

DRAFT
subject to approval

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

March 19, 2015

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

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

Members Present:

Frank Katz, Chair
Susan Martin, Vice Chair
Phil Anaya
Bette Booth
Louie Gonzales
Leroy Lopez

Member(s) Excused:

Renaë Gray

Staff Present:

Wayne Dalton, Building & Development Services Supervisor
Vicki Lucero, Building & Development Services Manager
Jose Larrañaga, Development Review Specialist
Rachel Brown, Deputy County Attorney
Andrea Salazar, Assistant County Attorney
John Salazar, Development Review Specialist
Buster Patty, Fire Marshal

III. APPROVAL OF AGENDA

Ms. Lucero indicated that the agent for the Tercero case has requested that that case be moved to the end of the agenda. She noted that the Robert and Bernadette Appeal is still tabled.

Member Booth moved approval as amended and Member Lopez seconded. The motion carried by unanimous [6-0] voice vote.

IV. APPROVAL OF MINUTES: February 19, 2015

Member Martin moved to approve the February minutes as submitted. Member Booth seconded and the motion passed by unanimous [6-0] voice vote.

V. CONSENT CALENDAR: Final Order

CDRC CASE # V/FDP 14-5090 Stanley Cyclone Center. Santa Fe County, Applicant, Lorn Tryk (Lorn Tryk Architects), Agent, Requested 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 +. This Request Also Included 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, within Sections 27 & 28, Township 11 North, Range 9 East, (Commission District 3). (Approved 7-0) Jose E. Larrañaga.

Member Anaya moved to approve the Consent Calendar. Member Martin seconded and the motion carried unanimously. [6-0]

VIII. NEW BUSINESS

A. CDRC CASE # V 15-5000 Victor Duran Variance. Victor Duran, Applicant, Requests a Variance of Ordinance No. 2002-9, (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District) Section 6.4 (Zoning Density) to Allow Two Dwelling Units on 2.5 Acres. The Property is Located within the Traditional Historic Community of La Cieneguilla At 18 Calle Lisa, within Section 7, Township 16 North, Range 8 East (Commission District 3)

Mr. Romero gave the staff report as follows:

“The subject property, Lot C4 is part of the Vista Land Subdivision, which was created in 1974, and is recognized as a legal lot of record. The Applicant has provided proof of ownership of the property by providing a Warranty Deed which was recorded in the County Clerk’s Office June 21, 1977, Book 349 Page 442. Currently the Applicant and his wife reside in the main dwelling unit, and the Applicant’s son and wife reside in the second dwelling unit.

“The Applicant has stated that a liquid waste system was permitted and installed on the property in 1979 when the residence was constructed. The Applicant has provided an ariel photograph taken in 1981 that illustrates the residence on the

property. However, the New Mexico Environment Department has no record of the liquid waste system being permitted. Since that time the Applicant has obtained two new septic permits from NMED to modify the existing liquid waste systems for both the main residence and for the second dwelling unit.

“On November 18, 2014, the Building and Development Services Division received a complaint regarding a potential density violation on the subject property. On November 20, 2014, Code Enforcement conducted an inspection on the property. At that time the Applicant was issued a Notice of Violation for Unpermitted Development and junk vehicles. The Applicant has stated that in 1995 he converted his garage into a dwelling unit to help provide 24-hour care for his elderly great aunt. Since the passing of his great aunt the Applicant has allowed his son and his family to reside in the second dwelling unit.

“The Applicant states a variance is needed in order to keep the second dwelling unit. The Applicant’s wish is to have his elderly father reside in the second dwelling unit along with his son and daughter-in-law to help provide care for his father.”

Mr. Romero indicated staff was recommending denial of a variance of Ordinance No. 2002-9, Section 6.4 (Zoning Density) to allow two dwelling units on 2.5 acres. If the decision of the CDRC is to recommend approval of the Applicant’s request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre-feet per year per dwelling unit. A water meter shall be installed for each home within ninety (90) days of recording the order granting the variance. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk’s Office at the time of submission for a Development Permit (As per Article III Section 10.2.2 and Ordinance No. 2002-13).
2. The Applicant must obtain a Development Permit from the Building and Development Services Division for second dwelling unit within ninety (90) days of recording the final order granting the variance. (As per Article II, Section 2). The placement of additional dwelling units of Division of Land is prohibited on the property. (As per Ordinance No. 2002-9, Section 6.4) (Zoning Density).
3. All Junk Vehicles must be removed from the property within ninety (90) days of recording the final order granting the variance. (As per Ordinance 1993-6).
4. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application. (As per 1997 Fire Code and NFPA Life Safety Code).
5. These conditions are precedent to granting of the variance. If the Applicant fails to comply with any conditions set forth above within the time periods provided, the variance shall be denied.

