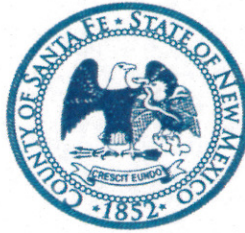


Danny Mayfield  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Robert Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## MEMORANDUM

**DATE:** November 8, 2011

**TO:** Board of County Commissioners

**FROM:** Wayne Dalton, Building and Development Services Supervisor *WD*

**VIA:** Jack Kolkmeier, Land Use Administrator *JK*  
Shelley Cobau, Building and Development Services Manager *SC*

**FILE REF:** CDRC CASE # V 11-5190 Bert Scott Variance

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### ISSUE:

Bert Scott, Applicant, requests a variance of Ordinance No. 2002-9 (La Cienega/La Cieneguilla Traditional Community Zoning District), Section 6.4.3, to allow a Small Lot Family Transfer Land Division of 5 acres into two 2.5 acre lots.

The property is located off Paseo C De Baca at 31 La Lomita, within Section 6, Township 15 North, Range 8 East, (Commission District 3).

### SUMMARY

On September 15, 2011, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the Applicant's request for a variance by a 4-1 vote (Refer to Meeting Minutes Attached as Exhibit "A").

The Applicant requests a variance to allow a Small Lot Family Transfer Land Division of 5 acres into two 2.5 acre lots. There is currently a residence and conventional septic system on the property. The existing residence is served by an on-site well. The property is located in the Traditional Historic Community of La Cienega/La Cieneguilla within the Basin Fringe Zone. Ordinance No. 2002-9 requires the minimum lot size in this area of 50 acres per dwelling unit. With proof of 100-year water supply, through a geohydrologic reconnaissance report and application of water covenants, the maximum density may be increased to one dwelling unit per 12.5 acres. If an adequate 100-year supply of water and no impairment to neighboring

wells is proven, by an on-site geohydrological well test or connection to the County Utility, land may be further divided to a maximum density of 2.5 acres per dwelling unit.

On September 5, 2007, the La Cienega/La Cieneguilla Development Review Committee met and recommended denial of this request for a variance. The recommendation was based on the determination of the County Hydrologist that the hydrology report, dated June of 1984, submitted by the Applicant did not meet Code requirements due to the lack of data and failed to demonstrate sufficient water to serve two dwellings. The Applicant provided a well log of the existing domestic well on the property, it was estimated that even with a complete hydrology report it would be difficult to demonstrate water availability using a domestic well. This request was also scheduled to go before the Board of County Commissioners on January 8, 2008, however the Applicant's parents withdrew the request prior to the Board meeting.

The Applicant has now received consent from his parents to make an Application and request a variance for a Small Lot Family Transfer Land Division. The Applicant states that it is beyond his means to purchase land in and near Santa Fe and if his mother and father are allowed to share the property with him, it would mean the world to him. He would then be able to build one last home with his father, family and friends. He would then have a home he could settle into and raise his children. He would have a home in the town he grew up in and be able to live next to his family. The Applicant also states it is beyond his and his family's means to pay the ten to twenty thousand dollar cost for preparation of a new hydrologic report on the existing well.

On September 2, 2011, Land Use staff met with the Utilities Department regarding this request. It was determined that the Applicant's property is approximately 1,200 feet from the County Utility and connection to the water line is feasible. The Utilities Department received a draft petition on August 17, 2011, for the formation of a Special Assessment District to fund the extension of a water line to serve residents on La Lomita. A reliable water supply is necessary due to poor water quality and marginal supply in existing domestic wells. The opinion of cost to extend the waterline is estimated at \$150,000, but may change due to various factors. The draft petition proposes a means to divide the cost of the line extension among property owners and repay over a twenty year period. The petition will be forwarded to the Legal Department for review prior to execution.

Connection to the Santa Fe County Utility allows the creation of a 2.5 acre lot to serve a residential dwelling within La Cienega/La Cieneguilla Traditional Community Zoning District without the burden of demonstrating water availability, as defined by the Land Development Code.

Article II Section 3 (Variances) of the County Code states: "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This Section goes on to state "In no event shall a variance, modification or waiver be

recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.”

**REQUIRED ACTION:**

The BCC should review the attached material and consider the recommendation of staff; take action to approve, deny, approve with conditions or modifications or to table for further analysis of this request.

**RECOMMENDATION:**

Staff has reviewed this Application and has found the following facts **to deny** this submittal: Ordinance No. 2002-9 requires the minimum lot size in this area as 50 acres per dwelling unit; the Applicant's lot size is only 5 acres; the hardship described by the Applicant is not the type of variance hardship contemplated by the Code; the Applicant has not justified a hardship which is required by the Code; strict compliance with the requirements of the Code would not result in extraordinary hardship to the Applicant; to allow further reduction of the Code density requirements would nullify the purpose of the Code, connection to the County Utility is feasible and would eliminate the need for a variance therefore, staff recommends **denial** of the Applicant's request.

If the decision of the BCC is to approve the Applicant's request, staff recommends the following conditions be imposed;

1. No development permits shall be issued for the newly created lots unless connection to the County Utility has been completed and both lots are connected to Community Water. The Applicant may submit a geohydro report proving available water and not wait for the water system.
2. The existing well on the property shall be disconnected from residential use. The well may be used for Traditional water usage.
3. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
4. No further division of either tract shall be permitted. This shall be noted on the Plat.

**ATTACHMENTS:**

- Exhibit "A"- CDRC Minutes
- Exhibit "B"- Letter of request
- Exhibit "C"- Ordinance No. 2002-9 (La Cienega Traditional Community Zoning District)
- Exhibit "D"- Article II, Section 3 (Variances)
- Exhibit "E"- Photos of Site
- Exhibit "F"- Survey Plat
- Exhibit "G"- Site Plan/Proposed Lot Configuration
- Exhibit "H"- Aerial of Site and Surrounding Area
- Exhibit "I"- Letter from County Utilities Dept.
- Exhibit "J"- 1984 Geohydrologic Report
- Exhibit "K"- 2007 County Hydrologist Letter
- Exhibit "L"- Vicinity Map

directly to the BCC. Ms. Cobau said there was Commission consensus to hear the case and take action.

Member Martin moved to approve the agenda as amended. Her motion was seconded by Member Gonzales and passed by unanimous [4-0] voice vote.

#### **IV. APPROVAL OF MINUTES: August 18, 2011**

Member Gonzales moved to approve the August minutes as submitted. Chair DeAnda seconded and the motion passed by unanimous [4-0] voice vote.

#### **VII. NEW BUSINESS**

- A. CDRC CASE # V 11-5190 Bert Scott Variance: Bert Scott, Applicant, requests a variance of Ordinance No. 2002-9 (La Cienega/La Cieneguilla Traditional Community Zoning District), Section 6.4.3, to allow a Small Lot Family Transfer Land Division of Five acres into two 2.5-acre lots. The property is located off Paseo C De Baca at 31 La Lomita, within Section 6, Township 15 North, Range 8 East, (Commission District 3).**

Wayne Dalton, Building and Development Services Supervisor, read the case caption and provided his staff report as follows:

“There is currently a residence and conventional septic system on the property. The existing residence is served by an on-site well. The property is located in the Traditional Historic Community of La Cienega within the Basin Fringe Zone. Ordinance 2002-9 requires the minimum lot size in this area of 50 acres per dwelling unit. With proof of 100-year water supply, through a geohydrologic reconnaissance report and application of water covenants, the maximum density may be increased to one dwelling unit per 12.5 acres. If an adequate 100-year supply of water and no impairment to neighboring wells is proven, by an on-site geohydrological well test or connection to the County Utility, land may be further divided to a maximum density of 2.5 acres per dwelling unit.

“On September 5, 2007, the La Cienega Development Review Committee met and recommended denial of this request for a variance. The recommendation was based on the determination of the County Hydrologist that the hydrology report, dated June of 1984, submitted by the Applicant did not meet Code requirements due to the lack of data and failed to demonstrate sufficient water to serve two dwellings. The Applicant provided a well log of the existing domestic well on the property. It was estimated that even with a complete hydrology report it would be difficult to demonstrate water availability using a domestic well. This request was also scheduled to go before the Board of County Commissioners on January 8,



2008, however the Applicant's parents withdrew the request prior to the Board meeting.

"The Applicant has now received consent from his parents to make an Application and request a variance for a Small Lot Family Transfer Land Division. The Applicant states that it is beyond his means to purchase land in and near Santa Fe and if his mother and father are allowed to share the property with him, it would mean the world to him... The Applicant also states it is beyond his and his family's means to pay the ten to twenty thousand dollar cost for preparation of a new hydrologic report on the existing well.

"On September 2, 2011, Land Use staff met with the Utilities Department regarding this request. It was determined that the Applicant's property is approximately 1,200 feet from the County Utility and connection to the water line is feasible. The Utilities Department received a draft petition on August 17, 2011, for the formation of a Special Assessment District to fund the extension of a water line to serve residents on La Lomita. A reliable water supply is necessary due to poor water quality and marginal supply in existing domestic wells. The opinion of cost to extend the waterline is estimated at \$150,000, but may change due to various factors. The draft petition proposes a means to divide the cost of the line extension among property owners and repay over a twenty-year period. The petition will be forwarded to the Legal Department for review prior to execution.

"Connection to the Santa Fe County Utility allows the creation of a 2.5-acre lot to serve a residential dwelling within La Cienega/La Cieneguilla Traditional Community Zoning District without the burden of demonstrating water availability, as defined by the Land Development Code."

Mr. Dalton said that staff reviewed the application and found the following facts to deny the request:

"Ordinance No. 2002-9 requires the minimum lot size in this area as 50 acres per dwelling unit; the Applicant's lot size is only 5 acres; the hardship described by the Applicant is not the type of variance hardship contemplated by the Code; the Applicant has not justified a hardship which is required by the Code; strict compliance with the requirements of the Code would not result in extraordinary hardship to the Applicant; to allow further reduction of the Code density requirements would nullify the purpose of the Code, connection to the County Utility is feasible and would eliminate the need for a variance; therefore, staff recommends denial of the Applicant's request."

If the decision of the CDRC is to recommend approval, Mr. Dalton introduced the staff recommended conditions:

1. The current and all subsequent owners of the two 2.5-acre lots created by this variance shall participate in the proposed Special Assessment District to fund the extension of the County Water System along La Lomita. No

- development permits shall be issued for the newly created lots until connection to the County Utility has been completed.
2. The existing well on the property shall be disconnected from residential use. The well may be used for Traditional water usage (agricultural, livestock).
  3. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
  4. No further division of either tract shall be permitted. This shall be noted on the Plat.

Chair DeAnda asked whether the lot was currently served by a septic system. Mr. Dalton said there was one conventional septic system on the property. If the lot division were permitted, a second separate septic system would be required on the newly created lot.

Member Gonzales recalled the County water system terminated at Paseo C de Baca and La Lomita. County hydrologist Torres confirmed his recollection and said that extension occurred in the early 2000s. Member Gonzales further recalled that La Lomita was going to loop around Cielo de Este and that was never built; he asked whether these was a funding issue. Ms. Torres said the line extension was funded by a state special appropriation; however, the funding was not sufficient to complete the project. She said funding is a big issue for line extension.

Ms. Torres said property owners in the area have expressed concern about their well's water quality and supply which has been attributed to geology. An area resident developed a petition to create a special assessment district to fund the line extension. At this point, there are nine or ten properties that would be part of the assessment. She said Legal is reviewing the petition language before it is distributed for signature.

Member Gonzales asked whether the condo residents at the end of Paseo C de Baca, previously known as the Lakeside Trailer Park, were supporting the special assessment district. Ms. Torres said whether that area is within the extension area/special assessment has been a discussion point because that line is directly outside the condo doors and any line extension within private property is at the property owner's cost.

In terms of how many participants there would be in the line extension on La Lomita, Ms. Torres said parcel owners would also be required to participate, increasing the total to 13. Staff is working to extend the assessment district to any new lots on La Lomita ensuring that new lots will pay their fair share.

Referring to the 1984 VaneKlasen geohydrology report, Ms. Torres said the report lacked a pump test, a geologic cross section, water quality and analyses of 100-year drawdown and existing drawdowns from other wells. She said the report was thin and failed to meet the requirements of the code.

Mr. Dalton noted that the VaneKlasen report was prepared to support the division of 18.61 acres into three lots (5, 6.3, and 7.2-acre lots).

Chair DeAnda asked whether there was a timeline proposed for the creation and implementation of the assessment district. Ms. Torres said staff thinks the district is feasible and can occur. She went on to say that the special assessment may be useful for an owner wishing to obtain a mortgage.

Referring to condition one, Chair DeAnda suggested it specify that the current property owner would have to participate in any special assessment. Observing that the line extension was uncertain, she recommended greater clarity on the County-imposed conditions.

Duly sworn, Bert W. Scott, Albuquerque, the applicant and the property owners' son, appeared before the Committee and presented a letter outlining his request [*Exhibit 1*] and staff's August 18, 2011 report [*Exhibit 2*] issued prior to meeting with the Utilities Department. Mr. Scott noted he was in complete agreement the conditions established in the August 18<sup>th</sup> report.

Mr. Scott read his letter [*Exhibit 1*] indicating he was the only child of the property owners, he and his wife live in Albuquerque with their young child, he and his wife desire to live in La Cienega where they have roots and a sense of belonging. Family relationships are important, grandparents enrich children's lives, his father was a carpenter and he desires to build a home with the benefit of his father's carpentry skills, and he attended church in La Cienega.

Mr. Scott said he agreed to hook up to the water system when it was within 200 feet of his property but he found it unfair to hold up his land division based on a water supply that has been discussed for over fifteen years. He said wants to live in La Cienega and would accept any holding period of the property following the division since he plans on living on the property.

Mr. Scott pointed out that his variance request would be moot if he were to have County water. The staff report positions him a Catch-22 stated Mr. Scott.

Mr. Scott said although the special assessment petition Ms. Torres referenced has been drafted it has not been issued. He said Ms. Torres' comments were all filled with uncertainties. He said he supports the water coming to the area and he was pleased to hear the County say the line extension is possible. If the County is sure the line will come through, then he said the original August 18<sup>th</sup> condition to tie-in when the line is within 200 feet should apply and the variance be approved.

Chair DeAnda appreciated the different conditions in the earlier report and pointed out to Mr. Scott that the submitted geohydro report does not prove adequate water and the staff-imposed condition is an attempt to provide the necessary water. She said the Committee is bound by the Code provisions.



