

DRAFT

subject to approval

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

October 17, 2013

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

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

Members Present:

Juan José Gonzales, Chair
Susan Martin, Vice Chair
Phil Anaya
Maria DeAnda
Dan Drobnis
Manuel Roybal

Member(s) Excused:

Frank Katz

Staff Present:

Wayne Dalton, Building and Development Services Supervisor
Vicki Lucero, Building and Development Services Manager
Rachel Brown, Assistant County Attorney
Buster Patty, Fire Marshal
Karen Torres, County Hydrologist

IV. APPROVAL OF AGENDA

Upon motion by Member Anaya and second by Member Martin the agenda was approved [6-0] as published.

V. APPROVAL OF MINUTES: September 19, 2013

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

Ms. Lucero noted that the case caption for item VII. A was correct; however, the staff report contained a typographical error.

VII. NEW BUSINESS

- A. CDRC Case #V 13-5270: Rebecca Ornelas & Maria Zubia, Applicant, request a variance of Ordinance No. 2007-2, (Village of Agua Fria Traditional Community Zoning District), § 10.6 (Density Standards) to allow a second dwelling unit on 0.638 acres. The property is located at 2144 Camino Polvoso, within the Traditional Community of Agua Fria, within Section 5, Township 16 North, Range 9 East (Commission District 2)**

Wayne Dalton, read the case caption and the staff report as follows:

“The property is located within the Traditional Community of Agua Fria where the minimum lot size is 0.75 acres per dwelling unit. Lot size can be further reduced to 0.33 acres per dwelling unit with community water and sewer. The subject property is served by community water and sewer. In order to have two dwelling units on the property, the lot would have to be at least 0.66 acres, 28,749 square feet in size. The Applicant is lacking approximately 958 square feet of property to meet Code requirements for two dwelling units.

“There is currently one dwelling unit and one accessory structure on the property. The Applicant purchased the property in July, 2013, and shortly after moved a mobile home onto the property without a Development Permit from Santa Fe County. The Applicant along with her three daughters and grandchildren reside in the current residence. If the variance is granted, the Applicant intends to move an additional mobile home onto the subject property. The proposed mobile home that would be placed on the property belongs to another daughter who does not live in the current residence or resides on the subject property. The Applicant’s intention is to move this daughter onto the subject property in order to help provide special needed care for her daughter’s two young children.”

Mr. Dalton reviewed the pertinent section of the code, Article II, § 3, Variances, and the Village of Agua Fria Traditional Community Zoning District Ordinance. In accordance with the Code, staff recommends denial. However, if the decision of the CDRC is to recommend approval of the Applicant’s request, staff recommends imposition of the following conditions:

1. The Applicant must obtain an After-the-Fact permit for the mobile home and accessory structure (As per Article II, § 4.5.2b Article II, § 2).
2. The placement of additional dwelling units or Division of land is prohibited on the property (As Per Ordinance No. 2007-2 Section 10.6).
3. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application (As per 1997 Fire Code and 1997 Life Safety Code).

In response to the Chair's question, Mr. Dalton said it was not by ordinance that variances be reviewed by the Agua Fria Village Association and this applicant did not go before the Association. He indicated that the applicant met notification requirements and staff received neither support nor opposition letters. The variance is for the placement of a second dwelling not a lot split, clarified Mr. Dalton.

Member Drobnis asked about the applicant's written statement that contained blacked out information. Deputy County Attorney Brown explained that applicants can disclose any information they choose, however, the County is prohibited from forwarding medical information in documents to the public.

[A portion of the testimony provided by the applicant and her family was in Spanish. Member DeAnda translated and what appears in the record is based on the translation.]

Duly sworn, Veronica Ornelas, daughter of the applicant, stated that she wants to live on her mother's property because she has two babies that require special care that her mother and family could provide. Also, she would be able to help her mother to care for her sisters.

Ms. V. Ornelas confirmed that she currently resides in a mobile home at the Country Club Gardens within a few miles of her mother's home. She said her family provides help at this point.

Staff confirmed that a variance would not be necessary if the applicant had the required acreage and while there are no required setbacks the applicant meets recommended setbacks.

Duly sworn, Maria Zubia, the applicant, provided data on the size of the mobile homes. Member Anaya observed that the combined square footage of the dwellings was minimal.

Chair Gonzales commented that this application appears to be a minimal easing of the Code and noted that the CDRC has granted variances for the placement of second dwellings in this area.

Member Anaya moved to approve CDRC Case V 13-5270 with staff recommendations. Member Martin seconded and the motion passed by unanimous [6-0] voice vote.

Ms. Zubia thanked the Commission for their support.

Member DeAnda advised the applicant that the CDRC's recommendation would be forwarded to the BCC for final action.

- B. CDRC CASE # V 13-5250 Thomas Wagner Variance: Thomas Wagner, Applicant, requests a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow the construction of a residence on 40.01 acres. The property is located at 67 Camino San Marcos, Off Goldmine Road (CR59B), within Sections 3, 4, 9, & 10, Township 13 North, Range 8 East (Commission District 3).**

[This case is presented verbatim]

MR. DALTON: The subject lot was created on September 2, 2009, by way of Family Transfer for Sharon Thams Carter. Tract 2A-2 was deeded to Sam Carter Jr. on September 2, 2009, and was then sold to the Applicant on October 23, 2009.

At time of Plat recordation, a note was placed on the Plat which states: "Prior to issuance of Development Permits for dwellings on lots 2A-1 and 2A-2, Camino San Marcos roadway and drainage crossing within lot 2A-2 shall be upgraded to County all weather standards." This note was placed on the Plat due to the property owner at the time not making the necessary improvements to Camino San Marcos and agreeing that any recipients of the Tracts hold the property for a period of three years in accordance with Article III, Section 2.4.2b.3c for off-site road improvements and you can refer to Exhibit 6.

Since the recipient of Tract 2A-2 sold the property prior to holding the property for the three-year period, off-site improvement requirements of the Code should have been met at the time of sale.

The property is accessed from, Wagon Trail Road which connects to Camino San Marcos. These are private roadways. Wagon Trail Road and Camino San Marcos range from 18 to 24 foot wide base course driving surfaces. Camino San Marcos crosses one arroyo/drainage easement which is impacted by stormwater runoff within the jurisdiction of Santa Fe County, therefore Ordinance No. 2008-10 applies to this Application, and you can refer to Exhibit 3. The portion of Camino San Marcos that services the property is approximately .67 miles in length. Wagon Trail Road and Camino San Marcos do have an all-weather driving surface however, being that Camino San Marcos crosses an arroyo/drainage easement, it may be frequently impassible during and after inclement weather, and thereby is not all weather accessible. After conducting a site inspection on the property, it was determined that a significant amount of run-off impacted this arroyo/drainage easement in the recent storm events.

The Applicant states he is not in a position to upgrade the arroyo/drainage crossing on Camino San Marcos to an all-weather access. The Applicant also states that he has received an engineer's cost estimate for the improvements and it would be in excess of \$50,000, a cost which is prohibitive for what he considers to be his driveway.

At this time the Applicant simply wishes to use the road as-is for access to his future residence.

Staff recommendation: Denial of a variance of Article 4, § 4.2 of Ordinance No. 2008-10. If the decision of the CDRC is to recommend approval of the Applicants request for a variance, staff recommends imposition of the following conditions. Mr. Chair, may I enter those into the record?

CHAIR GONZALES: Yes, you may.

Conditions:

1. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application (As per 1997 Fire Code and 1997 Life Safety Code).
2. A note must be placed on the Warranty Deed regarding the lack of all weather access to the subject lot. This restriction shall include language as follows: The access to this property does not meet minimum standards set forth by County Ordinance. Site Access, including access by Emergency vehicles, may not be possible at all times. (As per Ordinance 2008-10).

CHAIR GONZALES: Do we have any questions of staff? Ms. DeAnda.

MEMBER DEANDA: Mr. Dalton, I have a question. The report states that the lot, 2-A2, tract 2-A2 was sold on October 23, 2009 and that when the plat was recorded for the both 1-A1 and 2-A2 – oh, okay, prior to the issuance of development permit, that was all stated on the plat that, prior to the issuance of development permit on lot 2-A2 the San Marcos Roadway and drainage crossing would be upgraded to County standards – all weather standards; that is stated on the plat?

MR. DALTON: Mr. Chair, Committee Member DeAnda, that is correct. And if you look on Exhibit 7, it actually highlights that phrase.

MEMBER DEANDA: Yes, and I see that. And I guess I'm just trying to – when that was recorded, that was prior to October 23rd; when was that – it's on the plat I know, the date of recordation.

MR. DALTON: Yes, Mr. Chair, Committee Member DeAnda, the plat was actually recorded on September 2, 2009.

MEMBER DEANDA: And that's when it was deeded to Sam Carter, Jr.

MR. DALTON: That's correct.

MEMBER DEANDA: So when Sam Carter, Jr. sold the lot on October 23rd do those same notes carry over to the next deed?

MR. DALTON: Mr. Chair, Committee Member DeAnda, what you've got to understand is family transfers are exempt from offsite road improvements. They're exempt from offsite road improvements so long as you hold the property for a three-year period. This individual split the property by way of family transfer and then turned around and sold it. So that road should have been improved at the time of sale of the property. So it would have been up to the recipient of Tract 2-A2 to upgrade those roads prior to the sale of the property to the applicant.

MEMBER DEANDA: Right, and so because – so I guess I'm not sure that I got an answer to my question, but what really what I'm trying – when the sale is made on October 23rd and the roads have not been improved in accordance with the prior transaction what enforcement mechanism is there?

MR. DALTON: Mr. Chair, Committee Member DeAnda, as far as the update of the road goes there really is no enforcement because we don't know when the property changes hands. So it's hard for the County to know when a property changes hands. So to answer your question before, these notes do transfer to different property owners.

MEMBER DEANDA: Okay, that was what I – so it's really the enforcement mechanism between the buyer and the seller. It's notice to the seller that if they purchase the property they either hold the buyer responsible for the deed conditions or they make some arrangement because they will carry forward, if they purchase the property, they carry forward. Okay, that's what I was trying to determine. Thank you.

CHAIR GONZALES: Thank you, Ms. DeAnda. Mr. Anaya.

MEMBER ANAYA: Thank you, Mr. Chair. Mr. Dalton, was this a transfer within the family or is it non-family?

MR. DALTON: Mr. Chair, Committee Member Anaya, originally this family transfer was between a husband and wife.

MEMBER ANAYA: So the one that we're talking about, there's no family relations whatsoever.

MR. DALTON: Mr. Chair, Committee Member Anaya, that's correct. He's the purchaser of the property.

MEMBER ANAYA: But no blood.

MR. DALTON: No.

MEMBER ANAYA: Thank you.

CHAIR GONZALES: Do we have any other questions of staff? If not, this is a public hearing, is the applicant here? Please step forward, identify yourself and get sworn in for the record.

[Duly sworn, Thomas Wagner testified as follows]

RECORDER: And you name and address please.

THOMAS WAGNER: Well, it's a difficult question. I guess now my address is 45 – I can't even remember my address – 45 Aventura, Santa Fe, New Mexico 87508 starting tomorrow.

CHAIR GONZALES: Thank you very much. Would you explain to us what the request is and how you got to this point?

MR. WAGNER: Well, how I got to this point is not very funny. I purchased this land in October 2009 and as you're aware the plat was recorded on September 2nd and so that was pretty close and the title company didn't get a chance to actually send me a copy of the plat until after it was recorded and the title was transferred until escrow closed. So I didn't even know about this condition until after I paid for the land and then I attempted to negotiate with the homeowners association and also the developer of the land, the Montoya family, with no success to have the road improved and my other alternative would have been to sue everybody which would have been extremely expensive and my lawyers recommended against that. And then I came to the County and to Wayne and to the Fire Department and everybody looked at it and said, That doesn't so bad. And to my knowledge only relatively one severe time which was September, this past September when everything flooded, when a portion of Goldmine Road collapsed, when Wagon Trail Road got eroded because the stormwater went over the culverts and over the top of the road. And I arrived in Santa Fe on Monday and went

out to the land and saw a small amount of erosion. It could have been that it was already repaired by then but it didn't seem to be too bad.

