

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: June 16, 2016

TO: Santa Fe County Planning Commission

FROM: Miguel "Mike" Romero, Development Review Specialist Sr. *(MP)*

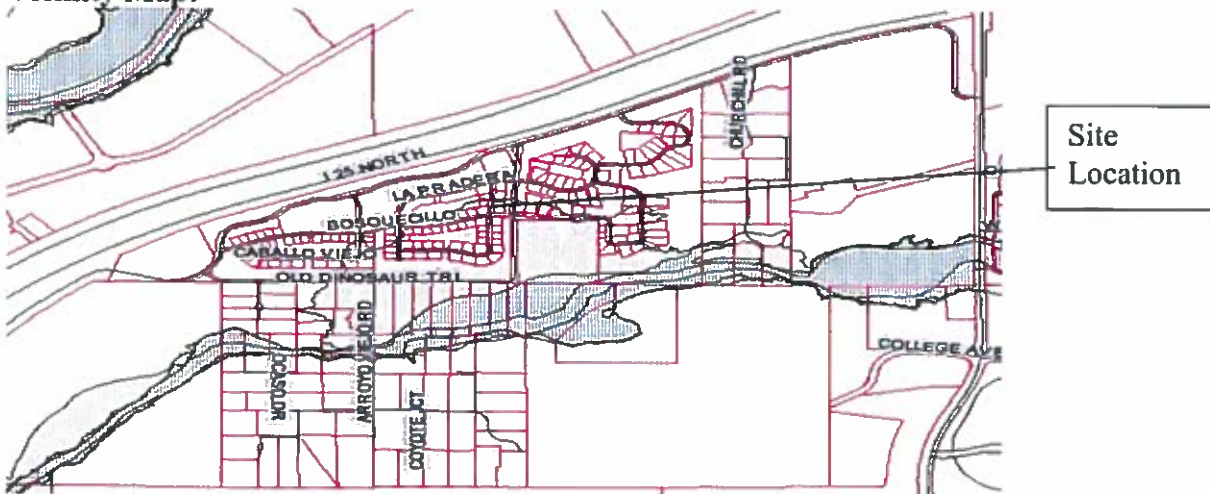
VIA: Penny Ellis-Green, Growth Management Director *V2 for*
Vicki Lucero, Building and Development Services Manager *V2*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: CASE # V 16-5050 La Pradera Assoc. LLC & Gardner Assoc. LLC.

ISSUE:

La Pradera Assoc. LLC & Gardner Assoc. LLC., Applicants, Design Enginuity, Agent, request a variance of Chapter 7, Section 7.13.11.7, Water Harvesting of Ordinance No. 2015-11, the Sustainable Land Development Code (SLDC). The Applicant requests that the existing lots within the La Pradera Subdivision not be required to provide water harvesting cisterns for homes that are less than 2,500 sq. ft. of heated floor area. The La Pradera Subdivision is within the Planned Community College District (CCD) and is zoned as a Planned Development District (PD-1). The subdivision is located off Dinosaur Trail, within Section 17 & 18 Township 16 North, Range 8 East, Commission District 5.

Vicinity Map:



SUMMARY:

The Applicants acquired the property as evidenced by warranty deeds recorded in the records of the Santa Fe County Clerk on May 27, 2005, Instrument No. 1381724; May 9, 2007, Instrument No. 1482417; and March 26, 2007, Instrument No. 1475999. The La Pradera Residential Subdivision Phase One Plat was recorded in the Santa Fe County Clerk's Office on November 22, 2004, Page 574 Book 17-22 and La Pradera Residential Subdivision Plat Phases Two through Six recorded in the Santa Fe County Clerk's Office on May 9, 2007, Page 654 Book 9-16. Prior to enactment of the SLDC, all development on these lots was subject to the rainwater catchment requirements of Ordinance 2003-6. Ordinance 2003-6 required homes of 2,500 sq. ft. of heated area or greater to install a cistern, and homes smaller than 2,500 sq. ft. of heated area to install rain barrels.

On January 15, 2016, the SLDC came into effect, repealing Ordinance No. 2003-6, and changing the rainwater catchment requirements. SLDC, Chapter 7, Section 7.13.11.7.2 states: "[s]tructures whose roof surface is 2,500 sq. ft. or greater shall install a cistern that is buried or partially buried and insulated." The Section goes on to state, "[a] structure whose roof surface is 2,500 sq. ft. or less, and any accessory structure whose roof area is 500 sq. ft. or greater shall install rain barrels, cisterns or other water catchment systems including passive water harvesting and infiltration techniques, berms, swales, and tree wells to capture rainwater from a minimum of 85% of the roofed area."

The Applicants state that with the adoption of the SLDC, a significant code change occurred in regards to the rain water harvesting provisions. The previous code required the installation of cisterns for homes of 2,500 sq. ft. or more of heated space. The SLDC now requires cisterns for homes with 2,500 sq. ft. of roofed area rather than heated space. Homes of 1,800 or 1,900 heated sq. ft. now have to install cisterns due to the fact that they exceed 2,500 sq. ft. when portals and garages are added to the square footage. The Applicant states that the required cistern systems are typically 3,000 gallons in size and cost \$10,000 to \$14,000 to install, which is a huge cost to add on a moderately priced home. The Applicant also states that prior to the adoption of the SLDC, if a cistern was required, it could be sized to accommodate a one month demand of irrigation water. Many moderately priced homes in the La Pradera community use very little water outdoors. Average water use in La Pradera is 3,420 gallons per month; and outdoor water use is generally less than 500 gallons per month. Homes in La Pradera typically have rain barrels beneath canals that provide much of the needed irrigation water and it seems illogical to require homeowners to install a system that far exceeds their needs especially at a cost that some buyers cannot afford.

The Applicants request a variance of Chapter 7, Section 7.13.11.7, Water Harvesting of Ordinance 2015-11, of the SLDC. The Applicant proposes that the remaining 110 lots within the La Pradera Subdivision be allowed to adhere to prior County water harvesting requirements which were set forth in Ordinance No. 2003-6 (An Ordinance Amending Ordinance 1996-10, the Santa Fe County Land Development Code, Article III, Section 4.4.1 and Article III, Section 2.4.1 to require rainwater catchment systems for all commercial and residential development). Both Ordinance No. 2003-6 and Ordinance No. 1996-10 were repealed when the SLDC was adopted.

The La Pradera Residential Subdivision consists of 110 lots, which is zoned in the Planned Community College District (CCD), as defined by the SLDC, Chapter 8, Section 8.10.3.

The applicable requirements under the Santa Fe County Sustainable Land Development Code, Ordinance No. 2015-11 (SLDC), which govern this Application are the following:

Chapter 7, Section 7.13.11.7.2, Water Harvesting, Catchment Requirements, Residential Structures states:

- a. Systems shall be designed to capture rainwater from a minimum of 85% of the roofed area.
- b. Structures whose roof surface is 2,500 sq. ft. or greater shall install a cistern that is buried or partially buried and insulated. The cistern shall be connected to a pump and a drip irrigation system to serve landscaped areas. Alternatively, if captured water is to be used for domestic purposes, appropriate plumbing and pumps may be used to convey that water to the point of use.
- c. A structure whose roof surface is 2,500 sq. ft. or less, and any accessory structure whose roof surface is 500 sq. ft. or greater shall install rain barrels, cisterns or other water catchment system including passive water harvesting and infiltration techniques, berms, swales, and tree wells to capture rainwater from a minimum of 85% of the roofed area.
- d. Cisterns shall be sized to hold 1.15 gallons per square foot of roof area that is captured.

Chapter 14, Section 14.9.7.1, Variances, Purpose, states:

The purpose of this section is to provide a mechanism in the form of a variance that grants a landowner relief from certain standards in this code where, due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner. The granting of an area variance shall allow a deviation from the dimensional requirements of the Code, but in no way shall it authorize a use of land that is otherwise prohibited in the relevant zoning district.

Chapter 14, Section 14.9.7.4, Variance Review criteria states:

A variance may be granted by only a majority of all the members of the Planning Commission (or the Board, on appeal from the Planning Commission) where authorized by NMSA 1978, Section 3-21-8(C):

1. Where the request is not contrary to public interest;
2. Where, owing to special conditions, a literal enforcement of the SLDC will result in unnecessary hardship to the applicant; and
3. So that the spirit of the SLDC is observed and substantial justice is done.

Chapter 14, Section 14.9.7.5 Variance Conditions of approval.

1. The Planning Commission may impose conditions on a variance request necessary to accomplish the purposes and intent of the SLDC and the SGMP and to prevent or minimize adverse impacts on the general health, safety and welfare of property owners and area residents.
2. All approved variances run with the land, unless conditions of approval imposed by the Planning Commission specify otherwise.
3. All approved variances automatically expire within one year of the date of approval, unless the applicant takes affirmative action consistent with the approval.

