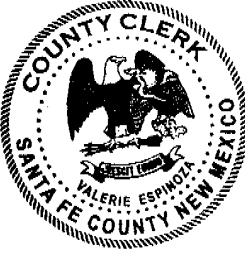


COUNTY OF SANTA FE ) BCC MINUTES  
STATE OF NEW MEXICO ) ss PAGES: 147

I Hereby Certify That This Instrument Was Filed for  
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And Was Duly Recorded as Instrument # 1442494  
Of The Records Of Santa Fe County



Deputy *Valerie Espinoza* Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM

**SANTA FE**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**  
**June 13, 2006**

- Harry Montoya, Chairman
- Virginia Vigil, Vice Chair
- Paul Campos [Excused]
- Jack Sullivan
- Michael Anaya

**SANTA FE COUNTY  
REGULAR MEETING  
BOARD OF COUNTY COMMISSIONERS**

**June 13, 2006**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:15 p.m. by Vice Chair Virginia Vigil, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance and State Pledge, roll was called by County Clerk Valerie Espinoza and indicated the presence of a quorum as follows:

**Members Present:**

- Commissioner Virginia Vigil, Vice Chairman
- Commissioner Mike Anaya
- Commissioner Jack Sullivan [late arrival]
- Commissioner Harry Montoya, Chairman [telephonically]

**Members Absent:**

- Commissioner Paul Campos

**V. Invocation**

An invocation was given by John Michael Salazar from the County Manager's office.

**VI. Approval of the Agenda**

- A. Amendments
- B. Tabled or withdrawn items
- C. Consent Calendar: Withdrawals

JACK HIATT (Deputy County Manager): Mr. Chairman, Commissioners, first of all, you'll note under item XI. A. 3. Discussion and Possible Approval of St. Vincent Supplemental Self-funding Sole Community Provider Payment has been added. Item XII. A. 5 under Public Hearings, that matter is tabled. Number 6 is tabled. Number 7 is tabled, and finally number 13 is tabled at the request of the applicant. There are water issues yet to be resolved.

Also Mr. Chairman, I suggest since we have a short time period in which we have a

definite quorum that you consider moving IX. Matters from the Commission, to after the easement consideration. That's my suggestion. I have no other amendments, Mr. Chairman, Commissioners.

COMMISSIONER VIGIL: Thank you, Mr. Hiatt. Are there any other suggested changes from the Commission?

COMMISSIONER ANAYA: Mr. Chairman.

COMMISSIONER VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Could you tell me where you want to move that to again, Jack?

MR. HIATT: Yes, sir. It's moving item IX. to after XI. B. 2.

COMMISSIONER ANAYA: Okay. Thank you. That's all I had, Mr. Chairman.

COMMISSIONER VIGIL: Commissioner Montoya, are you okay with us so far?

CHAIRMAN MONTOYA: That's fine.

COMMISSIONER VIGIL: The chair will entertain a motion.

COMMISSIONER ANAYA: So moved, as amended.

COMMISSIONER VIGIL: There's a motion to approve the agenda with amendments and suggested changes from the Manager's office. Is there a second?

CHAIRMAN MONTOYA: Second.

COMMISSIONER VIGIL: Motion and seconded. Any discussion on this?

**The motion to approve the agenda as amended passed by unanimous [3-0] voice vote. [Commissioner Montoya participated telephonically and Commissioner Sullivan was not present for this action.]**

COMMISSIONER VIGIL: Are there any Consent Calendar withdrawals?  
Commissioner Anaya? None?

## **VII. Approval of Minutes**

### **A. May 8, 2006 Strategic Planning Workshop**

COMMISSIONER ANAYA: So moved.

CHAIRMAN MONTOYA: Second.

**The motion to approve the Strategic Planning Workshop minutes passed by unanimous [3-0] voice vote. [Commissioner Montoya participated telephonically and Commissioner Sullivan was not present for this action.]**

**B. May 9, 2006**

COMMISSIONER ANAYA: So moved.

CHAIRMAN MONTOYA: Second.

COMMISSIONER VIGIL: Motion to approve the minutes and seconded by Commissioner Montoya. Is there any discussion? Hearing none, we'll move forward with a vote.

**The motion to approve the minutes of the May 9<sup>th</sup> meeting passed by unanimous [3-0] voice vote. [Commissioner Montoya participated telephonically and Commissioner Sullivan was not present for this action.]**

**C. May 23, 2006 Special Budget Meeting**

COMMISSIONER ANAYA: So moved.

COMMISSIONER VIGIL: Motion to approve.

CHAIRMAN MONTOYA: Second.

COMMISSIONER VIGIL: Is there any further discussion?

**The motion to approve the minutes of the May 23<sup>rd</sup> meeting passed by unanimous [3-0] voice vote. [Commissioner Montoya participated telephonically and Commissioner Sullivan was not present for this action.]**

**VIII. MATTERS OF PUBLIC CONCERN -NON-ACTION ITEMS**

COMMISSIONER VIGIL: Is there anyone from the public that would like to address the Commission at this point in time.

**X. CONSENT CALENDAR**

**A. Findings of Fact**

- 1. EZ Case #V 05-4690 Ballas Variance and Land Division (Approved)**

**B. Budget Adjustments**

- 1. Resolution No. 2006-103 A Resolution Requesting an Increase to the General Fund (101) / Information Technology Division to Budget Revenue Received for an Automated Transfer Program for Land Records for Expenditure in Fiscal Year 2006/ \$5,980 (Project & Facilities Management Department)**



**C. Miscellaneous**

- 1. Request Authorization to Enter into Sub-Grant Agreement for Federal Assistance under the Emergency Management Performance Grant (Fire Department) \$65,000**
- 2. Request Approval of Grant Agreement 07-418-6001-0047 Between Grantor the New Mexico Department of Tourism and Grant Recipient Santa Fe County Department of Public Works (Public Works Department)**

COMMISSIONER ANAYA: So moved.

CHAIRMAN MONTOYA: Second.

COMMISSIONER VIGIL: We have a motion and a second to approve the Consent Calendar, which is as published, items A, B, and C. Any further discussion?

**The motion to approve the Consent Calendar passed by unanimous [3-0] voice vote. [Commissioner Montoya participated telephonically and Commissioner Sullivan was not present for this action.]**

**XI. STAFF AND ELECTED OFFICIALS' ITEMS**

**A. Matters from the County Manager**

- 1. Resolution No. 2006-104. A Resolution Approving Participation in the Program of the North Central New Mexico Economic Development District (Tied Vote on May 30th BCC)**

GERALD GONZALEZ (County Manager): Mr. Chairman, members of the Commission, as you correctly stated, this item is being carried forward because there was a tied vote when it was considered at the prior Commission meeting. As I indicated, this is the item that actually would allow us to pay the dues to the Council of Governments that would include representation of Santa Fe County. I know there was considerable discussion last time. I took a look at the dues amount that this would authorize to pay is \$3,150 approximately.

COMMISSIONER VIGIL: Okay. Is there any discussion on this resolution?

CHAIRMAN MONTOYA: Move for approval.

COMMISSIONER VIGIL: Motion to approve Resolution 2006-104. Is there a second?

COMMISSIONER ANAYA: Second.

COMMISSIONER VIGIL: Hearing a second, is there any discussion?

**The motion to approve Resolution 2006-104 passed by unanimous [3-0] voice vote. [Commissioner Montoya participated telephonically and Commissioner Sullivan was not present for this action.]**

**XI. A. 2. Update on Various Issues**

MR. GONZALEZ: Mr. Chairman, members of the Commission, the update I simply wanted to provide the Commissioners was that we are continuing our discussions with representatives of the staff at the City of Santa Fe with regard to various funding items. As you know, the RECC, the RPA and a number of other funding items have been raised as items to kind of flesh out for both the City Council and Commission and we will continue to have those meetings and keep the Commission apprised as we move forward. I understand also that some of the Commissioners are also meeting separately with some of the Council members to further or to advance the discussions with the City on settling these items.

COMMISSIONER VIGIL: Are there any questions for Mr. Gonzalez? Any further updates?

MR. GONZALEZ: That's it, Mr. Chairman.

COMMISSIONER VIGIL: Thank you, Mr. Chairman.

**XI. A. 3. Discussion and Possible Approval of St. Vincent Supplemental Self-Funding Sole Community Provider Payment**

COMMISSIONER VIGIL: We have Alex Valdez here from St. Vincent's and we have Steve Shepherd. Who would like to present this initially?

MR. GONZALEZ: As Steve comes up I'll just reiterate that we did have an extended joint meeting between the boards, the St. Vincent Hospital Board and the Board of County Commissioners this last Friday and Saturday. This item was discussed at considerable length and we believe that it's ready to move forward so we've put it on the agenda at the request of some of the Commissioners and brought it forward for your consideration. And with that, I'll turn it over to Mr. Valdez, the executive director of St. Vincent Hospital, and Steve Shepherd, our Health and Human Services Director is also here.

COMMISSIONER VIGIL: Thank you for being here, Mr. Valdez and thank you for hosting Santa Fe County at the retreat this last weekend. I thought it was very valuable. Please go forward.

ALEX VALDEZ: Thank you, Mr. Chairman and members of the Commission. It's a pleasure to be before you today to once again request that Santa Fe County approve the acceptance by Santa Fe County of a check from St. Vincent in the amount of \$661,567.44 and that Santa Fe County then prepare a voucher in said amount and transfer said voucher to the Human Services Department for the State of New Mexico. This would complete the match for

the supplemental Sole Community Provider funding for this current fiscal year. If we are unable to complete this match in this amount then the possibility exists that the Human Services Department will have to recoup not only that amount but the amount of federal dollar that was matched that has come to St. Vincent which approximates \$2.7 million.

So it would have a critical and a significant impact on St. Vincent. I believe that Mr. Ross, your County Attorney of course and I have worked together with both the Human Services Department and in separate conversations of course with the State Attorney General's office and he and I have had lengthy conversations on our ability to self-fund and I believe that we are able to self-fund this match and would like to proceed in that fashion with the County. That's the first order of business, I believe, Mr. Chairman.

COMMISSIONER VIGIL: Okay. Are there any questions of Mr. Valdez?

COMMISSIONER ANAYA: Mr. Chairman.

COMMISSIONER VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: No, I just want to thank St. Vincent's for sitting down with Santa Fe County at the same table and discussing the issues that are before us and even though I just made it to one day, I thought it was very helpful. So with that, Mr. Chairman, I'd like to make a motion to approve.

COMMISSIONER VIGIL: There's a motion to approve and accept a check for \$661,567 for supplemental funding from St. Vincent Hospital. Is there a second?

CHAIRMAN MONTOYA: Second.

COMMISSIONER VIGIL: Motion and seconded. Are there any other questions? Commissioner Montoya, do you have any questions?

CHAIRMAN MONTOYA: No, I just have a comment and that's just that I think this is the first time that we've explored this as an opportunity to look at alternative funding for the supplement and I look forward to seeing how this may open doors for other discussions that we began on Saturday that I think will just help in terms of the building of confidence and trust. So looking forward to seeing how this works out.

COMMISSIONER VIGIL: Okay. And I think before we actually take a vote on this I'd like to hear from staff and that's Steve Shepherd. Steve, if you would give us any update on this item.

STEVE SHEPHERD (HHS Director): Mr. Chairman, staff recommends doing this. We think it's probably a good thing and will open doors as Commissioner Montoya said, in the future, and may allow us to do some creative things with the hospital. The other thing I'd like to let you know is we've been talking about our outstanding jail medical bills with the hospital and I believe we've probably come to an agreement on how we'll take care of the current to-date bills. I believe in the future we can either continue what we've come to an agreement on now or it could be a part of an agreement or MOA that may exist in the future once that's done.

COMMISSIONER VIGIL: Thanks. And thanks for speaking up despite the loss of a little bit of your voice. I have a couple of questions. Mr. Valdez, this \$661,000, how much of a match will that be bringing in. It is a match. How much money will it be bringing in?

MR. VALDEZ: Mr. Chairman, it will bring in approximately \$2 million. It's one quarter of the total amount. Maybe a little less than \$2 million, Mr. Chairman.

COMMISSIONER VIGIL: Okay. And because this is the supplemental funding and this is the first time we've done this, and I just want to explain that because I do want to support this, is I'm assuming that we're taking action only on this particular item, that any future funding mechanisms, although I think this does open doors, but any future ways of funding still need to be spoken to.

MR. VALDEZ: That's correct, Mr. Chairman. We still need to process internally how to proceed, and then together with the County how to proceed. As Mr. Shepherd indicated, it opens up opportunities for us here and as Commissioner Montoya indicated, in the virtual reality that he exists, how we can open up doors here for future funding and future relationship development and we're looking forward to those conversations.

COMMISSIONER VIGIL: Okay. Thank you. Is there any other questions or any other comments?

STEVE ROSS (County Attorney): Mr. Chairman, I just wanted for the record – we have prepared as was suggested at the last meeting and discussed a little bit over the weekend, a brief indemnity agreement to cover the County's small, very small risk in processing this payment. I've just given it to Mr. Valdez today. I set it up for Mr. Gonzalez' signature, so I think in the motion you probably want to give him discretion to continue to work on that agreement with the hospital, so it doesn't have to come back to the Board.

COMMISSIONER VIGIL: Would you restate that, Mr. Ross? Our motion should be amended to what?

MR. ROSS: The motion should include direction to the County Manager to follow through and execute the indemnity agreement that we're working on at present.

COMMISSIONER VIGIL: Commissioner Anaya, are you willing to amend your motion to include that amendment?

COMMISSIONER ANAYA: Yes.

COMMISSIONER VIGIL: Commissioner Montoya, are you willing to include your second to include that amendment?

CHAIRMAN MONTOYA: Yes.

COMMISSIONER VIGIL: Okay. Do you understand the amendment?

MR. VALDEZ: I do, Mr. Chairman, and that's agreeable, of course.

COMMISSIONER VIGIL: Okay. Any further discussion? Staff?  
Commissioners?

**The motion to approve the acceptance of a check from St. Vincent to cover the supplemental Sole Community Provider match payment passed by unanimous [3-0] voice vote. [Commissioner Montoya participated telephonically and Commissioner Sullivan was not present for this action.]**

COMMISSIONER VIGIL: Congratulations and please keep up the wonderful

work that you provide, the service that you provide for our community. This retreat to me was very enlightening because it helped me focus on the big picture.

MR. VALDEZ: Very good. Thank you, Mr. Chairman. Thank you, Commissioners. If I may, I would like to just say one other thing and that is I think it's really very honorable that you start your meetings off with a prayer and I ask that you never waver. Thank you.

COMMISSIONER VIGIL: Thank you. Okay we are moving along here. Item IX. B. Matters from the County Attorney.

MR. ROSS: Mr. Chairman, we do have an executive session scheduled. I don't know if Commissioner Montoya has time to join us in the back room by telephone or whether we should just wait for Commissioner Sullivan to get here at 4:30 to have that executive session.

COMMISSIONER VIGIL: I do believe that Commissioner Montoya is on a time crunch so we probably – the option is yours. Commissioner Montoya, did you hear that? Commissioner Montoya? I'm going to call a small recess to this meeting until we find out where our quorum is.

[The Commission recessed from 3:37 to 4:30, reconvening with Commissioners Sullivan, Anaya and Vigil present and Commissioners Montoya and Campos absent.]

## **IX. MATTERS FROM THE COMMISSION**

COMMISSIONER VIGIL: I'm going to take the privilege of the chair and move Matters from the Commission as our next item for a hearing before we go into executive session. So under Matters from the Commission which has not been heard, are there any matters from any of the Commissioners. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, thank you. Excuse me for being late to the meeting today. I got tied up on a project in Bloomfield and couldn't break away any sooner. The only thing I wanted to bring up under Matters from the Commission, and I understand it's already been voted on, but I still want to comment on it is the self-funding Sole Community Provider payment to St. Vincent. Mr. Chairman, was the meeting, the work session we had this weekend discussed as a part of that item?

COMMISSIONER VIGIL: There was reference to the weekend, yes.

COMMISSIONER SULLIVAN: Well then people are aware that we had a day and a half session with St. Vincent's to talk about a number of issues of how we deal with healthcare and all the providers that we work with under contract. My concern with proceeding ahead with this issue is that we still have in front of us the problem of the memorandum of agreement and was that discussed as a part of the approval?

COMMISSIONER VIGIL: That was not discussed in particular, no.

COMMISSIONER SULLIVAN: And let me just quickly break it out this way.

We had two issues in my mind that came up at the meeting. St. Vincent's of course was quite interested in our being able to help them fund the rest of their supplemental funding. What I didn't see much interest on St. Vincent's part was in trying to improve their communication with the County Commission. Now we did come to an agreement to have a committee look at the issue of the County's participation in their board, which Mr. Chairman, you're going to be on and so is Commissioner Montoya and two of the board members - and I think that's a good idea. My only concern is that we've been talking to them for more than two years about that and we get continued promises but nothing happens. So I'm hopeful that that moves forward.

The other issue is that we're always behind the 8-ball in approving these supplemental funds, and then having to negotiate the MOA. What I think is very important, the MOA being memorandum of agreement, what I think is very important is that now, if we have an agreement with our legal counsel and with the Commission and with St. Vincent, that they are a public entity and therefore able to self-fund this Sole Community Provider program. Then that means that we can negotiate the memorandum of agreement concurrently, simultaneously with any action that we need to take in regards to transferring those funds. And I think we need to do that and I think we should have done that on this one as well, but nonetheless that's past business.

But I think we need immediately to get the answer to the question from St. Vincent Hospital and that is this action on our part provides them with approximately \$2.4 million more and my question, which wasn't answered at the work session is what are you going to do with that money? And that I think are a few of our outstanding issues in that particular item, Mr. Chairman, and that's all I have.

COMMISSIONER VIGIL: Thank you. Are there any further Matters from the Commission? Hearing none, I would just ask Gerald on that subject, there were two members of the Board, St. Vincent's, Commissioner Montoya and I who volunteered to work on some of the issues that were brought about as a result of the retreat. No staff assignment was made. Is it possible for us to assign this to a constituent services person to coordinate meetings with St. Vincent's?

MR. GONZALEZ: From the County staff point, that's not a problem, Mr. Chairman. I think Steve Shepherd is geared to be able to do that if we need to. So we'd be glad to work on the coordination of setting together those joint meetings.

COMMISSIONER VIGIL: And it was my understanding, and if you have a different understanding, Commissioner Sullivan, that through this sub-committee that we would be working on the memorandum of agreement and the issue with regard to the self-funding for future funding. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, on a different subject, it was just brought to my attention that there are still some people out there that are trying to pull a permit for swimming pools and I would like to see that this County put out a press release, not only - a press release in all of the major newspapers in Santa Fe County so that other people are aware that this - would you call it a moratorium on swimming pools? Or what would you call it, Gerald?

MR. GONZALEZ: I would probably call it a drought measure to deal with the current drought we're experiencing.

COMMISSIONER ANAYA: Okay, if we could just get that out so that we don't have other people calling us and they're not aware of it. That's all I had, Mr. Chairman.

MR. GONZALEZ: We'll be glad to do that, Mr. Chairman, Commissioner Anaya.

COMMISSIONER VIGIL: Thank you. I'd like to just recognize Kerry Gonzalez out there. Kerry, welcome. Thank you for joining us. Kerry is our County Manager's spouse. Thanks for being with us.

**XI. B. Matters from the County Attorney**

**1. Executive Session**

**a. Discussion of Pending or Threatened Litigation**

**b. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights**

MR. ROSS: Mr. Chairman, we need to go into closed executive session to discuss disposal of real property and one litigation matter. It will be a brief closed session.

COMMISSIONER VIGIL: How much time do you expect, Mr. Ross?

MR. ROSS: Twenty minutes. Although if you want to have a dinner break, this would probably be a good time to take that up as well. We have one action item that we'll discuss after the executive session.

COMMISSIONER VIGIL: Very well. That's item 2. We need to go into executive session. The chair will entertain a motion and a roll call vote will be taken on that motion.

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER VIGIL: Motion to go into executive session. Is there a second?

COMMISSIONER ANAYA: Second.

COMMISSIONER VIGIL: Motion and seconded. Any discussion?

**The motion to go into executive session passed by unanimous [3-0] roll call vote, with Commissioners Anaya, Sullivan and Vigil all voting in the affirmative.**

COMMISSIONER VIGIL: And I would just announce for the public that the public hearings have been noticed or at least participants in the public hearings have been told that they will begin at 5:30. Is that accurate? So we are going into executive session and we'll be back in about 55 minutes.

[The Commission went into executive session from 4:35 to 5:30.]

COMMISSIONER VIGIL: Motion to come out of executive session requested.

COMMISSIONER SULLIVAN: So moved, Mr. Chairman, where we discussed pending or threatened litigation and disposition of real property.

COMMISSIONER VIGIL: Motion. Is there a second.

COMMISSIONER ANAYA: Second.

COMMISSIONER VIGIL: Motion and seconded. Any discussion?

**The motion to come out of executive session passed by unanimous [3-0] roll call vote, with Commissioners Anaya, Sullivan and Vigil all voting in the affirmative.**

**XI. B. 2. Consideration and Possible Approval of an Easement on County Property in Favor of Matthew McQueen**

MR. ROSS: Mr. Chairman, I can take this real briefly. We've talked about this a couple times. Mr. McQueen is building a house in the Village of Galisteo, next to the fire station and in order to get electrical power to the house, he'd like to hook his house into the pole and transformer that currently serve the fire station. So he's presented us with an easement document from Public Service Company of New Mexico, their standard easement document and offers the County \$250 for an underground easement from that pole to the edge of the County road. And Mr. McQueen is in the audience if you have any questions of him.

COMMISSIONER VIGIL: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: This isn't for public hearing, right? No. Mr. Chairman, I move for approval to grant the easement to PNM to grant easement to Matthew McQueen for underground electric service to his residence.

COMMISSIONER VIGIL: There's a motion. Is there a second? Not hearing one, I wonder if there's a second motion.

COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think we could move this forward, Commissioner. There's one concern that we have with the PNM proposed easement and I think that we might want to consider a motion to recommend approval with a modification of that term of the easement, which once the County grants an easement and maybe a private person could do this but I don't know that the County can. In the PNM standard easement form, they then assume the right to do whatever they want on that easement, including installing other utilities, or subleasing the easement to other persons. I don't know that the County has the right with publicly owned property to do that, to make that commitment in perpetuity. So I would suggest and make an alternate motion, Mr. Chairman, that we approve an easement on County property in favor of Matthew McQueen subject to negotiation by our legal counsel of the



easement document to make this easement exclusive for the purpose of the construction of an underground electric service line.

COMMISSIONER VIGIL: There's a motion. Is there a second?

COMMISSIONER ANAYA: I thought that's what I said. I'll go ahead with this. That's fine. I second it.

COMMISSIONER VIGIL: Okay. I think, Commissioner Anaya, for clarification purposes, your motion was to approve the easement, and Commissioner Sullivan is just including subject to negotiations with PNM.

COMMISSIONER ANAYA: That's fine. That's fine.

COMMISSIONER VIGIL: Mr. Ross, is there anything that should be added to that motion based on your negotiations thus far?

MR. ROSS: Mr. Chairman, that sounds fine with me.

COMMISSIONER VIGIL: Okay. There's a motion and a second. Any further discussion?

**The motion to approve the easement in favor of Matthew McQueen, subject to negotiation, passed by unanimous [3-0] voice vote.**

## **XII. PUBLIC HEARINGS**

### **A. Land Use Department**

- 1. Resolution No. 2006-\_\_ . A Resolution Amending Resolution 1999-137, the Santa Fe County Growth Management Plan, to Adopt and incorporate the Village of Agua Fria Community Plan FIRST PUBLIC HEARING [Exhibit 1: Agua Fria Community Plan]**

COMMISSIONER VIGIL: Before us is the first of two public hearings. Renee, you have the floor.

RENEE VILLARREAL (Planner): Madam Chair, Commissioners, my name is Renee Villarreal, and I'm a community planner for the Land Use Department. This is the first public hearing, and there will no action required from this Board meeting. For this presentation, community members from the Agua Fria Planning Committee and the County Planning Staff will briefly highlight elements of the Agua Fria Community Plan. A background of the planning process will first be presented, and then we will go into the elements of the plan.

I would like to acknowledge this plan is a culmination of the three years of work that the Agua Fria Planning Committee has completed. As we see increased residential and commercial development occurring adjacent to the village, and additional annexation requests surrounding the village, the committee acknowledges the need to be proactive rather than reactive to future growth in the area. That is why we are here today.

Before we begin, I'd like to introduce the Chairman and Vice Chair. We have the

Chairman of the Agua Fria Planning Committee, Gil Tercero.

COMMISSIONER VIGIL: Thank you, Mr. Tercero.

MS. VILLARREAL: And Vice Chairman Henry Chavez Jr. Not here?

COMMISSIONER VIGIL: Okay.

MS. VILLARREAL: Thank you both. I wanted to thank the Chairmen, Vice Chair and Chair for all the hard work and dedication for the planning process that they've given us. I'm going to go ahead and hand it over to the next person to present, and that would be Elizardo. He's going to be discussing the need for and the initiation of the community planning process.

COMMISSIONER VIGIL: Thank you. Would you just state your name and address for the record, please?

ELIZARDO M. ROMERO: Mr. Chairman, Commissioners, my name is Elizardo M. Romero, also known as Lee Romero. I live at 2512 Calle Delfino, and I am the Chairman of the AFDRC.

The AFDRC participants and community members recognized many issues in the community that needed to be addressed. The community established a task force to identify issues and make an application to the County to initiate a community planning process. A town hall meeting was held in May of 2002. The community identified reasons to develop a community plan, including the protection of the historic nature of the community, to establish a collective community vision, and a guide for the future development. At this time, I would like to introduce Henry Chavez, and he'll be talking about planning process.

COMMISSIONER VIGIL: And I know Henry isn't here yet, so will you fill in for him, Mr. Griego?

ROBERT GRIEGO (Planner): Yes, Madam Chair. My name is Robert Griego, Senior Planner of Santa Fe County. Vice Chair Henry Chavez was going to be doing this portion of the plan as a presentation. Basically, what he wanted to do was discuss the planning process initiation. Santa Fe County received authorization to initiate the planning process through Resolution 2002-3. There was a representative planning committee that was established at that time. There was also authorization to initiate the planning process to prepare a community plan. The initial planning boundary for the Agua Fria traditional historic community was the - for the planning area boundary, was the Agua Fria traditional historic community.

The community plan process - the planning committee began meeting in 2003. A Chairperson was selected. The initial chair of the planning committee was Mr. Henry Chavez, Jr. The planning committee determined the structure for the planning committee. They decided to initiate all their planning committees through a consensus decision-making process. The committee has met monthly and bimonthly for the last three years, working on the plan. They've established several subcommittees that have worked on different issues within the plan, including the following subcommittees: a utilities subcommittee, a history subcommittee, water subcommittee, wastewater, land-use, and the community amenities subcommittee.

The community planned elements - as the plan was being developed, we worked with the community planning ordinance, Santa Fe County ordinance 2002-3, and made sure that we met all the community planning elements as outlined in the ordinance. We established the history, background, water, wastewater, roads and traffic, and developed a land use plan. I'd like to introduce the next presenter, who is going to talk about the community plan structure, a former commissioner, Jose Varela López.

**JOSE VARELA LOPEZ:** Good afternoon Madam Chair, Commissioners. My name is Jose Varela López and my address is 86 Via de los Romeros, Santa Fe, New Mexico. As Robert stated, I'm going to speak about the community plan structure. And that's the overall framework for several major parts of the document. The community plan sections include the following elements, and there are four. First are the background issues, which are the matters of concern that are facing the community of Agua Fria. Next are the goals and recommendations. And these are the issues that are to be addressed and resolved. Thirdly are program actions. And these are undertakings that seek to promote long-term cooperation between the community, the County, and other entities for the mutual benefit of the parties. Finally, we have ordinance actions, which are very specific needs that become part of the County Code, in this case pertaining to the Village of Agua Fria. The ordinances implement plan actions to insure that certain aspects of the community's long-term vision are both achievable and adhered to over time for the benefit of present and future generations of residents.

Now that we've covered the process and structure of the community plan, I would like to share with you the vision statement that became our guiding principle and primary focus as we set out to create our plan. The statement that we came up with is as follows: "Our vision for Agua Fria is a community where history has been embraced, where we value our cultural and historical origins while creating a sustainable and thriving future for our citizens. A community where children have an opportunity to live and prosper. A community that welcomes and encourages children to become full participants of village life in a safe environment, and for generations are still on their ancestors' land, where young people think of staying.

"We resolve to protect the Santa Fe River and our open spaces, as well as the unique character of our village, by honoring our cultures and the area's historical, agricultural, livestock, and residential traditions. We as a community further resolve to work together to preserve, maintain, and accomplish our vision of a sustainable, well-planned community where people of all income levels are welcome, and where people are able to live and work in harmony with their neighbors." Now I will turn it over to Melinda, who will give us a brief history of the village of Agua Fria.

**COMMISSIONER VIGIL:** Thank you, Mr. Varela López.

**MELINDA ROMERO PIKE:** Chairman, Commissioners, my name is Melinda Romero Pike. I live at 2038-A Via Maria Albina. Agua Fria is an ancient community dating back to the 1300s. It was inhabited by the Pindi Indians. When the Spanish colonization started, many communities were started, among them Agua Fria.

With reference to the missions of New Mexico, 1776, Fray Francisco Atanasio Dominguez in a census to his superior stated that Agua Fria had 57 families, with a total of 297 persons. In the 1800s, the populated area of Agua Fria started on the west side of Siler Road. The first house belonged to Acosta Cots, probably one of the first Ellis Island immigrants from Germany. The families that followed in a westerly direction were Riveras, Montoyas, Ortizes, Gonzalez, Romeros, Gallegos, Coriz, Lopez, Sanchez, Bacas, Romeros again, Moras, and Hernandez. Several of today's residents in Agua Fria are an extension of the original families.

Farming was the livelihood of the community, and the river provided plenty of water for irrigation. There were lots of cottonwood trees, jarales, meadows, and springs, and plenty of vegetation. With the damming of the river, that ended the agriculture in Agua Fria. The residents had to pursue other alternatives for their livelihood. The aftermath brought other transgressions to the river, like dumping and mining. These were the finishing touches which helped destroy not only the river, but the environment, flora, and fauna.

On the educational level, Agua Fria had two one-room schoolhouses, with one teacher per school. In 1936, the schools were consolidated with the building of the old adobe school, which to this day stands. It's a WPA building. The schools were administered by the County. Later, the Santa Fe school system became the administrator.