Last year I had the people from the Fire Department come out and have a look at it and they said it looked like it was a reasonable driving surface and it may become impassable for short periods of time. But that's about the situation, so that's why I'm requesting variance.

I had an engineering design prepared for this and it's with all of the runoff calculations everything else, the engineer came up with a design for two 5-foot culverts, which in my view seems a little bit excessive, and that would cost on the order of between \$60,000 and \$100,000 to install and re-grade the road. So that's why I'm here.

I basically consider this road my driveway because no one else, there aren't any other residential structures past that point in the road.

CHAIR GONZALES: Thank you very much. Do we have any questions of the applicant? Ms. DeAnda.

MEMBER DEANDA: Thank you. You know one of the statements you make in the report is that you expressed that somehow there will be development out in that area and the developers will then become responsible for upgrading the road.

MR. WAGNER: Yes. According to the covenants of the homeowners association if the Phase 2 of Ranchitos, which is the 6,000 acres just directly to the east of my property, is ever developed as residential land they are obligated to upgrade Camino San Marcos to County standards and perhaps even past County standards because at that point if 100 houses are built through that arroyo that will turn into a super-highway past my house which I hope doesn't happen, and that land has recently been purchased by a rancher who has fenced off the 6,000 acres and is doing some development there.

MEMBER DEANDA: So your homeowners association is, what's the name of it?

MR. WAGNER: It's the Ranchitos de Santa Fe Homeowners Association.

MEMBER DEANDA: Okay, and then if the other land, the 6,000 acres, is developed that will be a different homeowners association?

MR. WAGNER: That will be the Phase II homeowners association and these two associations have to merge and it's a very complicated and legalese road maintenance agreement which in order to enforce would cost me a tremendous amount of money with lawyers and court fees.

MEMBER DEANDA: Why do you say they have to merger, the HOAs?

MR. WAGNER: Because according to the roadway maintenance agreement the owners of Phase II are obligated to upgrade the access road which is Camino San Marcos before they can – well, after they sell 75 percent of the lots, they are obligated to upgrade the road and also pay 75 percent of the Phase I road maintenance costs. This is where it starts getting complicated and too legalese for almost anybody to understand.

MEMBER DEANDA: Well, you know, because you say that those 6,000 acres were purchased by a totally different individual; right, is that what you said?

MR. WAGNER: They're owned by somebody who has turned it into a ranch.

MEMBER DEANDA: Uh huh.

MR. WAGNER: Up until May it was for sale by the Montoya family.

MEMBER DEANDA: If I can just ask you about, there were some photographs that were provided to us in the packet –

MR. WAGNER: Uh huh.

MEMBER DEANDA: -- and there's one in particular, I think it's 12-NBB-21; which is this one that shows what looks like water. It has really exposed rock and is this part of the roadway that we're talking about?

MR. WAGNER: May I come closer and see it?

MEMBER DEANDA: Yes.

MR. DALTON: Mr. Chair, Committee Member DeAnda, yes, that is the crossing in question.

MEMBER DEANDA: Okay, just so that the applicant knows. But this is the roadway we're talking about; right?

MR. WAGNER: Yes.

MEMBER DEANDA: Now, was the roadway in this condition when you had the engineering study performed?

MR. WAGNER: No, when I had the engineering study performed the road was in perfect condition.

MEMBER DEANDA: And that's my concern, I guess. Because one of the things you mentioned is that the road was in pretty good condition that everybody looked at it at the time that I guess they were looking at it precedes this rainfall and it was in pretty good condition and it would only flood occasionally.

MR. WAGNER: Actually, the Fire Department also looked at it after a rain in September of a year ago.

MEMBER DEANDA: Yes, but I'm concerned about this –

MR. WAGNER: Yes, I understand. This is the storm of –

MEMBER DEANDA: Because we all know. We've lived here quite a while and it seems to me that weather conditions are changing.

MR. WAGNER: Right.

MEMBER DEANDA: You know, it may be part of climate change, who knows? But it sure seems that way and so, you know, this last rain we had was so intense I guess a year ago conditions may no longer be conditions today or potentially in the near future. I just have that as a concern. But I wanted to make sure that this was a photograph of the roadway that we're talking about.

MR. WAGNER: Yes, I believe Mr. Dalton took that photo – when was that, a couple of weeks ago?

MR. DALTON: Yes.

MEMBER DEANDA: And the other question that I have is that we have also an Exhibit 9, and I don't know if you have it. It has an arrow pointing out subject property which I'm assuming is your property.

MR. WAGNER: Yes, yes.

MEMBER DEANDA: And I take it that you're familiar with Exhibit 9.

MR. WAGNER: Yes.

MEMBER DEANDA: And Exhibit 9 appears to show that there is maybe one residence, I think, at point 38; is that right?

MR. WAGNER: That's correct.

MEMBER DEANDA: And then nothing else; is that right? Nothing else around that area?

MR. WAGNER: That's correct.

MR. DALTON: Mr. Chair, Member DeAnda, I think there are two houses out there.

MEMBER DEANDA: Oh, there's another 87 and 28?

MR. WAGNER: No, the only house in that – along the entire roadway, Camino San Marcos is 37, oh, 38 I should say, it's 38.

MEMBER DEANDA: Thirty-eight, yeah, is that the lot that adjoins your lot?

MR. WAGNER: Yes.

MEMBER DEANDA: Okay, and there's no other lot with a residence on it adjoining your lot?

MR. WAGNER: No.

MEMBER DEANDA: So do you have to – are there easements – I guess I was trying to understand, I thought that the packet said that there were easements either on your property or on the adjoining the lot.

MR. WAGNER: That road Camino San Marcos is an easement on my property.

MEMBER DEANDA: Because it turns and then it ends up and going through where 38 is; right?

MR. WAGNER: Well, on 38 it is on the property boundary when it –

MEMBER DEANDA: Right, but it goes through your property to get to 38.

MR. WAGNER: It goes through my property to get to – well going the other way. If you come in from Goldmine Road 38 is before 67. So they don't have to go through the arroyo whereas I do to get to my driveway.

MEMBER DEANDA: Right, and that's what I – you're the only one that has to go through it now.

MR. WAGNER: There's one other person. Actually, the surveyor. His name Rick Chatroop. He lives four miles down the dirt road which is a continuation of Camino San Marcos and he has to drive through ravines and arroyos and mud puddles and snowstorms and when it rains he doesn't go anywhere.

MEMBER DEANDA: And so when you say that the HOA or the agreement is that when the other 6,000 acres is developed they're going to improve and I think you said Camino San Marcos.

MR. WAGNER: Yes, that's correct. That's my understanding but to enforce that I would have to take somebody to court.

MEMBER DEANDA: Right, and that's the question. Okay, thank you.

MR. WAGNER: Which I really don't want to do. I've already paid lawyers \$15,000 to –

CHAIR GONZALES: Any other – oh, excuse me. Mr. Drobnis, you have a question?

DMEMBER DROBNIS: I have a question for staff. Mr. Chair, Mr. Dalton, since the development to the east of this property has been mentioned is there any preliminary development plans approved for any of that property?

MR. DALTON: Mr. Chair, Committee Member Drobnis, not at this time, no.

MEMBER DROBNIS: Thank you.

CHAIR GONZALES: Mr. Anaya.

MEMBER ANAYA: Mr. Chair, Mr. Wagner, on your estimate or on your statement letter you said the estimate for improvements would exceed \$50,000?

MR. WAGNER: Yes.

MEMBER ANAYA: What are they talking about doing?

MR. WAGNER: The engineer that I hired for the design came up with a requirement for two 5-foot diameter culverts each 70 feet long which themselves would cost about \$8,000 each. And then the amount of dirt that would have to be dumped on top of the road because we have underground power cables so I can't dig the culverts into the ground I have to stick them on top of the ground and then cover them with dirt. So I'm probably talking about several hundred dump trucks of dirt plus the culverts and the bulldozer and the catch basins on either side and I think for a driveway that's a little bit overkill. If I wanted to build a highway to Phase II I would say yes, let's go ahead and do that.

But as my driveway and since there's no other development out there that's why I'm asking for the variance.

MEMBER ANAYA: So, again, the size of the culverts are 5-foot, two five-foot?

MR. WAGNER: Yes, that's assuming that it rains a massive amount and even in this last storm it probably didn't rain enough to fill those up. And, again, I'd like to point out the other culverts which are sized 3-feet which are on Wagon Trail Road which is the access road to Camino San Marcos, they were filled with trees and stuff and they overflowed and eroded Wagon Trail and also I guess Goldmine Road which is the County maintained road off of 14. A big chunk, about 50 feet of that washed away completely and it has some culverts, so this was a storm of I guess of massive proportions. What else can I say to that?

MEMBER ANAYA: Okay, then another question I had then is that it showed an address of California. You bought this property sight unseen?

MR. WAGNER: No, I saw the property. I also saw the road and the real estate developer, the real agent said this is a perfectly good road, don't worry about it. I've heard that before too. And then I never saw the plat with the requirements from the County on it until the close escrow so I'm just some poor guy you know with a problem here.

MEMBER ANAYA: How many estimates did you get?

MR. WAGNER: I got one estimate.

MEMBER ANAYA: One, thank you.

CHAIR GONZALES: Thank you, Mr. Anaya. Ms. Martin.

MEMBER MARTIN: I have a question for staff. It talks of family transfer on September 2, 2009, was that by act of the CDRC?

MR. DALTON: Mr. Chair, Committee member Martin, no, that was an administrative approval.

CHAIR GONZALES: Thank you, Ms. Martin. Mr. Patty can you come and add some clarity to our little problem here. The question I have for you is this is a

long road, Camino San Marcos, and I guess you've been out there, you or your staff was out there. Have you driven out that road?

FIRE MARSHAL PATTY: Mr. Chair, committee members, yes, I have been out there along with my staff also. We've been out there a couple of times to look at the roads. We haven't been out there since the big rains and looking at the pictures here it was before it was repaired or graded over.

CHAIR GONZALES: Okay, and when you were at that road, well, most of Camino San Marcos is leading up to this subject property and that's probably, it says .67 miles, like a little more than half a mile. The first part of that road meets County standards as an all weather road?

FIRE MARSHAL PATTY: Mr. Chair, Members, most of it does. There is some places there where it is anywhere from 24-foot wide to 18-foot wide. There's one spot there that is just right at 11 percent grade. But the road is in pretty good condition for the amount that it doesn't get graded shall I say. The crossing that we're looking at right now for us looking at it, this was kind of an unusual storm that we got. It wouldn't normally washout as bad as it did this time. Like I say, I didn't see it after the rain. I think Mr. Dalton did take some pictures. This is after that rainstorm and that's probably what the engineer's are looking at is maybe the 100-year or 500-year flood. They were actually claiming that this was a 1,000-year flood that was pretty extensive. Not counting that for the most part we had to recommend denial because the County Fire Code does state that it has to be an all weather driving surface which it is not. You could get a small storm and it would rut it out a little bit and we could probably get through it but I can't say that for sure because there's no culverts at all.

CHAIR GONZALES: Okay, thank you. Another question I had was most of the driveway or the road, Camino San Marcos, leading up to this property is on somebody else's property. And there's an easement through that. It looks like it goes, meanders along a property line and I'm sure they have an easement on that. The first part of that road seems to be kind of acceptable. There's an orange dot at the lower part of Mr. Wagner's property that indicates and maybe that's where the property to that really is. Is that correct?

FIRE MARSHAL PATTY: Mr. Chair, Committee Members, the orange square that is on his road that about center is where the drainage is if that's what you're talking about. That's on the Exhibit 9 that I'm looking at.

