Henry P. Roybal Commissioner, District 1

Miguel M. Chavez Commissioner, District 2

Robert A. Anaya Commissioner, District 3



Kathy Holian Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller County Manager

Date:

November 18, 2015

To:

**Board of County Commissioners** 

From:

Penny Ellis-Green, Growth Management Director

Robert Griego, Planning Manager 26

Via:

Katherine Miller, County Manager

Item:

ORDINANCE NO. 2015-\_\_\_\_, AN ORDINANCE ADOPTING THE ZONING

MAP OF SANTA FE COUNTY APPLICABLE TO LANDS TO WHICH THE SANTA FE COUNTY SUSTAINABLE LAND DEVELOPMENT CODE

APPLIES. (Robert Griego/Growth Management)

# SUMMARY:

This is the first public hearing for an Ordinance to adopt the zoning map for Santa Fe County applicable to lands which the Santa Fe County Sustainable Land Development Code (SLDC) applies.

#### BACKGROUND:

On October 27, 2015, the Board gave authorization to publish Title and General Summary of the above referenced ordinance and approved the 2015 Sustainable Growth Management Plan (SGMP) by Resolution 2015-155. The 2015 SGMP includes the Future Land Use Plan and Future Land Use Map that provides the basis for the zoning map. The Board also held the first public hearing on an ordinance to amend and restate, in its entirety, the Sustainable Land Development Code (SLDC) on November 10, 2015 and the second public hearing is scheduled for both the SLDC and Zoning Map on December 8, 2015. The SLDC will become effective on January 15, 2016 if the Board approves the ordinances to adopt the SLDC amendments and 2015 Zoning Map at the second Public Hearing for each which are scheduled for December 8, 2015.

The Zoning Map adoption process was initiated in March 2014 and has included significant public outreach, community meetings, and open office hours. The Board held six Special Meetings which discussed the March 2014 Zoning Map Draft. In 2014, staff received over 800 hundred public comments through the zoning map adoption process which were presented to the Board during the 2014 Board Special meetings regarding the zoning map.

Based on an analysis of the comments and zoning map criteria, staff presented recommendations for changes to the 2014 Zoning Map Draft. In October 2014, the BCC directed staff to prepare major reserved sections of the SLDC, including Overlay Community Districts for adoption at the same time as the zoning map, other SLDC amendments, and the Fee Ordinance for Board review in the fall of 2015.

The 2015 Zoning Map Adoption Draft includes revisions to the 2014 Draft Zoning Map based on a review of public comments, the incorporation of land use plans and proposed zoning from the updated 2015 community plans, correction of previous oversights, correction of data, zoning map criteria and the guiding policies and principles of the SGMP.

The Board also provided direction to include light industrial zoning as a zoning district at their meeting on October 13, 2015. The adoption draft of the 2015 Zoning Map Adoption Draft includes a new Industrial Light (IL) zoning district which has been incorporated into the 2015 SGMP and proposed SLDC amendments.

Major changes from the 2014 Zoning Map Adoption Draft are summarized below:

- 1. Community Districts: Incorporated 13 Community Districts based on 2015 Community Plan Updates;
- 2. Mixed Use Area: Amended 330 acre area along NM 599 and Camino La Tierra from Mixed Use to Residential Estate;
- 3. Planned Development Districts: Identified PDDs on the zoning map based on approved Master Plans and Zoning Map criteria;
- 4. Cuartelez Traditional Community: Changes for the Cuartelez area from Residential Estate to Traditional Community;
- 5. Turquoise Trail Environmental and Resource Protection Overlay Zone (TT O-ERP): Created the TT O-ERP which is delineated on the zoning map as an area consisting of 1,000 feet from the centerline on both sides NM 14 south of the Community College District and North of the San Marcos Community District;
- 6. Industrial Light (IL): Created specific areas for IL. The areas identified as IL were previously identified as Industrial General. This includes the industrial area on NM 14, areas adjacent to the National Guard, areas adjacent to Mixed Use in the Airport Development District, and areas along US 84/285;
- 7. Public/Institutional (PI): Added properties to PI Zoning District in accordance with zoning map criteria.
- 8. Additional Changes: Additional changes were made based on public comments and staff analysis in accordance with approved zoning map criteria;
- 9. Density Changes: Additional requests were made during the 2014 zoning map adoption process to increase or density for specific areas from property owners throughout the County.

The 2015 SGMP and proposed SLDC amendments include a Density Bonus section which will allow increased densities in accordance with procedures which include clustered development and open space preservation. Additionally, increased densities can be achieved in the Mixed Use Districts, Planned Development Districts and areas identified as receiving areas through the use of Transfer of Development Rights proposed in 2015 SLDC Amendments.

After authorization by the Board to publish Title and General Summary of the 2015 Zoning Map Adoption Draft on October 27<sup>th</sup>, a letter and a copy of the proposed zoning map was sent to all property owners in Santa Fe County with notification of the proposed zoning in accordance with State Statute. The Interactive 2015 Zoning Map Adoption Draft was posted on the County's website which includes the proposed zoning for every property in the County based on property tax ID or property owner name. The letter to property owners included the date, time and location of the Public Hearings for the adoption of the 2015 Zoning Map. The letter also included the County website address where the public can access the interactive zoning map, the 2015 SLDC amendments, and can provide public comments online. As of November 13, 2015, staff has received approximately 30 comments on the 2015 Zoning Map Adoption Draft which are included in this packet as Exhibit B. Staff has provided a preliminary review and recommendations on the public comments received to date which are included in the public comments database.

The proposed Industrial Light zoning for the area along NM 14 has been identified as a concern that was raised during the SLDC Public Hearing on November 10, 2015. The area had previously been identified as Industrial during the 2014 zoning map adoption process. During the current process, the area has been designated as Industrial Light along with the Turquoise Trail Environmental and Resource Protection Overlay (TT OERP). Staff has met with the property owner for this area and their representative in regard to the concerns from the community for industrial zoning. The property owner indicated that they have met with representatives from the adjacent communities and have proposed a change to the zoning along NM 14 from Industrial Light to Mixed Use and proposes changing the Mixed Use area one mile west to be light industrial area which is adjacent to the Industrial Light area just south of the NM National Guard armory. This would address concerns related to visual impacts from industrial uses along NM 14 and Turquoise Trail Scenic Byway. Staff has reviewed this request and supports the proposed changes as outlined in the staff recommendations outlined in the Public Comments Database included as Exhibit C.

# **ACTION REQUESTED:**

This is the first of two Public Hearings. No action is requested.

## **ATTACHMENTS:**

Exhibit A: ORDINANCE NO. 2015-\_\_\_\_, AN ORDINANCE ADOPTING THE ZONING

MAP OF SANTA FE COUNTY APPLICABLE TO LANDS TO WHICH THE SANTA FE COUNTY SUSTAINABLE LAND DEVELOPMENT CODE

APPLIES.

Exhibit B: 2015 Zoning Map Adoption Draft.

Exhibit C: Public Comment Database with Staff Analysis and Recommendations.

Exhibit D: Public Comments



# THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

ORDINANCE NO. 2015-		

AN ORDINANCE ADOPTING THE ZONING MAP OF SANTA FE COUNTY APPLICABLE TO LANDS TO WHICH THE SANTA FE COUNTY SUSTAINABLE LAND DEVELOPMENT CODE APPLIES

# BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY:

- 1. The Zoning Map attached hereto as Exhibit A is hereby enacted and adopted as the Zoning Map of Santa Fe County.
- All property to which the Santa Fe County Sustainable Land Development Code
   (SLDC) applies is hereby zoned as shown on the Zoning Map and as otherwise set forth in the
   SLDC.
- 3. The Zoning Map hereby enacted and adopted is the zoning map referenced in the SLDC.
- 4. This Ordinance shall become effective 30 days after it is recorded with the County Clerk.

PASSED, APPROVED, AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_\_, 2015, by the Board of County Commissioners of Santa Fe County.

# THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By:

ROBERT A. ANAYA, Chair

ATTEST:

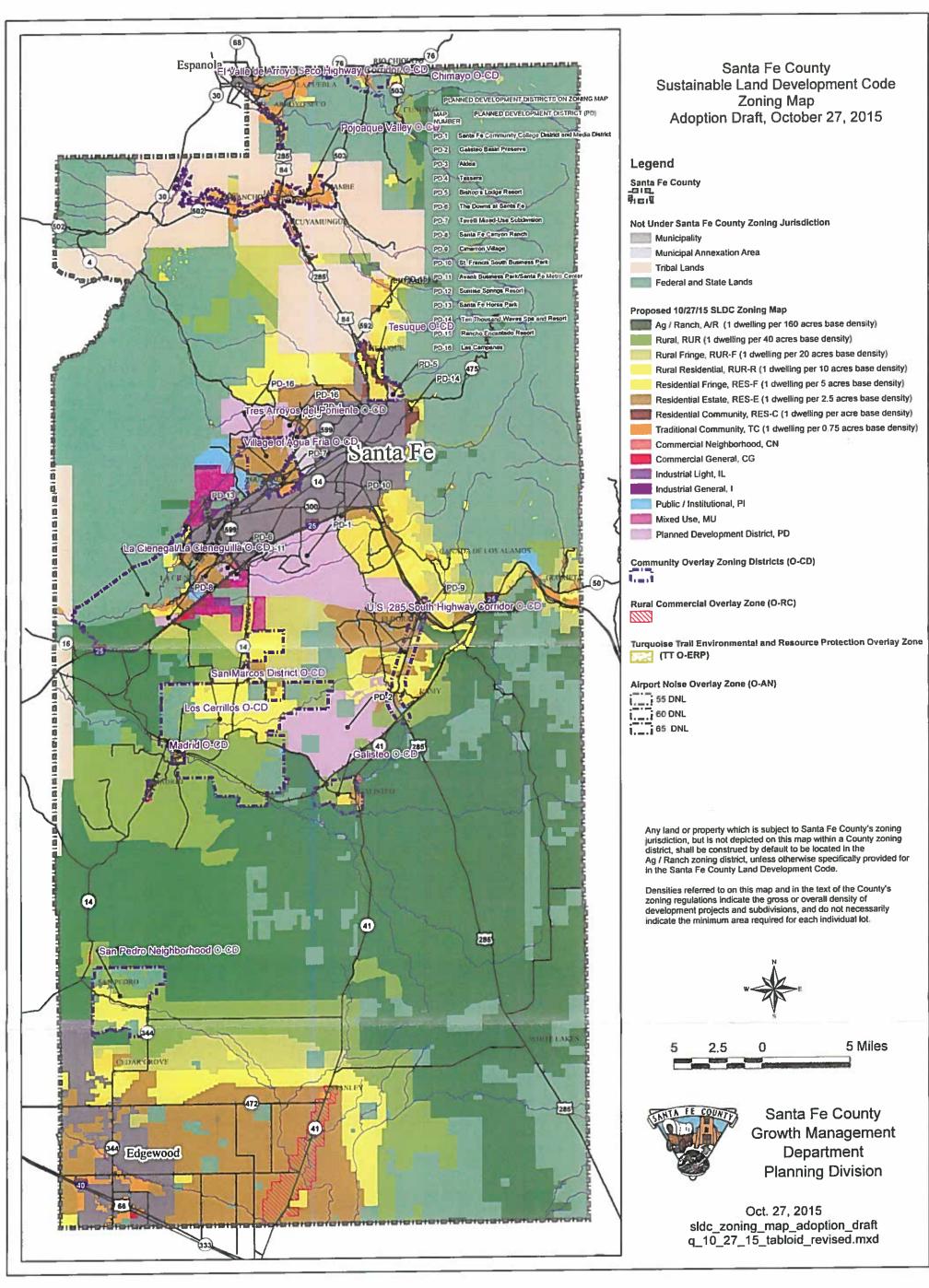
GERALDINE SALAZAR, County Clerk

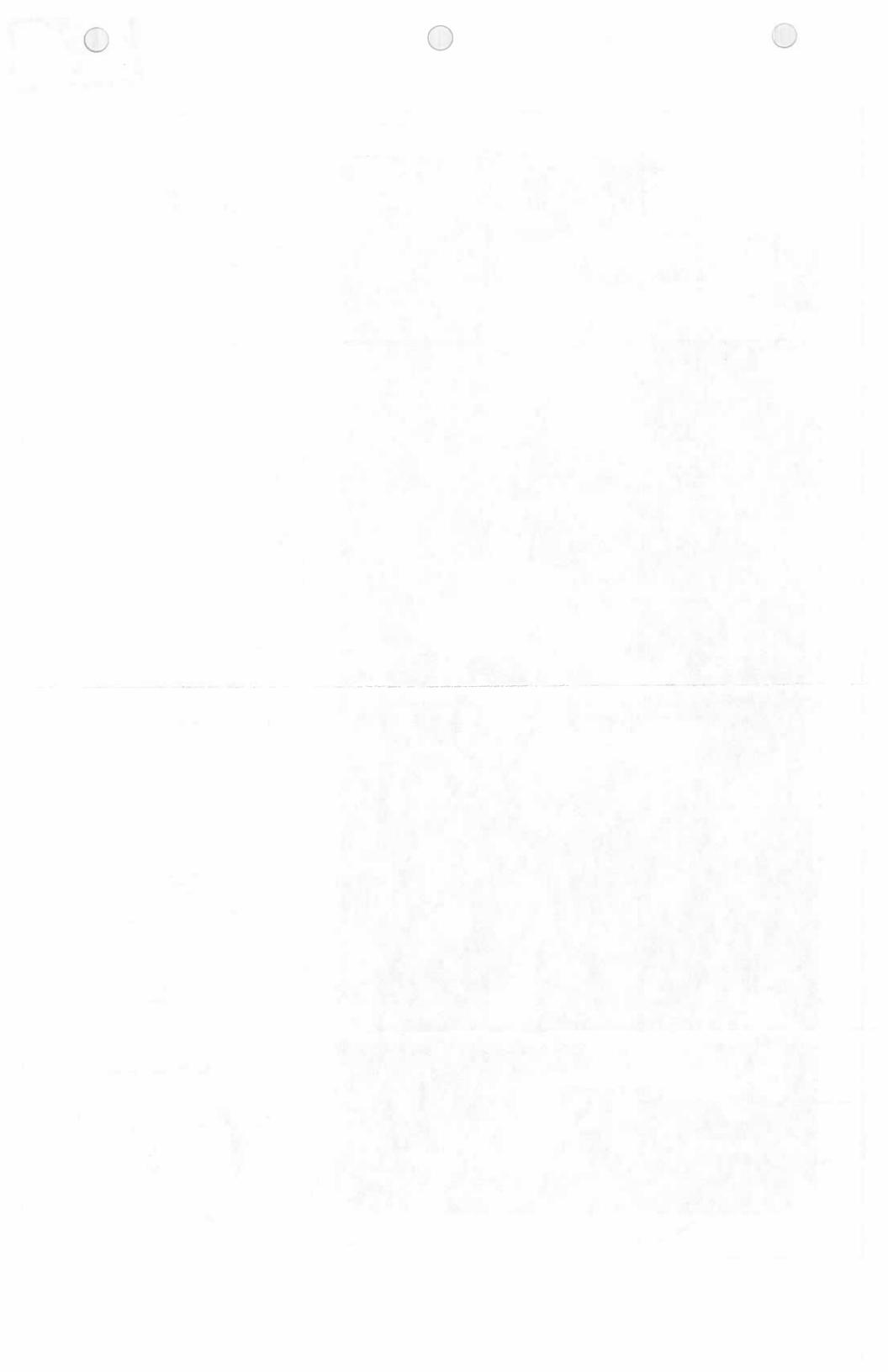
APPROVED AS TO FORM:

GREGORY S. SHAFFER, County Attorney

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consists primarily of parcels of 20- to 160-acre conservation. Recommendation: No Change or larger size, and generally has poor road access. This area is located within a highly significant habitat area and is identified as "Ag/Ranch" on the SGMP Future Land Use This is a remote area (Glorieta Mesa) that Map. Density bonus section would allow increased density with 75% open space Summary Analysis and Sta Request to change from Ag/Ranch to Rural. Most parcels in the area would like to be able to create 40 Requesting to change from Rural are smaller and property owner Residential Fringe because the Fringe to Rural Residential or parcels are in the same area. Comment Summary acre parcels. Last Name Zuschlag Green Harold and Penny First Name Barry 970000100; 970000101; and 950003024. Lots requesting Lots owned: 910015743; 970000497; 970000498; 910015742; 970000103; 970000496; 970000495; change on: 970000496. 910004600. Lots sold: 910004599; 99000328 Property 2

those that are proposed are not advised due Alamos traditional community, based on the to the groundwater availability limitations in The zoning of the area is question reflects a particular zoned area. Densities higher than this area. Recommendation: No change. average existing parcel size within each southeastward from the Canada de Los ogical progression of densities going

consists primarily of parcels of 20- to 160-acre conservation. Recommendation: No Change access. This area is located within a highly significant habitat area and is identified as "Ag/Ranch" on the SGMP Future Land Use or larger size, and generally has poor road This is a remote area (Glorieta Mesa) that Map. Density bonus section would allow increased density with 75% open space

zoning in the surrounding parcels.

parcel is not consistent with the Ag/Ranch to Rural because the

Requesting to change from

Holloman

John

970000495, 970000497,

970000498.

910004179

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Page 1 of 17

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Propert

First Name

Last Name

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Summary

Summary Analysis and Staff Recomme

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endation		e Eldorado all gross 1 (1 ides the areas that ent.
Summary Analysis and Staff Recu	No change requested.	The proposed "RES-E" zoning in the Eldorado development corresponds to overall gross density of the Eldorado subdivision (1 dwelling per 2.5 acres), which includes the roads, open space, and wilderness areas that are part of the Eldorado development.  Recommendation: No change.
ment Summary	Website is not user friendly.	All of Eldorado is zoned 1.75 acres, how is the zoning designation justified for Residential Estate?
Last Name		Rudnick
First Name		Steven
ID Pr ty	7 General Comment	3 126000619
=	7	∞

Recommendation: No change.

Summary Analysis and Staff Rec	The property identified is within the Agua Fria Community District. Recommendation: No change.	No Change requested.	The proposed "RES-E" zoning in the Eldorado development corresponds to overall gross density of the Eldorado subdivision (1 dwelling per 2.5 acres), which includes the roads, open space, and wilderness areas that are part of the Eldorado development. Recommendation: No change.
Iment Summary	Is this parcel in the Village of Agua Fria? What is the zoning designation?	I would like to know how my parcels of land are zoned . I could not tell by the map you submitted to me.	It looks to me as if all of Eldorado has been put into a 2.5 acres residential zone [Residential Estate] which is kind of interesting since all 2800 of us are on about 1.5 acres average and the covenants call for 1 acre.  There are platted properties of about 1.5 acres that are undeveloped but for sale on my street.  Please explain what this means.
Last Name	Paris	Borland	Rudnick
First Name	Patricia	Dolores	Steven
ID P( ty	11 54048640	12 239207572	13 Eldorado

ID Propert

First Name

Last Name

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Summary

Summary Analysis and Staff Recomme

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	endation	This is subdivided area south of Rio Chiquito, where the lots are generally in the 6- to 12-acre range, with an average lot size of 9.65 acres. The parcels in question are 8.4 and 5.75 acres, respectively. This area is in SDA-3 and is not served by a water system and proposed zoning is in accordance with zoning map criteria. Recommendation: No change.	The "Commercial Neighborhood" zoning on these two parcels reflects the master plan that was approved for the "Placita de la Tierra" project in 1997, which allows for the development of a neighborhood commercial center. The northern 8.7-acre parcel has already been developed for an office.  Recommendation: No change.
9	Recu	th of Rio y in the e lot size on are 8 sa is in S em and p h zoning : No cha	hood" z he mast 'Placita i ich allow hood co cre parc r an offic
	and Staff	area sou generall o averagi n questi This are ter syste ance wit ndation	leighbor eflects t for the ' 997, whi neighbor irn 8.7-a oped fol No chai
	Summary Analysis and Staff Rec.	This is subdivided area south of Rio Chiq where the lots are generally in the 6- to acre range, with an average lot size of 9. acres. The parcels in question are 8.4 an acres, respectively. This area is in SDA-3 not served by a water system and proposoning is in accordance with zoning map criteria. Recommendation: No change.	The "Commercial Neighborhood" zoning of these two parcels reflects the master plan that was approved for the "Placita de la Tierra" project in 1997, which allows for the development of a neighborhood commercenter. The northern 8.7-acre parcel has already been developed for an office.  Recommendation: No change.
	nmary A	is is subviere the rereange res. The res, resp t served ning is ir teria. Reteria. Reteria.	e "Comrese two at was al at was al arra" provelopmenter. The eady be commen
	Sur	wt wt ac ac ac ac cri	
		a sidential nity. n Rural l Estate.	Requesting a change from CN-Commercial Neighborhood to RES-E-Residential Estate for 218 Camino La Tierra and Town Center at Las Campanas. Unhappy that Public Hearing (1st) is scheduled during holiday week Concerned public comments are being ignored.
	ıarÿ	Surrounding parcels are a combination of Rural Residential and Residential Community. Requesting a change from Rural Residential to Residential Estate.	Requesting a change from CN-Commercial Neighborhood to RE E-Residential Estate for 218 Camino La Tierra and Town Cent at Las Campanas. Unhappy that Public Hearing (1st scheduled during holiday week Concerned public comments are being ignored.
	ıment Summary	iding par ation of idential ing a ch tial to Re	Requesting a char Commercial Neigl E - Residential Est Camino La Tierra at Las Campanas. Unhappy that Pul scheduled during Concerned public being ignored.
(	Ime	Surroun combin and Res Reguest Residen	Requesting a c Commercial N E - Residential Camino La Tie at Las Campan Unhappy that scheduled dur Scheduled dur Concerned pul
	Last Name	Archuleta	08
	Last	Arch	Hidalgo
			nd Maria
	First Name	Victor	Steven and Maria
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		D 18498	A TIERRA : TOWN CAPAN/ nber:
	ty	186009084 AND 184981222	218 CAMINO LA TIERRA (Tax Parcel Number: 910017463) & TOWN CENTER AT LAS CAPANAS (Tax Parcel Number: 990003334)
	ď	18600	218 CAMIN Parcel Num 910017463 CENTER AT (Tax Parcel 990003334)
	<u>Q</u>	17	18

no

Summary Analysis and Staff Recc	This property is within the La Cienega and La Cienguilla Plan District. The property does not have zoning and this request was addressed through the planning process. The decision was made not to designate the subject parcel for commercial use at this time, although it was noted by the planning committee that the property owner still has the option of submitting a rezoning request for commercial neighborhood zoning. Recommendation: No change.	
ment Summary	Request for a change from Residential Estate to Commercial Neighborhood.	
Last Name	Tillman	
First Name	Robert	
ID P <sub>1</sub> ty	21 910011414	

The parcel at 50 Pinon Jay Trail has follows Pinon Jay Trail towards the the other two lots) and the upper body is Residential Estate (as are two zones - the main pie shaped portion which is a "tongue" that Janice B and Gary S Heikenen (950000307) Pinon Jay Trail, 36 ((950000308), 48 (26008680) and 50

22

This property is divided into two zoning districts Res-E and Res-F. The area is located in SDA-2 and the entire parcel in question contains 3.6 acres. Based on this information and since only a limited area is involved, it is recommended that the northern 1.15 +/- acres of this parcel be changed to include the entire parcel into "Residential Estate". Recommendation: Change the portion of Parcel 950000307 (1.15 +/- acres) from "Residential Fringe" to "Residential Estate".

comments. We are out of state and

at your earliest convenience. Cell is

906-370-6568 for clarification of

advise us of your decision by email

zoned Residential Estate instead of

splitting it into two zones. Please

end is listed as Residential Fringe.

We'd like the entire parcel to be

we hope to build in the near future.

meet with you in person. However,

unable to attend the meetings, or

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Propert

First Name

Last Name

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Summary

Summary Analysis and Staff Recomme

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	Complete out of the control of the c	Charles of Control Commission Com	CALL IN THE PARTY OF THE PARTY	The second secon		1
0	ID Pt. ty	First Name	Last Name	ment Summary	Summary Analysis and Staff Recc. endation	uc
Ly.	25 Light Industrial along Hwy 14 Walter San Mar Associat and oth	Walter San Marcos Association, and others	Wait	Request for a change from Light industrial to Rural Fringe.	Property identified in this area is identified in the SGMP as Industrial Light. Staff has met with the property owners who have. Representatives regarding the proposed zoning. Reviewing a proposal from the property owner Recommendation: Move Industrial Light from State Road 14 one mile west to be immediately south of the existing proposed light industrial area adjacent to NM National Guard armory. This would address concerns related to visual impacts from industrial uses along SR 14 and Turquoise Trail Scenic Byway.	a s ⊠ s a ii
					2	
26	910004509	Cathie	Winger	Request to change the proposed zoning from Residential Estate to Residential Fringe to reflect existing	This property, commonly known as "Rancho Verano", consists of 205 acres, and is located in the Eldorado Water and Sanitation District,	o B ti

This property, commonly known as "Rancho Verano", consists of 205 acres, and is located in the Eldorado Water and Sanitation District, about a half-mile south of Eldorado. There are existing covenants in place that would restrict development. A master plan for forty one 5-acre lots was approved in 1996 for the property in question, although a plat was never recorded subsequent to this master plan approval (which has since expired). Considering the previously-approved master plan and the deed restrictions in place, it is recommended that the 205-acre parcel in question be placed in the "Rural Fringe" zoning district. Recommendation: Change to Residential Fringe.

covenants.

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First Name

Last Name

Com

Summary

Summary Analysis and Staff Recomme

on

Requesting a change from RUR-R [Rural Residential] to RES-F [Residential Fringe].

This area is in the San Marcos District proposed as "Rural Residential" zoning district. The San Marcos District Community Plan analyzed development patterns as a whole within San Marcos and within the individual neighborhoods. Any revisions to the proposed zoning map should be done pursuant to revisions to the San Marcos District Community Plan. Recommendation: No Change.

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910004343 (Rounsville) (also William A spelled Rounseville) 960001291 (Henson) 960001293 (Little Bluestem, LLC) 54063744 (Little Bluestem, LLC)

Requesting a change from Residential Estate (2.5 acres per DU) to Rural Residential (10 acres per DU).

Eklund

Change the parcels that lie along the northern subdivision which lies to the north and to the to the east, and the "Rural Residential" areas west. Therefore, it is recommended that the groundwater availability in this area and the 'Residential Estate" (1 du/2.5 acres) that lies Estate" zoning district (a depth of about one-Estate" zoning district (a depth of about oneto the west, which have been developed for and western boundaries of the "Residential Fringe" (1 du/5 acres). Recommendation: This area is identified as Residential Estate. Fringe" (1 du/5 acres). The 114-acre parcel that lies in the southwestern corner of this need to provide a transition between the area would remain "Residential Estate" (1 quarter mile) be changed to "Residential quarter mile) be changed to "Residential There is some concern with long-range western boundaries of the "Residential parcels that lie along the northern and 10- to 15-acre lots in the "La Tierra"

Summary Analysis and Staff Recc. lendation	This area is located in SDA-2 and is in the current Homestead hydrologic zone. This area contains substantial steep slope areas which create a significant constraint with respect to further subdivision. The average lot size for this area is about 5 acres. The Homestead hydrologic zone generally cannot support densities of greater than 1 dwelling per 40 acres on local groundwater. Recommendation: No change.		
ment Summary	Requesting a change from RES-F (5 acres) to RES-E (2.5 acres).	Requesting a change from Residential Estate to Rural Residential for large parcels east of La Tierra and Paseo La Tierra because of the hydrology in the area.	Requesting a change from Rural Estate to Rural Residential for the parcel north of his parcel. Please see attached comment.
Last Name	Quintana	Nelson	Wehner
First Name	Gerard U.	eo La Tierra David	Thomas
ID PL ty	32 99303038	33 La Tierra and Paseo La Tierra	34 910004343

Page 15 of 17

Summary Analysis and Staff Reccnendation	
nment Summary	Requesting a change from Rural Estate to Rural Residential. Please see attached comment.
Last Name	Wehner
first Name	38 960018106 and 910001476 Thomas
<u>а</u>	38 960



Santa Fe County

To:

Amy M. Rincon

Subject:

Public Comments Form Submission

Date:

Friday, October 30, 2015 8:44:33 AM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

#### Comments

Most of the parcels in the subject area are smaller than the zoning shown on the zoning map except for lands belonging to the parks or forest service. The property owner would like to have the opportunity to at least have the ability to create 40 acre parcels like those who own property within the surrounding area.

Parcel ID (You can find the parcel ID on the letter you received) 99000328

Property Owner (First Name) Harold and Penny

Property Owner (Last Name) Zuschlag

Physical Address of Property 262 Soaring Hawk Trail

Zoning Classification on Adoption Draft Zoning Map A/R - Agriculture/Ranching

Requested Zoning Classification RUR - Rural

Santa Fe County

To:

Amy M. Rincon

Subject: Date:

Public Comments Form Submission Friday, October 30, 2015 12:15:57 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

#### Comments

In 1993, i purchased 3 lots located next to each other. I sold 1 40 acre lot and then divided the adjoining 80 acre lot into 5 parcels. I still own 2 of those parcels, but one was also divided. I also divided the remaining 40 acre lot. So i now own 5 lots that are next to each other.

The current zoning proposal for lot sizes assigns 5 acre minimum lots to the 40 acre lot i sold, 10 acre minimum lots to the original 80 acre lot i owned, of which i now own 3 lots, and 20 acre minimum lots to the last 40 acre lot i still

I do not understand why all of these lots that I own or once owned, and that are all next to each other, should have 3 different minimum lot sizes. I therefore request that the minimum lot size for all these lots be 10 acres so that they are all treated the same.

The lots I still own have parcel IDs: 910015743 (B-4A); 910015742 (B-4B); 970000103 (B-5); 910004599 (C-1); 910004600 (C-2).

The lots I sold are: 970000496; 970000495; 970000497; 970000498; 970000100; 970000101; and 950003024.

Alternatively, i would like my properties reclassified as Residential Fringe, the same as 970000496; 970000495; 970000497; and 970000498.

Parcel ID (You can find the parcel ID on the letter you received) 910004599

Property Owner (First Name) Barry

Property Owner (Last Name) Green

Physical Address of Property 45 CAMINO RANCHO VERDE, SANTA FE

Zoning Classification on Adoption Draft Zoning Map RUR-F - Rural Fringe

Requested Zoning Classification RUR-R - Rural Residential

#### Additional Comments

This request for change also includes my property, parcel ID 910004600 (C-2), which i request be reclassified to Rural Residential or Residential Fringe (as per comments above).

Santa Fe County

To:

Amy M. Rincon

Subject:

Public Comments Form Submission

Date:

Friday, October 30, 2015 11:50:22 AM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

#### Comments

Zoning shown on zoning map is not consistent with surrounding parcels in the area, all other parcels range in size from 10-40 acres. Only a couple of lots owned by a private entity consist of 160 acres. All other land in the area is owned by the Parks or Forest service. The proposed zoning shown on the map would make all of the surrounding properties legal non-conforming.

Parcel ID (You can find the parcel ID on the letter you received) 910004179

Property Owner (First Name) John

Property Owner (Last Name) Holloman

Physical Address of Property unassigned

Zoning Classification on Adoption Draft Zoning Map A/R - Agriculture/Ranching

Requested Zoning Classification RUR - Rurai

From: To:

Santa Fe County Amy M. Rincon

Subject:

**Public Comments Form Submission** 

Date:

Saturday, October 31, 2015 4:45:29 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

#### Comments

The deed requires 5 acres and no subdivision permitted. Which takes precedent, the deed or the zoning?

Parcel ID (You can find the parcel ID on the letter you received) 99207233

Property Owner (First Name) Willam G and Linda M

Property Owner (Last Name) Auton

Physical Address of Property 99A State Road 472, Edgewood, NM

Zoning Classification on Adoption Draft Zoning Map RES-E- Residential Estate

Requested Zoning Classification RES-F - Residential Fringe

#### **Additional Comments**

This would include all parcels owned by this family, 970000707 and 970000708. All property within the area are 5 acre lots.

Santa Fe County

To:

Amy M. Rincon

Subject:

Public Comments Form Submission

Date:

Saturday, October 31, 2015 4:50:06 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type General Area

Comments

All property along State Road 472 are minimum 5 acre lots. The deeds on at least 5 of them require 5 acres.

Parcel ID (You can find the parcel ID on the letter you received) 970000707

Property Owner (First Name) William G & Linda M

Property Owner (Last Name) Auton

Physical Address of Property 0 Edgewood

Zoning Classification on Adoption Draft Zoning Map RES-E- Residential Estate

Requested Zoning Classification RES-F - Residential Fringe

Santa Fe County

To: Subject: Amy M. Rincon

Date:

Public Comments Form Submission Saturday, October 31, 2015 4:51:39 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type General Area

Comments

Parcels are deeded as 5 acre lots and no subdivision permitted.

Parcel ID (You can find the parcel ID on the letter you received) 970000708

Property Owner (First Name) William G & Linda M

Property Owner (Last Name) Auton

Physical Address of Property 0 Edgewood

Zoning Classification on Adoption Draft Zoning Map RES-E- Residential Estate

Requested Zoning Classification RES-F - Residential Fringe

Santa Fe County

To:

Amy M. Rincon

Subject:

Public Comments Form Submission

Date:

Saturday, October 31, 2015 10:17:09 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type General Area

Comments

Typical computer programers.

They don't have the slightest idea how to make a website \"user friendly\"

Parcel ID (You can find the parcel ID on the letter you received) (No value)

Property Owner (First Name) (No value)

Property Owner (Last Name) (No value)

Physical Address of Property (No value)

Zoning Classification on Adoption Draft Zoning Map (No value)

Requested Zoning Classification (No value)

Santa Fe County

To:

Amy M. Rincon

Subject: Date:

**Public Comments Form Submission** Saturday, October 31, 2015 8:27:40 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type General Area

#### Comments

You show my property in 2.5 acres zoning area. It is a parcel of 1,7 acres. Please explain

Parcel ID (You can find the parcel ID on the letter you received) 126000619

Property Owner (First Name)

Steven

Property Owner (Last Name)

Rudnick

Physical Address of Property

59 Condesa Rd

Zoning Classification on Adoption Draft Zoning Map

RES-E- Residential Estate

Requested Zoning Classification

(No value)

Additional Comments

Please explain before I make a request. All of Eldorado is zoned 1,75 acres essentially. Hoe do you justify this zoning decision?

