

DRAFT

subject to approval

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

June 20, 2013

This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Chair Juan Jose Gonzalez, on the above-cited date at approximately 4:07 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 [4:20 arrival]
Maria DeAnda,
Dan Drobnis
Frank Katz
Manuel Roybal

Member(s) Excused:

[None]

Staff Present:

Steve Ross, County Attorney
Wayne Dalton, Building & Development Services
Jose Larrañaga, Development Review Specialist
Rachel Brown, Deputy County Attorney
Vicki Lucero, Development Review Specialist
John Lovato, Development Review Specialist
Mike Romero, Development Review Specialist
Karen Torres, County Hydrologist
Buster Patty, Fire Marshal
Mark Hogan, Facilities Director

III. APPROVAL OF AGENDA

Ms. Lucero suggested moving the La Bajada case to the top of the agenda. Chair Gonzales noted that many people had not yet arrived and would be anticipating that case would be heard later.

Member Martin moved approval of the agenda as published and Member Katz seconded. The motion carried by unanimous [6-0] voice vote. [Member Anaya was not present for this action.]

IV. APPROVAL OF MINUTES: May 16, 2013

Member Katz moved to approve the May minutes as submitted. Member Drobnis seconded and the motion passed by unanimous [6-0] voice vote. [Member Anaya was not present for this action.]

V. OLD BUSINESS

- A. CDRC CASE # Z/S 12-5450 Cielo Colorado Subdivision. Cielo Colorado, LLC. Applicant, Jim Siebert, Agent, Request 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). Jose E. Larrañaga, Case Manager
(TABLED)

VII. NEW BUSINESS

- A. CDRC CASE # V 13-5040 Ellen Jacobs Variance

Mr. Lovato noted that the applicant was not present and the case was moved to the end of the agenda.

- B. CDRC CASE # V 13-5170 Roddy & Sherry Leeder Variance. Roddy & Sherry Leeder, Applicants, Ralph Jaramillo Agent, Request 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 Land Division of 7.68 Acres Into Four Lots. The Property is Located at 25 Bar D Four Road, in the Vicinity of Arroyo Seco, within Section 18, Township 20 North, Range 9 East, Commission District 1

Mr. Lovato read the case caption and gave the following staff report:

“The Applicants request a variance to allow the land division of 7.68 acres into four lots. Access to the subject property would be off Bar D Four Road which is a

dirt road/private roadway crossing a FEMA designated Special Flood Hazard Area, via an existing low water concrete dip section which may be frequently impassible during inclement weather, and thereby is not all weather accessible.

“There are currently three manufactured homes on the property. The applicants state they have seven children and plan on giving three of their children a lot. Three of the lots are to be divided into 0.75-acre lots and the remaining fourth lot will be 5.43 acres.”

Mr. Lovato gave the staff recommendation as follows: On May 14, 2013 the Board of County Commissioners voted for approval of a variance to allow the placement of a dwelling unit which accessed the same low water crossing. Due to this previous decision staff recommends approval of a variance from Article III, § 2.4.1a.2.b (Access) of the Land Development Code and approval of a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) subject to the following conditions.

1. Water use shall be restricted to 1.00 acre-feet per year per lot. A water meter shall be installed for the proposed home. 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 (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application (As per 1997 Fire Code and 1997 Life Safety Code).
3. A restriction must be placed on the Plat regarding the lack of all-weather access to the subject lot. This restriction shall include language as follows: the access to this property does not meet minimum standards set forth by County Ordinances and Code. Site access including access by emergency vehicles, may not be possible at all times (As per Ordinance #2008-10).

Agent for the applicants, Ralph Jaramillo was placed under oath and said the Leeders are hoping to divide the land to be able to give it to their seven kids. Initially, the only issue was the FEMA ordinance and a variance was obtained for that provision.

There was no one from the public wishing to speak.

Member DeAnda moved to approve CDRC CASE # V 13-5170, Roddy and Sherry Leeder Variance with staff conditions. Member Katz seconded and the motion passed unanimously [6-0]. [Member Anaya was not present for this action.]

C. CDRC CASE #V13-5140 Robert Garcia Variance. Robert Garcia, Applicant, Requests a Variance of Ordinance No. 2008-5 (Pojoaque Valley Traditional Community District), § 12.5 (Density Standards) to Allow Two Dwelling Units on a Proposed 1.46 Acre Lot and a Variance of Article III, § 2.4.2b.3(a) (Road Access) of the County Land Development Code to Allow a Road Access Width of Less Than Twenty Feet (20') to Access Three Lots. The Property is Located at 13A Old Pueblito Road (CR 84), in the Vicinity of Pojoaque, within Section 7, Township 19 North, Range 9 East, Commission District 1

Mike Romero read the caption and the staff report:

“The Applicant has submitted an Application for a Family Transfer Land Division to divide 2.212 acres into two lots. The proposed lots will consist of 0.75 acres and 1.46 acres. The Applicant intends to give his daughter the 0.75-acre parcel and the Applicant will retain the remaining 1.46-acre parcel.

“There are currently two dwelling units on the subject property. The structures consist of two residences and two pole barns, one of which is also used as a carport. Staff can find no evidence of permits for the existing structures on the property. The Applicant and the Applicant’s son currently reside in the existing dwelling units.

“The property is located in the Pojoaque Valley Traditional Community District where the minimum lot size is 0.75 acres per dwelling unit. The proposed Family Transfer meets the requirements of the Code for lot size; however, the Applicant is requesting to allow the two existing residences to remain on the 1.46-acre lot.

Mr. Romero stated staff is recommending denial of a variance of Ordinance No. 2008-5 § 12.5 (Density Standards) of the Pojoaque Valley Traditional Community District), and Article III § 2.4.2b.3(a) of the Land Development Code. 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 1 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 (As per 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 (As per Article III § 2.4.2)
3. The Applicant must provide proof of permits or proof that the structures on the property are legal non-conforming. If the Applicant cannot provide proof that the structures are legal, then the Applicant must obtain After the Fact Permits (As per Article II, § 4.5.2b Article II, § 2).

4. The placement of additional dwelling units or Division of land is prohibited on the property (As Per Ordinance No. 2008-5 Section 12.5).
5. The Applicant shall comply with all Fire Prevention Division requirements at the time of plat review (As per 1997 Fire Code and 1997 Life Safety Code).

Member Katz asked if the Fire Department was recommending approval. Mr. Romero said they were, subject to conditions, and added it could be considered a minimal easing of the code, lacking about 800 square feet to be in compliance. He said he was able to find a permit for one of the mobile homes.

Duly sworn, Robert L. Garcia said he felt his request was not unreasonable, but was opposed to the water metering and restrictions. He currently has a permit from the State Engineer for three acre-feet and is also under the Aamodt provisions. He stated ingress and egress is not an issue.

Mr. Garcia noted there was no permit for the main house since it has been there since at least 1913 when his mother was born there. He detailed evidence of the house being there for 100 years.

Chair Gonzales pointed out that the County imposes water restrictions on all applicants. Mr. Garcia said he well is pre-Aamodt and the use is not restricted to indoor only. He did not think it was reasonable for him to give up two acre-feet of water and have to go to the expense of metering the old house. Chair Gonzales noted with the two lots there would be two acre-feet total.

There was no one from the audience wishing to provide testimony.

Member Roybal said this case was similar to one last month. He did not feel the County had the right to take away existing water rights.

Member Katz said having water rights is one thing but if there is insufficient water everyone has to recognize that fact. He asked if this case was approved with the conditions would the water restrictions be binding on the applicant. Ms. Lucero said they would be.

Member DeAnda noted that the applicant could conceivably split the larger lot, making three lots each with one acre-foot.

Mr. Garcia said he had no intention of splitting that lot. He said if the lot doesn't have water it's worthless.

Member Roybal moved to grant the variance without the condition calling for water restrictions and metering. Member Anaya seconded.

Member Drobni said he would only support the variance with conditions, noting that in his area people have to make do with a quarter acre-foot per year.

Member Roybal said water has always been an issue in the traditional communities and everyone cuts back in bad years. He reiterated he didn't like to see people losing rights.

Member Katz pointed out that during bad years when ditch water is not abundant there is recourse to the groundwater which is not renewable.

Mr. Garcia said he did not use his well to irrigate his fields. He did not want to be constrained to indoor use only, since he kept cattle and sheep. Ms. Lucero clarified that that was not the case; the one acre-foot was total use.

The motion to grant without water restrictions failed 2-5 with Members Anaya and Roybal voting in favor.

Chair Gonzales moved to grant the variance in CDRC CASE #V13-5140, the Robert Garcia Variance with staff conditions. The motion carried 7-0.

D. CDRC CASE # V/Z/PDP 13-5080 Windmill Water Variance, Master Plan & Preliminary Development Plan. Diana & Leon Rieter, Applicants, Jim Siebert, Agent, Request Master Plan Zoning & Preliminary Development Plan Approval to Allow a Small Scale Commercial Use Consisting of a Domestic Water Supply Service. This Request Includes a Variance of Article VII, Section 6.4.1d (Requirements for Water Availability Assessments). The Applicant Also Requests That Final Development Plan be Approved Administratively. The Property is Located at 2042 Old US 66, Near the Town of Edgewood, within Section 34, Township 10 North, Range 7 East, Commission District 3 [Exhibit 1: Letters of Support]

Jose Larrañaga read the caption and the following staff report:

“The Applicants request Master Plan Zoning approval to allow a small-scale commercial use consisting of a domestic water supply service to be completed in two phases. The request also includes Preliminary Development Plan approval for Phase I and II. Phase I consists of a 2,200 square foot residence, a 1,064 square foot garage, a 100 square foot shed, a 1,188 square foot bottling plant, a 224 square foot office, a 5,000-gallon storage tank, a 50 square foot self-serve dispenser structure, a domestic well and a well registered with State Engineer as a commercial well. Phase II will consist of a 1,200 square foot addition to the dwelling to be utilized as an office. The site is located within the Edgewood Traditional Community where commercial zoning may be approved. The Applicants request includes that the Final Development Plan, for Phase I and II, be reviewed and approved administratively.

“Windmill Water is currently operating under a Home Occupation Business License issued by Santa Fe County in 1995. The property is within the proposed

infill annexation of the Town of Edgewood which Santa Fe County currently maintains regulatory jurisdiction of this site.

“On December 21, 1995, the Land Use Administrator approved a home occupation business license, subject to conditions, for Windmill Water. On March 2, 2010, a notice of violation was issued to Windmill Water for exceeding the home occupation business license criteria. On May 6, 2010, Leon and Diana Richter submitted a letter of intent and documents requesting a modification of the existing home occupation business license. On May 18, 2010, the LUA denied the request by Windmill Water for modification of the existing home occupation as it no longer met the criteria for a home occupation as set forth in Code. In a letter, dated May 26, 2010, the Agent on behalf of Windmill Water requested an appeal of the LUA decision to the CDRC. On May 19, 2011 the CDRC denied the Applicants’ request.

“Windmill Water operates as a bottling and distribution domestic water supply service. The Applicants currently reside on the property. The request for Master Plan and Preliminary Development Plan includes a use list which is consistent with the guidelines for types of permitted uses within a small scale commercial district.

“Article III, § 4.2.2.b.1b states: ‘commercial or light industrial zoning may approved in the Traditional Community provided that the re-zoning to be approved is similar in type and scale to those uses suggested for neighborhood or small scale districts by Article III, Section 4.3.2.

“The Applicants are also requesting a variance of the requirement to demonstrate a 100-year water supply as per Article VII, § 6.4.1.d.

“Article VII § 6.4.1.d. states: ‘for developments where the source of water will be individual domestic wells or shared wells permitted pursuant to Section 72-12-1, the applicant shall demonstrate a one hundred-year supply and shall submit a geo-hydrologic report in accordance with Section 6.4.5, or a reconnaissance water availability assessment in accordance with Section 6.4.6, if applicable.’

“The Applicants state the following reasons to allow the variance: cost of preparing a geo-hydrological report; the property will be annexed to the Town of Edgewood and compliance with County Code is not required; business is borderline eligible for a Home Occupation Business; the well could not be used for several days during the hydrologic testing, which jeopardizes the viability of the business; the well has a 1.78 acre-foot water right associated with it and can be increased up to three acre-feet.

“Staff Response: monetary constraints are not considered a hardship by the Code; Santa Fe County currently maintains regulatory jurisdiction of this site; it has been established by the CDRC that this business exceeds the Home Occupation

criteria; the Applicant shall demonstrate a one hundred-year supply to support the use of 1.78 acre-feet water per annum.

Article VII § 6. Table 7.4 states: ‘all non-residential development in which the project uses more than 0.25 acre-feet of water annually or in which the applicant obtains water other than through a well which is permitted under Section 72-12-1 NMSA1978 as it may be amended’ requires § 6.4 Water Availability Assessment.

“Building and Development Services staff has reviewed the Applicants’ request for a variance of Article VII § 6.4.1.d. for compliance with pertinent Code requirements and has found that the following facts presented do not support the request: a geo-hydrologic report is required to demonstrate that groundwater sufficient to meet the maximum annual water requirements of the development is physically available and can be practically recovered to sustain the development for a continuous period of one hundred years; the Applicants shall demonstrate a one hundred-year supply to support the use of 1.78 acre-foot water per year; a variation or modification of this section of the Code may be considered more than a minimum easing of the requirements.

“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, with the exception of the water availability element of the request.

“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, Article V, § 5, Master Plan Procedures and is not in compliance with Article V, § 7 Development Plan Requirements of the Land Development Code regarding § 7.1.2.y.”

Mr. Larrañaga said staff recommends denial of the Applicants request for a variance of Article VII § 6.4.1.d. Requirements for Water Availability Assessments. Staff has determined that without proof of adequate water availability, staff cannot support the request for Master Plan Zoning and Phase I and II Preliminary Development Plan.

If the decision of the CDRC is to recommend approval of the request for Master Plan Zoning and Phase I and II Preliminary Development Plan to allow a small scale commercial use, consisting of a bottling and distribution domestic water supply service on 2.84 acres and Phase I and II Final Development Plan be reviewed and approved administratively, staff recommends the following conditions be imposed:

1. The Applicant shall comply with all review agency comments and conditions as per Article V, § 7.1.3.c.
2. Master Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 5.2.5.
3. Final Development Plan for Phase I shall be submitted within a timely manner, meeting all criteria set forth in Article V, § 7, to be reviewed and approved administratively.

Member Katz said he was confused about whether the well was commercial or domestic. Mr. Larranaga said it was registered with the State Engineer as a commercial well with 1.78 acre-feet as established by proven beneficial use.

County Hydrologist Karen Torres explained the difference between commercial and domestic wells. Member Katz stated he did not believe the requirement to prove a 100-year water supply was necessary in this case since it is not a domestic well. Mr. Larrañaga referred to Table 7.4 which he said requires commercial to come in under a quarter acre-foot or have a water availability assessment if water is obtained other than through a domestic well.

Member DeAnda said she understood there were two different wells, one for domestic use for the residence, which is not at issue, and a commercial well for the bottling plant. She asked what sort of proof would be necessary to prove a 100-year water supply. Mr. Larranaga said it could be a geo-hydro or reconnaissance report, and applies only to the commercial well, with the domestic well being restricted to .25 acre-feet.

Chair Gonzales asked if the water availability was the only thing keeping the application from being approved. Mr. Larrañaga said the only question is whether they have the allotted 1.78 acre-feet for 100 years. He said this case has been going on for over two years and the business continues as they've been working with the County. If it is denied by the BCC a water availability assessment will need to be done. Noting the home occupation license was issued in 1995, Chair Gonzales asked if there was any review of the operation by the County in the intervening years. Mr. Larrañaga said this came in as a complaint; the code enforcement division is perennially understaffed.

Member Katz said it was his understanding a water supply availability assessment applied to a development where if the water runs out you leave people "high and dry." In this case if they run out of water the business would perforce cease. That being the case he did not understand why staff was recommending denial. Mr. Larranaga said the code does not specify who is affected.

Duly sworn, Jim Siebert, said there is a case currently before the New Mexico Supreme Court regarding the Town of Edgewood. If Edgewood prevails this case would go away.

Under oath Diana Rictor and Leon Rictor made a presentation giving the history of their business and its role in the community.

Mr. Siebert used a map to show the surrounding area. He said they do not believe a variance is needed, but applied for it per the County's request. He referred to Water Right Summaries from the OSE [*Exhibit 2*] that clearly distinguish the commercial from the domestic well. He said the commercial well does not fall under the requirements for 72-12-1 wells and are exempt because they have adjudicated rights from the OSE. He referred to the provisions in Ordinance 2005-2.

Member Katz noted that Table 6.4, in addition to referring to domestic wells, mentions community water systems. He asked if this could be construed as a community water system, and if the Rictors closed down, would their customers have other sources to rely on. Mr. Rictor said there are two other comparable businesses in Albuquerque.

Chair Gonzales asked if they increased usage would they be able to draw more water. Mr. Siebert said they can increase their usage they can send the readings to the State Engineer who can then allow a greater allotment based on beneficial use.

There was no one from the public wishing to speak on this matter.

Member Anaya said he has known the Rictors for years and attested to the fact that they are good people and provide a good service to the community. He moved to approve CDRC CASE # V/Z/PDP 13-5080, the Windmill Water Variance, Master Plan and Preliminary Development Plan with conditions and without the requirement to do a 100-year water availability assessment. Member Katz seconded with the finding that the water source is not a domestic well nor a community water system, so that a variance is not necessary, but that the criteria have been met.

The carried by majority [6-1] voice vote with Member DeAnda voting against.

[The CDRC recessed from 5:45 to 5:55.]

- E. 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 Onsite 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: Letter from La Cienega Valley Association]**

Ms. Lucero read the case caption and gave the staff report:

“On September 30, 2008, the Board of County Commissioners granted Master Plan approval for a residential subdivision consisting of 162 lots/ 174 residential units on 1,316 acres to be developed in three phases. At the time of approval the Applicant proposed to construct a new on-site community water system.

“Since the time of approval, Santa Fe County has purchased approximately 470.55 acres of the 1,316-acre, Santa Fe Canyon Ranch). The property is made up of three tracts which consist of Tract G –188.70 acres, Tract H –141.47 acres, and Tract I –140.38 acres, now known as La Bajada Ranch.

“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, 470.55 acres, 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 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 original BCC report is attached as [Packet} Exhibit 4.”

Member Katz asked if the extension did not occur would it simply remove a locked in approval. Ms. Lucero said that was correct.

