

## **Landscape**

The existing landscaping was approved and met standards through the initial master plan. The project will have limited visual impact on the corridor. Buildings are clustered and set back 160 feet from the road among existing pinons and junipers. All outdoor storage is screened from public view. Parking is also located among the existing trees. Landscaping follows xeriscaping principals. Pinons with a caliper of four inches or more removed from the building site or parking lot will be transplanted on site. The landscaping located around the store includes drought tolerant plants suitable to the area, conservation methods using a minimum of water consumption, and non-conventional water sources. Appendix 8 shows the current site plan.

## **GRADING AND DRAINAGE/ SOLID WASTE MANAGEMENT**

### **Grading and Drainage:**

A terrain management plan with drainage calculations was approved and implemented with the final development plan. Conceptual drainage plan information from the grading, drainage, and utility report found in the plan set shows ponding areas on the side of the lot near the highway. Storm water runoff will be harvested for irrigation.

### **Solid Waste Management:**

Solid waste management will be provided by Environmental Controls, Inc. A letter regarding their ability and willingness to service the subject property is found in Appendix 10.

## **COMMUNITY SERVICES**

### **Fire Protection:**

Fire protection is provided by the Arroyo Hondo Fire District located to the south of the subject property. Fire impact fees will be paid as assessed by the County Fire Marshall. Water for the Fire District pumper tanks is provided on-site by a 10,000 gal water tank located at the bottom of property and restricted for fire protection only. Alarm pulls are working and approved by the county fire department.

### **Police Protection:**

Police protection will be provided by the Santa Fe County Sheriff's Department.







- PLANTING NOTES**
1. REPLACEMENT OF ALL REMOVED TREES SHALL BE IN ACCORDANCE WITH TREES REMOVAL REPORT.
  2. ALL NEW PLANTING SPECIES SHALL BE PROVIDED BY UNDERGROUND PIPE / SCHEDULE 40S UNLESS OTHERWISE NOTED.
  3. ALL PLANTING AREAS SHALL HAVE FERTILIZER AND MULCH APPLIED AT THE TIME OF PLANTING. FERTILIZER SHALL BE APPLIED BY EITHER HAND OR SPREADER. MULCH SHALL BE APPLIED BY EITHER HAND OR SPREADER.
  4. ROOT REMOVAL REPORT SHALL BE COLLECTED IN TWO STORAGE CONTAINERS. ONE SHALL BE STORED AT THE SITE AND THE OTHER SHALL BE STORED AT THE PROJECT OFFICE. BOTH SHALL BE Labeled WITH DATE AND LOCATION.

PAVING NOTES

- RELOCATED PAVING (THIS DRAWING)
- REPLACE OLD (UNLESS OTHERWISE NOTED)
- EXISTING ASPHALT (UNLESS OTHERWISE NOTED)
- CONCRETE (UNLESS OTHERWISE NOTED)
- SPRINKLER CHANNEL (UNLESS OTHERWISE NOTED)
- ENTRY SIGN
- STOP SIGN
- Ponding

**HILLSIDE LANDSCAPE, PARKING & ACCESS PLAN**

Old Las Vegas Highway  
Santa Fe, New Mexico

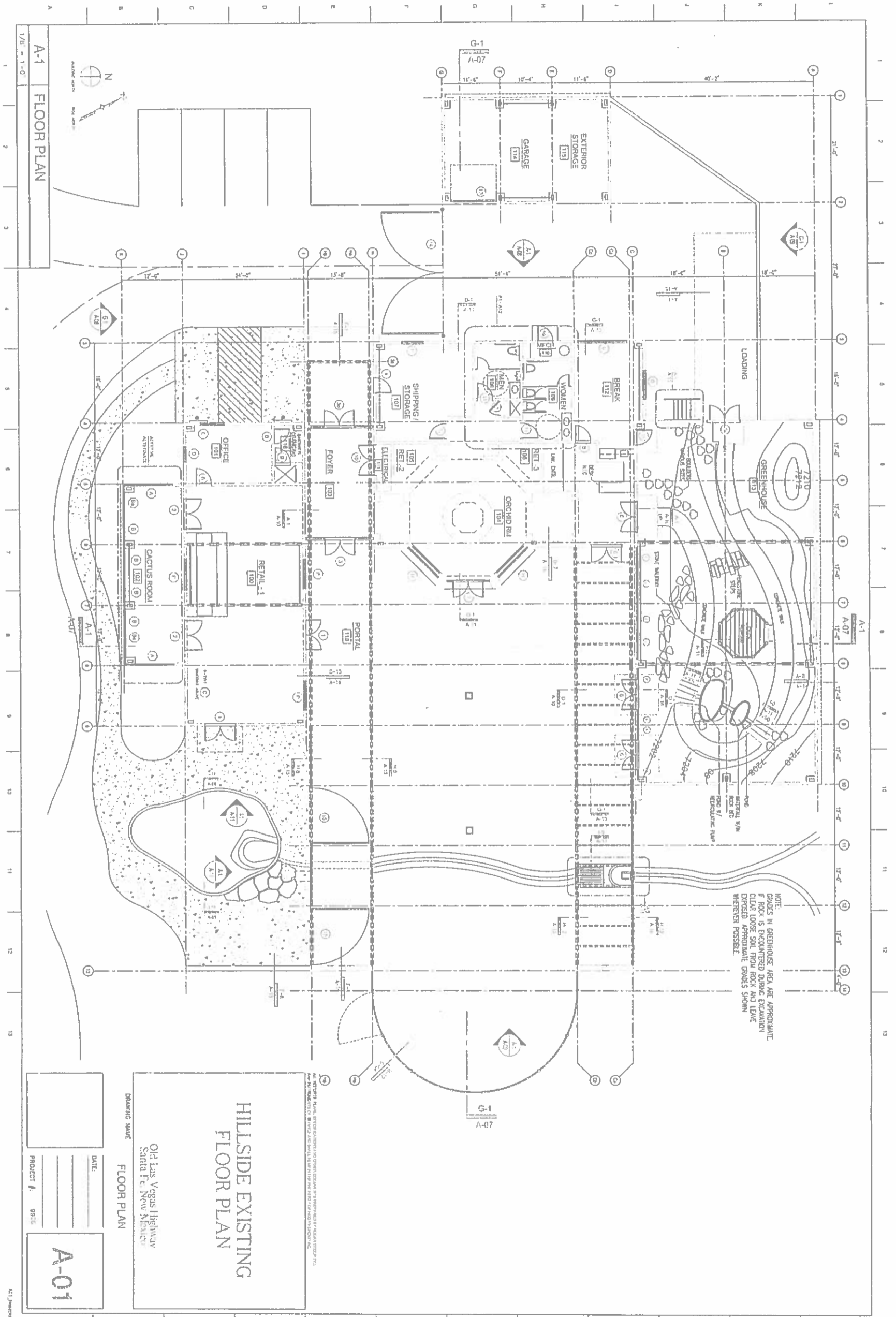
DRAWING TITLE: HILLSIDE PROJECT LANDSCAPE PLAN

DATE: \_\_\_\_\_

PROJECT #: 8025

**G-03**

SCALE: 1" = 3'



NOTE:  
 GRADES IN GREENHOUSE AREA ARE APPROXIMATE.  
 IF ROCK IS ENCOUNTERED DURING EXCAVATION  
 CLEAR LOOSE SOIL FROM ROCK AND LEAVE  
 EXPOSED APPROXIMATE GRADES SHOWN  
 WHEREVER POSSIBLE.

A-1 FLOOR PLAN  
 1/8" = 1'-0"

**HILLSIDE EXISTING  
 FLOOR PLAN**

Old Las Vegas Highway  
 Santa Fe, New Mexico

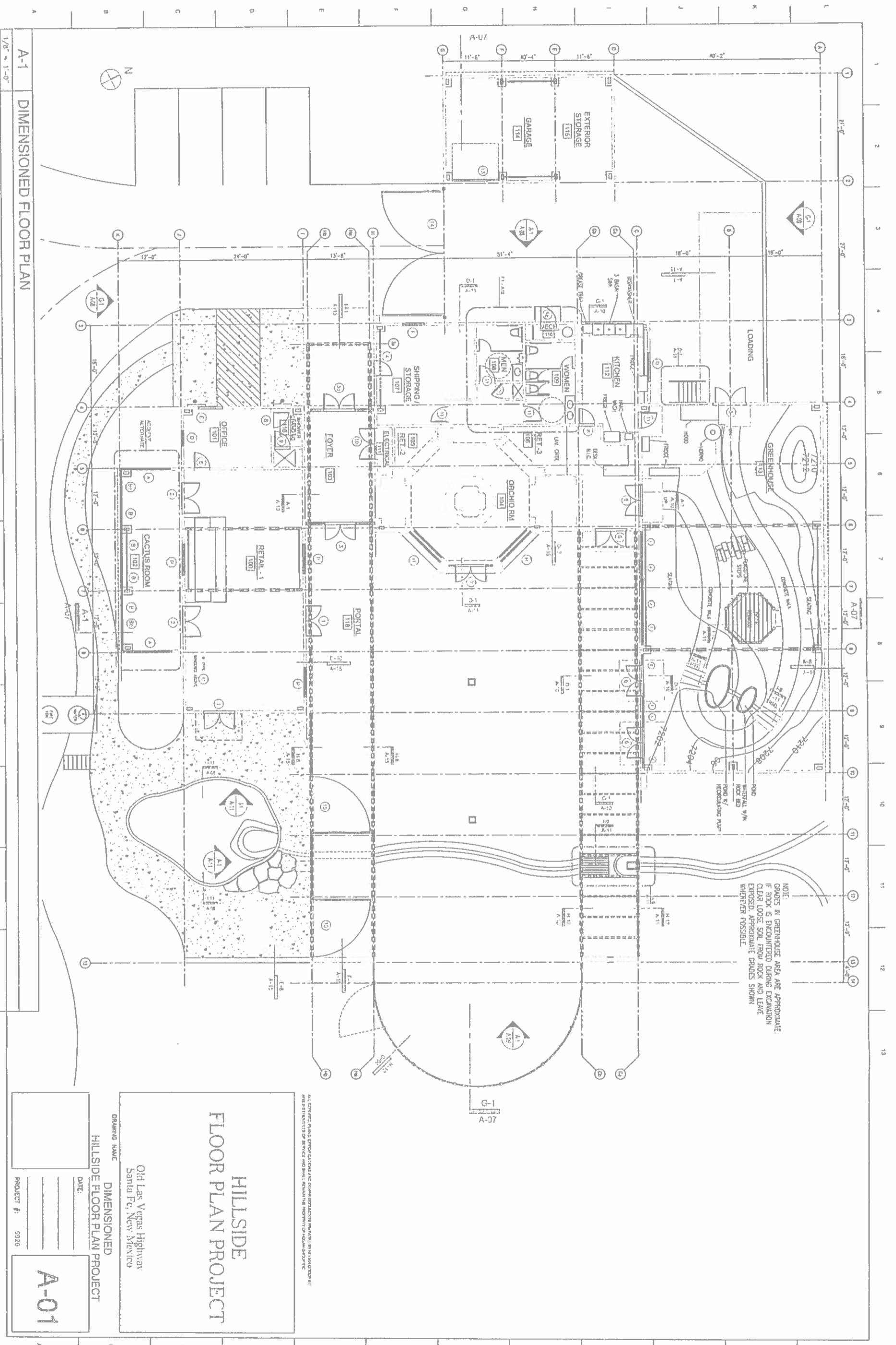
DRAWING NAME: FLOOR PLAN

DATE: \_\_\_\_\_

PROJECT #: 9926

A-01

ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.



A-1  
DIMENSIONED FLOOR PLAN  
1/8" = 1'-0"

**HILLSIDE  
FLOOR PLAN PROJECT**

DRAWING NAME  
**HILLSIDE FLOOR PLAN PROJECT**

Old Las Vegas Highway  
Santa Fe, New Mexico

DATE \_\_\_\_\_

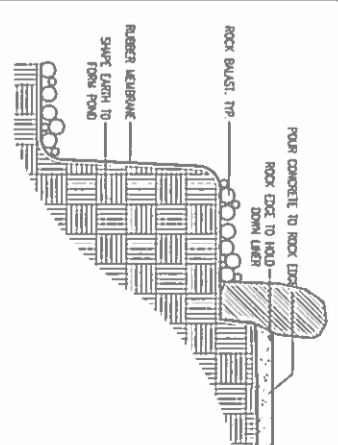
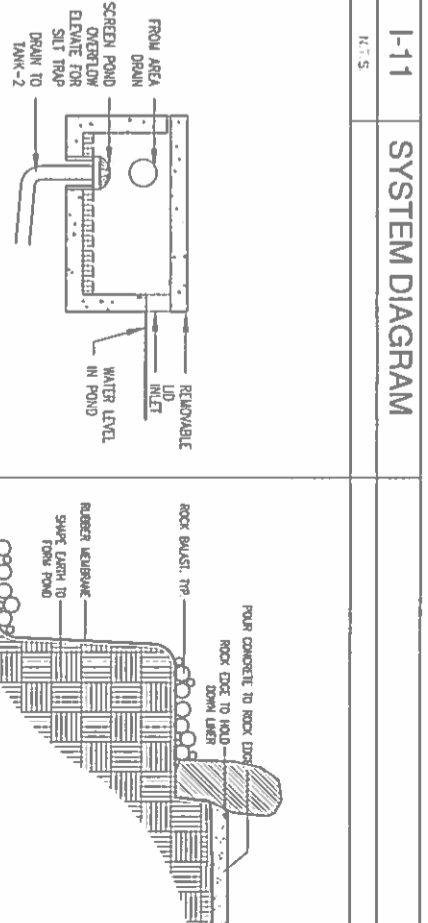
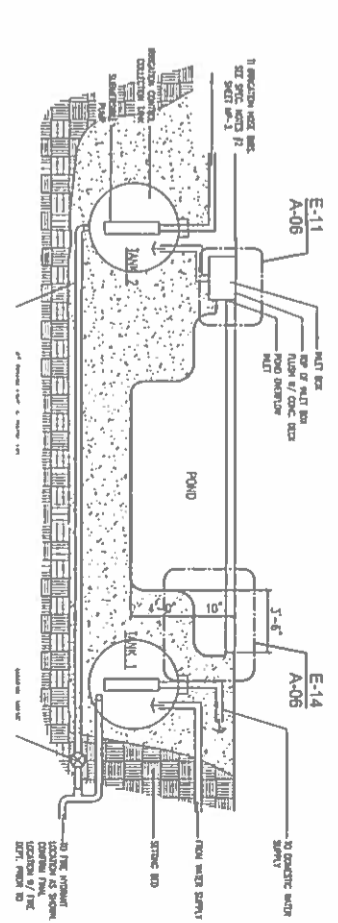
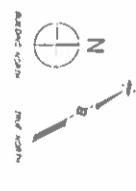
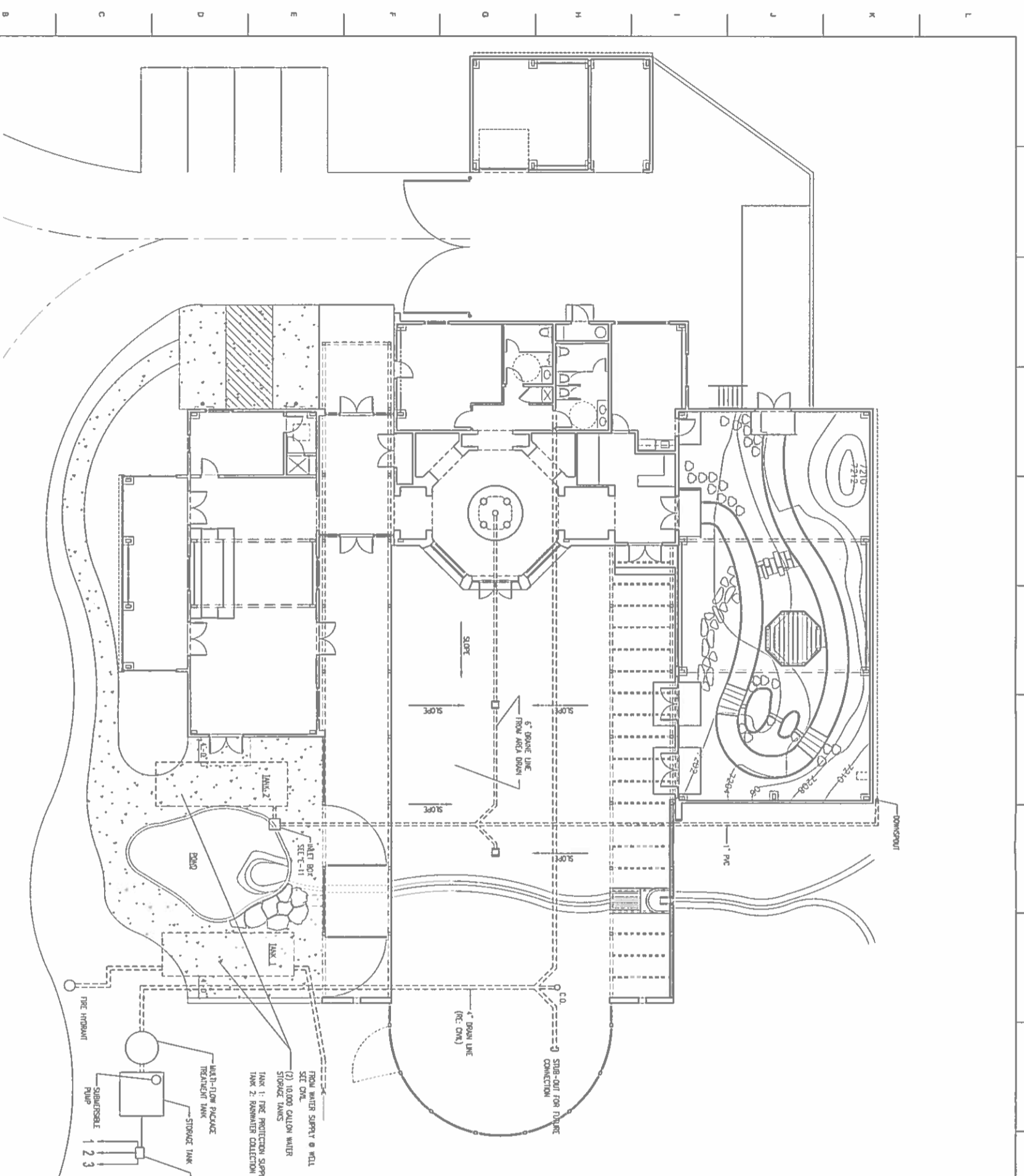
PROJECT # 9026

**A-01**

ALL DIMENSIONS IN THIS DRAWING ARE APPROXIMATE. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND GRADES IN THE FIELD. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

**NOTE:**  
GRADES IN GREENHOUSE AREA ARE APPROXIMATE.  
IF ROCK IS ENCOUNTERED DURING EXCAVATION  
CLEAR LOOSE SOIL FROM ROCK AND LEAVE  
EXPOSED APPROXIMATE GRADES SHOWN  
WHEREVER POSSIBLE.