Chair DeAnda asked the applicant if he preferred to withdraw his application rather than abide by the current staff-imposed conditions. Mr. Scott responded in the negative, that he would comply with the conditions if his variance were approved. However, the variance is not needed if he ties into County water. He reiterated that he agreed to the August 18<sup>th</sup> conditions.

Duly sworn, Patricia Scott, 31 La Lomita, La Cienega, the applicant's mother and property owner, said it was very important for them to stay as a family. Ms. Scott presented a petition to the CDRC signed by the residents of La Lomita supporting the lot division, and a water log documenting the strength of their well. She said they'd like their son to use their well until County water is available and not wait until the line is extended.

Ms. Scott said her family history spans 300 years in Santa Fe County. She urged the CDRC to grant the request.

Duly sworn, Jack Scott, 31 La Lomita, the applicant's father and property owner said he was unable to follow the meeting proceedings because of permanent hearing damage that occurred in 1968 at Tan Son Nhut airbase in Saigon and apologized if he was repeating previous comments. Mr. Scott said they'd like to have their son living near them and they have a good well. His well driller provided him testimony that it is a superior well that will continue to provide water for the next 100 years.

Mr. Scott noted other lots in the vicinity have been divided and if the CDRC will not approve the division he requested the placement of a second dwelling on the lot for his family. He said he just wanted to give his son this land and to have him living near them.

Mr. Scott said his family has been in New Mexico since statehood and paying taxes all that time.

There was no one in the audience to speak in opposition to this case.

Assistant County Attorney Trujillo pointed out that this request for a variance does not fall within the legal options of a variance and it is not considered a slight deviation of the Code. She said the applicant was correct in that the variance would not be required if they connected to community water. Chair DeAnda added that the applicant could withdraw the request and wait for the County utility line.

Member Anaya asked the current distance of the water line from the subject property. Mr. Dalton said it was approximately 1,200 feet. Member Anaya said this issue will be repeated in the area until the water line is extended. Member Gonzales agreed, adding that there will be County water in the area as soon as a funding mechanism is identified.

Member Anaya asked about the likelihood of establishing the special assessment district. Ms. Torres responded stating that the draft petition for the special assessment has not been forwarded to the legal division at this point. She said there was no guarantee that the district would receive the necessary support for its creation.

Ms. Cobau reminded the Committee that the applicant has the option of providing a geohydro report that proves water availability in compliance with the Code.

Ms. Torres said she reviewed a recent area geohydro report produced by the Bureau of Mines and one of the issues is the area geology. Even though the Scott's well has good production that is not a criterion for demonstrating water availability. She opined that it would be very difficult to demonstrate water availability.

Mr. Jack Scott presented to the CDRC a petition signed by the residents of La Lomita supporting the lot division.

Chair DeAnda closed the public hearing.

Chair DeAnda said she was inclined to approve the variance subject to conditions and offered a rewrite to condition one.

Ms. Torres noted that if the special assessment district is not created the applicant is held to the condition because of the "shall." She recommended that the last sentence of the condition be retained and amended to read: That no development permit shall be issued for the newly created lots unless connection to the County Utility has been completed and both lots are connected to community water.

Referring to conditions two, three and four, Ms. Torres said those conditions address staff's intent.

Mr. Bert Scott said it was apparent that staff lacked faith in the line extension project. He asked that the condition to tie into the system when it is within 200 feet of his property be retained so that he could build his home and be with his family.

Mr. Dalton said the applicant does not have water available to support two homes on the property.

Chair DeAnda outlined the applicant's options including withdrawing the request and waiting to see about the special assessment district.

Mr. Bert Scott said he hoped to begin building as soon as possible.

Member Gonzales said in the event the special assessment district is not created and/or the line is not extended, the applicant should be given the option to provide a geohydro report and he asked that that option be included in the conditions. He recalled three or four lots splits within the past few years in the vicinity.

Ms. Torres said a variance would not be necessary if the applicant ties into the County water utility or proved water availability.

Chair DeAnda moved to approve the variance request for CDRC Case V 11-5190 with the following conditions:

1. That no development permit shall be issued for the newly created lots unless connection to the County Utility has been completed and both lots are connected to community water. The applicant may submit a geohydro report proving available water and not wait for the water system.
2. The existing well on the property shall be disconnected from residential use. The well may be used for traditional water usage.
3. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
4. No further division of either tract shall be permitted. This shall be noted on the Plat.

Member Gonzales seconded the motion.

Mr. Dalton pointed out that a building permit cannot be issued without proof of sufficient water.

The motion passed by majority [4-1] voice vote with Member Valdez voting against.

The Board of County Commissioners will hear this case on October 11<sup>th</sup>.

Chair DeAnda directed the applicant to speak to staff for any additional questions.

#### **VIII. PETITIONS FROM THE FLOOR**

None were presented.

#### **IX. COMMUNICATIONS FROM THE COMMITTEE**

Chair DeAnda said the BCC will appoint a new committee member to replace Ivan Pato. She said she and Member Valdez attended the APA Conference at La Fonda Hotel and found it to be informative in regard to duties of planning commissions.

#### **VIII. COMMUNICATIONS FROM THE ATTORNEY**

None were presented.

My wife and I are both 4th generation Santa Fe county. That says a lot, and means a lot to us. My father built the house I grew up in, southeast of the state penitentiary when I was a baby. I attended Gonzales elementary, where my mother worked as teachers assistant. I went to Capshaw jr. high then Capital highschool. During my early and mid-teens I had the privilege of working with my father, building the home that my parents still live in, on a five acre plot of land at the southernmost end of La Cienega, New Mexico. It took nearly four years to build, since it was done on spare time, after work, after school, weekends. I was taught every aspect of home building, minus electrical and plumbing. I was taught the importance of helping family and friends with their homes and projects when they were in need, which my father was always doing. When we built that home many freinds and family members were always around helping every step of the way. When my wife and I set out on our own in the year 2000 we moved to albuquerque, due to the high cost of living in Santa Fe. My wife, 4 year old son, and I now live in a home adjacent to the westgate area in south west albuquerque. I was able to afford the home by purchasing it from housing and urban development, as it was abandoned and foreclosed on. I fixed it up and hoped to turn a good profit, then in turn use that money to purchase land in Santa Fe county. We all know what happened to the housing market, and now i'd be lucky to leave with a few grand in my pocket, if I could ever sell it. My son will start kindergarden in the fall of 2012. I am determined to get my family out of the neighborhood we live in. My wife is a child care worker, and I am an Electrician in the IBEW local union 611. It is beyond our means to purchase land near Santa Fe. It is beyond our means to pay ten to twenty thousand dollars for a new hydrology report. If my mother and father are allowed to share their land with me it would mean the world to me to build one last home with my father, my friends and my family. A home that we could settle into, and raise our children. In the same town I grew up in. It is our intent to split five acres evenly and to build one home on my portion of said split.

Thank you for your careful consideration. -Bert William Scott



1 **SANTA FE COUNTY**

2 **Ordinance No. 2002 - 9**

2155704

3  
4 AN ORDINANCE AMENDING ARTICLE XIV, TRADITIONAL AND CONTEMPORARY  
5 COMMUNITY ZONING DISTRICTS, OF THE SANTA FE COUNTY LAND DEVELOPMENT  
6 CODE, ORDINANCE 1996-10, TO ADD A NEW SECTION 6, LA CIENEGA AND LA  
7 CIENEGUILLA TRADITIONAL COMMUNITY PLANNING AREA AND LA CIENEGA  
8 TRADITIONAL COMMUNITY ZONING DISTRICT  
9

10  
11 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE  
12 COUNTY THAT THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE  
13 1996-10, ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING  
14 DISTRICTS, IS AMENDED TO ADD A NEW SECTION 6 AS FOLLOWS:  
15

16 **SECTION 6 - LA CIENEGA AND LA CIENEGUILLA TRADITIONAL COMMUNITY**  
17 **PLANNING AREA AND LA CIENEGA TRADITIONAL COMMUNITY ZONING**  
18 **DISTRICT**  
19

20 **6.1 Applicability of Ordinances and the Land Development Code**

21 All regulations, policies and conditions established via the Santa Fe County Land Development  
22 Code (herein referred to as the "Code") shall be applicable to all property within the La Cienega  
23 and La Cieneguilla Traditional Community Planning Area and the La Cienega Traditional  
24 Community Zoning District except those specifically modified by this Ordinance.  
25

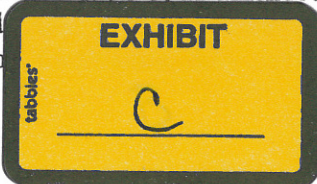
26 **6.2 Location of Planning Area and Traditional Community Zoning District Boundaries**

27 The La Cienega and La Cieneguilla Traditional Community Planning Area and Traditional  
28 Community Zoning District consists of all property designated by County Resolution 2001-117,  
29 as amended. The following maps depicting these areas are hereby adopted and incorporated into  
30 this section.

- 31 a.) La Cienega and La Cieneguilla Traditional Community Planning Area Map  
32 i. Written description of La Cienega and La Cieneguilla Traditional Community Planning  
33 Area Boundary  
34 b.) La Cienega Traditional Community Zoning District Map (Recorded in Santa Fe County Plat  
35 Book 490, pages 46-47)

36  
37 **6.3 Intent of La Cienega and La Cieneguilla Community Plan:**

38 The standards and regulations set forth for this Planning Area are intended to implement the  
39 purposes, intent, planned land use goals and strategies of the La Cienega and La Cieneguilla  
40 Community Plan, adopted and approved by the Board of County Commissioners on August 14<sup>th</sup>,  
41 2001 via Resolution 2001-117, as amended, pursuant to the Community Planning Process set  
42 forth in Article XIII of the Code (Ordinance 1998-5, as amended). This Ordinance shall apply to  
43 all development occurring after the adoption of this Ordinance and development not legally in  
44 existence at the time of adoption of this Ordinance and development that does not have final



1 plan approval where such approval is required, at the time of adoption of this Ordinance, shall  
 2 comply with this ordinance. This Ordinance and standards may be amended from time to time.


3  
 4 **6.4 Zoning Density:**

5 **6.4.1 Traditional Community Zoning District:**

6 Maximum density is three quarters of an acre per one dwelling unit (.75 acre). Density  
 7 adjustments must follow requirements as outlined in Article III, Section 10 and Article  
 8 VII, Section 6 of the Code, as amended, along with all requirements outlined in this  
 9 ordinance. The maximum density shall not be increased even when community water and  
 0 sewer systems are provided except where density transfer is used to protect sensitive  
 1 lands or preserve community assets as described in Section 6.6 and gross density is  
 2 maintained. Note: the Traditional Community Zoning District is located within the  
 3 Traditional Historic Community boundary but the .75 acre zoning density applies only in  
 4 the Traditional Community Zoning District. See attached map b.), *La Cienega*  
 5 *Traditional Community Zoning District.*

6 **6.4.2 Basin Zone:**

7 Maximum density in the Basin Zone shall be ten acres per one dwelling unit (10 acres).  
 8 With proof of 100 year water supply through a geohydrologic reconnaissance report, and  
 9 adoption of water use covenants (See Attachment 1), the maximum density may be  
 0 increased to one dwelling unit per 2.5 acres. Density adjustments above one dwelling unit  
 1 per 10 acres must follow requirements as outlined in Article III, Section 10 and Article  
 2 VII, Section 6 of the Code, as amended, along with all requirements outlined in this  
 3 ordinance. The maximum density shall not be increased even when community water and  
 4 sewer systems are provided except where density transfer is used to protect sensitive  
 5 lands or preserve community assets as described in Section 6.6 and gross density is  
 6 maintained.

7  **6.4.3 Basin Fringe Zone:**

8 Maximum density in the Basin Fringe Zone shall be fifty acres per one dwelling unit (50  
 9 acres). With proof of 100 year water supply through a geohydrologic reconnaissance  
 0 report, and application of water use covenants (See Attachment 1), the maximum density  
 1 may be increased to one dwelling unit per 12.5 acres. If an adequate 100 year supply of  
 2 water, and no impairment to neighboring wells, is proven by an on-site geohydrological  
 3 well test, land may be further divided to a maximum of 2.5 acres per dwelling unit.  
 4 Density adjustments above one dwelling unit per 50 acres must follow requirements as  
 5 outlined in Article III, Section 10 and Article VII, Section 6 of the Code, as amended,  
 6 along with all requirements outlined in this ordinance. The maximum density shall not be  
 7 increased even when community water and sewer systems are provided except where  
 8 density transfer is used to protect sensitive lands or preserve community assets as  
 9 described in Section 6.6 and gross density is maintained.

0 **6.4.4 Homestead Zone:**

1 Maximum density in the Homestead Zone shall be one hundred and sixty acres per one  
 2 dwelling unit (160 acres). With proof of 100 year water supply through a geohydrologic  
 3 reconnaissance report, and application of water use covenants (See Attachment 1), the  
 4 maximum density may be increased to one dwelling unit per 40 acres. If an adequate 100  
 5 year supply of water, and no impairment to neighboring wells, is proven by an on-site  
 6 geohydrological well test, land may be further divided to a minimum of 2.5 acres per

1 dwelling unit. Density adjustments above one dwelling unit per 160 acres must follow  
 2 requirements as outlined in Article III, Section 10 and Article VII, Section 6 of the Code  
 3 as amended along with all requirements outlined in this ordinance. The maximum  
 4 density shall not be increased when community water and sewer systems are provided  
 5 except where density transfer is used to protect sensitive lands or preserve community  
 6 assets as described in Section 6.6 and gross density is maintained.

7 **6.4.5 Density Requirements on Lots with Multiple Zoning Designations:**

8 If a single land parcel and/or subdivision lies within two separate hydrologic or zoning  
 9 districts, the density of dwelling units per acre shall reflect the exact proportion of each  
 10 district in which the parcels lies.

11 **6.4.6 Documentation of Wastewater System Compliance for Zoning and Land Division**  
 12 **Applications:**

13 When property in the Planning Area is divided, subject to a family transfer or re-zoned  
 14 the landowner must furnish complete and accurate documentation to the County which  
 15 demonstrates that all facilities on-site are in compliance with all applicable New Mexico  
 16 Environment Department regulations and that all necessary permits have been obtained  
 17 for any and all septic and waste disposal facilities on the property. This section shall not  
 18 be interpreted so as to exempt existing development from all applicable requirements.

19  
 20 **6.5 Density Transfers to Protect Community Assets:**

21 Density transfer(s) should be used to protect community assets including but not limited to  
 22 wetlands, open spaces, springs, watercourses, riparian areas, agricultural lands, acequias,  
 23 traditional community centers, archeological sites, historical and cultural sites and multi-  
 24 generational family housing compounds. When density transfers result in higher site densities,  
 25 such development shall be clustered and sited in a manner to fit the topography, and existing rural  
 26 character of La Cienega and La Cieneguilla, instead of in an urban grid pattern.