Chair Gonzales asked if the amendments had to be in place for the master plan to be extended. Ms. Lucero said the amendments are to clarify the extent of the County's property and to change the water source. The amendments would restart the five-year clock on the master plan. Chair Gonzales asked if the two amendments could be considered singly. Ms. Lucero said the amendments were presented together.

Member DeAnda stated that she is a member of the La Bajada Steering Committee and extension has been discussed in that setting. She understood the plan was set to expire in September, and that if it were not extended they could start from scratch for an additional five years. Ms. Lucero said if only an extension were sought that could be granted by the BCC for a period of two years. Member DeAnda indicated that the committee reached consensus on the need for an extension to be able to continue working on the master plan; she was confused by the request to amend. She asked whether the County water applied only to the 470 acres and Ms. Lucero said yes.

In response to a question from Member Katz, Ms. Lucero said a simple extension is for two years. If a master plan is amended the time goes to five years. Member Katz asked if the committee had the option of rejecting the amendments and voting for a two-year extension only. Ms. Lucero said a two-year extension request would go straight to the BCC and not require a recommendation from the CDRC.

Chair Gonzales referred to the timeline [*Exhibit 3*] noting this has been in the works for eight years. Ms. Lucero stated the original submittal had a much higher density. Chair Gonzales asked for a detailed history.

Mark Hogan, Facilities Director, explained the intention is to preserve the entitlements in the original master plan, to give the steering committee time to do their work, and to make good on water commitments made in the past. The second amendment, the legal separation, is intended to protect the County's interest, given that that adjoining property is for sale and if an agreement is not arrived at the other property owners could hold the County hostage. In 2012 the community was told the County would not draw water from local aquifers. They are not asking for anything not previously granted or any new development; they merely seek to change the source of water. He understood imported water was a matter of consensus.

While lauding the use of imported water, Member Katz said it should be the decision of the steering committee. Mr. Hogan said the role of the steering committee is to review proposed developments and do planning for the benefit of the county as a whole. The County Manager has a fiduciary responsibility to protect the County's investment and maintain the density transfers. He added no matter what uses are decided on, the project will need water. Member Katz asked what was the rush to act before the

steering committee had come to a decision on these points. Mr. Hogan said managing the water does not fall within the steering committee's purview.

Member DeAnda reiterated the committee was in favor of an extension, but adding the amendments raises issues.

Member Roybal asked how far away the County waterline is from the property. Mr. Hogan said it is near the north end of the property, within a reasonable distance. Since the County has adequate water rights it chose not to purchase the water rights from the original seller. No amount is specified since the proposals have not been discussed, but it is not expected to exceed the amount in the first master plan.

County Attorney Steve Ross said the County has an adequate portfolio of water rights they can use. His recollection was that the original development was to call on 29 acre-feet of consumptive use. Under consideration is the source only, not the amount. He said there is a domestic well on the property, not a permitted water right.

Chair Gonzales asked how many times the previous owner requested County water and Mr. Ross said they requested and were denied three times. Chair Gonzales said he felt that was confusing. Mr. Ross said the County has entered into a number of contracts with the City and federal governments pledging to manage its water conjunctively, preferring surface water over groundwater supplies. It has issued numerous policy statements to that effect. The intentions behind the denials do not apply to a government entity. He said this application is to preserve the status quo for the steering committee. The property's value is intricately wound up with the master plan. "The County has no plans to extend water lines to the property. This is simply identifying for purposes of master plan application what the source of water is." The determination of whether waterlines need to be extended will depend on the ultimate disposition.

Chair Gonzales said he supported not using groundwater for development but is aware that if imported water is available density increases, which is a concern.

Reading from the enabling resolution, Member Anaya asked why the BCC's intent wasn't being followed. He referred to the letter from the LCVA. Mr. Hogan said he felt they were following that intent.

Responding to Member DeAnda's contention that the language was confusing, Mr. Ross said tweaks have to be made to the process. Member DeAnda sought and received verification that a recommendation to the BCC was being requested.

Those wishing to speak were administered the oath.

Rosanna Vazquez, attorney for the owners of Santa Fe Canyon Ranch, now the Ranch as Santa Fe Canyon, said her concerns were similar to those of the committee. Her clients are in agreement with a request for an extension of master but would like to meet with the County to discuss mutual issues. She pointed out that SFCR was required to

request a boundary extension for water service, which no longer seems necessary. The conditions for hookup – 200 feet from the waterline – have not changed nor has the location of the waterline.

Ms. Vazquez said she was not sure why severing the property is necessary since they are now separate legal lots of record and she could find no legal basis for severance. The basis for the density was the full acreage, not just the 470 acres purchased. She said for the density transfer to remain in existence conditions have to be adhered to. SFCR was required to prove a 100-year water supply based the entire property, and the amount of development allowed came from that. Most of the actual water is to be found on the parts of the property still owned by the former owners. This also makes severability problematic.

Additionally, conditions regarding secondary access and infrastructure complicate the matter. She reiterated the desire to work with the County on these issues. She said this application is premature and the regulations and requirements should be the same for everyone regarding master plans. She asked the committee to grant the extension and hold off on the amendments.

Member Anaya asked why the property was sold. Ms. Vazquez indicated the owners had been through an arduous process starting in 2005. Approval was only granted in 2008. It became clear they would not get County water. After around 50 meetings and mediations agreement seemed impossible. At that point the market began to change and the owners became willing to consider selling. The money was used to pay down debt. They had 17.68 acre-feet of consumptive water use that was transferred to the Buckman Direct Diversion. There was also an application for return-flow credits. The amount of water needed for Phase 1 was 14.55 acre-feet. There was some additional water on the property. The total amount they had was 32.2 acre-feet. A strict water budget – .18 acre-foot per household was planned.

Member Anaya asked if the County made it clear how the land would be used by the County. Ms. Vazquez said that was not laid out in the purchase agreement. She said she understood the master plan ran with the land, which now has two different owners.

Previously sworn, Gene Bostwick, chairman of the La Cienega/La Cieneguilla Planning Committee stated he has been involved in this project for a long time. He distributed a letter sent to the Commissioners [*Exhibit 4*] He agreed with Ms. Vazquez about many of the outstanding questions. He asked for a tabling to allow more time. He said there is no objection to using County water but many issues remain unanswered. The La Cienega Ordinance restricts the amount of development to water available on that property, regardless of whether groundwater is used or not. SFCR originally requested 605 units and were eventually approved for 174 due to that regulation. The initial approval for SFCR was for 80 homes and any additional development would require a ruling by the State Engineer.

Mr. Bostwick said the County is talking about 156 residential lots on 470 acres and does not acknowledge the 80 homes previously allowed. No process for this is stated and he would like to see clarification of that issue. He noted that 14.55 acre-feet worth of water rights are on the non-County part of the land. What becomes of that if the County

imports water? The community does not want any groundwater pumped and wants to know how severance will work with regard to that.

Mr. Bostwick said there is another 846 acres that were used in the density calculation. Can that now be developed and at what density? There seems to be no opposition to a simple extension and that would provide an opportunity for the steering committee to do its job.

Member DeAnda clarified that the steering committee is charged with planning or potentially recommending development of the 470 acres and is not looking at the other acreage, over which they have no jurisdiction. The other owners will have to make their own request for extension.

Member Anaya asked for clarification on the purchase agreement. Ms. Brown said the purchase agreement identified the property acquired by Santa Fe County with the master plan in place, which included the option of residential development.

Previously sworn, Carl Dickens, president of the La Cienega Valley Association distributed a letter requesting a tabling of this action [*Exhibit 5*] and a previous letter to the County Manager [*Exhibit 6*] concerning the noticing. He said the community is strongly committed to maintaining the integrity of the community plan. He related that La Cienega had a community meeting recently and the proposed amendments came as a surprise. Since La Cienega has been closely involved in the process for eight years learning about the amendments through the legal notices was an insult.

The consensus at the meeting was that more time is needed to understand the situation. La Cienega has always been more than willing to work with the County. Understanding the County has to safeguard its investment, the community wants something appropriate and they want to participate in the process.

Mr. Dickens recognized how controversial and complex the issues are. The decisions will affect La Cienega's intent to maintain its rural nature. A community discussion would have been appropriate and would have fostered a willingness to compromise. Instead they were subjected to a misleading master plan announcement. He said it is the first time in 29 years that a project of such impact did not come before the community for review. He said they rely on the County to enforce their ordinance.

Chair Gonzales asked what ordinance Mr. Dickens was referring to. Mr. Bostwick said it was Ordinance 2002-9, specifically Sections 6.4.2 through 6.4.4 which restrict density based on proven onsite water. Chair Gonzales asked if what the County was doing contravened those provisions. Mr. Bostwick said "the maximum density shall not be increased even when community water and sewer systems are provided, so importing water through a community system does not allow them to increase the density." Under the La Cienega Ordinance, based on the 14.55 acre-feet that the State Engineer approve, 80 homes would be allowed. Chair Gonzales asked if importing water was contrary to the community plan and Mr. Bostwick said yes. Based on the one domestic well on the property the maximum might be as few as 30 homes.

Previously sworn, Ray Romero, mayordomo of the Acequia La Cienega, stated that in 1958 the acequia flowed at 650 gallons per minute and now it is down to 157 gpm, allowing only a quarter of the irrigation they need. In 1985 the County approved development in Upper La Cienega and they were supposed to connect to County water. They have not and that has diminished the supply of groundwater. He asked that the County pay attention to those farther down the river. He mentioned the prospect of the County drilling more wells when the Rio Grande dries up.

Charlie C de Baca, previously sworn, said he was the mayordomo of the El Guicu Ditch and was on the La Cienega Planning Committee starting in the 1990s. At that time Warren Thompson agreed to the 12.5-acre provision. Years later, developers came in who were only interested in developing. Even with a mediator there was no agreement. He asked the committee to table this and bring together the County, the other developers and the community to iron out the issues. There was once talk of preserving that area since it is the entrance to northern New Mexico. "What happened to that philosophy?" He said developers have rights but should respect the community that has been there for years.

Previously sworn, John Herbrand indicated originally there was a proposal for a trash relay site across from his house which he saw as a threat. The County originally represented they would develop only within the community plan and are now asking for sanctuary of government to provide what has been denied to previous developers. He asked the County to respect the Sustainable Land Development Plan; nothing in La Cienega has been designated for development in the first phase.

Previously sworn, Anna Murphy expressed her confusion about the notice. Mr. Hogan tried to reassure the community but his actions belie that. She asked for reassurance that the County is not fighting the old developers' battle.

Previously sworn, Keir Careccio mentioned the chamber mural, highlighting water rights and equal justice under law. He asked that the issue be tabled to clear up the confusion.

Ross Lockridge from Cerrillos, previously sworn, asked that community plans be honored. The meeting wherein the purchase was approved spoke of preservation intentions. Now there is some idea that the citizens need to be repaid. "The shock of the cost has been used to undermine the intended conservation." He reminded the committee that La Bajada Mesa was placed on the most endangered places list by the New Mexico Heritage Preservation Alliance. He urged tabling.

Karl Sommer said he was not representing any parties and noted there was more agreement among the parties than disagreement. There appears to be consensus that the investment should be preserved through an extension of the master plan. "Not to do that is wasteful." Secondly, no one is in favor of mining the aquifer. The competing interest centers around the question: Does importing water imply additional development? The County has the power to control that.

The consequences of severing the master plan are vague in the code, however, the CDRC can clarify those in their recommendation. County staff would like to proceed with plans for use of the property without being beholden to the owners of the adjoining property or their successors and vice versa. "It's a false choice." The CDRC case say the County can make proposals on the property within the conditions of the original master plan. The same is true for the adjoining property owners. He suggested broadening the purview of the steering committee. The CDRC can define severance so that no one is "gaming the system."

Previously sworn, Jose Varela Lopez agreed with Mr. Sommer in that the CDRC can look at the totality of the case impartially. He sits on the committee charged with updating the La Cienega plan and there are many sections that apply only to that community.

Previously sworn, James Borrego spoke on behalf of the developers of the adjoining property. He said they are not opposed to the extension of the master plan, but tabling would be prudent. The master plan has conditions on infrastructure, particularly roads, that involve both the County's portion and that of the developers. Separating the properties makes having two entrances, as required by the Fire Department, difficult. The developers are required to have a water budget before proceeding but the County has not made theirs specific. "What you are doing here is creating a whole new master plan on a separate piece of property." He recommended tabling.

There were no other members of the public wishing to speak.

Member Katz asked if the amendment regarding severance and that regarding water could be voted on separately. He also asked what impact does that have to the remainder of the property. Ms. Brown said the issues could be separated but it would not require two separate motions. The impact on the other 940 acres depends on how the motion is framed. She said some of Mr. Sommer's suggestions were on point. She reiterated the intent is to allow the County's planning efforts to go forward.

Mr. Hogan stated Mr. Sommer summarized the situation well, that an extension is warranted and groundwater should be protected. "It was never our intention to go beyond what was allowed in the original master plan" and uses will be limited to those specified in the original master plan. It makes sense to bind both parties to the conditions of the master plan. He said the steering committee is diverse and attuned to the interests of the entire community.

Mr. Ross said the people have a healthy mistrust of what the County is up to, but at this point the County's intent is to preserve the status quo so the steering committee can do its work.

Chair Gonzales asked if the County would be willing to rescind its request for a change in the water use plan. Mr. Ross emphasized that the County is strongly committed to not using onsite wells even though they have groundwater rights, so removing that is

not an option. He added the extension cannot go forward without the severance. “In order to segregate the property we need to address the reality that the County doesn’t control the wells or the water rights that were the subject of the original application...If we were to ask and receive approval of a master plan that purported to use those wells and water rights the resulting order would be void.”

Member DeAnda indicated she supported what the County is attempting to do, but given the level of confusion she moved to table for one month to give the La Cienega community the opportunity to meet with the steering committee. Member Katz seconded.

Member Drobnis said he supported the motion to table as it is consistent with what has been asked of other developers.

Member Anaya said he supports the County in its adventure. He mentioned seeing the fire earlier in the day and noted fire protection is included in the County’s proposal.

Member Katz indicated Mr. Sommer provided a good roadmap and he supported a one-month tabling.

The motion passed by majority [5-1] voice vote with Member Anaya casting the dissenting vote. [Member Martin was not present for this action.]

- A. **CDRC CASE # V 13-5040 Ellen Jacobs Variance. Ellen Jacobs, Applicant, Joseph Karnes Agent, Request a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 2.29 Acres. The Property is Located at 55 Camerada Loop, in the Vicinity of Eldorado, within Section 10, Township 15 North, Range 9 East, Commission District 5 [Exhibit 7:Letter of Opposition]**

Mr. Lovato gave the staff report as follows:

“The subject property is located in the Eldorado at Santa Fe Subdivision and is within the Basin Fringe Hydrologic Zone where the minimum lots size is 12.5 acres per dwelling unit. There is currently a residence, an attached dwelling unit, and a detached studio on the property. The current studio was previously a dwelling unit, and a notice of violation was issued to the applicant for exceeding density. The dwelling has now been converted into a studio and the kitchen has been removed. The units are currently being served by an onsite well and a conventional septic system.

“The Applicant states, all the structures were constructed in the early 1980’s so she could provide care for her mother who lived in the main house. The Applicant further states, she relied on her contractor who advised her that the attached unit was allowed by code. Furthermore, the Applicant states she anticipates soon of being in need of the same type of care and plans to have a caretaker live in the main house while she continues to live in the attached unit.

“The Applicant’s agent states that strict compliance with the requirements of the Code would result in extraordinary hardship for Ms. Jacobs, particularly given that the attached unit has existed on the subject property for over 20 years.

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

Mr. Lovato indicated staff was recommending denial of a variance from Article III, §10 of the Land Development Code. 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 0.25 acre-feet per year per home. A water meter shall be installed for each residence. 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 (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the additional dwelling unit. (As per Article II, § 2).
3. The Applicant shall provide a liquid waste permit from the New Mexico Environment Department with the Development Permit Application (As per Article III, § 2.4.1a.1 (a) (iv).
4. The placement of additional dwelling units or division of land is prohibited on the property. (As per Article III, § 10).
5. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit Application (As per 1997 Fire Code and NFPA Life Safety Code).

Member Katz asked why this was considered two units since everything is within one structure. Mr. Lovato said because the addition contains a kitchen and a bathroom it is considered a dwelling unit.

Karl Sommer, counsel for Ms. Jacobs, said this case arose out of a criminal action filed against the applicant who is in her late 80s. She was cited by the County for having three dwellings on her property. A “mother-in-law” quarters was added for someone to care for her, and she relied on her contractor that it was legal. Later, a permitted studio was built and a kitchen was included. It was rented once, resulting in a complaint by that tenant. The kitchen in the studio has been disabled.

Ms. Jacobs needs someone close by as she ages physically and mentally which constitutes a hardship.

Member Drobni noted that he lives in the same community and has served on the Architectural Committee. He asked how long Ms. Jacobs had rented the unit. Mr. Sommer said he understood it was under a year, adding he understood the new code

would clarify guesthouse regulations. He suggested a condition in this case specifying the property shall comply with the new code and the property will not be rented separately.

Member DeAnda asked what the square foot of the original residence is and that of the attached section. Mr. Sommer said he did not know. Member DeAnda noted they appear to be of comparable size. Mr. Lovato said the original structure was 1,100 square feet and the adjoining part appears to be slightly less than that.

Member DeAnda asked whether these would be considered one dwelling if there was a doorway between them. Mr. Lovato replied that is not clear in the code, but he believed it would still be considered two separate dwellings. Mr. Sommer said there is a doorway between them now.

Member Anaya got confirmation both were under one roof.

Member Katz said he felt there was a compelling reason to grant the variance but he would like it to evaporate. Ms. Brown said nothing in the code allows temporary variances.

Duly sworn, Lacy Kyle, an adjacent neighbor, said her family has owned the property where she lives since 1988. In that time Ms. Jacobs' units have been 90 percent occupied. Although Ms. Jacobs claims only close friends and relatives rent from her, Ms. Kyle said that has never been the case. She has had run-ins with the ECIA. The small, separate unit was originally a garage. The doorway in the larger house is generally closed off.

Ms. Kyle agreed, based on her personal interactions, that Ms. Jacobs is in need of assistance. She recommended that one of the kitchens be removed since Ms. Jacobs is not competent to deal with it and a caretaker could use the single kitchen.

Mr. Sommer said he only knew of one rental, the one resulting in the complaint. He asked that the variance be granted and that it be subject to the constraints of a future code. "Immediate termination of that will place her in great risk."

