

DRAFT

subject to approval

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

July 18, 2013

This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Chair Juan José 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
Frank Katz
Manuel Roybal

Member(s) Excused:

[None]

Staff Present:

Steve Ross, County Attorney
Wayne Dalton, Building & Development Services Supervisor
Jose Larrañaga, Development Review Specialist
Rachel Brown, Deputy County Attorney
Penny Ellis-Green, Land Use Administrator
Vicki Lucero, Building and Development Services Manager
Mike Romero, Development Review Specialist
Mark Hogan, Facilities Director

IV. APPROVAL OF AGENDA

Member Katz moved to approve the agenda as published. Member Martin seconded and the motion carried by unanimous [7-0] voice vote.

V. **APPROVAL OF MINUTES: June 20, 2013**

Member Katz moved to approve the June minutes as submitted. Member DeAnda seconded and the motion passed by unanimous [7-0] voice vote.

VI. **OLD BUSINESS**

- A. **CDRC CASE # Z/S 12-5450 Cielo Colorado Subdivision. Cielo Colorado, LLC., Applicant, Jim Siebert, Agent, requests Master Plan Zoning approval for a 24-lot residential subdivision on 246.30 acres ± within Tract 15A-2 of the Eldorado at Santa Fe Subdivision. The Applicant also requests to allow two cul-de-sacs (dead-end roads) to exceed 500 feet in length. The property is located on the east side of US 285, off Camino Acote, within Sections 21 & 22, Township 15 North, Range 10 East (Commission District 4).**

Mr. Larrañaga presented the staff report as follows:

“On February 21, 2013, the County Development Review Committee met and acted on this case. The decision of the CDRC was to table this case so that the Applicant could have further conversations with the community. The Applicant has had several meetings with the community and as a result has amended the Master Plan submittal to accommodate the concerns of the adjoining property owners.

“In the original Master Plan Zoning application the Applicant requested a 67-lot residential subdivision with the lot sizes ranging between 2.50 and 7.29 acres on 257.16 acres. The proposed subdivision would have been developed in 9 phases over a 9-year period with an anticipated start date of 2015.

“The Applicant is now requesting Master Plan Zoning for a 24-lot residential subdivision with the lot size ranging in size between 2.54 and 16.16 acres on 246.30 acres. The proposed subdivision will be developed in four phases over an eight-year period with an anticipated start date of 2014.

“Tract 15 A-2 was created as part of the Eldorado at Santa Fe Subdivision. A Master Plan for Cielo Colorado was approved by the BCC in 1995. The Master Plan included 91 lots with an average density of 3.79 acres on 344.58 acres; 25 of the 91 proposed lots were platted in 1995. An amended Master Plan, recorded in 2000, eliminated 4 lots totaling 12.5 acres. In 2002, the Master Plan was vacated to allow the platting of larger lots at the east end of Tract 15A-2. This Application for Master Plan includes the remainder of the property that has not been platted within Tract 15A-2.

“Article V, § 5.2.1.b states: ‘A Master Plan is comprehensive in establishing the scope of a project, yet is less detailed than a Development Plan. It provides a

means for the County Development Review Committee and the Board to review projects and the sub-divider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a Preliminary and Final Plat approval’.

“The Applicant also requests that the CDRC allow two cul-de-sacs to exceed 500 feet in length. The dead end road which serves Lots 3-6 is 787 feet in length, and requires a cul-de-sac with a minimum driving surface radius of 50 feet. The second dead end road, which is an extension of Camino Acote, serves Lots 18-21 and is 1,361 feet in length. These closed end roads will have a cul-de-sac with a minimum driving surface radius of 60 feet.”

Mr. Larrañaga said staff reviewed the Applicant’s request and recommends the approval of two cul-de-sacs to exceed 500 feet in length subject to the following staff conditions:

1. The Applicant shall comply with design standards set forth in Article V, § 8.2.1d.
2. The Applicant shall comply with the Santa Fe County Fire Marshal requirement that the extension of Camino Acote maintain a cul-de-sac with a minimum driving surface radius of 60 feet.

Staff also recommends approval for Master Plan Zoning for a 24-lot residential subdivision on 246.30 acres \pm within Tract 15A-2 of the Eldorado at Santa Fe Subdivision subject to the following staff condition:

1. Master Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.2.5.
2. The Applicant shall address the requirement for all weather access on Camino Acote with the Preliminary Development Plan.
3. A detailed water budget and water restrictive covenants shall be submitted prior to Preliminary Development Plan.
4. An analysis of appropriate liquid waste disposal setback shall be required for the first sustainable phase of this development prior to Preliminary Development Plan.

Mr. Larrañaga noted DOT’s review [*Exhibit 1*] and a packet of support letters regarding the development [*Exhibit 2*] that were distributed to the CDRC

Duly sworn, Jim Siebert, agent for the applicant, said the developers have held five meetings with the neighbors following the CDRC’s tabling. The project began with 67 lots and after several meetings there are now 24 lots.

Using a site map, Mr. Siebert located Tract 15 within the area and the existing utilities within the subdivision. The original master plan consisting of 2.5-acre lots was vacated to plat larger lots. He discussed the agreement with the Eldorado Area Water and Sanitation District to provide service, which was originally for 67 taps, and that will be revised and reduced. He discussed the entry to the subdivision, the equestrian and pedestrian trail and how the moratorium affected this subdivision.

Mr. Siebert said the developer is confident that water can be supplied to the subdivision. He added that the hydrants in the area meet the County's 500 gpm flow standard.

Duly sworn, Gregory Hart, 116 Camino Acote, president Lot 15A2 Homeowners Association, said a group of area residents concerned with the development met and organized to ask questions of the developer. He and other area residents now support the development. Mr. Hart said the revised master plan will definitely "increase value to our homes."

Chair Gonzales thanked the speaker and noted it was good when the area residents and developer can meet and come to agreement.

There were no other speakers on this case.

Member Katz moved to approve the variance regarding the cul-de-sac and recommend approval of Z/S 12-5450 master plan zoning with all staff-imposed conditions. His motion was seconded by Member Anaya and passed by unanimous [7-0] voice vote.

- VI B. CDRC CASE # Z/S 13-5130 La Bajada Ranch Master Plan**
Amendment: Santa Fe County, Applicant, requests a Master Plan Amendment for a previously approved Master Plan (Santa Fe Canyon Ranch) to amend the water supply plan and to provide consistency with the current property owner boundaries. The amended Master Plan will allow for 156 residential lots on the 470.55 acres that the County of Santa Fe now owns. The amended Master Plan will utilize the Santa Fe County Water Utility (instead of the previously proposed new on-site community water system). The property is located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3)
[Exhibit 3: Conditions distributed by staff; Exhibit 4: Toups letter to CDRC dated 7/18/13]

Chair Gonzales recused himself from this case and Member Martin assumed the responsibilities of Chair.

Vicente Archuleta, Development Review Team Leader, reviewed the staff report as follows:

"On June 20, 2013, the CDRC met and acted on this case. The decision of the CDRC was to table to allow the Applicant to address concerns brought forth by the community.

“The Applicant held a community meeting on July 16, 2013 and will provide an update at the CDRC meeting.

“The Applicant is now requesting a Master Plan Amendment to allow the existing Master Plan to include only the property owned by Santa Fe County which contained 156 proposed residential lots. This request also includes changing the source of water in the water supply plan to the Santa Fe County Water Utility. The Santa Fe County water will provide a more reliable and sustainable source of water for domestic and fire protection purposes.

“Santa Fe County is currently undergoing an extensive process of community involvement primarily through the La Bajada Steering Committee, established by Resolution No. 2012-106. The committee is meeting monthly to review material and bring forward a proposal for development of the 470.55 acres. The Steering Committee has only had two or three meetings and it is not thought that there will be time for them to bring forward recommendations to the Board of County Commissioners prior to the master plan expiring. Santa Fe County asks for this amendment to allow the La Bajada Ranch Steering Committee time to discuss, evaluate and bring forward to the Board of County Commissioners alternatives for the development of the La Bajada Ranch.

“There is no other change to the approved master plan.

“The approval sought is the Master Plan Amendment to amend the water supply plan to provide consistency with the current property owner boundaries.”

Mr. Archuleta said staff recommends approval of this request.

Land Use Administration Ellis-Green said at the Tuesday, July 16th community meeting staff was asked to consider conditions that staff is now requesting for approval:

1. All conditions set forth in the Order of the Board of County Commissioners in LCDRC Case #MP/S 06-5212 shall remain in full force and effect.
2. This application only changes the source of water to be provided to the master planned development under the Order in LCDRC Case MP/S 06-5212 from wells identified by the original applicant to the County water system and supplied by water from the Rio Grande River through the Buckman Direct Diversion.
3. No other changes are proposed to the conditions of approval set forth in the Order in LCDRC Case MP/S 06-5212. Any additional changes to the conditions of approval may occur only through a further application to amend the master plan or an application for preliminary plat approval.

Member Katz asked what effect there would be on the balance of the property by severing the County’s 470 acres and obtaining the master plan extension and amendments. Ms. Ellis-Green said the amendment(s) would solely apply to the County property. She clarified that the County is the applicant.

Appearing for the County/Applicant, Mark Hogan, Projects Division Director and applicant for amendment said the CDRC directed the applicant to meet with the community which has occurred, resulting in the three conditions.

In response to a question Mr. Hogan said all of the original master plan conditions will stay in effect thus binding both parties to the master plan. County Attorney Ross said if the other owners want to extend the master plan on their portion of the property they need to make application to do so and they have not. The County does not intend to do that for them or speak for them. The County is operating on its half of the property and reserving the rights on that property.

Member Roybal characterized the County as a developer in this instance and asked how it is they are not able to access water rights. Mr. Ross responded that the County has 1,300 acre-feet of Rio Grande rights, plus 375 acre feet of San Juan/Chama rights, plus 600 acre-feet obtained through contracts; the County has substantially more water rights than it delivers in water. The County is bringing ample water rights to the table. He noted that the steering committee has been charged to develop a plan for the property's use and it is probably unlikely that the County will do what was originally planned for that property.

Member Roybal said it appeared the County had an unfair water advantage over other developers. He asked whether the other owners of the ranch would have the option to tie into the lines that the County brings in. Mr. Ross said he didn't know the answer to that but did know they were denied County water for the entire development and that led them to successfully propose the use of groundwater.

The individuals that wanted to speak to this issue were duly sworn.

Under oath, José Varela López, La Cieneguilla, said the community has worked on the Santa Fe Ranch/ La Bajada master plan for many years. He said the County was not moving forward in an appropriate manner and an amendment to the water supply plan conflicts with the local ordinance. He suggested it would have been appropriate if the County applied for a variance rather than a master plan amendment. He corrected the County's contention that 156 residential lots were permitted on 470 acres; in fact, it is 98 units on the entire 1,300+ acres with 18 on Santa Fe County's property. The 156 was based on proving return-flow credits over time and at this point that has not been accomplished.

Mr. Varela López questioned the appropriateness of separating or dividing the property when the master plan addressed the entire 1,300+ acres. The two owners need to work together in asking for an extension.

Ray Romero, mayordomo of Acequia La Cienega, distributed a letter [not made available for this record] addressed to Adam Leigland, County Public Works Director, discussing the history of Acequia La Cienega and the impact development over the past 30 years has had on the acequia. He noted that wells are not metered as required by the County. He stated that over 200 homes in the area are required to hook up to County water but without the necessary infrastructure these homes are using groundwater. He urged the legislators and officials to secure the necessary funding to extend the

infrastructure. The community needs to be taken care of before the County develops La Bajada Ranch. Mr. Romero said over the years the flow of the acequia has decreased by over 50 percent. As stewards of the acequia for over 300 years, he said the community expects more than a waterline from the County: "We expect actual connections to homes."

Citing Mr. Romero's letter "...La Cienega has experienced over 70 percent of the depletion of the irrigation water," Member Anaya asked whether that was correct. Mr. Romero verified that was fact. Member Anaya said that reinforces the County's request to bring in the water and protects the County's investment in the ranch.

Previously sworn, Gene Bostwick, resident of lower La Cienega, thanked staff for working with the community. He said this amendment is in violation of Ordinance 2002-09 which specifies that there shall be no increase in density through the importation of water. He understood the water rights of the developer were bound to the development and could not be severed. The community is concerned that this amendment will allow for the use of the wells on the property. He asked that the County get together with the other ranch property owner and figure out the water rights.

Mr. Bostwick reminded the CDRC that the Borregos, owners of the remaining ranch property, support a two-year extension of the master plan as is. He asked that the CDRC deny the request.

Member Katz asked whether the density limit in Ordinance 2002-09 was in effect for the ranch property. Mr. Ross clarified that the County is not seeking to increase density. The ordinance provision "that all new lots...shall be required to connect to the County water system when it is within 200 feet of the property line" governs this request. He indicated that the other owner of the land has development restrictions defined within a contract while the County's density is established by the master plan.

Member Katz said he understood the community's concern that the County may come forward in the future asking for an increase in density. Mr. Ross said he too understood that concern and the BCC created the steering committee to vet all proposed uses of the property. He said it was "extremely unlikely" that the County will propose to do anything on that property that resembles the master plan proposal.

Member Katz asked what would prevent the other property owner from coming forward with a request for greater density. Mr. Ross responded that the County has a contract with the owners that restricts density. Even if the master plan expires, the contract will continue to protect density. The contract was entered into at the time the property was purchased. Mr. Ross said the contract specifically speaks to density.

Member DeAnda said it was difficult to speak about the other property owners because they are not before the CDRC with a request.

Mr. Bostwick stated the issue as the community sees it is that Ordinance 2002-09 remains in effect and enforceable. He said the community views the County proposing the amendments as a conflict of interest.

In response to a question, Mr. Ross said water rights are property rights and an owner is entitled to move water rights. He reiterated that the contract restricts density on the property.

Previously sworn, Carl Dickens, La Cienega, said he appreciates the CDRC and staff's attention to this matter. He said "we need more time." The County's request has forced the community into a reactive mode. He said the Borregos should be here. Mr. Dickens also noted that today was the first he heard of any contract with the other owners. An extension of the master plan is premature, stated Mr. Dickens.

Duly sworn, John Herbain said they fought to protect the community when the ranch proposal first came forward. The original development depended on getting County water which now makes "this a problem that is uncomfortable for everybody." He noted that the ranch had been denied County water three times. The request is premature and the community needs to have a say and more time to understand the contract, water rights and a certainty of what is happening. He said the County should be treated the same as other developers.

Duly sworn Charlie C de Baca said he is the mayordomo of the other ditch in La Cienega. He spoke from over 60 years knowledge of living in the La Cienega and said it was important waterlines be made available to the area residents.

R. Touns, under oath, said he opposed the master plan amendment. He said his property abuts the ranch and part of the reason he bought his land was to neighbor a ranch-like setting. The fact he only learned of the County's plan in June he found troubling. He urged the CDRC to let the master plan expire and to place the land in a permanent trust for the citizens to enjoy in perpetuity.

Duly sworn, Mary Dickson asked the CDRC to deny the request and allow the Steering Committee an opportunity to come forward with a recommendation.

Under oath John Paul Gonzales said he felt the County came about this request in an inappropriate manner. He asked that the CDRC deny the request.

In response to a question, Mr. Ross said the County is requesting the amendment to separate itself out from the other owner.

Member Anaya moved to approve Z/S 13-5130, La Bajada Ranch Master Plan Amendment as submitted with the three conditions: 1) All conditions set forth in the Order of the Board of County Commissioners in LCDRC Case MP/S 06-5212 shall remain in full force and effect; 2) This application only changes the source of water to be provided to the master planned development under the Order In LCDRC Case MP/S 06-5212 from wells identified by the original applicant to the County water system and supplied by water from the Rio Grande River through the Buckman Direct Diversion; 3) No other changes are proposed to the conditions of approval set forth in the Order in LCDRC Case MP/S 06-5212. Any additional changes to the conditions of approval may

occur only through a further application to amend the master plan or an application for preliminary plat approval. Member Katz seconded and the motion passed by majority [4-2] voice vote with Members Roybal and DeAnda voting against. [Chair Gonzales had recused himself from this case.]

VII. NEW BUSINESS

- A. **CDRC CASE # MIS 13-5180 John DePrimo Radio Antenna. John DePrimo, Applicant, requests approval of a non-commercial radio antenna, to be constructed 45 feet in height, to be utilized for amateur radio communications on 5 acres. The property is located at 136 Sunlit Drive West, within Section 19, Township 16 North, Range 10 East, (Commission District 4).**

Miguel Romero reviewed the staff report as follows:

“The Applicant requests approval to allow a 45-foot vertical antenna to be used for non-commercial amateur radio communications. The antenna is a single aluminum tube, which can be cranked down to approximately 26 feet.

“The Applicant states he will place the antenna in an area of the property that minimizes the visual impact of his closest neighbors and will crank down the antenna when the antenna is not in use.”

Mr. Romero said staff reviewed the request and recommends approval to allow the vertical height of an antenna at 45 feet to be used for non-commercial amateur radio communications as an accessory use to the residence, subject to the following conditions:

1. The Applicant shall obtain a development permit from the Building and Development Services Department for the placement of the antenna (As per Article II, § 2).
2. The Applicant shall recline the antenna to a lowered position when not in use.

Member DeAnda asked whether the tower could be painted and the base of the tower fenced. Mr. Romero said staff did discuss these items with the applicant and he recommended directing the questions to the application.

Mr. Romero clarified that when the tower is cranked down it will be at a height of 26 feet. Windmills and antennas cannot exceed 45 feet in height and at full height this antenna is no higher than 45 feet.

Ms. Ellis-Green pointed out that the zoning regulations require that the CDRC approve residential accessory structures such as windmills and radio antennas to exceed the maximum height restrictions. This is not a variance.

Mr. Romero said according to the applicant, there are other towers within the area.

Duly sworn, John DePrimo, 136 Sunlit Drive West, said the tower is of a crank-up variety and has a nested triangular section within a triangle section. When fully nested it is 25 feet in height and its maximum height is 45 feet. He said he has been a licensed, non-commercial amateur radio operator for over 50 years. He has met with his neighbors and sent the necessary certified mailings.

Regarding the reflective nature of the tower, Mr. DePrimo said while aluminum is difficult to paint he was willing to do. The base of the tower was located in a "reasonable" place set back from the street and the fence will shield it from neighbors.

He indicated that he belongs to a number of organizations that require frequency band activity throughout the month. He mentioned weekend contests and gatherings he participates within around the world.

Responding to the Chair, Mr. DePrimo said he would paint the tower in an effort to reduce reflectivity and identified two other towers in the vicinity of his home. He distributed a photo of the tower.

Fred Maas of Seton Village Road said he has had a 65-foot tower for over 32 years.

Duly sworn, Gerald DePrimo, the applicant's father, informed the Committee that his son has been involved in radio communications since 1961 and worked in communications in the Navy.

Duly sworn, Christine Enos said her property is directly above the applicant's and all of her views look on to his property. She said she's confused as to what the tower height is mentioning that the base is very large. The tower is not good for the community of Sunlit Hills. She questioned whether Mr. DePrimo contacted the subdivision architectural committee for review.

Duly sworn, John Bolt, Camino Pacifica, Sunlit Hills, identified himself as a graduate mechanical engineer and also a member of the Hondo volunteer fire district. Mr. Bolt said he lived on the hill above the applicant's property. He said the applicant knew the hill was there before he purchased the property at the base of the hill. There are covenants and restrictions to the subdivision restricting any building height from exceeding two stories. The regulations prohibit windmills and he was not at all happy about the antenna stating it was inappropriate location. The antenna will be visible to hundreds of residents in the area.

Mr. Bolt said he could not imagine any scenario where this antenna could be appropriate in the proposed location.

Member DeAnda pointed out that the County has no authority regarding homeowner association covenants. Ms. Brown confirmed that point adding that the

homeowner association can enforce their covenants separate and apart from the County process.

Member DeAnda asked whether it would be appropriate for the CDRC to table this case and allow the applicant to meet with the homeowner association and Ms. Brown responded that it was the CDRC's choice; however, these are not related proceedings.

Member Drobnis mentioned that federal regulations regarding radio towers may override covenants and all the applicable facts should be reviewed.

Duly sworn, Nick Nagosta, 130 Sunlit Drive West, neighbor to the applicant, said Sunlit Hills has an antenna that is several acres back from the house. He said he wants the applicant to have what he needs but aesthetically he can't support this request. Other technology should be investigated.

Duly sworn, Alden Oyer, Bishops Lodge Road, stated that he has been a licensed radio amateur since 1974, is currently the president of the Santa Fe Amateur Radio Club, the vice president of an emergency communication group and a retired professional engineer. He stood in support of Mr. DePrimo's application. He cited the Code of Federal Regulations regarding emergency communication.

Duly sworn, Fred Maas clarified that he lives in Sunlit Hills, Unit 1, Lot 6 and has done so since 1972. He is a licensed radio operator, communicates around the world and was the second American to operate in the Soviet Union. Mr. Maas said it appears the area residents have not noticed his 60-foot antenna.

Member DeAnda asked Mr. Maas whether he received approval from the homeowner association for his antenna. He responded that the covenants in Sunlit Hills do not make any mention of radio antenna. He erected his antenna in 1980.

Ms. Enos said Mr. Maas' pole is different than the tower Mr. DePrimo is requesting. She said neighbors Judge and Ruth Kelly asked her to communicate to the CDRC that they do not support the tower.

Mr. DePrimo said Mr. Maas' tower is no different from his. He said he and his wife purchased this property in Sunlit Hills because there are no restrictions on antennas.

Member Anaya move to approve the MIS 13-5180 with conditions. Member Martin seconded.

Member DeAnda said she would support the motion because it appears the homeowner association covenants do not address antenna.

The motion passed by unanimous [7-0] voice vote.

VIII. PETITIONS FROM THE FLOOR

None were presented.

IX. COMMUNICATIONS FROM THE COMMITTEE

None were presented.

X. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

XI. COMMUNICATIONS FROM STAFF

The next meeting was scheduled for August 15, 2013.


XII. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Gonzales declared this meeting adjourned at approximately 7:05 p.m.

Approved by:

Juan José Gonzales, Chair
CDRC

Submitted by:


Karen Farrell, Wordswork



New Mexico DEPARTMENT OF
TRANSPORTATION



July 9, 2013

Mr. Jose Larranaga
102 Grant Ave.
P.O. Box 276
Santa Fe, NM 87504

RE: **Cielo Colorado Subdivision**

Dear Mr. Larranaga,

The appropriate engineers of the New Mexico Department of Transportation have reviewed the submitted material on the above referenced development and comments or concerns to be addressed are as follows:

Environmental Bureau: If access to NMDOT right of way is required for the project, including any infrastructure improvements in NMDOT right of way along US84/285, the project would require an access permit and environmental clearance from the NMDOT and the project proponent would need to contact Genevieve Head in the NMDOT Environmental Division at 505-827-5356.

Drainage Design Section: The existing access location will be maintained. Currently there is an existing 24" culvert located immediately outside of the NMDOT right of way that allows localized runoff and the roadside ditch to drain across the access road. It is unclear from the submittal application if this culvert is adequately sized. Approximate hydraulic computations performed for this review, utilizing the hydraulic information provided in the submittal, would indicate that the 24" culvert would need 6 feet of headwater to pass the 30 cfs; this headwater would appear to overtop the access and potentially US 285 based on the topographic information provided. It is recommended that this driveway culvert be improved in accordance with the State Access Management Manual and current Drainage Design Criteria or detailed computations submitted to document the existing culverts conformance to current design standards. The resubmittal still does not address the adequacy of the existing 24" culvert under Camino Acote. It is recommended that access to the subject development be permitted if the above condition is met.

Susana Martinez
Governor

Tom Church
Cabinet Secretary, Design

Commissioners

Pete K. Rahn
Chairman
District 3

Ronald Schmeits
Vice Chairman
District 4

Dr. Kenneth White
Secretary
District 1

Robert R. Wallach
Commissioner
District 2

Butch Mathews
Commissioner
District 5

Jackson Gibson
Commissioner
District 6

If there are any questions you may contact me at (505) 827-5249 or by email at jeremy.lujan@state.nm.us .

Sincerely,

A handwritten signature in black ink that reads "Jeremy Lujan". The signature is written in a cursive style with a horizontal line above the name.

Jeremy Lujan
Property Asset Management Agent

FILE#: 1742

Jose Larranaga



From: marilyn vonreiter <mvonreiter@msn.com>
Sent: Wednesday, July 17, 2013 8:11 AM
To: Jose Larranaga
Subject: CDRC case Z/S 12-5450, Cielo Colorado Subdivision letter of support

Categories: Red Category

Hello Jose,

In regards to the CDRC case Z/S 12-5450 for the Cielo Colorado Subdivision, currently scheduled for July 18th, I would like to state for the record that we support the project as presented to us on June 17th by the developer.

