

**DRAFT**

**- subject to approval -**

**MINUTES OF THE**  
**SANTA FE COUNTY**  
**PLANNING COMMISSION**

**Santa Fe, New Mexico**

**March 17, 2016**

**I.** This meeting of the Santa Fe County Planning Commission 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.

**II. & III.** Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

**Members Present:**

Frank Katz, Chair  
Phil Anaya [telephonically]  
Louie Gonzales  
Leroy Lopez

**Member(s) Excused:**

Bette Booth  
Susan Martin  
Rena Gray

**Staff Present:**

Wayne Dalton, Building & Development Services Supervisor  
Vicki Lucero, Building & Development Services Manager  
Mathew Martinez, Development Review Specialist  
Jose Larrañaga, Development Review Team Leader  
Andrea Salazar, Assistant County Attorney  
Tony Flores, Deputy County Manager  
Vicente Archuleta, Development Review Specialist, Subdivisions  
Buster Patty, Fire Marshal  
Charlie Verlarde, Assistant Fire Chief

**IV. ELECTION: Chair and Vice Chair**

Commissioner Lopez nominated Frank Katz for Chair. Commissioner Anaya seconded. There were no other nominations and by unanimous vote Frank Katz was elected chairman.

Chair Katz nominated Susan Martin for Vice Chair. Commissioner Anaya seconded and with no other nominations and unanimous voice vote Susan Martin was elected Vice Chair.

V. **APPROVAL OF AGENDA**

A. **Amendments**

B. **Tabled or Withdrawn Items**

There were no changes to the agenda.

Commissioner Lopez moved approval and Commissioner Gonzales seconded. The motion carried by 4-0 voice vote.

VI. **APPROVAL OF MINUTES: January 21, 2016**

Upon motion by Commissioner Gonzales and second by Commissioner Lopez, the minutes were unanimously approved.

VII. **NEW BUSINESS**

- A. **Case # CUP 16-5000 Agua Fria Fire Training Tower: Santa Fe County, Applicant, requests approval of a Conditional Use Permit to allow the installation of a Modular Fire Fighter Training Tower, 30'6" in height, on 2.15 acres. The site is within the Village of Agua Fria Community District Overlay (VAFCD) and is zoned as Public/Institutional (VACD PI). Under the VAFCD Use Table a Public safety related Facility is allowed as a conditional use. The property is located at 58 Caja de Oro Grant Road, South of N.M. 599, within T17N, R9E, Section 31 (Commission District 2).**

Jose Larrañaga, Development Review Team Leader, read the case caption and the following is verbatim of the remainder of the meeting.

MR. LARRAÑAGA: On February 25, 2016, the Application for a Conditional Use Permit was presented to the Hearing Officer for consideration. The Hearing Officer supported the Application as memorialized in the findings of fact and conclusions of law written order.

The Applicant requests approval of a CUP for the construction and use of a pre-designed/pre-engineered two-story modular Fire Training Tower. The structure consists of three stackable steel containers with two of the containers stacked on top of the other. At the top of the two-story container is a railing and a climbing tower which is 30 feet 6 inches in height from finished grade. The foot print of the two containers placed side by side is 640 square feet. The containers are designed to replicate different scenarios such as, a maze, burn room using butane and wood, and a climbing tower for firefighting training. The proposed containers allow for diverse training. The containers and railing will be earth tone colors to minimize the visual impact of the structure. Currently, there are two containers on the site which are being utilized to simulate a structure fire. The two existing containers will remain on the site.

The site is within a 2.15 acre area, within a 70.13 acre New Mexico Land Office Patent parcel. The 2.15 acre site currently houses the Agua Fria Fire Station. The 70.13

acre patent is assigned to Santa Fe County and is recorded as Instrument # 280805 in the Santa Fe County Clerk's records dated April 29, 1971.

The site is within the Village of Agua Fria Community District Overlay as defined by Ordinance 2015-11, Sustainable Land Development Code, Chapter 9, Section 12. The established Zoning District within the Village of Agua Fria Community District, for this site, is Public/Institutional. Chapter 9, Table 9-12-8 designates a public safety related facility as a conditional use within a PI Zoning District. Table 9-12-5: Dimensional Standards Village of Agua Fria Community District PI allows for a maximum height of 48 feet.