Member Katz asked why one kitchen could not be used by a caretaker. Mr. Sommer said she had no one to care for her at this time.

Member Drobnis indicated there was one kitchen too many. Mr. Sommer said currently a renter lives there who is not a caretaker but is in close proximity so she is not entirely alone.

Member Drobnis mentioned his life experience where his wife was injured and required full-time care. It was important that the caretaker use the same kitchen. He noted that Eldorado is now under water restrictions, pointing up the stresses on the water supply so that allowing greater density would be an unfortunate precedent.

Member Drobnis moved to recommend denial of the variance. Member Katz seconded and the motion passed by unanimous [6-0] voice vote. [Member Martin was not present for this action.]

VIII. PETITIONS FROM THE FLOOR

None were presented.

IX. COMMUNICATIONS FROM THE COMMITTEE

In response to a question from Member Drobnis, Ms. Lucero said she was unsure when the new code would be presented. Ms. Brown estimated it would be a matter of months.

X. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

XI. COMMUNICATIONS FROM STAFF

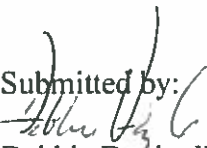
The next meeting was scheduled for July 18, 2013.

XII. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Gonzales declared this meeting adjourned at approximately 8:45 p.m.

Approved by:

Juan José Gonzales, Chair
CDRC

Submitted by:

Debbie Doyle, Wordswork



CDRC CASE #Z/PDP 13-5080
Add'l. Letters of Support

To Whom It May Concern:

Growing up in a family owned business, our Saturday mornings were filled with getting new customers and our weekday evenings were filled with bottling. Bottling wasn't a 15-minute task and then it was done for the week but rather a task that had to be completed every evening. I knew when I got home from school we would have to help my parents with the business and this allowed me to learn time management from an early age. I learned to plan ahead completing my schoolwork, group projects and most importantly, I learned what hard work was. Although some may look at this situation as a burden, I viewed it as an opportunity. Looking back on the years we put into the business and the time we sacrificed as a family, I wouldn't redo it again if I had the chance. In my previous jobs and in the college atmosphere, I feel as my parents' business helped me learn to put my all into what I am doing whether it be school, jobs or any endeavor I am completing. Our family owned business is still the same as when we started it when I was in kindergarten. When I come home from college, I help bottle, complete office tasks and run errands such as delivering water to customers who have ran out. Seeing my parents get older, their work ethic always seems to amaze me, as they haven't slowed down since we started years ago.

As you may know, my parents employ local, high school students to bottle after school. The students who are hired often move onto bigger and better things but one thing remains the same-when they graduate from high school, move out of state or get another job, the same comment has been said; "Thank you for taking a chance on me and showing that I can be good at something". When I was in high school, the students who worked for my parents were classmates of Collin and I's and we keep in touch. When we occasionally meet up, they often ask how my parents are and how the business is going. Looking at their employees, I am glad my parents have the opportunity give other people a glimpse of what a small business looks like and how it is run. It isn't about rushing thru and getting done early but working steadily and doing the job right.

Thank you for your time and I hope you, as board members, understand that my parents business is beneficial to this community and that they not only preach what they practice but also practice what they preach.

Kind Regards,

Leanna Richter

Windmill Water Case #Z/PDP 13-5080

From : Chuck Nilson <ctnilson@higherspeed.net>
Subject : Windmill Water Case #Z/PDP 13-5080
To : joselarra@co.santa-fe.nm.us

Wed, Jun 19, 2013 05:07 PM

Sir:

I encourage you to approve the zoning change to commercial referred to in the above case. Windmill Water has been in business for many years and has no adverse effect on the environment, no noise, and minimal impact on traffic. The Richter's are a family of admirable character and have been excellent neighbors since I moved to Edgewood in 1994. I'm sure they have a significant investment in their water plant, and their livelihood depends on it. Not approving the zone change would seem unfair in my opinion

Thank you,

Charles T. Nilson
P.O. Box 3730
Edgewood, NM 87015-3730

XFINITY Connect

windmillwater@comcast.net

± Font Size ±

Regarding Windmill Water Permit

From : Shirley Brumley <shirleybrum@gmail.com>

Thu, Jun 13, 2013 10:23 PM

Subject : Regarding Windmill Water Permit**To :** windmillwater@comcast.net, joselarra@co.santa-fe.nm.us**TO WHOM IT MAY CONCERN:**

Windmill Water has served the entire East Mountains outside of Albuquerque in a most excellent way for almost 20 years with an invaluable and non replaceable service, that is, providing quality pure potable good tasting water. I have used their water for 12 years. They operate with utmost integrity and business ethic. They provide a service to untold numbers of people. There is no other place that I know of that provides such excellent quality pure water. Having their 24 hour machine is also very helpful. It would be a grief and very upsetting not to be able to get this water. I would very much appreciate it if you would grant them the permit that they need to operate. They have proved over all these years the type of people they are through their hard work and diligence. There is no question that they will continue to operate in the same manner in the future. It is my opinion that they have earned your trust and they deserve your confidence. Besides, I need the water. Thank you so much.

Shirley Brumley
37 Camino Medio
Tijeras, NM 87059
505-286-9106

XFINITY Connect

windmillwater@comcast.net

± Font Size -

Permit for Windmill Water

From : Dr. Linda Rone <drkingnd@gmail.com>

Fri, Jun 14, 2013 01:24 PM

Subject : Permit for Windmill Water**To :** windmillwater@comcast.net, joselarra@co.santa-fe.nm.us

I have used Windmill Water somewhere in between 10 and 15 years and enjoyed their great tasting water and superior service. I particularly have enjoyed having a water machine available 24/7. They provide a service to the community, a drastic need, actually. They are easy to deal with, honest, dependable and worth of having a permit to continue functioning. I cannot imagine what the East Mountain residents would do if they could not continue. There is no business like them and we need them. I hope you will grant this permit. Thank you for your consideration.

Linda King
26 Longview Road
Sandia Park, NM 87047

letter of support

From : Madelyn Hastings <dukesmom@higherspeed.net>

Tue, Apr 23, 2013 10:59 AM

Subject : letter of support

To : Windmill Water <windmillwater@comcast.net>

To: Santa Fe County Land Use Administrator

From: Madelyn Hastings

26 Sanford Rd.

Edgewood, NM 87015

Reference: #Z/PDP 13-5080

Windmill Water, which is a water processor and provider of drinking water to our neighborhood and the surrounding communities, has been my close neighbor since the business began operating. Leon and Diana Richter have been neighbors for the 18+ years that I have lived in Edgewood. Anyone that has ever tried to drink the well water from our private wells in this area, knows what a great service it is to have really good water available from the Windmill self-serve operation. I know the people who get delivery service feel the same way. No one can afford to treat the groundwater in this area in the same way that Windmill does. Even with a commercial water softening system, like I have, the water is simply not drinkable. I depend on Windmill for good drinking water everyday.

Leon and Diana are conscientious business owners and operators. I can always depend on the safety and purity of their product. They are fair, ethical business owners and a credit to our community. Their operation has never imposed any hardship on our neighborhood. It is a quiet, clean business.

Thank you for your consideration of the zoning change requested. I want Windmill Water to be a permanent part of this community!

----- Forwarded message -----

From: Lyrlene Lake <lyrlene1@gmail.com>

Date: Mon, Apr 29, 2013 at 10:03 AM

Subject: Windmill Water.. Keep them open!!

To: joselarra@co.santa-fe.nm.us

RE: Case #Z/PDP 13-5080

To Whom This May Concern,

In this world of corrupt, dishonest, unethical and shoddy business practices, it is truly heartwarming to know of ONE business that holds to the highest of ethics, practices honesty on a daily basis and would not even entertain any corrupt dealings within or without the arena of their business. This business I'm speaking of is Windmill Water & Coffee Service.

I had the privilege of working for Leon & Diana Richter for several years. In my working years, I have worked for many small, self-owned businesses, and the Richters were far and above the easiest to work for. The reason..... I never had to wonder if what I was asked to do or participate in was dishonest, illegal or unethical. That was worth more than they, or anyone else would ever be able to pay me in dollar and cents. The peace of mind that came from knowing that this was a business run by honest, moral people meant more than money could ever mean.

I understand that because of series of events in the past, led by perhaps not so scrupulous business owners, Windmill Water is now being subjected to conditions that have been contrived to put them out of business. For over many years, the State of New Mexico has conducted inspections of Windmill Water, and found NO REASON for placing further conditions than were set forth at the opening of their business. Any conditions that are now being presented are the direct result of claims by others that are false and have been manufactured to shed an unfavorable, reproachful light on a business that has done nothing to deserve that action.

This type of action is very unnecessary and violates even the very core of how America was built. I would appeal to anyone concerned that they take a second look, a different approach to this situation. We NEED a good, solid water delivery company. The people of Edgewood and surrounding areas and Albuquerque, depend on Windmill Water to supply good, healthy water for their homes and businesses. We have such limited choices, and there are MANY who choose Windmill Water to provide the water they need for their health.

I am appealing, very strongly, to the ones involved in the decision making process of this case to consider VERY HARD about the choices you are making regarding the very costly, outrageous and unnecessary conditions you are imposing on this small but VERY IMPORTANT business. Santa Fe county, Bernalillo county & Torrance county NEED Windmill Water to stay in business to provide a much needed service to the general public. The unrealistic expectations that Santa Fe county and the state of New Mexico are placing on them at this time need to be revised. The requirements that have been set forth by the county may be responsible for the demise of yet again, a very important service to the residents of three counties. Please don't do that!!!!

Thank you in advance for your consideration of my petition.

Lyrlene Lake



MILLER ENGINEERING CONSULTANTS

Engineers • Planners

April 23, 2013

Santa Fe County Land Use Administrator
P.O. Box 276
Santa Fe, New Mexico 87504

RE: Case #Z/PDP 13-5080

To Whom It May Concern:

We have known Leon and Diana Richter, both personally and professionally, for over 10 years. They have been a pleasure to work with, and have proven to be extremely dependable. Windmill Water's service is far superior to other companies we have worked with. Windmill Water should be considered an asset to Santa Fe County.

MILLER ENGINEERING CONSULTANTS, INC.

Verlyn A. Miller, P.E.
President

Jana Miller
Manager

VAM:jmm

Letter of Support Re: Case #ZPDP 13-5080

From : phillip sunderland <phillip.sunderland@comcast.net>
Subject : Letter of Support Re: Case #ZPDP 13-5080
To : windmillwater@comcast.net

Fri, Apr 19, 2013 01:20 PM

I have been personal friends and have done business with Leon & Diana Richter for many, many years. I have know them since I was a young boy and have always looked up to and admired their honesty and integrity in both their business and personal lives.

I have personally visited their home based business and found that it is second to none in how it is ran & maintained. I have firsthand experience of how they provide a great service to the community by being a customer of theirs.

Working with my family run business I fully support other local small business like Windmill Water. I feel they provide a wonderful, valuable service to the communities of the East Mountains and Albuquerque.

Sincerely,

Phillip Sunderland, CIC
Vice President
"3rd Generation"
J.A. Sunderland Agency
505-884-6000-office
505-888-2698-fax
505-459-9223-cell
www.sunderlandinsurancem.com

Letter of Support

From : susan sunderland <susan.sunderland@comcast.net>
Subject : Letter of Support
To : Diana Richter <windmillwater@comcast.net>

Wed, Apr 17, 2013 01:56 PM

April 17, 2013

Re: Case #Z/PDP 13-5080

I have known Leon and Diana Richter for many years and am a long time customer of Windmill Water. Leon and Diana are hard-working and honest and run their small home based business with great integrity.

When I lived in the Edgewood area I often frequented their self-serve machine which was always clean and accessible. Now that I live in Albuquerque I very much enjoy the excellent service provided for both my home and my place of work.

I believe in the importance and am a strong supporter of small local businesses like Windmill Water. They are definitely an asset to the community.

Thank you,

Susan Stanton

Letter of Support

From : susan sunderland <susan.sunderland@comcast.net>

Wed, Apr 17, 2013 01:56 PM

Subject : Letter of Support

To : Diana Richter <windmillwater@comcast.net>

Re: Case #Z/PDP 13-5080

I have been personal friends and business associates of Diana and Leon Richter for decades and can attest to their honesty and uprightness in their business dealings and in all aspects of their lives.

Their home based business is well run, quiet, immaculate and a great asset to the community. I greatly appreciate their service to my business and to my family.

As the owner of a family run business, I fully support other local small businesses like Windmill Water. They provide a valuable service not only to the East Mountain communities but to many homes and businesses in the Albuquerque area.

Sincerely,
George Sunderland
J A Sunderland Agency, Inc
505-884-6000
505-888-2698-fax

Z/PDP 13-5080

From : jeff walker <hwr_d_walker@yahoo.com>
Subject : Z/PDP 13-5080
To : joselarra@co.santa-fe.nm.us
Cc : diana ricter <dricter7@comcast.net>

Tue, May 14, 2013 04:41 PM

Dear Sir,

We, Jeff and Wilma Walker, sincerely hope you will consider and grant a 'variance' or exception to the commercial zoning plans that would very negatively impact Windmill Water Inc. of Edgewood.

We have known the Ricter family since the early 70's and consider them close friends and have been buying their quality product(s) the last eight years.

As you may be aware, Edgewood well water is anything but 'tasty'. We use WW's reverse-osmosis water exclusively for drinking and cooking.

Their 24-hr availability of product is very useful to us. We drive approx 4 miles to their place of business.

It is truly 'un-american' to add to the unnecessary burdens already imposed in this country upon individuals trying to survive in the free enterprise system.

Thanking you in advance for your consideration and favorable disposition of this matter.

Best regards, Jeff Walker 80 Aspen Rd. Edgewood, NM

Jose Larranaga

From: Chuck Nilson <cnilson@higherspeed.net>
Sent: Wednesday, June 19, 2013 5:08 PM
To: Jose Larranaga
Subject: Windmill Water Case #Z/PDP 13-5080

Sir:

I encourage you to approve the zoning change to commercial referred to in the above case. Windmill Water has been in business for many years and has no adverse effect on the environment, no noise, and minimal impact on traffic. The Richter's are a family of admirable character and have been excellent neighbors since I moved to Edgewood in 1994. I'm sure they have a significant investment in their water plant, and their livelihood depends on it. Not approving the zone change would seem unfair in my opinion

Thank you,

Charles T. Nilson
P.O. Box 3730
Edgewood, NM 87015-3730



New Mexico Office of the State Engineer Water Right Summary

EXHIBIT
2



WR File Number: E 06324
 Primary Purpose: COM COMMERCIAL
 Primary Status: PMT PERMIT
 Total Acres: 3
 Total Diversion: 3
 Owner: WINDMILL WATER
 Contact: LEON E. AND/OR DIANA K.

Documents on File

Trn #	Doc	File/Act	Status		Transaction Desc.	From/	Acres	Diversion	Consumptive
			1	2		To			
375044	CLW	2006-09-05	APP	RCV	E 06324	T	0	0	
160445	APPRO	1997-06-06	PMT	ET	E 06324	T	3	3	

Current Points of Diversion

(NAD83 UTM in meters)

POD Number	Source	Q	Q	Q	Q	Sec	Tws	Rng	X	Y	Other Location Desc
E 06324	Shallow	3	1	1	35	10N	07E		393054	3879467*	

An () after northing value indicates UTM location was derived from PLSS - see Help

Place of Use

Q	Q	Q	Q	Q	Sec	Tws	Rng	Acres	Diversion	CU	Use	Priority	Status	Other Location Desc
256	64	16	4	1	1	35	10N	07E	3	3	COM		PMT	

Source

Acres	Diversion	CU	Use	Priority	Source Description
3	3		COM		GW

The data is furnished by the NMOSE/ISC and is accepted by the recipient with the expressed understanding that the OSE/ISC make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the data.



New Mexico Office of the State Engineer

Water Right Summary



WR File Number: E 03007
 Primary Purpose: DOM **72-12-1 DOMESTIC ONE HOUSEHOLD**
 Primary Status: PMT PERMIT
 Total Acres:
 Total Diversion: 3
 Owner: LEON E RICTER
 Owner: DIANA K RICTER

Documents on File

Trn #	Doc	File/Act	Status		Transaction Desc.	From/	Acres	Diversion	Consumptive
			1	2		To			
397263	COWNF	1995-10-30	CHG	PRC	E 03007	T		0	
397261	72121	1979-06-14	PMT	LOG	E 03007 POD1	T		3	

Current Points of Diversion

(NAD83 UTM in meters)

POD Number	Source	Q	Q	Q	X	Y	Other Location Desc
E 03007 POD1	Shallow	1	1	35	10N 07E	393155 3879568*	

An () after northing value indicates UTM location was derived from PLSS - see Help

NMSA 1978, the applicant shall demonstrate a one hundred (100) year supply and shall submit a geohydrologic report and other information in accordance with Section 6.4.2, or a reconnaissance water availability assessment in accordance with Section 6.4.6, if applicable;

6.4.1b For developments where the source of supply will be a new surface water diversion and community system pursuant to Section 72-5-1, 72-5-23 or 72-5-24 NMSA 1978, the applicant shall submit a hydrologic report and other information in accordance with Section 6.4.3;

6.4.1c For developments where the source of supply will be an existing community or municipal water supply system permitted pursuant to Sections 72-5-1, 72-5-23, 72-5-24, or 72-12-3, the applicant shall submit a water availability assessment in accordance with Section 6.4.4; or

6.4.1d For developments where the source of water will be individual domestic wells or shared wells permitted pursuant to Section 72-12-1, the applicant shall demonstrate a one hundred (100) year supply and shall submit a geohydrologic report in accordance with Section 6.4.5, or a reconnaissance water availability assessment in accordance with Section 6.4.6, if applicable.

6.4.1e For developments of five (5) or fewer lots, the applicant shall provide water availability information in accordance with Section 6.4.7.

6.4.2 For new community wells and community water systems, the applicant shall submit a water availability assessment which includes the following:

6.4.2a A geohydrologic report which shall demonstrate that groundwater sufficient to meet the maximum annual water requirements of the development is physically available and can be practically recovered to sustain the development for a continuous period of one hundred (100) years. These analyses shall take into account the production of existing wells and shall demonstrate that the project wells, as proposed or as designed, will be capable of producing the full annual demand for at least one hundred (100) years.