We would like to add our support for the Master Plan for Cielo Colorado Estates to be heard by the CDRC on July 18th at 4 pm.

The developers, Ed and Chris DeZevallos have made a great effort to maintain the beauty of our community by reducing the lot count from 63 to 24 lots. This reduction of lots will also help support the assurance that water will not become an issue for our community.

Ed and Chris DeZevallos have been a pleasure to work with and have been most cooperative in working with us to resolve and find reasonable solutions to the concerns of our Lot 15-A-2 community.

Sincerely,

Marilyn & Andre Von Reiter

157 B Camino Acote
Santa Fe, NM 87508

Jose Larranaga

From: Damian Gessler <dgessler@centurylink.net>
Sent: Monday, July 15, 2013 11:41 AM
To: Jose Larranaga
Cc: Victoria Dalton; James Siebert; Ed Dezevallos; Chris Dezevallos
Subject: CDRC CASE # Z/S 12-5450 Cielo Colorado Subdivision
Attachments: Cielo Colorado - Items for James W. Siebert, Inc..pdf; Cielo Colorado.pdf

Categories: Red Category

Dear Mr. Larranaga,

Re: CDRC CASE # Z/S 12-5450 Cielo Colorado Subdivision

Please accept this email and the two attached letters as relevant to the case for CDRC consideration. The first letter, dated March 25 2013, is a list of issues sent to and received by Ms. Victoria Dalton (Assistant for Mr. James Siebert) at Mr. Siebert's request.

The second letter, dated April 8 2013, sent to and received by Mr. Siebert and the Developers, outlines issues relevant to development of the area and Santa Fe County planning.

In a public meeting on June 17 2013 Mr. Siebert and the Developers presented a revised Cielo Colorado Master Plan. Please accept this email as my endorsement of the plan as I understand it. Material changes in the revised plan are evident, especially the de-scoping of the intensity of land use and a combination of explicit, implicit, or de facto addressing of the major issues raised.

Mr. Siebert and the Developers are to be commended for a thoughtful and balanced approach.

Best,
Damian Gessler
15 Acote Court
Santa Fe, NM 87508

Gregory Hart
160 Camino Acote

Damian Gessler
15 Acote Court

Residents of Tract 15A-2 and Cielo Colorado
Santa Fe, NM 87508

March 25, 2013

Mr. James Siebert
James W. Siebert and Associates, Inc.
918 Mercer St.
Santa Fe, NM 87507

Dear Jim,

Per your request, please find here a list of issues relevant to the proposed Cielo Colorado subdivision. The residents have worked diligently to compile the list, including tasking volunteers into "working groups" and soliciting wide and open engagement. Still, the list is preliminary at best, and at this point is neither final nor exhaustive.

We have identified seven areas for attention. We have kept the list of issues short and focused, so as to best aid a process of resolution. As we address items, further items may or may not be added as the process evolves.

1. Front Entrance

The front entrance is the sole ingress and egress into two neighborhoods—the existent and established 1B year old Cielo Colorado and its proposed expansion, and approximately 205 acres of other residences, not part of Cielo Colorado, yet part of the larger Tract 15A-2 which contains Cielo Colorado.

Issues:

1.1 Setting a positive entrance statement: What is the entrance "statement"—the initial thematic setting and impression of the development? Is it to accentuate the natural beauty of the land, or human and equestrian activities, or a sensitivity to native peoples, or something else? The Master Plan is unclear on this point.

1.2 Attenuating the negative impact of proximity to US HWY 285 and maintaining the highest standards of the US 285 South Highway Corridor Plan and the Sustainable Growth Management Plan: To date, a mostly-undeveloped 36 +/- acre Reserve Tract of land in the front entrance has provided a noise and visual buffer from US HWY 285 (a four lane, 55-mph highway). The proposed Master Plan develops this land with nine or more houses, substantially changing the natural and undeveloped character of the front entrance, but not defining a clear entrance portal or separation of activities (*e.g.*, entrance presence, public mailboxes possibly with weather protection, private homes, recreation, landscape and vegetation planning, etc). Residents are concerned that a heavy and unbalanced of use of the land in the

front entrance shall negatively impact all the neighborhood areas thus serviced by Camino Acote.

1.3 Identification of a "Park" in the Front Entrance: The Master Plan presented to the community at the March 14th meeting had a "Park" on land wedged between the Santa Fe County Solid Waste Transfer Station and the US HWY 285 right-of-way. The "park" includes a protected arroyo. It is unclear how this land could satisfy regular and reasonable "park-like" activities.

1.4 Financial impact: To date, the undeveloped nature of the front entrance Reserve Tract has had a neutral impact on the neighborhoods' financial resources. If this is to change, for example, due to newly required regular maintenance for roads, additional mailboxes, possibly new walls, signage, or other treatments, what is the model to ensure such developments are financially viable?

2. Roads and Infrastructure

Tract 1SA-2 is served by six roads: Camino Acote and Calle Cal, cul-de-sacs Senda Mescal and Senda Suaza, and Lone Coyote Ridge and Acote Court. The first four are paved roads of approximately three miles in aggregate length. The roads do not meet county base-course and pavement thickness standards. Approximately 45 residents pay \$45,000+/- per year to maintain those roads. At this rate, residents are informed that they will pay "forever"—as the annual revenue is sufficient to maintain only sections at a time, and by the time all sections receive maintenance, residents will have to restart the maintenance schedule from the beginning. Neighborhood By-Laws require that any new paved road connected to an existing paved road be maintained by the neighborhood. Lone Coyote Ridge and Acote Court are base-course, private roads. They are not maintained by the neighborhood but are maintained solely by the residences they serve. Residences on those roads pay for three road tiers: county taxes, neighborhood road fees, and separate private road maintenance.

Issues:

2.1 Developing new roads before lots are sold: We have been informed that land will be cleared and roads will be built before the lots they service are sold. This is an issue because empty cul-de-sacs—"roads to nowhere"—have a substantial negative impact. Empty roads and cul-de-sacs capture dirt and tumbleweeds, they attract temporary and transient activities, and contribute to an overall unsettled nature. Unused roads deteriorate faster than moderately used roads. Thus the proposed phasing plan appears to burden the neighborhood with a market risk of unsold lots on roads it does not need but must maintain.

2.1 Financial impact of new roads: What is the financial plan for maintaining new roads? Who pays for what, when? How many lots need to be sold and at what rate to preserve revenue neutrality for the HOA (Home Owners' Association)?

2.3 Impact on the existing Camino Acote: Construction and heavy-earth moving equipment will likely use Camino Acote because it is the only ingress and egress to the community. What is the financial plan to maintain Camino Acote over the nine-year phasing plan under this excess use?

2.4 Unclear infrastructure plans: We understand that, pending on-going negotiations with the various public utility and private communication companies, the current

status for infrastructure is: no natural gas, no cable, no high-speed Internet except what is currently available over DSL (Digital Subscriber Line). Current DSL bandwidth varies and is approximately 2-6 Mb/s to the desktop. This is adequate for light to moderate household use today, but is widely deemed inadequate for reasonable and anticipated future needs of multiple on-demand video feeds into single residences. Issues exist whether planned infrastructural additions to the neighborhood are adequate given the Master Plan's nine year phasing schedule.

3. Trails and Open Space

Tract 15A-2 is approximately 527 acres with neither community trails nor public open space: private land abuts private land. To date, this has been adequate, even if not desirable, due in part to a low intensity of use on the land. The Master Plan proposes to expand the number of houses by almost 150% by building 60+ new homes on less than 40% of the total acreage, so we expect an increased intensity of use to raise the need for designated trails and open space.

Issues:

3.1 Planned open space: The Master Plan allocates a "Park" (see sec. 1.3 above) that exceeds County minimum acreage requirements for the number residences. But the placement of the "park" does not lend itself to useful use. Open space between homes has a proven record of improving land and housing values, quality of life, and desirability, for example in nearby Eldorado. Can a strategic use of open space between houses be examined for this Master Plan? Is there a plan where fewer lots and more open space results in higher lot desirability?

3.2 Trails to somewhere: Trails—pedestrian, equestrian, bicycle—may be connectors, or they may be embedded in open space. What is the "traffic pattern" for trails that enhances their use and that of open space? Is there a pedestrian/equestrian trail that can circumnavigate part of the land so as to enhance its use?

3.3 Trails that enhance public enjoyment and respect private property: Some residents have expressed an issue that trails should not direct people to "dead-ends" that then encourage people to enter or cross private property. Easements (for example, under power lines), may be a gray-area, but in no case should trail planning simply assume that a property owner agrees to trails on or adjacent to their land.

4. CC&Rs: Covenants, Conventions, and Restrictions

Tract 15A-2 is covered under a set of CC&Rs loosely called the "1991" [Red Sky] CC&Rs. Initial development of the area of approximately 25 homes on 64 acres is subject to an additional, more restrictive set of CC&Rs called "Cielo Colorado Phase I." Additionally, some lot owners in Tract 15A-2 with over 12.5 acres (not part of Cielo Colorado Phase I) are subject to further variations. We understand that new development will generally follow the Cielo Colorado Phase I CC&Rs.

Issues:

4.1 Acceptance of Phase I CC&Rs as a model for new development: Formal polling of the neighborhoods for agreement or opposition to the wider adoption of the Phase I CC&Rs has not been done. In general, there appears to be support and recognition

that broad adoption of CC&R's based on Phase I is a good and positive start. We understand that CC&Rs for new development do not by necessity impose new burdens on existing residents. Given the fractious nature of multiple CC&Rs, we simply ask for more time to conduct a more thorough review.

4.2 Phase I CC&Rs are a good start, but may be out of date: Some issues, such as water catchment, solar panels, and so forth, have gained importance since the Phase I CC&Rs were written. Other issues, such as the allowable number of horses, fencing, and so forth may need review.

5. Water

We are aware that the Eldorado Area Water and Sanitation District (EAWSD) issued a "ready, willing, and able" letter for the development. We are also aware of the Memorandum of Understanding (MOU) between the EASWD and the County. We are studying the issue. Presently:

Issues:

5.1 Water, CC&Rs, and building design: Will all new houses be required to have hot water re-circulators and other indoor water conservation devices? Is there a water conservation building standard or accreditation to which builders will be required to comply that exceed minimum county standards?

5.2 Water, CC&Rs, and outdoor conservation: Will building sites and run-off catchments adhere to the goals of water-neutrality (water that enters a lot, stays on the lot for reharvesting)? Is this dependent on house square-footage, or will it apply to all houses?

5.3 Water and the Master Plan: how does the Master Plan address the unique water conservation and catastrophic drought-tolerance goals of the area? For example, how is road planning, road run-off, and open space designed to mitigate the worst effects of drought and maximize water retention on the land?

6. Sustainability and Growth

A recent article in the press boasted Santa Fe as one of the best places for real estate, with a prediction of a rise in housing prices of 9.1% over the next five years. Yet this is an annual rate of only 1.75%, below even the rate of inflation. Market growth may be essentially flat, or even decreasing; it is hard to know.

Issues:

6.1 Build and they will come: Building that exceeds replacement rate burdens the neighborhood with an uncompensated market risk (see sec. 2.1). Furthermore, building that commits 0.25 afy (acre-feet/year) of water per house commits resources that cannot be re-committed to other projects—for example developments that may set forward-looking standards in water conservation, land stewardship, and protection of New Mexico as a national asset of exceptional beauty. This is an *opportunity cost*, and that cost is incurred by the neighborhood. How are these costs shared and compensated?

6.2 What if they do not come? The neighborhood is being asked to share risk and front certain costs, such as road maintenance. What is the shared gain? How does

the phasing plan balance sustainability and growth, such that neighborhood risk and incurred costs are controlled?

7. Engagement

Engagement between the residents, the developer, the engineering firm, the surrounding communities, the County—these all involve various avenues that can positively or adversely affect success. We invite your thoughts and discussion on the following self-explanatory issues:

Issues:

7.1 How do we engage with you?

7.2 How do you engage with us?

7.3 How do we together engage with others?

7.4 How do we keep up-to date with the most current Master Plan Site Drawing and Master Plan Report?

7.5 How are community meeting dates, times, and places to be set? What lead time is reasonable?

7.6 How do we document our efforts such that it is acceptable to you and the County?

Mr. Siebert—Jim—we thank you for working with us on these issues. Let's set a goal to resolve as many as we can. The list is not final, and as we resolve some, others may rise. But with a little work and good faith, we are encouraged that we can bridge these together.

Damian Gessler
15 Acote Court
Santa Fe, NM 87508

April 8, 2013

Mr. Ed deZavallos and Mr. Chris deZavallos
Cielo Colorado, LLC

Dear Ed and Chris,

Thank you for the effort and engagement to which you have both invested. There is common ground here, and so I write to you so we may see more clearly a path forward. Together, you bring 50+ years of cumulative professional real-estate experience to the table; I think this is a huge asset, and something that I am not eager to see unfocused.

Ed—you asked me at my home and at the April 4th meeting if I would give the project my endorsement. That is a fair request. I have given it some thought. Let me share with you our challenges, because it is through this that we may—just may—be able together achieve a common goal.

To start:

- According to the UNM, Bureau of Business & Economic Research, Geospatial and Population Studies Group 2012 study [1], Santa Fe county will grow from 144,531 in 2010 to 184,832 in 2040. That is a 28% growth in 30 years, which is not much: it equates to less than 1% per year (geometric rate is 0.71% per year).
- The area has an average of 2.4 people per household [2], thus the market needs an additional 560 housing units per year for the next 30 years to meet this demand.
- If the HWY 285/Galisteo area grows at the same proportional rate as the county projections, then its 10,000 residents will grow to 12,800 over 30 years. This will require 1,167 new houses total, or about 39 houses per year, if the demand is met entirely by new single-family dwellings.
- Thirty-nine houses at 0.25 afy (acre-feet per year) adds 10 afy per year of water commitments. Total for 1,167 houses is 292 afy: a 45% increase in Eldorado Area Water & Sanitation District commitments [3]. When fully satisfied in 30 yrs, total commitments would be at 90% of current 2012 maximum capacity.
- We do not know what the maximum capacity will be in 30 years. We do know that in the last five years it has decreased each and every year, despite the addition of a new well in 2008 [3].

This is a problem. If we simply build to satisfy a projected demand, the area will be at 90% pumping capacity in one generation. Hardly a 100 year plan, and at 90%, not sustainable.

So something has to give: either more water, or less demand. Growing at a very modest projected rate of 0.71% per year is going to cause pain. And it is going to cause it soon: within a generation.

Let's look at some other factors:

- February 2013 (latest data available) was the 336th consecutive month with global temperatures higher than the long-term average [4]. These are not models; this is just simple data. Someone stakes a thermometer and comes back every day and measures the temperature and averages it for the month. Actually, nowadays this is done automatically and remotely with sensors, but the basic act of recording observed temperatures is just a modern-day variant on the Farmers' Almanac. And every single month for the last 336 months, that month has been warmer than the month's long-term average—February 2013 was warmer than the long-term average for February, January 2013 was warmer than the long-term average for January, December 2012 was warmer than the long-term average for December—and this has been going on for 336 months uninterrupted. No modeling; just data. Data is from NOAA National Climatic Data Center [4].
- So it is getting warmer. What about rain? Based on tree-ring data, average annual precipitation for the Southern Rio Grande Basin, which includes the Galisteo Basin and surrounding areas, for a 1,373 year period AD 622–1994 was 23.7 cm/yr (9.34 in/yr) ([5]; Tables 6-7). Five, 30-year averages for New Mexico for each decade since 1931 (1931-60, 1941-70, ... , 1971-00) have consistently been above 32.0 cm/yr (12.59 in/yr), with the 1971-00 average of 37.0 cm/yr (14.58 in/yr) [6]. Thus the recent 1971-2000 period has been exceptionally wet by historical measures: long term average for this area is ~10"/yr, yet we have just come out of a period where we got 50% more: ~15"/yr. So despite how dry it has been, it has not been dryer than normal, it has been wetter than normal. This is about to change:
- As the air warms, surface water evaporates faster. How much faster? A 2010 study by Gutzler and Robbins [7] shows that just a few degrees rise in annual average temperatures is sufficient to drive the Palmer drought index (the major index used by farmers, federal data centers, etc.) into essentially continual extreme drought. Look at just one of many graphs (Figure 1, next page): it compares 25-yr averages between known data and predictions of the effect of warming (100-year differences). Interestingly, although the days get warmer, precipitation is about constant (not shown in the figure but available in the paper); in other words it continues to rain and snow, but the surface water evaporates quicker. So trees are stressed, people water plants earlier and longer, that puts pressure on pumping more water, etc., etc.

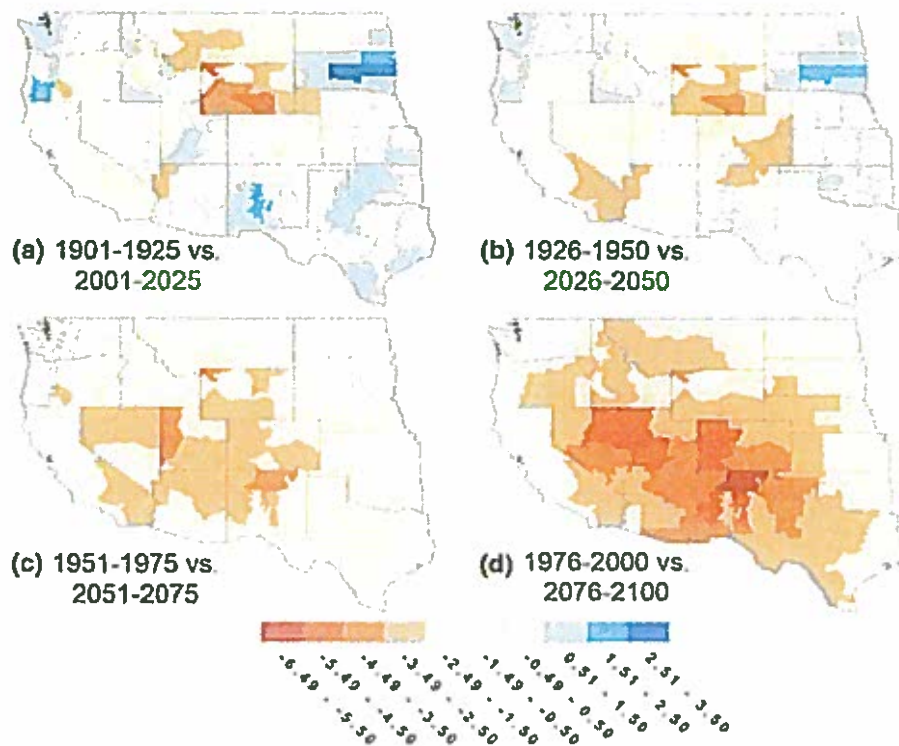


Figure 1 Palmer drought index. -3 is severe drought; -4 and less is extreme drought. Note that Santa Fe/Northern New Mexico is one of the hardest hit areas. While the projection is through 2100, onset of severe drought occurs much earlier: just 13 years from now starting in 2026 and only a few years after the planned completion of Cielo Colorado. Source: [7].

- So as the mighty Colorado and Rio Grande begin to dry, water mining (extracting groundwater) increases in importance. Yet county studies have discounted water mining as already unsustainable; indeed that was part of the rationale for the Buckman Direct Diversion project to rely on surface water from the Rio Grande. There is a disjoint here; something will break.
- Water is not oil. Prices today for Brent crude are approximately \$108/bbl. Eldorado Area Water and Sanitation District (EAWSD)—the customers of which pay for some of the most expensive water the nation—sells water retail at \$0.42 bbl. (42 cents for 42 gallons).
- With costs in the order of a million dollars per true newly discovered, productive water source, the math is not kind to drilling when you have to sell 100 million gallons just to cover the capital costs of a new well (\$1M at a penny a gallon retail).
- To make matters worse, the area is “geologically heterogeneous.” That means there is no known and reliable place to drill. Eighteen wells have been drilled in the area, but about half are out of commission. That means one can spend a lot of money drilling, only to come up dry, or have to drill again in a few years. A 2007 Glorieta Geosciences report estimates that six new wells will be needed just to meet current commitments of 600 afy for the next 100 years, yet this does not include new development or the effects of warming [8; p. 47].

So let's go back to those growth numbers: 0.71% growth per year driving 39 houses/yr in this HWY 285/Galisteo area. As noted above this drives the system into unsustainability within 30 years. If 39 is too many, what is reasonable?

- Currently the EAWSD is pumping water at approximately 50% of production capacity (approximately 550 afy). What is a reasonable figure for planning? A lot can change in 30 years, so just for planning a figure would be somewhere greater than 50% and less than 90%; a reasonable figure is 70%.
- At 0.25 afy per house, the difference between 50% (today) and 70% (2040) is approximately 740 houses total, or 25 houses/yr. This is just for the HWY 285/Galisteo area.
- Those 25 houses/yr are the total projected sustainable growth rate—it's a balance between demand for housing and demand for water. If residents are not afraid that new development is threatening the water, then population pressure remains positive, and demand for housing stiffens. As demand for housing exceeds supply, this acts to maintain housing prices and area stability. This growth of 25 houses/yr is to be satisfied by numerous parties—"Mom and Pop" residents, professional developers, etc. If professional developers took half that share, and all the Mom and Pops and everyone else took the other half, then we are at approximately 12.5 houses/yr for professional developers.
- If Cielo Colorado, LLC took half of that 12.5, and all the other developers had to compete for the other half, then we are looking at approximately 6 houses per year.

This is a very interesting number, because it is close to the Cielo Colorado phasing plan. Yet even six houses per year for Cielo Colorado is likely too aggressive:

- Building permits for new single-family units for the entire Santa Fe county for the last five years average 104 units/yr [2]. This is a loose metric on county-wide market demand for new homes. The last five years have been soft, but if Cielo Colorado is to build 6/yr, that is close to or exceeds market saturation for the entire HWY/Galisteo area. Perhaps a more realistic number for Cielo Colorado (just a small subdivision of the larger area) is 2-4 houses/yr.

Let's look at a few more numbers:

- Santa Fe County sets minimum lot sizes based, in part, on the hydrology (water supply) of an area. For example, in the La Barbaria hills where the ground is mountainous and water is scarce, minimum lot size is 80 acres. There are many exceptions (certainly some lots in that area are smaller than 80 acres). In our area, the minimum size for Mom and Pop (non-subdivision) lots is 12.5 acres. As you know, separate calculations allowing smaller lots are used for sub-divisions.
- Take that 12.5 acres per lot as a measure of what the land can carry. We are not pedantic that every lot must be that size, but overall, such an average mitigates the pressure on the land as reflected in water availability. For a Cielo Colorado additional acreage of 257 acres, $257 / 12.5 = 20.56$; let's call it 21: the land can hold 21 new homes, with plenty of options on exactly how it is

platted. (Actually, this is generous: there are already 44+ houses on the 527 acres of Tract 15-A, a pre-build average of already one house per 12 acres).

Thus we consider: 21 houses in 5 years; lot sizes 2.5 – 10+ acres on 257 acres; and consider these benefits:

1. Quick-in; quick-out; job is done in 5 years: time is money.
2. Instead of planning for 51 lots over 9+ years, building roads, laying infrastructure, and knowing that in reality, fewer lots are likely to be sold; boldly take the high ground and make a commitment to planning every house on tight, hard-bodied plan of 21 houses in 5 years. This is on the optimistic side of reality: it may still over-saturate Cielo Colorado if the larger market remains soft.
3. Fewer lots mean lesser impact means easier sell to the county, to the residents, to community.
4. Fewer lots on the same acreage opens opportunity for greenbelts, more freedom in building envelopes to accentuate high-value views, preservation of vegetation, and benefits that increase value and desirability to offset unit costs.
5. Higher desirability translates into differentiation and higher asking prices.
6. Allowing larger lots to share base-course driveways (two houses per driveway with a Y split) could—given the right master plan—substantially reduce paved roads to yield significant savings.
7. Fewer lots mean lower affordable housing requirements: new number is reduced to 3.15. This is an immediate savings of \$550,000.
8. The rate of growth is supported by a water-aware, sustainable growth plan and is in line with the existing rate of development.
9. The total number of houses is supported by the impact on the land and is responsive to the community character.
10. The marketing of a community-responsive development positively differentiates the subdivision for builders, realtors, and buyers.
11. The approach differentiates you from other developers; an important play in this environment .

Twenty-one homes is less than half the current plan of 51. I do not have insight into your P&L to know how much potential profit is lost (or gained), or if the model even attains minimum ROI. But I would not be so arrogant as to assume that I know your motivation. It is reasonable that a certain return on investment is required. But men do great things for many reasons, and great things have never been achieved by doing the minimum. These homes will out-last me and will make a statement on the land for at least half a century; a land where people have lived for 10,000 years. At some point we draw a line in the sand, and prioritize to leave a mark on this world such that it is better that we lived and affected it, than that we did not live at all.