From: To: Santa Fe County Arny M. Rincon

Subject:

Public Comments Form Submission

Date:

Saturday, October 31, 2015 4:53:03 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

#### Comments

I live on lot 99305416. Across HWY 285 is parcel 99305 416. The color code is a red but the parcel description on page 2 calls for residential. Exactly what is the zoning calling for? The color code on the map is commercial general. If it is commercial, I am against it. This is all residential area, there is enough commercial off of Vista Grande. Can my property be commercial as well then?

Parcel ID (You can find the parcel ID on the letter you received) 129205633

Property Owner (First Name) Dan and Cyndi

Property Owner (Last Name) Korzec

Physical Address of Property 11 Old Rd. South

Zoning Classification on Adoption Draft Zoning Map RUR-R - Rural Residential

Requested Zoning Classification CG - Commercial General

### **Additional Comments**

What is good for one should be good for the other. Why not make them both residential.

Santa Fe County

To: Subject: Amy M. Rincon

Date:

Public Comments Form Submission Sunday, November 01, 2015 1:02:01 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type General Area

#### Comments

I am writing to protest the latest issued draft zoning proposals under the new Land Development Code, which would significantly lower the value of my property by defacing the neighborhood.

The previous draft zoning map proposed spot zoning for \"mixed use\" on an adjacent 44 acres property. This issue came-up before, as the real intent of the proposed zoning (combined with loopholes allowed in the Code) is to develop a shopping center and to install a gas station, under the cover of being initially permitted for a senior housing development.

At the County hearings of May 28, 2014, Mr. Robert Griego concluded his opening presentation by mentioning that the County staff recommended that the zoning \"mixed use\" for the 44 acres be reverted to the same as the surrounding areas. At the end of the meeting, however, a developer, Scott Hoeft, Partner, Santa Fe Planning Group, INC., stated that he would pursue the matter with the County staff to get the senior housing development permitted under other rules in the Code.

The new proposal (October 28, 2015) is even worse, as the spot zoning is now Commercial.

I am dismayed that in spite of my previous correspondence and visits to the County Planning Office, I have neither been consulted nor given any reply. I would appreciate knowing the rationale for the above zoning. Spot zoning favors the private interests of specific land owners, and is detrimental to the public good. This is why spot zoning is specifically mentioned in the County\'s Sustainable Land Development Plan as a practice to be

avoided.

François-Marie Patorni / 505-984-9125 / fmpatorni@earthlink.net

Parcel ID (You can find the parcel ID on the letter you received) 58601312

Property Owner (First Name) François-Marie

Property Owner (Last Name) Patorni

Physical Address of Property 28 Arroyo Calabasas

Zoning Classification on Adoption Draft Zoning Map (No value)

Requested Zoning Classification (No value)

Santa Fe County

To: Subject: Amv.M. Rincon

**Public Comments Form Submission** 

Date:

Sunday, November 01, 2015 2:22:15 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

#### Comments

I was under the impression that several years ago we (including 3872 Quail View Lane), were officially designated part of Agua Fria Village - we are at 3872 West Alameda Property Parcel ID #54048640.

When I enter my name, address and PPID# I get no information at all -

It appears to me that my property is becoming part of the City of Santa Fe?

Please advise and what this means if so, regarding taxes etc.

Thank you, Patricia Paris 474-7733

60

Parcel ID (You can find the parcel ID on the letter you received) 54048640

Property Owner (First Name) **PATRICIA** 

Property Owner (Last Name) **PARIS** 

Physical Address of Property 3872 WEST ALAMEDA

Zoning Classification on Adoption Draft Zoning Map (No value)

Requested Zoning Classification TC - Traditional Community

#### Additional Comments

I cannot tell from the mailed zoning map what we have been designated. Could also be RES-E. Looks like it is Municipality - colors are not distinct enough - however that is not listed in the Zoning Classification on Adoption Draft Zoning Map selections above as a choice... What is it????

From: To: Santa Fe County Amy M. Rincon

Subject: Date: Public Comments Form Submission Sunday, November 01, 2015 4:26:30 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

#### Comments

I would like to know how my parcels of land are zoned . I could not tell by the map you submitted to me.

Parcel ID (You can find the parcel ID on the letter you received) 239207572

Property Owner (First Name) Dolores

Property Owner (Last Name) Borland

Physical Address of Property 179 Avenida Ponderosa

Zoning Classification on Adoption Draft Zoning Map (No value)

Requested Zoning Classification (No value)

Additional Comments (No value)

From: To: Robert Griego Amy M. Rincon

Subject:

FW: zoning

Date:

Monday, November 02, 2015 8:12:21 AM

Please add to comments databse.

From: Liz Stefanics

Sent: Saturday, October 31, 2015 10:05 PM To: Robert Griego; Penny Ellis-Green; Vicki Lucero

Subject: Fwd: zoning

Thanks, Liz 505.699 4808 Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Steven Rudnick < Steven.Rudnick@umb.edu>

Date: 10/31/2015 8:47 PM (GMT-07:00)

To: Liz Stefanics < Istefanics @santafecountynm.gov >

Subject: zoning

Liz,

It looks to me as if all of Eldorado has been put into a 2.5 acres residential zone which is kind of interesting since all 2800 of us are on about 1.5 acres average and the covenants call for 1 acre.

There are platted properties of about 1.5 acres that are undeveloped but for sale on my street. Please explain what this means.

Steve

Steven Rudnick, Ph.D. Environmental Scientist

Santa Fe County

To: Subject: Amv M. Rincon

Date:

SLDC Public Comments Form Submission Monday, November 02, 2015 1:14:50 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

#### Comments

This property received master plan, preliminary and final development plan for the storage and sale of landscape materials. The proposed commercial neighborhood zoning would limit the uses of the prior approval. The property owner is requesting a PDD in order to have the ability to amend his existing plan to include uses within the PDD designation that are not allowed in the Commercial neighborhood district.

Parcel ID (You can find the parcel ID on the letter you received) 53981891

Property Owner (First Name) Albert

Property Owner (Last Name) Montano

Physical Address of Property 4519 Agua Fria Street

Email address: (No value)

Zoning Classification on Adoption Draft Zoning Map CN - Commercial Neighborhood

Requested Zoning Classification PDD - Planned Development District

Additional Comments (No value)

Santa Fe County

To:

Amv M. Rincon

Subject:

SLDC Public Comments Form Submission

Date:

Tuesday, November 03, 2015 7:56:13 AM

Comment on SLDC Comment, Zoning Map or Fee Ordinance **Zoning Map Comment** 

Comment Type Specific Parcel

#### Comments

The property owner would like to be able to have two dwelling units on his 19.5 acres of land. The zoning for the area is 10 acres per dwelling unit and being a half acre shy a second dwelling with that much property seems unreasonable.

Parcel ID (You can find the parcel ID on the letter you received) 940001522

Property Owner (First Name) Edmund

Property Owner (Last Name)

Physical Address of Property (No value)

Email address: (No value)

Zoning Classification on Adoption Draft Zoning Map (No value)

Requested Zoning Classification (No value)

**Additional Comments** (No value)

Santa Fe County

To:

Amy M. Rincon

Subject: Date: SLDC Public Comments Form Submission

Tuesday, November 03, 2015 7:56:13 AM

Amended on 11.5.2015 1:37 pm

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

The property is 19.95 acres.

#### Comments

The property owner would like to be able to have two dwelling units on his 49.5 acres of land. The zoning for the area is 10 acres per dwelling unit and being a half acre shy a second dwelling with that much property seems unreasonable.

Parcel ID (You can find the parcel ID on the letter you received) 940001522

Property Owner (First Name) Edmund

Property Owner (Last Name) Shedd

Physical Address of Property (No value)

Email address: (No value)

Zoning Classification on Adoption Draft Zoning Map (No value)

Requested Zoning Classification (No value)

Additional Comments (No value)

From: To: Santa Fe County Amy M. Rincon

Subject:

SLDC Public Comments Form Submission

Date:

Tuesday, November 03, 2015 11:50:13 AM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

#### Comments

NOTE: These comments pertain to TWO ADJACENT Parcel IDs 186009084 (1335 NM 503) AND 184981222 (1349 NM 503) -- if I need to submit separate forms, please let me know.

Both of the parcels of concern are zoned as Rural Residential, RUR-RU (1 dwelling / 10 acres) as is most of the land around these parcels. Although, some of my next door neighbors in this same area are zoned as Residential Community, RES-C (1 dwelling / 1 acre) - I don't have an issue with this classification. Because my neighbors' zoning density is so different than mine, I would like to reclassify the zoning for my two parcels to have the same flexibility as my neighbors.

It is clear that because of Sustainable Growth Management Plan concerns, 1 dwell. /1 acre density would probably be too much for this area, therefore, I am making a formal request to:

RECLASSIFY THE ZONING FOR TWO ADJACENT Parcel IDs 186009084 (1335 NM 503) AND 184981222 (1349 NM 503)

FROM Rural Residential, RUR-RU (1 dwelling / 10 acres)

TO Residential Estate, RES-E (1 dwelling / 2.5 acres).

Note that these two parcels already have a well-water source.

Thank you very much for your consideration. I look forward to hearing from you.

Best regards,

Victor Archuleta

Parcel ID (You can find the parcel ID on the letter you received) 186009084

Property Owner (First Name)

Victor

Property Owner (Last Name)

Archuleta

Physical Address of Property 1335 NM 503, Cundiyo, NM 87522

Email address:

vearchuleta@yahoo.com

Zoning Classification on Adoption Draft Zoning Map RUR-R - Rural Residential

Requested Zoning Classification

#### RES-E - Residential Estate

#### Additional Comments

Please notify me of your decision regarding this request or any alternative possibility as soon as possible. I am planning to attend the November 24th public hearing and would appreciate a response before then. Also, if you know of any negative consequences or considerations of making this type of change, please let me know. Thank you...

Santa Fe County

To:

Amy M. Rincon

Subject: Date: SLDC Public Comments Form Submission Tuesday, November 03, 2015 12:07:14 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

#### Comments

Opposed to Commercial Neighborhood Zoning applied to 218 CAMINO LA TIERRA (Tax Parcel Number: 910017463) & TOWN CENTER AT LAS CAPANAS (Tax Parcel Number: 990003334)

Parcel ID (You can find the parcel ID on the letter you received) 58309671

Property Owner (First Name) STEVEN & MARIA

Property Owner (Last Name) HIDALGO

Physical Address of Property 218 CAMINO LA TIERRA & 0 CAMINO LA TIERRA

#### Email address:

NA - submitted by GIS staff (AEW) based on phone inquiry transferred from Planning to look up Commission District

Zoning Classification on Adoption Draft Zoning Map CN - Commercial Neighborhood

Requested Zoning Classification RES-E - Residential Estate

Additional Comments

Unhappy that Public Hearing (1st) is scheduled during holiday week Concerned public comments are being ignored

GMA - El Centro

Santa Fe County

To: Subject: Amy M. Rincon

Date:

SLDC Public Comments Form Submission Tuesday, November 03, 2015 1:11:38 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

#### Comments

Request approval to subdivide my current 2.5 acres into two 1.25 acres. This will help me to provide property for my children who are native Santa Fe, NM residents.

Parcel ID (You can find the parcel ID on the letter you received) 910003717

Property Owner (First Name) Jerry

Property Owner (Last Name) Martinez

Physical Address of Property #12 Nancy\'s Trail. La Cienega Santa Fe County

Email address: jl\_martinez@q.com

Zoning Classification on Adoption Draft Zoning Map RUR-R - Rural Residential

Requested Zoning Classification RUR-R - Rural Residential

Additional Comments (No value)

Santa Fe County

To:

Amy M. Rincon

Subject: Date: SLDC Public Comments Form Submission Tuesday, November 03, 2015 5:27:49 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance SLDC Comment

Comment Type Specific Parcel

Comments

Please let me know as soon as possible. Thanks

Parcel ID (You can find the parcel ID on the letter you received) 78310975

Property Owner (First Name) Chrisanne

Property Owner (Last Name) Finefrock

Physical Address of Property 31 VISTA DEL MAR Cerrillos NM

Email address: thom.brad@verizon.net

Zoning Classification on Adoption Draft Zoning Map RUR - Rural

Requested Zoning Classification RUR-R - Rural Residential

Additional Comments
1 expect to built single family home on this 16+ acres

Robert R. Tillman

To:

Amy M. Rincon; Rick Dumlak

Cc:

Alonzo Gallegos; Cvril Siltala; David Camp; Dawn St George; Gene Bostwick; Ivan Trujillo; Jim Strozier; Joe Ortiz; John Ortiz; Jose Varela Lopez; Juan J. Gonzales; Kathryn Becker; Kyle Harwood; Martin R. Najera; Melissa Garcia; Noah Berke; Robert P. Romero; Stan Jones; Sylvia LeMaster; Tino Gallegos; Tom Dixon; Vincent Marchi;

Robert Griego: Paul Olafson

Subject:

Robert R. Tillman/Wyrd Investments, LLC Public Comment Regard Santa Fe County Sustainable Land

Development Code

Date:

Tuesday, November 03, 2015 4:03:18 PM

Attachments:

Robert R. TillmanWvrd Investments LLC Public Comment Regard Santa Fe County Sustainable Land Development

Code.msq

#### Dear Amy,

I just want to put on record again that I have a long standing request to have standing request to zone my property (Las Lagunitas Lot 106 (TAX LOCATION ID/ACCOUNT: 910011414 PROPERTY ADDRESS: CALLE MILPA, PER PLAT 600/47 T15N R 8E S 5, 6.995 AC RESERVED FOR ,COMMERCIAL DEV DEED BOOK and PAGE: 1676267, MAP CODE: 1-044-090-191-152) zoned as Commercial Neighborhood (CN). Please see the attached email, which includes very extensive documentation.

Sincerely,

Bob

Robert R. Tillman Wyrd Investments, LLC 14 Sunshine Ave. Sausalito, CA 94965 415-332-9242 Telephone 415-332-2639 FAX 415-297-9242 Mobile rrti@pacbell.net

From: "Amy M. Rincon" < amrincon@santafecountynm.gov>

**Date:** Tuesday, October 20, 2015 at 2:47 PM **To:** Rick Dumiak < rdumiak@gmail.com >

Cc: Alonzo Gallegos <a href="mailto:siltalasc@q.com">som</a>, Cyril Siltala <a href="mailto:siltalasc@q.com">siltalasc@q.com</a>, David Camp <a href="mailto:david@laurencamp.com">david@laurencamp.com</a>, David George <a href="mailto:david@laurencamp.com">david@laurencamp.com</a>), David George <a href="mailto:david@laurencamp.com">

"Eugene N. Bostwick" <gn.bostwick@gmail.com>, Ivan Trujillo

<a href="mailto:citrujillo@louisberger.com">citrujillo@louisberger.com</a>, Jim Strozier <a href="mailto:cp@consensusplanning.com">com</a>, Joe Ortiz

< ioe@ioeortiz.com >, John Ortiz < coolzxr@netzero.net >, Jose Varela-Lopez

<<u>JJVLCHIMEX@aol.com</u>>, "Juan J. Gonzales" <<u>Dmtzstudio@gmail.com</u>>, Kathryn Becker

<taadiin@msn.com>, Kyle Harwood <kvle@egolflaw.com>, "Martin R. Najera"

<ramonnajera302@gmail.com>, Melissa Garcia <melissa505g@aol.com>, Noah Berke

<nberke123@gmail.com>, "Robert P. Romero" <robertromero@rocketmail.com>, "Robert R.

Tillman" <a href="mailto:rrti@pacbell.net">rrti@pacbell.net</a>, Stan Jones <a href="mailto:stan.jones@earthlink.net">stan.jones@earthlink.net</a>, Sylvia LeMaster

<svlvia3065970@gmail.com>, Tino Gallegos <americanspirit@windstream.net>, Tom Dixon

<greentractorfarmer@gmail.com>, Vincent Marchi <vmarchi@msn.com>, Robert Griego

<rgriego@santafecountvnm.gov>, Paul Olafson <POlafson@santafecountvnm.gov>

Subject: RE: LCLCCD Overlay

Rick.

By defaulting back to the SLDC PDD column the column will have the P's for uses. The SLDC column is what was originally presented to the Committee, we will remove it from the Overlay because there are no proposed changes for the LCLC Community. Sorry for any confusion over the column.

-Amy

From: Rick Dumiak [mailto:rdumiak@gmail.com]

Sent: Saturday, October 17, 2015 10:41 AM

To: Amy M. Rincon

**Cc:** Alonzo Gallegos; Cyril Siltala; David Camp; Dawn St George; Gene Bostwick; Ivan Trujillo; Jim Strozier; Joe Ortiz; John Ortiz; Jose Varela Lopez; Juan J. Gonzales; Kathryn Becker; Kyle Harwood; Martin R. Najera; Melissa Garcia; Noah Berke; Robert P. Romero; Robert Tillman; Stan Jones; Sylvia LeMaster; Tino Gallegos; Tom Dixon; Vincent Marchi; Robert Griego; Paul Olafson

Subject: Re: LCLCCD Overlay

Amy,

I beg to differ with your interpretation of the direction the committee closed the meeting at.

As I recall the meeting ended with the direction that if it was to be a county wide change than using C as opposed to P was acceptable but if it was only for LCLC it would remain as P.

I am not in favor of eliminating the PDD column completely, I feel the best thing to do is to leave it as it was with appropriate P designations.

There was no formal vote taken at our last meeting in regard to this change so I do not understand why it can not simply be left as it was originally presented to the committee?

Thanks Rick Dumiak

On Oct 16, 2015, at 4:29 PM, Amy M. Rincon <a href="mailto:amrincon@santafecountynm.gov">amrincon@santafecountynm.gov</a>> wrote:

La Cienega and La Cieneguilla Planning Committee,

The changes to the planned development district were based on the direction we received from the Committee to look into changing the PDD use table LCLC and for the overall County. We reviewed the County wide changes internally with Land Use and Legal staff and we are unable to make the County wide change and thought that a change on the LCLC level would match the concept discussed at the last meeting.

Properties already identified on the zoning map as PDD's can build out to approved master plan density and uses as identified in the Overlay at 9.8.3.6 number 10:

"LCLCCD PDD (Planned Development District); Purpose. PDDs identified on the initial zoning map may be built out in accordance with their approved master plans including density and uses." The other option is keeping the proposed PDD column (changes the Permitted to Conditional uses, which would require two public hearings) based on discussions at the last meeting.

If we do not receive comments in favor of the PDD column to remain with the changes we will remove the column completely and new PDD's would default to the use table in the SLDC.

Have a great weekend.

Amy Rincon Community Planner Santa Fe County 505-992-9857

From: Rick Dumiak [mailto:rdumiak@gmail.com]
Sent: Friday, October 16, 2015 10:39 AM

To: Amy M. Rincon

**Cc:** Alonzo Gallegos; Cyril Siltala; David Camp; Dawn St George; Gene Bostwick; Ivan Trujillo; Jim Strozier; Joe Ortiz; John Ortiz; Jose Varela Lopez; Juan J. Gonzales; Kathryn Becker; Kyle Harwood; Martin R. Najera; Melissa Garcia; Noah Berke; Robert P. Romero; Robert Tillman; Stan Jones; Sylvia LeMaster; Tino Gallegos; Tom Dixon; Vincent Marchi;

Robert Griego; Paul Olafson **Subject:** Re: LCLCCD Overlay

#### Amy,

I am confused regarding the changes to the use table pertaining to the planed development district, while there was some discussion about changing the permitted uses from Permitted to Conditional a vote was never taken on this change.

Is this a county wide change to the use table or just for LC&LC? If this change to the use table is only for LC&LC then It is my opinion that we should meet as a committee and discuss this change as well as hold a vote on the change.

Sincerely Rick Dumiak

On Thu, Oct 15, 2015 at 4:29 PM, Amy M. Rincon <amrincon@santafecountynm.gov> wrote:
Good afternoon La Cienega and La Cieneguilla Planning Committee members,

Attached is the latest draft of the LCLCCD Overlay, there is just a minor change to the format and the addition to the TDR section requiring that a property cannot be both a sending and receiving area (it can be identified as both, but once one option is taken the other is no option longer available.) The updated Use Table is

attached as well with the changes discussed at the last meeting.

Please let us know if you have any questions.

Amy Rincon Community Planner Santa Fe County 505-992-9857

Rick

Working to live, not living to work.....

Rick Dumiak rdumiak@gmail.com 505 603 6400

Robert R. Tillman Robert Griego

To: Cc:

Sarah B. Jiadi; Sarah B. Jiadi; Chrisann N. Romero; Penny Ellis-Green; Erika A. Garcia; Raymar Shaw; Carl

Dickens

Subject:

Robert R. Tillman/Wyrd Investments, LLC Public Comment Regard Santa Fe County Sustainable Land

Development Code

Attachments:

Document #1, Las Lagunitas Homeowners Association Covenants 1-10-97,pdf

Document #2, Las Lagunitas Fifth Phase Filing, Sheet 3.pdf

Document #3, Letter from Ranch Partners to Nicholas C de Baca regarding Lot 106 Commercial Zoning 9-29-

05.pdf

Document #4, Letter from Ranch Partners to La Cienega Valley Association Board 11-15-05.pdf

Document #5, Letter from Las Cienega Valley Association to Linus Abeyta regarding Lot 106 Commercial Use 1-

2-06.pdf

Document #6, Lot 106 Retail Commercial Development Site Concept produced by Ranch Partners.odf

Document #7, Lot 106 Clinic Proposal.pdf

Document #8, Lot 106 Santa Fe County Assessor Record 42514.pdf

#### Dear Robert,

Thank you for taking time to talk with me today. I was unable to find an online link for inputing public comment on the Santa Fe County Sustainable Land Development Code. Therefore, I would greatly appreciate your help in placing my comments below on the public record.

Please let me know what else I can do to further the process.

Sincerely,

Robert R. Tillman
President and CEO
Wyrd Investments, LLC
14 Sunshine Ave.
Sausalito, CA 94965
415-332-9242 Telephone
415-332-2639 FAX
415-297-9242 Mobile
rrti@pacbell.net

Robert R. Tillman, President and CEO of Wyrd Investments, LLC Public Comment Regard Santa Fe County Sustainable Land Development Code

I am the President and CEO of Wyrd Investments, Inc. Our company owns 17 lots in the Las Lagunitas development, including Las Lagunitas Lot 106 (TAX LOCATION ID/ACCOUNT: 910011414 PROPERTY ADDRESS: CALLE MILPA, PER PLAT 600/47 T15N R 8E S 5, 6.995 AC RESERVED FOR, COMMERCIAL DEV DEED BOOK and PAGE: 1676267, MAP CODE: 1-044-090-191-152).

I am writing to request that Las Lagunitas Lot 106 receive a Commercial Neighborhood (CN) zoning designation in the Santa Fe County Sustainable Development Code so that this land can be put to its highest and best use for the local community.

- 1. My understanding based on several discussions with Sarah Ijadi, a staff member in the Planning Division of Santa Fe County is Las Lagunitas Lot 106 has long been identified by planners as a likely commercial site. In fact, Las Lagunitas Lot 106 was specifically designated as a commercial site in the recent draft of the La Cienega/La Cieneguilla Community Plan update that was put on hold until completion of the Santa Fe County Sustainable Land Development Code.
- 2. The description of the Commercial Neighborhood (CN) zoning designation exactly fits the situation of

- 3. Virtually all of the commercial or community uses ever discussed for this property are covered by the Commercial Neighborhood (CN) zoning designation, including a clinic, a market, a small retail center, a restaurant, etc. Based on my discussions with Raymond Shaw, the President of the Las Lagunitas Homeowners Association, and with Carl Dickens, the President of the La Cienega Valley Association, the community has always assumed that Lot 106 would be developed for commercial use and is generally supportive of such development.
- 4. Las Lagunitas Lot 106 is not only the best but is also the only viable location for significant commercial activities for the La Cienega community. If Las Lagunitas Lot 106 were zoned residential and a single family house were built on this lot, the La Cienega community would forever lose the potential to locate significant commercial activities at the most convenient spot for the community.
- 5. Based on my research, there is a long history of discussion and community support for the potential commercial use of Las Lagunitas Lot 106. Below are listed in chronological order (and attached to this email) the documents that detail this history:

**Document #1:** Las Lagunitas Homeowners Association Covenants 1/10/97. The relevant passages are as follows:

Lot: Any parcel of land shown upon any recorded subdivision map of the Property with the exception of the Common Areas. Although the parcel identified as Lot 106 was created as a result of the Las Lagunitas Subdivision, it is only subject to this Declaration if used for residential purposes. If Lot 106 is used for commercial purposes, this Declaration shall not apply to Lot 106.

- 6.6 Combination of Lots. The Owner of two or more contiguous Lots may combine the Lots for the purpose of construction of a single-family dwelling, as described in paragraph 6.1.a. herein, on a site which would otherwise violate the setback requirements. The combined Lots may be resubdivided into the original Lots only if such resubdivision will not result in a violation of any provision of the Declaration, including the setback requirements. No original Lot may be subdivided into smaller tracts, except for Lot 106, which may be subdivided if allowed by the Santa Fe County.
- **7.17.** Subdivision of Lots. No Lots shall be further subdivided or otherwise partitioned or severed, except for Lot 106, which may be subdivided if allowed by Santa Fe County.
- 11.2 Water Wells. Water wells are located on Lots 23, 75, 102, and 105. These wells and the water rights associated to these wells belong to LLHA. The use and withdrawal of water from and access to these wells is reserved exclusively for LLHA. Water well numbered RG 39419, located on Lot 106, belongs to the owner of Lot 106, and use and withdrawal of water from, and access to, this well is reserved exclusively to the owner of Lot 106. Water well numbered RG-5530, located on Tract C, as

described on the Plat, its use, water rights, and access thereto, belong to the GCIA.

13.2 Commercial Use of Lot 106. Lot 106 is within a designated Major Center District commercial node. The owner(s) of Lot 106 reserve the right to develop Lot 106 for commercial purposes in accordance with the County Land Development Code as it may be amended from time to time. Although Lot 106 was created as a result of this Subdivision, it is not subject to this Declaration unless it is used for residential purposes.

**Document #2:** Las Lagunitas Fifth Phase Filing, Sheet 3. This document, filed in 2005, has written on Lot 106: "Reserved for commercial development subject to master plan approval by the county."

**Document #3**, Letter from Ranch Partners to Nicholas C de Baca regarding Lot 106 Commercial Zoning 9/29/05. This letter from Ranch Partners to the purchaser of Lot 106 discusses the proposed commercial development of Lot 106. Mr. C de Baca purchased Lot 106 in 2005 but subsequently did not develop it. Lot 106 was ultimately foreclosed upon, passed through a series of bank owners and was subsequently purchased by my company, Wyrd Investments, LLC, in July 2012.

**Document #4**, Letter from Las Lagunitas Developer to La Cienega Valley Association Board 11/15/05. This letter from Jim Otis details discussions with the La Cienega Valley Association Board regarding the commercial development of Lot 106.

**Document #5**, Letter from Las Cienega Valley Association to Ranch Partners regarding Lot 106 Commercial Use 1/2/06. This letter, dated January 2, 2006, signed by the entire La Cienega Valley Association Board, specifically supports the commercial use of Lot 106. Follow on correspondence attached to this document details subsequent discussions between Ranch Partners and the La Cienega Valley Association Board.

**Document** #6, Lot 106 Retail Commercial Development Site Concept produced by Ranch Partners. This document is of historical interest and was provided to me by Jim Otis of Ranch Partners, the original Las Lagunitas developer.

Document #7, Lot 106 Clinic Proposal. This document is a proposal for a local health clinic on Lot 106 and was provided to me by Linus Abeyta, the former property manager of Las Lagunitas. To my knowledge, a wide variety of potential commercial uses for Lot 106 have been discussed over the years based on my conversations with Jim Otis, Linus Abeyta, Raymond Shaw (the President of the Las Lagunitas Homeowners Association) and Carl Dickens (the head of the La Cienega Valley Association).

**Document #8**, Lot 106 Santa Fe County Assessor Record 4/25/14. This current online record describes Las Lagunitas Lot 106 as follows: CALLE MILPA, PER PLAT 600/47 T15N R 8E S 5, 6.995 AC RESERVED FOR, COMMERCIAL DEV.

Robert R. Tillman

To:

Amy M. Rincon; Rick Dumlak

Cer

Alonzo Gallegos; Cyril Siltala; David Camp; Dawn St George; Gene Bostwick; Ivan Truiilio; Jim Strozier; Joe Ortiz; John Ortiz; Jose Varela Lopez; Juan J. Gonzales; Kathryn Becker; Kyle Harwood; Martin R. Naiera; Melissa Garcia; Noah Berke; Robert P. Romero; Stan Jones; Sylvia LeMaster; Tino Gallegos; Tom Dixon; Vincent Marchi;

Robert Griego: Paul Olafson

Subject:

FW: Robert R. Tillman/Wyrd Investments, LLC Public Comment Regard Santa Fe County Sustainable Land

Development Code

Date:

Tuesday, November 03, 2015 4:13:10 PM

Attachments:

Document #1. Las Lagunitas Homeowners Association Covenants 1-10-97.pdf

Document #2, Las Lagunitas Fifth Phase Filing, Sheet 3.odf

Document #3, Letter from Ranch Partners to Nicholas C de Baca regarding Lot 106 Commercial Zoning 9-29-

05.odf

Document #4. Letter from Ranch Partners to La Cienega Valley Association Board 11-15-05.pdf

Document #5. Letter from Las Cienega Valley Association to Linus Abeyta regarding Lot 106 Commercial Use 1-

2-06.pdf

Document #6, Lot 106 Retail Commercial Development Site Concept produced by Ranch Partners.pdf

Document #7, Lot 106 Clinic Proposal.pdf

Document #8, Lot 106 Santa Fe County Assessor Record 42514.pdf

#### Dear Amy,

I just want to put on record again that I have a long standing request to have standing request to zone my property (Las Lagunitas Lot 106 (TAX LOCATION ID/ACCOUNT: 910011414 PROPERTY ADDRESS: CALLE MILPA, PER PLAT 600/47 T15N R 8E S 5, 6.995 AC RESERVED FOR ,COMMERCIAL DEV DEED BOOK and PAGE: 1676267, MAP CODE: 1-044-090-191-152) zoned as Commercial Neighborhood (CN). Please see the attached email, which includes very extensive documentation.

Sincerely,

Bob

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Robert R. Tillman Wyrd Investments, LLC 14 Sunshine Ave. Sausalito, CA 94965 415-332-9242 Telephone 415-332-2639 FAX 415-297-9242 Mobile rrti@pacbell.net

From: "Robert R. Tillman" < rrti@pacbell.net>

Date: Friday, April 25, 2014 at 9:13 PM

To: Robert Griego < rgriego@co.santa-fe.nm.us >

Ce: Sarah Ijadi <sijadi@co.santa-fe.nm.us>, Sarah Ijadi <sijadi@santafecountv.org>,

<cnromero@santafecountynm.gov>, <pengreen@santafecountynm.gov>,

<eagarcia@santafecountynm.gov>, Raymer Shaw <rayjoshaw02@gmail.com>, Carl Dickens

<<u>cedickens2@yahoo.com</u>>

Subject: Robert R. Tillman/Wyrd Investments, LLC Public Comment Regard Santa Fe County Sustainable Land Development Code

Dear Robert,

Thank you for taking time to talk with me today. I was unable to find an online link for inputing public

comment on the Santa Fe County Sustainable Land Development Code. Therefore, I would greatly appreciate your help in placing my comments below on the public record.

Please let me know what else I can do to further the process.

Sincerely,

Robert R. Tillman President and CEO Wyrd Investments, LLC 14 Sunshine Ave. Sausalito, CA 94965 415-332-9242 Telephone 415-332-2639 FAX 415-297-9242 Mobile rrti@pacbell.net

Robert R. Tillman, President and CEO of Wyrd Investments, LLC Public Comment Regard Santa Fe County Sustainable Land Development Code

I am the President and CEO of Wyrd Investments, Inc. Our company owns 17 lots in the Las Lagunitas development, including Las Lagunitas Lot 106 (TAX LOCATION ID/ACCOUNT: 910011414 PROPERTY ADDRESS: CALLE MILPA, PER PLAT 600/47 T15N R 8E S 5, 6.995 AC RESERVED FOR, COMMERCIAL DEV DEED BOOK and PAGE: 1676267, MAP CODE: 1-044-090-191-152).

I am writing to request that Las Lagunitas Lot 106 receive a Commercial Neighborhood (CN) zoning designation in the Santa Fe County Sustainable Development Code so that this land can be put to its highest and best use for the local community.

- 1. My understanding based on several discussions with Sarah Ijadi, a staff member in the Planning Division of Santa Fe County is Las Lagunitas Lot 106 has long been identified by planners as a likely commercial site. In fact, Las Lagunitas Lot 106 was specifically designated as a commercial site in the recent draft of the La Cienega/La Cieneguilla Community Plan update that was put on hold until completion of the Santa Fe County Sustainable Land Development Code.
- 2. The description of the Commercial Neighborhood (CN) zoning designation exactly fits the situation of Las Lagunitas Lot 106, to wit: "Generally, the desired location of these commercial areas is at the periphery, focal point, or a major entrance to one or more neighborhoods, along a minor or subdivision collector or higher roadway classification, or along a major access road at the entrance to or in a focal point of a neighborhood. The size of neighborhood commercial districts will typically be between one and twenty contiguous acres." Las Lagunitas Lot 106 is exactly at the corner of Entrada La Cienega and the I-25 frontage road and is approximately 7 acres in size. In fact, there has been much discussion over the years of actually placing a sign at this intersection describing it as the formal entrance to La Cienega.
- 3. Virtually all of the commercial or community uses ever discussed for this property are covered by the Commercial Neighborhood (CN) zoning designation, including a clinic, a market, a small retail center, a restaurant, etc. Based on my discussions with Raymond Shaw, the President of the Las Lagunitas Homeowners Association, and with Carl Dickens, the President of the La Cienega Valley Association, the community has always assumed that Lot 106 would be developed for commercial use and is generally supportive of such development.

- 4. Las Lagunitas Lot 106 is not only the best but is also the only viable location for significant commercial activities for the La Cienega community. If Las Lagunitas Lot 106 were zoned residential and a single family house were built on this lot, the La Cienega community would forever lose the potential to locate significant commercial activities at the most convenient spot for the community.
- 5. Based on my research, there is a long history of discussion and community support for the potential commercial use of Las Lagunitas Lot 106. Below are listed in chronological order (and attached to this email) the documents that detail this history:

**Document #1:** Las Lagunitas Homeowners Association Covenants 1/10/97. The relevant passages are as follows:

Lot: Any parcel of land shown upon any recorded subdivision map of the Property with the exception of the Common Areas. Although the parcel identified as Lot 106 was created as a result of the Las Lagunitas Subdivision, it is only subject to this Declaration if used for residential purposes. If Lot 106 is used for commercial purposes, this Declaration shall not apply to Lot 106.