Social life in the community revolved with the holidays of the church. At Christmastime, the pageant of Los Pastores took place at the dance hall of Don Luis Romero, grandfather of Henry Chavez, which was located next to the Narvaiz property. The tendejon, residents of Don Jose Romero, my uncle, was of course the most viable center in the village. This little grocery store carried the village of Agua Fria during the dark period of the country, the Depression. This house was like a meeting place for the needs of the community. It served as a clinic for doctors, healers, curanderos, polling place. It was like even a headquarters for politics. It was also the place where clergy were housed when they came to minister at San Ysidro Church. The last clergyman to stay at that house was Fray Angélico Chavez. Today it is my residence, and it remains one of the very, very few old houses in the area.

San Ysidro Church was built in 1835 to serve the spiritual needs of the community. Since San Ysidro is the patron saint of farmers, it is no wonder that my great grandfather, Jose Jacinto Gallegos, and neighbors selected him for patron of the church. After 171 years, it still remains a place of worship, and the principle landmark of the community.

In the past, progress and development occurred with little regard to how the community was affected. Today, we witness such results. Let us preserve what little we have left of our ancient community and our planet. Thank you. Don Ramon Romero will be addressing you on the issues of water.

COMMISSIONER VIGIL: Thank you, Melinda Pike.

RAMON ROMERO: Thank you, Melinda. Good evening, Madam Chair Vigil and the Commissioners. My name is Ramon Romero. I'm the president of the Agua

Fria Water Association and the president of the Village Association. My address is 2257 Camino Polvoso, Agua Fria Village or Santa Fe.

We have – to the planning committee, we've got water goals. And water goals, I'm going to read them as we go, is to obtain and assure substantial water source, protect the water supply, acquire water rights and develop infrastructure to provide for orderly growth, work with state and County representatives to obtain funding for future water needs. I specifically want to recognize Commissioner Vigil, Senator Nancy Rodriguez and Jim – State Representative Trujillo. They have been very gracious in their service to the legislative session and have gotten the Agua Fria Water Association a lot of money, and I want to thank you for that. Resolve all standing water rights issues, recognition and promotion of water conservation. Those are our goals, and water actions, as we're doing as we speak, is to establish priority water rights for Agua Fria Village or Agua Fria Water Association, promotion of water conservation. And we do have a very powerful conservation system in our water association. Our accountant Anna Berry and our operator Frank Leyba are very, very efficient in water conservation. So anytime our water usage in our meters goes over ten thousand gallons, our customers are immediately notified that there is a problem with their system. So we're very, very cautious about that.

We encourage County projects, to hook up to County, our Agua Fria Water Association. And again, I want to thank you Commissioners and the Commissioners who are not here for approving our County agreement last week with the County and the Agua Fria Village for the 36 acre-feet from the San Juan/Chama diversion. Many, many thanks from the Agua Fria Water Association and from the Village Association and from the residents of the village.

We want to provide information to the community, identifying areas where water lines are located and estimate costs for extensions. This Agua Fria Water Association has information pertains to the availability of community water. And the Agua Fria Water Association is open to any memberships that are within our distribution system. And we are also working on expanding our distribution system through the funding that has been allocated to us. Thank you very much again for listening to us. The next speaker after me is Willie Mee for the wastewater.

CHAIR VIGIL: Thank you, Mr. Romero. Mr. Mee.

WILLIAM MEE: Madam Chairperson, Commissioners, my name is William Mee, I'm from 2073 Camino Samuel Montoya. And I'm presenting on section three, wastewater goals. We want to protect our groundwater through affordable connections to sewer lines. And that means replacing cesspools and septic tanks with connections to sewer lines. We want to develop a comprehensive sanitary sewer plan that will cover our entire community planning area. We want to ensure sewer capacity that's sufficient for future growth. We want to ensure protection against water resource pollution.

On our wastewater program actions, we want to work with the relevant agencies to pursue funding for development of a comprehensive sanitary sewer plan. And that means with the legislature, with any federal grants we might obtain, and with any County

financing. We want to prioritize sewer line requests in our area. We also want to ensure sewer line accessibility, because we need to address some geography and topography issues, where houses may be too far to connect or too down the slope to connect and we'll need maybe a pumping station or that type of thing.

We want to develop an economic assistance program where senior citizens and people classified as low-income may be able to hook onto the sewer lines. And that could be through such a program as the Safe Water Grant that was administered by the New Mexico Environment Department.

On our ordinance actions, we want to make sure that properties with access to the sewer line will connect to that line when the infrastructure is within 200 feet of the property line. We want to also ensure that we require that all facilities are onsite and are in compliance with all New Mexico Environment Department regulations, and that all necessary permits have been obtained prior to any land division, variance, or rezoning. And we want new developments that propose a risk of groundwater contamination will not be permitted in our planning area. For example, that would be like a heavy industrial use.

And I'm going to turn it over to Gil Tercero, who will talking about roads and traffic.

GIL TERCERO: Commissioners, thank you again for the time that you're giving Agua Fria. With respect to roads, the community feels that we've got many projects and many priorities, but some of them on the top of the list we felt could be addressed by establishing quarterly meetings with the County staff, public officials, perhaps we might even involve some elected officials to share concerns and problems that become - issues that become a problem every now and then. Road signs that knocked down, potholes, issues like this that we can, in an orderly way, communicate the issues to the County. And we hope that we can try that and then see if it works.

We also would like to support the completion of South Meadows, develop neighborhood-friendly public roads between Agua Fria Road and Rufina, support San Ysidro Crossing improvements, and support the completion of Silver Bridge, the Agua Fria and Henry Lynch roundabout. The Agua Fria heavy truck ban was already a big step that this body took just recently, and we would like to thank you for that.

The next item that was assigned to me is to discuss a little bit about the land use vision. This vision is what we want the land use to look like in the future. We see the future of the village of Agua Fria being a place where there is a well-planned community where new development considers land use, water, and wastewater, where there is a sustainable community where the rural character is preserved, and farming and agricultural activities are enhanced, where people live and work in situations within the traditional historic community, meaning they are able to live and work in the same place, where appropriate land use strikes a balance between historic uses and impact progress has had on the village. Where there is an ability to transfer land to family and where our children have the opportunity to live. Where planning and zoning addresses the needs of the community. Where the cultural and agricultural sites are recognized and preserved, and where the

community welcomes and encourages children to become full participants in village life in a safe environment.

For the land use plan community amenities section of our plan, we'd just like to highlight some of the successes, in great part due to the actions of this body. The San Ysidro River Park, which would not have been possible had the County not enacted its open space program. And thanks to that, good chunks of land have been purchased throughout the County, and especially in Agua Fria. And we're seeing the work right now that's being done on the San Ysidro River Park. The Nancy Rodriguez Community Center is going to have a huge impact on the community. The Agua Fria Community Park is a great asset. La Familia Medical Center and the Agua Fria Children's Zone, these are all things that have come about in the recent past, things that our community has not seen in the hundreds of years that we've existed. And we would like to let this body know that we recognize the difference, what's happening in our community thanks to your leadership.

I would like to now turn it over to Robert Griego, and before I do, I'd like to thank Robert and Renee, Jack and all of the staff that has been so helpful in putting this together and so patient. Thank you guys.

CHAIR VIGIL: Thank you, Mr. Tercero. Mr. Griego, land use planner.

ROBERT GRIEGO: Madam Chair, Commissioners, thank you. We're going to begin our land use presentation talking about the existing land use. There's currently two zoning districts within the Agua Fria traditional historic community. There is the Agua Fria traditional community zoning district, and that's the central part of the traditional historic community, and there's the Santa Fe urban area zone. The next slide shows the zoning districts. As you can see, the middle section of that traditional community zoning district, it is - the traditional community boundary was established by the County through the 1980 traditional community plan. The urban area zoning district is everything that's outside of that, both north of the Santa Fe River and south of the traditional community zoning district.

The planning committee talked about a lot about the future land use and growth management, as evidenced by the land use vision that was stated earlier. Some of the items of that the future land use and growth management include residential density, affordable housing, family transfers, home business, neighborhood commercial, and open space. There's significant residential dwelling - residential density within the traditional historic community. There's also home occupations, there's commercial uses, there's non-conforming uses. The committee, through the plan, has indicated residential density should not be adjusted below the minimum lot sizes for the proposed zoning districts, with the sole exception for affordable housing units, as designated by the Santa Fe County ordinance for affordable housing.

In regard to affordable housing, the plan states that affordable housing developments with both affordable housing and market-rate housing will not segregate the affordable units from the market-rate units. Family transfers are practiced in tradition,

which have provided a move for affordable housing for many years with positive results, and this practice is also supported by the planning committee.

Home businesses are important for the vitality of the village, and an important economic alternative for community members. Neighborhood commercial uses are also important to preserve the land use pattern and character of the village.

Open space program actions in the plan, including the protection of Santa Fe River and preservation of the river as a primary open space corridor, protection of La Junta del Alamo as part of the historic El Camino Real, and provide for interconnected trails to the primary open space corridor.

The land use ordinance actions, this will be the implementation that will follow the community plan adoption, but that would need to be done. These are the things that have been identified in the plan as ordinance actions.

The Village of Agua Fria traditional historic community, currently Ordinance 2004-1 amended the Agua Fria traditional historic community boundary include property owners' requests. It also included public lands into the THC which had previously been part of the THC. The current ordinance states that owners of property outside of or contiguous to the boundaries of the traditional historic community may request inclusion into the village of Agua Fria THC. There have been several property owners who have subsequently done that, and at this time, we want to identify those property owners, and then subsequently come back and amend the ordinance. The ordinance - the Village of Agua Fria THC and the planning area boundary are the same, so as the planning area boundary - as the traditional historic community boundary is amended, so too will the planning area boundary be amended.

Thus far, there have been six property owners who have submitted letters requesting inclusion into the THC. Their requests include a total of eight parcels, with a total acreage of 43 acres. This is shown on the following map, and is also included in the appendix in map four. Those are the property owners who have requested inclusion at this time, and they are adjacent to the THC.

The next ordinance action is the Agua Fria traditional community zoning district, as described earlier. The planning committee's recommendation is to amend the Agua Fria traditional zoning district boundary to coincide with the traditional historic community boundary to the south, along Rufina entering the city limits. Maybe if I can point it out on this map over here it might easier. We also have a slide that shows it, but it might be easier on this bigger map.

The current traditional historic community boundaries are the gray area here. The recommendation is to amend the boundary to be adjacent to the existing traditional historic community boundaries to the south. We would not change the boundary at all north of the Santa Fe River.

The other ordinance actions, the limited commercial uses as identified in the land use table as part of the plan are allowed to be located throughout the Agua Fria traditional community zoning district in accordance with the conditional or special use procedures



identified in the land use plan, which we'll explain a little bit later. The limited commercial must meet the criteria identified in the plan.

The next slide shows the proposed traditional community zoning district. The zoning districts, as stated earlier, there are currently two zoning districts within the Agua Fria traditional historic community. There is a traditional community zoning district, and there's a residential urban district. In the plan, the performance district tables, including land use plan, begins on page 65. I've used a portion of the table on the next slide to discuss the way that the plan has established the largest performance district table. The table includes residential uses, categories, public uses, civic and institutional use categories, retail, service, and commercial use categories, industrial use categories, and open use categories.

Uses for the tables are identified and described as follows: Permitted uses will be allowed in the district in accordance with the development review procedures that are subject to all requirements outlined in the plan. Conditional uses must meet all County Land Development Code requirements. Conditional uses must also be required to be reviewed by a local development review committee, which is the Agua Fria Development Review Committee for this area. Conditional uses are generally compatible with permitted uses in the district, but may require site-specific review.

Uses not allowed are also identified on the district's table. These are usages not allowed in this specific zoning district, and rezoning would be required in order to allow that use. So in the table, as you'll see on page 65, if there's a P, it's a permitted use, if it's a C, it's a conditional use, if it's an S it's a special use, and if there is no letter, that means that use is not allowed in that district. If there's any further clarification questions on the table, please let me know.

Finally, for the land use ordinance options, home businesses have been – the planning committee is recommending that home businesses be allowed throughout the planning area. Home business applications are a conditional use and subject to review by the AFDRC. Home business applications must meet all the requirements as outlined in the plan. And that concludes my presentation. We stand for questions from the board.

CHAIR VIGIL: No further presenters, Robert?

MR. GRIEGO: I'm not aware of any further presenters.

CHAIR VIGIL: Are there any questions from the Commission?

Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'd just like to also thank Renee and Robert and the entire community and the people that put this plan together. I know it was a lot of meetings, a lot of work, and really detailed. And I just wanted to thank you for bringing this forward. And it's always a pleasure to hear from Mrs. Romero Pike when she talks about the history, because there is a lot of history in that area. And I hope to learn more about it. But again, thank you all very much for moving this forward. Thank you, Madam Chair.

CHAIR VIGIL: Thank you, Commissioner Anaya. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Likewise, thank you everyone for being and for your efforts on the plan. Robert or Dolores, does the Agua Fria THC come under the BCC affordable housing ordinance?

MR. GRIEGO: Chairwoman, Commissioner Sullivan, yes it does, this is part of the County's affordable housing ordinance, Agua Fria THC is included in that.

COMMISSIONER SULLIVAN: Okay, it is included. Because the EZ, it is not included in the EZ currently, is that correct?

MR. GRIEGO: No. The THC removed the THC from the EZ.

COMMISSIONER SULLIVAN: From the EZ. Okay. So the BCC ordinance applies. In looking at page 61, where you talk about affordable housing, it would seem like it would be good to clarify that, that affordable housing shall be undertaken in accordance with Santa Fe County Commission Affordable Housing Ordinance. And then you go on to say that you're not wanting to segregate the affordable housing from the market-rate housing. I think that's a good goal to pursue. I think it would be good to clarify that -

MR. GRIEGO: Chairwoman, Commissioner Sullivan, yes, we can clarify that. I think that would be good.

COMMISSIONER SULLIVAN: Okay. Because I know I was confused myself about it, although I do remember the affordable housing map, and I remember many different colors and things, and I think it was shown on that map.

Does the plan propose any changes in density? I know in the La Cienega plan we ran into that question, where there was some misunderstanding as to what densities the Code required and what densities the plan required. Are we changing the minimum densities, residential?

MR. GRIEGO: Chairwoman Vigil, Commissioner Sullivan, yes, we are proposing through this plan that the zoning for the Agua Fria traditional community zoning district be expanded from the current zoning district as it exists now to extend that zoning to the Agua Fria THC boundary to the south. So that would increase the size of the traditional community zoning district from the existing 310 acres to approximately 500 acres for the Agua Fria traditional community zoning district. That would in effect change the zoning density in that area from a potential of - with community water and community sewer, from a potential density of two dwelling units under the current residential urban district that is in now to the traditional community zoning district, which has the potential for three dwelling units per acre with both community water and sewer. Without community water and sewer, the minimum lot size is one dwelling unit per three-quarters of an acre in the traditional community zoning district. But without community water and sewer in the residential urban district, it is one dwelling unit for two and a half acres, which can be adjusted to one dwelling unit per one acre with water or sewer in the residential urban district. With both water and sewer, then it would be two dwelling units per acre.

COMMISSIONER SULLIVAN: Okay. So we're substantially increasing the

permitted density then. We're going to – you said if we go extend the gray area to the south, we're going to three per acre, you said. So that's a third of an acre, as opposed to what it currently is, which is two acres, is that what you said?

MR. GRIEGO: Commissioner Sullivan, that is correct. If there is water and sewer, they will be eligible for up to two dwelling units per acre in the traditional community zoning district. But in the current area, the current residential urban, the density for that area is one dwelling unit per two and a half acres without community water and sewer. But if they have both community water and sewer, they would be eligible for up to two dwelling units in the urban zone.

COMMISSIONER SULLIVAN: Right now.

MR. GRIEGO: Right now.

COMMISSIONER SULLIVAN: Right.

MR. GRIEGO: So the adjustment then would be, with water and sewer, from two dwelling units to three with the proposed zoning.

COMMISSIONER SULLIVAN: Okay, with sewer and water, from two dwelling units to three. Without sewer and water, from two and a half acres to –

MR. GRIEGO: To three-quarters of an acre.

COMMISSIONER SULLIVAN: To three-quarters of an acre.

MR. GRIEGO: Yes.

COMMISSIONER SULLIVAN: Okay. So then, on your page 59, where you talk about the number of acre-feet of water that this would require, you say that the estimated residential capacity based on acre-lot analysis does not include the potential for property owners to subdivide lots larger than the density allowed to smaller lots. What does that mean?

MR. GRIEGO: Commissioner Sullivan, what we were trying to avoid doing was, if a property owner an acre property, that property owner may not want to further subdivide it into three dwelling units, even if he had the capacity to do so. So what we were looking at was the lot – if there were larger lots, they would be – we were trying to include the larger lots as potential to subdivide. But with the smaller lots, we were not trying to break down each lot to the maximum subdivisions that they would be allowed, because that didn't make sense. A lot of property owners were not going to want to have the smallest lot size that they would have.

COMMISSIONER SULLIVAN: I guess the most frequently asked question that I get is why is the County approving more development when we're short of water? And I see a chart here that says that your estimated water demand for 2006 to 2025 for the gross is 88 acre-feet. Now, is that assuming that we make these changes to the density, allowing more residences?

MR. GRIEGO: Commissioner Sullivan, no, that is not, that's just from growth rates through the area. That is not including the density. That's not the maximum build-out there. That's just growth rates.

COMMISSIONER SULLIVAN: Okay. And we just recently confirmed a 36

acre-foot San Juan/Chama allocation to the community water association. This alone requires 88 acre-feet. So are they short 52 acre-feet, then?

MR. GRIEGO: Commissioner Sullivan, I'm not sure how to address your question. But right now the process for development would be the same. Whenever a development comes into the County, they would have to show where the water rights are coming from prior to being developed. So this is just kind of - what we're trying to do is the maximum build-out analysis, similar to what you've done for the RPA in the future land use plan for that area. So this is maximum plausible and based on growth rates for the future. So this is how much it would be in the future, based on growth rates and based on maximum build-out.

COMMISSIONER SULLIVAN: I guess my only concern is, a) where are we going to get the water for that increased density, but, b) I understand in a traditional community lot sizes are small, homes are close together, three-quarters of an acre is not unusual, and in many cases is much less than that. But now, where we're talking about expanding this even to the other side of 599, I'm really wondering, is that really considered Agua Fria traditional historic community on the other side of 599, is there that connection that really exists there? And in so doing, we're increasing, it appears, the density by about a third over what would be permitted now.

MR. GRIEGO: Madam Chair, Commissioner Sullivan, the density would not change at all. Basically, the area that's not in the THC north of the Santa Fe River, the south side of the traditional historic community is under the same zoning jurisdiction in the EZ as it is - under different zoning jurisdiction, but the same zoning density as the residential - the Santa Fe Urban District. So the area here, the density is not being proposed to be changed there. The area that's not in the THC, this area is here - that area is under the same density, Santa Fe Urban Zoning District, as it is within the THC north of the river. And the planning committee is not recommending anything more for 599 for the amendment of the traditional historic community. They say north of the THC to 599, that's the boundary that they established.

COMMISSIONER SULLIVAN: Okay, so then on the chart on page 75, it shows the area that is the proposed change in the boundary, then in the current THC boundary, you can go down to  $\frac{3}{4}$  of an acre lot, right? If you have water and sewer.

MR. GRIEGO: Commissioner Sullivan, no. The traditional historic boundary is not a zoning jurisdiction. The traditional historic, all that does is take it out of the EZ and place it under the County jurisdiction. But it's under the Urban Zoning District. The density for that is as we explained earlier, one dwelling unit for 2.5 acres for that. With water and sewer you can get down further.

COMMISSIONER SULLIVAN: So that change wouldn't change the density of lots in that new area.

MR. GRIEGO: No.

COMMISSIONER SULLIVAN: Okay. Thank you, Mr. Chairman.

COMMISSIONER VIGIL: Thank you. Any further questions? I have just

one. Robert, with regard to the boundaries and the extension from 310 to 500 acres to go south, is that being requested as an approval to this plan? Or will that be brought forth later as an extension of the boundary?

MR. GRIEGO: Mr. Chairman, that would be brought forward after the ordinance actions. That's why we set up this plan, we established an ordinance for that area. The zoning district amendment, when we implement a land use ordinance we would create the zoning - we would amend the zoning district at that time. So right now this is just a plan.

COMMISSIONER VIGIL: Okay. Then you bring forth the ordinance and you include this extension. Will you also be including the requested five property owners in that ordinance that want to be a part of the THC?

MR. GRIEGO: Mr. Chairman, I believe that they may be a different ordinance. Right now there's an existing traditional historic community ordinance so we would need to amend that ordinance for the traditional historic community. As a zoning district we would amend the County's Land Development Code where we brought forward the traditional community zoning district amendment at that time. These are separate ordinances.

COMMISSIONER VIGIL: Okay. That makes sense. I want to thank this opportunity to thank all of the Agua Fria participants in the planning process. Many of you who were here when we were looking at the water service agreement for the 36 acre-feet had exited the room before I had the opportunity to inform all of you how proud I am to be a representative of the village and the people who have been long historically a part of that village and the pride I take is from direct contact through your planning process and seeing you roll up your sleeves and work on this.

I don't know that I'll ever have an opportunity to represent the peoples of the village who take so much pride in their historical tradition and as a result I take pride in that. Thank you very much for allowing you to represent you, and I know we won't be taking action on this because we have another hearing. You have such a rich diversity in your village. Melinda's historical knowledge, Gilbert's administrative - everyone who participated in this process is so connected to this community and the value that you brought to this plan I'm so particularly proud of. Thank you very much, and we shall see you for the next public hearing.

And this is a public hearing. If there is anyone who would like to come forth and address the Commission on this item. Seeing none, we'll move on to the next item. Robert Griego, Renee Villareal, Jack Kolkmeier and Dolores Vigil, thank you very much for your participation and dedication to this process.

**XII. A. 2. Ordinance 2006-\_\_ An Ordinance Amending Ordinance 2006-3 Requiring the Use of Instant Hot Water Devices or Designs in New Residential Dwellings to Require Hot Water Devices or Designs within all Permanent Structures with a Hot Water Tap Including but not Limited to Commercial Structures FIRST PUBLIC HEARING**

WAYNE DALTON (Review Director): Thank you, Mr. Chairman. Staff was directed by the Commission to request that all new construction within Santa Fe County, including but not limited to commercial structures with a hot water tap be required to install hot water devices or designs.

COMMISSIONER VIGIL: Mr. Dalton, could you give us a brief history of this? We've done a publication and general summary to amend this. Have we had any previous public hearings?

MR. DALTON: Yes, Mr. Chairman. On April 11, 2006, the BCC granted authorization to publish title and general summary of an ordinance amending Ordinance 2006-3 requiring the use of instant hot water devices or designs in new residential dwelling. What this ordinance would do is it will require hot water devices or designs in all permanent structures including commercial buildings.

COMMISSIONER VIGIL: Okay.

MR. DALTON: And staff does recommend approval of this ordinance.

Thank you.

COMMISSIONER VIGIL: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Dalton, I just remember this coming up more than one time. Have we not had any public hearings yet on this? Have we only done publication of title and general summary?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, on this particular amendment, we've only had authorization to publish title and general summary. This is the first public hearing.

COMMISSIONER SULLIVAN: Okay. Thank you.

COMMISSIONER VIGIL: And is there a second public hearing that's required on this?

MR. DALTON: Mr. Chairman, it's my understanding the last one we had several public hearings but it only took one - we had to amend it and reword it. So the Board approved it in one public hearing after several BCC meetings. This went on for about a year. But it is my understanding that this ordinance would need to come back next month for a -

COMMISSIONER VIGIL: A second public hearing. Okay. Thank you, Mr. Dalton. I have no questions. This is a public hearing. Would anyone like to address the Commission on this item? Seeing that no one is wanting to address and we are not going to be taking action on this, thank you Mr. Dalton for your presentation and your work on this.

**XII. A. 3. Case #V 05-5401 Kate Macaulay and James Attlesey Variance – Katie Macaulay and James Attlesey, Applicants, are Requesting to Allow a Portion of a Road to be 15 percent Instead of 11 percent as Required by the Land Development Code and to Allow a Portion of a Road to be 15 Feet in Width Instead of 20 Feet as Required by the Land Development Code for Local Road Standards. The Property is Located at 19 Florencio Trail in Chupadero within Section 6, Township 18 North, Range 10 East, (Commission District 1)**

JAN DANIELS (Review Specialist): Thank you, Mr. Chairman, Commissioners. On April 20, 2006, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the request of a variance of Article V, Section 8.2.7.c to allow a portion of the road to be 15 percent instead of the Code required 11 percent for a local road, and a variance of Article V, Section 8.2.1.c of the Land Development Code to allow a portion of the road to be 15 feet in width instead of 20 feet as required by the Land Development Code for local road standards on 2.5 acres.

The applicants state that to improve the driveway to an 11 percent grade would cause extensive damage to the environment and essentially an entire hillside would have to be removed for an 11 percent grade. The applicants also state that 12 feet of cut and fill would be required for an 11 percent grade versus 46 feet of cut and fill for a 15 percent grade. The applicants claim that to create a 20-foot wide driving surface down the entire driveway, the same hillside would have to be cut down. The applicants would like to comply with the 20-foot requirement at the upper and lower portions of the hill leaving a short stretch at 15 feet. The 15-foot section will be straight and allow for clear visibility up and down the driveway.

The applicants claim that they would suffer enormous financial hardship if the variance were denied, as the residential properties would be rendered worthless.

Staff has determined that the proposed driveway will provide access to the only designated building area on the property and will be constructed to minimize excessive damage to the hillside and existing vegetation. Therefore, staff recommends approval of the requested variances subject to the following conditions. Mr. Chairman, may I enter the conditions into the record?

[The conditions are as follows:]

1. The applicant shall comply with all Fire Marshal requirements except for those requirements in which a variance has been granted.
2. The applicant must install a fire suppression system within the proposed residence, to be constructed on the property. The system must be approved by the Fire Marshal prior to building permit issuance.

COMMISSIONER VIGIL: Is there any questions of Jan Daniels,

Commissioners? Commissioner Sullivan

COMMISSIONER SULLIVAN: Ms. Daniels, in the CDRC minutes, I noticed a comment. I wanted you to explain it if you could to me. It says Ms. Daniels said the driveway is currently serving one property, but the applicants plan to buy the adjoining lot and split it into six-acre lots, after which it will technically be a road because it will be serving three residences.

MS. DANIELS: Mr. Chairman, Commissioner Sullivan, that is correct. At this time the applicants only own one 2.5-acre parcel and there is an adjacent 12-acre parcel. If they do get the variance they will buy the 12 acres and divide it into two six-acre parcels. Therefore it will be a road because it will be serving three lots.

COMMISSIONER SULLIVAN: Then this went on to say that the representative from the applicant said that in either case, whether it's a road or a driveway, it has to adhere to the 11 percent grade. I wonder, does it make any difference, or would it make it any difference then in the staff recommendation if this road were serving two lots or if it were serving one lot in terms of its width?

MS. DANIELS: Mr. Chairman, Commissioner Sullivan, it would make a difference if it was serving one or three in the width, but it would not make a difference in the slope in the 11 percent requirement that the Code requires.

COMMISSIONER SULLIVAN: Okay, but this request also pertains to the width. Is that correct?

MS. DANIELS: Yes, indeed it does. The variance approval is contingent on the applicant buying that 12-acre parcel. Part of their concern, they have a real estate lease on it and it too is the only way that access can be granted is through this road. And so they want to prepare to have a road for three lots.

COMMISSIONER SULLIVAN: But would that road for three lots have to be 20 feet?

MS. DANIELS: It is required. The Land Development Code requires that it be 20 feet, but they are asking for the variance of 15 feet on the portion that is just straight. Not in the curve, because they can't take down that hillside.

COMMISSIONER SULLIVAN: Are we being requested to approve the change to 15 feet for one lot? Or for three lots? In other words, is this something that would also apply in the future purchase of these other lots, or is this variance only with respect to the one lot?

MS. DANIELS: Mr. Chairman, Commissioner Sullivan, the variance is in respect to the future of that access being a road that will be three lots. That is what the applicants initially want.

COMMISSIONER SULLIVAN: Okay, my question was if it were a road serving three lots, you said that you didn't feel that this would be sufficient for the width. Or did I misinterpret that?

MS. DANIELS: Mr. Chairman, Commissioner Sullivan, the Land Use Code requires a 20-foot width for a road that would serve the three lots and they are asking for a variance for a portion of the road from that 20-foot to 15 feet.



COMMISSIONER SULLIVAN: So that this is then an essence a variance with respect to all three of the lots.

MS. DANIELS: Yes.

COMMISSIONER SULLIVAN: Not just - because those haven't even been purchased or subdivided yet.

MS. DANIELS: That is correct.

COMMISSIONER SULLIVAN: All right. Thank you, Mr. Chairman.

COMMISSIONER VIGIL: Further questions for the planner? Okay. Ms. Guerrerortiz, would you wish to address the Commission on behalf of your client?

[Duly sworn, Oralynn Guerrerortiz testified as follows:]

ORALYNN GUERRORTIZ: I'm Oralynn Guerrerortiz with Design Enginuity and with me today are Katy Macaulay, her son Owen, and Owen's dad, James Attlesey. And about 12 years ago, James purchased this property and he and his wife would like to build their family home. It's located in the traditional community of Chupadero. For the last year they've been working with staff. Tonight they're asking you for a variance standard to allow them to use a 15 percent grade. The road is currently at 20 percent for portions of it. And it's a very old road. It's reported to be one of the roads that was one of the entrances to the Chupadero traditional community.

With some cuts and fills and lengthening of the road they can get the road to 15 percent. Code requires 11, but to manage an 11 percent grade they'd have to add another 236 feet to the length of the road, which means they'd have to switch back up the hill. They'd take out the hill. So in the center of Chupadero, there's a hill that is directly to the west of you. That hill would have this ugly scar going up. It's going up to the only building site on their property. It's correct in that this existing road, this old road served two lots, one which they currently own, one which they would like to purchase. If they have to do a bunch of improvements on this road, they do want to go ahead and purchase this adjacent lot.

If somebody else were here today trying to develop that adjacent lot they'd be here for a variance also because again, it's an existing 20 percent grade. So we do have the ability to lower it from 20 to 15 percent without too much scarring. We're talking about four to six-foot fills and cuts, and lengthening in an area where we can do - where there's a flat area near the bottom where we can sort of work around the drainage.

But if we need to get 11 percent, then we're talking 10 to 12-foot cuts on this mountainside and a switchback up the hill. And that's what I personally, and I hope that you all agree we shouldn't be doing in our historic traditional communities. It would be a destruction. We agree with all staff conditions. We have no opposition. I think tonight if we proposed to take down that hill and do switchbacks, we would have opposition because I would hope some people would say that's really going to be ugly. But tonight, I believe we come with no opposition. I hope that's true, and we respectfully request approval of our variances. Thank you.

COMMISSIONER VIGIL: Thank you, Ms. Guerrerortiz. Are there any questions for Ms. Guerrerortiz? Seeing none – Commissioner Sullivan.