My best wishes to you,
Damian.

References

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- [2] PD&R / Economic & Market Analysis Division (EMAD) Southwest Regional Office. 2013 Market at a Glance. HUD Housing and Urban Development. Available at: <http://www.huduser.org/portal/MCCharts/countyCharts.html?countyID=35049&countyName=Santa%20Fe%20County%2C%20NM&dt=March%2027,%202013>.
- [3] EAWSD Eldorado Area Water & Sanitation District 2013. Water Notes. 8:3. Available at: http://www.eldoradowaterdistrict.com/files/WN_2013_Mar_Water_Notes.pdf.
- [4] NOAA National Climatic Data Center, State of the Climate: Global Analysis for February 2013. Available at: <http://www.ncdc.noaa.gov/sotc/global/2013/2>.
- [5] Grissino-Mayer, HD 1997. A 1,373 year reconstruction of annual precipitation for the Southern Rio Grande Basin. Available at: <http://web.utk.edu/~grissino/downloads/Legacy%20Final%20Report.pdf>.
- [6] National Climatic Data Center, Historical Climatology Series 4-2. (no date). Available at: <http://www.wrcc.dri.edu/htmlfiles/avgstate.ppt.html>.
- [7] Gutzler DS, Robbins TO 2010. Climate variability and projected change in the western United States: regional downscaling and drought statistics. Climate Dynamics, DOI 10.1007/s00382-010-0838-7.
- [8] Glorieta Geoscience, Inc. 2007. Eldorado Area Water & Sanitation District hydrology study and well improvements project; Long-term water availability and well field management study report. pp. 1 -80.

Jose Larranaga

From: Bob Shelley <bobshelley2006@yahoo.com>
Sent: Monday, July 15, 2013 9:27 AM
To: camino_acole_neighborhood@yahoogroups.com; Jose Larranaga
Subject: CDRC Case Z/S 12-5450, Cielo Colorado Subdivision letter of support

Categories: Red Category

Hi Jose,

In regards to the CDRC case Z/S 12-5450 for Cielo Colorado Subdivision, which is currently scheduled for July 18th, I would like to state for the record that I support the project as presented to our homeowners association on June 17th by the developer.

The current plan contains 24 lots, a huge reduction from the original number of 63. The effect of this change is a substantial reduction in future water consumption, something many of us are concerned about given the limited rainfall in recent years. In addition, the developer has provided for more open space at the entrance to Cielo Colorado from highway 285, moved the affordable housing lots to a more appropriate location, and generally been very responsive to input from our community.

Thank you for your consideration.

Sincerely,
Bob Shelley
4 Calle Cal
Santa Fe, NM 87508

Z/S 13-5130 La Bajada Ranch Master Plan Amendment



1. "All conditions set forth in the Order of the Board of County Commissioners in LCDRC Case #MP/S 06/5212 shall remain in full force and effect."
2. "This application only changes the *source of water* to be provided to the master planned development under the Order in LCDRC Case #MP/S 06/5212 from wells identified by the original applicant to the County water system and supplied by water from the Rio Grande River through the Buckman Direct Diversion.
3. No other changes are proposed to the conditions of approval set forth in the Order in LCDRC Case #MP/S 06/5212. Any additional changes to the conditions of approval may occur only through a further application to amend the master plan or an application for preliminary plat approval."

Ruel A. & Pamela F. Toups

36 Raven Ravine ✦ Santa Fe, NM 87507 ✦ Phone: (504) 382-6440
Email: touplesra@gmail.com & Email: pftoups@gmail.com



July 18, 2013

Santa Fe County Development Review Committee
County Commission Chambers
County Administration Building
Santa Fe, NM

Re: CDRC CASE # Z/S 13-5130 La Bajada Ranch Master Plan Amendment

Dear Committee Members:

This letter is in response to the proposed Amendment to the La Bajada Ranch Master Plan. We own an adjacent property located at 36 Raven Ravine, off Paseo C De Baca (CR 50), in La Cienega. Our property abuts the area identified as "Phase One" in the December 19, 2007 Santa Fe Canyon Ranch Revised Amended Master Plan (www.santafecountynm.gov/userfiles/LaBajadaRevisedAmendedMasterPlan.pdf).

We were attracted to the La Cienega community because of its rural character and larger lot sizes. When we purchased our property in 2012 it was our understanding, after asking our agent from Sotheby's, that the land surrounding our property would not be developed in the future. We believed that the land we now know as the La Bajada Ranch property was held "in Trust" since the prior owner/seller — who resided at this location for 32 years — made no disclosure that an existing development agreement, Master Plan, or other legal entitlements for the future subdivision had previously been approved. Being new to the area, we were unaware of the history of the Santa Fe Canyon Ranch Project and the County's purchase of that land in 2009. When we had the land Surveyed, we discovered a utility easement that cut directly across the property, but that easement was removed without issue when the seller petitioned the County to remove the easement as a condition of the purchase agreement. The Surveyor's map that accompanied our title documents indicated the adjacent property was owned by "Santa Fe County", a fact that solidified our belief that we had bought a property that would be surrounded by open space.

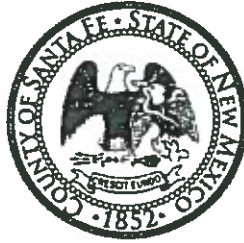
In early June, we received notification both by letter and by Public Notice concerning the hearing of the proposed Master Plan Amendment. This was the first time we heard of this Project. We attended the June 20, 2013 CDRC meeting to become better informed. We have since learned from our neighbors and fellow members of the La Cienega Village Association about the project's history, the County's controversial purchase of the 470.55 acre La Bajada Ranch property (www.santafecountynm.gov/documents/ordinances/2009-182.pdf), and the 2010 La Cienega Land Use Survey (www.santafecountynm.gov/userfiles/SantaFeCanyonRanchSurvey11302010.pdf). We were pleased by the survey results, which overwhelmingly express the La Cienega residents' and greater Santa Fe area residents' desire to keep this land preserved in perpetuity from future development and to instead develop it minimally for public and recreational uses only (e.g., hiking, biking, horse trails).

Cc: Board of County Commissioners of Santa Fe County
Members of La Bajada Ranch Steering Committee
Katherine Miller, County Manager
Gene Bostwick, Chairman, La Cienega/La Cieneguilla Planning Committee
Carl Dickens, President La Cienega Village Association

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

CASE NO. MIS 13-5180

MISCELLANEOUS

JOHN DEPRIMO, APPLICANT

ORDER

THIS MATTER came before the County Development Review Committee ("CDRC") for hearing on July 18, 2013, on the Application of John DePrimo ("the Applicant") for a development permit for a non-commercial radio antenna, to be constructed 45 feet in height, to be utilized for an amateur radio station on 5 acres. After conducting a public hearing on the Application, the CDRC hereby **APPROVES** the Application and makes the following findings of fact and conclusions of law:

1. The Applicant requests approval to allow a non-commercial radio antenna, to be constructed 45 feet in height, to be utilized for an amateur radio station on 5 acres.
2. The property is located at 136 Sunlit Dr. West, within Section 19, Township 16 North, Range 10 East, (Commission District 4).
3. Article III, § 2.3.6c, Height Restrictions for Residential Accessory Structures, states: "requests for residential accessory structures such as windmills and radio antennas to exceed the maximum height restrictions shall be reviewed for approval by the County Development Review Committee. When an exception to the height restrictions is desired, the Applicant shall submit plans for the installation and operation of the

accessory structure with a report explaining why the requested height of the structure is necessary for proper function. The County Development Review Committee shall consider: whether the requested structure is reasonably necessary to be on the proposed site; whether the Applicant has demonstrated that the requested height is the minimum height necessary for the proposed structure to function properly, not to exceed a maximum height of forty-five feet (45'); and the size of the lot and impact on neighboring properties”.

4. Additionally, Article III, Section 2.1 provides, “Residential uses and accessory structures, as defined herein, are allowed anywhere in the County provided all of the requirements of the Code are met.”
5. Staff supported the Application and recommended the following conditions of approval:
 - A. The Applicant shall obtain a development permit from the Building and Development Services Department for the placement of the antenna (As per Article II, § 2).
 - B. The Applicant shall crank down the antenna to a lowered position when not in use.
6. The Applicant consented to staff’s conditions.
7. There were two constituents in opposition of the Application and three constituents in favor of the Application.
8. After conducting a public hearing on the request and having heard from the Applicant and the public, the County Development Review Committee hereby approves the request for a non-commercial radio antenna, to be constructed 45 feet in height, to be utilized for an amateur radio station on 5 acres.

IT IS THEREFORE ORDERED that the Application to allow a non-commercial radio antenna, to be constructed 45 feet in height, to be utilized for an amateur radio station is approved subject to the conditions stated above.

This Order was approved by the County Development Review Committee on this _____ day of _____, 2013.

COUNTY DEVELOPMENT REVIEW COMMITTEE OF SANTA FE COUNTY

By: _____
County Development Review Committee, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Stephen C. Ross, County Attorney

occur only through a further application to amend the master plan or an application for preliminary plat approval. Member Katz seconded and the motion passed by majority [4-2] voice vote with Members Roybal and DeAnda voting against. [Chair Gonzales had recused himself from this case.]

VII. NEW BUSINESS

- A. CDRC CASE # MIS 13-5180 John DePrimo Radio Antenna. John DePrimo, Applicant, requests approval of a non-commercial radio antenna, to be constructed 45 feet in height, to be utilized for amateur radio communications on 5 acres. The property is located at 136 Sunlit Drive West, within Section 19, Township 16 North, Range 10 East, (Commission District 4).**

Miguel Romero reviewed the staff report as follows:

“The Applicant requests approval to allow a 45-foot vertical antenna to be used for non-commercial amateur radio communications. The antenna is a single aluminum tube, which can be cranked down to approximately 26 feet.

“The Applicant states he will place the antenna in an area of the property that minimizes the visual impact of his closest neighbors and will crank down the antenna when the antenna is not in use.”

Mr. Romero said staff reviewed the request and recommends approval to allow the vertical height of an antenna at 45 feet to be used for non-commercial amateur radio communications as an accessory use to the residence, subject to the following conditions:

1. The Applicant shall obtain a development permit from the Building and Development Services Department for the placement of the antenna (As per Article II, § 2).
2. The Applicant shall recline the antenna to a lowered position when not in use.

Member DeAnda asked whether the tower could be painted and the base of the tower fenced. Mr. Romero said staff did discuss these items with the applicant and he recommended directing the questions to the application.

Mr. Romero clarified that when the tower is cranked down it will be at a height of 26 feet. Windmills and antennas cannot exceed 45 feet in height and at full height this antenna is no higher than 45 feet.

Ms. Ellis-Green pointed out that the zoning regulations require that the CDRC approve residential accessory structures such as windmills and radio antennas to exceed the maximum height restrictions. This is not a variance.

Mr. Romero said according to the applicant, there are other towers within the area.

Duly sworn, John DePrimo, 136 Sunlit Drive West, said the tower is of a crank-up variety and has a nested triangular section within a triangle section. When fully nested it is 25 feet in height and its maximum height is 45 feet. He said he has been a licensed, non-commercial amateur radio operator for over 50 years. He has met with his neighbors and sent the necessary certified mailings.

Regarding the reflective nature of the tower, Mr. DePrimo said while aluminum is difficult to paint he was willing to do. The base of the tower was located in a "reasonable" place set back from the street and the fence will shield it from neighbors.

He indicated that he belongs to a number of organizations that require frequency band activity throughout the month. He mentioned weekend contests and gatherings he participates within around the world.

Responding to the Chair, Mr. DePrimo said he would paint the tower in an effort to reduce reflectivity and identified two other towers in the vicinity of his home. He distributed a photo of the tower.

Fred Maas of Seton Village Road said he has had a 65-foot tower for over 32 years.

Duly sworn, Gerald DePrimo, the applicant's father, informed the Committee that his son has been involved in radio communications since 1961 and worked in communications in the Navy.

Duly sworn, Christine Enos said her property is directly above the applicant's and all of her views look on to his property. She said she's confused as to what the tower height is mentioning that the base is very large. The tower is not good for the community of Sunlit Hills. She questioned whether Mr. DePrimo contacted the subdivision architectural committee for review.

Duly sworn, John Bolt, Camino Pacifica, Sunlit Hills, identified himself as a graduate mechanical engineer and also a member of the Hondo volunteer fire district. Mr. Bolt said he lived on the hill above the applicant's property. He said the applicant knew the hill was there before he purchased the property at the base of the hill. There are covenants and restrictions to the subdivision restricting any building height from exceeding two stories. The regulations prohibit windmills and he was not at all happy about the antenna stating it was inappropriate location. The antenna will be visible to hundreds of residents in the area.

Mr. Bolt said he could not imagine any scenario where this antenna could be appropriate in the proposed location.

Member DeAnda pointed out that the County has no authority regarding homeowner association covenants. Ms. Brown confirmed that point adding that the

homeowner association can enforce their covenants separate and apart from the County process.

Member DeAnda asked whether it would be appropriate for the CDRC to table this case and allow the applicant to meet with the homeowner association and Ms. Brown responded that it was the CDRC's choice; however, these are not related proceedings.

Member Drobnis mentioned that federal regulations regarding radio towers may override covenants and all the applicable facts should be reviewed.

Duly sworn, Nick Nagosta, 130 Sunlit Drive West, neighbor to the applicant, said Sunlit Hills has an antenna that is several acres back from the house. He said he wants the applicant to have what he needs but aesthetically he can't support this request. Other technology should be investigated.

Duly sworn, Alden Oyer, Bishops Lodge Road, stated that he has been a licensed radio amateur since 1974, is currently the president of the Santa Fe Amateur Radio Club, the vice president of an emergency communication group and a retired professional engineer. He stood in support of Mr. DePrimo's application. He cited the Code of Federal Regulations regarding emergency communication.

Duly sworn, Fred Maas clarified that he lives in Sunlit Hills, Unit 1, Lot 6 and has done so since 1972. He is a licensed radio operator, communicates around the world and was the second American to operate in the Soviet Union. Mr. Maas said it appears the area residents have not noticed his 60-foot antenna.

Member DeAnda asked Mr. Maas whether he received approval from the homeowner association for his antenna. He responded that the covenants in Sunlit Hills do not make any mention of radio antenna. He erected his antenna in 1980.

Ms. Enos said Mr. Maas' pole is different than the tower Mr. DePrimo is requesting. She said neighbors Judge and Ruth Kelly asked her to communicate to the CDRC that they do not support the tower.

Mr. DePrimo said Mr. Maas' tower is no different from his. He said he and his wife purchased this property in Sunlit Hills because there are no restrictions on antennas.

Member Anaya move to approve the MIS 13-5180 with conditions. Member Martin seconded.

Member DeAnda said she would support the motion because it appears the homeowner association covenants do not address antenna.

The motion passed by unanimous [7-0] voice vote.

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Hollan
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: August 15, 2013

TO: County Development Review Committee

FROM: John Lovato Development Review Specialist Senior

VIA: Penny Ellis-Green, Land Use Administrator *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

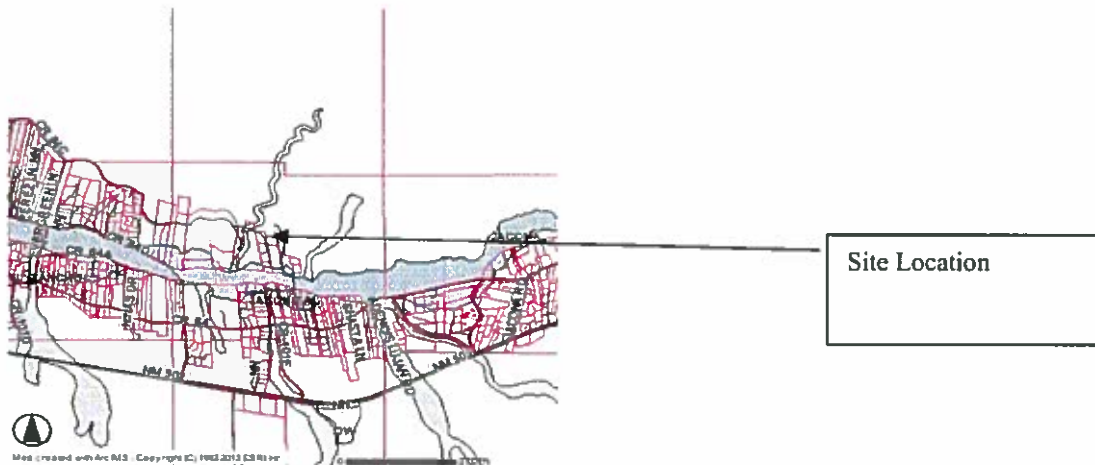
FILE REF.: CDRC CASE # V 13-5190 Minnie Walsh Variance

ISSUE:

Minnie Walsh, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) and a variance of Article III, Section 2.4.1a.2.b (Access) of The Land Development Code and a variance of Article 4, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow a Family Transfer Land Division of 1.195 acres into two lots.

The Property is located at 58 Arroyo Jaconita, within the Traditional Community of Jacona, within Section 11, Township 19 North, Range 8 East, (Commission District 1).

Vicinity Map:



REQUEST SUMMARY:

The Applicant requests a variance to allow a Family Transfer Land Division of 1.195 acres into two lots. The property is accessed by Arroyo Jaconita Road (Private Road) and Loma Encantada (Private Road). Arroyo Jaconita is a dirt/sand driving surface and is located in and crosses a FEMA designated Special Flood Hazard Area. The portion of Arroyo Jaconita Road that services the property is approximately 750 feet in length and 15 feet in width. Loma Encantada is a dirt driving surface that ends and enters the Jacona Land Grant. A portion of Loma Encantada crosses a FEMA designated Special Flood Hazard Area and is approximately 1/4 mile in length and 15 feet in width. Both Arroyo Jaconita, and Loma Encantada do not have an all-weather driving surfaces and may be frequently impassible during and after inclement weather, and thereby are not all weather accessible. Therefore, the Applicant is requesting a variance.

Currently, there is a manufactured home, a single wide mobile home, and two accessory structures (Sheds) on the property. The property is served by two onsite wells, a conventional septic system, and a split flow septic system. Article III, Section 10 of the Land Code states that the minimum lot size in this area is 0.75 acres. In order to divide the subject property into two lots, the property would have to be at least 1.50 acres. The Applicant is requesting a variance to this requirement.

In 2006, the BCC granted a two year temporary approval to allow the placement of a second dwelling unit on the property. The Applicant never followed up with conditions of approval. The Applicant was to apply for temporary approval every two years to be approved by the CDRC and report water meter readings to the Land Use Administrator by January 31st of each year.

The Applicant states the reason for this is due to the loss of her husband, and it has taken a few years for the family to focus and take the necessary steps toward making a home for her daughter's family permanent. The Applicant would like to provide her daughter and her family with an affordable place to live and provide clear title to the land so that they may build a permanent residence. Furthermore, she would like to maintain family ties to the land where her daughter grew up.

Article III, § 2.4.1a.2.b (Access) of the Land Development Code states: "All development sites under this Section shall demonstrate that access for ingress and egress, utility service and fire protection whether by public access and utility easement or direct access to a public right-of-way can be provided and meet the requirements of this Code"

Article V, § 8.1.3 states "Legal access shall be provided to each lot and each lot must directly access a road constructed to meet the requirements of Section 8.2 of the Code. Parcels to be accessed via a driveway easement shall have a twenty (20) foot all weather driving surface, grade of not more than 11%, and drainage control as necessary to insure adequate access for emergency vehicles"

Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) states: "At no time shall a permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure where the site is absent all weather access"

Article II, § 3 (Variances) states: "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This Section goes on to state "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified". **The variance criterion does not consider financial or medical reasons extraordinary hardships.**

This Application was submitted on June 6, 2013.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request.

APPROVAL SOUGHT: A variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow a Family Transfer Land Division of 1.195 acres into two lots, a variance Article III, § 2.4.1a.2.b (Access) of the Land Development Code, and a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management)

GROWTH MANAGEMENT AREA: El Norte, SDA-2

HYDROLOGIC ZONE: Traditional Community of Jacona, minimum lot size per Code is 0.75 acres per dwelling unit. Proposal does not meet minimum lot size criterion.

ACCESS: Arroyo Jaconita and County Road 84C

FIRE PROTECTION: Pojoaque Fire District.

WATER SUPPLY: Domestic Well

LIQUID WASTE: Conventional Septic/System Split Flow System

VARIANCES: Yes

AGENCY REVIEW:	<u>Agency</u>	<u>Recommendation</u>
	County Fire	Denial
	Floodplain Administrator.	Denial

STAFF RECOMMENDATION: Denial of a variance of Article III, Section 10 (Lot Size Requirements), a variance of Article III, Section 2.4.1a.2.b (Access), and a variance of Article 4, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) that would allow a Family Transfer Land Division

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

1. Water use shall be restricted to .50 acre foot per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (**Article III, § 10.2.2 and Ordinance 2002-13**).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (**Article III, § 2.4.2**).
3. The Applicant must comply with all conditions of approval within 90 days and prior to plat approval.
4. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat review (**1997 Fire Code and 1997 Life Safety Code**).
5. The Placement of more than one dwelling unit per lot and further division of the land is prohibited on the property (**Article III, § 10**).
6. The Applicant shall divide the property into two equal parcels.
7. A note must be placed on the Plat regarding the lack of all-weather access to the subject lots. This note shall include language as follows: The access to this property does not meet minimum standards set forth by County Ordinance and Code. Site Access, including access by Emergency vehicles, may not be possible at all times (**Ordinance 2008-10**).

EXHIBITS:

1. Letter of Intent
2. Letters of Opposition
3. Article III, § 10 Lot Size Requirements
4. Article III, § 2.4.1a.2.b (Access)
5. Article V, § 8.1.3 (Legal Access)
6. Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management)

7. Article II, § 3 (Variances)
8. Site Photographs
9. Aerial of Site and Surrounding Area
10. Review Agency Comment Letters
11. September 12, 2006 BCC Minutes

Letter of Intent requesting a family property transfer and division

I, Minnie Walsh would like to subdivide and transfer part of my 1.195 acres of land. We are requesting a subdivision and transfer of approximately 0.30 acres located at 58 Arroyo Jaconita to my daughter Michelle Walsh Sanchez-Adams and my son-in-law Michael Adams.

I would like to transfer the land for the following reasons;

1) Help my daughter and her family establish a permanent dwelling. They need clear title to the land to build a house on the property.

2) Help my daughter's family maintain their ties to the community through their church ministry and other connections (work in Pojoaque, school, etc.)

3) Maintain our family ties to the land my daughter grew up on and be physically close to me.

In 2006, we were granted a permit to place a second home for my daughter's family on the site. We had intended to do the transfer in 2008, but my husband John passed away in June of that year. It has taken a few years for our family to focus on taking the steps towards making a home for my daughter's family permanent.

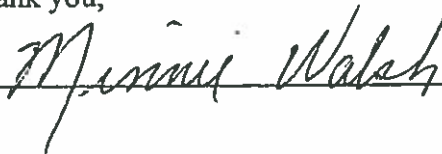
My daughter and her family have complied with the state requirements for their advanced septic system and well. They also have approved electrical and propane connections.

The property division will allow them to place a home on a permanent foundation.

Our family appreciates you time and consideration in this matter.

Thank you,

Signed, Minnie Walsh





NBA - 6

Kristoffer and Misha Peterson
19 Loma Encantada
Santa Fe, NM 87506

July 2, 2013

Santa Fe Land Use Commissioners

RE: CDRC Case # V 13-5190
58 Arroyo Jaconita Family Transfer

We have examined the documentation for the above Case. We wish to object strongly to the proposed parcel split at 58 Arroyo Jaconita. It was our understanding that the current mobile home was a temporary living situation. We have to wonder, how long is temporary? (CDRC Case # APP 06-5250) Upon placement of the mobile home and for many years after there has been no attempt to maintain the structure or surrounding property. Therefore, resulting in an eye sore for the neighborhood and ultimately affecting the quality of the surrounding properties. Our property and home are located directly adjacent to the above parcel and we have to question both erosion hazards and septic issues that might affect surrounding topography and wells. When we purchased our property we made an investment in rural country living. By definition rural living constitutes low population. In closing we believe that the parcel split and current state of the property are a detriment to the area; we are against the parcel split at 58 Arroyo Jaconita.