6.4.2b The applicant shall drill sufficient exploratory wells to adequately characterize the aquifer in accordance with the requirements listed in Table 7.5. Tests made within one mile of the development may be utilized, provided that the report demonstrates that the geologic conditions at the site of such tests are comparable to those within the development. For developments involving more than 160 acres, at least one test shall be within the development. Except where geologic conditions are complex, the well test requirement shall not be interpreted to require more than one (1) test per four (4) dwelling units. Where cluster or shared wells are to be used throughout a development, the requirement should not be interpreted to require more than one (1) test per ten (10) dwelling units. These well test requirements may be waived by the Code Administrator upon recommendation of the County Hydrologist; provided that for subdivisions of Types I, II and IV and subdivisions requiring community water systems, at least one (1) test shall be made within the development.

6.4.2c The applicant shall provide a calculated one hundred (100) year schedule of effects on the development's production well(s) which may result from existing

SANTA FE COUNTY

Ordinance No. 2005-2

AN ORDINANCE AMENDING ORDINANCE 2003-2 ARTICLE V, SECTION 5.2.2.g 9 AND SECTION 5.2.2.g 8 (MASTER PLAN PROCEDURES), AND ORDINANCE 1996-10, ARTICLE V, SECTION 5.4.2 (FINAL PLAT SUBMITTALS), AND ARTICLE VII, SECTION 6.4 (WATER AVAILABILITY) OF THE LAND DEVELOPMENT CODE TO SPECIFY AT WHAT STAGE WATER RIGHTS ARE REQUIRED TO BE TRANSFERRED.

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

ARTICLE V, SECTION 5.2.2.g 8 Master Plan Procedures: A preliminary water supply plan and liquid waste disposal plan shall be submitted. The plan shall identify one or more sources of water to supply the proposed development, i.e. County or other utility, wells, water rights/transfers, proposed point of diversion, etc. The analysis will also include estimated water budget (demand) by phase, total demand at full build-out, including commercial uses, if applicable, and a water conservation plan.

ARTICLE V, SECTION 5.2.2.g 9 Master Plan Procedures: In addition to the requirements listed above, all applicants requesting Master Plan approval of a non-residential development proposing to use more than 1.0-acre foot of water per year or a Type I, II, or IV subdivision must submit a water supply plan for the first sustainable phase of development, as required by Article VII, Section 6 of the Code; provided, however, that permits to appropriate water issued by the Office of the State Engineer, provided for in Article VII, Section 6.2.2 of the Code, are not a required part of the water supply plan to be submitted as part of a Master Plan report, though the applicant may, at its discretion, submit such permits as part of its water supply plan. If the applicant opts not to submit permits to appropriate water issued by the Office of the State Engineer, the applicant shall submit sufficient written documentation to demonstrate that water rights are available for the first sustainable phase of development. Water rights shall be considered available for the purpose of this subsection when the water rights are owned by the applicant, under contract or optioned to the applicant, or otherwise deemed available by the Board. Sufficient written documentation includes, but is not limited to, a water rights deed, an option agreement to purchase water rights, or other appropriate documentation deemed sufficient by the Board.

SFC CLERK RECORDED 04/28/2005

Santa Fe Canyon Ranch Time Line

June 2005	1316 acre property acquired from Thompson family by Santa Fe Canyon Ranch through the Atrevidos partnership
July 2005	adjoining property owners are first notified that the new owners intend to develop the property – "limited development" according to owners Schutz and Borrego
January 2006	property is divided into 9 tracts of approx. 140 acres each – because the lot size meets current zoning standards, the process is carried out by SF County administrative review with no public notice
March 2006	developers submit a master plan proposal for community review. The plan calls for 605 residential units, including a 15% density bonus allowed by the inclusion of affordable housing. The plan is based on the maximum density at 2.5 acres per unit (1316 acres divided by 2.5 = 526 homes) plus the affordable housing bonus (526 + 15% = 605)
April 2006	County legal staff verbally upholds the provisions of the la Cienega Ordinance 2002-9 that limit development based on on-site water resources. (With 14.55 acre feet of water resource and .18 acre feet per year consumption per residential unit, the development would be limited to approx. 80 homes.)
May 2006	developers submit the first of three requests for extension of County water service to the development. The request is denied.
April 2007	despite overwhelming community opposition, the developers submit the 605 unit master plan for County review. County officials reject the plan asking for lower density.
September 2006 – November 2007	developers submit two more applications for extension of County water service to the property. Both are denied by the BCC
December 2007	a new master plan is brought forward proposing 174 residential units. The plan is in 3 phases of 80 lots, 76 lots, and 18 lots.
February 2007	developers submit application to the Office of the State Engineer (OSE) to transfer water rights from agricultural use to domestic use. The application seeks to create approx. 33 acre feet of domestic water rights by including 17 acre feet (approx.) of return flow credit. Local residents and acequia organizations protest the application.
January 2008	OSE hearings begin review of the developer's application.
May 2008	OSE decision grants the developers 14.55 acre feet of water rights for domestic use, about 80 units. A decision on additional water rights based on return flow credit is postponed until such time as data (approx 2 to 3 years worth) from return flow monitoring of the 80 units is provided by the developers.
June – August 2008	The County hires a mediator to negotiate an agreement between the developers and community representatives. The community argues for an 80 home limit while the developer argues for 174 homes. No agreement is reached.
September 2008	BCC approves a master plan for 174 units in three phases. Phase one with 80 homes is approved based on use of the 14.55 acre feet of water rights. Phases 2 and 3 are conditional based on OSE approval of additional water rights from return flow credits.
November 2009	County purchases +/- 470 acres of the 1316 acre property. The purchase includes master planning for 156 units (phases 1 and 2). The County does not purchase the water rights which are tied to wells located on the remaining 846 acres owned by the developers.
2012	The County initiates a planning process for the 470 acre property through a steering committee composed of county residents and 2 commissioners.
May 2013	Notice is given to adjoining land owners of the County's intent to amend the master plan. No public meetings or additional explanations are provided.
Upcoming:	
September 2013	The five year time limit on the original master plan approval expires. BCC has the authority to extend the approval by 2 years without additional requirements.

June 18, 2013



From:
Gene Bostwick, Chairman,
Committee Members
La Cienega/La Cieneguilla Planning Committee

To:
Robert Anaya, Commissioner, District 3
Santa Fe County Board of County Commissioners
Member, La Bajada Ranch Steering Committee

Kathy Holian, Commissioner, District 4
Santa Fe County Board of County Commissioners
Member, La Bajada Ranch Steering Committee

cc:
Katherine Miller, County Manager
Carl Dickens, President, La Cienega Valley Association
LC/LC Committee members

Re: Request to postpone CDRC and BCC review of the proposed Santa Fe Canyon Ranch Master Plan Amendment

Dear Commissioners,

The LC/LC Planning Committee met recently on June 12, 2013 to discuss the committee's position regarding Santa Fe County's recent petition to revise the master plan documents for their portion of the La Bajada Ranch subdivision (currently master planned as Santa Fe Canyon Ranch subdivision).

Points of discussion included the proposal's impact on our community, our community plan, and our community ordinance, SFC #2002-9. Members were unanimous in agreeing that the County's proposed action directly violates the ordinance, specifically sections 6.4.2 through 6.4.4 with regard to using imported water to support development density in excess of that allowed by on-site water resources.

The Committee also agreed that the County's proposal negates the terms of the original master plan approval Order, LCDRC Case #MP/S 06-5212, specifically Findings 14-16 which limit the development to 80 units, first phase, until such time as the Office of the State Engineer approves a return flow credit plan for the additional units; Finding #33 which states that the master plan was found in review to be in compliance with SFC Ordinance 2002-9; and Finding 37 which states that the master plan confirms to the La Cienega and La Cieneguilla Traditional Community Plan. By negating these findings, the County's

proposed action would invalidate key components supporting the original approval expressed by the Order.

Any action by the Santa Fe County Development Review Committee or the Board of County Commissioners to approve the proposed revisions to the Canyon Ranch master plan would require a setting aside of the Ordinance and Order provisions as noted above. The committee believes that such actions would seriously undermine our community's Ordinance and the protections it is meant to establish.

The County's proposed revision is troubling in light of the history of the Canyon Ranch development. Our community invested considerable time and effort to try to bring the proposed plans of the original developers into agreement with the community Plan and Ordinance. We were aided by County staff and legal assistance, as well as by the Commissioners steadfast upholding of our community's rights. County Attorney Ross affirmed the intent and enforceability of Section 6.4 of the Ordinance, a measure that led the developers to reduce their proposed plans from over 600 homes to less than 200. On three separate occasions, the Board of County Commissioners voted not to extend County water to the property, affirming the community's position.

At issue with the utility extension is the potential to overdevelop the property well beyond the limits set by the Ordinance. Many feared, and still fear that County water will make it too easy to ignore the Ordinance. And now it appears that this is exactly what the County intends to do.

Based on the Ordinance, the 470 acre property with 3.5 acre feet of water rights would be limited to under 30 homes (3.5 acre feet divided by .15 to .18 acre feet per home). The County's proposal to import water and maintain a development plan of over 150 homes is contrary to the County's position in defense of Ordinance 2002-9 over the last several years, and it completely ignores the voice of the community.

The original master plan as approved in the Order cited above does not grant the County the ability to change the rules or ignore the express conditions under which it was approved, including issues of future development on both parcels, use of water rights already committed to the current master plan, and the status of transferred development rights indentified in the master plan. Severing the 1316 acre master plan and creating two developments, as the County's current proposal suggests, may in fact void the entire master plan and require a new plan to be brought forward by the County and by Los Atrevitos (or the current owners of the other portion of the master plan).

The LC/LC Planning Committee would encourage the County to consider allowing its steering committee to do its work and develop a reasonable plan for the property that is good for the community and the entire county, and one that abides with our Plan and Ordinance.

Therefore, the LC/LC Planning Committee respectfully requests that action on the current proposed revision to the La Bajada Ranch master plan be postponed to allow time for a meeting(s) by La Bajada

Ranch Steering Committee and for meetings between the County and the La Cienega/La Cieneguilla community to resolve these issues.

Thank you for your consideration. We appreciate your efforts on behalf of our community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gene Bostwick', written in a cursive style.

Gene Bostwick, Chairman, LC/LC Planning Committee

David Camp, Lower La Cienega representative

Tom Dixon, Lower La Cienega representative

Rick Dumiak, Upper La Cienega representative

Alonzo Gallegos, Lower La Cienega representative

Tino Gallegos, Upper La Cienega representative

Sylvia LeMaster, Upper La Cienega representative

José Varela Lopez, La Cieneguilla representative

Kathryn Becker, La Cieneguilla representative

Stan Jones, La Cieneguilla representative



June 18, 2013

Dear Ms. Miller,

The La Cienega Valley Association respectfully requests that the proposed amendment of the La Bajada Ranch master plan, scheduled to be heard by the Santa Fe County Development Review Committee this Thursday, June 20, be tabled.

The basis for this request is to allow time for our community to fully review the proposed amendment and understand its ramifications. In addition to our letter questioning the notification of the proposed amendment, the LCVA is aware of the letter submitted by the La Cienega - La Cieneguilla Planning Committee which raises significant issues with our community plan and supporting ordinances.

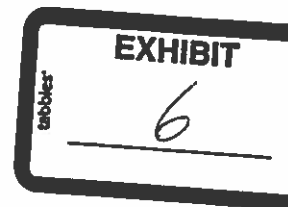
The LCVA realizes that certain issues with La Bajada Ranch are both complex and controversial but allowing the amendment to go forward in the absence of any community review is simply something our community cannot accept.

Thank you for considering our request and please let the LCVA know if we need to send representatives to the CDRC meeting to request the tabling in person.

Sincerely,

Carl Dickens, President
La Cienega Valley Association

cc: LCVA Board
Gene, Bostwick, Chair, LCLC Planning Committee
Camilla Bustamonte, La Cienega Representative, La Bajada Ranch Steering Committee
Mark Hogan, Project Manager, La Bajada Ranch



La Cienega Valley Association
PO Box 23947
Santa Fe, New Mexico 87502
Preserving Our Rural Way of Life

June 14, 2013

Katherine Miller, County Manager
Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87501

Dear Ms. Miller,

At their June meeting the La Cienega Valley Association Board (LCVA) expressed their disappointment in the manner in which Santa Fe County noticed its intent to amend the master plan for La Bajada Ranch. The LCVA actively supported the County's acquisition of the property and with an understanding of our community ordinances, encouraged County staff to purchase the water rights associated with the approved development.

Over the last five years we have been consistently clear on our commitment of working with the County to create a plan for La Bajada Ranch that appreciates the history and traditions of our community and would allow Santa Fe County to receive a return on its investment. The LCVA appreciated and supported the creation of the La Bajada Ranch Steering Committee and has attended all of the Steering Committee meetings.

In response to the LCVA's and our community's sustained commitment to support Santa Fe County in planning for La Bajada Ranch we learned of the County's decision to amend the master plan for La Bajada Ranch by reading the legal classified section in the New Mexican. This limited method of notice was confirmed by the statement of the Growth Management Department Director Penny Ellis in stating in a New Mexican article "it was all that was legally required".

This statement coupled with the fact that the proposed amendment includes the County's plan to extend the County water system to La Bajada Ranch has caused a strong reaction from residents in our community. This is especially true for our acequias and other residents concerned about the County's inability to enforce the La Cienega Watershed Conditions. As a result the LCVA has been forced into the position of reacting to the proposed master plan amendment rather than being part of a County-community collaboration that would have been able to bring the issue before our community for input and comment.

The LCVA is an established community association with a twenty year history. We have been involved with the Santa Fe Canyon Ranch – La Bajada Ranch development for over eight years and feel our community deserved better notice of the proposed amendment of the master plan. The extension of the County water system is something the LCVA successfully opposed on three

occasions and on its face is controversial. In addition this action challenges a community specific ordinance that limited the size of Santa Fe Canyon Ranch based on its on-site water rights.

The Growth Management Director was correct; the County met all its legal requirements for notification of the proposed amending of the master plan for La Bajada Ranch. But the LCVA would hope that the County would feel an obligation to involve communities, throughout Santa Fe County, when taking an action that has such community impact. The failure to involve our community in this decision is a missed opportunity.

Please let the LCVA know if this is what our community should expect in future dealings with Santa Fe County. Given the number of issues faced by our community it is essential that the LVCA understand its relationship with County. This experience appears to mean that the LCVA and other like community organizations should not expect any pro-active communication with County staff but should instead increase its vigilance of County activity and to have someone check the legal classified section of the newspaper on a regular basis.

Thank you.

Carl Dickens, President
La Cienega Valley Association

CC: Santa Fe County Commission
Steve Ross, County Attorney
Adam Leigland, Director, Public Works Department

**ELDORADO COMMUNITY
IMPROVEMENT ASSOCIATION, INC.**

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

June 3, 2013

UBL: 10601

Barbara Jacobs
55 Camerada Loop
Santa Fe NM 87508



Subject: Requirements for residences should you divide your lot into two lots

Dear Barbara:

Barbara, we noted a sign at the entrance your driveway stating that you are attempting to divide your lot into two lots with Santa Fe County. We need to make you aware that as a member of the ECIA, should you do this, and the Casita is being considered as the 2nd home on the 2nd lot, this structure would not be in compliance for the following reasons:

1. Under Article II, Section 4 of the covenants, all dwellings on a lot must be a minimum of 1000 square feet in size, exclusive of garages, carports, etc. and we do not believe your casita is large enough to be 1000 square feet in size.
2. Secondly, under this same Section 4 of the covenants, all houses are required to have a garage, which the casita does not have.
3. Thirdly, we do not believe that there is a septic system for the casita and we believe that under NM State Laws all homes must have their own septic system. (Please verify this with the State of NM).

Due to these requirements, should you get approval to divide your one lot into two lots, and the existing Casita is concerned the 2nd home, modifications to the Casita would be required under the covenants.

Additionally, these are other factors that you will need to take into consideration in such a lot split:

1. You need to be aware that in order to divide these lots, both of the structures will be required to meet the Eldorado setback requirements with respect to the new property lines.
2. Should you divide these lots, you will not be able to go back at some point to re-join them as one lot.
3. With the division of these lots, both lots will be required to pay the annual ECIA assessments.

We are requesting that you respond within fourteen days (14) upon receipt of this letter to advise the ECIA on the details of your plans relative to this lot division request. If you need an application or a copy of the Covenants or Guidelines please give me a call and/or visit the "Architectural Info" page at our web site:

<http://www.eldoradosf.org>.

Sincerely,

Mark Young
Covenant Compliance Representative
Eldorado Community Improvement Association
466-4248, Ext. 15
Mark@eldoradosf.org

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

MEMORANDUM

DATE: July 18, 2013

TO: County Development Review Committee

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

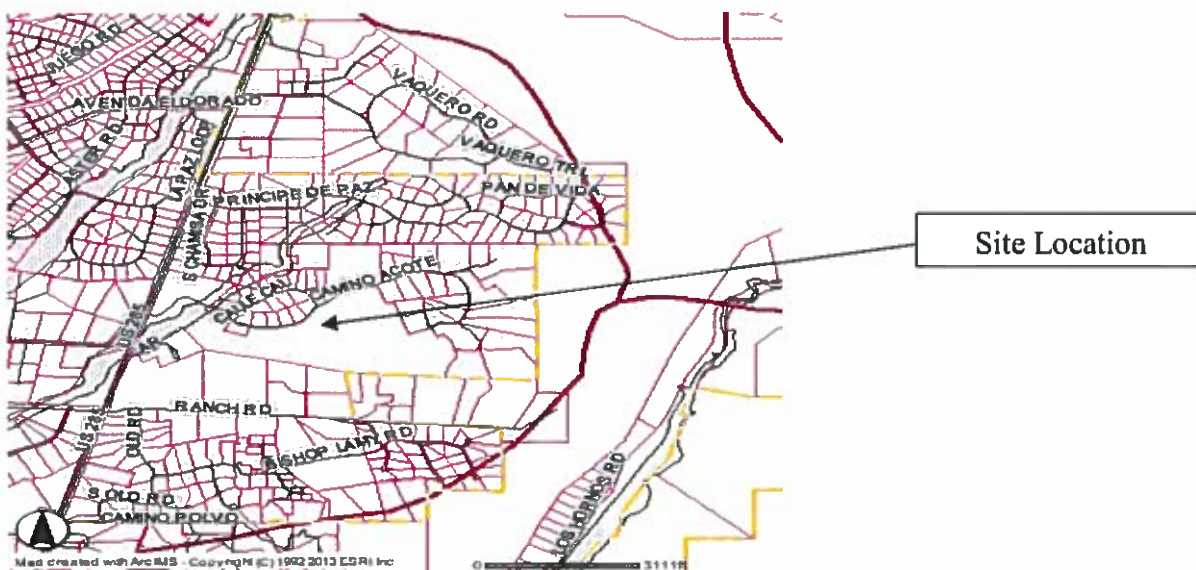
VIA: Penny Ellis-Green, Land Use Administrator *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: CDRC CASE # Z/S 12-5450 Cielo Colorado Subdivision

ISSUE:

Cielo Colorado, LLC. Applicant, Jim Siebert, Agent, requests Master Plan Zoning approval for a 24-lot residential subdivision on 246.30 acres \pm 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).