COMMISSIONER SULLIVAN: Orallynn, on Exhibit I, you indicate on several stretches of the road that the new road will be more narrow than the existing road, going down from 32 to 20 feet in width, and in the note next to it you say cobble wall. Is the plan to build walls for aesthetics or could you explain what's involved there?

MS. GUERRERORTIZ: The existing slope there is very, very steep. I think you've got some photographs in your documents there, and the concern is when we do some cut and fills, there will be some need for stabilization because we're going to be attaching that existing old cut, and we're concerned about its stability. So short cobble walls will be used to help stabilize.

COMMISSIONER SULLIVAN: And how will vehicles pass there at 15-foot in width?

MS. GUERRERORTIZ: There is a 250-foot section that's only 15 feet. The entire road, if I recall was 900 and something feet. The section that's 250 feet that's narrowed down, has 20-foot – leading up to it, and then it goes down to 15 and then it goes back to 20 and that portion, that 15, is a straight shot, so you can see it coming or going. So presumably, if two cars had to pass, one would wait while the other one passed through like we often do on our traditional community roads. Let the other one go through. The visibility is perfect. There's no obstruction.

COMMISSIONER SULLIVAN: Is there room for that car to pull over somewhere?

MS. GUERRERORTIZ: Yes. Well, on the 20-foot section there's plenty of room for them to wait while the other car passes through.

COMMISSIONER SULLIVAN: Well, the 20-foot section is before you get to the curve.

MS. GUERRERORTIZ: There's a 20-foot section before the 15, and after the 15, within the straightaway.

COMMISSIONER SULLIVAN: Okay, I'm looking at Exhibit I. From circle 3 to 11, circle 3 is going to be 15 feet in width all the way to circle 11, it's 15 feet in width. Circle 3 is on the curve.

MS. GUERRERORTIZ: I'm sorry sir. Mine aren't marked. Would you mind me approaching?

COMMISSIONER VIGIL: You may approach.

COMMISSIONER SULLIVAN: My question was at point 2, we're at 20-foot in width. At point 3 we're still on the curve and we're down to 15-foot in width. So going from 2 to 3 we're going from 20 down to 15 and we're still in the curve; we're not on the straight section.

MS. GUERRERORTIZ: Sir, if you go to that table at the top, it says between 2 and 3, we're at 20. At 3 is when we go to 15.

COMMISSIONER SULLIVAN: So it goes down, in one foot, it goes down from 20 to 15?

MS. GUERRERORTIZ: No, sir. It would probably occur over a very short distance, probably on the order of five to ten feet at most. But I suspect it would a fairly abrupt transition to get it down to the 15.

COMMISSIONER SULLIVAN: So then finally, looking at the 15-foot "straightaway" is there any place for cars to pull out? Is there room? My concern is that 15 is very difficult for two cars to pass even if one is sitting on the side because typically you need about seven feet for a car.

MS. GUERRERORTIZ: And two cars theoretically can pass at 15 feet but I don't recommend it and I personally won't do it because I'm not that great of a car driver.

COMMISSIONER SULLIVAN: A mail vehicle or what have you would be wider than that. A fire truck would certainly be much wider than that.

MS. GUERRERORTIZ: What it really has been designed for is the assumption that someone will stop at point 3, at that point that's labeled 3, wait as a car was coming up. Again, it would serve at most three homes, so there won't be a lot of traffic on this road to begin with. The visibility - there's not much trees out there and because when we do build this road, even the 15-foot section, if somebody's just beyond point 2 they'll be able to see clearly down that straightaway, through that narrow area.

COMMISSIONER SULLIVAN: Is there room to put a turnout there for somebody that might get halfway down there and not see - get halfway down there and somebody would be coming the other way, they wouldn't have seen them and they would have already entered the straightaway section?

MS. GUERRERORTIZ: Might I suggest, sir, that we make some modifications to the plan so that we have at point 3, at point 3, without exception, 20 feet. So I think if they were at point 3 and we had 20 feet there we would be able to easily see beyond that. And they'll we just agree the transition will occur past point 3, between 3 and 4.

COMMISSIONER SULLIVAN: I think that's better. Thank you.

MS. GUERRERORTIZ: I think that's a good solution, don't you, sir?

COMMISSIONER SULLIVAN: Adding numbers from 3 up to 12 and 13, we're going uphill, is that correct?

MS. GUERRERORTIZ: Yes, we are sir. I'm sorry. Number 13 is the low point, we're going uphill -

COMMISSIONER SULLIVAN: We're going downhill. Okay. Thank you.

MS. GUERRERORTIZ: Thank you.

COMMISSIONER VIGIL: Any further questions for Ms. Guerrerortiz? Hearing none, this is a public hearing. Would anyone care to address the Commission on CDRC Case #V 05-5401? Seeing none, I have one question and anyone who feels compelled to respond to it. It seems to me that one of the conditions for approval was the Fire Marshal and that would be a concern for me is if we're looking at three lots and this

being the only access to it, fire truck access would be minimal, and I didn't see the Fire Department's review on this except for the recommendation that the applicant comply with the requirements. Mr. Holden, are you ready to address that?

STAN HOLDEN (Fire Chief): Mr. Chairman, the department does have memos in the file in regard to this request for a variance, and the department's recommendation was for denial. That decision was based on actual field tests that were conducted by the Santa Fe County Fire Department, the existing land use codes and NFPA 299, which is specific to road width and also to the grade that's associated with this requested development. It's significant even for one home that might be built on this property, but as the applicant has stated there could be a potential of three buildings built on adjacent lots next to this property and this would be the only access to those lots.

If I might, Mr. Chairman, if I could approach and show the Commission what this grade looks like on a graph.

COMMISSIONER VIGIL: Please do.

CHIEF HOLDEN: Mr. Chairman, here's an example utilizing a graph submitted by the applicant, the applicant's surveyor, that shows the gradient grade as it shows up in the elevation on the one side of the graph over the distance at the bottom of the graph. This is pretty significant when you're trying to get fire apparatus up to the top of this property. Once you get to the top of the property it's pretty level, but it's this 200-foot stretch leading up to the property that is of concern to the Fire Department.

COMMISSIONER VIGIL: And Chief Holden, would the recommendation of the Fire Department be any different if this road only accessed one property owner?

CHIEF HOLDEN: Mr. Chairman, no it would not. Specifically because our concern is not only fire but providing emergency medical services to the property as well, and for anyone who has a medical condition or injury who lived in the home itself, this grade is so severe that any vehicle trying to get up to the top of the property is going to have difficulty. If you're driving a Subaru you're going to have trouble. It will make it, but when you're talking about a fire truck or an ambulance, it's very, very difficult. In severe weather conditions, it's very likely that we would not be able to get to the top of the property. We realize that this is very significant and severe for the applicant. We understand the potential consequences of our negative comments to the applicant and we're sorry for that but we feel it's our responsibility to convey our concerns to the applicant during this public hearing process as we have previously during the application process.

COMMISSIONER VIGIL: Chief Holden, has there been somebody to do an onsite visit on this property?

CHIEF HOLDEN: Mr. Chairman, yes. We've sent Ken Gilmore to inspect the property and we've taken digital photos of the property as well.

COMMISSIONER VIGIL: Is there an alternative route that could be designed to meet the needs of the Fire Department's access ability to this home?

CHIEF HOLDEN: Not without severe damage or cut-back into the mountain itself leading up to the property.

COMMISSIONER VIGIL: Okay. Any further questions for Mr. Holden?  
Commissioner Anaya.

COMMISSIONER ANAYA: Stan, I noticed Tim was limping. Is he okay?

CHIEF HOLDEN: He is, Commissioner. Thank you for asking. He actually fractured his tibia in three different places and it's been surgically repaired and he's back to work. Thank you for asking.

COMMISSIONER ANAYA: Okay.

COMMISSIONER VIGIL: Anything else you'd like to add, Chief Holden?

CHIEF HOLDEN: No, Mr. Chairman.

COMMISSIONER VIGIL: I'm sorry, Chief Holden. Do you have a copy of the memo that you said was in the packet? I'd like to -

CHIEF HOLDEN: Yes, Mr. Chairman. We have one that was written to Penny Ellis-Green dated April 6, 2006 and one dated June 8<sup>th</sup> to Ms. Jan Daniels who is the development specialist.

COMMISSIONER VIGIL: May I have those for the record please? I'm just posing the question to the Commission if either of them had the opportunity to see those memos because I didn't and I'm hearing the response that neither of them have seen them. Could we have a few minutes to look over those memos and then I'll give you an opportunity to respond, Ms. Guerrerortiz.

MS. GUERRERORTIZ: Thank you, Commissioner. I would only say that I respect the Fire Marshal's opinion. He's been very consistent in recommending not approval of any road grades greater than 11 percent. Up until 1996 15 percent grades were allowed in our community and we do have them, especially in our traditional communities. Fifteen percent grades are difficult for their equipment and we've always known that. In fact, getting up into Hyde Park is a difficult situation because we have 18 percent grades on our County roads in some of those locations. But we do believe that in this case it is warranted rather than negatively impact our traditional community with a very ugly scar that I think we'll all get phone calls about and that people will really be distressed about.

A 15 percent grade would be appropriate for the two existing lots that are out there and ultimately the three lots that will be presumably developed. In our experience, the emergency equipment can make it up 15 percent grades now. They don't like to do it, of course. They have real problems when it's snowy and icy and God willing, we'll have more of that weather. But it's not as common as we all would like to hope. Again, we respectfully request you to consider our variance and help us help this little family and also help protect our community. Thank you.

COMMISSIONER VIGIL: Ms. Guerrerortiz, you put us in a juxtaposed position. Do we look into our environmental conscientiousness or do we look into the future safety for emergency vehicle access. Not an easy decision. Any further questions? There being no further questions, the chair will ask other Commissioners if - and I think I did request a public hearing, and I'll mention it again. Ms. Guerrerortiz was just responding to Chief Holden's statements. But I'll mention it again. If there's anyone who

would like to address the Commission on this item please come forward. Seeing none, I guess one more question. Is there currently a residence there?

MS. GUERRERORTIZ: No, there's not. This is vacant land. There is a 12-acre lot and a 2.5-acre lot that extends off this existing road.

COMMISSIONER VIGIL: Okay. What is the will of the Commission?

COMMISSIONER ANAYA: You guys asked the questions. I guess since I was a former firefighter, I know it's difficult taking a fire truck up those steep roads so I'm going to move to deny this case.

COMMISSIONER ANAYA: Motion to deny. Is there a second?

COMMISSIONER SULLIVAN: Second.

COMMISSIONER VIGIL: There's a motion to deny this variance request.

**The motion to deny the requested variance in Case #V 06-5401 passed by unanimous [3-0] voice vote.**

- XII. A. 4. EZ Case # S/V 06-4060 Santa Fe Investments Sundance Ridge Subdivision. (William Chaffe Vice President) applicant, James Siebert, agent, requests Preliminary and Final Development Plan and Plat approval for a 16-lot residential subdivision on 41.08 acres. This request includes a variance of the Uniform Fire Code regarding maximum permissible roadway gradients in order to allow an offsite roadway grade to exceed 11 percent. The property is located south of Estrellas de Tano, west of County Road 85-A and north of the Sundance Estates Subdivision, within Section 4, Township 17 North, Range 9 East within the 2-Mile EZ/District 2**

SHELLEY COBAU (Review Specialist): Thank you, Mr. Chairman, members of the Commission. The applicant is requesting preliminary and final development plat and plan approval for a 16-lot residential subdivision on 41.08 acres. The lots vary in size from 2.5 acres to 2.72 acres. The request includes a dedication of 12.33 acres of open space, which is 30 percent of the total subdivision area and includes a private trail system. The property is in the Basin Hydrologic Zone where the minimum lot size is 2.5 acres per dwelling unit with .25 acre-foot per year per lot water restrictions.

The application includes a request for a variance from the Uniform Fire Code in order to allow Estrellas de Tano to be reconstructed from an existing grade of 17 percent to a grade of 12.84 percent.

On May 11, 2006, the EZC met and acted on this case. The decision of the EZC was to recommend approval for preliminary and final development plan and plat for a 16-lot residential subdivision on 41.08 acres, and to recommend a variance to the Uniform Fire Code to allow a roadway gradient to exceed 11 percent. Please refer to the EZC

minutes attached as Exhibit B.

The applicant has stated that Estrellas de Tano has served as access for this area for 20 years and that other roadways exist in this area that have similar grades. The applicant also states that an unnecessary hardship would be suffered in this case as roadway lowering of 11 feet would be required to meet the 11 percent grade criterion. This would necessitate the relocation of utilities and modifications to existing driveways and other common access roads, and that the cost of these improvements are beyond the financial means of the subdivision.

The applicant states that the EZO permits grades of up to 15 percent. The application has been reviewed for the following: existing conditions and adjacent properties, roads and access, water, fire protection, liquid and solid waste, terrain management, stormwater detention, landscaping and open space, archeology, signage and lighting, and homeowners association documentation.

Staff has noted the existing gradient of Estrellas de Tano along both the east and west frontage of the Sundance Ridge Subdivision. Many lots in this area are platted pre-Code and as such were not subject to current development criteria. Roadway realignment, substantial cut and fill or combination thereof would be required in order to flatten the grade of Estrellas de Tano as has been noted by the applicant. However, it is staff's position that a combination of cut, fill, and roadway lengthening could accomplish a flatter grade than the proposed 12.84 percent.

Staff recommends denial of the variance request. Staff's position is that the subdivision application is in accordance with the Extraterritorial Zoning Ordinance, and the Extraterritorial Subdivision Regulations. Staff recommends preliminary and final development plan and plat approval for a 16-lot subdivision on 41.08 acres subject to the following conditions. Mr. Chairman, may I enter the conditions into the record?

[The conditions are as follows:]

1. Approval of the variance request by the EZC or the redesign of the roadway profile on Estrellas de Tano in order to meet the conditions and recommendations of the EZC.
2. Compliance with applicable review comments from the following:
  - a) State Engineer
  - b) State Environment Department
  - c) State Department of Transportation
  - d) County Hydrologist
  - e) County Fire Marshal
  - f) County Public Works
  - g) County Technical Review
  - h) Soil and Water District
  - i) State Historic Preservation Division
3. Secure access approval from the NMDOT, and driveway access permits from the Public Works Department for lots with direct access onto Estrellas de Tano, prior to

- final plat recordation.
4. Secure permission from the property owner of Lot 5-A (UPC 1-051-102-183-277) for the vacation and relocation of access to this property which is not a part of the Sundance Ridge subdivision. An affidavit acknowledging the changes to the parcel's access and utility placement must be provided, and a signature line provided on the Plat for this property owner.
  5. Plans for traffic control/street signage for Estrellas de Tano, Sundance Ridge Circle and Ridge Point Court, including regulatory signage and striping and pertinent details shall be submitted for review.
  6. Operations and maintenance manual(s) for all facilities maintained by the Homeowner's Association, including water systems, fire suppression systems, trail systems, open space, roadways, etc. shall be submitted.
  7. Submit exterior lighting cut sheets.
  8. Submit solid waste fees in the amount of \$526.31 in accordance with subdivision regulations.
  9. Submit a cost estimate and financial surety for the completion of required improvements as approved by staff.
  10. A liquid waste permit must be obtained from the Environment Department for the proposed septic systems prior to issuance of building permits.
  11. Road name and rural addressing must be approved by the County prior to recording the final plat.
  12. Water use on this property will be restricted to 0.25 acre-foot per year per lot. Water restrictive covenants must be recorded with the final plat. A water meter must be installed for each lot and annual readings must be submitted to the County Hydrologist by January 31<sup>st</sup> of each year. The applicant shall add this responsibility to the Director's duties listed in each Well Sharing Agreement.
  13. Well Sharing Agreements, Subdivision By-Laws, Subdivision Restrictive Covenants, the Subdivision Disclosure Statement, and a Fire Affidavit must be recorded with the final plat.
  14. No further division of this land will be allowed, this shall be noted on the plat and in the disclosure statement.
  15. The applicant shall cap the wells and connect to the County water system should it become available within 200 feet.
  16. All redline comments must be addressed, and original redlines must be returned.

MS. COBAU: I'll stand for questions.

COMMISSIONER VIGIL: Thank you. Does anyone have questions for Shelley? Shelley, clarify for me the staff recommendation again.

MS. COBAU: We're recommending denial of the variance request because we would like to see Estrellas de Tano meet the 11 percent grade criterion. However, the subdivision itself does meet Code regulations and we recommend approval of the



subdivision application.

COMMISSIONER VIGIL: Okay. And you said that with certain cut and grading that they might be able to meet –

MS. COBAU: They could. There are ways that the roadway could be engineered with a combination. Rather than having ten feet of cut it could be a combination of perhaps three or four feet of cut and three or four feet of fill, and a meander could be placed in the roadway to achieve the 11 percent grade. I'd like to point out, at the EZC meeting minutes, Buster Patty spoke regarding the Uniform Fire Code criteria and pointed out at that time that there is alternate access for this subdivision down from Del Sendero which meets the 11 percent grade criteria.

COMMISSIONER VIGIL: So it wouldn't have the fire access problem.

MS. COBAU: Not as the preceding case.

COMMISSIONER VIGIL: Okay. Seeing no questions for Shelly, Mr. Siebert would you care to address the Commission?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name is Jim Siebert. My address is 915 Mercer. Let me just state for the record we're in agreement with all conditions as stated by staff. Anyway, to focus on the issue of the off-site road, I think one of the key issues here is that there's two points of access to this subdivision. One from Tano West and one from Paseo de Aguila from the west side. The access from the west does not require – does not have any grades that exceed 11 percent. Talking to Buster Patty, the other advantage is that according to Buster, the response would come out of the Agua Fria station so therefore the fire truck or emergency vehicles would be using Paseo de Aguila, not Tano West.

Let me also describe to you how the difference is between the two roadways. Maybe I could approach a little closer here so you could see. This is the solution with approximately 11 percent road grade. This is the existing profile. This is the existing ground; this is the proposed profile with 11 percent grade. The problem is you end up with 11 to 12-foot cuts in this area which means that if you do a two to one, you're going at 24 feet, 22 to 24 feet on either side, which means you'd actually begin spilling outside the easement. You'd have to do retaining walls in order to stay within the existing right-of-way. There's also along this area, there's an existing roadway that accesses about eight or ten lots and then another driveway down here.

The other thing is that if you take a look, the County is going to be improving Estrella – or I'm not sure at what point it transitions, but it's County Road 85-A basically to the top of the hill. The County's going to be improving this and according to the Public Works Department they're going to be improving it to grade. Well, the existing grade on the other side of this slope is 13.5 percent. So if we lower this to 11 you still have a problem here that's the existing County road that you didn't meet the 11 percent grade.

The other this is if you look – I don't think this was in your packet but we have an affidavit from Jorge Gonzales who was the engineer who did Tano West further to the east, and the existing road grade – and that's a County road – the existing road grade on that is

15 percent. [Exhibit 2] So given the fact that we have alternative access without going to 11 percent grade, and it's an existing road, been in effect for 20 years –

COMMISSIONER VIGIL: Is that the only copy you have?

MR. SIEBERT: Yes, it is. I'm sorry I didn't bring copies. It's an existing road. You have a County road that's already been improved that has grades in several places along Tano West that exceed 11 percent. We feel that the variance is reasonable and justified. I'll respond to any questions you may have.

COMMISSIONER VIGIL: Any questions for Mr. Siebert? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Siebert, putting aside for just a minute the road grade question other than to say the County finds itself in the position of accepting many roads that are not totally up to County standards. But I have a question about the water. I'm concerned as I always am that we're serving 16 lots with three wells. What's the possibility of getting this subdivision served with the public water system?

MR. SIEBERT: Well, the closest public water system would be a considerable distance. The Sundance Subdivision has the same thing; it has shared well so there's no public water there. I can't – I'm trying to think where the closest public water would be. It would probably be down on Camino La Tierra, which is three miles away, 2 1/2 to three miles away.

COMMISSIONER SULLIVAN: What about the creation of a mutual domestic water association or a public association that would apply to all sixteen lots and enable them to be served off one well and one storage tank?

MR. SIEBERT: Commissioner, I don't know. I've never done a mutual domestic so I have no idea what the conditions would be. There is one of the conditions in the staff report is that if public water is within 200 feet that they would be required to connect to the public water system. It seems to me that that maybe accomplishes the goal that you're trying to achieve.

COMMISSIONER SULLIVAN: So you have a fire line through the subdivision. Is that correct? You have a water line – I see you have a subdivision map there. Do you have a water line that goes through the entire subdivision?

MR. SIEBERT: Commissioner, no we don't. What we have is we have a tank that sits up towards the high point of the land, a 30,000-gallon tank. From that we have hydrants, but it doesn't circle throughout the subdivision. There is an eight-inch line but it doesn't quite make it all the way to every point within the subdivision.

COMMISSIONER SULLIVAN: So that becomes problematic then, even if County water were available or some public water service, City, County, regional were available on West Tano Road, there's no central system to connect into. There are 16 separate houses on three different wells.

MR. SIEBERT: Commissioner, what we could offer is that the fire protection system be extended, at least at one point, to Estrella de Tano so that if there was a public water system it would facilitate that connection.

COMMISSIONER SULLIVAN: Could we just draw – where does the fire protection system go now? Just draw with your finger.

MR. SIEBERT: The approximate location – there's a fire hydrant here and there's a fire hydrant over here. So the closest connection over to Estrella de Tano would be from here to here.

COMMISSIONER SULLIVAN: But still, even if there were a public water line there you wouldn't be getting the houses on the left side of your map.

MR. SIEBERT: You're correct. You would have to extend – the way to guarantee you would have public water to every place would be to have an eight-inch line in the entire roadway.

COMMISSIONER SULLIVAN: That's what I'm getting at. I'm concerned that the condition of tying onto a water system that's within 200 feet, even if we had a water line on West Tano Road, if I were a resident on this lot, let's say the one to the left there, your second – right there, I would say it's not within 200 feet of my lot. It may be out there on the road. It may be pretty convenient but it's not within 200 feet of my lot so I don't need to connect. That's why I'm concerned that the condition needs to address being within 200 feet of the system or any point on the main water line or wording to that effect, and that there in fact be a line there that the system could connect into.

MR. SIEBERT: What we can agree to do is put an eight-inch line in the entire loop.

COMMISSIONER SULLIVAN: Then having done that, why not just create a community system with 16 lots and tie everybody in and drill one well.

MR. SIEBERT: Commissioner, I'm reluctant to agree to that because I just don't know what's involved in a mutual domestic system. It seems to me that we can accomplish the same thing by placing that condition. We already have an organized and managed water system through the covenants for a shared well system.

COMMISSIONER SULLIVAN: But you actually have three systems, right? Or you have an association that owns three wells. Is that how it's organized?

MR. SIEBERT: Correct.

COMMISSIONER SULLIVAN: Why not have an association that owns one well and connect them together?

MR. SIEBERT: The other problem we're going to run into is any one well, because the best of wells is limited to three acre-feet and it seems to me if we have 12 lots, and if my mathematics are correct then you've exceeded the three acre-feet. I can't agree to that because I'm afraid there's going to be a whole series of consequences that I can't imagine.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. That's my question on the water. We can go back to the road variance if you'd like.

COMMISSIONER VIGIL: Is Steve Wust around? He's not. Okay. Oh, there's our hydrologist. Do you have any comments on the discussion you've heard previously with regard to a mutual domestic well?

KAREN TORRES (County Hydrologist): Mr. Chairman, generally, a mutual domestic well is a well whose need from that well exceeds the standard domestic permit of three acre-feet. So what happens is they acquire water rights and move them into the well. And so that process does require not only the purchasing of water rights but to go through the State Engineer permitting process to do so. In the past they used to allow backing. Let's say you had your underlying three acre-feet from your domestic permit and maybe acquire the additional amount of water to meet the needs, but I don't believe they're currently allowing that practice any longer. So the owner would have to acquire the necessary water rights not only to serve each lot but for fire protection as well.

COMMISSIONER VIGIL: Okay. Thank you. Mr. Siebert.

MR. SIEBERT: Mr. Chairman, I also have Rod Gesten here tonight who is one of the members of the association that maintains the road and if I could I'd like him to say a few things.

COMMISSIONER VIGIL: Okay, at this point in time are there any questions for anyone who's provided testimony so far? Seeing none, we'll comply with your request.

[Duly sworn, Ron Gesten testified as follows:]

ROD GESTEN: Good evening. My name is Rod Gesten. I live at 116 Estrellas de Tano, and I am on the board. I live at 116 Estrellas de Tano, which is further down the road, maybe .4 mile past the development that's being proposed. And I'm also treasurer of the Quatro Hanco Road Association that's developed there in the last several months. What we do is we collect monies to maintain the road and also propose improvements on the road and bring it before the community and have a vote on it.

Several years ago, about a year and a half ago we looked into engineering for this portion of the road that Summit Development is looking to improve and we brought in an engineering and we interviewed three or four contractors, paving contractors for the improvements. What the engineering plans developed into was changing 16 percent grades into probably 13, 14 percent grades. We were at that point considering the same issues that they are also considering. Our thinking was that in paving the road it would still be a major improvement for fire trucks to go down rather than having to traverse this bumpy road which has misaligned culverts along the arroyos, destroyed bar trenches and no check dams or anything else.

We're faced with the same 60-foot easement situation where we would have to maintain certain gradings to the side of the roads and the costs were prohibitive. We were looking at \$45,000, \$50,000 to improve just that little portion in front of the Summit Development property. We didn't know at that time that they going to develop it but I think that we all felt pretty good that any kind of improvement would not only greatly enhance our safety, especially in the winter time but would get our vehicles over to our neighborhood should we, God forbid, need it.

As neighbors further down the road from this development we of course welcome the prospect of it being paved. In our minds, a 12.5 percent grade improvement over 16

percent is phenomenal. It's not ideal. It's not 11 percent; it's not eight percent, but it would serve our needs very nicely, especially if something, like I said, were to happen. So we had written a letter in support of that saying that the Quatro Hanco Road Association has reviewed the road plans for the Estrellas de Tano improvement and supports the improvement to the roadway. The association had prepared engineering plans for Estrellas de Tano for the same location but given the cost of construction it's not financially feasible to undertake the improvements. The improvements which are proposed by Jorge Gonzales as shown on the engineering plans would significantly enhance the safety of this roadway. We support the variance from the road grade that is requested by CP Investments, LLC, realizing that attaining an 11 percent road grade for Estrellas de Tano is unrealistic. And that's our stats. Thank you very much.

COMMISSIONER VIGIL: Thank you, Mr. Gesten. Is there anyone else on behalf of the applicant? Please come forward. Please state your name for the record.

[Duly sworn, Connie McCollum testified as follows:]

CONNIE MCCOLLUM: I am Connie McCollum, 19 Estrellas de Tano. I'm here with my other neighbor at 30 Estrellas de Tano. We would be, my house would be directly right across the street from the new development, and we currently live -I've lived for 15 years on this roadway. I think Mr. Siebert's plan is just fine. The 12.8 would be fine. A couple of our residents are right on the road.

COMMISSIONER VIGIL: Thank you, Ms. McCollum. We appreciate your testimony. Is there anyone else that would like to address this? Ms. Guerrerortiz.

MS. GUERRERORTIZ: Hello again. I just wanted to let you know that I represented all the neighbors on the east, west and south side of this development. The developer worked very well with them to address their concerns and needs. He made some modifications to his plans, made some commitments on heights and setbacks. We really appreciate the fact that he did work so well with them and we fully support the project. Thank you.

COMMISSIONER VIGIL: Thank you, Ms. Guerrerortiz. This is a public hearing. Is there anyone else there from the public that would like to address the Commission on this? Seeing none, are there any questions from the Commission. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Going back to the water question. Before we do that let me ask the applicant just one question. There's no affordable housing plan included in this subdivision. I believe this is in the Extraterritorial Zone. Is that right, Mr. Siebert?

MR. SIEBERT: Commissioner, that's correct.

COMMISSIONER SULLIVAN: Mr. Chairman, you're on the EZA. How are they coming on their affordable housing ordinance?

COMMISSIONER VIGIL: Actually, we've approved it.

COMMISSIONER SULLIVAN: It's been approved?

COMMISSIONER VIGIL: Yes. And I don't know - well, we've had one

hearing. I don't know if we had -

MR. DALTON: Mr. Chairman, Commissioner Sullivan, that ordinance has been approved and will be in effect July 7<sup>th</sup>.

COMMISSIONER SULLIVAN: July 7<sup>th</sup>.

MR. DALTON: July 7<sup>th</sup>. So this is June 13<sup>th</sup>. Well, Mr. Siebert, what do you think about affordable housing?

MR. SIEBERT: Commissioner, I'm not authorized to agree to comply with the affordable housing. The extent of the improvements on this subdivision have already cut down much greater than the developer anticipated. It's not an ordinance that's in effect and we're in compliance with all the codes at the current time.

COMMISSIONER SULLIVAN: Well, we could approve preliminary. I think affordable housing is a good thing. I think the intent of the Commission is clear. I think the need for affordable housing is clear. We've made it applicable to all types of subdivisions, both expensive and not so expensive. I think everyone has to participate in order to make it work and not just one developer or one part of the community or one area of the community.

Okay, back to the hydrology question. Originally, Ms. Torres, you recommended denial of this based on your review of the hydrology report because it didn't include a well log. And then once you received a well log you seemed to feel more comfortable about it, however, the well log showed that there were certain contaminants in the water that exceeded EPA levels. Could you explain that?

MS. TORRES: Mr. Chairman, Commissioner Sullivan, I don't believe the well log would show that information. And I'm sorry, I don't have that report in front of me. I can't remember what exceedences there were. Was it secondary?

COMMISSIONER SULLIVAN: That was my question, because you didn't say. You wrote a letter on March 16<sup>th</sup> saying that the applicant failed to meet the County Subdivisions Regulations and then you re-evaluated it on March 29<sup>th</sup>, you said, "An addendum to the geo-hydrology report included water quality results for a water sample collected from the test well. Levels of all water quality parameters analyzed are below EPA drinking water standards with the exception of turbidity." I interpret below meaning that they're out of compliance. Is that correct?

MS. TORRES: When they are below the maximum contaminant level they are in compliance.

COMMISSIONER SULLIVAN: Then they're in compliance.

MS. TORRES: Yes.

COMMISSIONER SULLIVAN: Then you go on to say, "Since the level exceeded the standard, the results should be indicated in a disclosure statement." So does that mean that the turbidity levels exceeded the standards?

MS. TORRES: Yes.

COMMISSIONER SULLIVAN: Okay. And then what was it in the well logs that you felt gave you this comfort level after you reviewed them. And it had to do,

by the way, with the 100-year sustainability.

MS. TORRES: Yes, it did. One of the main reasons I asked for more information was the well log was missing and I do feel that is important to see the lithology and the water-bearing strata where the well is drilled. There were some additional concerns brought to my attention regarding a monitoring well that the USGS has that is nearby. They had - OSE staff had indicated regional draw-downs in that area to be in excess of three feet per year. That brought my concern regarding the viability of this well for a 100-year span based upon the thickness of the water column, the predicted self-impairment due to the pumping from this well and the depletions from nearby wells.