- 6.6 Combination of Lots. The Owner of two or more contiguous Lots may combine the Lots for the purpose of construction of a single-family dwelling, as described in paragraph 6.1.a. herein, on a site which would otherwise violate the setback requirements. The combined Lots may be resubdivided into the original Lots only if such resubdivision will not result in a violation of any provision of the Declaration, including the setback requirements. No original Lot may be subdivided into smaller tracts, except for Lot 106, which may be subdivided if allowed by the Santa Fe County.
- 7.17. Subdivision of Lots. No Lots shall be further subdivided or otherwise partitioned or severed, except for Lot 106, which may be subdivided if allowed by Santa Fe County.

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- 11.2 Water Wells. Water wells are located on Lots 23, 75, 102, and 105. These wells and the water rights associated to these wells belong to LLHA. The use and withdrawal of water from and access to these wells is reserved exclusively for LLHA. Water well numbered RG 39419, located on Lot 106, belongs to the owner of Lot 106, and use and withdrawal of water from, and access to, this well is reserved exclusively to the owner of Lot 106. Water well numbered RG-5530, located on Tract C, as described on the Plat, its use, water rights, and access thereto, belong to the GCIA.
- 13.2 Commercial Use of Lot 106. Lot 106 is within a designated Major Center District commercial node. The owner(s) of Lot 106 reserve the right to develop Lot 106 for commercial purposes in accordance with the County Land Development Code as it may be amended from time to time. Although Lot 106 was created as a result of this Subdivision, it is not subject to this Declaration unless it is used for residential purposes.

**Document #2:** Las Lagunitas Fifth Phase Filing, Sheet 3. This document, filed in 2005, has written on Lot 106: "Reserved for commercial development subject to master plan approval by the county."

**Document #3,** Letter from Ranch Partners to Nicholas C de Baca regarding Lot 106 Commercial Zoning 9/29/05. This letter from Ranch Partners to the purchaser of Lot 106 discusses the proposed commercial development of Lot 106. Mr. C de Baca purchased Lot 106 in 2005 but subsequently did not develop it. Lot 106 was ultimately foreclosed upon, passed through a series of bank owners and



was subsequently purchased by my company, Wyrd Investments, LLC, in July 2012.

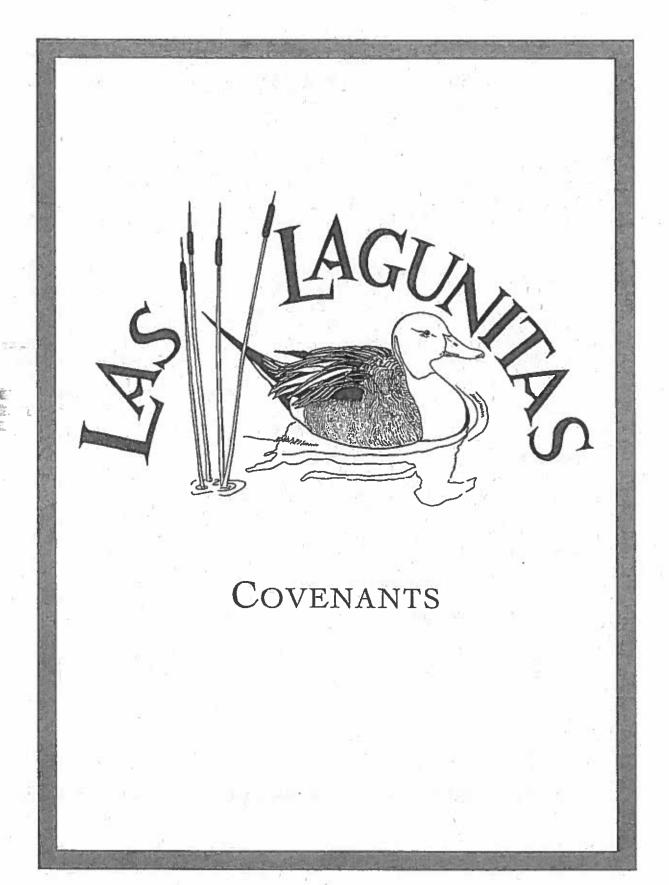
**Document** #4, Letter from Las Lagunitas Developer to La Cienega Valley Association Board 11/15/05. This letter from Jim Otis details discussions with the La Cienega Valley Association Board regarding the commercial development of Lot 106.

**Document #5**, Letter from Las Cienega Valley Association to Ranch Partners regarding Lot 106 Commercial Use 1/2/06. This letter, dated January 2, 2006, signed by the entire La Cienega Valley Association Board, specifically supports the commercial use of Lot 106. Follow on correspondence attached to this document details subsequent discussions between Ranch Partners and the La Cienega Valley Association Board.

**Document** #6, Lot 106 Retail Commercial Development Site Concept produced by Ranch Partners. This document is of historical interest and was provided to me by Jim Otis of Ranch Partners, the original Las Lagunitas developer.

Document #7, Lot 106 Clinic Proposal. This document is a proposal for a local health clinic on Lot 106 and was provided to me by Linus Abeyta, the former property manager of Las Lagunitas. To my knowledge, a wide variety of potential commercial uses for Lot 106 have been discussed over the years based on my conversations with Jim Otis, Linus Abeyta, Raymond Shaw (the President of the Las Lagunitas Homeowners Association) and Carl Dickens (the head of the La Cienega Valley Association).

**Document** #8, Lot 106 Santa Fe County Assessor Record 4/25/14. This current online record describes Las Lagunitas Lot 106 as follows: CALLE MILPA, PER PLAT 600/47 T15N R 8E S 5, 6.995 AC RESERVED FOR, COMMERCIAL DEV.



### REVISED AND RESTATED DECLARATION OF COVENANTS FOR LAS LAGUNITAS

On January 10, 1997, a Declaration of Covenants for Las Lagunitas was recorded in Book 1337, Pages 005-053, records of Santa Fe County, New Mexico ("Old Covenants") covering property as described herein. This Revised and Restated Declaration of Covenants for Las Lagunitas supersedes in its entirety, vacates, and replaces the Old Covenants, and the Old Covenants are hereby void and of no further force and effect.

The undersigned, Ranch Partners Limited Company, a New Mexico limited liability company, as the owner of certain property in Santa Fe County, New Mexico, which is defined below, declares that such Property shall be held, sold and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the Property and shall benefit and be binding on all parties having any right, title or interest in the Property or any part of it, and their heirs, successors and assigns.

## Article 1 Definitions

Architectural Committee: As defined in Article 5.1.

Articles: The Articles of Incorporation of the Association.

Association: Las Lagunitas Homeowners' Association, Inc., a New Mexico nonprofit corporation (also known as "LLHA").

Association Rules: The rules, regulations and policies adopted by the Board.

Board: The Board of Directors of the Association.

Building Envelope: The area on each lot suitable for development and construction as regulated by the Terrain Management Regulations contained in the Extraterritorial Zoning Ordinance.

Bylaws: The Bylaws of the Association.

Class A Member: "Class A Member" and "Class A Membership" are defined in Article 2.16.

Class B Member: "Class B Member" and "Class B Membership" are defined in Article 2.17.

Common Area: All real property owned by the Association for the common use and enjoyment of the Members. The Common Area to be owned by the Association at the time of the execution of this Declaration includes tracts A, B, C, D, E, and F, consisting of 89.605 acres and the roadways within the Subdivision as shown on the Plat. Tract F is a community service area and, along with Tracts A, B, C, D, and E, will be dedicated and deeded to LLHA. The Improvements on Tract E which are shown on the Plat have been demolished with the consent of the County of Santa Fe and the State of New Mexico Preservation office.

Common Expenses: The amount necessary to pay the cost of maintenance, management, operation, and repair of all Association improvements such as roads, liquid waste disposal systems (sewer) and all improvements within the Common Area, and the cost of wages, materials, insurance premiums, taxes, services, supplies, legal and accounting fees, and other expenses that may be declared to be Common Expenses by this Declaration or a resolution of the Board.

Declaration: This Revised and Restated Declaration of Covenants.

Developer: Ranch Partners Limited Company, a New Mexico limited liability company, its successors and assigns, or any person to whom Developer's rights hereunder are hereafter assigned in whole or in part by recorded instrument, or any Mortgagee or Developer which acquires title to or succeeds to the interest of Developer in any Lot or other portion of the Property by reason of the foreclosure (or conveyance in lieu of foreclosure) or trustee's sale under the Mortgage of said Mortgagee. The term "Developer", as used herein, shall include not only the named Developer but also any of the foregoing successors, assigns, assignees, and Mortgagees. An assignment by recorded instrument of all of Developer's rights shall vest in the assignee all of Developer's rights hereunder (including, but not limited to, all of Developer's easements, rights of consent or approval and voting right) on the same terms that they were held by Developer pursuant hereto. An assignment by recorded instrument of part of Developer's rights shall vest in the assignee the specific Developer's right(s) named in the instrument of assignment on the same terms that they were held by Developer pursuant hereto. Notwithstanding anything to the contrary herein, an assignment of all or any portion of Developer's rights shall not deprive the assignor of any protection, indemnity or freedom from liability that would otherwise exist under the Declaration if the assignor had retained all of the Developer's rights hereunder.

Eligible Mortgagee: The holder of a first Security Interest in a Lot which has notified the Association, in writing, of its name and address, and that it holds a first Security Interest on a Lot.

Household Pets: Domestic dogs, cats, birds, hamsters, and other commonly accepted household pets.

LLHA: The Las Lagunitas Homeowner's Association.

Lot: Any parcel of land shown upon any recorded subdivision map of the Property with the exception of the Common Areas. Although the parcel identified as Lot 106 was created as a result of the Las Lagunitas Subdivision, it is only subject to this Declaration if used for residential purposes. If Lot 106 is used for commercial purposes, this Declaration shall not apply to Lot 106.

Member: The record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Property, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Mortgagee: The holder of a note secured by a Mortgage, including the trustee and beneficiary under any deed of trust.

Open Space: The same as Common Area.

Owner: Means the record owner, whether one or more Persons, of fee simple title, whether or not subject to any Mortgage, of any Lot, including contract purchasers but excluding those having such interest merely as security for the performance of an obligation. If fee simple title to any Lot is vested of Record in a trustee pursuant to New Mexico law, legal title shall be deemed to be in the beneficiary.

Plat: The plat entitled "Subdivision Plat of Las Lagunitas First Filing (Sheets 1-7), Santa Fe County, New Mexico" prepared and certified by James F. McNees, NMPS No. 12180, and filed in the office of the Clerk of Santa Fe County, New Mexico, on January 10, 1997, as Document No. 970,452, and recorded in Plat Book 353, Pages 20-26, of the records of Santa Fe County, New Mexico, and any other subdivision plat or amended subdivision plat of all or part of the Property as defined below, which is filed in the office of the Clerk of Santa Fe County, New Mexico, and recorded in the plat book records of Santa Fe County. It is intended that subsequent filings of the Plat shall be filed in the records of Santa Fe County, New Mexico, and such subsequent filings shall be included within the defined term "Plat" as used herein.

Property: The property as shown on the Plat.

Security Interest: An interest in real estate created by contract or conveyance, which secures payment or performance of an obligation. The term includes a lien created by a mortgage, deed of trust, real estate contract, lease intended as security, assignment of lease or rents intended as security, and any other consensual lien or title retention contract intended as security for an obligation.

Subdivision: Las Lagunitas Subdivision as shown on the Plat.

Transition Date: As defined in Article 2,19.

### Article 2 Association

- 2.1. Purpose of Association. The Association has been, or will be, incorporated as a nonprofit corporation to serve as the governing body for all of the Owners for the protection, improvement, alteration, maintenance, repair, replacement, administration and operation of the Property; the assessment of expenses, payment of losses and disposition of casualty insurance proceeds; and other matters as provided in the Declaration, the Articles, Bylaws, Association Rules or Design Guidelines (as more particularly described in paragraph 5.2 below). The Association shall not be deemed to be conducting a business of any kind, and all funds received by the Association shall be held and applied by it for the Owners in accordance with the provisions of the Declaration, the Articles and the Bylaws.
- 2.2. Board of Directors. The trains of the Association shall be conducted by the Board as herein provided and in accordance with the Articles and Bylaws. Except for directors elected by Developer and directors that are employees of Developer, each director shall be a Member. If a director shall cease to meet such qualifications during his term, he will thereupon cease to be a director and his place on the Board shall be deemed vacant.

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- 2.3. Duties and Powers of the President. The powers of the President shall be as established in the Bylaws. To the extent not prohibited by law, or as otherwise herein expressly limited, the President of the Association may be empowered under the Bylaws to exercise control over the affairs of the Association and to act on behalf of, and bind, the Association in every instance wherein the Association is required or permitted to take any action.
- 2.4. Board's Determination Binding. In the event of any dispute or disagreement between or among any Owners, Members, or any other persons subject to the Declaration ("Persons"), relating to the Property, or any question of interpretation or application of the provisions of the Declaration, the Articles, Bylaws, Association Rules or Design Guidelines, the determination thereof by the Board shall be final and binding on each and all of such Owners, Members or Persons in the absence of ruling by a court of competent jurisdiction. The Board, at its election, may delegate the resolution of such dispute or disagreement to the President or a committee appointed by the Board.
- 2.5. Additional Provisions in Articles and Bylaws. The Articles and Bylaws may contain any provision relating to the conduct of the affairs of the Association and the right and powers of its directors, officers, employees, agents and Members not inconsistent with law or the Declaration. So long as Developer owns any Property subject to the Declaration, neither the Articles nor the Bylaws may be amended, supplemented or withdrawn without the prior written consent of Developer.
- 2.6. Association Rules. The Board shall be empowered to adopt, amend and eal such rules and regulations as it deems reasonable and appropriate (the "Association Rules"),

binding upon all Persons and governing the use and/or occupancy of the Common Areas and any other part(s) of the Property. The Association Rules may include the establishment of a system of fines and penalties enforceable as individual charges. The Association Rules shall govern such matters in furtherance of the purposes of the Association, including, but not limited to, the use of the Common Areas; provided, however, that the Association Rules may not discriminate among Owners and Members except as expressly provided or permitted herein, and shall not be inconsistent with the Declaration, the Articles, Bylaws or Design Guidelines. The Association Rules shall have the same force and effect as if they were set forth in and were part of the Declaration and shall be binding on the Owners and Members, and all other Persons having any interest in, or making any use of, the Property. The Association Rules shall be available at the principal office of the Association to each Owner or other Person reasonably entitled thereto, upon request. In the event of any conflict between any provision of the Association Rules and any provisions of the Declaration, the Association Rules shall be deemed to be superseded by the provisions of the Declaration, the Articles, Bylaws or Design Guidelines to the extent of any such conflict.

- 2.7. Non-Liability of Officials. To the fullest extent permitted by law, Developer, the Board, the Architectural Committee, and other committees of the Association and all members thereof, and any officers of the Association, shall not be liable to any Member, Owner, the Association or any other Persons for any damage, loss or prejudice suffered or claimed on account of any decision, approval or disapproval of drawings or specifications (whether or not defective), course of action, act, inaction, omission, error, negligence or the like made in good faith and which Developer, the President, the Board, or such committees or Persons reasonably believed to be within the scope of their respective duties.
- 2.8. Easements. The Board is authorized and empowered to grant upon, across or under real property owned by the Association such permits, licenses, easements and rights-of-way for sewer lines, water lines, underground conduits, storm drains, television cable and other similar public or private utility purposes, security lines, roadways or other purposes as may be reasonably necessary and appropriate for the orderly maintenance, preservation and enjoyment of the Common Areas or for the preservation of the health, safety, convenience and welfare of the Owners, provided that any damage to a Lot resulting from such grant shall be repaired by the Association at its expense.
- 2.9. Utility Easements. Developer hereby reserves for itself, for the Association and its designees, a ten (10) foot easement for the benefit of the Property upon, across, over, through, under, and parallel to each Lot boundary line for ingress, egress, installation, replacement, repair and maintenance of any utility system, for drainage and for services supplied by either Developer or the Association. By virtue of this easement it shall be expressly permissible for Developer and the Association to install and maintain facilities and equipment on such easement, to excavate for such purposes and to affix and maintain wires, circuits, pipes and conduits on and under the Lots. This easement shall be perpetual in duration and in addition to, rather than in place of, any other recorded easements on the Property.

- 2.10. Developer's Easement to Correct Drainage. Developer reserves for itself, for the Association and its designees, a blanket easement and right on, over and under the ground within the Property to maintain and to correct drainage of surface water and other erosion controls in order to maintain reasonable standards of health, safety and appearance. Such right expressly includes the right to cut any trees, bushes or shrubbery, make any grading of the soil, remove pavement, or to take any other similar action reasonably necessary, following which Developer or the Association, as applicable, shall restore the affected Property to its original condition as nearly as practicable. Developer or the Association shall give reasonable notice of intent to take such action to all affected Owners, unless in the opinion of Developer or the Association an emergency exists which precludes such notice. The right granted hereunder may be exercised at the sole option of Developer or the Association and shall not be construed to obligate Developer or the Association to take any affirmative action in connection therewith.
- 2.11. Encroachment. To the extent that any improvements constructed by Developer on or in any Lot encroaches on any other Lot or Common Area or any reason, a valid easement for such encroachment and the maintenance thereof should exist.
- 2.12. Developer's Right to Grant Easement and Extend Utilities. Developer hereby reserves the right to grant to certain, but not necessarily all, owners of properties developed by Developer in the vicinity of but outside the Property ("nearby properties"), a nonexclusive easement and right to use any and all platted easements for ingress, egress, and utilities and to grant such easements for utilities through property owned by the Association to other properties owned by Developer, whether or not such easements exist at the time of the recording of this Declaration. Additionally, Developer reserves the right to extend the water and sewer systems in the Property to serve such owners of nearby properties whether such systems are owned or not owned by the Association. Any such grant by the Developer to such owners of nearby properties shall be subject to such conditions, limitations and obligations as Developer, in the exercise of its sole and absolute discretion, shall determine; but at a minimum, these condition and repared include payment of its pro rata share of the cost of maintaining, replacing and repared such easements and water and sewer systems, based on the number of Lots served by, but not necessarily connected to, such systems.
- 2.13. Duration of Easements. All easements reserved herein to Developer shall be perpetual in duration.
- 2.14. Accounting. The Association, at all times, shall keep, or cause to be kept, true and correct records of account in accordance with generally accepted accounting principles, which shall specify in reasonable detail all expenses incurred and funds accumulated from Assessments, as described in Article 4 below, or otherwise. Notwithstanding anything to the contrary herein, the Association's records of account may be kept on a cash accounting basis if the Board so elects, subject to the requirements of applicable law.

- 2.15. Records. Upon reasonable written request and pursuant to procedures established in the Bylaws, the Association shall make the books, records and financial statements of the Association available for inspection by each Owner and Member together with current copies, as amended from time to time, of the Declaration and the Articles, Bylaws, Association Rules and Design Guidelines. Notwithstanding the foregoing to the contrary, until January 1, 2000, the Association shall not be required to make its books and records available for inspection except as required by law. Developer shall be under no obligation to make its own books and records available for inspection by any Owner, Member or other Person. The books and records of the Association may be audited or unaudited as the Board from time to time may determine.
- 2.16. Membership in Association. There shall be one membership in the Association with one membership vote for each Lot in the Property except as provided herein. Such memberships shall be Class A Memberships. Class A Memberships shall be entitled to one vote on each matter to be decided. An Owner shall be entitled to one membership (Class A) in the Association for each Lot he owns so long as he is the Owner of record of the Lot. If the Owner of a Lot is other than one individual or entity, the Owner shall specify in writing to the Association the individual or entity who is entitled to exercise the rights and privileges of the Member of the Association for the Lot. In the absence of such written specification, Assessments and individual charges shall nevertheless be charged against the Lot and Owner thereof, but there shall be no right to cast the membership vote. The Member must be an individual who is either an Owner, or if the Owner is or includes a Person other than an individual, an individual who is a partner, if the Owner is or includes a partnership; or an officer of the corporation, if the Owner is or includes a corporation; or a trustee of the trust, if the Owner is or includes a trust; or an owner of the entity, if the Owner is or includes a Person other than an individual, a partnership, a corporation or a trust. The Member, as so specified, shall be the only Person entitled to vote for the Owner of the Lot at Association meetings and elections. An Owner may change the individual who is the Member for his Lot, provided each such individual is eligible to be a Member hereunder, in such manner and with such frequency, and subject to such reasonable processing fees, as the Board from time to time may permit.
- 2.17. Developer's Voting Rights and Assignment Thereof. Notwithstanding anything to the contrary herein, Developer shall be entitled to any Membership(s) and any votes for each Lot owned by Developer. Such Membership(s) shall be Class B Memberships until the Transition Date, as provided in Section 2.19. As long as Class B Memberships exist hereunder, each Class B Membership shall be entitled to three votes on any matter to be decided for each one vote on the same matter allowed to a Class A Membership. If any lender to whom Developer has assigned, or hereafter assigns, all or substantially all of its rights under the Declaration as security succeeds to the interests of Developer by virtue of such an assignment, the voting rights of Developer provided for in this Section shall not be terminated thereby, and the lender shall hold Developer's memberships and voting rights on the same terms as they were held by Developer pursuant hereto.

- 2.18. Pledge of Voting Rights. Notwithstanding the foregoing, in the event that an Owner has granted an irrevocable proxy or otherwise pledged the voting right appurtenant to his Lot to a Mortgagee as additional security, only the vote of such Mortgagee will be recognized in regard to the matters designated in the proxy or assignment if a copy of such proxy or other instrument pledging such vote has been filed with the Association. In the event that more than one such instrument has been filed, the Association shall recognize the rights of the first Mortgagee to so file, regardless of the priority of the Mortgages themselves.
- 2.19. Transition. Notwithstanding anything in the Declaration to the contrary, until the Transition Date, Developer shall hold a Class B Membership for each Lot owned by Developer, and Developer shall maintain absolute control over the Association, including, but not limited to, amendment of the Articles, appointment of the President, the members of the Board, and the members of the Architectural Committee. Other Owners will be Class A Members and hold a Class A Membership for each Lot owned. Until the Transition Date, only Class B votes will be entitled to be cast with respect to the election of directors to the Board, removal of directors or any other matter requiring the approval of the Members. Notwithstanding the foregoing, prior to the Transition Date, Developer may from time to time (but shall not be required to) allow the Class A members to vote on any or all matters to be decided hereunder (in addition to those specified in the preceding sentence). Any vote permitted by Developer pursuant to the preceding sentence shall not cause the Transition Date to occur and shall not affect or impair Developer's Class B voting rights hereunder. By way of illustration and not limitation, prior to the Transition Date, Developer may from time to time (but shall not be required to) allow the Class A Members to vote on one or more matters as to which the Declaration would require a vote of Members if the decision occurred after the Transition Date. The Transition Date shall be the date when Class B Memberships are irrevocably converted to Class A Memberships. This conversion shall occur automatically on the first to occur of (i) January 1, 2007; or (ii) such date as Developer may elect as provided in the next sentence. Developer voluntarily may (but shall not be required to) cause the conversion of Class B Memberships to Class A Memberships at any time after January 1, 2000.

# Article 3 Property Rights

- 3.1. Members' Easement of Enjoyment. Every Member shall have a right and easement of enjoyment in and to the Common Area which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:
  - a. The right of the Association to suspend a Member's voting rights and right to use the Common Area for any period during which any assessment against such Member's Lot remains unpaid; and for a period not to exceed sixty (60) days for any infraction of its published rules and regulations;

- b. The right of the Association to dedicate or transfer all or any part of the Common Area to Santa Fe County, or any public agency, public authority, or public or private utility or company providing utility services, for such purposes and subject to such conditions as may be agreed to by the Members. Such purposes may include, but shall not be limited to, the provision of utility easements for utility structures and utility lines such as water tanks, water distribution lines, and electric, telephone, television and cable structures and lines. No dedication or transfer pursuant to the provisions of this paragraph shall be effective unless an instrument signed by two-thirds (2/3) of the Members, agreeing to such dedication or transfer has been recorded;
- c. The right of the Association, after notice to a Member, to exclude from the Property any agent, employee or guest of any Member, who the Association determines to be disruptive to the quiet enjoyment of the Property.
- 3.2. Delegation of Use. Any Member may delegate, in accordance with the Bylaws, his right of enjoyment of the Common Area to the members of his family, his tenants, or contract purchasers of a Lot who reside on the Lot. Guests of Members, so long as they are accompanied by a Member, may also use the Common Area.

## Article 4 Assessments

- 4.1. Fiscal Year. The fiscal year of the Association shall be the calendar year unless otherwise determined by the Board.
- 4.2. Preparation and Approval of Budget. At least ninety (90) days before the beginning of the fiscal year, the Board shall adopt a budget for the Association containing an estimate of the total amount considered necessary to pay the Common Expenses which will be required during the ensuing fiscal year for the administration, operation, maintenance, and repair of the Common Area and the rendering to the Members of all related services.

The budget may include such reasonable amounts as the Board considers necessary to provide working capital, a general operating reserve and reserves for contingencies and replacements. No later than sixty-five (65) days before the beginning of the fiscal year, the Board shall send to each Member a copy of the budget in a reasonably itemized form which sets forth the amount of the Common Expenses and any special assessment payable by each Member.

The Board shall set a date for a meeting of the Members to consider ratification of the budget not less than fourteen (14) days nor more than thirty (30) days after mailing a copy of the budget. Unless a majority of the Members reject the budget, the budget shall be deemed ratified, whether or not a quorum is present. In the event the proposed budget is

rejected, the periodic budget last ratified by the Members shall continue until such time as the Members ratify a subsequent budget proposed by the Board.

- Assessment of Common Expenses. Subject to the provisions of this Declaration, the total amount of the estimated funds required for the operation of the Association set forth in the budget adopted by the Board and ratified by the Members shall be assessed against the Members. The assessment shall be the same with respect to all the improved Lots, and the assessment against Lots upon which no improvements have been constructed and which are not owned by Developer shall be one-half (1/2) of the assessment against improved Lots. Assessments against Lots upon which no improvements have been constructed and are owned by Developer shall be assessed one-quarter (1/4) of the assessment of improved Lots. There shall be no assessments against any Lots which do not have utilities to the Lot line. For purposes of this paragraph, a Lot will be deemed improved as of the first day of the month in which a building permit for construction of improvements on the Lot is issued, and all assessments described herein shall be prorated, based on the date of improvement of the Lot. In addition to the assessment of common expenses described in this paragraph, the purchasers of any Lot from Developer shall pay a fee of one hundred dollars (\$100.00) to the Association at the closing of the purchase of the Lot. Upon resale, the same amount will be paid to the Association at the closing, by the new purchasers of the Lot.
- 4.4. Reserves. The Board may create and maintain reasonable reserves for working capital, operations, contingencies and replacements. Extraordinary expenditures not originally included in the annual budget which may become necessary during the year shall be charged first against such reserves. If the reserves are inadequate for any reason, including non-payment of any Member's assessment, upon ratification by the Members of an adjusted budget, the Board may at any time levy a further assessment, which shall be assessed against the Members, and which may be payable in a lump sum or in installments as the Board may determine. The Board shall serve notice of any such further assessment on all Members by a statement in writing giving the amount and reasons therefor, and such further assessment shall, unless otherwise specified in the notice, be due with the next periodic payment. All Members shall be obligated to pay the adjusted amount.
- 4.5. Effect of Failure to Prepare or Adopt Budget. The failure or delay of the Board to prepare or adopt a budget for any fiscal year shall not constitute waiver or release in any manner of a Member's obligation to pay his allocable share of the Common Expenses as herein provided whenever the same shall be determined and, in the absence of any annual budget or adjusted budget, each Member shall continue to pay each periodic installment at the rate established for the previous fiscal year until notice of the quarterly payment which is due after such new annual or adjusted budget shall have been delivered to, and ratified by, the Members.
- 4.6. Accounts. Sums collected by the Board with respect to assessments against the Members or from any other source may be commingled into a single fund, provided that all reserves shall be held in a separate account.

- 4.7. Payment of Assessments. Each Member shall pay the Common Expenses assessed by the Board pursuant to the provisions of this Declaration. On or before the first day of January, April. July, and October in each year, each Member shall be obligated to pay the Association one-fourth (1/4) of such assessment. No Member shall be liable for the payment of any part of the Common Expenses assessed against his Lot after the date of recordation of a conveyance by such Member in fee of such Lot, provided notice is given to the Association prior to conveyance. Before or at the time of any such conveyance, all liens, unpaid charges and assessments shall be paid in full and discharged. The purchaser of a Lot shall be jointly and severally liable with the selling Member for all unpaid assessments against the latter for his or her proportionate share of the Common Expenses up to the time of such recordation, without prejudice to the purchaser's right to recover from the selling Member amounts paid by the purchaser therefor. Each Mortgagee who comes into possession of a Lot by virtue of foreclosure or by deed or assignment in lieu of foreclosure, or any purchaser at a foreclosure sale, shall take the Lot free of any claims for unpaid assessments or charges against such Lot which accrue before the time such Mortgagee comes into possession thereof.
- 4.8. Collection of Assessments. The Board may take action to collect any assessment for Common Expenses due from any Member which remains unpaid for more than thirty (30) days from the due date for payment thereof. Any assessment, or installment thereof, not paid within ten (10) days after due shall accrue a late charge in the amount of one and one haif percent (1.5%) of the overdue assessment or installment for each month the assessment or installment is unpaid. No Member may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of his Lot.
- 4.9. Statement of Assessments. The Board shall promptly provide to any Member, contract purchaser or Eligible Mortgagee so requesting the same in writing, with a written statement of all unpaid assessments for Common Expenses due from such Member. Such statement shall be furnished within ten (10) business days after receipt of the request and is binding on the Association's Board and every Member. The Board may impose a reasonable charge for the preparation of such statement to cover the cost of preparation.
- 4.10. Maintenance, Repair, Replacement and Other Common Expenses. The Board shall be responsible for the maintenance, repair and replacement of all of the Common Area and Common Area improvements, the cost of which shall be charged to all Members as a Common Expense. If, in the opinion of not less than two-thirds (2/3) of the Board, such expense was caused by the negligence or misconduct of a Member, then such expense shall be assessed against that Member. All repairs and replacements shall be substantially similar to the original construction and installation and shall be of first-class quality. The method of approving payment vouchers for all repairs and replacements shall be determined by the Board.

4.11. Lien for Assessments. The total annual assessment of each Owner for Common Expenses or any special assessment made pursuant to these By two is declared to be a lien levied against the Lot of such Owner. The Board or their agent shall file or record notice of any such lien, or other appropriate document in the records of Santa Fe County, New Mexico, to establish the priority of the lien.

If an assessment against an Owner is payable in installments, upon a default by such Owner in the timely payment of any four (4) consecutive installments, the maturity of the remaining total of the unpaid installments of such assessments may be accelerated, at the option of the Board, and the entire balance of the annual assessment may be declared due and payable in full by the service of notice to such effect upon the defaulting Owner by the Board or any agent designated by the Board.

The lien for assessment may enforced and foreclosed in the mann-provided by the laws of the State of New Mexico the foreclosure of mortgages by ac in the name of the Board. The plaintiff in such provided by the laws of the foreclosure of mortgages by ac in the name of the ceeding shall have the right to the appointment of a receiver.

A suit to recover a money judgment for unpaid assessments may : maintained without foreclosing or waiving the lien securing the same, and a foreclosure may be maintained notwithstanding the pendency of any suit to recover a money judgment.

4.12. Maintenance Plan for Utilities, Drainage Facilities and Roads. The Association shall operate and maintain all sewer systems owned by it, all drainage facilities for the drainage of storm waters from roads and for storm water retention ponds described in the approved development plan for the Subdivision. The Association shall have the power to grant utility easements along, over, across, under and through the Common Area as may be reasonably required to provide such utility service to the Common Area and the Lots, and shall provide road maintenance, snow removal, landscape maintenance and management of the Common Areas. More specifically, as follows:

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a. Roads. The roadways will be inspected in the Spring of each year to determine the condition of roadway surface and verify that all barrow ditches are free of debris and capable of carrying storm water. The roadways will be reshaped with a grader if the base course surface has traveled to the edge of the road or the road is rutted or in a washboard condition. Beginning in the Spring of 1998 a professional engineer or road contractor will inspect the roadway surface to determine if additional gravel, or base course material is required. An inspection of the roadway surface by a professional engineer or road contractor will take place in the spring of even numbered years after the first inspection in 1998.

Provisions shall be made by the Association for the removal of snow from roads within the Property on an as needed basis.

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The culverts will be inspected in Spring of each year to determine that all culverts are capable of carrying storm water. Some siltation along the bottom of the pipe will occur and this is normal. If more than one-half of the pipe is filled with dirt, the dirt will be removed from the pipe by hydronic or mechanical measures. Nothing contained herein shall be deemed to prevent Developer from paving the roads if Developer desires, or to obligate Developer to pave the roads, but if Developer does pave the roads, then certain of the provisions contained herein with respect to road issues may not apply.

- b. Liquid Waste Disposal Systems (Sewer). The Subdivision's liquid waste disposal systems are advanced sewer treatment systems which are designed to remove nitrogen from waste water, helping to protect groundwater from nitrate contamination. Each system has been installed in accordance with the manufacturer's recommendations and approved by a professional engineer at the completion of construction. In order to keep the systems functional and in proper operating condition, a structured maintenance program has been developed in conjunction with the New Mexico Environment Department and the County of Santa Fe. The maintenance program set forth below shall be adhered to by the Association.
  - i. The Association shall ensure that all provisions and conditions of the Waste Water Discharge Plan approved by the New Mexico Environment Department are complied with, a copy of which is attached hereto as Exhibit A.
  - ii. The Association shall provide and require that the liquid waste disposal systems (treatment units, leach fields, conveyance system, related components, pipes, etc.) are operated, maintained and inspected on a regular basis (at least monthly) to ensure that all systems are functioning properly and are in good operating condition. The operation, maintenance and inspection program shall be performed, under contract by a qualified operator, licensed and approved by the New Mexico Environment Department ("NMED"). In this regard, the attached Monthly Operation and Maintenance Report form shall be utilized (Exhibit B).
  - iii. The Developer has contracted with Environmental Monitoring & Testing, LLC, to perform these services with respect to the treatment units for the Association. A copy of the Maintenance Agreement is attached hereto as Exhibit C.
  - iv. The sewer lines between the treatment units and the lot line of each individual Lot are the responsibility of the Association; however, if such repair or damage is caused by a Member, or their guests or invitees, such Member shall promptly reimburse the Association, upon receipt of an invoice for same, the cost of the repair caused by the Member. The Association will contract with a

qualified operator, licensed and approved by the NMED, for operation, maintenance, and inspection of this portion of the system.