CHAIR GONZALES: Exhibit 9, yeah. Now, other than that point most of that property before that and past that seems to be passable, meets your conditions for all-weather service; is that correct?

FIRE MARSHAL PATTY: Mr. Chair, Committee Members, yes it does.

CHAIR GONZALES: And what would you recommend for where that orange dot is where that arroyo is for that severe washout? Is there anything that you could recommend, like a low-water crossing? Would that be acceptable and less expensive than culverts?

FIRE MARSHAL PATTY: Mr. Chair, Committee Members, we're not engineers. This is why we require an engineer's statement. I can't make that call of what is required. That would be left up to an engineer. I would make a recommendation of maybe getting some other quotes opposed to the two 5-foot culverts. Like I say, I can't do engineering on what the water flow is coming out of that arroyo.

CHAIR GONZALES: Okay. So that would require an engineer and what the applicant got estimates for like two 5-foot culverts, 70 feet long. And that would satisfy your requirements if an engineer designs something?

FIRE MARSHAL PATTY: Mr. Chair, Members of the Committee, like I say, we're not engineers and that appears to be a little excessive. For us to be able to make the terrain crossing. But there again, I can't make that call. I'm not an engineer.

CHAIR GONZALES: That's perfectly fine, I think but the clarity I wanted was, you know, how bad that road is or how good that road is or whether it meets the minimum standards for an all-weather crossing. That's what I was trying to clarify for myself. And the orange dot that was where the problem lies along this Camino San Marcos and that's what I wanted to clarify a little bit.

FIRE MARSHAL PATTY: Mr. Chair, that is correct.

CHAIR GONZALES: You've clarified that for all of us, thank you. Any questions for Fire Marshal Patty? Than you, Mr. Patty.

MEMBER ROYBAL: I do have a question to Wayne Dalton.

CHAIR GONZALES: Okay, Mr. Roybal.

MEMBER ROYBAL: Is the requirement that the County setting forth just through his property or the road going down? In other words, the road from -- arriving to his property has met County standards or reasonable --

MR. DALTON: Mr. Chair, Member Roybal, that is correct. The note on the plat only applies to the -- his property and the drainage that the road crosses on his property.

MEMBER ROYBAL: So he has 40 acres there and you're telling me if he went in 10 feet and built his residence, I assume he wants to put his residence at point 67, I'm not sure. But he has 40 acres there he could move into his property 10 feet, put 10 feet of basecourse 20 foot wide and build a house.

MR. DALTON: Mr. Chair, Member Roybal, we have to go back to the plat of survey which says no building permits will be issued on these lots until Camino San Marcos is brought up to County all-weather standards. So no matter where he places his house before he gets a permit that road needs to be brought up to standard regardless of the positioning of his house, whether or not he crosses that. It's the note on the plat that we have to go by and we will not issue a development permit.

CHAIR GONZALES: Ms. DeAnda, do you have a question?

MEMBER DEANDA: No, I have a comment.

CHAIR GONZALES: A comment.

MEMBER DEANDA: In light of what Mr. Dalton just said and Mr. Anaya's questions and that's whether the applicant has considered getting other estimates because --

MR. WAGNER: If I could answer that for the Board. I went through the engineering calculations and according to all the numbers that is correct. If somebody came and said, Well, I can do it for a little bit smaller, with a smaller culvert, you know, that's just sort of fudging the numbers. If you take all the numbers of the flood plain and the amount of water that it should take it takes two 5-foot culverts. And so to go to the letter for the requirements that's what it would take. If somebody says, Okay, I can do it for less, then perhaps that's a possibility. But that then would require --

MEMBER DEANDA: Well, I think we're all as consumers and we're always told you should get two or three estimates to whatever, no matter what. If you're buying a car. If you're looking for a loan, you know, it just makes sense to try and find out what's available out there. So that was my question.

MR. WAGNER: [[a small culvert. You know, if I go with two 3-foot culverts or something like that, it's just some engineer's call as to what the correct number is.

MEMBER DEANDA: Mr. Dalton, is there a correct culvert size in terms of as far as the County is concerned?

DMEMBER DROBNIS: Mr. Chair, Committee Member DeAnda, no. That's going to be based on an engineer's –

MEMBER DEANDA: Determined need for the particular site.

DMEMBER DROBNIS: -- yes, and keep in mind it's not only the culverts and the materials here the big cost is going to be the drainage studies for all the contributing areas to identify how that drainage impacts – or how much water is impacting the drainage. So that's within the cost as well.

MR. WAGNER: May I interject, that study has already been completed and I have the design documents for the drainage crossing which that costs \$1,600 to prepare and then that's what I'm basing my estimates on.

MEMBER DEANDA: And so I guess my last question to the applicant is have you attempted to try and contact other landowners adjoining your property that might benefit from – I guess the area needs to be improved solely on your property.

MR. WAGNER: That's correct. Nobody uses but me and I have [[so nobody else cares.

MEMBER DEANDA: Well, you're assuming the next developer is going to care of the 6,000 acres. That might not happen either.

MR. WAGNER: And then the County can say, Hey, man, you guys can't develop your –

MEMBER DEANDA: Well I don't know that the County is going to do that if it's solely on your property and that's the issue at least from my perspective. There's no guarantee that the next developer is going to come in and –

MR. WAGNER: According to the covenants of the homeowners association they are required to. So that's another thing. So I'm just pleading my case so I can build a small house without tremendous expense of the culverts.

MEMBER DEANDA: Well, thank you.

CHAIR GONZALES: Thank you, Mr. Wagner. Mr. Drobnis.

DMEMBER DROBNIS: Mr. Chair, Mr. Wagner, I have a hypothetical question for you. If this were to be approved and knowing what you do about the conditions of the road, what sort of minimal improvements would you think would be reasonable to do in order for you to get in and out of your house.

MR. WAGNER: I think I could get in and out about 99.5 percent of the time without any trouble except if it rains like it did in September. It was a small – there was storm if you remember a year and a half ago in September what was it 2011, or 2012, there was about 6 inches of water in the road. I have pictures of that. And at that time I had a road builder come to take a look at the road and he couldn't drive his motorcycle across and that was for one day. And not even one day, I think it dried out within several

hours of the rain passing. So I consider for all practical purposes that it is a perfectly viable arroyo crossing except for a day or two if we have a severe flood.

CHAIR GONZALES: Thank you, Mr. Wagner. Yes, Ms. DeAnda.

MEMBER DEANDA: If there are no more questions, I am prepared to make a motion and then we can discuss the motion.

CHAIR GONZALES: I think I had another question. Mr. Wagner, I see the picture on NBB21; has that washed out area been repaired and who repaired it?

MR. WAGNER: I believe that was repaired by Ken Rice who owns the 6,000 acres because he is driving cattle trucks through that arroyo.

CHAIR GONZALES: So it's been filled in and brought back up to –

MR. WAGNER: Yes, he probably did that within several hours of when the water passed.

CHAIR GONZALES: Okay, thank you very much. And then I had a question for Mr. Dalton. Being that this area that washes out on this Camino San Marcos would that prevent the upstream or downstream or down the road people from getting development permits on their property if the improvements aren't made on this particular lot? Or would they come and be able to get a development permit?

MR. DALTON: Mr. Chair, the way it is right now, yes, it would impact other property owners.

CHAIR GONZALES: It would impact other property owners?

MR. DALTON: Correct.

CHAIR GONZALES: So if that improvement is made on this particular portion of the Camino San Marcos [sic] other people could not apply for development permits.

MR. DALTON: Mr. Chair, they'd have to go through the same process as Mr. Wagner.

CHAIR GONZALES: Okay, so that puts – now if this variance was approved, how would that affect the other property owners?

MR. DALTON: Mr. Chair, it would not affect other property owners. It would only affect the applicant because the variance runs with his land and only his land. It doesn't benefit anybody else. We may be able to come up with another favorable recommendation based on if this were to be approved by the Board we may be able to recommend approval based on a prior decision from the Board but that would have to be discussed amongst staff.

CHAIR GONZALES: Okay, so that's the problem I had. If we approve the variance then other people might benefit from that variance because there was, you know, prior approval of one person and now it's fair to approve the others. Would that same kind of rule follow?

MR. DALTON: Mr. Chair, we have had cases in the past, that, yes, would help people out with their variance request.

CHAIR GONZALES: I recall some of those, yes. Ms. Martin.

MEMBER MARTIN: Actually, this is a question for staff and more of a policy question but I looked at the plat, it's dated – let's see, 2/30/2010 by the notary public and the sale to the applicant was October 23, 2009, so this is a notice issue but my question is are there any provisions in the new Sustainable Land Use Development that

would prevent this situation or that would require some kind of notification so we wouldn't have a situation like this in terms of holding?

MS. LUCERO: Mr. Chair, Committee Member Martin, in terms of the holding period I'm not exactly sure what the new code is going to state. I know that there are some provisions as far as the all-weather access that it may not be required in certain situations. So from that perspective in that respect as far as all-weather access it may be different in the new code.

MEMBER MARTIN: Thank you.

CHAIR GONZALES: Thank you, Ms. Martin.

MEMBER ANAYA: Mr. Chair.

CHAIR GONZALES: Yes, Mr. Anaya.

MEMBER ANAYA: After going back and looking at the plot and that road is plotted in as – it's actually going to be access for anybody that goes up, down, or anywhere else like that, that cannot be changed unless everything on this area has been replotted and – I guess my point is that without that road the other people on the other side are going to be land locked.

MR. WAGNER: If I take the road away but I can't it's an easement.

MEMBER ANAYA: That is correct. It is an easement. So it's going to take an act of congress to get that taken over.

MR. WAGNER: Right, and I'd like to force somebody else to fix the road for me. But I don't –

MEMBER ANAYA: Unfortunately, that's not going to happen.

MR. WAGNER: -- have any leverage there.

MEMBER ANAYA: Okay, so I just wanted to make it clear that that easement is there and it's going to stay there and it's going to take an act of congress to take that out. And you all know what act of congress is going to happen with -- no pun intended.

Mr. Chair, I have no further questions at this time.

CHAIR GONZALES: Thank you, Mr. Anaya. I think we're done with the questions, Mr. Wagner. This is a public hearing. Anybody from the public wishing to speak for or against this case? Seeing none, the public hearing is closed.

What are the wishes of the Committee?

MEMBER DEANDA: I'd like to move, Mr. Chair, I move to deny the variance request in CDRC V 13-5250.

CHAIR GONZALES: I have a motion to deny is there a second? Seeing none, the motion dies for lack of a second.

MEMBER ANAYA: Mr. Chair.

CHAIR GONZALES: Can we have another motion? Mr. Anaya?.

MEMBER ANAYA: Mr. Chair, I'd like to make a recommendation please. A motion to approve CDRC Case V 13-5250, Thomas Wagner variance as submitted with approvals from staff.

CHAIR GONZALES: With conditions?

MEMBER ANAYA: With conditions.

CHAIR GONZALES: Is there a second?

MEMBER DROBNIS: Second.

[A vote was taken]

CHAIR GONZALES: The motion passes, I think, 4 to 2; is that correct?
Okay, Mr. Wagner your motion for a variance – your variance request is approved.

MEMBER MARTIN: Mr. Chair.

CHAIR GONZALES: Ms. Martin, yes. Oh, we have a change.

MEMBER MARTIN: I vote “nay.”

The motion tied [3-3] as follows: Voting for the motion were: Members Anaya, Drobnis, and Roybal; voting against were members Gonzales, Martin and DeAnda.

CHAIR GONZALES: So we have a tie, I believe. Mr. Wagner, this case goes to the – yes, Vicki.

MS. LUCERO: Mr. Chair, the ordinance states that when the vote ends in a tie, then it is tabled until there is a greater number of members present. So this case will come back when all seven members of the committee are present.

