Mr. Larrañaga said staff recommends approval of Master Plan Zoning, Preliminary and Final Development Plan to allow a 5 megawatt electric Solar Facility on a 40 acre site subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, Section 7.1.3.c. Conditions shall be noted on the Master Plan/Final Development Plan.
 - a. Santa Fe County Public Works Department and Santa Fe County Fire conditioned the access, to the site, to be constructed with 6 inches of compacted base course and 20 feet in width.
2. Master Plan/Final Development Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, Section 7.2.2.
 - a. Approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board (Article V, Section 5.2.7).

Previously sworn, Laurie Moyer said this request is similar to the previous one. This site will house a 5 megawatt electric solar facility on 40 acres. She presented a slide show illustrating the power grid, project vicinity, egress/ingress, noted that the project will not generate traffic once built, and will be operated remotely. This site will not require sewer, water or gas. Ms. Moyer said PNM will take advantage of natural moisture to clean the panels. For public safety and security the site will be enclosed with chain link fencing and barbed wire. The facility will have an undetectable sound and there are no health effects from the site.

Annually property taxes to the County will be approximately \$96,000, stated Ms. Moyer. If approved, the facility will be in service winter 2015.

Ron VanAmberg, counsel for several heirs of Antonio Baca who have property adjacent to the proposed solar project property said the concerns of the Bacas include safety considerations relating to the road alignment that is proposed as access to the project property and whether this activity is appropriate given the Rural Residential zoning. He referred the CDRC to a subdivision plat prepared by Rick Chatroop [*Exhibit 6 last page*] to locate the roads and property. He noted that the access road at the north of the lots that extends to the east curves into an angled road that leads to a 100-foot public access easement providing access into Lot 1 where the facility is proposed. The main concern regarding the road alignment relates to the historic Cochiti Trail that has been used for over 1,000 years to reach the Cochiti Pueblo. The trail has been platted and recognized since 1919. The Bacas have historically used the Cochiti Trail which is a 42 U.S.C. Section 932 federally created highway – a statute used to assist in the settlement of homesteads. Although the statute has been repealed, Mr. VanAmberg said the road persist and is recognized as a public highway.

Mr. VanAmberg identified an additional or new road created by former County Public Works Director James Lujan has a sharp angle that is neither safe to the public nor appropriate to the Baca cattle operation.

Mr. VanAmberg said the plat of the subdivision fails to show Cochiti Trail and further the Bacas believe the solar facility is more appropriately placed on property zoned industrial. He indicated that he has brought the issue of roads and alignment up with the County repeatedly since 2007. The applicant's proposal should not continue until the road issues are resolved.

Mr. VanAmberg discussed zoning and that this proposal sits amongst rural residential lots and would constitute spot zoning. The fact the new zoning map may accommodate this type of use is an inappropriate basis to approve the request.

Commenting that there are existing roads in the area to service the Office of Archaeology Studies (OAS), Member Katz asked what the applicant was requesting in relation to those roads. Mr. VanAmberg responded that they want the road aligned along Cochiti Trail.

Member Katz asked if moving the OAS access road to the Cochiti Trail route alignment would alleviate the Bacas' concerns.

Duly sworn, Philip Baca, 6902 Acacio Street, Albuquerque, responded to Member Katz' question stating that it would. He said OAS moved their building to avoid the Cochiti Trail. Mr. P. Baca said James Lujan moved road signs and that further complicated the issue when a new road was identified as Cochiti Trail.

Mr. P. Baca said the area was homesteaded by Luis Romero who sold it to Mr. P. Baca's father in 1951. He identified properties his family owns in the vicinity noting they have been in the ranching business since 1920. The way these two roads meet "creates a real dangerous situation," stated Mr. P. Baca. He pointed out that while PNM says their project will not generate traffic the other newly created lots will.

Member Katz suggested the Bacas talk with PNM and the County about moving the road to its original location and accessing from it. Mr. P. Baca said they have tried all the available avenues within the County to correct this issue and nothing has happened. He cited examples during 2006, 2012 and 2014 wherein the County has refused to take action on this. While PNM said the project will not generate traffic there are other newly created lots that will create traffic in the area.

Mr. P. Baca recalled traveling Cochiti Trail in 1944 with his father to get feed to sheep during a particularly rough winter. Cochiti Trail is historically significant; he spoke about La Cieneguilla Grant and an acequia there for farming.

Chair Drobnis asked Mr. P. Baca whether he had a solution. Mr. P. Baca said there should only be one access off Caja del Rio and it should be the original Cochiti Trail. The property should not be rezoned until the map is approved. He suggested PNM locate this solar facility along the Santa Fe River where it is zoned industrial.

Chair Drobnis asked PNM whether they understood the Bacas' concerns and if they were aware of the issue. Ms. Moye said she understood their concerns.

Mr. VanAmberg corrected their testimony and said it was not Lot 1 the facility was going on but instead Lot 4.

Previously sworn, Matthew Baca thanked the CDRC for the opportunity to present these issues that surfaced in 2005 when survey stakes appeared. The problem, he said, seems to point to James Lujan who has tainted the County with corruption and put a cloud over government. He outlined contacts he had with the County dating back to 2005 through 2014 without results. Ms. Penny Ellis-Green was identified as the one County employee who has been helpful in this issue.

Mr. M. Baca said the subdivision plat was inaccurate and deficient.

Mr. M. Baca said archaeologists have found campground sites in the area and it is assumed that the campgrounds were set up because of the visibility to see game for miles around.

The property is currently zoned rural residential and he requested that if the project is approved all transmission lines be underground. With eight feet of chain link and concertina fencing the site will look like the State Penitentiary. Mr. M. Baca requested that, if approved, the fence be set back into the property by 100 feet. The sign for Cochiti Trail should be put back at its original location.

As a final concern, Mr. M. Baca said the applicant's public notice was inadequate with the posting situated 440 yards from the subject property and posted by an unused gate.

Under oath, Scott Hoeft, Santa Fe Planning Group, stated he represents the property owner and was not working with PNM. He said he was confused by the concerns raised by the Bacas and their attorney.

Mr. Hoeft said the opponents continually refer to Lot 1 which is not the site. The subject site is Lot 4. The issue of fencing over a public right-of-way brought up by the opponents is incorrect.

Mr. Hoeft confirmed for Member Katz that there is a 100-foot easement on the north side of Lot 4 and it cannot be blocked by a fence. PNM's proposed fence will be 100 feet in the property. He said the owner of Lot 4 owns all four lots, 160 acres.

Referring to VanAmberg's Exhibit 5, Mr. Hoeft said he saw a discrepancy between the road alignment in Exhibits A and F and needed to meet with surveyor and clear it up. From his review of the plat the Baca's legal access is not threatened. Regarding the "dangerousness" of the road alignment, Mr. Hoeft said the road is 24 feet within a 100 foot easement and there was clearly room to design a T. He theorized that Cochiti Trail was moved to the north to design the T with Caja del Rio.

Mr. Hoeft offered to work with the surveyor and the property owner to get further clarification between the road alignments. He said there was no intent to vacate or eliminate any easements that access the Baca property.

Mr. Hoeft said the site is planned for industrial zoning per the SLDC Code and mapping. The area is within the Airport Redevelopment District and includes Baca

property to the north. He was unsure about the ownership of the Baca property commenting he understood 300 acres zoned mixed use was recently sold.

In terms of the historic nature of Cochiti Trail, Mr. Hoeft said he would defer to the Bacas; however, an archaeological survey was submitted to SHPO and accepted without issue.

Mr. Hoeft closed his comments stating that if the project goes forward the access will be shown appropriately on the final lot line adjustment plat and resolve any discrepancies.

Mr. Larrañaga said the applicant is requesting a zone change to Other Use through master plan. Currently the property is zoned single-family residential. He clarified that the zoning change is within the master plan.

Chair Drobni reminded the CDRC that the application must be consideration under the existing land development code.

Member Katz invited Mr. P. Baca to locate Cochiti Trail within the Baca property and subject lot.

Ms. Moye said PNM believes it has legal access to the property with the surveyor certifying such. She said they were willing to work with the County to clear up any access issues. The first solar panel will be set back 50 feet from the fence which is 100 feet of the property line, clarified Mr. Hoeft.

Mr. Hoeft confirmed the Chair's statement that Lot 4 is not at this point a legal lot and a subdivision or lot split is necessary.

Responding to a question posed earlier by Member Booth, Mr. Hoeft said the master plan is the tool that creates the zoning change. The development plan further defines the project.

Returning to the podium, Mr. P. Baca said the exhibit shows the 100 foot setback says to be used exclusively by the property owner and thus blocks the road to the west. The plats need to show Cochiti Trail because it serves as the primary road to access his property to the west.

Mr. Larrañaga distributed a platted easement [*Exhibit 6*] that depicts access.

Chair Drobni asked when Lot 4 would be created. Mr. Larrañaga responded if this application is approved by the BCC, then prior to recording the master plan, preliminary and final development plan, the lots and road access will be built following by recordation of the master plan of the 40 acres. The creation of the Lot 4 will be conducted administratively.

Chair Drobnis opined that this would have been simplified had the access issues been resolved before coming before the CDRC.

Member Booth asked about the public notice issue brought up by Mr. M. Baca. Mr. Larrañaga said staff received the certified return-receipts and a photo of the posted notice. Mr. M. Baca said the posted notice was approximately ¼ mile from the proposed lot.

Ms. Moye said she posted the notice at the end of Cochiti Trail near a locked gate that she could not enter where it could be seen from the public right-of-way. Mr. M. Baca said the gate has never been locked. He said it was not visible from the road. Mr. M. Baca approached the bench to locate on a map where the notice was posted.

Member Anaya observed that the gate was posted with no trespassing and the applicant could not pass through. Mr. M. Baca said he posted that no trespassing sign on Baca property.

Mr. VanAmberg reminded the CDRC that the subdivision requirements apply to property that is divided for purposes of sale and also lease.

Mr. P. Baca returned to the podium and said he met with Robert Griego, County Planner, to discuss the mixed use designation on his property and it was not a final. The Bacas would prefer residential.

The public hearing was closed.

Member Anaya moved to recommend approval of CDRC Case # Z/DP 14-5370 PNM Caja del Rio Solar Energy Center Project with staff conditions. Member Martin seconded.

Member Booth said she couldn't support the motion because the current zoning is rural residential and this is a huge change that she could not support.

The motion passed by majority 4-1 voice vote with Member Booth voting against. [Member Gonzales had recused himself from this case.]

F. CDRC CASE #V/ZA/S 10-5352 Rio Santa Fe Business Park
TABLED

G. CDRC CASE #APP 13-5062 Robert and Bernadette Anaya Appeal
TABLED

VII. PETITIONS FROM THE FLOOR

None were offered.

VIII. COMMUNICATIONS FROM THE COMMITTEE

Wishes for a Merry Christmas and a Happy New Year were exchanged.

Chair Drobnis was thanked and commended for his service as Committee Chair.

IX. COMMUNICATIONS FROM STAFF

The next meeting was scheduled for January 15, 2015.

Ms. Lucero distributed an update on BCC action regarding CDRC cases.

Staff thanked Chair Drobnis for his service adding it was a privilege to work with him. Election of a new chair and vice chair will be on the next agenda.

X. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Drobnis declared this meeting adjourned at approximately 7:10 p.m.

Approved by:

CDRC Member

ATTEST TO:

COUNTY CLERK

Before me, this ____ day of _____, 2014.

My Commission Expires:

Notary Public

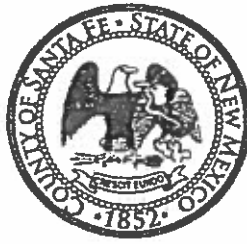
Submitted by:


Karen Farrell, Wordswork

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	Luis & Isela Rodriguez		
Project Location	92 Camino Montoya, Santa Fe, New Mexico 87507		
Description	Density Variance for Mobile Home placement	Case Manager	Nathen Manz
Applicant Name	Luis & Isela Rodriguez	County Case #	14-5340
Applicant Address	92 Camino Montoya Santa Fe, New Mexico 87507	Fire District	La Cienega
Applicant Phone	505-603-3878		
Review Type:	Commercial <input type="checkbox"/>	Residential <input checked="" type="checkbox"/>	Sprinklers <input type="checkbox"/>
	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input checked="" type="checkbox"/>
	Wildland <input checked="" type="checkbox"/>	Variance <input checked="" type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
Project Status:	Approved <input type="checkbox"/>	Approved with Conditions <input checked="" type="checkbox"/>	Denial <input type="checkbox"/>

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.

The existing driveway shall be 20' wide to meet the minimum County standards for fire apparatus access roads within this type of proposed development for two residences. Driveway shall be County approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate width shall be 14' 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.

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.*

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 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 1,000 gpm with a 20-psi residual pressure to the attached hydrants. The design of the system shall be accordingly sized and constructed to accommodate for the associated demands placed on such a system through drafting procedures by fire apparatus while producing fire flows. The system shall accommodate the operation of two pumping apparatus simultaneously from separate locations on the system. Final design shall be approved by the Fire Marshal. All hydrants shall have NST ports.

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

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

- **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 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

Code Enforcement Official

Date

Through: Chief David Sperling

File: DEV/LuisIselaRodriguez/102214/LC

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



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

November 21, 2014

Matthew Martinez, Case Manager
Growth Management Department
Santa Fe County
102 Grant Avenue
Santa Fe, N.M. 87501

CDRC CASES: #V-14-5340 – Luis and Isela Rodriguez
 #V-14-5400 – Melody Saucedo

Dear Mr. Martinez:

The La Cienega Valley Association (LCVA) would like it to be on the record that, as a rural community organization, we categorically oppose any variance requests that are the result of unpermitted and illegal acts. The LCVA strongly supports the density factors established in our community plan and supported by County ordinance. These requests fail to respect those ordinances.

We value our rural way of life and seek to protect our limited ground water resources. The LCVA has learned that the two variance requests in La Cieneguilla #V-14-5340 and #V-14-5400 before you are due to prior homeowners who made structural additions and changes to create unpermitted separate living units. If granted, these types of variance requests could set a precedent that our community cannot afford and our water sources cannot sustain.

The message the LCVA seeks to convey to the CDRC and the County Commission is that all prospective homebuyers have a responsibility to ensure that the structures on the property they are considering purchasing are legal, the septic system is permitted and the well is metered. In these two cases, it would appear that this due diligence was not conducted which has allowed the present owner to benefit from a prior illegal act. This isn't right and can't be tolerated.

Please uphold the ordinances that support our community plan and in effect you are upholding the rural way of life for future generations.

Please let us know if you require any additional information.

Sincerely,



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

November 21, 2014

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Please let us know if you require any additional information.

Sincerely,

VANAMBERG, ROGERS, YEPa, ABEITA & GOMEZ, LLP

ATTORNEYS AT LAW

RONALD J. VANAMBERG (NM)
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DAVID R. YEPa (NM)
CAROLYN J. ABEITA (NM)**
DAVID GOMEZ (NM, NAVAJO NATION)**
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1201 LOMAS BOULEVARD, N.W.
SUITE C
ALBUQUERQUE, NEW MEXICO 87102
(505) 242-7352
FAX (505) 242-2283

**NEW MEXICO BOARD OF LEGAL SPECIALIZATION
CERTIFIED SPECIALIST IN THE AREA OF FEDERAL
INDIAN LAW

December 15, 2014

HAND DELIVERED

Vickie Lucero
County Land Use
102 Grant Avenue
Santa Fe, New Mexico 87501



Re: Application of El Llano Summit Caja del Rio, LLC Application for Development and Rezoning

Dear Ms. Luccro:

This letter is on behalf of Philip Baca, Matthew Baca, Michael Baca, Phyllis Baca and Loretta Baca, some of the heirs and successors in interest to Antonio Baca and who own a substantial amount of property in the State Road 599 and Caja del Rio area. I will collectively refer to my clients as "the Bacas." The Bacas have no problem with PNM creating solar power for its system and encourage such activity. However, the Bacas have concerns about the above referenced application because it involves a request for spot zoning to allow for commercial and industrial uses on a single tract (Lot 1 as shown on the survey draft which is Exhibit F) and will involve use of an ill-advised administratively created road superimposed in part over a historic road referred to as the Cochiti Trail, which road is also a 42 USC 932 road created by federal law. Some history should be helpful.

THE ROAD SITUATION

Several years ago, the Bacas had to address a situation where the Office of Archaeological Studies (OAS) was intending to develop property in the 599 area that had been acquired from the Bureau of Land Management (BLM) under the provisions of the Recreation and Public Purposes Act. Apparently the OAS and the County intended to request or did request the Bureau of Land Management to vacate and relocate a road known historically as the Cochiti Trail that passes through the OAS property. As will be discussed further, the Cochiti Trail has been a historic road for centuries and any vacation and relocation of it would be problematic for a variety of reasons. The Bacas expressed their concerns about moving the Cochiti Trail and thought better judgment had prevailed. However, under the direction of James Lujan and with no public input, a new road ("New

Road”) has been created that intersects the Cochiti Trail road at dangerous angles, while incorporating part of the Cochiti Trail for a distance. (See, portion of plat which is Exhibit A showing the relocation in relation to the Cochiti Trail). As shown in Exhibit A the new road deviates from the Cochiti Trail road, angles into it from the east and then curves away as the new portion swings to the south, (the “South Road”) instead of following the Cochiti Trail, coming to a stop and turning left.

Matthew Baca wrote Mr. Lujan about his family’s concerns, and queried him as to what the motivating factors were in creating the road for a single property owner. Mr. Lujan did not respond to several queries from Matthew, except for a violent verbal outburst from Mr. Lujan, directed at Matthew in the state capitol during a legislative session, that did nothing to explain why he was building the road, but did result in Mr. Lujan being banned from the Senate Rules Committee offices.

The Cochiti Trail road services several of the Bacas’ properties. One property is a small holding claim that extends into the southern portion of Section 35 and is surrounded by the OAS property within Section 35. Another parcel is the east ½ of Section 34 which bounds Section 35 to the west. These lands are indicated on Exhibit B, which is a 1915 survey showing the Cochiti Road. A third parcel is to the west of the area where the proposed new road swings to the south. The Bacas also own a small holding claim which is on the eastern side of Exhibit B. This property is directly impacted by the proposed road vacation as the Cochiti Trail directly traverses Caja del Rio Road and serves as an access road for the eastern property. Caja del Rio Road and the Cochiti Trail have only one intersection point that allows, again historically, easy and quick access to the properties. Additionally, Challenge New Mexico, a non-profit serving developmentally disabled children through horse riding therapy, has its access to Caja del Rio adjacent to the Cochiti Trail.

The two small holding claims are located within the Airport Development District created by the County in 1999 for master planning efforts. These planning efforts clearly recognized the Cochiti Trail road running in a straight line adjacent to the small holding claim properties and into the property to the west. The county recognized the road in the late 1990s, authorizing the placement of water lines and other infrastructure that would service the various Baca properties and facilitate developing the highest and best use for the properties. During the past two years, the Bacas, the County and the New Mexico Game and Fish Department have worked together on the possible placement of a county waterline along this access route for service to the Game and Fish Department, which desires to move onto the county water system. When building Caja del Rio, the County provided gates to the Cochiti Trail on both the east and west side of Caja del Rio.

Vacating a portion of the Cochiti Trail would frustrate these infrastructure plans and would significantly devalue the Baca properties.

The Cochiti Trail has at least two statuses. First, it is the historic Cochiti Trail, used for centuries (prior to and after European Colonization) to travel from both the Santa Fe and San Ildefonso area to the La Bajada area and beyond. The road is shown on the Exhibit B 1915 plat. As noted in the previous paragraph, the road travels across the top of the Bacas' small holding claim, which is labeled on the map, and continues on to the Bacas' Section 34 property.

In 1998-1999, the City of Santa Fe questioned whether the Cochiti Trail and another road leading to the Bacas' small holding claim property, shown on the eastern portion of the 1915 survey, were public roads. After investigating this issue, a letter was written by the BLM informing the City that one of the roads was part of the Cochiti Trail (Exhibit C). Following this letter, the City fully acknowledged the trail and also acknowledged that it was prohibited from blocking or altering the trail. The integrity of the trail was then respected and continued as access to the Baca properties (Exhibit D). Consistent with this position is Exhibit E, which is a City plat that shows the Cochiti Trail being incorporated into the City's property as a 60' wide road.

Second, the Cochiti Trail is a 42 U.S.C. §932 road. While this federal law has been repealed, roads created under this federal law remain viable and are the subject of enforceable rights. *See, Quintana v. Knowles*, 115 N.M. 360, 851 P.2d 482 (App. 1993). 42 U.S.C. §932 was a federal statute which constituted an offer by the federal government to homesteaders to allow these homesteaders to create public roads across federal unpatented lands so that permanent access could be created to these homesteads. The Bacas' Section 34 property was homesteaded by a Luis Romero in the early 1900s and the Cochiti Trail was used by Mr. Romero to travel to his property during the homesteading process. The road at that time traveled across unpatented federal land. The road continued to be used and continues to be used up until the present day. The establishment of this road by Mr. Romero and his successors created a right associated with the Section 34 property, which cannot be impeded or destroyed without the permission of the Bacas. Under Federal law this is a public highway created by a federal dedication.

First, this is a road developed through a *federal* dedication. *See, Quintana v. Knowles*. The County does not have any jurisdiction or right to vacate this road once created under federal authority.

Second, the vacation of any public road has to follow statutory procedures which include notice, hearing and action by the governing body. This vacation and relocation did not even begin to follow these procedures.

Third, since the vacation and relocation of the road involves altering and perhaps eliminating the access to the Baca properties and otherwise results in a reduction in the value of these properties, a taking has occurred for which compensation is due. In addition to the problems described above, this change in access affects the small holding claim properties of the Bacas and impacts the western property owned by the Bacas, for now instead of the road leading directly into this western Baca property the road curves to the south, requiring the Bacas to enter at the point of a dangerous curve which likely would prevent any governmental approvals for any extensive development of this Baca property.