- The operation, maintenance, and inspection of any sewer line located within any Lot shall be the responsibility of the owner of the Lot.
- vi. At the closing of the purchase of a Lot, each Owner shall be required to read, acknowledge and sign the following:
  - (1) Owners Guidelines For Operation (Exhibit D); and.
  - (2) Non-Exclusive Easement (Exhibit E).

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## Article 5 Architectural Review

General. Except as otherwise provided in this Declaration; no building, fence, wall, walk, parking facility, driveway, outdoor lighting system, landscaping project or other structure shall be commenced, erected, or maintained within the Subdivision, and no exterior addition to or change or alteration shall be made until the plans and specifications showing the nature, shape, height, materials, and location of the same shall have been submitted to and approved in writing by an Architectural Committee composed of three (3) or more representatives appointed by the Board. A nonrefundable filing fee of \$150.00 shall be paid to the Architectural Committee by the Owner submitting such plans to cover the Committee's expenses incurred in connection with its review of the plans. The plans must be comprehensive and include the siting of all improvements on the Lot, all parking areas shown thereon, and fences, walls, lighting and landscape plans must be included. The Board shall act as and be deemed to be the Architectural Committee until such time as the Board appoints representatives to serve on the Architectural Committee. Upon a nowing of good cause and necessity, without significant detriment to others, the Architectural Committee may grant a variance with respect to any provision of the Declaration; provided, however, that any such variance will not become effective until after the Architectural Committee has mailed notice of the variance to all Owners of Lots within the Subdivision, and said Lot Owners do not object to the variance. If objection is made to the variance, then the matter will be voted on at a meeting of the Association, and a simple majority of those present or represented by proxy at such meeting shall determine the matter. The persons appointed to the Architectural Committee may but need not be members of the Association or the Board.

Plans and specifications shall not be approved if they are not in compliance with this Declaration and any architectural Design Guidelines, and any rules and regulations adopted by the Board to ensure that any development, construction, modification, repair or decoration of any improvement is aesthetically harmonious with the character, quality, appearance, and value of the existing and planned improvements within the Subdivision.

The Architectural Committee shall answer any written request for such approval, after Notice and Comment, as described in paragraph 17.4 below, within sixty (60) days after the request. Failure to do so within such time shall constitute consent to the proposed action. The Architectural Committee shall review the request in accordance with the provisions of the Design Guidelines, and with the rules and regulations adopted by the Board.

5.2. Design Guidelines. The construction and architecture shall adhere to the traditional Pueblo style, Territorial style or Northern New Mexico (pitched metal roof) style architecture, except that other architectural styles may be permitted by the Architectural Committee as long as they complement the architectural character and quality of the Subdivision. The use of local, indigenous and traditional materials and techniques are favored, but other materials may be used where their use reflects sound architectural practice. All decisions as to style and materials shall be made by the Architectural Committee.

# Article 6 Building Standards

## 6.1. General Building Standards:

- a. Only one single family dwelling of not less than one thousand two hundred fifty (1,250) square feet of interior heated space shall be allowed on each Lot. Each dwelling must include an enclosed garage for two cars. One attached studio shall also be allowed. A guest house shall be allowed only on Lots 105 and 23.
- b. All extensions of utilities, including electrical and telephone lines, shall be underground. Other than this restriction requiring that extensions of utilities be underground, the laws and regulations of New Mexico and Santa Fe County shall govern the construction of all utility structures and utility lines.
- c. No exterior floodlights or lamps shall be located more than fifteen (15) feet above the existing ground. All exterior floodlights and lamps shall be adequately shielded so that the lighting does not adversely affect other Lots.
- d. The siting of all structures shall be accomplished with a minimum of clearing and/or grading of the existing environment to protect the visual integrity of the site.
- e. Multilevel structures must conform to the existing topographic conditions of the site in order to minimize visual impact.
- f. Access drives shall be designed to minimize grading by following the contours of the site as much as possible to achieve a more natural appearance and minimize road scarring.

- g. Materials permitted for structures shall include stucco, adobe, brick, natural stone, integrally colored or painted masonry or concrete. This designation of materials does not apply to utility structures and utility lines.
- h. Colors for exteriors of structures shall be of earth tones and earth tone hues. This designation of colors does not apply to utility structures and utility lines. In addition, the color white or light beige shall be allowed under portales, porches, or other dark areas and as accent colors, subject to approval by the Architectural Committee.
- 6.2 Height Limitations. The height limitations of all structures shall comply with the height limitations set forth in the Santa Fe County Land Development Code Terrain Management Standards.
- 6.3 Additional Height Limitations. Additional height limitations are imposed on a portion of Lot 76 and on Lots 77-80. These limitations are as a result of an agreement binding upon Developer, which agreement is set forth in the Special Warranty Deed filed in Book 327 on pages 745 through 748. The restriction limits any structure to a maximum elevation of 6139.1 based on a bench mark shown on the Las Lagunitas Subdivision Preliminary and Final Subdivision Submittal, Sheet 3 of 3, Subdivision Plat of Las Lagunitas Third Filing, as approved by the Board of County Commissioners of Santa Fe County on August 13, 1996.
- 6.4. Terrain Management Standards. All construction on every Lot must be in compliance with the Terrain Management regulations contained in the Extraterritorial Zoning Ordinance. These regulations may restrict and limit the allowable area of the building envelope on each Lot, depending on topography, slope, natural features, wetlands, drainages, etc. It is recommended that Lot Owners seek professional advice in evaluating each Lot's development potential under these regulations.

Any approvals inder or any compliance with this Declaration is no guarantee that any structure or construction complies with any applicable regulation promulgated by any governmental authority. Compliance with such regulations is each owner's sole responsibility. No approval of plans and specifications and no publication of architectural standards shall be construed as representing or implying that such plans, specifications, or standards will, if followed, result in soundly designed improvements. Such approvals and standards shall in no event be construed as representing or guaranteeing that any house or other improvement built in accordance therewith will be built in accordance with applicable building codes or other governmental requirements or in good and workmanlike manner. Neither Developer, the Association, nor the Architectural Committee shall be responsible or liable for any defects in any plans or specifications submitted, revised, or approved pursuant to the terms of this Declaration, nor any defects in construction undertaken pursuant to such plans and specifications.

6.5. Setbacks. No structure (except walls or fences) may be built within the building setbacks prescribed below (as measured from the Lot line):

Front Yard Setback: 20 feet Rear Yard Setback: 20 feet Side Yard Setback: 20 feet

6.6 Combination of Lots. The Owner of two or more contiguous Lots may combine the Lots for the purpose of construction of a single-family dwelling, as described in paragraph 6.1.a. herein, on a site which would otherwise violate the setback requirements. The combined Lots may be resubdivided into the original Lots only if such resubdivision will not result in a violation of any provision of the Declaration, including the setback requirements. No original Lot may be subdivided into smaller tracts, except for Lot 106, which may be subdivided if allowed by the Santa Fe County.

## Article 7 Other Restrictions

- 7.1. Insurance Hazards and Waste. Nothing shall be done or kept on any portion of the Subdivision which will result in the cancellation or increase in the rate of any insurance, without the prior written consent of the Board. No waste shall be committed anywhere on the Subdivision.
- 7.2. Nuisances. No noxious or unreasonable offensive activities shall be carried on and nothing shall be done or placed on the Subdivision which may be or become a nuisance, disturbance, or annoyance to any residents of the Subdivision. This provision shall be liberally construed to include situations which are offensive to reasonable persons, such as the retention or disposal of trash within the Subdivision, retention of junked vehicles or vehicles not in service, loud activities, and activities which produce interference with ordinary television reception including, but not limited to, having improperly tuned HAM or CB reception or transmission stations.
- 7.3. No Oil, Quarrying or Mining Operations. No oil drilling, oil development operations, oil refining, quarrying, mining operations, oil wells, tanks, tunnels, or mineral excavations or shafts shall be permitted within the Subdivision. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted within the Subdivision.
- 7.4. Animals. No animals, including, but not limited to, horses or other domestic farm animals, fowl or poisonous reptiles of any kind, may be kept, bred or maintained on any Lot or upon any Common Area, except a reasonable number of commonly accepted Household Pets in accordance with the Association Rules. No animals shall be kept, bred or raised within the Property for commercial purposes. In no event shall any domestic pet be allowed to run without being constrained by a leash when not on its owner's Lot or conduct itself

- so as to create an unreasonable annoyance. The Association may require that all such domestic pets be registered with the Association and shall have proof of proper immunization presented with their registration.
- 7.5. Tree Removal. Trees having a diameter greater than four (4) inches or trees more than ten (10) feet from any residence shall not be removed without the prior written approval of the Architectural Committee.
- 7.6. Vehicles, Garages. No vehicle of any type, motorized or otherwise, shall be operated on any Common Area except the roadways. No automobile or other motor vehicles shall be parked on any Common Area. No portion of any improvement which is intended to be used as a garage shall be used or converted for use for any other purpose without the prior written consent of the Architectural Committee.
- 7.7. Burning. No brush, trash or other m terials shall be burned.
- 7.8. Protection of Wildlife. In order to protect the naturally occurring wildlife within the Subdivision, the killing or hunting of animals is prohibited.
- 7.9. Fences and Walls. Any fences or walls longer than seventy five (75) feet in the aggregate or higher than six (6) feet at any point are subject to the written approval of the Architectural Committee prior to construction. However, Lot perimeter fences or walls are not permitted, and barbed wire fences are not permitted.
- 7.10. Signs. No signs shall be placed or displayed on any Lot without the prior written consent of the Board and the Architectural Committee, except:
  - a. a sign which indicates the name and address of the residents of the Lot;
  - b. any sign required by l. . ad
  - c. "For Sale" signs posted by Developer or one (1) standard real estate sign not to exceed 20" x 30" for Lots listed for sale.
- 7.11. Tanks. No tanks, including, but not limited to, butane tanks or water storage tanks shall be allowed in the Subdivision.
- 7.12. Wells. No wells may be drilled on any Lot.
- 7.13. Guest Houses. Except as otherwise specifically allowed in paragraph 6.1.a. above, guest houses are not permitted within the Subdivision.
- 7.14 Other Prohibited Structures. No tents, shacks, trailers, doublewide trailers, campers, motor homes, mobile homes, outbuildings, or garages shall be lived in or used for residence

within the Subdivision. No residence of temporary character shall be built or used within the Subdivision. Prefabricated or premanufactured homes set on a permanent foundation are allowed if approved by the Architectural Committee, so long as such homes meet the exterior materials and color standards, as well as all other requirements contained in Article 6 herein.

- 7.15. Antennae and Cable Television. No Owner shall construct or otherwise maintain within the Subdivision any external or internal radio or television antennae, saucers, or other reception devices or equipment, except as otherwise permitted by the Architectural Committee as to the location, size, color and screening of such devices or equipment. No Owner shall install any equipment or apparatus which in any way interferes or otherwise impedes the normal reception of radio and/or television transmission signals upon or to other portions of the Subdivision.
- 7.16. Storage. Except for building materials used in connection with and during the term of construction, there shall be no storage of any materials outdoors. No more than one recreational vehicle and no more than one boat may be stored on any Lot. Any recreational vehicle or boat shall be parked in an inconspicuous place. In this connection, the Architectural Committee may require trees or other landscaping to be planted as a condition for allowing storage of the recreational vehicle or boat to continue, so that such parking area is sufficiently screened from other Lots and the Common Area, including the roadways within the Subdivision.
- 7.17. Subdivision of Lots. No Lots shall be further subdivided or otherwise partitioned or severed, except for Lot 106, which may be subdivided if allowed by Santa Fe County.
- 7.18. Access. No Lots may access directly onto any County or frontage road.
- 7.19. Solid Waste. Solid waste removal from all Lots will be handled by a disposal service company contracted for this purpose by the Association. All Lot Owners are required to utilize the designated company for the removal of solid waste from their Lot.
- 7.20. Mailboxes. Developer will install a central mailbox system in the Common Area, in accordance with United States Postal Service regulations. No other mailboxes shall be allowed on the Property.
- 7.21. Parking. No routine parking shall be allowed on any of the roads shown on the Plat. Each Owner must provide sufficient off-street parking for normal household purposes.

# Article 8 Construction

8.1. Limitations on Construction. Once construction begins, exterior construction of any structure and revegetation and landscaping of any excavated area shall be completed within

- one (1) year unless an extension is granted by the Architectural Committee which approval shall not be unreasonably denied. Revegetation shall consist of planting or replanting plants indigenous to the area. Lot Owners must maintain a clean and tidy construction site, and shall not allow trash and construction debris to accumulate on or near his Lot. If the Owner fails to remove trash and construction debris after the Architectural Committee has requested such removal, then the Association may cause the trash and construction debris to be removed. The cost of such removal will be levied against the Owner of the Lot. The Committee shall also collect a Construction Deposit Fee of \$500.00, upon approval of the plans, to assure the Owner's compliance with these obligations during the construction period. The Construction Deposit Fee shall be refundable upon final completion and clean up of the site to the satisfaction of the Association.
- 8.2. Protection of Vegetation. Lot owners are responsible for ensuring that during construction all contractors refrain from damaging or removing trees and other vegetation, except as may be reasonably necessary and unavoidable for clearance of a building site and construction of driveways, parking areas and turnarounds. Trees having a diameter greater than four (4) inches or trees more than ten (10) feet from any residence shall not be removed without the prior written approval of the Architectural Committee.

#### Article 9

Rights of Guicu Community Irrigation Association/La Cienega Ditch Association and the Association's Responsibilities

- 9.1. The Guicu Community Irrigation Association. La Cienega Joint Venture and the Guicu Community Irrigation Association (GCIA) executed an "Amended Agreement" dated September 15, 1995, and was filed with the Office of the Santa Fe County Clerk on October 2nd, 1995, Book 1204, Page 417. This Agreement shall be incorporated as part of this Declaration and is included herein as Exhibit F. This Agreement binds the LLHA to the following:
  - a. The LLHA shall not redesign, divert, change or alter the natural drainage channel of Guicu Acequia water, including, but not limited to, flowing and/or standing water, by enlarging any existing ponds or lakes on the Property, or by constructing any new ponds, lakes, or any man-made water storage project on the Property with water from the Guicu Acequia drainage, or engage in any activity on the Property that adversely affects the rights of GCIA.
  - b. The GCIA has the right to enter the Property to make necessary repairs and perform maintenance to the water works including the dam, valve assembly, and piping.
  - c. Should the use of enduent water on the Property, or the use of other materials on the Property, including but not limited to, chemicals and fertilizers, result in the water in the Guicu Acequal being in noncompliance with state or federal standards

for the water quality of Guicu's irrigation water, the LLHA shall be responsible for bringing the resultant Guicu Acequia water quality into full compliance with all state and federal standards in a timely manner at the Association's expense, or the Association immediately shall halt the operation of LLHA activities which are causing the Guicu Acequia water to be in noncompliance with state and federal standards for water quality. At a minimum, the water quality in the Guicu Acequia shall be maintained in the manner as described below:

- i. Grading will direct storm water drainage away from the ponds, and sufficient free board (distance between the pond surface and dike surrounding pond) will be designed into the ponds to prevent overflow from heavy rains.
- ii. Effluent waters used for irrigation will satisfy state and federal standards for water quality, which includes limiting nitrate levels to 10 parts per million or less.
- d. The LLHA agrees that the waters flowing from the ponds, springs, acequias and the creek shall not be used for irrigation purposes within the Property. However, nothing in this paragraph shall preclude nor prohibit domestic irrigation from the community water system or from treated effluent for normal household irrigation of trees, gardens and landscaping or other uses within the Subdivision as allowed under the Declaration.
- e. The LLHA shall allow the Mayordomo or his designee reasonable vehicular entry to access the Center Valve as a matter of convenience.
- f. Subject to the provisions of Sections 10.3 and 16 below, the Guicu does not object to fishing of the 2.9 acre pond by residents and guests of the Subdivision on a limited basis provided that such activities do not adversely impact the use of the water for irrigation purposes by the Guicu. It is understood by both parties that the use of water from the pond for irrigation has exclusive priority over fishing activities and, from time to time, as water is drained from the pond by the Guicu for irrigation purposes the surface area of the pond may be reduced to less than 2.9 acres. This occurrence does not diminish Guicu's right to use waters from the pond as necessary for irrigation irrespective of the pond's surface area during these periods. No boats, rafts, or other flotation devices shall be allowed on any of the ponds.
- 9.2. The La Cienega Ditch Association. La Cienega Joint Venture and the La Cienega Ditch Association (LCDA) executed an "Amended Agreement" dated July 3rd, 1995, Book 1199, Page 491-499. This Agreement shall be incorporated as part of this Declaration and is included herein as Exhibit G. This Agreement binds the Association to specific conditions as set forth therein.

## Article 10 Cultural and Natural Resources

- 10.1 Wetlands. Much of the Open Space has been designated as wetlands as shown on the Plat. These areas are protected areas under federal law and cannot be developed nor disturbed without the appropriate permits from the Army Corp. of Engineers. The removal or destruction of flora and fauna within wetland areas by any Lot owner is strictly prohibited and subject to a \$1,000.00 fine for each offense!
- 10.2 Archaeological Sites. An archaeological survey conducted for the Property identified 12 archaeological sites numbered 85799-85810. Of the 12 sites, the following 8 sites will remain undisturbed under a conservation easement granted for the preservation of cultural resources. They are numbered below and are shown on the Plat:

85799	85802	85804	85805
85807	85808	85809	85810

These eight remaining archaeological sites are protected areas and cannot be developed nor disturbed. The entry and/or removal of any artifact from these areas is strictly prohibited and subject to a \$1,000.00 fine for each offense!

The other four sites have been tested and cleared by the State Historic Preservation Division as their potential for further data recovery has been exhausted. The location of these sites is not shown on the Plat, since they no longer impact the Property.

10.3 Ponds/Open Space. No boats, rafts, or flotation devices shall be allowed on the Property unless in accordance with any rules and regulations promulgated by the Association regulating such matters. No swimming shall be allowed in any of the ponds unless in accordance with any rules and regulations promulgated by the Association regulating swimming. Fishing on a limited basis shall be allowed as determined by the LLHA. No hunting or killing of any other animals which inhabit the pond and Open Space is allowed under any circumstance.

# Article 11 Water Restrictive Covenants/Water Wells

- 11.1 Covenants. All Lots are restricted to a maximum water use of .30 acre/feet (97,755 gallons) per year. Because of our high desert environment and in order to conserve water resources, the following water conservation provisions are imposed:
  - a. A maximum of 1,000 square feet of irrigated landscaping shall be permitted per Lot. Of this, a maximum of 500 square feet of low water use native or warm weather grasses shall be permitted on each lot. The balance she be limited to drip irrigated trees, shrubs and horticultural plants.

- b. All showers should be equipped with shower heads designed to pass not more than three (3) gallons of water per minute. Variable flow heads should not pass more than three (3) gallons of water per minute at maximum setting.
- c. All faucets should be washerless and equipped with aerators or other flow restricting devices designed to pass not more than four (4) gallons of water per minute, however, faucets used for dishwashers, washing machines and bathtubs may be excluded.
- d. All water closets should be models designed to consume no more than 1.6 gallons of water per flush. This should be in accordance with the manufacturer's specifications.
- e. Water systems should be designed to deliver an average pressure of 50 psi and a maximum pressure of 60 psi, as measured at the discharge side of the pressure reducing valve for each structure.
- f. One automatic dishwasher per Lot is acceptable, provided it is a model designed to use no more than 13 gallons per cycle and it has a cycle adjustment which allows reduced amounts of water to be used for reduced loads. Two dishwashers shall be allowed on Lots 23 and 105.
- g. One automatic washing machine per Lot is acceptable, provided it is a model which uses no more than 50 gallons per cycle and which has a cycle or water level adjustment which permits reduced amounts of water to be used for reduced loads. Two automatic washing machines shall be allowed on Lots 23 and 105.
- h. No swimming pools are allowed on any Lot. This restriction shall not restrict Developer or the Association from building a swimming pool on any of the Common Areas of the Subdivision, but neither Developer nor the Association shall have the obligation to do so.
- i. No garbage disposals shall be allowed in any improvement on any Lot due to the necessity of maintaining the integrity of the clear stream processing units.

The maximum levels prescribed above may be exceeded when irrigation for these additional areas is provided by recycled water (i.e. roof drainage, effluent, etc.) or when the plant materials and garden comply with xeriscape principles.

11.2 Water Wells. Water wells are located on Lots 23, 75, 102, and 105. These wells and the water rights associated to these wells belong to LLHA. The use and withdrawal of water from and access to these wells is reserved exclusively for LLHA. Water well numbered RG 39419, located on Lot 106, belongs to the owner of Lot 106, and use and withdrawal of water from, and access to, this well is reserved exclusively to the owner of Lot

106. Water we numbered RG-5530, located on Tract C, as described on the Plat, its use, water rights, and access thereto, belong the GCIA.

## Article 12 Solar Rights

Lot owners shall have the right to the use and enjoyment of radiant energy from the sun which naturally impinges on their Lot and no Lot owner shall in any way obstruct or interfere with the path of natural radiation to any adjacent Lot. No vegetation, structure, fixture, or other object shall be so situated that it casts a shadow at a distance of greater than twenty (20) feet across any property line on December 21 between the hours of 9:00 a.m. and 3:00 p.m., Mountain Standard Time, provided that this restriction does not apply to utility structures and similar objects which are needed and situated for reasonable use of the Lot.

## Article 13 Permitted Commercial Activities

- 13.1 General. Nothing herein shall be construed to prohibit the use of space within a residence for a professional or other office employing not more than one (1) employee or other person who does not reside on such Lot. Any commercial home occupation must, however, obtain prior approval from, and comply with all standards and regulations of, Santa Fe County. No such commercial activity shall substantially increase the flow of traffic to such Lot to a level greater than that normally generated by residential use.
- 13.2 Commercial Use of Lot 106. Lot 106 is within a designated Major Center District commercial node. The owner(s) of Lot 106 reserve the right to develop Lot 106 for commercial purposes in accordance with the County Land Development Code as it may be amended from time to time. Although Lot 106 was created as a result of this Subdivision, it is not subject to this Devlaration unless it is used for residential purposes.

# Article 14 Approval of Construction Sites

The selection of all construction or building sites on any Lot shall be subject to approval by the Architectural Committee. Such approval may be withheld if the site selected would unreasonably interfere with drainage patterns or archaeological sites, would result in excessive cutting or filling or would require excessive removal of native vegetation.

# Article 15 Solid Waste Disposal

All Lot owners are to dispose of the solid waste in an approved sanitary landfill or to contract for solid waste collection seres. Each resident shall supply a garbage can of not

less than thirty (30) gallons in capacity, together with cover. Waste shall be kept in covered containers and shall be stored and disposed of in a manner approved by the Environment Department.

# Article 16 Common Area Restrictions and Release of Liability

Without the advance written approval of the Architectural Committee, Lot owners may not build, place or store any structure upon the Common Area, roadways, or the utility, archaeological, drainage or trail easements, as shown on the Plat. There are various ponds, creeks, and wetlands located within the common areas of the Subdivision as shown on the Plat. No boating, rafting, or other flotation devices shall be allowed on such bodies of water unless allowed by the Association and the Association has promulgated rules and regulations governing such activity. If any Member, or any Member's tenants, guests, employees, or invitees fish or otherwise use, misuse, or have any accidents due to such bodies of water, neither Developer nor the Association shall in any manner be liable or responsible for any injuries, death, or damages that may result from such bodies of water. All Members, by purchase of a Lot, accept and assume all responsibility and risk for injury, death, illness, or disease arising from the existence of such bodies of water.

# Article 17 General Provisions

- 17.1. Enforcement. The Association, or any Member, shall have the right to enforce, by any proceeding at law or in equity, the provisions of this Declaration. Failure by the Association or by any Member to enforce any covenant or restriction shall not be deemed a waiver of the right to do so thereafter. Any condition existing on the Property on the date of recording this Declaration which violates any provision of the Declaration shall be deemed a nonconforming use and shall not be subject to abatement.
- 17.2. Severability. The invalidation of any provision of this Declaration by judgment or court order shall not affect any other provision. Such other provisions shall remain in full force and effect.
- 17.3. Amendment. This Declaration may be amended by an instrument signed by not less than two-thirds (2/3) of the Members. Any amendment shall be effective from the time of recording in the office of the Clerk of Santa Fe County, New Mexico. Any amendment to any provision contained in Article 9 herein shall not be effective without the approval of the GCIA and the LCDA.
- 17.4. Right to Notice and Comment. Whenever the Declaration, Articles, or Bylaws require than an action be taken and at any time the Board determines, the Members have the right to comment orally or in writing. Notice of the proposed action shall be given to each Member in writing and shall be delivered personally or by mail to all Members at such

address as appears in the records of the Association, or published in a newsletter or similar publication which is routinely circulated to all Members. The notice shall be given not less then five (5) days before the proposed action is to be taken. The right to Notice and Comment does not entitle a Member to be heard at a formally constituted meeting.

- 17.5. Captions. The captions herein are inserted only as a matter of convenience and for reference, and in no way define, limit or describe the scope of this Declaration of the intent of any provision thereof.
- 17.6. Conflict with Bylaws. If any of the provisions of the Bylaws conflict with any provisions of this Declaration, the provisions of this Declaration will control.

Ranch Partners Limited Company, a New Mexico limited liability company

By: Ater Development and Consulting Services Ltd. Co.,

a New Mexico limited liability company

David Ates Managing Member

α,

David Ater, Managing Member

Date

STATE OF NEW MEXICO	)
	) ss.
COUNTY OF SANTA FE	)

This Revised and Restated Declaration of Covenants for Las Lagunitas was signed before me on Local Revised and Restated Declaration of Covenants for Las Lagunitas was signed before me on Local Revised and Restated Declaration of Covenants for Las Lagunitas was signed before me on Local Revised and Restated Declaration of Covenants for Las Lagunitas was signed before me on Local Revised and Restated Declaration of Covenants for Las Lagunitas was signed before me on Local Revised and Restated Declaration of Covenants for Las Lagunitas was signed before me on Local Revised and Restated Declaration of Covenants for Las Lagunitas was signed before me on Local Revised Revised

(Luy (). ) We Courtly Notary Public

My commission expires: 13/15/

MIS/laslagu5.cov/acm





COUNTY OF SANTA TE 100 0 SS 87

STATE OF NEW VEX 30

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19 97 1 a 3 4/2 book from and selections of Santa Fa County.

With use the Highland Select Office

#### **EXHIBITS**

- A Waste Water Discharge Plan
- B Monthly Operation and Maintenance Report (liquid waste disposal system)
- C Maintenance Agreement (liquid waste disposal system)
- D Owner's Guidelines for Operation (liquid waste disposal system)
- E Non-Exclusive Easement
- F Amended Agreement with La Cienega Joint Venture and Guicu Community Irrigation Association
- G Amended Agreement with La Cienega Joint Venture and La Cienega Ditch Association



GARY E. JOHNSON

# State of New Mexico ENVIRONMENT DEPARTMENT Ground Water Protection and Remediation Bureau

Harold Runnels Building 1190 St. Francis Drive, P.O. Box 25110 Santa Fe, New Mexico 87802 (508) 827 2918 phone (808) 827.2955 fox



1422137

CERTIFIED MAIL - RETURN RECEIFT REQUESTED

August 113, 1996

Hard delivered 8/12/96 Scott MARTHELISTER
David Schole: DA

Charles W. Robinson, Managing Partner La Cirnega Joint Venture
The Foudu Subdivision
P.O. Box 2224
Santa Fe, MM 87504

RE: Discharge Plan Approval, DP-1107, The Ponds Subdivision

Deer Mr. Robinson:

Pursuant to Water Quality Control Commission (WQCC) Regulation S109, the discharge plan application for DP-1107, submitted by Walker Engineering for the discharge of 39,750 gallons per day of demostic Wastewater from the Fonds Subdivision is hereby approved, subject to the conditions listed below. The facility is located post, Santa Fa County. In approving this discharge plan, the New Yerico Environment Department (NMSD) has determined that the requirements of WQCC Regulation 3109.C have been met.

The approved Fonds Subdivision treatment and disposal system is briefly last ited as follows:

Domestic wastewater from 106 dwellings will be collected in primary septic tanks for solids settling prior to being discharged to 27 tanks for treatment. Treated wastewater will be discharged to leachfields for final disposal. The wastewater treatment units will be installed singularly and in clusters of up to 7 units. Each individual unit will treat wastewater from 4 to 7 dwellings. Ground water below the site is at a depth of approximately 25 feet milligrams per liter.

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The approved discharge plan consists of the materials submitted by Talker Engineering dated April 23, 1996. The discharge shall be managed in accordance with the approved plan and is subject to the conditions listed below.

However, approval of this discharge plan does not relieve you of your responsibility to comply with any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

#### CONDITIONS FOR APPROVAL

This discharge plan approval is subject to the following conditions for the following reasons:

1. The Ponds abdivision shall submit final proposed locations each treatment unit or treatment unit cluster to the NMED at least 30 days prior to installation for NMED approval. The bottom of each leachfield shall be a minimum of ten feet above the ground water table.

The reason for this condition is to comply with WCCC Reg. 3106 and to ensure that adequate separation exists between the discharge and ground water.

The Ponds Subdivision shall install one monitor well hydrologically downgradient of each treatment unit cluster prior to discharge. Monitor wells shall be installed in locations preapproved by the NMED. The wells shall be constructed according to NMED Monitor Well Construction Guidelines (copy enclosed). Construction and lithologic logs for each well shall be submitted to NMED after installation. The top of the casing of each well shall be surveyed to a common permanent benchmark to the nearest 100th of a foot (0.01 ft.).

The reason for this condition is to comply with WQCC Reg. 3107 and provide adequate monitoring of ground water quality.

3. The Fonds subdivision shall sample each monitor well specified in Condition 2 prior to discharge. After initiation of discharge, each monitor well and the effluent from each treatment unit shall be sampled quarterly Sample analyses shall be submitted to NMED by January 31, April 30, July 31, and October 31 of each year. Effluent samples shall be analyzed for nitrate as nitrogen (NO<sub>3</sub> as N), total Kjeldahl nitrogen (TKN),

chloride (Cl), and total dissolved solids (TDS). Ground water samples shall be analyzed for the above listed parameters as well as fecal coliform (presence/absence test). The water level shall be measured in all monitor wells prior to sampling to the nearest hundredth of a foot and submitted to the NMED with the monitoring reports. A summary of monitoring requirements is attached to this letter.

The reason for this condition is to comply with  $\mbox{WQCC}$  Reg. 3107.

- 4. If a quarterly effluent monitoring sample shows that the effluent contains greater than 20 milligrams per liter (mg/l) total nitrogen (sum of nitrate as nitrogen and total Kjeldahl nitrogen), a confirmatory sample will be analyzed for the above listed parameters within 7 days, greater than 20 mg/l total nitrogen, the following contingency plan shall be enacted:
  - A. NMED shall be notified immediately that the contingency plan is being enacted.
  - B. Effluent sampling and analyses will be conducted on a monthly basis.
  - C. The discharger shall examine the Operation and Maintenance Log for improper operational procedures, and conduct a physical inspection of the treatment system to detect abnormalities in the system. Any abnormalities discovered will be corrected.
  - D. If, after 30 days, the effluent is not below 20 mg/l total nitrogen, the Ponds Subdivision shall submit a corrective action plan for NMED approval to upgrade the treatment capabilities of the system. This plan shall be submitted within 60 days of the original confirmation of exceedence of the effluent limitation. The corrective action plan shall be implemented immediately upon NMED approval.
  - E. When effluent sampling and analyses confirm that total nitrogen concentration is less than 20 mg/l for 3 consecutive monthly samples, the Ponds Subdivision shall return to normal quarterly effluent monitoring.

The reasons for this condition are to comply with wocc Reg. 3107 and to ensure ground water is not contaminated.

5. If quarterly monitoring shows that ground water contains greater than 7 mg/l total nitrogen, a confirmatory sample shall be analyzed within 7 days. If this sample confirms that ground water contains greater than 7 mg/l total nitrogen, the Ponds Subdivision shall submit a corrective action plan within 30 days for NMED approval which includes increasing the treatment capabilities of the system, and a proposed lower effluent total nitrogen

If quarterly ground water monitoring shows that ground water contains greater than 10 mg/l total nitrogen, a confirmatory sample shall be analyzed within 7 days. If this sample confirms that ground water contains greater than 10 mg/l total nitrogen, the Ponds Subdivision shall step discharging until it demonstrates to NMED that further discharges will not contaminate ground water. In addition, the Ponds Subdivision shall submit a corrective action plan within 14 days for NMED approval which includes upgrades to the treatment system and a proposal to address ground water contamination.

If quarterly ground water monitoring shows the presence of fecal coliform, a confirmatory sample shall be analyzed within 7 days. If this sample confirms the presence of fecal coliform, the Ponds Subdivision shall submit a corrective action plan within 30 days for NMED approval which includes installation of affluent disinfection equipment.

The reasons for this condition are to comply with WQCC Reg. 3103 and 3107 and to ensure ground water is not contaminated.

- 6. The Ponds Subdivision shall report to NMED immediately the discovery of surfacing effluent in any of the leachfields. If surfacing occurs, the Ponds Subdivision shall take corrective action immediately to remedy the problem.
- 7. The Ponds Subdivision shall, within 30 days of receipt of this approval, submit an operation and inspection plan for NMED approval. This plan shall include a schedule defining maintenance and inspection to be conducted, as well as use of a maintenance and inspection log for each treatment unit. The name of the certified operator of the

wastewater treatment system shall be submitted to the NMED prior to discharge.

The reasons for this condition are to comply with word Reg. 3106 and 4201.C.

#### SPECIPIC REQUIREMENTS

The terms and conditions of this approval contain specific requirements which are summarized below.

- The Ponds Subdivision will treat and discharge a maximum of 39,750 gallons per day of domestic wastewater using 27 Clearstream brand treatment units.
- 2. Upon closure of the treatment systems, the Ponds Subdivision will enact the closure plan dated April 23, 1996. This plan includes pumping accumulated solids out of the septic tanks, removal of treatment units, and backfilling of septic tank with soil.
- Each treatment unit cluster will be equipped with an automated monitoring system to alert the operator of a high water condition, power outage, or compressor failure.