CHAIR GONZALES: That is correct, yes. Thanks for correcting me. So, Mr. Wagner, there’s a tie on this request. We have one member absent, Mr. Katz, and hopefully he will be present at the next meeting and this case will be on our agenda and there will be a vote only. And we need to get some resolution for you before it goes to the Board of County Commissioners. Thank you for your patience.

VIII. Petitions from the Floor - None were presented.

IX. Communications From the Committee

Member Anaya advised the Committee that he would be out of the state for the November meeting and requested an excused absence. The topic of the Wagner variance came up and Member Anaya offered to phone in.

X. Communications From the Attorney - None were presented.

XI. Matters From the Land Use Staff - None were offered.

XII. Next CDRC Regular Meeting: November 21, 2013

XIII. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Gonzales declared this meeting adjourned at approximately 5:15 p.m.

Approved by:

J.J. Gonzales, Chair
CDRC

ATTEST TO:

COUNTY CLERK

Submitted by:

Karen Farrell, Wordswork

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: December 19, 2013

TO: County Development Review Committee

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

VIA: Penny Ellis-Green, Land Use Administrator *welg*
Vicki Lucero, Building and Development Services Manager *wl*

FILE REF.: CDRC CASE # V 13-5250 Thomas Wagner Variance

ISSUE:

Thomas Wagner, Applicant, requests a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow the construction of a residence on 40.01 acres.

The property is located at 67 Camino San Marcos, Off Goldmine Road (CR55), within Sections 3, 4, 9, & 10, Township 13 North, Range 8 East, (Commission District 3).

Vicinity Map:



OBA-1

REQUEST SUMMARY:

This case has been withdrawn from the agenda.

REQUEST SUMMARY:

On October 11, 2013 Mr. Steven Kaiser applied for a home occupation business registration. Mr. Kaiser was requesting permission for a gunsmithing business to service, repair and sell firearms. The Santa Fe County Fire Prevention Division along with the Growth Management Code Enforcement conducted reviews and inspections which resulted in each returning favorable reviews recommending approval.

The Land Use Administrator reviewed the application as it relates to the Home Occupation requirements listed in the Land Development Code in Article III, Section 3. The Land Use Administrator has determined that the subject application conforms to Code requirements as follows:

3.2.1 Not more than six (6) persons, other than members of a family residing on the premises shall be regularly engaged in work at the site of the home occupation;

Mr. Kaiser is the only employee.

3.2.2 The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation.

Mr. Kaiser is proposing to use 194 square feet of his 2290 square foot home.

3.2.3 There shall be no change in the appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one (1) non-illuminated name plate sign not more than nine square feet in area;

There will be no change to the outside appearance of the home as no sign will be posted on the property, the traffic will be minimal and all of the work takes place indoors.

3.2.4 Parking for employees and for customers or clients of the home occupation as required by Section 9 of this Article III shall be provided off the street;

Mr. Kaiser has stated that he will have no other employees other than himself. Customers or clients who do come to the property will be by appointment only and will park in his driveway off of the road in front of his garage which will not be visible from Verano Loop. Growth Management policy is to allow an applicant up to 8 appointments per day for a home occupation however Mr. Kaiser has stated that his appointments will be well under that number as most drop offs and pick-ups will most likely take place off site and the background checks are done via the internet.

3.2.5 No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area.

All services are provided inside of the home where firearms that are being repaired or are for sale will be locked away safely. Since Mr. Kaiser is not selling ammunition nor does he fire the firearms on his property, the Land Use Administrator concluded that the business would not have a significant impact on adjacent properties.

The Appellant submitted petitions to the County from various neighbors along Verano Street as well as other neighbors from around the community in person and via email in October and November which were taken into consideration by the Land Use Administrator while making a decision.

The Appellant has stated that she along with her neighbors are appealing the County's decision because gunsmithing is not an appropriate use for this area as they believe it is in opposition to their idea of a safe, peaceful residential neighborhood.

Article II, Section 2.3.4 (Appeals) of the Code states:

"Any person aggrieved by a decision of the Code Administrator under Section 2.3.1 (Administrative Procedures) may file an appeal to the County Development Review Committee within five (5) working days of the date of the Code Administrator's decision. The County Development Review Committee shall hear the appeal within sixty (60) days of the date the appeal is filed. The County Development Review Committee shall make and file its decision approving or disapproving the application or approving the application with conditions or modifications."

This Application was submitted on November 8, 2013.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds no evidence that would justify overturning the Land Use Administrator's decision to approving the home occupation.

APPROVAL SOUGHT: To overturn the Land Use Administrator's decision to approve application #AHBL 13-4071 to a decision of denial.

GROWTH MANAGEMENT AREA: El Centro, SDA-2

STAFF RECOMMENDATION: Staff recommends that the CDRC uphold the Land Use Administrator's decision to approve the home occupation by denying the appeal.

EXHIBITS:

1. Letter of Appeal
2. Fire Prevention Division Comments
3. Article III, Section 3 (Home Occupations)
4. Article II, Section 2.3.1 (Administrative Procedures)
5. Article II, Section 2.3.4 (Appeals)
6. ECIA Approval for Steven Kaiser
7. Petitions of Opposition to Business License
8. Letter of Support

John M. Salazar

From: Janet Eigner <danceeigner@gmail.com>
Sent: Monday, November 04, 2013 4:04 PM
To: John M. Salazar; John M. Salazar
Subject: application for appeal

To: Santa Fe County

Land Use Administrator

Penny Ellis-Green

pengreen@santafecountynm.gov

cc: Mr. John Salazar, Residential Case Manager

986-6229

jmsalazar@santafecounty.org

From: Janet Eigner

6 Verano Drive

Santa Fe, NM 87508

danceeigner@gmail.com

310-8967

Re: Development Permit #13-4071

Applied for by Mr. Steven Kaiser



On behalf of the 34 households and 48 Verano-streets-residents who have so far signed petitions to deny Mr. Kaiser a home business license to work as a gunsmith, and, as gunsmithing is not appropriate in our residential neighborhood in Eldorado, we APPEAL the County decision.

We will conduct a second petitioning of those renters in our neighborhood and the home owners who have rented to them.

Please inform us, though Janet Eigner, (see contact information above) of the procedures necessary for all levels of appeal.

In addition, we will appeal this decision to the Eldorado homeowner's association, (the Eldorado Community Improvement Association,) because Mr. Kaiser's conception of a business where customers visit his home to have guns repaired, to have gun background checks done for gun licensure, and to purchase guns, is repugnant to our idea of a safe, peaceful residential neighborhood. In addition, the business, as described, does not coincide with the strictures of the Eldorado Covenant.

Thank You for this opportunity to appear at the December 19, 4pm, 2013 hearing, Second Floor in the Commission chamber.

Please inform us of our position on the agenda hearing and what time, if there is a specified time,

the hearing must conclude.

Sincerely, Janet Eigner

--

Janet B. Eigner

danceeigner@gmail.com

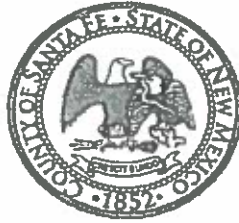
www.eignerdanceswithwords.com

Santa Fe, NM

Daniel "Danny Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Business Registration Review

| | | | |
|-------------------|--|---------------|-----------------|
| Date | October 22, 2013 | | |
| Project Name | William Wright II Enterprises LLC | | |
| Project Location | 74 Verano Loop | | |
| Description | Gunsmithing-Sales and service/repair of firearms | Case Manager | John M. Salazar |
| Applicant Name | Steven Kaiser | County Case # | 13-4071 |
| Applicant Address | 74 Verano Loop Santa Fe, NM 87508 | Fire District | El Dorado |
| Applicant Phone | 505-216-1620 | | |

Review Type: Commercial Registration Home Occupancy Business

Project Status: Approved Approved with Conditions Denial

The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated (*Note underlined items*):

Access and Addressing (1997 Uniform Fire Code 901.4.4 & 902.4):

Fire access roads shall not be obstructed in any manner, including customer or delivery parking.

Approved building numbers or addresses shall be placed on all buildings in such a position so that they are plainly visible and legible from the street or road fronting the property. These numbers shall contrast with their background and be at least 5 inches in height.

Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development. Fire apparatus road, driveway, turnouts and turnarounds shall have an approved, all weather driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds. Minimum gate and driveway width shall be 14' and an unobstructed vertical clearance of 13'6".

NBA-6



The turnaround at the end of the driveway nearest the proposed residence shall incorporate a turnaround area for emergency vehicle purposes such as a cul-de-sac or K-type or hammerhead type turnaround conforming to the access and turnaround requirements and dimensions of the Santa Fe County Fire Department.

Storage and Accumulation of Rubbish and Vegetation (1997 Uniform Fire Code 1103.2 – 1103.2.4):

Combustible rubbish kept or accumulated within or adjacent to buildings or structures shall be stored in approved containers or in rooms or vaults constructed on non-combustible materials. Cut or uncut weeds, grass, vines, and other vegetation shall be removed when determined to be a fire hazard.

Storage of Combustible Materials (1997 Uniform Fire Code 1103.3.2.2):

All combustible storage shall be a minimum of 24 inches (2 feet) from the ceiling. If sprinklered, there shall be a minimum of 18 inches from the sprinkler head deflector to the top shelf.

Fire Protection Systems (1997 Uniform Fire Code 1001.5):

Any sprinkler, fire hydrant, or fire alarm systems, smoke or heat detectors and ventilators, smoke removal systems and other fire protective systems or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired when defective. (1997 Uniform Fire Code 1001.5)

Fire Extinguishers (1997 Uniform Fire Code 1001 and 1002):

This business requires one, 5lb. ABC Class fire extinguisher.

All fire extinguishers shall have a current service tag and shall be serviced annually by a qualified fire extinguisher company (NFPA 10) and inspected monthly by your staff.

Extinguishers shall be installed/mounted in conspicuous locations and be readily accessible. The top of the extinguisher shall not be higher than 48 inches from the floor. A recommended method to confirm if extinguisher(s) is at the right height is to try to reach the extinguisher from a sitting position (ie: wheel chair accessibility).

Obstruction and Marking of Fire Protection Equipment:

This residence/home occupancy is within 1000' of two tested and approved fire hydrants.

Heat Producing Devices:

The clearance between stored materials and unit heaters, radiant space heaters, duct furnaces, and flues shall not be less than 3 feet in all directions and the device shall be in good working order. (NFPA 231-4.2.4)

Hot water heaters must be kept free from combustible storage. Clearance from electric water heaters is no less than 24 inches and gas water heaters no less than 36 inches.

Storage and Handling of Combustible Materials (1997 Uniform Fire Code 1103.1):

Combustible materials shall not be stored in exits, exit enclosures, equipment rooms, and attics, under floors and in concealed spaces.

Any explosive material stored or sold on premises shall be per 1997 Uniform Fire Code, Article 77 and Section 7702.2.1; General, *Indoor storage and display of gunpowder and ammunition for retail sales shall be in accordance with Section 7702.2 Retail Sales*

Exits and Aisles:

All exits shall remain free of any material or matter (1997 Uniform Fire Code 1203).

Exit doors shall be maintained in an operable condition. Exit doors shall be able to be opened from the inside without use of a key or any special knowledge or effort. They shall not be locked, bolted, barred, latched, or otherwise rendered unusable (1997 Uniform Fire Code 1207).

Fire doors shall not be blocked open or obstructed.

Extension Cords and Multi-plug Adapters:

Multi-plug adapters shall be UL listed (1997 Uniform Fire Code 8507).

Extension cords shall not be used as a substitute for permanent wiring (1997 Uniform Fire Code 8506).

Extension cords cannot run through walls, ceilings door jams, window casings, or under carpets. They shall not go through suspended ceiling grids or be attached to window casings or steel posts with tape or string.

Flammable Liquid Storage (1997 Uniform Fire Code Article 79):

Cleaning rags or cloths soiled with flammable or combustible liquids must be kept in a metal container with a tight fitting or spring loaded lid.