The Building and Development Services staff reviewed this project for compliance with pertinent SLDC requirements and found that the facts presented support the request for the construction and use of a modular Fire Training Tower. The facts that support the Application's approval are: the facility will provide a community service to the County; the use is compatible with the current development; the use will not impact adjacent land uses; and the Application satisfies the submittal requirements set forth in the SLDC.

The review comments from State Agencies and County staff establish that this Application for the construction and use of a modular Fire Training Tower is in compliance with State requirements and SLDC design standards.

Recommendation: Staff recommends approval of the Application, adoption of the Hearing Officer's findings of fact and conclusions of law, and the following conditions. Mr. Chair, may I enter these conditions into the record?

CHAIR KATZ: Yes, you shall.

Conditions:

1. *A certified copy of the CUP shall be recorded in the office of the County Clerk in accordance with Chapter 14, Section 14.9.6.8.4.*
2. *The Applicant shall comply with landscape requirements in accordance with Chapter 7, Section 7.6.*
3. *The Applicant shall comply with lighting requirements in accordance with Chapter 7, Section 7.8.*
4. *The Applicant shall comply with terrain management requirements in accordance with Chapter 7, Section 7.17.5.2.*
5. *All site improvements (paving, retention pond, etc.) shall be completed prior to the facility being utilized.*

MR. LARRAÑAGA: Thank you, Mr. Chair. And I stand for any questions.

CHAIR KATZ: Are these the same conditions that the Hearing Officer asked for?

MR. LARRAÑAGA: Mr. Chair, that is correct.

CHAIR KATZ: Okay. Thank you so much. And are the containers that are there, have they been used for training over the years?

MR. LARRAÑAGA: Mr. Chair, the two containers that are on the property have been used. These new containers will probably be placed in probably about May.

CHAIR KATZ: Thank you. Other questions for staff. Okay, let's hear from the applicant.

RON SANDOVAL: Mr. Chair, members of the Committee. My name is Ron Sandoval. I am the project manager for the Projects Division. Do you have any questions at this time?

CHAIR KATZ: Any questions for the project manager?

COMMISSIONER GONZALES: Chair Katz.

CHAIR KATZ: Yes.

COMMISSIONER GONZALES: Mr. Sandoval, what color is this going to be? The same earth tones that are out there or what?

MR. SANDOVAL: I'm going to ask Chief Velarde to step in on this one. He's more familiar with colors and stuff on the unit.

VICKI LUCERO (Building & Development Services Manager): Excuse me, Mr. Chair. Sorry, I think we need to have the applicants sworn in.

CHAIR KATZ: Okay. I didn't know whether you swear in County employees or not. But it's probably a good thing.

[Duly sworn Ron Sandoval affirmed that his testimony was the truth. Duly sworn, Charlie Velarde provided the following testimony]

CHARLIE VELARDE: Charlie Velarde, Assistant Fire Chief, Santa Fe County Fire. Yeah, they'll be of earth tones. Currently the fence is also the earth tone so it will all match.

COMMISSIONER GONZALES: Okay, thank you.

CHAIR KATZ: Other questions? The one thing that occurs to me and obviously I don't think it's a problem. The training is crucially important and we are very beholden to the Fire Department for the job they do. But you'll be burning things there from time to time I expect in the training process; is there any air quality issues with that?

ASST. CHIEF VELARADE: Mr. Chair, members of the Committee. We will be burning Class A which will be wood pellets, that's the only thing we burn. The second burn building is propane. So it's actually a really clean burn. Those are the only things that we will be burning.

CHAIR KATZ: Perfect.

ASST. CHIEF VELARADE: The rest of the building will be used like Mr. Pacheco said – I mean Sandoval, training props. They won't always be burning.

CHAIR KATZ: Okay. Thank you. Phil, do you have any questions?

COMMISSIONER ANAYA: Negative.

CHAIR KATZ: Okay. So this is a public hearing and is there anyone from the public who would like to comment on this application for this conditional use for the training facility, please come forward?

Seeing nobody wanting to talk from the public, the public hearing is closed.

I would entertain a motion to perhaps adopt the findings and conclusions of the Hearing Officer and approve the application. Could I have such a motion from someone?

COMMISSIONER GONZALES: Chair Katz.

CHAIR KATZ: Yes.

COMMISSIONER GONZALES: I make a motion to approve case CUP 16-5000, Agua Fria Training Tower with the staff's conditions.

CHAIR KATZ: Okay, and would you want to adopt the findings and conclusions of the Hearing Officer?