27  
 28 **6.6 Open Space Land Protection through Density Transfers or other types of Easements:**

29 Open spaces set aside for density transfer or other easements for the protection of community  
 30 assets, as described above, should interconnect to similar sites or potential sites on adjacent  
 31 properties whenever possible. Easements shall clearly delineate the open space areas and no build  
 32 areas as well as document any permitted uses in such areas.

33  
 34 **6.7 Acequia Protection**

35 **6.7.1 Acequia Setback Requirements:**

36 No new structures or permanent fences or walls that will impair or obstruct normal  
 37 operations of an acequia shall be permitted within six (6) feet of community acequia  
 38 associations registered with the Office of the State Engineer. This will not apply to  
 39 private acequia associations.

40 **6.7.2 Acequia Association Review of New Development:**

41 Prior to issuance of development permits for activities that may interfere with acequia  
 42 operations including fences, walls, grading, drainage and septic systems, applications for  
 43 development within twenty-five feet (25') of an acequia must be reviewed by the affected  
 44 acequia association. Such review will include a recommendation of approval or denial  
 45 and/or any suggested conditions for approval and will be non-binding. Applicants shall

submit a copy of the site plan, building elevations and survey plat to the County. The County will require the applicant to mail submittals, via certified mail, to the appropriate acequia association for review. The review period will be no longer than 14 days and if no response is received from the acequia association by that time, the application shall be processed under normal procedures.

## 6.8 Ridgetop Protection

Building on slopes greater than 15% and ridgetops will be subject to the existing Code requirements such as setbacks, screening and buildable areas. Ridgetops in the La Cienega and La Cieneguilla Community Planning Area will be defined as follows: 1) A ridge or ridgetop shall be defined as a long, narrow land form with slope less than fifteen percent (15%) that includes the prominently visible portion of a hill or mountain that sits above an area having an average slope greater than twenty percent (20%) on one or more sides. Code standards to be applied include but are not limited to Article III, Section 2.3.8 – *Architectural Appearance Standards* and Article III, Section 2.3.10 b) – *Preservation and Revegetation of Native Vegetation* and Article III, Section 2.3.10 c) – *Buffering and Revegetation for Ridgetops with Development Sites with a Natural Slope of 15% or greater*.

## 6.9 Residential Uses:

Residential uses shall be permitted in the entire Planning Area.

### 6.9.1 Residential Lot Coverage:

For residential uses, the total roofed area of principal and accessory structures shall be no more than twenty percent (20%) of the total lot area.

### 6.9.2 Residential Lot Coverage Calculations on Parcels with Perpetual Easements:

Whenever density transfer is used to create open space which is protected in perpetuity by easement or other legal means, lot coverage shall be calculated based on the total acreage of the project rather than for each individual development lot and shall be apportioned to the density transfer lots by means of building envelopes on the approved final plat.

### 6.9.3 Residential Water Use Restrictions:

- a.) All new residential land division and subdivisions using ground water from a domestic well shall limit water consumption to .25 acre feet of water (approximately 81,450 gallons) per year per dwelling unit for domestic consumption. This will include all indoor and outdoor household water use. This water consumption requirement applies only to residential domestic water uses and does not apply to agricultural water rights or private water rights.
- b.) Applicants for new residential development using water from a domestic well may request additional water consumption for domestic purposes of up to .50 acre feet of water per year, not to exceed a total maximum of .75 acre feet of water per year per dwelling unit. The request for additional water consumption must include a water budget and proof of 100 year water supply as per Article VII Section 6 of the Code, as amended. The request for additional water consumption shall be required only once and is not an annual requirement.



1           6.9.4 Residential Connection to Water Systems:

2           a.) All new lots created as part of residential land divisions and subdivisions shall be  
3           required to connect to the Santa Fe County Water System when said system is extended  
4           to within 200 feet of the property line of a lot, unless that lot has previously connected to  
5           a community water system, provided that adequate capacity exists in the system and that  
6           water taps are available. This requirement will be applied with the following conditions:

7           i. If the water system is already in place and capable of providing service or if the  
8           County can provide an estimated time of completion of six (6) months or less,  
9           connection to the system will be required immediately upon the time of service  
10          capability within the system. The requirement for connection shall be duly noted on  
11          the survey plat, and the property owner shall agree to bonding or financial guarantee  
12          to ensure connection within six (6) months, prior to final approval.

13          ii. If the County cannot provide an estimated time for waterline completion and capacity  
14          for service of six (6) months or less, the new land division will be granted a 5 year  
15          grace period from the time the water line is actually installed and taps are available  
16          before the agreement to connect to the system will be effective. The requirement for  
17          connection shall be duly noted on the survey plat prior to final approval.

18          iii. If connection to a county or community water system is not possible at the time of  
19          land division for new residential development of two or more lots of 2.5 acres or less,  
20          all lots will be required to use shared wells where new lots are adjoining, providing  
21          adequate water is available for both lots. The requirement to connect to the county or  
22          community water system will still be in effect and the property owners will be  
23          granted a 5 year grace period from the time the water line is actually installed and has  
24          adequate capacity, before the connection to the system will be required. The  
25          requirement for connection shall be duly noted on the survey plat prior to final  
26          approval.

27  
28           6.10 Commercial Uses:

29           6.10.1 Areas for Commercial Development and Requirements

30           Property that is zoned commercial at the time of adoption of this Ordinance shall be  
31           permitted to continue as commercial areas along with planned commercial development  
32           in areas as outlined in the Highway Corridor Plan. Such commercial development shall  
33           be required to meet all requirements of the Code. No new commercial zoning shall be  
34           allowed except as outlined in Section 6.11, Home Occupations, of this Ordinance.

35           6.10.2 Prohibited Commercial Development:

36           New developments that pose a risk of contaminating surface and groundwater systems  
37           shall not be permitted within the Planning Area. Non-permitted uses will include but not  
38           be limited to: gas stations, asphalt batch plants and asphalt production plants, ~~large-scale~~  
39           ~~mining~~, any warehouse which stores or transfers chemicals; large-scale agricultural  
40           operations which stockpile manure or have manure lagoons (e.g.: dairies, horse parks or  
41           stables, chicken farms), waste oil recycling, septic tank pumping waste disposal, grease  
42           trap waste disposal, large-scale chili processing plants, cheese processing plants, gasoline  
43           storage facilities or transfer stations, auto repair facilities, car washes, sludge disposal  
44           fields, mortuaries, municipal and/or hazardous landfill, and slaughter houses.

1           6.10.3 Commercial Connection to Water Systems and Water Use Restrictions:

2           All new commercial development shall be required to connect to the Santa Fe County  
3           Water System when said system is extended to within 200 feet of the property line, unless  
4           the development has previously connected to a community water system, provided that  
5           adequate capacity exists in the system and that water taps are available. Refer to section  
6           6.10.2 of this ordinance for description of permissible commercial uses and Section 6.11  
7           for description of Home Occupations.

8           a.) If connection to the County water system is not possible, the development must limit  
9           water consumption to .35 acre feet (approximately 114,030 gallons) of water per year  
10          per acre of the tract. This water consumption requirement applies only to use of water  
11          for commercial purposes from domestic wells as defined by the state and does not  
12          apply to any other water rights (irrigation or private).

13          i. If the water system is already in place and capable of providing service or if the  
14          County can provide an estimated time of completion of six (6) months or less,  
15          connection to the system will be required immediately upon the time of service  
16          capability within the system. The requirement for connection shall be duly noted  
17          on the survey plat and the property owner shall agree to bonding or financial  
18          guarantee to ensure connection within six (6) months prior to final approval.

19          ii. If the County cannot provide an estimated time for waterline completion and  
20          capacity for service of six (6) months or less, the new land division will be  
21          granted a 5 year grace period from the time the water line is actually installed and  
22          taps are available before connection to the system will be required. The  
23          requirement for connection shall be duly noted on the survey plat prior to final  
24          approval.

25          6.10.4 Commercial Water Resources Plan:

26          All new commercial establishments or expansions of existing commercial developments  
27          shall submit a water resources plan at the time of application. The water resources plan  
28          must demonstrate secured access to a 100 year supply of water as well as secured water  
29          rights, as required by state law and/or the Code to meet all current and projected demands  
30          for the business operation.

1          6.10.5 Non-residential Lot Coverage:

2          For non-residential uses, the total roofed area of principal structures and accessory  
3          structures, roadways, driveways, walkways and parking facilities shall be no more than  
4          sixty percent (60%) the total lot area.

5          6.10.6 Non-residential Lot Coverage Calculations on Parcels with Perpetual Easements:

6          Whenever density transfer is used to create open space which is protected in perpetuity  
7          by easement or other legal means, lot coverage shall be calculated based on the total  
8          acreage of the project rather than for each individual development lot and shall be  
9          apportioned to the density transfer lots by means of building envelopes on the approved  
0          final plat.

1          6.11 Home Occupations

2          Mixed use development consisting of development that house both residential and non-residential  
3          uses on the same property and/or in the same structures shall be permitted as part of a home  
4          occupation. Home occupations are appropriate throughout the Planning Area. Any existing, legal  
5

1 non-conforming home businesses and small commercial operations in the Planning Area at the  
2 time of the adoption of this ordinance shall be permitted.

3  
4 **6.11.1 New Home Occupation Businesses:**

5 New home occupations shall meet the standards of Article III, Section 3 of the Code, as  
6 amended, with the following changes:

- 7 a.) No more than four (4) persons, other than individuals residing on the premises, shall  
8 be regularly engaged in work at the site of the home occupation.
- 9 b.) All parking for the residence and home occupation, including all parking for the  
10 resident(s), employees and patrons, must be off the roadway and shoulders of the  
11 road and meet all code requirements.
- 12 c.) Home occupation businesses may not occupy more than fifty percent (50%) of the  
13 total square footage of the legally permitted residence. The area of a legally permitted  
14 accessory structure used for the home occupation may not be larger than fifty percent  
15 (50%) of the total square footage of the residence. A home occupation may be  
16 located in either the residence or an accessory structure.
- 17 d.) Small-scale retail establishments, such as arts and crafts stores, restaurants or  
18 galleries may be permitted as part of a home occupation. Small scale shall be defined  
19 by the number of vehicle visits per day with no more than thirty (30) vehicle visits  
20 per day and no more than ten (10) vehicle visits per hour. Refer to section 6.9.4 of  
21 this ordinance for description of commercial water use restrictions.
- 22 e.) Applications for Home Occupations shall be administratively reviewed.

23  
24 **6.12 Agricultural Sales and Roadside Stands:**

25 Agricultural sales and roadside stands are important ways of supporting local agricultural  
26 traditions and economies and shall be allowed in the Planning Area with a permit. Applications  
27 for agricultural sales and roadside stand permits will be provided by the Land Use Department  
28 and shall be administratively approved by the Land Use Administrator.

29  
30 **6.13 Other Development:**

31 Other development as defined by the County Code shall be permitted with the exception that all  
32 large outdoor recreation and landscaping areas such as ball fields or other large grass areas must  
33 use treated effluent rather than potable water for landscaping and turf. Any effluent used must be  
34 treated to meet all state and county regulations for water quality and for use with public facilities.

35  
36 **6.14 Family Transfers**

37 **6.14.1 Support for Family Transfers**

38 Because families are one of the great community resources of the La Cienega and La  
39 Cieneguilla Community Planning Area, lots created by inheritance or family transfer are  
40 allowed and shall meet the requirements of Article II, Section 4 of the Code, as amended.

1 6.14.2 Family Transfer Densities:

2 The maximum densities achieved by family transfer shall not be adjusted below those  
3 outlined in the Article II, Section 4 of the Code, as amended.

4 6.14.3 Five Year Holding Between Family Transfer Applications:

5 Any applicant for a family transfer or small lot family transfer must demonstrate a  
6 minimum of five (5) years direct ownership of the lot(s) since the last land division(s) or  
7 sale or transfer of the property.

8 6.14.4 Exemption for Five Year Holding Between Family Transfer Applications:

9 An exemption to the five-year holding period may be applied for and must clearly state  
10 how the additional family transfer lot division is needed in order to avoid an unnecessary  
11 hardship, that the request is a minimal easing of the Ordinance requirements, making  
12 possible the reasonable use of the land and that it will have no adverse impact to  
13 neighboring properties, the community or the environment. Such requests for exemption  
14 must be approved by the La Cienega and La Cieneguilla Development Review  
15 Committee.

16 6.14.5 Review of Family Transfer Applications:

17 All family transfer applications shall be administratively reviewed by the Land Use  
18 Administrator. A summary of all applications shall be forwarded by fax or email to the  
19 La Cienega and La Cieneguilla Development Review Committee (LCDRC) for review.  
20 LCDRC members shall have five (5) working days to review applications; no response  
21 from any LCDRC members shall constitute concurrence of the administrative decision.  
22 Applications may be reviewed by the LCDRC if a quorum of LCDRC members request,  
23 in writing, that the application be reviewed by the LCDRC. Such requests must clearly  
24 state how the application does not meet Code requirements for the family transfer under  
25 Article III, Section 2.4.2. Such cases shall be placed on the agenda of the LCDRC's next  
26 available meeting date. If a quorum of the LCDRC does not request review of the case,  
27 the Land Use Administrator will authorize the transfer application. Family transfer  
28 applications shall demonstrate that the parcel to be divided/transferred is suitable for  
29 subdivision, and follow County Land Development Code noticing requirements, and  
30 persons who write a letter of inquiry or comment regarding a Family Transfer application  
31 will be sent a letter stating the administrative decision no later than one day following the  
32 decision.

33 6.14.6 Notice of Family Transfer Applications:

34 All applications for family transfer must follow County Code requirements and notice of  
35 the application shall be posted at Community notice boards identified by the Land Use  
36 Department.

37  
38 6.15 Water Use and Metering:

39 6.15.1 Commercial and Residential Water Meters:

40 All new wells and buildings using groundwater drawn from wells located within the  
41 Planning Area as a partial or total water supply must install a water meter on their wells.  
42 All new development using shared wells or community water systems must install a  
43 water meter on every dwelling unit or primary structure/intake that uses the well water.

1           6.15.2 Water Meter Recording and Auditing:

2           All development in the Planning Area that is required to install a water meter shall  
3           monitor and record water meter readings on a monthly basis and submit an annual report  
4           of monthly readings to the County Hydrologist. As part of the application process for  
5           new development, applicants shall agree to allow for permission to read meters at  
6           mutually agreed upon dates and times.