Sincerely,



Kristoffer and Misha Peterson



NBA-

Santa Fe County Land Use Commissioners

June 28th, 2013

RE: CDRC Case # V 13- 5190

58 Arroyo Jaconita Family Transfer

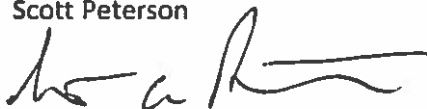
We are against the split of that parcel for the following reasons:

1. It was understood that current use was to be "TEMPORARY" and therefore we had no objection to the second mobile home being placed, given how nice Minnie's home has been kept. However, no attempt has been made to improve the appearance of the second mobile home or its surrounding area, and it has become an eye sore and a detriment to the neighboring properties. The second mobile home has been there roughly seven years, how long is temporary? (See CDRC Case # APP 06-5250 enclosed)
2. We also question the legitimacy of the current septic system and worry about the impact of the increased sewage on neighboring wells. It may not even be possible to have a well and septic on such a small lot given the fact that an arroyo takes up a considerable portion of the lot.
3. There is no permanent all weather access to this site or others in the area or any scheduled or regular maintenance to these easement accesses. Increasing density would be a burden to First Responders. Why create a new parcel that does not adhere to current County Policies regarding access?
4. Allowing this split would be a precedent for others to seek property splits into substandard size parcels, adversely affecting the rural setting of the area, which has been in the Pojoaque Valley's long term plan to preserve.

In conclusion, our current County Land Use Ordinances deal quite clearly with these issues, and we see this case as a poor candidate for a variance. Therefore, we are against the approval of splitting the 1.195 acre parcel into two .597 acre parcels.

We would like to be informed about the outcome of this case. Thank You.

Scott Peterson



Eva Peterson



25 Loma Encantada

Santa Fe, NM 87506

NBA-8

SOMMER KARNES & ASSOCIATES LLP

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Of Counsel
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jrh@sommer-assoc.com

July 31, 2013

Office of the State Engineer
Co/ Steve Mastevich
PO Box 21502
Santa Fe, NM 87504

Re: Report of Violation

Dear Mr. Mastevich:

I am writing to advise you of a violation of State law involving two Section 72-12 wells being permitted and constructed on one lot and to request that the Office of the State Engineer takes action as necessary to ensure compliance with applicable State law.

Attached as Exhibit A is a copy of the plat for certain property consisting of 1.19 acres owned by Minnie Walsh located in Jaconcito, Santa Fe County, New Mexico (the "Property").

Attached as Exhibit B is a copy of the OSE file for RG-38560, which was applied for by John P. Walsh, approved and drilled on the Property in 1982.

Attached as Exhibit C is a copy of the OSE file for RG 88512, which was applied for by Mike Adams, approved and drilled on the Property in 2006.

It is apparent that Mike Adams (who is not the property owner) failed to disclose to the OSE the existence of a well on the property when he submitted his application for RG 88512.

The second well is particularly relevant given the pending application before Santa Fe County for a Family Transfer which, if approved, would divide Property into two lots, with a well and a dwelling unit on each lot. (Exhibit D) The County application identifies only RG 88512 and fails to identify the well serving the existing dwelling unit in the southerly portion of the Property.

The Santa Fe County Development Review Committee is scheduled to consider the Walsh application on August 15, 2013. We would appreciate your response to this letter and an indication of the actions that you will be taking in advance of that meeting.

NBA-9

Sommer, Karnes & Associates, LLP

OSE
July 31, 2013

Thank you for your consideration of this request.

Sincerely,



Joseph Karnes

NBA-9A.

TYPE OF USE	NUMBER OF PARKING SPACES
Retail Centers	1 per 1 employee plus per 200 sq. ft.
Restaurants, Bars	1 per 1 employee plus per 150 sq. ft.
Gas Stations	1 per 1 employee plus 1 per 300 sq. ft. of garage space.
Industrial	1 per employee plus 1 per 500 sq. ft.
Small Scale Centers, Home Occupations	1 per 1 employee plus 1 per 400 sq. ft. of commercial space.
Large Scale Residential, Institutional, Residential Resorts	2 per dwelling unit
Churches, auditoriums, theaters, arenas, spaces used for public assembly	1 for each 4 seats
Uses not listed	As determined by the County

- 9.2 Multiple use projects shall calculate cumulative parking needs for each type of use in the project to be developed.
- 9.3 Minimum size of parking space shall be 300 square feet which includes the parking stalls and aisles.
- 9.4 Commercial, industrial, other non-residential and large scale residential uses shall provide for handicap parking.

History: 1980 Comp. 1980-6. Section 9, Parking Requirements was amended by County Ordinance 1990-11 adding requirements for auditorium uses, multiple uses and handicap access.

SECTION 10 - LOT SIZE REQUIREMENTS

10.1 Relationship of Lot Sizes to Water Policies

The General Plan sets forth the policy that future population growth in the County should be supported by adequate long term water availability and concentrate population growth in Urban and Metropolitan Areas and Traditional Communities. Development within these areas will generally be served by one or more regional water systems, or community water systems. Development outside of the Urban, Metropolitan Areas and Traditional Communities using domestic wells (Section 72-12-1 wells) should consider estimated long term water availability and protect water resources for existing County residents having domestic wells. Development may also be permitted if the applicant for a development permit demonstrates that he/she has water rights, excluding rights permitted under 72-12-1 NMSA 1978 or 75-11-1 NMSA 1953, recognized and permitted by the Director of Water Resources Department of Natural Resources Division of the State of New Mexico which are approved for transfer by the Director of Natural Resources Division to the site of the Development, and the permitted water rights are sufficient to support the proposed development.



10.1.1 Water Policies Governing Lot Sizes Where the Development will Utilize Permitted Water Rights

Applicants seeking a development permit may base their application on water rights authorized and permitted by the Director of Water Rights Division of the Natural Resources Department of the State of New Mexico, (with the exception of water rights permitted under Section 75-11-1 NMSA 1953 or 75-12-1 NMSA 1978). The applicant shall provide evidence that he/she owns or has an option to purchase the permitted water rights in an amount adequate to meet the needs of the development as shown by Article VII, Section 6.6.2, Water Budgets and Conservation Covenants. Any development permit approved and issued by the County shall be expressly conditioned upon the applicant obtaining final non appealable order or final non appealable approval from the Director of Water Rights Division of the Natural Resources Department of the State of New Mexico authorizing the change in use and change in point of diversion to meet the needs of the proposed development. The minimum lot size permitted by this Section shall be 2.5 acres, unless the proposed development is within an Urban, or Metropolitan Area or a Traditional Community, in which case further adjustments of the lot size shall be permitted as provided by Sections 10.4, 10.5.2 and 10.5.3.

10.1.2 Water Policies Governing Lot Sizes Where Developments Will Not Utilize Permitted Water Rights

BASIN ZONE: Minimum lot size shall be calculated based upon ground water storage only. Water that is in storage beneath the lot in the Basin Zone may be depleted over a 100-year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water without consideration of recharge of the ground water.

BASIN FRINGE ZONE: Same as Basin Zone.

HOMESTEAD ZONE: Minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 100 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 100 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead Zone minimum lot sizes based on storage in this zone would be larger than those based on recharge.

MOUNTAIN ZONE: Same as Homestead Zone.

METROPOLITAN AREAS-BASIN AND BASIN FRINGE: For Basin and Basin Fringe zones within a Metropolitan Area as shown on Code Maps 12, 14 and 15, it is anticipated that regional water systems will eventually be developed. Therefore, water that is in storage beneath a lot within a Metropolitan Area may be depleted over a 40 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 40 year supply of water without consideration of recharge of the ground water.

METROPOLITAN AREAS-HOMESTEAD AND MOUNTAIN ZONE: For Homestead and Mountain Zones within a Metropolitan Area, the minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not

both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 40 year lifetime. The lot must be large enough to have a ground water in storage beneath the lot for a 40 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 40 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead and Mountain Zones, minimum lot sizes based on storage in these zones would be larger than those based on recharge.

10.2 Calculation of Minimum Lot Size

Calculation of the minimum lot size under Section 10.1.2 shall be determined by the formula:

$$\frac{\text{Acre Feet}}{\text{Use (Year) x acres}}$$

Minimum Lot Size (Acres)=Water Available in acre feet per acre/year

$$\text{MLS} = \frac{U \times \text{acres}}{A}$$

Where:

MLS is the minimum lot size in acres; it is the size of a lot needed to supply anticipated water needs.

U is the anticipated water needs for the lot; it is the use of water which will occur from the intended development of the lot, measured in acre-feet per year. The standard values listed for A were derived using the procedures set forth in the water appendix of the Code. The standard value for U is set forth in Section 10.2.2. A is the amount of water available in the aquifers which are beneath the lot, measured in acre-feet per acre per year using recharge or storage as described in 10.1.2.

10.2.1 Standard Values for A and Adjustments. The standard values for A shall be as follows:

<u>BASIN ZONE:</u>	0.1 acre-feet per acre per year
<u>BASIN FRINGE ZONE:</u>	.02 acre-feet per acre per year
<u>MOUNTAIN ZONE:</u>	.0125 acre-feet per acre per year
<u>HOMESTEAD ZONE:</u>	.00625 acre-feet per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

<u>BASIN ZONE:</u>	10 acres
<u>BASIN FRINGE ZONE:</u>	50 acres
<u>MOUNTAIN ZONE:</u>	80 acres
<u>HOMESTEAD ZONE:</u>	160 acres

The standard values of A may be adjusted if the applicant submits a hydrology report, either a detailed report (see Section 6.4 of Article VII), or a reconnaissance report (see Section 6.7 of Article VII). Values of A determined in such reports shall be reviewed by the County Hydrologist, who shall recommend to the Code Administrator whether or not

the value is reasonable, and if not, shall recommend a value appropriate for the use in determining minimum lot size.

The actual value of A used shall be based on the information submitted by the applicant, by the County Hydrologist or by others submitting information. If water conservation measures are used, as provided in Section 10.2.4b, and an actual value of A is determined, in most cases minimum lot sizes will be reduced below those listed in Section 10.2.1. However, applicants are advised that because of varying geologic conditions in Santa Fe County there is no assurance that a hydrology report will determine that the water supply in an area is more abundant than indicated by the standard value of A. In cases where the actual study shows a value of A which is less than the standard value (that is, there is less water available than assumed by the standard value), minimum lot size requirements may be increased beyond those indicated in this Section.

10.2.2 Calculation of Use

U shall have a standard value of 1.0 acre feet per year per dwelling unit for residential use. For all other uses U shall be equal to the actual anticipated consumptive use for the development. The standard value for residential use may be adjusted if an applicant proposes to utilize water conservation measures. There shall be no adjustments for conservation in Urban, Traditional Community and Agricultural Valley Areas.

The Code Administrator shall maintain an application form upon which are listed potential water conservation measures. This form shall indicate the effect of each conservation measure of the value of U. As a minimum, the measures shall include: restrictions on use of water for irrigation purposes (including watering of lawns, gardens and shrubbery); restrictions on use of water for swimming pools; restrictions on the number of bathrooms per dwelling unit; restrictions on garbage disposal units; devices which reduce the utilization of water by appliances, kitchen fixtures, and bathroom fixtures; and pressure-reduction devices on in-coming water lines.

Any applicant who uses the application form as a basis for proposing conservation measures shall be allowed to reduce U in accordance with the effectiveness of the measures proposed. The maximum reduction in U which shall be considered achievable using this approach shall be a reduction of U to no less than 0.25 acre feet per year per dwelling unit. An applicant who proposes water conservation measures sufficient to reduce U to less than 0.25 acre feet per year per dwelling unit shall be required to prepare a water conservation report: See Section 6.6 of Article VII.

The actual value of U, and the minimum lot sizes which result, will depend on the conservation measures proposed by the applicant. In general, applicants who substantially restrict the use of irrigation (lawn and garden) water will be assumed to have a U of 0.5 acre feet per year per dwelling unit, while those who further restrict other types of water use will be assumed to require even less water. For reference purposes, the following lot sizes would be allowed if U is equal to 0.5 acre feet per year per dwelling unit.

<u>BASIN ZONE:</u>	5 acres
<u>BASIN FRINGE ZONE:</u>	25 acres
<u>MOUNTAIN ZONE:</u>	40 acres
<u>HOMESTEAD ZONE:</u>	80 acres

For reference purposes, the following lot sizes would be allowed if U is equal to 0.25 acre feet per year per dwelling unit.

<u>BASIN ZONE:</u>	2.5 acres
<u>BASIN FRINGE ZONE:</u>	12.5 acres
<u>MOUNTAIN ZONE:</u>	20 acres
<u>HOMESTEAD ZONE:</u>	40 acres

10.2.3 Special Standards for Calculation of Use for Small Scale Commercial Development

Special standards which set forth specific limitations on use for small scale commercial developments are set forth in this subsection. Applicants who propose small scale commercial development are required to prepare a written estimate of water use. The value of U shall be determined by that estimate unless otherwise determined by the Code Administrator. The Code Administrator shall have on file, a list of standard water consumption requirements for commercial activities. The applicant may use these figures in lieu of the written estimate of water use. Applicants may use standardized values for A as set forth in Section 10.2.2, or they may submit a hydrology report which contains an actual estimate of A for the land which is to be developed.

10.2.4 Special Standards for Calculation of Water Availability for Metropolitan Areas

Special standards which set forth limitations on water availability for metropolitan areas shown in Code Map 12, 14, and 15 are set forth in this Sub-section.

a. Standard Values of Water Availability

Because the policy for water management in Metropolitan areas allows for depletion of storage over a 40 year period, standard values for A are as follows:

<u>BASIN ZONE:</u>	.25 acre feet per acre per year
<u>BASIN FRINGE ZONE:</u>	.05 acre feet per acre per year
<u>MOUNTAIN ZONE:</u>	.0125 acre feet per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

<u>METRO BASIN ZONE:</u>	4 acres
<u>METRO BASIN FRINGE ZONE:</u>	20 acres
<u>METRO MOUNTAIN ZONE:</u>	80 acres

b. Adjustments for Water Conservation

For the division of land into four (4) or less lots, the minimum lot size may be adjusted using the procedures set forth in Section 10.2.2. For reference purposes, the minimum lot sizes which result if U = 0.25 acre feet per year per dwelling unit or commercial use are:

<u>BASIN ZONE:</u>	2.5 acres
<u>BASIN FRINGE ZONE:</u>	5 acres
<u>MOUNTAIN ZONE:</u>	20 acres

10.3 Exceptions to Minimum Lot Size Requirements

The minimum lot sizes calculated under Sections 10.1 and 10.2 shall not apply to the areas described in this Section and the minimum lot size contained in this Section shall control.

10.3.1 Metropolitan Area - Community Water Systems

Where a community water system provides water service to a development within the Metropolitan Areas, as shown on Code Maps 12, 14 and 15, the minimum lot sizes shall be:

<u>BASIN ZONE:</u>	1 acre
<u>BASIN FRINGE ZONE:</u>	2.5 acres
<u>MOUNTAIN ZONE:</u>	5 acres

10.3.2 Agricultural Areas

In the Estancia Valley Agricultural Area, minimum lot sizes shall be 50 acres for the Basin Fringe Zone and 10 acres for the Basin Zone. Adjustments for water conservation and water availability will not be allowed. In the Northern Valley Agricultural Area, the minimum lot size for lands with permitted water rights shall be five (5) acres. Adjustments to lot sizes in these areas are conditioned on the finding in each case by the County Development Review Committee that it is in the best interest of the County to convert water rights from agricultural to commercial or residential use.

10.3.3 Traditional Communities

The minimum lot size in traditional communities as shown on Code Maps 40-57, shall be .75 acres, except as follows:

14,000 sq. ft. - Where community water service and community sewer service systems are utilized, or a Local Land Use and Utility Plan is adopted.

10.3.4 Urban Areas

The minimum lot size in Urban Areas shall be 2.5 acres, except as follows:

1 acre - Where community water or community liquid waste disposal systems are utilized.

.50 acre - Where community water and community sewer systems are utilized.

10.4 Density Transfer

The minimum lot sizes specified in this Section 10 shall be taken as gross figures for the purposes of determining the total number of dwellings allowed in a particular development. The arrangement of dwellings in clusters or in such locations as to take advantage of topography, soil conditions, avoidance of flood hazards, access and reduced cost of development, shall not violate the lot size requirements of the Code so long as the total number of acres per lot conforms with the requirements of the Code.

SECTION 11 - IMPORTING OF WATER

11.1 Location Requirements

Developments which import water from the surface Rio Grande or other locations outside Santa Fe County to any location in Santa Fe County designated in the Development Code as other than urban or metropolitan locations are permitted to locate anywhere in the County provided they meet all requirements of the Code, except that in lieu of the density requirements as specified in Article III, Section 10, the proposed development shall meet the following criteria.

submittal list and explanation with the development permit application form.

2. Reviews

(a) Lot Size Requirement Review

The Code Administrator shall review the application for compliance with the lot size requirements of the Code.

(b) Access

(i) All development sites created under this Section shall demonstrate that access for ingress and egress, utility service, and fire protection whether by public access and utility easement or direct access to a public right-of-way can be provided and meet the requirements of this Code.

(ii) Installation of culverts, where applicable, shall be required at intersections of driveways with County roads.

(iii) Road Construction and/or Road Cut Permits must be obtained prior to road or driveways construction. The applicant must provide submittals for new construction pursuant to this Section 2.4.1 and meet standards as applicable and as required in Article V, Section 8, Subdivision Design Standards, and Article VII, Section 3, Terrain Management. Notification of all affected property owners and posting of notice will be required for roads and driveways accessing more than one property.

(c) Special District Review

The Code Administrator shall check the location of the proposed dwelling, and if the location of the proposed dwelling is within a Special Review District as described in Article VI, the Code Administrator shall inform the applicant of any additional submittals or reviews required, if any, and make the applicable review.

(d) Environmental Review

The Code Administrator shall inform the applicant of any additional submittals and make the reviews required under Article VII - Environmental Requirements.

(e) Siting Review

The Code Administrator shall review the application for compliance with the site planning standards. Additional submittals in connection with the siting may be required: site visits to assure compliance with the standards of Section 2.3 of this Article and approval of the Code Administrator will also be required.

(f) Building, Mechanical and Electrical Code Review

The Code Administrator shall cause the submitted plans and specifications to be reviewed for compliance with Article IV - Construction Codes of the Code and for engineering design.



8.1.2 The Santa Fe County Master Plan For Roads

- a. Pursuant to 3-19-9 N.M.S.A., 1978, the Santa Fe County Master Plan for Roads establishes the general location of existing and proposed highway and arterial roads for the purpose of assuring a coordinated system of roads in Santa Fe County.
- b. The Santa Fe County Master Plan for Roads may be amended by resolution from time to time to accommodate changing or changed conditions.

8.1.3 Legal access shall be provided to each lot and each lot must directly access a road constructed to meet the requirements of Section 8.2 of this Article. Parcels to be accessed via a driveway easement shall have a twenty (20) foot all weather driving surface, grade of not more than 11%, and drainage control as necessary to insure adequate access for emergency vehicles.

8.1.4 Dead end roads may not serve more than thirty (30) dwelling units, except that the Code Administrator with the concurrence of the Fire Marshal may approve the development of more than thirty (30) lots on a dead end road. The Code Administrator may require a second access for any development with fewer than thirty (30) dwelling units where issues of public health, safety and welfare exists.

8.1.5 Coordination of Roads With Surrounding Property

- a. The arrangement of roads in a development shall provide for the continuation or appropriate projection of existing or proposed highway or arterial roads in surrounding areas according to the Santa Fe County Master Plan for Roads, and shall provide reasonable means of ingress and egress to surrounding property.
- b. Where land is subdivided into large tracts or where there is a potential for further subdivision or development of subsequent phases exists, the proposed development shall be designed to provide for a coordinated road system for the entire tract.
- c. Where it is in the public interest to establish a right-of-way or access to property which adjoins a proposed development, the right-of-way shall be extended to the boundary of the property which is the subject of a development application. The right-of-way shall either be dedicated to the County or granted to the Owner's Association, subject to a conditional dedication governed by Article V, Section 8.1.9. Such right-of-way shall be designated on the master or phase development plan and on the plat as a public access.

8.1.6 Access to highways and arterials: buffering requirements

- a. Where a proposed subdivision contains lots abutting or adjacent to an arterial or highway, it shall be planned so as to avoid having lots having frontage on said thoroughfares.
- b. The subdivision shall be laid out to have a minimum number of intersections with arterials or highways, and where appropriate, shall provide at least two separate points of ingress and egress to assure adequate access, and shall be designed for all weather conditions. Driveways from lots shall access local roads and may access collector roads on a limited basis as approved by the County Development Review Committee.
- c. Where the subdivision is traversed by or is adjacent to a state or federal highway, and in addition to these regulations, the subdivision must satisfy the New Mexico State Highway Department Regulations Covering Design and Construction of Driveways on Non-Controlled Access Highways in New Mexico, a copy of which is on file in the office of the Code Administrator for public inspection.
- d. Where a subdivision borders on or contains a railroad right-of-way or a limited access highway right-of-way, a parallel road or frontage road may be required at a distance suitable for the appropriate use of the intervening land. Such distances shall also be



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ARTICLE 4

FLOODPLAIN DEVELOPMENT PERMIT PROCEDURAL REQUIREMENTS

SECTION 4.1 AREAS REQUIRING A FLOODPLAIN DEVELOPMENT PERMIT

A. For development within a designated SFHA, including lands which are traversed by, bisected by, or directly adjacent to the SFHA designated on the effective FIRM as described in Article 2, §2.2C, Article 3, §3.2 and Article 3, §3.10, a Floodplain Development Permit issued by the Floodplain Administrator in conformity with the provisions of the Ordinance shall be secured pursuant to Article 3, §3.3(B) prior to commencement of construction.

SECTION 4.2. NON-ELIGIBLE NEW DEVELOPMENT OR CONSTRUCTION

At no time shall a Floodplain Development Permit be issued for a new dwelling unit site, lot, parcel or tract of land intended for placement of a habitable structure including single family homes, residential subdivisions, modular home sites and modular home subdivisions where the site is:

- i. An alternative buildable area located outside the limits of the SFHA is available;
- ii. Unable to be removed from the SFHA through the formal FEMA map revision process described in Article 4, § 4.4;
- iii. Absent all weather access.

SECTION 4.3 PROCEDURES FOR SUBDIVISION PROPOSALS

All subdivision proposals which include area traversed by, bisected by, or directly adjacent to SFHA, including manufactured home parks and manufactured home subdivisions shall be required to secure a Floodplain Development Permit per Article 4, §4.4, and:

- A. SFHA may be used in computation of density;
- B. SFHA may be utilized to meet open space criteria;
- C. Primary and secondary subdivision access as required by County Code must be all weather access;
- D. For phased subdivisions, an overall Master Drainage Analysis shall be provided which demonstrates that floodplain management policies and stormwater management criteria will be compliant with this Ordinance and function independently in each phase, or construction of the entire conveyance system will be required in the first phase of construction.