## GEERRAL DISCHARGE PLAN REQUIREMENTS

In addition to any other requirements provided by law, approval of discharge plan, DP-1107, is subject to the following general requirements:

#### Monitoring and Reporting

Monitoring and reporting shall be as specified in the discharge plan and supplements thereto. These requirements are summarized on the attached sheet(s). Any inadvertent emissions from this summary of a discharge plan monitoring or reporting requirement shall not relieve you of responsibility for compliance with that requirement.

### Record Resping

1. The discharger shall maintain at the facility, a written record of ground water and wastewater quality analyses.

The following information shall be recorded and shall be made available to the NHED upon request.

- a. The dates, exact place and times of sampling or field measurements.
- b. The name and job title of the individuals who performed the sampling or measurements.
- c. The dates the analyses were performed.
- d. The name and job title of the individuals who performed the analyses.
- e. The analytical techniques or methods used.
- f. The results of such analyses, and
- g. The results of any split sampling, spikes or repeat sampling.
- The discharger shall maintain a written record of any spills, seeps, and/or leaks of effluent, leachate and/or process fluids not authorized by this discharge plan.
- 3. The discharger shall maintain a written record of the operation, maintenance and repair of facilities/equipment used to treat, store and/or dispose of wastawater; to measure flow rates; and/or to monitor water quality. This will include repairs, replacement or calibration of any monitoring equipment and repairs or replacement of any equipment used in the Ponds Subdivision's waste or wastewater treatment and disposal system.
- 4. The discharger shall maintain a written record of the amount of wastewater discharged.

## Inspection and Entry

In accordance with 5 74-6-9.B & E NMSA 1978 and WQCC Regulation 3107.D., the discharger shall allow the Secretary or his authorized representative, upon the presentation of credentials, to:

- 1. Enter at regular business hours or at other reasonable times upon the discharger's premises or where records must be kept under the conditions of this discharge plan.
- 2. Inspect and copy, during regular business hours or at other reasonable times, any records required to be kept under the conditions of the discharge plan.
- 3. Inspect, at regular business hours or at other reasonable

times, any facility, equipment (including monitoring and scatted equipment), practices or operations regulated or required under this discharge plan.

1. Sample or monitor, at reasonable times for the purpose of assuring discharge plan compliance or as otherwise authorized by the New Mexico Water Quality Act, any effluent at any location before or after discharge.

## Duty to Provide Information

In accordance with S 74-6-9.8 NMSA 1978 and WQCC Regulation 3107.D., the discharger shall furnish to the NMED, within a reasonable time, any relevant information which it may request to determine whether cause exists for modifying, terminating and/or renewing this discharge plan or to determine compliance with this plan. The discharger shall furnish to the NMED, upon request, copies of records required to be kept by this discharge plan.

## Spills, Leaks and Other Unauthorized Discharges

This approval authorizes only those discharges specified in the discharge plan. Any unauthorized discharges violate WQCC Regulation 3104, and must be reported to the NMED and remediated as required by WQCC Regulation 1203. This requirement applies to all seeps, spills, and/or leaks discovered from the conveyance piping, septic tanks, and trestment units.

#### Retention of Records

The discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this discharge plan, and records of all data used to complete the application for this discharge plan, for a period of at least five years from the date of the sample collection, measurement, report or application. This period may be extended by request of the Secretary at any time.

#### Enforcement

Failure to grant the Secretary or his authorized representative access to the records required to be kept by this discharge plan or to allow an inspection of the discharge facilities or to the collection of samples is a violation of this discharge plan and the WQCC Regulations. Such violations as well as other violations of the discharge plan, may subject the discharger to a compliance order, a compliance order assessing a civil penalty or an action in district court pursuant to 5 74-5-10 MHSA 1978, and/or modification or termination of this discharge plan pursuant to 5

74-6-5.D NMSA 1978. Penalties assessed as part of a compliance order shall not exceed \$15,000 per day for violations of the terms of this permit or the requirements of 5 74-6-5 NMSA 1979, and shall not exceed \$10,000 per day for violations of other sections of the Water Quality Act.

## Modifications and/or Amendments

The discharger shall notify NMED, pursuant to WQCC Regs. 3107.C, of any modifications or additions to the Ponds Subdivision's wastewater disposal system, including any increase in wastewater flow rate or wastewater storage and disposal management changes to the system as approved under this discharge plan. The discharger shall obtain NMED's approval, as a discharge plan modification, prior to any increase in the quantity or concentration of constituents in the leachate above those approved in this plan. Please note that WQCC Regs. 3109.E and F provide for possible future amendment of the plan.

## Other Requirements

Please be advised that the approved of this plan does not relieve Charles W. Robinson of liability should your operation result in actual pollution of surface or ground water which may be actionable under other laws and/or regulations.

#### RIGET TO APPEAL

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If Charles W. Robinson is dissatisfied with this action taken by NMED, Charles W. Robinson may file a petition for hearing before the WQCC. This petition shall be in writing to the Water Quality Control Commission within thirty (30) days of the receipt of this letter. Unless a timely request for hearing is made, the decision of the NMED shall be final.

## TRANSFER OF DISCHARGE PLAN

Pursuant to WCCC Regulation 3111, prior to any transfer ownership, the discharger shall provide the transferee to app c the discharge plan, including a copy of this approval letter and shall document such to the NMED.

## PERIOD OF APPROVAL

Pursuant to WQCC Reg. 3109.G.4., the term of this discharge plan approval shall commence on the date the discharge begins. Prior to discharging, written notification shall be given to the New Mexico Environment Department stating the date the discharge is to commence. The term of this approval shall be five years from the

date the discharge commences, or seven years from the date of this letter, whichever occurs first. You must submit an application for renewal at least 120 days before the expiration date.

Sincerely,

Marcy Leavitt, Chief Ground Water Quality Bureau

HL:SH/am

Enclosures:

NMED Honitor Well Construction Guidelines

Monitoring Requirements Summary

xc: James Bearzi, Dist. Hanager, NHED Dist. 2

## N M ENVIRONMENT REPARTMENT - GROUND HAVER SECTION HONITOR FELL CONSTRUCTION AND ABANDOMENT GUIDELINES

Puriose: These chidelines provide minimum construction and abandonment standards for chilled monitor walls which are to be nampled for general chemistry analyses. There may be additional requirements it hydrocarbons or other chamicals are involved. Also different guidelines may apply for other types of well construction such as driven wells.

## General Drilling Specifications

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- The bore hole shall be drilled a minimum of 4 inches larger than the casiny clameter to allow for the emplacement of sand and sealant. No contaminants shall be present in the drilling mud. All drill bits, drill rods, and down-hole tools shall be thoroughly cleaned prior to the start of drilling. After completing the well casing installation, the well shall be developed so that formation water flows freely through the screen and ha not turbid, and all sediment has been removed from the well.

## Well Specifications (Refer to figure on reverse side.)

- 3.
- Use Schedule 40 or heavier PVC pipe, not less than 2 inches ID, as casing. The casing shall extend from the top of the screen to at less thy a cap, and the exposed casing must be protected by a cap, and the exposed casing must be protected by a locking shroud. The shroud shall be large enough in diameter to allow easy access for removal of the plastic cap on the PVC casing.

  Use a minimum 20-foot section of machine slotted or other manufactured screen. A slot size of 0.010-inch generally is adequate for most installations. (No on-site, hack-saw slotting.)

  The top of the screen shall be 5 feet above the water table, allowing for seasonal fluctuations.

  The annular space from the bottom of the screen ( 2 feet below the screen) 2 feet above the screen shall be packed with sand. Clean, sited to prevent fines in the formation from entering the well. For despite the sand shall be placed by a tremmie pipe.

  The annular space from the bottom of the sand pack should be properly desper wills the sand shall be placed by a tremmie pipe.

  The annular space above the gravel pack shall be grouted or sealed. The sand as shall be placed by a tremmie pipe is pressure trouting with heatonite or cement using a tremmie pipe is necessary. The alternative is to form a bencomite seal by placing the cravel pack and proceeding in accordance with Item 7 below.

  The annular space above the bentonite seal can be filled with drill scound surface. The alternative is to form a bencomite seal by placing the cravel pack and proceeding in accordance with Item 7 below.

  The annular space above the bentonite seal can be filled with drill scound surface. The remaining lofest must be sealed with a bentonite cament grout seal (two to eight percent bentonite by weight).

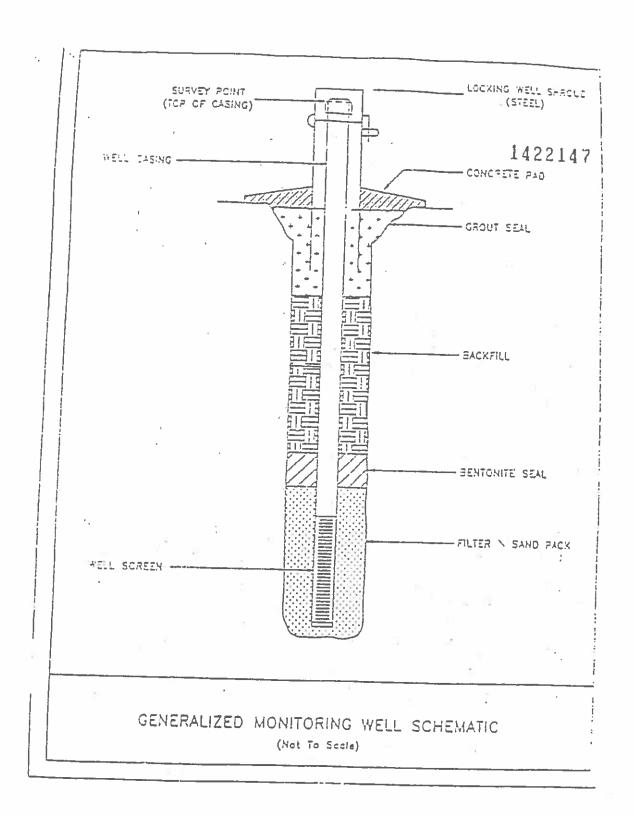
  A two-foot minimum radius, four inch minimum thickness concrete pad that rainfall and runoff flows away from the shroud.

Abandonment: Monitor wells no longer in use shall be plugged in such a manner as no preclude migration of surface runoff or ground water along the length of the well. Where possible, this shall be accomplished by removing the well casing and pumping expanding dement from the bottom to the top of the well using a tremmie pipe. If the casing mannot be removed, the casing shall be ripped or perforated along its entire length if possible, and grouted. Filling with bentonite pellets from the bottom to the top is an acceptable alternative to pressure grouting.

Variances: Requests for variances from these guidelines will be in writing to the Program Manager, NMED Ground Water Section, 1197 1. Francis Drive, P. O. Box 25110, Santa Fe, NM 87502. Each request shall explain in detail the evidence supporting the request. The GWS approval also shall be in writing.

Signed:

Date: 8/15/92 Ernest C. Rebuck, Program Hanager, Ground Water Section



## NMED, GROUND WATER SECTION, DISCEARGE PLAN SUMMARY

MILEO GROUND WA	ER SECTION, DISCEARGE PLAN SUMMARY	
Discharge Plan Number Date Report Generated Stoff Reviewer	1107	1422148
Legally Responsible Party. Owner	CHARLES W. ROBINSON MANAGING PARTNER 438-3146 CHARLES W ROBINSON, MANAGING PARTNER LA CIENEGA JOINT VENTURE PO BOX 2224 SANTA FE NM 87504	
Facility	THE PONDS SUBDIVISION	
Discharge.	DOMESTIC WASTE UNINCORPORATED AREA PACKAGE PLANT LEACHFIZLD TRENCHES 11 MI. SW OF SANTA FE BETWEEN X-25 CIENEGA	£ LA
Application Received Public Notice Published Discharge Plan Approved Discharge Plan Expires	12-JUN-96 Depth to GW 25	feet
Monitoring Reports due	31-JAN 30-APR 31-JUL 31-OCT	<del></del> -
Sampling Annual No. of Category Frequency Sites	Sampling Description	
1 4	water level measured prior to sampling	r each
5 4	monitor well nitrate as nitrogen and TKN analyzed f each monitor well and each treatment u effluent	:
3 . 4	chloride and TDS analyzed for each mon	iltor
12 4	well and each treatment system effluen fecal coliform (presunce/absence) anal for each monitor well	- da

If this space is checked, monitoring requirements are summarized or explained in more detail on the attached sheet. Any inadvertent omission from this summary does not relieve the discharger of responsibility for compliance with that requirement.

Send All monitoring reports or correspondence to:

SCOTT HCKITRICK Ground Water Pollution Prevention Section Environment Department P.O. Box 26110 Santa Pe NH 87502 (505) 827-2900



## AMENDMENTS TO DISCHARGE PLAN DP-1107, THE PONDS SUBDIVISION

1422149

Scatt McKitrick Ground Water Protection Unit P.O. Box 26110 Santa Fe, NM 87502

Dear Mr. McKitrick,

Pursuant to WQCC Regs. 3107.C, E. & F. I am hereby requesting that DP-1107 be amended with regard to the following items:

- Page 2, item # 2 under "CONDITIONS FOR APPROVAL"

  The first sentence be amended to read "The Ponds Subdivision shall install one monitor well hydrologically downgradient from each treatment unit cluster as shown on the attached site plan, attached hereto as 'Exhibit A', prior to discharge.
- Page 2,3, item # 3

  The last sentence on page 2 should delete testing for dislocide in the efficient as well as the test for total dissolved solids, the reason being that the chloride test only confirms that the water in the wastewater treatment system; came from the community water system and that we expect to see inorganic dissolved solids in effluent, this serves no purpose but costs money to perform. The first sentence should be amended to read: "Effluent samples shall be analyzed for nitrate as Nitrogen (NO3 as N) and total Kjeldahl nitrogen (TKN)." The next sentence on page 3 should be amended to read: "Ground water samples shall be analyzed for nitrate as nitrogen (NO3 as N), total Kjeldahl nitrogen (TKN), total dissolved solids (TDS) as well as fecal coliform (presence/absence test)."
- Page 3, item # 3
  After the second sentence that requires presence/absence of fecal coliforms in the ground water samples, the following sentence be added: "If test results show fecal coliforms present then a confirmatory sample shall be taken showing actual MPN/100 ml of sample. A chloride (CI) test may be performed to ascertain that the origin of the fecal coliform bacteria exceeds 100 MPN/100 ml and has its origin from the system effluent discharge.
- 4) Page 3 item 4.D. Insert before the last sentence: "The corrective action plan may include additional monitoring wells at sites 6 and 7....
- 5) Page 4, item # 5 1st paragraph - first sentence be amended to read; "...., a confirmatory sample including a test for chloride (Cl) shall be analyzed within 7 days. If this sample

confirms that the ground water contains both elevated chloride (CI) and grader than 7 mg/l total nitrogen, the Pends Subdivision shall submit a corrective from plan within 30 days for NMED approval which includes increasing the treat ant capabilities of the system, and a proposed lower effluent total nitrogen limitation. In the event confirmatory tests show the presence of total nitrogen in amounts exceeding 7 mg/l but without elevated chloride, then the Parts Subdivision shall investigate to ascertain the source of the nitrogen. The Pends Subdivision shall immediately notify NMED of the source and receive its approval prior to taking corrective action.

3rd paragraph - 2nd sentence be amended to read;" If this sample confirms the presence of fecal coliform in the amount exceeding 100 MPN/100ml and the presence of elevated chloride (CI), the Pends Subdivision shall submit a corrective action plan within 30 days for NMED approval which includes installation of effluent disinfection equipment. In the event confirmatory tests show the presence of fecal coliform in amounts exceeding 100 MPN/100ml but without elevated chloride, then the Ponds Subdivision shall investigate to ascertain the source of the fecal coliform bacteria and take corrective action after notifying NMED and receiving its approval.

Respectfully submitted,

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#### ENVIRONMENTAL MONITORING & TESTING LLC 1601 E. FLAMINGO ROAD SUITE 18 LAS VEGAS, NEVADA 89119 (702)735-5057 1(800)980-9898

#### MAINTENANCE AGREEMENT

Owner: Ranch Partners Ltd. Co.	
Address: P.O. Box 1052	Phone Number: (505)983-4080
Santa Fe. NM 87504	
Model#: 1500 NX (7)	Installation Date: <u>June</u> , 1997
Unit #:	

Whereas, this maintenance agreement, made and executed by and between Ranch Partners Ltd. Company, (hereinafter referred to as "Owner"), and ENVIRONMENTAL MONITORING & TESTING, LLC, or its assigns (hereinafter referred to as EMT) sets forth the responsibilities of the parties with respect to the above referenced Wastewater Treatment installation.

## 1. RECITALS

- A. RPLC or its assigns has the responsibility for operation, maintenance, and inspection of the above referenced wastewater treatment system (hereinafter referred to as "SYSTEM"), consisting of various components and any other related accessories that may be part of the wastewater treatment process. System does not include transport lines nor manholes from households. The SYSTEM is located at Las Lagunitas Subdivision and is identified as Clear Springs Units 1 7.
  - B. EMT is engaged in the maintenance, inspection, and servicing of wastewater treatment systems.
  - C. Owner desires EMT to perform certain duties as herein set forth. EMT is ready, willing, and able to perform said duties for consideration, and under the terms and conditions set forth in this agreement.
  - D. In the event OWNER files for protection under U.S. bankruptcy law, or ceases to exist, responsibility for performance under this contract shall revert to the individual owners of the properties served by each treatment system.
  - 2. TERM OF AGREEMENT



- A. The term of this agreement shall commence on the date SYSTEM is place in service. Cwner agrees that this service agreement shall be operative f the life of the SYSTEM. This agreement shall be binding upon Owner's and Maintenance Entity's successors or assigns.
- B. This agreement may be terminated by the parties hereto in the event either party has substantially defaulted in the observance or performance of any of its obligations as required by this agreement and such default continues following 30 day written notice of the default to the defaulting party. Upon termination both parties agree to notify the appropriate authorities of the change in operational responsibility for the system.

#### 3. DUTIES OF CWNER

- A. RPLC agrees to use its best efforts to comply with all the guidelines for proper SYSTEM operations as set forth in Cwner's Guidelines for Operation (Exhibit A).
- B. In the event of a mechanical failure of the SYSTEM unit, Owner agrees to use its best efforts to implement water conservation methods until such time as the System is again operational but in no case shall this exceed 24 hours. OPERATOR agrees to notify OWNER if such measures need be undertaken.
- C. Owner agrees to grant and convey to EMT, or its assigns, and State and local health officials, and their successors, an easement for maintenance and monitoring (Exhibit B).
- D. Should the ownership interest in the property change, it is the Owner's responsibility to notify EMT of the new Owner's name and address.
- E. Owner agrees to pay for all testing required to comply with the Ground Water Discharge Plan in effect for the subdivision.
- F. Owner agrees to provide maintenance entity access to office space sufficient to maintain on-site records as required in Discharge plan. Owner also agrees to provide lockable enclosed storage area at least  $10^{\prime} \times 10^{\prime}$ . Maintenance entity agrees to maintain a supply of replacement parts on site to mitigate circumstances in item 3 B above.

#### 4. DUTIES OF MAINTENANCE ENTITY

- A. EMT, or its authorized agent will inspect and adjust SYSTEM according to manufacturer's recommendations.
- B. EMT, or its authorized agent, will periodically take samples for testing as may be required by the Discharge Plan to assure the performance of the SYSTEM.
- C. EMT will provide emergency repair capability to owner.
- D. EMT will report to Owner each defect or problem observed in the course of its inspections and make recommendations for repair or replacement, as

- necessary. EMT will furnish materials and labor necessary for such repair or replacement during warranty period. Materials and labor after warranty period will be provided at Owner's expense.
- E. EMT will consult with any and all state and local officials having jurisdiction over installation when requested by such officials.
- F. EMT will maintain all records required by the Discharge Plan.
- G. EMT shall maintain monthly operation and maintenance reports as provided in Exhibit C.
- H. Maintenance does not include pumping and disposal of septage.
- 5. COST OF INSPECTION AND MAINTENANCE
- A. The cost of the basic inspection and maintenance is \$10 per household per month (\$\_\_\_\_ per year) plus New Mexico Gross Receipts Tax payable as per C. below. Costs thereafter will be established annually by Owner and EMT, provided however that any increases for similar activities shall not exceed increases in the annual Cost of Living index as published by the U.S. Government. Changes in Federal, State, or local regulatory requirements that increase costs or changes in the required scope of work shall be passed along to Owner. Maintenance entity agrees to notify OWNER in writing as soon as Maintenance entity becomes aware of any such changes in regulations.
- B. All repairs not covered by warranty will be billed at rates in effect at the time of repair. Maintenance entity agrees to provide OWNER a list litemizing the costs of components used in the system and its hourly rate for repairs a sample of which is attached hereto.
- Payment of this contract is to be made for the initial year of service at the time this agreement is signed and the SYSTEM is operational. All montract payment periods run with the calendar year and are prorated. Contracts initiated during the final quarter of any year shall include the remaining months of the final quarter and one full year. Successive years will be paid on January 1st. Owner will be billed at least 30 days prior to the date payment is due.
- D. Any fees due EMT unpaid after 30 days shall constitute a lien upon the real estate served by this wastewater treatment unit.

#### 6. MISCELLANEOUS

- A. Notices required or permitted hereunder shall be deemed delivered if mailed, certified mail, return receipt requested, postage prepaid, addressed to the parties, even if the mail is refused, at the Owner's address provided above and EMT's address below. Said addresses may be changed by notice in writing by either party to the other, giving such change of address, mailed in the manner set forth above.
- B. The legal description of the property on which the wastewater treatment

system is located that is subject to this contract is the property describin the easement attached hereto as Exhibit "B".

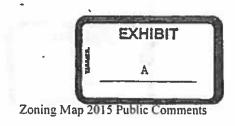
C. Any controversy or claim arising out of or relating to the Agreement or its breach, which the parties fail to resolve by agreement within 30 days of written notice of such controversy or claim shall be resolved in accordance with the dispute resolution including mediation and arbitration.

ENVIRONMENTAL 1601 E. FLAMI LAS VEGAS, NE (702)753-5057	NGO ROAD SU	E TES	TING LLC	-				
Signature:			···		Date:_			
STATE OF	)							
COUNTY OF The foregoing 199, by	)SS ) instrument	was a	cknowledge	d before	me this		day of_	
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Date:		×.						
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Notary Public				4				
My commission	expires:							

#### OWNER'S GUIDELINES FOR OPERATION

There are some general rules and regulations regarding the use of Clearstream wastewater treatment systems which should be adhered to:

- A. There shall be no discharge of any storm water, surface water, roof runoff, or subsurface drainage to the system.
- B. In order for Las Lagunitas to stay in compliance with its Ground Water Discharge Flan homeowners should use their best efforts to assure that none of the following described waters or wastes be dischared into any Clearstream unit:
  - 1. Any gasoline, kerosene, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - 2. Any organic solvent or any liquid containing any organic solvent.
  - 3. Any paints, paint thinners, paint removers, or strippers.
  - 4. Any photographic fluids including waste developer, fixer, and rinse water.
    - 5. Any pesticide, including insecticides, fungicides, rodenticides, and herbicides any sort.
  - 6. Any wastes or water containing toxic poisonous solids, liquids, or gases. These products will interfere with the sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, and create a hazard in the ground water.
  - 7. Any waters having a pH higher than 9.5 or lower than 5.5 (Water is pH 7-pH 9.5 is more than 100 times more caustic than water and ph 5.5 is more than 100 time more acidic than water if you h = any doubts please call us at 1(800)980-9898.
  - 8. Solid or viscous substances in quantities capa of causing obstruction to the flow in sewers, or other interference the the proper operation of the sewage works as required by the Dischar Plan such as, but not limited to, ash, cinders, straw, shavings, metai, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, flesh, entrails, condoms, tampons, cigarette butts and paper dishes, cups, milk containers, etc., either whole or in parts.
    - 9. Any water or wastes containing fats, wax, grease, or oils, whether emulsified or not, in such amounts which may become viscous and solidify in the lines causing stoppage.
    - 10. Toilet bowl fresheners.
    - 11. Garbage grinders and disposals are not recommended for use with Clearstream wastewater systems.



## OWNER'S GUIDELINES FOR OPERATION

There are some general rules and regulations regarding the use of Clearstream wastewater treatment systems which should be adhered to:

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- In order for Las Lagunitas to stay in compliance with its Ground Water Discharge Plan homeowners should use their best efforts to assure that none of the following described waters or wastes be discharged into any Clearstream unit:
  - 1. Any gasoline, kerosene, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - 2. Any organic solvent or any liquid containing any organic solvent.
  - 3. Any paints, paint thinners, paint removers, or strippers.
  - 4. Any photographic fluids including waste developer, fixer, and rinse
  - 5. Any pesticide, including insecticides, fungicides, rodenticides, and herbicides any sort.
    - 6. Any wastes or water containing toxic poisonous solids, liquids, or gases. These products will interfere with the sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, and create a hazard in the ground water.
    - 7. Any waters having a pH higher than 9.5 or lower than 5.5 (Water is pH 7-pH 9.5 is more than 100 times more caustic than water and ph 5.5 is more than 100 time more acidic than water - if you have any doubts please call us at 1(800)980-9898.
  - 8. Solid or viscous substances in quantities capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works as required by the Discharge Plan such as, but not limited to, ash, cinders, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, flesh, entrails, condoms, tampons, cigarette butts and paper dishes, cups, milk containers, etc., either whole or in parts.
  - 9. Any water or wastes containing fats, wax, grease, or oils, whether emulsified or not, in such amounts which may become viscous and solidify in the lines causing stoppage.
  - 10. Toilet bowl fresheners.
  - 11. Garbage grinders and disposals are not recommended for use with Clearstream wastewater systems.



For valuable consideration, receipt of which is hereby acknowledged, Owner hereby grants and conveys to the Las Lagunitas Homeowners' Association, Inc., a New Mexico nonprofit corporation (the "Association"), or its assigns, and to the appropriate agency of the State of New Mexico which has jurisdiction over the Wastewater Treatment System (the "Authority"), its successors and assigns, the right, privilege, and authority to construct, improve, repair, inspect, and maintain the Wastewater Treatment System and appurtenances, as they are presently located, across, over, and upon the property described in Exhibit A-1, attached hereto and incorporated for all purposes, located in Santa Fe County, New Mexico.

In exercising the rights herein granted, the Association and the Authority, their successors and assigns, may pass and repass, and Owner agrees to provide reasonable access over said property. If access is obstructed, then the Association agrees to notify Owner, who will make appropriate corrections to allow access.

The covenants herein contained shall run with the land and are binding upon all subsequent owners thereof. In witness whereof, the said Owner(s) have executed this instrument this \_\_\_ day of , 199 . Owner Owner STATE OF NEW MEXICO ) 55. COUNTY OF SANTA FE The foregoing instrument was acknowledged before me this , 199 , by Notary Public My commission expires: \_\_\_ MIS/laslagun.eas/acm **EXHIBIT** 

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THIS AMENDED AGREEMENT (the "Igreement") is entered into and effective, as of the 15 day of SEPT. 1995, between PARCH PARTHERS (hereinafter referred to as the "Parthership"), and the GUICU COMMUNITY TRRIGATION ASSOCIATION, a body corporate together with its members (hereinafter collectively referred to as "Guicu-1.

#### RECITALS

WHIREAS, the Parknership, owns and intends to develop the tal Clenega Ranck as the Cottonwood Ranch Subdivision (the "Property"). and

WHEREAS, on July 23, 1973, the District Court of the First Judicial District of the State of New Havioo, County of Sanva Fe, entered a Final Judgment (the "Judgment") in the action entitled Guica Community Account at all ye Brown of all. Cause No. 40875 (the "Action"), which Judgment was affirmed by the Sapreme Court of the State of New Mexico on June 25, 1975, Cause No. 10176 (the Judgment, and the Supreme Court afficiential of the Judgment are attached to this Agreement as Exhibits A.2.d.4, compectively).

WHEREAS, the Judgment determined certain water rights of Guice and of the defendants in the Autier was, with respect to the Property, were the predecessors in tille to the Partnership.

WHEREAS, the Partnership is the sessencer or assignee in interest to the defendants in the Accien with respect to the rights adjudicated by the Judgesent.

WHEREAS, the Partner hip desires to develop the Property so as not to advertely affect the water rights of Guida adjudicated by the Judgement.

WHERMAS, by this Agent sent, the parties desire to protect the water rights of Guide and its collective successors and regions.

GREERAL, by this Agreement, the parties desire to endress certain matters that were not addressed in the Action or by the Judgement in order to ensure the Judgement in order to ensure the Judgement of Galou.

WHEREAS, the parties desire that this Agreement should

restate, amend, and supersede all prior agreements and understandings between the parties relating to the subject natter of this Agreement, including, without limitation, that certain Agreement between the parties dated March 24, 1992 and filed in the Records of Santa Fe County in Book 301, pages 705-724 [the "3/24 Agreement"), as amended by that certain First Amendment To Agreement Dated March 24, 1992 between the parties dated July 31, 1992 and filed in the Records of Santa Fe County in Book 344, pages 006-011 (the "7/31 Agreement), and the amended and restated Agreement dated April 28, 1993 and filed in the Records of Santa Fe County in Book 944, pages 093-118.

#### <u> AGREEMENT</u>

NOW, THEREFORE, in consideration of the foregoing recitals, the following mutual promines and covenants, and for other good and valuable consideration, the receipt end sufficiency of which are acknowledged by the parties, the parties agree as follows:

- 1. The water rights adjudicated by the Judgement are not to be contradicted, amended, aftered or changed in any manner as a result of this Agreement, and, if this Agreement, in any manner, contradicts, amends, afters or changes the Judgement, then, to that extent, this Agreement until be void and of no offset and the terms of the Judgement shall prevail.
- 2. The Guicu shall, if it prevails in any litigation, recover from Partnership all of its costs, attorneys' fees and related expenses that may be necessary in the even's Guicu must institute an action in any court in the future against Partnership or its successors and assigns to enforce the provisions of this Agreement or the aforementioned Judgement.
- This Agreement creates a covenant running with the Property, and shall be fitted of record with the County Clerk of Santa Te County, State of New Mexico.

this Agreement enall be binding upon, and shall inure to the i sit of Guide, its successors and assigns, and the Partnership, its successors and assigns in and to the Property.

- 5. Decause the center valve in the dike reterred to in paragraph 6 of the Judgement (the "Center Valve") has never been reasonably operable to provide the direct and efficient entry of waters into the acequia operated by Guicu (the "Guicu Acequia"), on or before June 10, 1935, the Paramorphip shall restore the Center Valve to an operational condition acceptable to Guicu and approved in writing by Guicu.
- 6. Only the Guide Mayorlono or his designed shall have authority to operate the Center Valve.
- 7. Assuming (which Guide does not admit) that the Partnership has rights to maintain a 2.0 nore surface area posse on the Property (shown as Tract 22.1 on Map Sheet No. 11 of the Santa Fe River Hydrographic Survey, Volume 1, 1976), then within six months after Final Plat Approval of the Project by Santa Fe County, the Partnership shall dradge and deepen the existing 1.9 acre surface area pond on the Property and otherwise perform maintenance on the pend, but such drading, deepening, and maintenance shall not interfere with continued direct and efficient water flow from the source apring waters for the Odicu Acequia through the Center Valve. The Partnership shall, in a timety manner, comply with any past, present or future determinations of the Office of the New Mexico State Engineer or District Coart regarding the Guicu Acequia and/or such 2.9 acre surface area pond.
- record, plat and other necessary information as was determined by Guicu to be necessary to reflect which water rights exist in the Partnership's name, and which water rights have been retired or transferred by the fartnership, its predecessors or successory in interest. The water rights appartenant to the property owned by Rauch Partners are described in the fetter to Cavid Schutz from Dennis Gooper, dated May 24, 1991. That letter and the accompanying Pydrographic Survey Map are included as Exhibit C.
- 9. The Partnership has provided to Guicu an aerial photograph satisfactory and acceptable to Guicu of those sections of the

Property that include the Guicu Acequia.

The state of the s

- 10. The Partnership shall not redesign divert, change or alter the natural drainage channel of Guicu Acequia water, including, but not limited to, flowing an/or standing water, by enlarging any existing ponds or lakes on the Property, or by constructing any new ponds, lakes, or any man-made water storage project on the Property with water from the Guicu Acequia drainage, or engage in any activity on the Property that adversely affects the rights of Guicu as determined by the Judgement.
- 11. The Guicu has the right to enter the Property to make necessary repairs and perform maintenance to the water works including the dam, valve assembly, diping.
- Property, or the Partnership's us of other materials on the Property, including, but not limited to, chemicals and fertilizers, result in the water in the Guicu Acequia being in noncompliance with state and federal standards for the water quality of Guicu's irrigation water, the Partnership shall be responsible for bringing the resultant Guicu Acequia water quality into full compliance with all state and federal standards in a timely manner at the Partnership's expense, or the Partnership immediately shall halt the operation of Partnership's activities which are causing the Guicu Acequia water to be in noncompliance with state and federal standards for water quality. At a minimum, the water quality in the Guicu Acequia shall be maintained in the manner as described telow:
- Grading will direct storm water driinage away for the pends, and sufficient free board idistance between the pend surface and dike surrounding pend) will be designed into the pends to prevent everflow from heavy rains.
- Effluent waters used for irrigation will satisfy state and federal standards for water quality, which includes limiting mitrate levels to 10 parts per million or tess.
  - 13. Within 6 aonths after the Finel Plat Approval for the

Project by Santa Fe County, the Partnership agrees to convey the following to Guicu without further consideration from Guicu:

- A. An easement approximately thirty feet by thirty feet square which shall include the water well known as W-1/RG 5530 located in Tract 61.1 on the northeast corner of the Property, said well being shown on Hap Sheet No. 11 of the Santa Fe River Hydrographic Survey, Vol. I, 1976 ("Well W-1").
- B. An easement at least twenty feet in width from the easement described in Paragraph 13A to the right of way of County Road 50A adjacent to the Property for the purpose of installation of electrical service and for the purpose of operation and maintenance of Well W-1.
- 14. Within 6 months after Final Plat approval for the Project by Santa Fe County, and upon written notice by Guicu to the Partnership that Guicu requires water from Well W-1 for irrigation or other purposes, the Partnership shall:
  - A. Cause to be installed such casing, pump, timer, water meter, discharge pipe, control box, and other pertinent equipment as are necessary to make Well W-1 fully operational for Guicu's purposes.
  - B. Cause to be installed a 6" PVC water pipeline running to the 2.9 acre surface area pond on the Property (Tract 22.1), the course of which will be determined by the Partnership. The location of the inlet of said pipeline shall be approved by the Guicu.
- 15. The Partnership shall not irrigate Tract 22.2 as shown on Map Sheet No. 11 of the Santa Fe River Hydrog aphic Survey, Volume I, 1976, without restriction of any water rights appurtenant to this tract.
- 16. The Partnership agrees to abide by the terms of the Stipulation on November 1, 1985, in In the Matter of the Application of Santa Fe Racing, Inc. to Appropriate the Underground

Waters of the State of New Mexico, RG-11826 & RG 11926-S, as well as the Order therein of November 1, 1985.