Finally, if this new road is considered an additional road and the traveling public continues to have access to the Cochiti Trail road, the angles of the road where it meets and departs from the Cochiti Trail road results in the public having to merge into the new road without having the ability to safely view oncoming traffic. This dangerous, life threatening condition exists both at the east and west ends of the new road.

Additionally New Road will physically separate approximately 500 acres of Baca Ranch land to the east from the main body of the ranch. This acreage is used for cattle grazing, with any cattle in this area cut off from their water supply to the west of the road. This road will either endanger the travelling public because of the existing cattle operation or, if the road is fenced, will cause damage to the Baca cattle operation, requiring additional compensation.

In a meeting between Phil Baca, Matthew Baca and Ms. Ellis-Greene and several of her staff members, it was represented that both roads would remain open, but the New Road would only be for emergency access. That satisfactorily took care of the Baca's concerns. However, now it appears that the New Road will be a primary access to the proposed solar project to be located on the Applicant's Lot 1, giving new life to the above stated concerns. The Bacas did send their concerns recently to the County Attorney and understand that his plate is full with other pressing matters. See attached.

THE ZONING REQUEST

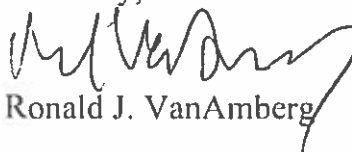
The request being made is for a new industrial/commercial zoning designation for Applicant's Lot 1 as shown on the Exhibit F plat so that, at least under the current represented plans, a solar farm can be created for use by PNM. Again, while solar energy

Vickie Lucero
December 15, 2014
Page 5

should be encouraged, the Bacas believe that the solar farm is more appropriately placed on Applicant's property to the south which is already zoned for industry. Changing the zoning on one of Applicant's lots would likely be viewed as spot zoning, since Lot 1 is a relatively small parcel at 40 acres and is surrounded by a rural residential zoning. Zoning should be the result of a comprehensive plan which, as you know, is under consideration by the County as it proceeds with development of its zoning map.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald J. VanAmberg", written over the printed name.

Ronald J. VanAmberg

RVA/tmb
Enclosures as indicated

Y EASEMENT FOR CAJA DEL RIO
217, AND FILED IN THE OFFICE
AT BK. 383, PG. 049.

OF NOTE #4.

EVER

1= 62'12'05"
US= 540.12'
TH= 586.36'
51'10'39" W
557.99

(DELTA= 26'25'45")
(RADIUS= 1432.39')
(LENGTH= 660.73')
(CH= S 57'05'36" W)
(577.49)

100' WIDE
RELOCATED
ROADWAY
EASEMENT

50' (S 80'51'08" W)
(517.09)

BLM LANDS
WITHIN SEC. 35

DELTA= 27'51'19"
RADIUS= 1450.00'
LENGTH= 704.94'
CH= S 68'21'02" W
698.02

(DELTA= 26'25'45")
(RADIUS= 1432.39')
(LENGTH= 660.73')
(CH= S 67'38'15" W)
(654.89)

N 82'16'42" E
843.40

S 12'41'00" E
414.48

AP SHC

SHADED AREA
DENOTES FORMER
BLM ROAD ESMT.
FROM NOTE #1
WHICH ENCLOSES
ON PRIVATE LAND
S.H.C. 480

P 3, T16N, R8E,
& 35, T17N, R8E

CAJA

117N. RBE.
16N. RBE.

SEC. 35, T17N, R8E.
N 89'32'50" E
559.66

SEC. 2, T16N, R8E.

DELTA= 1'48'27"
RADIUS= 540.12'
LENGTH= 17.04'
CH= S 19'10'23" W
17.04

STATE LANDS
WITHIN SEC. 2

S 18'16'09" W
151.99

WATCHED AREA
S ROAD & UTIL. ESMT.
STATE LANDS
ITA FE CO.

S.H.C. 480
PRIVATE
LAND OWNER

BASIS OF
BEARING
(N 89'36'34" E)
2641.98
(2641.98)

N 89'39'11" E
861.65

CC SHC
N 89'44'35" E
609.56

CC SHC
N 89'28'31" E
420.38

N 89'27'41"
190.74

S.H.C. 3173 TR.1
PRIVATE
LAND OWNER

(RADIUS= 1711.34')
(LENGTH= 1711.34')
(CH= N 13'18'23" W)
(1620.90)

TIE
(N 31'20'43" W)
(1118.70)
(1620.90)

(N 45'49'48")
(884.36)

New Road



Survey accepted September 26, 1912, G.L.O.

PLAT showing Small Holding Claims

in Sec. 35
T. 17N., R. 8E.

New Mexico Prin. Base & Mer. in
New Mexico

as surveyed August 17-23, 1910 by

Bart A. Nymeyer

U.S. Dep. Sur.

Under Cont. No. 431 Dated Dec. 2, 1909

and

as surveyed May 20-22, 1915 by

Chas. W. Devendorf

U.S. Surveyor

Under Ins. for Group 44, Dated May 15, 1915

Scale: 6 Chs. = 1 inch

Sec. 35
598.57

BACA PROPERTY

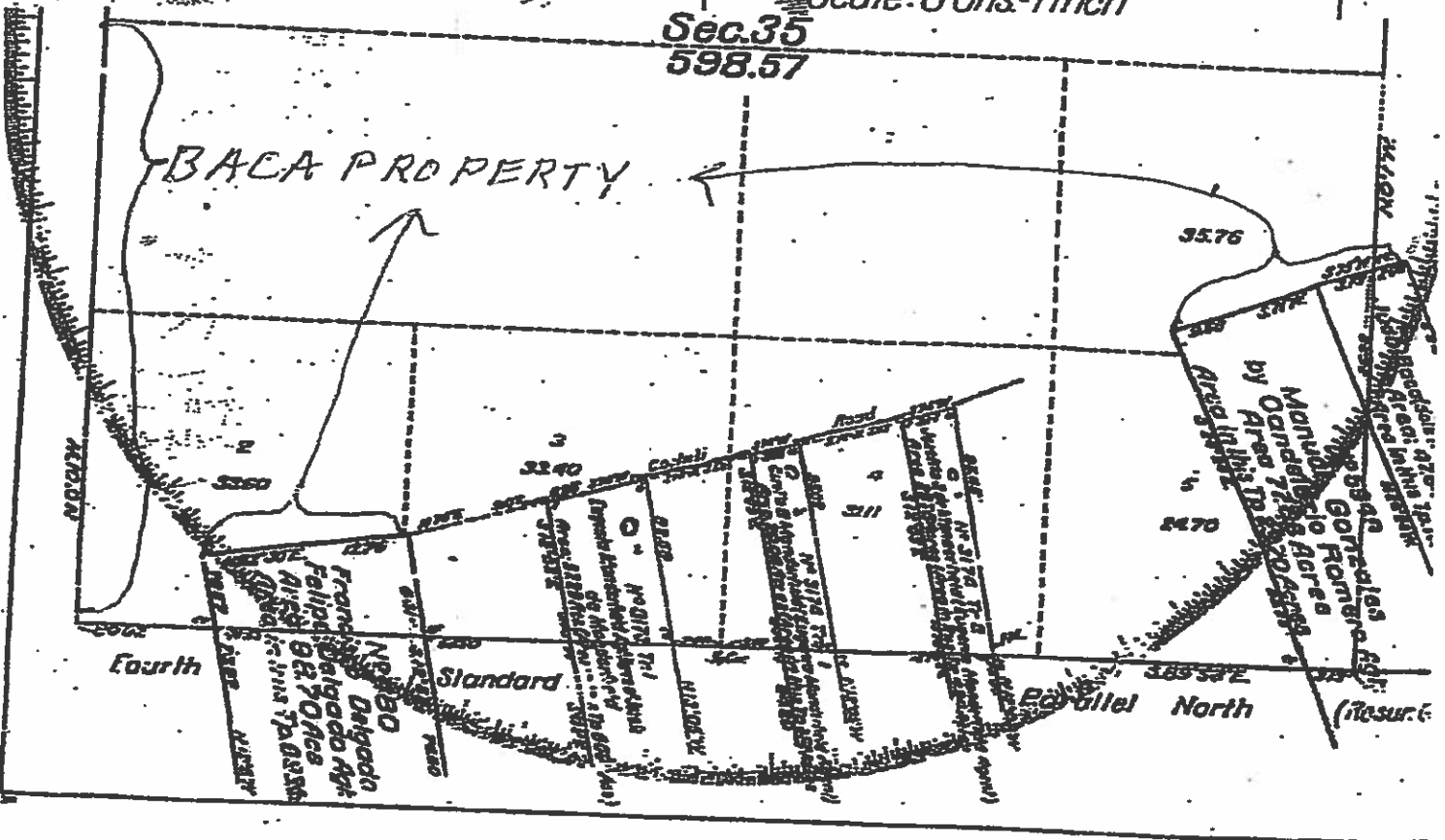


EXHIBIT
B

T. 17N., R. 8E. -- C



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Taos Resource Area
226 Cruz Alta Road
Taos, New Mexico 87571-5983

2000 (020)

October 29, 1999

Mayor Larry Delgado
City of Santa Fe
P.O. Box 909
Santa Fe, NM 87504

Dear Mayor Delgado,

This office has been asked by Philip Baca, representing the Baca family land interests west of Santa Fe, at your office's suggestion, to verify the existence of two roads crossing Bureau of Land Management Land (BLM) in T. 17 N., R. 8 E., NMPM. (see attached map and Baca letter to BLM) The first road is located in sections 23 and 26 and crosses BLM land only in section 26 within lots 13, 14 and 19 which are located in the NE1/4NW1/4 of the section according to BLM land status records. The second road has been historically referred to as the Cochiti Trail which extends from Santa Fe to the community of La Bajada and further south. This road is located on BLM land in lots 2-5, inclusive, (S1/2S1/2) within section 35 according to BLM land status records..

BLM recognizes the existence of these roads as being located on BLM land as depicted on maps of this area and their physical location on the ground. Recognition of their existence does not confer any special status on these roads. Persons using them may do so under Federal regulations in 43 CFR 2800 0.5 pertaining to casual use of roads on BLM land.

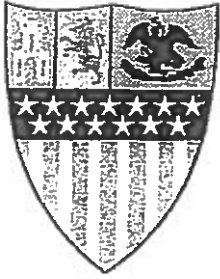
If you need any additional information in regards to this matter please do not hesitate to contact Hal Knox of my staff at (505) 751-4707.

Sincerely,

Sam DesGeorges
Assistant Field Manager

c.c. Mark Basham
Philip Baca





City of Santa Fe, New Mexico

Larry A. Delgado, Mayor

Dr. Mike Mier, City Manager

Councilors: Art Sanchez, Mayor Pro Tem, Dist. 3

Patti J. Bushee, Dist. 1

Jimmie Martinez, Dist. 1

Cristopher Moore, Dist. 2

Molly Whitted, Dist. 2

Frank Montañño, Dist. 3

Peso Chavez, Dist. 4

Carol Robertson Lopez, Dist. 4

December 1, 1999

Mr. Philip Baca
2902 Karen Dr.
Las Cruces, New Mexico 88001

Dear Mr. Baca:

This letter is in response to our meeting last week in my office regarding the trails which you have been using to access your property across the BLM land, which land will eventually be deeded to the City of Santa Fe. In the meeting, you requested that the City recognize a portion of the Cochiti Trail which runs through this property in its Master Plan so that the trail will remain in perpetual existence.

Because of the Cochiti Trail's historical nature, the City and its successors are prohibited from altering, diverting or destroying any portion of the trail. Therefore, the trail will remain in perpetual existence because of its historical status. Furthermore, I have asked John Griego to prepare a revised Master Plan showing the existing trails in this area, as well as trail improvements and the animal shelter project which will be constructed in the near future.

I am hopeful that this will satisfy your request of the City in regard to this matter. Please contact me if you have any further questions in regard to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Mier".

Dr. Mike Mier
City Manager

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M.

EXHIBIT

tabbier

D

PUBLIC NOTICE

THE SANTA FE COUNTY LAND USE ADMINISTRATION HAS REVIEWED THIS PLAN OF SURVEY AND FINDS IT COMES WITHIN THE JURISDICTION OF THE COUNTY CLERK OF SANTA FE COUNTY. HOWEVER, THE JURISDICTION OF THE COUNTY CLERK IS LIMITED TO THE RECORDING OF THIS PLAN OF SURVEY AND DOES NOT EXTEND TO THE VALIDITY OF THE SURVEY OR TO THE ACCURACY OF THE SURVEY DATA. THE SURVEYOR IS RESPONSIBLE FOR THE ACCURACY OF THE SURVEY DATA AND FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THIS SURVEY HAS NOT BEEN APPROVED BY THE SANTA FE COUNTY LAND USE ADMINISTRATION. THE SURVEYOR IS RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE SURVEYOR IS RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

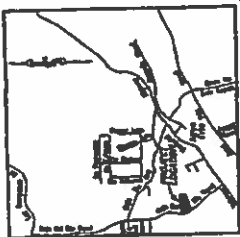
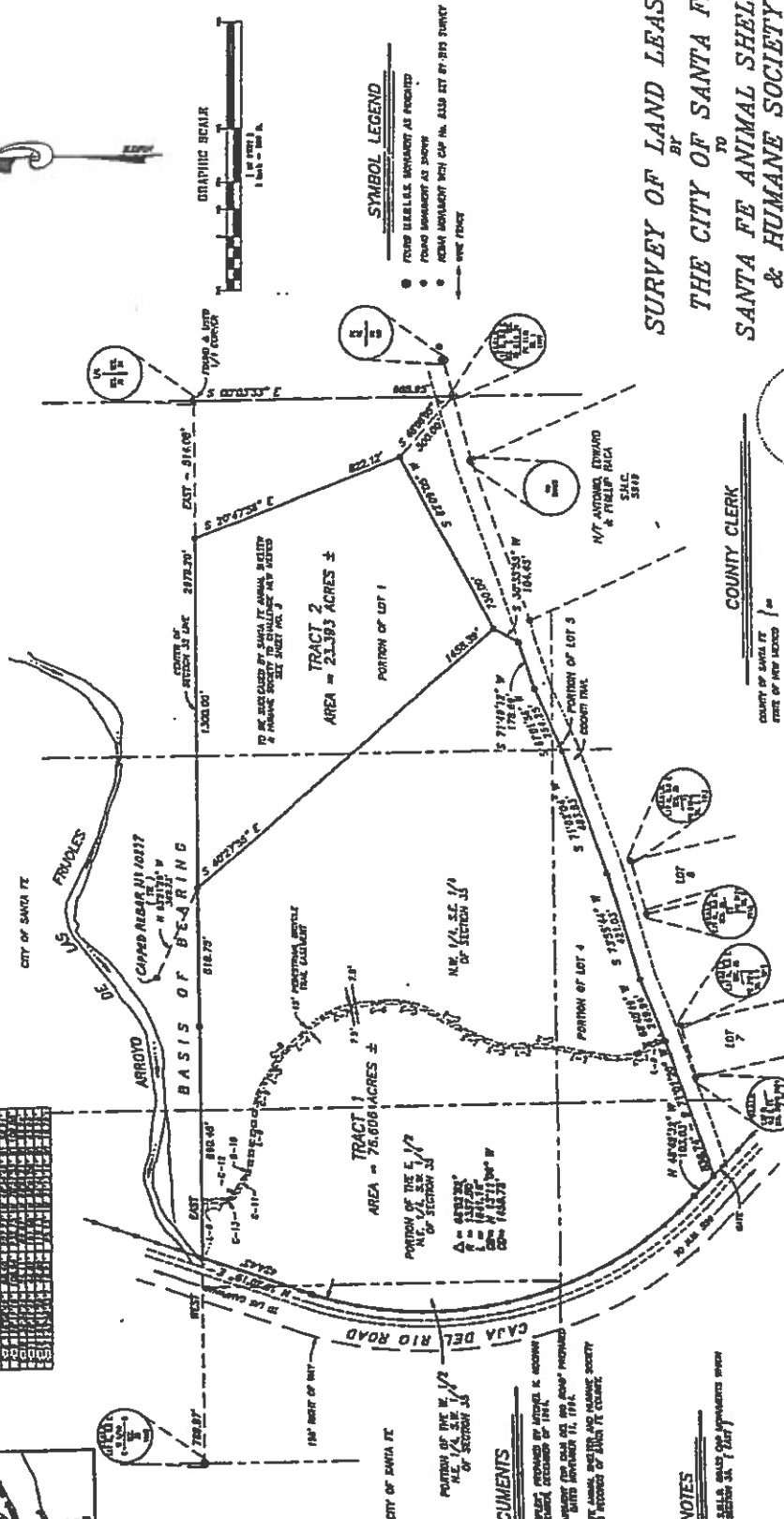
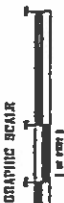


Table with grid coordinates and corresponding survey points or landmarks.



SYMBOL LEGEND
● FOUND IRREGULAR MONUMENT AS PROVIDED
○ FOUND MONUMENT AS SHOWN
○ FOUND MONUMENT NOT ON PL. ALSO SET BY S.F.S. SURVEY
--- NEW FENCE



SURVEY OF LAND LEASED BY THE CITY OF SANTA FE TO SANTA FE ANIMAL SHELTER & HUMANE SOCIETY
LOCATED OFF CAJA DEL RIO ROAD, WITHIN SECTION 35, T.17 N., R.8 E., N.M.P.M., COUNTY OF SANTA FE, STATE OF NEW MEXICO

COUNTY CLERK

COUNTY OF SANTA FE
COUNTY CLERK
I HEREBY CERTIFY THAT THE SURVEYOR HAS BEEN QUALIFIED BY THE COUNTY CLERK OF SANTA FE COUNTY, NEW MEXICO, AND THAT THE SURVEYOR HAS BEEN LICENSED BY THE STATE OF NEW MEXICO. THE SURVEYOR HAS BEEN LICENSED BY THE STATE OF NEW MEXICO. THE SURVEYOR HAS BEEN LICENSED BY THE STATE OF NEW MEXICO.

AMENDMENT CERTIFICATE

THIS SURVEY WAS FILED AND APPROVED TO INCLUDE A 10 FOOT CORRIDOR...
10/21/01

CERTIFICATE

I, James G. Gilman, County Clerk of Santa Fe County, New Mexico, do hereby certify that the within and foregoing Survey of Land Leased by the City of Santa Fe to Santa Fe Animal Shelter & Humane Society, located off Caja Del Rio Road, within Section 35, T.17 N., R.8 E., N.M.P.M., County of Santa Fe, State of New Mexico, was duly filed and approved by me on this 3rd day of October, 2001.

REFERENCE DOCUMENTS

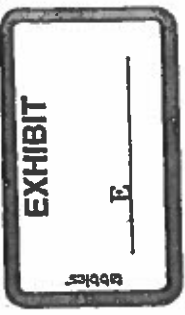
- 1. PLAN OF SURVEY... PREVIOUS TO THIS SURVEY...
2. PLAN OF SURVEY... PREVIOUS TO THIS SURVEY...
3. RECORD OF SURVEY... PREVIOUS TO THIS SURVEY...

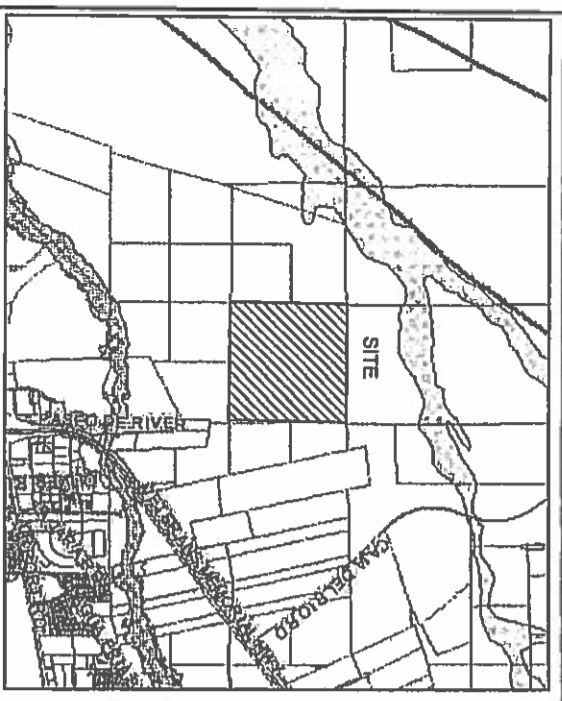
SURVEYOR NOTES

- 1. AREA OF SURVEY IS SHOWN AS TWO SECTIONS, SECTIONS 35 AND 36, WITHIN SECTION 35, T.17 N., R.8 E., N.M.P.M., COUNTY OF SANTA FE, STATE OF NEW MEXICO.

FOR MORE INFORMATION FOR COUNTY CLERK
CONTACT: SARA J. ALARID, COUNTY CLERK
ADDRESS: 1000 W. WASHINGTON, SANTA FE, N.M. 87501
LOCATION: OFF. OF THE COUNTY CLERK

ALARID AND ASSOCIATES, L.L.C.
SANTA FE, N.M.
COUNTY CLERK OF SANTA FE COUNTY, N.M.





DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S), HAVE CAUSED TO BE REPLICATED THESE LANDS SHOWN HEREON, THIS PLAN IS MADE WITH THE INTENT OF DEDICATING ACCESS EASEMENTS GRANTED FOR PUBLIC USE, UTILITY EXISTING UTILITIES AND MAINTENANCE, INSTALLATION, REPAIR AND REPLACEMENT OF UTILITIES SERVING LOTS ONLY WITHIN THE RIO SANTA FE BUSINESS PARK ADJOINING PROPERTIES, AND TO BE MAINTAINED AND KEPT OPEN AND UNIMPAIRED. THE DISTANCE AND SLOPE EASEMENTS ARE GRANTED AS SHOWN WITH OTHER EASEMENTS ARE GRANTED AS SHOWN.