COMMISSIONER GONZALES: Yes.

CHAIR KATZ: Okay.

COMMISSIONER ANAYA: Second.

CHAIR KATZ: Any discussion of the motion? All in favor of the motion say "aye." [All said "aye."] All opposed say "nay." [There were none]

The ayes have it and the application is approved. Again, our thanks to the Fire Department for everything they do and good luck with the training.

**B. Petition from the Floor**

None were offered.

**C. Communications from the Commission Members**

None were presented.

**D. Communications from the Attorney**

ANDREA SALAZAR (Assistant County Attorney): Chair Katz, one thing is that we did draft an order that basically signifies that motion as adopted. Would you like to sign that now or would you like to sign that at the next hearing?

CHAIR KATZ: I'd be happy to sign it now if that would facilitate getting this done.

MS. SALAZAR: I just have to print it out.

CHAIR KATZ: Okay.

**E. Matters from the Land Use Staff**

None were presented.

**F. Next Planning Commission Regular Meeting: April 21, 2016**

**G. Adjournment**

Having completed the agenda and with no further business to come before this Committee, Chair Katz declared this meeting adjourned at approximately 4:15 p.m.

Approved by:

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Frank Katz, Chair  
Planning Commission

ATTEST TO:

COUNTY CLERK

Before me, this \_\_\_\_ day of \_\_\_\_\_, 2016.

My Commission Expires:

\_\_\_\_\_  
Notary Public

Submitted by:

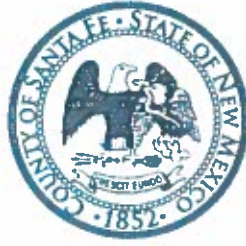
*Karen Farrell*

Karen Farrell, Wordswork

**Henry P. Roybal**  
Commissioner, District 1

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

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



**Kathy Holian**  
Commissioner, District 4

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**DATE:** April 21, 2016

**TO:** Santa Fe County Planning Commission

**FROM:** John Lovato, Sr. Development Review Specialist

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

**FILE REF.:** CASE # APP 15-5191 Two Bens LLC Appeal

**ISSUE:**

Two Bens LLC, Appellant, JenkinsGavin, Design & Development Inc., Agents, request an Appeal of the Land Use Administrator's decision to require Two Bens LLC., to submit a new Application under the Sustainable Land Development Code, Ordinance No. 2015-11 (SLDC) for a minor subdivision. Two Bens LLC., requests to retain its approval under the repealed Santa Fe County Land Development Code, Ordinance 1996-10 (Code) for a Summary Review Subdivision of 11.32 acres into four lots based on the SLDC, Chapter 1, Section 1.11.6, Approved but Unrecorded Final Development Plans and Plats).

The property is located at 17 Camino Terra Bella within Section 30, Township 17 North, Range 9 East, Commission District 2.

**Vicinity Map:**



Site Location



## **SUMMARY:**

On June 30, of 2015, the Land Use Administrator approved Case # 14-3080, Two Bens LLC., an Application for a Summary Review Subdivision of 11.32 acres to be divided into four lots.

On July 7, 2015, the Puesta Del Sol Homeowners Association, through its Agent, Chris Graeser, submitted a timely letter appealing the Land Use Administrator's Decision. The Agent requested an appeal of the Land Use Administrator's decision to approve a Summary Review Subdivision (Case # 14-3080) of 11.32 acres into four lots in accordance with Ordinance 1996-10, the Land Development Code (Code).

On September 17, 2015, after a public hearing the CDRC denied the Appeal. The CDRC's final order was recorded on November 20, 2015.

On December 20, 2015, Puesta Del Sol's Agent submitted a timely appeal of the CDRC's decision, to be heard by the Board of County Commissioners. The Appeal was submitted in accordance with the Code requirements. However, the Sustainable Land Development Code, Ordinance No. 2015-11 (SLDC) became effective on January 15, 2015, repealing, the Code prior to a hearing occurring before the BCC on the appeal. Under the SLDC, Chapter 1, Section 1.11, Transition Provisions, the CDRC's decision is an approval without a vested right because administrative remedies were not exhausted, meaning the appeal was not heard by the BCC prior to repeal of the Code. Therefore, the approval of the Application by Two Bens LLC., which was confirmed by the CDRC for summary review subdivision, is now null and void. A new Application must be submitted for review and approval, under the requirements of the SLDC.