NBA-18

2.5 Zoning

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

2.6 Subdivisions

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

2.7 Other Requirements

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

SECTION 3 - VARIANCES3.1 Proposed Development

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

3.2 Variation or Modification

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

3.3 Granting Variances and Modifications

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

3.4 Height Variance in Airport Zones

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





Minnie Walsh

58 Arroyo Jaconita



NBA-20



Minnie Walsh

58 Arroyo Jaconita

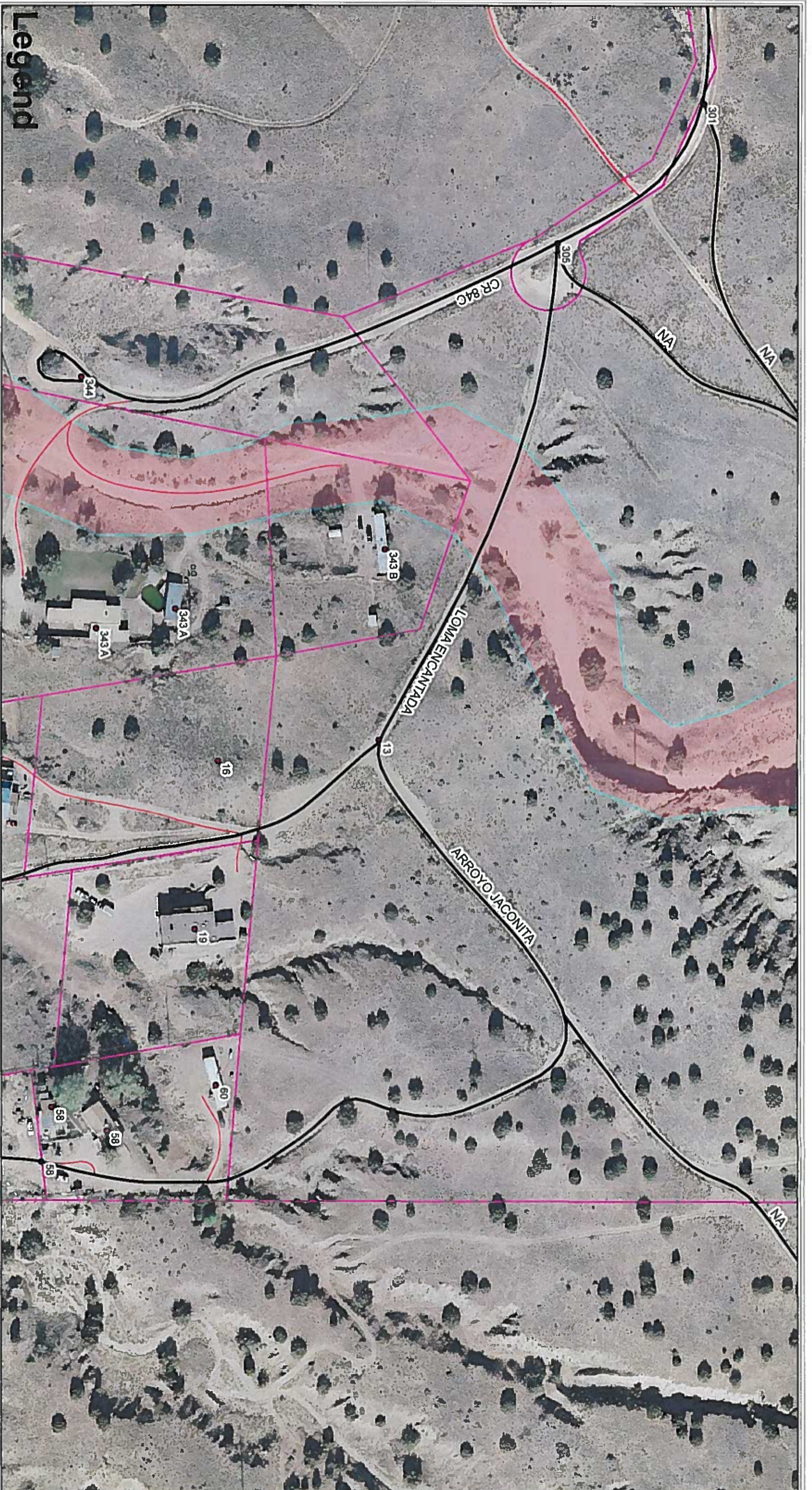
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Minnie Walsh

58 Arroyo Jaconita

NBA-22

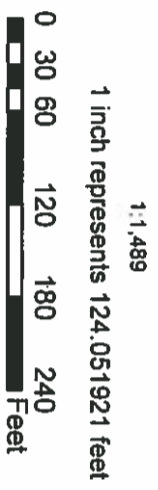


Legend

— ROADS

— DRIVEWAYS

□ Parcels



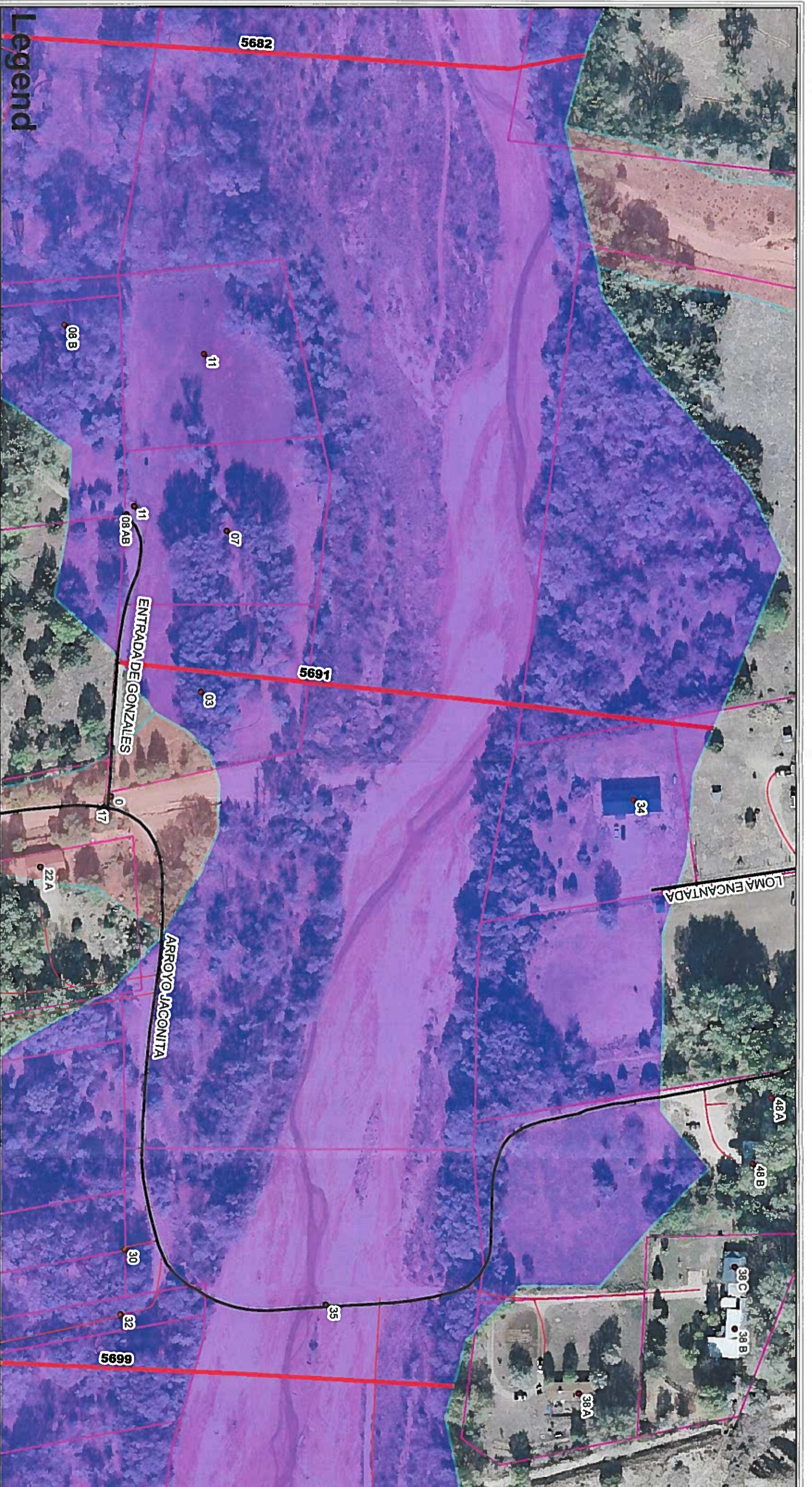
2008 Orthophotography
2 FOOT CONTOURS

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confirming data accuracy.






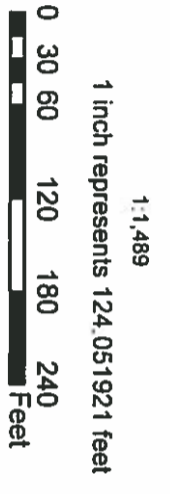
August 7, 2013

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Legend

-  ROADS
-  DRIVEWAYS
-  Parcels



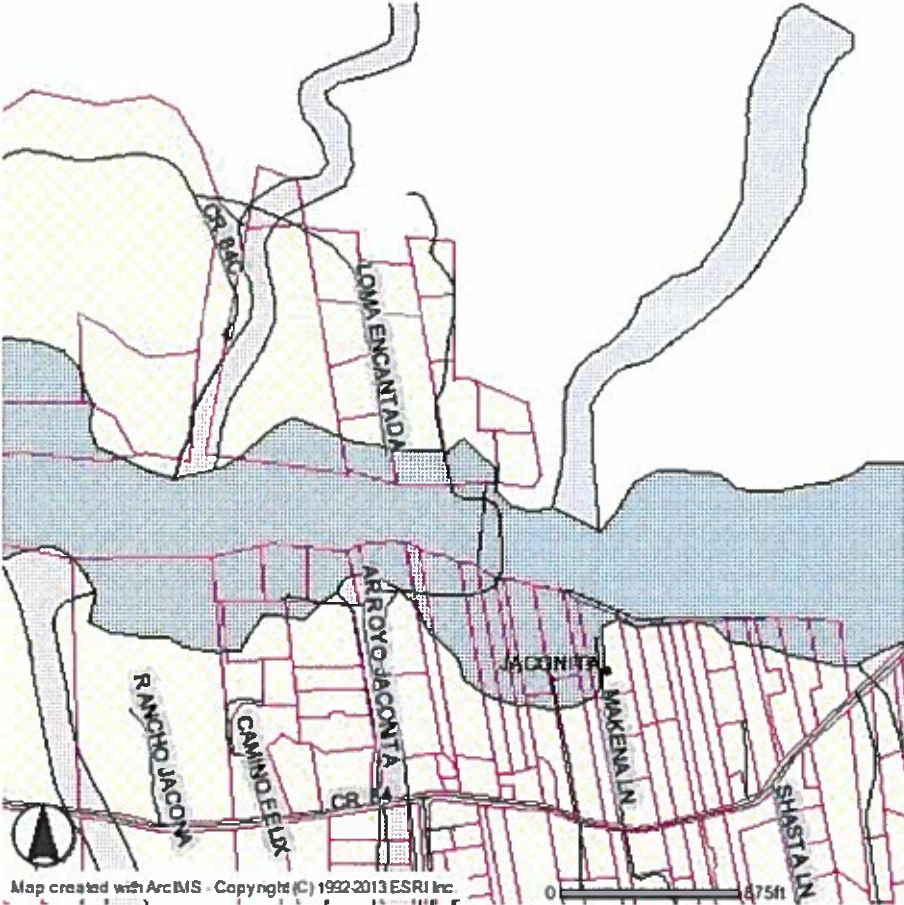
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2 FOOT CONTOURS

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August 7, 2013

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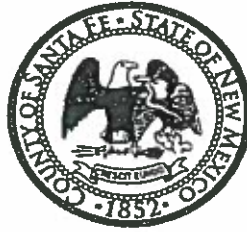


NBA-26

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 Submittal Review

Date	7/18/13		
Project Name	Walsh, Minnie		
Project Location	58 Arroyo Jaconita		
Description	Variance – Family Transfer	Case Manager	J. Lovato
Applicant Name	Minnie Walsh	County Case #	13-5190
Applicant Address	58 Arroyo Jaconita Santa Fe, NM 87506	Fire District	Pojoaque
Applicant Phone	505-670-5394		

Review Type	Commercial <input type="checkbox"/>	Residential <input checked="" type="checkbox"/>	Sprinklers <input type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input type="checkbox"/>	Inspection <input type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input checked="" type="checkbox"/>		Lot Split <input checked="" type="checkbox"/>

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*) :

Summary of Review

- The primary access to this property via Arroyo Jaconita does not meet the requirement of an all weather driving surface, being that it is an active arroyo and actively floods at various times of the year. (*page #2*)
- Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot. (*page #2*)
- Property owner(s) shall contact the Santa Fe Regional Emergency Communication Center and flag this address to have an emergency access through County Road 84C. (*page #2*)
- Both the driveway and fire access have areas that exceed the 11% slope requirement. (*page #3*)



- Due to the remote location of this proposed residence, the lack of water and the possibility of this residence being made inaccessible due to the low water crossings during inclement weather, for life safety and property protection the installation of an Automatic Fire Suppression system meeting NFPA 13D requirements shall be required in future development. (page #3)

Fire Department Access

Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

- **Roadways/Driveways**

Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

The primary access to this property via Arroyo Jaconita does not meet the requirement of an all weather driving surface, being that it is an active arroyo and actively floods at various times of the year.

There is an alternate access to this property via Santa Fe County Road 84C through the Jacona Land Grant. If applicant can prove easement through this route, it would be designated as emergency access only and should be specified on the plat as such. This road would require minimum road improvements of widening to a minimum of 14' wide and an all weather driving surface shall be required.

A turn around meeting Santa Fe County Fire Department Access Road Requirements shall be required.

- **Street Signs/Rural Address**

Section 901.4.4 Premises Identification (1997 UFC) Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

Section 901.4.5 Street or Road Signs. (1997 UFC) When required by the Chief, streets and roads shall be identified with approved signs.

Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot or building site within 72 hours of the commencement of the development process for each building.

Property owner(s) shall contact the Santa Fe Regional Emergency Communication Center and flag this address to have an emergency access through County Road 84C. This access shall also be marked so that it can be easily found by emergency personnel.

- **Slope/Road Grade**

Section 902.2.2.6 Grade (1997 UFC) *The gradient for a fire apparatus access road shall not exceed the maximum approved.*

Both the driveway and fire access have areas that exceed the 11% slope requirement.

- **Restricted Access/Gates/Security Systems**

Section 902.4 Key Boxes. (1997 UFC) *When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.*

Automatic Fire Protection/Suppression

Due to the remote location of this proposed residence, the lack of water and the possibility of this residence being made inaccessible due to the low water crossings during inclement weather, for life safety and property protection the installation of an Automatic Fire Suppression system meeting NFPA 13D requirements shall be required in future development. Assistance in details and information are available through the Fire Prevention Division.

It is also recommended that the homeowner and/or property owner contact their home insurance carrier to find out more information on minimum requirements for coverage.

Life Safety

Fire Protection requirements listed for this development have taken into consideration the hazard factors of potential occupancies as presented in the developer's proposed use list. Each and every individual structure of a private occupancy designation will be reviewed and must meet compliance with the Santa Fe County Fire Code (1997 Uniform Fire Code and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code, which have been adopted by the State of New Mexico and/or the County of Santa Fe.

General Requirements/Comments

- **Inspections/Acceptance Tests**

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

The developer shall call for and submit to a final inspection by this office prior to the approval of the Certificate of Occupancy to ensure compliance to the requirements of the Santa Fe County Fire Code (1997 UFC and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code.

Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall call for and submit to a final inspection by this office for confirmation of compliance with the above requirements and applicable Codes.

▪ **Permits**

As required

Final Status

Recommendation for Final Development Plan Denial until the above conditions have been applied.

Victoria DeVargas, Inspector

Victoria DeVargas
Code Enforcement Official

7/16/13
Date

Through: David Sperling, Chief
Buster Patty, Fire Marshal *BP*

File: NorthReg/DevRev/Poj/WalshMinnieVAR.doc

Cy: *J. Lovato, Land Use*
Applicant
District Chief
File

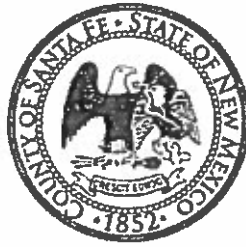
Official Submittal Review
4 of 4

NBA-30

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: August 7, 2013

TO: John Lovato, Development Review Specialist Senior

FROM: Vicki Lucero, CFM, Building and Development Services Department Manager, 
Floodplain Administrator

REF.: CDRC Case # V 13-5190 Minnie Walsh Variance

The Applicant is requesting approval to allow a family transfer land division of 1.195 acres into two lots. The proposed lots will not be benefited by all-weather access as required by Code. This application has been reviewed specifically for compliance to Ordinance 2008-10 (Flood Damage Prevention and Stormwater Management Ordinance).

Article 4, Section 4.2 states: "At no time shall a Floodplain Development Permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure including single family homes, residential subdivisions, etc, when ... the site is absent all weather access. A Floodplain Development Permit will not be issued based upon the following:

1. Arroyo Jaconita, which is the primary access used to access the subject parcel, is within a federally mapped Special Flood Hazard Area, Zone AE. The Zone AE designation indicates these areas will be inundated by floodwater during the 1% recurrence interval storm event, or 100-year storm. This area has been studied by FEMA and Base Flood Elevations have been determined. Secondary access to the site is via Loma Encantada, which is also within a federally mapped Special Flood Hazard Area, Zone A. The Zone A designation indicates these areas will be inundated by floodwater during the 1% recurrence interval storm event, or 100-year storm. This area is unstudied by FEMA and depth, velocity and duration of inundation are not provided
2. The primary and secondary access to the site, are through dirt road low water crossings, which do not provide dry access for emergency vehicles during storm events.
3. Section 5.11 (Basis for Approval or Denial) (E) states: "Approval or Denial of a Stormwater Management Analysis (none provided by applicant), that approval may not be given when certain relevant factors are present", including "The safety of access to the property in times of flood for ordinary and emergency vehicles"
 - a. The applicant has not provided a Stormwater Analysis which identifies the quantity, depth, and velocity of the flows present in the crossings. This information would be

NBA-3L

needed to assess the potential danger of this crossing. Note that flow depths of as little as 12", when velocity is considered, are enough to wash away or create buoyancy of an average vehicle. Additional danger arises when motorists are unable to view the driving surface and enter inundated areas. Injury or death can occur if the driving surface has been scoured away by high velocity floodwater, and unknowing motorists often attempt to cross these inundated areas without regard for the surface of the road. Notably, death during flash flood events are surpassed only by hurricane fatalities, and more deaths occur nationwide from flood related deaths than any other natural disaster. This is a dangerous and sometimes deadly situation.

- b. As a minimum, the applicant should be required to provide an analysis of the depth and velocity of flooding expected at this crossing using the methodology and techniques presented in Ordinance 2008-10, and place a culvert or other conveyance as needed based on the report to provide dry access for emergency vehicles.
4. Ordinance 2008-10 contains specific criterion that recommending and approval bodies must consider. These are copied below:
- A. *The Board of County Commissioners (Board) after recommendation by the County Development Review Committee (CDRC) shall hear and render judgment on a request for variance from the requirements of this Ordinance.*
 - B. *The CDRC may recommend and the Board take action on an appeal of the Floodplain Administrator's decision only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.*
 - C. *Any person or persons aggrieved by the decision of the Board may appeal such decision to a court of competent jurisdiction within thirty days of the Board's decision.*
 - D. *The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.*
 - E. *Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Ordinance.*
 - F. *Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.*
 - G. *Upon consideration of the factors noted above and the intent of this Ordinance, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Ordinance (Article 1, Section C).*
 - H. *Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.*

NBA-32

- I. *Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.*
- J. *Prerequisites for granting variances:*
 1. *Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.*
 2. *Variances shall only be issued upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.*
 3. *Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.*
 4. *Variances may be issued by the Board for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D(1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.*

Finding:

This application does not meet the standards required for the creation of lots as described in the Code and Ordinance 2008-10, and in considering the criteria for variance issuance as noted above does not meet these criteria, therefore as Santa Fe County Floodplain Administrator, **it is recommended that this variance is denied based on the lack of all-weather access to the proposed lots.**

Be advised that should the BCC grant approval of this variance, as noted in the federally mandated conditions for variance, FEMA must be notified of this decision as required by Federal Code of Regulations.

Should the BCC approve this case the following note should be placed on the Plat:

The access to this property does not meet minimum standards set forth by County Ordinance and Code. Site access, including access by Emergency vehicles, may not be possible at all times.

hearing is closed. What are the wishes of the Commission?

COMMISSIONER SULLIVAN: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Sullivan for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second, Commissioner Campos. Discussion?

The motion to approve CDRC Case #V 06-5330 passed by unanimous [5-0] voice vote.

- XII. A. 11. CDRC Case # A/V 06-5250 John and Minnie Walsh Appeal. John and Minnie Walsh Applicants, Request an Appeal of the County Development Review Committee's Decision to Uphold the Land Use Administrator's Decision to Deny the Temporary Placement of a Second Home on 1.19 acres. The Property is Located at 58 Arroyo Jacona, within Section 11, Township 19 North, Range 8 East, (Commission District 1)[Exhibit 6: Pojoaque Map; Exhibit 7; Exhibit 7: PPEC Letter]**

MS. COBAU: Mr. Chairman, members of the Commission, on June 15, 2006, the CDRC met and acted on this case. The decision of the CDRC was to uphold the Land Use Administrator's decision to deny temporary placement of a second home on 1.19 acres. The property is located within the Basin Hydrological Zone where the minimum lot size is 10 acres per dwelling unit. Lot size may be reduced to 2.5 acres per dwelling unit if the applicant signs and records water restrictions.

There is currently one home, a septic system and one well on the property. The applicants have applied and been approved for an advanced septic system to serve the second dwelling. The applicants state that they have purchased a new home to replace the older dwelling on the property. The existing dwelling would be moved to another point on the property to be lived in by their daughter and her family. The applicant states that their intentions are to alleviate a financial hardship their daughter and her family would incur by the high prices they are forced to pay in rent.

Recommendation: On June 15, 2006 the CDRC met and acted on this case. The decision of the CDRC was to uphold the Land Use Administrator's decision to deny temporary placement of a second home on 1.19 acres. Staff recommends denial of the requested appeal based on Article III, Section 10, Lot size requirements of the Land Development Code which states that the minimum lot size in this area is 10 acres per dwelling unit. Lot sizes may be reduced to 2.5 acres per dwelling unit with water restrictions. If the decision of the BCC is to approve the request, staff recommends that the following conditions be imposed. Mr. Chairman, may I enter the conditions into the record?



NBA-31

[The conditions are as follows:]

1. A temporary permit will be issued for a period of two years, to be approved for consecutive two-year periods by the CDRC. The applicant at that time must prove the hardship still exists.
2. Water use shall be restricted to 0.25 acre-foot per dwelling. A water meter shall be installed for both homes. Annual water meter readings shall be submitted to the Land Use Administrator by January 31st of each year. Water restrictions shall be recorded in the County Clerk's office.
3. The applicant shall submit a liquid waste permit approved by the New Mexico State Environment Department for the second dwelling.
4. The applicant must follow all other building permit regulations.
5. The existing driveway shall serve both residences.
6. Failure to comply with any of these conditions shall result in administrative revocation of the permit.

CHAIRMAN MONTOYA: Okay. Questions for staff? What significance does the Mike Adams appeal have to this case?

MS. COBAU: Mr. Chairman, Mike Adams is the son-in-law of John and Minnie Walsh and he is acting as their agent. He lives in the home.

CHAIRMAN MONTOYA: Okay. Any other questions for staff?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Does this qualify in any way for a family transfer? That's not what's being proposed, right?

MS. COBAU: Mr. Chairman, Commissioner Vigil, that's not what's being proposed here, so as a consequence it doesn't qualify as a family transfer.

COMMISSIONER VIGIL: And there's a temporary permit requested here?

MS. COBAU: That's correct. However, I believe the applicant will clarify that when he speaks.

COMMISSIONER VIGIL: Okay. Thanks.

CHAIRMAN MONTOYA: Okay, other questions for staff? Hearing none, if the applicant would please come forward.

[Duly sworn, Mike Adams testified as follows:]

MIKE ADAMS: Mike Adams. Mr. Chairman, Commissioners, there are some things that I'd like to clarify and add to the staff report that I don't think are very clear. One of the things is the advanced septic system is already approved for us to use one of those and in talking to the man I dealt with they said they've been very successful in lot sizes as small as a quarter acre. So I believe the issue of septic and environmental contamination is not a relevant one. We are asking actually for a permanent variance, permanent permission to build the second dwelling there.

I have an exhibit. The property is partially in the traditionally community and it's

NBA-35

just kind of like a line arbitrarily drawn, a few feet of it are in the traditional community and the rest of it isn't and the Land Use made the decision that that means the whole thing is not in there. But I do have an exhibit, a map of the planned development where the property will be part of the traditional community. You can also see exactly how it kind of got stuck out, so if I could approach you guys.

As you can see, the property is right at the very corner. I think the line was just kind of arbitrarily drawn right through the front of it. So that's one of the things to see, that's going to be part of the traditional community. It already borders, in fact it's partly in the traditional community. That's one of our requests is that you would just grant the rest of the property to be part of the traditional community.

That brings me to my third point – and I have another exhibit for you. There's not going to be any development in this area. We border the Pojoaque Pueblo and I have a letter from the Pueblo to the effect that they're not going to develop it. They call it their bison free range. So they're keeping that area reserved strictly for the buffalo to run. So if I could approach and give you this exhibit.

That brings me to my fourth point. It would be a tremendous financial hardship on us for you to rule against us because I'm a pastor and I'm on a fixed income. My wife and I are very committed to serving in northern New Mexico but because of the fact I'm on a fixed income buying a house would be very, very difficult. So this is an opportunity for us to have a house. We've got access to land and we can meet these requirements. It would be a great, great benefit to us.

CHAIRMAN MONTOYA: Okay. Any questions for the applicant?
Commissioner Vigil.

COMMISSIONER VIGIL: You're requesting a temporary permit. Could you explain that?

MR. ADAMS: That was the Land Use decision. I was always asking for a permanent variance. It would be our intention to live out there from now on if you agree.

COMMISSIONER VIGIL: And are you looking to place a mobile home?

MR. ADAMS: Yes, a three-bedroom dwelling.

COMMISSIONER VIGIL: What currently exists there? What's the dwelling that currently exists there? There is a double-wide three-bedroom and then the other dwelling that we would like to occupy is a single-wide three-bedroom that my in-laws had on the property and we would permission of the Land Use Department move it to another point on the property, depending on the outcome of this. So there's one dwelling that's occupied and hooked up to the well and septic system and there's one that's just being stored right now.