Victor Duran was placed under oath and stated when he purchased the property he was provided covenants that allowed a second dwelling. Had he known there was a

County ordinance not allowing a second dwelling he would not have purchased the property. The garage was permitted and the contractor who converted it for the benefit of his great aunt indicated there was no problem. Presently, his 86-year-old father needs full-time care which can be provided by his son and daughter-in-law. He said he has removed some vehicles and will be fencing an area for restorable vehicles.

Chair Katz asked when the property was acquired and Mr. Duran said 1977; the garage was permitted in 1990 and converted in 1995.

Member Gonzales asked about the well. Mr. Duran said the well is permitted and shared by the two units and there has never been a problem beyond a pump replacement. There is still water from 75 to 135 feet. He said the two septic systems were inspected and approved by NMED. The leach line needed improvement and he was given a year and a half to replace the tank. He described the septic systems and noted that NMED records from the past have been lost.

Member Lopez asked about the sizes of the dwellings. Mr. Duran said the main house is 2,300 square feet and the garage is 1,200. Now that it is insulated it is probably closer to 950 square feet.

There was no one from the public wishing to speak about this case.

Chair Katz referred to the letter from the La Cienega Valley Association [*Exhibit 1*] opposing the additional density and asked the applicant if there was a compelling reason he should not have to follow the rules. Mr. Duran said he spoke with his neighbors who had no complaints and understand the need to have family nearby.

Member Anaya asked if he had ever had any problems with the Association. Mr. Duran said he had not. Initially the homeowners worked principally to keep mobile homes out of the area.

Mr. Duran asked about water restrictions and said he was willing to abide by staff conditions.

Member Gonzales moved to approve CDRC Case #V 15-5000, the Victor Duran Variance, with staff conditions, including the water restriction, to be completed within 90 days. Member Lopez seconded and the motion carried unanimously [6-0].

C. CDRC CASE # Z/P&DP/V 14-5470 Ernest Luna Water Tower. Ernest Luna, Applicant, Requests Master Plan Zoning, Preliminary and Final Development Plan Approval for a Water Storage Tank for the Greater Glorieta MDWCA in a Fenced 4,400 Sq. Ft. Area and 17,802 Sq. Ft. for an Access Driveway and Associated Water Lines within an Easement on 10.82 Acres. The Remainder of the Tract Will Remain for Residential Use. This Request Also Includes a Variance of Article III, Section 4.4.4.C (Development and Design Standards) of the Land Development Code, to Allow Construction of a Water Storage Tank at Sixty-Six (66) Feet in Height Which Exceeds the Maximum Permitted Height of Thirty-Six (36) Feet. The Property is Located At 65 La Joya Road within the Traditional Community of Glorieta, within Section 2, Township 15 North, Range 11 East, (Commission District 4)

Mr. Salazar read the caption and gave the following staff report:

“The Applicant lists several factors which lead to the necessity for this request; the first being that the proposed water tank is the second phase to an infrastructure improvement plan which will supply potable water for emergency needs, public health and safety for the residents of the East Glorieta community. A hydraulic analysis was conducted which indicated that this minimum tank height is necessary to provide the minimum pressures for water consumers per NMED Water Main Design Standards. Installing a smaller water tank would result in lower water pressures which would be significantly below the State standards and would require individual property owners to purchase a personal water pressure booster which is not the intent for a newly designed water delivery system. Approximately 16 percent of the Glorieta community lives below the poverty level so water and sewer systems must be simplified to limit expenditures and allow for proper maintenance, therefore booster stations, pump stations and other highly engineered mechanically operated systems need to be avoided to limit overhead costs to costumers.

“The proposed tank will be secured with a locking access ladder hatch and six-foot chain link fence with razor wire to limit access and thereby prevent any contamination of the community’s water supply. It will also employ a passive mixing system to ensure water quality and limit the amount of freezing. Additionally, the shell of the tank will be painted to blend in with the surrounding environment.