NBC-1



<b>I-11</b> N.T.S. <b>SYSTEM DIAGRAM</b>	
<b>E-11</b> N.T.S. <b>INLET BOX DIAGRAM</b>	<b>E-14</b> N.T.S. <b>DETAIL</b>

ALL MATERIALS, METHODS, TOLERANCES AND OTHER REQUIREMENTS SPECIFIED BY HOGAN GROUP INC. ARE THE PROPERTY OF HOGAN GROUP INC. AND SHALL REMAIN THE PROPERTY OF HOGAN GROUP INC.

**HoganGroup**  
 15000 S. 26TH AVENUE, SUITE 100, DENVER, CO 80231  
 303.751.1000  
 WWW.HOGANGROUP.COM

**PLANT & GARDEN CENTER**  
 Old Las Vegas Highway  
 Santa Fe, New Mexico

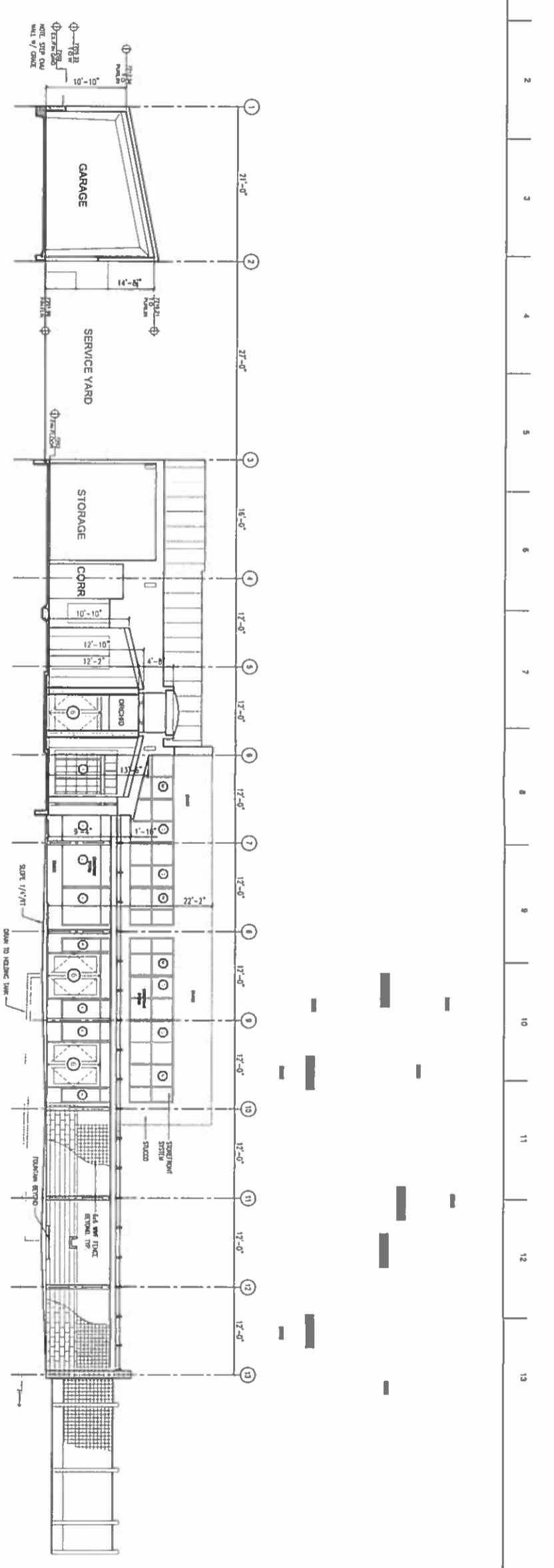
DRAWING NAME  
**SITE PLAN FOR FIRE PROTECTION / IRRIGATION SUPPLY PLAN**

DATE: 01-20-07

PROJECT #: 9326

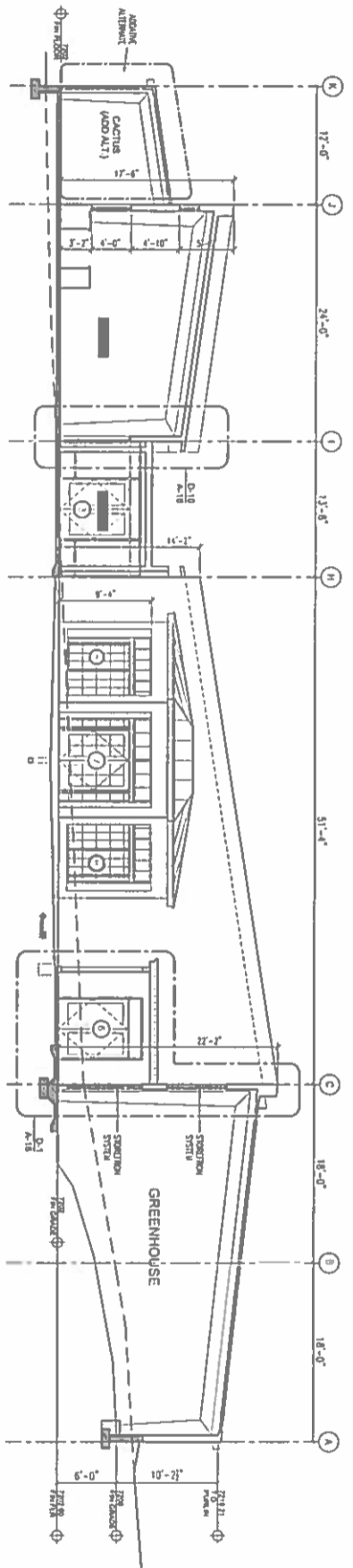
**A-06**

NBC



SECTION - 1

G-1 BUILDING SECTIONS



SECTION - 2

A-1 BUILDING SECTIONS

ALL REPORTS, PLANS, SPECIFICATIONS AND OTHER DOCUMENTS PREPARED BY HOGAN GROUP INC. ARE RETAINED BY HOGAN GROUP INC. AND SHALL REMAIN THE PROPERTY OF HOGAN GROUP INC.

**HoganGroup**

18200 BROADWAY, SUITE 200, WASHINGTON, DC 20004  
 ARCHITECTS • PLANNERS • INTERIORS • LANDSCAPE ARCHITECTS  
 424 AUSTIN AVENUE, SANTA FE, N.M. 87501

**PLANT & GARDEN CENTER**

Old Las Vegas Highway  
 Santa Fe, New Mexico

DRAWING NAME: BUILDING SECTION & ELEVATIONS

DATE: 03-20-07

PROJECT #: 9376

**A-07**

NBC-28

c - Record of 1667350 04/25/12 S F C

Prepared By and Return To:  
Fidelity National Title Insurance Co.  
6500 Menaul Blvd NE #B-150  
Albuquerque, NM 87112

Return to: Fidelity National Title/Santa Fe  
FT0000 16484 1sm

GF# FT000046486-NM21



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss WARRANTY DEED  
PAGES: 1

I Hereby Certify That This Instrument Was Filed for  
Record On The 25TH Day Of April, A.D., 2012 at 02:06:33 PM  
And Was Duly Recorded as Instrument # 1667350  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM

Deputy - FISCHER

WARRANTY DEED

Woodridge LLC, A New Mexico Limited Liability Company

for consideration paid, grant to

Mariposa, Inc., a New Mexico Corporation

whose address is 2333 Cedros Circle, Santa Fe, NM 87505 the following described real estate in Santa Fe County, New Mexico:

Tract as shown on plat entitled "Plat of Boundary Survey for Mariposa Inc. a New Mexico Corporation a tract of land lying and being situate within Tract J of Lawyer's Portion of the Sebastian De Vargas Grant, within Section 7, T 16 N, R 10 E, N.M.P.M. as projected into said grant...", filed in the office of the County Clerk, Santa Fe County, New Mexico on April 23, 2012, in Plat Book 744, Page 022, as Instrument No. 1867117.

with warranty covenants.

SUBJECT TO Patent, reservations, restrictions, and easements of record and to taxes for the year 2012, and subsequent years.

Witness my hand and seal this 24 day of April, 2012

Woodridge, LLC., a New Mexico Limited Liability Company

By Michael J. Clark  
Michael J. Clark, Managing Member

By Victoria S. Clark  
Victoria S. Clark  
a.k.a Victoria Salem-Clark Managing Member

STATE OF New Mexico

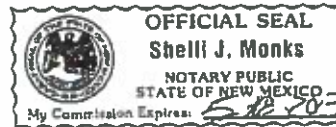
COUNTY OF Santa Fe

This Instrument was acknowledged before me this 24th day of April, 2012  
by Michael J. Clark and Victoria S. Clark a.k.a Victoria Salem-Clark, as managing members of  
Woodridge, LLC., a New Mexico Limited Liability Company.

[Signature]  
Notary Public

My Commission Expires:

(SEAL)



Warranty Deed (4-99)  
FDNM0024.rdw



NBL-29



MATHEWS & RYALS

689°52' E

460.74'

S69°49' E

433.3'

S26°37' E

N26°37' W

GRADED ROAD

To MC 32 of East Boundary  
of the Sebastian De Vargas  
Grant

6.00 ACRES

U.S. HIGHWAY

84-85-285

S35°16'

N89°57' W

460.74'

S35°16'

NEW MEXICO REALTY CO

I hereby certify that I am a Registered Professional Engineer and Land Surveyor and that this plat was prepared from notes of a survey made under my supervision August 29, 1956, and is true and correct to the best of my knowledge and belief.

*J. F. Scanlon*

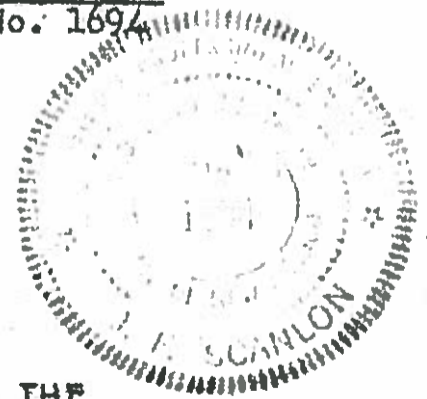
J. F. Scanlon, P.E. & L.S. No. 1694

SCALE 1"=100'

PLAT OF SURVEY FOR

**W. B. PRINCE**

BEING WITHIN TRACT J OF LAWYERS PORTION OF THE  
SEBASTIAN DE VARGAS GRANT SEC. 7, T10N, R10E N.M.P.M.  
SANTA FE COUNTY, NEW MEXICO



• INDICATES IRON STAKE FOUND  
○ SET

1523-01-01  
A-1  
J. E. SCANLON & ASSOC.



NBC-2

**CERTIFICATION OF POSTING**

I hereby certify that the public notice posting regarding Land Development

Case # 14-5440 was posted for 21 days on the property beginning

The 26 day of JAN  
2015. \*\*



Signature

\*Photo of posting must be provided with certification

\*\***PLEASE NOTE:** Public notice is to be posted on the most visible part of the property. Improper legal notice will result in re-posting for an additional 21 days. It is the applicant's responsibility to ensure that the notice is on the property for the full 21 days.

STATE OF NEW MEXICO }  
  }  
COUNTY OF SANTA FE }

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of  
January, 2015, By Pamela Fennell.

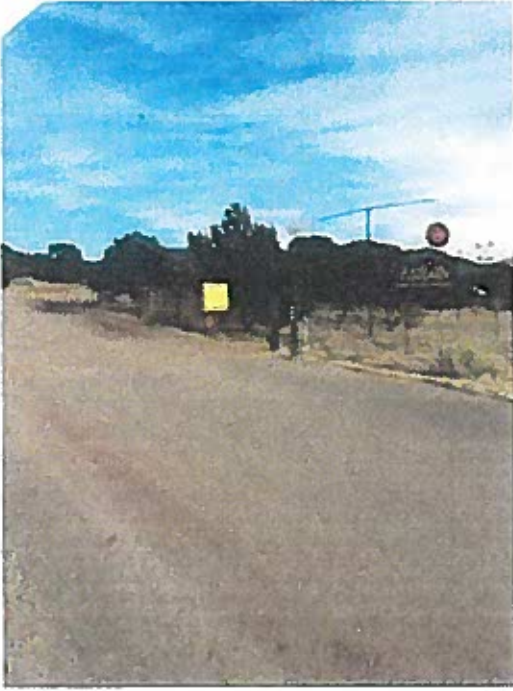
  
Notary Public

My Commission Expires:

4/29/17



index.php (240x320)



NBC-3Z



7013 1710 0001 1212 9859

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at www.usps.com

**OAKLAND CA 94619**

Postage	\$ 00.49
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$2.70
Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$ 06.49</b>

Postmark: **JAN 26 RECD**  
 SANTA FE, NM 87505  
 CORONADO STATION  
 01/26/2015

Sent To: **BARBAR FALLAS**  
 Street, Apt. No., or PO Box No.: **4773 REINHARDT DR**  
 City, State, ZIP+4: **OAKLAND, CA 94619**

PS Form 3800, August 2006 See Reverse for Instructions

7013 1710 0001 1212 9897

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at www.usps.com

**ESPANOLA NM 87532**

Postage	\$ 00.49
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$2.70
Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$ 06.49</b>

Postmark: **JAN 26 RECD**  
 SANTA FE, NM 87505  
 CORONADO STATION  
 01/26/2015

Sent To: **VALLEY NATIONAL BANK**  
 Street, Apt. No., or PO Box No.: **PO Box 99**  
 City, State, ZIP+4: **ESPANOLA, NM 87532**

PS Form 3800, August 2006 See Reverse for Instructions

7013 1710 0001 1212 9866

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at www.usps.com

**SANTA FE NM 87505**

Postage	\$ 00.49
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$2.70
Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$ 06.49</b>

Postmark: **JAN 26 RECD**  
 SANTA FE, NM 87505  
 CORONADO STATION  
 01/26/2015

Sent To: **DESERT ACADEMY AT SF**  
 Street, Apt. No., or PO Box No.: **7300 OLD SF TRAIL**  
 City, State, ZIP+4: **SF, NM 87505**

PS Form 3800, August 2006 See Reverse for Instructions

7013 1710 0001 1212 9880

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at www.usps.com

**SANTA FE NM 87502**

Postage	\$ 00.49
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$2.70
Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$ 06.49</b>

Postmark: **JAN 26 RECD**  
 SANTA FE, NM 87505  
 CORONADO STATION  
 01/26/2015

Sent To: **FDX LLC + VALDEZ BP LLC**  
 Street, Apt. No., or PO Box No.: **P.O BOX 22865**  
 City, State, ZIP+4: **SF, NM 87502**

PS Form 3800, August 2006 See Reverse for Instructions

NBC-33

LEGAL # T9900

CDRC CASE #  
ZA/PDP/FDP 14-5440

**NOTICE OF PUBLIC  
HEARING**

Notice is hereby given that a public hearing will be held to consider a request by Mariposa Incorporated, to request a Master Plan Amendment to an existing Zoning approval and Preliminary and Final Development Plan to allow the expansion of commercial use of a property on 5.99 acres. The property is located at 86B Old Las Vegas Highway, within Section 7, Township 16 North, Range 10 East, (Commission District 4).

A public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on the 19th day of February 2015, at 4 p.m. on a petition to the County Development Review Committee, and on the 14th day of April 2015, at 5 p.m. on a petition to the Board of County Commissioners.

Please Forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Commission taking action. All comments, questions and objections to the proposal may be submitted to the County Land Use Administrator in writing to P.O. Box 276, Santa Fe, New Mexico 87504-0276; or presented in person at the hearing

Published in the Santa Fe New Mexican on January 29, 2015

NBC-34



Monday, January 26, 2015

Transaction Type: **Payment**

Ad Number: **0000107146**

Apply to Current Order: **Yes**

Payment Method: **Cash**

Bad Debt: **-**

Credit Card Number: **xxxxxxxxxxxx9663 - Visa**

Credit Card Expire Date: **March 2015**

Payment Amount: **\$83.30**

Amount Due: **\$0.00**

Reference Number:

Charge to Company: **The New Mexican, Inc.**

Category: **Classified**

Credit to Transaction Number:

Invoice Text:

Invoice Notes:

Customer Type: **Commercial**

Customer Category:

Customer Status: **Active**

Customer Group: **.Default**

Customer Trade: **Retail**

Account Number: **3142**

Phone Number: **5059829944**

Company / Individual: **Company**

Customer Name: **HILLSIDE MARKET**

Customer Address: **86 OLD LAS VEGAS HWY**

**SANTA FE, NM 87507 USA**

Check Number:

Routing Number:



November 14, 2014

John Lovato  
Senior Development Review Specialist.  
Santa Fe County  
102 Grant Avenue  
Santa Fe, nm 87504-0276

RE: CDRC CASE#MAP/PDP/FDP 14-5440 Mariposa (Hillside)

Dear Mr. Lovato:

The New Mexico Department of Transportation (NMDOT) District 5 Traffic Section has reviewed the Master Plan Amendment and Preliminary & Final Development Plan for Mariposa for expansion of commercial use for the reference development. The proposed development is within the County of Santa Fe, New Mexico and consists of several types of Land uses off our roadway system.

We are in agreement with your findings and recommendations that this development will not impact our State transportation system. We therefore approve the study.

Please feel free to contact me at (505)995 7802 if you have any questions.