So I needed clarification from the State Engineer's Office if in fact they felt that three feet a year draw-down in this area was something that they felt strongly about. They recanted that. They did feel one of the piezometers was showing steady decline, one of the upper piezometers but they attributed it to pumping from the northwest well from the City of Santa Fe, so they didn't feel that it was representative of a regional draw-down.

So I wanted to verify exactly where this water-bearing strata was and to get some additional information on that draw-down.

COMMISSIONER SULLIVAN: So you concluded then that this new information predicted 55 feet of draw-down after 100 years of pumping and that that's okay.

MS. TORRES: The water column in that well was enough to sustain that draw-down. They calculated, I believe what's called the lowest practical pumping level and they looked at the top screens in the well, and then they adjusted it up 20 percent for an environmental adjustment I believe is what the Code calls it.

COMMISSIONER SULLIVAN: So this is a test on a test well that they did.

MS. TORRES: Absolutely.

COMMISSIONER SULLIVAN: And then when three wells are constructed, how does that affect the results?

MS. TORRES: Well, generally what happens is the applicant comes forward to submit availability and they drill one well and they test it to see whatever the required pumping time is per the Code to see the parameters of the aquifer there, and they demonstrate their entire availability based on the data from that one well. Then when they actually go to build they will drill two other wells. Due to the proximity it's assumed that those wells will produce similarly to the test well.

COMMISSIONER SULLIVAN: Won't they impact each other?

MS. TORRES: I believe how they modeled it was they had all of the impacts coming out of that test well which will actually be a more conservative analysis than spreading it out over the distance.

COMMISSIONER SULLIVAN: Okay. Thank you. And then one other question back to the road. Thank you, Ms. Torres. Refresh my mind again - let's see, who was doing this? It's the staff recommendation that there was an alternative alignment that staff felt technically could meet the 11 percent. Was that correct?

MS. COBAU: That's correct, Commissioner Sullivan. Staff recommendation regarding variances is that the criteria must meet the Code. Staff recommendation is nearly always recommending denial for variance applications. With the roadway construction, with the combination of cut, fill, retaining walls, roadway lengthening, while it would be costly, it could be accomplished. However, the Santa Fe County Fire Department, Buster Patty, did point out during the EZC hearing that there is an alternate access and that the flattening of the road from 17 percent to 12.84 percent would be a substantial improvement. While he did not recommend approval of the variance, either because it's not County staff – it's not usual for County staff to do that.

COMMISSIONER SULLIVAN: So in this case we don't have a situation where we have to remove a hill, but it sounds like we have a situation where in order to achieve that grade and the backslopes there would need to be some retaining walls to do that.

MS. COBAU: There would be and there would need to be potentially relocation of utilities. There would be trees, large pinon pine that could be affected by the relocation of the roadway alignment. There are driveways adjacent to the road which will be affected, even with the 12.84 percent that we're going to have. As you can see, one of the conditions in the staff report is that the roadway construction be dovetailed into the people's existing driveways where it won't have an impact on them, so that their driveways won't end up being steep for them to come out onto the Estrellas de Tano, regardless of whether it's at an 11 percent or at a 12.84 percent grade.

COMMISSIONER SULLIVAN: Okay, thank you. Thank you, Mr. Chairman.

COMMISSIONER VIGIL: Shelley, I have a question. In the packet there's a letter from – it could be Ms. McCollum, Constance McCollum, on April 20<sup>th</sup>, who actually makes some recommendations for the development project. Have those been discussed and incorporated into the conditions of approval?

MS. COBAU: They are. In fact, the three conditions for the variance are derived from Ms. McCollum's letter. They are coordinated with their concern regarding their driveway access, and they also – one of the requests in the McCollum letter was they felt the road should be paved before the construction traffic started going in and out of Sundance Ridge Estates. That's kind of a double-edged sword. Does the developer want to put asphalt down and have construction vehicles coming across it and potentially ruining his new asphalt or do you keep the dust down for the current residents by placing the asphalt pre-construction of the subdivision. That's at the will of the Commission, I believe.

COMMISSIONER VIGIL: I'm sorry. You said it's at the will of the Commission?

MS. COBAU: Yes. If you want a condition that the roadway be paved before the construction traffic began on Sundance Ridge, I believe that is something you could condition.

COMMISSIONER VIGIL: Okay. Thank you, Shelley. Would the applicant



be amenable to complying with that condition?

MR. SIEBERT: Mr. Chairman, we've been talking to Public Works about a joint effort because the County has actually budgeted money to pave the County road up to the top of the hill, and what we're doing is we've been talking to Robert Martinez to do that in a cooperative manner so that it's all done at one time rather than having two different projects. I would hate to commit to that and then it would take time to kind of coordinate the two projects. I think what we can say is we will work as expeditiously as possible with the County in order to accomplish that at the earliest date.

COMMISSIONER VIGIL: It just makes sense to me and other developments we've looked at in that area, there have been agreements that the developers will pave a road before the development actually occurs and I can understand why that - that truck traffic will bring quite a bit of dust and erosion to something that isn't supported by asphalt or whatever level. I would recommend that the road be paved before and if there's no problem with that, the only barrier would be coordinating that with the County, with what I'm hearing you say.

MR. SIEBERT: We'd be happy to take heed of that. I guess the issue is what is meant by construction. Is it construction of homes or construction of the subdivision. The ideal situation is if we don't have to mobilize twice; we can do the off-site road and the onsite road all at the same time. We'd certainly agree to that.

COMMISSIONER VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, just on that point alone, in my opinion, the best way to do that is to typically you have a two-inch lift. You put down the two-inch lift and then construct your subdivision, run your equipment over that. Let the road tell you whether it's got any holes or soft spots in it. And then once the subdivision construction is done, you come back in and put the final two-inch lift or three-inch lift, whatever you're doing. And that levels the road out and provides the wearing surface for the day-to-day traffic. So in those two lifts, the first lift acts as a dust control and then if there's soft spots you can more easily repair them. Then you come back and put the final lift on after the road has proved itself for several months and you put that final lift on and it lasts a lot longer that way. That does require two mobilizations. They did it that way, for example, on Dinosaur Trail for La Pradera Subdivision and it worked pretty well in terms of getting a smooth road at the end of the project and also keeping the dust down. So that's a way to accomplish what you're getting at.

COMMISSIONER VIGIL: Was that anticipated?

MR. SIEBERT: Well, we didn't look at such detail, but we would agree to that as a condition, that we put the first lift on before the construction commenced on the subdivision, and then after as part of the final paving and we'd do everything all at once.

COMMISSIONER VIGIL: I don't have any further questions. I just have a question for Mr. Siebert. This affidavit, did you intend for us to make this part of the record?

MR. SIEBERT: I can, certainly.

COMMISSIONER VIGIL: Okay. I would prefer that we do, because we often research back to cases and an affidavits been testified to but it isn't part of the record and we'd be happy to make a copy.

MR. SIEBERT: I'd be happy to enter that as part of the record.

COMMISSIONER VIGIL: And Mr. Ross, do these documents that become a part of the record, are they given to the County Clerk? Are they given to the recorder?

MR. ROSS: Mr. Chairman, they get given to the County Clerk through the recorder.

COMMISSIONER VIGIL: Okay, then I will give this to the recorder.

MR. SIEBERT: Mr. Chairman, would you also like the letter from the road association supporting -

COMMISSIONER VIGIL: We actually have - our packet has the Quatro Hanco Road Maintenance Association of April 1, 2006, but it sounds to me like what I heard read might have been a more recent letter. Do you have an updated -

MR. SIEBERT: Yes. This is actually April 26<sup>th</sup>. I can either hand it to you or hand it to the recorder.

COMMISSIONER VIGIL: It's been written into the record. If you had it to the recorder we'll make it part of the record. And Shelley, it may be here; I just am not seeing it.

COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I would suggest if someone intends to make a motion to approve the variance and the preliminary and final plat, that they be sure that the eight-inch water line throughout the subdivision be included as a condition as well as the one we just talked about with regard to your concern on the phasing of the road paving.

COMMISSIONER VIGIL: Okay. Hearing no further testimony and seeing no further questions, is there - there's a public hearing. Would you like to testify?

[Duly sworn, Martha Johnson testified as follows:]

MARTHA JOHNSON: Martha Johnson, 30 Estrellas de Tano. I was at several of the last meetings and I just want to state that Connie and David McCollum have been working two years with the County for the County to resume maintenance of Estrellas de Tano, and that was without any support from Quatro Hanchos. They had really gotten to that point where the County had agreed that yes, it was indeed a County road that was on our plats when we bought the houses, the lots, and that they were going to resume.

Now they have said, Mr. Martinez said they're not going to do that now because Sundance Ridge is going to be taking it over and they didn't want to take the expense under account. So my concern, I wrote a letter which I rescinded last time because I talked to Mr. Chaffee and they said that they would work very actively to get Estrellas de Tano paved before the construction. And I feel it's important because there have been tremendous amounts of developments in that area and it's not just Sundance Ridge.

Unfortunately, they are getting kind of the brunt of it at this point, but there were 250 lots placed on Tierra de Tano and Sendero and there are concrete trucks going through all the time. They're doing a circle, Sundance and Sendero. I really feel strongly it needs to be taken care of before this happens because they have worked very actively for two years to try to have the County honor the commitment that it was to be the County road that they rescinded and that is just the part of Estrellas de Tano to the telephone pole, which I don't have a picture of. It acts independently on their own without the whole community approval. So Connie and I are probably the most affected by this project. I was comfortable dealing with Mr. Chaffee but I really do feel that this does need to be done before more construction. The road was not built for a major thoroughfare for construction vehicles.

COMMISSIONER VIGIL: Thank you, Ms. Johnson. Is there any further testimony on this case, for or against? Seeing none, the chair entertains a motion from the Commission. Is there one?

COMMISSIONER ANAYA: Mr. Chairman.

COMMISSIONER VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I move that we approve this with the conditions and that we add two conditions and one is that we have the eight-inch line that goes throughout the subdivision which was noted. And that we start with the two-inch lift as Commissioner Sullivan described.

COMMISSIONER VIGIL: For the road?

COMMISSIONER ANAYA: Yes.

COMMISSIONER VIGIL: And complete the paving on that. Motion as stated. Is there a second? I'll second it. There's a motion to approve this item of the agenda with the conditions as presented by staff and conditions as added by tonight's hearing. Any further questions? Hearing none, let's take a vote on this.

**The motion to approve EZ Case #S 06-4060 passed by majority 2-1 voice vote with Commissioner Sullivan voting against.**

- XII. A. 8. CDRC CASE # V 06-5110 Barbara Stevens Variance. Barbara Stevens, applicant, requests a variance of Article III, Section 10 (Lot size requirements) of the Land Development Code to allow a land division of .703 acres into two lots. The property is located at # 8 Edward Ortiz Drive, within Section 9, Township 19 North, Range 9 East, (Commission District 1)**

JONATHAN SALAZAR (Review Specialist): Thank you, Mr. Chairman, Commissioners. The applicant is requesting a variance of Article III, Section 10 of the Land Development Code in order to allow a land division of .703 acres into two lots. The

property is located in the traditional community of Pojoaque where the minimum lot size is 3/4 of an acre per dwelling unit. There are currently two permitted homes, one well and one septic system on the property. The applicant is requesting to return the property to its original two-lot configuration after consolidating the property into one lot in February of 1993.

Staff recommends denial of the request for a variance based on Article III, Section 10 of the Land Development Code which states the minimum lot size in this area is 3/4 of an acre per dwelling unit.

On April 20, 2006, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the variance of Article III, Section 10 of the Land Development Code to allow the division into two lots subject to the following conditions. Mr. Chairman, may I enter those conditions into the record at this time?

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet per lot. A water meter shall be installed on both lots. Annual water meter readings shall be submitted to the Land Use Administrator by January 31<sup>st</sup> of each year. Water restrictions shall be recorded in the Santa Fe County Clerk's office.
2. No additional dwellings will be allowed on the property.
3. The existing driveway will serve both homes.
4. The applicant shall submit an updated Environmental Department liquid waste permit showing correct lot size and correct number of homes.
5. No further division of this land shall be permitted; this shall be noted on the plat.
6. Failure to comply with all conditions shall result in administrative revocation of the variance.
7. No additional dwellings or land divisions will be permitted on these lots.

COMMISSIONER VIGIL: Okay, we have a variance request, Barbara Stevens. Are there any questions from the Commission? Not at this point. Would Ms. Stevens like to address the Commission? Is she here? Would you care to address the Commission? You're welcome to do whatever you'd like.

[Duly sworn, Barbara Stevens testified as follows:]

BARBARA STEVENS: I'm Barbara Stevens and I live at 8 Eduardo Ortiz Drive in Nambe. I just wanted to divide this. Thank you very much. I do have two homes on the property currently.

COMMISSIONER VIGIL: Excuse me. Would you clarify that? You were given permission to place two homes on the property?

MS. STEVENS: I got the permits when I came to build the new home. I got all the permits and they were given to me. And I also pay taxes on two different lots.

COMMISSIONER VIGIL: Okay. Are you - you're asking for a family transfer, or just a lot subdivision?

MS. STEVENS: Just to divide it.

COMMISSIONER VIGIL: And you have currently 12.94 acres and you want to divide those in half.

MS. STEVENS: Right.

COMMISSIONER VIGIL: Okay.

MR. DALTON: Mr. Chairman, the property is actually .703 acres.

COMMISSIONER VIGIL: Okay. That's the clarification I needed, because under recommendations it says 12.94, so it's actually how much Mr. Dalton?

MR. DALTON: .703 acres.

COMMISSIONER VIGIL: Okay. Anything further, Ms. Stevens? Questions of the applicant? Seeing none, this is a public hearing. Is there anyone in the audience that would like to address the Commission on this item? Seeing none coming forward -

COMMISSIONER ANAYA: Mr. Chairman.

COMMISSIONER VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: What I know about this case is that the applicant once had her property divided into two parcels. She had permits for both to construct houses on there. There is houses on both pieces, and she just needs to get it back to the way she originally had it. She does pay taxes on two pieces of parcels now, and I move for approval.

COMMISSIONER VIGIL: There's a motion to approve this lot division. Is there a second? I'm going to second this for further discussion. Mr. Salazar, what is the current minimum lot size requirement in this area?

MR. SALAZAR: Mr. Chairman, I believe it's 3/4 of an acre.

COMMISSIONER VIGIL: And she is wanting to divide .703?

MR. SALAZAR: Yes, ma'am.

COMMISSIONER VIGIL: How long has she owned the property?

MR. SALAZAR: Mr. Chairman, Ms. Stevens purchased the property in 1992.

COMMISSIONER VIGIL: How long have there been two residences there?

MR. SALAZAR: The second residence was permitted in April of last year.

COMMISSIONER VIGIL: And was that permit in error?

MR. SALAZAR: Well, Mr. Chairman, apparently what happened is Permits doesn't require - they don't require a plat of survey if you can produce a pre-Code deed. Ms. Stevens, she has two pre-Code deeds that were given to her when she first purchased the property and when she came to submit, she gave the front desk a pre-Code deed. The front desk perceived the property to be two lots. The property they were requesting to put the home on, basically the front desk thought that it was vacant so they sent Code Enforcement out there. Code Enforcement saw it as a vacant piece of property and the permit was granted. So it was granted through oversight based on applicant misinformation.

COMMISSIONER VIGIL: So when was the other dwelling placed? There are currently two dwellings, right? And are they mobile homes?

MR. SALAZAR: There's a mobile home and a permanent residence.

COMMISSIONER VIGIL: Okay. And anyone can address this. Have we actually done any variances in surrounding properties or has anyone gone to the extent of doing that analysis? Are there lot splits anywhere near this area?

MR. DALTON: Mr. Chairman, staff has not researched that information so we cannot answer that question.

COMMISSIONER VIGIL: Okay. Mr. Salazar, not that you're required to do this, but when we grant a variance, it really has to be based on extraordinary hardship and tied to unusual topography or other such non-self-inflicted conditions. Have you spoken to the applicant about this?

MR. SALAZAR: Mr. Chairman, I have. I had explained that particular issue to her. What was raised to me was financial hardship.

COMMISSIONER VIGIL: Who is currently residing in these dwellings? Are they members of the family? Is it a leased property? Ms. Stevens, you may be able to address that.

MS. STEVENS: I was living in the mobile home and then I built the new home so now I'm living in the new home.

COMMISSIONER VIGIL: And who's living in the -

MS. STEVENS: No one right now.

COMMISSIONER VIGIL: Okay. Do we know that the original issuance of permit was based on applicant misinformation for fact?

MR. SALAZAR: For the first home on the property? I don't know. When she purchased the property there was a home on the property, I believe, a mobile home. That was relocated on the property when she built her house that she was permitted for last year.

COMMISSIONER VIGIL: Okay. And Commissioner Sullivan, I'm going to ask you, .703 divided by two, do it for me real quick. .401?

COMMISSIONER SULLIVAN: .35

COMMISSIONER VIGIL: .35. Okay. I have no further questions. Do any of the Commissioners? So financial hardship is the only condition of hardship that the applicant has stated.

MR. SALAZAR: Mr. Chairman, that's what was expressed to staff. If Ms. Stevens perhaps wants to come up and say something else.

COMMISSIONER ANAYA: Mr. Chairman.

COMMISSIONER VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Just a reminder. They have been paying taxes on two pieces of property since she purchased it. Thank you, Mr. Chairman.

COMMISSIONER VIGIL: Thank you, Commissioner Anaya.  
Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a question. If there are two residences there, does the ability to split the lot, is that required to keep the two, the mobile home and

the house there, or is that something required in order to separate the lots to get bank financing on them? In other words, without the lot split, would the applicant be required to remove one of the two residences?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, as it stands right now, both homes are permitted on the property, so therefore the applicant would not have to remove one of the residences from the property.

COMMISSIONER SULLIVAN: Okay. Thank you, Mr. Chairman.

COMMISSIONER VIGIL: Okay. If there are no further questions, we have a motion to approve the variance request and a second. Any further discussion? I assume none.

**The motion to approve CDRC Case #V 06-5110 passed by majority 2-1 voice vote with Commissioner Sullivan voting against the motion.**

COMMISSIONER VIGIL: And I think just for the record, the minimal easing requirement for this variance does, in my mind, reflect the fact that this applicant did go before the Land Use and was permitted previously, so it was held out to her that in fact she may have owned two pieces of property, particularly because she was paying taxes on two pieces of property. So with that, you have a variance.

- XII. A. 9. CDRC CASE # V 06-5180 Jerry West Variance. Jerry West, applicant, requests a variance of Article III, Section 10 (lot size requirements) of the Land Development Code in order to allow a land division of 10.9 acres into two lots. The property is located at # 02 and #04 Calle Ocho Vaca Road, within Section 26 and 35, Township 15 North, Range 8 East, (Commission District 5)**

MR. SALAZAR: Thank you, Mr. Chairman. The property is located with the Basin Fringe Hydrologic Zone where the minimum allowable lot size is 50 acres per dwelling unit. Lot size may be reduced to 12.5 acres per dwelling with signed and recorded water restrictions. There's currently two permitted homes, two septic systems and one shared well on the property. The applicant states that maintaining the property has become a financial hardship and wishes to sell the created five-acre lot as a means of financial aid.

Staff recommends denial of the requested variance based on Article III, Section 10 of the Land Development Code which states the minimum lot size in this area is 50 acres per dwelling unit and lot sizes may be reduced to 12.5 acres per dwelling with signed and recorded water restrictions.

On April 20, 2006, the CDRC met and acted on this case. The decision of the

CDRC was to recommend approval of the variance of Article III, Section 10 of the Land Development Code to allow a family transfer division of 10.9 acres into two lots subject to the following conditions. Mr. Chairman, may I enter those conditions into the record at this time?

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet per lot. A water meter shall be installed on both lots. Annual water meter readings shall be submitted to the Land Use Administrator by January 31<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's office.
2. No additional dwellings will be allowed on the property.
3. The existing driveway will serve both homes.
4. The applicant shall submit an updated Environmental Department liquid waste permit showing correct lot size and correct number of homes.
5. No further division of this land shall be permitted; this shall be noted on the plat.
6. Failure to comply with all conditions shall result in administrative revocation of the appeal.

COMMISSIONER VIGIL: I have a quick question. Is this a family transfer request or just a lot division?

MR. SALAZAR: It's just a land division.

COMMISSIONER VIGIL: Okay. And under the summary it does identify a family transfer land division on the first paragraph. So that's just an error? On April 20, 2006 – the reading under summary.

MR. SALAZAR: I believe so.

COMMISSIONER VIGIL: Okay. Does staff agree? Wayne and Dolores?

MR. DALTON: Mr. Chairman, yes. That is a typo.

COMMISSIONER VIGIL: Okay. Any questions of Mr. Salazar? Seeing none, Mr. West, would you care to address the Commission on your request?

[Duly sworn, Jerry West testified as follows:]

JERRY WEST: Jerry West, Loma Oriente.

COMMISSIONER VIGIL: Thank you, Mr. West.

MR. WEST: Jonathan Salazar has pretty well described it. I'm an old timer in that area. This is a part of a family property that goes back to 1943. My father left it to the five of us and my mother in 1950, moved to town. In the 1960s we divided it up into something like 20 acres apiece from the original hundred and some homestead property. I went through – I built a house with my first wife and that shows on the particular plat. This was in 1970. We got a divorce and I ended up with about 13 acres. I started a studio. I'm a painter and a print maker as well as a builder. I started a studio on the east part of that 13 acres, and this was in the 1970s.

That shows as a part of my property now. That has been improved through the years. But in 1971, I decided to build a dwelling on the far west side of the property and I



divided it off. In those years we didn't have to have a permit to do this. I went to First Northern Savings and Loan and they granted me a loan. I got a loan from them, got a survey of the five acres and I built a dwelling there. The intent was in those years to live in part of it and rent part of it out, which I did for a number of years. I remarried a woman named Maridell Rubenstein and we lived there for a number of years and eventually kind of outgrew that one part of the dwelling and we moved back to the eastern part of the property.

I think the well was drilled on the west half of it, on the five acres and since the 1970s that well has provided water for both dwellings. There are other dwellings there. Through the 1970s I built a darkroom. I built a studio for my daughter. In 1980, the only permitted dwelling on the east end of the property - I believe I got the permit in 1986. So that's the only permitted dwelling and that's my present studio. We have at the present time two dwellings on the west side and east side.

And I'm asking simply a variance because I think it's - fairly recently I went through a situation where I bought my siblings out of my mother's old property and so I have kind of consolidated that for my own children and my son lives there at the present time. So I've gone through that and that has been somewhat of a financial problem for me. And I'm at the point where I guess I would like to be able to just be rid of that one property which is a constant maintenance problem at this point. So I'll answer any questions if you have any.

COMMISSIONER VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. West, do you have any plans to further divide out of the six or the five-acre property?

MR. WEST: No, I don't. What I really want to do and what and Meridell and I both want to do. We're no longer married, but we're still partners in the property and we're partners in the art game and we have this one large dwelling where she has her darkroom. What we'd like to do is consolidate our efforts there and have - the property, I have to confess has really been kind of downgrading the last few years. I've just had many other things on my mind and painting and building for other people. I would like to just consolidate that and I have no desire to divide any other property other than that.

One of the reasons it seemed advisable is I've been paying taxes separately on those properties since 1974 and so they've been treated by the County as separate properties. In fact up until this year I'm paying separate taxes on what I call the dwelling on the west side and the studio on the east side.

COMMISSIONER SULLIVAN: Would you be agreeable to a condition then that stated there would be no further subdivision?

MR. WEST: I could promise that. I really do and I think it's a logical consideration and a restriction. As I say, the well is a very good well. It was drilled in the 1970s. It is one of those wells in that area that has been a very good producer of water and it's been very adequate for the two dwellings for all those years. And I would certainly agree to even a meter on both of those lines, one to the dwelling -

MR. DALTON: Mr. Chairman.

COMMISSIONER VIGIL: Yes, Mr. Dalton.

MR. DALTON: Commissioner Sullivan, that is actually condition number 5. It states no further division of this land shall be permitted. It shall be noted on the plat. So that is already a condition of approval.

MR. WEST: I knew that was one of the conditions and I do agree to it.

COMMISSIONER SULLIVAN: Thank you for pointing that out, Mr. Dalton. And you're in agreement, Mr. West, with the other conditions?

MR. WEST: I certainly am. Yes.

COMMISSIONER SULLIVAN: Thank you. That's all the questions I had, Mr. Chairman.

COMMISSIONER VIGIL: Thank you, Mr. West. Thank you, Commissioner Sullivan. Any further questions? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. West, we've got a map here but I don't know where it is we're talking about. It doesn't say. Can you tell me where this is?

MR. WEST: I can tell you where it is. You're all familiar with State 14, and at this point, this started as a private road and went to my uncle's ranch, which was east of [inaudible] Road, one of the old Ortiz y Pino properties east of us. So that was a private road in the 1970s up until 1985 or something like that. The County finally - when my uncle sold out that old ranch property east of us, there's a narrow road, County Road 44, County Road 45 to the west, which is also called Bonanza Creek Road, and then to the east it is now County 44, also named Shenandoah Trail. And the studio property is on a road called Loma Oriente and the other property is on a street that the County now calls Calle Ocho Vaca. Does that answer your question?

COMMISSIONER ANAYA: The piece of property that you want to split, where is it?

MR. WEST: Where is it? In terms of township and so forth?

COMMISSIONER ANAYA: No, no, no.

MR. WEST: Oh, it's five acres to the west. There's a ten-acre, a 10.6-acre piece of property. You don't have a copy of that?

COMMISSIONER ANAYA: Okay. I got you. Thank you.

MR. WEST: Any further questions?

COMMISSIONER VIGIL: I get to ask that, Mr. West. Just teasing. I will ask it. Are there any further questions? Seeing none. Is there a motion from the Commission?

COMMISSIONER ANAYA: Mr. Chairman.

COMMISSIONER VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: This is a public hearing.

COMMISSIONER VIGIL: Oh, thank you for pointing that out. Is there anyone out there in the public that would like to address the Commission on this case? Seeing none, I will re-ask the question, is there a motion?

COMMISSIONER SULLIVAN: Move to approve with staff conditions.

COMMISSIONER VIGIL: Motion to approve with staff conditions. Is there a second?

COMMISSIONER ANAYA: Second.

COMMISSIONER VIGIL: Motion and second to approve with staff conditions. Any further discussion?

**The motion to approve CDRC Case #V 06-5180 with staff conditions passed by unanimous 3-0 voice vote.**

COMMISSIONER VIGIL: Congratulations, Mr. West.

- XII. A. 9. EZ Case V 04-4711 Mondo Sector. Jim Siebert, agent for Mondo Sector, applicant requests a variance of the Extraterritorial Subdivision Regulations (Sect. 3.4.2, Environmental Requirements), to permit disturbance of slope over 30 percent for a driveway and building envelope on 10.4 acres. The property is located along Vista Redonda Road in the Vista Redonda Subdivision north or Tesuque with the Five-mile EZ District, Section 6, Township 18 North, Range 10 East (Commission District 1) *Exhibit 3: Letter requesting tabling***

JOE CATANACH (Technical Director): Mr. Chairman, before I start my presentation I believe the applicant would like an opportunity to address the Commission.

COMMISSIONER VIGIL: Very well.

Js: Mr. Chairman, I'm previously sworn.

COMMISSIONER VIGIL: James Siebert, previously sworn, thank you.

Js: My name's Jim Siebert. My address is 915 Mercer. We had requested previously a tabling in writing to the County and apparently there was a miscommunication about that request, but let me explain why that came about. I've been on vacation. I came back from vacation and discovered that there was a condition that was added by staff. I am not - my client is in Canada and appears to be traveling at this point and I have been unable to get a hold of him regarding that particular condition. I feel uncomfortable agreeing to a condition which I haven't spoken to my client about. So we're requesting tabling of that.

The other thing that happened is because we had written the County asking for a tabling, we had not told the attorney for the applicant to be present tonight and my concern is I think there's going to be a legal argument made by the neighbors to which I'm not prepared to respond.

COMMISSIONER VIGIL: Okay. Mr. Siebert, when you said a letter was

drafted and submitted to staff, when was it? Do you have a copy of that letter?

Js: It's June 9<sup>th</sup>.

COMMISSIONER VIGIL: May I keep this to enter it into the record?

[Exhibit 3] And did you receive a response to this?

Js: We had some discussions with staff regarding the tabling request. I never got a confirmation whether it was going to be tabled or not.

COMMISSIONER VIGIL: Okay. Any questions for Mr. Siebert from the Commission?

COMMISSIONER ANAYA: Mr. Chairman.

COMMISSIONER VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Move to table.

COMMISSIONER VIGIL: There's a motion to table this case. Is there a second? I will second it for the purposes of discussion and ask if there's any feedback. Any input? Hold on a second. I'd like to get legal counsel's advice at this point in time. Can we table this?

MR. ROSS: Mr. Chairman, a motion to table is not normally debatable

COMMISSIONER VIGIL: Okay.

MR. ROSS: So I think you'd want to move right to the vote.

COMMISSIONER VIGIL: Okay. Then we do have a motion and a second on this. I think according to legal counsel we need to take immediate action without further testimony. Am I representing that accurately, Mr. Ross? My understanding and the reason why I seconded this is this request for tabling is June 9<sup>th</sup> and I do not believe the applicant received a confirmation on that. So that in fact is problematic.

**The motion to table EZ Case #V 04-4711 passed by majority 2-1 voice vote with Commissioner Sullivan casting the negative vote.**

COMMISSIONER VIGIL: The motion to table stands by a 2-1 vote. Mr. Siebert, please let your – you will need to work with staff because this case has been tabled that I know of at least one other time. Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just – the explanation of my vote was not a vote on the case but rather I felt since we had some disagreement over the tabling circumstances that it would have been important to hear from anyone who might have opposed the tabling, the other side, as it were. So that's the reason for my no vote. It's not a vote on the case but due to those circumstances.

COMMISSIONER VIGIL: Thank you, Commissioner Sullivan.

COMMISSIONER ANAYA: Mr. Chairman.

COMMISSIONER VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, I feel that the applicant has every right to come forward with a full packet and if they feel that they don't have the full packet then they could ask this Commission for a tabling, which they did. Thank you, Mr. Chairman.

COMMISSIONER VIGIL: Thank you, Commissioner Anaya. Do we need to take any further testimony on this, Mr. Ross? Are we okay thus far?

MR. ROSS: Mr. Chairman, you're fine.

COMMISSIONER VIGIL: Thank you very much. Just to get reassurance.