“Building and Development Services staff has reviewed this project for compliance with pertinent Code requirements and has found the following facts presented support the request for Master Plan, Preliminary and Final Development Plan approval: the Application is comprehensive in establishing the scope of the project; the proposed uses are in compliance with the uses associated with “Other Development” per Ordinance No. 1998-15; the Application satisfies

the submittal requirements set forth in the Land Development Code, with the exception of the height variance element of the request.

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

“Building and Development Services staff has reviewed the Applicants request for a variance of Article III, Section 4.4.4.c (Development and Design Standards) of the Land Development Code, for compliance with pertinent Code requirements and has found that the facts presented do support the request: Article I, Section 5 (Purposes) refers to NMSA 1978 §4-37-1 through 4-37-9 which grants counties the powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of a county and its inhabitants. The height of the water storage tank is needed to comply with Article 9, Section 903 of the 1997 Uniform Fire Code’s requirements for fire flow.”

Mr. Salazar stated staff has reviewed this Application and has found the following facts presented for resolution of this request by the County Development Review Committee: excluding the proposed height of the tank, the placement of a water storage tank and distribution infrastructure, on 10.82 acres, meets the development requirements of the Land Development Code; the regional water system provides domestic potable water demand plus fire protection volumes as required by Santa Fe County; the proposed elevation of the tank is desirable to provide the optimal elevations for providing the required pressure for the water system; strict compliance with the requirements of Article III, Section 4.4.4.c may result in inhibiting the achievement of the purposes of the Code; the requested height variance for the water tank, which will serve the Glorieta communities in Santa Fe County with safe, reliable drinking water, may perhaps be considered a minimal easing of the requirements of the code. Staff recommends approval for Master Plan Zoning, Preliminary and Final Development Plan.

Staff recommends approval of the variance with the following conditions:

[The conditions are as follows:]

1. The Applicant shall obtain all required development permits.
2. The water storage tank shall be painted in an earth-toned color in order to camouflage the exterior of the tank.
3. The Applicant shall comply with all conditions set forth by the Santa Fe County Fire Prevention Division.

Mr. Gonzales asked how many gallons the tank would hold. Ms. Lucero said it is below 120,000 gallons and she would do research on the exact capacity. Mr. Salazar noted it is significantly bigger than the 8,000-gallon railcar currently in use.

Duly sworn, Linda Hassemer stated she is the closest property owner to that lot and she is on the water board. She indicated 24 houses will be served by this phase and the plan is to eventually connect all of Glorieta to a deep well for the entire community. At that point the various components will be interconnected and the height will be needed. She noted everyone in the community supports the project. The current system is in violation and they need to come into compliance and have a secure water supply.

Ms. Hassemer pointed out that there are surrounding ponderosa pines that are that tall so it will be largely shielded. She said she understood the tank held 40,000 gallons.

There was no one else wishing to offer input.

Ms. Lucero said a letter from NMED says it holds 35,000 to 38,000 gallons.

Member Martin moved to approve CDRC Case #Z/P&DP/V 14-5470, Ernest Luna Water Tower with all conditions. Member Anaya seconded and the motion carried by unanimous.

- D. CDRC CASE # V 14-5310 Patrick Lysaght Variance. Patrick Lysaght, Applicant, Requests a Variance of Article VII, Section 3.4.1.c.1.c (No-Build Areas) of the Land Development Code, to Allow the Construction of an Accessory Structure on Slopes Greater Than 30%, a Variance of Article VII, Section 3.4.1.d.6 (Development Site), to Allow the Finished Floor of a Structure to Exceed (5') Above Natural Grade, and a Variance of Article III, Section 2.3.6.b.1 (Height Restrictions) of the Land Development Code, and Section 3.8.2.d of Ordinance 2000-13 Tesuque Zoning District to Allow the Accessory Structure to Exceed the 18' Height Limitations for Structures on a 15% Slope or Greater. The Property is Located At 11 Via Vecino within the Traditional Community of Tesuque, within Section 31, Township 18 North Range, 10 East, (Commission District 1)**

Mr. Dalton read the case caption and gave the following staff report:

“The subject lot was created in 1981, and is recognized as a legal lot of record. Currently, there is a 4,300 square foot residence on the property which is a legal non-conforming residence. In 1998, the previous property owner was granted a variance to allow the disturbance of 30% slopes and greater for a 549 square foot addition to the existing residence. A permit for the addition was issued in 1999.