7           6.15.3 Swimming Pools:

8           Any new pool must meet water conservation guidelines as outlined in this ordinance,  
9           water availability requirements and include a covering when not in use to minimize  
10          evaporation. Note: County Ordinance 1996-10, Article VII, prohibits the construction of  
11          new swimming pools on lots created after 1996.

12          6.15.4 Water Use for Restoration, Enhancement and/or New Construction of Riparian Areas or  
13          Wetlands:

14          The restoration and enhancement of riparian areas and wetlands in the Planning Area is  
15          recognized as a potentially valuable resource management practice, so long as such  
16          projects are designed and implemented to maximize benefits to ecosystem and water  
17          resources while avoiding harm to the health, safety and welfare of residents, including  
18          but not limited to loss of private property and public infrastructure. Therefore, all projects  
19          which propose restoration, enhancement and/or new construction of riparian areas or  
20          wetlands must demonstrate that the project will have a beneficial or neutral impact on  
21          existing water resources and meet the following conditions:

- 22          1. Notice of the project will be provided to the Community Planning Committee (see  
23             Section 6.28.1 of this Ordinance), with opportunity for community input to the  
24             project design. Such community input may be accomplished in community meetings,  
25             on-site workshops and/or other venues. Landowners whose property adjoins the  
26             proposed project shall be notified by certified mail.
- 27          2. Applicants shall submit a hydrologic report for review by the County Hydrologist  
28             that analyzes the effects of the project in terms of evapotranspiration, infiltration and  
29             recharge. Projects may also be subject to monitoring programs that examine the  
30             hydrologic impacts of the project. Monitoring programs shall be designed on a case-  
31             by-case basis between the project applicant and the County Hydrologist. If the  
32             monitoring data show a trend indicating net consumption of water resources by the  
33             riparian/wetland project or other negative impacts, the permit shall be reevaluated  
34             through the original permitting process described above and the project may be  
35             terminated if identified problems cannot be adequately addressed.
- 36          3. Projects on perennial streams or water sources shall demonstrate adequate water  
37             rights and/or source(s) of water to meet consumptive needs of the riparian area or  
38             wetlands, and that the project will not negatively impact prior beneficial uses or  
39             traditional uses of water resources. No project shall be permitted that would  
40             negatively impact prior beneficial uses or traditional uses of water resources.
- 41          4. Projects on ephemeral streams, water sources or arroyos shall provide estimates,  
42             based on the best available data, of how occasional flows will be managed to raise  
43             the water table and/or generate surface water resources to support the consumptive  
44             needs of the wetland or riparian area.
- 45          5. All such projects shall comply with all Code requirements including, without  
46             limitation, terrain management and floodway regulations, as well as all applicable

1 laws and regulations including but not limited to those enacted by the State  
 2 Engineer's Office, the Army Corps of Engineers, the Federal Emergency  
 3 Management Administration, and the Natural Resources Conservation Service.

4  
 5 **6.16 Septic Tanks:**

6 All new septic tanks installed in the Planning Area shall meet or exceed existing New Mexico  
 7 Environment Department (NMED) and County standards and be equipped with an above ground  
 8 access port.

9  
 10 **6.17 Roads**

11 6.17.1 All construction, widening and/or upgrading of roads into the Planning Area by public  
 12 entities shall be planned and designed through consultation with the La Cienega and La  
 13 Cieneguilla Community Plan Committee (see Section 6.29.2 of this Ordinance) and shall  
 14 include design standards that meet all legal requirements and should maintain the rural  
 15 character of the Planning Area.

16 6.17.2 Developments shall design narrow roads and driveways that follow the natural terrain  
 17 without creating large cut and fill areas; roads shall be designed with more natural edges,  
 18 using shoulders, ditches and grassy swales rather than curb and gutter. Roads and  
 19 driveways must meet all Code requirements.

20  
 21 **6.18 Parking Lots:**

22 All new parking lots must implement water runoff control measures to mitigate erosion and  
 23 pollution.

24  
 25 **6.19 Overhead Utility Lines**

26 All new and replacement utility lines and fixtures within the Planning Area must be installed  
 27 underground or if the Land Use Administrator determines that this is not feasible due to terrain or  
 28 physical conditions, lines and fixtures shall be installed in such a manner so as to mitigate the  
 29 aesthetic impact on the rural character of the community and surrounding natural environment.  
 30 Installation of all utilities shall meet all other requirements in this Code.

31  
 32 **6.20 Community Facilities**

33 All proposed public community facilities that include improvements, such as a community center,  
 34 public park or other public facilities shall, be designed through consultation with the La Cienega  
 35 and La Cieneguilla Community Plan Committee (see Section 6.28.1 of this Ordinance) and shall  
 36 include low water use design and maintenance.

37  
 38 **6.21 Cell Towers and Antennas**

39 Communication towers and antennas shall meet all Code requirements.

40  
 41 **6.22 Noise and Lighting**

42 All Code noise and lighting standards shall apply in the Planning Area. All outdoor lights shall be  
 43 shielded pursuant to the standards of Article III, Section 4.4.4 of the Code, as amended.

1  
2 **6.23 Landscaping:**

3 Native vegetation shall be preserved, when possible, on development sites and local native plants  
4 shall be used for landscape buffers and screening. All trees and shrubs used for required  
5 landscaping buffers and screening must meet the following standards: trees shall have a caliper of  
6 one and one-half inch (1.5") or greater and shall be six feet (6') in height or taller. Shrubs shall be  
7 in five (5) gallon pots or greater.

8 **6.23.1 Water Conservation Requirements for Landscaping**

9 To the extent that it is practicable and not to exceed 1% of total construction costs, all  
10 new development shall incorporate water conservation and management practices that are  
11 compliant with state and Code regulations. Water collected by such systems shall be used  
12 for landscaping irrigation and/or other domestic uses in order to replace use of potable  
13 water supplies.

14 **6.23.2 Water Use for Landscaping:**

15 Xeriscaping and/or native plants will be encouraged for landscaping on all new  
16 landscaping. The area of landscaping to be irrigated will be based on County Hydrologist  
17 approved water budget estimates of rainwater collection and storage capacity per the  
18 individual development and may be supplemented by use of water collection systems  
19 including but not limited to, reuse of gray water, storm water recharge and rainwater  
20 collection systems such as, cisterns, gravel beds or other storage systems that are  
21 compliant with state and county regulations. This will not apply to agricultural uses of  
22 water.

23  
24 **6.24 Commercial and Residential Water Impact Summary Reports for Master Plans:**

25 As part of applications for commercial development and residential subdivision master plans,  
26 landowners must provide documentation supporting water availability and the impact on  
27 neighboring wells and make them available for public review at a centrally located spot in the  
28 community, such as the Community Center.

29  
30 **6.25 Development Review:**

31 **6.25.1 Protection of Community Assets:**

32 The protection and maintenance of community assets including, but not limited to  
33 wetlands, open spaces, springs, watercourses, riparian areas, agricultural lands, acequias,  
34 traditional community centers, established pedestrian and equestrian trails, archeological  
35 sites, historical and cultural sites and multi-generational family housing compounds  
36 should be interpreted as intrinsic community values that shall be considered as part of  
37 discretionary review process, when applicable, for land use and development  
38 applications.

39  
40 **6.25.2 Review of Applications Requesting Increased Zoning Density:**

41 When examining requests for increases in zoning density, all applicable review bodies  
42 shall consider the proposed development's impact on factors such as but not limited to  
43 traffic, schools, water, liquid waste, and infrastructure as part of the development review  
44 process. It is appropriate requests for increases in zoning density to be denied in the  
45 Planning Area if the reviewing body determines that there is a reasonable expectation,

1 based on the evidence presented, that the development would negatively impact the  
2 community and/or surrounding neighbors.

3 **6.25.3 Review of Non-Residential Development Applications:**

4 Applications for new non-residential development shall submit a statement of potential  
5 major impacts, including but not limited to traffic, water and environmental impacts, to  
6 the community, both positive and negative, as part of the master plan proposal.

7  
8 **6.26 Public Notice**

9 **6.26.1 Public Notice Requirements:**

10 All development requiring notice under the County Code shall follow noticing  
11 procedures therein with the following additional requirements:

- 12 a.) Notice signs shall be posted prominently on the property, building, or other structure  
13 subject to the application and be accessible from a public roadway.
- 14 b.) Notice signs shall be posted in such a way as to give reasonable notice to persons  
15 interested in the application.
- 16 c.) A laminated copy of the site plan showing existing and proposed development shall  
17 be firmly attached to the poster.
- 18 d.) The notice sign shall be removed no later than seven (7) days after a final decision  
19 has been made on the application.

20 **6.26.2 Summary of Water Availability Reports for All Land Divisions and Requests for**  
21 **Increased Zoning Density Requests:**

22 All land division, subdivision and requests for increased zoning density applications in  
23 the Planning Area shall be granted only if the applicant provides a site-specific  
24 geohydrological report that demonstrates a 100 year water supply, as per Article VII,  
25 Section 6 of the Code, as amended. These reports shall assess the impact of the new well  
26 on neighboring wells, acequias, streams, ponds and springs. A summary of the  
27 geohydrological reports must be mailed to all property owners adjacent to the property  
28 proposed for division or for increased zoning density as a part of the public noticing  
29 process to inform neighbors of potential water impacts to existing wells and surface  
30 water.

31  
32 **6.27 Community Pre-application Review of Non-residential Zoning and Large-scale**  
33 **Subdivision Applications**

34 **6.27.1** Applicants for any non-residential development and large scale subdivisions (24 units or  
35 more) shall hold a pre-application meeting in the community to present the development  
36 concept and gather public comments and concerns about the development.

37 **6.27.2** The applicant shall publish notice of the time, place and purpose of the meeting in the  
38 legal section of a newspaper of general circulation in the community 21 days before the  
39 meeting and shall mail notice to Santa Fe County, Planning Area community  
40 organizations, and to all property owners within one thousand (1000) feet (excluding  
41 rights-of-way) of the subject property. Notice of the meeting shall be posted at  
42 Community notice boards identified by the Land Use Department. The property shall be  
43 posted as set forth in this Ordinance.

Community Center, CR 56 & CALLE DEBRA, ENTRADA LA CIENEGUA  
LOS PINOS AND FRONTAGE ROAD



1 6.27.3 The applicant shall record the meeting proceedings and submit a written summary of the  
 2 meeting proceedings and a list of attendees to the County along with the application for  
 3 development. The summary and list of attendees shall be posted at Community notice  
 4 boards identified by the Land Use Department.

5  
 6 **6.28 Community Plan Review and Revision**

7 **6.28.1 Formation of a Community Plan Committee to Implement and Monitor Plan.**

8 Upon adoption of this Ordinance, the County Planning Division will establish a  
 9 permanent La Cienega and La Cieneguilla Community Plan Committee to conduct  
 10 annual review of the Plan as well as to review proposals for amendments to the Plan and  
 11 this Ordinance. Santa Fe County Planning Division staff will provide support and help to  
 12 coordinate the committee formation process. This committee shall consist of three (3)  
 13 representatives each from La Cieneguilla, Upper La Cienega and Lower La Cienega for a  
 14 total number of nine (9) committee members. Representatives shall serve for two-year  
 15 terms and the terms shall be staggered to ensure continuity of the planning process.  
 16 Representatives shall be nominated by residents, property owners and business owners  
 17 from each respective area. Nominees must be a resident, business owner or property  
 18 owner in order to be eligible to serve as a representative on the committee. In the case  
 19 that more than three nominations are received for each area, three names shall be  
 20 randomly selected to serve on the committee. This committee shall follow the process  
 21 established for community planning under Ordinance 1998-5, as amended, including  
 22 consensual decision-making and open public meetings.

3 **6.28.2 Amendments to the Plan:**

24 All amendments to the Plan shall be developed and proposed through the La Cienega and  
 25 La Cieneguilla Community Plan Committee as described in 6.28.1 *Formation of*  
 26 *Community Plan Committee to Implement and Monitor Plan*. Amendments to the Plan  
 27 may be proposed at any time.

28 **6.28.3 Area Specific Planning**

29 The creation of area specific sub-plans within the Planning Area shall be conducted by  
 30 requesting an amendment to the Plan as per the process described in 6.28.2 *Amendments*  
 31 *to the Plan*. Additionally, it is possible for a community to request a separate community  
 32 plan that would alter the Planning Area boundary to create a new Planning Area. This  
 33 would require approval from the Board of County Commissioners and that the requesting  
 34 group follow all requirements of Ordinance 1998-5, as amended, and the Growth  
 35 Management Plan, as amended.

36 **6.28.4 Community Review of the Plan:**

37 An annual community review of the La Cienega and La Cieneguilla Community Plan  
 38 shall be conducted each year to assess community concerns and assist in monitoring  
 39 community conditions as well as implementation of Plan elements. The annual review  
 40 shall be coordinated by the Community Plan Committee and County Planning Division  
 41 staff.

42 **6.28.5 Biennial Review of the Plan by the Board of County Commissioners:**

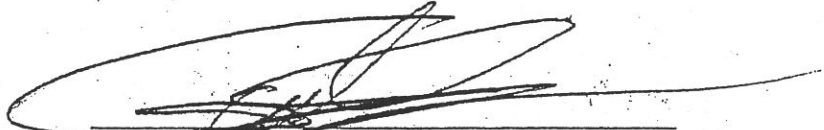
3 The La Cienega and La Cieneguilla Community Plan Committee (see 6.29.1 *Formation*  
 44 *of Community Plan Committee to Implement and Monitor Plan*) shall present a biennial  
 45 (once every two years) review of La Cienega and La Cieneguilla Community Plan to the  
 46 Board of County Commissioners. Santa Fe County Planning Division staff shall assist in

1 the preparation of these reports. Such reviews will include an update on the Plan's  
2 implementation and, if necessary, request direction from the Board on planning issues  
3 and/or new planning initiatives.

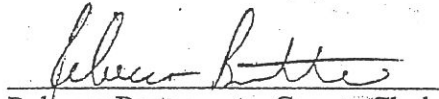
4  
5 Severability

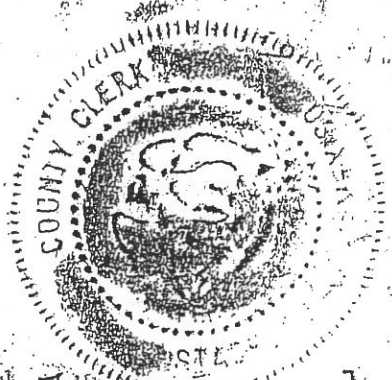
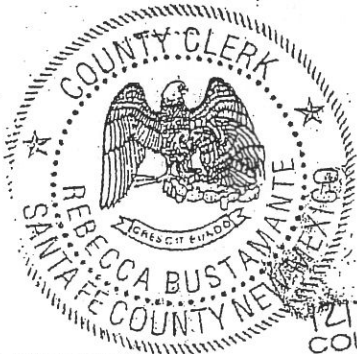
6 If any part of this Ordinance or the application thereof to any person or circumstance is held  
7 invalid, the remainder of the Ordinance and its application to other persons or circumstances shall  
8 not be affected thereby.