- 17. The partnership will contribute Five Hundred Dollars (\$500.00) to the Guicu for every lot sold within the Project. The per lot contribution will be dispersed to the Association upon the closing of each lot by the closing agent. The funds shall be used to help defray reasonable and appropriate costs to benefit the Guicu Ditch as authorized and approved by the Association.
- 18. The Partnership agrees that the waters flowing from the ponds, springs, acequias and the creek shall not be used for irrigation purposes within the property. However, nothing in this paragraph shall provide nor prohibit domestic irrigation from the community water system or from treated effluent for normal household irrigation of trees, gardens and landscaping or other uses within the subdivision as allowed under the covenants and restrictions.
- 19. The Partnership and the Guicu agree to continue a good faith dialogue as to the final disposition of the water rights owned by the Partnership now appurtenant to the Property.
- 20. The Partnership shall allow the Mayordomo or his designee reasonable vehicular entry to access the Center Valve as a matter of convenience.

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- 21. To prevent the unauthorized operation of the Center Valve, on or before July 30, 1995, the Partnership shall wire enclose the valve wheel with an appropriate locking device to prevent unauthor ted operation of the center valve. The key to such locking device I remain in the custody of the Hayordomo.
- 22. The Gu I does not object to fishing of the 2.9 acre pond by residents and guests of the Cottonwood Ranch Subdivision on a limited basis provided that such activities do not adversely impact the use of the water for irrigation purposes by the Guicu. It is understood by both parties that the use of water from the pond for irrigation has exclusive priority over fishing and boating activities and, from time to time, as water is drained from the pond by the Guicu for irrigation purposes the surface area of the

pond may be reduced to less than 2.9 acres. This occurrence does not diminish Guicu's right to use waters from the pond as necessary for irrigation irrespective of the pond's surface area during these periods. No motorized boats or other motorized devices shall be allowed on any of the ponds.

- 23. The Guicu shall refrain from opposing any aspect of the Cottonwood Ranch project during the approval process by Santa Fe county and state reviewing agencies unless it adversely affects Guicu. The Guicu shall refrain from opposing any water right application filed by the Partnership with the State Engineer to transfer its water rights which exist on the property to wells on the property in conjunction with Partnership's development of a community water system to serve the project.
- 24. A 25' water utility easement shall be provided outside of and bordering the south property line of Lot 13.
- 25. The Partnership stipulates and agrees that this Agreement shall become part of any requirements for any permit or development approval before any county board or commission from which Partnership may or must seek permission to develop the Property. The Part ship and Guicu hereby waive any objection they might have to a Agreement before any county board or commission.
- 26. The Partnership and Guicu agree that any successor and/or assign of its interest in the Property which is the subject matter of this Agreement shall be made to execute this Agreement in conjunction with any transfer of the Partnership's or Guicu's interest; but if such execution does occur, this Agreement nevertheless shall be binding on the respective successors and the assigns of the Partnership and Guicu.
- 27. The Partnership agrees to provide Guicu, on or before January 1 of each year, with the current names and addresses of the Partnership's partners, their successors and assigns.
- 23. This Agreement cannot be amended except in writing and any amendment must be executed by the parties hereto or their successors and assigns.
  - 29. This Agreement constitutes the entire agreement of the

parties concerning the subject matter of this Agreement; and it replaces and supersedes all prior agreements or understandings, whether oral or written, concerning the subject matter of this Agreement, including, without limitation, the 3/24 Agreement the 7/31 Agreement, and the easement Agreement of August 21 regarding the Garcia well, and the 4/28 Agreement.

30. With the exception of provisions 5,6,8,16,20, and 21 the provisions contained in this Agreement shall only be valid and binding upon the filing and recordation of any plat for any phase of the Cottonwood Ranch subdivision.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first written above.

Mayordono

Commissioner Eddic/Gonzales

Commissioner Tom Dixon

Commissioner Richard Cde Baca

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE HE THIS 15 th DAY

OF September, 1995, BY CHARLIE CLOBER - EDDIE GONZALES Tom DIXON - RICHARD CLOBERCIT

HETARY

MY COMMISSION EXPIRES: 11-27-95

RANCH PARTNERS

Charles Robinson

Charles Robinson

Jim Olis

Luther Hodges

Thing i Carles M. Rawler

614. Dete: 12-20-97



COUNTY OF SANTA FE
STATE OF NEW MEXICO
I horoby comby half this Instrument was fined for moved on the AD. of door F. m. and was duly recommend in brook 12014 page 41 of the records of Santa Fe County.

10 15 at 51 to 0 of door F. m. and was duly recommend in brook 12014 page 41 of the records of Santa Fe County.

10 15 vithosa my Hard and Said of Office Jana G. Armigo
County Cork, Santa Fe County, it's County Cork, Santa Fe County, it's Reference of the santa Fe County.

## AMENDED AGREEMENT

THIS AMENDED AGREEMENT (the "Agreement") is entered into, and effective, this 3 day of July. 1995, between RANCH PARTNERS, a joint venture partnership organized under the laws of the State of New Mexico (hereinafter referred to as the "Partnership"), its successors and assigns, and the LA CHENEGA DITCH ASSOCIATION, a New Mexico corporation, organized under the laws of the State of New Mexico, (hereinafter referred to his "Association").

WHEREAS, RANCH PARTNERS intends to develop the La Cienega Ranch, as the Cottonwood Ranch subdivision, (the "Project");

WHEREAS, although RANCH PARTNERS intends to serve the Project with water from the Santa Fe County Water Company system, the Partnership may develop a community water system to serve the Project atilizing its water rights and on-site wells until water becomes physically and legally available from the Santa Fe County Water Company;

WHEREAS, the Association represents the users of irrigation waters from La Cienega Ditch, located in or about La Cienega, New Mexico ("La Cienega Ditch"), and all rights, title and interest in and to the water rights (the "Water Rights") deriving from La Cienega Ditch;

WEGEREAS, to provide greater assurance of a continuous source of water, the Association desires to create a supplemental point of diversion for a portion of the Association Water Rights to a supplemental well or to supplemental wells, and to connect the well source to the headwaters of La Cienega Ditch;

WHEREAS, the Partnership desires to support the Association in it's efforts to improve it's water supply; and,



WHERPAS, the parties to this Agreement desire to enter into this Agreement to enhance the protection and preservation of the water rights of the Association and its successors and assigns and to enable the Partnership to develop the Property.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is acknowledged by the parties, the parties to this Agreement agree as follows:

- Cantibution to La Cienega Ditch Association. The Partnership will contribute Five Hundred Dollars (\$500.60) to the Association for every lot sold within the Project. The per lot contribution will be dispersed to the Association upon the closing of each lot by 11.2 closing agent. The Partnership anticipates that these funds would be paid to the Association over a period of years as the Project Pevelops.
- 130. Use of Funds. The funds described under paragraph 4.01 may be used for the folior ing purposes:
  - To help defray the costs of a supplemental well proposed by the Association; 1. 20
  - To help deltay reasonable and appropriate costs to necessary ditch 2. in-provements to henefit the La Cienega Ditch as authorized and approved by the Association
- 1.03. Advance of Funds. If the Association 1) acquires funding for the development of its supplemental well, 2) receives all necessary easements and permits for the development of the supplemental well prior to the sale of all lots within the subdivision, 3) the Association desires to proceed with construction of the supplemental well and pipeline, and 4) the Association requires additional funding to complete the supplemental

Satended Agreement Puge -2well, then in that event, the Partnership will advence up to Thirty Thousand Dollars (\$30,000,000) of the funds described in paragraph 1.01 above to the Association for such purpose, provided the contingency described in paragraph 2.06 below has been satisfied and the Association has given satisfactory evidence that it has received the approvals and funding required to complete the development of the supplemental well. Any and all advances will be credited to the Partnership's paragraph to make contributions as described in paragraph 1.01 above. After advances totating Thirty Thousand Dollars (\$30,000,00) made by the Partnership, the remaining funds due the Association shall be paid as lots are sold.

- The Partnership and the Association agree to continue a good faith dialogue as to the final disposition of any emused water rights owned by the Partnership now appurtunant to the Project.
- 1.05. <u>Crossing Under Interstate 25</u>. The Partnership and the Association will cooperate in an effort to obtain Santa Fe County Water Company, pproval for a single crossing under 1-25 to accommodate the requirements of both parties.

1.06. Association Commitments.

- 1.06.0.1 The Association shall retrain from opposing tary aspect of the Cottonwood Ranch project as currently proposed during the approval process by Santa Fe County and at all hearings and meetings before the CDRC and the OCC and state agencies.
- 1,06.2 The Association shall refrain from opposing any water right application filed by the Partnership with the State Engineer to transfer its water rights which exist on the Project to wells on the Project in conjunction with the Partnership's development of a community water system to serve tile Project.

Amended Agreement Page 33 2.04. I alogue: entigligal flees, litigation, recover from the Partnership an of its that may be accessary in the event the Association former against the Partnership or its successor this Agreement.

2.02. Covenant Running West Lis. This Agreement shall be considered a covenant running with the land within a Prosition and shall be appropriately filed of record with the County Clerk of Santa Pe County and of New Mexico. The parties agree to release this covenant as encumbrance on the within the Project for which the contribution has been made.

2.03. <u>Binding Filled and Marger</u>. This Agreement shall be binding on the Partnership and the Association and all successors and assigns to the Partnership and the Association. All other previous agreements, representations and understandings, either written or oral, are merged in this Agreement, and unless contained expressly within this Agreement, shall be null and void.

2.04. Successors. The Partnership and the Association agree that any successor and/or assign of the interest in the Proper which is the subject matter of this Agreement shall be made to execute this Agreement in conjunction with any transfer of Partnership's or the Association's interest but if this execution does not occur, this Agreement is still binding on the successors and heirs of Partnership and the Association.

2.05. <u>Amendment</u>. This Agreement cannot be amended except by a writing executed by all parties or their respective successors or assigns.

Amaded Agreement Page 4-

Association shall, if it prevails in any

s, attorneys' fees and related expenses

gost institute an action in any court in

d assigns to enforce the provisions of

2.06. Contingency. All of the agreements contained in this Agreement are conditioned upon and subject to the Partnership receiving all the necessary approvals for the Cottonwood Ranch subdivision as filed, including the recording of at least one phase of the Project. If said approvals are not obtained, the Agreement shall be null and void and of no force and effect.

TA CHNEGA DITCH ASSOCIATION

Reynaldo Romero, Mayordomo

Oliver C de Baca President

Benaje Romero, Commissioner

Grey Howell, Commissioner

RANCH PARTNÉRS

Robinspa

1/2

Littlier Hödges

Amended Agreement Page -5-

# ACT/SOMETINGMENT

STATE OF NEW MENICO	J	1422173
COUNTY OF SANTA FIE	) «. )	

Puillie Hakke dan S. Sata

The foregoing Agreement was acknowledged before me on the <u>sen</u>day of July, 1995, by Reynaldo Romero (Mayordos o). Oliver C de Baca (President), Bennie Romero (Commissioner), and Grey Howell (Commissioner), all on behalf of the La Cienega Ditch Association in their capacities as shown above.

OTARS

UBLY COMERCES

iv Committeenillexpires:

Anne ed Agreement

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## ACKNOWLEDGEMENT

STATE OF NEW MEXICO )
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me by Charles Robinson, as General Partner of Ranch Partners, on this the Judy of July, 1995.

assjon Expires:

Amended Agreement Page +7+

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The foregoing instrument was acknowledged before me by Jim Otis, as General Partner of Ranch Partners, on this the Aday o. July, 1995.

(14 / Lance 17) / Levelen.

My Commission Expires:

Amended Agreement Page -8-

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STATE OF NEW MEXICO )
COUNTY OF SANTA FE )

SS.

1422176

The foregoing instrument was acknowledged before me by Luther Hodges, as General Partner of Ranch Partners, on this the Fig. day of July, 1995.

Carline 117 tamber

12-208197



COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrumen as the for regard on the 15 day of 1946 Dec.

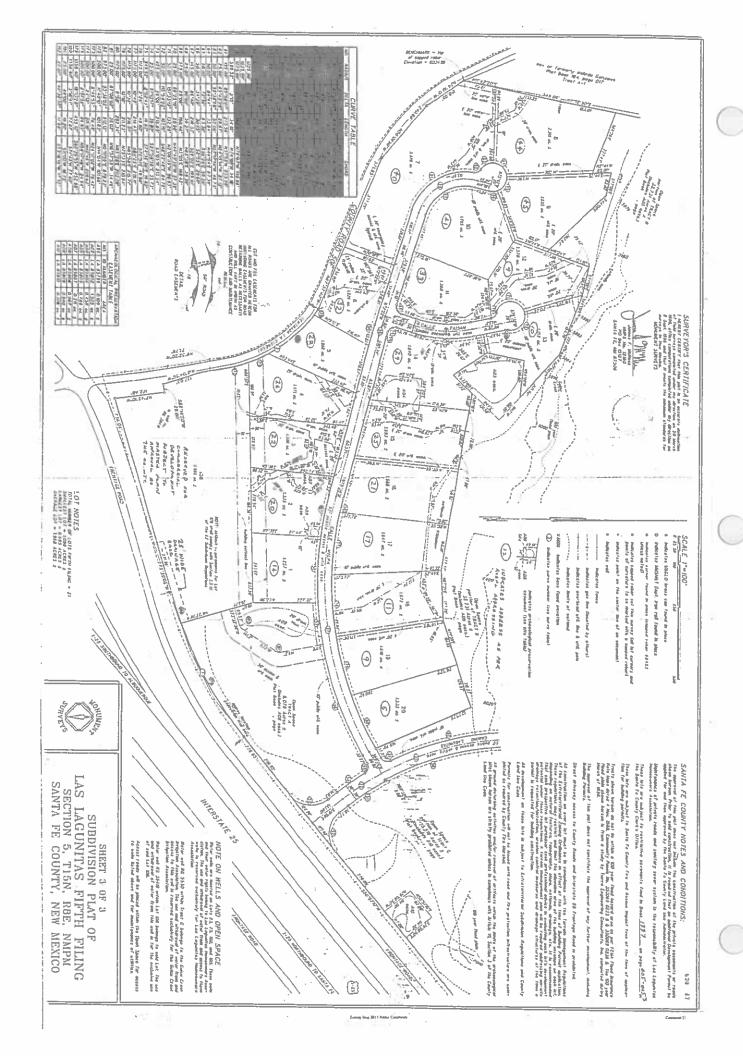
19 45 at 10:48 o'clock Final was duly it conded in book 11.7 c.

page 491-491 of the records of Santa Fe County.

Witness my Hand and Seal of Office Jone G. Armija County Clurk, Santa Fe County, 11M.

B.

Amended Agreemen Page 🛷



September 29, 2005

Nicholas C de Baca 210 Sheriff's Posse Road Bernalillo, New Mexico 87004

Arthur Strauss
Telluride Land & Homes

Albuquerque, New Mexico

Re: Lot 106 Las Lagunitas, Santa Fe County

Dear Gentlemen:

We are writing to make certain we are all of the same mind about Mr. C de Baca's purchase of the referenced property. The contract does not provide for any contingencies for your obtaining the necessary approvals for commercial use on the land. As a consequence, we want to make certain Mr. C de Baca is aware he must file an application with the County of Santa Fe for master plan and development plan approval for the use of the property for commercial purposes. Our covenants provide for the commercial use of Lot 106 and the County has always been aware of our intention to develop and use the property for commercial purposes. Likewise, we have always understood – and our agreement with Mr. C de Baca discloses – that an additional approval from the Board of County Commissioners would be required. Please let us know what you are intending to file with County of Santa Fe and when you intend to do so, unless you intend to close this sale without the approval.

In the meantime, we expect to receive a letter from the County of Santa Fe confirming that 10.5 acre feet of water is available from the Santa Fe County Water Utility under our agreement for water service and a filed copy of the documentation from the New Mexico State Engineer's office confirming the use of three acre feet from the well on the Lot. Our purchase agreement with Mr. C de Baca provides for the transfer of "water rights" in the approximate amount of 15 acre feet. The amount water available for use totals 13.5 acre feet – 10.5 from the Santa Fe County Water Utility under our water service agreement, and three acre feet from the well on Lot 106. At closing, we would assign the rights under the water service agreement to you and transfer the well and all of the rights to the well. The well is a "domestic well" under NMSA 1978 Section 72-12-1, and it does not have declared or adjudicated water rights associated with it. Rather, it carries with it the right to use up to three acre feet for the purposes outlined in Section 72-12-1.

We look forward to hearing from you about your plans with respect to the County approvals, and please let us know if you have any questions about the availability of water to the property.

Sincerely,

Ranch Partners, LLC

Linus Abeyta Project Manager Sep 29 2005 4:58PM

RANCH PRRTNERS LLC

5054746087

p. 1

To henus

September 29, 2005

Nicholas C de Baca 210 Shoriff's Prose Road Bergaliile, New Mexico 27004

Artiner Strausa Telippide Land & Homes

Albuquecquo, New Mexico.

Re: Lot 106 Las Lagunitas, Santa Fr County

of The property

Boor Gentlemen:

We are writing to make certain we are all of the same mind about Mr. C de Baca's purchase of the referenced property. The contract does not provide for any contingencies for your obtaining the necessary approvals for commercial we must file at application with the County of Santa Fe for master plan and development plan approval for the use of the property for commercial purposes. Our community provide for the commercial use of Lot 106 and the County has always been aware of our intention to development use the property for commercial purposes. Likewise, we have always understood - and our agreement with Mr. C de Baca dischase that an additional approval from the Board of County Commissioners would be required. Please let us know what you are intending to file with County of Santa Fe and when you intend to do so, unless you intend to close this sale without the approval.

In the meantime, we expect to receive a letter from the County of Santa Fe confirming that 10.5 acre feet of water is available from the Santa Fe County Water Utility under our agreement for water service and a filed copy of the documentation from the New Mexico State Engineer's office confirming the use of three acre feet from the well on the Lat. Our purchase agreement with Mr. C do Baca provides for the transfer of "water rights" in the approximate amount of 15 acre feet. The amount water available for use totals 13.5 acre feet – 10.5 from the Santa Fe County Water Utility under our water service agreement, and three acre feet from the well on Lot 106. At closing, we would assign the rights under the water service agreement to you and transfer the well and all of the rights to the well. The well is a "domestic well" under NMSA 1978 Section 72-12-1, and it does not have declared or adjudicated water rights associated with it. Rather, it carries with it the right to use up to three acre feet for the purposes outlined in Section 72-12-1.

We look forward to hearing from you about your plans with respect to the County approvals, and

As you took a desired in the functions agreement of Reserved for Commenced Development Inlessed to make plan appreciate for plans by The Dounts" Plans letons lanow for some sure behalful in other sure of the Specific development plans

November 15, 2005

La Cienega Village Association Board

Re: Ranch Partners Lot 106

Dear Board Members:

This letter is to ensure that all members of the Board are properly informed regarding certain discussions that have occurred with Ms. Camilla Bustamonte.

In June of this year, we met with Ms. Bustamonte and Karl Dickens. During the meeting we learned of Ms. Bustamonte's interest in including in our planned commercial development of the acreage on Lot 106, at the intersection of the frontage road and County Road 50-F, a provision for sale of products produced in La Cienega.

We advised her that we had always cooperated with La Cienega and would consider favorably any such arrangement so long as it was economically viable.

Subsequently, she sent a proposal for a broad-based organic product development program that was far from the idea discussed in our first meeting. As it did not include any discussion of the commercial economics of the plan, we assumed that this would be forthcoming at a later date. We never received any such details related to the economics of her plan.

On September 13, 2005, we entered into a contract for the sale of the commercial property (Lot 106) which may or may not be finalized. However, we have planned to discuss with the prospective buyer arrangements for sale of La Cienega products at this site.

We now understand that Ms. Bustamonte has presented to the Council an outline of her plan, stating that we were supportive. This is not true, as we have never been given an economic projection to establish its viability either for La Cienega or for the developer of this commercial property.

Ranch Partners has cooperated with La Cienega since the initiation of this project, although we now anticipate a substantial loss based largely upon our contributions to your community, these include the following:

- 1. Costs resulting from the two year delay in commencement of construction as we sought final resolution of an agreement with La Cienega;
- 2. The increase in the size of the County water pipeline from the penitentiary to the project from 12

La Cienega Village Association Board November 15, 2005 Page 2

inches to 16 inches in diameter, and the extension of this line to the boundary of La Cienega. This was done to make available to your community additional water for future requirements which added approximately \$250,000.00 to our project costs;

- 3. A proven and developed well #RG-5530 with \_\_\_\_ acre feet of associated water rights with a current value of S\_\_\_\_\_\_;
- 4. An easement for a pipeline from this well to the primary lake and agreement to install the pipeline if requested to maintain the lake level;
- 5. Agreement to pay to the La Cienega Ditch Association and Gulco Ditch Association a total of \$1,000.00 per lot sold or \$106,000.00 for the entire project; and
- 6. Cost of relocating the grading and paving of County Road 50-A on the north side of the property approximate cost for the project \$200,000.00.

I believe we have been more than generous in continuing to meet all of our communities to your community. You also have our assurance that we will endeavor to support your desire to sell local products in the planned commercial development. However, I am sure you understand that any such arrangement must be on an economically sound basis for all concerned.

Sincerely,

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RANCH PARTNERS, LLC

Jim Otis

cc: Chairman, Santa Fe County Commission

F 37 3

January 2, 2006

Linus Abeyta, Manager Las Lagunitas Ranch Partners LLC PO Box 23348 Santa Fe, New Mexico 87502

Dear Mr. Abeyta,

We have been told that the commercial property owned by Las Lagunitas, located on the corner of Entrada La Cienega and the West Frontage Road, has been sold. We appreciate your successful sale but we want to ensure that the new owner is aware of the La Cienega Valley Association's interest in being involved in the planning of the commercial development. Our experience with Las Lagunitas has been a good one and we want that relationship to continue with the new owner of the commercial property. In that regard we ask that you share the following with him. Thank you.

The property you have purchased is truly the gateway to La Cienega. It is the first glimpse of the beauty of our valley and the water that keeps it alive. It is a special place. The La Cienega Valley Association is hopeful you will take that into consideration during the design phase of your development. We feel the design should reflect the history, the traditions and the heritage of our valley and the area. We look forward to working with you as you develop the commercial space.

The La Cienega Valley Board recently heard a presentation made by Camilla Bustamante on a proposal she had submitted to Las Lagunitas for a La Cienega Community Store and Café. The Board was impressed with the concept and design of Ms. Bustamante's proposal and encourage you to give it serious consideration. The Board feels Ms. Bustamante has a real sense and understanding of our community. Her design reflects the traditional values of our valley and the Board was especially impressed with the water, energy and resource conservation and reuse included in the plan.

We see in Ms. Bustamante's plan an opportunity to revitalize the agricultural capacity of our valley and provide a site for our farming community to sell their products. We feel this is an essential element of any commercial development proposed for your site.

Thank you for considering our request we look forward to working with you and supporting a successful economic venture for all involved.

Sincerely,

The La Cienega Valley Association Board

Robert Romero
LCVA, President

Board Members:

Carl Dickens

Mary Dixon

Mary Dixon

Ray Romero

Mary Page

Jesukita Larranaga

Michael Taylor

The La Cienega Valley Association Board La Cienega, NM 87507

Dear Board Members,

Thank you for your letter of January 2<sup>nd</sup>, 2006 expressing your interest in being involved in the development of the commercial property on the corner of Entrada La Cienega and the West Frontage Road.

In the development of the Las Lagunitas subdivision, Ranch Partners L.L.C. has always recognized the importance of a positive working relationship with the La Cienega Valley Community. We also know that it is in the best interest of the new owner of the commercial property, to continue this positive working relationship that has been established with the La Cienega Valley Community, and of course with the Las Lagunitas community.

As you have requested, we will gladly forward your letter to the new owner of the commercial parcel with the hope that this will be the first step in expanding the positive working relationship that exists between Ranch Partners and the La Cienega Valley Community.

Sincerely,

Linus Abeyta

Manager

Ranch Partners L.L.C.

PO Box 23348

Santa Fe, NM 87502

Cc:

J. Otis

C. Robinson

Raymer Shaw, President - Las Lagunitas Homeowner's Association

January 4, 2006

DAFT

Mr. Robert Romero La Cienega Valley Association Board

Dear Mr. Romero:

Thank you for your letter of January 2, 2006 advising us of the importance of the development of the commercial property on the Las Lagunius property. We are very much aware of the significance of the impact of this development on the La Cienega community and want to do all that we can to help promote a development that is considered a strong asset to our Las Lagunitas community, as well as, the La Cienega Valley.

We are primarily investors in development of land and are not specifically builders in brick and mortar. The purchaser of this land, Mr. Nicholas C. DeBacn, will undoubtedly have plans for development of this property. We feel it is important that he be aware of your interest and desires just as we are here in our community. Both of our respective communities must also be cognizant of the need to make this particular development economically viable and that the business plan proposed for this development must be compatible with our respective desires and needs as well as the developer's.

I would like to suggest that I try on behalf of Ranch Partners to organize a meeting in the near future where Mr. Nicholas C. DeBaca, your Valley Association, and our Homeowners' Board of Directors get together and allow Mr. DeBaca to present his ideas to us and we our desires to him in hopes of reaching a mutually acceptable solution.

I will contact you in the near future to see what specific dates might be available for the three parties to get together and a convenient place for all of us to meet.

Sincerely,

Linus Abeyta

Ce: C. Robinson

J. Otis

Rayner Shaw, President - Las Lagunitas Homeowners' Association

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50547460B7

2nd Draft

January 5, 2006

The La Cienega Valley Association Board La Clenega, NM 87507

Good letter-

Dear Board Members,

Thank you for your letter of Jenuery 2th, 2006 expressing your interest in being involved in the development of the commercial property on the corner of Entrada La Cienega and the West Frontage Road,

Ranch Pariners shares your affinity for the La Cienega Valley and understands the beritage and history of the area in the development of the Las Lagunitas aubdivision. Ranch Partners L.L.C. has always recognized the importance of a positive working relationship with the La Cienega Valley Community We also know that it is in the best interest of the new owner of the commercial property, to continue this positive working relationship that has been established with the La Cienega Valley Community, and of course with the Las Lagunitas community.

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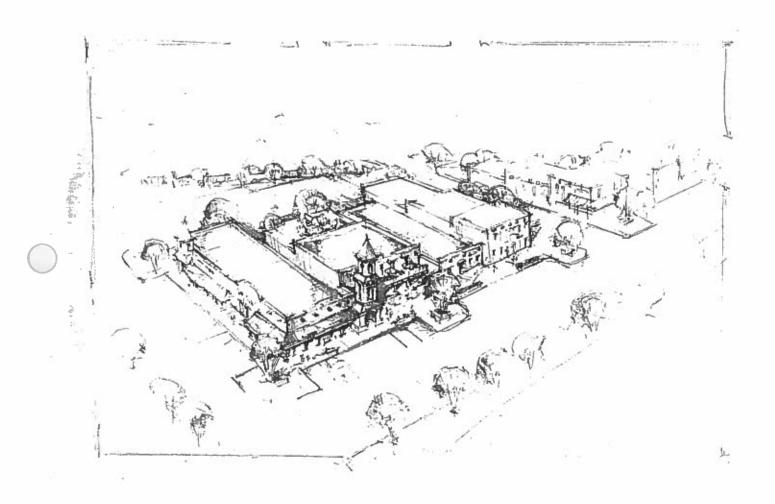
Sincerely.

Linus Abeyta Manager Ranch Partners L.L.C. PO Box 23348 Santa Pc, NM 87502

Cc: J. Otix

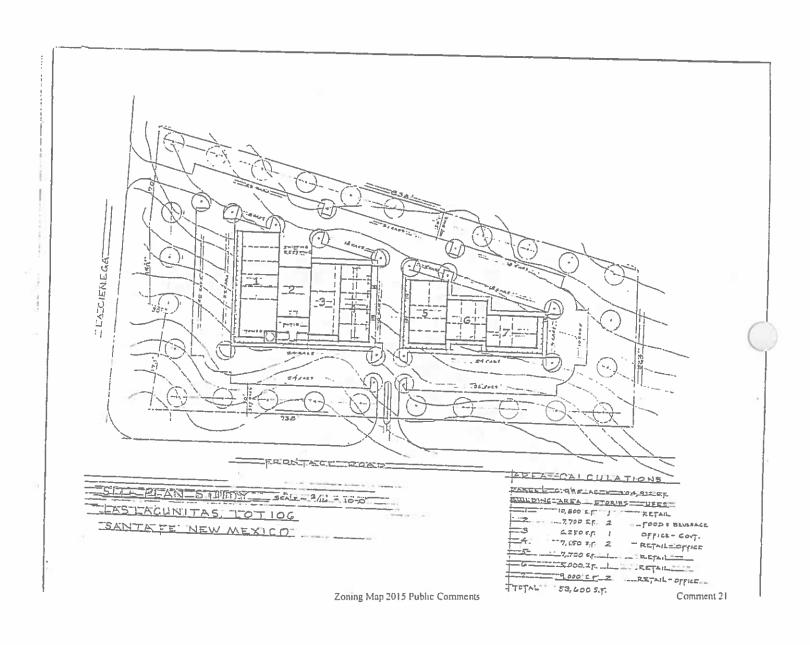
C. Robinson

Raymer Shaw, President - Los Lagunitas Homeowner's Association



Zoning Map 2015 Public Comments

Comment 21



Ellen Wittman 228 East Cordova Road Santa Fe, NM 87505-0660 505.982.3833 Lemail@earthlink.net

Clinica La Cienega brings integrated, quality medical care within the context of a Medical Home to a traditionally medically under-served rural community in Northern New Mexico.

- A comprehensive range of generational family practice services available in a stress-free, patient-centered environment.
- Facilities include a Medical clinic, Community center, Dental clinic and a Community garden on five acres of land serving the La Cienega Valley.
- Staffing includes medical, social work, psychiatric services; diabetic educator; holistic, alternative practitioners; on-site x-ray and lab capability, training for medical/dental student interns and community volunteers.
- Low cost to patients, emphasis on preventive medicine, education; provide a sliding scale fee structure: No one will be refused service for lack of funds.

The villages of La Cienega and La Cieneguilla in Santa Fe County are home to several thousand residents. Many live in mobile homes on rental land. It is rural, agricultural and without a medical or dental facility. La Cienega is tri-cultural with a diverse population including laborers, business people, artisans, farmers, many of whom have no health insurance or access to health care other than the emergency department at a hospital in Santa Fe or Albuquerque.

Our clinic, with emphasis on preventive medical care, health education and easy access to quality medical care will serve to reduce medical costs and be able to provide referrals to services when needed. Medical Home provides comprehensive, preventative health care. Our facility provides allopathic as well as alternative, integrated, holistic medical care. A community of caregivers – health partners who provide a framework for a wellness continuum, commits us to patient-centered health care. In supporting healthy living choices and providing interaction with health care partners, a provider-patient bond will be forged. We all have a stake in supporting a healthy community. Incorporating electronic health records (EHR) system of annotating and following disease patterns and using Telemedicine to connect our clinic to UNM will contribute to accountability and continuity of patients' health progress, efficacy and lead to positive patient outcomes.

A community center associated with Clinica La Cienega will provide day care, and auditorium for guest speakers. Group visual arts programs can reinforce positive effects of taking care of one's self and family. Community garden will be available for patient education to emphasize healthy eating choices.

Full time staff consists of physician assistant/medical director, nurse and medical assistant. Part time essential staff includes a medical doctor, dentist, diabetes nurse educator, mental health professionals, nutritionist, x-ray technician/laboratory coordinator, mental health professionals, IT director. Local volunteers, student interns from across the state will teach and learn at our community, patient-centered clinic.

As a member of the County Commission, you are well aware of our states' health care needs. Many citizens are desperate and frustrated at lack of accessible, affordable medical care. Although the magnitude of New Mexico's current financial distress was not anticipated, the ever-increasing poverty and concomitant poor health care outcomes associated with the economic downturn makes a compelling argument for speedy implementation of a community health clinic providing comprehensive, preventative, low cost health care.

My background led me to this juncture of envisioning a "Medical Home Model" of medical care many years before the term came into use. Personal and professional experience includes occupations as a small business (restaurant) owner, a theatre production manager, television executive and most recently, physician assistant. When I graduated from PA school I chose work in rural, under-served communities such as Las Vegas and environs, Carrizozo and Las Cruces' Detention Center. With a background in fund raising, holistic health care, pain management, behavioral health and addiction medicine. I bring energy, enthusiasm and positive outlook to my work as a clinician and mentor. As this twenty-year old dream unfolds and progresses, I am pleased to tell you about this project. I thank you and welcome your support, questions and comments.

Sincerely, Ellen Orr Wittman, MD, PA-C

ESTIMATED FINANCIAL DISTRIBUTION - 0	Clinica La Cienega
1. PURCHASE LAND	\$100,000.00
2. (PREFAB) CLINIC BUILDING AND EQUIPMENT	450,000.00
3. SMALL HOUSING UNITS	50,000.00
4. LANDSCAPING, IRRIGATION, GARDEN EQUIPMENT	5.000.00
5. STAFF SALARIES/ YR (dental not included)	350,000.00
6. COMMUNITY CENTER FACILITY	350,000.00
7. INSURANCE, LICENSES, BONDS/ YR	350,000.00
8. UTILITIES	50.000.00
9. MAINTENANCE	50,000.00
TOTAL .	\$1.755,000,00

## UNT 910011414

**NAME: WYRD INVESTMENTS LLC** 

ADDRESS: C/O ROBERT R TILLMAN 14 SUNSHINE AVE

SAUSALITO, CA 94965

PROPERTY USE: VAC TAX DISTRICT: CO

PROPERTY ADDRESS: CALLE MILPA, PER PLAT 600/47 T15N R 8E S 5, 6.995 AC RESERVED FOR

,COMMERCIAL DEV

**DEED BOOK and PAGE: 1676267** MAP CODE: 1-044-090-191-152 FILL1

**PENDING PAYMENT: \$0.00** 

## **Assessment Information**

## 2014 Land and Improvement Values

Land Value

\$215000

Improvements \$0

Personal

\$0 Property

Alternate Value \$0

vestock Value \$0

Exemptions ...