- XII. A. 11. EZ CASE # DL 06-4190 Montoya Family Transfer: Robert and Neva Montoya, applicants, request plat approval to divide 5.00 acres into two (2) lots for the purpose of a family transfer. The lots will be known as Tract 14 A (2.5 acres) and Tract 14 B (2.5 acres). The property is located at 4 Camino Peralta within Section 30, Township 17 North, Range 9 East, within the EZ-2 Mile District**

VICTORIA REYES (Review Specialist): Thank you, Mr. Chairman. On May 11, 2006, the EZC met and acted on this case. The decision of the EZC was to recommend plat approval for the purpose of a family transfer to divide five acres into two lots. The subject property lies within the Santa Fe Urban Area. This area allows for the creation of 1.25-acre lots for family transfers with a quarter acre-foot per year per lot water restriction. The property has been owned by the applicant since 1992.

The tracts will be divided as follows: Tract 14-A, 2.5 acres more or less, with an existing residence, and Tract 14-B, 2.5 acres, vacant.

This application was reviewed for the following: access, water supply, liquid waste, solid waste, fire protection, terrain management and archeological.

Recommendation: Access to the property crosses over a 100-year floodplain that does not have an all-weather crossing. Staff does not support increasing density in areas that do not have adequate access for emergency vehicles. Therefore staff recommends denial. If the decision of the BCC is to grant approval, staff recommends the following conditions. Mr. Chairman, may I enter the conditions into the record?

[The conditions are as follows:]

1. On-site Access roads must have a minimum 38' foot easement with a 20' foot driving surface and must be developed meeting Santa Fe County Common Roadway Standards prior to recording the plat of survey or the applicant must provide Santa Fe County with a certified engineer's cost estimate to develop the access. A financial guarantee acceptable to the County in the amount of the approved cost estimate must be included.
2. The applicant must record water restrictive covenants simultaneously with the plat of survey imposing 0.25-acre feet per year per lot. A water meter must be installed to Tract 14 A prior to plat recordation and at the time of development for Tract 14 B and annual water meter readings shall be submitted to the Land Use Administrators office by January 31<sup>st</sup> of each year.

3. A shared well agreement shall be approved by the county and recorded with the plat. The plat shall indicate shared well easements
4. As per ESR regulations require a solid waste fee be assessed for all newly created parcels. The fee for this subdivision is \$43.00 per lot.
5. Approval from the New Mexico Environment Department for the proposed liquid waste disposal system must be obtained prior to building permit.
6. Applicant must contact Rural Addressing for the assignment of addresses for the proposed lots.
7. Fire Affidavit shall be signed and recorded with plat.
8. Submit family transfer affidavits and deeds transferring lots to family members to be recorded with the plat.
9. Terrain management improvements in accordance with the Santa Fe County Regulations shall be required on Tract 14 B on at the time of development.
10. Address buildable area in conformance with slope standards
11. The applicant shall submit access permit as approved by Public Works Department.
12. The applicant must address all minor redline comments by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Victoria Reyes, Development Review Specialist with the Land Use Dept. These plans must be resubmitted with the Mylar prior to recordation.

COMMISSIONER VIGIL: Are there any questions of Victoria from the Commission?

COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I don't see in this one a condition like I saw in the last one regarding no further splits. Is there a reason for that?

MS. REYES: Mr. Chairman, Commissioner Sullivan, the applicant's homeowners association actually does not approve of lots below 2.5 acres so this applicant has been working very hard with her homeowners association to maintain a 2.5-acre lot without going below.

COMMISSIONER SULLIVAN: I understand. My question is -

MS. REYES: There is not a condition. I'm sure the applicant would agree to putting a condition on.

COMMISSIONER SULLIVAN: Okay. We'll ask the applicant about that. For some reason the staff added it to the previous case where we were dealing with about 16 acres. I didn't see it on this case where we were dealing with five acres.

MS. REYES: Commissioner Sullivan, that's because in this area they could go down to 1.25-acre lot. It's allowed by the County.

COMMISSIONER SULLIVAN: I see. So we'll ask the applicant then on that when she comes forward.

COMMISSIONER VIGIL: Okay. Any further questions for staff? Seeing none -I'm sorry, it's Neva.

ROBERTA CHEEK: Actually, I'm Neva's daughter. I'm Roberta Cheek.

COMMISSIONER VIGIL: Oh, Roberta. Thanks for clarifying that. Would you state your address and be sworn in.

[Duly sworn, Roberta Cheek testified as follows:]

MS. CHEEK: Sure. It's Roberta Cheek, 4 Camino Peralta, Santa Fe, 87507. In answer to Commissioner Sullivan's question, currently, it's not allowed through the homeowner association to split lots anyway past 2.5 acres and it's pretty clear. My parents bought this land over 15 years ago with the intent to split it and I'm taking half of it, my brother's taking the other half as a family transfer. I currently own a house on the 14-A part of it, and there's no intent to build any time soon so we don't have any development plans other than the recommended ones that show potential development for later but currently there's no plan for development.

COMMISSIONER VIGIL: So there's only one dwelling.

MS. CHEEK: Correct. And one well.

COMMISSIONER VIGIL: And one well. Commissioner Sullivan.

COMMISSIONER SULLIVAN: So then are you okay with a condition that states that there would be no further splits were this approved, past 2.5-acre lots.

MS. CHEEK: Yes.

COMMISSIONER SULLIVAN: No further questions, Mr. Chairman.

COMMISSIONER VIGIL: Any further questions? Commissioner Anaya?

None? I'd like someone to further explain to me the 100-year flood zone that does not have an all-weather crossing. My understanding from the notes here is that that's the only access to this property. Is it the only access to the property as it currently exists or would it be the only access to the property as it's divided?

MS. CHEEK: Mr. Chairman, that is the only access. It's only one way in, one way out. Just like the Pinon Hills Subdivision. It has a paved dip section but it does cross the flood zone, the Arroyo Frijoles.

COMMISSIONER VIGIL: And how many other properties cross Arroyo Frijoles for access?

MS. CHEEK: On this subdivision, I'm not sure how many lots. I think it's probably about 19 lots.

COMMISSIONER VIGIL: Okay. And they all have created their own egress?

MS. CHEEK: They all have their own driveways but they all access the same and they all exit the same.

COMMISSIONER VIGIL: And what happens if there is a flood, God hoping?

MS. CHEEK: We stay home.

COMMISSIONER VIGIL: Maybe Neva could answer that from her

experience. Culverts are usually required for this.

MS. CHEEK: My understanding was at the time that we built our house all the qualifications for flood control had to be met at that time, so I'm assuming that if it splits, the same qualifications are still met. This is the advice that Victoria gave us that when we built, we had to go through all the flood control process, the road, all the stuff for building. So I guess it would still apply to the same vacant lot that it's connected to.

COMMISSIONER VIGIL: Okay.

MS. CHEEK: At the point of development, if my brother would choose later on to develop, which again is way down the road, at that time he would need to I guess apply for the code and road and things at that time but at this time there's no plans to develop it anymore than has already been approved.

COMMISSIONER VIGIL: So do you have a separate access for having to cross over Arroyo Frijoles? Or is that the only way you can access it?

MS. CHEEK: There's only one way in the subdivision that I know of.

COMMISSIONER VIGIL: Okay. And in the subdivision there's only access to 19 property owners. Is that what you're saying? Victoria, I'm sorry. Roberta, that's not a fair question for you. Is there only one access across Arroyo Frijoles to 19 property owners and there's no culvert?

MS. REYES: Mr. Chairman, it is a paved dip section. That is the only access in and out. It's the same issue with Pinon Hills. It's the only access.

COMMISSIONER VIGIL: Okay. Thank you. I got a visual of that. I appreciate that. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I have a question on the size of the lots.

COMMISSIONER VIGIL: Go ahead.

COMMISSIONER SULLIVAN: We've run into this before in Puesta del Sol. If you look at Exhibit D, Exhibit D says that Tract 14 is 4.55 acres, if I can read that correctly. Someone sort of scratched over it, and someone has written five in there. So apparently this is a portion of the survey and recorded subdivision that indicates it's 4.55 acres. I'm wondering where the staff information comes from that says that it's five acres.

MS. REYES: Commissioner Sullivan, the applicant has submitted a lot line adjustment. It's an administrative approval. However, it's contingent on tonight's approval. The reason for the lot line adjustment is she's trying to work with the homeowners association to maintain 2.5-acre parcels.

COMMISSIONER SULLIVAN: I understand, but if you divide a 4.55-acre parcel in half then you're going to -

MS. REYES: Commissioner Sullivan, the lot line adjustment will take care of that. Again, it's in review but we can't approve it until she gets approved for the land division. She is purchasing additional property to make it five acres.

COMMISSIONER SULLIVAN: And where is that being purchased from?

MS. REYES: The adjacent - let's see which one it is. It's an adjacent



homeowner.

COMMISSIONER SULLIVAN: Is that Lot 13? To the north and east are roads, so it either has to be 13 to the south or Lot 1 to the west.

MS. REYES: It's 13.

COMMISSIONER SULLIVAN: It's 13, to the south, which is 4.7 acres it says here. Okay. So is that a condition that we're dealing with here? Let me look.

MS. REYES: Commissioner Sullivan, that's not a condition. We can also add that on. The applicant is trying to work with the homeowner so as soon as this gets approved the lot line adjustment will get approved at the same time.

COMMISSIONER SULLIVAN: Okay, but were we to approve this as is, there would be a problem because there's not five acres there.

MS. REYES: Commissioner Sullivan, we do have the application for the lot line adjustment so when this gets approved they're going to work – the lot line adjustment and the plat at the same time. She was unaware that the homeowners wouldn't allow 2.5-acre minimum tract so she did submit for a lot line adjustment after she submitted for the family transfer.

COMMISSIONER SULLIVAN: Okay, so in any event there is no problem with that as a condition by the applicant?

MS. CHEEK: No, we've already met that condition.

COMMISSIONER SULLIVAN: Oh, you already purchased the land?

MS. CHEEK: What happened was we had submitted all our paperwork for the split and then our homeowners association called us after we posted it and said you can't split 4.55 because you don't have 2.5 acres. So we put it on hold, purchase a half an acre from the neighbor upon approval of everybody and once the approval is granted, then we have an agreement with the neighbor to purchase their half acre. So which comes first, I don't know. I'm not going to purchase a half an acre unless it's approved because I don't need their half acre –

COMMISSIONER SULLIVAN: Okay, well, we can – if the Commission wants to approve this we can deal with that in the conditions. I'm just asking that if that were a condition, if you were agreeable to that condition.

MS. CHEEK: Yes, and we've already submitted the survey to the County indicating the addition to the lot.

COMMISSIONER VIGIL: Any further questions? Seeing none – did you want to add anything Victoria?

MS. REYES: No, Mr. Chairman.

COMMISSIONER VIGIL: Seeing none, is there a motion on this item? Public hearing? Okay. Don't all come up at once. They're all gone. Seeing no one, is there a motion on this?

COMMISSIONER SULLIVAN: Mr. Chairman, I'm going to make a motion to recommend approval of this. I do, however, want to say that we've got to do something with the problem in Puesta del Sol with the single access road. We've had

developers coming in from around the sides and say they're going to help out and then their plats come in and they don't help out. There's no alternate access. I've driven through that area. There is a dip section, a steep dip section, and with any flow of water you can't get across. And certainly emergency vehicles can't get across.

So for some it's just an inconvenience. Were someone to be having a heart attack or other life-threatening situation, it could be fatal. I don't think it's Ms. Montoya's fault that that exists, and I think it's reasonable that the association has taken a position of a reasonable size family transfer. So we have to do something about it and I can't say what. But I would move for approval of this lot split, of this family transfer, excuse me, with staff conditions and with two additional conditions, one being a condition that there be no further lot division at that that be noted on the plat, on both plats, and secondly that this approval be contingent upon the applicant acquiring sufficient adjacent lands to bring the total parcel in question to 5.0 acres or greater.

COMMISSIONER VIGIL: Okay. Is there a second?

COMMISSIONER ANAYA: Second.

COMMISSIONER VIGIL: Motion and seconded. Is the motion clearly understood? Is there any further discussion on this?

**The motion to approve EZ Case #DI 06-4190 with the staff imposed and the additional conditions as noted above passed by unanimous 3-0 voice vote.**

COMMISSIONER VIGIL: Your request has been granted by a 3-0 vote. Congratulations.

- XII. A. 12. CCDRC Case # S 01-5572 Thornburg Master Plan Amendment – Turquoise Trail L.L.C. Tracy Murphy Applicant, Karl Sommer, Agent, Request a Master Plan Amendment to the Previously Approved Thornburg Master Plan, Which is a Mixed-Use Development (Residential, Commercial, Community) consisting of 512 Residential Units and 711,150 square feet of Commercial Space on 470 Acres, in Order to Replace the Requirement for a Vehicular Bridge Across the Arroyo Hondo with a Pedestrian Bridge. The Property is Located within the Community College District, East of State Road 14, and North of Vista del Monte, within Sections 24 and 25, Township 16 North, Range 8 East (5-Mile EZ, District 5) [Exhibit 4: Picture of area]**

VICENTE ARCHULETA (Review Specialist): Thank you, Mr. Chairman. On May 9, 2006, the Board of County Commissioners met and acted on this case. The decision of the BCC was to approve with the following two conditions.

1. A bus stop shall be constructed in the North Phase of the development for future bus service.
2. Staff evaluate the need for the second bridge and return to the BCC once the evaluation is done for further recommendations

On May 26, 2006, staff conducted a site visit with the applicant's agent. The span of the arroyo at the point where the trail is shown is approximately 300 feet in length and approximately three feet deep. It is staff's determination that a pedestrian bridge is not needed due to the arroyo being too wide and shallow for the trail crossing as proposed. However, staff does recommend an all-weather surface such as basecourse or crusher finds be constructed through the arroyo to allow to the proposed trail across the arroyo for pedestrian use. Thank you, Mr. Chairman.

COMMISSIONER VIGIL: Thank you, Mr. Archuleta. Are there any questions of staff? Hearing none, Mr. Sommer, would you care to address the Commission?

KARL SOMMER: My name is Karl Sommer and we have no objection to the condition staff that suggests. Vicente and Wayne and staff have spent a lot of time working on this case and we really appreciate it. I think they went out and verified what the Commission had asked them to go verify about this location.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Sommer. Are there any questions for Mr. Sommer? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Sommer you have totally disappointed me.

COMMISSIONER VIGIL: You were really brief, and you didn't preface your statement with "I'm going to be brief."

COMMISSIONER SULLIVAN: This is the first time in five and a half years you haven't prefaced your introduction, your testimony, with saying "I'll be very brief." And then you were brief. And every time in five and a half years you've gone on for half an hour. Thank you, Mr. Sommer. Your testimony was superb.

MR. SOMMER: I'd like to thank you all for postponing the case. I have a case in front of the Supreme County and you all moved it off the agenda and I appreciate that. Thank you.

COMMISSIONER SULLIVAN: I did have one other question of you. There have been problems which have been reported Code Enforcement on this Thornburg property of not complying with dust control ordinances. An excuse of a reason was we only have one truck and we have to wait until it gets filled. Are you aware of this problem and if so, could you comment on it?

MR. SOMMER: It came to my attention this week that one of the neighbors was experiencing a great deal of dust in her house and we had our contractor meet with her and give her the assurances that they are going to control the dust in a better fashion and I don't know the specifics of how they're going to do it but her concerns are being addressed

as we speak. I think they are getting the necessary moisture on the site to control the dust.

COMMISSIONER SULLIVAN: Could I suggest leasing another truck.

MR. SOMMER: Oh, yes.

COMMISSIONER SULLIVAN: And filling the one, which would probably be less expensive than stopping the scrapers while you're waiting for the truck to get there.

MR. SOMMER: I'll pass that on.

COMMISSIONER SULLIVAN: As a recommendation, so we don't have to send compliance officers out again when we get another call.

MR. SOMMER: I will.

COMMISSIONER SULLIVAN: Thanks. That's all the questions I had of the applicant.

COMMISSIONER VIGIL: Any questions, Commissioner Anaya. Seeing none, this is a public hearing. Does anyone care to address the Commission on this? Seeing none, is there a motion?

COMMISSIONER SULLIVAN: I have a question of staff.

COMMISSIONER VIGIL: Question.

COMMISSIONER SULLIVAN: I understand the issue of a 300-foot bridge maybe being too expensive for the developer to do, although it's certainly less expensive than the car bridge or the vehicle bridge that was originally approved. If it's only paved with crusher finds or basecourse, won't that disappear in the first flow we have in that arroyo?

MR. ARCHULETA: Mr. Chairman, Commissioner Sullivan, we brought that up to the agent's attention and they said they would be willing to replace it if that was the case.

COMMISSIONER SULLIVAN: And we appreciate that offer but that would only, the agent would only be involved in so long as it takes them to sell all of the lots. And does this then become the responsibility of the homeowners association to maintain that crossing?

MR. ARCHULETA: Mr. Chairman, Commissioner Sullivan, I believe that would be the case.

COMMISSIONER SULLIVAN: Mr. Sommer, could you verify that, that it would be either yourselves, meaning the applicant or the homeowners association that would continue the maintenance of that crossing.

MR. SOMMER: I believe that's the case.

COMMISSIONER SULLIVAN: Okay. Thank you.

COMMISSIONER VIGIL: Okay. Is there a motion?

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER VIGIL: Move for approval. Is there a second?

COMMISSIONER SULLIVAN: Mr. Chairman, I'll second but I think - with the current conditions, yes. But I think the motion, Commissioner Anaya, correct me if I'm wrong, is for approval with the condition that a bus stop be constructed at the north

phase of the development for future bus service and that an all-weather surface, such as basecourse or crusher finds be constructed through the arroyo to allow access to the proposed trail across the arroyo for pedestrian use, and maintained by the applicant or the subsequent homeowners association.

COMMISSIONER ANAYA: That's my motion.

COMMISSIONER SULLIVAN: That was his motion. I knew that.


COMMISSIONER VIGIL: Is there any further discussion?

**The motion to approve CCDRC Case #S 01-5572 with conditions passed by unanimous 3-0 voice vote.**

**XIII. ADJOURNMENT**

Vice Chair Vigil declared this meeting adjourned at approximately 8:45 p.m.

Approved by:

  
Board of County Commissioners  
Virginia Vigil, Vice Chairman

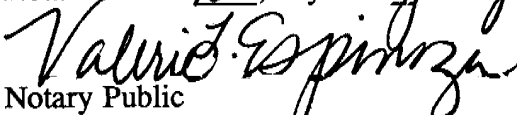
Respectfully submitted:

Karen Farrell, Wordswork  
227 E. Palace Avenue  
Santa Fe, NM 87501

ATTEST TO:

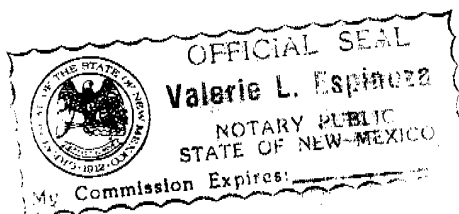
VALERIE ESPINOZA  
SANTA FE COUNTY CLERK

Notarized this 13<sup>th</sup>, day of July, 2006.

  
Notary Public

My Commission Expires:  
Seal

5/2/09



# **Village of Agua Fria Community Plan**



*Prepared by: Agua Fria Planning Committee  
and Santa Fe County Planning Division*

## **Public Review Draft**

*Approved by the Agua Fria Planning Committee on April 17<sup>th</sup>, 2006 and  
recommended for approval to the Board of County Commissioners by the  
Agua Fria Development Review Committee on May 4<sup>th</sup>, 2006*

*Village of Agua Fria Community Plan*

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*Village of Agua Fria Community Plan*

**Acknowledgements: Committee Members and Participants**

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**Santa Fe County**

**Santa Fe County Board of County**

**Commissioners (BCC)**

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Virginia Vigil, District 2  
Michael D. Anaya, District 3  
Paul Campos, District 4  
Jack Sullivan, District 5

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Shawn Thornton, Mapping Division

**Photographs**

Planning Division Staff  
Committee Members  
Palace of the Governors/Museum of New Mexico  
(Special thanks to Hazel Romero)



## **Summary of Plan Recommendations**

Below is a summary of the major plan recommendations:

### **Section 2: Water**

- Amend County 40 Year Water Plan to include Agua Fria THC in Santa Fe County Water Utility Service Area.
- Request Santa Fe County allocation of water to Agua Fria Community Water Association to provide sufficient supplemental water to ensure the community has a long-term sustainable water supply.
- Support the Agua Fria Community Water Association towards establishing historical senior priority irrigation and surface water rights for Agua Fria.
- Promote water conservation using established water conservation techniques.

### **Section 3: Wastewater and Water Quality**

- Pursue funding for development of a comprehensive sanitary sewer plan for future sewer line construction and prioritize sewer line funding requests based on the following criteria: infrastructure needs/water availability; density of area; and accessible easements.
- Coordinate City and County efforts to resolve sewer access issues.
- Develop an economic assistance program for residents who need financial assistance to hook-up to the sewer line.
- Property with access to a sanitary sewer line will connect to that line when infrastructure is within 200 feet of the property line.
- Protect groundwater by preventing development that poses contamination risks.

*Village of Agua Fria Community Plan*

- Ensure compliance with all applicable New Mexico Environment Department regulations prior to approval of any land division or development permit.

**Section 4: Roads and Traffic**

- Reduce heavy truck traffic by establishing a ban on heavy truck traffic on Agua Fria Road; Lopez Lane and County Road 68A, San Ysidro Crossing.
- Establish quarterly meetings with public officials and city and county staff to review road and traffic issues-i.e. maintenance, law enforcement, traffic studies, etc.
- Support completion of South Meadows to County Road 62 and NM 599.
- Support San Ysidro Crossing Improvements.
- Preservation of La Junta del Alamo as part of the El Camino Real Historic Trail, prescriptive R-O-W and historical road alignment.
- Support proposed roundabout at Agua Fria and Henry Lynch Intersection.
- Reduction of Road Easement width requirements for family transfers

**Section 5: Land Use and Growth Management**

**Traditional Historic Community**

- Recommend amending Traditional Historic Community Boundary to include requests from property owners adjacent to THC at the time of the adoption of the plan and recommend that property owners north of the THC boundary to NM 599 should be allowed to request to the Board of County Commissioners for inclusion into the THC at any time in the future.

**Open Space**

- o Protect and preserve the Santa Fe River as the primary open space corridor for the THC.
- o Encourage Santa Fe County to purchase land in Agua Fria to provide for connectivity and open space for community use.
- o Ensure County maintenance and improvements of open space and community facilities in coordination with community.

**Code Enforcement**

- o Need for enforcement of County Code violations.
- o Bring businesses without a business license into compliance of County Code.

**Traditional Community Zoning District**

- o Amend Agua Fria Traditional Community Zoning District (AFTCZD) boundary and extend to coincide with southern THC Boundary along Rufina and/or City limits.

**Neighborhood or Village Commercial/Mixed-Use Zoning Districts**

- o Neighborhood uses as identified in the land use table are allowed to be located throughout the AFTCZD in accordance with the conditional or special use procedures identified in the land use plan.
- o Neighborhood uses are required to meet development standards as identified in the land use plan including the following:
  - a. Businesses should not exceed 5,000 square feet with the exception of a small grocery store at 10,000 SF
  - b. Maximum lot coverage for nonresidential development is 40%
  - c. Maximum height for nonresidential development is 24 feet.

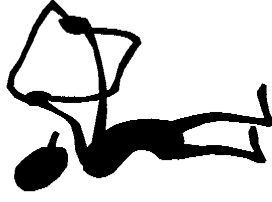
**Home Businesses**

- o Home businesses as defined in the land use plan not to exceed 2,500 square feet are recommended to be allowed throughout the THC.

**Community Plan Process**

**Approval and Implementation of the Plan**

Proposed steps for Adoption of the Village of Agua Fria Community Plan:



- Final Draft Available for Public Review
- Agua Fria Development Review Committee (AFDRC)
  - Review and Recommendation
- Board of County Commissioners
  - 1<sup>st</sup> Public hearing
- Board of County Commissioners
  - 2<sup>nd</sup> Public hearing
- Final Production and Recording in County Clerk's Office (Copies available to the public)  
After adoption by the Board of County Commissioners, the Village of Agua Fria Community Plan will serve as an amendment to the County's Growth Management Plan. Plan recommendations can be implemented through ordinances and/or through programs and projects. Specific zoning recommendations and design standards and guidelines will be implemented through ordinances, which become amendments to the County Land Development Code. Any projects and proposals identified through the planning process may be considered as possible projects in the Infrastructure Capital Improvement Program (ICIP) and the County's Capital Improvement Program (CIP). The Plan should be updated as conditions change in the Village.

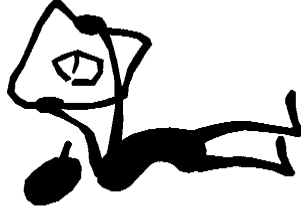


**Agua Fria Community Planning Process**

Village of Agua Fria community members identified a need to examine issues and resolve problems within the community. Several organizational and community-wide meetings were held in 2002 and 2003 and a planning task force was established to initiate the planning process. A community planning process was authorized for the Village of Agua Fria by the BCC on June 10, 2003 in accordance with Santa Fe County Community Planning process via Resolution 2003-82.

Key issues identified at the initial public meetings:

- Traditional Historic Community Boundary Issues
- Water and Wastewater
- Land Use and Zoning
- Protection of Historical Nature of Village
- Protection of Community Lifestyle
- Protection of Santa Fe River
- Provision of Public Services and Safety
- Potential Annexation of areas surrounding the THC
- Community Amenities



The Planning Committee established the committee structure and identified a Chairperson and Vice Chair to lead the meetings. The Committee has operated in a consensus manner, defined by the committee as everyone working to reach agreement. The Committee has met monthly for approximately three years in completing this draft plan. The Committee created several subcommittees to work on specific issues and sections of the plan throughout the planning process. The planning meetings have been open to the public and notification of the community meetings have been advertised in the local newspaper and meeting agendas have been sent to community members who have participated in the process.

*Village of Agua Fria Community Plan*

**The Community Plan Purpose:**

As unincorporated communities throughout Santa Fe County have experienced rapid growth over the past two decades, the Board of County Commissioners and community members have begun planning to address the issues that result from the changes. In 1996, the Board of County Commissioners requested that the Land Use Department and Planning Division begin working to help Traditional Communities and Contemporary Communities develop local land use plans. Santa Fe County Ordinance 2002-3 (which revised Ordinance 1998-5) is known as the Community Planning Ordinance and describes the process for conducting community plans and provides for County staff to assist communities in developing plans. In order to deal with the inevitable changes and plan for the future, the residents of the Agua Fria Planning Area have spent countless hours of volunteer time in meetings, discussions, disagreements and friendly conversations regarding how to direct future development. This Plan is anticipated to be a blueprint or guide for the future of the Agua Fria Planning Area.

Community planning is a process where residents, business owners, and property owners have examined their area and decided what and how change can best be directed to support and protect community resources. Planning is both solving problems as well as expressing a clear vision for the future. The Plan will be the result of the community identifying a common set of concerns, goals that address these concerns, and then create clear policies to achieve the goals for future development in the community. For example, planning for Agua Fria must be consistent with the community's history and the ways that past planning efforts have shaped the area. The planning process must include the opinions and ideas of residents, business owners and property owners in order to be representative of the community. The process involves looking at issues that all community members may not agree on but have a shared interest in addressing. Planning requires an open and inclusive dialogue so that all voices are heard and included.

**Benefits of Planning**

Community planning is a means for unincorporated communities to have a voice about future development and growth. The Plan is a guide that includes input from local residents, business owners, property owners and County staff. Once the Board of County Commissioners adopts a plan, the Agua Fria Development Review Committee and Board of County Commissioners will consider development proposals in the planning area in relation to the community's specific vision, goals, and actions laid out in the plan. Programs and projects proposed in an adopted plan will be considered for funding through County programs such as the Infrastructure Capital Improvements Program (ICIP). The community planning process is not static and plans can be amended as new conditions arise, allowing for the community plan to evolve over time as the community changes.

*Village of Agua Fria Community Plan*

**Action Policies and Implementation:**

The Village of Agua Fria Community Plan is intended essentially as a partnership between the community and the County to help tailor land use and services to best fit with existing conditions in the Planning Area. The Plan establishes policies that can be enacted through ordinances or implemented through programs and projects. The Plan will serve as an amendment to both the County's Growth Management Plan as well as to the County Land Development Code.

**Program Actions:**

The Agua Fria Planning Committee seeks support from the BCC for Program Actions identified in the Community Plan. Program Actions outline proposed future programming or projects that the Community Plan identifies as important work to be addressed in the community. These actions are not proposed ordinances and do not outline any legal changes for land use or future development in the community. Program actions describe various actions that are important for future planning and development in the area. The community is responsible for working with the County and various agencies identified to initiate the program actions.

**Ordinance Actions:**

Ordinance actions are policies identified through the planning process which may change the County Land Development Code or other County Ordinances. The ordinance actions may be adopted by the Board of County Commissioners as a set of legally binding regulations specifically for the Village of Agua Fria THC. The County is responsible for enforcement of all ordinances.

**Implementation and Responsibilities**

The Planning Division of Santa Fe County's Land Use Department is the lead agency responsible for both assisting the residents of the Planning Area in the creation of this plan as well as for helping the community coordinate implementation of the various actions outlined in the Plan. Upon final adoption of a set of ordinances for the Agua Fria THC, the County is responsible for enforcement of the ordinances contained in the Plan. The Community Plan is intended as an active document that can and should be reviewed and updated as conditions change throughout the Planning Area.