As required by the SLDC, the Applicants presented the Application to the Technical Advisory Committee (TAC) on March 17, 2016, at the regular scheduled monthly meeting, which satisfied the requirements set forth in Chapter 4, Section 4.4.4.3, Pre-application TAC Meeting and Table 4-1.

On April 28, 2016, the Application was presented to the Hearing Officer. The Hearing Officer recommended approval because an extraordinary and exceptional situation has been demonstrated based upon the intent to review the water catchment ordinance, the unintentional amending of the water catchment requirements by the SLDC and by the particular conditions of the subdivision.

Notice requirements were met as per Chapter 4, Section 4.6.3., General Notice of Application Requiring a Public Hearing, of the SLDC. In advance of a hearing on the Application, the Applicants provided an affidavit of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for fifteen days on the property, beginning on April 13, 2016. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on April 13, 2016, as evidenced by a copy of that legal notice contained in the record. Notice of the hearing was sent to owners of land within 500' of the subject property and a list of persons sent a mailing is contained in the record.

This Application was submitted on March 22, 2016

RECOMMENDATION:

Staff is unable to recommend approval because this request is not in compliance with the SLDC and because the criteria for a variance have not been met.

As part of the 6 month review of the SLDC staff will be recommending to the Board of County Commissioners that the rainwater catchment section be amended to require cisterns only on houses of 2,500 sq. ft. or greater of heated area.

This matter went before the Hearing Officer for a hearing on April 28, 2016. The Hearing Officer recommends approval of the Application.

If the decision of the Planning Commission is to approve the application, you may consider adopting the Hearing Officer's finding of fact and conclusion of law in the written recommendation.

EXHIBITS:

1. Applicants Request
2. Recorded Survey Plats
3. Recorded Warranty Deeds
4. Aerial of Site and Surrounding Area
5. Chapter 7, Section 7.13.11.7. (Water Harvesting)
6. Ordinance 2003-6
7. Noticing
8. Hearing Officer Final Order

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

March 25, 2016

Santa Fe County Land Use
Hand Delivered

RE: Variance of Cistern Requirements for La Pradera Subdivision

Dear Sirs/Madams

With the adoption of the SLDC in December of last year, a very significant code change occurred with regards to the storm water harvesting provisions. Specifically the old code required the installation of cisterns for homes of 2,500 square feet or more of heated space. The SLDC now requires cisterns for homes with 2,500 square feet of roofed area. Thus modest homes of 1,800 or 1,900 heated square feet now have to install cisterns. This is a huge cost on a moderately priced home. The required cistern systems are typically 3000 gallons in size and cost \$10,000 to \$14,000 to install.

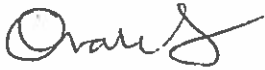
This significant code modification was not properly vetted. The change was buried in the new code and even Penny Ellis-Green was unaware of the change until it was pointed out to her after the code was adopted. The adopted Santa Fe County Sustainable Growth Management Plan match the previous code language: *"Conservation of water in new and existing development is important for conservation purposes. All new commercial or dwelling units of 2,500 sq. ft. of heated area or greater will include a cistern that is buried, partial buried or within an insulated structure and is connected to a pump and a drip irrigation system to serve all landscaped areas."* It seems that the change from heated space to roofed area may have been an inadvertent error.

Prior to the adoption of the SLDC, if a cistern was required, it could be sized to accommodate a one month demand of irrigation water. Many moderately priced homes in our community use very little water outdoors. Average water use in La Pradera is impressively low: 3,420 gallons per month; and outdoor water use is generally less than 500 gallons per month. Homes in La Pradera typically have rain barrels beneath canals that provide much of the needed irrigation water. It seems illogical to require homeowners to install a system that far exceeds their needs especially at a cost that some buyers cannot afford.



We respectfully request a variance to allow new construction within the La Pradera subdivision to follow the previous code requirements and the Santa Fe County Sustainable Growth Management Plan recommendations which would require only those homes with 2,500 sq. ft. or more of heated space to have a cistern. We will continue to use rain barrels beneath canales for homes of less than 2,500 sq. ft. of heated space.

Sincerely,



Oralynn Guerrerortiz
Agent for La Pradera Associates and Gardner Associates

Attachment: Copies of Relevant New and Old Code

* Re Rec... for corrective purposes.

La Pradera Phasel (3)

Return to First American Title Insurance Company
File No. NMO4-416119-SFO1 KJS

WARRANTY DEED

Faye Evelyn Gardner, a single person, for consideration paid, grant to Gardner Associates, LLC, a New Mexico Limited Liability Company whose address is PO Box 1627, Santa Fe, NM 87504-1627 the following described real estate in Santa Fe County New Mexico:

Tract B, as shown on plat entitled "Plat of Land Split of Residual Lands Tracts A & B for Burtram - Gardner south of I-25 Section 17, T16N, R9E, NMPM.", filed in the office of the County Clerk, Santa Fe County, New Mexico November 7, 1990, in Plat Book 216, Page 043, as Document No. 721,963.

Together with rights to easements as described in

* Easement Grant and Agreement, by and between Thomas G. Gillentine and Jane P. Gillentine, husband and wife and Gardner Associates, LLC, a New Mexico limited liability company, recorded in the office of the County Clerk, Santa Fe County, New Mexico on 8-25-04, as Instrument No. 1343386.

* Easement Grant and Agreement, by and between Thomas G. Gillentine and Jane P. Gillentine, husband and wife and Gardner Associates, LLC, a New Mexico limited liability company, recorded in the office of the County Clerk, Santa Fe County, New Mexico on 8-25-04, as Instrument No. 1343387.

* Easement Grant and Agreement, by and between Jane Petchesky, a single woman and Gardner Associates, LLC, a New Mexico limited liability company, recorded in the office of the County Clerk, Santa Fe County, New Mexico on August 25, 2004, as Instrument No. 1343385.

* Easement Grant and Agreement, by and between Geobruigg North America, LLC, a Georgia limited liability company and Gardner Associates, LLC, a New Mexico limited liability company, recorded in the office of the County Clerk, Santa Fe County, New Mexico on 8-25-04, as Instrument No. 1343388.

* Easement Grant and Agreement, by and between Rancho Viejo de Santa Fe, Inc., a New Mexico corporation and Gardner Associates, LLC, a New Mexico limited liability company, recorded in the office of the County Clerk, Santa Fe County, New Mexico on 8-25-04, as Instrument No. 1343384.

Subject to:

1. Taxes for the year 2004 and thereafter.
2. Reservations contained in Patent from United States of America recorded in Book A of Patents, Page 181, records of Santa Fe, County, New Mexico
3. All interest in and to all of the oil, gas, coal and other minerals and all rights incident thereto.
4. Restrictive covenants, reservations and easements, as provided for in Warranty Deed recorded in Book 300, page 912, records of Santa Fe, New Mexico.

SFC Clerk 05/27/2005JD 08/25/2004

14



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SFC CLERK 05/27/2005 08:25:2004

- 5. Easement, in favor of DEMCO, a new Mexico corporation and B & B LIMITED, a New Mexico limited partnership, and rights incident thereto, recorded in Book 394, Page 436, records of Santa Fe County, New Mexico.
- 6. Easements, and rights incident thereto, restrictions, notes and conditions, as shown and/or provided for by plat recorded in Plat Book 216, Page 043, records of Santa Fe County, New Mexico.
- 7. Reservations contained in Patent from United States of America recorded in Book A of Patents, Page 181, records of Santa Fe, County, New Mexico.
- 8. All Interest in and to all of the oil, gas, coal and other minerals and all rights incident thereto.
- 9. Restrictive covenants, reservations and easements, as provided for in Warranty Deed recorded in Book 300, page 912, records of Santa Fe, New Mexico.
- 10. Easement, in favor of DEMCO, a new Mexico corporation and B & B LIMITED, a New Mexico limited partnership, and rights incident thereto, recorded in Book 394, Page 436, records of Santa Fe County, New Mexico.
- 11. Easements, and rights incident thereto, restrictions, notes and conditions, as shown and/or provided for by plat recorded in Plat Book 216, Page 043, records of Santa Fe County, New Mexico.
- 12. Rights of others in and to the easements insured herein.
- 13. * Terms and conditions contained in Easement Grant and Agreement, by and between Thomas G. Gillentine and Jane P. Gillentine, husband and wife and Gardner Associates, LLC, a New Mexico limited liability company, recorded in the office of the County Clerk, Santa Fe County, New Mexico on 8-25-04, as Instrument No. 1343386.
- 14. * Terms and conditions contained in Easement Grant and Agreement, by and between Thomas G. Gillentine and Jane P. Gillentine, husband and wife and Gardner Associates, LLC, a New Mexico limited liability company, recorded in the office of the County Clerk, Santa Fe County, New Mexico on 8-25-04, as Instrument No. 1343387.
- 15. * Terms and conditions contained in Easement Grant and Agreement, by and between Jane Patchesky, a single woman and Gardner Associates, LLC, a New Mexico limited liability company, recorded in the office of the County Clerk, Santa Fe County, New Mexico on 8-25-04, as Instrument No. 1343385.
- 16. * Terms and conditions contained in Easement Grant and Agreement, by and between Geobruigg North America, LLC, a Georgia limited liability company and Gardner Associates, LLC, a New Mexico limited liability company, recorded in the office of the County Clerk, Santa Fe County, New Mexico on 8-25-04, as Instrument No. 1343388.
- 17. * Terms and conditions contained in Easement Grant and Agreement, by and between Rancho Viejo de Santa Fe, Inc. a New Mexico Corporation and Gardner Associates, LLC, a New Mexico limited liability company, recorded in the office of the County Clerk, Santa Fe County, New Mexico on 8-25-04, as Instrument No. 1343389.

with warranty covenants.

with warranty covenants.