Flammable liquids cannot be stored near heating appliances or near exit passages, exit doors or stairways.

Meters, Motors, Compressors and Electrical Panels:

Storage is not permitted within 30" from the operating face of electrical panels (1997 UFC, Section 8509.2).

General Requirements/Comments

▪ **Inspections/Acceptance Tests**

The fire prevention bureau shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provision of this code and of any other law or standard affecting firesafety. (1997 UFC Article 1, Section 103.3.1.1).

When any work is being done or a condition is being established contrary to the provisions of this code, the fire chief may order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done. Such work shall stop until continuation is authorized by the chief. (1997 UFC Article 1, Section 103.3.2.1).

This business shall be required to have a fire inspection completed by the Santa Fe County Fire Prevention Division. A copy of the Pre-Inspection checklist was provided to the property owner at the time of the initial inspection. If you have any questions, please contact the Fire Prevention Division office or visit the Fire Department web site at www.santafecountynm.gov/fire.

▪ **Permits**

As required

Final Status

Recommendation for Home Occupancy Business Registration approval with the above conditions applied.


Tim Gilmore, Inspector


Code Enforcement Official

10.23.13
Date

Through: David Sperling, Chief

File: DcvRev/BUSReg/EL/WmWright/102213

Cy: Buster Patty/Fire Marshal 
John M. Salazar, Land Use Office
Applicant
District Chief
File

from off-site road improvements for the first lot, the person transferring the lot shall file an affidavit as described in Article II, Section 4.3.2b.v.

- (d) Water Conservation. All lots created in accordance with Sections 2.3.1a.ii(b), (d), (f), (g) and (h), which are less than ten (10) acres in size shall be subject to water conservation covenants as set forth in Article VII, Section 6.6.2.

History. Sections 2.3 and 2.4.1 of Section 2 were amended by County Ordinance 1996-3, providing for site planning standards, required submittals and a review procedure regarding terrain management. Section 2.4.2 was amended by Ordinance 1996-8 to include summary review subdivisions, update road and access requirements, clarify provisions for family transfers and add water conservation requirements for some land divisions.

SECTION 3 - HOME OCCUPATIONS

The requirements of this Section 3 of Article III apply to home occupations.

3.1 Location of District

Home occupations are allowed anywhere in the County, provided all of the requirements of the Code are met.

3.2 Performance Standards

A development permit involving a home occupation may be approved only if the following standards are met:

- 3.2.1 Not more than six (6) persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home occupation;
- 3.2.2 The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation;
- 3.2.3 There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one (1) non-illuminated name plate sign not more than nine square feet in area;
- 3.2.4 Parking for employees and for customers or clients of the home occupation as required by Section 9 of this Article III shall be provided off the street;
- 3.2.5 No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area.

3.3 Submittals

The application shall be submitted on a form provided by the Code Administrator which shall include a description of:

- 3.3.1 Activities involved;
- 3.3.2 Materials and equipment used;
- 3.3.3 Methods of operation;
- 3.3.4 Number of employees;
- 3.3.5 Type of product to be produced, serviced or repaired;



- 3.3.6 Mechanical and electrical equipment necessary to the conduct of the home occupation use;
- 3.3.7 Amount, location and method of storage of supplies and/or equipment;
- 3.3.8 Location of parking;
- 3.3.9 Type and amount of traffic generated.

SECTION 4 - COMMERCIAL AND INDUSTRIAL NON-RESIDENTIAL DISTRICTS

4.1 Purpose and Intent

Commercial and industrial non-residential land uses are permitted only in zoned districts of various sizes and locations in the County of Santa Fe. Non-residential districts specifically for commercial or industrial land uses are established in order:

- 4.1.1 To permit intensive development of selected land uses at designated locations;
- 4.1.2 To avoid strip commercial and industrial patterns of development along highways, arterials, collectors, and local roads of the County;
- 4.1.3 To protect the function of the County's highways, arterials, collectors, and local roads by controlling the number of access locations to commercial and industrial use areas;
- 4.1.4 To prevent the preemption of prime areas for commercial or industrial development by residential development;
- 4.1.5 To protect existing and future residential development from encroachment of non-residential uses;
- 4.1.6 To provide the opportunity to master plan non-residential use areas, so that adequate fire and police protection may be provided and appropriate infrastructure constructed.

4.2 Types and Locations of Commercial or Industrial Districts

4.2.1 Types of Districts and Location Criteria

- a. There are four types of commercial or industrial non-residential districts which may be established at specific qualifying intersections of various types of roads in the County:
 - 1) Regional or major center districts, which are established or may be established, shall be located at intersections of major arterials and major highways. The purpose of major center or regional districts is to concentrate extensive regional non-residential activities. Section 4.3.1 infra, defines uses which may be established.
 - 2) Community center districts, which are or may be located at intersections of arterial and/or collector roads for the purpose of concentrating community oriented commercial uses, shopping, offices and service businesses, including travelers services, light industry, research and development complexes and other similar uses. Sub-section 4.3.1, defines uses which may be established.
 - 3) Local or village center districts, which are or may be located at intersections of collector and local roads and in traditional community areas for the purpose of concentrating activities which serve such neighborhood areas for shopping, travel, and personal services. Section 4.3.2, lists suggested uses.
 - 4) Neighborhood or small scale center districts, which are or may be located at intersections of local roads or in traditional community areas. Uses similar to those which may be established in local or village center districts may be established.

2.2 Development Permit Fees and Copies

The amount of the fee for the development permit shall be determined by resolution of the Board, which may establish different fees for different types of development. Permit fees established under the Code are not refundable. The Code Administrator shall make copies of any fee schedule adopted by the Board available to the public in his office and shall post in his office a copy of all current fee schedules. An applicant for a development permit may file an application with the Code Administrator upon paying the fee determined by the Board.

2.3 Administrative Procedures

2.3.1 Administrative Decisions

- 2.3.1a By using the following procedure, the Code Administrator may approve or deny development permit applications for the following types of development without referring the application to the County Development Review Committee or the Board. Applications for land divisions that constitute a subdivision under a common promotional plan shall comply with the procedure provided for in Article V. The following types of development may be approved administratively:
- i. Any home occupation;
 - ii. The following divisions of land which are exempt from subdivision regulations. Applicants claiming any of the following exemptions shall submit supporting data and affidavits to verify their claim as required by the Code Administrator:
 - a. The sale, lease or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with 7-36-20 NMSA 1978, for the preceding three years;
 - b. The division of land created by a court order where the order creates no more than one parcel per party;
 - c. The division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities;
 - d. The division of land created to provide security for mortgages, liens or deeds of trust; provided that the division is not the result of a seller-financed transaction and provided that the parcel given for security is consolidated with the original parcel upon release of the mortgage, lien or deed of trust;
 - e. The sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres;
 - f. The division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in 501 (c) (3) of the U.S. Internal Revenue Code of 1986, as amended; school, college or other institution with a defined curriculum and a student body and faculty that conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching or other specifically religious activity;
 - g. The sale, lease or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, within any five (5) year period; provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five (5) years of the first sale, lease or conveyance shall be subject to the provisions of the New Mexico Subdivision Act and these Regulations;

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provided further that a survey shall be filed with the county clerk indicating the five (5) year holding period for both the original tract and the newly created tract;

- h. The division of land to create a parcel that is sold or donated as a gift to an immediate family member (as defined in Article X); however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member. Divisions made under this exception will be referred to throughout the Code as Family Transfers, and
 - i. Lot line adjustment;
 - iii. Lot consolidation;
 - iv. Easement plat;
 - v. Plat amendment;
 - vi. Boundary survey;
 - vii. Type III subdivisions containing five (5) or fewer parcels of land, unless the land within a subdivision has been previously identified in the County General Plan or this Code as an area subject to unique circumstances or conditions that require additional review;
 - viii. Type V subdivisions containing five (5) or fewer parcels;
 - ix. Building permits;
 - x. Grading and clearing permits;
 - xi. Driveway cut permits;
 - xii. Road cut permits;
 - xiii. Blasting permits;
 - xiv. Sign permits;
 - xv. Business licenses, except liquor licenses;
 - xvi. Legal lot of record;
 - xvii. Permitted uses in any non-residential district as set forth in Article III, Section 4; and
 - xviii. Permits for construction materials, mine sites and road materials fabrication plants that are temporary in nature, using mobile equipment, including but not limited to: crushers, stackers, conveyors, asphalt hot mix plants and concrete batch plants, for state, federal or local highway projects. Such temporary permits, not exceeding 180 days, must comply with all provisions of this ordinance except height. Height shall be controlled by FAA regulations in those areas where applicable. If not located in an FAA regulated area, height shall not exceed that dimension as approved by the Code Administrator. All materials stockpiles should be configured so as to prevent any sight safety distance conflicts from any road or access way. Temporary permits may be renewed for an additional 180 day period.

- 2.3.1b The Code Administrator shall review the application for compliance with the requirements set forth in the Code. (See Article III, Section 2.4.2 for the submittal and review requirements for projects listed in Sections 2.3.1a.ii through viii, above.) The Code Administrator shall make and file a decision approving or disapproving the application or approving the application with conditions or modifications within thirty (30) working days from the date the application was deemed complete for projects listed in Sections 2.3.1a.ii through viii and fifteen (15) working days from the date the application was deemed complete for all other projects listed in Section 2.3.1a.

- 2.3.1c Applications for items listed in Section 2.3.1a i, ii, vii, viii, x and xii are subject to the following posting requirement. At least fifteen (15) calendar days prior to the administrative decision, The applicant shall post notice of the filing of the application prominently on the land, dwelling or other structure which is the subject of the application, in such a way as to give reasonable notice to persons interested in the application and shall provide written certification of the posting of the notice to the Code Administrator. In addition, Sections 2.3.1a vii and viii shall follow the requirements of Section 2.4.2b of this Article.
- 2.3.1d The Code Administrator may hold an informal conference with the applicant and any interested person at any time prior to the making of his decision. The Code Administrator shall give at least three (3) working days' notice either orally or in writing to the applicant who has requested in writing that he receive notice of any informal conference held under this subsection.
- 2.3.1e The Code Administrator may refer an application to an appropriate agency or official of the State of New Mexico for an opinion concerning whether the application should be disapproved or approved with conditions or modifications. The opinion of the state agency or official shall be advisory only, and in no way does it bind the Code Administrator, require him to approve or deny an application, or oblige the Code Administrator to seek additional information or clarification from said agency or official. The Code Administrator may delay the making and filing of his decision for five (5) working days after he receives the requested opinion, if he believes that such a delay is in the public interest.
- 2.3.1f A decision of the Code Administrator on an application shall become final five (5) working days after the decision has been made, unless within the five (5) working days an appeal from the decision has been filed or the Board, on its own initiative, has decided to review the decision of the Code Administrator or has referred the application to the County Development Review Committee for a decision or recommendation.
- 2.3.1g After a decision approving an application has become final, the Code Administrator shall sign the plat and shall record the plat in the records of the County Clerk.

History. 1980 Comp. 1980-6. Section 2.3.1a was amended by County Ordinance 1988-9, allowing an administrative approval of permitted uses in established non-residential zoning districts and by Ordinance 1996-8 adding the exceptions to the NMSA to Section 2.3.1a.ii and summary review subdivisions.

2.3.2 Administrative Recommendations for Development Permits Requiring County Development Review Committee and/or Board Review

The following procedure applies to any application for a development permit of a type not listed in Section 2.3.1a above. Applications for a development permit involving a subdivision shall also comply with the procedures provided for in Section 2.6 of this Article II and applications for a development permit involving zoning shall also comply with the procedures provided for in Section 2.5 of this Article II.