*Village of Agua Fria Community Plan*

**Vision**

*Our Vision for Agua Fria is a community where our history has been embraced, where we value our cultural and historical origins while creating a sustainable and thriving future for our citizens.*

*A community where our children have an opportunity to live and prosper. A community that welcomes and encourages children to become full participants of village life in a safe environment and where generations are still on their ancestors land; where young people think of staying.*

*We resolve to protect the Santa Fe River and our open spaces as well as the unique character of our Village by honoring our cultures and the area's historical, agricultural, livestock and residential traditions.*

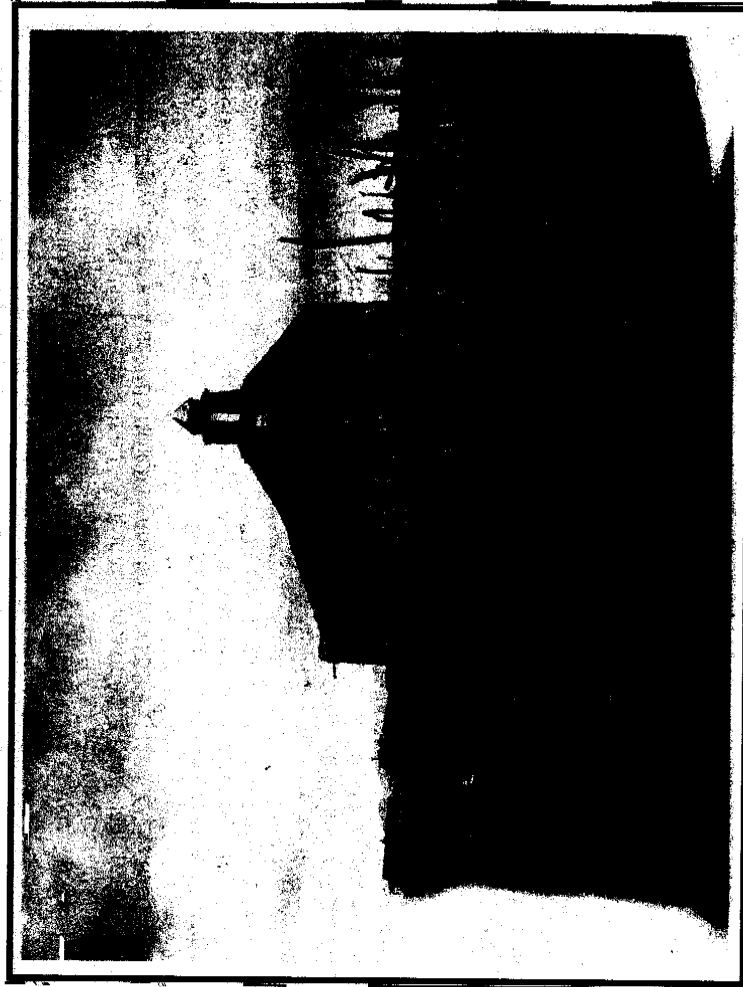
*We, as a community, further resolve to work together to preserve, maintain and accomplish our vision of a sustainable, well-planned community where people of all income levels are welcome and where people are able to live and work in harmony with their neighbors.*

*The citizens of Agua Fria Village adopt this vision statement to serve as the guiding principle for the creation of this plan.*



*Part of the San Ysidro River Park Mural by Leopoldo Romero*

**Section 1: Village of Agua Fria History**



**San Isidro Church ca. 1904-1907**

Photo Courtesy of Palace of the Governor's MNM/DCA Negative # 15173

The Village of Agua Fria population in 1776 was 29 families and 257 people, according to a study conducted by Fray Francisco Dominquez. The study referred to the Village of Agua Fria as Quemado and also identified active springs in the area.

*Village of Agua Fria Community Plan*

**A Brief History of the Planning Area:**

**Pueblo Era**

Agua Fria was originally named Ca-Tee-Ka meaning "cold water" by Tewa and Tano Indians along the Rio Grande. There are at least two major Late Puebloan archaeological sites in the area, one identified as the Agua Fria Schoolhouse Site (LA 2) and one identified as Pindi Pueblo (LA 1). The name Pindi, meaning turkey in Tewa, was apparently used because the Indians in the area of Agua Fria Village raised animals and farmed in abundance. Additionally, the Agua Fria area became known as Quemado (which means burnt in Spanish) because the Pueblo suffered a big fire.

Pindi Pueblo was located on the north bank of the Santa Fe River in the Village of Agua Fria and much of this area is still unexcavated. The Pindi Pueblo is both a prehistoric and historic settlement. Pindi remains the oldest and largest coalition, which dates back to from A.D. 1150 to the mid 1500's. The pueblo was abandoned because of the drought, although the indigenous population returned in the seventeenth century and later abandoned the area after the arrival of the Spaniards.

Excavations of sites in this area were done by the Works Progress Administration, documented by Stanley Stubbs and W.S. Stallings in 1937, and through the American School of Research from 1923 to 1933. Additionally, a study done in 1988 by Chuy Cherie Scheick on the south side of the river shows that the Pindi appeared to have moved to that site now known as the Agua Fria School House. This study was done for the Agua Fria Community Water Association where the well house and water tank now exist.

According to a recent study describing the importance of the archaeological sites for the Agua Fria area:

*These two sites can be envisioned as the large central knot in a cultural "rope", earlier strands of which stretch back at least to Archaic times and perhaps before...Even earlier archaeological sites may well exist beneath the buildings into the very houses that Agua Frians still inhabit. The later time periods can be experienced not just as physical remains but also as historic documents and family memories... whose families have been present at least since the 1690s. It is a cliché in the Santa Fe region that "Agua es Vida", but there is no simpler way to express the importance of the San Ysidro Crossing area as a location for both river water and fresh, cold springs that may have fed humans and animals since the very earliest occupations of this region.<sup>1</sup>*

<sup>1</sup> Procter, Rebecca May 2006. *Santa Fe River and Community Farm Cultural Resources Assessment and Background for Planning Final Report* May 1, 2006. Prepared for Trust for Public Land, New Mexico State Office.

*Village of Agua Fria Community Plan*

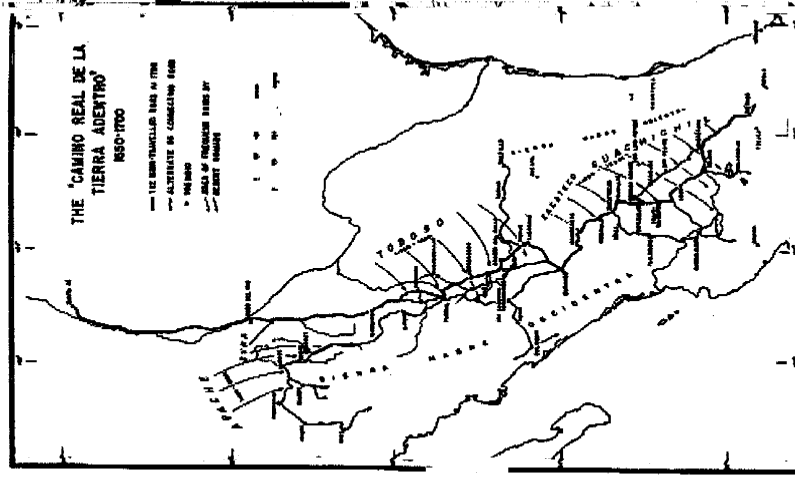
**Spanish and Mexican Era**

The Spanish Colonial phase represents the initial Hispanic occupation of the Agua Fria area and the larger Tano province. When the Spanish first arrived, the Santa Clara Indians referred to the area by a Tewa name, P'O' Kanige, also meaning cold water. These cold springs served as the impetus for area settlement, both prehistorically and historically. The Village of Agua Fria was first referred to in the mid-eighteenth century, when Fray Francisco Atanasio Dominguez designated the Agua Fria area as Quemado in 1776. Fray Dominguez conducted a study in 1776 which documented active springs in the area referred to as Quemado. There were 29 families and 257 persons living in the Agua Fria Village area at the time of the study. It was not until the 1800s however, that the small Village was referred to as Agua Fria. The Agua Fria area was later described as homesteads with adjacent farm lands (Adams and Chavez 1956).

The town lies on the Historic "El Camino Real", a historic trade route. El Camino Real began thousands of years ago as a series of Indian footpaths. El Camino Real route was used by Pueblo people for trade and communication for hundreds of years before the arrival of Europeans. The trade route helped to disperse ideas and technologies, connected widely dispersed groups of tribes, and allowed for cultural interaction with the arriving Spanish. Agua Fria served as a paraje, or stopping place, for travelers on the El Camino Real trail between Mexico City and Santa Fe.

In 1856, Lt. J.W. Albert referred to the town as a source of supplies for the occupation army (Albert 1966). The church of San Isidro was built in 1835 and derives its name from the patron saint of farmers. The church served as a protector from nomadic Indian raids. In summary, this area was occupied from the beginning of the coalition period until the present, although a short hiatus in occupation may have occurred between the abandonment of La Cieneguilla in the 1500s until the arrival of the Spanish in 1610.

The Mexican period was from 1821-1848. The Treaty of Guadalupe Hidalgo established that land grants made during periods of earlier occupation would be recognized. However, the issue of land grants was poorly administered and the land grant principles were not understood by the federal government adjudicating the land.

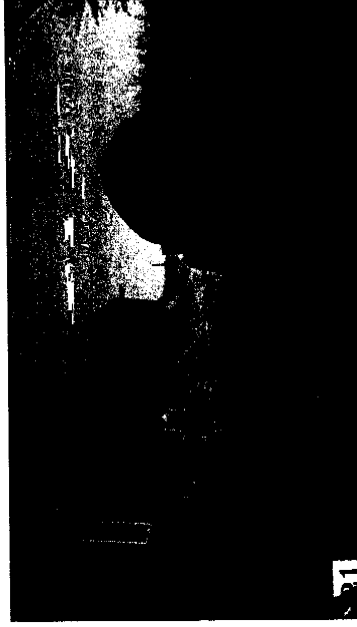


## *Village of Agua Fria Community Plan*

A report by Jane Whitmore which documented the historical background of the Village of Agua Fria was submitted to the State Historic Preservation Division in 1983<sup>2</sup>. Jane Whitmore's report, described issues regarding the land status for Agua Fria as follows:

*During the Mexican period, the requirements for land grants were confused by the many changes that occurred in the legislation regulating the colonization of New Mexico. Finally, in an effort to deal with the problems involved, the United States Government established the Office of the Surveyor General to assess requests for land grants and to make recommendations to the Secretary of the Interior regarding earlier grants. Congress later created the Court of Private Land Claims in 1891 that required all documentation to be "perfected" before a grant could be formally be verified. As a result many claims were rejected, including the claims for the Pino and Cieneguilla grants in the Agua Fria area.*

*A Government survey was conducted by William Corbet in 1909 that identified occupied land in Agua Fria and served as documentation from which U.S. patents were issued. In Agua Fria by this time the land had already been divided and subdivided into long narrow lots fronting on the river or acequias. These small holding claims were assigned Lot and Tract numbers and patents were provided to those persons who applied for them and followed the proper procedures. Given the difficulty with which land was settled and maintained, it is not surprising that the attachment to it is so strong and that **land has become the most valued possession of the old families in Agua Fria, "a sense of cultural continuity and historical depth."**<sup>3</sup>*



Agua Fria House and Horno  
Photo Courtesy of Palace of the Governor's MNM/DCA Negative # 56647

<sup>2</sup> The Village of Agua Fria, Ours Today, Ours Tomorrow by Jane Whitmore Submitted to the Historic Preservation Division by Landmarks Preservation Consultants, May 12, 1983.



*Village of Agua Fria Community Plan*

**Statehood to Current (1912-2005)**

Agua Fria was largely an agricultural area at the time of statehood. The State Engineer's 1914 Acequia maps show that 254 acres of land in the area was under cultivation. Typical crops included a variety of edible vegetables, wheat, alfalfa, etc. Of the 170 fields within the survey area, 93 percent were less than five acres each. In 1914, the residents of the area participated in the construction of a schoolhouse for Agua Fria. The Agua Fria elementary school was completed by the Works Progress Administration with the cooperation of the County School Board in 1936.

Jane Whitmore's report illustrates several factors that comprise the Traditional Village of Agua Fria's strong attachment to the land and its connection to water which extends back in time through many generations. The attachment to the land has been fostered by the difficulty with which people in Agua Fria were able to settle, maintain and finally receive patent to their land. Other factors include the sense of cultural continuity and historical depth. According to Whitman, the historical importance of water in Agua Fria is seen most clearly in relation to:

1. The existence of the Village;
2. The distribution of houses in relation to irrigation fields;
2. The subdivision of family owned lands;
3. The historical importance of the Acequia system;
4. The Village's response to political issues related to water.

The 1980 County General Plan identified Agua Fria as a traditional community located along the Santa Fe River. The County General plan stated that "Most farms and villages in Santa Fe County are located in the river valleys where, historically, surface water has been available for the irrigation of fields and orchards. This early settlement pattern...has prevailed to the present." Traditional Communities were established to identify areas which had higher densities and to convey that resources, especially water, were limited. The Traditional Community designation also allows for communities to prepare a community plan.

Agua Fria is located approximately 5 miles from downtown Santa Fe and within an area that was designated as the Southwest Sector by both the City and County. The Southwest Sector Plan was adopted by the Joint City/County Planning Commission in 1979. The plan was adopted as an amendment to the 1974 Santa Fe Urban Area General Plan. The population of Agua Fria identified in the report was 680 people and included approximately 250 homes. The Plan recognized the area around the Village as a major agricultural sector and recommended that the major acequias as mapped by the State Engineer's Hydrographic Survey should be preserved as pedestrian trails and, where feasible, as channels to carry storm water drainage. In the Plan, there was an indication that the Village of Agua Fria had no alternative other than to be included within the extraterritorial zoning jurisdiction. The plan also identified the Southwest Sector as the area of Santa Fe that was likely to accommodate future growth.

In 1982, the Santa Fe City Council approved annexation of approximately 1,000 acres of the Southwest Sector in 1982. The annexation area was from Agua Fria Road to Airport Road and Cerrillos Road to the south, excluding the Agua Fria Traditional Community as identified in the County 1980 General Plan. The annexation area included a significant portion of the current Village of Agua Fria Traditional Historic Community. The city subsequently received approval from the Municipal Boundary Commission in 1983 to annex the area after a public hearing. Many property owners in the area opposed annexation and contested the annexation through a lawsuit filed in 1983. As a result of this annexation, density in the area

## *Village of Agua Fria Community Plan*

was significantly increased. The City Council reversed their decision to annex this area in March of 1987, citing the costs of providing services to the area.<sup>4</sup>

### **Village of Agua Fria Traditional Historic Community**

Village of Agua Fria residents responded to potential annexation by the City of Santa Fe through a state law which enabled the community to be designated as a Traditional Historic Community. The Traditional Historic Community (THC) designation was created by state law in 1995 and enables communities that meet certain criteria to request to be declared a THC by the Board of County Commissioners. The THC designation accomplishes two main purposes:

1. It provides that a municipality may annex territory within a traditional historic community only by a petition of a majority of the registered qualified voters of the THC
2. It removes the THC from the extraterritorial zoning authority and places the zoning jurisdiction to the County.

To qualify as a traditional historic community, the Village of Agua Fria was recognized by the Santa Fe County Board of County Commissioners (BCC) as:

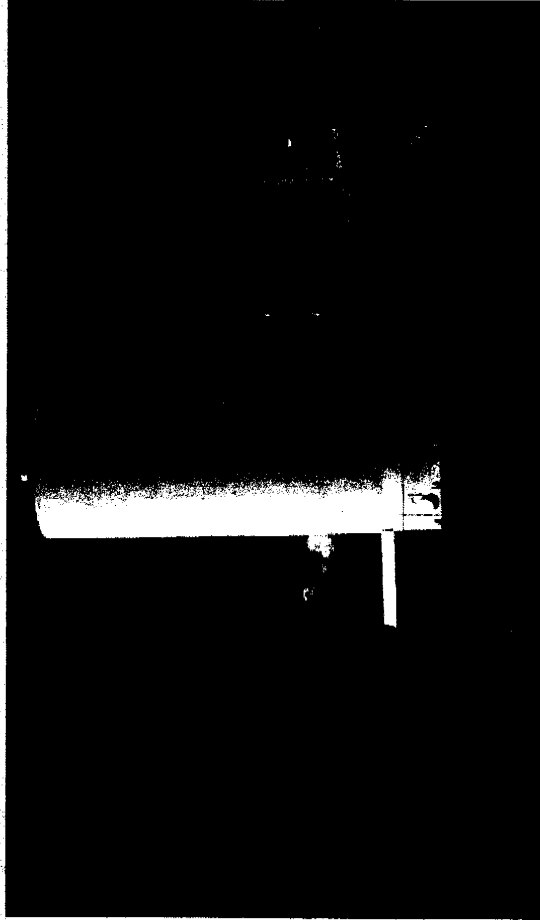
- o A village or community documented as having existed for more than 100 years;
- o A village or community having structures or landmarks associated with the identity of the community
- o A community having a distinctive character or traditional quality distinguished from surrounding areas or new developments

The BCC established the Village of Agua Fria Traditional Historic Community (THC) in 1995 via Ordinance 1995-8. The initial boundary encompassed 4,640 acres and included much of the southwest area outside the city limits. The THC boundary was significantly reduced in 1996 by the BCC via Ordinance 1996-16 to approximately 540 acres after a lawsuit challenged the boundary and a contentious public hearing was held in which the community was deeply divided. Many property owners were left with portions of their property within the Village and part of their property outside the boundary. Village of Agua Fria THC Ordinance 1996-16 allowed property owners outside of but adjacent to the THC boundary to request to the BCC that their property be included into the THC.

The reduction in the size of the THC boundary was a divisive issue within the community. Through the planning process, the THC Boundary issues were examined by the Planning Committee and recommendations were made to amend the THC boundary to include land north of the Santa Fe River that was historically considered part of the Village. Recommendations led to the amendment of the boundary to include the addition of public land adjacent to the THC, including the Agua Fria Park and San Ysidro River Park, El Cementario de Agua Fria and property that had been previously approved for inclusion into the THC. The Planning Committee also recommended a written description for the THC boundary be developed and that the boundary be adjusted to avoid overlapping jurisdictions with the City of Santa Fe. The Agua Fria Development Review Committee Board made a recommendation to the Board of County Commissioners and the BCC approved the amended Village of Agua Fria Traditional Historic Community Boundary via Ordinance 2004-1 on April 13, 2004 (see Appendix Map 1).

<sup>4</sup> Santa Fe New Mexican article "Finances Victimize Annexation by City" March 29, 1987  
20

**Section 2 - Water**



Agua Fria Community Water Association Water Tower and Well House

The Agua Fria Community Water Association was incorporated in 1956. The site of the water tower and well house is also the site on which the Pindi once lived. The Agua Fria School House was also located at this site.

*Village of Agua Fria Community Plan*

**Agua Fria Water Background**

Historically, the source of water for this community was a series of *ojitos*, natural springs, located both east and west of San Ysidro crossing and south of the Santa Fe River. The earliest known users of this source were the Pueblo Indians, who occupied this area in the 1300s. Later when the area was occupied by the Spanish, these *ojitos* continued to supply water to the residents of the area in addition to hand dug wells. Historical use of the springs has been documented back since 1693. Together with the acequias and the Santa Fe River, which traversed the lands, the residents of this area grew crops and raised their families for centuries.

During the late 1800s and early 1900s, these sources of water were depleted and the Santa Fe River was damned upstream. The shallow wells and *ojitos* dried up primarily due to the lack of continuous flow of water along the Santa Fe River and due to mining of the river for primarily sand and gravel. In 1930, the Agua Fria Community Water Association obtained a permit from the State Engineer to drill a well for the Village and begin supplying water to the community through a very narrow pipeline running west from the new well. The well serviced the residents west of the San Isidro Church to where "El Tanque" (the water tank) was located at the northwest corner of Lopez Lane and Agua Fria. This source was used for domestic purposes and for watering livestock from surrounding areas as well as the traveling public.

The Report on the History and Status of Water Right Lands in the Vicinity of the Traditional Village of Agua Fria prepared for Santa Fe County and the Office of the New Mexico State Engineer cites the 1914 Hydrographic Survey which indicates that 244 acres within the current boundary were under irrigation by surface waters of the Santa Fe River at that time. The use of surface flows of the Santa Fe River for irrigation purposes predates the settlement of the City of Santa Fe. The increased use of surface waters for municipal purposes resulted in construction of Nichols Reservoir in 1943 which created a 706 acre-foot reservoir and the enlargement of the Granite Point Dam (constructed in 1926) in 1947 increased the capacity of the dam from 650 acre-feet to 2908 acre-feet. Subsequent hydrographic survey field inspections found that land irrigated in 1914 were non-irrigable in the 1970s due to the non-existence of ditch structures in the river and the inability of the old ditches to convey water.

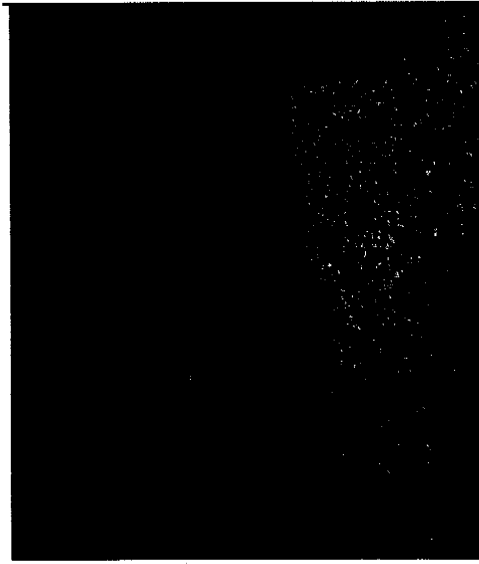
The Agua Fria Water Association applied and was granted its well permit in 1930 from the State Engineers Office. It was the first community water system to be granted a well permit in the Agua Fria area. The system as it exists at the time of this plan serves 245 family's and has as its primary source of water a well situated near the northwest corner of San Ysidro crossing and Agua Fria Road.

The AFCWA well is approximately 300 feet deep and has 42.3 Acre Feet of adjudicated water rights. The AFCWA also has rights to 22.5 Acre Feet of water rights which expire in 2027. In addition, the AFCWA has a contract with the City of Santa Fe's Sangre de Cristo Water Company for delivery of water on a supplemental basis. This contract, which will expire in the year 2030, is tied to an allocation

*Village of Agua Fria Community Plan*

of San Juan Chama water made by the Metropolitan Water Board (MWB) in 1990. The MWB is a body that was created through a City and County Joint Ordinance in 1980 to make such allocations on behalf of the City, County & PNM.

Many of the properties in Agua Fria Village are served by individual or shared wells. As a result of increasing demands on the aquifer, many of these wells have had to be deepened within the past decades due to a dropping of the water table.



Santa Fe River at point of diversion of Ditch 35, photo taken as part of the Report on the History of Water Right Lands in Agua Fria, prepared for Santa Fe County and the Office of the State Engineer, June 2005



Current condition of Ditch 35, photo taken as part of the Report on the History of Water Right Lands in Agua Fria, prepared for Santa Fe County and the Office of the State Engineer, June 2005

*Village of Agua Fria Community Plan*

**Problems:**

**Acequia Water Rights:**

- ☉ Surface/Irrigation water rights were taken from Village farmers without just compensation.
- ☉ No clear records of Agua Fria's surface water rights.
- ☉ Acequia records need to be researched and substantiated.
- ☉ Need to complete the study on History and Status of Water Rights as per House Joint Memorial Bill 55 to identify what happened to Agua Fria's Water Rights.
- ☉ State Engineer's Office needs to acknowledge Agua Fria's surface Water Rights.

**Wells:**

- ☉ There are many private wells in the Agua Fria area that are being impacted by the depletion of the water table.

**Community Water:**

- ☉ Agua Fria Community Water Association (AFCWA) does not currently service entire community.
- ☉ County is not utilizing the community water system for County facilities including the community center, fire station, and La Familia Medical Center. AFCWA could provide water to County facilities.
- ☉ Current water agreement between AFCWA and City restricts the maximum amount of water that can be provided by the City to 50% of total water usage.
- ☉ There is a need to renegotiate water agreement between AFCWA and City or create water agreement through Santa Fe County.
- ☉ There is a need for a "wheeling agreement" to provide wholesale water to AFCWA from either the City or County.
- ☉ County does not currently provide supplemental water service to Agua Fria.

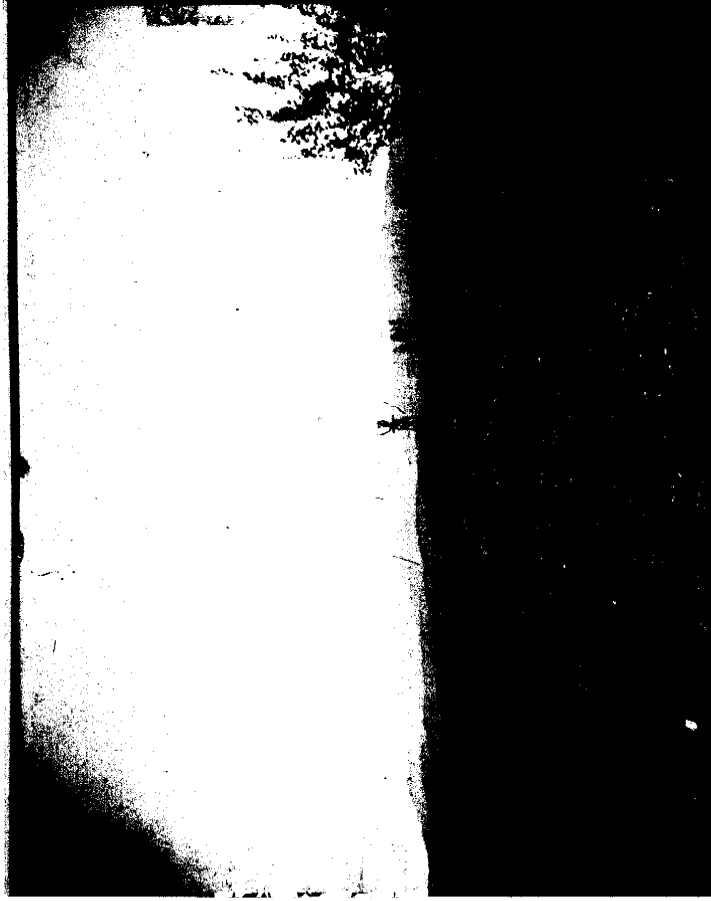
*Village of Agua Fria Community Plan*

- County 40-Year Water Plan currently does not include Village of Agua Fria as a priority for future service.
- The County has not acknowledged the 36 acre feet of San Juan Chama water that has been allocated to AFCWA by official Board of County Commissioners and Metropolitan Water Board actions.

**Goals**

- Obtain and ensure a sustainable water source for the Village of Agua Fria.
- Protect our water supply.
- Acquire additional water rights and develop infrastructure to service new growth and provide for orderly growth in the community.
- Continue working with legislative representatives and county representatives to obtain necessary funding for future water needs.
- Seek to amend County 40 Year Water Plan to include Agua Fria in its water allocation policy.
- Resolve outstanding water rights issues (acequias and adjudication).
- Recognition and promotion of water conservation (historical).

*Village of Agua Fria Community Plan*



"Agua Fria Ranch" Pear Farm photographed September 1894  
Photo Courtesy of Palace of the Governor's



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**Program Actions**

**The Agua Fria Planning Committee seeks support from the BCC for the following:**

- Amend County 40 Year Water Plan to include Agua Fria THC in Santa Fe County Water Utility Service Area for provision of wholesale water to Agua Fria Community Water Association (AFCWA).
- Request Santa Fe County Allocation of Water to Agua Fria THC to provide sufficient supplemental water to AFCWA to ensure the community has a long-term sustainable water supply.
- Work with AFCWA to establish priority water rights for Agua Fria.
- Collaborate with AFCWA on issues pertaining to supply and demand for water resources.
- Collaborate with AFCWA to establish water service delivery area for AFCWA-i.e. identify water resources and service delivery.
- Develop historical maps of community acequias and historical diversion points of Santa Fe River.
- Promote water conservation using established water conservation techniques.
- Provide water conservation informational sheets to Agua Fria Elementary School.
- Work with Santa Fe County Utility and Projects and Facilities Departments to encourage County projects to hook-up to either the County Water Utility or the AFCWA.
- Provide information to community identifying areas where the AFCWA water lines are located and estimated costs for extension of water service in accordance with AFCWA 40 year plan.
- Assist AFCWA in disseminating information pertaining to availability of community water.

### Section 3 - Wastewater and Water Quality

#### Wastewater and Water Quality

##### Goals:

- ④ Protection of Groundwater
- ④ Develop Comprehensive Sewer Plan
- ④ Provide for sufficient sewer capacity for community
- ④ Ensure ability for residents to access sewer lines



Agua Fria Chicken Pull (CA 1920)  
Photo Courtesy of Palace of the Governor's  
MNM/DCA Negative # 57659

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**Wastewater and Water Quality Background and Issues:**

In recent years both commercial and residential growth inside and outside the planning area have increased significantly. As a result, there are increased needs to develop infrastructure, including a wastewater system, to meet the current and future needs for growth in the Village of Agua Fria.

Two sanitary sewer trunk lines run through the planning area and another lies to the south of the planning area. All of these sewer lines run in an east to west direction. One of these lines lies to the north of the Santa Fe River, another runs down the center of Agua Fria Street and the third along Rufina Road. While the aforementioned sewer lines run through the planning area, the ability of residents in the village of Agua Fria to access the sanitary sewer infrastructure, owned by the City of Santa Fe, has been very limited due to resolutions passed by the city to deny use of city utilities by entities outside the city boundaries. The planning area, although surrounded by the city on three sides, was one of those entities.

In June of 2004, the City of Santa Fe adopted Resolution 2004-23, which states in part:

*Mainline extensions of and service connections to the city sewer system may be approved by the technical review team if the extension is entirely located within the boundary of the Agua Fria Traditional Historic Community and the application is accompanied by a resolution approving of the request from the Agua Fria Village Planning Committee. An applicant for service to a property located entirely within the boundary of the Agua Fria Traditional Historic Community is not required to agree to annex the property.*

The approval of this resolution, spearheaded by community members, County planners and area legislators is very important for the future growth of the Traditional Historic Community of Agua Fria as it allows for property owners to hook up to the City sewer system with a Resolution of approval by the Agua Fria Planning Committee.

Given that the Village of Agua Fria has existed for more than two centuries without access to a sanitary sewer line most of the village residents still utilize private septic systems, including some cesspools that serve more than one home. This situation is of obvious concern to the residents of the Traditional Historic Community and overall planning area. The New Mexico Environment Department has also expressed concern in the recent past concerning this situation. Obviously, the potential for groundwater contamination is of major concern given that the planning area receives its potable water supply from both the Agua Fria Community Water Association and private wells tapping into the aquifer below the village. It is very important to residents that the fresh water resources be protected into the future by decreasing potential contamination from septic systems.

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As a result of resident, County and legislative foresight there has recently been substantial progress in the quest to extend sanitary sewer service to more and more homes in the planning area.

The New Mexico State Legislature has provided funding for a sewer trunk line along Agua Fria Road from Jemez Road to the Santa Fe city limits to the east. The first two phases of the project have been completed between Jemez Road and the San Ysidro Crossing. Phase 3 from San Ysidro Crossing to the city limits was scheduled to be completed by early 2006. As a result of these efforts, several mainline extensions have been planned and/or funded. Some of those projects include Camino Polvoso, Rumbo al Sur, Paseo de Tercero/ Via Don Toribio, Ben Lane and Antonio Lane.

Over time, in conjunction with sanitary sewer mainline extensions and laterals, both constructed and planned, a majority of the present and future residents in the Agua Fria planning area will have the opportunity to hook-up to the sewer system and abandon existing septic systems, thus ensuring protection of potable water supplies well into the future. It should also be noted that the effluent that is produced in Agua Fria and sent through the sanitary sewer lines is ultimately processed at the City of Santa Fe Wastewater Treatment Plant. This effluent provides the city with greater quantities of treated effluent which in turn can be utilized for construction projects, return flow credits and increased flows to the Santa Fe River benefiting other communities downstream.