THIS DIVISION CONTAINS 160.65 AC± AND LIES WITHIN THE PLANNING AND PLATING JURISDICTION OF THE COUNTY OF SANTA FE, NEW MEXICO.

RICHARD P. COOK, 160.65 AC± PARCEL
STATE OF NEW MEXICO
COUNTY OF RIO ARriba
SS
THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY RICHARD P. COOK
THIS _____ DAY OF _____ 2014
NOTARY PUBLIC
MY COMMISSION EXPIRES _____

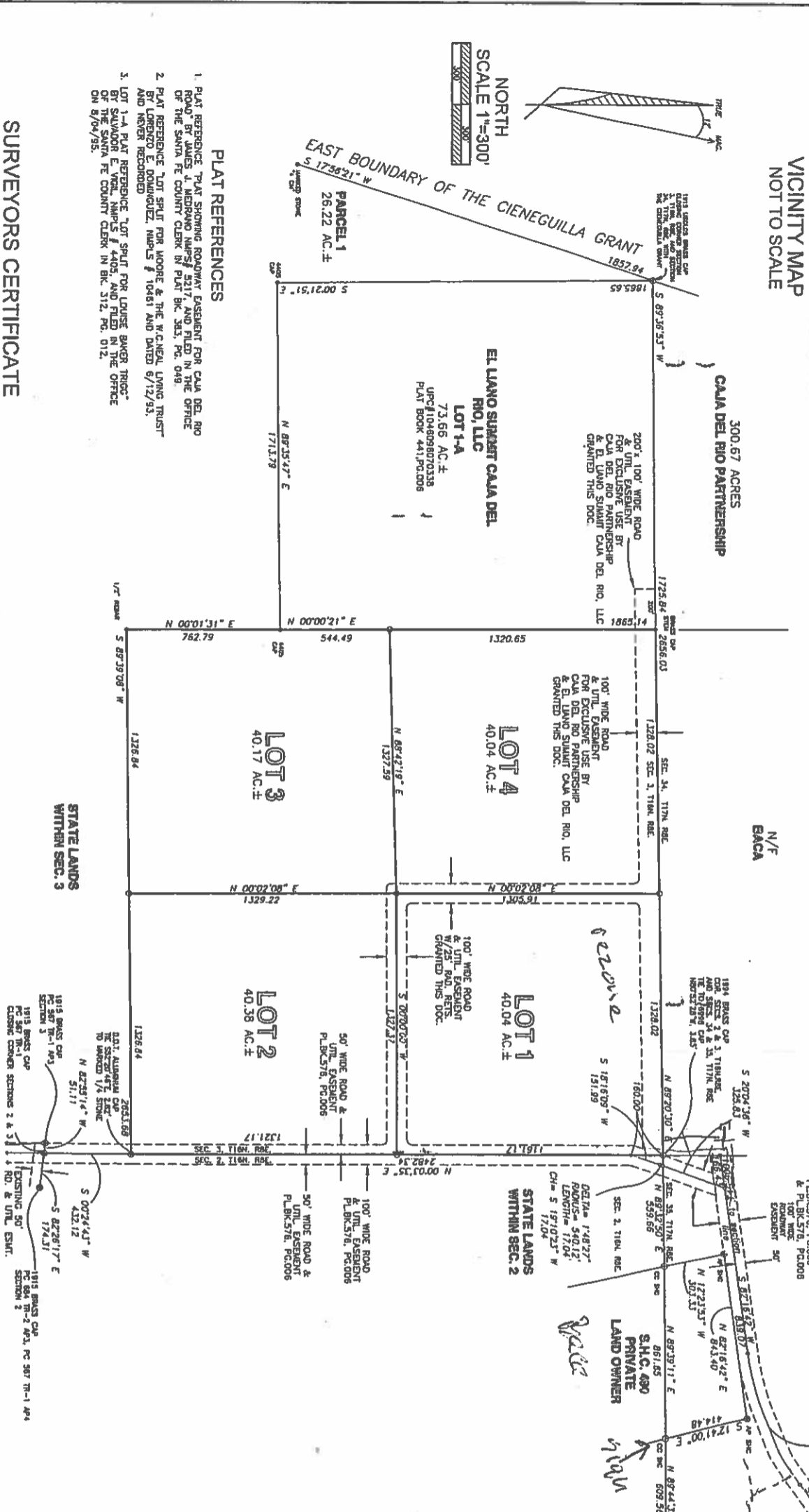
RICHARD P. COOK, MANAGING MEMBER EL LINDO SUMMIT CALA DEL RIO, LLC
STATE OF NEW MEXICO
COUNTY OF RIO ARriba
SS
THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY RICHARD P. COOK, MANAGING MEMBER EL LINDO SUMMIT CALA DEL RIO, LLC
THIS _____ DAY OF _____ 2014
NOTARY PUBLIC
MY COMMISSION EXPIRES _____

LEGEND AND NOTES

- DENOTES POINT FOUND
- DENOTES POINT SET THIS SURVEY
- DENOTES POINT CALCULATED
- DENOTES MONUMENT
- DENOTES EDGE OF EASEMENT
- DENOTES OVERHEAD LINES
- DENOTES FENCE LINE

SANTA FE COUNTY APPROVAL, NOTES AND CONDITIONS:

COUNTY LAND ADMINISTRATOR	DATE
COUNTY TREASURER'S OFFICE	DATE
RURAL ADDRESSING	DATE
FIRE MARSHAL	DATE



PLAT REFERENCES

1. PLAT REFERENCE "PLAT SHOWING ROADWAY EASEMENT FOR CALA DEL RIO ROAD" BY JAMES J. MEDRANO NMP# 5217, AND FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BK. 383, PG. 048.
2. PLAT REFERENCE "LOT SPLIT FOR MOORE & THE W. C. NEAL LIVING TRUST" BY LONARDO E. DOMINGUEZ NMP# 10481 AND DATED 6/12/93, AND NEVER RECORDED.
3. LOT 1-A PLAT REFERENCE "LOT SPLIT FOR LUISER BAKER TRIGG" BY SALVADOR E. YERAL NMP# 4405, AND FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN BK. 312, PG. 012, ON 8/04/95.

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES HEREON ARE AN ACCURATE DELINEATION OF A FIELD SURVEY COMPLETED BY ME OR UNDER MY DIRECTION ON MAR. 11TH, 2014, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I AM A LICENSED SURVEYOR FOR PROFESSIONAL LAND SURVEYS PRACTICING IN NEW MEXICO.

RICK CHATROOP
PROFESSIONAL LAND SURVEYOR
NEW MEXICO REGISTRATION NO. 11011
(605) 470-0877 110 WALTON TRAIL RD. CERRAZULOS, NM 87018

RICHARD P. COOK
FOR
RICHARD P. COOK
160.65 AC±
SUMMARY REVIEW SUBDIVISION OF
PURPOSE: TO SUBDIVIDE PARCEL INTO 4 RESIDENTIAL LOTS
LYING WITHIN SECTION 3, T16N, R06E, N.M.P.M.
SANTA FE COUNTY, NEW MEXICO.

EXHIBIT

REGISTERED INFORMATION FOR THE COUNTY CLERK:
OWNER: RICHARD P. COOK UPG# 1-046-096-400-400
LOCATION: LINDO SUMMIT SECTION 3, T16N, R06E, N.M.P.M., SANTA FE COUNTY, NM

EXHIBIT

VANAMBERG, ROGERS, YEPA, ABEITA & GOMEZ, LLP

RONALD J. VANAMBERG (NM)
CARL BRYANT ROGERS (NM, MS)**
DAVID R. YEPA (NM)
CAROLYN J. ABEITA (NM)**
DAVID GOMEZ (NM, NAVAJO NATION)**
SARAH WORKS (NM, AZ, DC)

**NEW MEXICO BOARD OF LEGAL SPECIALIZATION
CERTIFIED SPECIALIST IN THE AREA OF FEDERAL
INDIAN LAW

ATTORNEYS AT LAW

P.O. BOX 1447
SANTA FE, NM 87504-1447
(505) 988-8979
FAX (505) 988-7508

347 EAST PALACE AVENUE
SANTA FE, NEW MEXICO 87501

December 15, 2014

ALBUQUERQUE OFFICE
1201 LOMAS BOULEVARD, N.W.
SUITE C
ALBUQUERQUE, NEW MEXICO 87102
(505) 242-7352
FAX (505) 242-2288



HAND DELIVERED

Vickie Lucero
County Land Use
102 Grant Avenue
Santa Fe, New Mexico 87501

Re: Application of El Llano Summit Caja del Rio, LLC Application for Development and Rezoning

Dear Ms. Lucero:

This letter is on behalf of Philip Baca, Matthew Baca, Michael Baca, Phyllis Baca and Loretta Baca, some of the heirs and successors in interest to Antonio Baca and who own a substantial amount of property in the State Road 599 and Caja del Rio area. I will collectively refer to my clients as "the Bacas." The Bacas have no problem with PNM creating solar power for its system and encourage such activity. However, the Bacas have concerns about the above referenced application because it involves a request for spot zoning to allow for commercial and industrial uses on a single tract (Lot 1 as shown on the survey draft which is Exhibit F) and will involve use of an ill-advised administratively created road superimposed in part over a historic road referred to as the Cochiti Trail, which road is also a 42 USC 932 road created by federal law. Some history should be helpful.

THE ROAD SITUATION

Several years ago, the Bacas had to address a situation where the Office of Archaeological Studies (OAS) was intending to develop property in the 599 area that had been acquired from the Bureau of Land Management (BLM) under the provisions of the Recreation and Public Purposes Act. Apparently the OAS and the County intended to request or did request the Bureau of Land Management to vacate and relocate a road known historically as the Cochiti Trail that passes through the OAS property. As will be discussed further, the Cochiti Trail has been a historic road for centuries and any vacation and relocation of it would be problematic for a variety of reasons. The Bacas expressed their concerns about moving the Cochiti Trail and thought better judgment had prevailed. However, under the direction of James Lujan and with no public input, a new road ("New

Road”) has been created that intersects the Cochiti Trail road at dangerous angles, while incorporating part of the Cochiti Trail for a distance. (See, portion of plat which is Exhibit A showing the relocation in relation to the Cochiti Trail). As shown in Exhibit A the new road deviates from the Cochiti Trail road, angles into it from the east and then curves away as the new portion swings to the south, (the “South Road”) instead of following the Cochiti Trail, coming to a stop and turning left.

Matthew Baca wrote Mr. Lujan about his family’s concerns, and queried him as to what the motivating factors were in creating the road for a single property owner. Mr. Lujan did not respond to several queries from Matthew, except for a violent verbal outburst from Mr. Lujan, directed at Matthew in the state capitol during a legislative session, that did nothing to explain why he was building the road, but did result in Mr. Lujan being banned from the Senate Rules Committee offices.

The Cochiti Trail road services several of the Bacas’ properties. One property is a small holding claim that extends into the southern portion of Section 35 and is surrounded by the OAS property within Section 35. Another parcel is the east ½ of Section 34 which bounds Section 35 to the west. These lands are indicated on Exhibit B, which is a 1915 survey showing the Cochiti Road. A third parcel is to the west of the area where the proposed new road swings to the south. The Bacas also own a small holding claim which is on the eastern side of Exhibit B. This property is directly impacted by the proposed road vacation as the Cochiti Trail directly traverses Caja del Rio Road and serves as an access road for the eastern property. Caja del Rio Road and the Cochiti Trail have only one intersection point that allows, again historically, easy and quick access to the properties. Additionally, Challenge New Mexico, a non-profit serving developmentally disabled children through horse riding therapy, has its access to Caja del Rio adjacent to the Cochiti Trail.

The two small holding claims are located within the Airport Development District created by the County in 1999 for master planning efforts. These planning efforts clearly recognized the Cochiti Trail road running in a straight line adjacent to the small holding claim properties and into the property to the west. The county recognized the road in the late 1990s, authorizing the placement of water lines and other infrastructure that would service the various Baca properties and facilitate developing the highest and best use for the properties. During the past two years, the Bacas, the County and the New Mexico Game and Fish Department have worked together on the possible placement of a county waterline along this access route for service to the Game and Fish Department, which desires to move onto the county water system. When building Caja del Rio, the County provided gates to the Cochiti Trail on both the east and west side of Caja del Rio.

Vacating a portion of the Cochiti Trail would frustrate these infrastructure plans and would significantly devalue the Baca properties.

The Cochiti Trail has at least two statuses. First, it is the historic Cochiti Trail, used for centuries (prior to and after European Colonization) to travel from both the Santa Fe and San Ildefonso area to the La Bajada area and beyond. The road is shown on the Exhibit B 1915 plat. As noted in the previous paragraph, the road travels across the top of the Bacas' small holding claim, which is labeled on the map, and continues on to the Bacas' Section 34 property.

In 1998-1999, the City of Santa Fe questioned whether the Cochiti Trail and another road leading to the Bacas' small holding claim property, shown on the eastern portion of the 1915 survey, were public roads. After investigating this issue, a letter was written by the BLM informing the City that one of the roads was part of the Cochiti Trail (Exhibit C). Following this letter, the City fully acknowledged the trail and also acknowledged that it was prohibited from blocking or altering the trail. The integrity of the trail was then respected and continued as access to the Baca properties (Exhibit D). Consistent with this position is Exhibit E, which is a City plat that shows the Cochiti Trail being incorporated into the City's property as a 60' wide road.

Second, the Cochiti Trail is a 42 U.S.C. §932 road. While this federal law has been repealed, roads created under this federal law remain viable and are the subject of enforceable rights. *See, Quintana v. Knowles*, 115 N.M. 360, 851 P.2d 482 (App. 1993). 42 U.S.C. §932 was a federal statute which constituted an offer by the federal government to homesteaders to allow these homesteaders to create public roads across federal unpatented lands so that permanent access could be created to these homesteads. The Bacas' Section 34 property was homesteaded by a Luis Romero in the early 1900s and the Cochiti Trail was used by Mr. Romero to travel to his property during the homesteading process. The road at that time traveled across unpatented federal land. The road continued to be used and continues to be used up until the present day. The establishment of this road by Mr. Romero and his successors created a right associated with the Section 34 property, which cannot be impeded or destroyed without the permission of the Bacas. Under Federal law this is a public highway created by a federal dedication.

First, this is a road developed through a *federal* dedication. *See, Quintana v. Knowles*. The County does not have any jurisdiction or right to vacate this road once created under federal authority.

Second, the vacation of any public road has to follow statutory procedures which include notice, hearing and action by the governing body. This vacation and relocation did not even begin to follow these procedures.

Third, since the vacation and relocation of the road involves altering and perhaps eliminating the access to the Baca properties and otherwise results in a reduction in the value of these properties, a taking has occurred for which compensation is due. In addition to the problems described above, this change in access affects the small holding claim properties of the Bacas and impacts the western property owned by the Bacas, for now instead of the road leading directly into this western Baca property the road curves to the south, requiring the Bacas to enter at the point of a dangerous curve which likely would prevent any governmental approvals for any extensive development of this Baca property.

Finally, if this new road is considered an additional road and the traveling public continues to have access to the Cochiti Trail road, the angles of the road where it meets and departs from the Cochiti Trail road results in the public having to merge into the new road without having the ability to safely view oncoming traffic. This dangerous, life threatening condition exists both at the east and west ends of the new road.

Additionally New Road will physically separate approximately 500 acres of Baca Ranch land to the east from the main body of the ranch. This acreage is used for cattle grazing, with any cattle in this area cut off from their water supply to the west of the road. This road will either endanger the travelling public because of the existing cattle operation or, if the road is fenced, will cause damage to the Baca cattle operation, requiring additional compensation.

In a meeting between Phil Baca, Matthew Baca and Ms. Ellis-Greene and several of her staff members, it was represented that both roads would remain open, but the New Road would only be for emergency access. That satisfactorily took care of the Baca's concerns. However, now it appears that the New Road will be a primary access to the proposed solar project to be located on the Applicant's Lot 1, giving new life to the above stated concerns. The Bacas did send their concerns recently to the County Attorney and understand that his plate is full with other pressing matters. See attached.

THE ZONING REQUEST


The request being made is for a new industrial/commercial zoning designation for Applicant's Lot 1 as shown on the Exhibit F plat so that, at least under the current represented plans, a solar farm can be created for use by PNM. Again, while solar energy

Vickie Lucero
December 15, 2014
Page 5

should be encouraged, the Bacas believe that the solar farm is more appropriately placed on Applicant's property to the south which is already zoned for industry. Changing the zoning on one of Applicant's lots would likely be viewed as spot zoning, since Lot 1 is a relatively small parcel at 40 acres and is surrounded by a rural residential zoning. Zoning should be the result of a comprehensive plan which, as you know, is under consideration by the County as it proceeds with development of its zoning map.

Thank you for your consideration.

Sincerely,

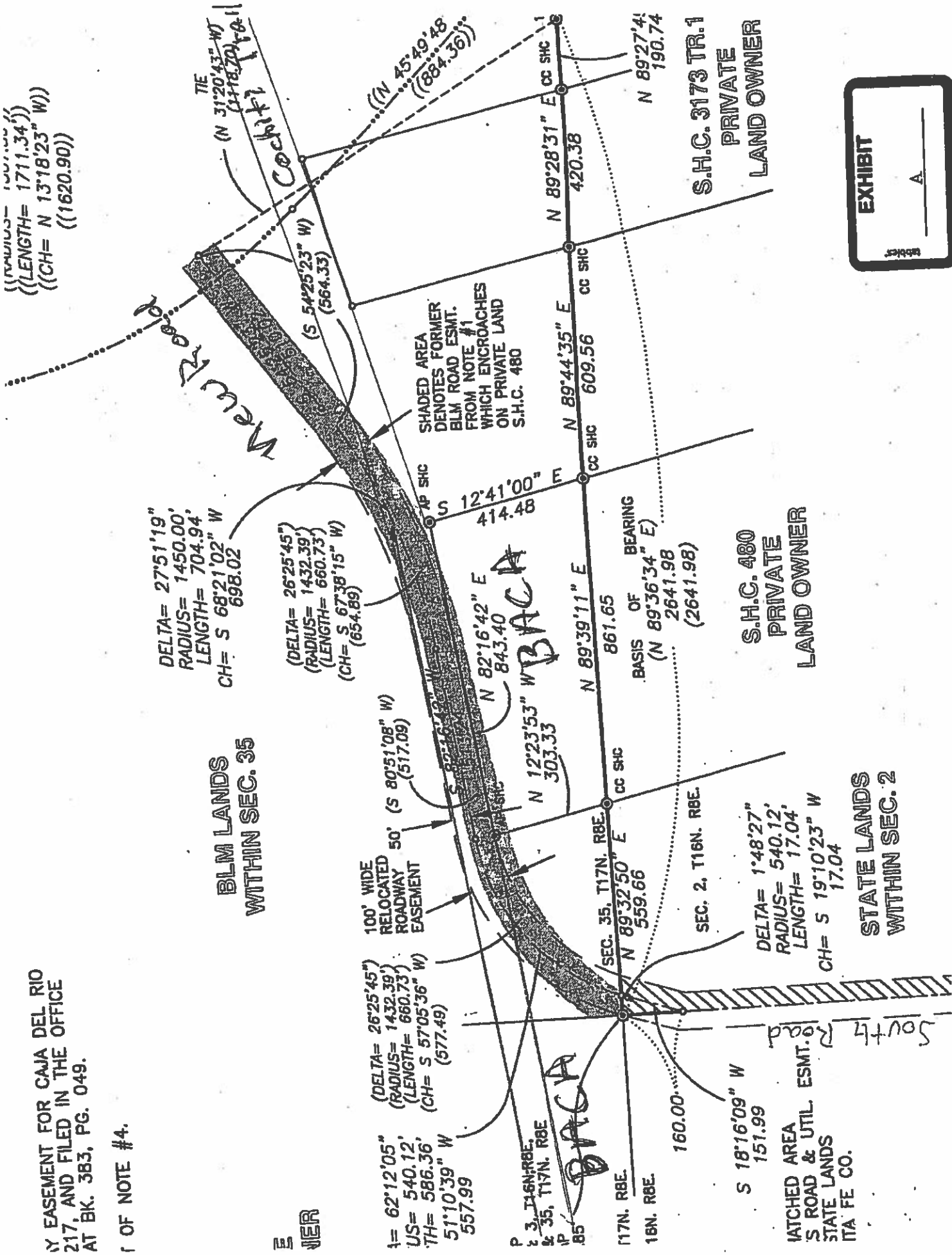


Ronald J. VanAmberg

RVA/tmb
Enclosures as indicated

DEED EASEMENT FOR CAJA DEL RIO
 217, AND FILED IN THE OFFICE
 AT BK. 383, PG. 049.

PAGE 1 OF NOTE #4.



$\left(\left(\text{RADIUS} = 1711.34' \right) \right)$
 $\left(\left(\text{LENGTH} = 13'18'23'' \text{ W} \right) \right)$
 $\left(\left(\text{CH} = 1620.90' \right) \right)$

$\Delta = 27'51'19''$
 $\text{RADIUS} = 1450.00'$
 $\text{LENGTH} = 704.94'$
 $\text{CH} = \text{S } 68'21'02'' \text{ W}$
 698.02

BLM LANDS
 WITHIN SEC. 35

$\left(\Delta = 26'25'45'' \right)$
 $\left(\text{RADIUS} = 1432.39' \right)$
 $\left(\text{LENGTH} = 660.73' \right)$
 $\left(\text{CH} = \text{S } 67'38'15'' \text{ W} \right)$
 $\left(654.89 \right)$

$\left(\Delta = 26'25'45'' \right)$
 $\left(\text{RADIUS} = 1432.39' \right)$
 $\left(\text{LENGTH} = 660.73' \right)$
 $\left(\text{CH} = \text{S } 57'05'36'' \text{ W} \right)$
 $\left(577.49 \right)$

100' WIDE
 RELOCATED
 ROADWAY
 EASEMENT

50' (S 80'51'08" W)
 (517.09)

$\Delta = 62'12'05''$
 $\text{RADIUS} = 540.12'$
 $\text{LENGTH} = 586.36'$
 $\text{CH} = \text{S } 57'05'36'' \text{ W}$
 557.99

P 3, T16N, R8E,
 & 35, T17N, R8E
 AP 85

117N. RBE.
 16N. RBE.