**Total Full** 

\$214999.97

Value

Total Taxable \$71666.66

Value

\* net value/3

From: To: Santa Fe County Amy M. Rincon

Subject: Date: SLDC Public Comments Form Submission Thursday, November 05, 2015 9:41:47 AM

Commant on SLDC Co

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

#### Comments

We recently purchased 36 ((950000308), 48 (26008680) and 50 (950000307) Pinon Jay Trail, Santa Fe. The parcel at 50 Pinon Jay Trail has two zones - the main pie shaped body is Residential Estate (as are the other two lots) and the upper portion which is a \"tongue\" that follows Pinon Jay Trail towards the end is listed as Residential Fringe. We\'d like the entire parcel to be zoned Residential Estate instead of splitting it into two zones.

Parcel ID (You can find the parcel ID on the letter you received) 950000307

Property Owner (First Name) Janice B. and Gary S

Property Owner (Last Name) Heikenen

Physical Address of Property 50 Pinon Jay Trail

Finail address: windigo906@gmail.com

Zoning Classification on Adoption Draft Zoning Map RES-E- Residential Estate

Requested Zoning Classification RES-E - Residential Estate

#### Additional Comments

Please advise us of your decision by email at your earliest convenience. Cell is 906-370-6568 for clarification of comments. We are out of state and unable to attend the meetings, or meet with you in person. However, we hope to build in the near future. Thanks for your consideration.

Santa Fe County

To:

Amv M. Rincon

Subject: Date:

SLDC Public Comments Form Submission Thursday, November 05, 2015 10:55:22 AM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

#### Comments

Please consider rezoning this parcel RES-F. This parcel is zoned as RUR-R on the proposed zoning map at the moment, yet it is essentially part of Chimayo/Cundiyo area. Neither Cundiyo nor Chimayo have any land zoned RUR-R (all the private land in Cunidyo is zoned RES-F), so why would this parcel be considered differently? Also, the adjacent property has a large parcel that has been zoned for a number of 1 acre residential lots—thus clearly land adjacent to residential lots is residential fringe by definition. Also, give one can walk in a matter of minutes to Chimaryo and Cundiyo residential lots from the parcel—and I was a resident of Cundiyo when I bought the land. There is no logic to zoning the land as rural residential when connected within minutes of walking to three residential areas.

Parcel ID (You can find the parcel ID on the letter you received) 970002296

Property Owner (First Name) Jerry

Property Owner (Last Name)

Physical Address of Property 15 Santa Cruz Lake Road

Email address: jerrylebo@gmail.com

Zoning Classification on Adoption Draft Zoning Map RUR-F - Rural Fringe

Requested Zoning Classification RES-F - Residential Fringe

#### Additional Comments

This land is connected to residential lots next door and short walking distance to two residential areas. Zoning should be RUR-F.

From: To: Robert Griego Amy M. Rincon

Cc:

Tim Cannon

Subject:

FW: Zoning Change Request for Campbell Corporation at SW14 & 344

Date:

Thursday, November 05, 2015 2:57:03 PM

Attachments:

2015 10 15 Campbell Corporation Zoning Requet to SFC SW14 & 344.pdf 2015 10 15 Cambell Ranch SF Interactive Map (NM 14 & 344).pdf

Please add to database.

From: Mike Sanderson [mailto:msanderson@slwc-llc.com]

Sent: Thursday, October 15, 2015 10:14 AM

To: Robert Griego Cc: Robert Gately

Subject: Zoning Change Request for Campbell Corporation at SW14 & 344

Robert.

I am attaching a request for Campbell Corporation in South Santa Fe County at state highway 14 and 344 for your review. Please contact me at 505 660-3929 or email me at <a href="mailto:msanderson@slwc-llc.com">msanderson@slwc-llc.com</a> to discuss.

Thanks.

Mike Sanderson Sanderson Land & Water Consulting, LLC SLWC msanderson@slwc-llc.com 505 660-3929 (Mobile)



# MIKE SANDERSON SANDERSON LAND & WATER CONSULTING LLC

October 15, 2015

Mr. Robert Griego Planning Manager Santa Fe County 102 Grant Ave Santa Fe, NM 87504

Re: Campbell Corporation Parcel State Hwy 14 & 344

Dear Mr. Griego:

Campbell Corporation has just come aware of the changes happening with the new sustainable growth management plan (SGMP) and sustainable land development code (SLDC). These new changes created the new zoning for the land uses in Santa Fe County, which is consistent with the plat of this property. The property is zoned AG/Ranch (one resident per 160 acres) that aligns with sixteen lots as platted. They are not intending to change the plat from sixteen 160-acre lots with the majority of the acreage be used as either ranch or agriculture. At the time the property was platted, this property could have any of the lots subdivided easily to four 40-acre lots. This was an item that we wanted for a sales purpose the flexibility to allow purchasers to subdivide, which brings diversity to the project. The forty-acre lots as minimum still keeps the character of a rural feeling for the land.

We realize the land has the ability of density bonus that allows an additional residence or two residences on each lot with the condition 75% of the land create an open space. This open space would still allow the agricultural and ranching the property for its intended use of this property. This could be a density that will be used on some of the lots.

We want the ability to represent the land that could be subdivided easily to four 40-acre lots as an option for future owners of the property. We are requesting this property be zoned "Rural" instead of "AG/Ranch". We believe the property will create a diverse property mixed with larger lots keeping the 160 lots with one residence, 160 lots with 2 residences using density bonus, and remaining with 4 residences per lot subdividing the 160-acre lots. This multi-density on this property

8305 SIGNAL AVE. NE ALBUQUERQUE, NM 87122 (505) 660-3929

MSANDERSON@SLWC-LLC.COM



## MIKE SANDERSON SANDERSON LAND & WATER CONSULTING LLC

will create a smooth transition to adjoining properties with their master plan. This "Rural" zoning will keep the tradition of this land being an agricultural/ranch property.

We realize this change in zoning will create an increased water use with some of the sixteen lots having four residences instead of one residence as platted. We are planning on reviewing our planned water resources for this property and will provide this in the next couple of weeks for your review.

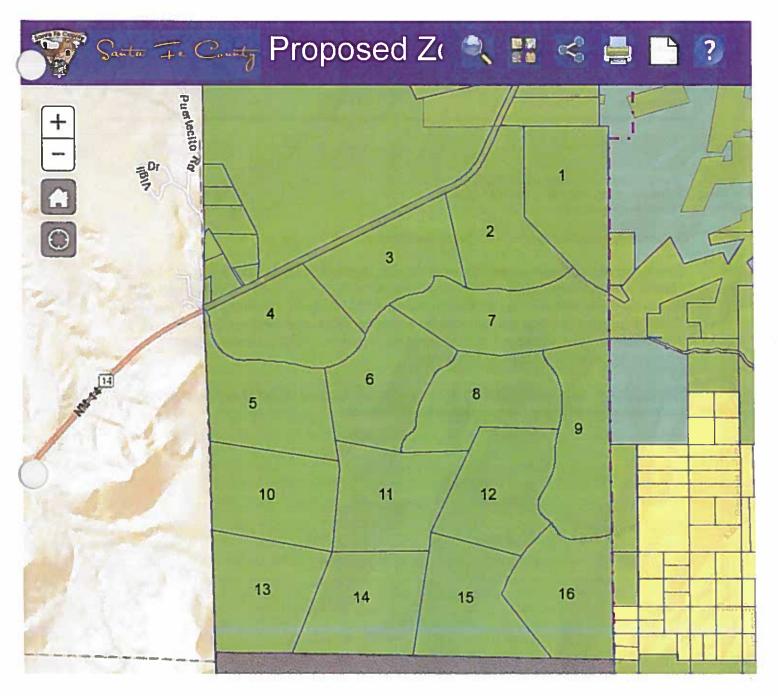
We know you are on the conclusion of completing your analysis of all the properties in Santa Fe County and planning to have the zoning map approved by the Board of County Commission (BCC) this year. We request you evaluate our request and let me know if this is feasible to add this change for this property to have a "Rural" zoning classification as part of the BCC approval.

I am attaching a map from your interactive zoning, which I have added lot numbers that might not tie to the plat. I added the lot numbers to show the quantity of lots on the property. After your review of this request, please call me at 505 660-3929 or email at <a href="mailto:msanderson@slwc-llc.com">msanderson@slwc-llc.com</a> to discuss or set up a meeting.

Sincerely,

Mike Sanderson Principal

8305 SIGNAL AVE. NE ALBUQUERQUE, NM 87122 (505) 660-3929 **Proposed Zoning Districts** 9/27/15, 9:23 PM



Penny Ellis-Green

To:

Amy M. Rincon; Robert Griego

Subject:

FW: requested changes to the proposed zoning map

Date:

Thursday, November 05, 2015 5:12:26 PM

Attachments: 2015 Industrial final.pdf

#### For the database

From: walter wait [mailto:waltwait@q.com]
Sent: Thursday, November 05, 2015 3:50 PM

To: Penny Ellis-Green

Cc: Robert Griego; sma-board; RIII

Subject: requested changes to the proposed zoning map

Attached is a letter recommending changes to the proposed Santa Fe County Zoning Map. While sent under the auspices of the San Marcos Association, it has been endorsed by the following organizations: San Pedro Neighborhood Association, Turquoise Trail Preservation Trust; Turquoise Tail Association, Rancho Sn Marco HOA, Las Candelas de Los Cerritos; Rural Conservation Alliance; Cerritos Hills Park Coalition; Santa Fe Basin Water Association; Madrid Merchants Association.

We appreciate your consideration of these concerns and would expect to see the attached communication added to the November 10 BCC packet



## THE SAN MARCOS ASSOCIATION

November 3, 2015

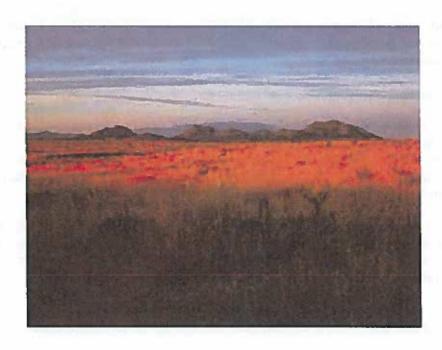
# THE SAN MARCOS ASSOCIATION P. O. Box 722 Cerrillos, NM 87010

Re: A request to Eliminate the Proposed "light" Industrial Zone on the Turquoise Trail!

Dear County Commissioners & Staff,

The current draft county zoning map has a proposed 320-acre industrial zone placed on open ranch lands (Bonanza Creek Ranch) pressed against the Turquoise Trail. As you know, the views South from this scenic byway are spectacular and include the Cerrillos Hills. We know that there will be future changes in this area and we support ranch owners in cluster development as well as movie related enterprises with substantial set backs, however an industrial zone here is wrong.

While we applaud the recently added 1000' buffer zone between the Scenic Byway and the proposed industrial zone, we believe that the County should not sacrifice the scenic value of one of its most attractive entry routes without the careful scrutiny that an applicant inspired rezoning application would require.



According to the SLDC Use Table and Classification Standards (LCBS), an industrial zone would allow "by right" plants for processing chemicals, asphalt, cement, multistoried industrial buildings, high-rise warehouses, automotive wrecking, salvage yards, junkyards, storage structures, large area, multi-acre distribution transit warehouses, wholesale products, such as motor vehicles, furniture, construction materials machinery and equipment, metals and minerals, etc.

At the October BCC "Study Session", the County Commission directed the planning staff to define what "light Industrial" is and to change the proposed State Route 14 Industrial Zone to "light Industrial". On October 28th, County Planning responded with the following draft definition:

**8.7.4.1. Purpose.** The Industrial Light (IL) district is to provide for wholesale and warehousing uses for non-hazardous materials as well as those industrial uses that include fabrication, manufacturing, assembly or processing of materials that are in a refined form and that do not in their transformation create smoke, gas, dust, noise, soot or lighting to a degree that is offensive when measured at the property line of subject property. This district also provides for research and development activities, mixed commercial and IL support services including offices, restaurants, call centers, etc.

However, when the "use Table" is consulted, it would appear that "light Industrial" would permit the full range of commercial and retail uses. Bowling alleys, sports arenas, golf courses, Superstores, most retail stores, automobile sales and service - all would be permitted.

The definition for Light Industrial, therefore, is subverted by the use table and as defined, we believe that "light Industrial" is not appropriate for any area south of the State Penitentiary on State Route 14.

The SGMP (county plan) adopted by the BCC in 2015 expressly directs that developers "Site . . . industrial activities well away from . . . scenic byways" let alone National Scenic Byways. 1000 feet is not nearly "well away" enough.

To reinforce this position, the Turquoise Trail has no through-truck restrictions.

An industrial zone on Hwy 14 would create a scenario of industrial traffic moving up and down the Byway. Most of Hwy 14 is a single lane in each direction with few areas for passing. Adding heavy industrial and commercial traffic to a road already used heavily by cyclists, tourists, and commuters is bad planning for an area such as this. In addition, creating an industrial/commercial zone here would fatally mar the intended scenic nature of the Byway.

Further, the county does not even need additional industrial land, heavy or "light". With the reduced population projection portrayed in the revised 2015 County Plan, 989 acres is already available for industrial use and is adequate for anticipated population growth. Even if a need was demonstrated the Turquoise Trail is not an appropriate site.

Light industrial as defined in the proposed Use Table must be considered within the context of

potential heavy truck traffic, toxic impacts, traffic congestion, the size and height of buildings that could block visual resources, (especially with TDRs) and increased population density caused by the planned adjacent Mixed use zoning. These are all important components in deciding whether or not light industrial uses could impact the National Scenic Byway. When considered together, they clearly call for a rejection of the proposed zoning.

The zoning map identifies an industrial zone on 599 - a four-lane Hwy. This is the kind of appropriate and adequate location for the industrial needs of Santa Fe County. This area is already in use for heavy industry, stockpiles - cement plants, and junkyards. It is not a tourist destination. Further, we support a recognized need for industrial zoning in the Estancia area.

We recommend that the proposed "light" industrial zone on the Turquoise Trail National Scenic Byway be eliminated from the Zoning map. Keep the Byway scenic, and keep industrial uses to along areas like 599 and Estancia where it is best suited. The proposed "Light Industrial" zone on the Turquoise Trail should be zoned "Rural Fringe" to reflect it's current ranching heritage.

We also recommend that should the County Commission opt to insert "light Industrial" zoning along the Turquoise Trail despite our objection, that all use table categories that currently are classified as "permitted" be reclassified as "conditional" uses. All uses defined in the table that are inappropriate for a light industrial zone should be prohibited, and that "mixed Commercial" be removed from the definition. We strongly recommend that the 1000' setback be maintained in order to preserve some measure of integrity for the National Scenic Byway.

A second alternative could also be considered. While we oppose the population build-out along the National Scenic By-way that "Mixed Use zoning would promote, Mixed Use zoning may be a better alternative for the 320 acres now preposed as "light Industrial". The "mixed Use" definition would eliminate most of the objectionable aspects of "light Industrial and still require developers to carefully plan a residential community. Mixed Use residential would allow density transfers from the 1000 foot set-back which industrial zoning may not be able to accept. What we propose is to eliminate the "light Industrial Zone" and replace it with "Mixed Use". We suggest that 320 acres of the proposed mixed Use zone further south along the Scenic By-way be changed to "rural-fringe" - thus preserving more of the important scenic view toward the Silver Hills. We suggest that the entire Scenic By-way corridor, as identified as the "Turquoise Trail Environmental and Resource Protection Overlay Zone" be extended to 1000 feet from the centerline on either side of the highway.

#### SIGNED:

Walter Wait President; San Marcos Association

The following Neighborhood and Civic Organizations have endorsed and approved this set of recommendations:

San Pedro Neighborhood Association
Turquoise Trail Preservation Trust
Turquoise Trail Association
Las Candelas de los Cerrillos
Rural Conservation Alliance
Cerrillos Hills Park Coalition
Santa fe Water Basin Water Association
Madrid Merchants Association
Rancho San Marcos Home Owners Association

From: To: Santa Fe County Amy M. Rincon

Subject:

SLDC Public Comments Form Submission

Date:

Friday, November 06, 2015 3:26:24 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

Comments

Request to change the proposed zoning from Residential Estate to Residential Fringe to reflect existing covenants.

Parcel ID (You can find the parcel ID on the letter you received) 910004509

Property Owner (First Name) Cathi

Property Owner (Last Name) Wingert

Physical Address of Property (No value)

Email address: (No value)

Zoning Classification on Adoption Draft Zoning Map (No value)

Requested Zoning Classification (No value)

Additional Comments (No value)

Jilea Lee

To:

r.n.olson@att.net; bill.baker@prodigv.net; Robert Bewley; Bob Clancy; Helen Crotty; DAVE CAMPBELL; GREG

PRICE; SALLY DOUGLAS; Amv M. Rincon

Cc:

murlock@raubtreecounty.com; MIKE MADDEN EMRTC; ROGER HOLDEN EMRTC

Subject:

Fwd: No Industrial zone on NM14 / letter for organizations to sign on to

Date:

Friday, November 06, 2015 11:05:47 AM

Attachments:

2015 LETTER re INDUSTRIAL odf

Although our community is off of the Scenic Byway of North 14, we are connected to the Turquoise Trail Preservation Trust and support the scenic beauty of Hwy. 14. I have gone ahead and agreed to sign (from the SPNA) the "No Industrial Zone on NM 14" letter. Please read the enclosed attachment. Thank you, Jilea

From: "Michael Madden" <mikemadden52@gmail.com>

Sent: Wednesday, November 04, 2015 2:11 PM

To: "Jilea Lee" <sisters@higherspeed.net>, "Toni Olson" <r.n.olson@att.net>

Cc: "Ross Lockridge" <murlock@raintreecounty.com>

Subject: Fwd: No Industrial zone on NM14 / letter for organizations to sign on to

Jilea and Toni,

As President and Treasurer respectively of SPNA, please read the attached letter and get back to Ross as to whether SPNA would sign.

Ross,

East Mountain Neighborhood Coalition is comprised of sub-divisions lying in Bernalillo County, so in this case it would not apply to them.

Mike

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

From: Ross Lockridge < murlock@raintreecounty.com >

Date: Wed, Nov 4, 2015 at 10:32 AM

Subject: No Industrial zone on NM14 / letter for organizations to sign on to

To: Michael Madden < Mikemadden 52@amail.com >

Michael,

The first hearing on the new county plan and zoning map is in just 6 days! and we are helping to give input against an industrial zone planned to be along the Turquoise Trail. I'd like to add the East Mountain Neighborhood Coalition to a list of signers to the attached letter. I this case, the San Marcos Association is taking the lead but the Turquoise Trial Regional Alliance will be a signer. The letter has a misspelling that will get corrected along with a few other possible edits. Please let me know if the SPNA will be a signer to the letter.

Thanks, Ross.

Bob Clancy

To:

sisters@higherspeed.net; r.n.olson@att.net; bill.baker@prodigy.net; Robert Bewley; Helen Crotty; DAVE

CAMPBELL: GREG PRICE: SALLY DOUGLAS; Amy M. Rincon

Cc:

MIKE MADDEN EMRTC; ROGER HOLDEN EMRTC

Subject:

Re: Fwd: No Industrial zone on NM14 / letter for organizations to sign on to

Date:

Friday, November 06, 2015 5:46:37 PM

I'm all for it. Bob Clancy Board member

On 11/6/2015 11:04 AM, Jilea Lee wrote:

Although our community is off of the Scenic Byway of North 14, we are connected to the Turquoise Trail Preservation Trust and support the scenic beauty of Hwy. 14. I have gone ahead and agreed to sign (from the SPNA) the "No Industrial Zone on NM 14" letter. Please read the enclosed attachment. Thank you, Jilea

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Thanks, Ross.

### Santa Fe County Sustainable Development Code Zoning Map: Adoption Draft, October 27, 2015

Re: Current proposed zoning for Lot 7 Rancho Verano (0 Tren Via) Tax Parcel ID 910004509

- The owners of the 24 lots (Tax Parcel IDs 910004510-11, 910004514-16, 950002803, 950003701-4, 950000287-91, 950002071/73/75/77/80, 950001018-19/27, 950002928) immediately adjacent to Rancho Verano protest the proposed zoning of this 205 acre parcel as RES-S with 2 1/2 acre lots increasing the density from 41 lots to 82 lots
- All of Lot 7 is subject to the Declaration of Covenants, Conditions, and Restrictions for Lot 7 of the Eldorado Subdivision
  - original document 614681-88 2/1988 signed by Robert Delp and Johanna Delp created
     10 acre minimum lot requirements
  - Amendment to the Declaration of Covenants, Conditions, and Restrictions for Lot 7 of the Eldorado Subdivision reduced the minimum lot size to 5 acres document 692028-31 dated 8/1990 included lot 7 (owned by Delp and Delp) with the subdivided lots 7-A through 7-D
  - Restrictive Covenants within lot 7, 7-D3, 7-E through 7-H document 1048333-44 provided further restriction and created a road maintenance obligation on lots 7-E through 7-H but left the previous provisions for 5 acre minimum in place. (Lot 7 signing owners Delp and Delp)
  - The road maintenance organization that was created is legally known as the Las Nubes Residence Association (LNRA) and includes the 24 previously listed lots. The LNRA is financially responsible for the maintenance of Avenida Las Nubes, Rancho Verano, Aguila, La Pintera, and Cuyuse and additionally it maintains Tren Via as the outlet for Avenida Las Nubes to Avenida Eldorado
  - Rancho Verano has two proposed access roads one uses Rancho Verano (the 4th cul
    de sac of our neighborhood dumping traffic onto Avenida Las Nubes and the second
    routes traffic onto Tren Via (accessed through 3 of the lots in our neighborhood). Each
    access route impacts our neighborhood.
- February 11, 2015 The LNRA sent a letter to Penny Ellis-Green outlining the above information and requesting that Rancho Verano be zoned, along with the rest of the Lot 7 sections, under the legal provisions of the Declaration of Covenants for Lot 7, as RES-F with 5 acre minimum lot size. (Comments were also placed on the comment website)
- We again request that the zoning for this acreage be modified to that required by the existing Covenants because of the negative financial impact the County's proposed zoning will have:
- Lowering our property values by the increased density from 41 lots to 82 lots in our immediate neighborhood.
- 2. 2. The increased financial requirements for maintaining roads with at least double the traffic. (Each owner already pays \$400 per year to the LNRA)

Please contact us if you have any questions regarding our request or documentation.

Jim and Cathie Wingert

505-466-3507

Valerie Mazzoni

505-466-6031

February 11, 2015

Penny Ellis-Green Growth Management Department Director 102 Grant Avenue PO Box 276 Santa Fe, NM 87504-0276

re: Proposed zoning of Tax Parcel ID 910004509 (Rancho Verano subdivision - 0 Tren Via - owner Rancho Verano Ltd.)

Dear Ms. Ellis-Green

Our organization, the Las Nubes Residents Association, represents part of Lot 7, (the 24 lots immediately to the north of the Rancho Verano subdivision\*\*\*). We are greatly concerned that the current zoning proposal contradicts the Convents\* for our immediate area by allowing a 100% increase in housing density in the, as yet undeveloped, Rancho Verano subdivision; reducing lot size minimums from 5 acres to 2 1/2 acre. The County has correctly proposed zoning that requires 5 acre minimum lot sizes for the majority of Lot 7\*\*. However, the southern part of Lot 7, known as Rancho Verano, shows zoning of residential estate which would allow 2 1/2 acre minimum lots sizes. If this zoning is allowed, the increased housing density would cause dramatically increased traffic and major impacts to the roads that our association funds and maintains.

We are requesting that the Rancho Verano area be zoned Residential Fringe; the same zoning proposed for the rest of Lot 7. This would bring the zoning of Rancho Verano into compliance with the 5 acre lot size minimum required by the Covenants\*. (Should the owner of Rancho Verano, Rancho Verano Ltd., decide to pursue smaller lot sizes, they need to follow the process in the Covenants\* which would require 75% of the Lot 7 owners to approve any modifications.)

We hope the County will honor the Covenants" which were lawfully put in place for all of Lot 7.

Thank you for your assistance in this matter. If there are any questions or further information is needed, please feel free to contact me.

Cathleen Wingert Vice President, Las Nubes Residents Association 45 Avenida Las Nubes Santa Fe, NM 87508 505-466-3507

- Declaration of Covenants, Conditions and Restrictions for Lot 7 of the Eldorado Subdivision (recorded with the SF county clerk, book 614 pages 681-689 and amendment to minimum of 5 acres, book 692 pages 028-031)
- Lot 7 of the Eldorado Subdivision is the area south of Avenida Eldorado, west of the railroad right of way (Tren Via), east of Avenida De Compadres and to the southern border of the property owned by Rancho Verano Ltd. (Tax Parcel ID 910004509)
- \*\*\*Tax Parcel IDs 910004510-11, 910004514-16, 950002803, 950003701-4, 950000287-91, 950002071/73/75/77/80, 950001018-19/27, 950002928

17181 WW

DECLARATION OF COVENANTS.
CONDITIONS AND RESTRICTIONS FOR
LOT 7 OF THE ELDORADO SUBDIVISION

614681

THIS DECLARATION, made on the date hereinafter set forth by Robert A. Delp and Johanna Delp, hereinafter referred to collectively as ("Declarant").

#### WITHESSETH:

SUBDIVISION OF Eldorado, County of Santa Fe, State of New Mexico, more particularly described as: SEE EXHIBIT "A" ATTACHED HERTO AND MADE A PART HEREOF.
[Note: legal description of lot 7 of the Eldorado Subdivision to be provided by Declarant) hereinafter referred to as the Property.

NON, THEREFORE, Declarant hereby declares that all of the acreage located at the Property described above shall be held, and conveyed subject to the following restrictions, and conditions (hereinafter "Covanants"), which are for the purpose of protecting the value and desirability of, and which shall run with, the Property and be binding on all parties thaving any right, title, or interest in the Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof and shall be included in full or by reference, in all deeds and mortgages thereto.

1. HINIMUM LOT SIZE: The Property shall only be subdivided in such a manner so as to create lots of not less than ten (10) acres. No lot shall be sold, exchanged, transferred,

1. MINIMUM LOT SIZE: The Property shall be subdivided in such a manner so as to create lots of not less than five (5) acres.

All other Conditions and Restrictions set forth in the Declaration are hereby ratified and confirmed.

Robert A. Delp	6-25-90 Date
Johanna Delp Lelp.	6-25-90 Date
Carl T. Jackson	7/11/90 Date
Margaret M. Jackson	7-11-90 Date 7/18/90
Royal O. Jackson Carried Ackson.	7/18/70 Date 18-90
Jenniter L. Jackson Chila Congales, Trustee Hanuel Gentales	8-22-90
Unite Consoles, Trustee	8-22-90 Uate
Heritage Partnership, by	7/a6/90
Its Managing Parties  Grace 2 Us. by	Date
Partner Partner	6/14/90 Date

Zoning Map 2015 Public Comments

1048333 43

within these styles, that let owner sust obtain written approved of all adjoining let owners, which shell be filled of record with the Santa Fa County Clark 1048333

- protection of Venetation. Prior to construction, contractual requirements shall be made of the builder requiring him or her to refrain from damaging of removing trees and other vegetation, except as may be reasonably necessary and unavoidable for clearance of a building site and construction of driveways, parking areas, and turnarounds.
- 5.03 Revergetation. Revergetation shall consist of plant materials indigenous to the area, except for cultivated garden areas.
- 5.04 Ridges. No structure shall be erected on any lot that exceeds 16 vertical feet above the highest natural point of the lot. He structure shall be more than two (2) stories in height.

G, and 7-H)

- Assessments. The owners of all lots within Lots 7-E, 7-f, 7-G, and 7-H shall contribute equally to road maintenance in an abount to be determined by a majority of the Lot owners. Upon the cale of every lot created within the property, the purchaser will contribute \$200 toward road maintenance, or such amount as is determined by a majority of tha lot owners. The type and frequency of work to be performed will be determined by a majority of the lot owners, who shall establish an association for that purposs. All monies collected will be hald in the hank account established for that purpose by the control of any withdrawal to occur. The Association shall elect officers annually. An annual assessment will not apply to lots upon which how builting construction has begun.
  - liess. The association shall place a lien against the lot of any owner to secure payment of assessments [7] Any such lien shall be enforceable by the seme proceedurals provided for enforcement of a materialman alvelle including the right to attorney's fees.

#### ARTICLE 71 POLIS WASTE DISPOSED.

7.01 Dismess! All lot owners shall regularly dispess offall solid waste on their lots. Solid waste shall not be allowed to accumulate on any lot. all waste shall be kept in covered garbage cans.

Santa Fe County Amy M. Rincon

Subject:

SLDC Public Comments Form Submission

Date:

Monday, November 09, 2015 12:15:12 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

#### Comments

The Galisteo Basin Preserve, managed by Commonweal, has a proposed PD Zoning. On Tuesday, November 10, 2015 Commonweal will be proposing to the BCC a reduction in its approved Planning Envelope removing 7,860 acres from the original build-out. If approved, about 4,000 acres is under an agreement to purchase from the Thornton Ranch, but not yet purchased; and of the remaining @ 4,000 acres (which has already been purchased), about 2400 acres has conservation easements. This leaves @ 1600 acres which could potentially be built upon. Commonweal intends to obtain conservation easements for the 1600 acres also, but should financial pressures arise the property could be marketed as building lots. It will be important for any property removed from the current building envelope to be zoned \"Agricultural/Ranch\", which would limit any lot in the 1600 acres to 160 acres in size = 10 lots. Under the current proposed PD zoning the 1600 acres could be developed at 1 dwelling p/acre = 1! 600 lots.

Parcel ID (You can find the parcel ID on the letter you received) PD2

Property Owner (First Name) Commonweal

Property Owner (Last Name) (No value)

Physical Address of Property Galisteo Basin Preserve

Email address: (No value)

Zoning Classification on Adoption Draft Zoning Map PDD - Planned Development District

Requested Zoning Classification A/R - Agriculture/Ranching

Additional Comments my info: Roger Taylor, 54 Camino los Angelitos, Galisteo 87540. (505-466-3469.) clearskynm@gmail.com

Penny Ellis-Green

To:

Amy M. Rincon; Robert Griego

Subject: Date: FW: Santa Fe County Zoning Map Draft Monday, November 09, 2015 4:03:26 PM

Can you send the standard reply and add to the database.

Thanks

From: John Finn [mailto:johnstephenfinn@gmail.com]

Sent: Monday, November 09, 2015 11:24 AM

To: Penny Ellis-Green Cc: Constance T. Lujan

Subject: Santa Fe County Zoning Map Draft

Growth Management Department, I had a chance over the weekend to look over the information forwarded to landowners regarding the new Zoning Map. I am an owner of Parcel 910009156 at 134 Turquoise Trail Ct. I noticed that our entire area along Turquoise Trail Court is classified at RUR-R rather than RES-F. All of the lots along Turquoise Trail Court are 5 acres and have a dwelling which would seem to more appropriately fit the RES-F classification. I can imagine the process of getting the zoning map put together for the county is a significant project. Please look over these lots and be sure the zoning classification reflects the current status. Thanks for your attention to these matters. John Finn

From: To: Santa Fe County Amy M. Rincon

Subject:

SLDC Public Comments Form Submission

Date:

Monday, November 09, 2015 8:53:15 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance SLDC Comment

Comment Type Specific Parcel

#### Comments

This comment is with regard both the Proposed Zoning Map and the SLDC that supports it.

I am writing to urge you to amend the Proposed Zoning Map, by reclassifying the proposed zoning density for the following parcels, from Residential Estate (2.5 acres per DU) to Rural Residential (10 acres per DU):

910004343 (Rounsville) (also spelled Rounseville) 960001291 (Henson) 960001293 (Little Bluestem, LLC) 54063744 (Little Bluestem, LLC)

These properties cover approximately 400 acres and are referred to as the 'subject area.\' They are entirely undeveloped, and lie immediately east and south of the La Tierra development and adjacent to my home. (My Parcel ID is 56002828, as indicated in the space provided for a commenter\'s Parcel ID.)

(I note that parcel 960001292, also owned by Little Bluestern, LLC, is currently being proposed as Rural Residential (10 acres per DU), so while it is in the area being discussed here, its proposed zoning is not an issue here.)

According to Planning Department staff with whom I have discussed this, the currently allowed density base of the 4 parcels at issue here is 1 DU per 2.5 acres, which is reportedly based on a 1980 Hydrological Survey. However, I have not yet been personally able to verify this and I question it, based on the following.

These properties are located on or near the boundary between the hydrological zones identified as \"Basin\" and \"Basin Fringe\" zones in the 1980 Hydrological Survey.

First, I question whether that 1980 survey is still valid at all, for the purpose of the proposed zoning of this area, because it was taken during decades of heavy rainfall in NM. With extreme drought conditions during most of the past decade, I suggest that the boundary between those zones should be moved eastward, not westward. This would also be consistent with the SLDC and SGMP, as it would avoid the development of new Residential Estate housing immediately adjacent to the Rural Residential area of La Tierra.

More importantly, I note that the original 2009 SLDC (Map 41) shows the subject area as being on the border between the "Basin Fringe\" Hydrologic Zone (including most of the La Tierra area) and the \"Basin\" Hydro Zone (covering most of the subject area), which were identified as having a permissible densities of 1 DU per 50 acres and 1 DU per 10 acres as of 2009, respectively. Yet these same areas are now being proposed to support higher densities of 1 DU per 10 acres and 1 DU per 2.5 acres, respectively. How can this be? How can the proposed permissible density of the subject area be increased 4-fold, when we have had mostly droughts for the past 10 years? And as far as 1 am aware, there has not been any update of the 1980 Hydrological Survey.

Domestic wells are the only source of water in the La Tierra area. In this regard, I note that the City of Santa Fe has installed a 2000\tag{000} monitoring well in the La Tierra neighborhood, out of concern for depletion of the aquifer based on reports of dropping aquifer levels in La Tierra and other areas in Santa Fe County. However data from that well extends back only 2 years, which is entirely insufficient to rely upon for the purpose of justifying any westward extension of higher density Residential Estate zoning in this area.

If anything, it seems as though the proposed densities for undeveloped land in these areas should be decreasing, not increasing. I urge the Commission and the staff to take a close look at the hydrologic data underlying its proposed zoning decisions.

I look forward to discussing this with your staff, and will make an appointment for this purpose.

Thank you, William A Eklund

Parcel ID (You can find the parcel ID on the letter you received) 56002828

Property Owner (First Name) William A

Property Owner (Last Name) Eklund

Physical Address of Property 48 Paseo De La Tierra, Santa Fe NM 87506

Email address: bill.eklund@gmail.com

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Zoning Classification on Adoption Draft Zoning Map RUR-R - Rural Residential

Requested Zoning Classification RUR-R - Rural Residential

**Additional Comments** 

Note: My proposed changes to the Proposed Zoning Map are with regard to the subject properties to the east of my property, NOT MY PROPERTY, which is already proposed as Rural Residential, which is consistent with current covenants in La Tierra.