Sincerely

  
M S JAWADI, P.E.  
District 5 Asst. Traffic Engineer

Cc: Habib Abi-Khalil, Assistant District Engineer – Engineering Support  
Javier Martinez, District 5 Traffic Engineer  
Richard Fernandez Jr. Supervisor, Santa Fe Patrol

**Susana Martinez**  
Governor

**Tom Church**  
Interim Cabinet Secretary

**Commissioners**

**Pete Rahn**  
Chairman  
District 3

**Ronald Schmeits**  
Commissioner  
District 4

**Dr. Kenneth White**  
Secretary  
District 1

**Robert R. Wallach**  
Commissioner  
District 2

**Butch Mathews**  
Commissioner  
District 5

**Jackson Gibson**  
Commissioner  
District 6



District Five

P.O. Box 4127

Santa Fe, NM 87502

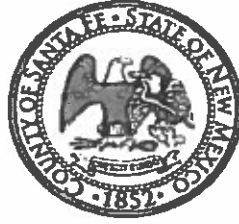
NBL-36



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	November 3, 2014				
Project Name	Mariposa Inc. /Hillside Market Master plan amendment				
Project Location	86 Old Las Vegas Highway				
Description	Gallery, restaurant and gathering space	Case Manager	John Lovato		
Applicant Name	Tisha Sjostrand, President	County Case #	MPA/PDP/FDP14-5440		
Applicant Address	86 Old Las Vegas Highway Santa Fe, NM 87505	Fire District	Hondo		
Applicant Phone	505-982-9944				
Review Type:	Commercial <input checked="" type="checkbox"/>	Residential <input type="checkbox"/>	Sprinklers <input type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>	
	Master Plan <input checked="" type="checkbox"/>	Preliminary <input checked="" type="checkbox"/>	Final <input checked="" type="checkbox"/>	Inspection <input checked="" type="checkbox"/>	Lot Split <input type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input type="checkbox"/>			
Project Status:	Approved <input checked="" type="checkbox"/>	Approved with Conditions <input type="checkbox"/>	Denial <input type="checkbox"/>		

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

#### Summary of Review

- Curbs or signage adjacent to the building, fire hydrant, entrances and landscape medians in traffic flow areas shall be appropriately marked ... (page #2)
- The driveway and parking area incorporates an area for emergency vehicle purposes... (page #2)
- A10,000-gallon cistern and draft hydrant is in place, tested, approved and operable... (page #3)
- This business occupancy has had annual fire inspections completed by the Santa Fe County Fire Prevention Division. (page #4)

## **Fire Department Access**

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

- **Fire Access Lanes**

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

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

- **Roadways/Driveways**

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

Roads meet the minimum County standards for fire apparatus access roads within this type of proposed development. Driveway, turnouts and turnarounds are County approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate and driveway width shall be 14' and an unobstructed vertical clearance of 13'6".

The driveway and parking area incorporates an area for emergency vehicle purposes conforming to the access and turnaround requirements and dimensions of the Santa Fe County Fire Department.

- **Street Signs/Rural Address**

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

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

Properly assigned legible rural address and signage is posted and maintained at the entrance to the business location.



- **Slope/Road Grade**

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

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

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

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

To prevent the possibility of emergency responders being locked out, the access gates are operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System).

## **Fire Protection Systems**

- **Water Storage/Delivery Systems**

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

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

A10,000-gallon cistern and draft hydrant is in place, tested, approved and operable and meet all minimum requirements of the Santa Fe County Fire Department.

- **Hydrants**

At the draft hydrant there is an approved turnout sufficient in size to accommodate emergency draft operations. Final design has been approved by the Fire Marshal.

## **Automatic Fire Protection/Suppression**

For life safety and property protection, this office *recommends* the installation of Automatic Fire Protection Sprinkler systems. Assistance in details and information is available through the Fire Prevention Division.

### **Fire Alarm/Notification Systems**

Fire Protection Alarm systems are installed as per 1997 Uniform Fire Code, Article 10 Section 1007.2.1.1 and the Building Code as adopted by the State of New Mexico and/or the County of Santa Fe. Fire Alarm systems are in accordance with NFPA 72, National Fire Alarm Code, for given type of structure and/or occupancy use.

- **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 installed in locations as set forth in the 1997 Uniform Fire Code. Portable fire extinguishers are inspected and in accordance with UFC Standard 10-1.

### **Life Safety**

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

### **General Requirements/Comments**

- **Inspections/Acceptance Tests**

The fire prevention bureau shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provision of this code and of any other law or standard affecting firesafety. (1997 UFC Article 1, Section 103.3.1.1).

This business occupancy has had annual fire inspections completed by the Santa Fe County Fire Prevention Division. A copy of the Pre-Inspection checklist was provided to the property owner at the time of the initial inspection.

- **Permits**

As required

**Final Status**

Recommendation for Development Plan approval with the above conditions applied.


*Tim Gilmore, Inspector*

  
Code Enforcement Official

11-4-14  
Date

Through: David Sperling, Chief

File: DevRev/H/Mariposa/110414

Cy: Buster Patty, Fire Marshal   
John Lovato, Land Use  
Applicant  
BC & Regional Lts  
District Chief  
File

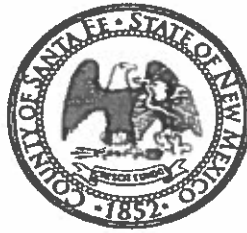
NBL-42



Daniel Mayfield  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Liz Stefanics  
Commissioner, District 4

Kathy Holian  
Commissioner, District 5

Katherine Miller  
County Manager

**PUBLIC WORKS DIVISION  
MEMORANDUM**

**Date:** October 27, 2014

**To:** John Lovato, Development Review Specialist

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

**Re:** CDRC Case # MPA/PDP/FDP 14-5440 Mariposa (Hillside) Master Plan  
Amendment / Preliminary & Final Development Plan

---

The referenced project has been reviewed for compliance with the Land Development Code, and shall conform to roads and driveway requirements of Article V (Subdivision Design Standards) and Section 8.1 (General Policy on Roads). The project is within the Santa Fe County Zoning Jurisdiction and is situated southeast of Old Pecos Trail/Old Las Vegas Highway intersection and northwest of County Road 36 (El Gancho Way)/Old Las Vegas Highway intersection, within Section 7, Township 16 North, Range 10 East. The applicant is requesting to amend their Master Plan to allow for retail, greenhouse, restaurants, indoor/outdoor art and farmers market, lecture educational and neighborhood community use, Preliminary Development Plan and Final Development Plan approval.

**Access:**

The applicant is proposing to utilize an existing driveway off Old Las Vegas Highway, which is under the jurisdiction of New Mexico Department of Transportation and is not maintained by Santa Fe County Public Works Department.

**Conclusion:**

It is Public Works opinion is that the proposed expansion will generate a more traffic than what was approved for Tropic of Capricorn (Garden & Retail Center), therefore, Public Works cannot support the development until **the following condition has been met;**

- Applicant shall provide a Traffic Impact Analysis to determine if the increase of traffic will require an upgrade to the existing driveway or off-site improvements.

NBC-44





## John F. Lovato

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**From:** Brown, William, NMENV <William.Brown@state.nm.us>  
**Sent:** Wednesday, January 21, 2015 1:31 PM  
**To:** John F. Lovato  
**Subject:** CDRC Case # MPA/PDP/FDP 14-5440 Mariposa (Hillside)

Hello Mr. Lovato:

This email follows our telephone conversation today regarding the referenced project. Since my earlier written correspondence to your office on November 4<sup>th</sup>, 2014, I have met with both the applicant and her septic contractor to go over the New Mexico Environment Department (NMED) Liquid Waste Disposal and Treatment Regulations (Regulations). NMED does this routinely with people to ensure that the proposed design of their septic system complies with the Regulations. Pursuant to these meetings, an application to modify the existing septic system was submitted to our office on January 20<sup>th</sup>. The modification calls for enlarging the system to be able to handle the proposed expansion of their business. The application has been reviewed by NMED and a permit allowing construction of the proposed, modified septic system has been issued today (permit #SF15-0017). The proposed system appears to meet the requirements of the Regulations.

Please feel free to contact me with any questions or if you need additional information.

Sincerely,

Bill Brown  
Liquid Waste Specialist  
New Mexico Environment Department  
2540 Camino Edward Ortiz  
Santa Fe, NM 87507  
505-827-1840 office /505-221-9227 cell  
[william.brown@state.nm.us](mailto:william.brown@state.nm.us)





SUSANA MARTINEZ  
Governor  
JOHN A. SANCHEZ  
Lieutenant Governor

NEW MEXICO  
ENVIRONMENT DEPARTMENT

2540 Camino Edward Ortiz

Santa Fe, NM 87507

Phone (505) 827-1840 Fax (505) 827-1839

www.nmenv.state.nm.us



RYAN FLYNN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary

November 04, 2014

John Lovato  
Senior Development Review Specialist  
Santa Fe County  
P.O. Box 276  
Santa Fe, NM 87504-0276

**RE: CDRC Case # MPA/PDP/FDP 14-5440 Mariposa (Hillside)**

Hello Mr. Lovato:

On behalf of Bob Italiano in this office, I have reviewed the information you provided for the referenced project and offer the following comments. My comments are related to the on-site liquid waste system (septic system).

The facility was granted a liquid waste permit from the New Mexico Environment Department (NMED) in 2002 (permit #SF020066). The permit was granted based on a projected daily design flow of 400 gallons per day (gpd), and the proposed use was for a plant resale and garden center. At some later time a small restaurant/coffee shop was added.

The currently proposed plans call for the restaurant to be expanded to seat up to 50 people and add a beer and wine license. The proposed plans also call for offering "a variety of rental options to facilitate seminars, classes, office rental, conferences, political events, small weddings and various other small groups." All of these proposed uses will tax the existing septic system, which does not meet the current standards of the Liquid Waste Regulations (based on existing wastewater flows). Additionally, although the proposed plans detail this expanded use of the facility, no additional rest rooms are proposed.

I would recommend that the applicant revise the proposed plans to include additional restroom facilities and modify their NMED permit to account for the additional wastewater flows that will accompany this expansion.

Please contact me with any questions or if you need additional information.

Sincerely,

Bill Brown  
New Mexico Environment Department  
2540 Camino Edward Ortiz  
Santa Fe, NM 87507  
505-827-1840 office

NBC-48





STATE OF NEW MEXICO  
OFFICE OF THE STATE ENGINEER  
SANTA FE

Scott A. Verhines, P.E.  
State Engineer

November 18, 2014

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

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

**CERTIFIED MAIL**  
**RETURN RECEIPT**  
**REQUESTED**

**Reference: Hillside Master Plan Amendment and Preliminary and Final Development Plan**

Dear Mr. Lovato:

On October 20, 2014, the Office of the State Engineer (OSE) received a request to provide comments for the Hillside Master Plan and Preliminary and Final Development Plan.

The proposal is a request for a Master Plan Amendment to the Preliminary and Final Development Plan to allow for retail, greenhouse, restaurants serving alcohol, indoor/outdoor art and farmers market, lecture, educational and neighborhood community use. It should be noted that Hillside (previously Tropic Capricorn) is currently in operation and was approved by the Extraterritorial Zoning Authority in 1999 as a garden and retail center.

The Hillside property is located on a 5.99 acre parcel at 86b Old Las Vegas Highway between the Sunrise Store and Harry's Road House, northwest of the intersection of El Gancho Way (County Road 36) within Sections 7, Township 16N, Range 10E. Water supply is provided by the State of New Mexico's Petroleum Storage Tank Bureau, gray water, rain water harvesting and a storage tank.

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

NBL-50





The proposal does not contain a water budget as required by Article VII Section 6.6.2 of the Code. Section 6.6.2 requires that *“non-residential development must provide a detailed demand analysis. In all cases where the subject of water use is part of an application for development, the applicant shall submit a water budget, which shall be a listing of all activities within the development which will utilize water, and the amount of water so used”*. According to the developer *“Hillside’s bulk water consumption during the spring of 2013 (when evaporation coolers are not utilized, thus skewing the data) revealed a high 742 gpd, low of 452 gpd, and average of 631 gpd”*. Water for indoor plant watering and irrigation purposes will be supplied from gray water and a rainwater harvesting system. Since a water demand analysis was not provided, it is not known how much water will be needed for indoor plant watering (greenhouse), indoor domestic or outdoor purposes.

When a subdivision proposal is received by the OSE, the developer’s water demand analysis is reviewed to determine if it is technically correct and reasonable. The OSE also verifies that the appropriate conservation measures are reflected in the analysis. Further, data in the water demand analysis is compared with the data and statements included in the Disclosure Statement and in the Restrictive Covenants to make sure that they are consistent with each other. While recent water use statistics have been included, a formal water demand analysis was not provided with the applicant’s submittal; therefore the technical analysis described above was not performed.

Section 47-6-11.F (1) of the New Mexico Subdivision Act requires that the developer provide documents demonstrating that water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision is available. Therefore, the OSE reviews the water rights and the physical water availability. Currently water is provided to Hillside by the State of New Mexico’s Petroleum Storage Tank Bureau since it was found that the well constructed as the water source for the property was contaminated with Hydrocarbons. The developer did not provide additional information regarding this well, therefore a review of the water rights associated with the well was not completed.

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



*Hillside Master Plan Amendment and Preliminary and Final Development Plan*  
*November 18, 2014*  
*Page 3 of 3*

---

If you have any questions, please call Julie Valdez at 505-827-6790.

Sincerely,



Molly Magnuson, P.E.

Water Use & Conservation/Subdivision Review Acting Bureau Chief

cc: OSE Water Rights Division, Santa Fe Office

NBL-54



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

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

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



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

## MEMORANDUM

**DATE:** October 27, 2014

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

**FROM:** Mathew Martinez Development Review Specialist

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

**FILE REF.:** CDRC CASE # MPA/PDP/FDP 14-5440 Mariposa (Hillside)

### REVIEW SUMMARY

#### ARCHITECTURAL, PARKING, LIGHTING, AND SIGNAGE:

The referenced project has been reviewed for compliance with the Santa Fe County Land Development Code. The request for Master Plan Amendment, Preliminary, and Final Development Plan approval for a retail, greenhouse, restaurants indoor/outdoor art and farmers market, lecture, educational and neighborhood community use. The subject property is a 5.99 acre parcel located at 86b Old Las Vegas Highway Northwest of the intersection El Gancho Way (county Road 36).

#### PARKING:

The Applicant has proposed 49 space parking lot. This total includes 3 handicap spaces. 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 Requirements) of the Land Development Code.

NBC-56

NBC-57

**ARCHITECTURAL:**

No new structure is proposed within this Application. The Applicant has submitted Building Elevations. The existing building heights range from 14'2" to 22' 2". Staff has determined that the Architectural element of the Application complies with Article III, Section 2.3.6b of the Land Development Code.

**SIGNAGE:**

No new signage is proposed within this Application. The Applicant has given a description of existing signage. Hillside has a permanently mounted steel structure sign approximately 10 feet 6 inches by 8 feet. Staff has determined that the signage element of the Application complies with Article VIII (Sign Regulations) of the Land Development Code.

**LIGHTING:**

No new lighting is proposed within this Application. The Applicant has given a description of existing outdoor lighting All lights shall be shielded. Staff has determined that the lighting element of the Application complies with Article VIII, Section 4.4.4h of the Land Development Code.

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





# Memorandum

**To:** John Lovato, Senior Development Review Specialist  
**From:** Planning Staff  
**cc:** Robert Griego, Planning Manager  
**Date:** November 26, 2014  
**Re:** CDRC CASE # MPA/PDP/FDP 14-5440 Mariposa (Hillside)

---

**REVIEW SUMMARY:** The applicant is requesting approval of a Master Plan Amendment, Preliminary and Final Development Plan approval for 86 Old Las Vegas Highway which has been reviewed for compliance with the Santa Fe County Sustainable Growth Management Plan (SGMP).

## **STAFF COMMENT:**

### **Santa Fe County Sustainable Growth Management Plan 2010 (SGMP)**

Approval of Master Plan, Preliminary and Final Development Plan will be consistent and inconsistent with the SGMP principles related to Land Use Element (Chapter 2)

- The project is within the Sustainable Development Area 2 (SDA-2), where growth is likely to occur over the next 10 to 20 years (2.2.5.1).
  - This area is not the first area for targeted growth, but some infrastructure already exists in the area and this is not a new development, but a change in use.
- The Future Land Use Map has a Residential Estate category for the area (2.2.5.2).
  - Land Use category of Residential Estate is intended for large lot single family development (2.2.5.3).
  - The area is delineated as a Community Center (Future Land Use Map page 48). Community Center designation are intended to be part of mixed use and planned developments for shopping areas that are neighborhood or community scale. Including personal, professional, agriculture and natural resource based services and businesses (page 47).
- The Official Zoning Map Adoption Draft, March 21, 2014 (which has not been adopted) designates the subject parcel as Commercial General.



Approval of Master Plan, Preliminary and Final Development Plan is consistent with the SGMP including principles related to Economic Development Element (Chapter 3):

- Supporting and encouraging local and small businesses that create employment opportunities in the County is one of the keys to sustainability (3.1.2.3)
- The SGMP describes a lack of diversity in employment types in Santa Fe County (3.2.2)

The intent of the SGMP can be met with the area being located within SDA-2 which is not the first area for development, but the project is an existing development and is asking for a change in uses. The development is both consistent and inconsistent with the Future Land Use Map because of the graphical representation of future growth has both Residential Estate for the land use density, which is a low density, plus a Community Center activity in the area as well.

This proposed development will create employment opportunities, increase diversity in employment types and help the County meet goals in economic development for small business development, sustainable wages and high quality work environments in Opportunity Centers.

**STAFF RECOMMENDATION:**

Staff recommends approval of a Master Plan Amendment, Preliminary and Final Development Plan approval for 86 Old Las Vegas Highway.



## MEMORANDUM

**DATE:** October 21, 2014

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

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

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

**FILE REF.:** Case # MPA/PDP/FDP 14-5440 Mariposa (Hillside)

---

### **REVIEW SUMMARY:**

The Applicant requests approval of Final Development Plan for Mariposa/Hillside to allow a Gallery, Restaurant and Gathering Space on 5.99 acres, in accordance with the Land Development Code and all pertinent Ordinances. The subject property is located at # 86B Old Las Vegas Hwy. The Water Harvesting and Landscaping Plan for the Mariposa/Hillside has been reviewed for compliance with the Land Development Code 1996-10 Article III Section 4.4.4 f4 (Landscaping Plan), 4.4.4f.11 (Landscaping for Parking Lots) and Ordinance 2008-4 (Water Harvesting).