WITNESS our hands and seal this 20th day of August 2004.

Faye Evelyn Gardner
Faye Evelyn Gardner



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

WARRANTY DEED
PAGES: 3

I Hereby Certify That This Instrument Was Filed for
Record On The 27TH Day Of May, A.D., 2005 at 10:53
And Was Duly Recorded as Instrument # 1381724
Of The Records Of Santa Fe County

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

Acknowledgement for Natural Persons

State of New Mexico)
County of Santa Fe) ss.
Bernalillo)

This instrument was acknowledged before me on Aug 20, 2004, by Faye Evelyn Gardner.

My commission expires: 3-26-06 5-22-06

Sueyl C. Oliniger
Notary Public



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

WARRANTY DEED
PAGES: 3

I Hereby Certify That This Instrument Was Filed for
Record On The 27TH Day Of August, A.D., 2004 at 14:23
And Was Duly Recorded as Instrument # 1381724
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Rebecca Bustamante
Deputy Rebecca Bustamante County Clerk, Santa Fe, NM



SFC Clerk 05/27/2005
FILED 08/25/2004

After recording return to:
Rio Grande Title Company of Santa Fe, Inc.

RGTC 07100005

Phases 2, 4, 6
M/TM

File No. 06100574 Tish Martinez

WARRANTY DEED

The Estate of Louise M. Burttram, deceased (by Harnee Burttram, Co-Personal Representative and Anne Janssen, Co-Personal Representative), for consideration paid, grants to Gardner Associates, LLC, a New Mexico Limited Liability Company, whose address is 825 Allendale St. Santa Fe, NM 87505, the following described real estate in SANTA FE County, New Mexico:

Tract A as shown and designated on the "PLAT OF LAND SPLIT OF RESIDUAL LANDS, TRACTS A&B FOR BURTTRAM GARDNER SOUTH OF I-25 IN SECTION 17 T10N R9E, N.M.P.M.-SANTA FE CO NM", filed of record on November 7, 1999 as Document No. 731943 in Plat Book 216, page 043, records of Santa Fe County, New Mexico.

SUBJECT TO reservations, restrictions and easements of record, and taxes for the year 2007 and subsequent years, with warranty covenants.

WITNESS my hand and seal this 22 day of December, 2006

Estate of Louise M. Burttram deceased
By: Harnee Burttram
Co-Personal Representative

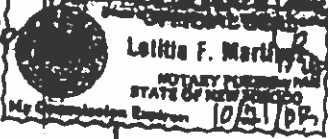
Estate of Louise M. Burttram deceased
By: Anne Janssen
Co-Personal Representative

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
COUNTY OF SANTA FE

This instrument was acknowledged before me this 22 day of December, 2006 by Harnee Burttram, Co-Personal Representative of the Estate of Louise M. Burttram deceased

My commission expires: 10/21/09

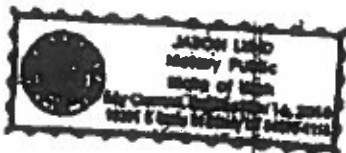


STATE OF Utah
COUNTY OF Salt Lake

This instrument was acknowledged before me this 25th day of December, 2006 by Anne Janssen, Co-Personal Representative of the Estate of Louise M. Burttram deceased

My commission expires: 10/16/2010

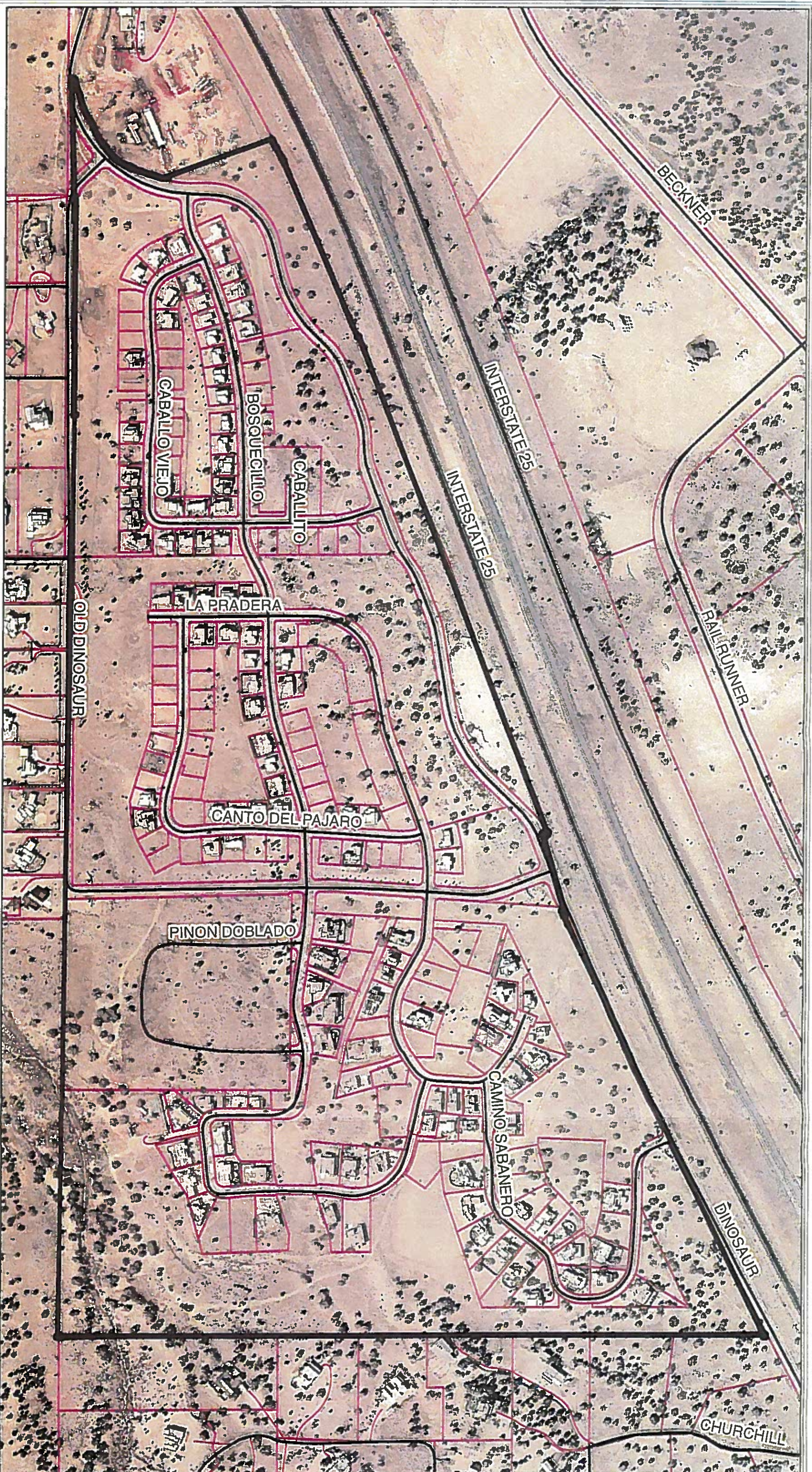
Juan - J d



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

I Herby Certify That This Instrument Was Filed for Record On The 25th Day Of May, A.D., 2007 at 13:58 and Was Duly Recorded as Instrument # 1482417 of The Records Of Santa Fe County

In Witness My Hand and Seal Of Office
Valeria Espinosa
County Clerk, Santa Fe, NM



Legend

-  Roads
-  DRIVEWAYS
-  PARCELS

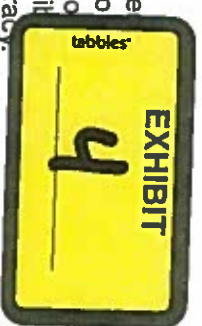
1:4,000

1 inch represents 333,333 feet



2015 Imagery
2 FOOT CONTOURS

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



2. Fugitive Water. Fugitive water is prohibited. No person, firm, corporation, county, state, federal, municipal or other governmental facility or operation shall cause or permit the occurrence of fugitive water.