On January 28, 2016, Two Bens LLC., was sent a letter by Santa Fe County informing them of the Land Use Administrator's decision that the approval of the Summary Review Subdivision was null and void and requesting that they submit a new Application under the SLDC. (Exhibit 5)

On February 4, 2016, Two Bens LLC., submitted an Appeal of the Land Use Administrator's January 28<sup>th</sup> decision. The appeal asserted that the SLDC, Chapter 1, Section 1.11.6, Approved but unrecorded Final Plans and Plats, allows the recording of the plat approved by the CDRC. SLDC, Chapter 1, Section 1.11.6.1 states, properties that have received final development plan or plat approval but have not recorded the plan or plat may complete the recordation process under the terms of the final approval. (Exhibit 1)

**Staff Response:** Two Bens LLC, did not have final approval because there was an appeal to the BCC pending at the time the SLDC was adopted. Under the SLDC, Chapter 1, Section 1.11.3, Transitional Provisions, the CDRC's decision could be appealed leaving the approval without a vested right. The plat cannot be recorded because the appeal process did not end with the CDRC but was appealed to the BCC. The Appeal to the BCC was submitted in a timely manner but could not be heard because the Code was repealed and replaced by the SLDC. Therefore, the approval of the Application by Two Bens LLC., for a Summary Review Subdivision, was null and void. An Application must be submitted in accordance with Ordinance No. 2015-11, The

Sustainable Land Development Code. There is neither a process nor remedy for this appeal under the repealed Code, the only way to move forward is to submit an application under the SLDC.

**This Appeal was submitted on February 4, 2016.**

#### **APPROVAL SOUGHT**

In this Appeal of the Land Use Administrator's decision, Two Bens LLC., requests to retain its approval under the repealed Code for a Summary Review Subdivision of 11.32 acres into four lots based on SLDC, Chapter 1, Section 1.11.6, Approved but Unrecorded Final Development Plans and Plats.

#### **GROWTH MANAGEMENT AREA**

El Centro, SDA-2, Residential Estate, minimum lot size per dwelling is 2.50 acres. Two Bens Summary Review Application creating four lots of the following acreage: 2.55 acres, 2.78 acres, 2.91 acres, and 2.97 acres, with signed and recorded water restrictions.

#### **STAFF RECOMMENDATION**

**Staff recommends denial of the Appeal and to require the Applicants submit an Application under the SLDC. Staff also recommends upholding the Land Use Administrator's decision to deny the request because the Applicant does not have vested rights in the prior approval.**

#### **EXHIBITS:**

1. Letter of Appeal
2. Chapter 1, Section 1.11.3
3. Chapter 1, Section 1.11.6
4. Aerial of Site and Surrounding Area
5. Letter from County to Two Bens LLC.



**jenkinsgavin**  
DESIGN & DEVELOPMENT INC

**VIA HAND DELIVERY**

February 4, 2016

Penny Ellis-Green, Land Use Administrator  
102 Grant Avenue  
Santa Fe, NM 87501:

**RE: Appeal Application**

Dear Penny:

We are in receipt of the attached letter dated January 28, 2016 regarding the Two Bens Summary Review Subdivision (the "Subdivision") and the County's determination that the subdivision approval is "considered null and void." This letter is submitted on behalf of Two Bens, LLC appealing the aforementioned decision, based on the following Transitional Provision from the Sustainable Land Development Code:

***1.11.6. Approved but Unrecorded Final Development Plans and Plats.***

***1.11.6.1. Properties that have received final development plan or plat approval but have not recorded the plan or plat may complete the recordation process under the terms of the final approval.***

The mylar for the Subdivision was executed by you on June 30, 2015. Therefore, the plat received final approval, but is unrecorded. Pursuant to the code section cited above, we may complete the recordation process under the terms of the final approval.

Enclosed herewith are the following:

- Development Review Application
- Copy of the January 28, 2016 letter
- Fees in the amount of \$200.00

Thank you for your consideration of this matter.

Sincerely,

Jennifer Jenkins  
JenkinsGavin Design & Development, Inc.