COMMISSIONER VIGIL: And what your hope is that this lot split occurs so that that second unoccupied mobile home becomes an occupied home.

MR. ADAMS: The primary dwelling for us.

COMMISSIONER VIGIL: So there will be two mobile homes on this.

MR. ADAMS: Right.

COMMISSIONER VIGIL: Thank you. I guess I'm done, Mr. Chairman. Do you conduct any services on site or are your services, your pastoral services conducted elsewhere?

MR. ADAMS: If we use it as a primary dwelling we would very much use it because we do what you call small-group Bible studies. Right now, we're not living there so obviously we're not doing anything there. But everywhere where our primary dwelling place is is always available and plus, being a pastor sometime we take people in and different things like that.

MS. COBAU: Mr. Chairman, Commissioner Vigil, I would like to clarify that this is not a land division. It's an application to place two homes on 1.19 acres. There's no land division involved.

CHAIRMAN MONTOYA: Any other questions for the applicant? If not, this is a public hearing. Is there anyone who would like to speak on behalf of or in opposition to this case, would you please come forward and be sworn in.

[Duly sworn, Michelle Adams testified as follows:]

MICHELLE ADAMS: Hello, my father and my mother is John and Minnie Walsh and I am there daughter and my husband and I are pretty much committing ourselves to being a pastor and making ourselves available to the community and our whole lifestyle is changing. And my father is also in poor health and it just makes sense in my heart that I could provide that to help my mom and my family that I'd be close by and help whatever. My dad's health is deteriorating so it's not just for low-income situation but there's a responsibility of being nearby. Thank you.

CHAIRMAN MONTOYA: Thank you, Michelle. Anyone else like to come forward? Seeing none, this public hearing is closed. What are the wishes of the Commission? I have a question. How many individuals will be living in your residence?

MR. ADAMS: Four.

CHAIRMAN MONTOYA: Four. So it's you two and two kids.

MR. ADAMS: Yes, we have two kids.

CHAIRMAN MONTOYA: And then in the other residence it's -

MR. ADAMS: Two, my in-laws.

CHAIRMAN MONTOYA: Okay. And as I understand, you'll be on that one septic system.

MR. ADAMS: No. There's an existing septic system.

CHAIRMAN MONTOYA: So that will still be used.

MR. ADAMS: Yes, that will be used for the other house and what we're going to do is use, if you approve it, the advanced treatment system, which as I've said the state said is effective. They've used them on lot sizes as small as a quarter acre.

CHAIRMAN MONTOYA: Okay. Any questions? Commissioner Vigil.

COMMISSIONER VIGIL: Staff is recommending that a temporary permit be issued to be reviewed every two years. Would you be amenable to that?

MR. ADAMS: Yes.

NBA-37

CHAIRMAN MONTOYA: What are the wishes of the Commission?

COMMISSIONER ANAYA: Mr. Chairman, I move that we approve this on a two-year temporary basis where staff reviews it and is there conditions?

CHAIRMAN MONTOYA: Yes, and that's actually one of them.

COMMISSIONER ANAYA: With conditions.

COMMISSIONER VIGIL: And I believe that the recommendation from staff was that it be reviewed by the CDRC to identify whether or not the hardship still exists. Is that what the intent on your motion was, Commissioner Anaya? I will second that.

CHAIRMAN MONTOYA: Okay, a motion and a second. Further discussion?

The motion to approve CDRC Case #A/V 06-5250 with conditions passed by unanimous [4-0] voice vote. [Commissioner Campos was not present for this action.]

- XII. A. 12. **CDRC Case # V 06-5460 Santa Fe County Public Works Facility. Santa Fe County Project and Facility Management Department, Paul Olafson Agent, Request a Variance of Article III, Section 4.4.4c (Maximum Height) of the Land Department Code to allow a 27' Vehicle Washing Station, a 27'-4" Vehicle Service Garage and a 100' Wind Turbine, which would Exceed the Allowable Height of 24' to Allow Construction of a New Public Works Facility on 45.76 acres. The Property is Located on the NM State Road 599 Frontage Road, within Section 2, Township 16 North Range 8 East (Commission District 2) [Exhibit 8: CDRC 8/17/06 Minutes; Exhibit 9: Opposition Letter]**

CHAIRMAN MONTOYA: Maybe we should table this one.

MS. COBAU: Mr. Chairman, members of the Commission, Santa Fe County Projects and Facilities Department requests a variance of Article III, Section 4.4.4.c of the Land Development Code in order to allow a 27-foot vehicle washing station, a 27-foot 4-inch vehicle service garage and a 100-foot wind turbine for the new Public Works facility.

The Public Works Facility will be located on a 45.76-acre site surrounded primarily by state-owned properties and privately owned and operated commercial and light and heavy industrial uses, just north of Airport Road off the NM 599 frontage road. And there's a map in Exhibit C.

Article III, Section 4.4.4c of the Code states that "Structures shall be limited to a maximum height of 36 feet from the highest point of the surface of the ground at the perimeter of the structure in major or community center districts."

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: August 15, 2013

TO: County Development Review Committee

FROM: Jose E. Larrañaga, Commercial Development Case Manager *JEL*

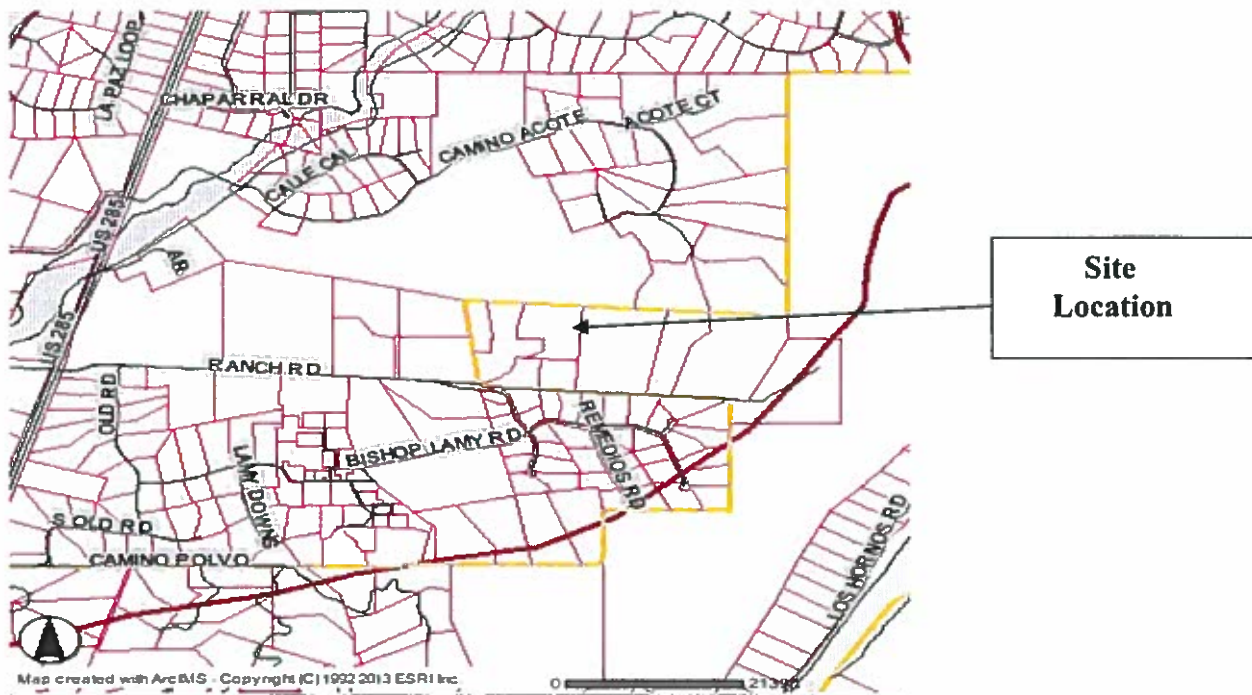
VIA: Penny Ellis-Green, Land Use Administrator *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: CDCR CASE # Z/PDP/FDP 13-5070 95-B Ranch Road, Master Plan, Preliminary & Final Development Plan.

ISSUE:

Paul Reynolds & Tamara Andrews, Applicants, Jenkins/Gavin, Agent, request Master Plan Zoning, Preliminary and Final Development Plan approval to allow a horse boarding facility on 12.5 Acres \pm . The property is located at 95- B Ranch Road, within Section 21, Township 15 North, Range 10 East, (Commission District 4).

Vicinity Map:



SUMMARY:

The Applicants request Master Plan Zoning approval to allow a horse boarding facility. The proposed facility will be completed in two phases. The request also includes Preliminary & Final Development Plan approval for Phase I. Phase I consists of a large horse barn, indoor arena and four out buildings with individual horse stalls to accommodate 30 horses for a total of 13,000 square feet ±. Phase II will consist of a maximum of 18,000 square feet with a minimum 20 foot setback for new structures. The Applicants request is to allow the zoning for this type of facility as Other Development set forth in Article III, § 8 of the Land Development Code.

On July 24, 2012, a notice of violation was issued to the owners of 95-B Ranch Road for operating a business without a County Business License. 95-B Ranch Road is currently operating at the existing facility utilizing the existing structures. The current operation on the site includes the housing of a variety of animals for the use in film productions. The animals are transported, as needed, to the film location and transported back to the site. Once the animals are no longer needed they are transported out of the facility.

The original Master Plan Zoning application was for an animal facility to house animals for the use in film productions. On July 25, 2013, the Applicant amended their request to zone the property as a horse boarding facility only. Boarding of animals other than horses is not being proposed as part of the business. Prior to a land division of this property, this site was utilized as a horse boarding facility and was issued a Home Occupation Business License in 1996 and operated until in 2009. Since that time the use has expanded and does not qualify as a Home Occupation.

Article III, § 8.1 (Uses Permitted) states: "all uses not otherwise regulated by the Code are permitted anywhere in the County. Such uses specifically include, but are not limited to utilities, parking facilities, and cemeteries".

Article V, § 5.2.1.b states: "a master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the sub-divider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval".

Article V, § 7.1.3.a (Preliminary Development Plans) states: "a Preliminary Development Plan may be only a phase or portion of the area covered by an approved Master Plan, so long as the Preliminary Development Plan substantially conforms to the approved Master Plan".

Article V, § 7.2 (Final Development Plan) states: "a final development plan conforming to the approved preliminary plan and approved preliminary plat, if required, and containing the same required information shall be submitted. In addition, the final development plan shall show, when applicable, and with appropriate dimensions, the locations and size of buildings, heated floor area of buildings, and minimum building setbacks from lot lines or adjoining streets. Documents to be submitted at this time are: proof of ownership including necessary title documents, articles of incorporation and by-laws of owners' association; required disclosure

statements; final engineering plans and time schedule for grading, drainage, and all improvements including roads, water system, sewers, solid waste, utilities; engineering estimates for bonding requirements; development agreements; and final subdivision plats, if required”.

This Application was submitted on March 8, 2013. The Applicants noticed for the May CDRC meeting but were going to be out of town and requested to be tabled. The Applicants tabled for the June CDRC meeting so that they could meet with the surrounding neighbors and discuss the project. The Applicants tabled for the July CDRC meeting so that they could modify their submittal to a horse boarding facility only and implement comments from the neighbors.

Building and Development Services staff has reviewed this project for compliance with pertinent Code requirements and has found that the following facts presented support the request for Master Plan and Preliminary Development Plan: the Application is comprehensive in establishing the scope of the project; the proposed Preliminary Development Plan substantially conforms to the proposed Master Plan; the Application satisfies the submittal requirements set forth in the Land Development Code.

The review comments from State Agencies and County staff have established that this Application, for Master Plan and Preliminary Development Plan, is in compliance with State requirements, Article III, § 4.4, Development and Design Standards and Article V, § 5, Master Plan Procedures of the Land Development Code.

APPROVAL SOUGHT: Master Plan Zoning approval for Phase I and Phase II to allow a horse boarding facility on 12.5 acres and Phase I Preliminary & Final Development Plan approval.

GROWTH MANAGEMENT AREA: Galisteo, SDA-2.

HYDROLOGIC ZONE: Basin Fringe Hydrologic Zone, minimum lot size in this area is 12.5 acres with water restrictive covenants.

ARCHAEOLOGIC ZONE: Medium Potential, an archaeological survey was not required for Phase I since no new development or further disturbance was proposed for the site, submittal reviewed by NMSHPD, no historic properties listed or no known archeological sites within the project parcel. Phase II will involve additional structures and grading therefore an archaeological survey shall be required with the submittal for the Development Plan for Phase II.

ACCESS AND TRAFFIC: The property takes access from a private easement known as Ranch Road via US 84-285. The private driveway and a portion of Ranch Road shall meet the minimum County standards for fire apparatus access roads. Driveway and turnaround shall be County approved all-weather driving

NBB-3

surface with a minimum 6" compacted base course. Roadway width shall be 20'.

FIRE PROTECTION:

Eldorado Fire District; the EAWSD will provide the water source for fire protection (fire hydrant).

WATER SUPPLY:

Existing on-site shared well; the Applicant has submitted a water budget for Phase I, establishing that the yearly water use will not exceed 0.25 afy. Water restrictive covenants, restricting the water use to 0.25 acre feet per year for Phase I, shall be recorded along with the Final Development Plan. A water budget for Phase II Master Plan was submitted by the Applicant which satisfies the requirements for Master Plan. Upon submittal of Phase II Preliminary and Final Development Plan a water availability assessment shall be submitted or the site shall connect to EAWSD.

LIQUID WASTE:

The Applicants are not proposing any facilities that require the treatment of liquid waste.

SOLID WASTE:

Manure will be hauled off site, Utilize the Transfer Station in Eldorado to dispose of solid waste.

**FLOODPLAIN & TERRAIN
MGMT:**

The Applicants proposal shows existing topography and a proposed Terrain Management Plan. The site contains slope of 0-15% and slopes from the north to the south. The site conforms to Article VII, Section 3.3 (Terrain Management Plan.)

The Applicants propose two (2) retention ponds. The proposed ponding areas are a total of 4,380 cubic feet. The proposal is in conformance with Article VII, Section 3.4.6 and Ordinance No. 2008-10, Flood Damage Prevention and Stormwater Management Ordinance.

SIGNAGE AND LIGHTING:

The Applicants are not proposing any signage for this development, therefore the sign element of the request meets the criteria set forth in Article VIII (Sign Regulations).

The revised site plan illustrates 3 exterior lights located on 2 of the existing structures. These lights are shielded, fixed downward and are equipped with a low wattage bulb. On a site visit conducted on July 24th staff determined that the

NBB-4

lighting element of the Application does comply with Article III, Section 4.4.4 h and Table 3.1. (Lighting).

EXISTING DEVELOPMENT: Existing structures consist of a large horse barn, indoor arena and four out buildings with individual horse stalls to accommodate 30 horses for a total of 13,000 square feet ±.

ADJACENT PROPERTY: The site is bordered to the north, east, west and south by residential property. Residential properties to the south of this site have private horse facilities. There are two large scale horse boarding facilities in close proximity to this site along Ranch Road.

PARKING: The site plan illustrates a designated parking area for 15 vehicles and a turnaround for large trucks and trailers. A designated area for loading and unloading of horses and feed is delineated on the site plan. The site plan illustrates one parking space per employee. All parking areas shall be clearly marked. Parking of vehicles outside of the designated area shall be discouraged to minimize erosion and dust on the site. Staff has determined that the parking element of the Application meets the criteria set forth in Article III, Section 9 (Parking Requirements).

LANDSCAPING: The Applicants have submitted a landscaping plan illustrating the existing vegetation on the site. The Applicants have provided trees for screening purposes to the closest residences of the development on the west side and south side as well as a 25 foot buffer set back on the south end of the site. The landscape element of the request meets the intent of the landscape standards of Article III Section 4.4.4.f 4 Landscaping Plan.

RAINWATER HARVESTING: The Applicants have submitted a water harvesting plan in an effort to meet the intent of the Code, therefore the water harvesting element of the request meets the intent of Ordinance 2008-4.

AGENCY REVIEW:

<u>Agency</u>	<u>Recommendation</u>
NMOSE	No Opinion
NMDOT	Approval
NMED	Approval
NMDHP	Approval
County Fire	Conditional Approval
County PW	Approval
County Hydrologist	Approval

NBB-5

Planning

Approval

STAFF RECOMMENDATION: Approval for Master Plan Zoning for Phase I and Phase II to allow a horse boarding facility on 12.5 acres and Phase I Preliminary & Final Development Plan approval subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions (**Article II, § 2.3.2d**).
2. Master Plan with appropriate signatures, shall be recorded with the County Clerk (**Article V, § 5.2.5**).
3. Final Development Plan for Phase I with appropriate signatures, shall be recorded with the County Clerk (**Article V, § 7**).
4. Preliminary and Final Development Plan for Phase II shall meet all submittal requirements set forth in **Article III, § 4.4** of the Land Development Code.
5. Phase I shall not exceed the boarding of 30 horses as per the approved water budget (**Article VII § 6. Table 7.4**).

EXHIBITS:

1. Applicants Report
2. Drawings
3. Article III, § 8.1 (Uses Permitted)
4. Article V, § 5 (Master Plan Procedures)
5. Article V, § 7.1 (Preliminary Development Plans)
6. Article V, § 7.2 (Final Development Plan)
7. Aerial Photo of Property
8. Photos of Site
9. Photos of Adjacent Properties
10. Agency Reviews and Comments
11. Letters of Concern and Photos

NBB-6



jenkinsgavin
DESIGN & DEVELOPMENT INC

March 8, 2013

José Larrañaga, Senior Development Review Specialist
Planning and Development Division
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87501

**RE: 95-B Ranch Road
Application for Master Plan and Preliminary/Final Development Plan, Phase I**

Dear José:

This letter is submitted on behalf of Paul Reynolds and Tamara Andrews in application for Master Plan and Preliminary/ Final Development Plan approval for a horse and animal facility for consideration by the CDRC at their meeting of April 18, 2013. The subject property is a 12.5-acre parcel located at 95-B Ranch Road.

Master Plan

The subject property has functioned as a horse boarding and/or training facility since at least the 1970s, a use that is consistent with the prevalence of horse facilities in the surrounding neighborhood. Initially, the property housed a residence with associated horse facilities. However, in 2002, Santa Fe County approved a lot line adjustment that placed the residence and the horse facilities on separate tracts, thus rendering the subject parcel a non-residential horse property. Therefore, we are requesting a Master Plan to designate the property as "Other Development" per Article III, §8 of the Santa Fe County Land Development Code.

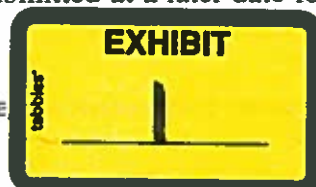
Permitted uses for the property shall include:

- Horse/animal facilities, including stables, barns, paddocks, arenas, corrals, storage/maintenance buildings, etc.
- Employee offices
- Residential

In addition to the Master Plan, this application seeks approval for the Preliminary and Final Development Plan for Phase I that encompasses existing improvements. The future Phase II Final Development Plan will be submitted at a later date for administrative review and approval by Santa Fe County.

130 GRANT AVENUE, SUITE 101 SANTA FE

505.820.7444 FACSIMILE: 505.820.7445



NBB-7

Phasing Plan

Preliminary and Final Development Plan. Phase I

Current improvements include a large horse barn/indoor exercise arena and four stable buildings with individual horse stalls to accommodate 30 horses, totaling ±13,000 square feet. Please refer to the Typical Elevations in the attached plans. Per the requirements of the County Fire Marshal, offsite improvements for Phase I are as follows:

- Widen the driveway to provide a 20' driveable surface. The adjacent property owner has agreed to add 10' to the existing 20' easement to allow for proper drainage (see attached letter).
- Install a hydrant at the north side of Ranch Road across from Willa Cather Road. The hydrant will be served by a water line extension from the existing water line in Willa Cather Road to the north side of Ranch Road.

Please refer to the attached "Driveway and Fire Protection Plan" for further details.

Phase II. Future Improvements

Phase II will include additional animal facilities at the maximum allowable 50,000 square feet, with a minimum 20' setback for new structures. The location of Phase II improvements will be determined as part of the administrative review and approval of the Final Development Plan.

Access & Traffic

The property is accessed from Ranch Road, which is not a County road, via a 12-14' basecourse driveway within a 20' access and utility easement. As stated above, the driveway will be widened in accordance with Phase I improvement requirements.

The property generates minimal traffic, as it is in use only sporadically, on a seasonal basis, to accommodate horses and other animals en route to and from film productions. For example, animals are transported to the property and board there for a week awaiting transportation to a film set. After filming is completed, they are returned to the property for another week before being conveyed to their homes. Following this process, there is generally a long period when the property is vacant. Due to the occasional nature of the property's use, there are no onsite employees. A caretaker visits the property periodically when the property is not in use and daily when animals are onsite.

Terrain Management

The site's terrain slopes gently from north to south and includes an existing ponding area as shown on the attached Terrain Management Plan. As mentioned above, the existing 20' access easement will be widened to 30' to allow for adequate drainage. Phase II improvements will include a new proposed ponding area at the south end of the site.

Water Supply Plan

The property is served by an existing shared well. In Phase I, water will continue to be supplied via the well (Permit #RG-65935). The water budget for Phase I is 0.25 afy. The water budget will be as follows:

<i>Animal Capacity</i>	<i>Total Gallons/Day</i>	<i>Daily Water Use</i>	<i>Days Per Year</i>	<i>Annual Water Budget</i>
30 Horses	300 gpd	10 gpd/horse	270	81,000gpy (0.25 afy)

Water for Phase II may be provided by the existing onsite well, contingent on approval by Santa Fe County of a Water Availability Assessment demonstrating a 100-year supply for Phase I and Phase II water needs. Alternatively, as part of Phase II improvements, the property shall be connected to the Eldorado Area Water and Sanitation District ("EASWD"), which will serve both phases of development, and the use of the shared well will be discontinued for both phases. Per the attached letter from the Eldorado Area Water & Sanitation District, the property lies within the EASWD service area.

Landscaping

The property is landscaped with existing native grasses and a mix of piñon and juniper evergreen trees. Phase II improvements will be screened appropriately in accordance with Santa Fe County requirements. Please refer to the attached Landscape Plan.

Liquid Waste

The property has no restroom facilities and no onsite septic. Should future activities require temporary restrooms, Port-O-Potties will be utilized as necessary.

Solid Waste

Animal manure will be hauled offsite and disposed of appropriately. General waste removal will be handled privately or contracted with a local provider.

Signage & Lighting

There are no signs or outdoor lighting at the property.

Archaeology

The property is located in a Medium Potential Archaeological Area. Per the attached letter, Santa Fe County has issued an archaeological waiver for Phase I. Phase II will require an Archaeological Survey to accompany the Development Plan submittal.

Sustainable Land Development Plan

Per the Preliminary Zoning Map of the Sustainable Land Development Plan ("SLDP"), the property is zoned RUR-R 10AC (Residential, one dwelling unit per 10 acres). Per the SLDP Code Draft Use Table, stables and other equine-related facilities are permissible in this zone as a conditional use (see attached SLDP charts). The existing use and proposed improvements for Phases I and II of the Development Plan are consistent with the SLDP.

In support of this request, the following documentation is included herewith for your review and consideration:

- Development Permit Application
- Warranty Deed
- Archaeological Waiver
- Access Easement Letter
- Water Availability Letter
- Legal Lot of Record
- Proof of Property Taxes Paid
- Excerpts from Sustainable Land Development Plan
- Master Plan, Preliminary & Final Development Plan Submittal Drawings:
10 full size & 2 reduced sets

Finally, included herewith is a check in the amount of \$3,000.00 for the application fees, calculated as follows:

Master Plan:	\$750.00 ✓
Preliminary Development Plan	\$750.00 ✓
Final Development Plan	\$750.00 ✓
Application Fee:	\$100.00
Initial Inspection Fee:	\$150.00
Final Inspection Fee:	\$150.00
Master Plan Fire Review	\$100.00
Development Plan Fire Review	\$150.00
Fire Inspection	\$ 50.00
<u>Public Notice Posters (2)</u>	<u>\$ 50.00</u>
TOTAL	\$3,000.00

NBB-10

Please do not hesitate to call should you have any questions or need additional information.

Thank you for your consideration.

Sincerely,






























Jennifer Jenkins
JenkinsGavin Design & Development, Inc.