9  
10 PASSED, ADOPTED AND APPROVED this 11<sup>th</sup> day of June, 2002, by the Santa Fe County Board of  
11 County Commissioners.

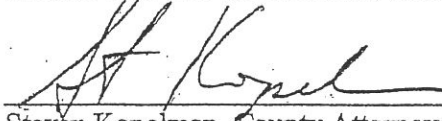
12  
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14   
15 Paul Duran, Chairman

16  
17 ATTEST:

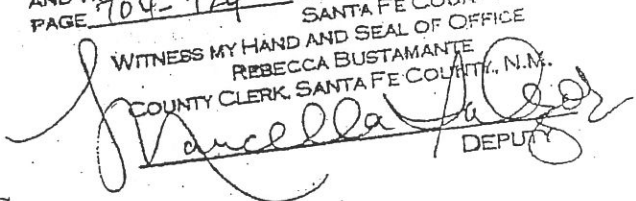
18  
19   
20 Rebecca Bustamante, County Clerk



21 APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

22  
23   
24 Steven Kopelman, County Attorney

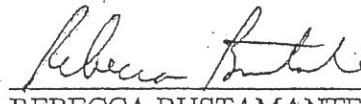
25  
26 1212427 } ss  
27 COUNTY OF SANTA FE  
28 STATE OF NEW MEXICO  
29 I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED  
30 FOR RECORD ON THE 27 DAY OF June A.D.  
31 20 02 AT 8:07 O'CLOCK a M  
32 AND WAS DULY RECORDED IN BOOK 2155  
33 PAGE 704-724 OF THE RECORDS OF  
34 SANTA FE COUNTY

35  
36 WITNESS MY HAND AND SEAL OF OFFICE  
37 REBECCA BUSTAMANTE  
38 COUNTY CLERK, SANTA FE COUNTY, N.M.  
  
DEPUTY

39 CERTIFICATE OF FILING

40 I, Rebecca Bustamante, County Clerk, do hereby certify that the foregoing ordinance, designated as  
41 Ordinance, No. 2002-9, was filed in my office on the 27 day of June, 2002, in book Number  
42 2155 at Page 704-724.

43 SANTA FE COUNTY CLERK

44  
45   
46 REBECCA BUSTAMANTE



### 2.5 Zoning

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

### 2.6 Subdivisions

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

### 2.7 Other Requirements

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

## → SECTION 3 - VARIANCES

### 3.1 Proposed Development

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

### 3.2 Variation or Modification

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

### 3.3 Granting Variances and Modifications

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

### 3.4 Height Variance in Airport Zones

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





Bert Scott

8/8/2011

#31 La Lomita





Bert Scott

8/8/2011

#31 La Lomita



Bert Scott

8/8/2011

#31 La Lomita



Bert Scott

8/8/2011

#31 La Lomita



Bert Scott

8/8/2011

#31 La Lomita



143081

**REPLAT OF LOT 7, TRACT 1 FOR RICHARD C de BACA**  
LOCATED WITHIN SEC. 6, T.15N, R.8E, N.M.P.M. SANTA FE COUNTY, N.M.

**NOTE:** THIS SURVEY IS BASED ON A PREVIOUS SURVEY DONE BY ME AND ENTITLED "PLAT OF SURVEY FOR RICHARD C de BACA" DATED MARCH 1981.

- DENOTES POINTS FOUND AND USED.
- DENOTES NO. 5 REBAR SET THIS SURVEY.
- ⊙ DENOTES U.S.G.L.O. BRASS CAPS FOUND AND TIED.

545,446

COUNTY OF SANTA FE, N.M.  
STATE OF NEW MEXICO

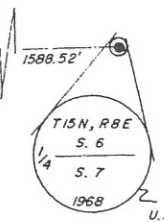
I hereby certify that this instrument was filed for record on the \_\_\_\_\_ day of \_\_\_\_\_, 1984, at \_\_\_\_\_ o'clock \_\_\_\_\_ P.M., and was duly recorded in book \_\_\_\_\_, page \_\_\_\_\_ of the records of Santa Fe County.

Witness my Hand and Seal of Office  
ANGIE VIGIL PEREZ  
County Clerk, Santa Fe County, N.M.

*Angie Vigil Perez*  
Dep.



SCALE: 1" = 100'



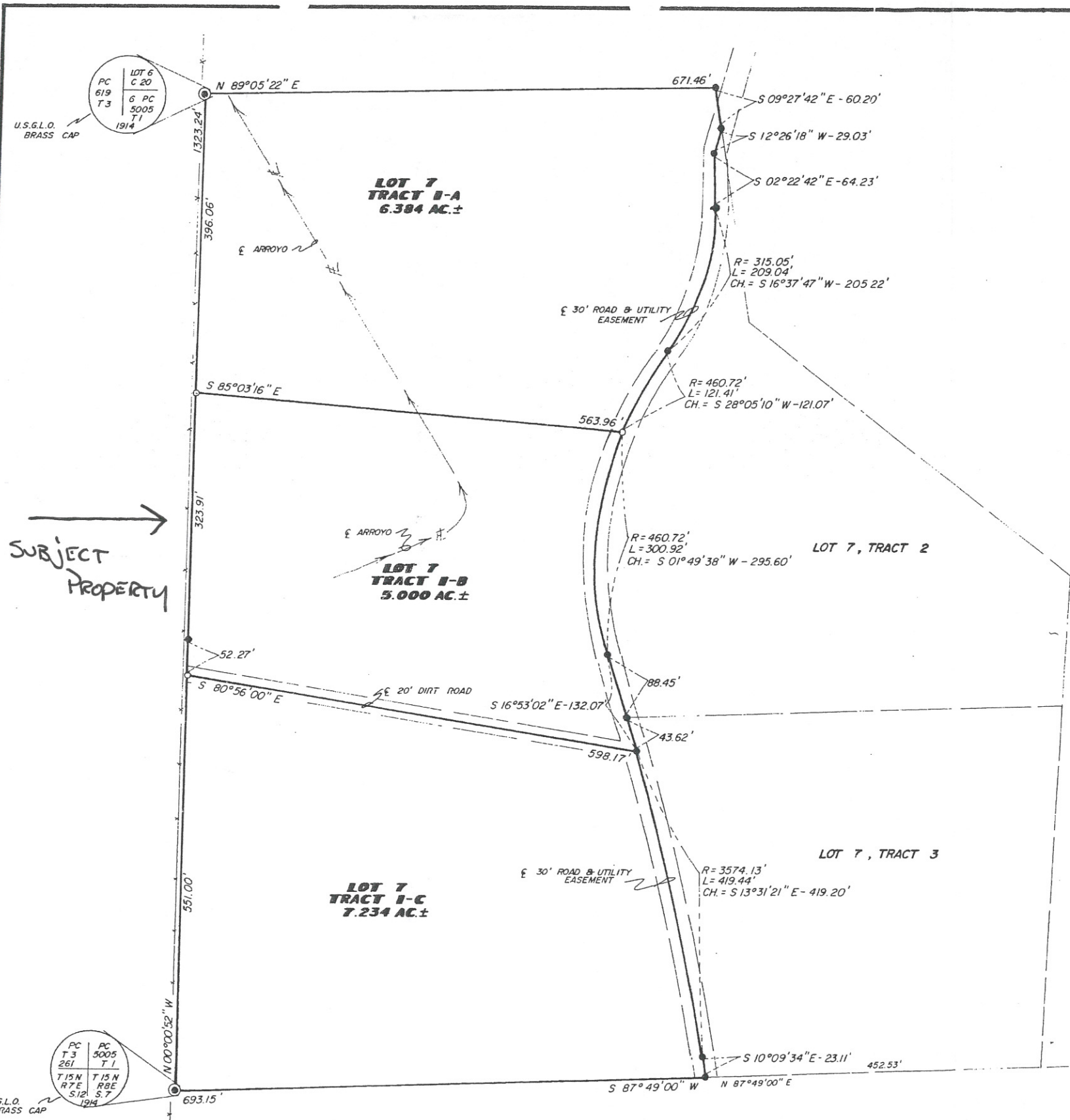
U.S.G.L.O. BRASS CAP  
U.S. DEPT. OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
CADASTRAL SURVEY

WATER WELL WITHDRAWAL ON THESE TRACTS RESTRICTED BY COVENANTS FILED IN THE OFFICE OF THE COUNTY CLERK. RECORDED IN BOOK 444, PAGE 414-417, DOCUMENT NO. 545,445.

PREPARED BY:  
**PROFESSIONAL LAND SURVEYING**  
SANTA FE, NEW MEXICO

C-52 31

33



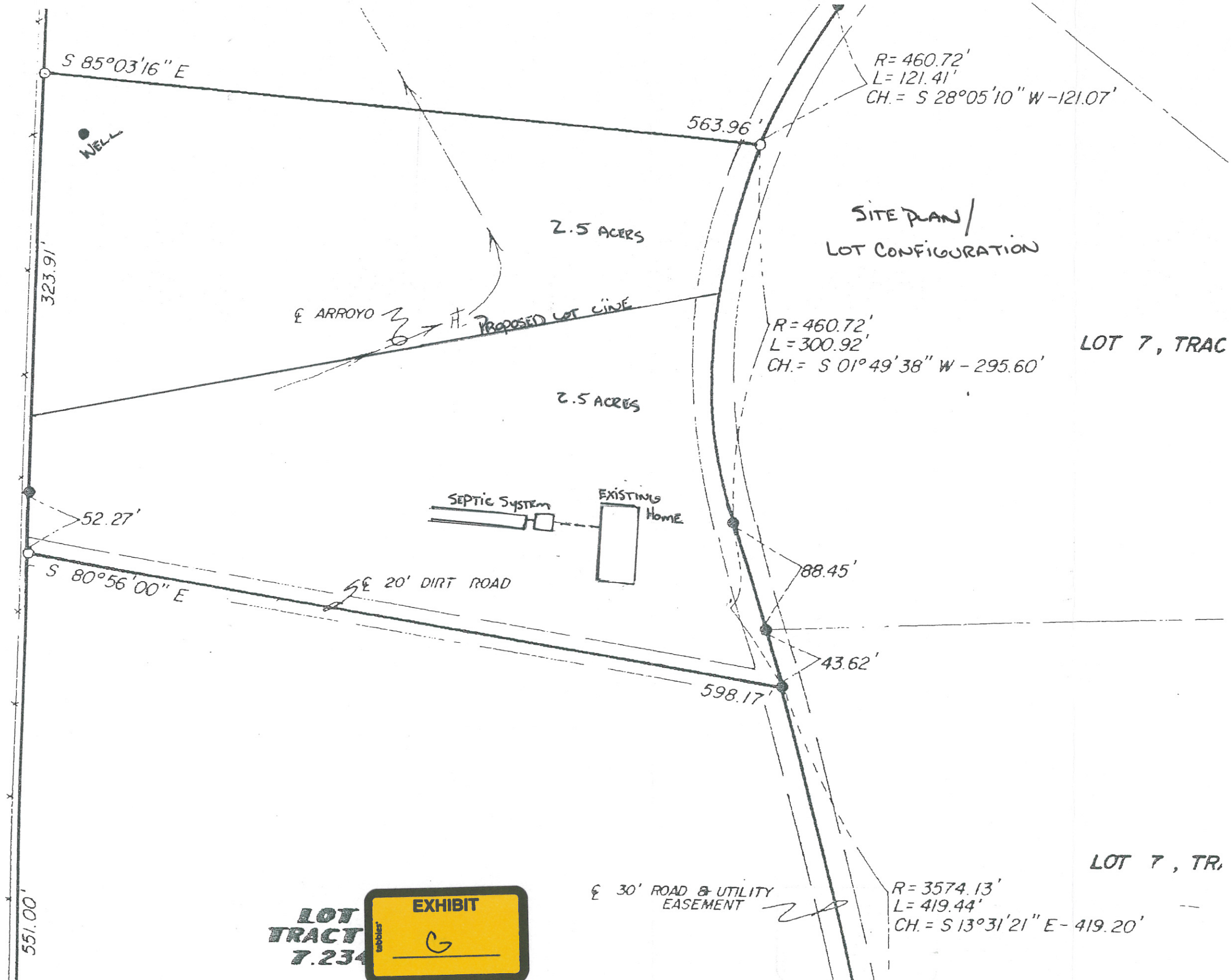
SUBJECT PROPERTY

I HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT THIS PLAT IS AN ACCURATE DELINEATION OF A SURVEY COMPLETED UNDER MY SUPERVISION IN AUGUST 1982 AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*Robert L. Benavides*  
ROBERT L. BENAVIDES, N.M.L.S. No. 5824



**APPROVALS**  
COUNTY OF SANTA FE  
*Richard C. de Baca* 7-3-84  
COUNTY LAND USE ADMINISTRATOR  
SANTA FE COUNTY DEVELOPMENT PERMIT No. 84-803



# Map of Property in Santa Fe County

## Legend

- driveways
- Minor Roads
- Major Roads
- Parcels\_sde
- Section Lines

## 2011 FEMA Data

### Draft Fema Data 2011

- 0.2 PCT
- A
- AE
- AO; D; X

## 2008 FEMA Data

- 500 Year
- 100 Year

1:4,800

1 inch represents 400 feet



WARNING:  
Two (2) foot contour data sets are NOT SUITABLE FOR ENGINEERING WORK. These data are appropriate for PLANNING PURPOSES ONLY.