SEC. 35, T17N, R8E.
 N 89'32'50" E
 559.66

N 89'39'11" E
 861.65

S 12'41'00" F
 414.48

N 89'44'35" E
 609.56

N 89'28'31" E CC SHC
 420.38

N 89'27'41"
 190.74

BASIS OF BEARING
 (N 89'36'34" E)
 2641.98
 (2641.98)

S.H.C. 480
 PRIVATE
 LAND OWNER

S.H.C. 3173 TR.1
 PRIVATE
 LAND OWNER

$\Delta = 1'48'27''$
 $\text{RADIUS} = 540.12'$
 $\text{LENGTH} = 17.04'$
 $\text{CH} = \text{S } 19'10'23'' \text{ W}$
 17.04

WATCHED AREA
 S ROAD & UTIL. ESMT. 6
 STATE LANDS
 IATA FE CO.

STATE LANDS
 WITHIN SEC. 2



Survey accepted September 26, 1912 G.L.O.

PLAT showing Small Holding Claims

in Sec. 35
T. 17N., R. 8E.

New Mexico Prin. Base & Mer. in
New Mexico

as surveyed August 17-23, 1910 by

Bart A. Nymeyer
U.S. Dep. Sur.

Under Cont. No. 431 Dated Dec. 2, 1909

and

as surveyed May 20-22, 1915 by

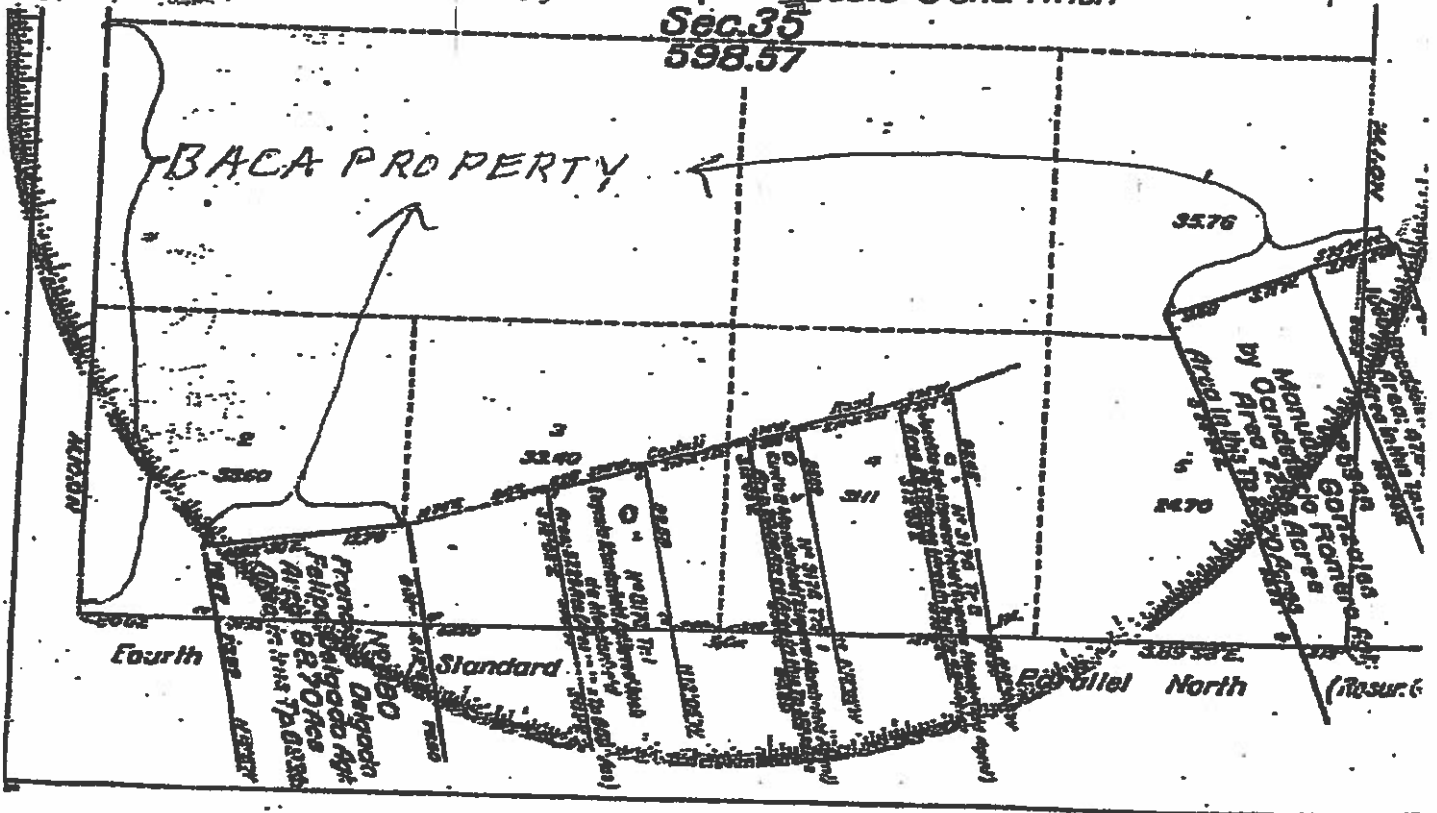
Chas. W. Devendorf
U.S. Surveyor

Under Ins. for Group 44, Dated May 15, 1915

Scale: 6 Chs. = 1 inch

Sec. 35
598.57

BACA PROPERTY



EXHIBIT

B

T. 17N., R. 8E. - C



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Taos Resource Area
226 Cruz Alta Road
Taos, New Mexico 87571-5983

2000 (020)

October 29, 1999

Mayor Larry Delgado
City of Santa Fe
P.O. Box 909
Santa Fe, NM 87504

Dear Mayor Delgado,

This office has been asked by Philip Baca, representing the Baca family land interests west of Santa Fe, at your office's suggestion, to verify the existence of two roads crossing Bureau of Land Management Land (BLM) in T. 17 N., R. 8 E., NMPM. (see attached map and Baca letter to BLM) The first road is located in sections 23 and 26 and crosses BLM land only in section 26 within lots 13, 14 and 19 which are located in the NE1/4NW1/4 of the section according to BLM land status records. The second road has been historically referred to as the Cochiti Trail which extends from Santa Fe to the community of La Bajada and further south. This road is located on BLM land in lots 2-5, inclusive, (S1/2S1/2) within section 35 according to BLM land status records..

BLM recognizes the existence of these roads as being located on BLM land as depicted on maps of this area and their physical location on the ground. Recognition of their existence does not confer any special status on these roads. Persons using them may do so under Federal regulations in 43 CFR 2800 0.5 pertaining to casual use of roads on BLM land.

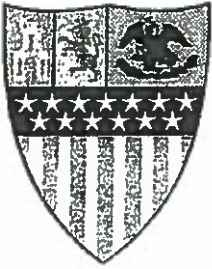
If you need any additional information in regards to this matter please do not hesitate to contact Hal Knox of my staff at (505) 751-4707.

Sincerely,

Sam DesGeorges
Assistant Field Manager

c.c. Mark Basham
Philip Baca





City of Santa Fe, New Mexico

Larry A. Delgado, Mayor

Dr. Mike Mier, City Manager

Councillors: Art Sanchez, Mayor Pro Tem, Dist. 3

Patti J. Bushee, Dist. 1

Jimmie Martinez, Dist. 1

Cristopher Moore, Dist. 2

Molly Whitted, Dist. 2

Frank Montano, Dist. 3

Peso Chavez, Dist. 4

Carol Robertson Lopez, Dist. 4

December 1, 1999

Mr. Philip Baca
2902 Karen Dr.
Las Cruces, New Mexico 88001

Dear Mr. Baca:

This letter is in response to our meeting last week in my office regarding the trails which you have been using to access your property across the BLM land, which land will eventually be deeded to the City of Santa Fe. In the meeting, you requested that the City recognize a portion of the Cochiti Trail which runs through this property in its Master Plan so that the trail will remain in perpetual existence.

Because of the Cochiti Trail's historical nature, the City and its successors are prohibited from altering, diverting or destroying any portion of the trail. Therefore, the trail will remain in perpetual existence because of its historical status. Furthermore, I have asked John Griego to prepare a revised Master Plan showing the existing trails in this area, as well as trail improvements and the animal shelter project which will be constructed in the near future.

I am hopeful that this will satisfy your request of the City in regard to this matter. Please contact me if you have any further questions in regard to this matter.

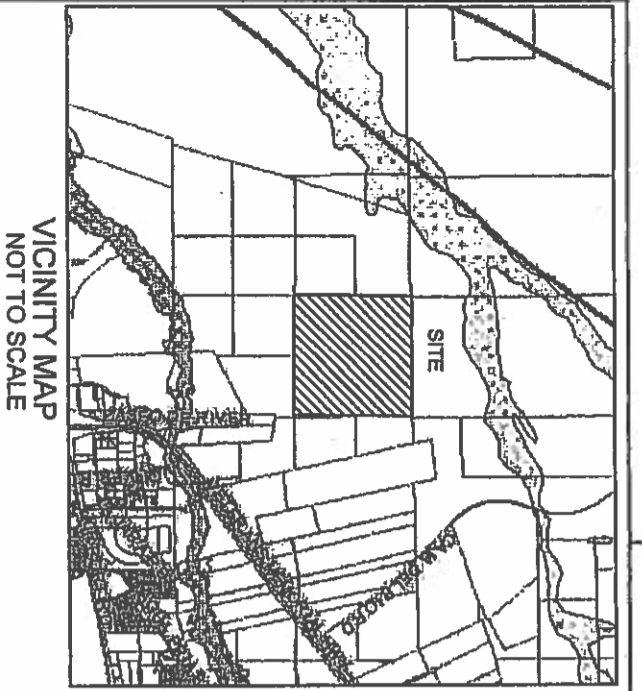
Sincerely,

Dr. Mike Mier
City Manager

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M.

EXHIBIT

D



DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S), HAVE CAUSED TO BE REPLICATED THESE LANDS SHOWN HEREON, THIS REPORT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE PUBLIC POLICY AND INTERESTS OF THE STATE OF NEW MEXICO. THE PUBLIC UTILITY DESIGNERS ARE GRANTED TO THE APPROPRIATE COMPANIES FOR EXISTING UTILITIES AND MAINTENANCE, INSTALLATION, REPAIR AND REPLACEMENT OF UTILITIES SERVING LOTS ONLY WITHIN THE RO SANJA FE BUSINESS PARK, INCLUDING PROGRESSIVE, RESIDENTIAL AND COMMERCIAL DEVELOPMENT. THE RESPONSIBILITY OF MAINTENANCE AND REPAIR OF UTILITIES ARE GRANTED AS SHOWN WITH OTHER EASEMENTS AS SHOWN.

THIS DIVISION CONTAINS 160.65 AC.± AND LIES WITHIN THE PLANNED AND PARTIAL DEDICATION OF THE COUNTY OF SANTA FE, NEW MEXICO.

RICHARD P. COOK, 160.65 AC.± PARCEL
STATE OF NEW MEXICO
COUNTY OF RIO ARriba
THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY RICHARD P. COOK
THIS _____ DAY OF _____, 2014.
MY COMMISSION EXPIRES _____

RICHARD P. COOK, MAYOR, MEMBER EL LlANO SUMMIT CALA DEL RIO, LLC
STATE OF NEW MEXICO
COUNTY OF RIO ARriba
THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY RICHARD P. COOK, MAYOR, MEMBER EL LlANO SUMMIT CALA DEL RIO, LLC
THIS _____ DAY OF _____, 2014.
MY COMMISSION EXPIRES _____

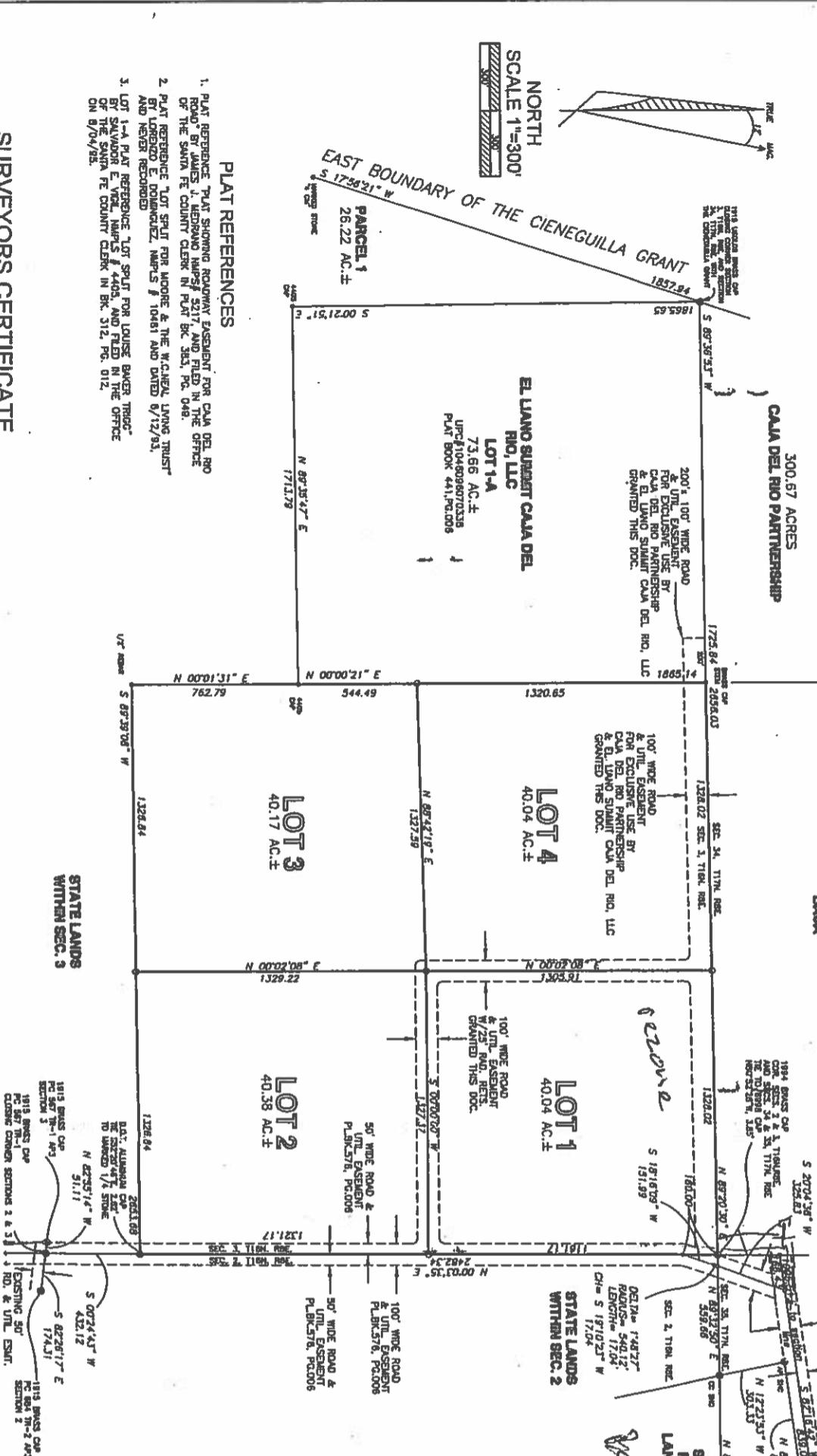
NOTARY PUBLIC

LEGEND AND NOTES

- DENOTES POINT FOUND
 - DENOTES POINT SET THIS SURVEY
 - DENOTES POINT CALCULATED
 - DENOTES MONUMENT
 - DENOTES EDGE OF EASEMENT
 - - - DENOTES OVERHEAD LINES
 - - - DENOTES FENCE LINE
1. BASIS OF BEARING TAKEN FROM "CENTERLINE DESCRIPTION PROPOSED SOUTH CONNECTION ROADWAY" PROVIDED BY THE BUREAU OF LAND MANAGEMENT, THIS FIELD OFFICE WITH DESIGNATION NAB0123.
2. THIS PLAN IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

SANTA FE COUNTY APPROVAL, NOTES AND CONDITIONS:

COUNTY LAND ADMINISTRATOR	DATE
COUNTY TREASURER'S OFFICE	DATE
RURAL ADDRESSING	DATE
FIRE MARSHALL	DATE



PLAT REFERENCES

1. PLAT REFERENCE "PLAT SHOWING ROADWAY EASEMENT FOR CALA DEL RIO ROAD BY JAMES J. MEDRANO MAPS 5217, AND FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BK. 383, PG. 0481
2. PLAT REFERENCE "LOT SPLIT FOR MOORE & THE W. C. ANGEL LIVING TRUST BY LORENZO E. DOMINGUEZ, MAPS # 10481 AND DATED 6/12/93, AND NEVER RECORDED
3. LOT 1-4 PLAT REFERENCE "LOT SPLIT FOR LOUISE BAKER TRIO - BY SALVADOR E. VERA, MAPS # 4405, AND FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN BK. 312, PG. 012, ON 8/9/95.

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAN AND THE NOTES HEREON ARE AN ACCURATE DELINEATION OF A FIELD SURVEY CONDUCTED BY ME OR UNDER MY SUPERVISION AT THE PLACE AND BELIEF AND MET THE STANDARDS FOR PROFESSIONAL LAND SURVEYORS PRACTICING IN NEW MEXICO.

RICHARD P. COOK, SURVEYOR
STATE OF NEW MEXICO
COUNTY OF RIO ARriba



1. SOIL BATHING: PURSUANT TO THE SANTA FE COUNTY LAND DEVELOPMENT CODE, THE SOIL BATHING ON THIS PROPERTY IS DESIGNATED AS BEING MODERATE/SEVERE. RECOMMENDATIONS TO SEPTIC TANKS, POTENTIAL BURGERS/SETLERS OF THIS PROPERTY SHOULD INQUIRE WITH THE NEW MEXICO ENVIRONMENT DEPARTMENT WHETHER THESE SOILS ARE SUITABLE FOR A CONVENTIONAL SEPTIC SYSTEM OR IF AN ALTERNATIVE SYSTEM IS REQUIRED.
2. SANTA FE COUNTY'S APPROVAL OF THIS SURVEY PLAN DOES NOT INCLUDE THE CONSTRUCTION OF SAID PRIVATE EASEMENTS (OR ROAD(S)), IT IS REQUIRED THAT AN ADDITIONAL DEVELOPMENT PERMIT BE APPLIED FOR AND THEN APPROVED BY THE SANTA FE COUNTY LAND USE.
3. THE APPROVAL OF THIS PLAN DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT, INCLUDING BUILDING PERMITS, BUILDABLE AREAS AND ROADWAYS FOR THESE LOTS MAY HAVE NATURAL SLOPES OF 15% OR GREATER. ALL DEVELOPMENT FOR THESE LOTS MUST BE IN CONFORMANCE WITH THE APPROVED TERRAIN MANAGEMENT PLAN FOR THESE LOTS. DEVELOPMENT OF THE PROPOSED DEVELOPMENT PLAN, MANAGEMENT AND LANDSCAPING REQUIREMENTS BY THE SANTA FE COUNTY LAND DEVELOPMENT CODE.
4. MAINTENANCE OF ACCESS ROAD AND UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE RIO SANTA FE BUSINESS PARK LOT OWNERS ASSOCIATION UNLESS CURRENTLY MAINTAINED BY THE SANTA FE COUNTY PUBLIC WORKS DEPARTMENT. ROADS ARE TO BE PRIVATE AND SHALL BE MAINTAINED BY THE RIO SANTA FE BUSINESS PARK LOT OWNERS ASSOCIATION.
5. EXISTING NATURAL DRAINAGEWAYS WILL NOT BE MODIFIED OR IMPERED WITHOUT THE WRITTEN PERMISSION OF THE COUNTY ENGINEER. THE COUNTY ENGINEER SHALL NOT IMPROVE HISTORIC FLOW PATTERNS TO OR FROM THESE LOTS.
6. THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR BUILDING PERMIT.
7. WASTE WATER IS DISPOSED BY INDIVIDUAL SEPTIC SYSTEMS. NO WASTEWATER SYSTEM ON ANY LOT SHALL EXCEED 2,000 GALLONS PER DAY.
10. ACCORDING TO FEMA FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 35546C038D DATED JUNE 17, 2008, THIS PROPERTY IS WITHIN ZONE X AREAS OUTSIDE THE 100-YEAR FLOOD HAZARD ZONE.

SUMMARY REVIEW SUBDIVISION OF
160.65 AC.±
FOR
RICHARD P. COOK

PURPOSE: TO SUBDIVIDE PARCEL INTO 4 RESIDENTIAL LOTS
LYING WITHIN SECTION 3, T16N, R9E, N.M.P.M.
SANTA FE COUNTY, NEW MEXICO.