a. Fugitive water means the pumping, flow, release, escape or leakage of any water from any pipe, valve, faucet, irrigation system or facility onto any hard surface such that water accumulates as to either create individual puddles in excess of ten (10) square feet in size or cause flow along or off of the hard surface or onto adjacent property or the public right-of-way, arroyo, or other water course, natural or manmade. Fugitive water also means, during the irrigation of landscaping, the escape or flow of water away from the landscaping plants being irrigated even if such flow is not onto a hard surface.

b. Fugitive water shall not include:

i. Incidental run-off caused by vehicle washing provided that a shut-off nozzle is in use;

ii. Periodic draining of swimming pools and spas;

iii. Storm run-off, including snowmelt run-off;

iv. Flowing resulting from temporary water system failures or malfunctions;

v. Water applied, such as in the cleaning of hard surfaces, to prevent or abate public health, safety or accident hazards when alternate methods are not available. The washing of outdoor eating areas and sidewalks is not included in this exemption,

vi. Flow resulting from vandalism, high winds, emergencies and acts of God; or

vii. The occurrence of an unforeseeable or unpreventable failure or malfunction of plumbing or irrigation system hardware, prior to the issuance of a formal warning notice. Once a formal warning notice has been issued, the water user is instructed not to operate the faulty system until it is appropriately repaired, unless operating the system is integral to the operation of the facility. Once a warning notice has been issued, subsequent fugitive water events at the same location will be subject to issuance of citations.

7.13.11.7. Water Harvesting.

1. Rainwater Catchment Systems.

a. Rainwater catchment systems are required for all new construction whose roof area is 2,500 square feet or greater. Rainwater catchment systems are required for all remodeling of an existing structure whose roof area, after the remodeling, is 2,500 square feet or greater. Rainwater catchment systems are required of any accessory structure whose roof surface is 500 square feet or greater.



b. Systems shall be designed to capture rainwater from a minimum of 85% of the roofed area.

c. Structures whose roof surface is 2,500 sq. ft. or greater shall install a cistern that is buried or partially buried and insulated. The cistern shall be connected to a pump and a drip irrigation system to serve landscaped areas. Alternatively, if captured water is to be used for domestic purposes, appropriate plumbing and pumps may be used to convey water to the point of use.

d. A structure whose roof surface is 2,500 sq. ft. or less, and any accessory structure shall install as its rainwater catchment system: (i) rain barrels, (ii) cisterns, or (iii) passive water harvesting systems using berms, swales, or tree wells. The system shall capture water from at least 85% of the roofed surface.

e. Cisterns shall be sized to hold 1.15 gallons per square foot of roof area.

2. Catchment Requirements, Residential Structures.

a. Systems shall be designed to capture rainwater from a minimum of 85% of the roofed area.

b. Structures whose roof surface is 2,500 sq. ft. or greater shall install a cistern that is buried or partially buried and insulated. The cistern shall be connected to a pump and a drip irrigation system to serve landscaped areas. Alternatively, if captured water is to be used for domestic purposes, appropriate plumbing and pumps may be used to convey that water to the point of use.

c. A structure whose roof surface is 2,500 sq. ft. or less, and any accessory structure whose roof surface is 500 sq. ft. or greater shall install rain barrels, cisterns or other water catchment system including passive water harvesting and infiltration techniques, berms, swales, and tree wells to capture rainwater from a minimum of 85% of the roofed area.

d. Cisterns shall be sized to hold 1.15 gallons per square foot of roof area that is captured.

3. Catchment Requirements, Non-residential structures:

a. Systems shall be designed to capture rainwater from the roofed area.

b. Cisterns shall be buried, partially buried or insulated and shall be connected to a pump and a drip irrigation system to serve landscaped areas. Alternatively, if captured water is to be used for domestic purposes, appropriate plumbing and pumps may be used to convey that water to the point of use.

c. Cisterns shall be sized to hold 1.5 gallons per square foot of roofed area or the equivalent of a one month supply of water.

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SANTA FE COUNTY

Ordinance No. 2003-6

2683661

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An Ordinance Amending Ordinance 1996-10, the Santa Fe County Land Development Code, Article III, Section 4.4.1 and Article III, Section 2.4.1 to require rainwater catchment systems for all commercial and residential development.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT THE SANTA FE COUNTY LAND DEVELOPMENT CODE IS HEREBY AMENDED AS FOLLOWS:

ARTICLE III, SECTION 2.4.1 Construction of One to Four Dwellings

2.4.1a. The following submittals and review shall apply to an application for a development permit involving the construction, alteration or repair of one to four dwellings or the construction, alteration or repair of an accessory structure:

1. Submittals

(a) The applicant shall fill out a development permit application on a form provided by the Code Administrator. The application shall be accompanied by the following:

(vii) A water harvesting plan to capture drainage from a minimum of 85% of the roofed area for use as landscape irrigation shall be submitted.

a. Homes of 2,500 sq. ft. of heated area or greater shall install a cistern that is buried, partially buried or within an insulated structure and is connected to a pump and a drip irrigation system to serve all landscaped areas. Cisterns shall be sized to hold 1.15 gallons per square foot of heated area but this figure may be adjusted based on proposed landscaping. The capacity of the cistern shall be approved by the Land Use Administrator.

b. Homes smaller than 2,500 sq.ft. of heated area shall install rain barrels, cisterns or other water catchment basins to capture drainage from noted areas.

c. The water harvesting plan shall be in accordance with general guidelines prepared by the Land Use Administrator.



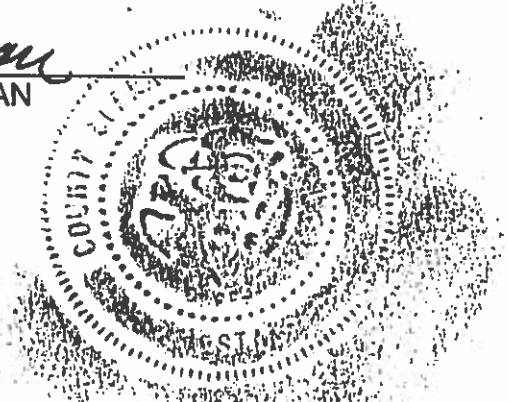
ARTICLE III, SECTION 4.4.1 Submittals

- b. A development plan shall be submitted for individual uses to be permitted within the district, as follows:
 - 6) A water harvesting plan to collect all roof drainage for use as landscape irrigation shall be submitted.
 - a. Cisterns shall be buried, partially buried or within an insulated structure and shall be connected to a pump and a drip irrigation system to serve all landscaped areas. Cisterns shall be sized to hold 1.5 gallons per square foot of roofed area. The size of the cistern may be adjusted to provide a month's worth of landscaping water. The size of the cistern shall be approved by the Land Use Administrator.
 - b. The water harvesting plan shall be in accordance with the general guidelines prepared by the Land Use Administrator.

PASSED, APPROVED, and ADOPTED this 14 day of October, 2003, by the Santa Fe County Board of County Commissioners.

[Signature]
JACK SULLIVAN, CHAIRMAN

ATTEST: *[Signature]*
REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



APPROVED AS TO FORM:

[Signature] 10-14-03
COUNTY ATTORNEY

CERTIFICATE OF FILING

I, Rebecca Bustamante, County Clerk, do hereby certify that the foregoing ordinance, designated as Ordinance No. 2003 - 16, was filed in my office on the 15 day of OCT., 2003, in book Number 2683 at Page 161-663

COUNTY OF SANTA FE
STATE OF NEW MEXICO 1295798832 SANTA FE COUNTY CLERK
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD ON THE 15 DAY OF OCT. A.D.
20 03 AT 12:12 O'CLOCK P.M.
AND WAS DULY RECORDED IN BOOK 2683
PAGE 161-663 OF THE RECORDS OF
SANTA FE COUNTY

WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.
[Signature]
DEPUTY



Account Number

1184

Ad Order Number

0000163908

DESIGN ENGINEUITY, LLC

LEGAL # 80881

**CASE # V 16-5050 LA
Pradera Assoc. LLC &
Gardner Assoc. LLC
NOTICE OF PUBLIC
HEARING**

Notice is hereby given that a public hearing will be held to consider a request by La Pradera Assoc. LLC & Gardner Assoc. LL, Applicants, Design Enginuity, Agent, of a variance of Chapter 7, Section 7.13.11.7, Water Harvesting of Ordinance 2015-11, the Sustainable Land Development Code (SLDC). The Applicant proposes that the existing lots within the La Pradera Subdivision be allowed to adhere to prior County water harvesting requirements which were set forth in Ordinance 2003-6 (An Ordinance Amending Ordinance 1996-10, the Santa Fe County Land Development Code, Article III, Section 4.4.1 and Article III, Section 2.4.1 to require rainwater catchment systems for all commercial and residential development). The La Pradera Subdivision is within the Planned Community College District (CCD) and is zoned as a Planned Development District (PD-1). The subdivision is located off Dinosaur Trail, within Section 17 & 18 Township 16 North, Range 8 East (Commission District 5). 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 28th day of April 2016, at 3:00 p.m. on a petition to the Santa Fe Count Hearing Office and on the 16th day of June 2016, at 4:00 p.m. on a petition to the Santa Fe County Planning Commission.