### **Landscaping**

The Applicant is proposing to plant native trees and shrubs throughout the development. The Applicant has stated that all new vegetation will be irrigated by underground drip irrigation. All trees and shrubs shall be watered until established. All existing structures are currently screened by existing trees. All outdoor storage is screened from public view with trees and shrubs. The 49 space parking lot is screened by numerous trees and shrubs which will provide adequate screening. All Pinon trees with a caliper of 4 inches or more will be removed and transplanted on-site around the building site and parking lot. This segment of the proposed landscape plan/landscape for parking lots does comply with the "Code".

### **Water Harvesting**

The Applicant has stated that there is an existing 7200 sq. ft. building. Ordinance 2008-4 (Water Harvesting) requires commercial development to collect all roof drainage into a cistern. Cisterns shall be sized to hold 1.5 gallons per sq. ft. of roofed area. The building currently has two (2) existing 10,000 gallon cisterns to capture all roof drainage and will also serve as fire protection. Conceptually the Applicant would have to provide a cistern to capture 10,800 gallons. This segment if the Water Harvesting Ordinance does conform to Ordinance 2008-4.

NBC-64





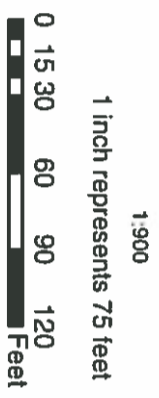
**Legend**

-  ROADS
-  DRIVEWAYS
-  PARCELS

tabbles®

**EXHIBIT**

**7**



2008 Imagery  
2 FOOT CONTOURS

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



February 11, 2015

NBC-4



fulfill the proposals contained in the subdivider's disclosure statement and in determining whether or not the subdivider's provisions for a subdivision conform with County regulations.

#### 4.8 Common Promotional Plans

The Code Administrator will review proposed applications to determine whether there is a common promotional plan to subdivide a property. If it is determined that the land division does constitute a common promotional plan, the project shall comply with the procedures provided for in this Article V.

### SECTION 5 - PROCEDURES AND SUBMITTALS

#### 5.1 Pre-application Procedures

Prior to the filing of an application for approval of a preliminary plat, the subdivider shall confer with the Code Administrator to become acquainted with these subdivision regulations. At this pre-application conference, the subdivider shall be advised of the following:

1. Submittals required by the Code.
2. Type and/or class of the proposed subdivision.
3. Individuals and/or agencies that will be asked to review the required submittals.
4. Required improvements.
5. Conditions under which Master Plans and Development Plans are required as described in Sections 5.2 and 7.
6. A determination will be made as to the appropriate scale and format for plans and plats and as to the appropriateness of applicable submittal requirements.

#### 5.2 Master Plan Procedure

##### 5.2.1 Introduction and Description

- a. Master plans are required in the following cases:
  - i. All Type I, Type II, and Type IV subdivisions with more than one development phase or tract;
  - ii. As required in Article III for developments other than subdivisions; and
  - iii. Such other projects which may elect to apply for master plan approval.
- b. A master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval.
- c. The master plan submittal will consist of both plans and written reports which include the information required in 5.2.2 below. A typical submittal would include a vicinity map, a plan showing existing site data, a conceptual environmental plan with written documentation, a master plan map, a master plan report, a schematic utilities plan and the phasing schedule. Maps and reports may be combined or expanded upon at the discretion of the applicant to fit the particular development proposal as long as the relevant information is included.

##### 5.2.2 Master Plan Submittals

- a. Vicinity Map. A vicinity map drawn at a scale of not more than 2,000 feet to one inch showing contours at twenty (20) foot intervals showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies located on the parcel and within three miles of the Parcel.





The locations of all Federal, State, or County Roads within one thousand (1000) feet of the parcel shall be shown. In addition, location of future highways and arterials as designated on the appropriate master plan for roads in the County (see 3-19-9 N.M.S.A. 1978) shall be shown.

- b. Existing Site Data. A description of existing conditions on or adjacent to the site. Maps shall be at a scale of one (1) inch to one hundred (100) feet or other appropriate scale as determined by the Code Administrator and shall include the following:
- 1) Boundary lines: bearings and distances. The error of closure shall be of a third order survey, and no discrepancy between computed and measured distances shall exceed one (1) part in 1,280 parts;
  - 2) Easements: Location, width and purpose;
  - 3) Streets or Roads on and immediately adjacent to the tract, name and right-of-way width;
  - 4) Utilities on and immediately adjacent to the tract;
  - 5) Owners of record of unplatted land and existing subdivision plats by name and recordation, together with owners of record for affected lots shall be shown for property within one-hundred (100) feet of that tract not including public rights-of-ways.
  - 6) Title and certificates: Present tract designations according to official records in the County Clerk's Office, title under which the proposed development is to be recorded with name and address of owner, notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any, certification of the engineer or land surveyor licensed in accordance with the laws of the State of New Mexico who prepared the plat.
  - 7) Proof of legal access from a county or state road as required by the Code.
- c. Conceptual environmental plan shall include, when appropriate:
- 1) Graphic representation of existing topography, natural features, slopes, and floodplains.
  - 2) Soils maps and reports (SCS)
  - 3) Recreational and/or open space plan, or landscape concepts.
  - 4) Liquid waste disposal plan, and
  - 5) Water Supply plan.
- d. Master plan map(s) showing the proposed development in sketch form, including
- 1) Proposed major vehicular and pedestrian circulation system.
  - 2) Designation and description of proposed land uses, including information about residential uses by type, area and density, and information about office, general commercial and industrial uses by area and intensity of development. Mixed uses shall not be prohibited,
  - 3) Logical and natural boundaries defining development limitations, and
  - 4) Any proposed sites for schools or other community facilities.
- e. A phasing schedule shall be included in the master plan giving a general description of each phase of the development.
- f. A schematic utilities plan showing location, locational cross sections, and approximate line sizes. It is recognized that there may be changes in the final utilities plan due to the requirements of utility companies or final engineering plans and specifications.

- g. Master plan report which includes the following:
- 1) A general description of the project, existing development on the parcel, location, adjacent properties, acreage, lot coverage, access, traffic impacts, terrain management, soils, landscaping, outside lighting, parking, signage, water, liquid waste, solid waste, archaeological sites and fire protection measures;
  - 2) If appropriate, market analysis and economic impact report which address demand, projected sales and build-out; identifies a trade area; estimates retail sales and potential, and identifies the scale and extent of local competition.
  - 3) Preliminary fiscal impact estimates of net local public costs, including capital outlay and operating expenses, and revenues attributable to the proposed project.
  - 4) Preliminary environmental assessment, which identifies the possible effects of proposed development on natural resources or natural features. This may be combined with Section 5.2.2.c of this Article.
  - 5) A written preliminary traffic report prepared by a licensed traffic engineer or other qualified expert acceptable to the Code Administrator.
  - 6) Description of concepts for restrictive covenants proposed for the development if applicable, outlining the areas and extent of restriction or regulation. Detailed covenants are not required at this time.
  - 7) Schools impact report. A written report which projects the effects the proposed project will have on public schools, and which includes:
    - the proposed number, size, and price of residential units within the project;
    - a description of the project's target market; and
    - where applicable, any special educational needs of the project's school-aged residents.

The report will also identify the schools that service the area of the proposed project and their boundaries, the transportation available to those schools, and a list of any pending or approved residential developments within those schools' boundaries. Copies of the schools impacts notice shall be submitted to the school district in which the project is located and to the Code Administrator.

#### 5.2.3 Master Plan Review

The master plan shall be submitted to the Code Administrator or his authorized representative with a written application for approval. The Code Administrator will review the plan and submit analysis, written comments and a recommendation to the County Development Review Committee and the Board. Master plans shall be reviewed by the County Development Review Committee which shall make determinations regarding compliance with the County General Plan or the Extraterritorial Plan and the Code and shall forward the plan to the Board with the Committee's recommendation. The Board may adopt, amend, supplement, or reject the County Development Review Committee recommendation.

#### 5.2.4 Master Plan Approval

- a. The approved master plan shall show the area of residential use and general density measured in dwelling units per acre of land, less dedicated or conveyed rights-of-way, and the area and intensity of commercial and industrial use measured in gross square feet of building area or maximum gross floor area ratio. These shall constitute the maximum permitted number of dwelling units and maximum permitted area and intensity of commercial or industrial use.
- b. The County Development Review Committee and Board shall consider the following criteria in making determinations and recommendations for approval or amendment of master plans:
  1. Conformance to County and Extraterritorial Plan;

2. Suitability of the site to accommodate the proposed development;
3. Suitability of the proposed uses and intensity of development at the location;
4. Impact to schools, adjacent lands or the County in general;
5. Viability of proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or constructed.
6. Conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards.

#### 5.2.5 Filing of Approved Master Plan

The approved master plan with maps which has been approved by and received signatures of the County Development Review Committee Chairman and Board Chairman shall be filed of record at the County Clerk's Office.

#### 5.2.6 Amendments and Future Phase Approvals

- a. 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.
- b. 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.
- c. Any changes approved by the Code Administrator pursuant to Section 5.2.6b of this Article shall be subject to the review and approval of County Development Review Committee and the Board at the time of development plan or plat approval.
- d. The phasing schedule may be modified by the Board at the request of the developer as economic circumstances require as long as there is no adverse impact to the overall master plan. (See Article V, Section 4.5)

#### 5.2.7 Expiration of Master Plan

- a. Approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board.
- b. Master plan approvals may be renewed and extended for additional two year periods by the Board at the request of the developer.
- c. Progress in the planning or development of the project approved in the master plan consistent with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. For the purpose of this Section, "progress" means the approval of preliminary or final development plans, or preliminary or final subdivision plats for any phase of the master planned project.

History: 1980 Comp. 1980-6. Sections 4.4, 4.5, 5.1 and 5.2 were amended by County Ordinance 1987-1 to provide for the submittal of a master plan.

### ~~5.3 Preliminary Plat Procedure~~

#### ~~5.3.1 Introduction and Description~~

- ~~5.3.1a Preliminary 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.~~

**SECTION 6 - FEES AND LEVIES****6.1 Standard Fees**

Any person desiring to subdivide land in the County shall pay the current administrative fees set by the County. A fee schedule, which may be periodically amended, is available from the Code Administrator.

**6.2 Additional Fees for Unusual Circumstances**

Where additional review by the County is required above and beyond normal review requirements due to complex, unforeseen, or unique circumstances relating to the proposed plan or plat, such as complex hydrological considerations, then the County may charge an additional review fee to defray the cost of such review. Review fees shall be only for professional services rendered to the County in the case that the County does not have qualified personnel to assist in reviewing such reports, plans and plats. When an additional fee is deemed necessary, the fee shall be arrived at between the County and the subdivider.

**SECTION 7 - DEVELOPMENT PLAN REQUIREMENTS****7.1 Preliminary Development Plans****7.1.1 Pre-application conference**

- a. Prior to the application for approval of a preliminary development plan for any phase or for an entire project, the subdivider may confer with the Code Administrator regarding the plan submittal and requirements of the Code according to Section 5.1 of this Article.
- b. At this time a determination will be made as to the appropriate scale and format for plans and plats and as to the appropriateness of applicable submittal requirements.

**7.1.2 Information to be submitted**

- a. Evidence of legal lot of record;
- b. Contour intervals of two feet or such other appropriate scale as determined by the Code Administrator;
- c. Arrangements, location and size of buildings, where applicable;
- d. Off-street parking and loading or dumping facilities, where applicable;
- e. Internal vehicular and pedestrian circulation, and ingress and egress;
- f. A drainage, grading, and erosion control plan including existing and proposed contours for roads and utilities; a preliminary/conceptual grading plan around buildings, when applicable;
- g. A landscaping plan providing a schedule specifying conceptual methods, to include type, size, and location of vegetative and non-vegetative landscape material, and a preliminary description of the irrigation system to be used;
- h. Walls, fences and earth berms; their approximate locations and identifying types of fences and walls, if applicable;
- i. Size, location, orientation, lighting and type of signage, where applicable;
- j. Conceptual plan for outdoor lighting, including type, size, location of fixtures, if applicable;
- k. Easements, rights-of-way and street design:
  - l. Access to telephone, gas, and electric utility service;
  - m. Utility plan for water and sanitary sewer;
  - n. Residential densities/gross acres;

**EXHIBIT****9.**

V - 18

- o. Intensity of non-residential development, including lot coverages, gross floor area ratios or gross square feet of building area;
- p. A vicinity map showing the boundaries of the project, owners of record within one hundred feet of the tract including public rights-of-way and existing conditions and development, including adjacent streets and utilities, for at least two hundred feet from the project boundaries;
- q. If appropriate, the phases and approximate dates of development of the phases;
- r. The plan shall be drawn at a scale of one hundred feet (100') to the inch or such other appropriate scale as determined by the Code Administrator;
- s. Proposed community facilities and/or sites and recreational areas, if any, and proposed ownership of such:
  - t. A schedule of on-site and off-site public improvements with the time of construction related to the phasing schedule;
  - u. Information as required by state agencies;
  - v. The preliminary subdivision plat may be submitted concurrently with the preliminary development plan, but is not required. Submittal of a schematic or sketch subdivision plat showing proposed lot layout, approximate dimensions and lot areas together with topography and natural features; and
  - w. A written traffic report prepared by a licensed traffic engineer or other qualified expert as determined by the Code Administrator.
  - x. Schools Impact Report. A written report which projects the effects the proposed project will have on public schools, and which includes: the proposed number, size, and price of residential units within the project; a description of the project's target market; and where applicable, any special educational needs of the project's school-aged residents. The report will also identify the schools that service the area of the proposed project and their boundaries, the transportation available to those schools, and a list of any pending or approved residential developments within those schools' boundaries. Copies of the schools impacts notice shall be submitted to the school district in which the project is located and to the Code Administrator.
  - y. Water Supply Plan - Water System. As required by Article VII, Section 6 of the Code and Table 5.1, of Section 9.3 of this Article V.
  - z. Solid Waste Disposal Plan. As required by Article VII, Section 7 of the Code.
  - aa. Liquid Waste (Disposal) Plan. As required by Article VII, Section 2 of the Code.
  - bb. Timing and Phasing of Development. Projections for 5 to 10 years.
  - cc. Copies of deed restrictions and protective covenants must be submitted.

### 7.1.3 Review

- a. 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.
- b. A preliminary development plan shall be submitted prior to or concurrent with submission of a preliminary plat.
- c. 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.

7.1.4 Criteria for development plan phase approval

- a. Conformance to the approved master plan;
- b. The plan must meet the criteria of Section 5.2.4 of this Article V.

7.2 Final Development Plan

7.2.1 Submittals

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.

7.2.2 Review

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.

History. 1980 Comp. 1980-6. Section 7 of Article V was amended by County Ordinance 1987-1 adding language relating to master plans.

**SECTION 8 - SUBDIVISION DESIGN STANDARDS**

~~These standards shall be binding upon the subdivider unless modifications are justified by sound engineering principles. Such modifications from these standards may be approved by the Board after a review by the County Development Review Committee upon presentation of documented justification by a licensed professional engineer.~~

~~8.1 General Policy on Roads~~

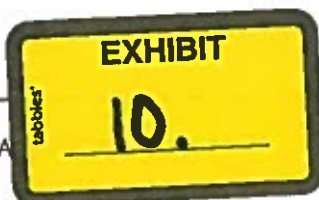
~~8.1.1 General~~

~~The arrangement, character, extent, width, grade and location of all roads shall be considered in relation to convenience and safety, and to the proposed uses of land to be served by such roads. Prior to grading or roadway cuts, all applicable permits shall be granted by the Code Administrator.~~

- o. Intensity of non-residential development, including lot coverages, gross floor area ratios or gross square feet of building area;
- p. A vicinity map showing the boundaries of the project, owners of record within one hundred feet of the tract including public rights-of-way and existing conditions and development, including adjacent streets and utilities, for at least two hundred feet from the project boundaries;
- q. If appropriate, the phases and approximate dates of development of the phases;
- r. The plan shall be drawn at a scale of one hundred feet (100') to the inch or such other appropriate scale as determined by the Code Administrator;
- s. Proposed community facilities and/or sites and recreational areas, if any, and proposed ownership of such;
- t. A schedule of on-site and off-site public improvements with the time of construction related to the phasing schedule;
- u. Information as required by state agencies;
- v. The preliminary subdivision plat may be submitted concurrently with the preliminary development plan, but is not required. Submittal of a schematic or sketch subdivision plat showing proposed lot layout, approximate dimensions and lot areas together with topography and natural features; and
- w. A written traffic report prepared by a licensed traffic engineer or other qualified expert as determined by the Code Administrator.
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- cc. Copies of deed restrictions and protective covenants must be submitted.

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

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- a. Conformance to the approved master plan;
- b. The plan must meet the criteria of Section 5.2.4 of this Article V.



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7.2.2 Review

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.

History. 1980 Comp. 1980-6. Section 7 of Article V was amended by County Ordinance 1987-1 adding language relating to master plans.

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These standards shall be binding upon the subdivider unless modifications are justified by sound engineering principles. Such modifications from these standards may be approved by the Board after a review by the County Development Review Committee upon presentation of documented justification by a licensed professional engineer.

8.1 General Policy on Roads

8.1.1 General

The arrangement, character, extent, width, grade and location of all roads shall be considered in relation to convenience and safety, and to the proposed uses of land to be served by such roads. Prior to grading or roadway cuts, all applicable permits shall be granted by the Code Administrator.