RICK CHATROOP
PROFESSIONAL LAND SURVEYOR
NEW MEXICO REGISTRATION NO. 11011
119 REGENT TRAIL DR. CERRILLOS, NE 87010
(505) 470-0027

RECORDED IN THE COUNTY CLERK'S OFFICE
RICHARD P. COOK, SURVEYOR
COUNTY OF RIO ARriba
SECTION 3, T16N, R9E, N.M.P.M., SANTA FE COUNTY, NM

RICK CHATROOP
PROFESSIONAL LAND SURVEYOR
 NEW MEXICO REGISTRATION NO. 11011
 (505) 470-0077 110 WAGON TRAIL RD. CERRILLOS, NM 87010

RECORDING INFORMATION FOR THE COUNTY CLERK:
 BLK/STATE LAND, RICHARD P. COOK, PEWA BLANCA PARTNERSHIP
 LYING WITHIN SECTION 2, T16N, R8E, N.M.P.M., SANTA FE COUNTY, NM
 AND SECTION 2, T16N, R8E, N.M.P.M., SANTA FE COUNTY, NM

**EASEMENT SURVEY FOR
 SANTA FE COUNTY
 OF
 SOUTH CONNECTION ROADWAY**

Witness my hand and Seal of Office
 County Clerk, Santa Fe County, NM
 on this 13th day of October, 2004
 at the County Clerk's Office
 Santa Fe County, NM
 1558719

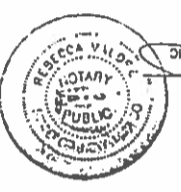


LINE TABLE

LINE	LENGTH	BEARING
L1	244.14	S00°24'43"W
L2	726.95	S02°17'01"W

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD LEN	DELTA ANGLE
C1	801.04	750.00	N31°00'34"E	76.50
C2	563.75	544.48	S31°56'43"W	538.80

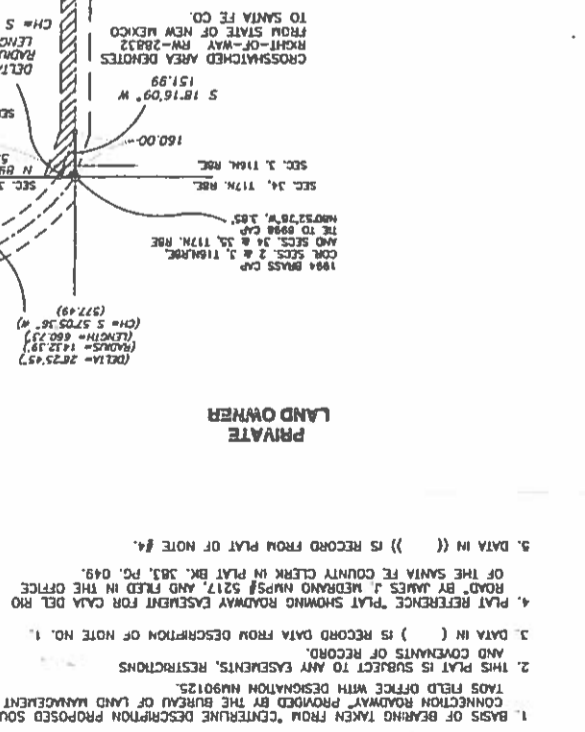
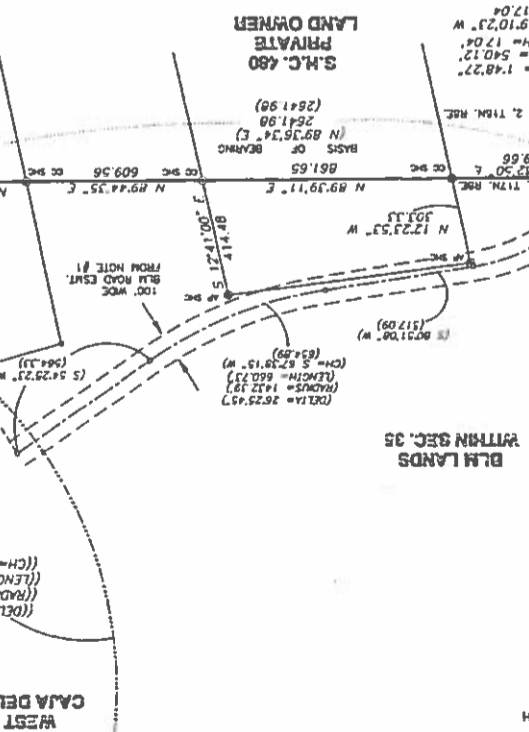
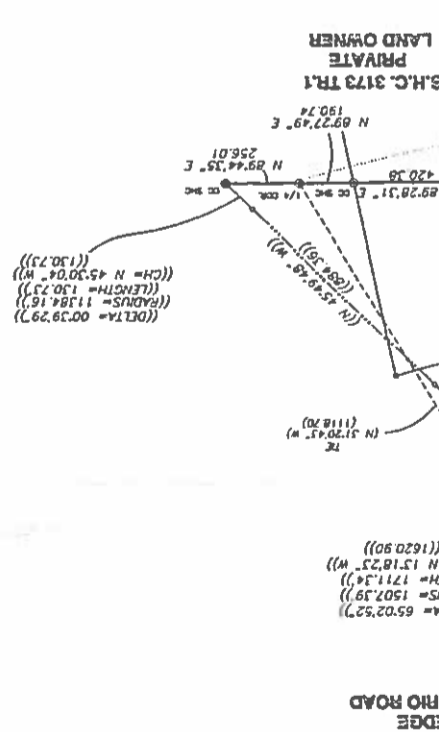


STATE OF NEW MEXICO
 COUNTY OF SANTA FE
 I, **Rebecca V. Lopez**, Notary Public, do hereby certify that the foregoing instrument was sworn, acknowledged and subscribed before me by **Richard Cook** on this 13th day of October, 2004.
 MY COMMISSION EXPIRES 09-11-2005
 NOTARY PUBLIC



STATE OF NEW MEXICO
 COUNTY OF SANTA FE
 I, **Rebecca V. Lopez**, Notary Public, do hereby certify that the foregoing instrument was sworn, acknowledged and subscribed before me by **Richard Cook & Louis Gonzales** for **PEWA BLANCA PARTNERSHIP TRACT B1** on this 13th day of October, 2004.
 MY COMMISSION EXPIRES 09-11-2005
 NOTARY PUBLIC

GRANT OF EASEMENT
 KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S), HAVE CAUSED TO BE GRANTED THOSE EASEMENTS SHOWN AND HEREON. THIS GRANT OF EASEMENT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNER(S).
Richard P. Cook
 RICHARD P. COOK & LOUIS GONZALES FOR PEWA BLANCA PARTNERSHIP TRACT B1
 RICHARD P. COOK OWNER PRIVATE LANDS GRANTING THE ABOVE EASEMENT



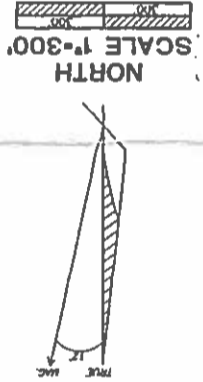
SURVEYORS CERTIFICATE
 I HEREBY CERTIFY THAT THIS PLAN AND THE NOTES HEREON ARE AN ACCURATE DELINEATION OF A FIELD SURVEY COMPLETED BY ME OR UNDER MY DIRECTION ON OCT. 15, 2004, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 RICHARD A. CHATROOP
 N.M.P.L.S.#11011



LEGEND AND NOTES

- DENOTES POINT FOUND
- DENOTES POINT SET THIS SURVEY
- DENOTES POINT CALCULATED
- DENOTES MONUMENT
- DENOTES EDGE OF EASEMENT
- - - DENOTES OVERHEAD LINES
- - - X - - - DENOTES FENCE LINE

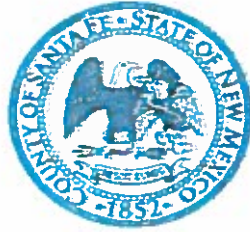
1. BASIS OF BEARING TAKEN FROM "CENTERLINE DESCRIPTION PROPOSED SOUTH CONNECTION ROADWAY" PROVIDED BY THE BUREAU OF LAND MANAGEMENT TAOS FIELD OFFICE WITH DESIGNATION NM90125.
 2. THIS PLAN IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.
 3. DATA IN () IS RECORD DATA FROM DESCRIPTION OF NOTE NO. 1.
 4. PLAT REFERENCE "PLAT SHOWING ROADWAY EASEMENT FOR CALA DEL RIO ROAD" BY JAMES J. MERRIAM HMP# 5217, AND FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BK. 203, PG. 049.
 5. DATA IN (()) IS RECORD FROM PLAT OF NOTE #4.



Henry P. Roybal
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

**CDRD CASE # FDP 14-5390
GLORIETA FIRE STATION #2 FINAL DEVELOPMENT PLAN
SANTA FE COUNTY, APPLICANT
RISKIN AND ASSOCIATES ARCHITECTURE, AGENT**

ORDER

THIS MATTER came before the County Development Review Committee (CDRC) for hearing on November 20, 2014, on the Application of Santa Fe County (Applicant) for Final Development Plan approval of an unmanned fire station consisting of three (3) apparatus bays and an administration area (restrooms, office, classroom and storage) on 1.52 acres in accordance with Santa Fe County Ordinance 1996-10, the Land Development Code (the Code). The CDRC, having reviewed the Application and supplemental materials, staff reports and having conducted a public hearing on the request, finds that the Application is well-taken and should be approved subject to staff conditions, and makes the following findings of fact and conclusions of law:

1. The Applicant requested Final Development Plan approval of a 3,140 square foot unmanned fire station consisting of three (3) apparatus bays and an administration area (restrooms, office, classroom and storage) on 1.52 acres.

2. The subject property (Property) is located at 366 Old Denver Highway, east of Leadville Lane, within the Traditional Community of Glorieta, within Section 1, Township 15 North, Range 11 East, (Commission District 4).

3. The Property is within the Mountain Hydrologic Zone as defined in the Code. The minimum lot size in that zone is 20 acres per dwelling unit with a 0.25 acre foot per year per lot water restriction. Lot size can be further reduced to 2.5 acres per dwelling unit if water availability is proven to support increased density. The Property, which is only 1.52 acres, was created by Federal Patent (Exception 336, Private Claim 372) and is legal non-conforming lot of record.

4. The Applicant acquired the Property by Quitclaim Deed recorded as Instrument No. 1359745 in the Santa Fe County Clerk's records on December 21, 2004.

5. The Applicant complied with Code requirements pertaining to public notice of the Application and public hearing on same. The Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty-one days on the property, beginning October 30, 2014. Additionally, notice of the hearing was published in the legal section of the Santa Fe New Mexican on October 30, 2014, as evidenced by a copy of the legal notice section contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners.

6. The project lies within a low potential Archaeological zone and an Archaeological report was submitted that showed no cultural resources on the site.

7. The Application was sent to reviewing agencies for comment. The following review agencies were contacted and some requested the imposition of conditions on approval of the Application:

- a. Santa Fe County Fire Department recommended approval;
- b. Santa Fe County Utilities had no opinion;

- c. Santa Fe County Public Works Department recommended approval provided the Applicant uses a roll-over curb from edge of right-of-way through the radiuses, to minimize interference with Snow Plows on Old Denver Highway;
- d. New Mexico Department of Transportation recommended approval provided the Applicant 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;
- e. New Mexico Office of the State Engineer offered no opinion on the project;
- f. New Mexico State Historic Preservation Office recommended approval;
- g. New Mexico Environment Department had concerns about the 4" SAS service line that extends underneath the parking lot and through the retention pond. The Applicants Engineer has addressed the concern by confirming that the 4" SAS service line was Traffic Rated and the retention pond will be re-located.

8. The total building height will not exceed 24 feet at the highest point (apparatus bay). The remainder of the building will be approximately 22 feet in height, which complies with Article III, Section 2.3.8 (Architectural and Appearance Standards) of the Code.

9. The Applicant has proposed a total of 10 parking spaces plus an additional space for handicap use. The parking is situated on the east side of the building. All parking spaces shall be defined with striping, wheel stops, parking bumpers or railroad ties. Staff has determined that the parking element of the Application complies with Article III, Section 9 (Parking Standards) of the Code.

10. The Applicant has proposed a sign with 12 inch metal letters which will be mounted on the face of the apparatus bay to identify the station. The Applicant has provided a signage detail plan addressing size and mounting. The signage element of the

Application complies with Article VIII (Sign Regulations) of the Code.

11. Three LED wall mounted shielded exterior lights with motion sensor are proposed to be located on the apparatus bay. The Applicant is also proposing a 20 foot tall Flagpole with 2 shielded solar 50 watt LED lights to illuminate the Flags as required for Fire Station flags. The lighting element of the Application complies with Article III Section 4.4.4h (Outdoor Lighting Standards) of the Code.

12. There are 26 existing trees on site that will screen the building and parking area from the road. The Applicant is proposing to plant 15 shrubs to screen the 18,000 gallon partially buried cistern. The cistern will use 3,000 gallons for landscaping use and the remaining 15,000 gallons will be for fire protection. Roof water is collected in a partially buried insulated cistern which will be used for fire protection and for watering the plants that screen the partially buried cistern. There are no slopes greater than 15% within the development area. There is a drainage easement that runs south to north approximately forty feet from the proposed building on the property. A 1,067 cubic foot retention pond located on the east side of the parking lot will capture all of the surface runoff from new paved areas. These elements of the Application comply with the terrain management, landscaping and rainwater harvesting requirements of the Code.

13. The project will utilize a conventional septic system for liquid waste from the administrative area. The Applicant will install approximately 100 feet of Traffic Rated 4" SAS service lines to the septic tank. For waste water from the apparatus bays, there is an oil separator/sediment trap which outlets to a holding tank. The Fire Department will pump the holding tank as needed. NMED had concerns about the 4" SAS service line that extends underneath the parking lot and through the retention pond which caused the

Applicant's Engineer to clarify that the 4" SAS service line is "Traffic Rated" and the retention pond was re-located. The liquid waste disposal component of the Application meets Code requirements.

14. The building will be fully sprinklered. The sprinkler system will consist of water collected in a partially buried insulated 18,000 gallon cistern (fed by both harvested roof water and well-water). The cistern will be connected to a fire pump in the pump room in the building. These elements of the Application meet fire protection requirements of the Code.

15. On November 20, 2014, the CDRC held a public hearing on the Application.

16. Article V, § 7.2 (Final Development Plan) of the Code 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."

17. Having considered the factors set forth in Article V, § 7.2 of the Code, the CDRC concludes that the Application for Final Development Plan for an unmanned 3,140 square foot fire station on 1.52 acres should be approved subject to the following conditions:

A. Final Development Plan with appropriate signatures, shall be recorded with the County Clerk;

B. The Applicant shall comply with all review agency comments and conditions prior to Final Development Plan recordation;

C. Water use shall not exceed .25 acre feet (81,457 gallons) per year and water Restrictive Covenants shall be recorded with the Final Development Plan;

D. 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;

E. The Applicant shall utilize roll-over curb from edge of Right-of-way through radii, to minimize interference with snow plows on Old Denver Highway.

WHEREFORE, the CDRC hereby approves the Application for Final Development Plan of the Glorieta Fire Station No. 2 (a 3,140 square foot unmanned fire station) on 1.52 acres, subject to the conditions set forth in paragraph 17 above.

IT IS SO ORDERED.

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

This ____ day of _____ 2015.

The County Development Review Committee of Santa Fe County

By: _____
Chair

Attest:

Geraldine Salazar, County Clerk

Approved as to form:



Gregory S. Shaffer, County Attorney

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 Drobni urged the neighbors to work with the Fire Department.

H. PETITIONS FROM THE FLOOR

None were offered.

I. COMMUNICATIONS FROM THE COMMITTEE

Chairman Drobni 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 Drobni. 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.

Henry P. Roybal
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

**CDRC CASE # FDP 14-5280
ROMERO PARK PHASE I, FINAL DEVELOPMENT PLAN
SANTA FE COUNTY, APPLICANT**

ORDER

THIS MATTER came before the County Development Review Committee (CDRC) for hearing on October 16, 2014, on the Application of Santa Fe County (Applicant), for Final Development Plan approval, to allow improvements to the existing park, formerly known as Agua Fria Park and now referred to as Romero Park. The CDRC, having reviewed the Application, supplemental materials, Staff report and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted subject to conditions, and makes the following findings of fact and conclusions of law:

1. The Applicant is requesting Final Development Plan approval to allow improvements to Romero Park (Phase I).
2. The property which is the subject of this Application is located on Caja del Rio Grant Road (County Road 62), within Section 31, Township 17 North, Range 9 East, (Commission District 2).
3. Romero Park is a 68 acre parcel of public land. The existing park elements are concentrated on 18.5 acres on the northern portion of the site. The existing community amenities, in addition to park uses (basketball court, baseball field, playground, picnic area, paths & trails), include the La

Familia Medical Center, Nancy Rodriguez Community Center and the Agua Fria Fire Station.

4. The proposed Phase I improvements consist of:
 - A. A shade structure and family picnic area (50' x 65') at the existing restroom/concession building;
 - B. An expanded plaza;
 - C. A play area for 3-5 year olds;
 - D. A playground for 5-12 year olds;
 - E. A community lawn;
 - F. Rearrangement of existing parking to create 30 base coarse parking spaces;
 - G. New access base coarse drive and pathways (crusher fines and concrete).
5. Romero Park, formerly known as Agua Fria Park, is within the Traditional Community of Agua Fria. The Park encompasses 68 acres along the north side of the Santa Fe River. Romero Park is identified as a Community Park in the 2000 Santa Fe County Open Land and Trails Plan. The Park serves both adjacent Agua Fria Village residents and the community at large.
6. Santa Fe County received a Land Patent pursuant to the Act of June 14, 1926, (44 Stat. 741), as amended by Act of June 4, 1954, (68 Sta.173:43 U.S.C. 869 Secs.1-4) for a parcel of land containing 70.13 acres. The Patent requires that the land be used as a Community Park. The Patent is recorded as Instrument No. 332375 in the Santa Fe County Clerk's records dated April 29, 1971.

7. Article III, § 8, Other Development (8.1 Uses Permitted) states: “All uses not otherwise regulated by the Code are permitted anywhere in the County”.

8. Article V § 7.2 (Final Development Plan) states: “the final development plan shall be submitted to the County Development Review Committee accompanied by a staff report. The County Development Review Committee shall review the plan and make a determination as to its compliance with the County General Plan and Code. The County Development Review Committee may recommend changes or additions to the plan as conditions of its approval. The final development plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved final development plan becomes the basis of development permits and for acceptance of public dedications. Any changes in the plan must be approved by the County Development Review Committee”.

9. The Applicant shall seek a new well permit for the La Familia well to complete the administrative record and determine if additional water rights will be necessary; place signage at the La Familia well that clearly states “water is for irrigation purposes only”; add a note to the Final Development Plan which shall state “Santa Fe County will operate and maintain this facility to reflect water conservation practices outlined in Ordinance 2002-13”.

10. The existing restroom/concession building on the site is served by an onsite liquid waste disposal system approved by the New Mexico Environmental Department.

11. The Historic Preservation Division (SHPO) determined that this phase of improvements will not impact any archeological sites. The archaeological sites, within the 68 acre Romero Park site, shall be placed in non-disturbance easements and their boundaries marked on the plat.

12. The Application is comprehensive in establishing the scope of the project.

13. The facility will provide a community service to the County and will maintain use of the property as a park as required by the Patent.

14. The Phase I improvements are compatible with existing park use.

15. The use is compatible with development permitted under the Code.

16. The Application satisfies the submittal requirements set forth in the Code.

17. The Application is in compliance with New Mexico Environmental Department, State Historic Preservation Office and the Office of the State Engineer's requirements, Article III, § 8, Other Development (8.1 Uses Permitted) and Article V § 7.2 Final Development Plan of the Code.

18. Notice requirements were met as per Article II § 2.4.2, of the Land Development Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty one days on the property, beginning on September 25, 2014. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on September 25, 2014, as evidence by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners.

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

- a) The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the Final Development Plan.
- b) Final Development Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 7.2.

20. No member of the public communicated any objection to the project to the CDRC either prior to or during the public hearing on this matter.

WHEREFORE the CDRC hereby approves the request for Final Development Plan approval to allow the proposed improvements to Romero Park subject to the conditions set forth in paragraph 19 above. The motion to approve the Application passed by a 4-0 vote. Members Present: Frank Katz, Phil Anaya, Bette Booth, and Louie Gonzalez. Members Excused: Dan Drobnis, Susan Martin, and Manuel Roybal.

THE COUNTY DEVELOPMENT REVIEW COMMITTEE OF SANTA FE COUNTY

By: _____
Chairperson

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:


Gregory S. Shaffer, County Attorney

~~Member Anaya moved approval and Member Booth seconded. The motion carried unanimously.~~

V. APPROVAL OF MINUTES: August 21, 2014

~~Upon motion by Member Anaya and second by Member Booth the minutes were unanimously approved as submitted.~~

VI. NEW BUSINESS

- I. CDRC CASE # FDP 14-5280 Romero Park Improvements Phase I. Santa Fe County, Applicant, requests Final Development Plan approval to allow improvements to the existing park, formerly known as Agua Fria Park. The property is located on Caja del Rio Grant Road (County Road 62), within § 31, Township 17 North, Range 9 East, (Commission District 2)**

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

"Romero Park, formerly known as Agua Fria Park, is within the Traditional Village of Agua Fria. The Park encompasses 68 acres of Public Land along the north side of the Santa Fe River. Romero Park is identified as a Community Park in the 2000 Santa Fe County Open Land and Trails Plan. The Park serves both adjacent Agua Fria Village residents and the community at large.

"The Applicant is requesting Final Development Plan to allow improvements to Romero Park. The proposed improvements consists of: a shade structure and family picnic area at the existing restroom/concession building; an expanded plaza; a play area for 3-5 year olds; a playground for 5-12 year olds; a community lawn; rearrangement of existing parking to create 30 basecourse parking spaces; new access basecourse drive and pathways.

"Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Final Development Plan: the facility will provide a community service to the County; the use is compatible with existing development; the use is compatible with development permitted under the Code; the Application is in compliance with the County General Plan and Code; the Application satisfies the submittal requirements set forth in the Land Development Code.

"The review comments from state agencies and County staff have established findings that this Application, for Final Development Plan, is in compliance with state requirements, Article III, § 8. Other Development and Article V § 7.2 Final Development Plan of the County Land Development Code."

Mr. Larrañaga indicated staff was recommending approval of Final Development Plan to allow improvements to Romero Park, Phase I, subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the Final Development Plan.
2. Final Development Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 7.2.2.

Colleen Baker, County Open Space Division, stood for questions.

Member Anaya asked why the project had to come before the CDRC. Ms. Lucero stated this is a request for development plan approval and these are ruled on by the CDRC; they can't be done administratively.