Vicinity Map:



SUMMARY:

On February 21, 2013, the County Development Review Committee (CDRC) 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 Board of County Commissioners 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 (dead end roads) 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 fifty (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. This closed end roads will have a cul-de-sac with a minimum driving surface radius of sixty (60) feet.

Article V, § 8.2.1d (Cul-de-sacs) states: “cul-de-sacs (dead end roads) shall not be longer than five hundred (500) feet. At the closed end there shall be a turn around having a minimum driving surface radius of at least forty-two (42) feet for roads under 250 feet long and of at least fifty (50) feet for roads 250 feet and longer. A suitable alternative, such as a hammerhead turn around, may be acceptable if approved by the Code Administrator and the Fire Marshal. All turn around areas shall be designed to protect existing vegetation and steep terrain. There shall be a minimum right-of-way diameter at the closed end of one hundred (100) feet. In low density residential areas the length of cul-de-sacs may be adjusted by the County Development Review Committee with the

changes consistent with public safety factors. For local roads designated as a lane or place and designed to a twenty foot (20') width, the turn-around area remains the same as specified above”.

This Application was submitted on December 7, 2012.

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 Zoning: the Application is comprehensive in establishing the scope of the project; the review comments from State Agencies and County staff has established that this Application, for Master Plan, is in compliance with State requirements, Ordinance No. 2005-8 (US 285 South Highway Corridor Zoning District) and Article V, § 5, Master Plan Procedures of the Land Development Code.

APPROVAL SOUGHT: Master Plan Zoning Approval for a 24 lot residential subdivision on 246.30 Acres ±.

CDRC approval to allow two cul-de-sacs (dead end roads) to exceed 500 feet in length.

GROWTH MANAGEMENT AREA:

Galisteo, SDA-2.

HYDROLOGIC ZONE:

Basin Fringe, minimum lot size per Code is 12.5 acres per dwelling unit with a 0.25 acre foot per year per lot water restriction; lot size can be further reduced if water availability is proven to support increased density or community water is available.

ARCHAEOLOGIC ZONE:

Medium Potential, archeological report required for development of more than 10 acres. An archeological report has been submitted for review. The State Historic Preservation Division had no concerns regarding this site.

ACCESS AND TRAFFIC:

The site will be accessed directly off US 84-285 via Camino Acote.

FIRE PROTECTION:

Eldorado Fire District; the EAWSD will provide the water source for fire protection; fire hydrants will be located within 1,000 feet of all buildable areas.

WATER SUPPLY:

EAWSD, a ready, willing and able to serve letter has been provided by EAWSD.

The County Hydrologist review concludes there is sufficient information submitted for Master Plan but requests submission of additional information, as outlined below, for review prior to Preliminary and Final approval.

- Submission of a detailed water budget and water restrictive covenants for phase I for review.
- An analysis of appropriate liquid waste disposal setback is required for the first sustainable phase of this development for review.

LIQUID WASTE:

Individual conventional on-site septic systems

SOLID WASTE:

Individual lot owners will be responsible for contracting with a licensed solid waste disposal service for pick up on a weekly basis. Individual lot owners may also dispose of solid waste on their own at a local solid waste transfer station. This must be noted in the Subdivision Disclosure Statement.

**FLOODPLAIN &
TERRAIN MANAGEMENT:**

The site has slopes of 8%-12% or less and there are limited areas with slopes of 20%. The project conforms to Article VII, Section 3, Terrain Management Regulations of the Santa Fe County Land Development Code. The Applicant's proposal shows existing topography, natural Drainage, and a proposed grading and drainage plan. The proposed grading and drainage plan contains pre and post development drainage. The project site contains five (5) detention ponds throughout the subdivision. The Applicant shall address the requirement of all-weather access on Camino Acote with the Preliminary Development Plan application. The proposal meets the requirements of Ordinance 2008-10 (Flood Damage Prevention and Stormwater Management Ordinance) and Article VII, Section 3 (Terrain Management for drainage) of the Land Development Code for Master Plan Zoning.

SIGNAGE AND LIGHTING:

No private subdivision signage or lighting has been proposed at this time.

EXISTING DEVELOPMENT:

The project site is currently vacant. Eldorado water lines, natural gas lines and electric lines are on site which service existing platted lots.

ADJACENT PROPERTY:

The site is bordered to the west by US 285. The Cimarron Subdivision, The Ridges Subdivision and residential lots approved in the original Cielo Colorado Subdivision border the site to the north. Residential lots border the site to the east. The Santa Fe County Solid Waste Transfer Station,

Eldorado Fire Station #3 and the Eldorado Old Ranch Road Subdivision border the site to the south.

OPEN SPACE:

Approximately 14.21 acres have been reserved for open space along the major drainage at the west end of the Master Plan. This open space will be retained by the lot owners association. A trail system is proposed on the Master Plan which emphasizes equestrian use.

AFFORDABLE HOUSING:

The Affordable Housing Ordinance requires 8% of the total number of lots to be designated for affordable housing. The developer of Cielo Colorado is proposing to provide two affordable dwelling units in income ranges 2 and 3. This satisfies the affordable housing requirement.

PHASING:

The project will be completed in 4 phases. The subdivision is to be completed over an eight year period, with the first phase to begin in 2014 and the final phase to be completed in the year 2022.

AGENCY REVIEW:

<u>Agency</u>	<u>Recommendation</u>
County Fire	Approval with Conditions
County Utilities	Approval with Conditions
NMDOT	Approval with Conditions
County Open Space	Approval with Conditions
County Public Works	Approval with Conditions
OSE	No Opinion on Master Plans
SHPO	Approval
NMED	Approval
Public Schools	Approval
County Planning	Approval
Santa Fe Soil & Water Conservation District	Approval
Affordable Housing Administrator	Approval
County Hydrologist	Approval with Conditions

STAFF RECOMMENDATION:

Approval, by the County Development Review Committee, to allow two cul-de-sacs (dead end roads) to exceed 500 feet in length subject to the following staff condition:

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 sixty (60) feet.

If the decision of the CDRC is to deny the Applicants request to allow two cul-de-sacs (dead end roads) to exceed 500 feet in length, the Applicant shall design the Master Plan to meet the 500 foot length requirement set forth in Article V, § 8.2.1d (Cul-de-sacs).

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.

EXHIBITS:

1. Revised Master Plan Report
2. Revised Proposed Plans
3. Request to allow dead end roads
4. Reviewing Agency Responses
5. Letter from EAWSD
6. Response to Public Works Comments
7. Aerial Photo of Site
8. Applicant Response to Review Comments
9. Article V, § 8.2.1d.
10. Article V, § 5.2.5.
11. February 21, 2013 CDRC Minutes
12. Letters of Concern
13. Letters of Support

REVISED
MASTER PLAN REPORT
CIELO COLORADO ESTATES

PREPARED
FOR
CIELO COLORADO LAND COMPANY LLC.

PREPARED
BY
JAMES W. SIEBERT & ASSOCIATES, INC.

MAY, 2013



OBA-7

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APPENDICES

Appendix A	1995 Original Master Plan
Appendix B	2000 Amended Master Plan
Appendix C	Warranty Deed
Appendix D	Reduction of Legal Lot of Record Plat
Appendix E	School Impact
Appendix F	EAUSD "Able, Ready & Willing"
Appendix G	Email from Steve Brugger

FIGURES

Figure 1	Vicinity Map
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Modification to Original Submittal

The original application to the County included a total of 67 lots ranging in size from 2.5 to 5.0 + acres. The applicant has held several meetings with property owners and they were concerned with the density of the project. The number of lots was reduced incrementally after the meetings, going from 67 lots to 63 lots and later to 52 lots. The applicant has now decided to reduce the subdivision to 24 lots. The reason for this reduction is provided below:

- The current design significantly reduces the amount of road and utility infrastructure needed to serve 24 lots. The majority of the proposed lots can be served by the existing infrastructure.
- Although the existing density in Cielo Colorado at the West side of the subdivision is one dwelling per 2.5 acres the property owners have continually urged the developer to reduce the density for the development of the remaining 246.3 acres of vacant land.
- The 15 percent affordable housing requirement for the 52 lot plan puts the project in a negative cash flow position. When lots in Eldorado, and Santa Fe County, had a much higher value it was possible to make the project financially viable. Given the current real estate market there is no longer a sufficient margin to accommodate the costs of the higher level of affordable housing.
- There is less risk with fewer lots since the market absorption for the original application would have taken place over several years as estimated in the initial report.

BACKGROUND INFORMATION

HISTORY OF ENTITLEMENTS

Tract 15 was created as part of the Eldorado at Santa Fe Subdivision. AMREP, the developer of the Eldorado at Santa Fe Subdivision intended to further subdivide the property based on the demand for lots in the area. A master plan was prepared for Red Sky LLC in 1995. The master plan included the layout for lots within Lot 15 with 91 lots proposed for the master plan with an average density of 3.79 acres. The reproduction of the master plan is found in Appendix A. An amended master plan was recorded in 2000. The amended plan is attached to this report as Appendix B. A 25 lot subdivision of 60 acres within Tract 15 with approximate 2.5 acre lots was recorded with the Santa Fe County Clerk on June 30th, 1995. This subdivision is served by the Eldorado Area and Water and Sanitation District. In 2002 the master plan was vacated in order to allow the platting of larger lots at the east end of Lot 15A-2.

DEVELOPMENT REQUEST

A request is submitted for master plan review on 246.305 acres within Tract 15A-2 of the Eldorado at Santa Fe Subdivision. Tract 15A-2 contains a total of 490.698 acres. Figure 1 is a vicinity map showing the location of the property overlaid on a USGS map.

The request is submitted in conformance with regulatory standards for master plan review set forth in the Santa Fe County Land Development Code. This request will be heard by the County Development Review Committee which makes a recommendation to the Board of County Commissioners. The Board of County Commissioners takes final action on the request unless it is appealed to the District Court.

Development Theme

The larger lots within the Cielo Colorado Subdivision located at the eastern end of the original Lot 15 of the Eldorado Subdivision have developed as residential/equestrian sites. The larger lots that are proposed in Cielo Colorado Estates will utilize that same theme with horses and horse stables permitted on each of the lots over five acres.

OWNERSHIP AND LEGAL LOT OF RECORD

Cielo Colorado Land Company LLC is the owner of the property described as the Remainder of Lot 15A-2 and consisting of approximately 257 acres. The warranty deed for the property is found in Appendix C of the report. The plat for the subject land is provided in Appendix D of the report. The plat serves as the legal lot of record for the master plan and the basis of the survey work for the site planning on the property.

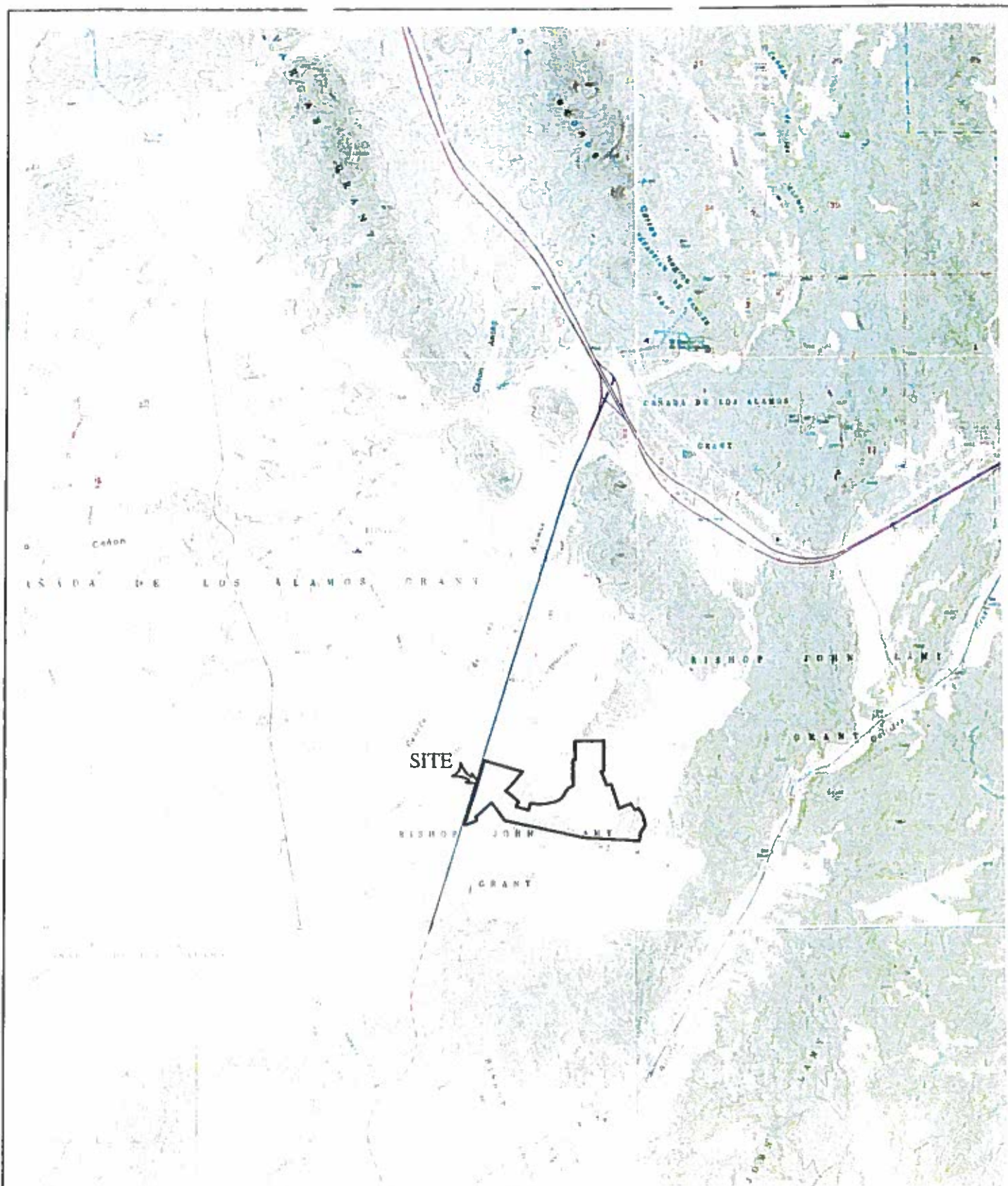




FIGURE 1

<p>JAMES W. SIEBERT AND ASSOCIATES, INC.</p>	<p>CIELO COLORADO</p>	<p>NORTH</p> 
<p>915 MERCER STREET • SANTA FE, NEW MEXICO 87505</p>  <p>(505) 983-5508 FAX (505) 989-7313</p>	<p>VICINITY MAP</p> <p>SCALE 1" = 5000'</p>	

OBA-12

EXISTING CONDITIONS

UTILITIES

Water

Eldorado Area Water has been extended into the property to serve the existing 25 lot Cielo Colorado Subdivision. The existing 8 inch line extends further to the east along the platted Camino Acote roadway. Fire hydrants have been installed on this line and based on a conversation with Eldorado Area Water and Sanitation District there is sufficient volume in the line to satisfy the County fire standards. The Existing Utilities Plan in the plan set describes the location and size of the water lines and the location of the fire hydrants that are on this system.

Wastewater

There is no community wastewater system in the Eldorado area. Conventional septic systems are proposed for the lots within the master plan.

Each lot has been designed to provide a minimum of .75 acre of land outside steep slope areas and outside flood plain limits.

The Eldorado Area Water and Sanitation District does not currently have any plans to construct a community wastewater system in the Eldorado Area.

Electric

There is an overhead three phase electric line located on the east side of US 285. There is an existing overhead electric line running north-south through the midsection of Lot 15A-2.

Electric service lines have been extended into the subdivision to serve the 24 lot subdivision and the larger lots to the east. All electric lines which serve the developed lots within Lot 15A-2 have been constructed below ground.

Telephone

Telephone lines exist on the overhead electric lines that run parallel and adjacent to US 285. Telephone lines are located within Tract 15 coincident with the electric lines. An older overhead telephone line that traversed Tract 15 from the north to the south has been removed and the easement has been abandoned. There is an underground telephone line that runs coincident with the overhead electric line located towards the central part of Tract 15A-2.

Natural Gas

Natural gas has not been extended into the subdivision. Natural gas is available in the Ridges subdivision to the north in Rey de Reyes Road.

SLOPES

Slopes are relatively gentle throughout the master plan with typical slopes in the 8-12 percent range. There are limited areas within the master plan that have slopes in excess of 20 percent, with the greatest occurrence of the steeper slopes taking place along the north and east side of the tract. There is no evidence of areas with significant erosion on the site. Suitable building sites on slopes of less than 20 percent are available for all lots as proposed on the master plan.

VEGETATION

The vegetation is typical of the Eldorado area. A variety of grasses have established themselves within the master plan. Typical plants that were observed on the property consist of:

Grasses

Blue Grama
Galleta
Dropseed
Muhly

Forbs

Snakeweed
Verbena
Purple Coneflower
Indian Paintbrush
Russian Thistle
Threadleaf Sagewort
Wolfberry
Buffalo Guard
New Mexico Sunflower
Globemallow
Purple Aster
Winterfat
White Evening Primrose
Narrow Leaf Yucca
Prickly Pear
Cholla Cactus
Datil Yucca

Trees

One Seed Juniper
Pinon

ARCHAEOLOGY

A Cultural Resource Survey was prepared by Sandra Marshall for a tract larger than the master plan, but including all the land area within the master plan. Sixty isolated occurrences were observed within the investigated tract that were not worthy of preservation. Two sites, LA 104986 and LA 104987 were recorded with the State Historic Preservation Office, considered worthy of preservation. The location of the two LA sites is shown on the existing conditions map and on the Master Plan.

As the development proceeds to subdivision of the land, a preservation easement will be proscribed on the plat, prohibiting any grading activity within the easement without first consulting the County Land Use Administrator and SHPO. The Disclosure Statement for the subdivision will also include a statement under "Unusual Conditions" mandating the protection of these two archaeological sites.