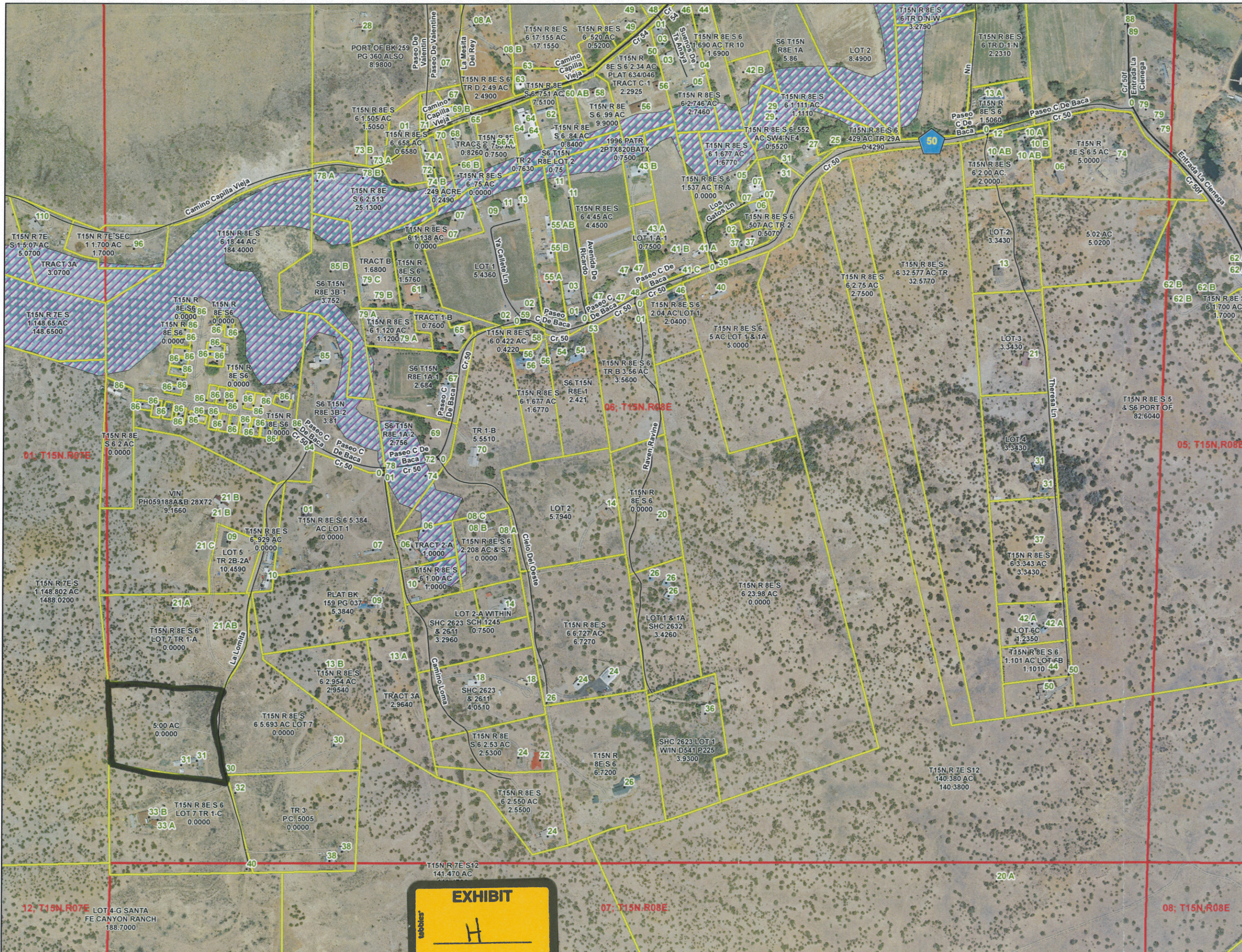
Orthophoto from 2008

Contour Interval 2 Feet

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



August 10, 2011



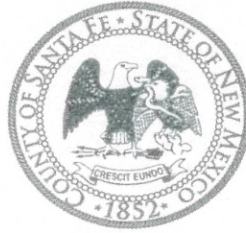
**EXHIBIT**

tabbiter  
          H

Daniel "Danny" Mayfield  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

Date: September 6<sup>nd</sup>, 2011

To: Wayne Dalton, Building and Development Services Supervisor

From: Karen Torres, Hydrogeologist

Re: CDRC CASE # V 11-5190 Bert Scott Variance

---

### Summary of Review

Based on the previous review of reports and site specific data the applicant is not able to demonstrate sufficient water availability as described in the SFC Land Development Code for the purpose of subdividing a 5 acre parcel into 2- 2.5 acre residential lots. However, with connection to the Santa Fe County Water Utility the creation of a 2.5 acre residential lot within the La Cienega and La Cieneguilla Traditional Community Zoning District can be accomplished without the burden of demonstrating water availability.

### Nature of Project

The applicant is requesting an increase in density to allow 2- 2.5 acre parcels to be created from an existing 5 acre parcel located in Township 15 North, Range 8 East, Section 6 NMPM, for the purpose of two residential dwelling. The existing parcel is within the basin fringe hydrologic zone and is subject to the La Cienega and La Cieneguilla Traditional Community Planning Area and Zoning District. (Ordinance No. 2002-9)

The applicant proposes to share an existing domestic well to serve as the water supply for the requested lot with a total water budget of 0.5 acre-feet

### Land Development Code Requirements as Amended by Ordinance No. 2002-9

In order to create a 2.5 acre lot in the basin hydrologic zone the requirements of Article III, Section 10 "Lot Size Requirements" and Article VII, Section 6 "Water Supply" must be followed. Additionally the minimum lot size cannot be less than 2.5 acres.

The Land Development Code allows for the creation of a lot less than standard density of 50 acres upon demonstration of sufficient groundwater, if using a domestic well, to serve the parcels for 100 years or connection to a county, municipal or other water utility.

### History of Project

On August 20<sup>th</sup>, 2007 the geohydrology report entitled *C de Baca Property Lot Split Proposal Santa Fe County New Mexico* authored by Vene Klasen and Associates, Inc. and dated June 1984 was reviewed for technical accuracy and compliance with the SFC Land Development Code. This report is in compliance with the requirements for Geohydrologic



report as it lacked sufficient data to characterize the aquifer, schedule of impacts to the surrounding wells, calculation of the lowest practical pumping level and water quality documentation. Additionally, this report calculated a water availability of 0.0475 acre-feet per acre per year which translates to 0.2376 acre-feet per year for the subject application. The report submitted by the applicant does not demonstrate sufficient water to create 2 – 2.5 acre lots as required by the SFC Land Development Code.

In late 2008 the author of this memo reviewed the well log of the on-site well proposed as the source of water. No formal memorandum was written due to withdrawal of the application but a summary of this review is as follows:

- Upon review of the well location, drillers log and the local geology it was determined the aquifer serving this well was composed of volcanic rocks and presumed to be associated with Cerrillos Uplift, which formed Cerrillos Hills. This review also determined the geology of the subject parcel should be characterized as “homestead” instead of “basin fringe” due to the absence of the Santa Fe Group; which is the primary aquifer in the county.
- Based on the type and thickness of the aquifer reported in the well log, the existing well does not demonstrate sufficient water availability as defined by the Land Development Code; even if a complete geohydrology report was submitted.
- To create the requested 2.5 acre lots the applicant would have to drill and test an additional well with the risk of not demonstrating water availability, as defined by the code, or connect to a county, municipal or other water system.

### **Feasibility of Connection to Water Utility**

The Santa Fe County Utilities Department currently own and operate a water line located on Paseo C de Baca Road which terminates at the intersection of La Lomita and is approximately 1,200 feet from the applicants property. The Utilities Department received a draft petition on August 17<sup>th</sup>, 2011 for the formation of a Special Assessment District to fund the extension of a waterline to serve the residents on La Lomita. A reliable water supply is necessary due to poor water quality and marginal supply in existing domestic wells. The opinion of cost to extend the water line is estimated at \$150,000 but may change due to various factors. The draft petition proposes a means to divide the cost of the line extension among the property owners and repay over a 20 year period. The petition will be forwarded to the legal department for review prior to execution.

Connection to the SFC Water Utility allows the creation of a 2.5 acre lot to serve a residential dwelling within the La Cienega and La Cieneguilla Traditional Community Zoning District without the burden of demonstrating water availability, as defined by the Land Development Code. Due to the pending petition for a Special Assessment District connection to county water is feasible and within the means of the applicant.

For inquiries or additional information please feel free to call me at (505) 992-9871 or e-mail at [ktorres@co.santa-fe.nm.us](mailto:ktorres@co.santa-fe.nm.us)

C de BACA PROPERTY LOT SPLIT PROPOSAL  
Santa Fe County, New Mexico

GEOHYDROLOGY REPORT

by

VeneKlasen & Associates, Inc.  
June 1984



## Introduction

This report on the geohydrology of the C de Baca property is made in response to the requirements of the Santa Fe County Development Plan and Code at the request of the property owner, Mr. Richard C de Baca. The property is located within the Basin Fringe Zone described in the County Plan, southwest of the City of Santa Fe in the vicinity of the Village of La Cienega. More specifically, the subject property is located in Section 6, Township 15 North, Range 8 East, NMPM, Santa Fe County, New Mexico. The tract location is shown on Figure 1 in the Appendix to this report.

It is proposed by Mr. C de Baca to split the tract which comprises 18.618 acres into three lots. The lot split will result in parcels of 5.00 acres, 6.38 acres and 7.23 acres approximately.

Elevations range from 5,900 feet to 5,985 feet above sea level datum within the tract proposed to be divided. Drainage in this area is east into Guicu Creek, north into Cienega Creek and west into Alamo Creek. Alamo Creek and Guicu Creek are both tributary to Cienega Creek which connects with the Santa Fe River to the Rio Grande.

## Geology

The geology in the vicinity of the subject property is complex. Structural activity together with several periods of sedimentation and erosion, and volcanic intrusion and extrusion have combined to make a complicated geologic framework. Rock outcrops in this area include

Pleistocene Cuerbio basalt flows and Ancha formation sediments, Miocene flows, tuff and breccia of Cieneguilla limburgite, Oligocene Espinazo volcanics - both flows and intrusives, Eocene Galisteo formation, and Cretaceous Mancos shale. The area geology is shown in the Appendix on Figures 2, 3 and 4 which depict areal geology, stratigraphic identification and a geologic cross section through La Cienega area respectively. These illustrations are taken from New Mexico Bureau of Mines and Mineral Resources Bulletin 48, Plate 1, Geology of the Cerrillos Area, Santa Fe County, 1957, A. E. Disbrow and W. C. Stoll.

The geologic history of the area includes many episodes of activity. The Galisteo formation sediments which reached a thickness of 1,300 feet, comprised of white and buff sandstone and red mudstone, were overlain conformably by andesite breccia and then domed upward by intrusion of a molten monzonite mass. Subsequent erosion of the monzonite was followed by extrusive blanketing by latite flows and breccia followed by covering by the Cieneguilla limburgite. The Cieneguilla limburgite consists of volcanic flows and tuff breccia of limburgite and basalt. During development of the Rio Grande trench, local faulting tilted this area so that dips approximate 10 degrees to the northeast.

After the tilting occurred, the rock sequence was again eroded. Then the area was covered by more than 100 feet of sand, gravel and siltstone of the Ancha formation. Since deposition of the Ancha formation Cienega Creek and the Santa Fe River have cut down through much of the rock sequence to their present grades.



The geologic section represented on the C de Baca property includes latite and andesite flows and breccias which are gently folded by a northwest trending syncline. This volcanic series is possibly 500 feet thick and conformably overlies the Galisteo formation which is possibly 1,000 feet thick here.

Approximately one half mile east of the subject property, a north-south striking near-vertical fault traverses the area. This fault is upthrown to the west. Traversing the C de Baca property in a north-northwest direction is a fault which is downthrown to the west. These faults were probably formed to compensate for area doming as a result of the monzonite intrusion.

#### Aquifer System

The aquifer system which provides the ground water supply for the Cienega area begins with precipitation to the east and mountain runoff percolating into permeable sands, gravels and other rocks. This water moves westward through the saturated rock because of gravity, but at Cienega part of this groundwater emerges as springs and seeps because of the groundwater barrier formed by the volcanic rocks. The balance of the westward migrating groundwater is conducted around and through the volcanic rock barrier by fault-formed conduits.

In the area of the proposed lot split there are numerous domestic water wells which produce from many different formations and at varying depths. Groundwater development on the subject property,

however, will be limited to drilling in the latite and andesite flows and breccias or the Galisteo formation beneath these volcanics.

Generally, the Galisteo formation is a poor aquifer in the region, but there are wells in the Cienega area which produce adequate amounts of water for domestic purposes from this formation; and there are also wells which produce significant amounts of groundwater from within the Galisteo and the interval of formation contact of the Galisteo with overlying formations. At the C de Baca property, intervals within the Galisteo as well as this contact interval should be productive.

It is presumed that most of the groundwater to be produced on the subject property will come from the Galisteo formation and from breccia intervals in the volcanic flows. These latter rocks have generally poor aquifer characteristics unless fractured intensely. In this volcanic flow and breccia environment, high permeability zones are developed and related to weathering, faulting and jointing adjustment. Along the north-northwest trending fault which traverses the C de Baca property, the rocks are intensely broken providing augmentation of the groundwater reservoir potential.

#### Wells In The Area

In the fault-fractured and brecciated rock environment exhibited in the vicinity of the proposed lot split there are several productive domestic wells. There are also productive wells in the Galisteo formation. Adjacent to the subject tract to the north and within the

bounds of the traditional Village of La Cienega, a 25 space trailer park is supplied by two wells completed in the Galisteo formation. These wells are numbered 35 and 36 on the Well Index Map, Figure 1. Well records of some of these wells are included as reference examples in the Appendix. In addition, well data from producing wells in this area are tabulated and presented as Figure 5 in the Appendix.

#### Well Tests

There have been no aquifer performance tests made on the C de Baca tract or immediately adjacent to it. The nearest test to the subject tract was one conducted on a parcel located  $1\frac{1}{4}$  miles east of it, and these test results remain unpublished. However, it is understood that this was a step-test conducted at rates ranging from 8.3 gpm to 160 gpm for a period of 70 hours. Transmissivities resulting from this test are unknown, but the producing rates would be indicative of a relatively high transmissivity for a domestic well.

#### Water Level Trends

The hydraulic gradient in the C de Baca property area is generally westward at approximately 275 feet per mile. This is shown on the accompanying Water Level Contour Map, Figure 6 in the Appendix.

Water levels have been measured in several wells in the area over varying intervals up to five years. In individual wells, some water levels have risen while others have declined over the periods of measurement. Well RG-22606, shown on the Well Index Map, Figure 1, as well No. 39 showed an increase of water level of 41 feet over a period of two years during the 1970s. In contrast, several wells,

In the case of the C de Baca property:

AC = 18.618 acres  
SY = 0.15 (standard)  
ST = 120 feet  
RL = 0.33 (standard)  
RC = 0.8 (standard)

Only the saturated thickness (ST) factor above is not a standard factor. The others are those which are recommended as standards in the Basin Fringe Zone calculation procedure suggested by the County Code. A copy of page 19 of the Procedures for Determination of Water Availability (A) pursuant to Section 6.4.1d, Article VII of the development code prepared by Lee Wilson, December 23, 1980 is provided for reference in the Appendix.