Member Booth commended staff on the participatory process that involved many stakeholders.

There was no one from the public wishing to comment.

Member Anaya moved approval of CDRC Case #FDP 14-5280 with staff conditions. Member Booth seconded and the motion passed by unanimous [4-0] voice vote.

~~CDRC CASE # MIS 14-5360 Mark Martineau Accessory Structure. Mark Martineau, Applicant, requests approval to allow a 2,184 square foot accessory structure on 15.03 acres to be utilized as a garage/storage building. The property is located at 22 Ranchos Cañoncito, off Ojo de la Vaca Road, within S 14, Township 15 North, Range 10 East (Commission District 4)~~

~~Mathew Martinez read the case caption and staff report as follows:~~

~~"On March 11, 1997, the Board of County Commissioners adopted Ordinance No. 1997-4 which states that the CDRC is required to review for approval any accessory structure which is greater than 2,000 square feet.~~

~~"The Applicant requests approval to construct an accessory structure totaling 2,184 square feet to be utilized as a garage/storage building. The purpose of the structure is to store and protect the Applicant's 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."~~

~~Mr. Martinez stated staff recommended approval of an accessory structure totaling 2,184 square feet to be utilized as a garage/storage building subject to following conditions:~~

Henry P. Roybal
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

**CDRC CASE # PDP/FDP 14-5011
31 BONANZA CREEK PRELIMINARY AND FINAL DEVELOPMENT PLAN
LESLIE MOODY AND MITCHELL ACKERMAN, APPLICANTS**

ORDER

THIS MATTER came before the County Development Review Committee (CDRC) for hearing on October 16, 2014, on the Application of Leslie Moody and Mitchell Ackerman (Applicants), for Preliminary and Final Development Plan approval in accordance with Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code (the Code), to allow a Bed and Breakfast within an existing residence on 9.94 acres. The CDRC, having reviewed the Application, supplemental materials, Staff report and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted subject to certain conditions, and makes the following findings of fact and conclusions of law:

1. On May 13, 2014, the Board of County Commissioners (BCC) approved Master Plan Zoning to allow a Bed and Breakfast within an existing residence on 9.94 acres. The following conditions of approval were imposed, on the Master Plan, by the BCC: the Applicant shall comply with all review agency comments and conditions (as per Article V, § 7.1.3.c); Master Plan with appropriate signatures, shall be recorded with the County Clerk (as per Article V, § 5.2.5); only two (2) kitchens shall be allowed on the site in keeping with the non-conforming status of the site (as per Article II, § 4.5); the Preliminary and Final Development Plan shall be submitted promptly after 90 days of data collection on

actual water use is obtained; the Final Development Plan shall be submitted to the CDRC accompanied by a staff report (as per Article V, § 7); the Applicant shall provide water rights if the proposed water use for the Bed and Breakfast exceeds 3 acre feet of water per year.

2. The Applicants authorized Jenkins/Gavin Design & Development, Inc. to act on behalf of the Applicants as their agent in making Application for the proposed Bed and Breakfast, as evidenced by a copy of that written authorization contained in the record.

3. The Applicants, through their agent, now request Preliminary and Final Development Plan approval for the Master Planned Bed and Breakfast, to allow the existing 5,580 square foot five bedroom residence to operate as a Bed and Breakfast.

4. The Applicants acquired the Property by warranty deed recorded as Instrument No. 1673223 in the Santa Fe County Clerk's records dated June 25, 2012.

5. There are two dwellings on the 9.94 acre site. The 4,561 square foot dwelling unit on the property will be utilized by the Applicants as their primary residence.

6. The property is located on the west side of Highway 14, off of Bonanza Creek Road (County Road 45), within Section 26, Township 15 North, Range 8 East.

7. The Applicants complied with the conditions of approval of the Master Plan as follows:

- a. The Applicants complied with all review agency comments and conditions, as illustrated in the proposed Final Development Plan drawings;

- b. The Master Plan was recorded with the County Clerk;
- c. The Final Development Plan drawings illustrate two kitchens;
- d. On May 1, 2014, the Applicants installed a water meter on the existing well and 92 days of meter readings were recorded through July 31, 2014. The water use averaged 157.97 gallons per day, which calculates to 0.174 acre feet per year, well below the allowable three acre feet per year;
- e. The Application for Preliminary and Final Development Plan was submitted in a timely manner on August 8, 2014.

8. Article III, § 8, Other Development (8.1 Uses Permitted) states: “All uses not otherwise regulated by the Code are permitted anywhere in the County.”

9. Article V, § 7.1.3 (Preliminary Development Plans) states: “a preliminary development plan may be only a phase or portion of the area covered by an approved master plan, so long as the preliminary development plan substantially conforms to the approved master plan; the application for preliminary development plan approval shall be presented to the County Development Review Committee for review with a staff report. The staff report shall include a description of the proposed project, an evaluation of pertinent planning issues, and a statement on the compliance of the project with the County General Plan and Code. The report may include recommended conditions of approval. The report shall include all comments from appropriate State or Federal agencies, the County Fire Marshal, the County Hydrologist, and other appropriate County personnel. Particular attention shall be given in the staff report to public agency

comments which relate to potential limitations of lot size, intensity, or character of development”.

10. Article V, § 7.2 (Final Development Plan) states: “the final development plan shall be submitted to the County Development Review Committee accompanied by a staff report. The County Development Review Committee shall review the plan and make a determination as to its compliance with the County General Plan and Code. The County Development Review Committee may recommend changes or additions to the plan as conditions of its approval. The final development plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved final development plan becomes the basis of development permits and for acceptance of public dedications. Any changes in the plan must be approved by the County Development Review Committee”.

11. The Application is comprehensive in establishing the scope of the project.

12. The Preliminary Development Plan substantially conforms to the approved Master Plan.

13. The Final Development Plan conforms to the Preliminary Development Plan.

14. The County Hydrologist has determined that the Code requirements for water availability for Preliminary and Final Development Plan have been met.

15. The Application satisfies the submittal requirements set forth in the Code.

16. The Application is in compliance with New Mexico Environmental Department, State Historic Preservation Office and the Office of the State Engineer’s requirements, Article V, § 7.1.3 Preliminary Development Plans,

~~Member Booth moved to deny. The motion failed for lack of a second.~~

~~Member Anaya moved to approve CDRC Case #V 14-S270 with staff conditions and Member Gonzales seconded. The motion carried 3-1 with Member Booth casting the nay vote.~~

~~Chair Katz said he was persuaded by the fact that there had been two houses on the property for many years.~~

- H. **CDRC CASE # PDP/FDP 14-5011 31 Bonanza Creek Road. Leslie Moody and Mitchell Ackerman, Applicants, JenkinsGavin, Agents, request Preliminary and Final Development Plan approval to allow a Bed and Breakfast within an existing residence on 9.94 acres. The property is located on the west side of Highway 14 off Bonanza Creek Road (County Road 45), within § 26, Township 15 North, Range 8 East (Commission District 5)**

Mr. Larrañaga recited the case caption and gave the staff report as follows:

"On May 13, 2014, the Board of County Commissioners approved Master Plan Zoning to allow a bed and breakfast within an existing residence on 9.94 acres. The following conditions of approval were imposed on the Master Plan, by the BCC: The Applicant shall comply with all review agency comments and conditions; The Master Plan with appropriate signatures shall be recorded with the County Clerk; Only two kitchens shall be allowed on the site in keeping with the non-conforming status of the site; The Preliminary and Final Development Plan shall be submitted promptly after 90 days of data collection on actual water use is obtained; The Final Development Plan shall be submitted to the County Development Review Committee accompanied by a staff report; The Applicant shall provide water rights if the proposed water use for the bed and breakfast exceeds 3 acre-feet of water per year.

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

"The Applicants have complied with the conditions of approval of the Master Plan: the Applicants have complied with all review agency comments and conditions, as illustrated in the proposed Final Development Plan drawings; the Master Plan was recorded with the County Clerk; the Final Development Plan drawings illustrate two kitchens; the Application for Preliminary and Final Development Plan was submitted in a timely manner; on May 1, 2014, the

Chair Katz asked if the meter readings were truly reflective of typical usage. Ms. Jenkins said this is the high season and there were a number of events held.

No one from the public wished to speak.

Member Booth move to approve CDRC Case #PDP/FDP 14-5011 with staff conditions. Member Anaya seconded and the motion carried unanimously [4-0]

VI. PETITIONS FROM THE FLOOR

None were offered.

VIII. COMMUNICATIONS FROM THE ATTORNEY

Ms. Brown introduced a new member of the Legal staff, attorney Andrea Salazar.

IX. COMMUNICATIONS FROM STAFF

The next meeting was scheduled for November 20, 2014.

X. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Acting Chair Katz declared this meeting adjourned at approximately 5:45 p.m.

Approved by:

Frank Katz
Frank Katz, Acting Chair
CDRC

ATTEST TO:

Geraldine Salazar
COUNTY CLERK

Before me, this 8 day of December, 2014

My Commission Expires

8 Jan 15

Erika F. Romero
Notary Public

Submitted by:

Debbie Doyle
Debbie Doyle, Wordswork



Henry P. Roybal
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: February 19, 2015

TO: County Development Review Committee

FROM: Jose E. Larrañaga, Development Review Team Leader *JEL*

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

FILE REF.: CDRC CASE # V/ZA/S 10-5352 Rio Santa Fe Business Park

ISSUE:

Peña Blanca Partnership, Applicant, Jim Siebert, Agent, requests a Master Plan Zoning Amendment to an existing Zoning approval and Preliminary and Final Plat and Development Plan approval to create four (4) commercial lots on a 34.44 ± acre parcel for Commercial/Industrial use. The Applicant also requests a variance to allow a Cul-De-Sac (Dead End Road) to exceed 500 feet in length. The property is located at 54 Colony Drive, North West of N.M. 599, North of Paseo De River, within Section 10, Township 16 North, Range 8 East, (Commission District 2).

Vicinity Map:



SUMMARY:

On December 14, 2010, the Applicant was granted Master Plan Zoning approval to allow commercial/industrial uses on 31.44 acres by the Board of County Commissioners. The conditions of approval included: water shall be supplied by Santa Fe County via an extension of service from the existing Buckman Direct Diversion (BDD) transmission line; the Business Park wastewater system shall connect to the City of Santa Fe sewer system; the site would take access via the NM 599 Frontage Road.

The Applicant is requesting an amendment to the approved Master Plan to allow the use of individual onsite wells as a water source for the development as a substitute for County water. The Applicant states that the number of lots has decreased, from 20 lots to 4 lots, therefore an extension of the BDD waterline (approximately 2 miles) is impractical for the development. The Applicant also states that the water use will be limited to 0.25 acre feet per year per lot.

The Applicant also requests that the use of conventional septic systems, on individual lots, be allowed. The Applicant states that a request to the City of Santa Fe, for connection to the City sewer system, was pursued and the City verbally stated that connection to the City Sewer System from outside of the City limits would not be allowed.

Article III, § 4.4.1.a (Submittals) States “to zone or re-zone any parcel for a commercial or industrial non-residential district a master plan shall be submitted. Submittals and procedures for master plans are set forth in Article V, Section 5.2.”

Article V, § 5.2.1.b states: “a Master Plan is comprehensive in establishing the scope of a project, yet is less detailed than a Development Plan. It provides a means for the County Development Review Committee and the Board to review projects and the sub-divider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a Preliminary and Final Plat approval.”

Article V, § 5.2.6 (Amendments and Future Phase Approvals) states: “approval of the master plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely unless the detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time. Each phase of the development plan must be considered on its own merits. The Code Administrator may approve minor changes to the master plan. Any substantial change in land use or any increase in density or intensity of development in the approved master plan requires approval by the County Development Review Committee and the Board.”

The Applicant is requesting Preliminary and Final Plat and Development Plan approval to create four (4) commercial lots on a 34.44 ± acre parcel to be utilized for Commercial/Industrial uses. The lots range from 6.36 acres to 9.245 acres. The lots will take access off of Rio Abajo Road via the NM 599 Frontage Road.

Article V, § 5.3.5.a (Preliminary Plat Approval) states: “approval or conditional approval of a preliminary plat shall constitute approval of the proposed subdivision design and layout submitted on the preliminary plat, and shall be used as a guide to the preparation of the final plat.”

Article V, § 5.4.1.a (Final Plat Procedure) states: “Final plats shall be submitted for Type-I, Type-II, Type-III, except Type-III subdivisions that are subject to review under summary procedure as set forth in Subsection 5.5 of this Section, and Type-IV subdivisions. Following approval or conditional approval of a preliminary plat, and before the expiration of the plat, the subdivider may prepare a final plat in substantial conformity with the approved or conditionally approved preliminary plat. At the discretion of the Code Administrator, preliminary and final plats may be reviewed for approval simultaneously. Final plats for subdivisions proposed to be phased shall be submitted as indicated on the phasing schedule submitted with the master plan as specified in Section 5.2. The final plat shall comply with the New Mexico Subdivision Act and these regulations.”

Article V, § 7.2.1 (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. Documents to be submitted at this time are: proof of ownership including necessary title documents, articles of incorporation and by-laws of owners' association; required disclosure statements; final engineering plans and time schedule for grading, drainage, and all improvements including roads, water system, sewers, solid waste, utilities; engineering estimates for bonding requirements; development agreements; and final subdivision plats, if required.”

The Applicant also requests a variance of Article V, § 8.2.1d to allow a dead end road (cul-de-sac) to exceed 500 feet in length. The proposed roadway to the site is not designed with an alternate access, and is therefore considered a dead end road.

The Applicant states: the excess length of the cul-de-sac is from having to maintain the existing Santa Fe County easement granted to Santa Fe County by Pena Blanca Partnership and denial by the MPO and County staff to allow for the relocation of the said easement.

Article V, § 8.2.1d (Cul-de-sacs) states: “cul-de-sacs (dead end roads) shall not be longer than five hundred (500) feet. At the closed end there shall be a turnaround having a minimum driving surface radius of at least forty-two (42) feet for roads under 250 feet long and of at least fifty (50) feet for roads 250 feet and longer. A suitable alternative, such as a hammerhead turn around, may be acceptable if approved by the Code Administrator and the Fire Marshal. All turn around areas shall be designed to protect existing vegetation and steep terrain. There shall be a minimum right-of-way diameter at the closed end of one hundred (100) feet. In low density residential areas the length of cul-de-sacs may be adjusted by the County Development Review Committee with the changes consistent with public safety factors. For local roads designated as a lane or place and designed to a twenty foot (20') width, the turn-around area remains the same as specified above”.

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.”

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

The owner of the Property acquired the Property by warranty deed recorded as Instrument # 1802560 in the Santa Fe County Clerk’s records dated August 31, 2000. James W. Siebert & Associates, Inc. is authorized by the property owner to pursue the request for Master Plan Zoning Amendment to an existing Zoning approval and Preliminary and Final Plat and Development Plan approval to create four (4) commercial lots on a 34.44 ± acre parcel to be utilized as a Commercial/Industrial use and a variance to allow a Cul-De-Sac (Dead End Road) to exceed 500 feet in length as evidenced by a copy of the written authorization contained in the record (Exhibit 16).

Notice requirements were met as per Article II § 2.4.2, of the Land Development Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty one days on the property, beginning on January 26, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on January 26, 2015, as evidence by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners (Exhibit 17).

A complete Application was submitted on August 8, 2014.

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 amending the existing Master Plan Zoning to allow the use of individual onsite wells as a water source for the development and to allow the use of conventional septic systems on individual lots: water availability has been demonstrated for the proposed subdivision with submission of a water resource analysis on adjacent wells; the water analysis provided information that satisfies the requirements set forth in the Code for water service for the proposed subdivision; the subdivision disclosure statement states that upon drilling a well on the individual proposed lots a qualified testing lab shall prepare a water

NBA-4

quality report satisfying the Code requirements; water use will be limited to 0.25 acre feet per year per lot; the Applicant has demonstrated that the development concepts are acceptable; the Application is comprehensive in establishing the scope of the project; the Application satisfies the submittal requirements set forth in the Code.

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 Preliminary and Final Plat and Development Plan approval to create four (4) commercial lots on a 34.44 ± acre parcel: the proposed subdivision design and layout submitted on the Preliminary Plat meets the requirements of the Land Development Code; the Final Plat substantially conforms with the Preliminary Plat; the Development Plan conforms with the Preliminary and Final Plat; the Application satisfies the submittal requirements set forth in the Land Development Code.

The review comments from State Agencies and County staff have established that this Application, for an amendment to the existing Master Plan Zoning and for Preliminary and Final Plat and Development Plan is in compliance with: State requirements; Article V, § 5 Master Plan Procedures; Article V, § 5.2.6 Amendments and Future Phase Approvals; Article V, § 5.3 Preliminary Plat Procedures; Article V, § 5.4 Final Plat Procedure; Article V, § 7.2 Final Development Plan. This Application is not in compliance with Article V, § 8.2.1d (Cul-de-sacs).

Building and Development Services staff has reviewed the Applicant's request for a variance and has found that the following information is relevant to a recommendation by the CDRC: the proposed access road (Rio Abajo Road) is 1,824 feet in length, from N.M. 599 Frontage Road to the end of Rio Abajo Court (Cul-de-Sac), the distance from the intersection of Paseo de River and the end of the Cul-de-Sac is 1,034 feet and from the intersection of Rio Abajo Road and Rio Abajo Court to the end of the Cul-de-Sac is 674 feet in length; the New Mexico Department of Transportation has indicated, to the Public Works Department and to the Applicant, that the Frontage Road will be blocked off and no thru traffic going east will be allowed onto Paseo de River from the Frontage Road. This action would leave the proposed site without access; the access from Paseo de River from the south via Paseo Rael does not have an all-weather crossing and would require a variance of that condition or a substantial expenditure of funds to install the all weather crossing; a platted, one hundred foot wide, easement (Old Cochiti Road) runs north/south through the site and connects to Caja Del Rio and Paseo Rael. The southern portion of the easement shall require an all-weather crossing and the distance from Caja del Rio to the site is approximately 6,185 feet.

APPROVAL SOUGHT:

Master Plan Zoning Amendment to an existing Zoning approval to allow the utilization of individual wells and septic systems rather than County Water and City Sewer and Preliminary and Final Plat and Development Plan approval to create four (4) commercial lots on a 34.44 ± acre parcel to be utilized for Commercial/Industrial use.

NBA-5

VARIANCE:

To allow a cul-de-sac (dead end road) to exceed 500 feet in length.

GROWTH MANAGEMENT AREA:

SDA 1

USE LIST:

The following uses are proposed within the Park: wholesale/retail; warehouse/storage; warehouse/distribution; vehicle maintenance shop; manufacturing; retail commercial; commercial office; food service/distribution and storage; bulk fuel sales; entertainment; research and development; environmental recycling; dismantling and salvage; airplane parts manufacturing and repair; tire retreading; mortuary/crematorium; self-storage units telecommunications facilities; automobile sales; boat and recreational sales and service; electric facilities including substations; veterinary clinics including large animals; commercial laundries; construction yards; waste management and remediation service.

ARCHAEOLOGIC:

The site has been entirely excavated in the past therefore the Applicant requested an exemption to the archaeological requirement for Master Plan. Article VI, Section 3.4.3.a.v (Reconnaissance Survey and Report Required) states: "the Code Administrator may waive the survey and reporting requirements, or may reduce the area to be surveyed and the sampling methods to be employed for developments that are located in areas with extensive surface disturbance, such as gravel quarries." The Application was reviewed by the New Mexico State Historic Preservation Division and they agreed that the waiver was appropriate. Therefore the Land Use Administrator waived the survey and reporting requirements for this site as allowed in Article VI, Section 3.4.3.a.v (Reconnaissance Survey and Report Required).

ACCESS AND TRAFFIC:

The site is proposed to take access via the NM 599 Frontage Road. The Applicants design of the proposed access road illustrates a 50 foot easement with a 24 foot driving surface. A Traffic Impact Analysis was submitted and reviewed by the County Public Works Department and NMDOT. Public Works supports this project subject to the following conditions: a Traffic Impact Study shall be required for each lot at time of development; Applicant shall construct Rio Abajo Road to the most northern boundary of the property; Applicant shall place a T III (chevron) fifty feet north of Rio Abajo Road and Rio Abajo Court intersection.

The Applicant has submitted a plan and profile for the access roads, currently labeled as Rio Abajo Road and Rio Abajo Court, to be reviewed and approved prior to the Application being presented to the BCC.

NMDOT did not allow the proposed development to take access at the previously proposed point of access via the New Mexico 599 Frontage Road and Paseo de River. The Applicant has since acquired an access easement, east of the previously proposed point of access to the site, through property owned by the New Mexico State Land Office and a private land owner.

FIRE PROTECTION:

The development is located in the Agua Fria Fire District: The Applicant proposes a 30,000 gallon cistern and draft hydrant for the four lot commercial business park which shall meet all minimum requirements of the Santa Fe County Fire Prevention Division. **The 30,000 gallon cistern and draft hydrant shall be installed prior to recording the Final Development Plan or a financial guarantee shall be submitted, in an amount sufficient to assure the installation.** Automatic Fire Protection Sprinkler systems shall be required (for all structures) as per the 1997 Uniform Fire Code, Article 10 Section 1003.2 as adopted by the State of New Mexico and/or the County of Santa Fe.

WATER SUPPLY:

The Applicant proposes to utilize individual wells on each lot. This submittal was reviewed by the County Hydrologist as well as the Office of the State Engineer (OSE). The Applicant submitted a water resource analysis on adjacent wells. The water analysis provided information that satisfies the requirements set forth in the Code for water service for the proposed subdivision. The subdivision disclosure statement states that upon drilling a well on the individual proposed lots a qualified testing lab shall prepare a water quality report satisfying the Code requirements.