“On July 17, 2014, Building and Development Services received a complaint regarding unpermitted development on the subject property. On July 21, 2014, Code Enforcement conducted an inspection on the property and issued a Notice of Violation for unpermitted development and disturbing slopes in excess of 30 percent. A stop work order was placed on the construction and no further work has been done.

“After further review of the Applicant’s request, staff determined that the accessory structure also requires a variance to allow the structure to exceed the 18’ height limitation on slopes 15 percent and greater and a variance to allow the finish floor to be more than 5 feet above natural grade. The unpermitted 600 square foot accessory structure sits on slopes greater than 30 percent and is raised on 6”x6” posts and contains no plumbing. The structure is 23’ 10” high, and the finish floor of the structure is 7” above natural grade. A structural engineer determined that the structure is in compliance with all applicable State Building Codes and is structurally sound for required loads.

“The Applicant states the variance is needed to provide an area for dry storage, a seasonal workshop for hobbies, and reduce noise and dust that routinely accompany stone and wood carving hobbies. The Applicant further states that the only other location on the property that meets code criteria is located on a ridgetop and is inaccessible. Staff has conducted a site visit to confirm there are no other locations on the property to place the accessory structure. The site contains slopes of 30 percent and greater and has limited area less than 30 percent that are inaccessible.

“The planning committee for the Tesuque Land Use Plan submitted a letter opposing the request for variances based on the fact that the request did not meet Code requirements.

“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.”

Mr. Dalton said staff recommended denial of variances from Article VII, § 3.4.1.c.1.c (No-Build Areas), to allow the construction of a 600 square foot accessory structure which disturbs slopes in excess of 30 percent, a variance of Article VII, Section 3.4.1.d.6 (Development Site), to allow the finished floor of the structure to exceed 5 feet above natural grade, and a variance of Article III, Section 2.3.6.b.1 and of Section 3.8.2.d of Ordinance 2000-13 Tesuque Zoning District, to allow the accessory structure to exceed the 18’ height limitation for structures on a 15 percent slope or greater

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

1. Water use shall be restricted to 0.25 acre-feet per year. A water meter shall be installed for the residence. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk’s Office at the time of Development Permit (As per Article III, § 10.2.2 and Ordinance No. 2002-13)
2. The Applicant must obtain a Development Permit from the Building and Development Services Department for construction of the Accessory Structure. (As per Article II, § 2).

3. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application (As per 1997 Fire Code and 1997 Life Safety Code).

Member Martin asked if the members of the Tesuque planning committee who signed the letter in the packet constitute everyone on that committee.

Duly sworn, Jeanne Boyles, a member of the Tesuque Planning Committee said the six signatures represent all the committee members.

Under oath, Patrick Lysaght distributed a handout to the committee members providing context to the case. He apologized to the community for his inability to communicate his intentions effectively. He said he understood there were three problems: code violations stemming from the steepness of the slopes, that the structure is an “eyesore” and his perceived disregard for the law.

He conceded the structure violates slope regulations, however, the disturbance constitutes a very small fraction of the 9.5-acre lot. When the property was purchased there was a great deal of erosion and damage to the property and driveway. The previous owners had been granted a variance for an addition on that side of the house. This request is less extreme than the variance approved in 1999. No views will be blocked. He has been doing masonry to shore up eroded areas. He said he loves the land and there are no other places on the property to build. The land is so steep there is no place to park cars. The part that is too high is just one corner. The structure is below the level of the house.

He pointed out this is mid-construction which accounts for it looking like an eyesore. He says he is willing to work with the neighbors and has agreed to stucco the building and add water harvesting. They have worked hard to minimize disturbance to neighbors and there will be screening with coyote fencing and plants. He added two houses in the area have sold recently so local real estate has not been adversely affected.

The building plans have been approved by a professional engineer. He emphasized that he does not have disregard for the regulations. Agreements specify that this property can be divided in two or have “customary outbuildings, garages, carport, servants’ quarters, studio and/or guesthouse and gatehouse, stable and/or corral.” However, the remainder of the property is designated no-build. A deck on the north side of the house is also build on posts so this structure did not seem to be out of line. PNM approved a second meter on the property.