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

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

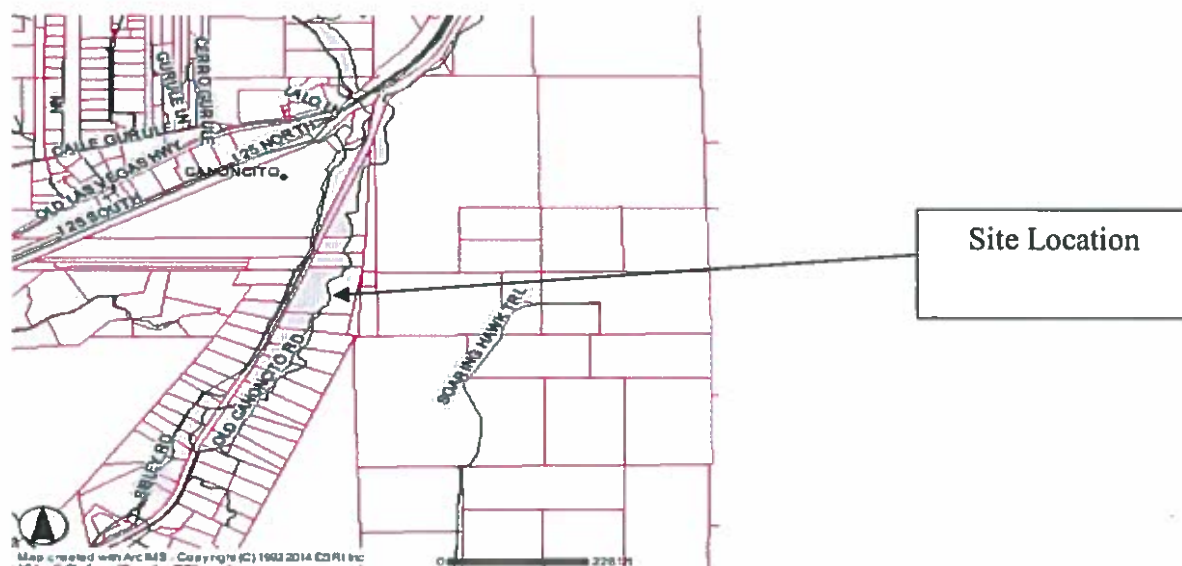
**FILE REF.:** CDRC CASE # V 14-5500 Virginia Gould & James Lauri Hakola Variance

**ISSUE:**

Virginia Gould and James Lauri Hakola, Applicants, request a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code, to allow a Land Division of 20 acres into two lots; One lot consisting of 13.379 acres and one lot will consisting of 6.621 acres.

The property is located at 106 Old Cononcito Road, Within Section 12, Township 15 North, Range 10 East, (Commission District 4).

**Vicinity Map:**



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

WBD-1

**SUMMARY:**

The subject lot was created in 1978, and is recognized as a Legal Lot of Record. In 2003, Virginia Gould and James Lauri Hakola purchased the property. There is currently a residence, a studio and a storage shed located on the property.

The Applicants state, when they initially purchased the property it was the intent of the National Park Service to purchase a portion of the 20 acre parcel. The National Park Service had already designated a portion of the 20 acres as the Pecos National Historic Park. The National Park Service now has the financial availability to purchase 6.62 acres from the Applicants. The Applicants state they wish to sell 6.62 acres to the National Park Service. This would create two lots which do not meet minimum lot size requirements as set forth in Article III, § 10 Lot size requirements of the Land Development Code.

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

The owner of the Property Virginia Gould and Lauri James Hakola, acquired the Property by warranty deed recorded in book # 2543 page #523 in the Santa Fe County Clerk's records dated June 3, 2003. (Exhibit 5)

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 December 23, 2014. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on December 23, 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. (Exhibit 6)

**This Application was submitted on November 4, 2014.**

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

**APPROVAL SOUGHT:** Approval of a variance of Article III, §10 (Lot Size Requirements) of the Land Development Code to allow a Land Division of 20 acres into two lots; One lot consisting of 13.38 acres and one lot consisting of 6.62 acres.

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

**HYDROLOGIC ZONE:** Homestead Hydrologic Zone. The Minimum lot size per Code is 160 acres per dwelling unit. Lot size can be reduced to 40 acres per dwelling unit with signed and recorded water restrictions. The proposed Land Division exceeds minimum lot size requirements.

**FIRE PROTECTION:** Hondo Fire District.

**WATER SUPPLY:** Domestic Well for the 13.38 acre parcel with a dwelling and an accessory structure. The 6.62 acre parcel is proposed to be sold to the National Park Service.

**LIQUID WASTE:** Conventional Septic System.

**VARIANCES:** Yes

**AGENCY REVIEW:** None

**STAFF RECOMMENDATION:** Denial of a variance of Article III, §10 (Lot Size Requirements) of the Land Development Code.

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

1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office at the time of Development Permit (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2).
3. Deeds transferring the parcel to the National Park Service shall be recorded at the time the plat is recorded.

4. The placement of additional dwelling units on the 13.38 acre tract or on the 6.62 acre tract and further division of either tract is prohibited. (As per Article III, § 10).
5. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat Approval (As per 1997 Fire Code and NFPA Life Safety Code).

**EXHIBITS:**

1. Letter of request
2. Article III, §10 (Lot Size Requirements)
3. Article II, § 3 (Variances)
4. Aerial of site and surrounding area
5. Warranty Deed
6. Legal Notice

Armijo Surveys, Inc.  
Professional Land Surveying

November 3, 2014

Matthew Martinez, Development Review Spec.  
Growth Management Dept.  
Building & Development Services Div.  
Santa Fe County  
PO Box 276  
Santa Fe, NM 87501

Re: Owners: Lauri J. Hakola and Virginia Gould  
Address: 106 Old Canoncito Rd.  
Tax Acct. #: 128101431

Dear Martinez:

Thank you for your research to determine the possibility of speeding up the variance process.

Our clients, Hakola/Gould, have several issues that necessitate the sale of their property to the National Park Service:

- Hakola/Gould would like to have an established boundary line delineating the portion of their property located in the Pecos National Historical Park;
- Hakola/Gould are aging and would like to make the property transferable or "lendable" to either their children or a buyer if they have to move out-of-town due to the cost of maintenance of the entire property;
- Hakola/Gould are aging and would like to pay off the mortgage on their property;
- The property is a 20-acre parcel. They believe the parcel never really fit the "homestead" 40-acre requirement.

Please advise if you have any questions or comments.

Sincerely,

*Paul Armijo*

Paul Armijo, PLS

Enclosures as cited



P.O. Box 24438 Santa Fe, NM

f: (866) 376-9506 www.ArmijoSurveys.com

N3d.5

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

- 9.2 Multiple use projects shall calculate cumulative parking needs for each type of use in the project to be developed.
- 9.3 Minimum size of parking space shall be 300 square feet which includes the parking stalls and aisles.
- 9.4 Commercial, industrial, other non-residential and large scale residential uses shall provide for handicap parking.

History: 1980 Comp. 1980-6, Section 9, Parking Requirements was amended by County Ordinance 1990-11 adding requirements for auditorium uses, multiple uses and handicap access.

## SECTION 10 - LOT SIZE REQUIREMENTS

### 10.1 Relationship of Lot Sizes to Water Policies

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



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

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

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

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

BASIN FRINGE ZONE: Same as Basin Zone.

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

MOUNTAIN ZONE: Same as Homestead Zone.

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

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

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

## 10.2 Calculation of Minimum Lot Size

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

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

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

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

Where:

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

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

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

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

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

<u>BASIN ZONE:</u>	10 acres
<u>BASIN FRINGE ZONE:</u>	50 acres
<u>MOUNTAIN ZONE:</u>	80 acres
<u>HOMESTEAD ZONE:</u>	160 acres

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



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

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

#### 10.2.2 Calculation of Use

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

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

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

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

<u>BASIN ZONE:</u>	5 acres
<u>BASIN FRINGE ZONE:</u>	25 acres
<u>MOUNTAIN ZONE:</u>	40 acres
<u>HOMESTEAD ZONE:</u>	80 acres

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

<u>BASIN ZONE:</u>	2.5 acres
<u>BASIN FRINGE ZONE:</u>	12.5 acres
<u>MOUNTAIN ZONE:</u>	20 acres
<u>HOMESTEAD ZONE:</u>	40 acres

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

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

10.2.4 Special Standards for Calculation of Water Availability for Metropolitan Areas

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

a. Standard Values of Water Availability

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

<u>BASIN ZONE:</u>	.25 acre feet per acre per year
<u>BASIN FRINGE ZONE:</u>	.05 acre feet per acre per year
<u>MOUNTAIN ZONE:</u>	.0125 acre feet per acre per year

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

<u>METRO BASIN ZONE:</u>	4 acres
<u>METRO BASIN FRINGE ZONE:</u>	20 acres
<u>METRO MOUNTAIN ZONE:</u>	80 acres

b. Adjustments for Water Conservation

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

<u>BASIN ZONE:</u>	2.5 acres
<u>BASIN FRINGE ZONE:</u>	5 acres
<u>MOUNTAIN ZONE:</u>	20 acres

10.3 Exceptions to Minimum Lot Size Requirements

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

10.3.1 Metropolitan Area - Community Water Systems

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

<u>BASIN ZONE:</u>	1 acre
<u>BASIN FRINGE ZONE:</u>	2.5 acres
<u>MOUNTAIN ZONE:</u>	5 acres

10.3.2 Agricultural Areas

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

10.3.3 Traditional Communities

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

10.3.4 Urban Areas

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

10.4 Density Transfer

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

## SECTION 11 - IMPORTING OF WATER

11.1 Location Requirements

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

## 11.2 Criteria

The following criteria may be used to determine the density of a development which imports water:

- 11.2.1 Traffic Generation. The amount of traffic generated by the proposed activity shall not at any time impede traffic flow, cause a public road to operate at over capacity, nor contribute to excessive air pollution. The Code Administrator may refer an application to the New Mexico Environmental Improvement Division for their comments on the impact of additional development upon air quality.
- 11.2.2 Energy Consumption. Proposed development which is not near employment or shopping facilities shall serve to minimize commuting and shopping trips by such methods as reducing density, provision of employment and shopping in the proposed development, and provision of mass transit facilities.
- 11.2.3 Provision by Local Government of Public Facilities and Services. The proposed development shall not cause undue burden to the local government in the provision of public facilities and services.
- 11.2.4 Compatibility with Adjoining Residences. The proposed development shall be of a character and density that will not be intrusive to the adjoining residential areas as they now exist or may develop as permitted by the Development Code. The development:
- a. Shall correlate with the residential life style of adjoining residences as expressed in intensity of use and size of structures;
  - b. Shall provide a sense of the open space of rural areas that corresponds to adjoining locations; and
  - c. Shall generate corresponding amounts of vehicular traffic.

**2.5 Zoning**

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

**2.6 Subdivisions**

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

**2.7 Other Requirements**

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

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

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

**3.2 Variation or Modification**

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

**3.3 Granting Variances and Modifications**

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

**3.4 Height Variance in Airport Zones**

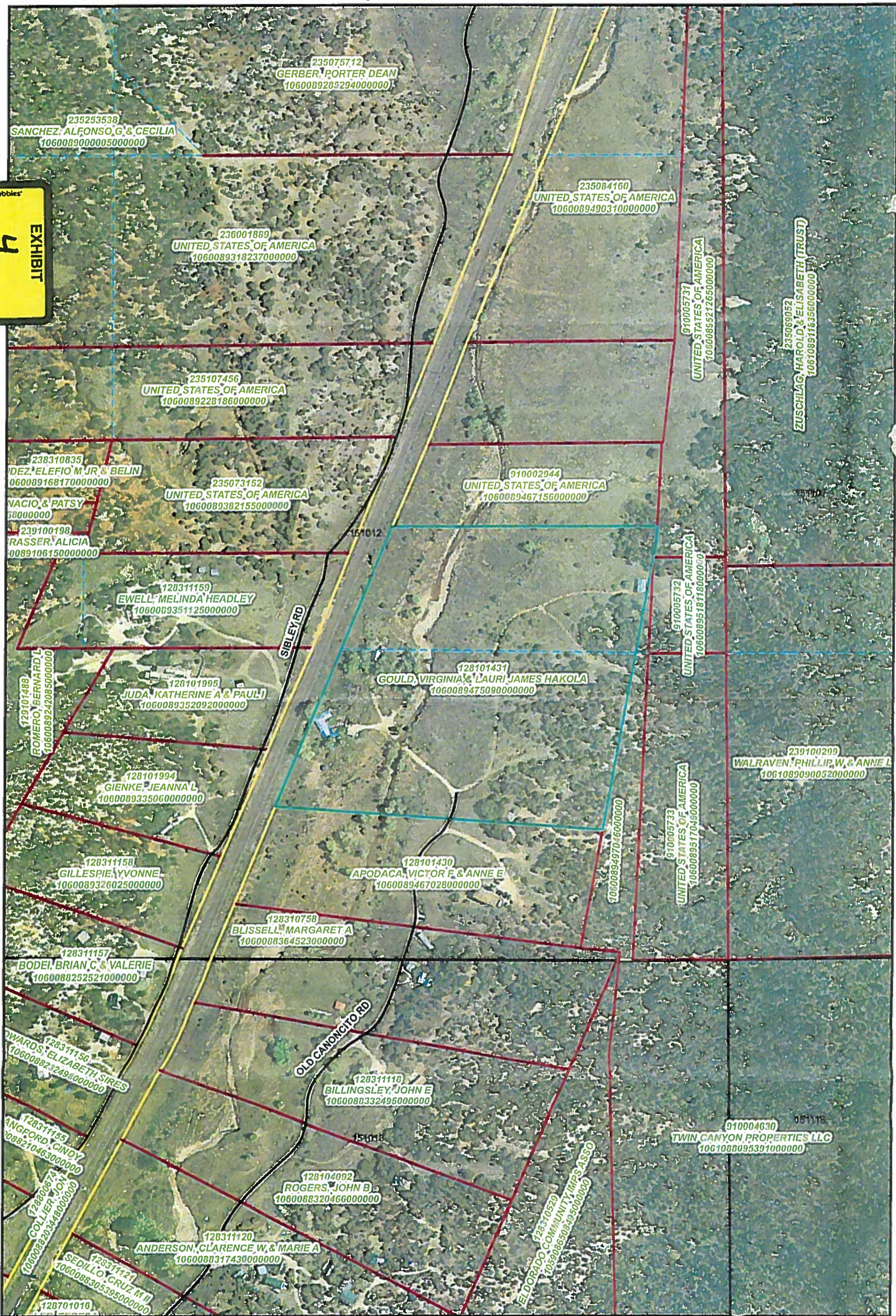
All height variance requests for land located with approach, Transitional, Horizontal and Conical surfaces as described within Map #31 A, incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied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





Santa Fe County Assessors Map for Acct. 128101431

tabbles  
**4.**  
**EXHIBIT**



Date: Oct. 28, 2014

HRD W



1 point = 3.494.46 points

1 in = 291 ft



**QUITCLAIM DEED**

Virginia Gould, a single woman, for consideration paid, quitclaim to Virginia Gould, a single woman and Lauri James Hakola, a single man, as tenants in common whose address is P.O. Box 22113, the following described real estate in Santa Fe County New Mexico 87505 :

A tract of land lying and being situate within the Bishop John Larry Grant, Santa Fe County, New Mexico and being more particularly described as follows:  
Beginning at the southeast corner of this tract, a point on the easterly boundary of the Bishop John Larry Grant, from which the closing corner of Sections 12 and 13 T15N, R10E, N.M.P.M. bears S 03° 19' 39" W 451.34 feet;  
thence from said point and place of beginning along the following bearings and distances;  
N 85° 33' 33" W 1152.17 feet;  
N 21° 45' 12" E 865.30 feet;  
N 89° 38' 10" E 880.28 feet;  
S 03° 19' 39" W 900.00 feet;  
to the point and place of beginning. As shown on "Plat of Survey for Joseph T. Overby within the Bishop John Larry Grant...", prepared by Robert L. Benavides, dated May, 1978.

**LESS AND EXCEPTING:**

That portion of subject property acquired by the United States of America by eminent domain, as described on Final Judgment filed December 31, 2002 in United States District Court for the District of New Mexico, Case No. CIV. NO. 02-671 WJ/LFG.

*June 3, 2003*

WITNESS our hands and seal this 2003.  
Virginia Gould  
Virginia Gould

**Representative Capacity**

State of New Mexico )  
  ) S  
County of Santa Fe                                 )

This instrument was acknowledged before me on \_\_\_\_\_ day of June, 2003, by as of .

My commission expires:

(Seal)

State of New Mexico )  
County of Santa Fe                                 )



COUNTY OF SANTA FE 1269 } 2018  
STATE OF NEW MEXICO  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED  
FOR RECORD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D.  
2003 AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ A.M.  
AND WAS DULY RECORDED IN BOOK \_\_\_\_\_ OF THE RECORDS OF  
SANTA FE COUNTY  
WITNESS MY HAND AND SEAL OF OFFICE  
REBECCA BURDUMANTE  
COUNTY CLERK, SANTA FE COUNTY, N.M.  
Debra  
DEPUTY

This instrument was acknowledged before me on 30 day of June, 2003, by Virginia Gould.

My commission expires:

9-21-2006

Gloria A. Roybal  
OFFICIAL SEAL  
Gloria A. Roybal  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
My Commission Expires:



SENDER - COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Yvonne Gillespie</u> C. Date of Delivery <u>12/24/14</u></p> <p>D. Is delivery address different from item 17? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>DEC 24 2014</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
1. Article Addressed to:  Yvonne Gillespie 1606 Camino Monica Santa Fe, NM 87501-2331	
2. Article Number (Transfer from service label)	7012 3050 0000 6802 8039
PS Form 3811, July 2013	Domestic Return Receipt

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1. Article Addressed to:  Victor F & Anne E Apodaca 104 Old Canoncito Rd Santa Fe, NM 87508-1497	
2. Article Number (Transfer from service label)	7012 3050 0000 6802 8008
PS Form 3811, July 2013	Domestic Return Receipt

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1. Article Addressed to:  Katherine & Paul Juda 1541 W Touhy Ave Chicago, IL 60626-2623	
2. Article Number (Transfer from service label)	7012 3050 0000 6802 7988
PS Form 3811, July 2013	Domestic Return Receipt



NBC-116



SENDER COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Address</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Jean Hall Gienke 91 Sibley Rd. Santa Fe, NM 87508-1432</p>	<p>3. Service Type <input type="checkbox"/> Priority Mail Express™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p> <p>7012 3050 0000 6802 8022</p>	
<p>PS Form 3811, July 2013</p>	<p>Domestic Return Receipt</p>

SENDER COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Address</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Melinda Headley Ewell 99 A&amp;B Sibley Rd Santa Fe, NM 87508-1432</p>	<p>3. Service Type <input type="checkbox"/> Priority Mail Express™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p> <p>7012 3050 0000 6802 8015</p>	
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NED-17



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Updated Delivery Day: Tuesday, December 23, 2014

## Product & Tracking Information

Postal Product	Features:	Return Receipt
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→ December 23, 2014, 7:17 pm	Delivered	SANTA FE, NM 87504
December 23, 2014, 7:16 pm	Arrived at Unit	SANTA FE, NM 87504
December 20, 2014, 4:00 pm	Departed USPS Origin Facility	ALBUQUERQUE, NM 87101
December 19, 2014, 9:35 pm	Arrived at USPS Origin Facility	ALBUQUERQUE, NM 87101
December 19, 2014, 10:18 pm	Acceptance	SANTA FE, NM 87507

## Available Actions

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\*Indicates a required field

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We will send you an email with the return receipt.