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 Hearing Office/Planning 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 Wednesday, April 13, 2016.



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La Pradera

COFFAE, KENNETH P & SUSAN B
68 LA PRADERA
SANTA FE, NM 87508

SALAZAR, ORLANDO P & HELEN L
28 CAMINO SABANERO
SANTA FE, NM 87508

BENNETT, LORRIE A
PO BOX 22086
SANTA FE, NM 87502

GARDNER ASSOCIATES LLC
PO BOX 1627
SANTA FE, NM 87504

WILLIAMS, DAVID
30 CAMINO SABANERO
SANTA FE, NM 87508

PETCHESKY, JANE WING
5430 RICHARDS AVE
SANTA FE, NM 87508

ORTEGA, CARL D SR & ANNJENETTE M
TORRES
122 A OLD DINOSAUR TRL
SANTA FE, NM 87508

HERRERA, RONALD G & TRISHA N
6591 RICHARDS AVE
SANTA FE, NM 87508

MARTINEZ, JENNIFER E
28 CANTO DEL PAJARO
SANTA FE, NM 87508

TIMLEN, DANIEL K & CINDY L ULMER
12 CANTO DEL PAJARO
SANTA FE, NM 87508

ARMIJO, JUSTIN H & JENNY MARIE &
CAMILLE
7 W TRAVIESA DE CAMILO
SANTA FE, NM 87508

DRAKE, LAURIE R
14 CANTO DEL PAJARO
SANTA FE, NM 87508

LA PRADERA ASSOCIATES LLC
825 ALLENDALE
SANTA FE, NM 87505

RODRIGUEZ, THERESA
09 RUDY RODRIGUEZ DR
SANTA FE, NM 87508

BECKNER ROAD EQUITIES, INC
8220 SAN PEDRO DR NE #500
ALBUQUERQUE, NM 87113

PADILLA, BRITTNEY J
1 CANTO DEL PAJARO
SANTA FE, NM 87508

ESPINOZA, JOSEPH J
33 CANTO DEL PAJARO
SANTA FE, NM 87508

SIMON, FIONA MARIA
18 CANTO DEL PAJARO
SANTA FE, NM 87508

ANAYA, JOANNE F
PO BOX 15145
SANTA FE, NM 875065145

RISING, CROW B
9 BOSQUECILLO
SANTA FE, NM 87508

CASSIDY, EDWARD D & SONNIA M
15 CABALLO VIEJO
SANTA FE, NM 87507

MONTOYA, EDWARD J & JENNIFER
NICOLE GRAY
29 CANTO DEL PAJARO
SANTA FE, NM 87508-4842

MENDOCA, DENISE
410 ALEJANDRO ST
SANTA FE, NM 87501

SULLIVAN, JOHN M
49 CHURCHILL RD
SANTA FE, NM 87505

BORNET, ISABELLA
110 BOSQUECILLO
SANTA FE, NM 87508

GILCHRIST, RONALD G & KAREN S
22202 HOLLY LAKES DR
TOMBALL, TX 77377-3616

LOPEZ, AARON A & DARA LEE ANN
72 LA PRADERA
SANTA FE, NM 87508-4840

COX, SHERYL MCLAUGHLIN
26 BOSQUECILLO
SANTA FE, NM 87508

VILLEGAS, SANTIAGO P & JANELLE
PO BOX 23793
SANTA FE, NM 87502

CLOKEY, GERALD A & TANYA L
4602 SUNSET RIDGE
SANTA FE, NM 87507

LOPEZ, ANNËTE E
9 LA PRADERA
SANTA FE, NM 87508

RACHEL MATTHEW HOMES INC
PO BOX 73
CORRALES, NM 87048

GONZALES, JACOB J
41 BOSQUECILLO
SANTA FE, NM 87508

VIGIL, JOSHUA R & MELANIE L GIRON
3 BOSQUECILLO
SANTA FE, NM 87508

SANDOVAL, MICHELLE A
7 BOSQUECILLO
SANTA FE, NM 87508

MARTINEZ, PAULINE C
11 BOSQUECILLO
SANTA FE, NM 87508

EAKIN, D W & H H TRICKEY
8220 SAN PEDRO DR NE #500
ALBUQUERQUE, NM 87113

ORTEGA, CARL DON JR
5015 SALA DE TOMAS DR NW
ALBUQUERQUE, NM 87120-2727

ERDELY, DAVID & DIANNA
124 DINOSAUR TRL
SANTA FE, NM 87508

MCCLURE, MARGUERITE EMILY
40 BOSQUECILLO
SANTA FE, NM 87508

HAYES, ROBERT L
8 LA PRADERA
SANTA FE, NM 87508

QUINTANA, ROBERT S & ERIKA F
30 CANTO DEL PAJARO
SANTA FE, NM 87508

RODRIGUEZ, PETER
PO BOX 29295
SANTA FE, NM 87592

BUSTAMANTE, IVY T & ANTHONY A
SANCHEZ
53 CHURCHILL RD
SANTA FE, NM 87508

GONZALES, ARTHUR J & CHRISTINE
107 BOSQUECILLO
SANTA FE, NM 87508

LINSON, VALERIE A
46 CHURCHILL RD
SANTA FE, NM 87505

BLACKMER, VALERIE L
5421 W GARLAND AVE
FRESNO, CA 93722-7126

RODRIGUEZ, RUDY F & GEORGIA M
701 A LOS LOVATOS RD
SANTA FE, NM 87501

BARELA, JOSEPH J & ASHLEY M
38 BOSQUECILLO
SANTA FE, NM 87508

THE JANICE L EARL REVOCABLE TRUST
20 CAMINO SABANERO
SANTA FE, NM 87508

COURTNEY, WENDY N
60 QUARTZ TRAIL
SANTA FE, NM 87505

BERMUDEZ, ANTONIO R & PATRICIA A
24 CAMINO SABANERO
SANTA FE, NM 87508

PUGA, GEORGE
4 ARROYO VIEJO RD
SANTA FE, NM 87508

EWING, JENNIFER L
2 ARROYO VIEJO RD
SANTA FE, NM 87508

VIGIL, LESLIE R
5 BOSQUECILLO
SANTA FE, NM 87508

LATTNER, RONALD P & JOAN M
31 CHURCHILL RD
SANTA FE, NM 87508

BARTLETT, MICHAEL W
23 CHURCH HILL RD
SANTA FE, NM 87505

UNIVEST-RANCHO VIEJO, LLC
PO BOX 236
SANTA FE, NM 87504

MARSHAK, LYNDA S
70 LA PRADERA
SANTA FE, NM 87508

GILLENLINE, THOMAS G & JANE P
2256 CALLE CACIQUE
SANTA FE, NM 87505

BARBER, DAÑ R & CATHERINE S
81 LA PRADERA
SANTA FE, NM 87508

CASTRO, CARLOS & JULIA
12 CAMINO SABANERO
SANTA FE, NM 87508

ORTEGA, ANTONIO P
41 CANTO DEL PAJARO
SANTA FE, NM 87508

BLISS, ARTHUR R & BONNIE M
35 CABALLO VIEJO
SANTA FE, NM 87508

FLEMING, LINDA M & ROBERT B
23 CABALLO VIEJO
SANTA FE, NM 87508

ROLSTAD, BRUCE H & JACQULYN C
31 CABALLO VIEJO
SANTA FE, NM 87508

SAIZ, AMANDA M
1 LA PRADERA
SANTA FE, NM 87508

GALLEGOS, ANDREW N & ANDREA M
84 BOSQUECILLO
SANTA FE, NM 87508

MAES, TRINIDAD
42 CABALLO VIEJO
SANTA FE, NM 87508

HOLMES, ANGELIC S
17 CABALLO VIEJO
SANTA FE, NM 87508

ESQUIBEL, MARTIN A & ELIZA A
SANCHEZ
4413 PINE RIDGE PLACE
SANTA FE, NM 87507

LOPEZ, CATANA
13 BOSQUECILLO
SANTA FE, NM 87508

PDR OF NORTHERN NEW MEXICO INC
12 BISBEE CT
SANTA FE, NM 87508

GUC, NATHAN & DELISA BROWN
19 CABALLO VIEJO
SANTA FE, NM 87508-4839