The County Hydrologist states the following: Code requirements for Master Plan for the entire project have been met; water availability has been demonstrated for the proposed subdivision; submission of a water quality documentation package pursuant to Article VII, Section 6.5.1.d upon drilling of a well to serve any future development is recommended as a condition of approval; submission of water restrictive covenants is recommended as a condition of approval.

The OSE has determined that this development is not formally covered under the New Mexico Subdivision Act and therefore has declined to provide a formal opinion.

LIQUID WASTE:

The Applicant proposes to utilize individual septic systems on each lot. The New Mexico Environment Department (NMED) reviewed this Application. NMED comments include the following: proposed uses may produce liquid waste that is not compatible with conventional septic systems and may require additional treatment or separate storage for pumping off-site; current NMED regulations say the required setback for septic tanks is 50 feet and the required setback for leach fields is 100 feet from the edge of bank of a flood zone; the peak flows for conventional septic systems is listed as 5,000 gallons. At time of Development Plan for each individual lot, the Applicant shall submit an NMED approved liquid waste disposal permit.

SOLID WASTE:

The Applicant proposes that the user of each lot will contract for pick up and disposal of solid waste from the site. Pick-up will occur no less than once a week. The solid waste company selected to pick up and dispose of solid waste will be licensed to do business in Santa Fe County. All dumpsters shall be enclosed and screened. These requirements will be included in the covenants.

**FLOODPLAIN &
TERRAIN MANAGEMENT:**

The Terrain Management for the Rio Santa Fe Business Park has been reviewed for compliance with the Code and Ordinance No. 2008-10 Flood Damage Prevention and Stormwater Management Ordinance. The buildable site contains slopes less than 15%. Individual lot owners are responsible for complying with water harvesting requirements as per Code and Ordinance No. 2002-13 and must provide retention ponding for all proposed structures. The site is located within a 100 year FEMA Flood Hazard Area, and a 75' no build setback is proposed for lots 3 and 4. The Plan complies with the Code and Ordinance No. 2008-10, Flood Damage Prevention and Stormwater Management.

The Applicant has submitted drainage calculations for the access roads, currently labeled as Rio Abajo Road and Rio Abajo Court, to be reviewed and approved prior to the Application being presented to the BCC.

SIGNAGE AND LIGHTING: The Applicant proposes a monument sign for the Development to be constructed in conformance with Article VIII (Sign Regulations).

The Applicant does not propose any street lighting for the proposed subdivision. The Applicant shall provide a lighting plan to include scaled height dimensions for the pole mounted lights and cut sheets for illumination of signage with Preliminary Development Plan submittal for each lot. Additional information and submittals are required at Preliminary and Final Development Plan in compliance with Article III, Section 4.4.4 h and Table 3.1.

EXISTING DEVELOPMENT: The project site is currently vacant. The property was used for the extraction of sand and gravel. Prior to abandoning the sand and gravel operation the site was re-contoured to provide a gradual slope to the south, re-establishing the original gradient on the property.

ADJACENT PROPERTY: Highway 599 is located to the east, an existing sand and gravel operation is located to the west, City, State and Federal lands, where commercial office buildings have been built, located to the north and La Farge, Colony Materials as well as other commercial/industrial type uses front the property to the south.

OPEN SPACE: The Applicant is proposing to donate a portion of land that borders the Santa Fe River to allow for the extension of the Santa Fe Greenway Trail. The Applicant is in negotiations with Santa Fe County Open Space and Trails Program to finalize the donation of land.

AGENCY REVIEW:

<u>Agency</u>	<u>Recommendation</u>
County Fire	Approval with Conditions
County Utilities	Approval
NMDOT	Approval
Open Space	Approval
Public Works	Approval with Conditions
OSE	No Opinion
SHPO	Approval
NMED	Approval with Conditions
County Hydrologist	Approval with Conditions

STAFF RECOMMENDATION:

Staff recommends denial of the Applicants request for a variance of Article V, § 8.2.1d to allow a Cul-De-Sac (Dead End Road) to exceed 500 feet in length.

The County Development Review Committee may consider the information presented by staff in determining if the request for a variance of Article V, § 8.2.1d would be a minimum easing of the requirements.

If the decision of the CDRC is to recommend approval of the variance of Article V, § 8.2.1d (Cul-de-sacs), staff recommends approval of the request for a Master Plan Zoning amendment to allow the use of individual onsite wells for the development and to allow the use of conventional septic systems on individual lots. Approval of Preliminary and Final Plat and conditional approval of Development Plan to create four (4) commercial lots on a 34.44 ± acre parcel subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions as per Article V, § 7.1.3.c.
2. Amended Master Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 5.2.5.
3. Final Plat with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 5.4.4. The Plat shall illustrate the portion of the property that shall be dedicated as Open Space.
4. Final Subdivision Development Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 7.2.
5. The Applicant shall submit a financial guarantee, in sufficient amount to assure completion of all required improvements prior to Final Plat recordation, as per Article V, § 9.9.
6. The Applicant shall record water restrictive covenants restricting the water use to each lot to 0.25 acre feet per year (afy). A water meter must be installed for each lot. Annual meter readings shall be submitted to the County Hydrologist by January 1st of each year. If the proposed water budget exceeds 0.25 acre foot per year for the proposed development, submission of a geohydrology report approved by the County Hydrologist

NBA-10

demonstrating water availability as allowed by the Code, will be required, as per **Article VII, Table 7.4.**

7. Water quality documentation shall be submitted at Preliminary Development Plan, on each lot, as per **Article VII, § 6.5.1.d and Table 7.4.**
8. A Traffic Impact Study shall be required for each lot at time of Preliminary Development Plan.
9. The Applicant shall construct Rio Abajo Road to the most northern boundary of the property.
10. The Applicant shall comply with road design standards set forth in **Article V, § 8.2.1d.**
11. The Applicant shall submit a Plat, prior to the recordation of the Preliminary and Final Plat, which shall dedicate the granting of easement and realignment of an easement on both private and New Mexico State Land Office property which will provide the access to the site.

EXHIBITS:

1. Master Plan Report
2. Proposed Plans
3. Reviewing Agency Responses
4. Aerial Photo of Site
5. Approved Master Plan Final Order
6. Article V, § 5.2.1.b Master Plan Procedure
7. Article V, § 5.2.6 (Amendments and Future Phase Approvals)
8. Article V, § 5.3.5.a Preliminary Plat Approval
9. Article V, § 5.4.1.a Final Plat Procedure
10. Article V, § 7.2.1 Final Development Plan
11. Article III, § 4.4.1.a
12. Article V, § 8.2.1d (Cul-de-sacs)
13. Article II, § 3 (Variances)
14. Request for Variance
15. Old Cochiti Road Plat
16. Warranty Deed and Letter of Authorization
17. Legal Notice

RIO SANTA FE BUSINESS PARK

PRELIMINARY/ FINAL PLAT,

FINAL DEVELOPMENT PLAN

&

MASTER PLAN AMENDMENT

REPORT

PREPARED

FOR

PENA BLANCA PARTNERSHIP

PREPARED

BY

JAMES W. SIEBERT

&

ASSOCIATES, INC.

JULY, 2014



NBA-12

INTRODUCTION & SITE LOCATION

The subject property consists of 31.44 acres and is located north of the Santa Fe River, west of NM 599 within Section 5, Township 15 North, Range 7 East. This tract of land is outside but contiguous with the boundary of the recently established City limits, annexed in 2009. Figure 1 is a vicinity map describing the location of this site relative to the nearby street system and known geographic features.

BACKGROUND INFORMATION

This property initially received master plat approval on August 10, 2010 to allow for administrative review and approval to allow specific lot layout when a sale of a lot determines size, scale or marketing requirements that suit a specific type of development.

The master plan was approved by the Board of County Commissioners December 14, 2010 as case #MP 10-5351 with the stipulation that the developer request approval from the City to connect to the Santa Fe wastewater system.

OWNERSHIP AND LEGAL LOT OF RECORD

The property is presently owned by Pena Blanca Partnership which has owned the land since August of 2000. The warranty deed is found in Appendix A to this report. The legal lot of record is established by the Lot Line Adjustment Plat for Western Mobile, NM, Inc. This plat is, recorded in the office of the Santa Fe County Clerk in Plat Book 449 Page 034. Appendix B is a reduction of this plat. The plat creating the road easement across the Espanola Mercantile property is attached as Appendix C.

SUMMARY OF SITE DATA

Size of subdivision:	31.44 acres
Number of lots:	4
Smallest lot size:	6.36 acres
Largest lot size:	9.45 acres
Average lot size:	7.86 acres
Area in floodplain:	3.65 acres
Water Source:	Individual Wells
Wastewater:	On-Site Conventional Septic Systems

NBA-13

SITE

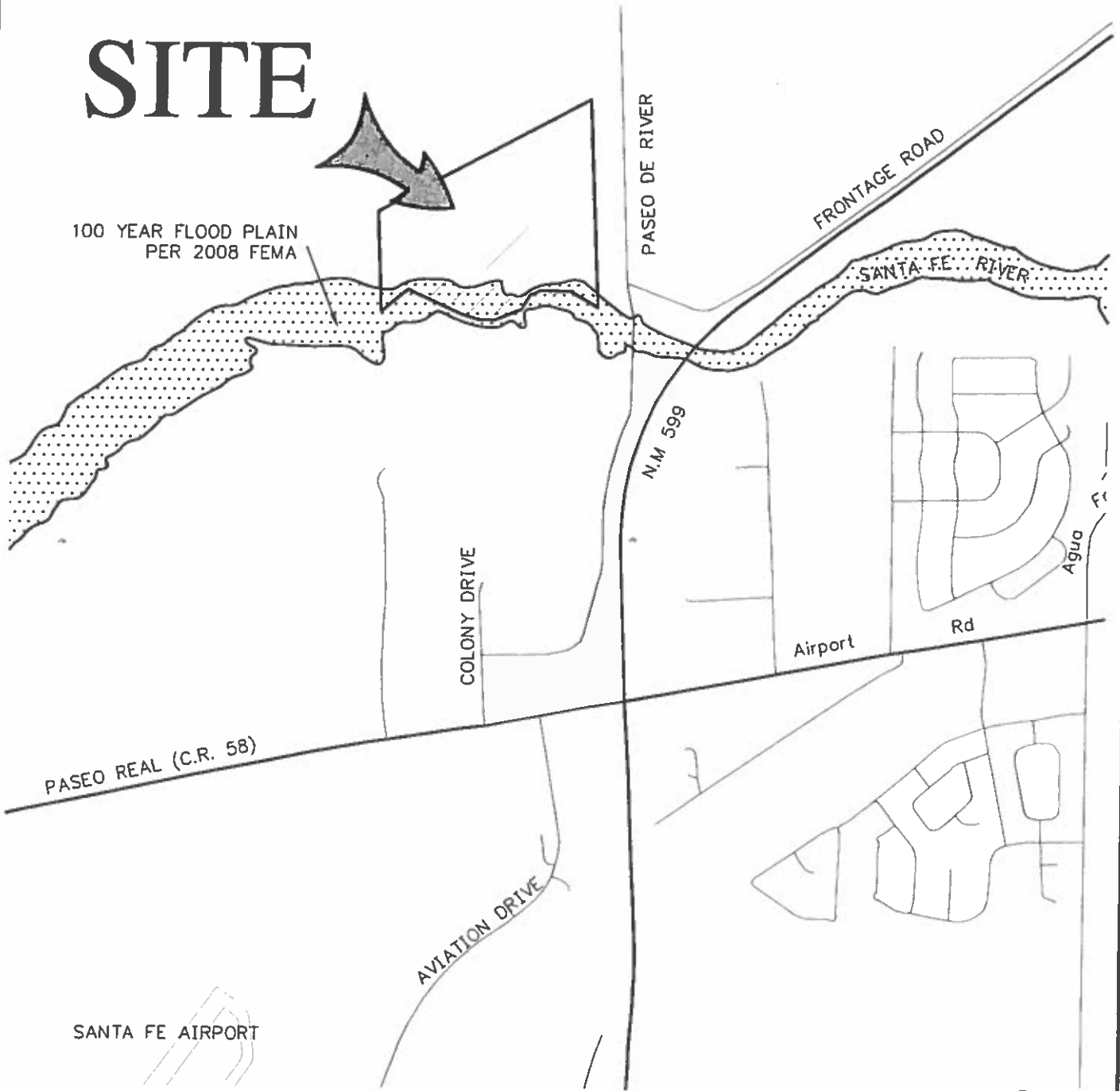




FIGURE 1 NBA-14

<p>JAMES W. SIEBERT AND ASSOCIATES, INC.</p>	<p>RIO SANTA FE BUSINESS PARK</p>	<p>NORTH</p> 
<p>913 MERCER STREET • SANTA FE NEW MEXICO 87505</p>  <p>(505) 983-5588 FAX (505) 989-7313</p>	<p>VICINITY MAP</p>	<p>SCALE: 1" = 1000'</p>

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DEVELOPMENT REQUEST

A master plan amendment along, preliminary and final plat and final development plan approval to create 4 lots rather than 20, utilizing individual septic tanks and individual wells is being requested. The applicant has had various meetings with the City to connect to the City wastewater system. The outcome of the various meetings has been unsuccessful since the City will not allow connection to the wastewater system for properties outside of the city limits establish by ordinance on January 1, 2004. Written notification of the denial of the connection to the City sewer system has not been provided by the city. The County utilities Division participated in the City meetings and can verify the decision of the City staff on this matter. The use of on-site wastewater systems has decreased the number of lots from the approved master plan also making it impractical to extend the waterline from the State Archaeological building which is approximately a two mile distance from the subdivision.

EXISTING CONDITIONS AND ADJOINING LAND USES

The property has previously been used for the extraction of sand and gravel. Prior to abandoning the sand and gravel operations, this tract of land was re-contoured to provide a gradual slope to the south, re-contouring the property with a slight gradient to the west. The grading operation referred to above occurred prior to the current owners purchasing the land. Sufficient time has passed to establish an excellent ground cover of vegetation across the entire property.

AIRPORT NOISE ZONE

The consultant for the City has prepared noise contour zones for the year 2011 for the Santa Fe Municipal Airport. The noise contour lines for the Airport are included in the report as Appendix D. The 55 DLN noise contour does cross the southeast corner of the property. The noise level is considered in the Airport Noise Ordinance as "level one" which does not place any restrictions on land use for this zone. The location of this noise contour line is shown on the Existing Conditions Plan.

EXISTING AND FUTURE UTILITIES

Natural Gas

A four inch natural gas line is located in the easement for Paseo de River. This line currently provides service to the asphalt batch plant at the end of the road. A two or four inch line will be extended from this line into the Business Park. The size of the line will be determined by the New Mexico Gas Company after the subdivision plat is recorded.

Electric

PNM Electric facilities are not currently in the area. New electrical lines will have to be extended from the NM 599 frontage road in the vicinity of the County Public works building. A request for engineering design has been submitted to PNM and PNM is currently working on the design for electric service to the Park. Two phase electric backbone system will be extended to the end of the cul-de-sac.

Telephone

Telephone service is available at the County Public Works building and to the west of the Park. It is assumed the telephone service will be brought in from the distribution pedestal in the vicinity of the County Public Works building. Century Link will prepare their engineering plans after the subdivision plat is recorded.

Water

Water will be provided to each lot by means of individual wells. Water use is limited to 0.25 acre feet per year per lot.

Sewer

The applicant has pursued the connection to the Santa Fe City sewer system for over one year in cooperation with the County to include sewer service to the County Public Works building. The request for connection to City sewer for a development outside the City limits was received and considered by the City of Santa Fe Water and Wastewater Technical Review Team. The City has verbally stated that connection outside of the City limits would not be allowed.

Conventional septic systems are proposed for the lots within the development. No lot will be permitted to exceed 2,000 gallons of discharge per day. This note will be added to disclosure statement and on the final plat.

FIRE PROTECTION

This area of the County is served by the Agua Fria substation as the first responder. La Cienega serves as secondary responder in case of a major structure fire. The Agua Fria substation is manned by an emergency medical team 24 hours a day, 7 days a week. The Agua Fria substation is approximately three miles from the site measured along the NM 599 frontage roads. The La Cienega Fire Station, which provides secondary response, has two paid fire fighters, with support from volunteer fire personnel.

The La Cienega substation is approximately 8 miles from this this development measured along County Road 54, County Road 56 and Paseo de River.

ACCESS

The principal point of access to the site will be from the NM 599 frontage to an easement granted from the State Land Office located east of the Santa Fe County Public Works Facility and west and north of the Parker 599 property. The 50 foot easement on the Associated Asphalt tract recorded in 738 page 50 will have to be slightly realigned. Espanola Merc., LLC, has agreed to grant a 50 foot access and utility easement at the south end of their property to complete the access to the Rio SFBP. The letter agreeing to the grant of easement has previously been submitted to the County. The easements for the off-site easement is referenced in page 1 of this report

An updated traffic report was submitted with the amended master plan report indicating minimal traffic impact from this project. South Meadows road has also been extended from Agua Fria Road to the NM 599 interchange. These improvements have substantially improved traffic flow and capacity in this part of the County.

The number of lots has decreased from 27 to 4 lots from the time the traffic report was reviewed.

TOPOGRAPHY AND DRAINAGE

Topography

The land is exceptionally flat with slopes in the range of 2-5 percent. As mentioned previously the property has been excavated for sand and gravel purposes over several years. With the exception of the northwest area of the property the pits have been filled in and the property has been reclaimed by reshaping the land with a slight down-hill slope towards the west.

There are 20 percent and 30 percent man-made slopes within the tract. Some of the existing cut slopes will be re-graded to provide for a more stable slope.

Drainage

The Santa Fe River and associated flood plain form the southern boundary of the property. The flood plain mapping is based on the 2008 flood plain prepared by the consulting engineer for FEMA.

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The development anticipates the adoption of the SLDC which requires a 75 foot building setback from the floodplain. This building setback is shown on the preliminary development plan and plat.

There are no natural drainage channels located within the boundary of the subject property. Each lot owner will be required to detain their stormwater within the lot plus some of the run-off created by the cul-de-sac roadway.

ENVIRONMENTAL EVALUATION

Terrain, Contamination and Slopes

There are no natural slopes that exceed 15 percent on this tract. The steeper slopes on the property are manmade and will be re-graded to reduce erosion on these slopes. The average slope is approximately three percent across the proposed development measured in a north-south direction. This property was never used for storage of fuel oil and there are no known sources of contamination on the site.

Vegetation

The property was re-contoured to fill in the prior sand and gravel pits on the land. There are several grasses, including blue and black gramma that have established themselves on the property. The density of the vegetation is substantial with approximately 90 percent of the property covered by grass or shrubs. Siberian Elms and cottonwood trees are located along the Santa Fe River.

Soils

Based on Natural Resources Conservation Services, Santa Fe Soil Survey Office mapping, the following soils are found on this tract of land.