\*First Name \*Last Name

\*Email Address

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Return Receipt Fee (Endorsement Required) \$2.70 92 Postmark Here

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Total Postage & Fees \$ 16.49 12/19/2014

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N30-18

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

**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 14-5330 Francisco and Arlene Tercero Variance**

**ISSUE:**

Francisco And Arlene Tercero, Applicants And The Amarante Romero Trust (Arlene Tercero, Trustee), Applicant, Request A Variance Of Ordinance No. 2007-2 (Village Of Agua Fria Zoning District), Section 10.6 (Density And Dimensional Standards) To Allow A Small Lot Family Transfer Of 1.53 Acres (Frank And Arlene Tercero Parcel) Into Two Lots, Each Consisting Of 0.75 Acres More Or Less And Approval Of An Additional Small Lot Family Transfer On The Adjacent 2.549 Acre Lot (Amarante And Emma Romero Parcel) To Create 2 Lots, Each Consisting Of 1.25 Acres More Or Less. The Applicants Also Request A Variance Of Article V, Section 8.2.1c (Local Roads) And Article III, Section 2.4.2b 3 (A)(1) (Roads And Access) Of The Land Development Code To Serve The 4 Proposed Lots And One Existing Lot, For A Total Of Five Lots. The Road That Services The Properties (Calle De Quiquido) Does Not Meet The Specifications Of Local Lane, Place Or Cul-De-Sac Roads Being That The Road Is Too Narrow And Does Not Have Adequate Drainage Control Necessary To Insure Adequate Access For Emergency Vehicles.

The Properties Are Located At 1443 And 1645 Calle De Quiquido, Within Section 32, Township 17N, Range 9 East (Commission District 2).

**Summary:**

The Applicants are requesting to table this case until the regularly scheduled CDRC meeting on March 19, 2015.

NBE - 1

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*

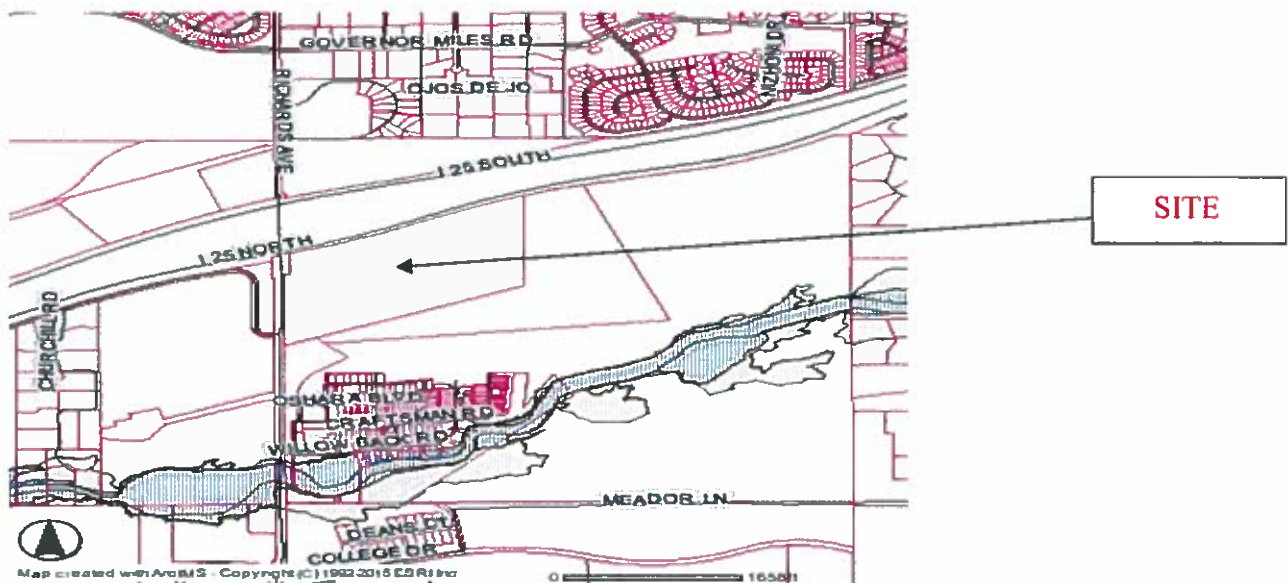
**VIA:** Penny Ellis-Green, Growth Management Director *PEG*  
Vicki Lucero, Building and Development Services Manager *VL*  
Wayne Dalton, Building and Development Services Supervisor *WD*

**FILE REF.:** CDRC CASE # V/MP 14-5490 Saleh Master Plan

**ISSUE:**

Senemar, LLC, Applicant, Design Enginuity, Agent, request Master Plan approval in conformance with the Community College District Ordinance to allow a Phased Mixed Use Development on a 64 acre  $\pm$  site. The Applicant also requests a variance of Ordinance No. 2000-12, Section 6.E.3.c) to allow a no-outlet roadway to exceed 300 feet and a variance of Ordinance No. 2000-12, Section 6.7 (Road Design Standards), to allow non-compliances of design standards required of a Living Priority Road. The site will take access off of Richards Avenue. The property is located on the south side of I-25 and east of Richards Avenue, within the Community College District, within Section 16, Township 16 North, Range 9 East (Commission District 5).

**Vicinity Map:**



NBF-1

## SUMMARY:

The Applicant is requesting Master Plan approval in conformance with the Community College District Ordinance (CCDO). The Community College District Ordinance was adopted December 11, 2000. The CCDO Land Use Zoning Map defines 31.2 acres as Employment Center, 22.3 acres as Village Fringe and 10.5 acres as Open Space within the 64 acre site.

The Applicant has redefined the flatlands, hillsides, pinion/junipers, grasslands and arroyos of the CCDO Land Use Map and has developed the proposed Master Plan. The proposed Master Plan includes 7.4 acres of Neighborhood Center, 21.4 acres of Employment Center and 32.1 acres of Open Space. The remaining 3.1 acres will be a road right-of-way.

The Applicant is proposing two Phases for the development of this site. The use list for Phase 1, consisting of 24.16 acres, includes the following: 13.55 acres of Open Space which includes passive space, parks, plaza (.33 acres), trails, roads, drainage facilities, wastewater treatment facilities, stables, riding academies (maximum 20 horses) and cemeteries; Neighborhood Center consisting of 7.39 acres which includes cemeteries/funeral homes (maximum 5 acre cemetery and 10,000 square foot funeral home) and churches/religious institutions (maximum seating for 125 persons); Employment Center consisting of 1.82 acres which includes air-conditioned storage facility with allowable caretaker unit (single building with a common entrance to all units, maximum 60,000 square feet) and RV and boat storage facility.

The use list for Phase 2, consisting of 35.68 acres, includes the following: 16.13 acres of Open Space which includes passive space, parks, plaza (.33 acres), playground (.25 acres), trails, roads, drainage facilities, wastewater treatment facilities, stables, riding academies and cemeteries; Neighborhood Center which includes cemeteries/funeral homes, churches/religious institutions, bank/financial services, veterinary clinic, retail sales of less than 5,000 square feet and assisted living/nursing facility; Employment Center consisting of 18.97 acres which includes apartments, condos or townhomes, shopping center, Hotel and office/retail.

The Applicant states that due to the existing traffic congestion along Richards Avenue and the Oshara neighborhood, Phase 1 development will be limited to low traffic uses. Phase 2 will be developed upon completion of the Northeast Connector.

Ordinance No. 2000-12, § 4.B.b) states: "all lands within the Community College District are zoned for the uses allowed in the Land Use Table. The purpose of the Master Plan is to establish the extent and scope of the project including, without limitation, the uses for the project, the specific information to determine the relationship between the landscape types, the zones and the project, and the relationship of its phases and multiple components with adjacent environment and its overall needs for services and infrastructure".

Article V, § 5.2.1.b of the Land Development Code 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

NBF-2

expending large sums of money for the submittals required for a Preliminary and Final Plat approval”.

The Applicant also requests a variance of Ordinance No. 2000-12, Section 6.E.3.c) to allow a no-outlet roadway to exceed 300 feet and a variance of Ordinance No. 2000-12, Section 6.7 design standards of a Living Priority Road. More specifically, the Applicant proposes to build a temporary east extension of Dinosaur Trail Road onto the Saleh property for Phase 1. This road will be a dead end basecourse road, 960 feet in length. The Applicant states that at full build out the road would be classified as a Living Priority Road.

The Applicant States: “We request two variances: one to allow a road up to 960 feet in length and to allow this road **not to be** constructed to the CCDO standards. Instead we propose to construct a 24-foot wide basecourse temporary road. The reason for this request is that the County intends to close off the existing Dinosaur Trail roadway and relocate it 900 feet north when they construct the Northeast Connector. The Saleh project access will then be relocated to the new NE Connector and the existing Dinosaur Trail extension roadway will be removed. Currently the County estimates that the NE Connector will be constructed in 2017. Thus at most this temporary road will be in service for 2 years. Paving of the temporary road would be a waste of resources and not compatible with the goals of the County’s Sustainable Growth Management Plan. All permanent roads within the project will be paved. This temporary road will end in a hammerhead turnaround with 100 foot arms. The proposed design meets the County Fire Marshal requirements for a dead end road.”

Ordinance No. 2000-12, Section 6.E.3.c) states: “no-outlet roadways shall be used only to preserve open space contiguity or in cases that terrain does not allow contiguity. No-outlet roadways shall not exceed three hundred feet (300’) in length and shall have a minimum fifty foot (50’) turn around.”

Ordinance No. 2000-12, Section 6.7 illustrates the design standards for a Living Priority Road, which include the following: 54’ R-O-W; 11’ wide paved drive lanes; striping; 10 foot minimum median; curb and gutter; on street parking on both sides; 10’ center planting area.”

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.”

NBF-3

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 # 1403256 in the Santa Fe County Clerk’s records dated November 28, 2005. Design Enginuity is authorized by the property owner to pursue the request for Master Plan approval in conformance with the Community College District Ordinance to allow a Phased Mixed Use Development on a 64 acre ± site, as evidenced by a copy of the written authorization contained in the record (Exhibit 13).

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 14).

This Application was submitted on December 5, 2014.

**Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support this request: the Application has established the extent and scope of the project including, the uses for the project, the specific information to determine the relationship between the landscape types, the zones and the project, and the relationship of its phases and multiple components with adjacent environment and its overall needs for services and infrastructure; conformance to the Santa Fe Growth Management Plan as amended by the Community College District Plan; the viability of the proposed phases of the project to function as completed developments; conformance to the CCDO in regards to roads (with the exception of the length and design of the access) and trails, community facilities, design and construction standards and open space standards; the Master Plan conforms to the eligible uses allowed under a Neighborhood Center and Employment Center; the Application satisfies the submittal requirements set forth in Ordinance No. 2000-12, § 4.B.2 (Submittals) and the Land Development Code.**

**The review comments from State Agencies and County staff have established findings that the Application is in compliance with state requirements, County Ordinance No. 2000-12 Community College District and Article V, § 5, Master Plan Procedures of the Code. This Application is not in compliance with Ordinance No. 2000-12, § 6.E.3.c) and § 7 (Road Design Standards).**

**Building and Development Services staff have reviewed the Applicant’s request for a variance of Ordinance No. 2000-12, § 6.E.3.c), (no-outlet roads) and § 6.7, (Road Design Standards) for compliance with pertinent Code/Ordinance requirements and has found that the facts presented do not support the request: roadway circulation within the Community**

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College District shall provide a network of roads that will integrate automobile traffic, pedestrian and other modes of transportation in a safe and controlled manner; within each development, roadway circulation shall be interconnected as shown on the Circulation Map; the developer shall be required to construct any portion of the roadway necessary to maintain connectivity throughout the CCD; all road construction shall conform and comply with AASHTO standards, ITE guidelines, New Mexico State Highway and Transportation Department specifications and all applicable National Codes.

**APPROVAL SOUGHT:** Master Plan approval in conformance with the Community College District Ordinance to allow a Phased Mixed Use Development on a 64 acre ± site.

**VARIANCE(S):** Variance of Ordinance No. 2000-12, Section 6.E.3.c) to allow a no-outlet roadway to exceed 300 feet and a variance of Ordinance No. 2000-12, Section 6.7 CCDO road design standards.

**GROWTH MANAGEMENT AREA:** SDA-1, Community College District, Community District.

**ZONE:** Employment Center/Village Zone.

**ARCHAEOLOGIC:** An archaeological survey report, prepared by Feliz Colbri in January 1997, was submitted and reviewed by the State Historic Preservation Division (HPD). HPD states "LA 116033, a portion of the New Mexico Central Railroad grade, is eligible for listing on the State and National Registers at the local levels in the area of transportation. The LA 116033 is present within the proposed subdivision. The Application illustrates the railroad grade as a designated trail and is within an open space easement. As long as the railroad grade is maintained as a trail, retains the appearance of a rail road grade, and remains in an open space easement, this office has no concerns."

**ACCESS AND TRAFFIC:** A Preliminary Traffic Report was submitted for the development. Traffic impacts will be limited during the first phase. The second phase will be tied to the development of the Northeast Connector. Prior to proceeding with Phase 2, the traffic impacts will be analyzed to determine if additional improvements are warranted.

Phase 1 will temporarily take access directly off Richards Avenue, at the intersection of Richards Avenue/Dinosaur Trail. The existing 3-way traffic signal will be modified to a 4-way signal. Phase 2 will take access via the northeast connector utilizing two access points (Saleh Avenue and

NBF-5

North Willow Back Road). The temporary road (extension of Dinosaur Trail) will be abandoned and reclaimed upon completion of the northeast connector, Saleh Avenue and North Willow Back Road as part of the Phase 2 development. Public Works has reviewed the Application and supports this project subject to the following condition: according to the AM peak hour trip generation for Phase 1, as submitted by Design Enginuity, 18 vehicles are entering the proposed development. According to the N.M.D.O.T. State Access Management Manual this amount of traffic warrants left turn and right turn deceleration lanes on Richards Avenue.

New Mexico Department of Transportation reviewed the Application and determined that this development will not impact any State Transportation System.

**FIRE PROTECTION:**

La Cienega Fire District: Santa Fe County will provide the water source for fire protection; fire hydrants shall be located within the site; six fire hydrants are proposed to be located on the site: Cul-de-sacs shall be a minimum 50' radius; automatic fire prevention sprinkler systems shall be required; shall comply with Article 1, § 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.

**WATER SUPPLY:**

Phase 1 water budget is 2.5 acre feet. Saleh has 3 acre-feet available under the assigned First Amended Initial Customer Contract for Commitment of Water Service (dated November 10, 1994 "Water Contract"), subject to fulfilling the terms and conditions of the water contract. Phase 2 preliminary estimated water demand is 68 acre feet. Resolution No. 2006-57 requires a 20% add on which brings the water use to 84 a/f/y. This will require a contract/water commitment approved by the BCC.

Santa Fe County Utilities (SFCU) is ready, willing and able to provide water service to this development subject to the following conditions being met prior to Preliminary Development Plan: in order for Saleh to use the 3 acre-feet available under the assigned First Amended Initial Customer Contract for Commitment of Water Service (dated November 10, 1994 "Water Contract"), Esmail Haidair shall fulfill the terms and conditions of the water contract; Saleh shall provide water rights for any portion of the project's total water budget that exceeds the commitment in the Water

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Contract. The project will be required to annually report total development water usage to SFCU and provide SFCU with additional water rights if the 5-year rolling average usage exceeds the approved estimated budget; in accordance to Resolution No. 2006-57 "adopting a Santa Fe County Water Resource Department Line Extension and Water Service Policy" or any subsequent water development policy, Saleh's water requirements (e.g. New Water Delivery) will need to be approved by the Board of County Commissioners. Per Resolution 2006-57, Section IX.C, such approval may require justification for a water budget that exceeds 35 acre-feet/year; Saleh shall enter into a water service agreement with SFCU, which will define Saleh's and SFCU's commitments and obligations and specify requirements, like connection locations, hydraulic analyses, water infrastructure design approval process, cost allocation, metering requirements, construction standards, inspections, easement dedications, and acceptance; Saleh shall obtain a letter from the City of Santa Fe Water Division (City) that identifies what, if any, additional water utility infrastructure is needed in order to supply the proposed total 84.312 acre-feet/year demand through the City system; Saleh shall construct and dedicate all water infrastructure identified by the City's water utility hydraulic modeling.

The Office of the State Engineer (OSE) reviewed the Application and stated that the development is not formally covered under the New Mexico Subdivision Act and the OSE declines to provide an opinion at this time.

**LIQUID WASTE:**

The CCDO requires that the development be served by a community sewer system. The Code defines a Community Liquid Waste Disposal System as a system that will treat more than 2,000 gallons of liquid waste per day. A private collection system and treatment plant is defined as a Community Liquid Waste Disposal System in the Code.

At full build out of the first phase a total of 691 gallons per day (gpd) of wastewater will be generated. Each lot will tie into a sewer system that will flow into a single wastewater treatment system. In Phase 1, this treatment system will be a conventional septic tank and leach field regulated by the New Mexico Environment Department. This system will be owned and maintained by the Saleh Owners Association. At Phase 2 development wastewater generated by Phases I and 2 will be conveyed to a private wastewater treatment system

to be developed in the southwest corner of the project. The conventional septic tank and leach field utilized by Phase 1 will be abandoned and the site reclaimed as per New Mexico Environment Department requirements. The construction of the wastewater system will be phased. Alternatively a connection could be constructed to the Oshara Village wastewater collection system or the Ranchland Utilities (Rancho Viejo's) wastewater collection system.

Santa Fe County Utilities (SFCU) does not have utility wastewater service available to Saleh at this point. For Phase 2, SFCU recommends that Saleh seek to have its wastewater connected to the City or other wastewater treatment facility. If an on-site wastewater facility is utilized it shall be permitted by and come under the regulation of the New Mexico Environmental Department or the Water Quality Control Commission Regulations, as appropriate.

New Mexico Environment Department reviewed the Application and stated the following: individual septic systems to be adequately sized and permitted; abandonment of all septic systems be done properly, according to established regulations.