Two copies of the Cultural Resource Survey are included in the submittal packet to Santa Fe County.

DRAINAGE

At the western side of the property, drainage flows from the northeast to the southwest. This drainage has been demarcated as a 100 year flood plain. The 2012 flood plain panel from FEMA is 35049C0550E.

Towards the north and central section of the master plan the drainage flows from the east to the west intersecting with the drainage located in the flood plain. At the very south end of the property there are several smaller channels that run north to south. The drainage channels are typically wide and shallow without well-defined banks. Vegetation is well established within the drainage channels indicating the lack of heavy, scouring rains that strip the drainage of grasses and plants within the drainage channel.

SOILS

Utilizing the USDA Natural Resources Conservation Mapping, the soils identified on the property are:

<u>Classification Name</u>	<u>Soils Number</u>
Dumps, Sanitary Landfill	106
Tanoan-Encantado Complex	201
Alire Loam	202
Buckhorse-Altanzano Complex	203
Altazano Loamy Sand	204
Nazario Gravelly Loam	205

Alire-Urban Land Complex	208
Predawn-Urban land complex	215
Dondiego Loam	216

105—Dumps, sanitary landfill

Map Unit Setting

Elevation: 5,700 to 7,500 feet

Mean annual precipitation: 10 to 15 inches

Mean annual air temperature: 46 to 52 degrees F

Frost-free period: 140 to 170 days

Map Unit Composition

Dumps: 80 percent

Description of Dumps Setting

Landform: Eroded fan remnants

Landform position (two-dimensional): Summit

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Mine spoil or earthy fill

Typical profile

0 to 15 inches: Gravelly coarse sandy loam

15 to 21 inches: Gravelly sandy loam

21 to 29 inches: Gravelly coarse sandy loam

29 to 99 inches: Gravelly variable

201—Tanoan-Encantado complex, 5 to 25 percent slopes

Map Unit Setting

Elevation: 5,500 to 7,500 feet

Mean annual precipitation: 13 to 15 inches

Mean annual air temperature: 47 to 50 degrees F

Frost-free period: 140 to 160 days

Map Unit Composition

Tanoan and similar soils: 45 percent

Encantado and similar soils: 40 percent

Description of Tanoan Setting

Landform: Eroded fan remnants

Landform position (two-dimensional): Shoulder

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Alluvium derived from granite, gneiss, schist, and loess over residuum weathered from basaltic tuff or granitic sandstone

Properties and qualities

Slope: 5 to 15 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Somewhat excessively drained

Capacity of the most limiting layer to transmit water (Ksat): High (2.00 to 5.95 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 15 percent

Maximum salinity: Nonsaline (0.0 to 1.0 mmhos/cm)

Sodium adsorption ratio, maximum: 4.0

Available water capacity: Low (about 5.1 inches)

Typical profile

0 to 3 inches: Gravelly sandy loam

3 to 7 inches: Loam

7 to 24 inches: Loam

24 to 32 inches: Sandy loam

32 to 57 inches: Loam

57 to 70 inches: Gravelly loamy coarse sand

70 to 84 inches: Gravelly coarse sandy loam

Description of Encantado Setting

Landform: Eroded fan remnants

Landform position (two-dimensional): Backslope

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Colluvium and slope alluvium derived from granite, gneiss, and schist over residuum weathered from granitic fanglomerate and sandstone

Properties and qualities

Slope: 10 to 25 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Somewhat excessively drained

Capacity of the most limiting layer to transmit water (Ksat): High (2.00 to 6.00 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 30 percent

Maximum salinity: Nonsaline to very slightly saline (0.0 to 4.0 mmhos/cm)

Sodium adsorption ratio, maximum: 4.0

Available water capacity: Very low (about 2.5 inches)

Typical profile

0 to 3 inches: Very gravelly sandy loam

3 to 9 inches: Very gravelly loam

9 to 22 inches: Very gravelly coarse sandy loam
22 to 33 inches: Gravelly loamy coarse sand
33 to 45 inches: Very gravelly loamy coarse sand
45 to 54 inches: Very gravelly loamy coarse sand
54 to 63 inches: Gravelly loamy sand
63 to 85 inches: Very gravelly loamy sand

202—Alire loam, 2 to 6 percent slopes

Map Unit Setting

Elevation: 6,100 to 7,400 feet
Mean annual precipitation: 13 to 15 inches
Mean annual air temperature: 47 to 50 degrees F
Frost-free period: 140 to 160 days

Map Unit Composition

Alire and similar soils: 90 percent

Description of Alire Setting

Landform: Eroded fan remnants
Landform position (two-dimensional): Summit
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium derived granite, gneiss, schist, loess, and volcanic ash

Properties and qualities

Slope: 2 to 6 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 40 percent
Gypsum, maximum content: 1 percent
Maximum salinity: Nonsaline to slightly saline (2.0 to 8.0 mmhos/cm)
Sodium adsorption ratio, maximum: 13.0
Available water capacity: High (about 9.7 inches)

Typical profile

0 to 2 inches: Loam
2 to 8 inches: Clay loam
8 to 15 inches: Clay loam
15 to 28 inches: Clay loam
28 to 45 inches: Loam
45 to 57 inches: Gravelly loam
57 to 71 inches: Gravelly sandy loam
71 to 105 inches: Gravelly sandy loam

203—Buckhorse-Altazano complex, 2 to 8 percent slopes, flooded

Map Unit Setting

Elevation: 5,700 to 7,500 feet

Mean annual precipitation: 13 to 15 inches

Mean annual air temperature: 47 to 50 degrees F

Frost-free period: 140 to 160 days

Map Unit Composition

Buckhorse and similar soils: 55 percent

Altazano and similar soils: 35 percent

Description of Buckhorse Setting

Landform: Eroded fan remnants

Landform position (two-dimensional): Toeslope

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Slope alluvium derived from granite, gneiss, schist, granitic sandstone, fanglomerate, and mudstone

Properties and qualities

Slope: 2 to 8 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 15 percent

Maximum salinity: Nonsaline (0.0 to 2.0 mmhos/cm)

Sodium adsorption ratio, maximum: 4.0

Available water capacity: Moderate (about 6.3 inches)

Typical profile

0 to 4 inches: Coarse sandy loam

4 to 11 inches: Coarse sandy loam

11 to 22 inches: Loam

22 to 37 inches: Loam

37 to 49 inches: Fine sandy loam

49 to 61 inches: Sandy loam

61 to 83 inches: Gravelly coarse sand

Description of Altazano Setting

Landform: Inset fans on eroded fan remnants

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Slope alluvium derived from granite, gneiss, schist, granitic sandstone, fanglomerate, and mudstone

Properties and qualities

Slope: 2 to 8 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 1.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: Frequent

Frequency of ponding: None

Calcium carbonate, maximum content: 20 percent

Maximum salinity: Nonsaline (0.0 to 2.0 mmhos/cm)

Sodium adsorption ratio, maximum: 4.0

Available water capacity: Low (about 5.7 inches)

Typical profile

0 to 2 inches: Gravelly sandy loam

2 to 8 inches: Gravelly coarse sandy loam

8 to 19 inches: Very gravelly loamy coarse sand

19 to 29 inches: Gravelly sandy loam

29 to 46 inches: Loam

46 to 65 inches: Loam

65 to 74 inches: Gravelly coarse sandy loam

74 to 90 inches: Gravelly loamy coarse sand

204—Altazano loamy sand, 0 to 2 percent slopes, flooded

Map Unit Setting

Elevation: 6,100 to 7,400 feet

Mean annual precipitation: 13 to 15 inches

Mean annual air temperature: 47 to 50 degrees F

Frost-free period: 140 to 160 days

Map Unit Composition

Altazano and similar soils: 85 percent

Description of Altazano Setting

Landform: Flood plains on valley floors

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Alluvium derived from granite, gneiss, schist, granitic sandstone, fanglomerate, and mudstone

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: 22 to 30 inches to abrupt textural change; 22 to 30 inches to strongly contrasting textural stratification

Drainage class: Somewhat excessively drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 2.00 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: Occasional

Frequency of ponding: None

Calcium carbonate, maximum content: 5 percent

Maximum salinity: Nonsaline (0.0 to 1.0 mmhos/cm)

Sodium adsorption ratio, maximum: 1.0

Available water capacity: Very low (about 2.2 inches)

Typical profile

0 to 3 inches: Loamy sand

3 to 8 inches: Fine sandy loam

8 to 12 inches: Loamy sand

12 to 18 inches: Stratified sandy loam to loam

18 to 26 inches: Gravelly loamy coarse sand

26 to 29 inches: Loam

29 to 36 inches: Loam

36 to 58 inches: Loam

58 to 76 inches: Gravelly coarse sandy loam

76 to 92 inches: Gravelly coarse sand

205—Nazario gravelly loam, 2 to 8 percent slopes

Map Unit Setting

Elevation: 6,200 to 7,400 feet

Mean annual precipitation: 13 to 15 inches

Mean annual air temperature: 47 to 50 degrees F

Frost-free period: 140 to 160 days

Map Unit Composition

Nazario and similar soils: 90 percent

Description of Nazario Setting

Landform: Eroded fan remnants

Landform position (two-dimensional): Summit

Down-slope shape: Convex

Across-slope shape: Linear

Parent material: Alluvium derived from granite, gneiss, schist, and loess over residuum weathered from granitic fanglomerate and sandstone

Properties and qualities

Slope: 2 to 8 percent

Depth to restrictive feature: 20 to 28 inches to strongly contrasting textural stratification

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 2.00 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 30 percent

Maximum salinity: Nonsaline (0.0 to 2.0 mmhos/cm)

Sodium adsorption ratio, maximum: 4.0

Available water capacity: Very low (about 2.7 inches)

Typical profile

0 to 2 inches: Gravelly loam

2 to 7 inches: Gravelly loam

7 to 15 inches: Gravelly loam

15 to 24 inches: Gravelly loam

24 to 43 inches: Very gravelly loamy coarse sand

43 to 52 inches: Gravelly loamy coarse sand

52 to 67 inches: Coarse sand

67 to 94 inches: Gravelly coarse sand

208—Alire-Urban land complex, 2 to 8 percent slopes

Map Unit Setting

Elevation: 6,400 to 7,400 feet

Mean annual precipitation: 13 to 15 inches

Mean annual air temperature: 47 to 50 degrees F

Frost-free period: 140 to 160 days

Map Unit Composition

Alire and similar soils: 50 percent

Urban land: 40 percent

Description of Alire Setting

Landform: Eroded fan remnants

Landform position (two-dimensional): Summit

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Alluvium derived from granite, gneiss, schist, and loess

Properties and qualities

Slope: 2 to 8 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 40 percent

Gypsum, maximum content: 1 percent

Maximum salinity: Nonsaline to slightly saline (2.0 to 8.0 mmhos/cm)

Sodium adsorption ratio, maximum: 13.0

Available water capacity: High (about 9.3 inches)

Typical profile

0 to 4 inches: Loam

4 to 11 inches: Clay loam

11 to 20 inches: Clay loam

20 to 27 inches: Loam

27 to 42 inches: Loam

42 to 51 inches: Gravelly loam

51 to 69 inches: Gravelly loam

69 to 95 inches: Gravelly loam

95 to 99 inches: Gravelly sandy loam

Description of Urban Land Setting

Landform: Eroded fan remnants

Down-slope shape: Linear

Across-slope shape: Linear

215—Predawn-Urban land complex, 1 to 4 percent slopes

Map Unit Setting

Elevation: 6,400 to 7,300 feet

Mean annual precipitation: 13 to 15 inches

Mean annual air temperature: 47 to 50 degrees F

Frost-free period: 140 to 160 days

Map Unit Composition

Predawn and similar soils: 60 percent

Urban land: 30 percent

Description of Predawn Setting

Landform: Eroded fan remnants

Landform position (two-dimensional): Summit

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Alluvium derived from granite, gneiss, schist, loess, and volcanic ash

Properties and qualities

Slope: 1 to 4 percent

Depth to restrictive feature: 4 to 6 inches to abrupt textural change; 4 to 6 inches to strongly contrasting textural stratification

Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 50 percent
Gypsum, maximum content: 1 percent
Maximum salinity: Nonsaline to slightly saline (2.0 to 8.0 mmhos/cm)
Sodium adsorption ratio, maximum: 13.0
Available water capacity: Very low (about 0.8 inches)

Typical profile

0 to 5 inches: Loam
5 to 10 inches: Clay
10 to 16 inches: Clay loam
16 to 23 inches: Clay loam
23 to 28 inches: Loam
28 to 34 inches: Loam
34 to 48 inches: Loam
48 to 73 inches: Loam
73 to 88 inches: Loam
88 to 100 inches: Sandy loam

Description of Urban Land Setting

Landform: Eroded fan remnants
Down-slope shape: Linear
Across-slope shape: Linear

216—Dondiego loam, 1 to 3 percent slopes

Map Unit Setting

Elevation: 6,100 to 7,400 feet
Mean annual precipitation: 13 to 15 inches
Mean annual air temperature: 47 to 50 degrees F
Frost-free period: 140 to 160 days

Map Unit Composition

Dondiego and similar soils: 85 percent

Description of Dondiego Setting

Landform: Stream terraces on valley floors
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium derived from granite, gneiss, schist, and loess

Properties and qualities

Slope: 1 to 3 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 2.00 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: Very rare

Frequency of ponding: None

Calcium carbonate, maximum content: 3 percent

Maximum salinity: Nonsaline (0.0 to 2.0 mmhos/cm)

Sodium adsorption ratio, maximum: 1.0

Available water capacity: Moderate (about 8.2 inches)

Typical profile

0 to 2 inches: Loam

2 to 9 inches: Loam

9 to 22 inches: Loam

22 to 28 inches: Loam

28 to 36 inches: Sandy loam

36 to 48 inches: Loam

48 to 59 inches: Loam

59 to 69 inches: Gravelly sandy loam

69 to 85 inches: Gravelly loamy coarse sand

85 to 102 inches: Stratified gravelly loamy coarse sand to sandy loam

EXISTING ACCESS AND TRAFFIC CIRCULATION

The principal access to the subdivision is from US 285. As part of the improvements to US 285, the New Mexico Department of Transportation constructed an improved intersection access with a protected left turn lane onto Camino Acote. Camino Acote aligns with Jacinto Road on the west side of US 285. Camino Acote has been constructed as a 24 foot asphalt surfaced roadway through a portion of Tract 15A-2. The paved section of the road terminates at the eastern end of the master plan where shown on sheet P-6 of the plan set. There is a platted easement that connects the end of the asphalt with Camino Acote creating a loop within the larger Cielo Colorado subdivision. This platted loop has not been improved and will be vacated as part of the subdivision process.

PROJECT DESCRIPTION

SITE INFORMATION

Size of parcel:	246.305 acres
Total number of lots:	24
Largest lot:	16.16 acres
Smallest lot:	2.54 acres
Average lot size:	10.26 acres
Common Open Space:	14.21
Number of affordable units:	two to be constructed with project
Number of development phases:	4
Marketing-sell-out period:	8 years
Building setbacks:	Per covenants, 50 feet from lot line.
Source of water:	Eldorado Area Water and Sanitation District
Wastewater systems:	Individual on-site septic and leach field

PHASING

The subdivision is to be completed over an eight year period, with the first phase to begin in 2014. Phasing will take place every two years thereafter with the final phase to be complete in the year 2022. The detailed phasing plan can be found in sheet P-7 of the plan set.

RELATIONSHIP TO US 285 HIGHWAY CORRIDOR ORDINANCE

The US 285 South Central Highway Corridor Zoning Ordinance calls for five foot setbacks from interior side and rear side. All lots have a fifty foot setback from property lines to comply with recorded covenants for the Cielo Colorado property. There is also a 100 foot setback which is consistent with the setback from the right-of-way along US 285 set forth in the US 285 Highway Corridor Ordinance.

Lot sizes are based on Section 8.7 of the Highway Corridor Zoning Ordinance utilizing water from EAWSD community water system.

FLOOD PLAIN SETBACKS

A seventy-five foot setback has been provided from the top of bank of the FEMA designated floodplain.

FUTURE OPEN SPACE

The property originally designated as park land has been removed from the master plan. The use of this land for a park required a 20 foot improved road to the park for emergency and fire protection purposes. There is currently only a 10 foot pedestrian easement to the park which does not satisfy the fire protection requirements. Since there is no benefit to the Cielo Colorado Estates lot owners or other residents there is no reason to burden the future lot owners with the taxes and maintenance of this 11.411 acre tract of land. This tract of land legally remains under the ownership of Cielo Colorado Land Company LLC.

The Land Development Code does not require the provision of park land for subdivisions of 24 or fewer lots. An area of 14.21 acres has been reserved for open space along the major drainage at the west end of the Master Plan. This open space will be retained by the Lot Owners Association. A trail system is proposed on the master plan which emphasizes equestrian use. Since it is anticipated that the majority of the trail users will be horse riders the trail will be a dirt path with vegetation cleared and the path shaped to accommodate horse traffic. One-tenth mile markers will be included along the path. Connections to the equestrian facilities to the south will be investigated.

The Eldorado Wilderness adjoins the eastern boundary of Lot 15A-2. A 10 foot pedestrian easement has been platted creating pedestrian, non-motorized access from Camino Acote to the Wilderness. The easement is outside the boundaries of the Master Plan. Currently only the owners of land within the platted smaller lots west of US 285 have the right to use the Eldorado Wilderness. Larger lots on the east side of the US 285 do not have the right to use the Eldorado Wilderness. There is the likelihood that in the future an agreement will be worked out allowing for access to the Wilderness from the larger lots east of US 285, in which case the easement is available to permit that pedestrian and equestrian access.

School Impact

There is currently an elementary and middle school in Eldorado on Avenida Vista Grande and Avenida Torreon. This public school serves the larger Eldorado area and other lands to the south. Cielo Colorado would be served by Santa Fe High School. The number of public school age children is estimated below based on the 24 residential lots. The formula for students per household was provided by Architectural Research Consultants which is the demographic consultant to the Santa Fe Public Schools.

School level	Students per Household	No. of Lots	Number of Students
Elementary	.42	24	10
Middle school	.12	24	3
High School	.19	24	<u>5</u>
		Total	18

Given the size of the lots it is likely that home values will be in the upper range. Generally with these types of homes there are several less school age children than estimated with the above formula.

