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**CDRC CASE # V/FDP 14-5090  
STANLEY CYCLONE CENTER, VARIANCE AND  
FINAL DEVELOPMENT PLAN  
LORN TRYK, AGENT**

**ORDER**

**THIS MATTER** came before the County Development Review Committee (CDRC) for hearing on May 15, 2014, on the Application of Santa Fe County, (Applicant), for Final Development Plan approval for the Stanley Cyclone Center as a Community Service Facility, to allow a 51,250 square foot structure, to be utilized as an event center for equestrian events, on 11 acres in accordance with Santa Fe County Ordinance No. 1996-10, the Santa Fe County Land Development Code (Code) and Santa Fe County Ordinance No. 2010-13, Community Service Facilities of the Santa Fe County Land Development Code (Community Service Facilities). The Applicant also requested two variances from the Code which were the subject of a recommendation to the Board of County Commissioners (BCC) by the CDRC and which will be finally decided by the BCC. The CDRC, having reviewed the Application and supplemental materials and staff report, and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted, recommends approval of the two variance requests by the BCC, and makes the following findings of fact and conclusions of law:

1. The Applicant requests Final Development Plan approval for the Stanley Cyclone Center as a Community Service Facility to allow a 51,250 square foot structure, to be utilized as an event center for equestrian events on 11 acres.

2. The property is located at 22 West Kinsell Avenue, in Stanley, within Sections 27 & 28, Township 11 North, Range 9 East.
3. Santa Fe County acquired the Property by warranty deed recorded as instrument no. 1600642 in the Santa Fe County Clerk's records dated June 4, 2010.
4. The Stanley Cyclone Center will be a County owned facility intended to be utilized for equestrian events such as roping, steer wrestling, barrel racing, bronc riding and bull riding. The Center may also be utilized by the 4H Club, Future Farmers of America programs, and for other community events.
5. Community Service Facilities, § 7 states: "Community service facilities are facilities which provide service to a local community organization. These may include governmental services such as police and fire stations, elementary and secondary day care centers, schools and community centers, and churches".
6. Community Service Facilities, § 7.1 (Standards) states: "Community service facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that:
  - 7.1.1 The proposed facilities are necessary in order that community services may be provided for in the County;
  - 7.1.2 The use is compatible with existing development in the area and is compatible with development permitted under the Code; and
  - 7.1.3 A master plan and preliminary and final development plan for the proposed development are approved."

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

8. The Application contained two variance requests: 1) a variance of the landscape buffering requirements to decrease the amount of landscape buffering otherwise required, and 2) a variance to allow a 34 foot high building when 24 feet is the maximum allowed by the Code.

9. Article II, Section 3.1 of the Code states that, “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 [BCC] and the [BCC] may vary, modify or waive the requirements of the Code 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.” Section 3.1 concludes that, “In no event shall a variance...be recommended by [the] Development Review Committee nor granted by the [BCC] if by doing so the purpose of the Code would be nullified.” Article II, Section 3.2 states, “In no case shall any variation or modification be more than a minimum easing of the requirements.”

10. In regards to the first variance requested, the Sustainable Land Development Code which has been adopted by the BCC but not yet implemented would allow a 34 foot high building at this location. The variance is needed for the Application to be in compliance with the existing Code because the building could not serve its functional purpose at a height lower than 34 feet.

11. In regards to the second variance requested, the Code requires 80 trees and 1,920 shrubs for a total of 27,294 square feet of planted area which is ten percent of the site. The Applicants seek a variance to install 20 trees and 35 shrubs for a total of 7,200 square feet of planted area. The variance is needed due to the limited water supply on the property.

12. Notice requirements were met as per Article II § 2.4.2, of the 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 April 21, 2014. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on April 21, 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.

13. Staff recommended approval of the Application with the following conditions:

A. The Applicant shall comply with all review agency comments and conditions, as per Article V, Section 7.1.3.c, Conditionals shall be noted on the recorded Final Development Plan;

B. Final Development Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, Section 7.2.2.

14. The request for a variance of the height requirements may be considered a minimal easing of the Code because the types of activities anticipated to be conducted within the structure require a higher ceiling than the Code allows. The request for a variance of the landscape requirements is a minimal easing of the requirements and furthers another purpose of the Code which promotes conservation of water through the use of drought tolerant plant materials and xeriscaping techniques.