The standard saturated thickness (ST) shown in the Procedures is 50 feet in the designated Basin Fringe Zone. However, in the adjacent C de Baca wells shown as wells 35 and 36 on the Well Index Map, Figure 1, show saturated thicknesses exceeding 120 and 140 feet respectively. For reference, well records for these two wells are included in the Appendix. It is reasonable to assume a saturated thickness of 120 feet for calculation purposes based upon similarity of contiguous geologic environments.

Calculating ground water storage under the C de Baca tract using the data provided by Code guidelines and the ST previously discussed results in the following:

$$\begin{aligned} S &= 18.618 \times 0.15 \times 120 \times 0.33 \times 0.8 \\ &= 88.47 \text{ acre-feet.} \end{aligned}$$

To convert (S) to availability (A) the Development Code provides the following formula:

$$MLS = \frac{U}{A},$$

where MLS = minimum lot size, or alternately density per lot (acres)

U = water use per lot (acre-feet per year)

A = water availability per acre (acre-feet per year).

In the specific calculation for minimum lot size within the C de Baca property, storage S = 88.47 acre-feet. This water in storage is considered to be mined and unaffected by recharge to the aquifer, and amounts to 4.75 acre-feet per acre over the entire property. For the projected life of 100 years of depletion, this quantity of water would provide water availability per acre A = 0.0475 acre-feet per year.

Completing the storage-to-availability calculation where  $MLS = U/A$ , the following minimum lot size is indicated:

$$\begin{aligned}MLS &= 5.26 \text{ acres gross density per lot, when} \\U &= 0.25 \text{ acre-feet per lot per year, and} \\A &= 0.0475 \text{ acre-feet per year.}\end{aligned}$$

This value for use  $U = 0.25$  acre-feet per lot per year is believed to be adequate for single family domestic supply provided appropriate water conservation measures are adopted.

#### Water Use Information

The Applicant proposes to inform any purchaser of the resulting split lots about water availability and to require adoption of water conser-

vation measures. These restrictions upon water use will require installation of water saving bathroom and kitchen fixtures, and limitation of outdoor irrigation uses.

Summary and Conclusions

The long history of satisfactory supply of ground water to trailer park needs adjacent to the property proposed for lot-split supports the position that there is adequate water in storage to supply the three lots. Suggested favorable high transmissivities and saturated thicknesses also support this position.

It is concluded from an examination of local water data that an abundant ground water supply is available for the intended lot split. Further, this water supply is adequate for the 100 year projected life of the intended domestic uses. However, conservation of water is recommended to extend the life of the resource.

Respectfully submitted,



GORDON O. VENEKLASEN

## References

- Disbrow, A. E. and Stoll, W. C., 1957, Geology of the Cerrillos Area, Santa Fe County, New Mexico, N. M. Institute of Mining and Technology, State Bureau of Mines and Mineral Resources Bulletin 48
- Spiegel, Z. and Baldwin, B., 1963, Geology and Water Resources of the Santa Fe Area, New Mexico, U.S.G.S. Water-Supply Paper 1525
- Sun, M. S. and Baldwin, B., 1958, Volcanic Rocks of the Cienega Area, Santa Fe County, New Mexico, N.M. Institute of Mining and Technology, State Bureau of Mines and Mineral Resources Bulletin 54

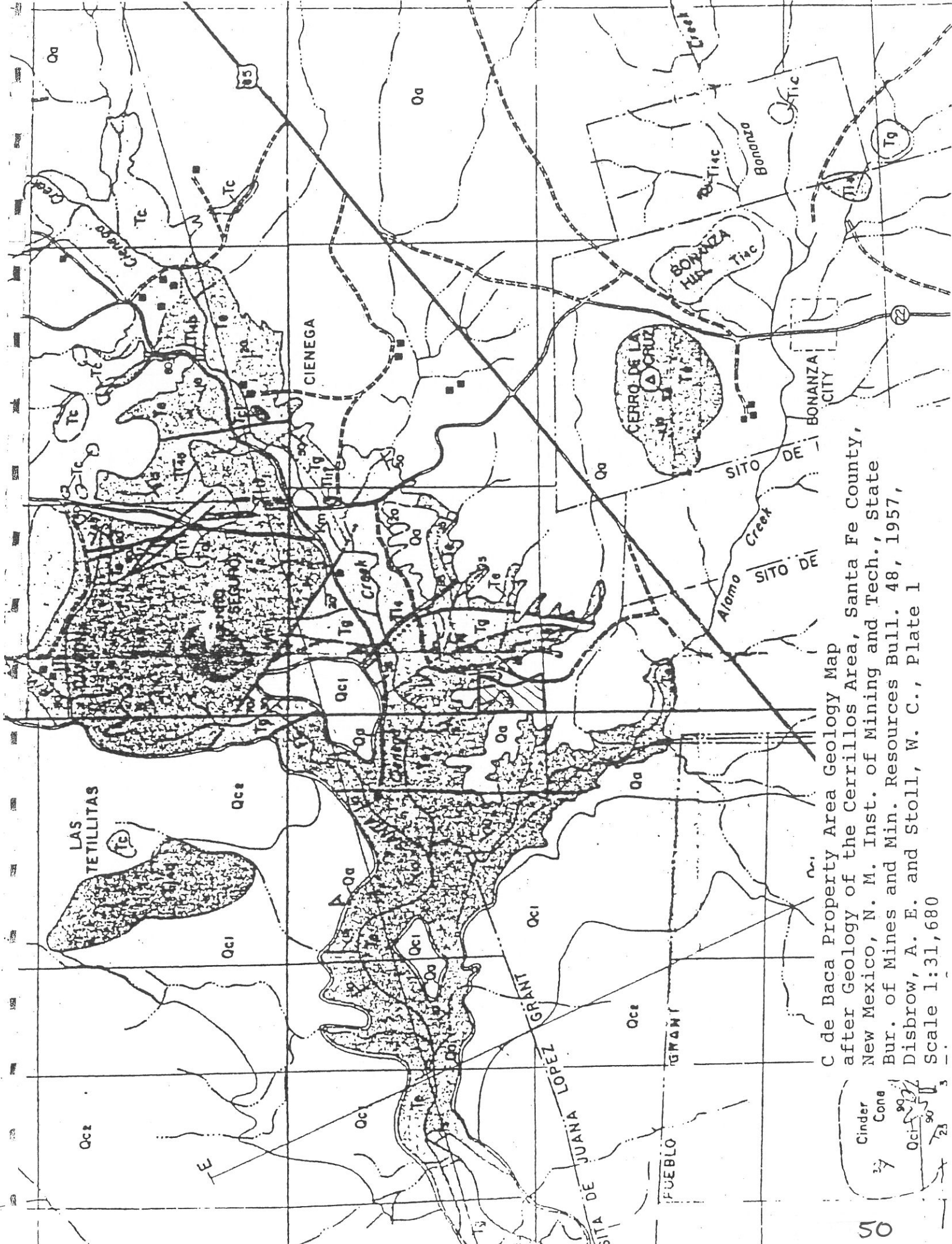
APPENDIX





Well Index Map  
 C de Baca Property Locati  
 Scale 1:24,000  
 Figure 1

Locations approximate, made  
 from SEO descriptions 49

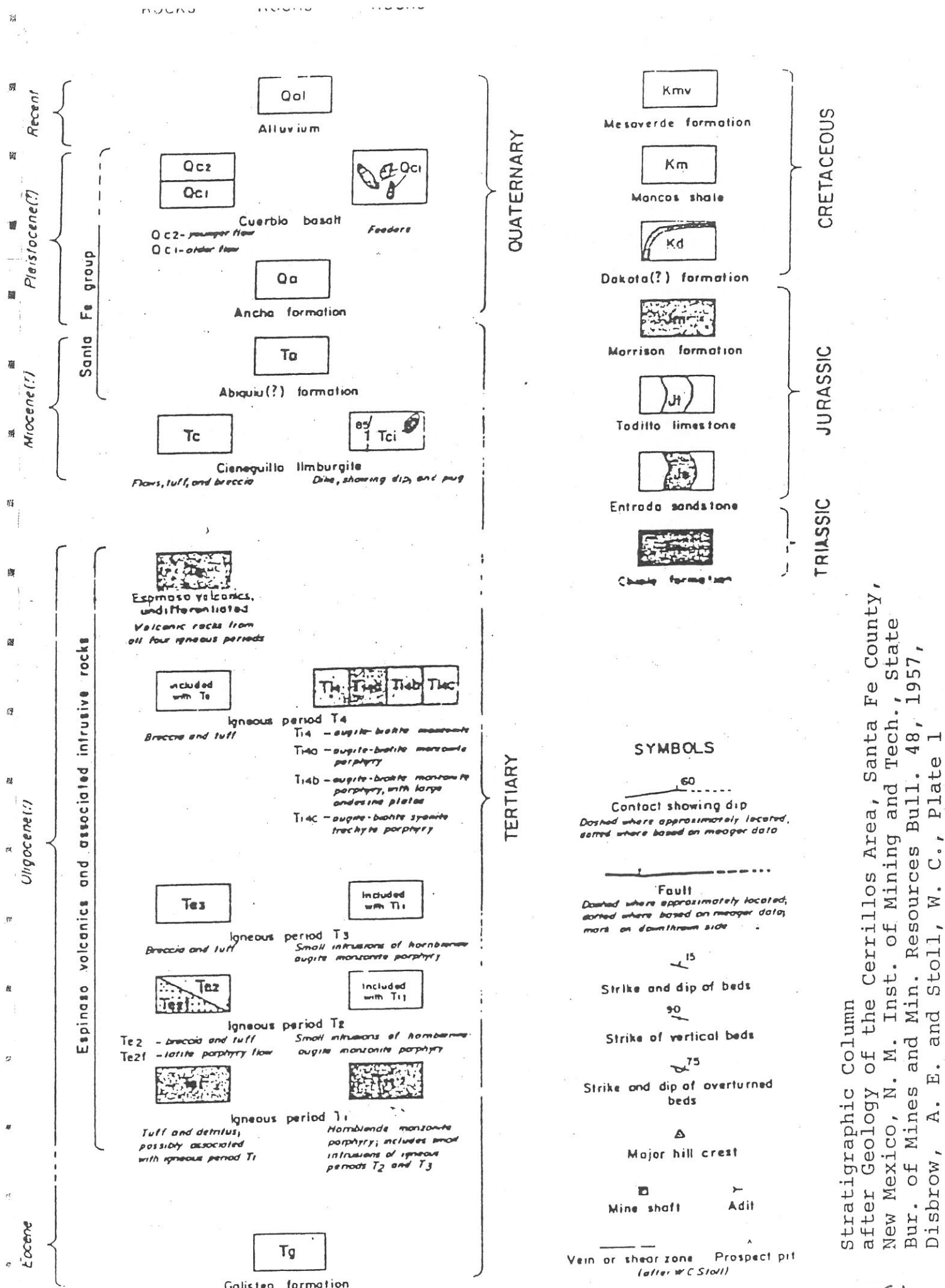


C de Baca Property Area Geology Map  
 after Geology of the Cerrillos Area, Santa Fe County,  
 New Mexico, N. M. Inst. of Mining and Tech., State  
 Bur. of Mines and Min. Resources Bull. 48, 1957,  
 Disbrow, A. E. and Stoll, W. C., Plate 1  
 Scale 1:31,680

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Stratigraphic Column after Geology of the Cerrillos Area, Santa Fe County, New Mexico, N. M. Inst. of Mining and Tech., State Bur. of Mines and Min. Resources Bull. 48, 1957, Disbrow, A. E. and Stoll, W. C., Plate 1

Figure 3



WATER WELL DATA - LA CIENEGA VICINITY

OWNER	Well 1/ Location	Ground Elev. 2/	Well Depth 3/	Water Depth 3/	Water Table Elev.	*Source of Data	Date 4/	Accu- racy Code
1645	Emilio B. Maez	6,060	120			SEO	12-15-77	
1899	Larry Montano	5,960	160	45	5,915	SEO	8-28-78	
1252	Louis Coris	5,980	100	40	5,940	M & SEO	8-27-66	
110	Bernable A. Perea	5,985	300	40	5,945	M & SEO	4-23-62	
1358	John F. Simms, Jr.	6,055	56	16	6,039	SEO	9-08-60	
137	John F. Simms	6,105	68	37	6,068	SEO	10-30-62	
1973	Gary Quintana	6,095	95	56	6,039	SEO	5-22-75	
3646	Ruben & Leroy Salazar	6,100	120			SEO	12-13-77	
	Brown Realty	6,050	-	3.39	6,047	SEO	4-06-71	
3422	Zenida Raybon	6,120	135	40	6,080	SEO	3-21-83	
3474	Lloyd Trujillo	6,120	120	40	6,080	SEO	5-18-78	
3230	Leo R. Maes	6,100	110	50	6,050	SEO	9-00-79	
7966	James & Armida Harris	6,110	95	45	6,065	SEO	12-13-76	
3405	James Womack	6,110	107	41	6,069	SEO	5-21-78	
0473	John Trujillo	6,110	140	43	6,067	SEO	5-16-78	
7524	Bill Roesch	6,120	85	30	6,090	SEO	8-01-76	

1/ Location on accompanying index map  
 2/ Surface elevation in feet above mean sea level (MSL)  
 3/ Total depth of well in feet below ground surface  
 4/ Date of measurement

VeneKlasen & Associates, Inc.  
 P O Box 1844  
 Santa Fe, NM 87501

#	OWNER	Well 1/ Location	Ground Elev. 2/	Well Depth 3/	Water Depth 3/	Water Table Elev.	*Source of Data	Date 4/	Accu- racy Code
2228	Reynaldo Romero	15.8.6.121	5,960	30	24	5,936	SEO	6-00-51	
0080	Reynaldo Romero	15.8.6.140	5,880	70	35	5,845	SEO	5-12-72	
6860	Valentine Romero	15.8.6.14233	5,905	60	21	5,881	M & SEO	8-17-69	
	"	"	"	"	24		M	4-16-75	
6120	Leroy Brannon	15.8.6.143	5,880	60	20	5,860	SEO	6-12-75	
3724	Celia Martinez	15.8.6.210	5,940	452	360	5,580	SEO	4-07-66	
	David E. Rael	15.8.6.2134	5,930	85	35	5,895	M	Post -73	
618	Mrs. Aurora C de Baca	15.8.6.220	5,920	40	24	5,896	SEO	7-24-59	
0834	Severino Trujillo	15.8.6.220	5,920	120	58	5,862	SEO	11-09-83	
0221	Manuel Montoya	15.8.6.221	5,930	100	100	5,830	SEO	6-06-72	
	Manuel Montoya	15.8.6.22124	5,935	100	25	5,910	M	4-25-75	
0362	Oliver C de Baca	15.8.6.221	5,930	43	17		SEO	5-29-73	
"	"	15.8.6.22133	5,930	43	20	5,910	M	4-16-75	
	Jake Montoya	15.8.6.22322	5,909	12			M		
13743	Felix Mares	15.8.6.230	5,910	160	60	5,850	SEO	4-06-66	
33562	Chris Rael	15.8.6.230	5,910	140	90	5,820	SEO	1-24-80	
	T. S. Anaya	15.8.6.23111	5,910	40	32	5,878	M		