- 2.3.2a Within thirty (30) working days from the date the application was deemed complete, (except for preliminary plats where the time limits shall be as set forth in Article V, Section 5.3.3d) the Code Administrator shall review the application

for compliance with the requirements of the Code, and shall make and file a report to the County Development Review Committee evaluating the application and recommending that the County Development Review Committee approve, disapprove, or approve the application with modifications and/or conditions or recommending that the County Development Review Committee recommend the same to the Board depending on which body has final authority pursuant to Section 2.3.2e.

- 2.3.2b The Code Administrator may hold an informal conference with the applicant and any interested person at any time prior to the making of his recommendation. The Code Administrator shall give at least three (3) working days' notice, either orally or in writing, to the applicant or any interested person who has requested in writing that he receive notice of any informal conference held under this Subsection b.
- 2.3.2c At least twenty one (21) calendar days prior to any public meeting at which an application will be heard, the applicant shall post notice of the filing of the application prominently on the land, building, or other structure which is the subject of the application in such a way as to give reasonable notice to persons interested in the application and shall provide written verification of the posting of the notice to the Code Administrator.
- 2.3.2d For development other than subdivisions under the New Mexico Subdivision Act (which shall comply with the public agency review process as set forth in Article V, Section 5.3.3d.), the Code Administrator may refer an application to an appropriate agency or official of the State of New Mexico for an opinion concerning whether the application would be disapproved or approved with conditions or modifications. Unless otherwise required by law, the opinion of the state agency or official shall be advisory. The Code Administrator may delay the making and filing of his recommendation for up to sixty (60) calendar days to await the opinion if he believes that such a delay is in the public interest.
- 2.3.2e The County Development Review Committee has final approval authority on preliminary and final development plans and on appeals of the Code Administrator's decisions and has recommendation authority on variances, preliminary and final plats, and all master plans, including zoning, for which the Board shall have final approval authority. Plats for Type V subdivisions containing six (6) or more parcels go directly to the Board for review and approval, in accordance with Article V, Section 5.5.4b.

2.3.4 Appeals

2.3.4a Filing an Appeal

All appeals under the Code shall be filed in writing with the Code Administrator.

2.3.4b Appeal of Code Administrator Decision under Section 2.3.1 to the County Development Review Committee

- i. Any person aggrieved by a decision of the Code Administrator under Section 2.3.1 may file an appeal to the County Development Review Committee within five (5) working days of the date of the Code Administrator's decision. The County Development Review Committee shall hear the appeal within sixty (60) calendar days of the date the appeal is filed. The County

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Development Review Committee shall make and file its decision approving or disapproving the application or approving the application with conditions or modifications.

- ii. A decision of the County Development Review Committee on an appeal shall become final thirty (30) calendar days after the decision is filed, unless within that month an appeal of the decision has been filed by an interested person including the Code Administrator, pursuant to Section 2.3.4c of this Article or the Board on its own initiative has decided to review the decision.

2.3.4.c Appeal of Development Review Committee Decisions to the Board

- i. Any person aggrieved by a decision of a Development Review Committee may file an appeal in writing to the Code Administrator within thirty (30) calendar days of the date of the decision of the Development Review Committee. The Board shall hear the appeal within sixty (60) calendar days after the date the appeal is filed. The Board shall timely make and file its decision approving or disapproving the application or approving the application with conditions or modifications.
- ii. The decision of the Board shall become final on the date when the decision is filed.

2.4 Notice and Conduct of Public Hearing

2.4.1 Notice by County

Notice of a public hearing to be held by a Development Review Committee or the Board, shall be given as provided by resolution of the Board and as otherwise required by law. Copies of the public notice policies shall be posted in the Code Administrator's office. Public hearings shall be conducted as provided by policies established by the body holding the hearing or as required by law. All interested persons shall be allowed a reasonable opportunity to be heard at a public hearing held under the Code.

2.4.2 Notice by Applicant

2.4.2a For all zoning cases, master plans, development plans, variances, preliminary and final subdivision plats, Type V subdivisions containing six (6) or more parcels and appeals of these matters, the following public notice requirements shall be completed by the applicant at least twenty one (21) calendar days prior to the public meeting:

- i. A notice shall be published in the legal section of the daily newspaper which covers the area in which the project is located;
- ii. Certified letters, prepared by the Code Administrator, shall be mailed return receipt requested to all property owners within one hundred (100) feet (excluding rights-of-way) of the subject property;
- iii. The subject property shall be posted, in the manner outlined in Section 2.3.2c of this Article 11.

2.4.2b For all summary review subdivisions containing five (5) or fewer parcels, Sections 2.4.2a.ii. and iii. Shall be completed by the applicant at least fifteen (15) calendar days prior to the administrative decision.

History: Section 2.4 was amended by Ordinance 1996-8 to include notice requirements for most projects.

**ELDORADO COMMUNITY
IMPROVEMENT ASSOCIATION, INC**

One Hacienda Loop
Santa Fe NM 87508
505-466-4248

November 22, 2013

UBL: 32208

Steven Kaiser
74 Verano Loop
Santa Fe, NM 87508

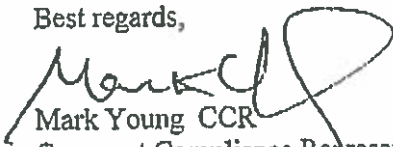
Re: Home Occupation Contingent Approval

Dear Paul:

The ECIA Board of Directors has approved of your Home Occupation request to have a gunsmithing business at 74 Verano Loop, contingent upon you receiving all required approvals by the State, County and all required Federal Agencies. Additionally the resident shall copy the ECIA on all such approvals for our records. Noted stipulations as part of this approval:

| | |
|-----------------------|---|
| Project | |
| UBL: | 32208 |
| Name: | Steven Kaiser |
| Address: | 74 Verano Loop |
| Home Occupation Type: | Gunsmithing Business to repair and maintain firearms |
| ECIA Board Decision: | The ECIA Board has approved of your Home Occupation with the following stipulations: 1. Resident shall provide the ECIA with a confirmation of all County, State and Federal Approvals in order for this approval to be effective. |
| Date of Decision: | November 21, 2013 |

Best regards,



Mark Young CCR
Covenant Compliance Representative
Eldorado Community Improvement Association
466.4248, Ext. 15
mark@eldoradosf.org



NBA-17

John M. Salazar

From: Janet Eigner <danceeigner@gmail.com>
Sent: Friday, October 25, 2013 4:25 PM
To: John M. Salazar; family: Janet Eigner
Subject: Re: heads up for case # 13-4071

Hi John,

Here are the names from today's Friday, Oct. 25th) batch of petitions; I can't get my scanner to work...I'll bring the extra petitions to the appeal, whenever that happens...let me know. Many Thanks:

--Martha Davis & C. Emery Cuddy Jr., 130 Verano Loop, 466-6403, cemerycuddy@gmail.com

--Hope Kiah, 57 Verano Loop, 466-4447, hope@santafe-webdesign.com

--(unreadable first name, maybe Sunita) Sollit, 77 Verano Loop, 466-4137

I'll find the reverse directory and find the correct name...I neglected to have directions on the petition to have neighbors PRINT their names as well. Live and learn!

Janet Eigner

On Thu, Oct 24, 2013 at 11:30 AM, Janet Eigner <danceeigner@gmail.com> wrote:
I'm bringing by a handful of petitions AGAINST certifying Mr. Steven Kaiser's license for a Gunsmith home business on our street. This business belongs in a commercial area. I'll be bringing more petitions as they arrive. With who/where should I drop off the petitions?

I only found the big yellow sign last Friday on one of my walks, so then wrote up the petition, checked with the ECIA about the bylaws in our covenant, and found two friendly neighbors to help.

Please consider that Verano Loop and its connecting Verano streets are near the Eldorado Community School.

Janet Eigner
6 Verano Drive
Santa Fe, NM 87508

--
Janet B. Eigner
danceeigner@gmail.com
www.eignerdanceswithwords.com
Santa Fe, NM



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NBA-18

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Janet B. Eigner

danceeigner@gmail.com

www.eignerdanceswithwords.com

Santa Fe, NM

John M. Salazar

From: Janet Eigner <danceeigner@gmail.com>
Sent: Sunday, October 27, 2013 11:41 PM
To: John M. Salazar
Subject: more opponents' petitions against Steve Kaiser's application

Hi John,

Here are the names from Friday, Oct. 25th) batch of petitions; I can't get my scanner to work...I'll bring the extra petitions to the appeal, whenever that happens...let me know. Many Thanks, Janet Eigner

--Martha Davis & C. Emery Cuddy Jr., 130 Verano Loop, 466-6403, cemerycuddy@gmail.com

--Hope Kiah, 57 Verano Loop, 466-4447, hope@santafe-webdesign.com

--(the unreadable name is actually Linda Gillet, 77 Verano Loop, 466-4137)

And, as of tonight, these are the newest petitions turned in:

| | | | |
|----------------------------------|----------------|---|--|
| 1.Patty Anello | 22 Verano Loop | 466-1159 | pattyanel@comcast.net |
| Craig Bowen | 5 Verano Drive | 603-0086 | craigibowen@aol.com |
| Aimee Canby | 73 Verano Loop | 466-2738 | aimee.canby05@comcast.net |
| Charles B. Driskell | 44 Verano Loop | 323-240-4480 | driskellcb@aol.com |
| Amy Gross | 7 Verano Loop | 577-8747 | not listed |
| George O'Connor | 6 Verano Lane | 690-7546 | GOCONNOR@zianet.com |
| Elisabeth Rimann & Scott Robbins | 1 Verano Court | 466-7791 | erimann@ix.netcom.com |
| Pete & Elizabeth Roybal | 79 Verano Loop | 466-8741 | not listed |
| Scott S. Warren | 4 Verano Drive | 470-385-4140 | not listed |
| Karin Wilson | 20 Verano Loop | 989-8096 | cocochandra@yahoo.com |

So, as of tonight, Sunday, Oct. 27th, below is the whole list SO FAR, of the 32 households against the

application: and as Jose' suggested, I'll bring in all of the petitions to the appeal, when it is scheduled. I fly to Oakland, CA on Nov. 16th to spend time with Enrique, my grandson and his folks, and won't be returning until Dec. 3rd, so I need to

participate in the hearing before Nov. 15th, please! Also, tell me if you want the petitions right away, before the appeal. I can bring them in Mon. or Tue...I live in Eldorado, so, of course, would prefer to hand them to you on Tue, when I will need to come into town anyway.