15. Lorn Tryk, Agent for the Applicant, testified in support of the Final Development Plan.

16. No member of the public commented in favor of or in opposition to the Development Plan.

17. The facility will provide a community service to the County, as articulated in paragraph 4 above.

18. The use is compatible with existing development in the area because of the rural nature of this area and the use of this structure as an equestrian facility. The proposed height of the structure is compatible with existing large buildings in the area which are used for agricultural purposes

19. The use is compatible with development permitted under the Code because community service facilities are allowed anywhere in the County as long as they meet the standards and requirements of the Code.

20. The Application is in compliance with the County General Plan and the Code.

21. The Application satisfies the submittal requirements set forth in the Land Development Code.

22. The review comments from State Agencies, New Mexico Department of Transportation, New Mexico Environmental Department, State Historic Preservation Office and the Office of the State Engineer, and County staff demonstrate that this Application for Final Development Plan is in compliance with state requirements, Ordinance No. 2010-13, § 7 and § 7.1 Community Service Facilities, and Article V, § 7.2 Final Development Plan of the Code.

**WHEREFORE** the County Development Review Committee of Santa Fe County hereby approves the request for Final Development Plan approval for the Stanley Cyclone Center as a Community Service Facility, for a 51,250 square foot structure, to be utilized as an event center for equestrian events on 11 acres. The Final Development Plan is approved subject to the conditions set forth in paragraph 13 above. The approval is further conditioned on approval of the variance requests by the BCC or subject to any

modifications necessary to accommodate conditional approval or denial of the variance requests. The motion to approve the Application passed by a unanimous 7-0 voice vote.

The County Development Review Committee of Santa Fe County

By: \_\_\_\_\_  
Frank Katz, Chairperson

Attest:

\_\_\_\_\_  
Geraldine Salazar, County Clerk

Approved as to form:

  
\_\_\_\_\_  
Gregory S. Shaffer, County Attorney

Ms. Vigil said the lots were created by Gilbert's 97 year-old mother and she did not intentionally circumvent the law.

Ms. Brown said if the proposal came forward that the lot left to Gilbert is .75 acre then the variance is not required. If the application also committed to consolidate the remainder into the larger tracts that adjoin then the variance is also not needed.

Ms. Vigil said she understood that but bought the property in good faith and was not willing to give up her property.

Member Booth said the amount of land the Vigils would have to give to Gilbert is very little and the CDRC was trying to help. Ms. Vigil said she has been paying taxes on the land. Ms. Brown said the CDRC is tasked to either approve or deny the variance. If the variance is denied, the applicants can work in private and determine the next step.

There were no other speakers on this case.

Member Anaya moved to deny case V 14-505. Member Martin seconded.

Member Katz said the Vigils may have recourse to get of the some money they paid for the lot back in a settlement accepting a little less land.

The motion passed by unanimous [7-0] voice vote.

**C. CDRC CASE # V/FDP 14-5090 Stanley Cyclone Center. Santa Fe County, Applicant, Lorn Tryk (Lorn Tryk Architects), Agent, request Final Development Plan approval to allow a 51,250 square foot structure, to be utilized as an event center for equestrian events, on 11 acres ±. The Applicant's request also includes a variance of Article III, Section 2.3.6 (Height Restrictions) to allow the proposed structure to exceed 24 feet in height and a variance of Article III, Section 4.4.4.f (Landscaping) of the Land Development Code. The property is located at 22 West Kinsell Avenue, in Stanley, within Sections 27 & 28, Township 11 North, Range 9 East, (Commission District 3)**

Mr. Larrañaga reviewed the staff report as follows:

“The Applicant is requesting Final Development Plan approval for the Stanley Cyclone Center as a Community Service Facility. The Center will consist of a 51,250 square foot indoor arena on 11 acres ±. The Stanley Cyclone Center will be a County-owned facility to be utilized for equestrian events such as roping, steer wrestling, barrel racing, bronco riding and bull riding. The Center will also host events for the 4H Club and FFA programs.