Santa Fe County Amy M. Rincon

Subject: Date: SLDC Public Comments Form Submission Monday, November 09, 2015 8:55:15 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

#### Comments

This comment is with regard both the Proposed Zoning Map and the SLDC that supports it.

I am writing to urge you to amend the Proposed Zoning Map, by reclassifying the proposed zoning density for the following parcels, from Residential Estate (2.5 acres per DU) to Rural Residential (10 acres per DU):

910004343 (Rounsville) (also spelled Rounseville) 960001291 (Henson) 960001293 (Little Bluestem, LLC) 54063744 (Little Bluestem, LLC)

These properties cover approximately 400 acres and are referred to as the 'subject area.\\\' They are entirely undeveloped, and lie immediately east and south of the La Tierra development and adjacent to my home. (My Parcel ID is 56002828, as indicated in the space provided for a commenter\\\'s Parcel ID.)

(I note that parcel 960001292, also owned by Little Bluestem, LLC, is currently being proposed as Rural Residential (10 acres per DU), so while it is in the area being discussed here, its proposed zoning is not an issue here.)

According to Planning Department staff with whom I have discussed this, the currently allowed density base of the 4 parcels at issue here is 1 DU per 2.5 acres, which is reportedly based on a 1980 Hydrological Survey. However, I have not yet been personally able to verify this and I question it, based on the following.

These properties are located on or near the boundary between the hydrological zones identified as \\\"Basin\\\" and \\\"Basin Fringe\\\" zones in the 1980 Hydrological Survey.

First, I question whether that 1980 survey is still valid at all, for the purpose of the proposed zoning of this area, because it was taken during decades of heavy rainfall in NM. With extreme drought conditions during most of the past decade, I suggest that the boundary between those zones should be moved eastward, not westward. This would also be consistent with the SLDC and SGMP, as it would avoid the development of new Residential Estate housing immediately adjacent to the Rural Residential area of La Tierra.

More importantly, I note that the original 2009 SLDC (Map 41) shows the subject area as being on the border between the "Basin Fringe\\" Hydrologic Zone (including most of the La Tierra area) and the \\"Basin\\" Hydrologic Zone (covering most of the subject area), which were identified as having a permissible densities of 1 DU per 50 acres and 1 DU per 10 acres as of 2009, respectively. Yet these same areas are now being proposed to support higher densities of 1 DU per 10 acres and 1 DU per 2.5 acres, respectively. How can this be? How can the proposed permissible density of the subject area be increased 4-fold, when we have had mostly droughts for the past 10 years? And as far as I am aware, there has not been any update of the 1980 Hydrological Survey.

Domestic wells are the only source of water in the La Tierra area. In this regard, I note that the City of Santa Fe has installed a 2000\\" monitoring well in the La Tierra neighborhood, out of concern for depletion of the aquifer based on reports of dropping aquifer levels in La Tierra and other areas in Santa Fe County. However data from that well extends back only 2 years, which is entirely insufficient to rely upon for the purpose of justifying any westward extension of higher density Residential Estate zoning in this area.

If anything, it seems as though the proposed densities for undeveloped land in these areas should be decreasing, not increasing. I urge the Commission and the staff to take a close look at the hydrologic data underlying its proposed zoning decisions.

I look forward to discussing this with your staff, and will make an appointment for this purpose.

Thank you, William A Eklund

Parcel ID (You can find the parcel ID on the letter you received) 56002828

Property Owner (First Name) William A

Property Owner (Last Name) Eklund

Physical Address of Property 48 Paseo De La Tierra, Santa Fe NM 87506

Email address: bill.eklund@gmail.com

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Zoning Classification on Adoption Draft Zoning Map RUR-R - Rural Residential

Requested Zoning Classification RUR-R - Rural Residential

**Additional Comments** 

Note: My proposed changes to the Proposed Zoning Map are with regard to the subject properties to the east of my property, NOT MY PROPERTY, which is already proposed as Rural Residential, which is consistent with current covenants in La Tierra.

## William A. Eklund 48 Paseo De La Tierra Santa Fe, NM 87506

November 16, 2015

TO: Santa Fe Board of County Commissioners, County Planning Department 102 Grant Ave. Santa Fe, NM 87501

Subject: SDLC and Proposed Zoning Map

The following comments apply to the undeveloped area outlined on the attached map, which is referred to here as the "Subject Area." This Area is entirely undeveloped. It consists of nearly 400 acres. It is surrounded on all sides by developed residential neighborhoods, which are proposed for zoning as Residential Estate (to the east, including Tierra Preciosa and others), Rural Residential (La Tierra, to the north and west), and a Planned Development District (to the south, including Las Companas). The Subject Area is proposed for zoning as "Residential Estate" (1 dwelling per 2.5 acres base density).

This Subject Area straddles a boundary between hydrologic areas that have long been identified as the "Basin" and "Basin Fringe" hydrologic zones as a consequence of the 1980 Hydrological Survey of Santa Fe County. This is discussed further below.

#### Summary:

We object to the proposed zoning of the Subject Area as Residential Estate. We do not believe the impacts on groundwater availability or traffic congestion in the neighborhoods surrounding the Subject Area have been adequately addressed. We urge the Commission to zone the Subject Area as Rural Residential or other category having a base density no greater than 1 dwelling per 10 acres. This would be consistent with the proposed zoning of the residential neighborhoods to the north and west of the Subject Area and the covenants applicable in those neighborhoods.

#### Homeowner Concerns:

First, this is to thank the Planning Division staff for listening to our questions and concerns at our meeting on Friday, Nov. 13. They were very knowledgeable and

professional in answering our questions and explaining the procedures involved in issuing the SLDC and the Proposed Zoning Map.

Our concerns fall primarily into two general areas – water availability and traffic management, which are discussed below.

## 1. Water Availability.

We are residential neighbors of the Subject Area who are entirely dependent on domestic wells. Our primary concern is the impact on our water availability as a result of the proposed zoning of the Subject Area.

The proposed Zoning Map would zone the Subject Area as "Residential Estate," which would permit dwellings to be constructed on lots as small as 2.5 acres.

This represents a much greater residential density than the maximum residential densities that were adopted years ago for the region surrounding the Subject Area, and which were based the 1980 Hydrologic Survey of Santa Fe County.

The map of the County Hydrologic Zones that resulted from that Survey indicates that the Subject Area straddles two hydrologic zones – the "Basin" zone and the "Basin Fringe" zone.

The Basin zone extends to the east from the Subject Area, and was assigned a maximum residential density of 1 dwelling unit (DU) per 10 acres.

The Basin Fringe zone extends to the west from the Subject Area. It includes La Tierra and was assigned a maximum residential density of 1 DU per 50 acres. (La Tierra and possibly La Tierra Nueva were already partially developed by 1980, so were presumably grandfathered in with a higher density of 1 DU per 10 acres.)

The boundary between the Basin zone and the Basin Fringe zone is shown on the County map entitled "Sustainable Development Plan, Hydrologic Zones." The relationship between those zones and the now-proposed zoning districts is set forth on the County table entitled "Table for Comparing Proposed Base Zones for Sustainable Land Development Code and Existing Code Hydrologic Density and Zones," published online as background material to the SLDC. It is notable that the Table references past 'Administrative Adjustments' that appear to be the basis for now proposing a residential density of 1 DU per 2.5 acres (e.g., Residential Estate districts), in areas of the Basin zone that were assigned a much lower maximum residential density of 1 DU per 10 acres based on the 1980 Survey. While Administrative Adjustments may be appropriate for individual permitting decisions, we question whether they should constitute a basis for widespread zoning decisions that authorize much greater residential densities than those of the 1980 hydrologic zones.

By way of further background, the particular demarcation of the boundary between the Basin and Basin Fringe zones was necessarily a matter of professional judgment after the hydrological survey data became available around 1980. Since hydrological variations are generally gradual and not distinct, this boundary should be considered 'fuzzy.'

Further, the '80s and '90's were a relatively wet period in New Mexico, while the past decade has been dry and has included several years of extreme drought. Thus the boundary between the Basin and the Basin Fringe zones, to the extent it should be treated as a fixed boundary at all, should now be further to the east due to the more arid climate we are experiencing. This would place the Subject Area squarely in the Basin Fringe zone, where the base residential density was identified as 1 DU per 50 acres.

Our point here is that, regardless of which hydrologic zone the Subject Area is in, the currently proposed zoning of the Subject Area would increase the potential residential density anywhere from 4-fold (compared with the maximum density for the Basin hydro zone) to 20-fold (compared with the maximum density for the Basin Fringe hydro zone). Obviously, either increase is substantial, and thus should be undertaken only on the basis of sound hydrologic data.

The County may be implicitly justifying this increased dwelling density on the reasoning that substantially stricter water consumption requirements will be imposed on residences built in the Subject Area, which will offset the higher total volume of water withdrawal that might otherwise be allowed by the Office of the State Engineer in its issuance of domestic well permits. The County may also be justifying this increase on the theory that some or even all of the Subject Area may be required to connect to County water services.

However, we believe that such justifications for now allowing a much greater housing density are flawed, for the following reasons.

First, the original maximum residential densities for the Basin and Basin Fringe zones were presumably based on the presumption that domestic water wells would be a primary water supply in much of the Basin and Basin Fringe zones, together with recognition of the longstanding practice of the State Engineer's Office of granting domestic well permits having withdrawal limits of 3 acre-feet per year.

However, 3 acre-feet of water is far more than is typically consumed annually by a residential dwelling in the area. Very few, if any, of the dwellings in La Tierra, or any other development in the area, actually use 3 acre-feet of water. In fact, it is more likely that residential water consumption is of the same order of magnitude for most the dwellings in the surrounding areas, regardless of lot size.

This should be taken into account in assessing the impact of the proposed Residential Estate zoning, because even with the reduced water consumption rules proposed in the SLDC, the much greater housing density proposed for the Subject Area could still result in a considerably greater increase in total water consumption for the Subject Area, than would result from lower density zoning with larger lots, even assuming such larger lots were to be granted domestic well permits issued by the Office of the State Engineer. This is important to consider, because failure to take this into account will result in faster depletion of the aquifer than is supported by the 1980 Hydrologic Survey.

A conservative estimate is that as many as 120 new dwellings might be built in the Subject Area, after taking into account flood plane exclusions, roads and the like. On the basis of this estimate, new dwellings in the 400 acre Subject Area could result in total new water consumption greater than that of the much larger La Tierra development, even after it is finally built out to its full complement of 118 units, and even with the markedly reduced water consumption rules that would apply to the Subject Area.

Further, some or all of the water consumption in the Subject Area may well come from individual or shared domestic wells, which may indeed be necessary in the Subject Area, despite the SLDC regulations designed to encourage use of County water supply services.

In this regard, the Subject Area is contiguous on the south side with Las Companas, which is supplied by County water. Also, the Subject Area is within Sustainable Development Area 2 (SDA-2), which requires connection to County water supplies for SDA-2 developments that are in close proximity to County water service areas. However, the Subject Area consists of several distinct parcels that are not all in close proximity to the County water service area boundary; and further, the SLDC contains exceptions that allow development in SDA-2 zones without requiring connection to nearby County water service, where connection is not feasible for various reasons.

Thus it is by no means clear that the Subject Area will be serviced by the County water system at all, which means that some or all of the Subject Area would require private domestic wells for development.

Since the 1980 Hydrological Survey was published, the aquifer underlying the Subject Area has been subject to substantially increasing demands by the extensive proliferation of individual domestic wells, community wells, and municipal wells (the latter most notably including the large City well off of Camino De Las Montoyas, which serves as the City's back-up to the Buckman Diversion project).

Concern for the impact of these wells, along with anecdotal reports of falling aquifer levels, led the City of Santa Fe to recently install a 2,000-foot monitoring well in the La Tierra neighborhood. However, data from that well has been available only for the past two years, which is not long enough to rely upon, for the purpose of determining a statistically sound projection of future ground water supplies.

Thus the County apparently has little or no updated hydrological data to support zoning or permitting decisions that are inconsistent with the base density zones derived from the 1980 Hydrological Survey.

Just the climate change alone that we have witnessed in the intervening years, toward a more arid climate, should give the County pause in promulgating new zoning regulations that would substantially increase ground water consumption, without updated hydrological data to support such regulations.

The New Mexico legislature has clearly directed Counties to adopt zoning regulations that "... facilitate adequate provision for ... water." It is not yet clear that the County is relying on sound hydrologic data to support its zoning proposals in this case.

While our comments here are particularly directed to the Subject Area that we live closest to and are most familiar with, we question whether other zoning proposals may also suffer from a lack of adequate supporting hydrologic data.

Consequently we urge the Commission to more thoroughly evaluate the availability of water in connection with all of its zoning proposals, but in particular the Subject Area and other similar areas that are likely to depend on groundwater. In particular we urge the Commission to rely upon updated and accurate hydrologic data, and not on past 'administrative adjustments' made for reasons that are undocumented and unpublished.

Finally, we note that owners and residents of nearby communities, on both sides of the Subject Area, made their decisions to build homes and rely on domestic wells, with the knowledge that the adjacent properties in the Subject Area were subject to a residential density maximum of 1 DU per 10 acres, consistent with its location in the Basin hydrologic zone. Observing that maximum density would go far toward mitigating our concerns regarding aquifer depletion.

Exceptions to this maximum density should be allowed only by application of individual property owners, following the procedures normally available to affected neighboring owners and including opportunities for notice, hearing and appeal; and not by unilateral County zoning.

## 2. Access and Traffic Management.

Our preliminary research indicates that <u>the only</u> vehicular access to the Subject Area would be from Paseo De La Tierra, on the far west side of the Subject Area from Santa Fe.

This would result in all traffic from Santa Fe having to proceed entirely around the Subject Area and enter on its west side, utilizing Camino La Tierra as well as Paseo De La Tierra. Traffic to Santa Fe from the Subject Area would have to utilize the same circuitous route.

Virtually all traffic into or out of the Subject Area would be via this one route – there is no destination to the west other than the Rio Grande River, 10 miles down Buckman Road.

Thus we consider this access to the Subject Area as inadequate and poorly designed for a potential 400-acre development covered by Residential Estate zoning densities; and it should never have been allowed in the first place. The issue of

access to a potential development of over 100 homes should be addressed before the zoning district is defined.

#### Conclusion:

We urge the Commission to proceed conservatively with zoning of the Subject Area, and indeed all the areas northwest of Santa Fe that are beyond the reach of current County water service. Any mistakes made now in the zoning and development of these areas, whether related to availability of water or traffic management, will be very difficult and expensive to correct in the future.

We look forward to discussing this further with Planning staff as soon as possible.

Respectfully submitted,

Chama Ehled

William A. Eklund 48 Paseo De La Tierra

Santa Fe, NM 87506

From: To:

Santa Fe County

Subject:

Amy M. Rincon

Date:

SLDC Public Comments Form Submission Tuesday, November 10, 2015 10:38:24 AM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type General Area

#### Comments

The proposed zoning density for Camino Nevoso as RES-E1 (one dwelling per 2.5 acres) is inconsistent with the development of the subdivision. All of the lots except for one on the road have been developed on 5 acre plots. The deed restrictions provide for one house on each 5 acre lot. To allow lots to be subdivided will significantly change the character of the property and adversely impact real estate values in an already developed area where existing land use and density have already been established. Leading to an unplanned hodge podge of infill housing shoe horned into an already well established and stable residential area. The Two Trails Road and arroyo running parallel to Two Trails is a natural boundary defining the lighter land use to the south from the more dense (already developed areas) to the north. The Camino Nevoso area is served by the Sunlit hills water, and service is marginal. Our property has a pressure of 10 psi at the tap in to the system and we! are required to use a pressure tank and pump in order to provide adequate water to our dwelling. Additional tap-ins along Camino Nevoso will only further degrade the service. The road itself does not meet country standards for residential streets and additional traffic on the road will create congestion and require improvements to the road. The RES-E1 density does not exist on any other parcels north of Two Trails Road..and there is no rational basis to determine why this small enclave has been singled out for this more dense land use. In an already developed area such as Camino Nevoso the zoning should reflect the existing use, and not change the use to alter the character of the neighborhood and surrounding area, with the resulting devaluation of the properties as they have been developed. The covenants for the subdivision in effect created the use and zoning for the properties as proposed the Zoning Map abrogates that. The properties along Camino Nevoso should be! zoned for RES-F1. This is consistent with the Calimo Circle s! ubdivisi

on which abuts the Camino Nevoso development, and all of the properties to the East and North.

Parcel ID (You can find the parcel ID on the letter you received) 950000210

Property Owner (First Name) Richard

Property Owner (Last Name) Fahey

Physical Address of Property 58 Camino Nevoso

Email address: rpfahey l@yahoo.com

Zoning Classification on Adoption Draft Zoning Map RES-E- Residential Estate

Requested Zoning Classification RES-F - Residential Fringe

Additional Comments (No value)

Santa Fe County

To:

Amy M. Rincon

Subject: Date: SLDC Public Comments Form Submission Friday, November 13, 2015 10:51:50 AM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

#### Comments

I own three parcels in the A/R area, nos. 76002603, 940001932 and 940001933. Under the proposed zoning, none of these parcels would support a dwelling. At a community meeting with county staff some time ago, I was told existing that parcels under the 160 acre size would likely be grandfathered. I hope that the county might consider grandfathering existing parcels of less than 160 acres, permitting building upon parcels of 40 acres, rather than taking so much of their value away from the current landowners.

Parcel ID (You can find the parcel ID on the letter you received) 76002603

Property Owner (First Name) Sam

Property Owner (Last Name) Sloan

Physical Address of Property Anaya Ranch Road

Email address: sloanvictor@mac.com

Zoning Classification on Adoption Draft Zoning Map A/R - Agriculture/Ranching

Requested Zoning Classification RUR - Rural

Additional Comments (No value)

Santa Fe County Amy M. Rincon

Subject: Date: SLDC Public Comments Form Submission Friday, November 13, 2015 1:35:17 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

Comments

Would like to be able to divide my property into 2.5 acre lots, these lots would be for my kids in the future.

Parcel ID (You can find the parcel ID on the letter you received) 99303038

Property Owner (First Name) Gerard

Property Owner (Last Name) Quintana

Physical Address of Property (No value)

Email address: (No value)

Zoning Classification on Adoption Draft Zoning Map RUR-F - Rural Fringe

Requested Zoning Classification RES-E - Residential Estate

Additional Comments -Walk in

From:

Santa Fe County

To:

Amy M. Rincon

Subject: Date: SLDC Public Comments Form Submission Sunday, November 15, 2015 7:45:57 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type General Area

## Comments

The large vacant tracts of land immediately east of La Tierra and Paseo La Tierra road are being proposed to be zoned at \'Residential Estates\' meaning 1 dwelling per 2.5 acres. These tracts should be zoned as \'Rural Residential\' (10 acre) lot sizes. This area is bisected by a hydrology boundary created 35 years ago and has no updated data available. Since the original hydrology survey, we are moving into a future of increasing drought. A conservative approach is to move this boundary east. These tracts are already bordered on two sides where 10-acre lots are present.

Parcel ID (You can find the parcel ID on the letter you received) 56004905

Property Owner (First Name) David

Property Owner (Last Name) Nelson

Physical Address of Property 19 Vuelta Sabio

Email address: dnelson104@msn.com

Zoning Classification on Adoption Draft Zoning Map RES-E- Residential Estate

Requested Zoning Classification RUR-R - Rural Residential

Santa Fe County Amy M. Rincon

Subject:

SLDC Public Comments Form Submission Sunday, November 15, 2015 10:27:13 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

Comments
This comment is from
Thomas Wehner who resides at
7 Conejo Trail
Santa Fe, NM 87506
Tax Parcel Number: 910018105

And who also owns Tax Parcel Numbers: 910018106 and 910001476

I am requesting that the land parcel abutting my properties to the north, that is, parcel 910004343, be changed from Rural Estate (2.5 acres per DU) to Rural Residential (10 acres per dwelling unit (DU)). This would make the zoning consistent with the adjacent properties north of the subject property. Here are my reasons:

1) The DU densities north and south of the subject property are lower than the proposed DU density of the subject property. The proposed DU density of the subject property should be no higher than the adjacent properties. North of the subject property the DU density is 10 acres per DU. South of the subject property is the Tierra Preciosa Subdivision. The DU density of the Tierra Preciosa Subdivision was 5 acres per DU prior to 2002. It is inconsistent to assign a higher density between two areas of lower density.

Today, the DU density of the Tierra Preciosa Subdivision is 2.5 acres per DU due to a county clerical error. Making the subject parcel the same DU density as the adjacent Tierra Preciosa Subdivision perpetuates the error and should not be done. [Note: In 2002, Santa Fe County made a clerical error in allowing a lot split that set the precedent for today's 2.5 acres per DU in the Tierra Preciosa Subdivision. Reportedly, many area residents at the time complained and requested the county to reverse the lot split, but the county said it could not, having already granted the split, and the precedent was set. The complaints included concerns about ground water drawdown and decreased property values for 5-acre lots. The 5-acre parcel that was accidentally split is today's 2.5-acre parcel numbers 910010136 and 910010135 at 5 and 7 Pasco del Paloma.]

- 2) The terrain of the subject property is dominated by the large Alamo Dry Creek Arroyo with accompanying steep slopes and wide flood planes. At 2.5 acres per DU, most lots would be undevelopable.
- 3) Limited access to the large subject parcel (185 acres, about 1.25 miles x 0.25 miles) requires lower DU density. The only access to the subject property is a single 50-foot easement across private land. The traffic from 18 homes (at 10 acres per DU) in and out a single road is far more reasonable than the traffic from 74 homes (at 2.5 acres per DU).

Parcel ID (You can find the parcel ID on the letter you received) 910004343

Property Owner (First Name) WILLIAM

Property Owner (Last Name)

## ROUNSVILLE

Physical Address of Property 82 B PASEO DE LA TIERRA SANTA FE, NM 87506

Email address: conejo77@q.com

Zoning Classification on Adoption Draft Zoning Map RES-E- Residential Estate

Requested Zoning Classification RUR - Rural

Santa Fe County Amv. M. Rincon

Subject: Date:

SLDC Public Comments Form Submission Monday, November 16, 2015 9:04:04 AM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

Comments This comment is from Thomas Wehner who resides at 7 Conejo Trail Santa Fe, NM 87506

Tax Parcel Number: 910018105

And who also owns Tax Parcel Numbers: 910018106 and 910001476

I am requesting that the portion of land parcel number 960001291 that is proposed as Rural Estate (2.5 acres per DU) be changed to Rural Residential (10 acres per dwelling unit (DU)). This would make the entire parcel the same zoning and would make the zoning consistent with the adjacent properties. Here are my reasons:

The DU densities north and south of the subject property are lower than the proposed DU density of the subject property. The proposed DU density of the subject property should be no higher than the adjacent properties. North, west and south of the subject property the DU density is 10 acres per DU. East of the subject property is the Tierra Preciosa Subdivision. The DU density of the Tierra Preciosa Subdivision was 5 acres per DU prior to 2002. It is inconsistent to assign a higher density between two areas of lower density.

Today, the DU density of the Tierra Preciosa Subdivision is 2.5 acres per DU due to a county clerical error. Making the subject parcel the same DU density as the adjacent Tierra Preciosa Subdivision perpetuates the error and should not be done. [Note: In 2002, Santa Fe County made a clerical error in allowing a lot split that set the precedent for todayl's 2.5 acres per DU in the Tierra Preciosa Subdivision. Reportedly, many area residents at the time complained and requested the county to reverse the lot split, but the county said it could not, having already granted the split, and the precedent was set. The complaints included concerns about ground water drawdown and decreased property values for 5-acre lots. The 5-acre parcel that was accidentally split is today's 2.5-acre parcel numbers 910010136 and 910010135 at 5 and 7 Paseo del Paloma.]

- The terrain of the subject property is dominated by the large Alamo Dry Creek Arroyo with accompanying steep slopes and wide flood planes. At 2.5 acres per DU, most lots would be undevelopable.
- Limited access to the large subject parcel requires lower DU density. There are no access easement shown on the 2009, 2011 plat.
- The 1980 hydrologic survey, the most recent hydrologic survey, cited as Map 41 in SLDC 2009 documents, stipulates DU densities for the subject parcel at 50 acres per DU on the Basin Fringe side of the parcel and 10 acres per DU on the Basin side of the parcel. With these stipulations, the subject parcel should be zoned at 50 acres per DU on the west side and 10 acres per DU on the east side. However, with the successive droughts since 1980, the DU densities should be even lower than in the 1980 survey, perhaps 100 acres per DU on the west side and 20 acres per DU on the east side. I am willing to compromise at 10 acres per DU, Residential Rural, for the entire parcel even though conservatism with respect to water availability would argue for even lower density.

Parcel ID (You can find the parcel ID on the letter you received)

## 960001291

Property Owner (First Name) HEATHER

Property Owner (Last Name) HENSON

Physical Address of Property 0 PASEO DE LA TIERRA, SANTA FE, NM 87506

Email address: conejo77@q.com

Zoning Classification on Adoption Draft Zoning Map RES-E- Residential Estate

Requested Zoning Classification RUR-R - Rural Residential

Additional Comments (No value)

15

Santa Fe County Amy M. Rincon

Subject:

SLDC Public Comments Form Submission

Date:

Monday, November 16, 2015 9:17:55 AM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

Comments This comment is from Thomas Wehner who resides at 7 Coneio Trail Santa Fe, NM 87506

Tax Parcel Number: 910018105

And who also owns Tax Parcel Numbers: 910018106 and 910001476

I am adding one argument based on the hydrologic survey to my previous submission.

I am requesting that the portion of land parcel number 910004343 abutting my properties to the north be changed from Rural Estate (2.5 acres per DU) to Rural Residential (10 acres per dwelling unit (DU)). This would make the entire parcel the same zoning and would make the zoning consistent with the adjacent properties. Here are my reasons:

The DU densities north and south of the subject property are lower than the proposed DU density of the subject property. The proposed DU density of the subject property should be no higher than the adjacent properties. North of the subject property the DU density is 10 acres per DU. South of the subject property is the Tierra Preciosa Subdivision. The DU density of the Tierra Preciosa Subdivision was 5 acres per DU prior to 2002. It is inconsistent to assign a higher density between two areas of lower density.

Today, the DU density of the Tierra Preciosa Subdivision is 2.5 acres per DU due to a county clerical error. Making the subject parcel the same DU density as the adjacent Tierra Preciosa Subdivision perpetuates the error and should not be done. [Note: In 2002, Santa Fe County made a clerical error in allowing a lot split that set the precedent for today's 2.5 acres per DU in the Tierra Preciosa Subdivision. Reportedly, many area residents at the time complained and requested the county to reverse the lot split, but the county said it could not, having already granted the split, and the precedent was set. The complaints included concerns about ground water drawdown and decreased property values for 5-acre lots. The 5-acre parcel that was accidentally split is today's 2.5-acre parcel numbers 910010136 and 910010135 at 5 and 7 Paseo del Paloma.]

- The terrain of the subject property is dominated by the large Alamo Dry Creek Arroyo with accompanying steep slopes and wide flood planes. At 2.5 acres per DU, most lots would be undevelopable.
- Limited access to the large subject parcel (185 acres, about 1.25 miles x 0.25 miles) requires lower DU density. The only access to the subject property is a single 50-foot easement across private land. The traffic from 18 homes (at 10 acres per DU) in and out a single road is far more reasonable than the traffic from 74 homes (at 2.5 acres per DU).
- The 1980 hydrologic survey, the most recent hydrologic survey, cited as Map 41 in SLDC 2009 documents, stipulates DU densities for the subject parcel at 50 acres per DU on the Basin Fringe side of the parcel and 10 acres per DU on the Basin side of the parcel. With these stipulations, the subject parcel should be zoned at 50 acres per DU on the west side and 10 acres per DU on the east side. However, with the successive droughts since 1980, the DU densities should be even lower than in the 1980 survey, perhaps 100 acres per DU on the west side and 20 acres per DU on the east side. I am willing to compromise at 10 acres per DU, Residential Rural, for the entire parcel

even though conservatism with respect to water availability would argue for even lower density.

Parcel ID (You can find the parcel ID on the letter you received) 910004343

Property Owner (First Name) WILLIAM

Property Owner (Last Name) ROUNSVILLE

Physical Address of Property 82 B PASEO DE LA TIERRA SANTA FE, NM 87506

Email address: conejo77@q.com

Zoning Classification on Adoption Draft Zoning Map (No value)

Requested Zoning Classification (No value)

From:

Santa Fe County Amy M. Rincon

Subject: Date: SLDC Public Comments Form Submission Monday, November 16, 2015 9:29:20 AM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

Comments
This comment is from
Thomas Wehner who resides at
7 Conejo Trail
Santa Fe, NM 87506

Tax Parcel Number: 910018105

And who also owns Tax Parcel Numbers: 910018106 and 910001476

I am requesting that land parcel number 960001293 that is proposed as Rural Estate (2.5 acres per DU) be changed to Rural Residential (10 acres per dwelling unit (DU)). This would make the zoning consistent with the adjacent properties. Here are my reasons:

The DU densities around the subject property are lower than the proposed DU density of the subject property. The proposed DU density of the subject property should be no higher than the adjacent properties. North, west and south of the subject property the DU density is 10 acres per DU. East of the subject property is the Tierra Preciosa Subdivision. The DU density of the Tierra Preciosa Subdivision was 5 acres per DU prior to 2002. It is inconsistent to assign a higher density between two areas of lower density.

Today, the DU density of the Tierra Preciosa Subdivision is 2.5 acres per DU due to a county clerical error. Making the subject parcel the same DU density as the adjacent Tierra Preciosa Subdivision perpetuates the error and should not be done. [Note: In 2002, Santa Fe County made a clerical error in allowing a lot split that set the precedent for today's 2.5 acres per DU in the Tierra Preciosa Subdivision. Reportedly, many area residents at the time complained and requested the county to reverse the lot split, but the county said it could not, having already granted the split, and the precedent was set. The complaints included concerns about ground water drawdown and decreased property values for 5-acre lots. The 5-acre parcel that was accidentally split is today's 2.5-acre parcel numbers 910010136 and 910010135 at 5 and 7 Paseo del Paloma.]

- 2) The terrain of the subject property is dominated by a large arroyo with accompanying steep slopes and flood planes. At 2.5 acres per DU, most lots would be undevelopable.
- 3) Limited access to the large subject parcel requires lower DU density. There are no access easement shown on the 2009, 2011 plat.
- The 1980 hydrologic survey, the most recent hydrologic survey, cited as Map 41 in SLDC 2009 documents, stipulates DU densities for the subject parcel at 10 acres per DU as part of the Basin area. With this stipulation, the subject parcel should be zoned at 10 acres per DU. However, with the successive droughts since 1980, the DU densities should be even lower than in the 1980 survey, perhaps 20 acres per DU. I am willing to compromise at 10 acres per DU, Residential Rural, for the entire parcel even though conservatism with respect to water availability would argue for even lower density.

Parcel ID (You can find the parcel ID on the letter you received) 960001293

Property Owner (First Name) (No value)

Property Owner (Last Name) LITTLE BLUESTEM LLC

Physical Address of Property 0 PASEO DE LA TIERRA SANTA FE , NM 87506

Email address: conejo77@q.com

Zoning Classification on Adoption Draft Zoning Map RES-E- Residential Estate

Requested Zoning Classification RUR-R - Rural Residential

Santa Fe County Amy M. Rincon

Subject: Date:

SLDC Public Comments Form Submission Monday, November 16, 2015 9:37:46 AM

Comment on SLDC Comment, Zoning Map or Fee Ordinance Zoning Map Comment

Comment Type Specific Parcel

Comments This comment is from Thomas Wehner who resides at 7 Conejo Trail Santa Fe, NM 87506

Tax Parcel Number: 910018105

And who also owns Tax Parcel Numbers: 910018106 and 910001476

I am requesting that land parcel number 54063744 that is proposed as Rural Estate (2.5 acres per DU) be changed to Rural Residential (10 acres per dwelling unit (DU)). This would make the zoning consistent with the adjacent properties. Here are my reasons:

The DU densities around the subject property are lower than the proposed DU density of the subject property. The proposed DU density of the subject property should be no higher than the adjacent properties. North, west and south of the subject property the DU density is 10 acres per DU. East of the subject property is the Tierra Preciosa Subdivision. The DU density of the Tierra Preciosa Subdivision was 5 acres per DU prior to 2002. It is inconsistent to assign a higher density between two areas of lower density.

Today, the DU density of the Tierra Preciosa Subdivision is 2.5 acres per DU due to a county clerical error. Making the subject parcel the same DU density as the adjacent Tierra Preciosa Subdivision perpetuates the error and should not be done. [Note: In 2002, Santa Fe County made a clerical error in allowing a lot split that set the precedent for today's 2.5 acres per DU in the Tierra Preciosa Subdivision. Reportedly, many area residents at the time complained and requested the county to reverse the lot split, but the county said it could not, having already granted the split, and the precedent was set. The complaints included concerns about ground water drawdown and decreased property values for 5-acre lots. The 5-acre parcel that was accidentally split is today's 2.5-acre parcel numbers 910010136 and 910010135 at 5 and 7 Paseo del Paloma.]

- The terrain of the subject property is dominated by a large arroyo with accompanying steep slopes and flood planes. At 2.5 acres per DU, most lots would be undevelopable.
- Limited access to the large subject parcel requires lower DU density. There are no access easement shown on the 2009, 2011 plat.
- The 1980 hydrologic survey, the most recent hydrologic survey, cited as Map 41 in SLDC 2009 documents. stipulates DU densities for the subject parcel at 10 acres per DU as part of the Basin area. With this stipulation, the subject parcel should be zoned at 10 acres per DU. However, with the successive droughts since 1980, the DU densities should be even lower than in the 1980 survey, perhaps 20 acres per DU. I am willing to compromise at 10 acres per DU, Residential Rural, for the entire parcel even though conservatism with respect to water availability would argue for even lower density.

Parcel ID (You can find the parcel ID on the letter you received) 54063744

Property Owner (First Name) (No value)

Property Owner (Last Name) LITTLE BLUESTEM LLC

Physical Address of Property 0 PASEO DE LA TIERRA SANTA FE , NM 87506

Email address: conejo77@q.com

Zoning Classification on Adoption Draft Zoning Map RES-E- Residential Estate

Requested Zoning Classification RUR-R - Rural Residential

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