Mr. Lysaght said he moved forward in his need for storage without building somewhere that would block his neighbors’ views. He wants to cooperate as much as possible.

Referring to packet Exhibit 11, Member Anaya said it appears the project is unfinished. He asked if there were certified plans. Mr. Lysaght said the plans were

approved by Hands Engineering, attesting to its integrity. He said it is designed to be unobtrusive.

Sam Burford, under oath, stated he owns the house directly below the property in question. He showed before and after photographs of the area taken from his driveway. He objects to the variances on the grounds of fire danger, instability, and visual incompatibility. He noted that one of the major purposes of the Tesuque Community Plan adopted in 2013 was to preserve the historic rural nature of Tesuque. He said he thought it impossible that the structure could be changed sufficiently to make it acceptable.

Member Anaya asked what it would take to make the structure acceptable. Mr. Burford said he didn't think any cosmetic changes would work. Member Anaya said the project would have to be inspected by the Fire Marshal and many issues have yet to be addressed. Mr. Burford said stuccoing would make the neighborhood happier.

Chair Katz asked if Mr. Lysaght's house is the highest and was told it was.

Ms. Boyles, previously sworn, stated people often build in Tesuque without permit and then ask for approval after the fact. She said this is what the planning committee objects to.

Member Anaya asked when people in Tesuque started complaining. Ms. Boyles said it looked odd, but it was difficult to see from Bishop's Lodge Road due to all the fences and walls. After it was brought to the committee's attention they met and objected. Member Anaya asked about the specifics of Tesuque and the planning process. She said the association goes by the rules and they hope to have a new ordinance in place by the end of the summer. To approve a project like this compounds the problem of inappropriate building on slopes. Erosion becomes a problem.

There was no one else from the public wishing to speak.

In rebuttal, Mr. Lysaght indicated things are always disturbing when new. He added Mr. Burford shows no respect for the engineering approval. He said the structure can be blended in successfully. He added there are approximately 2,000 people in Tesuque. He has encouraged the neighbors to speak to him.

Member Anaya moved to approve CDRC Case #V 14-5310 with staff conditions. Member Booth seconded.

Chair Katz explained why he intended to vote against approval: staff and the neighbors are in opposition; there was no permit; terrain management regulations are important, something conceded by the applicant; and the applicant's seeming insensitivity to his neighbors. He should not be rewarded for having proceeded without a permit. Member Martin agreed, saying the Tesuque ordinance is part of the Sustainable Growth Management Plan.

Member Anaya said he was in favor of approval given the applicant's willingness to do what is required. He said he can see the possibilities, although he understand the neighbors' point of view as well. Member Booth noted they just approved a case that did not have prior permits. She said she was swayed by the fact there was nowhere else to build on this lot.

The motion carried by majority [4-2] voice vote with Members Anaya, Booth, Lopez and Gonzales voting in favor and Chair Katz and Member Martin voting against.

B. CDRC CASE # V 14-5330 Francisco and Arlene Tercero. Francisco and Arlene Tercero, Applicants and the Amarante Romero Trust (Arlene Tercero, Trustee), Applicant, Requests 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 an Adjacent 2.549-Acre Lot (Amarante and Emma Romero Parcel) to Create two 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 Four 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 17 North, Range 9 East (Commission District 2)

Mr. Romero read the caption and the following report:

“The subject lot was created in 1985, via Division of Land, and is recognized as a legal lot of record. Currently there is a residence on the property which was permitted by Santa Fe County, Permit# 99-1369, that the Applicant's son and his family reside in.

“The Applicants request a variance of Ordinance No. 2007-2, Section 10.6 to allow a Family Transfer of 1.53 acres into two lots; both lots consisting of 0.75 acres +/- . The Applicants state a variance is needed in order to leave their children with a piece of property of their own. The minimum lot size in this area is 2.5 acres with 0.25 acre-foot water restrictions as per Ordinance No. 2007-2 Village of Agua Fria Zoning District, Section 10.6, Density and Dimensional Standards.

“On November 20, 2014 this request went before the CDRC to allow a Family Transfer to divide 1.53 acres into two lots. At that time the Applicant stated that

they were not in agreement with County Road Standards, and the CDRC tabled the request to allow the Applicant to work with staff to address their issues or request appropriate variances.