- 1/ Location on accompanying index map  
2/ Surface elevation in feet above mean sea level (MSL)  
3/ Total depth of well in feet below ground surface  
4/ Date of measurement  
\* See Footnotes

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Santa Fe, NM 87501

Water Well Data  
La Cienega Vicinity  
Page 3

OWNER	Well 1/ Location	Ground Elev. 2/	Well Depth 3/	Water Depth 3/	Water Table Elev. of Data	*Source	Date 4/	Accu- racy Code
369	John McKinney	5,910	198	32	5,878	M & SEO	10-08-59	
3918	Rudy Vargas	5,918	255	80	5,876	SEO	9-06-69	
3371	Eulogio Vargas	5,915	255	42	5,886	M	4-19-75	
7913-S2	John McKinney	5,900	100	29	5,860	SEO	2-16-71	
	Richard C. de Baca	5,910	300	40	5,860	SEO	5-17-82	
	Richard C. de Baca	5,910	700	50	5,860	M	6-03-70	
050X	Felipe J. Baca	5,950	315	45	5,905	SEO	2-20-60	
2606	Al Sanchez	5,950	60	25	5,925	SEO	6-08-76	
	William C. Dixon	5,913	243	80	5,874	SEO	2-26-73	
	" "	5,910	243	39	5,819	M	4-19-75	
050	Alfonso Sanchez	5,910	315	91	5,915	M	4-17-75	
5995	Agueda W. C. de Baca	5,935	60	20	5,906	SEO	6-02-75	
5379	Felipe J. Baca	5,920	200	14	5,885	SEO	4-07-78	
4272	Charlie C. de Baca	5,920	100	35	5,975	SEO	5-03-80	
7394	Tina Boradiansky	6,050	400	75	6,050	SEO	4-21-82	
4036	Jose C. de Baca	6,070	80	20	5,999	SEO	6-28-66	
	W. C. de Baca	6,035	35+	35.90		SEO	8-07-51	

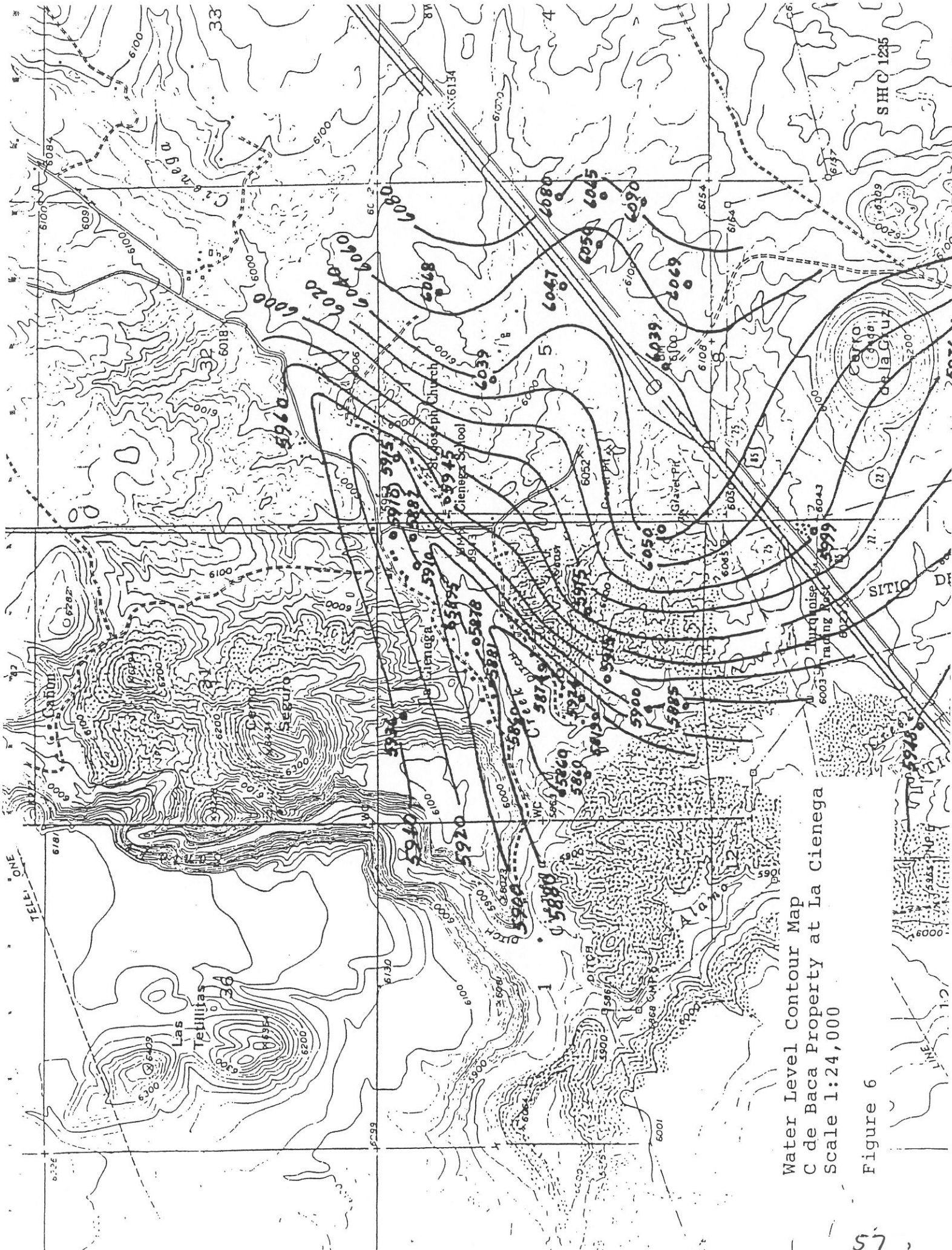
1/ Location on accompanying index map  
 2/ Surface elevation in feet above mean sea level (MSL)  
 3/ Total depth of well in feet below ground surface  
 4/ Date of measurement  
 \* See Footnotes

VeneKlasen & Associates, Inc.  
 P O Box 1844  
 Santa Fe, NM 87501

OWNER	Well 1/ Location	Ground Elev. 2/	Well Depth 3/	Water Depth 3/	Water Table Elev.	*Source of Data	Date 4/	Accu- racy Code
4680-S	NM State Highway Dept.	5,960	272	12	5,948	SEO	9-04-74	
	Dick Jarrott	6,005	90	29	5,976	SEO	8-07-51	
3439	Mrs. R. M. Jarrott	6,040	60	8	6,032	SEO	52	

1/ Location on accompanying index map  
 2/ Surface elevation in feet above mean sea level (MSL)  
 3/ Total depth of well in feet below ground surface  
 4/ Date of measurement





Water Level Contour Map  
 C de Baca Property at La Cienega  
 Scale 1:24,000

Figure 6

STATE ENGINEER OFFICE  
WELL RECORD

Section 1. GENERAL INFORMATION

(A) Owner of well Richard C De Baca Owner's Well No. \_\_\_\_\_  
Street or Post Office Address RT 2 Box 246-D  
City and State Santa Fe N.M.

Well was drilled under Permit No. AL# 17913-S2 and is located in the:

a. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 NW 1/4 SW 1/4 of Section 6 Township 15N Range 8E N.M.P.M.

b. Tract No. \_\_\_\_\_ of Map No. \_\_\_\_\_ of the \_\_\_\_\_

c. Lot No. \_\_\_\_\_ of Block No. \_\_\_\_\_ of the \_\_\_\_\_  
Subdivision, recorded in Santa Fe County.

d. X= \_\_\_\_\_ feet, Y= \_\_\_\_\_ feet, N.M. Coordinate System \_\_\_\_\_ Zone is \_\_\_\_\_ Grant \_\_\_\_\_

(B) Drilling Contractor Thompson Drilling Inc License No. 622

Address RTe 5 Box 266 Santa Fe N.M.

Drilling Began 5-17-82 Completed 5-17-82 Type tools Rotary Size of hole 8 1/2 in

Elevation of land surface or \_\_\_\_\_ at well is \_\_\_\_\_ ft. Total depth of well 300 ft

Completed well is  shallow  artesian. Depth to water upon completion of well 40 ft

Section 2. PRINCIPAL WATER-BEARING STRATA

Depth in Feet		Thickness in Feet	Description of Water-Bearing Formation	Estimated Yield (gallons per minute)
From	To			
<u>240</u>	<u>300</u>	<u>60</u>	<u>SAND GRAVEL &amp; Red Clay</u>	<u>10 GPM</u>

Section 3. RECORD OF CASING

Diameter (inches)	Pounds per foot	Threads per in.	Depth in Feet		Length (feet)	Type of Shoe	Perforations	
			Top	Bottom			From	To
<u>5" PVC</u>	<u>Cemented</u>				<u>300</u>		<u>60-80</u>	
							<u>120-140</u>	
							<u>180-200</u>	
							<u>220-240</u>	
							<u>260-300</u>	

Section 4. RECORD OF MUDDING AND CEMENTING

Depth in Feet		Hole Diameter	Sacks of Mud	Cubic Feet of Cement	Method of Placement
From	To				

STATE ENGINEER  
 SANTA FE, N.M.  
 '82 MAY 26 PM 1  
 58  
 '82

STATE ENGINEER OFFICE  
 LABELED HOLE RECORD

INSTRUCTIONS: This form should be executed in duplicate, preferably typewritten, and submitted to the nearest district office of the State Engineer. All sections pertaining to the specific drill hole shall be answered completely and accurately as possible. Any additional remarks or information pertinent to the plugging or construction and operation and maintenance of the drill hole should be included in Section 7.

Section 1


(Plat of 640 acres)

(A) Owner of land or lessee Lt. Richard C. de Baca  
 Street and Number Hiway Patrol  
 City Santa Fe State New Mexico  
 Hole is located in the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 6  
 Twp. 15 N Rge. 8E 15.08.06.312  
 (B) Drilling Contractor Reid and Cathy Drilling Co.  
 Street and Number \_\_\_\_\_  
 City Casper State Wyoming  
 Drilling: Commenced June 1 1970 Completed June 3 1970

Elevation at top of casing in feet above sea level 5890 Total depth of hole 700  
 Check whether water encountered is  shallow or  artesian. Depth to water upon completion 50

Section 2

PRINCIPAL WATER-BEARING STRATA

	Depth in Feet		Thickness in Feet	Description of Water-Bearing Formation
	From	To		
	50	75	25	Clayey Sandstone
	120	235	115	" "
			140	

Section 3

RECORD OF CASING

Dia. in.	Pounds ft.	Threads in	Depth		Feet	Type Shoe	Perforations	
			Top	Bottom			From	To
None								

Section 4

RECORD OF MUDDING AND CEMENTING

Depth in Feet		Diameter Hole in in.	Tons Clay	No. Sacks of Cement	Methods Used
From	To				

Section 5

PLUGGING RECORD

Name of Plugging Contractor \_\_\_\_\_ State \_\_\_\_\_ 59

EXHIBIT 3. BASIS FOR CALCULATION OF STANDARD VALUES OF A (WATER AVAILABILITY).

The development code (Section 10.2.1 of Article III) contains standard values for A per acre of land in a subdivision. They are calculated as follows. (\* indicates values cited in code). SY etc. are defined in Appendix.

A Based on Storage

	SY	ST	RL	RC	S <u>1/</u>	A <u>2/</u>
HOMESTEAD	0.02	100	0.2	0.8	0.32	0.003
MOUNTAIN	0.02	50	0.25	0.8	.2	0.002
BASIN FRINGE	0.15	50	0.33	0.8	1.98	0.02*
BASIN	0.15	250	0.33	0.8	9.90	0.1*

1.  $S = AC \times SY \times ST \times RL \times RC$ . AC = 1 acre.
2.  $A = S/100$  and is expressed in acre-feet per acre per year.

A Based on Recharge

	R	RL	RC	A <u>3/</u>
HOMESTEAD	0.03125 <u>a/</u>	0.2	1.0	0.00625*
MOUNTAIN	0.05	0.25	1.0	0.0125*
BASIN	0.04	0.33	1.0	0.013
BASIN FRINGE	0.04	0.33	1.0	0.013

3.  $A = R \times RL \times RC$  and is expressed in acre-feet per acre per year.

a. In the original studies, Homestead recharge was estimated at a lower rate; the value cited here reflects the need to round off MLS to a relatively convenient number.



To: Vicente Archuleta, Development Review Specialist II

From: Karen Torres, Hydrogeologist

Re: LCDRC Case # V-07-5300 Scott Variance for Family Transfer

Date: August 20, 2007

I have reviewed the C de Baca Hydrology Report for technical accuracy and compliance with the SFC Land Use Code. This report is over 20 years old and is not compliant with the current code requirements of a Hydrogeology Report. That issue aside, the report does not demonstrate sufficient water to support the requested density of 2 dwellings per 5.0 acre.

#### **Nature of Project**

The applicant is proposing to increase the density from 1 dwelling to 2 dwellings on a 5 acre lot within the Basin Fringe Hydrologic Zone. The estimated water budget for this project is 0.5 acre-feet per year.

#### **Source of Water**

The applicant proposes to utilize an on-site domestic well to serve the two dwellings.

#### **Water Availability**

The hydrogeology report submitted is solely a water availability calculation based on criteria set out in the Hydrology Appendix of the Land Use Code. The calculation was based upon a well log with no pump test performed.

The calculated water availability is 0.0475 acre-foot per acre for 100 years. With the requested lot size the total estimated water availability is 0.24 acre-feet. This report does not demonstrate sufficient water to support the requested density.

If you have any questions, please feel free to call me at 992-9871 or email at [ktorres@co.santa-fe.nm.us](mailto:ktorres@co.santa-fe.nm.us).