A letter to the Santa Fe Public Schools has been prepared to comply with the County requirement to notify the Public Schools of future residential developments. The impact report for the Public Schools is attached as Appendix E.

FUTURE UTILITIES

Water

This master plan is located within the service area of the Eldorado Area Water and Sanitation District. Water was extended into tract 15A-2 to serve the 25 lot subdivision created in 2002. Since that time water has been extended into the larger lot area with the 8 inch water line terminating on Camino Acote at the eastern boundary of the property. A limited water line extension is needed to service the new lots. The majority of the lots can be served by the existing water system.

The eight inch line transitions to a 6 inch line just outside the eastern boundary of the master plan.

The six inch line is fed by a six inch line extending from Alma Drive located in the Ridges Subdivision. There is, therefore, some redundancy in the water system currently. The Eldorado

Area Water and Sanitation District will have to determine the line size and detailed engineering during the subdivision process.

Cielo Colorado Land Company LLC currently pays for three meters that are located within the subject tract of land. This reduces the number of water meters needed for the development to 21.

A “ready, able and willing” to serve letter has been provided by EAWSD to serve the lots within the Cielo Colorado Estates Master Plan. The letter was originally written for 67 lots. This letter is provided as Appendix F of the report.

Wastewater

A central wastewater system does not exist in Eldorado for the residential development. Private on-site liquid waste systems are proposed for Cielo Colorado. Conventional septic tanks and leach fields will be used as the collection, treatment and disposal system. Every lot within the Master Plan has an area for the leach field with slopes of 15 percent or less. Each lot has soils that are adequate to accommodate a conventional wastewater treatment system.

The size of the septic tank and area for the leach field will be determined as part of the review for issuance of a building permit on each lot. The New Mexico Environment Department will issue the permit for the septic tank and leach field.

Electric

There is single phase underground electric line located within the developed section of Camino Acote. This underground line will be extended underground to serve all the new lots within the master plan. According to information provided by PNM there is sufficient capacity in the electrical system to adequately provide service to the 24 lots within the Master Plan. PNM Electric will determine at the time of the construction of the subdivision whether a switch gear is required in order to serve the additional lots, although it appears that individual transformers are sufficient to serve the limited number of lots in the master plan.

Natural Gas

The existing lots within the Cielo Colorado subdivision are not served by natural gas. Given the limited number of lots and the substantial cost to extend an off-site line is not feasible to serve these lots with natural gas.

Telephone

There is an existing underground telephone line that runs north-south through the approximate mid- section of the Master Plan. It will be possible to run multiple telephone lines from this main line with extensions to the individual lots within the development. There is capacity in the telephone system to satisfy the demand estimated for residential development within the Master Plan.

Design drawings for the telephone system will not be prepared until the subdivision is ready for construction. The exact method and location for the future telephone system is not currently available.

Comcast

Comcast is available within Eldorado. The line would have to be extended from off site for some distance to service the Master Plan. It appears at this time that Comcast service is not available.

WATER BUDGET

Each lot will be limited to a maximum annual water use of .25 acre-feet. This provision will be specified in the Restrictive Covenants, Disclosure Statement and will be recorded with the Subdivision plat.

There are three water meters currently available to the subdivision. Twenty-one water meters are needed to serve the development. The water budget for the subdivision is 6.0 acre feet annually or .25 acre feet annually for the 24 lots.

The total estimated annual water use is shown below:

$$24 \text{ lots} \times .25 \text{ ac. ft. /yr.} = 6 \text{ acre feet per year}$$

The developer is required to pay a connection charge to receive water service from the EAWSD. This connection fee includes the cost of EAWSD acquiring the necessary water rights to serve the project.

Water Conservation

Santa Fe County has aggressively pursued water conservation measures in the County, beginning in 2002. The water conservation regulations the County has adopted consist of the following:

2002 Mandates indoor and outdoor conservation, including water conserving plumbing fixtures (Ordinance 2002-13).

2003 Mandates water harvesting for residential dwellings with passive or active systems depending on size of dwelling (Ordinance 2003-6).

The 2003 ordinance was amended to include mandatory water re-circulation hot water systems and insulation for hot water pipes (Ordinance 2006-8)

Santa Fe County has one of the more aggressive water conservation standards of any county in New Mexico. While water conservation was previously enforced through covenants imposed on residents within the subdivision the County has now mandated water conservation by law enforced at the time of building permit review.

FIRE PROTECTION

There is a fire sub-station located at the intersection of the US 285 and the access road to the Transfer Station. The distance from the fire sub-station to the entrance of the proposed subdivision is 1,000 feet. There are three volunteer fire stations located in Eldorado. Station 1 is located on Avenida Vista Grande near Avenida Torreon and is equipped with two fire engines and 2 ambulances. Station 2 is located at Avenida Vista Grande and Casa del Oro and is equipped with two engines and one tanker. Station 3 is located off of Old Road North and US-285 at the Santa Fe County Transfer Station and is equipped with four engines. Station 3 is located within the closest distance to the Cielo Colorado Master Plan.

DRAINAGE REGULATIONS

Ordinance 2008-10 of the County Land Development Code requires that certain drainage studies be conducted as part of the application. Jorge Gonzalez, PE has prepared the studies consistent with the Code requirements for Master Plan application. The report prepared by Jorge Gonzales, PE is submitted with the Master Plan application under a separate cover.

AFFORDABLE HOUSING

The current affordable housing regulations require that 8 percent of the total lots in the master plan must be set aside to satisfy the County affordable housing requirement. The master plan shows two lots reserved for the affordable dwellings consisting of three bedroom homes within income ranges two and three as required by Ordinance 2006-02 and as specified by Steve Brugger in his e-mail which is attached as Appendix G.

Two copies of the affordable housing plan are submitted under a separate cover along the development application.

FUTURE ACCESS AND TRAFFIC CIRCULATION

The loop road will not be constructed as part of the improvements for the subdivision. The extended cul-de-sac will serve 6 additional lots. The water line will be extended to serve these lots including the additional fire hydrants that will be installed on the new line.

An emergency access road was proposed on the original application. The applicant had agreed to construct an emergency access road when the number of lots was in the 60 lot range. With the reduction to 24 lots the applicant no longer agrees to construct an emergency access road but would agree to participate in such a road should the existing property owners with Lot 15A-2 agree to also participate on a per lot basis.

The cul-de-sac road at the east end of the project serving the affordable homes will be constructed as an asphalt surfaced roadway. The cul-de-sac at the east end of the master plan, serving lots 18 through 24 will be constructed as a basecourse roadway.

The New Mexico Department of Transportation in their review letter indicated that a northbound deceleration lane may be warranted as the project is near completion in 2023. This was based on 67 lots. With 24 lots there is no need for a deceleration lane at US 285.

APPENDIX A
1995 ORIGINAL MASTER PLAN

OBA-33

CIELO COLORADO ESTATES MASTER PLAN

309035



VICINITY MAP
1" = 2000'

INDEX TO SHEETS	
LIST OF SHEET	SHEET NUMBER
COVER SHEET	1.
SIT DATA MAP	2.
SOILS MAP	3.
SLOPE MAP	4.
TOPOGRAPHY & EXISTING UTILITIES	5.
MASTER DEVELOPMENT PLAN	6.
CONCEPT DRAINAGE PLAN	7.
CONCEPT UTILITY & FIRE PROTECTION PLAN	8.
PHASING PLAN	9.

DEVELOPER

RED CRT LAND & LITTLE COMPANY
C/O RICH VAN ANDERBEG
347 EAST PALMER AVE
SANTA FE, NM 87504
(505) 988-8989

CONTRACTANTS

MARKS & SIEBERT ASSOCIATES, INC.
PLANNING & ARCHITECTURE
915 UNIVERSITY BLVD
SANTA FE, NM 87501
(505) 833-5588

HIGH DESIGN CONSULTING
ENGINEERING CONSULTANTS
SCARLET SOUL STUDIO
(505) 439-9386

G. DANZON SURVEYORS
LICENSED SURVEYOR
SANTA FE, NM 87501
(505) 471-8668

SUSANA MARGARITE
ARCHITECT
416 RICHARD BLVD
SANTA FE, NM 87501
(505) 486-8711

FRANKLIN H. MANN & ASSOCIATES, INC.
ARCHITECTS
11700 SOUTHERN BLVD
400 KAYLAND, NM 87124
(505) 891-9422

BOARD OF COUNTY COMMISSIONERS
COUNTY OF SANTA FE
RESERVED BY COUNTY CLERK
COUNTY DEPT. OF ADMINISTRATION
COUNTY FIRE MARSHAL

DATE: 6-30-95
DATE: 6-29-95
DATE: 6-25-95



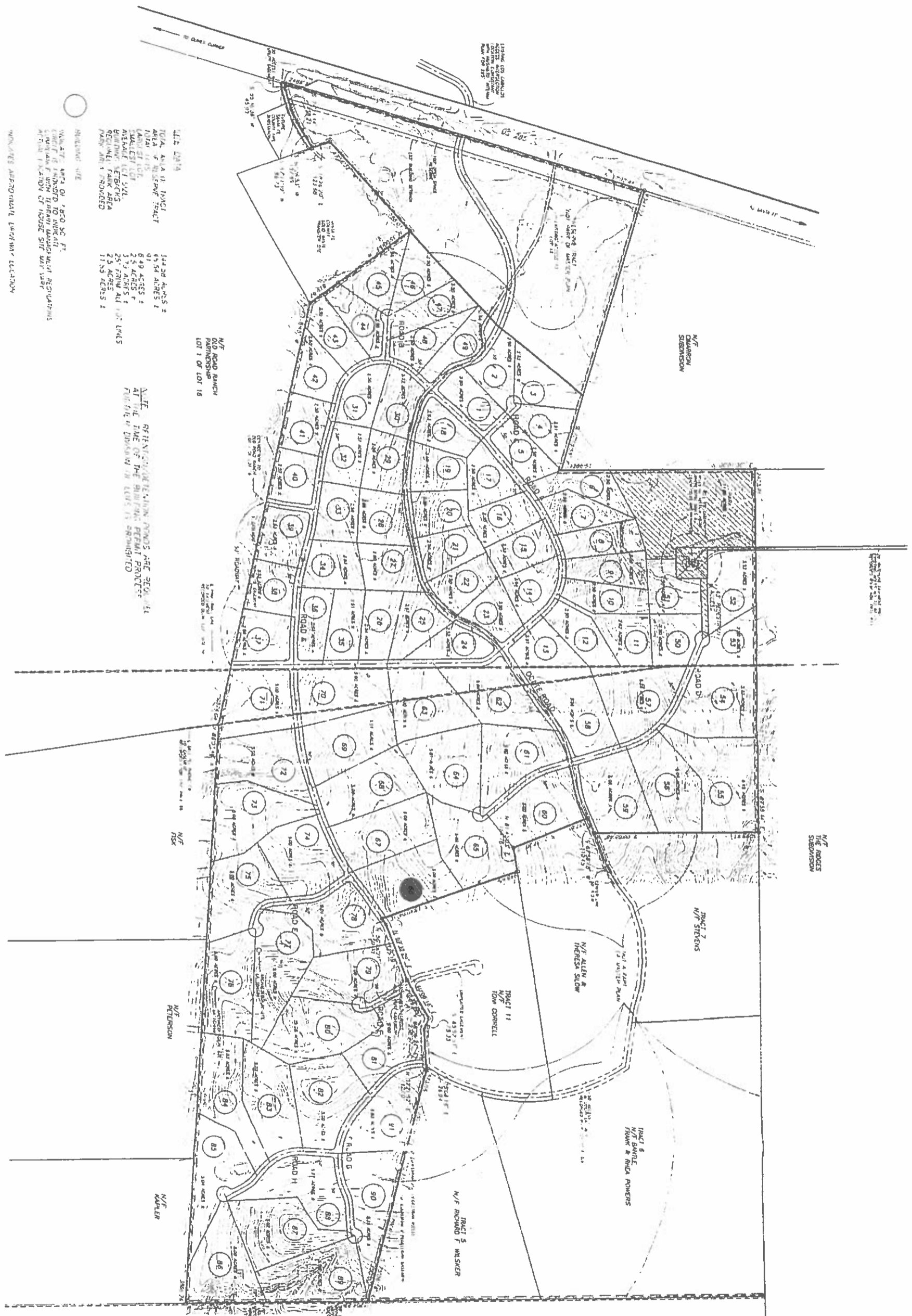
909-938
COUNTY OF SANTA FE
STATE OF NEW MEXICO

Notary Public
Cody D. Adams
Notary Public
Santa Fe, New Mexico

JAMES W. SIEBERT		CIELO COLORADO ESTATES MASTER PLAN		COVER SHEET	
NO. 1344	NO.	NO. 1344	NO.	NO. 1344	NO.
915 WILKINSON STREET	SANTA FE, NM 87501	915 WILKINSON STREET	SANTA FE, NM 87501	915 WILKINSON STREET	SANTA FE, NM 87501
DATE	DATE	DATE	DATE	DATE	DATE
00/00/00	00/00/00	00/00/00	00/00/00	00/00/00	00/00/00
1/21/95	1/21/95	1/21/95	1/21/95	1/21/95	1/21/95

OBA-34





TOTAL AREA 11.1 ACRES
 AREA OF RESERVE TRACT 4.1
 AREA OF LOTS 6.99 ACRES
 SMALLER LOTS 2.5 ACRES
 AVAIL. LOT 1.5 ACRES
 BUILDING SETBACKS 25' FROM ALL LOT LINES
 REQUIRED PARK AREA 2.5 ACRES
 PARKING 1 ROWS 1

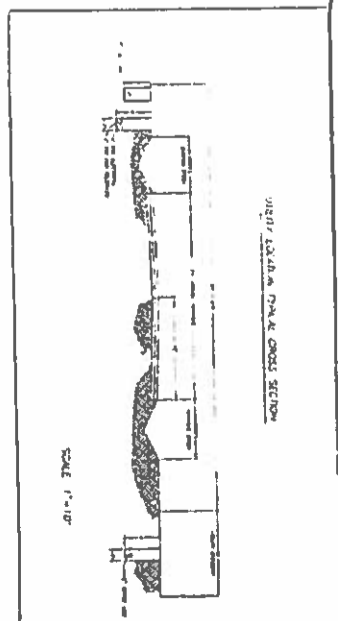
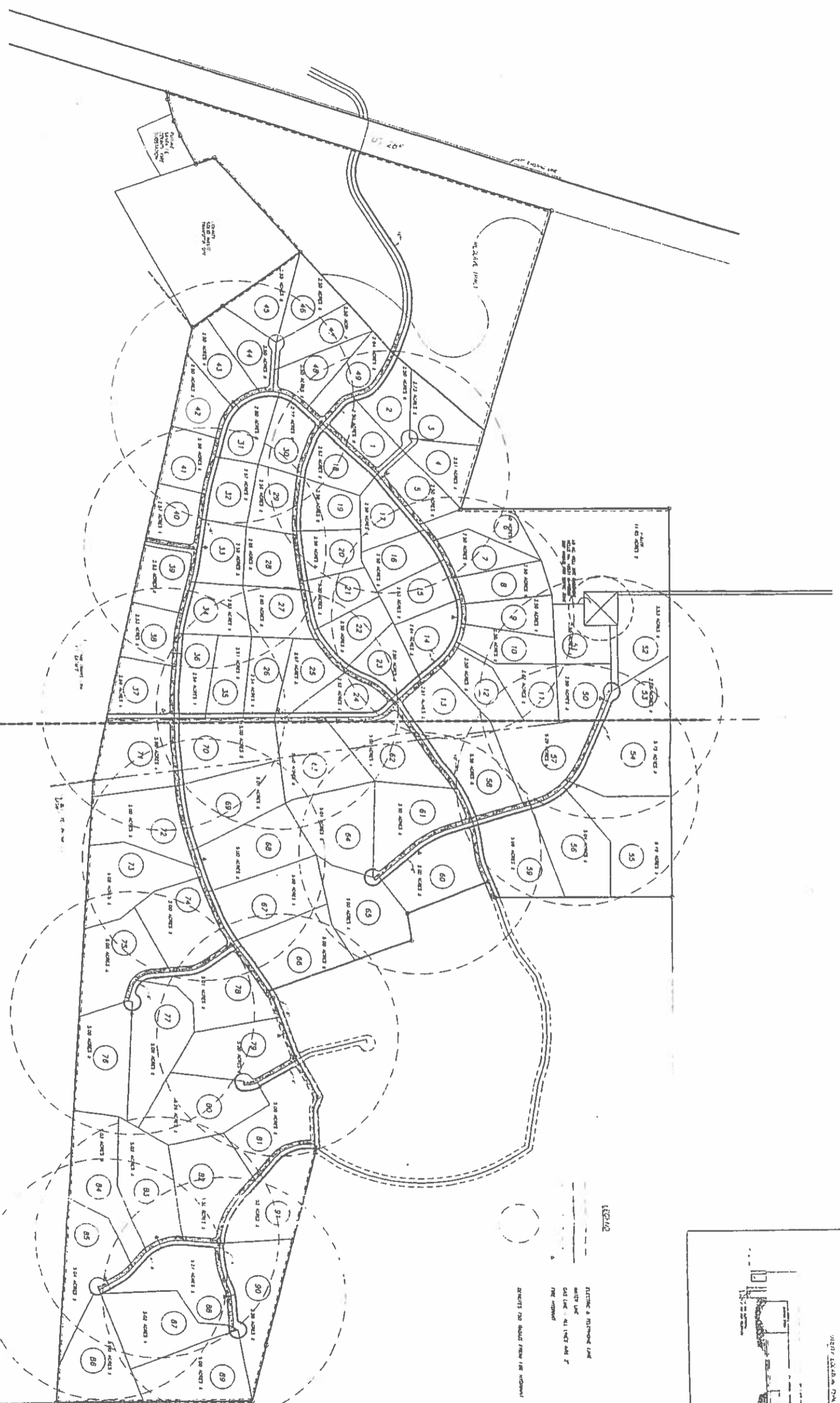
NOTE: REFERENCE TO THE LOTS AND TRACTS ARE MADE AT THE TIME OF THE SUBMITTAL PERMIT PROJECT FOR THE DEVELOPMENT OF THIS PROJECT.