Many Thanks,

Janet Eigner

Complete List of Petitioners Against Gunsmith application, 10/27/2013

| | | | | |
|--|-----------------|---|---|--|
| 1. Patty Anello | 22 Verano Loop | 466-1159 | pattyanel@comcast.net << | |
| Linda Darlene Barnard-Yeb(ღ) | 101 Verano Loop | 466-1517 | darleneby@gmail.com << | |
| Kathy Bartlett/John VanWagner 1667 Kathy.Bartlett@gmail.com << ner@gmail.com << | 4 Verano Place | 466- | | john.van.wag |
| Janet Block | 138 Verano Loop | 984-1782 | jblock41@gmail.com << | |
| Susan Bono (sp?) | 112 Verano Loop | 466-0540 | not listed<< | |
| Craig Bowen | 5 Verano Drive | 603-0086 | craigibowen@aol.com << | |
| Donna Bently Bramucci | 29 Verano Loop | 699-8213 | dbramucci@msn.com << | |
| Aimee Canby | 73 Verano Loop | 466-2738 | aimee.canby05@comcast.net << | |
| Gary & Rosa Carlson | 49 Verano Loop | 466-7683 | carlsonrosa@hotmail.com << | |
| 10. Leslie Clark | 21 Verano Loop | 989-4712 | not listed<< | |
| Martha Davis/C. Emery Cuddy | 130 Verano Loop | 466-6403 | cemerycuddy@gmail.com << | |
| Charles B. Driskell | 44 Verano Loop | 323-240-4480 | driskellcb@aol.com << | |
| Janet B. & Joseph Eigner | 6 Verano Drive | 310-8967 | danceeigner@gmail.com << | |
| Evelyn J. Gauthier | 4 Verano Court | 734-474-0748 | eviegauthier@comcast.net << | |
| Linda Gillet | 77 Verano Loop | 466-4137 | lgillet@centurylink.net (ONLY Bcc)<< | |
| Amy Gross | 7 Verano Loop | 577-8747 | not listed<< | |
| Hope O. Kiah | 57 Verano Loop | 466-4447 | hope@santafe-webdesign.com << | |
| Thomas & Paula Lawley | 66 Verano Loop | 466-9669 | thomaslawley@gmail.com << | |
| Diane Lobaugh | 55 Verano Loop | 310-0194 | dianelobaugh@comcast.net << | |

| | | | |
|--|--|---|--|
| 20. Ann & Louis T. Maes | 56 Verano Loop 670-3117 | ann-maes@yahoo.com << | |
| George O'Connor | 6 Verano Lane 690-7546 | GOCONNOR@zianet.com << | |
| Monika & Steve Perlstein | 95 Verano Loop 690-4966 | buddharaimy@comcast.net << | |
| Janice D. & Robert Peters 4190 rdtpeters47@gmail.com << mail.com << | 107 Verano Loop 466- | | rrgpeters47@g |
| Elisabeth Rimann & Scott Robbins | 1 Verano Court 466-7791 | erimann@ix.netcom.com << | |
| Pete & Elizabeth Roybal | 79 Verano Loop 466-8741 | not listed<< | |
| Ann Salzmänn | 110 Verano Loop 466-1986 | annsalz@yahoo.com << | |
| Cathy V. Shinkoskey | 100 Verano Loop 466-4923 | not listed<< | |
| Carol I. & Janson (sp?) B. Smock | 114 Verano Loop 577-0852 // 577-2465<< | | |
| | | csmock1212@yahoo.com << | |
| Jacqueline Travis | 105 Verano Loop 466-1440 | JQTRAVIS@gmail.com << | |
| 30. Evelyn Velie (sp?) | 60 Verano Loop 466-1633 | evelie@aol.com << | |
| Scott S. Warren | 4 Verano Drive 470-385-4140 | not listed<< | |
| Karin Wilson | 20 Verano Loop 989-8096 | cocochandra@yahoo.com << | |

--
Janet B. Eigner
danceeigner@gmail.com
www.eignerdanceswithwords.com
Santa Fe, NM

Petition to the Eldorado Community Improvement Association for Nov. 21st Meeting, 2013
& to Santa Fe County Business Registration & Fire Prevention Divisions
to be submitted before Oct. 28 when Santa Fe County License Review may issue
Permit for Home Gunsmith Business

We residents of Verano Loop and associated Verano streets very much appreciate the relative safety and quiet of our neighborhood and do NOT want Steven Kaiser to establish a home Gunsmith business at 74 Verano Loop to sell and repair guns and license gunowners. As of Sunday, Oct. 20th, he has not sought the permission of his nearest neighbors but has submitted all applications to Santa Fe County. He has stated he will submit his plan to the E.C.I.A. to register his home gunsmith business. He expects to be licensed by the County by Oct. 28th. We understand and can live with many kinds of businesses allowed by the ECIA Covenant and its variances, but we do not think it safe and appropriate to add a home business from which Mr. Kaiser can sell all manner of guns, repair all manner of guns, and do background checks of strangers who come seeking a federal gun license. Gun repair and proliferation is NOT an appropriate business for any residential Eldorado neighborhood, specifically not ours. We urge Mr. Kaiser to set up his business in a commercial area where neighbors and their children do not live and walk the streets.

We do not want to add any additional risks to life and limb, knowing that any person can hide his or her capacity to become upset, mentally disturbed and destructive in a hair's breath. There's no way to absolutely predict how emotionally mature an applicant for a gun or rifle may be. Mr. Kaiser can do a quick FBI/ATF background check, to eliminate the most officially recorded felons and those disturbed enough to have their hospitalizations recorded.

BUT we know how many gun-related homicides and suicides are committed by the people who slip through loopholes because the licensed gun agent has missed the paranoia, anger management problems and/or sociopathy or psychopathy of a person who knows how to hide a troubled self. Please do not add any gun-toting strangers to our residential neighborhood, people coming to drop off or pick up a repaired gun, or to purchase a gun from Mr. Kaiser. If you agree, please sign this petition and plan to attend the Nov. 21st ECIA meeting to register your opinion.

**Please drop off your signed petition to: Janet Eigner/6 Verano Drive
(into newspaper tube or drop box by front door by Thursday, Oct. 24th.)
Call if you have any questions: 310-8967**

Names to be compiled and submitted as one petition to the ECIA
and Santa Fe County Offices Listed Above

Signature of Home Owner(s):

ANN MAES LOUISE MAES
Address: 56 VERANO LOOP

Phone: 505-670-3117

Email: ANN_MAES@YAHOO.COM

U



Are there any restrictions
since we're so close

I am so glad you made to the school?
us aware of this!

He has got to be kidding!

If we need to picket
his house, let us know!

Ann + Tomas

800-Embassy
embassysuites.com

NO GUNS

ON VERANO LOOP



Official Hotel Sponsor

Petition to the Eldorado Community Improvement Association for Nov. 21st Meeting, 2013
& to Santa Fe County Business Registration & Fire Prevention Divisions
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We do not want to add any additional capacity to become a problem. There's no way to absolutely prevent this may be. Mr. Kaiser can do a background check on all officially recorded felons and

BUT we know how many gun owners who slip through loopholes because of management problems and/or troubled self. Please do not ask people coming to drop off or pick up. If you agree, please sign this petition in your opinion.

Thank you for organizing this! - Paula

P.S. What about possible noise from testing guns? Increased traffic

any person can hide their hair's breath. for a gun or rifle. It is the most violations recorded.

caused by the people paranoia, anger knows how to hide a neighborhood, from Mr. Kaiser. A meeting to register

Please drop off your signed petition to: Janet Eigner/6 Verano Drive
(into newspaper tube or drop box by front door by Thursday, Oct. 24th.)
Call if you have any questions: 310-8967

Names to be compiled and submitted as one petition to the ECIA
and Santa Fe County Offices Listed Above

Signature of Home Owner(s): Thomas Lawley, Paula Lawley

Address: 66 Verano Loop

Phone: 466-9669

Email: thomaslawley2000@~~yahoo~~.com
(@g-mail.com)

Petition to the Eldorado Community Improvement. Association for Nov. 21st Meeting, 2013
& to Santa Fe County Business Registration & Fire Prevention Divisions
to be submitted before Oct. 28 when Santa Fe County License Review may issue
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Please drop off your signed petition to: Janet Eigner/6 Verano Drive
(into newspaper tube or drop box by front door by Thursday, Oct. 24th.)
Call if you have any questions: 310-8967

Names to be compiled and submitted as one petition to the ECIA
and Santa Fe County Offices Listed Above

Signature of Home Owner(s): Peta Royal / Elizabeth Royal

Address: 79 Verano Loop

Phone: 466-8741

Email: _____

Janet - thank you

Petition to the Eldorado Community Improvement Association for Nov. 21st Meeting, 2013
& to Santa Fe County Business Registration & Fire Prevention Divisions
to be submitted before Oct. 28 when Santa Fe County License Review may issue
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Please drop off your signed petition to: Janet Eigner/6 Verano Drive
(into newspaper tube or drop box by front door by Thursday, Oct. 24th.)
Call if you have any questions: 310-8967

Names to be compiled and submitted as one petition to the ECIA
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Signature of Home Owner(s): Evelyn J. Gauthier
Address: 4 Verano Ct.
Phone: 734-474-0748
Email: eviegauthier@comcast.net

Petition to the Eldorado Community Improvement Association for Nov. 21st Meeting, 2013
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to be submitted before Oct. 28 when Santa Fe County License Review may issue
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Signature of Home Owner(s): Janise D. Peters / Robert Peters
Address: 107 Verano Loop
Phone: 505 466-4190
Email: jdpeters47@gmail.com rrgpeters47@gmail.com

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Signature of Home Owner(s): Steve Kaiser Freelyn Volpe
Address: 60 Verano Loop
Phone: 505-466-1633
Email: eve.kic@aol.com

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Signature of Home Owner(s): Linda Darlene Barnard - York
Address: 101 Verano Loop
Phone: 466-1517
Email: darleneby@gmail.com

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Signature of Home Owner(s): Timothy Smock, Jenna B. Smock

Address: 114 Verano Loop

Phone: 505-577-0852, 505-577-2465

Email: CSMLOCK1212@YAHOO.COM

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Signature of Home Owner(s): David Kuntz/Bramucci
Address: 29 Verano Loop
Phone: (505) 699-8213
Email: dbramucci@msn.com

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Signature of Home Owner(s): Monika Versteiner 9/16/13
Address: 95 Verano Loop Santa Fe, NM 87508
Phone: 505-690-4966
Email: buddharaimy@comcast

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Signature of Home Owner(s): Diane W. High
Address: 55 Verano Loop
Phone: 310-0194
Email: dianelobaugh@comcast.net

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Signature of Home Owner(s): Kathy Bartlett / John Van Wagner
Address: 4 Verano Place
Phone: 505-466-1667
Email: Kathy.Bartlett@gmail.com / john.van.wagner@gmail.com

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Signature of Home Owner(s): Janet B. Eigner
Address: 6 Verano Drive Santa Fe, NM 87508
Phone: (505) 310-8967
Email: dancee.igner

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Signature of Home Owner(s): Fessie Clark

Address: 21 VERANO LOOP

Phone: 505-989-4712

Email: _____

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Signature of Home Owner(s): Janet Eigner/Blair
Address: 138 Verano Loop
Phone: (505) 964-1782
Email: jblock41@gmail.com

I agree with the above - in addition this type of business does not appear to be one that would be situated in a residential area.

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**Please drop off your signed petition to: Janet Eigner/6 Verano Drive
(into newspaper tube or drop box by front door by Thursday, Oct. 24th.)
Call if you have any questions: 310-8967**

Names to be compiled and submitted as one petition to the ECIA
and Santa Fe County Offices Listed Above

Signature of Home Owner(s): *Jaqueline Travis*
Address: 105 VERANO LOOP
Phone: 505-466-1440
Email: JQTRAVIS@GMAIL.COM

Petition to the Eldorado Community Improvement. Association for Nov. 21st Meeting, 2013
& to Santa Fe County Business Registration & Fire Prevention Divisions
to be submitted before Oct. 28 when Santa Fe County License Review may issue
Permit for Home Gunsmith Business

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and Santa Fe County Offices Listed Above

Signature of Home Owner(s): Janet & Rosa Carlson

Address: 49 VERANO LOOP

Phone: 466-7683

Email: CARLSONROSA@HOTMAIL.COM

Hi John,

I'll bring the extra petitions to the appeal. Many Thanks: Janet Eigner, 310-8967, danceeigner@gmail.com