DIMAS, MARGO V & JUAN D VALDEZ
PO BOX 340
EL PRADO, NM 87529

TUOHEY, MICHELE D
20 CABALLO VIEJO
SANTA FE, NM 87508

MONTOYA, ADRIANNE G
3 LA PRADERA
SANTA FE, NM 87508

LANEY, PAT & FRANCES
46 PUEBLO RD
SANTA FE, NM 87508

RIVERA, ARACELI
16 CABALLO VIEJO
SANTA FE, NM 87508

LUDZIA, THOMAS
52 LA PRADERA
SANTA FE, NM 87508

ANAYA, GREG A & CAMILLE A
27 CHURCHILL RD
SANTA FE, NM 87508

BROWN JR, LEONARD C
25 CABALLO VIEJO
SANTA FE, NM 87508

CARTER JR, ROBERT P & PAMELA A
27 CABALLO VIEJO
SANTA FE, NM 87508

CALLAGHAN, JEAN
24 CABALLO VIEJO
SANTA FE, NM 87508

HERRELL, DAVID MICHAEL & SONIA P
37 CABALLO VIEJO
SANTA FE, NM 87508

QUINTANA, SARAH V
22 BOSQUECILLO
SANTA FE, NM 87508

NETTLES, ROSS & AMY MICHAELS
49 CABALLO VIEJO
SANTA FE, NM 87508

ROMERO, ROBERT H & MICHELLE P
PADILLA
40 CABALLO VIEJO
SANTA FE, NM 87508

B&R LAND INVESTMENTS LLC
1000 CORDOVA PL #357
SANTA FE, NM 87505

CHIU, CHARNES S & KATHRYN R
1650 HOSPITAL DRIVE SUITE 200
SANTA FE, NM 87505

HENDRICK, MICHAEL A &
103 BOSQUECILLO
SANTA FE, NM 87508

HARNER, MARSHA A
3201 ZAFARANO DR
SANTA FE, NM 87507-2668

BARELA, JESSICA M
221 1/2 EPHRIAM ST
SANTA FE, NM 87501

BACA, RACHEL L
2460 AGUA FRIA ST
SANTA FE, NM 87505

IVERSON, JOHN C & CRISTINA E
52 CHURCHILL RD
SANTA FE, NM 87508

ALVARADO, ZAYRA
48 BOSQUECILLO
SANTA FE, NM 87508

ARMIJO, BOBBY
85 BOSQUECILLO
SANTA FE, NM 87508

OLVIAS, RANDY S & ELIZABETH J
MARTINEZ
18 BOSQUECILLO
SANTA FE, NM 87508

KOCH, MANFRED
13 CABALLO VIEJO
SANTA FE, NM 87505

TRUJILLO, ERICA
20 BOSQUECILLO
SANTA FE, NM 87508

LEE, CHIEN-YING & CHIEN-WEN HUANG
54 LA PRADERA
SANTA FE, NM 87508

LEVINE, NICHOLAS ASHER
29 CAMINO SABANERO
SANTA FE, NM 87508

BERRIDGE, TED
44 BLUESTEM DR
SANTA FE, NM 87506

LOPEZ, ERWIN A
14 BOSQUECILLO
SANTA FE, NM 87508

TRUJILLO, ISAIAH AND JENNIFER
51 CHURCHILL RD
SANTA FE, NM 87508

RAO, MAHESWAR M & RAJYA L (CO-
TRUSTEES)
5581 SOUTH WILSON DRIVE
CHANDLER, AZ 85249

CONTRERAS, YOLANDA M & LUIS M
78 BOSQUECILLO
SANTA FE, NM 87508

ARMIJO, RICHARD D
420 CAMINO DON MIGUEL
SANTA FE, NM 87505

ZAPPE, KRISTA NEE KRISTA ORTEGA &
STEVEN O ZAPPE
60 LA PRADERA
SANTA FE, NM 87508

TAPIA, AMBROSIO D & DANIELLE A
50 BOSQUECILLO
SANTA FE, NM 87508

VALENCIA, ANGELO R & VALERIE
104 BOSQUECILLO
SANTA FE, NM 87508

MAXON, TRISHA J
130 OLD DINOSAUR TRL
SANTA FE, NM 87508

KNIERIEMEN, LOTHAR J & SUSAN E
TRUSTEES
3201 C ZAFARANO DR #547
SANTA FE, NM 87507

RIDGEWAY, SHANNON M
80 BOSQUECILLO
SANTA FE, NM 87508

FALLIS, RICHARD M & CAROL A
28 BOSQUECILLO
SANTA FE, NM 87507

ARMIJO, LAWRENCE A & ANDREA R
7626 CREE CIR
SANTA FE, NM 87507-3101

KORTE, KEVIN R & MIQUELA C
3 ARROYO VIEJO RD
SANTA FE, NM 87508

CISNEROS, CARLOS R & PATSY D
3019 GOVERNOR LINDSEY RD
SANTA FE, NM 87505

JACQUEZ, LEONARD A & FRANCINE E
11 RUDY RODRIGUEZ DR
SANTA FE, NM 87508-1303

HARPER, LARRY C & ELIZABETH T
ABEYTA
101 BOSQUECILLO
SANTA FE, NM 87508

ROGERS, GEORGE WILLIAM JR
744 NE 18TH AVE
FORT LAUDERDALE, FL 33304

MAREZ, STEPHEN O & JACQUELYN Y
160 CALLE OJO FELIZ
SANTA FE, NM 87505

TRUE, THERESA M
42 BOSQUECILLO
SANTA FE, NM 87508

GALLEGOS, RON R & NICOLE
1300 CAMINO CARLOS REAL
SANTA FE, NM 87507

LUCEY, LEONARD L & MARY K
47 CABALLO VIEJO
SANTA FE, NM 87508

RAMIREZ, RUBIN & MARIA O
54 CHURCHILL RD
SANTA FE, NM 87507

LUCERO, JAMES A & WENDY Y
8 ARROYO VEIJO RD
SANTA FE, NM 87508

GONZALES, KIMBERLY C
50 LA PRADERA
SANTA FE, NM 87505

MARTINEZ, TOBY D
19 CAMINO SABANERO
SANTA FE, NM 87508

CLIPPER 2006 LLC
1000 CORDOVA PLACE #357
SANTA FE, NM 87505

PRIOR, YVONNE (TRUST)
126 OLD DINOSAUR TRL
SANTA FE, NM 87508

CRUZ, GILBERT & AGNES LEYBA-CRUZ
93 BOSQUECILLO
SANTA FE, NM 87508

DEVINCENTIS, PAUL
90 BOSQUECILLO
SANTA FE, NM 87508

VIALPANDO, DAVID & SHIRLEY
136 B DINOSAUR TRL
SANTA FE, NM 87507

FONSECA, JANETTE
33 CANTO DEL PAJARO
SANTA FE, NM 87508

MAGNAFICI, KATHLEEN M & MARK A
71 BOSQUECILLO
SANTA FE, NM 87508

LUCERO-ENRIQUEZ, ALVARO A
46 BOSQUECILLO
SANTA FE, NM 87508

ROMERO, EDWARD A & MARY ANN
46 LA PRADERA
SANTA FE, NM 87508

ALEXANDER, RICK A &
43 CHURCHHILL RD
SANTA FE, NM 875084885

HEATH, SARA ELLEN
PO BOX 33016
SANTA FE, NM 87594

GARCIA, ASael & GUADALUPE
7 LA PRADERA
SANTA FE, NM 87508

NETO-MACHADO, MANUEL C
97 BOSQUECILLO
SANTA FE, NM 87508

GONZALES, RITA
199 CAMINO ROJO
JEMEZ PUEBLO, NM 87024

WIARD, TED & MARCELLA
PO BOX 569
ARROYO HONDO, NM 87513

GOULD, PEGGY L & JAY E
98 BOSQUECILLO
SANTA FE, NM 87508

GLEASON, JAMES K
16 BOSQUECILLO
SANTA FE, NM 87508

ALLEY ENTERPRISES, LLC
69 BOSQUECILLO
SANTA FE, NM 87508

BOYLAN, ALYSIA
39 LA PRADERA
SANTA FE, NM 87507

PRADA, MEAGAN M
12 BOSQUECILLO
SANTA FE, NM 87508

NAVA, FERNANDO DIAZ- & ETAL
5 LA PRADERA
SANTA FE, NM 87508

ABEYTA, KELLI & AMADO B
1498 CERRO GORDO RD
SANTA FE, NM 87501

VIGIL, PABLO M & JUNE Q
43 CABALLO VIEJO
SANTA FE, NM 87508