“Since that time the Applicants have modified their request and in addition to the variance to allow the Family Transfer the Applicants are now also requesting approval of an additional Small Lot Family Transfer on the adjacent 2.549-acre lot, the Amarante and Emma Romero Parcel, to create two lots, each consisting of 1.25 acres more or less. The Applicant applied for the Small Lot Family Transfer, Amarante Romero Trust, on March 26, 2014. Since the Amarante and Emma Romero Parcel met density requirements and the Applicant agreed to the required 38-foot wide easement; the Application could have been approved administratively. However, since the Applicant stated they were opposed to the required 38-foot easement, they are also requesting a variance of Article V, Section 8.2.1c, Local Roads, and Article III, Section 2.4.2b 3 (a)(1), Roads and Access, to allow an easement less than 38-feet wide. The property is accessed from Calle de Quiquido; the portion of Calle de Quiquido that will service the proposed lots – 5 lots in total – is approximately 1400 feet in length and ranges from 10 to 18 feet in width and is a dirt driving surface with a 15-foot access and utility easement.

“The Applicants request that a maximum 24-foot easement and an 18-foot all weather driving surface be approved for the entire length of Calle de Quiquido, beginning at West Alameda to the end of Calle de Quiquido. The Applicants state that the required 38-foot access and utility easement is excessive and may cause problems in the future for the Applicants’ water wells which would be within the required 38-foot access and utility easement.”

Mr. Romero indicated staff was recommending denial of a variance of Ordinance No. 2007-2, Village of Agua Fria Zoning District, Section 10.6, Density and Dimensional Standards, Article V, Section 8.2.1c, Local Roads, and Article III, Section 2.4.2b 3 (a)(1), Roads and Access. If the decision of the CDRC is to recommend approval of the Applicants’ request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre-feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk’s Office (As per Article III, § 10.2.2).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2).
3. Further division of either tract is prohibited; unless all lots are served by community water and sewer. This shall be noted on the plat (As per Article III, Section 10).
4. A Development Permit will be required for all grading and clearing of roadways (As per Article II, Section 2). The Applicant shall construct all necessary road

improvements prior to plat recordation or submit a financial guarantee (As per Article II, Section 5.5)

5. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat review (As per 1997 Fire Code and 1997 Life Safety Code).

Chair Katz asked if the Fire Department was comfortable with this width of road. Mr. Romero said Fire Marshal Patty indicates they are. Chair Katz referred to a letter from the Agua Fria Village Association expressing satisfaction with variance and asked if any other neighbors had expressed their opinion. Mr. Romero said he had received no communications on the proposal.

Member Gonzales asked what the minimum lot size is in the Village of Agua Fria and Mr. Romero explained that the low-density urban zone has a minimum lot size of 2.5 acres per dwelling unit with water restrictions. Therefore, with a small-lot family transfer lot size can be reduced to 1.25 acres. Additionally, with community water or sewer lots can go down to one acre, or .5 acre with both community water and sewer. This lot has neither community water nor sewer and these services are approximately 2,000 feet away.

Member Booth asked if the existing wells are within the 38-foot easement. Karl Sommer, counsel for the applicant said they are.

Mr. Sommer stated Amarante and Emma Romero established a trust for the property. Their daughter, Ms. Tercero is the trustee and owns the adjoining property. He explained the lots are long and narrow, following the traditional style of division common in Agua Fria. The original easement ran along the east side of the property. The road and utilities were put in before the County established the 38-foot requirement. There is a bridge over a culvert on the road which has an 18-foot basecourse driving service which can accommodate emergency vehicles. Mr. Sommer visited the property with the Fire Marshal and demonstrated turnarounds and they voiced no opposition to the roads.

They are requesting a 24-foot easement in order to avoid the future possibility of having to move existing utilities which would be expensive and unnecessary. The 38-foot requirement is not compatible with the traditional *linea* style of land division. Twenty-four feet would allow for an 18-foot driving surface and two two-foot bar ditches for drainage. The new standards create a hardship.

Mr. Sommer mentioned the support of the community for family transfers and for this request. They have committed to 18 feet subject to the provision that Fire Marshal Patty's inspection.

There was no one from the public wishing to speak.

Member Lopez moved approval of CDRC Case #14-5330 with staff conditions, and the additional provision that the Fire Marshal approve the road. Member Booth seconded and the motion passed by unanimous [6-0] voice vote.