Soils Number, Classification and Name

101—Zozobra-Jaconita complex, 5 to 25 percent slopes

Map Unit Setting

Elevation: 5,400 to 6,900 feet

Mean annual precipitation: 10 to 13 inches

Mean annual air temperature: 50 to 52 degrees F

Frost-free period: 150 to 170 days

Map Unit Composition

Zozobra and similar soils: 45 percent

Jaconita and similar soils: 40 percent

Description of Zozobra

Setting

Landform: Eroded fan remnants

NBA-18

Landform position (two-dimensional): Shoulder

Down-slope shape: Convex

Across-slope shape: Linear

Parent material: Alluvium derived from granite, gneiss, schist, and loess

Properties and qualities

Slope: 5 to 12 percent

Depth to restrictive feature: 20 to 35 inches to strongly contrasting textural stratification

Drainage class: Somewhat excessively drained

Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 50 percent

Maximum salinity: Nonsaline (0.0 to 2.0 mmhos/cm)

Sodium adsorption ratio, maximum: 4.0

Available water capacity: Low (about 3.1 inches)

Interpretive groups

Land capability (nonirrigated): 6c

Ecological site: Gravelly (R035XG114NM)

Typical profile

0 to 3 inches: Gravelly sandy loam

3 to 7 inches: Loam

7 to 15 inches: Loam

15 to 24 inches: Sandy loam

24 to 28 inches: Gravelly loamy sand

28 to 35 inches: Gravelly loamy coarse sand

35 to 46 inches: Loamy coarse sand

46 to 54 inches: Gravelly coarse sand

54 to 67 inches: Very gravelly loamy coarse sand

67 to 88 inches: Gravelly coarse sand

Description of Jaconita

Setting

Landform: Eroded fan remnants

Landform position (two-dimensional): Backslope

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Alluvium derived from granite, gneiss, and schist

Properties and qualities

Slope: 10 to 25 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Somewhat excessively drained

Capacity of the most limiting layer to transmit water (Ksat): High (2.00 to 6.00 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

NBA-19

Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline (0.0 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum: 1.0
Available water capacity: Very low (about 1.7 inches)

Interpretive groups

Land capability (nonirrigated): 6e
Ecological site: Gravelly (R035XG114NM)

Typical profile

0 to 2 inches: Very gravelly coarse sandy loam
2 to 6 inches: Very gravelly coarse sandy loam
6 to 14 inches: Extremely gravelly loamy coarse sand
14 to 45 inches: Very gravelly coarse sand
45 to 56 inches: Very gravelly loamy coarse sand
56 to 78 inches: Gravelly coarse sand
78 to 92 inches: Very gravelly coarse sand
92 to 104 inches: Loamy fine sand
104 to 118 inches: Fine sand

106—Pits

Map Unit Setting

Elevation: 5,400 to 7,700 feet
Mean annual precipitation: 10 to 13 inches
Mean annual air temperature: 50 to 52 degrees F
Frost-free period: 150 to 170 days

Map Unit Composition

Pits: 80 percent

Description of Pits

Setting

Landform: Eroded fan remnants
Landform position (two-dimensional): Summit
Down-slope shape: Linear
Across-slope shape: Convex
Parent material: Alluvium derived from granite, gneiss, and schist

Interpretive groups

Land capability (nonirrigated): 8

Typical profile

0 to 4 inches: Very gravelly coarse sandy loam
4 to 16 inches: Very gravelly coarse sandy loam
16 to 22 inches: Extremely gravelly coarse sand
22 to 29 inches: Very gravelly sandy loam
29 to 46 inches: Very gravelly sandy loam
46 to 63 inches: Very gravelly sandy clay loam
63 to 84 inches: Very gravelly coarse sandy loam

NBA-21

107—Riverwash, flooded

Map Unit Setting

Elevation: 5,600 to 6,500 feet

Mean annual precipitation: 10 to 13 inches

Mean annual air temperature: 50 to 52 degrees F

Frost-free period: 140 to 160 days

Map Unit Composition

Riverwash: 85 percent

Description of Riverwash

Setting

Landform: Channels on valley floors

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Alluvium derived from mixed

Properties and qualities

Slope: 0 to 2 percent

Drainage class: Excessively drained

Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)

Frequency of flooding: Frequent

Calcium carbonate, maximum content: 3 percent

Gypsum, maximum content: 3 percent

Maximum salinity: Nonsaline (0.0 to 2.0 mmhos/cm)

Sodium adsorption ratio, maximum: 4.0

Available water capacity: Very low (about 3.0 inches)

Interpretive groups

Land capability (nonirrigated): 8

Typical profile

0 to 10 inches: Gravelly coarse sand

10 to 50 inches: Very gravelly coarse sand

50 to 65 inches: Gravelly sandy loam

65 to 85 inches: Gravelly coarse sand

110—Calabasas loam, 1 to 3 percent slopes

Map Unit Setting

Elevation: 5,800 to 6,800 feet

Mean annual precipitation: 10 to 12 inches

Mean annual air temperature: 50 to 52 degrees F

Frost-free period: 150 to 170 days

Map Unit Composition

Calabasas and similar soils: 90 percent

Description of Calabasas

Setting

Landform: Interfluves on plateaus

Landform position (two-dimensional): Summit

Down-slope shape: Linear

NBA-21

Across-slope shape: Linear

Parent material: Eolian material derived from volcanic ash and pumice, and alluvium derived loess and basalt

Properties and qualities

Slope: 1 to 3 percent

Depth to restrictive feature: 2 to 6 inches to abrupt textural change; 39 to 59 inches to duripan; 39 to 59 inches to petrocalcic; 59 to 79 inches to duripan

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 60 percent

Maximum salinity: Nonsaline to very slightly saline (2.0 to 4.0 mmhos/cm)

Sodium adsorption ratio, maximum: 13.0

Available water capacity: Very low (about 0.7 inches)

Interpretive groups

Land capability (nonirrigated): 6c

Ecological site: Loamy (R035XA112NM)

Typical profile

0 to 4 inches: Loam

4 to 12 inches: Clay loam

12 to 17 inches: Clay loam

17 to 25 inches: Loam

25 to 32 inches: Very fine sandy loam

32 to 49 inches: Gravelly sandy loam

49 to 54 inches: Cemented material

54 to 70 inches: Fine sandy loam

70 to 81 inches: Cemented material

112—Riovista gravelly loamy sand, 0 to 1 percent slopes

Map Unit Setting

Elevation: 6,000 to 6,900 feet

Mean annual precipitation: 10 to 13 inches

Mean annual air temperature: 50 to 52 degrees F

Frost-free period: 150 to 170 days

Map Unit Composition

Riovista and similar soils: 85 percent

Description of Riovista

Setting

Landform: Flood-plain steps on valley floors

Landform position (three-dimensional): Tread

Down-slope shape: Linear

Across-slope shape: Linear

NBA-22

Parent material: Alluvium derived from granite, gneiss, and schist over residuum derived from granitic sandstone

Properties and qualities

Slope: 0 to 1 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Excessively drained

Capacity of the most limiting layer to transmit water (Ksat): High to very high (6.00 to 19.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: Rare

Frequency of ponding: None

Calcium carbonate, maximum content: 3 percent

Maximum salinity: Nonsaline (0.0 to 1.0 mmhos/cm)

Sodium adsorption ratio, maximum: 1.0

Available water capacity: Very low (about 1.7 inches)

Interpretive groups

Land capability (nonirrigated): 7s

Ecological site: Gravelly (R035XG114NM)

Typical profile

0 to 3 inches: Gravelly loamy sand

3 to 8 inches: Gravelly sand

8 to 16 inches: Very gravelly coarse sand

16 to 35 inches: Extremely cobbly coarse sand

35 to 53 inches: Extremely gravelly loamy coarse sand

53 to 61 inches: Gravelly loamy sand

61 to 95 inches: Stratified gravelly coarse sand to loamy sand

114—Devargas-Urban land complex, 1 to 3 percent slopes

Map Unit Setting

Elevation: 5,400 to 7,400 feet

Mean annual precipitation: 10 to 13 inches

Mean annual air temperature: 50 to 52 degrees F

Frost-free period: 150 to 170 days

Map Unit Composition

Devargas and similar soils: 50 percent

Urban land: 45 percent

Description of Devargas

Setting

Landform: Stream terraces

Landform position (three-dimensional): Tread

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Alluvium derived from sandstone over alluvium derived from granite, gneiss, and schist

NBA-23

Properties and qualities

Slope: 1 to 3 percent

Depth to restrictive feature: 28 to 31 inches to strongly contrasting textural stratification

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 5 percent

Maximum salinity: Nonsaline (0.0 to 2.0 mmhos/cm)

Sodium adsorption ratio, maximum: 4.0

Available water capacity: Low (about 4.5 inches)

Interpretive groups

Land capability (nonirrigated): 6c

Ecological site: Loamy (R035XA112NM)

Typical profile

0 to 2 inches: Loam

2 to 9 inches: Loam

9 to 17 inches: Clay loam

17 to 25 inches: Clay loam

25 to 30 inches: Loam

30 to 33 inches: Very gravelly coarse sandy loam

33 to 42 inches: Extremely gravelly loamy coarse sand

42 to 67 inches: Extremely cobbly coarse sand

67 to 85 inches: Extremely gravelly loamy coarse sand

85 to 94 inches: Very gravelly coarse sand

Description of Urban Land**Setting**

Landform: Stream terraces

Down-slope shape: Linear

Across-slope shape: Linear

Interpretive groups

Land capability (nonirrigated): 8s

116—Arents-Urban land-Orthents complex, 1 to 60 percent slopes**Map Unit Setting**

Elevation: 5,400 to 7,600 feet

Mean annual precipitation: 9 to 15 inches

Mean annual air temperature: 46 to 52 degrees F

Frost-free period: 140 to 170 days

Map Unit Composition

Arents and similar soils: 50 percent

Urban land: 25 percent

NBA-24

Orthents and similar soils: 20 percent

Description of Arents

Setting

Landform: Eroded fan remnants

Landform position (two-dimensional): Backslope, toeslope

Down-slope shape: Convex

Across-slope shape: Linear

Parent material: Roadfill material derived from granite, gneiss, schist, sandstone, or siltstone

Properties and qualities

Slope: 1 to 45 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 2.00 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 15 percent

Gypsum, maximum content: 1 percent

Maximum salinity: Nonsaline to very slightly saline (2.0 to 4.0 mmhos/cm)

Sodium adsorption ratio, maximum: 13.0

Available water capacity: Moderate (about 6.2 inches)

Interpretive groups

Land capability (nonirrigated): 8

Typical profile

0 to 4 inches: Gravelly loam

4 to 26 inches: Gravelly loam

26 to 46 inches: Gravelly loam

46 to 63 inches: Loam

63 to 90 inches: Loam

Description of Urban Land

Setting

Landform: Eroded fan remnants

Down-slope shape: Linear

Across-slope shape: Linear

Properties and qualities

Slope: 1 to 15 percent

Depth to restrictive feature: 0 inches to strongly contrasting textural stratification

Interpretive groups

Land capability (nonirrigated): 8

Description of Orthents

NBA-29

Setting

Landform: Eroded fan remnants

Landform position (two-dimensional): Toeslope, backslope

Down-slope shape: Linear

Across-slope shape: Concave

Parent material: Roadcut material derived from granite, gneiss, schist, loess, sandstone, or siltstone

Properties and qualities

Slope: 30 to 60 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Excessively drained

Capacity of the most limiting layer to transmit water (Ksat): Very high (19.98 to 99.62 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 3 percent

Maximum salinity: Nonsaline (0.0 to 1.0 mmhos/cm)

Sodium adsorption ratio, maximum: 4.0

Available water capacity: Very low (about 1.6 inches)

Interpretive groups

Land capability (nonirrigated): 8e

Typical profile

0 to 7 inches: Very gravelly coarse sand

7 to 15 inches: Very gravelly coarse sand

15 to 80 inches: Stratified gravelly coarse sand to very gravelly coarse sand

Soils are generally suited for their intended purpose, which are smaller scale commercial structures. It is recommended that a geotechnical report be prepared by a qualified professional engineer for all structures within the Park,

Archaeology

Given the fact that the property has been entirely excavated in the past, the Land Use Administrator waived the requirement to submit an archaeological study based on Article VI Section 3.4.3a.v of the Land Development Code.

NBA-26

PROJECT DESCRIPTION AND USE LIST

The use list provided below is the same use list approved by the Board of County Commissioners.

Use List

The following uses are proposed within the park

- Wholesale/Retail
- Warehouse/Storage
- Warehouse/Distribution
- Vehicle Maintenance Shop
- Manufacturing
- Retail Commercial
- Commercial office
- Food Services/Distribution and Storage
- Bulk Fuel Sales
- Entertainment
- Research and Development
- Environmental Recycling
- Dismantling & Salvage
- Airplane Parts Manufacturing and Repair
- Tire Retreading
- Mortuary/Crematorium
- Self-Storage Units
- Telecommunication Facilities
- Automobile Sales
- Boat and Recreational Vehicle Sales and Service
- Electric Facilities including Substations
- Veterinary Clinics, including large animals
- Commercial Laundries
- Construction Yards
- Waste management and remediation service

DISCLOSURE STATEMENT

The Disclosure Statement for the subdivision pursuant to County Code standards is provided in Appendix E.

NBA-27

SOLID WASTE

Solid Waste

The user of each lot will contract for pick up and disposal of solid waste from the site. Pick-up will occur no less than once per week. The solid waste company selected to pick up and dispose of solid waste will be licensed to do business in Santa Fe County. This requirement will be included in the covenants.

SIGNS, LIGHTING AND LANDSCAPE

Signs

A monument sign will be located at the southern entry to the Park. This monument sign will be 15 feet wide by 10 tall in conformance with the County Land Development Code standards. Signs will also be permitted on the individual buildings. These signs will not exceed 80 square feet and must be constructed in conformance with the County Land Development Code. All pole-mounted and building-mounted lighting will have to be shielded and designed with a cut off feature to minimize the spread of light outside the boundary of the Park.

Lights

In keeping with the night sky standards no street lights are proposed within the Subdivision. Pole mounted and wall mounted lighting will be permitted on lots within the Park in parking areas in conformance with County Land Development Code standards, which limit the type of lighting, the location and the type of shielding required for outside lighting.

Landscape and Water Harvesting

A uniform landscape plan has been prepared adjacent to the interior roadway. The developer/owner of each lot must comply with the design shown on the approved landscape plan. Each lot owner will be responsible for installing a drip irrigation system to water the plants. This drip system will be interconnected to the cistern that harvests water from the roof of the structure(s) on the lot.

Where feasible the runoff from the parking lot and natural runoff from the site will be directed to storm water detention ponds. Where they are needed these ponds will be landscaped with appropriate vegetation capable of accommodating standing water for brief periods of time.

NBA-28

Water use

Plant Type	Area Sq.ft.	Gals. (sq.ft.)	Total Annual Water Use (gals.)
Rocky Mtn. Juniper (25)	7,850	9.49	74,496
Spanish Broom (50)	1,413	8.89	12,562
Apache Plume (100)	1,256	8.89	11,166
		Total	98,224

Summary of Water Use per Lot

Interior: .21 ac.ft./yr.
 Remainder Landscape: .04 ac.ft./yr.
Total 0.25 ac.ft./yr.

Estimates of Rainwater Capture

Month	Rainfall x .623 Inch	Catchment Area	Runoff Coefficient	Gals Captured
Jan	.82	20,000	.90	9,195
Feb	.49	20,000	.90	5,495
March	.42	20,000	.90	4,710
April	.51	20,000	.90	5,719
May	1.21	20,000	.90	13,569
June	.96	20,000	.90	10,765
July	1.24	20,000	.90	13,905
Aug	2.99	20,000	.90	33,530
Sept	.32	20,000	.90	1,148
Oct	.07	20,000	.90	785
Nov	.39	20,000	.90	4,373
Dec	.29	20,000	.90	3,252
			Total	106,446

Total rainwater capture: 106,446 gals/year = .326 ac.ft./yr.

Runoff Coefficient: .785 x .326 = .26

The rainwater capture exceeds the landscape demand by .026 ac./ft./yr. The .04 ac.ft./yr. remainder from the interior use is available for extraordinary circumstances where water is not available in the cisterns.

The size and location of cisterns will be determined at the time of site plan review

NBA-30

APPENDIX B

REDUCTION OF LEGAL LOT OF RECORD PLAT

NBA-31

APPENDIX C
OFF SITE EASMENT PLAT

NBA-33

November 19, 2014

Katherine Miller
Santa Fe County Manager
102 Grant Avenue
Santa Fe, NM 87504

Re: Dedication of Easement

Dear Ms. Miller

This letter is to acknowledge that I am willing and able to grant a 50 foot public access and utility easement along the south boundary of my property as show on Exhibit A. The dedication will take place as such time as the County is in agreement with the road alignment from the terminus of the NM 599 frontage road to Paseo de River.

Sincerely,



Espanola Merc. Real Estate LLC
Katharine Cook Fishman

Xc: Adam Leigland
Robert Martinez
Penny Ellis Green
Jose Larranaga
Buster Patty
Javier Martinez

NBA-34

SANTA FE COUNTY PUBLIC NOTICE

THE SANTA FE COUNTY LAND USE ADMINISTRATOR HAS NOT REVIEWED THIS PLAT OF SURVEY BEFORE ITS FILING IN THE OFFICE OF THE COUNTY CLERK. THIS PLAT IS NOT BEING FILED FOR THE PURPOSE OF CREATING A SUBDIVISION OR NEW LOTS, ALTERING THE BOUNDARIES OF ANY EXISTING LOTS OR FOR THE PURPOSE OF "DEVELOPMENT" AS DEFINED IN THE SANTA FE COUNTY LAND DEVELOPMENT CODE, EXTRATERRITORIAL ZONING ORDINANCE OR EXTRATERRITORIAL SUBDIVISION REGULATIONS. THIS STATEMENT DOES NOT IN ANY WAY REPRESENT OFFICIAL COUNTY APPROVAL OF

LEGEND AND NOTES

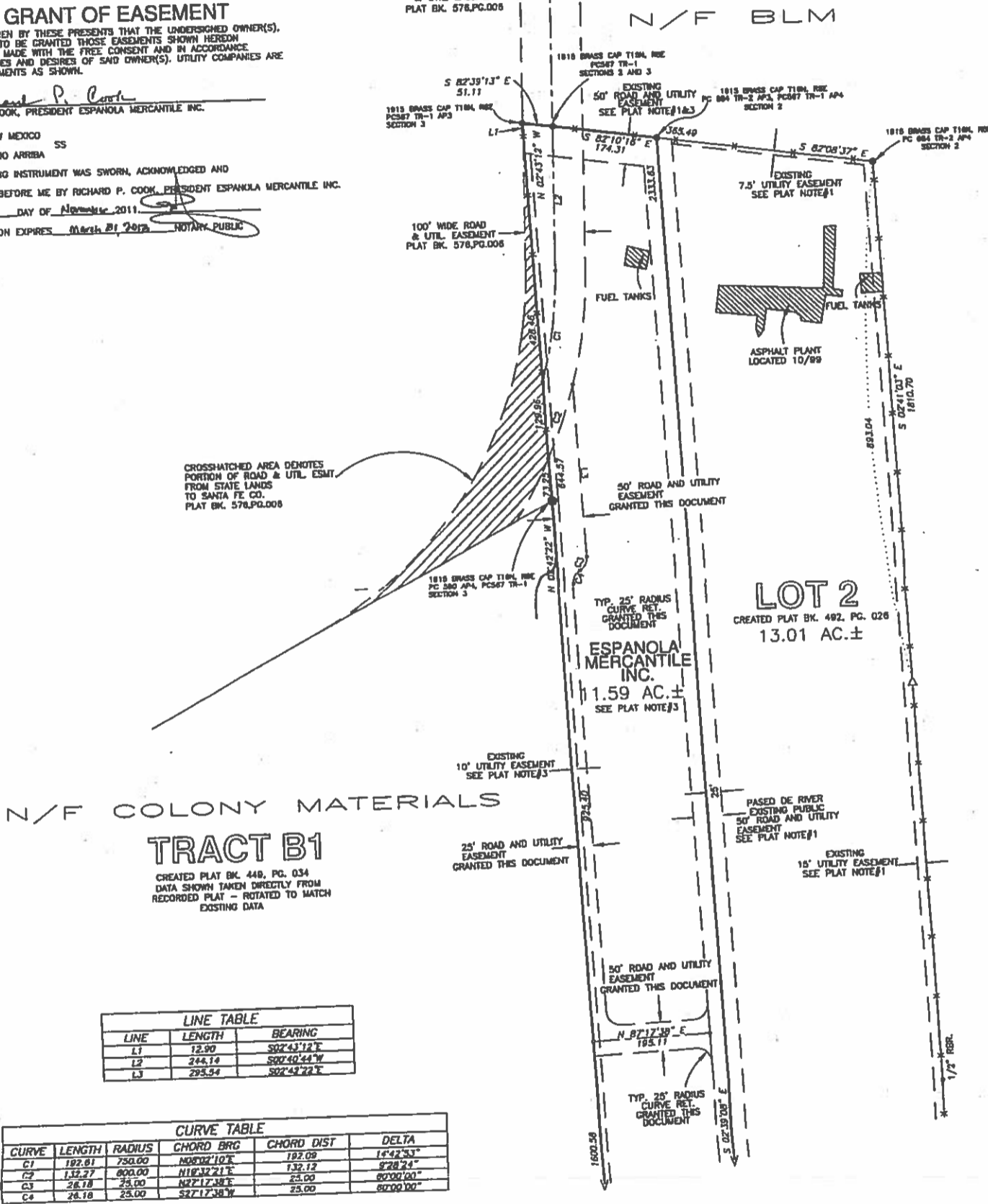
- DENOTES POINT FOUND
 - DENOTES POINT SET THIS SURVEY
 - DENOTES POINT CALCULATED
 - DENOTES MONUMENT
- — — — — DENOTES EDGE OF EASEMENT
 — — — — — DENOTES OVERHEAD LINES
 — x — x — DENOTES FENCE LINE

1. BASIS OF BEARING TAKEN FROM "LAND DIVISION CREATED BY FIVE YEAR EXEMPTION FOR PAUL AND MARY JO PARKER" BY RICHARD A. CHATROOP N.M.P.L.S.#11011 AND FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BK. 492, PG. 028.
2. THIS PLAT IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.
3. PLAT REFERENCE "BOUNDARY SURVEY FOR MCREYNOLDS AND PARKER" BY RICHARD A. CHATROOP N.M.P.L.S.#11011, AND FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BK. 362, PG. 039.

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S), HAVE CAUSED TO BE GRANTED THOSE EASEMENTS SHOWN HEREON THIS GRANT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNER(S). UTILITY COMPANIES ARE GRANTED EASEMENTS AS SHOWN.

Richard P. Cook
 RICHARD P. COOK, PRESIDENT ESPANOLA MERCANTILE INC.
 STATE OF NEW MEXICO SS
 COUNTY OF RIO ARriba
 THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY RICHARD P. COOK, PRESIDENT ESPANOLA MERCANTILE INC. THIS 12th DAY OF November, 2011.
 MY COMMISSION EXPIRES March 31, 2012. NOTARY PUBLIC



LINE TABLE

LINE	LENGTH	BEARING
L1	12.90	S02°43'12"E
L2	244.14	S07°40'44"W
L3	295.54	S02°49'22"E

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD BRG	CHORD DIST	DELTA
C1	192.81	750.00	N08°02'10"E	192.09	1°42'33"
C2	132.27	600.00	N10°32'21"E	132.12	2°28'24"
C3	26.18	25.00	N27°17'38"E	25.00	80°00'00"
C4	26.18	25.00	S27°17'38"W	25.00	80°00'00"

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES HEREON ARE AN ACCURATE DELINEATION OF A FIELD SURVEY COMPLETED BY ME OR UNDER MY DIRECTION ON OCT. 12TH, 2011, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEET THE STANDARDS FOR PROFESSIONAL LAND SURVEYORS PRACTICING IN NEW MEXICO.

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



NORTH SCALE 1"=100'



COUNTY OF SANTA FE
 STATE OF NEW MEXICO
 I hereby certify that this instrument was recorded on the 12th day of November, 2011, and was duly registered in book _____ of the records of Santa Fe County.

Witness my Hand and Seal of Office
 Santa Fe County Clerk
 County Clerk Secretary
[Signature]
 Deputy

EASEMENT SURVEY FOR
 ESPANOLA MERCANTILE INC.
 OF
 11.59 AC.± PARCEL

LYING WITHIN SECTION 2,3 & 11, T16N, R8E, N.M.P.M. SANTA FE COUNTY, NEW MEXICO.

RICK CHATROOP
 PROFESSIONAL LAND SURVEYOR
 NEW MEXICO REGISTRATION NO. 11011

(505) 478-0057 119 WAGON TRAIL RD. CERRILLOS, NM 87010

INDEXING INFORMATION FOR THE COUNTY CLERK
 OWNER: ESPANOLA MERCANTILE INC.
 LOCATION: LYING WITHIN SECTION 2,3 & 11, T16N, R8E, N.M.P.M. SANTA FE COUNTY, NEW MEXICO.

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