List of Petitioners Against HOME GUNSMITH BUSINESS 11/05/2013

| | | | |
|----------------------------------|-----------------|--------------|--|
| 1.Patty Anello | 22 Verano Loop | 466-1159 | pattyanel@comcast.net |
| Linda Darlene Barnard-Yeb(i) | 101 Verano Loop | 466-1517 | darleneby@gmail.com |
| Kathy Bartlett/John VanWagner | 4 Verano Place | 466-1667 | Kathy.Bartlitt@gmail.com john.van.wagner@gmail.com |
| Janet Block | 138 Verano Loop | 984-1782 | jblock41@gmail.com |
| Susan Bono (sp?) | 112 Verano Loop | 466-0540 | not listed |
| Craig Bowen | 5 Verano Drive | 603-0086 | craigjbowen@aol.com |
| Donna Bently Bramucci | 29 Verano Loop | 699-8213 | dbramucci@msn.com |
| Nancy Brannin & Ain Whistler | 2 Verano Lane | 466-2914 | whisbran@gmail.com (10/28) |
| Aimce Canby | 73 Verano Loop | 466-2738 | aimce.canby05@comcast.net |
| 10.Gary & Rosa Carlson | 49 Verano Loop | 466-7683 | carlsonrosa@hotmail.com |
| Leslie Clark | 21 Verano Loop | 989-4712 | not listed |
| Martha Davis/C.Emery Cuddy Jr. | 130 Verano Loop | 466-6403 | cemerycuddy@gmail.com |
| Charles B. Driskell | 44 Verano Loop | 323-240-4480 | driskellcb@aol.com |
| Janet B. & Joseph Eigner | 6 Verano Drive | 310-8967 | danceeigner@gmail.com |
| Evelyn J. Gauthier | 4 Verano Court | 734-474-0748 | eviegauthier@comcast.net |
| Linda Gillet | 77 Verano Loop | 466-4137 | lgillet@centurylink.net (Bcc) |
| Amy & Rodney Gross (10/28) | 7 Verano Loop | A: 577-8747 | amicbojamie@yahoo.com R: 577-8472 rodneykg@gmail.com |
| Hope Kiah | 57 Verano Loop | 466-4447 | hope@santafe-webdesign.com |
| Thomas & Paula Lawley | 66 Verano Loop | 466-9669 | thomaslawley@gmail.com |
| 20.Diane Lobaugh | 55 Verano Loop | 310-0194 | dianelobaugh@comcast.net |
| Ann & Louis T. Maes | 56 Verano Loop | 670-3117 | ann-maes@yahoo.com |
| George O'Connor | 6 Verano Lane | 690-7546 | GOCONNOR@zianet.com |
| Monika & Steve Perlstein | 95 Verano Loop | 690-4966 | buddharaimy@comcast.net |
| Janice D. & Robert Peters | 107 Verano Loop | 466-4190 | jdtpeters47@gmail.com |
| Mary Robison | 8 " Drive | 466-7537 | rrgpeters47@gmail.com |
| Elisabeth Rimann & Scott Robbins | 1 Verano Court | 466-7791 | erimann@ix.netcom.com |
| Pete & Elizabeth Roybal | 79 Verano Loop | 466-8741 | not listed |
| Ann Salzmann | 110 Verano Loop | 466-1986 | annsalz@yahoo.com |
| Cathy V. Shinkoskey | 100 Verano Loop | 466-4923 | uses VG library email |
| Carol I. & Janson (sp?)B. Smock | 114 Verano Loop | 577-0852 | // 577-2465 csmock1212@yahoo.com |
| 30.Jacqueline Travis | 105 Verano Loop | 466-1440 | JQTRAVIS@gmail.com |
| Gretel & Wayne Underwood (10/29) | 4 Verano Loop | 466-7825 | familia.underwood@gmail.com |
| Evelyn Velie (sp?) | 60 Verano Loop | 466-1633 | evelie@aol.com |
| Scott S. Warren | 4 Verano Drive | 470-385-4140 | not listed |
| Karin Wilson | 20 Verano Loop | 989-8096 | cocochandra@yahoo.com |

10/29/13: ³⁵34 households, ⁴⁹48 residents

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Call if you have any questions: 310-8967

Names to be compiled and submitted as one petition to the ECIA
and Santa Fe County Offices Listed Above

Signature of Home Owner(s): Patty Anello

Address: 22 Verano Loop

Phone: 505 466 1159

Email: pattyanel@comcast.net

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Names to be compiled and submitted as one petition to the ECIA
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Signature of Home Owner(s): Suzanne Smith

Address: 112 Verano Loop

Phone: 505 466-0540

Email: _____

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Signature of Home Owner(s): Craig Bowen
Address: 5 Verano Dr
Phone: 603-0086
Email: Craigjbowen@aol.com

NBA-44

Petition to the Eldorado Community Improvement. Association for Nov. 21st Meeting, 2013
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Call if you have any questions: 310-8967

Names to be compiled and submitted as one petition to the ECIA
and Santa Fe County Offices Listed Above

Signature of Home Owner(s): Nancy Brannan Ain Whistler

Address: 2 Verano Lane

Phone: 966-2914

Email: whistbran@gmail.com whistbran@gmail.com

Petition to the Eldorado Community Improvement. Association for Nov. 21st Meeting, 2013
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Names to be compiled and submitted as one petition to the ECIA
and Santa Fe County Offices Listed Above

Signature of Home Owner(s): Aimee Canby
Address: 73 Verano Loop, Santa Fe, NM 87508
Phone: 466-2738
Email: aimée.canby05@comcast.net

NBA-46

Petition to the Eldorado Community Improvement. Association for Nov. 21st Meeting, 2013
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Call if you have any questions: 310-8967

Names to be compiled and submitted as one petition to the ECIA
and Santa Fe County Offices Listed Above

Signature of Home Owner(s): Mark D. Davis Cemery Cuddy

Address: 130 VERANO LOOP

Phone: 505 - 466 - 6403

Email: CEMERYCUDDY@GMAIL.COM

NBA-47

Petition to the Eldorado Community Improvement Association for Nov. 21st Meeting 2013
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Signature of Home Owner(s): Charles B. Driskell

Address: 44 Verano Loop

Phone: 323.240.4480

Email: driskellcb@aol.com

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Signature of Home Owner(s): Janet Eigner Gillet Gillet

Address: 77 VERANO LOOP, SANTA FE NM 87508

Phone: (505) 466-4137

Email: _____

NBA-49

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Names to be compiled and submitted as one petition to the ECIA
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Signature of Home Owner(s):

Address: 7 Verano Loop, Santa Fe, NM 87508

Phone: (505) 577-8747 (Amy Gross) | (505) 577-8472 (Rodney Gross)

Email: amiebojamie@yahoo.com | rodneycg@gmail.com

Petition to the Eldorado Community Improvement. Association for Nov. 21st Meeting, 2013
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**Please drop off your signed petition to: Janet Eigner/6 Verano Drive
(into newspaper tube or drop box by front door by Thursday, Oct. 24th.)
Call if you have any questions: 310-8967**

Names to be compiled and submitted as one petition to the ECIA
and Santa Fe County Offices Listed Above

Signature of Home Owner(s): Hope O'Keefe

Address: 57 Verano Loop

Phone: 4166 4447

Email: hope@santafe-webdesign.com

NBA-51

Petition to the Eldorado Community Improvement. Association for Nov. 21st Meeting, 2013
& to Santa Fe County Business Registration & Fire Prevention Divisions
to be submitted before Oct. 28 when Santa Fe County License Review may issue
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Call if you have any questions: 310-8967**

Names to be compiled and submitted as one petition to the ECIA
and Santa Fe County Offices Listed Above

Signature of Home Owner(s): Murphy O'Connor
Address: 6 VERANO LANE
Phone: 690-7546
Email: GOCONNOR@ZIANET.COM

NBA-52

Petition to the Eldorado Community Improvement Association for Nov. 21st Meeting, 2013
& to Santa Fe County Business Registration & Fire Prevention Divisions
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Call if you have any questions: 310-8967**

Names to be compiled and submitted as one petition to the ECIA
and Santa Fe County Offices Listed Above

Signature of Home Owner(s): Elisabeth Rimann / Scott Robbins
Address: #1 Verano Ct
Phone: 505-466-7791
Email: erimann@ix.netcom.com

Petition to the Eldorado Community Improvement. Association for Nov. 21st Meeting, 2013
& to Santa Fe County Business Registration & Fire Prevention Divisions
to be submitted before Oct. 28 when Santa Fe County License Review may issue
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Call if you have any questions: 310-8967**

Names to be compiled and submitted as one petition to the ECIA
and Santa Fe County Offices Listed Above

Signature of Home Owner(s): Mary Rotstein
Address: 8 Verano Drive
Phone: 4166 7539
Email: _____

NBA-54

Petition to the Eldorado Community Improvement. Association for Nov. 21st Meeting, 2013
& to Santa Fe County Business Registration & Fire Prevention Divisions
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Call if you have any questions: 310-8967**

Names to be compiled and submitted as one petition to the ECIA
and Santa Fe County Offices Listed Above

Signature of Home Owner(s): Peta Royal / Elizabeth Royal

Address: 79 Verano Loop

Phone: 466-8741

Email: _____

Petition to the Eldorado Community Improvement. Association for Nov. 21st Meeting, 2013
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Call if you have any questions: 310-8967

Names to be compiled and submitted as one petition to the ECIA
and Santa Fe County Offices Listed Above

Signature of Home Owner(s): Ann Salzman

Address: 110 Verano Loop

Phone: 466 1986

Email: annesalz@yahoo.com

Petition to the Eldorado Community Improvement Association for Nov. 21st Meeting, 2013
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Call if you have any questions: 310-8967**

Names to be compiled and submitted as one petition to the ECIA
and Santa Fe County Offices Listed Above

Signature of Home Owner(s): Gretel Underwood Gretel Underwood

Address: 4 Verano Loop

Phone: (505) 466-7825

Email: familia.underwood@gmail.com

Petition to the Eldorado Community Improvement. Association for Nov. 21st Meeting, 2013
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Call if you have any questions: 310-8967**

Names to be compiled and submitted as one petition to the ECIA
and Santa Fe County Offices Listed Above

Signature of Home Owner(s): Cathell Shinkoskey
Address: 100 Verano Loop
Phone: 505 466 4928
Email: _____

NBA-58

Petition to the Eldorado Community Improvement. Association for Nov. 21st Meeting, 2013
& to Santa Fe County Business Registration & Fire Prevention Divisions
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Call if you have any questions: 310-8967**

Names to be compiled and submitted as one petition to the ECIA
and Santa Fe County Offices Listed Above

Signature of Home Owner(s): Scott A. Warner
Address: 4 Verano Drive, Santa Fe, NM
Phone: 970-385-4140
Email: _____

Petition to the Eldorado Community Improvement. Association for Nov. 21st Meeting, 2013
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Call if you have any questions: 310-8967**

Names to be compiled and submitted as one petition to the ECIA
and Santa Fe County Offices Listed Above (Karin Wilson)

Signature of Home Owner(s): 

Address: 20 Verano Loop

Phone: 505 989 8096

Email: cocoachandra@yahoo.com

John M. Salazar

From: Penny Ellis-Green
Sent: Wednesday, December 11, 2013 11:34 AM
To: John M. Salazar
Subject: FW: Santa Fe County Public Comment Form

Please add to the file

Penny Ellis-Green
Growth Management Director
Santa Fe County
(505) 986 6221

-----Original Message-----

From: Jennifer Jaramillo
Sent: Tuesday, December 10, 2013 7:28 PM
To: Penny Ellis-Green
Subject: FW: Santa Fe County Public Comment Form

-----Original Message-----

From: Paul Ingraham [<mailto:santafe66@gmail.com>]
Sent: Thursday, December 05, 2013 2:22 PM
To: Kristine Mihelcic; Jennifer Jaramillo
Subject: Santa Fe County Public Comment Form

Web form results:

Paul Ingraham
20 Estacada Road
Santa Fe, NM 87508
Email: santafe66@gmail.com
Phone: 505-699-2159

Comments:

Recently, we in Eldorado have been involved somewhat in a request by a resident for establishing a home business for the purpose of Gunsmithing. I attended the last board meeting for another issue regarding my Solar Array and heard a number of people concerned (misguided as it was) in this Gunsmithing business. I would like to go on record with the county that I see NO reason this business should NOT be allowed. The usual rabid minority of people objecting to this have no clue what a gunsmithing business is and, whats more, their concerns about undesirables coming to Eldorado to make use of this business are unfounded and frankly a little paranoid and ridiculous. Some folks out here seem to find wrongs in many things that aren't that big a deal.

Witness the Chicken controversy.

I encourage the county to approve this business and pay no attention to the fringe element out here that thinks they can influence things no matter how trivial.

Thank you.