DOMINGUEZ, BOBBY & CHRYSAL K
HANSEN-DOM
55 LA PRADERA
SANTA FE, NM 87508

RIELAND, THOMAS & MAURA L
PO BOX 5171
SANTA FE, NM 87502

GILL, TERRY A & CAROLYN SKLOVEN-
GILL
5 CAMINO SABANERO
SANTA FE, NM 87508

PESTER, JEFFREY B & KANDI
79 LA PRADERA
SANTA FE, NM 87508

BENAVIDEZ, DOROTHY GAIL
HC 74 BOX 340
PECOS, NM 87552-9512

SCHEIBER, JUSTIN D & PRISCILA C
17 CAMINO SABANERO
SANTA FE, NM 87508

TWO J BUILDERS LLC & KATHY T
11 CAMINO SABANERO
SANTA FE, NM 87508

LUNA, JOSEPH E & LORNA M SALAZAR
20 CANTO DEL PAJARO
SANTA FE, NM 87508

TUCKER, DONALD F & MARY M
26 CAMINO SABANERO
SANTA FE, NM 87508

JACOBO, ERICK & SILVIA
10 BOSQUECILLO
SANTA FE, NM 87508

BACIOCCO, DEBRA ANN
18 CAMINO SABANERO
SANTA FE, NM 87508

ROBERTSON, DONNY & LORENA
3014 GOVERNOR LINDSEY
SANTA FE, NM 87505

LUCERO, JOSETTE
17 CHURCHILL RD
SANTA FE, NM 87508

DUFFY, MEAGHAN M
PO BOX 534
SANTA FE, NM 87502-5304

MARTINEZ, MATHEW & ANNETTE G
15 CAMINO SABANERO
SANTA FE, NM 87508

COLEMAN, LARRY DOUGLAS II
230 SW ADAMS ST STE FRNT
PEORIA, IL 61602-1432

HUNT, BRIAN L & JADE N SMITH
83 LA PRADERA
SANTA FE, NM 87508

PLEMONS, JASON C & TESSA E
8090 LUNA SERA AVE
LAS VEGAS, NM 89178-8267

BRANCH, THEODORE J
PO BOX 15644
SANTA FE, NM 87592

ORNELAS, ANABEL
1223 CALLE INEZ
SANTA FE, NM 87507

SANDOVAL, IRVIN P & PATRICIA M
BORDENAVE
PO BOX 5433
SANTA FE, NM 87502

COOKE, MATTHEW
1045 WOODBRIDGE
SAINT CLAIR SHORES, MI 48080

KEATING, KENNETH J & JAP JI
23 CAMINO SABANERO
SANTA FE, NM 87508

JONES, E ARNOLD & DUSTY (TRUSTEES)
22 CAMINO SABANERO
SANTA FE, NM 87508

ABES, JEFF I & LAUREL A
13 CAMINO SABANERO
SANTA FE, NM 87508-4836

NISOLLE, JOELLE E
1171 LAUREL RD NE
ALBUQUERQUE, NM 87122

VIGIL, CHERYL
40 CANTO DEL PAJARO
SANTA FE, NM 87508-4832

GARCIA, ERIC F & LEA ANN
44 BOSQUECILLO
SANTA FE, NM 87508

CERTIFICATION OF POSTING

I herby certify that the public notice posting regarding a Site Development Plan Case # 16-5030 was posted for 15 days on the property beginning the 13th day of April, 2016. **

Chad D. Dyer
Signature

*Photo of posting taken from a public road must be provided with affidavit.

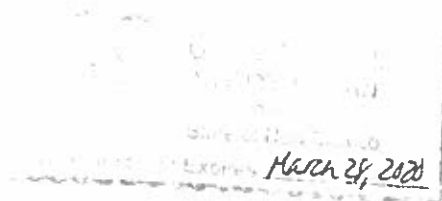
****PLEASE NOTE:** Public notice is to be posted on the most visible part of the property. Improper legal notice will result in re-posting for an additional 15 days. It is the Applicant's responsibility to ensure that the notice is on the property for the full 15 days. Posted notice shall be removed no later than seven (7) days after a final decision has been made on the application.

STATE OF NEW MEXICO }
COUNTY OF SANTA FE }

The foregoing instrument was acknowledged before me this 13th day of April, 2016, By Charlie Gonzalez.

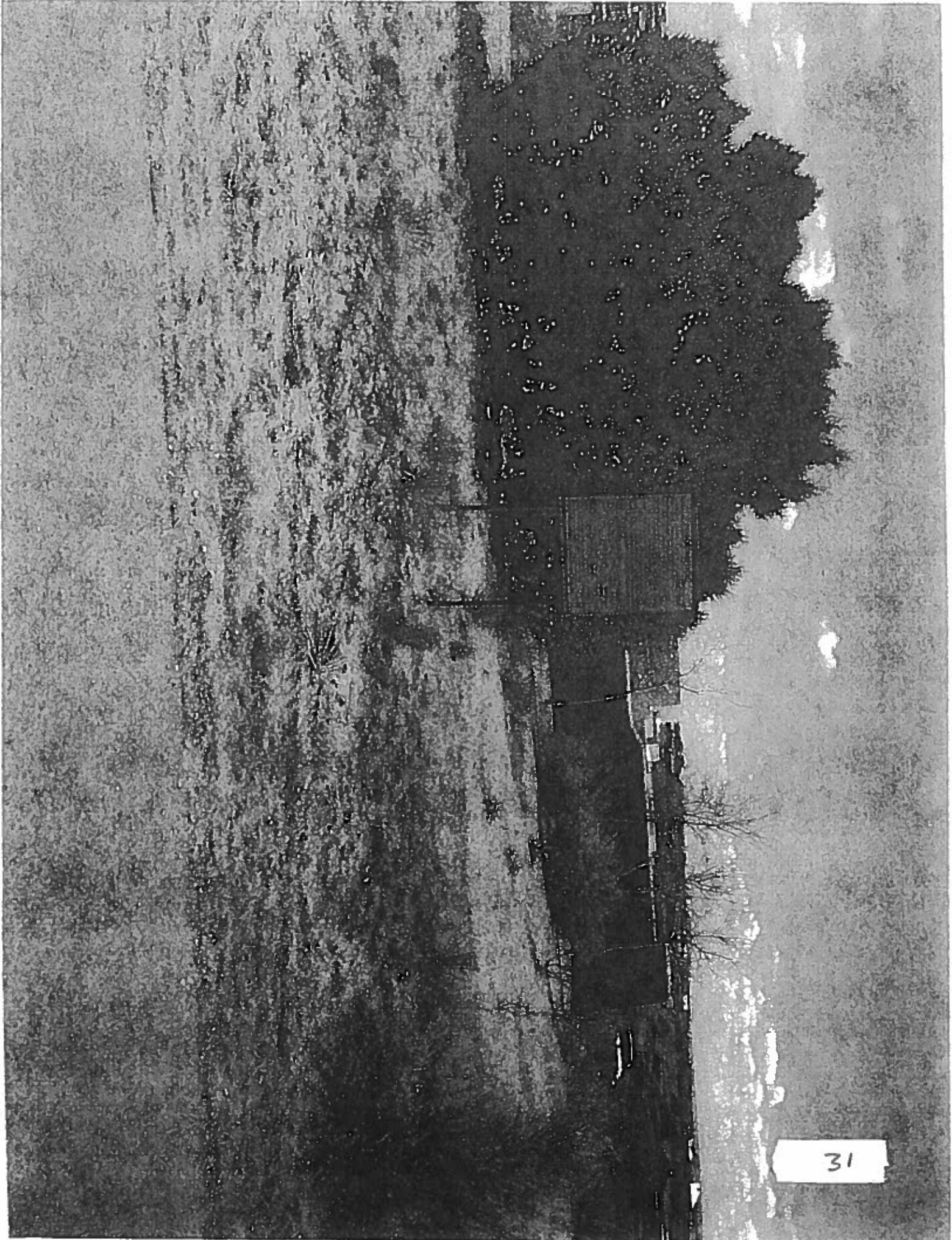
Wendy Dwan
Notary Public

My Commission Expires:
March 28, 2020





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**CASE NO. V 16-5050
La Pradera Assoc. LLC & Gardner Assoc. LLC
La Pradera Assoc. LLC & Gardner Assoc. LLC, Applicants**

RECOMMENDED DECISION AND ORDER

THIS MATTER came before the Sustainable Land Development Code (SLDC) Hearing Officer for hearing on April 28, 2016, on the application of La Pradera Assoc. LLC & Gardner Assoc. LLC (Applicants) for a Variance of Chapter 7, Section 7.13.11.7, Water Harvesting, of Ordinance 2015-11, of the SLDC to Allow the Remaining 110 Lots Within the La Pradera Subdivision Be Allowed to Adhere to Prior County Water Harvesting Requirements Which Were Set Forth in Ordinance 2003-6 (An Ordinance Amending Ordinance 1996-10, The Santa Fe County Land Development Code, Article III, Section 4.4.1 And Article III, Section 2.4.1 To Require Rainwater Catchment Systems For All Commercial And Residential Development). The La Pradera Subdivision is within the Planned Community College District (CCD) and is zoned as a Planned Development District (PD-1). The Subdivision is located off Dinosaur Trail, within Section 17 and 18 Township 16 North, Range 8 East (Commission District 5). The Hearing Officer, having reviewed the application, staff reports, and having conducted a public hearing on the request, recommends that the application is well-taken and should be granted, and makes the following findings of fact and conclusions of law:

1. On March 22, 2016, the Applicant submitted an application for a Variance of Chapter 7, Section 7.13.11.7, Water Harvesting, of Ordinance 2015-11, of the SLDC to Allow the Remaining 110 Lots Within the La Pradera Subdivision to be Allowed to Adhere to Prior County Water Harvesting Requirements Which Were Set Forth in Ordinance 2003-6 (An Ordinance Amending Ordinance 1996-10, The Santa Fe County Land Development Code,



Article III, Section 4.4.1 And Article III, Section 2.4.1 To Requirement Rainwater Catchment Systems For All Commercial And Residential Development).