Photo of Santa Fe River in Village of Agua Fria taken in 2006

*Village of Agua Fria Community Plan*

**Problems:**

- ② Increased commercial and residential development pose a risk of groundwater contamination due to the large number of septic systems, improperly functioning septic systems and cesspools.
- ② The New Mexico Environment Department enforces wastewater disposal and septic system standards but does not always have the resources to monitor correction of violations if they occur. The County does not have the authority to consistently enforce wastewater discharge requirements following the granting of development permits. This allows for the potential of septic systems being installed in the planning area on small lots so that the intent of protecting groundwater through existing regulations may not always be met.
- ② The increasing population is served mainly by septic systems. This increases the probability of future groundwater contamination through overcrowding of lots and increasing density levels that pose a risk of contamination by placing septic tanks too close to existing water resources and wells.
- ② Given the age of the Traditional Historic Community of Agua Fria and prevailing lot parcel configuration in the area, many parallel roads exist of insufficient width to easily extend sanitary sewer service to several areas.
- ② Many residents of the THC who live along the south side of the Santa Fe River and north of Agua Fria Road may be unable to access the sanitary sewer without utilizing lift stations due to the elevation of these properties with respect to the sewer line along Agua Fria Road. Crossing the Santa Fe River to access the northern most sewer trunk line does not appear to be feasible for lots south of the river.
- ② Given that the City of Santa Fe uses all three sewer trunk lines running through the planning area, sewer trunk line capacity may prevent all residents in the planning area who wish to utilize the sanitary sewer from doing so at some time in the future.
- ② Individuals in the THC may not be aware of the potential to hook-up to the city system. Additionally, these residents may not have the financial ability to pay for the hook-up to abandon their septic systems.
- ② Unresolved issues regarding easements provided by some landowners to the City, which allowed the landowners free tie-ins to City sewer system.

*Village of Agua Fria Community Plan*

**Goals:**

- Protection of groundwater through affordable connection to sanitary sewer lines running through the planning area.
- Develop a comprehensive sanitary sewer plan.
- Ensure that there is the ability for all residents to have the capability to access the sewer infrastructure.
- Develop cooperative educational and management programs between all parties regarding wastewater disposal in the planning area.
- Ensure legal, safe recycling of wastewater.
- Ensure the highest level of protection against water resource pollution and degradation from all potential commercial, industrial, institutional and residential sources of pollution.
- Ensure that sewer capacity is sufficient for the future growth needs of the planning area.

*Village of Agua Fria Community Plan*

**Actions:**

**The Agua Fria Planning Committee seeks support from the BCC for the following:**

**Program Actions:**

- ④ The community will work with the County Land Use Department, Planning Division, County Water Resources Department, New Mexico Environment Department and other relevant county, state, federal and non-governmental agencies to:
  - ④ Pursue funding for development of a comprehensive sanitary sewer plan for future sewer line construction to include topography, accessibility, and cost analysis.
  - ④ Prioritize sewer line funding requests based on the following criteria:
    - Infrastructure Needs / Water Availability
    - Density
    - Easements
  - ④ Ensure dedicated public utility easements do not become public roads without the consent of property owners.
  - ④ Inform Village residents on wastewater issues through educational information and community outreach.
  - ④ Coordinate with City and County Utilities to assess capacity of Agua Fria sewer line capacity and ability to hook up to Santa Fe River trunk line.
  - ④ Develop economic assistance program for residents who need financial assistance to hook-up to the sewer line.
  - ④ Coordinate City and County efforts to resolve sewer access issues for property owners who have provided easement agreements to the City.

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**Ordinance Actions:**

- Property with access to a sanitary sewer line will connect to that line when infrastructure is within 200 feet of the property line.
- When property in the planning area is divided, subject to a family transfer, variance, or rezoning the landowner must furnish complete and accurate documentation to the County which demonstrates that all facilities on-site are in compliance with all New Mexico Environment Department regulations and that all necessary permits have been obtained for any and all septic and waste disposal facilities on the property.
- New development that poses a risk of spills and potential to contaminate surface and groundwater systems shall not be permitted within the planning area.



Agua Fria House CA 1897  
Photo Courtesy of Palace of the Governor's MNM/DCA Negative # 31897

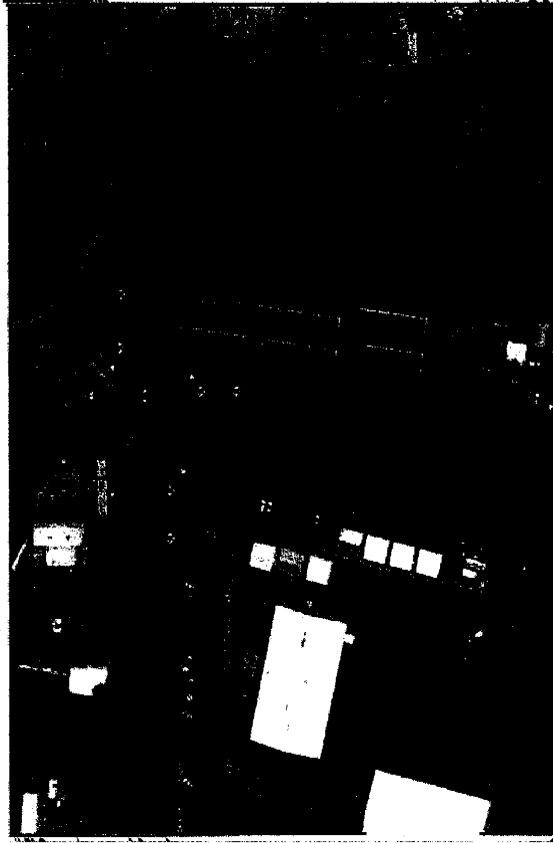


**Section 4 – Roads and Traffic**



**Goals:**

- Safe and efficient circulation
- Preservation of historical integrity of Agua Fria (Camino Real)
- Limited thru truck traffic



Proposed Roundabout at Agua Fria and Henry Lynch Road Intersection

*Village of Agua Fria Community Plan*

**Roads and Traffic Background and Issues:**

Agua Fria THC is serviced by Agua Fria Road, part of the historic Camino Real, along with many private roads and several County maintained roads. The Camino Real route is a historic trade route that has been used for hundreds of years. Agua Fria Road is also a principal route connecting Agua Fria THC and the City of Santa Fe. Agua Fria Road is one of eight County Roads in the Agua Fria THC. Lopez Lane and Caja del Oro Grant Road are the major north south roads on the western edge of the community. Caja del Oro Grant Road and San Ysidro Crossing are roads which cross the Santa Fe River. Other major roads adjacent to the community include Rufina Street and Henry Lynch Road, maintained by the City of Santa Fe. The Henry Lynch Road R-O-W boundary serves as the eastern boundary and Rufina is the southern boundary of the THC.

The majority of the roads in the THC are private roads which allow property owners access to their property. The private roads do not provide public access and connectivity to the public roads in the THC. The long lot parcel configuration in the Village of Agua Fria is not conducive for the provision of the easements required for subdivisions by Santa Fe County. There is a need for consideration of a reduction of road easement width requirements for family transfers and small residential subdivisions.

Urbanization and increased density in and around the THC have resulted in increased congestion throughout the planning area. Santa Fe County has improved the conditions of Agua Fria road through completion of Agua Fria Phase 1 and 2, although there are problems with the road which need to be addressed. Agua Fria Phase 3 is in the process of being completed and will provide improvements to the section of Agua Fria from San Ysidro Crossing to the city limits. This includes the intersection with Henry Lynch Road. Heavy truck traffic along Agua Fria Road and Lopez Lane has also been identified as a major problem for traffic flow and damage to the roads.

The Agua Fria Road and Henry Lynch intersection has been a major concern of the community which needs to be addressed. The planning committee has acknowledged that many traffic accidents have occurred at this intersection which has become more dangerous due to increased traffic. The Planning Committee sought a remedy and requested information regarding the intersection from the County Public Works Department in September of 2004. The County Traffic Engineering Division Director reported that traffic studies had been prepared for the intersection for the city which showed that the intersection met traffic warrants for a signalized intersection.

The community was concerned that a traffic signal could be extremely dangerous because of the location of Agua Fria Elementary School adjacent to the intersection. Other potential problems related to a signalized intersection at that location include speeding to avoid a red light at a location where children cross the street. The community discussed alternative options for the intersection including a "Roundabout". A roundabout is defined as a raised island that is usually landscaped and located at the intersection of two

*Village of Agua Fria Community Plan*

streets used to reduce traffic speeds and accidents without diverting traffic onto adjacent residential streets<sup>5</sup>. Features include a central island and splitter islands, pedestrian crossings, landscaping buffers and a potential for public art or other aesthetic components. The large radius of the traffic circle would be able to accommodate large trucks. Federal studies have shown that roundabouts are significantly safer than traffic signals.

The Planning Committee requested to the Board of County Commissioners that the County place stop signs at the Agua Fria and Henry Lynch intersection in order to immediately address the dangerous nature of the intersection. The BCC authorized the placement of stop signs and they were placed at the intersection in October, 2004 as an interim measure only since the traffic studies showed that the intersection met additional traffic warrants. The planning committee requested that the City and County consider options for a roundabout for the Agua Fria Henry Lynch intersection. The City Traffic Engineer and County Public Works Traffic Engineering Division Director made a presentation to the committee in late 2004 and discussed the potential for a roundabout at the intersection of Agua Fria and Henry Lynch Road. A roundabout requires additional Right-Of-Way which the City had acquired a number of years ago as part of the proposed Richards Avenue extension to West Alameda.

The planning committee recommended that a traffic study be done to determine whether a roundabout would be feasible for this location. The Agua Fria Planning Committee recommends that future intersection improvements be made in conjunction with the completion of Agua Fria Phase 3 and include the traffic improvements for Agua Fria Elementary. Public art along the roundabout has also been recommended.



Aerosol Mural along wall in Village of Agua Fria

<sup>5</sup> American Planning Association Planners Dictionary, Planning Report Number 521/522 Edited by Michael Davidson and Fay Dolnick.

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**Problems:**

- ☉ Traffic impacting Agua Fria THC needs arterial road alternatives.
- ☉ Agua Fria Road and Henry Lynch Intersection dangerous.
- ☉ Speeding and excessive traffic on Agua Fria Road, Rufina and Lopez Lane.
- ☉ Rufina dangerous due to no turning lanes, lack of signs indicating intersections, lack of traffic enforcement.
- ☉ Development outside THC impacts traffic on existing roads.
- ☉ Traffic needs to be alleviated on existing roads.
- ☉ Lack of public north south connector roads.
- ☉ Powerline road easements still on property owner deeds-need to be relinquished.
- ☉ Lack of long term road planning in THC.
- ☉ Lack of connectivity between Rufina Meadows and Agua Fria is causing traffic to bottleneck on Rufina, Henry Lynch, Jemez Road and Lopez Lane during rush hours.
- ☉ Lack of connectivity between Calle Atajo and Agua Fria is causing traffic to bottleneck on Rufina, Henry Lynch, Jemez Road and Lopez Lane during rush hours.
- ☉ Road easement width requirements are not conducive for the long lot configurations of small residential subdivisions.

*Village of Agua Fria Community Plan*

**Goals:**

- ② Safe and efficient circulation in and around the THC.
- ② Multi-modal transportation-(bikes, pedestrians, buses, horses).
- ② Preservation of historical integrity of Agua Fria and historic roadways (El Camino Real).
- ② Limited truck traffic-limit, reduce, restrict heavy truck traffic on Agua Fria and Lopez Lane.
- ② Future land uses need to consider traffic goals.
- ② Better utilization of NM 599 and Frontage Road to reduce traffic in Agua Fria THC.
- ② Improved lighting on roadways.
- ② Recognition of impact of development and traffic on Agua Fria THC.
- ② City and County recognition of Arterial Roads Task Force (ARTF) plan.
- ② Develop long range plan for utilization of Calle Atajo/encourage connection to Agua Fria from Calle Atajo.
- ② Spread the traffic load and increase connectivity.
- ② Provide safe pedestrian access.
- ② Improve circulation plan outside of THC-i.e.support South Meadows extension; Caja del Rio/NM 599 Interchange; Siler Road Bridge; Rufina Improvements.

*Village of Agua Fria Community Plan*

**Actions:**

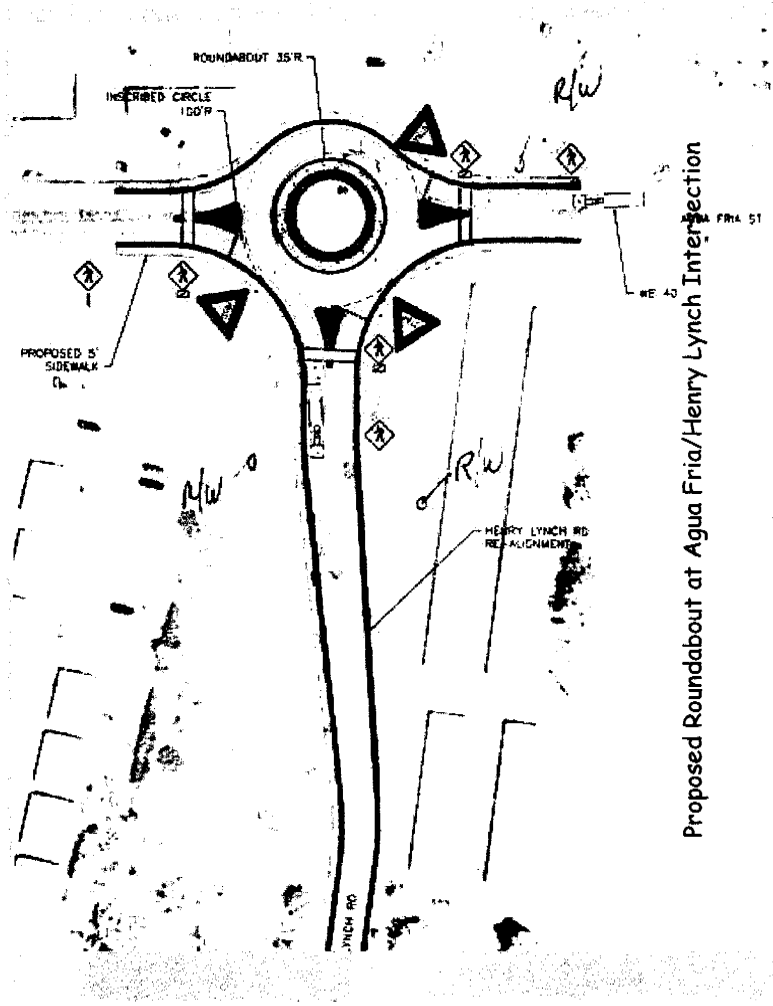
**The Agua Fria Planning Committee seeks support from the BCC for the following:**

**Program Actions:**

- ☑ Establish quarterly meetings with public officials and city and county staff to review road and traffic issues-i.e. maintenance, law enforcement, traffic studies, etc.
- ☑ Support completion of South Meadows to County Road 62 and NM 599.
- ☑ Develop neighborhood friendly public roads between Agua Fria Road and Rufina in the THC to provide better traffic circulation.
- ☑ Support San Ysidro Crossing Improvements.
- ☑ Preservation of La Junta del Alamo as a Historic Trail, prescriptive R-O-W and Historical Alignment.
- ☑ Support completion of Siler Bridge.
- ☑ Support connection of Calle Atajo and Agua Fria Road.
- ☑ Support connection of Rufina Meadows and Agua Fria.
- ☑ Support completion of work on Rufina including turn lanes and repaving of road.
- ☑ Fix problems created in conjunction with Agua Fria Phase 2 including the following:
  - Pavement failure-sinking asphalt; La Junta del Alamo needs rollover curb approximately 40'.
- ☑ Support Caja del Rio/NM 599 Interchange.
- ☑ Request study for traffic calming measures such as speed humps for specific sections of Lopez Lane, Agua Fria and San Ysidro Crossing.

*Village of Agua Fria Community Plan*

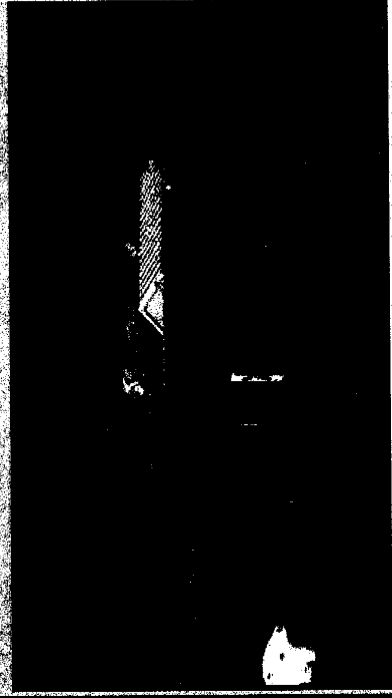
- Heavy truck ban for thru traffic on Agua Fria Road; Lopez Lane and County Road 68A, San Ysidro Crossing.
- Reduction of road easement width requirements for family transfers and small residential subdivisions.



Proposed Roundabout at Agua Fria/Henry Lynch Intersection

*Village of Agua Fria Community Plan*

**Section 5: The Land Use Plan**



SFC CLERK RECORDED 07/18/2006



*Village of Agua Fria Community Plan*

**Community Plan Vision for Land Use and Growth Management**

***The Village of Agua Fria will be a place ...***

- that is a well-planned community; where new development considers land use, water and wastewater;
- where there is a "sustainable" community;
- where the rural character is preserved and farming and agricultural activities are enhanced;
- where people have live/work situations within the Traditional Historic Community, meaning they are able to live and work in the same place;
- where appropriate land uses strike a balance between historic uses and the impact progress has had on the Village;
- where there is an ability to transfer land to family and where our children have an opportunity to live;
- where planning and zoning addresses the needs of the community;
- where the cultural and archaeological sites are recognized and preserved;
- and where the community welcomes and encourages children to become full participants of village life in a safe environment.



*Part of an aerosol mural along a wall in the Village of Agua Fria*

*Village of Agua Fria Community Plan*

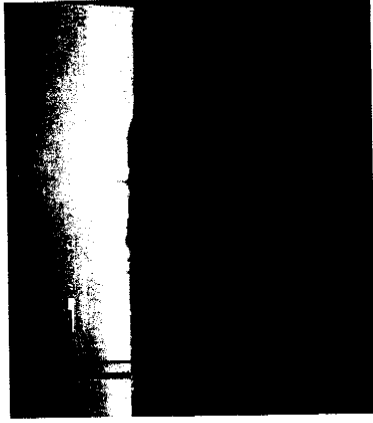
**Land Use Background Issues and Opportunities**

The Village of Agua Fria is an unincorporated community adjacent to the City of Santa Fe. The traditional community was largely developed adjacent to the Santa Fe River for agricultural purposes from the Pueblo, Spanish Colonial and Mexican eras to the present. Agriculture played an important role in the historic development of the area going back at least as far back as the 13<sup>th</sup> century when pueblo residents used the river to irrigate crops. The traditional rural and agricultural character of the community has shaped local settlement and land use patterns and resulted in long narrow lots from small holding claims which were subsequently subdivided into smaller lots.

**Need for Land Use Plan**

The Planning Committee has developed the land use plan to support the community's vision for a sustainable and thriving future for current and future residents of the Village of Agua Fria. The effects of growth both within and outside of the community have increased the need for the community to both identify and preserve the intrinsic nature for the Village of Agua Fria.

Increased residential and commercial development is clearly seen adjacent to the Village through several recent projects. The City of Santa Fe recently annexed significant land adjacent to the Village of Agua Fria which was previously part of the Traditional Historic Community for development projects. Proposed developments include San Isidro Village, a mixed use development which will include several large commercial development properties and several hundred residential lots. Additional annexation requests surrounding the Village have recently been approved and/or are in the process of approval. Increased development pressures both within and surrounding the Village will increase traffic and population which will further increase the density and development pressures for the Village in the future.

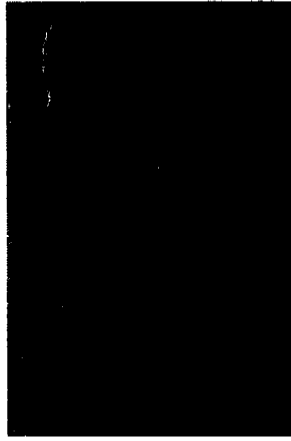
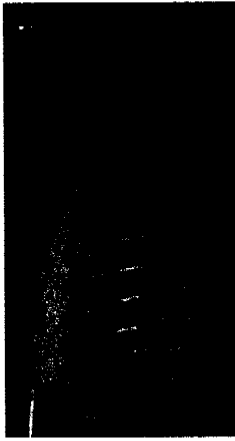
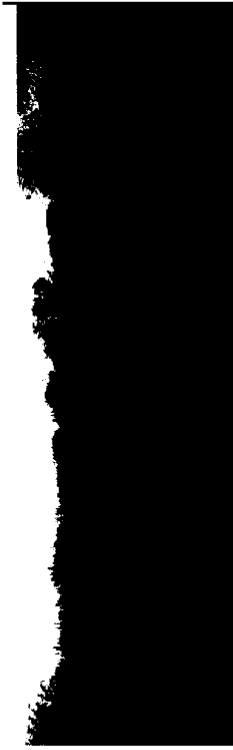


*Village of Agua Fria Community Plan*

**Rural and Semi-Rural Character**

The rural character of the Village is important to community residents. The ability for residents to use their land to accommodate a mixture of uses including agriculture and residential uses as well as non-residential uses retains significant importance. Committee members have identified rural land patterns as desirable although there is recognition of continued urbanization on the Village. The rural identity of the Village is being challenged by increased urban pressures from both in and around the planning area which have resulted in increased densities and changed land-use patterns in the Agua Fria THC.

The community recognizes the need to allow for the historical uses of land that protects open space and preserves the rural/semi-rural land patterns. The desire for rural protection in an increasing urban setting has included discussion on defining what rural means in the context of the Village. Residents identified the importance of being able to retain open space and maintain historical uses of land including agricultural practices and the ability of property owners to maintain animals. Transitional areas and connectivity were identified as important buffers between rural and more urban areas.



*Horses, goats, and sheep in the Village, above.  
Santa Fe Community Farm agricultural field,  
left.*

*Village of Agua Fria Community Plan*

**Open Space**

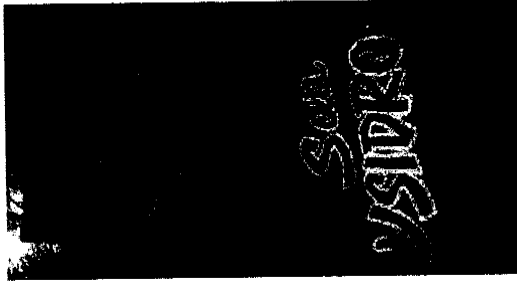
Community members recognize the Santa Fe River as a significant community amenity and natural resource. The Village has resolved to protect and preserve the Santa Fe River as the primary open space corridor in the Village. The Planning Committee supports the County's efforts to purchase and acquire land and manage and restore the river and develop a river park. The County recently acquired several properties along the Santa Fe River and adjacent to the river including a portion of the Community Farm property. Some of this open space property was previously used for mining purposes.

**San Ysidro River Park**

The San Ysidro River Park plans include a park and trail along the Santa Fe River from San Ysidro crossing to Lopez lane which will connect to the Agua Fria Park. The river trail will provide public access to the river and will be an important recreational and community amenity.

El Camino Real is an important historical and cultural part of the Village and the Committee has recognized the need to reestablish the importance of the historic trail and its relationship to the Village of Agua Fria. Committee members worked with the County and supported a National Scenic Byways Grant project application to develop interpretive facilities and a trail that would focus on the history of the Village in relation to the Camino Real as well as signage that identifies Agua Fria as part of the historic El Camino Real.

The Acequia Madre and other acequias in Agua Fria retain an important historical significance and should be protected when possible. The retention of existing acequias are one way that the community could protect the historic nature of the Village while providing an open space corridor and connection to the Santa Fe River as part of future development plans, where connectivity is feasible.



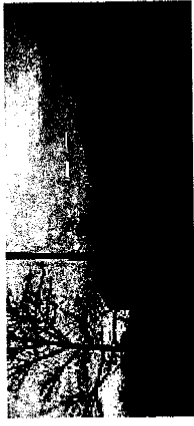
Santa Fe River mural by local artist Leopoldo Romero



*Village of Agua Fria Community Plan*

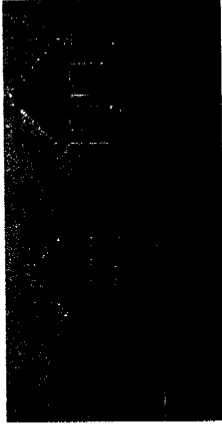
**Institutional Uses and Community Services**

Institutional uses such as the Agua Fria Elementary School, the San Isidro Church, El Cementerio de Agua Fria, the Agua Fria Fire Station and La Familia Medical Center and the Agua Fria Park are important for residents and provide for essential community needs in the Village. Institutional uses at Agua Fria Park include the fire station, La Familia Medical Center and the Agua Fria Community Center which is located on property that was patented to the County from the Bureau of Land Management for community uses. The Agua Fria Park, which includes children's playground equipment, basketball courts, baseball fields and tennis courts, is a significant asset for the community.



**Agua Fria Community Center**

The community identified a need for additional community services to meet the needs of the growing population. A community center to be located at Agua Fria Park was identified and State Legislative funding for the design of the facility was secured and completed in coordination with the community. The Agua Fria Community Center Advisory Committee was established through the Planning Committee and made recommendations on the design of the facility. The Planning Committee also made recommendations to the Santa Fe County BCC for Community Development Block Grant (CDBG) funding to be used for the Agua Fria Community Center. The BCC voted to request 2004 CDBG funds for the Agua Fria Community Center. Additional funding for the Community Center was allocated by the BCC in 2005 to complete the funding required for the Agua Fria Community Center. The Center is expected to be completed by mid 2006.



*La Familia Medical Center, top. Agua Fria  
Community Park playground, above.  
Conceptual rendering of Agua Fria  
Community Center, bottom*



*Village of Agua Fria Community Plan*

The Committee also recognizes the value for children to have opportunities to become participants in the Village and to live in a safe environment. The Agua Fria Elementary School is an important part of the community and the planning committee has included representation from Agua Fria Elementary School. The school has established programs for both parents and students in the community including pre-school classes. Agua Fria Elementary is also planning significant improvements in the near future.

**Agua Fria Children's Zone**

Community development opportunities include the Agua Fria Children's Zone (AFCZ), being developed by the United Way of Santa Fe County. United Way of Santa Fe County representatives have made presentations to the planning committee in regard to this potential community development project which would provide services to children to help build and strengthen the community.

The Agua Fria Children's Zone works to create opportunities and enhance the quality of life for children and families by providing needed services and support. The AFCZ concept is that investing in early childhood development and education results in better school performance, less criminal behavior, reduced dependence on welfare and higher-paying jobs as adults. At the same time, engaging a community around its children improves the chances of sustainable success. The Planning Committee made a recommendation in support of the program to be located at the Agua Fria Community Park.



***A United Way of Santa Fe County Initiative***

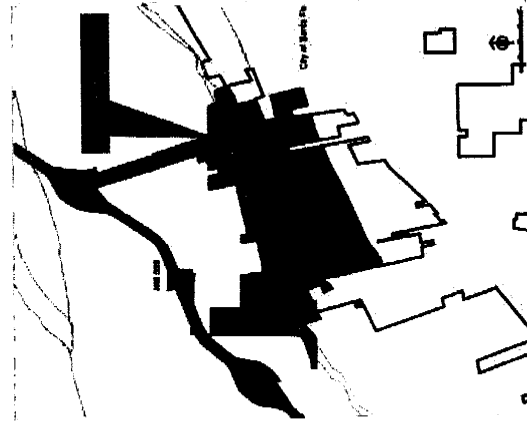
*Village of Agua Fria Community Plan*

**Village of Agua Fria Traditional Historic Community Boundary**

The Agua Fria Traditional Historic Community (THC) was originally adopted by Ordinance of the Board of County Commissioners in 1995. The THC boundary was amended in 1996 and again in 2004 through Santa Fe County Ordinance 2004-1. The current THC is comprised of approximately 771 acres. The THC Ordinance allows property outside of but contiguous to the THC to request to become part of the THC. Opposition to annexation and Village self-determination are the major reasons that the Traditional Historic Community continues to be an important declaration for the Village.

The Planning Committee recommends that the THC boundary be amended to include requests from property owners who are contiguous to the existing THC boundary. Zoning for the property in areas outside the TCZD will be in the Urban Zoning District of the County as shown on the proposed zoning map 2 in the appendix of this document.

The requests from property owners for inclusion into the THC should be submitted to the BCC prior to adoption of the Village of Agua Fria Community Planning Ordinance. The THC Boundary will be amended by ordinance of the BCC. The planning committee recommends that the boundary not be extended past NM 599 to avoid encroachment on the Tres Arroyos Community Plan. In addition, the committee recommends that the Board continue to allow property owners north of the THC to NM 599 from CR 62 to Via Veteranos (NM 599 Access Road) to be allowed to request inclusion into the THC after the adoption of the plan and ordinance.





*Village of Agua Fria Community Plan*

**Code Enforcement**

Growth within the community has also increased and residents are concerned that illegal development is taking place within the Village, including illegal businesses operating within the community. In addition, there are concerns with junked vehicles and trash in the Village which is not in compliance with the County Code. The land use analysis completed by the subcommittee has identified many of the businesses located in the Village as either legal nonconforming businesses or businesses operating in violation of regulations currently in effect. Businesses operating without a business license are in violation of the County Code and are defined as Code violations. The land use subcommittee recommendation is for the County to conduct a survey of the businesses in the THC to determine whether the businesses have received a business license and are in compliance with the Code. The planning subcommittee recommends that the businesses operating without appropriate zoning or licenses go through the land use process in order to come into compliance with the Code.



Photo of possible County Code violation in the Village of Agua Fria  
Photo taken in 2006

*Village of Agua Fria Community Plan*

**Existing Zoning**

**Traditional Community Zoning District (TCZD):**

Traditional Community Zoning Districts (TCZD) were created under the 1980 County General Plan. The Agua Fria TCZD boundary is within the Agua Fria THC and the current boundary is composed of 310 acres. The TCZD includes the area of the THC from the Santa Fe River to the southern boundary of the THC adjacent to Rufina Road and/or the City of Santa Fe Boundary. The intention of this designation was established to preserve the land use pattern and character of Traditional Communities in Santa Fe County. The Santa Fe County Land Development Code identifies Traditional Communities as follows:

1. 75 years or more of continuous settlement;
2. Historic pattern of diverse and mixed community land uses
3. Presence of historic structures; and
4. Existence of a village center(s).