UNLAWFUL TO CONVEY OR ASSIGN TO ANY OTHER PARTY THE RIGHT TO DEVELOP OR TO DEVELOP THE PROJECT OR ANY PART THEREOF WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

JAMES W. SIEHRI AND ASSOCIATES		CIELO COLORADO ESTATES	
ENGINEER		MASTER DEVELOPMENT PLAN	
SCALE 1" = 300'	DATE JUNE 1994	SHEET NO. 6	TOTAL SHEETS 9
DRAWN BY D.R.S.	CHECKED BY J.W.S.	DATE 06/03/00	TITLE CIELO COLO.
PROJECT NO. 6/7/93	PROJECT NO. 1132513	PROJECT NO. 6/7/93	PROJECT NO. 1132513

OBA-35

ELDORADO WILDERNESS LOT 12



308042

JAMES W. SIEBERT 112 WENDLER STREET DENVER, CO 80202		CIELO COLORADO ESTATES UTILITIES & FIRE PROTECTION PLAN	
SCALE 1" = 300'	DATE JUNE 1994	DRAWN BY C.H.	CHECKED BY L.S.
REVISION 00/00/00	PROJECT 11/21/94	SHEET 3	OF 9

ORA-310

APPENDIX B
2000 AMENDED MASTER PLAN

CIELO COLORADO ESTATES AMENDED MASTER PLAN

431629



VICINITY MAP
1" = 2000'

LIST OF SHEET	SHEET NUMBER
*COVER SHEET	1.
SITE DATA MAP	2.
SOILS MAP	3.
SLOPE MAP	4.
TOPOGRAPHY & EXISTING DRAINAGE	5.
*MASTER DEVELOPMENT PLAN	6.
CONCEPT DRAINAGE PLAN	7.
CONCEPT UTILITY & FIRE PROTECTION PLAN	8.
PHASING PLAN	9.

* SHEETS TO BE RECORDED

THIS MASTER PLAN AMENDS THE CIELO COLORADO MASTER PLAN, RECORDED JUNE 30, 1995, AS IN BOOK 308, PAGES 035-043. THIS AMENDMENT ELIMINATES FOUR LOTS WITHIN THE MASTER PLAN. THIS MASTER PLAN IS STILL SUBJECT TO THE CONDITIONS OF THE PRIOR APPROVAL.

DEVELOPER
RED SKY LAND & CATTLE COMPANY
C/O ROW VAN AMBERG
347 EAST PALACE AVE
SANTA FE, NM 87504
(505) 888-8979

CONSULTANTS:
JAMES W. SIEBERT AND ASSOCIATES, INC.
PLANNING CONSULTANTS
1700 SOUTHERN BLVD.
RFD RANCHO, NM 87124
(505) 891-9472
SANDRA WASSERL
ARCHITECTS BLDG.
5115 COPPER BLVD
SANTA FE, NM 87501
(505) 986-8713
THOMAS R. WARRIN & ASSOCIATES, INC.
PHOTOGRAMMETRY
P.O. BOX 15817
SANTA FE, NM 87506
(505) 971-6660

Row Van Amberg Attorney at Law for Red Sky & Cattle Co

DATE 12/21/2000
DURS USE ADMINISTRATION

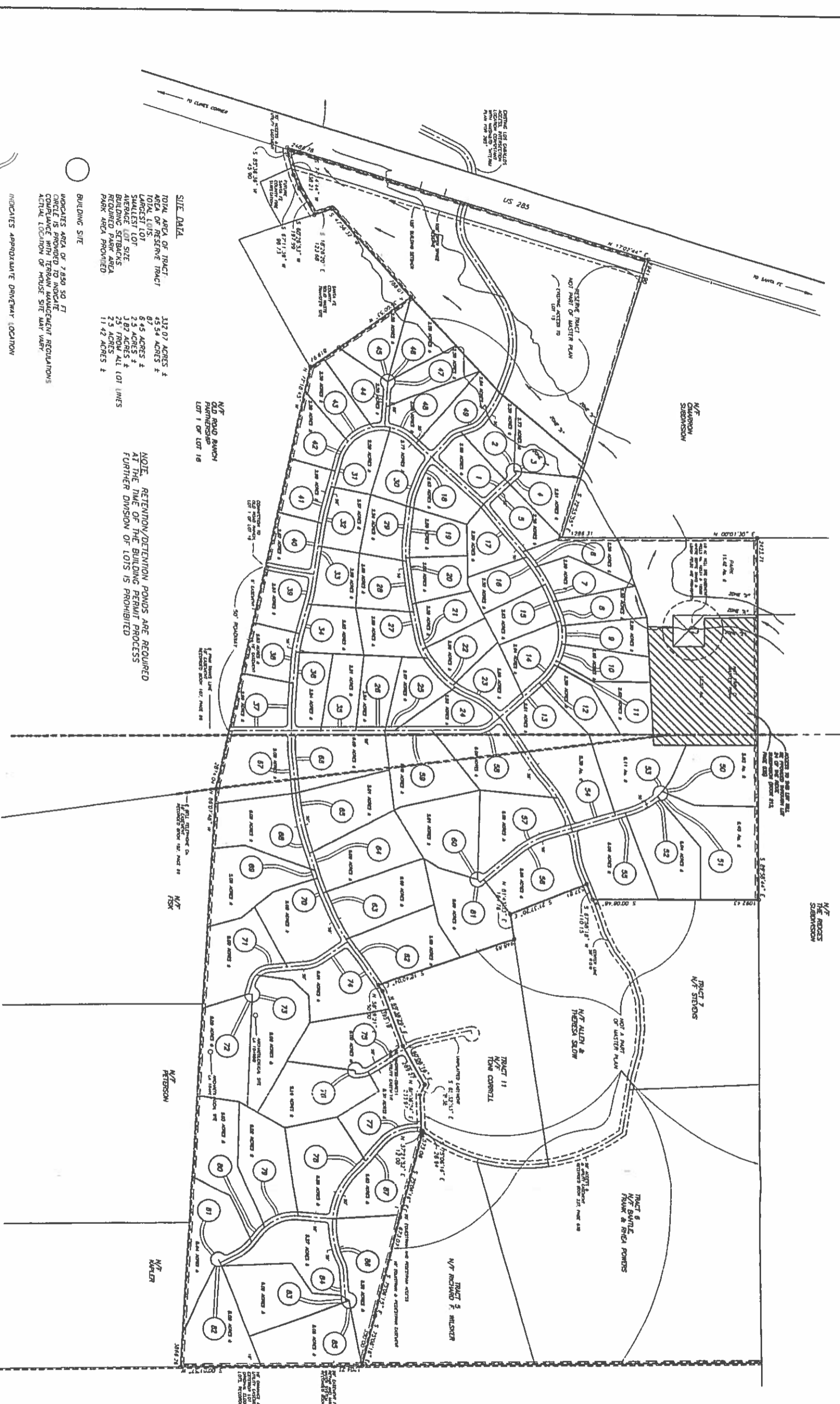
1139776

COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that the foregoing map and amendments were prepared by me or under my direct supervision and that I am a duly licensed and qualified professional person in the State of New Mexico.
My Commission Expires 12/31/03
My No. is 6239
JAMES W. SIEBERT
Professional Engineer
City of Santa Fe, Santa Fe, New Mexico



JAMES W. SIEBERT AND ASSOCIATES, INC. 915 WAGON STREET - SANTA FE NEW MEXICO 87501 (505) 844-3408	CIELO COLORADO ESTATES AMENDED MASTER PLAN COVER SHEET	SCALE 1" = 2000'	DATE OCT. 2000	SHEET 1 OF 9
--	---	---------------------	-------------------	-----------------------

06A-38



SITE DATA
 TOTAL AREA OF TRACT 133.07 ACRES ±
 AREA OF RESERVE TRACT 65.34 ACRES ±
 LARGEST LOT 6.45 ACRES ±
 SMALLEST LOT 2.5 ACRES ±
 AVERAGE LOT SIZE 3.87 ACRES ±
 BUILDING SETBACKS 25' FROM ALL LOT LINES
 REQUIRED PARK AREA 11.42 ACRES ±
 PARK AREA PROVIDED

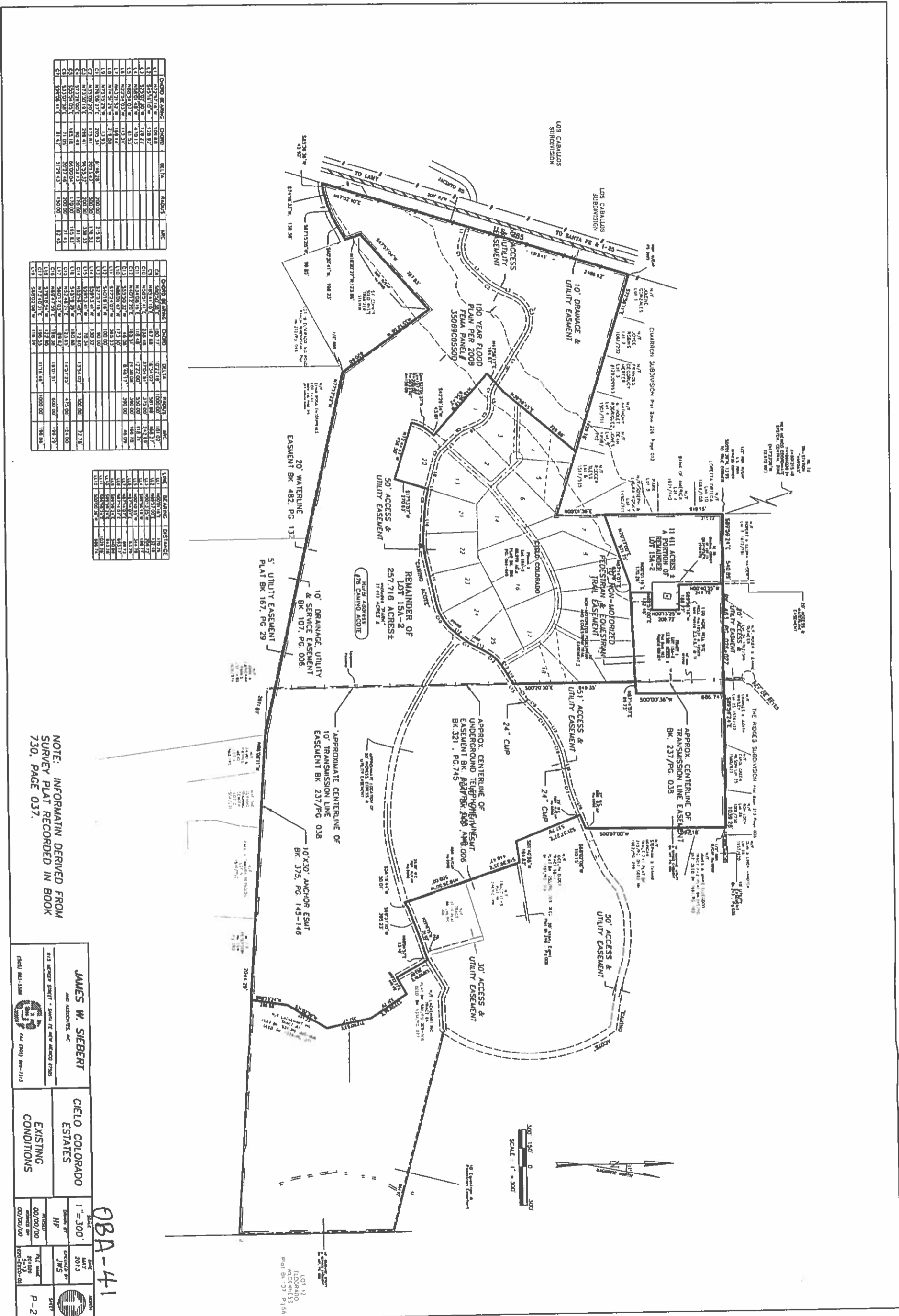
NOTE: RETENTION/DETENTION PONDS ARE REQUIRED AT THE TIME OF THE BUILDING PERMIT PROCESS FURTHER DIVISION OF LOTS IS PROHIBITED

INDICATES APPROXIMATE DRIVEWAY LOCATION

RECORDED JUNE 30, 1995
 BOOK 308, PAGE 043

JAMES W. SIEBERT AND ASSOCIATES, INC. 613 WENGER STREET - SUITE 17 - NEW HAVEN, CT 06511 (203) 861-1500 FAX (203) 899-2113		CIELO COLORADO ESTATES AMENDED MASTER DEVELOPMENT PLAN	
SCALE	DATE	SCALE	DATE
1" = 300'	JUNE 1994	1" = 300'	JUNE 1994
D.R.S./J.T.	CREATED BY	D.R.S./J.T.	CREATED BY
00/00/00		00/00/00	
10/13/00		06/106/NEW/	
		1080812	
		SHEET	
		6	
		OF	
		9	

OBA-39



CHORD BEARING	CHORD	DELTA	RADIUS	ARC
C1	N72°31'18" W	108.84	100.00	101.07
C2	S72°31'18" E	108.84	100.00	101.07
C3	S23°00'00" W	128.27	100.00	148.77
C4	N68°00'00" E	430.13	100.00	430.13
C5	N88°31'01" W	81.53	100.00	81.53
C6	N27°24'01" W	113.31	100.00	113.31
C7	N42°31'28" W	218.88	100.00	218.88
C8	N72°31'18" W	430.13	100.00	430.13
C9	N72°31'18" W	430.13	100.00	430.13
C10	N72°31'18" W	430.13	100.00	430.13
C11	N72°31'18" W	430.13	100.00	430.13
C12	N72°31'18" W	430.13	100.00	430.13
C13	N72°31'18" W	430.13	100.00	430.13
C14	N72°31'18" W	430.13	100.00	430.13
C15	N72°31'18" W	430.13	100.00	430.13
C16	N72°31'18" W	430.13	100.00	430.13
C17	N72°31'18" W	430.13	100.00	430.13
C18	N72°31'18" W	430.13	100.00	430.13
C19	N72°31'18" W	430.13	100.00	430.13
C20	N72°31'18" W	430.13	100.00	430.13
C21	N72°31'18" W	430.13	100.00	430.13
C22	N72°31'18" W	430.13	100.00	430.13
C23	N72°31'18" W	430.13	100.00	430.13
C24	N72°31'18" W	430.13	100.00	430.13
C25	N72°31'18" W	430.13	100.00	430.13
C26	N72°31'18" W	430.13	100.00	430.13
C27	N72°31'18" W	430.13	100.00	430.13
C28	N72°31'18" W	430.13	100.00	430.13
C29	N72°31'18" W	430.13	100.00	430.13
C30	N72°31'18" W	430.13	100.00	430.13
C31	N72°31'18" W	430.13	100.00	430.13
C32	N72°31'18" W	430.13	100.00	430.13
C33	N72°31'18" W	430.13	100.00	430.13
C34	N72°31'18" W	430.13	100.00	430.13
C35	N72°31'18" W	430.13	100.00	430.13

CHORD BEARING	CHORD	DELTA	RADIUS	ARC
C36	N72°31'18" W	108.84	100.00	101.07
C37	S72°31'18" E	108.84	100.00	101.07
C38	S23°00'00" W	128.27	100.00	148.77
C39	N68°00'00" E	430.13	100.00	430.13
C40	N88°31'01" W	81.53	100.00	81.53
C41	N27°24'01" W	113.31	100.00	113.31
C42	N42°31'28" W	218.88	100.00	218.88
C43	N72°31'18" W	430.13	100.00	430.13
C44	N72°31'18" W	430.13	100.00	430.13
C45	N72°31'18" W	430.13	100.00	430.13
C46	N72°31'18" W	430.13	100.00	430.13
C47	N72°31'18" W	430.13	100.00	430.13
C48	N72°31'18" W	430.13	100.00	430.13
C49	N72°31'18" W	430.13	100.00	430.13
C50	N72°31'18" W	430.13	100.00	430.13
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C68	N72°31'18" W	430.13	100.00	430.13
C69	N72°31'18" W	430.13	100.00	430.13
C70	N72°31'18" W	430.13	100.00	430.13
C71	N72°31'18" W	430.13	100.00	430.13
C72	N72°31'18" W	430.13	100.00	430.13
C73	N72°31'18" W	430.13	100.00	430.13
C74	N72°31'18" W	430.13	100.00	430.13
C75	N72°31'18" W	430.13	100.00	430.13
C76	N72°31'18" W	430.13	100.00	430.13
C77	N72°31'18" W	430.13	100.00	430.13
C78	N72°31'18" W	430.13	100.00	430.13
C79	N72°31'18" W	430.13	100.00	430.13
C80	N72°31'18" W	430.13	100.00	430.13

CHORD BEARING	CHORD	DELTA	RADIUS	ARC
C81	N72°31'18" W	108.84	100.00	101.07
C82	S72°31'18" E	108.84	100.00	101.07
C83	S23°00'00" W	128.27	100.00	148.77
C84	N68°00'00" E	430.13	100.00	430.13
C85	N88°31'01" W	81.53	100.00	81.53
C86	N27°24'01" W	113.31	100.00	113.31
C87	N42°31'28" W	218.88	100.00	218.88
C88	N72°31'18" W	430.13	100.00	430.13
C89	N72°31'18" W	430.13	100.00	430.13
C90	N72°31'18" W	430.13	100.00	430.13
C91	N72°31'18" W	430.13	100.00	430.13
C92	N72°31'18" W	430.13	100.00	430.13
C93	N72°31'18" W	430.13	100.00	430.13
C94	N72°31'18" W	430.13	100.00	430.13
C95	N72°31'18" W	430.13	100.00	430.13
C96	N72°31'18" W	430.13	100.00	430.13
C97	N72°31'18" W	430.13	100.00	430.13
C98	N72°31'18" W	430.13	100.00	430.13
C99	N72°31'18" W	430.13	100.00	430.13
C100	N72°31'18" W	430.13	100.00	430.13

NOTE: INFORMATION DERIVED FROM SURVEY PLAT RECORDED IN BOOK 730, PAGE 037.

JAMES W. SIEBERT
AND ASSOCIATES, INC.

CIELO COLORADO ESTATES

EXISTING CONDITIONS

DATE: 2013
DRAWN BY: JMS
CHECKED BY: JMS
SCALE: 1" = 300'

DATE: 00/00/00
DRAWN BY: JMS
CHECKED BY: JMS
SCALE: 1" = 300'

DATE: 00/00/00
DRAWN BY: JMS
CHECKED BY: JMS
SCALE: 1" = 300'

DATE: 00/00/00
DRAWN BY: JMS
CHECKED BY: JMS
SCALE: 1" = 300'

DATE: 00/00/00
DRAWN BY: JMS
CHECKED BY: JMS
SCALE: 1" = 300'

OBA-41

LOT 13
CIELO COLORADO
ESTATES
PLAT BK 107 P 156