Colleen C. Gavin, AIA

Santa Fe County Preliminary Draft Zoning Map October 4, 2012 (Ranch Road Vicinity)

Legend

-  Santa Fe County
-  Airport Development District
-  Community and District Plan Boundaries
-  Parcels
- Sustainable Development Area 1**
 (informational only)
- Sustainable Development Area 2**
 (informational only)
-  Santa Fe County Water Service Area (informational only)
-  Other Public and Franchise Water Service Areas
-  Hydrologic Zones (informational only)
-  Municipality
-  Municipal Annexation Areas
-  Tribal Lands
-  Federal and State Public Lands
- Mixed Use Eligible Areas, Pursuant to Future Land Use Map ***

- Proposed Zoning Districts, 10-4-12 ****
-  Community and District Plan-Based Zoning
-  Ag / Ranch (1 dwelling per 160 acres)
-  Rural (1 dwelling per 40 acres)
-  Rural Fringe (1 dwelling per 20 acres)
-  Rural Residential (1 dwelling per 10 acres)
-  Residential Fringe (1 dwelling per 5 acres)
-  Residential Estate (1 dwelling per 2.5 acres)
-  Residential Community (1 dwelling per acre)
-  Traditional Community (1 dwelling per 0.75 acres to 3 dwellings per acre)
-  Commercial
-  Industrial
-  Public/Institutional
-  Mixed Use (2 to 5 dwellings per acre, or 2 to 12 dwellings per acre - with commercial)

* Eligible for mixed-use development in accordance with the Future Land Use Map and Figure 2-8 in the Sustainable Growth Management Plan, if approved as a Planned Development District.

** For mixed use, mixed density, and cluster development projects, where the overall density of development projects that were approved prior to the effective date of the SLDC conforms to the minimum lot area per dwelling specified for the zoning district, all residential lots in the development project shall be considered to be conforming with respect to the minimum lot area per dwelling required in the zoning district.

Any land or water which is subject to Santa Fe County's zoning jurisdiction, but is not depicted on this map within a County zoning district, shall be construed by default to be located in the Ag / Ranch zoning district, unless otherwise specifically provided for in the Santa Fe County Land Development Code.

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary. The exact location of zoning district boundaries needs to be interpreted in accordance with the rules for interpretation of same contained in the Santa Fe County Land Development Code.

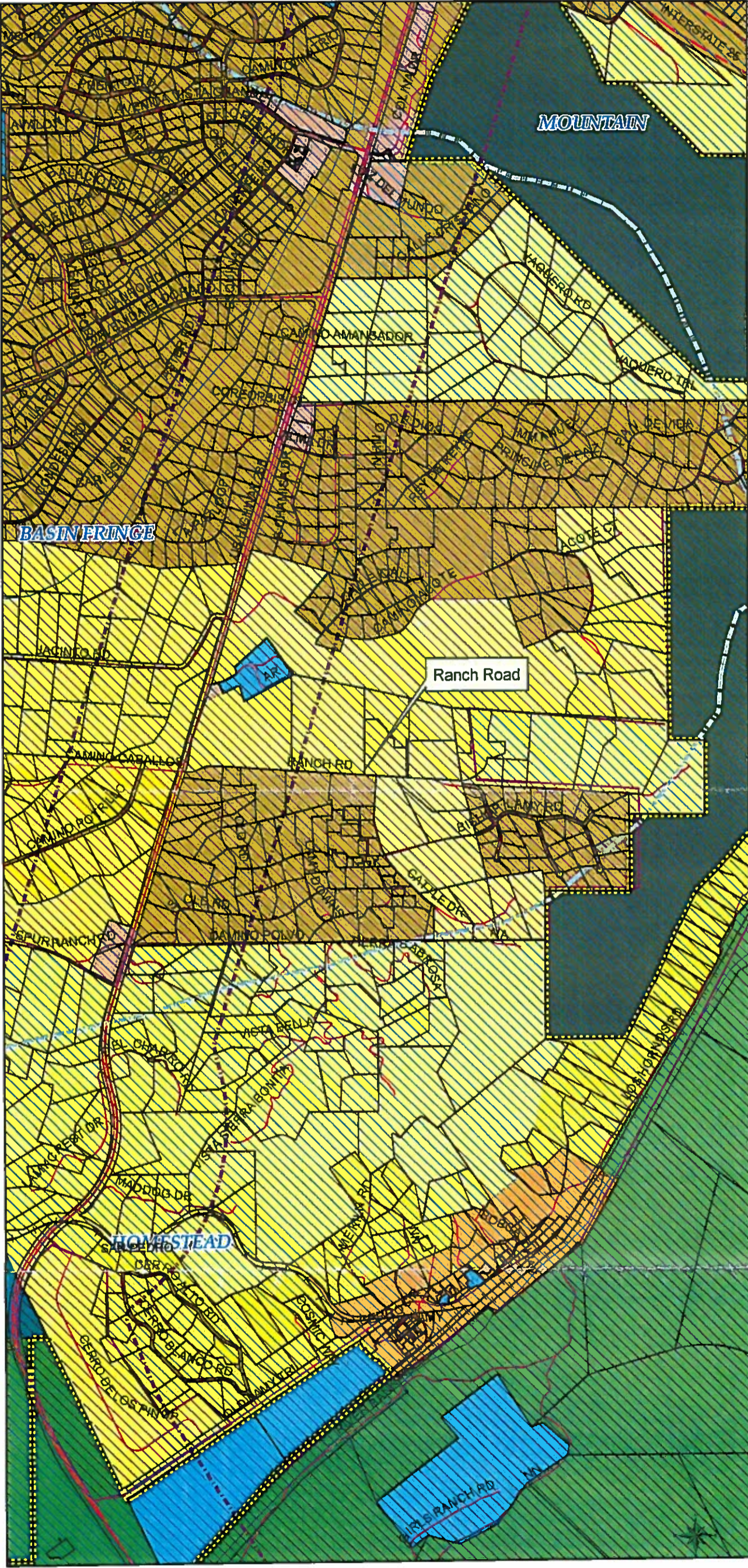


Santa Fe County
Growth Management
Department
Planning Division

October 4, 2012
preliminary_zoning_map_
j_tabloid_ranch_road.mxd

NB5-12

2,000 1,000 0 2,000 Feet



Use	Function	Structure	Activity	Ag/Ranch - 160	RUR- 40	RUR-F 20 ac	RUR-R 10 AC	RES-F 5ac	RES-E 2.5 AC	RES-Comm-1 DU	TC.75	Mixed Use	Commercial	Industrial	P D *	Special Conditions
Hazardous waste storage facility		6310		c	c	x	x	x	x	x	x	x	x	c	p	
Hazardous waste treatment and disposal facility				c	c	x	x	x	x	x	x	x	x	c	p	
Sewage treatment plant and disposal facilities		6350		c	c	c	c	c	c	c	c	c	c	c	p	
Gas or electric power generation facility		6400		c	c	x	x	x	x	x	x	x	x	c	p	
Communication towers		6500		p	p	c	c	c	c	c	c	c	c	c	p	
Radio, television, or wireless transmitter		6510		p	p	c	x	x	x	x	x	c	c	c	p	
Weather stations or transmitters		6520		p	p	p	c	x	x	x	x	c	p	p	p	
Environmental monitoring station (air, soil, etc.)		6600		u	p	p	p	p	p	p	p	p	p	p	p	
Commercial solar energy production facility				c	c	c	x	x	x	x	x	c	c	p	p	
Geothermal production facility				c	c	c	x	x	x	x	x	c	c	p	p	
Telecommunications and broadcasting station		4230		p	p	p	x	x	x	x	x	p	p	p	p	
Highway rest stops and welcome centers				p	p	p	p	p	p	p	p	p	p	p	p	
Fountain, sculpture, or other similar decorative structures				p	p	p	p	p	p	p	p	p	p	p	p	
Permanent outdoor stage, bandstand, or similar structure				x	x	x	x	x	x	x	x	c	c	x	p	
Agriculture, forestry, and conservation/open space [4]																
Grain silos and other storage structure for grains and agricultural products																
Animal production that includes slaughter	9300	8100		p	p	p	a	a	a	a	p	a	a	p	p	
Livestock pens or hog houses		8200		p	p	c	x	x	x	x	x	x	x	x	x	
Commercial greenhouses		8500		p	p	p	c	a	a	a	c	p	p	p	p	
Nurseries and other growing of ornamental plants [4]				p	p	p	p	p	p	p	p	p	p	p	p	
Stables and other equine-related facilities		8240		p	p	p	c	c	x	x	c	c	p	p	p	
Kennels and commercial dog breeding facilities		8700		p	p	p	c	c	x	x	c	c	p	p	p	
Apiary and other related structures		8700		p	p	p	p	p	p	p	p	p	p	p	p	
Crop production [5]	9100			p	p	p	p	p	p	p	p	p	p	p	p	
Display or sale of agricultural products raised on the same premises				p	p	p	a	a	a	a	a	p	p	p	p	
Forestry and logging operations [6]	9300			p	p	p	p	p	p	p	p	p	p	p	p	
Game preserves and retreats [4]	9400			p	p	p	c	c	c	c	c	c	c	c	p	
Support business and operations for agriculture and forestry				p	p	p	a	a	a	a	a	p	p	p	p	
Parks, open space areas, conservation areas, and preservation areas				p	p	p	p	p	p	p	p	p	p	p	p	
Public or community outdoor recreation facilities				p	p	p	p	p	p	p	p	p	p	p	p	
Concentrated animal feeding operation		8310		c	c	c	x	x	x	x	x	x	x	x	x	
Cattle ranching, and the grazing or cattle or other livestock [7]		8230		p	p	p	p	p	p	p	p	p	p	p	p	
Dairy farms		8210		p	p	p	x	x	x	x	x	x	x	x	x	
Other farm and farming-related structures		8900		p	p	p	a	a	a	a	a	p	a	a	p	
Poultry farms and poultry production facilities		8220		p	p	c	x	x	x	x	x	x	x	x	x	
Sheds, farm buildings, or other agricultural facilities		8000		p	p	p	a	a	a	a	a	a	a	a	p	
Animal waste lagoons		8420		c	c	c	x	x	x	x	x	x	x	x	x	
Mining and extraction establishments																
Oil and natural gas exploration or extraction [1]	8100			c	c	c	x	x	x	x	x	x	x	c	x	

NOTES AND CONDITIONS

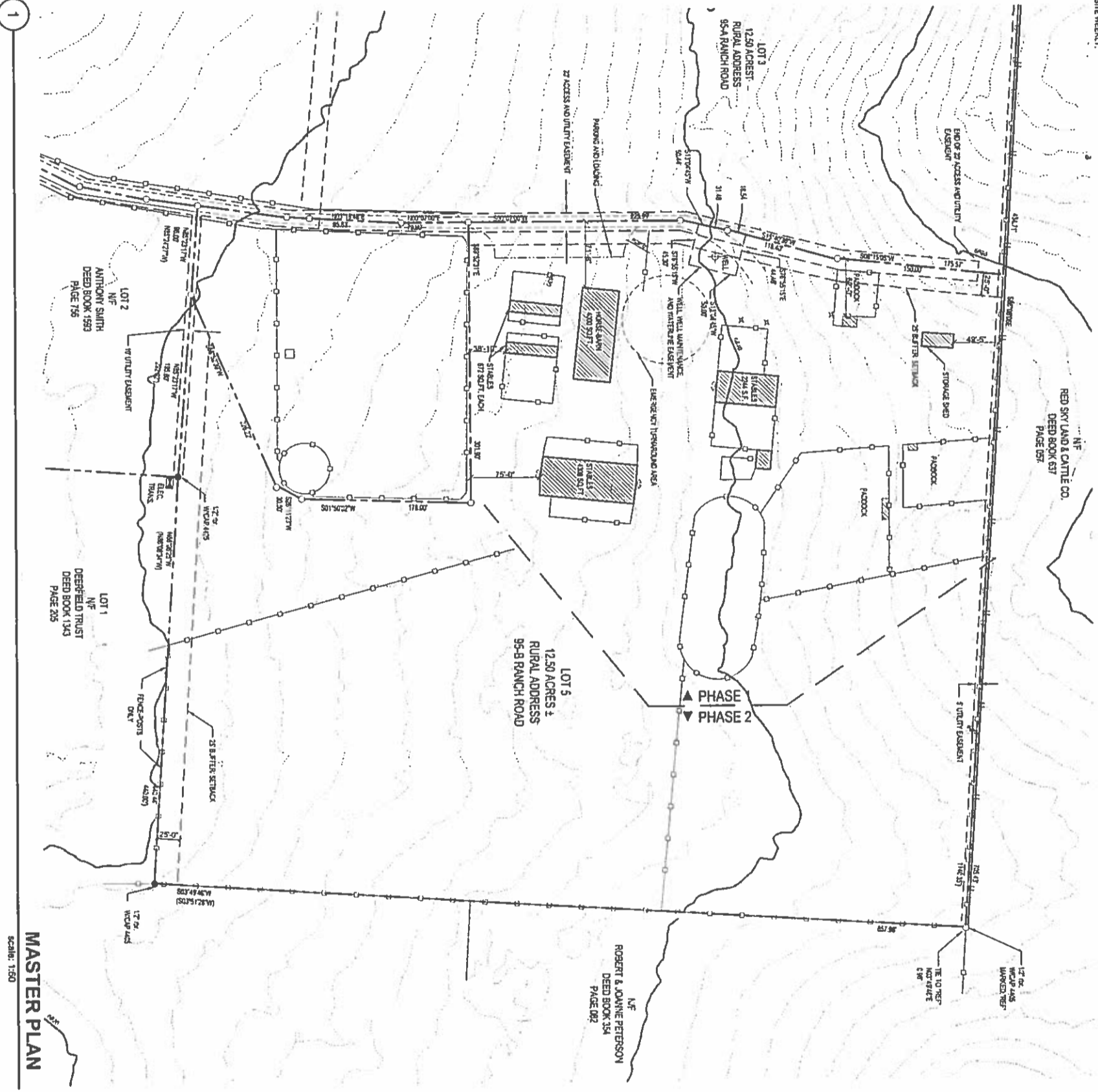
1. TRANSPORTATION OF ANIMALS SHALL BE RESTRICTED TO TRUCKS.
2. NO OTHER ANIMALS SHALL BE KEPT ON THE PROPERTY. THE NUMBER OF ANIMALS KEPT ON THE PROPERTY SHALL BE LIMITED TO THE CAPACITY OF THE HOUSING FACILITIES.
3. ALL ANIMALS KEPT ON THE PROPERTY SHALL HAVE THE REQUIRED HEALTH CERTIFICATES AS REQUIRED BY THE NEW MEXICO ADMINISTRATIVE CODE.
4. ALL EXTERIOR LIGHTING SHALL BE SHIELDED AND DOWN LIGHT PER THE SANTA FE COUNTY LIGHTING CODE.
5. NO OBSCURE LIGHTING SHALL BE USED.
6. THE PHASE 2 DEVELOPMENT PLAN SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE COUNTY DEVELOPMENT REVIEW COMMITTEE.
7. ANIMAL WASTE SHALL BE STORED IN CONTAINERS AND REMOVED FROM THE SITE WEEKLY.
8. WELLS WITHIN THE PHASE 1 AND PHASE 2 DEVELOPMENT PLAN SHALL BE PERMITTED BY THE EXISTING DRAINAGE WELL WITH APPROVAL BY SANTA FE COUNTY OR A WATER AVAILABILITY ASSESSMENT DEMONSTRATING A 100 YEAR SUPPLY OF WATER FOR AGRICULTURE AND AN IRRIGATION DISTRICT WHICH WILL SERVE BOTH PHASES OF DEVELOPMENT AND WELL WITHDRAWAL FOR THE SUBJECT PROPERTY WILL BE DISCONTINUED.
9. DAILY HOURS OF OPERATION SHALL BE 7:00 A.M. UNTIL 10:00 P.M.

LEGEND

- FENCELINE
- EXISTING DIRT ROAD
- FOUND POINTSET POINT
- ⊕ EXISTING EXTERIOR SCENE LIGHTING

UTILITY LEGEND

- OVERHEAD UTILITY
- WADP THROUGH
- TRANSPORTER
- ⊕ WELL



MASTER PLAN
Scale: 1:50

SITE DATA

LAND AREA: 12.5 ACRES
 PHASE 1: 1.88 ACRES
 PHASE 2: 10.62 ACRES
 BUILDING SQUARE FOOTAGE/LOT COVERAGE
 PHASE 1: 13,000 SF / 1,22% EXISTING LOT COVERAGE
 PHASE 2: 18,000 SF / 1,00% EXISTING LOT COVERAGE
 PHASE 2: 18,000 SF / 1,00% EXISTING LOT COVERAGE

PERMITTED USES

A. HORSE ANIMAL FACILITIES, INCLUDING STABLES, BARN, PADDOCKS, ARENAS, CORRALS, STORAGE/MAINTENANCE BUILDINGS, ETC.
 B. EQUINE SERVICE
 C. RECREATIONAL

APPROVALS

Approved by the County Development Review Committee at their meeting of _____ Date _____
 Chairman _____ Date _____
 Approved by the Board of County Commissioners at their meeting of _____ Date _____
 Chairman _____ Date _____
 County Clerk _____ Date _____
 County Land Use Administrator _____ Date _____
 County Fire Warden _____ Date _____
 County Public Works Director _____ Date _____

Santa Fe County, New Mexico Dedication Affidavit

I, the undersigned, know of persons by whom the undersigned herein has caused this Dedication Affidavit to be prepared. All that appears on this plan is true and correct with the true consent and in full knowledge of the persons herein named and within the jurisdiction of the County of Santa Fe, New Mexico.

Owner _____
 Paul Reynolds
 This instrument was acknowledged before me by _____ day of _____ 20____ this _____ day of _____ 20____
 Notary Public _____
 My Commission Expires on _____ day of _____ 20____
 Notary Address _____
 This instrument was acknowledged before me by _____ day of _____ 20____ this _____ day of _____ 20____
 Notary Public _____
 My Commission Expires on _____ day of _____ 20____
 STATE OF NEW MEXICO
 COUNTY OF SANTA FE
 I hereby certify that this instrument was filed for record on the _____ day of _____ A.D., 20____ at _____ o'clock _____ P.M. and was duly recorded in Book _____ Page _____ of the records of Santa Fe County.
 Witness my hand and Seal of Office
 County Clerk, Santa Fe County, NM
 Deputy _____

M
 1700 A Paseo De Percha
 Santa Fe, NM 87501
 (505) 562-8233
 (505) 562-8211
 shreth@comcast.net
 www.santafecounty.com

**95-B RANCH ROAD
 SANTA FE, NEW MEXICO
 MASTER PLAN**

Jenkins Gavin
 10 Cant Avenue, Suite 10
 Santa Fe, New Mexico 87501
 7-25-2013
 DRAWN BY: SH
 CHECKED BY: PM

SHEET
1
 NBB-15

NOTES AND CONDITIONS

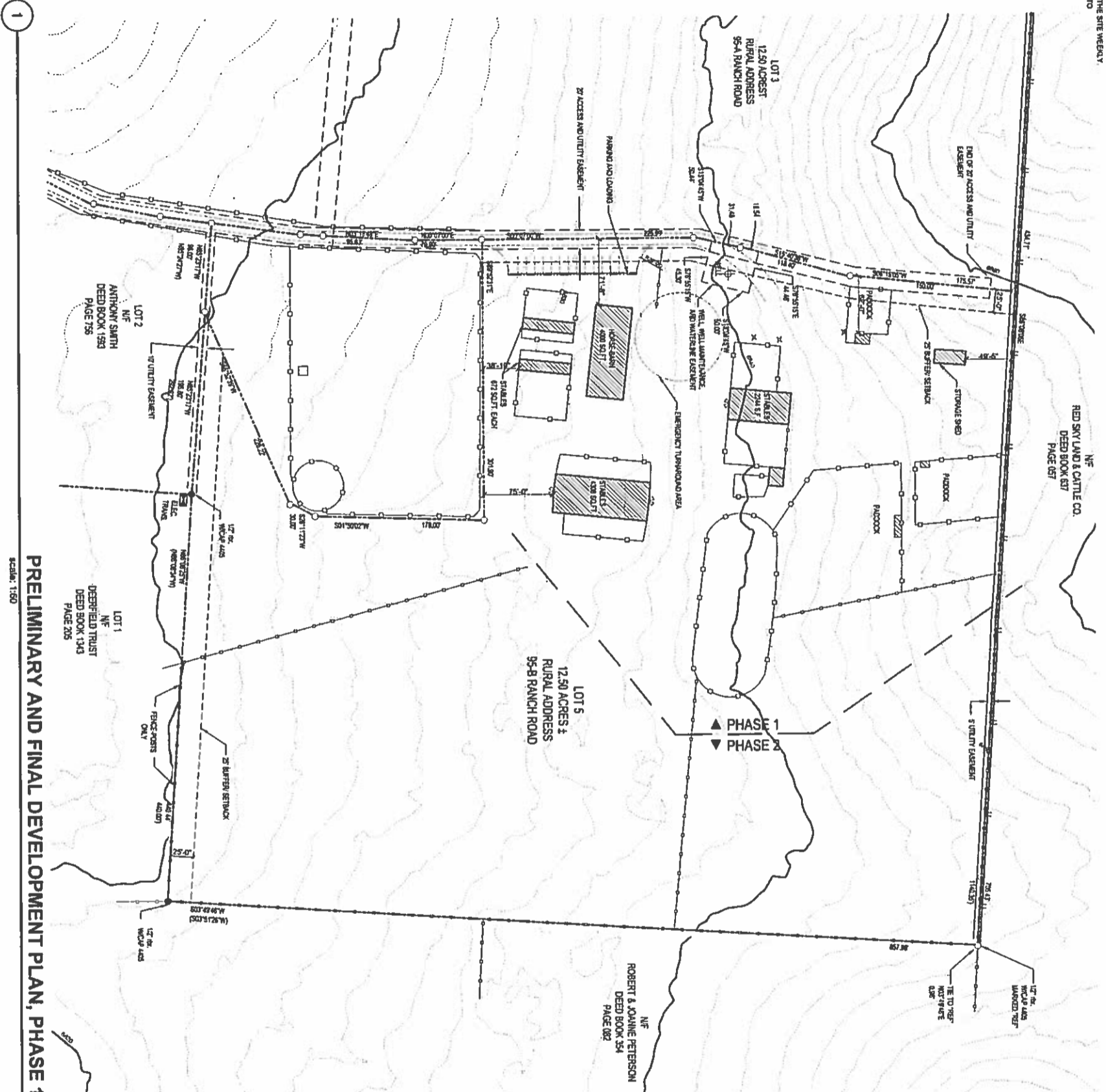
1. TRANSPORTATION OF ANIMALS TO AND FROM THE PROPERTY VIA SEPARATE TRUCKS
2. PROHIBITED
3. ALL ANIMALS KEPT ON THE PROPERTY SHALL BE KEPT ON THE PROPERTY. THE NUMBER OF ANIMALS KEPT AT ANY ONE TIME SHALL BE LIMITED TO THE CAPACITY OF THE HOODS/FACILITIES.
4. ALL ANIMALS KEPT ON THE PROPERTY SHALL HAVE THE REQUISITE HEALTH CERTIFICATES AS REQUIRED BY THE NEW MEXICO ADMINISTRATIVE CODE.
5. ALL EXTERIOR LIGHTING SHALL BE SHIELDED AND DOWN LIGHT PER THE SANTA FE COUNTY ADMINISTRATIVE CODE.
6. NO INDUSTRIAL, NON-RESIDENTIAL, BUILDING SHALL EXCEED 12,000 SQUARE FEET.
7. THE PHASE 2 DEVELOPMENT PLAN SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE COUNTY DEVELOPMENT REVIEW COMMITTEE.
8. ANIMAL WASTE SHALL BE STORED IN A CONTAINER AND REMOVED FROM THE SITE WEEKLY.
9. PHASE 1 WASTE SUPPLY SHALL BE LIMITED TO 251 ACRES PER YEAR.
10. DAILY HOURS OF OPERATION SHALL BE 7:00 A.M. UNTIL 10:00 P.M.

LEGEND

- FENCELINE
- - - EXISTING DIRT ROAD
- FOUND POINT/SET POINT
- EXISTING EXTENSION SOURCE LIGHTING

UTILITY LEGEND

- OVERHEAD UTILITY
- YARD HYDRANT
- TRANSFORMER
- WELL



PRELIMINARY AND FINAL DEVELOPMENT PLAN, PHASE 1

Scale: 1"=50'

SITE DATA

LAND AREA: 12.50 ACRES
 PHASE 1: 5.88 ACRES
 BUILDING SQUARE FOOTAGE/LOT COVERAGE
 PHASE 1: 11,000 S.F. 82% EXISTING LOT COVERAGE

APPROVALS

Approved by the County Development Review Committee
 of their meeting of _____

Approved by the Board of County Commissioners at their meeting of _____

Checked by _____ Date _____

County Clerk _____ Date _____

County Development Permit No. 15-_____ Date _____

County Land Use Administrator _____ Date _____

County Fire Marshal _____ Date _____

County Public Works Director _____ Date _____

Santa Fe County, New Mexico
Dedication Affidavit
 I, the undersigned, do hereby certify that the undersigned is the owner of the property described herein and that the property is being dedicated to the public use of Santa Fe County, New Mexico. This development lies within the planning jurisdiction of the County of Santa Fe, New Mexico.