**SOLID WASTE:**

The development will have a series of dumpsters that will be screened and gated. Weekly collection of waste will be contracted with a local waste collection company. The solid waste, for each use of the development, will be evaluated at Final Development Plan.

**FLOODPLAIN &  
TERRAIN MANAGEMENT:**

Terrain Management for Saleh has been reviewed for compliance with the Land Development Code, Ordinance No. 2000-12 Community College District, and Ordinance 2008-10 (Flood Damage Prevention and Stormwater Management). The site contains slopes less than 15% with minimal 30% slopes. The majority of open space is dedicated to 15%-30% slopes. The Plan complies with the Land Development Code requirements and Ordinance No. 2008-10 (Flood Damage Prevention and Stormwater Management).

The site is not located within a 100 year FEMA Special Flood Hazard Area. The project proposes 5 ponding locations for proposed road disturbances and each lot will provide ponding for onsite drainage. The project complies with the Land Development Code, Ordinance No. 2000-12

Community College District, and Ordinance No. 2008-10, (Flood Damage Prevention and Stormwater Management).

**SIGNAGE AND LIGHTING:**

The Applicant proposes one monument sign not to exceed 150 square feet in sign area. The Application conceptually illustrates the placement and dimensions of the proposed sign, therefore the Application meets the requirement set forth in Article VIII, § 7.14 (Sign Regulations).

The Applicant has proposed to keep lighting minimal along the streets and trails. It is anticipated only 2 LED street lamps will be installed in Phase 2, both on the street next to parks and both with cut off shades. The covenants shall state that the Saleh lot owners are responsible for maintenance and electric bills associated with the street lamps. Lighting will be regulated by the project covenants which will require cut off LED lighting for anything taller than 8 feet. The Applicant shall provide scaled height dimensions for the pole mounted lights. The Applicant shall provide cut sheets for illumination of signage. The Applicant has not provided lighting detail. Additional information and submittals are required at time of Preliminary Development Plan submittal for compliance with Article III, Section 4.4.4 h and Table 3.1. Staff has determined that the lighting element of the Application complies with Article V, Section 5 Master Plan Procedures.

**EXISTING DEVELOPMENT:**

The project site is currently vacant.

**ADJACENT PROPERTY:**

The site is bordered to the west by Richards Avenue and to the north by Interstate 25/Rabbit Road. To the east and south the site is bordered by the Oshara Village.

**OPEN SPACE:**

A total of 32.1 acres of land will be dedicated as public open space, which is over the 50% CCDO requirement. The Open Space includes passive space, parks, plaza (.66 acres), playground (.25 acres) and District Trails will be installed on the west and east sides of the development. The proposal meets the requirements set forth in Ordinance No. 2000-12 (Community College District), for Open Space and Trails, including minimum 50% open space and accommodation of planned district trails.

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**AGENCY REVIEW:**

<u>Agency</u>	<u>Recommendation</u>
County Fire	Approval with Conditions
County Utilities	Approval with Conditions
NMDOT	Approval
Public Works	Approval with Conditions
OSE	No Opinion on Master Plans
SHPO	Approval with Conditions
NMED	Approval
Public Schools	Approval

**STAFF RECOMMENDATION:** Staff recommends denial of the Applicants request for a variance of Ordinance No. 2000-12, § 6.E.3.c), to allow a no-outlet road to exceed 300 feet in length and § 6.7, to allow non-compliances of design standards required of a Living Priority Road.

If the decision of the CDRC is to recommend approval of the variances of Ordinance No. 2000-12, § 6.E.3.c) and § 6.7, staff recommends approval of the request for Master Plan, to allow a Phased Mixed Use Development on a 64 acre ± site, staff recommends the following conditions be imposed:

1. The Applicants shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the recorded Master Plan.
2. In order for Phase 1 of the Development to use the 3 acre-feet available under the assigned First Amended Initial Customer Contract for Commitment of Water Service (dated November 10, 1994 "Water Contract"), the Developer shall fulfill the terms and conditions of the water contract prior to Preliminary Development Plan.
3. Saleh shall provide water rights for any portion of the project's total water budget that exceeds the commitment in the Water Contract. The project will be required to annually report total development water usage to SFCU and provide SFCU with additional water rights if the 5-year rolling average usage exceeds the approved

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estimated budget; in accordance to Resolution No. 2006-57 “adopting a Santa Fe County Water Resource Department Line Extension and Water Service Policy” or any subsequent water development policy, Saleh’s water requirements (e.g. New Water Delivery) will need to be approved by the Board of County Commissioners. Per Resolution 2006-57, Section IX.C, such approval may require justification for a water budget that exceeds 35 acre-feet/year; Saleh shall enter into a water service agreement with SFCU, which will define Saleh’s and SFCU’s commitments and obligations and specify requirements, like connection locations, hydraulic analyses, water infrastructure design approval process, cost allocation, metering requirements, construction standards, inspections, easement dedications, and acceptance prior to Preliminary Development Plan.

4. Saleh shall obtain a letter from the City of Santa Fe Water Division (City) that identifies what, if any, additional water utility infrastructure is needed in order to supply the proposed total 84.312 acre-feet/year demand through the City system prior to Preliminary Development Plan.
5. Saleh shall construct and dedicate all water infrastructure identified by the City’s water utility hydraulic modeling.
6. The design of left turn and right turn deceleration lanes on Richards Avenue shall be submitted with the Preliminary Development Plan application, as per Article V, § 7.2.
7. The railroad grade shall be designated as a trail and retain the appearance of a rail road grade. The rail road grade shall be maintained and remain within an open space easement.
8. Saleh shall seek to have the wastewater connected to the City or other wastewater treatment facility. Saleh shall connect to a community waste water system for Phase 2 and shall abandon and remove the Phase 1 septic system. Any on-site wastewater facility shall be permitted by and come under the regulation of the New Mexico Environmental Department or the Water Quality Control Commission Regulations, as appropriate.



9. The Applicant shall submit a financial guarantee, in sufficient amount to assure completion of all required improvements prior to Final Development Plan recordation, as per **Article V, § 9.9.**
10. Master Plan with appropriate signatures shall be recorded with the County Clerk, as per **Article V, § 5.2.5.**
  - 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).

**EXHIBITS:**

1. Master Plan Report
2. Proposed Plans
3. Reviewing Agency Responses
4. Aerial Photo of Site
5. Ordinance No. 2000-12, § 4
6. Article V, § 5.2.1.b Master Plan Procedure
7. Article V, § 5.2.5 Filing Approved Master Plan
8. CCD Land Use Table
9. CCD Land Use Zoning Map
10. Ordinance No. 2000-12, § 6.7
11. Ordinance No. 2000-12, §6.E.3.c
12. Article II, § 3 (Variances)
13. Warranty Deed and Letter of Authorization
14. Article V, § 9.9 Improvement Guarantees
15. Legal Notice

# DESIGN ENGINUITY



1421 Luisa Street Suite E, Santa Fe, New Mexico 87505  
PO Box 2758 Santa Fe, New Mexico 87504  
(505) 989-3557 FAX (505) 989-4740  
E-mail [oralynn@designenginuity.biz](mailto:oralynn@designenginuity.biz)

January 23, 2015

Santa Fe County Commissioners  
County Development Review Commissioners

RE: Saleh Master Plan

Dear Commissioners,

On behalf of our client, Senemar, LLC, Mr. Esmail Haidari Managing Member, we submit the attached application for Master Plan for the Saleh project. Saleh is a proposed 64 acre project located at the gateway to the Santa Fe Community College District at the southeast corner of I-25 and Richards Avenue. We propose a mixed use development with a very modest first phase due to existing traffic issues. Timing of the second phase will be tied to the construction of the County's planned Northeast Connector

It is anticipated that the Sustainable Land Development Code will take effect before this project is developed and therefore the project has being designed to meet the anticipated new code requirements. The project facts are summarized below.

## REQUEST

On behalf of Senemar, LLC, we request Master Plan (Figure 1) approval for a Phased Mixed Use Development. Variances are requested to permit a deadend basecourse access road exceeding 300 feet during Phase 1 of the project. This road will be temporary and will be removed with the relocation of the Dinosaur Trail and Richard's Avenue intersection.

## GENERAL DESCRIPTION

Saleh will primarily be a commercial project which will include a mix of offices, retail, a hotel site, multi-family housing, assisted living/nursing facility, with 50% of the property to be dedicated public open space. Architectural controls will result in a visually intergrated project. At full development there would be two main roads crossing the site: Saleh Avenue and North Willowback Road. Both roads will be paved with parking permitted along the street, curb and gutter, sidewalks and street trees on both sides of



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the roads. Both roads will connect to the future Northwest Connector with a separation of 1300-feet between intersections. Open space along Richard's Avenue will be 200 to 700 feet wide. Setbacks from the I-25 right-of-way range from 200 to 650 feet. District Trails will be developed along the west and east boundaries and a paved 6-foot wide Village Trail will pass through the middle of the project and will connect the two District Trails. All 32 acres of open space will be dedicated for public use and is interconnected. Two plazas are planned and a park with a basketball court. County water and a private wastewater system will be used in the project.

## LOCATION

Saleh is located to the south of Interstate 25 and east of Richards Avenue within Section 16 of Township 16 North, Range 9 East, as shown on Figure 2. To the north of the property is the Interstate, to the west is the Land Conservancy's Petchesky Ranch. To the east and south of the property is land owned by Greer Associates which has been master planned as future phases of the Oshara Village project. The Oshara Village Master Plan did not contemplate the construction of the NE Connector, nor the closing of existing Dinosaur Trail intersection as is currently envisioned, and therefore will have to be amended in the future.

## EXISTING CONDITIONS

Saleh encompasses 64.0 ± acres and is currently vacant. There is an old livestock pen and a rail road grade in which the rails were removed years ago. The grade lies on an manmade berm that is as much as 14 feet above the surrounding terrain. An arroyo tranverses the site east to west and crosses Richard's Avenue about 140 feet south of the property. Drainage is generally toward this central arroyo and then toward the southwest. The arroyo is estimated to carry 208 cubic feet per second during a 100-year storm event. Noise from the interstate impacts much of the northern third of the property. Richards Avenue has two large County water mains, natural gas, electricity, telephone and cable mains.

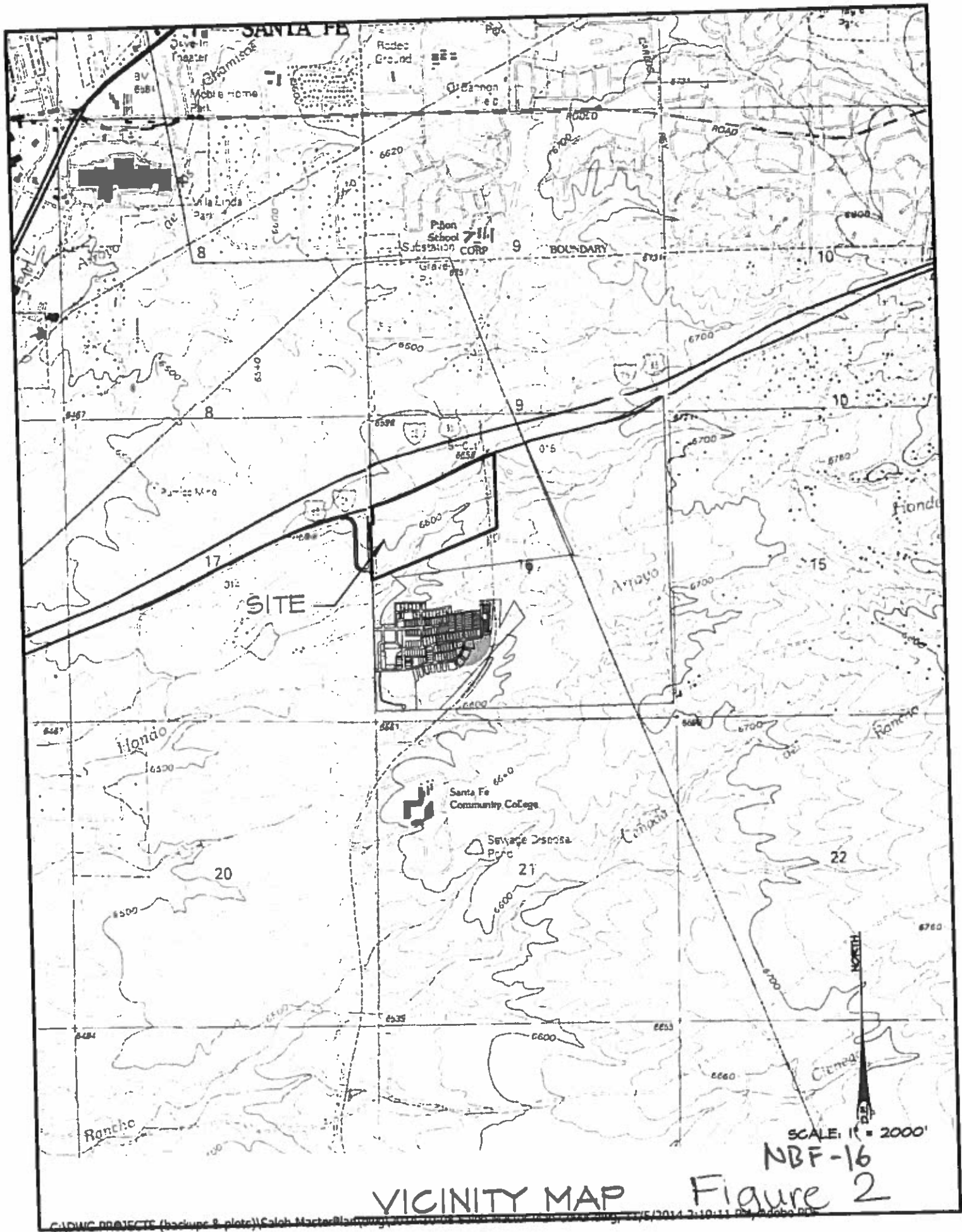
The project site drops in elevation away from the interstate towards the central arroyo and then rises gently to the south. The site is dominated with gentle slopes, typically less than 10%, except near the north boundary and near Richards Avenue where slopes of 15-30% are common. The majority of the hilly areas will be designated as permanent open space. Grasslands are present in the northwest and southeast corners of the project, but the majority of the site has a moderate amount of pinon and juniper trees (density of about 22 trees/acre) with a native grass understory.

At Dinosaur Trail and Richards Avenue there is a 3-way traffic signal; guard rail currently blocks entrance to the Saleh property at this location.

## EXISTING ZONING

The Santa Fe Community College District Ordinance (CCDO) included a zoning map of the Saleh project site which is based on large scale mapping of landscape types and slopes and distance to the Oshara Village New Community Center. A blowup of that zoning map is provided as sheet 4 of the Master Plan set. The existing CCDO zoning

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VICINITY MAP

Figure 2

map defined 31.2 acres of Employment Center, 22.3 acres of Village Fringe and 10.5 acres of Open Space within the Saleh property.

#### PROPOSED ZONING

Using more detailed topography and 2004 aerial photography, we were able to more clearly define flatlands, hillsides, pinon/junipers, grasslands and arroyos. This more refined work is shown on sheet 5 of the plan set. From this work the proposed Saleh Master Plan was developed (Figure 1) in which 7.4 acres of Neighborhood Center, 21.4 acres of Employment Center and 32.1 acres of Open Space are proposed. The remaining 3.1 acres will be road right-of-way.

#### PROPOSED USE LIST

Because of existing congestion along Richard's Avenue and the Oshara neighborhood, development in Saleh will be limited to low traffic uses until the construction of the Northeast Connector. Therefore, it is proposed that Phase 1 of the project have the following allowable uses:

##### PHASE 1

###### OPEN SPACE:

Passive space, parks, plazas, trails, roads, drainage facilities, wastewater treatment facilities, stables, riding academies (maximum 20 horses) and cemeteries. No buildings permitted except those associated with the wastewater treatment facility.

###### NEIGHBORHOOD CENTER:

Cemeteries/funeral homes (max 5 acre cemetery and 10,000 SF funeral home) and churches/religious institutions (max seating for 125 persons).

###### EMPLOYMENT CENTER:

Air-conditioned storage facility with one allowable caretaker unit (single building with a common entrance to all units, maximum 60,000 SF), and RV and boat storage facility surrounded with a 6-foot screening fence with landscaping.

Phase 2 permit uses will include the following:

##### PHASE 2

###### OPEN SPACE:

Same as above.

###### NEIGHBORHOOD CENTER:

Same as above and bank/financial services, veterinary clinic, retail sales of less than 5000 SF and assisted living/nursing home (maximum of 100 beds).

###### EMPLOYMENT CENTER:

###### MULTI-FAMILY:

Apartments, condos or townhomes, maximum of 95 units, with common recreation facilities permitted (e.g. swimming pool and exercise room).

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**SHOPPING CENTER :**

Retail centers, banks/financial institution, business and personal services, medical offices, health clubs, professional and business offices, restaurants (under and over 40 seats), retail sales (single use under and over 5000 SF permitted) indoor recreation center, laundry mat, dry cleaners, winery or microbrewery, artisan type retail (bakery, butcher, etc.), indoor farmers market and schools and studios (e.g. yoga, pilates, karate). No single user larger than 10,000 SF.

**HOTEL:**

Hotel or motel with restaurant permitted (maximum of 100 rooms).

**OFFICE/RETAIL:**

Business and personal services, medical offices, professional and business offices, day-care, restaurants (under 40 seats) and retail sales (no single user larger than 5000 SF).

**ZONING DETAILS**

The Santa Fe CCDO requires that minimum and maximum residential densities and commercial square footage, floor area ratios (FAR) and open space and park requirements be defined with the adopted Master Plan. The following is proposed for this project:

Project Area:	64 Acres
Neighborhood Center:	7.39 Acres
Allowable Building Square Footage	84,288 - 337,154 SF
Allowable FAR	0.25 – 2.0
Maximum Building Height	24 Feet *
Minimum Setbacks	N/A
Number of Dwelling Units	0
Employment Center:	21.37 Acres
Allowable Commercial Building Square Footage	210,000 – 1,400,000 SF
Allowable FAR	0 – 3.0
Maximum Building Height	36 Feet *
Minimum Setbacks	N/A
Number of Dwelling Units	50 – 96
Public Open Space:	32.10 Acres (50%)
Tracts/Parks	30.79 Acres
Public Sidewalk/Streetscape	1.31 Acres
Park Requirements:	Two 0.33 Acre Plazas and One 0.25 Acre Playground

\* Covenants will set the maximum allowable parapet height of each lot, which may be lower than the maximum building height noted above.