Colleen C. Gavin, AIA



**1.10.2. SLDC as Paramount Regulation.** Where a regulation or standard contained within the SLDC imposes more stringent criteria or standards than those required under another County ordinance or regulation, the regulation adopted under the SLDC controls. If the other County ordinance or regulation imposes higher standards, that ordinance or regulation controls so long as it is consistent with the purposes, findings and intent of the SLDC and with the goals, objectives, policies and strategies of the SGMP. Where a regulation or standard contained in State or Federal laws or regulations imposes less stringent standards than established in the SLDC, the SLDC shall apply.

**1.10.3. Rules of Construction.** Provisions of the SLDC are basic and minimum requirements for the protection of public health, safety, comfort, convenience, prosperity and welfare. The SLDC shall be liberally interpreted in order to further its underlying purposes, intent, criteria and standards and to implement the goals, objectives, policies and strategies of the SGMP. The meaning of any and all words, terms, or phrases in the SLDC shall be construed in accordance with Appendix A (Rules of Interpretation, Definitions and Acronyms) which is incorporated herein by reference. The SLDC contains numerous tables, graphics, pictures, illustrations and drawings in order to assist the reader in understanding and applying the SLDC. To the extent there is any inconsistency between the text of the SLDC and any such table, graphic, picture, illustration or drawing, the text controls unless otherwise provided in the specific section.

**1.10.4. Minimum Requirements.** The SLDC establishes minimum requirements for land use and development. The issuance of any development approval or development order pursuant to the SLDC shall not relieve the recipient from the responsibility to comply with all other County, state or federal laws, ordinances or regulations.

**1.11. TRANSITIONAL PROVISIONS.**

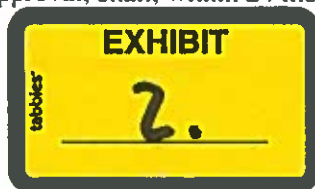
**1.11.1 Effect of Zoning Map on Prior Zoning Approvals.** The Zoning Map adopted in conjunction with the SLDC shall incorporate zoning or rezoning of property actions completed prior to the effective date of the SLDC.

**1.11.2. Prior Development Permits and Approvals.** Except as otherwise provided in subsection 1.11.1, development permits and approvals previously granted by the Board, County Development Review Committee or the Administrator before the effective date of the SLDC for which rights have not vested (approved master plans, special exceptions, recognition of nonconforming uses, development plans, subdivisions, exception plats, and lot line adjustments) shall be henceforth governed by the SLDC.

**1.11.3. Permits and Approvals With Vested Rights.** Development permits and final approvals granted by the Board, County Development Review Committee or the Administrator prior to enactment of the SLDC for which rights have vested shall remain valid, and development and use of the property shall be allowed so long as the development and use is in accordance with the development permit and final approval.

**1.11.4. Approved Master Plans.** Properties that have received final approval of a master plan within five years of the effective date of the SLDC shall file an application for approval of a development plan, preliminary development plan or subdivision plat pursuant to this SLDC no later than one year after the effective date of the SLDC, or the approval of the master plan shall nevertheless expire. Any zoning established by an expired master plan shall be included in the Zoning Map as described in subsection 1.11.1 of the SLDC.

**1.11.5. Approved Preliminary Development Plans or Plats.** Properties that have received preliminary development plan, subdivision approval or plat approval but have not received final development plan or plat approval, shall, within 24 months of said approval (or such other period



NBA-5

as may be specified in Section 5.8.7. of the SLDC) file an application for approval of a final development plan or subdivision plat in accordance with that preliminary plan or plat or the approval of the preliminary development plan or plat shall expire and any application for development will be governed and processed according to the SLDC.

**1.11.6. Approved but Unrecorded Final Development Plans and Plats.**

**1.11.6.1.** Properties that have received final development plan or plat approval but have not recorded the plan or plat may complete the recordation process under the terms of the final approval.

**1.11.6.2.** Properties that have received final development plan or plat approval and have recorded the plan or plat shall apply for construction permits consistent with that plan or plat within 24 months or the approval will expire and standards established by the SLDC for approval of development shall apply to any application for development of the property.

**1.11.6.3.** Any subdivision for which a Preliminary Plat was approved prior to the effective date of the SLDC may be granted Final Plat approval if the Planning Commission and Board find that the final plat is in substantial compliance with the previously approved preliminary plat. Provided that, if the final plat approval is not received within 24 months of approval of the Preliminary Plat (or such other period as may be specified in Section 5.8.7.), shall file an application for approval of a final plat in accordance with the Preliminary Plat or the approval of the Preliminary Plat shall expire and any application for development will be governed and processed according to the SLDC.