Paul Reynolds
 This instrument was acknowledged before me by _____ day of _____ 20____.

Notary Public _____
 My Commission Expires on _____ day of _____ 20____.

Notary Public _____
 My Commission Expires on _____ day of _____ 20____.

STATE OF NEW MEXICO
 COUNTY OF SANTA FE
 I, _____, do hereby certify that this instrument was filed for record on this _____ day of _____ A.D., 20____, and is a true and correct copy of the original as the same appears in the records of Santa Fe County.
 Notary Public
 County Clerk, Santa Fe County, NM

enkin'sgavin
 300 Grant Avenue, Suite 101
 Santa Fe, New Mexico 87501
 www.enkinsgavin.com

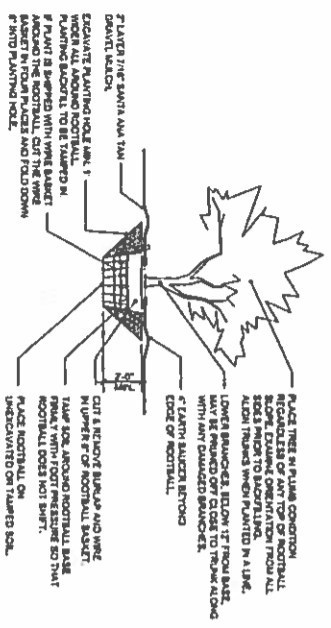
NO.	REVISIONS:	DATE

DATE: 8-8-2013
 DRAWN BY: SH
 CHECKED BY: PM

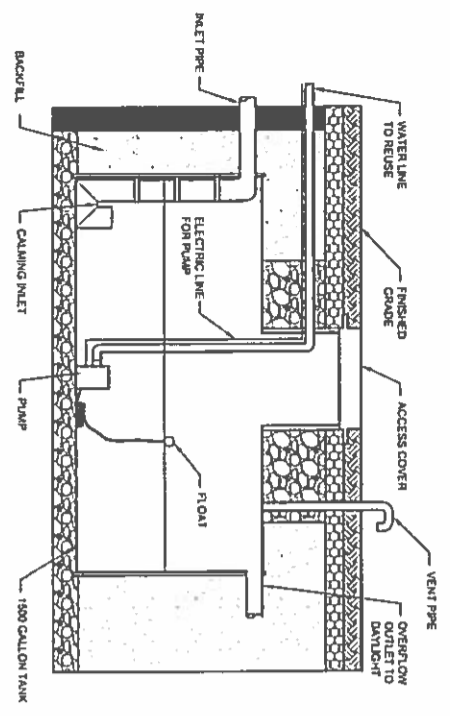
**95-B RANCH ROAD
 SANTA FE, NEW MEXICO
 PRELIMINARY AND FINAL DEVELOPMENT
 PLAN, PHASE 1**

**1200 A Paseo De Piedad
 Santa Fe, NM 87501
 (505) 982-8280
 (505) 982-3311
 sfarchitect@comcast.net
 www.santafearchitect.com**

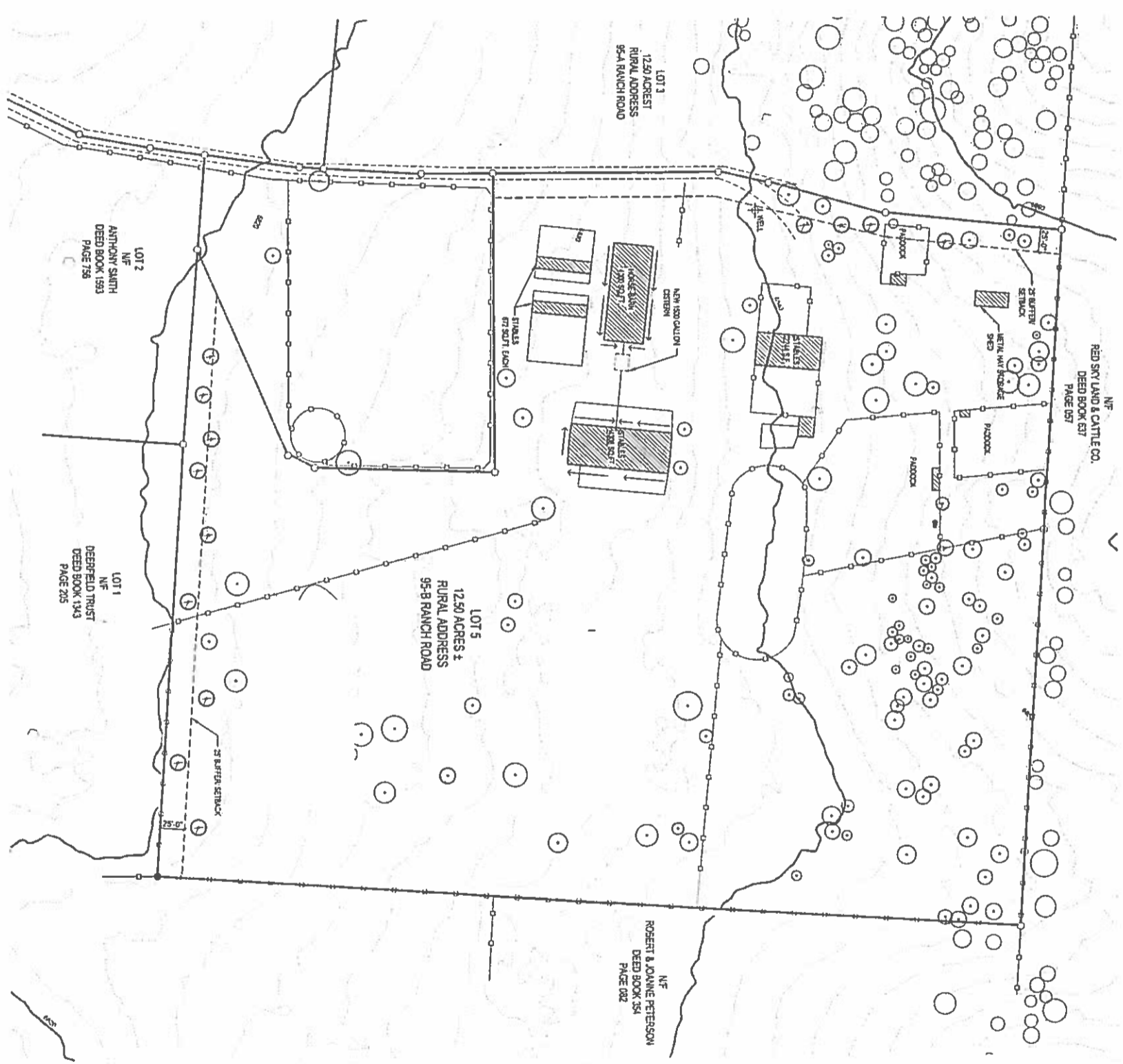
NBB-19



EVERGREEN PLANTING DETAIL
NOT TO SCALE



CISTERN DETAIL
NOT TO SCALE



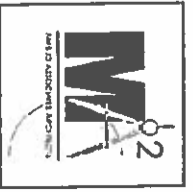
- GENERAL NOTES**
- EXISTING NATIVE CROSSERS THROUGHOUT SITE.
 - PLUMBING BUILDINGS WILL BE SCREENED AS NECESSARY IN ACCORDANCE WITH COUNTY REQUIREMENTS.
 - NEW PERGOLENS WILL BE HAND-DIAPHRAGMED UNTIL ESTABLISHED.



LANDSCAPE AND WATER HARVESTING PLAN

1

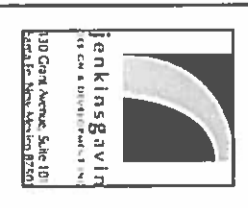
SCALE: 1/80

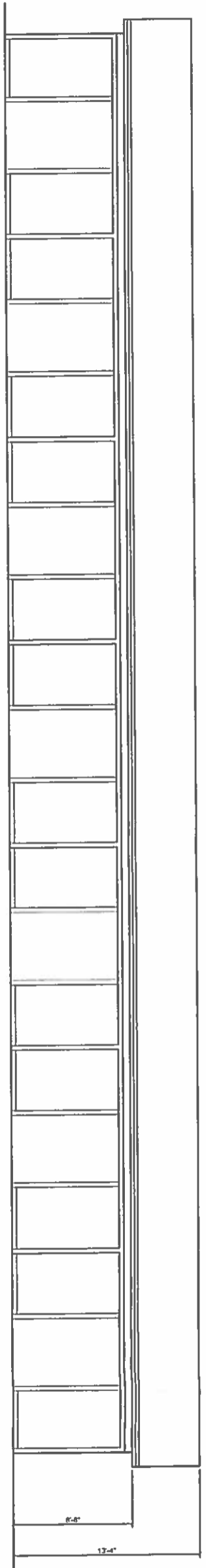


**95-B RANCH ROAD
SANTA FE, NEW MEXICO
LANDSCAPE AND WATER HARVESTING PLAN**

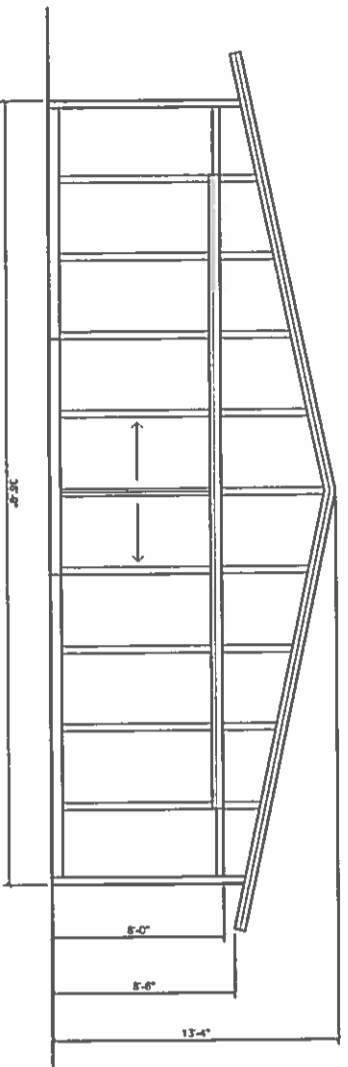
NO.	REVISIONS:
DATE	DATE

DATE: 4-26-2013
DRAWN BY: SH
CHECKED BY: PM

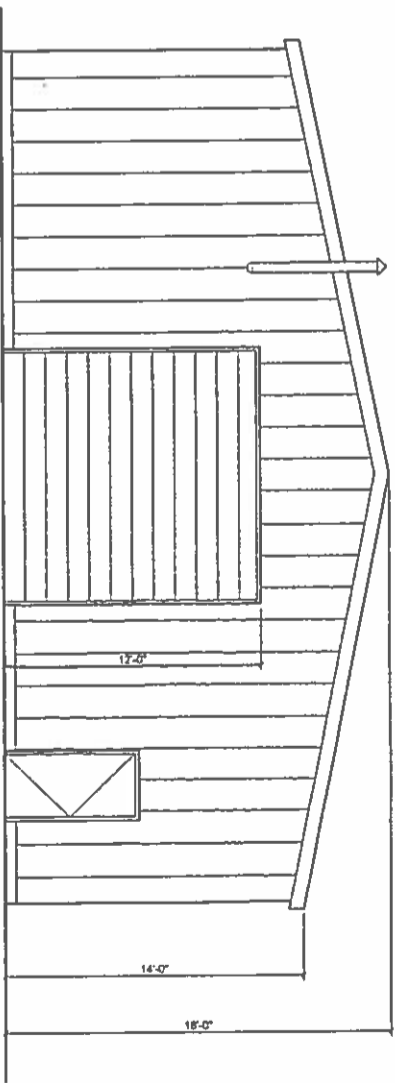




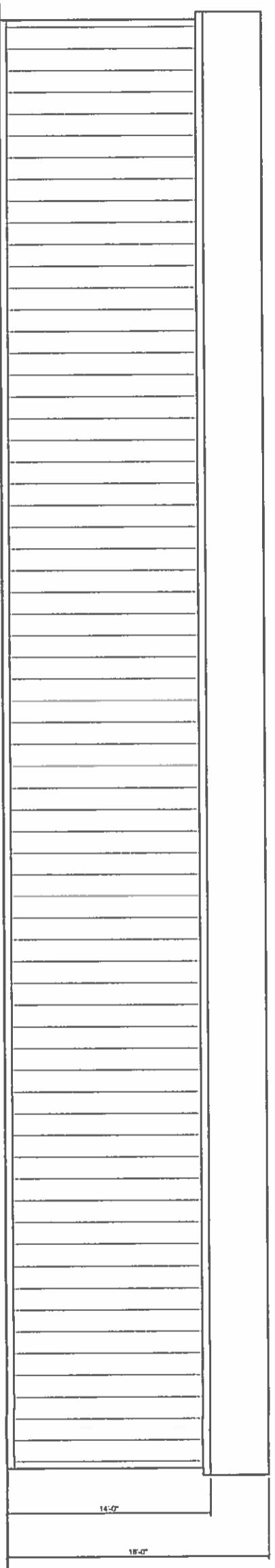
1 STABLE - TYPICAL SIDE ELEVATION
scale: 1/4" = 1'-0"



2 STABLE - TYPICAL FRONT/REAR ELEVATION
scale: 1/4" = 1'-0"



3 HORSE BARN - TYPICAL FRONT ELEVATION
scale: 1/4" = 1'-0"



4 HORSE BARN - TYPICAL SIDE ELEVATION
scale: 1/4" = 1'-0"

TYPICAL ELEVATIONS

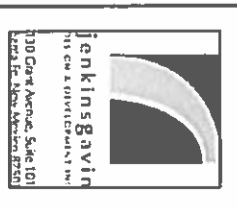


1700 A Paseo De Perilla
Santa Fe, NM 87501
(tel.) 505.982.2383
(fax) 505.989.2311
starchitect@comcast.net
www.santefearchitects.com

95-B RANCH ROAD
SANTA FE, NEW MEXICO
TYPICAL ELEVATIONS

NO.	REVISIONS:
DATE	DATE

DATE: 4-26-2013
DRAWN BY: SH
CHECKED BY: PM



SHEET
5
NBB-21

7.1 Standards

Community service facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that:

- 7.1.1 The proposed facilities are necessary in order that community services may be provided for in the County, and
- 7.1.2 The use is compatible with existing development in the area and is compatible with development permitted under the Code.

7.2 Submittals and Review

The submittals and reviews for community service facilities shall be those provided for in Article III, Section 4.5.

Compiler's Note. Section 4.5 was amended by County Ordinance 1988-9, and consists of review procedures and submittals for any non-residential use requesting a zoning approval.

SECTION 8 - OTHER DEVELOPMENT

8.1 Uses Permitted

All uses not otherwise regulated by the Code are permitted anywhere in the County. Such uses specifically include, but are not limited to utilities, parking facilities, and cemeteries.

8.2 Submittals, Reviews and Standards

Uses regulated by this Section 8 shall be considered large scale if they involve the grading and clearing of 10 or more acres, contiguously or cumulatively, and small scale if less disturbance of the land is involved. Development standards and criteria and submittal requirements are set forth in Sub-sections 4.4 and 4.5.

8.3 A development permit shall not be required for, and provisions of the Code shall not apply to, utility easements, utility rights-of-way, and construction of utility line extensions.

In addition to the above requirements, any development involving a water or sewer utility must be in conformance to an adopted Community Land Use and Utility Plan, unless system capacity is limited to that needed to serve existing development.

SECTION 9 - PARKING REQUIREMENTS

9.1 The following parking requirements are established for the types of development listed:

TYPE OF USE	NUMBER OF PARKING SPACES
Wholesale	1 per 1 employee plus 1 per 500 sq. ft.
Office & Community Facilities	1 per 1 employee plus 1 per 300 sq. ft.
Medical Offices	1 per employee plus 1 per 250 sq. ft.



NBB-22

~~fulfill the proposals contained in the subdivider's disclosure statement and in determining whether or not the subdivider's provisions for a subdivision conform with County regulations.~~

~~4.8 Common Promotional Plans~~

~~The Code Administrator will review proposed applications to determine whether there is a common promotional plan to subdivide a property. If it is determined that the land division does constitute a common promotional plan, the project shall comply with the procedures provided for in this Article V.~~

SECTION 5 - PROCEDURES AND SUBMITTALS

5.1 Pre-application Procedures

Prior to the filing of an application for approval of a preliminary plat, the subdivider shall confer with the Code Administrator to become acquainted with these subdivision regulations. At this pre-application conference, the subdivider shall be advised of the following:

1. Submittals required by the Code.
2. Type and/or class of the proposed subdivision.
3. Individuals and/or agencies that will be asked to review the required submittals.
4. Required improvements.
5. Conditions under which Master Plans and Development Plans are required as described in Sections 5.2 and 7.
6. A determination will be made as to the appropriate scale and format for plans and plats and as to the appropriateness of applicable submittal requirements.

5.2 Master Plan Procedure

5.2.1 Introduction and Description

- a. Master plans are required in the following cases:
 - i. All Type I, Type II, and Type IV subdivisions with more than one development phase or tract.
 - ii. As required in Article III for developments other than subdivisions; and
 - iii. Such other projects which may elect to apply for master plan approval.
- b. A master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval.
- c. The master plan submittal will consist of both plans and written reports which include the information required in 5.2.2 below. A typical submittal would include a vicinity map, a plan showing existing site data, a conceptual environmental plan with written documentation, a master plan map, a master plan report, a schematic utilities plan and the phasing schedule. Maps and reports may be combined or expanded upon at the discretion of the applicant to fit the particular development proposal as long as the relevant information is included.

5.2.2 Master Plan Submittals

- a. Vicinity Map. A vicinity map drawn at a scale of not more than 2,000 feet to one inch showing contours at twenty (20) foot intervals showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies located on the parcel and within three miles of the Parcel.



The locations of all Federal, State, or County Roads within one thousand (1000) feet of the parcel shall be shown. In addition, location of future highways and arterials as designated on the appropriate master plan for roads in the County (see 3-19-9 N.M.S.A. 1978) shall be shown.

- b. Existing Site Data. A description of existing conditions on or adjacent to the site. Maps shall be at a scale of one (1) inch to one hundred (100) feet or other appropriate scale as determined by the Code Administrator and shall include the following:
- 1) Boundary lines: bearings and distances. The error of closure shall be of a third order survey, and no discrepancy between computed and measured distances shall exceed one (1) part in 1,280 parts;
 - 2) Easements: Location, width and purpose;
 - 3) Streets or Roads on and immediately adjacent to the tract, name and right-of-way width;
 - 4) Utilities on and immediately adjacent to the tract;
 - 5) Owners of record of unplatted land and existing subdivision plats by name and recordation, together with owners of record for affected lots shall be shown for property within one-hundred (100) feet of that tract not including public rights-of-ways.
 - 6) Title and certificates: Present tract designations according to official records in the County Clerk's Office, title under which the proposed development is to be recorded with name and address of owner, notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any, certification of the engineer or land surveyor licensed in accordance with the laws of the State of New Mexico who prepared the plat.
 - 7) Proof of legal access from a county or state road as required by the Code.
- c. Conceptual environmental plan shall include, when appropriate:
- 1) Graphic representation of existing topography, natural features, slopes, and floodplains.
 - 2) Soils maps and reports (SCS)
 - 3) Recreational and/or open space plan, or landscape concepts.
 - 4) Liquid waste disposal plan, and
 - 5) Water Supply plan.
- d. Master plan map(s) showing the proposed development in sketch form, including:
- 1) Proposed major vehicular and pedestrian circulation system.
 - 2) Designation and description of proposed land uses, including information about residential uses by type, area and density, and information about office, general commercial and industrial uses by area and intensity of development. Mixed uses shall not be prohibited.
 - 3) Logical and natural boundaries defining development limitations, and
 - 4) Any proposed sites for schools or other community facilities.
- e. A phasing schedule shall be included in the master plan giving a general description of each phase of the development.
- f. A schematic utilities plan showing location, locational cross sections, and approximate line sizes. It is recognized that there may be changes in the final utilities plan due to the requirements of utility companies or final engineering plans and specifications.

- g. Master plan report which includes the following:
- 1) A general description of the project, existing development on the parcel, location, adjacent properties, acreage, lot coverage, access, traffic impacts, terrain management, soils, landscaping, outside lighting, parking, signage, water, liquid waste, solid waste, archaeological sites and fire protection measures;
 - 2) If appropriate, market analysis and economic impact report which address demand, projected sales and build-out; identifies a trade area; estimates retail sales and potential, and identifies the scale and extent of local competition.
 - 3) Preliminary fiscal impact estimates of net local public costs, including capital outlay and operating expenses, and revenues attributable to the proposed project.
 - 4) Preliminary environmental assessment, which identifies the possible effects of proposed development on natural resources or natural features. This may be combined with Section 5.2.2.c of this Article.
 - 5) A written preliminary traffic report prepared by a licensed traffic engineer or other qualified expert acceptable to the Code Administrator.
 - 6) Description of concepts for restrictive covenants proposed for the development if applicable, outlining the areas and extent of restriction or regulation. Detailed covenants are not required at this time.
 - 7) Schools impact report. A written report which projects the effects the proposed project will have on public schools, and which includes:
 - the proposed number, size, and price of residential units within the project;
 - a description of the project's target market; and
 - where applicable, any special educational needs of the project's school-aged residents.

The report will also identify the schools that service the area of the proposed project and their boundaries, the transportation available to those schools, and a list of any pending or approved residential developments within those schools' boundaries. Copies of the schools impacts notice shall be submitted to the school district in which the project is located and to the Code Administrator.

5.2.3 Master Plan Review

The master plan shall be submitted to the Code Administrator or his authorized representative with a written application for approval. The Code Administrator will review the plan and submit analysis, written comments and a recommendation to the County Development Review Committee and the Board. Master plans shall be reviewed by the County Development Review Committee which shall make determinations regarding compliance with the County General Plan or the Extraterritorial Plan and the Code and shall forward the plan to the Board with the Committee's recommendation. The Board may adopt, amend, supplement, or reject the County Development Review Committee recommendation.

5.2.4 Master Plan Approval

- a. The approved master plan shall show the area of residential use and general density measured in dwelling units per acre of land, less dedicated or conveyed rights-of-way, and the area and intensity of commercial and industrial use measured in gross square feet of building area or maximum gross floor area ratio. These shall constitute the maximum permitted number of dwelling units and maximum permitted area and intensity of commercial or industrial use.
- b. The County Development Review Committee and Board shall consider the following criteria in making determinations and recommendations for approval or amendment of master plans:
 1. Conformance to County and Extraterritorial Plan;

2. Suitability of the site to accommodate the proposed development;
3. Suitability of the proposed uses and intensity of development at the location;
4. Impact to schools, adjacent lands or the County in general;
5. Viability of proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or constructed;
6. Conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards.

5.2.5 Filing of Approved Master Plan

The approved master plan with maps which has been approved by and received signatures of the County Development Review Committee Chairman and Board Chairman shall be filed of record at the County Clerk's Office.

5.2.6 Amendments and Future Phase Approvals

- a. Approval of the master plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely unless the detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time. Each phase of the development plan must be considered on its own merits.
- b. The Code Administrator may approve minor changes to the master plan. Any substantial change in land use or any increase in density or intensity of development in the approved master plan requires approval by the County Development Review Committee and the Board.
- c. Any changes approved by the Code Administrator pursuant to Section 5.2.6b of this Article shall be subject to the review and approval of County Development Review Committee and the Board at the time of development plan or plat approval.
- d. The phasing schedule may be modified by the Board at the request of the developer as economic circumstances require as long as there is no adverse impact to the overall master plan. (See Article V, Section 4.5)

5.2.7 Expiration of Master Plan

- a. Approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board.
- b. Master plan approvals may be renewed and extended for additional two year periods by the Board at the request of the developer.
- c. Progress in the planning or development of the project approved in the master plan consistent with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. For the purpose of this Section, "progress" means the approval of preliminary or final development plans, or preliminary or final subdivision plats for any phase of the master planned project.

History. 1980 Comp. 1980-6. Sections 4.4, 4.5, 5.1 and 5.2 were amended by County Ordinance 1987-1 to provide for the submittal of a master plan.

5.3 Preliminary Plat Procedure

5.3.1 Introduction and Description

- 5.3.1a Preliminary plats shall be submitted for Type-I, Type-II, Type-III, except Type-III subdivisions that are subject to review under summary procedure as set forth in Subsection 5.5 of this Section, and Type-IV subdivisions.