“The Applicant is also requesting a variance of Article III, § 2.3.6, Height Restrictions to allow the proposed structure to be constructed 34 feet in height and a variance of Article III, § 4.4.4.f, Landscaping of the Land Development Code.

“The Applicant states: “to achieve a wide span structure, with sufficient internal head room to be utilized as an equestrian facility, the height of the proposed structure is required to be a minimum of 34 feet. Staff response: due to the rural nature of this area and the use of this structure as an equestrian facility, the proposed height of the structure may be considered compatible with existing large buildings in the area which are used for agricultural purposes.

“The Applicant states: “the Land Development Code requires 80 trees and 1,920 shrubs, one shrub per 16 square feet, for a total of 27,294 square feet of planted area, which is 10 percent of the site area; landscape proposed for this site includes 20 trees and 35 shrubs, one shrub per 500 square feet for a total of 7,200 square feet of planted area; a variance is being requested to decrease the 10 percent landscape requirement based on limited water availability. Staff response: the Applicant’s submittal may meet the purpose and intent of the landscape requirements by promoting conservation of water through the use of drought tolerant plant materials and xeriscape techniques.”

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

Mr. Larrañaga said the review comments from state agencies and County staff have established findings that this Application for Final Development Plan, excluding the height and landscaping requirements, is in compliance with state requirements, Ordinance No. 2010-13 § 7 and § 7.1 Community Service Facilities and Article V § 7.2 Final Development Plan of the Land Development Code. Building and Development Services staff has reviewed the Applicant’s requests and find them to be minimum easing of the law. Staff recommends approval with the following conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the recorded Final Development Plan.
2. Final Development Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 7.2.2.
3. The request for a variance of the height requirements may be considered a minimal easing of the Code due to the head-room required for the types of activities to be conducted within the structure and to allow the span of the proposed structure. The request for a variance of the landscape requirements may be considered compliant with the purpose and intent of the landscape

requirements by promoting conservation of water through the use of drought tolerant plant materials and xeriscape techniques. The Development Review Committee may recommend to the Board to vary, modify or waive the requirements set forth in Article III, § 2.3.6, Height Restrictions and Article III, § 4.4.4.f, Landscaping of the Land Development Code.

Member Katz asked whether there would sufficient landscaping to screen the building. Mr. Larrañaga said the applicant reduced the number of shrubs and is following the new Sustainable Land Development Code.

Member Gonzales asked whether the height would be allowable under the new code and Mr. Larrañaga said the new code allows up to 36 feet.

Mr. Larrañaga said the plans call for a cistern to collect water onsite for landscaping. An onsite well will provide water for the facility.

Duly sworn, Lorn Tryk project architect, commended staff on the abundance of caution they used in reviewing this project. The cistern is sized for a year's worth of water rather than the usual month's worth. The well water budget contains landscaping as if the cistern were empty and still the water use is less than .25 acre-feet per year.

Mr. Tryk said the building is designed for 30 pounds per square foot snow load and is pre-engineered for wind and snow in Stanley.

There were no other speakers on this case.

Member Katz moved to approve V/FDP 14-5090 with staff conditions. The motion was seconded by Member Booth and passed by unanimous [7-0] voice vote.

Member Anaya was complimentary of the project that is needed by the youth in southern Santa Fe County.

~~D. **CDRC CASE # S 13-5201 Oshara Village Preliminary and Final Plat and Development Plan: Century Bank, Applicant, Design Ingenuity (Oralynn Guerrerortiz), Agent, request Preliminary and Final Plat and Development Plan approval for a 5-lot residential subdivision located within Tract C of Oshara Village Phase 1, which consists of 10.41 acres (5 residential lots within Tract C). The property is located on the east side of Richard's Avenue, south of I-25, within Section 16, Township 16 North, Range 9 East (Commission District 5)**~~

Mr. Archuleta presented the staff report as follows:

~~“On April 30, 2002, the Extraterritorial Zoning Authority granted Master Plan approval for a mixed-use development known as Oshara Ranch. The development consisted of 735 residential units and 1.7 million square feet of commercial space~~