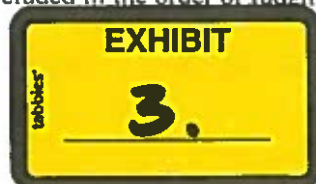
**1.11.7. Previously Approved Subdivisions and Land Divisions.** Previously approved and platted land divisions and subdivisions, and the lots created thereby, shall be recognized as legally existing lots.

**1.11.8. Final Orders for Approved Applications.** Applications that have received final approval from either the Board or the CDRC and for which there is no further administrative review, shall have their final orders approved in accordance with the voice vote of either the Board or the CDRC.

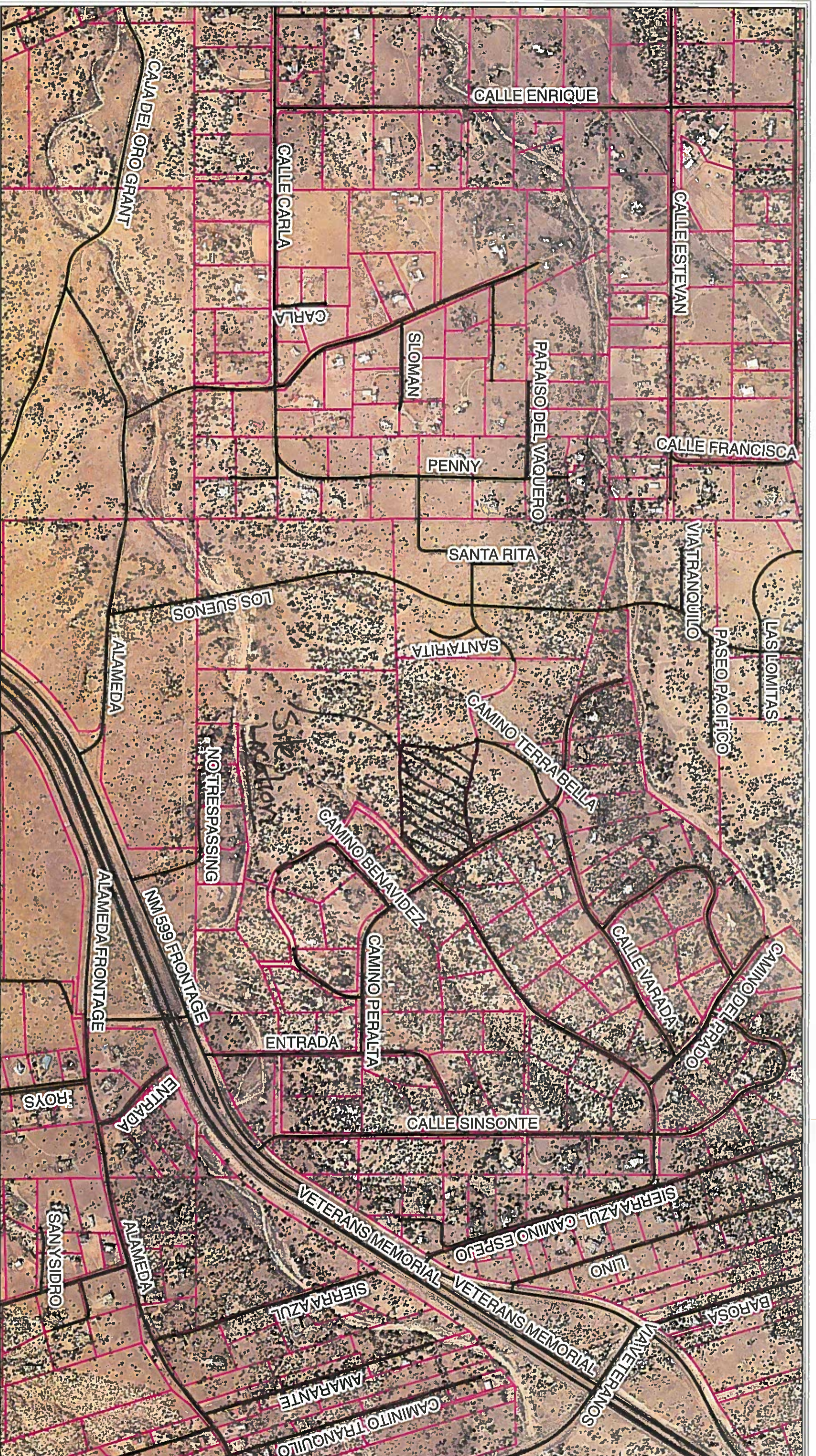
**1.12. CONCURRENT PROCESSING.** Applicants are encouraged to concurrently submit applications for multiple approvals on a single project in order to facilitate, speed up and make more efficient the development approval process. However, each application shall individually comply with all applicable provisions of the SLDC, and if any individual application request is rejected or conditioned in such a way that the subsequent (in approval order) application request cannot reasonably proceed, then the processing of the subsequent application shall not proceed.