2. The La Pradera Subdivision is located off Dinosaur Trail, within Section 17 and 18, Township 16 North, Range 8 East.

3. The La Pradera Subdivision is within the Planned Community College District (CCD) and is zoned as a Planned Development District (PD-1) as defined by the SLDC, Chapter 8, Section 8.10.2.

4. Chapter 7, Section 7.13.11.7.2, Water Harvesting, Catchment Requirements, Residential structures, states:

- a. Systems shall be designed to capture rainwater from a minimum of 85% of the roofed area.
- b. Structures whose roof surface is 2,500 sq. ft. or greater shall install a cistern that is buried or partially buried and insulated. The cistern shall be connected to a pump and a drip irrigation system to serve landscaped areas. Alternatively, if captured water is to be used for domestic purposes, appropriate plumbing and pumps may be used to convey that water to the point of use.
- c. A structure whose roof surface is 2,500 sq. ft. or less, and any accessory structure whose roof surface is 500 sq. ft. or greater shall install rain barrels, cisterns or other water catchment system including passive water harvesting and infiltration techniques, berms, swales, and tree wells to capture rainwater from a minimum of 85% of the roofed area.
- d. Cisterns shall be sized to hold 1.15 gallons per square foot of roof area that is captured.

5. Chapter 14, Section 14.9.7.1, Variances, Purpose, states:

The purpose of this section is to provide a mechanism in the form of a variance that grants a landowner relief from certain standards in this Code where, due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner. The granting of an area variance shall allow a deviation from the dimensional requirements of the

SEC CLERK RECORDED 05/23/2016

Code, but in no way shall it authorize a use of land that is otherwise prohibited in the relevant zoning district.

6. Chapter 14, Section 14.9.7.4, Variance Review Criteria, states:

A variance may be granted by only a majority of all the members of the Planning Commission (or the Board, on appeal from the Planning Commission) where authorized by NMSA 1978, Section 3-21-8(C):

1. Where the request is not contrary to public interest;
2. Where, owing to special conditions, a literal enforcement of the SLCD will result in unnecessary hardship to the applicant; and
3. So that the spirit of the SLDC is observed and substantial justice is done.

7. Chapter 14, Section 14.9.7.5 Variance Conditions of Approval, states:

1. The Planning Commission may impose conditions on a variance request necessary to accomplish the purposes and intent of the SLDC and the SGMP and to prevent or minimize adverse impacts on the general health, safety and welfare of property owners and area residents.
2. All approved variances run with the land, unless conditions of approval imposed by the Planning Commission specify otherwise.
3. All approved variances automatically expire within one year of the date of approval, unless the applicant takes affirmative action consistent with the approval.

8. As required by the SLDC, the Applicant presented the application to the Technical Advisory Committee (TAC) on March 17, 2016, at the regular scheduled monthly meeting, as required by Chapter 4, Section 4.4.4.3 Pre-application TAC Meeting and Table 4-1.

9. Notice requirements were met as per Chapter 4, Section 4.6.3., General Notice of Application Requiring a Public Hearing, of the SLDC. In advance of a hearing on the application, the Applicants provided an affidavit of posting of notice of the hearing, confirming that public notice posting regarding the application was made for fifteen days on the property, beginning on April 13, 2016. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on April 13, 2016, as evidenced by a copy of that legal notice contained in the record. Notice of the hearing was sent to owners of land within 500' of the subject property and a list of persons sent a mailing is contained in the record.

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10. At the public hearing before the Hearing Officer on April 28, 2016, County staff did not recommend approval, stating that:

1. This request is not in compliance with the SLDC and because the criteria for a variance have not been met.
2. A part of the 6-month review of the SLDC staff will be recommending to the Board of County Commissioners that the rainwater catchment section be amended to require cisterns only on houses of 2,500 sq. ft. or greater of heated area.
3. Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written order. The Santa Fe County Planning Commission (SFCPC) will be holding a public hearing on this matter on June 16, 2016.

11. In support of the application, the Applicant provided testimony that County staff informed the applicant that the change to the rainwater catchment requirements contained in the SLDC, effective January 15, 2016, was unintentional and that staff will be taking forward an amendment at the six-month review of the SLDC to revert the rainwater catchment standards to heated floor area rather than total roof surface.

12. The La Pradera subdivision is one of the lowest water users in the community due to its design and infrastructure elements, making rain barrels sufficient for water catchment needs.

13. The lots are all small in size making it more difficult to install cisterns on the site.

14. Due to the small lot size, the lot owners would be unlikely to utilize the water collected by the cisterns on their lots.

15. At the public hearing, no one spoke in opposition to the request.

16. The use for which the variance is requested:

- a. Is not contrary to public interest;
- b. Owing to special conditions, a literal enforcement of the SLCD will result in unnecessary hardship to the applicant; and
- c. Granting the variance will result in the spirit of the SLDC being observed and substantial justice done.

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17. An extraordinary and exceptional situation has been demonstrated based upon the intent to review the water catchment ordinance, the unintentional amending of the water catchment requirements by the SLDC and by the particular conditions of the subdivision.

WHEREFORE, the Hearing Officer hereby recommends approval of the Variance of Chapter 7, Section 7.13.11.7, Water Harvesting of Ordinance 2015-11, of the SLDC to Allow the Remaining 110 Lots Within the La Pradera Subdivision to Adhere to Prior County Water Harvesting Requirements Which Were Set Forth in Ordinance 2003-6 (An Ordinance Amending Ordinance 1996-10, The Santa Fe County Land Development Code, Article III, Section 4.4.1 And Article III, Section 2.4.1 To Require Rainwater Catchment Systems For All Commercial And Residential Development).

IT IS SO ORDERED.

Nancy R. Long

Nancy R. Long
Hearing Officer

Date: 5-13-16

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

OATH (NC)
PAGES: 5

I Hereby Certify That This Instrument Was Filed for Record On The 23RD Day Of May, 2016 at 09:15:34 AM And Was Duly Recorded as Instrument # 1794105 Of The Records Of Santa Fe County

Deputy *Geraldine Salazar* Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM

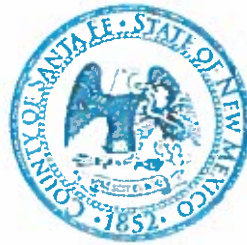


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Henry P. Roybal
Commissioner, District 1

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

**CASE NO. V 16-5060
VARIANCE OF HEIGHT REQUIREMENTS
TRAVIS AND JESSICA LUCERO, APPLICANTS**

ORDER

THIS MATTER came before the Santa Fe County Planning Commission (Commission) for hearing on June 16, 2016, on the Application of Travis and Jessica Lucero, (Applicants) for a variance of Ordinance No. 2015-11, the Santa Fe County Sustainable Land Development Code (SLDC) Chapter 8, Section 8.6.6.3, Dimensional Standards, to allow a residential structure 30' (feet) in height. The subject property is located at 300 Highway 472, within the section 31, Township 11 North, Range 8 East, Commission District 3. The Planning Commission, having reviewed the Application, staff reports, the Hearing Officer's recommended decision, and having conducted a public hearing on the Application, finds that the Application is well-taken and should be approved and makes the following findings of fact and conclusions of law:

1. The Commission hereby adopts in its entirety of the Hearing Officer's Recommended Decision and Order attached hereto as Exhibit A; and
2. The Application to allow a residential structure 30' (feet) in height is approved.

IT IS SO ORDERED.

This Order was adopted by the Commission on this ___ day of _____, 2016.

THE SANTA FE COUNTY PLANNING COMMISSION

Frank Katz, Chairperson

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer, County Attorney