F. PETITIONS FROM THE FLOOR

None were presented.

G. COMMUNICATIONS FROM THE ATTORNEY

Ms. Brown introduced Andrea Salazar, Assistant County Attorney, who will be attending the meetings.

H. COMMUNICATIONS FROM STAFF

A letter from Matthew Baca regarding the Rio Santa Fe Business Park was distributed. [Exhibit 2]

Ms. Lucero said there is no update on BCC action since there has not been a land use meeting in the interim. The next CDRC meeting was scheduled for April 16, 2015

I. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Katz declared this meeting adjourned at approximately 5:50 p.m.

Approved by:

Frank Katz, Chair
CDRC

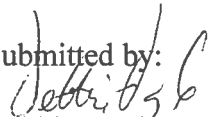
ATTEST TO:

COUNTY CLERK

Before me, this ____ day of _____, 2015.

My Commission Expires:

Notary Public

Submitted by:

Debbie Doyle, Wordswork



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

March 15, 2015

Miguel "Mike" Romero, Case Manager
Growth Management Department
Santa Fe County
102 Grant Avenue
Santa Fe, N.M. 87501

CDRC CASES: CDRC CASE # V 15-5000 Victor Duran Variance.

Dear Mr. Romero:

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

We value our rural way of life and seek to protect our limited ground water resources. The LCVA has learned that the variance request in La Cieneguilla, #V- 15-5000, before you is due to the homeowner's decision to ignore Santa Fe County ordinances and make structural additions and changes to create an unpermitted separate living unit. If granted, this variance request sets a precedent that our community cannot afford and our water sources cannot sustain.

The message the LCVA seeks to convey to the CDRC and the County Commission is that all home owners have a responsibility to ensure that the structures on their property are legally permitted, the septic system for two living units is properly permitted and the well in use has been approved by the Office of the State Engineer for two homes. In this case, it would appear that this due diligence was not conducted which has allowed the home owner to benefit from a prior illegal act. This isn't right and can't be tolerated.

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

Please let us know if you require any additional information.

Sincerely,

Carl Dickens, President
La Cienega Valley Association

From: Matthew Baca [mailto:matthewrbaca@yahoo.com]

Sent: Tuesday, February 24, 2015 4:39 PM

To: Rachel A. Brown

Cc: Penny Ellis-Green; Vicki Lucero

Subject: CDRC CASE # V/ZA/S 10-5352 Rio Santa Fe Business Park. Peña Blanca Partnership,



Dear Ms. Brown,

I hope this finds you (and Penny and Vicki) doing well.

I am writing regarding the above referenced case heard in front of the County Development Review Commission at their February 19, 2015 meeting. My limited experience with the CDRC has drawn me to conclude that there is no discussion or input from the interested parties or applicant on the minutes provided to the commission from the previous month's meeting. As such, I am writing to request that the minutes contain the following from the February meeting:

- 1) Mr. Larrañaga's presentation to the CDRC in which he provided testimony on Peña Blanca's access to the Caja del Rio Road, noting a distance of 6000 feet, if memory serves me right.
- 2) My request for a map from staff of the area surrounding the applicant's property, which was provided by Mr. Larrañaga from the applicant file. I would like it to also be noted in the minutes that though labeled Exhibit 15, it actually had another exhibit designation that you provided to the CDRC. Please provide that designation in the minutes.
- 3) My comment that Exhibit 15 is a platte showing the northern access road entering onto our family owned land - SHC 480 - and that contrary to the declaration on the platte, the Baca family has never provided an easement across the family owned property.
- 4) Applicant's statement, paraphrasing, that the northern road will not be used by the applicant.
- 5) Chairman Katz's statement or finding to the commission, staff and myself, paraphrasing, that the northern road is not to be considered in the application deliberation.
- 6) My comments related to archaeological deficiencies in the application.
- 7) My comments and photographs provided to the commission as documentation of lack of proper notice.

Additionally, I am requesting that the video/audio record of the meeting be provided to me at your earliest convenience. Please consider this to be a request under the provisions of the Inspection of Public Records Act.

Lastly, are you able to provide me with the applicable county ordinance(s) related to public hearings? If so, I would appreciate you providing those citations also.

Thank you in advance for your assistance, and best as always.

Matthew