## PHASING

Phase 1 of the project will be limited to the construction of a temporary basecourse access road to Dinosaur Trail and development of 3 commercial lots located on the west side of the project. The western third of Saleh Avenue will be developed to provide access to the Neighborhood Center and the storage facility lot. All utilities will be installed in the temporary access road and Saleh Avenue. Street trees, sidewalks and the western plaza will be installed. The western District Trail and the western most detention pond will also be installed in this phase.

Phase 2 will include the completion of Saleh Avenue and Northern Willowback Road within the Saleh boundaries including their connection to the NE Connector and platting of the remaining lots. All utility mains, storm drains, the eastern District Trail, the central channel improvements, including grade control structures and remaining detention ponds will be installed. The eastern plaza and playground, the paved Village Trail and the eastern District Trail will also be installed. The Dinosaur Trail basecourse road will be removed. Phase 2 will coincide with the construction of the NE Connector.

The Community College District Ordinance encourages mixed use in every phase. Currently the addition of residential development would negatively impact Richards Avenue which is already operating at a D level for intersections south of the project. Thus Phase 1 of Saleh will include only one dwelling unit associated with the storage facility and additional residential development will be held in abeyance until the NE Connector is completed.

## OPEN SPACE

A total of 32.1 acres of land will be dedicated as public open space in Saleh which is slightly over 50% of the project. Most of the open space will be within the central arroyo or areas to the north and west of the arroyo. Two plazas are planned and one playground in which a basketball court will be developed. District Trails will be installed on the west and east sides of the development with the hope that they can connect to a trail along the NE Connector and trails within Oshara Village. The eastern District Trail will be along the old railroad grade. A six-foot wide paved Village Trail will be developed to connect the two District Trails. Much of this Village Trail will be along the central arroyo, where shade trees will be placed every 40 feet. Street trees will also be placed along the two paved roadways between the curb and the sidewalk every forty feet. The open space, street trees, parks and trails will be maintained by the Saleh Owners Association.

## LANDSCAPING, LIGHTING AND SIGNAGE CONCEPTS

As mentioned above, street trees placed 40-feet apart are planned along the roadways and the Village Trail next to the central arroyo. Crusher fines and natural grasses will dominate the parks, but flowering trees, shade trees, flower beds and a small (320 SF) lawn will be installed.

Lighting within Saleh will be minimal along the street and trails. It is anticipated only two LED street lamps will be installed, both on the street next to parks and both with cut off

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shades. Individual lot lighting will be regulated by the project covenants which will require cut off LED lighting for anything taller than 8 feet.

There will be 1 project at the intersection of Saleh Avenue and Northwillow Back Road. The sign will meet code and not exceed 150 square feet in size.

#### RESTRICTIVE COVENANTS

Saleh will have restrictive covenants so that all architecture within the project is uniform and will have a pueblo revival style. All buildings shall have rounded corners, irregular parapets, and stucco or paint in earth tones. Buildings over two stories must employ stepped massing with at least an eight-foot vertical offset. Roofs shall be flat. Projecting vigas, corbels and latillas will be encouraged. Walls exceeding 40 feet in length shall have a minimum of a four-foot horizontal offset for a minimum distance of four-feet.

Four lots located at the lowest elevations of the property will be permitted to have three-story buildings as long as their top of parapet is lower than the elevation of the north bound I-25 roadway located due north of the building. The maximum allowable height of parapets for all lots is shown on sheet 14 of the Master Plan set. Chimneys may extend three-feet above the allowable parapet height.

All outdoor storage and loading zones will be required to be screened with a six-foot high coyote fence, stucco wall or chain link fence. Irrigated vegetation must be planted on the outside of the screen and cover a minimum of 25% of the screen at maturity, except for chain link fencing which must have a 75% cover at vegetation maturity.

#### AFFORDABLE HOUSING

The multi-family housing project will be apartments, condos or townhomes. Up to 95 homes will be developed. If condos or townhomes are developed, the project will have at least 15% of the units meeting the County's affordable housing regulations. Apartments are not subject to these regulations.

#### SCHOOL IMPACT

It is anticipated that homes in this subdivision will be primary homes and 30 school age children will live in the 96 homes at full build out. Amy Biehl Elementary, Ortiz Junior High and Capital High School will serve the project. A copy of the school impact report that has been sent to the Santa Fe School District is attached (Attachment A).

#### ARCHAEOLOGY

An archaeological investigation of the Saleh and Oshara Village properties was conducted in 1997 prior to the two projects being separated. Two archaeological non-disturbance easements were required on the Oshara Village site, but none were necessary on the Saleh property. A copy of the archaeology report is provided under separate cover.

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## ACCESS

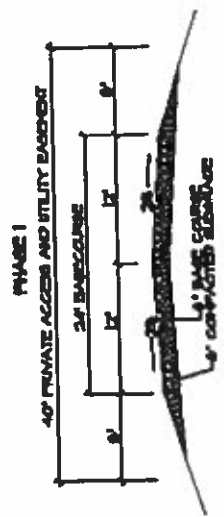
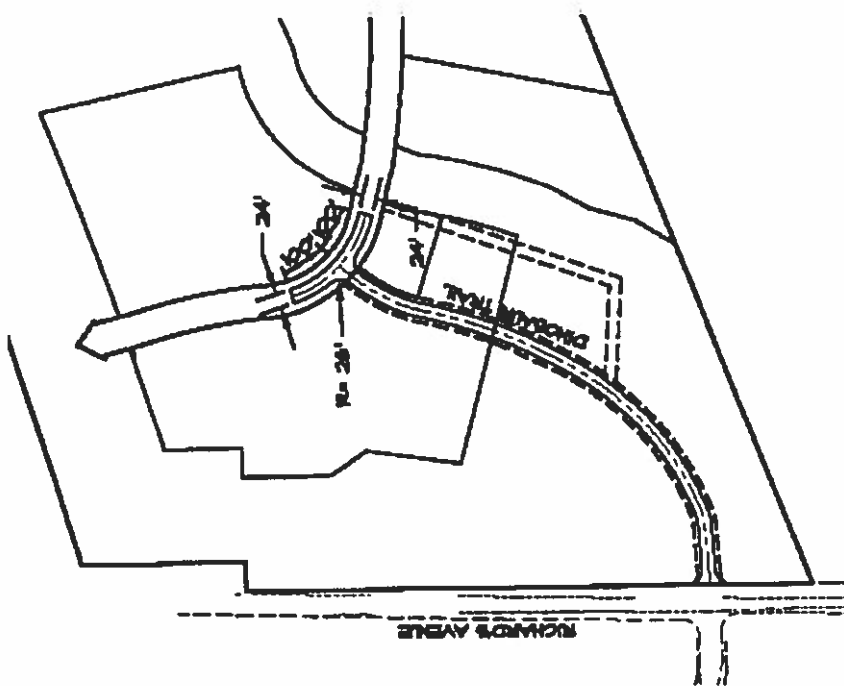
The County and NMDOT plan to install a highway frontage road, known as the Northeast Connector along I-25 which the County consultant's preliminary plans indicate will be located within the Saleh property near I-25. This roadway is reportedly to be built in 2017 by the NMDOT. With this roadway's development, we understand that the existing Dinosaur Trail intersection will be relocated to the north. Thus Saleh's access will need to evolve as the NE Connector is developed.

Currently the only legal access to the property is from Richard's Avenue. During Phase 1, an extension of Dinosaur Trail will be developed into the project. Because Dinosaur Trail/Richard's Avenue intersection will be relocated, we propose to build the Dinosaur Trail extension as a 24-foot wide basecourse road. The second phase of the development will not be constructed until the NE Connector is built and it is proposed that the Saleh project will have two intersections with the NE Connector. Also during Phase 2, the Dinosaur Trail basecourse road will be abandoned and reclaimed and a six-foot wide paved Village Trail will be developed along its original path. Two roads will be developed in Saleh: Saleh Avenue and North Willowback Road. Saleh Avenue will provide access to most of the lots developed within the project and will be a Living Priority Road with a 56-foot right-of-way, parking allowed on both sides of the street, curb and gutter, 5-foot sidewalks and 4-foot vegetation strips on both sides of the road. North Willowback Road lines up with the master planned extension of Willowback Road within Phase 1 of Oshara Village. This roadway will be Mixed Priority Road with a 52-foot right-of-way, parking on one side of the street, curb and gutter, 5-foot sidewalks and 5-foot vegetation strips on both sides of the road.

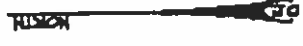
We propose in Phase 1 to build a temporary east extension of the Dinosaur Trail road onto the Saleh property. This road will be a dead end basecourse road, 960 feet in length. A plan of this road is attached. Under the Community College District Ordinance (CCDO), this road would be classified as a Traffic Priority Road and should be designed as a Village Connector Highway, which requires 32-feet of pavement and at least one trail along the roadway. Further, per the CCDO, Article XV Section 6.E.3.c) dead end roads are required to be a maximum of 300 feet.


We request two variances: one to allow a road up to 960 feet long and one to permit this road not to be constructed to the Village Connector Highway standards. Instead we propose to construct a 24-foot wide basecourse temporary road. The reason for this request is that the County intends to close off the existing Dinosaur Trail roadway and relocate it 900 feet north when they build the Northeast Connector. The Saleh project access will then be relocated to the new NE Connector and the existing Dinosaur Trail extension roadway will be removed. Currently the County estimates that the NE Connector will be constructed in 2017. Thus at most this temporary road will be in service for 2 years. Paving of the temporary road would be a waste of resources and not compatible with the goals of the County's Sustainable Growth Management Plan. All permanent roads within the project will be paved. This temporary road will end in a hammerhead turnaround with 100 foot long arms. The proposed design meets the County Fire Marshal requirements for a dead end road.

NBF-21



DRAINAGE TRAIL  
LANE TEMPORARY BASE COURSE ROAD



DESIGN ENGINEER		 <small>State of New York Professional Engineer</small>	
<b>SALEH MASTER PLAN</b>			
<b>PHASE I CONCEPTUAL ROAD PLAN AND TYPICAL SECTION</b>			
SCALE	DATE	SHEET NO.	
1"=300'	12/16/2014	1	

NBF-22

Phase 2 of the project will require connections to the Northeast Connector and the removal of the Dinosaur Trail roadbed. If for any reason the County changes its plans and keeps Dinosaur Trail in its current location when the Northeast Connector is constructed, we agree to build out the Dinosaur Trail extension to the Village Connector Highway standards of the CCDO.

#### TRAFFIC

The Saleh project has been delayed for more than two years in the absence of clear traffic improvement plans in the Santa Fe Community College District. We are proceeding now in a cautious manner, so that Saleh does not further aggravate existing traffic problems and we have planned our roadway improvements based on the best available information so far provided by the County and their consultants. Until the County's plans are firm, we cannot evaluate the traffic conditions that may be present in the near future. We therefore intend to phase our project, limiting traffic impacts during the first phase, and tying the second phase to development of the Northeast Connector. Prior to proceeding with the second phase, we will evaluate the traffic impacts of the project to determine if additional roadway improvements are warranted.

The proposed Phase 1 allowable uses are all very low traffic generating projects during peak hours when traffic along Richard's Avenue and within the Oshara Village produce unacceptable delays. The Phase 1 uses, a 20 horse stable/riding academy, a funeral home/cemetery, a 125 person capacity church and an air conditioned 60,000 SF storage facility with RV and boat storage, are estimated to produce 14 trips in and 4 trip out of the project during the AM peak hours (7-9 am), and 8 trips in and 16 trips out during the PM peak hours (4-6 pm) (Attachment B).

Phase 2 of Saleh would have the potential to generate significant traffic impacts. We propose to submit traffic impact reports with each lot's development plan, so that Saleh's project impacts do not exceed the Level of Service required by the Sustainable Land Development Code. Traffic improvements warranted by Saleh development will be addressed prior to project implementation.

#### FLOOD HAZARD

An unnamed arroyo carrying approximately 208 cubic feet per second during a 100-year storm event passes through the center of the Saleh site from east to west. It is proposed that required detention ponding associated with road construction be built within this arroyo and grade control structures added to prevent arroyo downcutting. The arroyo will be within a minimum 100-foot wide open space, which will contain the arroyo and the required 25-foot setback from the top of bank.

There are no FEMA designated floodplains within the property. There are a few well defined arroyos within planned open space. All but the central arroyo are minor tributaries that carry less than 25 cubic feet per second during the 100-year storm event.

NBF-23

## TERRAIN MANAGEMENT

The proposed development will be designed to protect and enhance the natural beauty of the land and vegetation, while minimizing soil erosion and sediment transport during storms. It is anticipated that the commercial lots will be mass graded. The entire site will drain to the central arroyo. Storm drains will be used for portions of both roadways.

There are no natural 30% slopes which will be disturbed due to project development. All proposed lots are dominated by slopes of less than 15%. Steeper terrain is generally confined to the open space.

The increase in stormwater runoff resulting from the proposed development of roads will be mitigated by the construction of five detention ponds within the central arroyo which will be maintained by the Owners Association. On-lot ponding will be required and covenants will require passive water harvest along with cisterns to irrigate project landscaping.

All lots will drain to either the central arroyo or the roadways, which, in turn, will carry the flows to the central arroyo. Cut slopes will be graded at 2:1, while fill slopes will be graded to 3:1 or gentler. All disturbed areas will be stabilized and revegetated with a native grass seed mixture.

## PROJECT SOILS

The on-site soils have been mapped by the US Natural Resource Conservation Service and these maps can be found on their web page: [websoilsurvey.nrcs.usda.gov](http://websoilsurvey.nrcs.usda.gov). The soils present and their percent of lot coverage are listed below and are shown on the plan set:

- 5.6% ARENTS-URBAN LAND –ORTHENTS COMPLEX- Roadfill material derived from granite, gneiss, schist, sandstone or siltstone. Well-drained with a plastic index of 12.
- 24.8% PREDAWN LOAM– Loam and clay loam, well-drained, moderate frost heave potential, plastic index of 28, moderate shrink-swell potential, alluvium derived from granite, gneiss, schist, loess and volcanic ash.
- 19.6% TANOAN-ENCANTADO COMPLEX- Very gravelly sandy loam and loam. Somewhat excessively drained, moderate frost heave potential, plastic index of 10, low-moderate shrink-swell potential. Alluvium derived from granite, gneiss, schist, loess over residuum weathered from basaltic tuff or granitic sandstone.
- 22.3% ALIRE LOAM– Loam and clay loam, well-drained, moderate frost heave potential, plastic index of 24, moderate shrink-swell potential, alluvium derived from granite, gneiss, schist, loess and volcanic ash.
- 19.6% BUCKHORSE-ALTAZANO COMPLEX– Coarse sandy loam and gravelly sandy loam, well-drained, moderate frost heave potential, plastic index of 10, low-moderate shrink-swell potential, slope alluvium derived from granite, gneiss, schist, granitic sandstone, fanglomerate and mudstone.
- 7.7% ALTAZANO LOAMY SAND- Loamy sand and sandy loam, excessively drained, moderate frost heave potential, plastic index of 10, low-moderate shrink-swell

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potential, alluvium derived from granite, gneiss, schist, granitic sandstone, fanglomerate and mudstone.

1.0% ALIRE-URBAN LAND COMPLEX – Loam and clay loam, well drained, moderate frost heave potential, plastic index of 24, moderate shrink-swell potential, alluvium derived from granite, gneiss, schist and loess.

Predawn Loam and Alire Loam cover most of the land which will be developed. These soils contain quite a bit of clay and likely will require mixing with a sandy material to provide adequate foundations for buildings.

## WATER

The project site is within the Santa Fe County Utility's service area boundary and the developer currently owns three acre-feet of the County's original 500 acre-feet of water rights (Attachment C). The County has two water mains along Richard's Avenue and it is anticipated this project will connect to the east main. Eight and 10-inch water mains will be installed in the proposed streets. The Phase 1 water budget is 2.5 acre-feet (Attachment D). Proposed allowable uses in Phase 2 have varied water demands and it is difficult to estimate water requirements prior to knowing how many restaurants will be developed and if an assisted living facility will be developed. Our preliminary estimate of Phase 2 water demand is 68 acre-feet (Attachment D). Water lines will be constructed to property boundaries to allow for future connections with development to the east and south.

Low water use landscaping techniques will be utilized including the use of a timed drip irrigation, mulching, and low water use grasses and plants. Indoor water saving fixtures will be standard, including 1.6 gallon per flush toilets and systems that deliver hot water within 5 seconds of a tap being opened. Proposed water restrictions are provided in Attachment E.

## FIRE PROTECTION

Fire hydrants will be installed along all the roadways and it is anticipated the multi-family housing, hotel, and shopping centers will have fire suppression systems. A minimum of two hydrants will be installed in Phase 1 of the project and at least four more in Phase 2. All roadways will be designed to meet the County Fire Marshal requirements.

## WASTEWATER

Because of the minimal (<700 gallons per day, Attachment F) flows anticipated to be generated in the first phase of the project, the wastewater treatment system will be phased as well. Phase 1 developments will tie into the sewer collection system that will flow to a treatment system located in the Phase 1 park. This system will be a conventional septic tank and leach field regulated by the New Mexico Environment Department. The system will be owned and maintained by the Saleh Owners Association.

NBF-25

When Phase 2 is developed, the Saleh Wastewater Cooperative will be formed to own and operate all Saleh wastewater facilities. A private wastewater treatment system will be developed in the southwest corner of the project. Alternatively a connection could be constructed to the Oshara Village wastewater collection system or the Ranchland Utilities (Rancho Viejo's) wastewater collection system. The most likely scenario is that a new on-site system will be constructed and this system will be owned and maintained by the Saleh Wastewater Cooperative. Saleh Wastewater Cooperative and lot owner monthly fees will be paid based on water usage.

#### DRY UTILITIES

Natural gas, electricity, telephone and Comcast mains lay within Richard's Avenue right-of-way. The developer will installed all required dry utility improvements so that each lot will have direct access to these services.

#### SOLID WASTE

It is anticipated that each lot owner will contract directly with a local refuse collection service provider. The Owners Association will also contract with a provider, likely Waste Management, to collect waste from the planned park trash recepticals.

Thank you for consideration of this request.

Sincerely,



Oralynn Guerrerortiz, PE

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