**1.13. PERIODIC REVIEW.** The Board shall periodically review the SLDC and make appropriate amendments. The Board shall review the SLDC at the time of adoption of the Zoning Map and six (6) months thereafter. The Administrator, the Planning Commission, other interested persons or groups may make recommendations to the Board for amendments to the SLDC.

**1.14. SEVERABILITY.** If any court of competent jurisdiction decrees that any specific provision of the SLDC is invalid or unenforceable, that determination shall not affect any provision not specifically included in the order or judgment. If any court of competent jurisdiction determines that any provision of the SLDC cannot be applied to any particular property, building, structure or use, that determination shall not affect the application of the SLDC to any other property, building, structure or use not specifically included in the order or judgment.



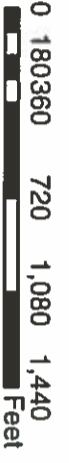




**Legend**

-  Roads
-  PARCELS

1:8,746  
1 inch represents 728,842,783 feet



2015 Imagery  
2 FOOT CONTOURS

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

NBA-1

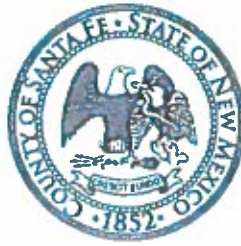




**Henry P. Roybal**  
*Commissioner, District 1*

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

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



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

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

**Katherine Miller**  
*County Manager*

January 28, 2016

JenkinsGavin Design & Development, Inc.  
130 Grant Avenue Suite 101  
Santa Fe, NM  
87501

RE: Case # 14-3080- Two Bens LLC. Summary Review Subdivision

Dear Ms. Jenkins and Ms. Gavin,

As you are aware, the County Development Review Committee at its regularly scheduled meeting on September 17, 2015, met and acted upon the above referenced case. The decision of the County Development Review Committee (CDRC) was to uphold the Land Use Administrators decision to approve the Two Bens Application for a Summary Review Subdivision and deny the Appeal. The Final Order of the CDRC's decision was recorded on November 20, 2015.

On December 20, 2015, Mr. Graeser, submitted an appeal of the CDRC's decision to be heard by the Board of County Commissioners.

Article II, Section 2.3.4.c of Ordinance 1996-10 (Land Development Code) states that any person aggrieved by a decision of a Development Review may file an appeal in writing to the Code Administrator within thirty (30) calendar days of the date of the decision of the Development Review Committee. The board shall hear the appeal within 60 calendar days after the date the appeal is filed.

The appeal was submitted in accordance with County Code requirements at that time, however, because the Sustainable Land Development Code, Ordinance No. 2015-11 (SLDC) became effective on January 15, 2015, and Ordinance 1996-10 (Land Development Code) is no longer in effect, this did not allow for adequate time for noticing requirements to be fulfilled in order for the BCC to hear the appeal under the 1996-10 Ordinance. In accordance with the SLDC Chapter 1, Section 1.11, Transition Provisions, the CDRC's decision is an approval without a vested right. Therefore, the approval of the application by Two Bens LLC. for summary review subdivision is considered null and void. A new application shall be submitted for review and approval, which meets the requirements of the SLDC. To proceed with a new application, please contact Caleb Mente at (505) 986-6360.

Should you have any questions regarding this matter, feel free to contact me at (505) 986-6221.

102 Grant Avenue · P.O. Box 276  
505-995

87504-0276 · 505-986-6200 · FAX:  
santynm.gov



NBA-8

January 28, 2016

Sincerely,

  
for Penny Ellis-Green  
Land Use Administrator

- cc. Vicki Lucero, Building and Development Services Manager
- Caleb Mente, Development Review Specialist
- John Lovato, Development Review Specialist Senior
- Christopher Graeser, Attorney

NBA-9