**TCZD Minimum Lot Size and Maximum Density:**

Minimum lot size in the TCZD is one dwelling unit (du) per three quarters of an acre (3/4 ac). Minimum lot size can be reduced to one third of an acre (1/3 ac) with community water and sewer. Maximum density with community water and sewer is three dwelling units per acre.

**Urban Area:**

The Village of Agua Fria THC, with the exception of the Agua Fria TCZD, is within the Urban Area Zoning District of the County. This designation is intended to implement and correspond to the County Growth Management Plan's "Urban Area" "where higher densities can be achieved with urban services and urban amenities and future neighborhoods can be planned and developed.

**Urban Area Minimum Lot Size and Maximum Density:**

The minimum lot size in the urban area is one du per 2.5 acres. Minimum lot size can be reduced to 1 du per acre with community water or community sewer. With community water and sewer, the minimum lot size can be further reduced to 1 du per one half (1/2) acre. Maximum density with community water and sewer is two dwelling units per acre.

*Village of Agua Fria Community Plan*

**Existing Conditions**

The Agua Fria THC consists of approximately 771 acres. The area has developed as a Traditional Village with a mixture of agriculture, residential, large scale residential, community service, institutional, and non-residential development. Existing conditions were identified based on Santa Fe County Assessor's data, County structure data and 2005 County aerial photography. This analysis shows that there are approximately 724 dwelling units within the THC. The total population in 2005 was estimated to be 2,050 based on 2000 US Census data for household size in Agua Fria Census Designated Place.

The existing land use table identifies the current land uses for the property in Agua Fria THC. The existing land use densities in this area vary from high density residential (i.e. multi-family housing and mobile home parks) to low density residential (less than 1 dwelling unit per acre). The average single family residential lot in the THC is one dwelling unit per one half acre. Most of the existing parcels in the THC are identified as residential. However, almost 25% of the land acreage in the THC is vacant and seventeen percent is identified as open space and parks and 12% is identified as institutional. In addition, much of the land in the THC has the potential to be further subdivided.

Businesses in the Village of Agua Fria include commercial, industrial, home occupations and agricultural uses. Agricultural uses include businesses such as a community farm, an equestrian center, a feed store, produce sales and a nursery. Many of the businesses in the THC are identified as legal non-conforming businesses. Legal non-conforming businesses are businesses that were in existence prior to the adoption of the 1980 County Land Use Code. These businesses include many of the industrial uses in the Village such as sand and gravel, concrete, waste services and several construction and roofing companies. Other businesses in the Village include home occupations, defined as an accessory use to a residential dwelling and are secondary to the principal use of the residence.

Village of Agua Fria Community Plan

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Existing Land Use Table Summary			
Existing Land Use Type	# of Lots	Total Acres	Percentage of Total Acreage
	543	771	100%

**Existing Land Uses Definitions:**

- o *Institutional Use*- Uses apply to public or quasi-public uses or similar institutions such as churches or schools.
- o *Nonresidential Use*- Any use that does not involve or include the principle use of a structure as a dwelling. Nonresidential uses include both commercial and industrial uses.
- o *Open Space and Parks* - Includes undeveloped, public lands such as County Open Space land and BLM land. It also applies to parcels or tracts that have been dedicated as open space or floodplain areas as part of a specific development.
- o *Residential* - A structure which is arranged, designed, or used as a dwelling. Residential may also include accessory uses such as home occupations.
- o *Right-Of-Way* - A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, trail, water line, sanitary sewer and/or other public utilities or facilities.
- o *Vacant*- Parcels that currently are vacant or have only an accessory use.

*Village of Agua Fria Community Plan*

**Future Land Use and Growth Management**

The Village of Agua Fria Planning Committee has analyzed multiple planning issues through the community planning process. The Plan has reviewed the historical context of the Village, current problems and issues in the community, planning area boundaries, water and wastewater, traffic issues and existing land use patterns in the Village. The community has also determined a vision statement for the future of the Village and a vision for land use and growth management. The following are recommendations for future land use and growth management for the Village of Agua Fria:

**Agua Fria Traditional Community Zoning District (AFTCZD)**

The AFTCZD accommodates mixed land uses. It is the intent of this plan to preserve the land use pattern and character of the community. The plan recommends that neighborhood uses as identified in the Performance District Use Table of this plan be allowed throughout the AFTCZD. Neighborhood Uses should be consistent with a neighborhood scale and should not exceed 5,000 square feet of commercial space (with the exception of a small grocery store which could be up to 10,000 square feet) and must meet all applicable standards in the Santa Fe County Land Development Code.

The Planning Committee reviewed the AFTCZD boundary and determined that the 1980 boundary was not consistent with the land use and ownership patterns of the community. The boundary was also not conducive for land use planning and for the provision of water and wastewater services. The Plan recommends the expansion of the AFTCZD boundary to coincide with the southern boundary of the Agua Fria THC adjacent to Rufina and/or the City of Santa Fe Boundary. This recommendation would increase the size of the AFTCZD from 310 acres to 552 acres.

**Residential Urban Zone**

The Residential Urban District is the area of the Village of Agua Fria THC which is north of the Santa Fe River. This area is an important part of the Planning Area and is primarily residential and agricultural and/or open space land. Future land uses in this area should be consistent with the Performance District Density and Dimension Schedule and the Performance Districts Use Table in this plan.

**Home Business**

Home Businesses are an important economic alternative for community members to live and work in the same place. The existing home occupations in the land development code should be expanded to include slightly higher intensity of home business without disrupting or disturbing the character of the neighborhood. The home business applicant should submit a site development plan and meet the design standards and criteria outlined in the Ordinance Actions section of the plan.

*Village of Agua Fria Community Plan*

**Affordable Housing**

The Village of Agua Fria Planning Committee has considered local housing conditions and affordable housing needs. The Committee recommends the following in regard to affordable housing:

- o Developments with both affordable housing and market rate housing will not segregate the affordable units from the market-rate units.
- o The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural or recreational concern.
- o Clustering of homes is encouraged to maintain open space within subdivisions.
- o Family compounds are supported in the community and encouraged to maintain traditional lifestyles.

**Open Space**

Open space requirements for new development within the planning area should protect sensitive natural areas and provide for interconnected open spaces where possible. New development should also provide for interconnected trails to the primary open space corridor along the Santa Fe River when possible.

**Family Transfers**

Family transfers are an important mechanism to provide affordable housing and have been championed by Agua Fria community members to continue the legacy of giving land to family members and to ease burdensome subdivision regulations for families.

- o Family transfers are a practice and tradition which have provided a means for affordable housing to the communities of Santa Fe County for hundreds of years with very positive results. The Planning Committee desires that this practice be continued for generations to come.

**Density**

Maximum density should not be increased beyond the zoning densities allowed within the Agua Fria THC zoning districts with the sole exception of density bonuses as defined by the County's Affordable Housing Ordinance, as amended (Ordinance 2006-02).

*Village of Agua Fria Community Plan*

**Potential Development Capacity and Water Demand**

The potential development capacity is important to estimate future water demand for the Village. The potential development is estimated by identifying the developable land and determining potential density if the land were to develop at the maximum density allowed (full build-out) and to determine the total water demand at full build-out for the THC. The existing land use analysis demonstrates that approximately 33 % (179 Acres) of the developable land of the Traditional Historic Community is vacant. The majority of the vacant land in the THC is within the proposed Traditional Community Zoning District (TCZD) where the density ranges from one dwelling unit (du) per .75 acres to 3 du's per acre with both community water and sewer. The remaining land in the THC outside of the TCZD is in the Urban Area of the County where the underlying zoning density ranges from one du per 2.5 acres to two du's per acre with both community water and sewer.

The actual residential density that can be achieved is based on both the zoning and access to water and wastewater. The total potential water demand for residential development is based on full build out and is estimated by using a standard water consumption of .25 acre feet per dwelling unit (based on County water restrictions). The TCZD is within the Agua Fria Community Water Association service area and has the potential to gain access to the City sewer system as there are currently sewer lines along the major access roads along Agua Fria Road and Rufina. The Urban area in the THC is outside of the TCZD and has areas which may have access to City sewer and also has the potential to gain access to community water and sewer in the future. However, at this time access to both community water and city sewer north of the Santa Fe River in the Urban Zoning District may be less likely in the immediate future. Therefore, the Urban Zoning District should remain at the existing density.

**Village of Agua Fria THC Residential Housing Units 1980-2005**

	1980	2005	Increased Dwelling Units	Average Annual Growth	Total Growth %	Average Annual Growth %
Residential Dwelling Units *	330	724	394	16	119%	4.76%

\* 1980 dwelling units based on Agua Fria Traditional Community Zoning Map

\*2005 dwelling units based on County Assessors Data

*Village of Agua Fria Community Plan*

**Future Growth and Land Use Based on Population and Housing Projections**

Santa Fe County Regional Population and Housing Projections Annual: 2002-2050 Statistical Abstract Report was prepared for Santa Fe County, the City and the Regional Planning Authority (RPA) by demographer and economist Al Pitts in 2003. This data was used as a basis for projections the RPA Future Land Use and Growth Management Plan, which was adopted by the RPA in 2004. The RPA Plan included the area from the City of Santa Fe incorporated boundary to the five-mile extraterritorial zone. The RPA plan was divided into smaller subareas in order to analyze existing and future conditions within the planning area. Although the Village of Agua Fria was not included in the RPA planning area, it is within the RPA's Urban Area and it is therefore useful to estimate future growth and land use for the Agua Fria Community Plan. The RPA Urban Area is projected to receive approximately 60% of the region's population, housing and employment through 2025. The RPA plan estimates a total of 35,353 in the Urban Area and identifies the Agua Fria THC as 5% of the total acreage in the Urban Area.

**Development Capacity and Water Demand based on Full Build-Out of Vacant Lands**

The land analysis shows that there are 137 acres of vacant land within the proposed TCZD, or 77% of the total vacant developable land within the THC. The total potential amount of density that would be allowed within the TCZD if all of the vacant land was used for residential development at the maximum density with community water and sewer would be 385 dwelling units. Without both community water and sewer, the maximum amount of dwelling units allowable in the proposed TCZD would be 171 dwelling units. The urban area of the THC includes 43 acres of vacant land with a potential of between 18 and 94 dwelling units. The total water demand based on .25 acre feet with community water is between 54 acre feet and 120 acre feet of water as shown on the table below:

**Agua Fria Projected Housing Growth Rate and Residential Water Demand**

A Housing Needs Assessment was completed for the County in November of 2004. The urban area of the County was identified through the RPA Plan and was identified in the Housing Needs Assessment as the area which will absorb the majority of the region's population, housing, and employment growth between 2000 and 2020. According to the study, the highest household growth will occur in the Urban Area, where there will be an increase of 6,752 new households. The population in Santa Fe County increased 2.5% per year between 1990 and 2003. The growth rates for this area are difficult to estimate due to the fact that the Agua Fria Census Designated Place does not have historical data and the Agua Fria CDP is not the same as the Agua Fria THC. Growth projections for the Village of Agua Fria THC are estimated at 2% per year in order to determine the estimated projected housing units through 2025.

The Housing Needs Assessment estimated County growth rates to be 2.0% per year in the County through 2025. Based on a 2% growth rate for the Agua Fria THC area, there will be an increase of between 15 and 25 dwelling units per year through 2025 or an average of 18 dwelling units per year. The total increase in dwelling units will be an additional 353 dwelling units, resulting in a 49% growth increase between 2006 and 2025. This estimated growth increase will result in an estimated residential water demand of 88.25 acre feet as illustrated in the following table:



*Village of Agua Fria Community Plan*

**Agua Fria THC Projected Housing Growth and Residential Water Demand 2005 - 2025\***

	Average Annual Housing Units	Estimated Water Demand (based on .25 acre feet per du per year)	Total Projected Increased Dwelling Units 2006-2025	Total Estimated Water Demand 2006-2025
Residential Dwelling Units *	18	4.5	353 DU	88 AF

\*2005 dwelling units based on County Assessors Data; projected Residential Water Demand based on 2% growth rates for Residential

**Other Potential Development and Water Demand**

The estimated residential capacity based on vacant land analysis does not include the potential for property owners to subdivide lots larger than the density allowed to smaller lots, thus increasing the residential dwelling units in the area. There are several larger lots that have the potential to be subdivided to maximize density. In addition, there are several industrial non-conforming uses within the Village with the capacity to change uses to another use as allowed under the potential TCZD district. The potential development can be estimated by identifying properties with the capacity to subdivide and estimating total density allowed at full build out.

**Nonresidential Development and Water Demand**

The Agua Fria THC comprises approximately 5 % of the RPA Urban Area and estimated future nonresidential development for the area can be derived from the RPA's most likely projections for the Urban Area. The RPA Urban area is expected to add 536,000 square feet of commercial through the year 2020. Five percent of the nonresidential development for the RPA Urban Area comes out to approximately 26,800 square feet which can be estimated to be developed within the Agua Fria THC through the year 2020. The RPA Plan also estimated water demand for nonresidential development based on 1.5 acre feet per 10,000 square feet of nonresidential development. The total water demand for based on the projected nonresidential square footage for Agua Fria THC to the year 2020 would be an additional 4 acre feet of water for nonresidential development.

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**Agua Fria THC Projected Nonresidential Water Demand 2006 - 2020\***

Estimated Annual Water Demand (based on 1.5 Acre Feet Nonresidential Development per 10,000 SF Building )	Total Projected Increased Nonresidential Development 2006-2020	Total Estimated Nonresidential Water Demand 2006-2020
Nonresidential Development	0.27	

\*Estimated Water Demand for Nonresidential Development Based on RPA Plan's Most Likely Projections for the Urban Area.

**Summation**

The potential residential and nonresidential development capacity and water demand estimates are important for the purposes of this plan in order to approximate development of the THC in the future. These estimates were based on economic studies and using a best educated guess for potential development. However, there are numerous factors which may result in the need to adjust these calculations based on future development demands.



*Village of Agua Fria Community Plan*

**Actions**

**The Agua Fria Planning Committee seeks support from the BCC for the following:**

**Program Actions:**

**Open Space**

1. Protect and preserve the Santa Fe River as the primary open space corridor for the THC.
2. Encourage Santa Fe County to purchase open space land in Agua Fria to provide for connectivity and for community use.
3. Ensure County maintenance and improvements of open space and community facilities in coordination with community.
4. La Junta del Alamo is a historic part of El Camino Real in Agua Fria and should be preserved and maintained and accessible to residents, pedestrians and equestrians as a trail corridor.
5. The acequias identified through the State Engineer's Hydrographic Survey's should be preserved when possible.
6. Open space requirements should provide for interconnected trails to the primary open space corridor along the Santa Fe River when possible.

**Affordable Housing**

1. Developments with both affordable housing and market rate housing will not segregate the affordable housing from the market-rate housing.
2. The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural or recreational concern.
3. Clustering of homes is encouraged to maintain open space within subdivisions.
4. Family compounds are supported in the community and encouraged to maintain traditional lifestyles.

**Code Enforcement**

1. County Land Use Department needs to enforce code violations to include the junked vehicle ordinance and anti-litter ordinance.
2. Bring businesses without a business license into compliance of County Code.

**Home Business and Home Occupations**

1. Home businesses and home occupations as proposed by the Santa Fe County Code Rewrite are recommended by the planning committee.

*Village of Agua Fria Community Plan*

**Ordinance Actions:**

**Agua Fria Traditional Historic Community**

1. Amend Traditional Historic Community Boundary to include requests from property owners adjacent to THC at the time of the adoption of the plan and ordinance.
2. Property owners north of the THC boundary to NM 599 should be allowed to request to the Board of County Commissioners for inclusion into the THC at any time in the future.

**Agua Fria Traditional Community Zoning District (AFTCZD)**

1. The AFTCZD boundary should be extended south to coincide with the southern THC boundary adjacent to Rufina Street and/or the City of Santa Fe Boundary. (See Village of Agua Fria Traditional Community Zoning District Map 2 in Section 6: Appendix)
2. Neighborhood Uses as identified in the Performance District Use Table are allowed throughout the AFTCZD in accordance with Conditional or Special Use standards and must meet all Santa Fe County Land Use Development Code requirements.
3. Conditional Uses as identified in the land use table are allowed if they meet all Santa Fe County Land Use Development Code requirements and receive approval from the Agua Fria Development Review Committee.
4. Special Uses as identified in the land use table are allowed if they go through a special review process and meet all Santa Fe County Land Use Development Code requirements and receive a recommendation from the AFDR and approval from the Board of County Commissioners.
5. Nonresidential development shall not exceed 5,000 square feet. Small grocery stores may request up to 10,000 square feet.
6. Maximum lot coverage for Nonresidential uses is 40%.
7. Maximum Height for Nonresidential is 24 feet.

**Home Business**

1. Home business applications are a conditional use and are subject to review by Agua Fria Development Review Committee.
2. Home Business Requirements:  
Small scale home businesses, including but not limited to retail shops and galleries, offices or restaurants may be allowed as accessory uses to single-family dwellings provided that such businesses comply with the following standards:
  - A. Site Development Plan Required
  - B. General
    1. Such uses shall be subject to the approval of a conditional use permit as identified in the County Code;
    2. Not more than 2,500 sq. ft. shall be dedicated to the use;
    3. The owner shall reside on-site; and not more than 6 persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home business;

*Village of Agua Fria Community Plan*

4. All outdoor storage shall be screened and there shall be no more than 1,000 square feet of such storage related to the home business;
  5. The use shall not be disruptive of the residential character of the neighborhood;
  6. Such uses may have a max of one sign advertising the accessory use in accordance with the requirements of Sec. 7.12, signs;
  7. no equipment or process shall be used that significantly interferes with the existing use of property in the adjacent area;
  8. Such uses shall comply with any otherwise applicable use-specific standards of this Code;
  9. The use shall not create any disturbing or offensive activity, noise, vibration, smoke, dust, odor, heat, glare, or unhealthy or unsightly condition.
- C. Restaurants, Home
- Home restaurants shall comply with the requirements of the County Code in addition to the following:
1. Drive up or drive through shall not be allowed; and
  2. Liquor sales are prohibited;
  3. Beer and wine sales are allowed.

**PERFORMANCE DISTRICTS DENSITY AND DIMENSIONAL SCHEDULE**

Zoning Sub-Districts	Minimum gross Lot Area Residential Uses (Acres Per Dwelling Unit)		Community Services		Non-residential Uses (Acres Per Principal Use)		Maximum Lot Coverage (%)		Max. Height (ft)		Minimum Setbacks (ft)		
	Base Density	Water Cons.	Water	Sewer	Both W&S	Principal Use	Residential Uses	Non-residential Uses	Residential Uses	Non-residential Uses	Front Street	Side Street	Rear Interior
							SF	MF	SF	MF	Side	Side	Rear
RU	2.5		1	1	0.50		24	24	24	24	0	5	5
TCZD	.75		.75	.75	0.33		40	24	24	24	0	5	5

Agua Fria Traditional Historic Community Performance District Density and Dimension Schedule

## **Performance Districts Use Table**

All principal uses allowable in performance districts are specified in the table below.

There are two zoning districts with the Village of Agua Fria THC, Residential Urban Zone and Traditional Community Zoning District (see Appendix Map 2). The principal uses proposed for the districts on the following pages in accordance with the Principal Uses as described below:

### **Principal Uses**

#### **P Permitted Uses**

A "P" indicates that a use is allowed by right in the respective zoning district, in accordance with the Development Permit review procedures and shall be approved by the Administrator. Permitted uses are subject to the submittal requirements of a site development plan and to all other applicable regulations of this Code.

#### **C Conditional Uses**

A "C" indicates that a use is allowed only if reviewed and approved by the County Development Review Committee or Local Development Review Committee. The Agua Fria Development Review Committee is the LDRC for the Village of Agua Fria THC. Conditional Uses are allowed in accordance with the Conditional Use review procedure that is outlined in the Santa Fe County Land Development Code. Conditional Uses are also subject to the submittal requirements of a site development plan and all other applicable regulations of this Code.

#### **S Special Uses**

An "S" indicates that a use is allowed only if reviewed and approved by the Board of County Commissioners as a Special Use, in accordance with the Special Use review procedures. Special Uses are subject to the submittal requirements of a site development plan and all other applicable regulations of this Code.

#### **Uses Not Allowed**

A blank cell (one without a "P", "C" and "S") indicates that a use type is not allowed in the respective zoning district.

The Performance Districts Use Table is organized into 5 major use groups: Residential Use Categories, Public, Civic and Institutional Use Categories, Retail, Service and Commercial Use Categories, Industrial Use Categories, and Open Use Categories. Each major use group is further divided into specific uses. The use category system is based on common functional, product or compatibility characteristics, thereby regulating uses in accordance with criteria directly relevant to the public interest.

All development in either the TCZD or Residential Urban Zone shall be subject to the requirements of the Performance Districts Density and Dimensional Standards. Development must also adhere to all requirements outlined in the Santa Fe County Land Development Code.

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	Residential Urban District	Agua Fria TCZD
	RU	AFTCZD
<b>Key: P= Permitted Use C = Conditional Use Blank = Not Permitted</b>		

Household Living	All household living not listed below	P	P
	Single-family dwellings and manufactured homes	P	P
	Two-family dwellings (duplexes)	P	P
	Multi-family dwellings	C	S
	Manufactured home communities and subdivisions	C	S
	Mobile homes	P	P
	Upper floor residential	P	P
Group Living	All group living not listed below	C	S
	Community residential homes	P	P
	Family compounds	P	P

Place of Worship	All places of worship	C	C
Day Care	All day care not listed below (See also Sec. 2.5.5 Accessory Home-based)	C	C
	Day care center (13 or more adults or children)	C	C
Community Service	All community service not listed below	C	C
	Community facilities	C	C
	Libraries	C	C
	Museums	C	C
	Philanthropic institutions	C	C
Educational Facilities	Senior centers	C	C
	All educational facilities not listed below	C	C
	Elementary schools	C	C
	Middle or high schools	C	C

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		RU	TCD
	Colleges or universities	S	S
	Business and vocational schools	S	S
Government Facilities	All government facilities not listed below	C	C
	Emergency services	P	P
	Jail or prison	S	
Parks and Open Spaces	All parks and open space not listed below	C	C
	Cemeteries, columbaria, mausoleums & memorial parks	C	C
	Public parks	P	P
Passenger Terminal	All passenger terminals not listed below	S	S
	Airports (See ANO)		
	Airports or heliports, private		
Social Service Institutions			
	All social service institutions	S	S
Utilities	Utilities not listed below	C	C
	Major utilities	S	S
	Minor utilities	C	C
	Telecommunications facilities	C	C
Entertainment Events, Major	All major entertainment events, not listed below		
	Fairgrounds	S	S
Medical Services	All medical services not listed below	C	C
	Hospitals	S	S
	Medical and dental offices/clinics	C	C
	Emergency medical offices	C	C
Office	All offices not listed below		
	Banks and other financial institutions	C	S
	Offices (<5,000 square feet)	C	S



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		RU	AFT/CZD	
	Offices (>5,000 to 50,000 square feet)			
Office	Office uses (>50,000 square feet)			
	Research/development		C	
Parking				
Commercial	All commercial parking lots and garages		S	
	All transient accommodations not listed below			
Transient Accommodations	Inns and bed and breakfasts (<7 units)	C	C	
	Inns and bed and breakfasts (7-12 units)	C	C	
	Hotels and motels (>12 units)			
	Resorts (with or without conference centers)	S	S	
Indoor Recreation	All indoor recreation not listed below	S	S	
	Adult entertainment			
	Convention or conference center	S	S	
	Private clubs and lodges (not-for-profit)	S	S	
	Entertainment and recreation, indoor		S	
Outdoor Recreation	All outdoor recreation not listed below			
	Community pools	S	S	
	Country clubs	S	S	
	Golf courses	S	S	
	Recreational uses, outdoor	C	C	
	Outfitter and guide services	S	C	
	Racetracks, animal			
	Racetracks, motorized			
	Recreational vehicle park/campground	C	C	
	Riding academies and public stables	S	C	
	Stadiums			

[REDACTED]		RU	AFTCZD	[REDACTED]	
Restaurants and Bars	All restaurants and bars not listed below				
	Restaurants		C		
	Restaurant, serving beer, wine, or liquor		S		
	Taverns and bars				
Retail Sales and Service	All indoor retail sales and services not listed below				
	Agricultural supplies and equipment sales	S	S		
	Art galleries or dealers	C	C		
	Appliance, bicycle, jewelry, shoe or watch repair		S		
	Convenience stores		S		
	Exercise or dance studios		S		
	Farm supplies or equipment sales Is this the same as agricultural supplies		C		
	Farmers' markets	C	C		
	Gasoline and fuel sales				
	Greenhouse or nursery, retail	C	C		
	Grocery or food stores		C		
	Liquor stores				
	Outdoor markets				
	Personal service establishments	C	C		
	Retail establishments, indoor <5,000sf		S		
	Retail establishments, indoor >5,000sf to 50,000sf				
	Retail establishments, indoor >50,000				
	Vehicle parts and accessories				
	Video and DVD rental establishments	C	C		

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		RU	AFTCZD	
Vehicle Sales and Service	Vehicle sales and service not listed below			
	Vehicle service, general		C	
	Vehicle service, intensive			
	Vehicle sales and leasing			
Storage	Storage not listed below			
	Mini-storage units		C	
Industrial Sales and Service	Industrial sales and service not listed below		S	
	Manufactured home sales and service			
	Plumbing and electrical contractors	S	C	
	Woodworking, including cabinet makers and furniture manufacturing	S	C	
Warehouse and Freight Movement	Warehouse and freight movement not listed below		S	
	Transport and shipping			
	Truck stops			
Waste-related Services	Outdoor storage yards			
	Waste-related services not listed below			
	Landfill			
Wholesale Trade	Recycling facilities			
	Wholesale trade not listed below		C	
	Equipment rental			
Heavy Industrial	Mail-order houses	C	C	
	All heavy industrial not listed below			
Resource Extraction	All resource extraction not listed below			
	Mining and extractive uses			
	Sand and gravel operations	S		

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Agriculture	All agriculture not listed below	P	P
	Agriculture, grazing and ranching	P	P
	Veterinary clinics (small animal)	C	S
Agricultural	All AGRICULTURAL BUSINESS not listed below		
Business	Animal boarding (large animals) or training		C
	Animal boarding, kennels, shelters (small animals)		S
	Animal breeding (commercial) and development		
	Animal raising (commercial)		S
	Animal processing, packing, treating, and storage		
	Dairy farm or milk processing plant, commercial		
	Greenhouse or nursery,	C	S
	Feed lot, commercial		
	Livestock auctions or stock yards		
	Livestock or poultry slaughtering or dressing		
	Processing of food and related products		C
	Veterinary clinics (large animal)		S
	Packing house for fruits or vegetables		C
	Tree or sod farm, retail or wholesale	C	S

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**Section 6: Appendix**

**Map 1: Santa Fe County Ordinance 2004-1- Village of Agua Fria Traditional Historic Community**

**Map 2: Village of Agua Fria Traditional Community Proposed Zoning District Map**

**Map 3: Village of Agua Fria Water and Wastewater Map**

**Map 4: Proposed Traditional Historic Community Boundary**

**Map 5: Map Showing the Village of Agua Fria THC with the location of the ditches identified in the Office of the State Engineer Hydrographic Survey of 1914**

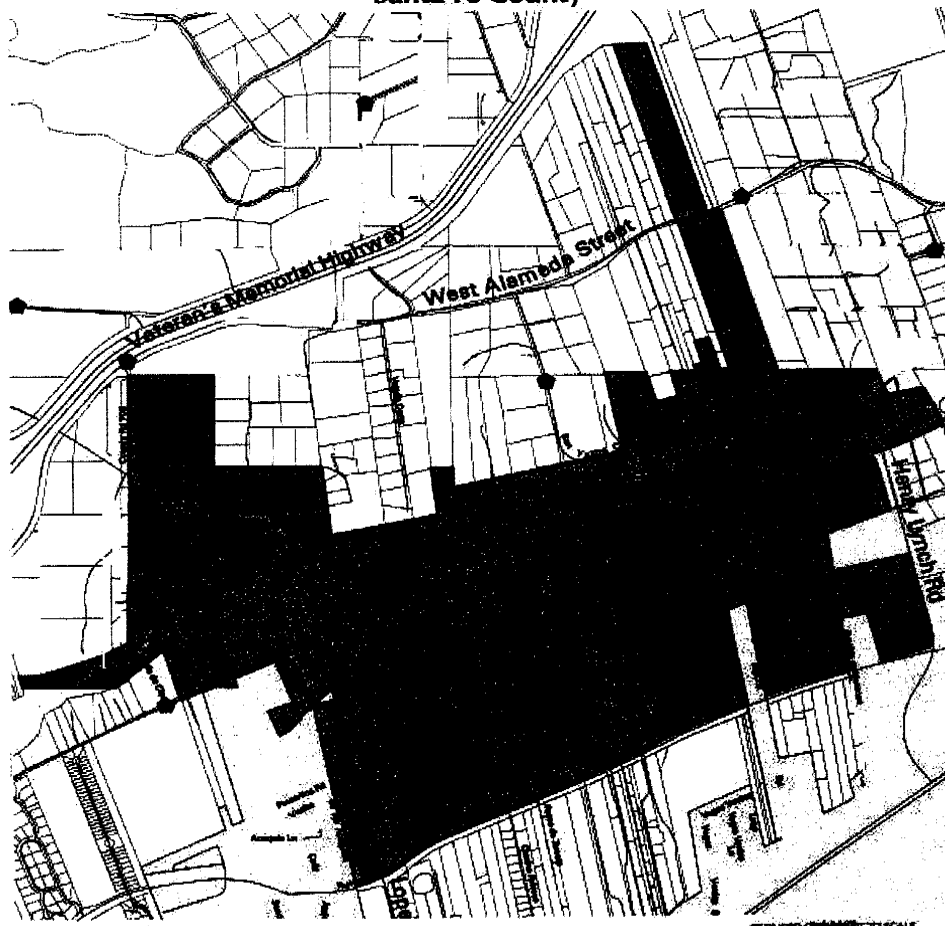
**Map 6: 1978 Office of the State Engineer Hydrographic Survey Map 9 showing the locations of 1914 irrigated lands.**

**Map 7: 1978 Office of the State Engineer Hydrographic Survey Map 10 showing the locations of 1914 irrigated lands.**

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**Map 1: Village of Agua Fria Traditional Historic Community Boundary as adopted by the Board of County Commissioners via Ordinance 2004-1.**

**Village of Agua Fria Traditional Historic Community  
Santa Fe County**



- LEGEND**
- Village of Agua Fria Traditional Historic Community Boundary as adopted April 29, 2004 by Santa Fe County Ordinance No. 2004-1
  - Village of Agua Fria Traditional Historic Community Zoning District Boundary
  - Road Boundary - TRAFFY STATUS
  - City of Santa Fe (Prior 2005 Boundary)
  - Major Road
  - Minor Road
  - Dist 2/Back Road

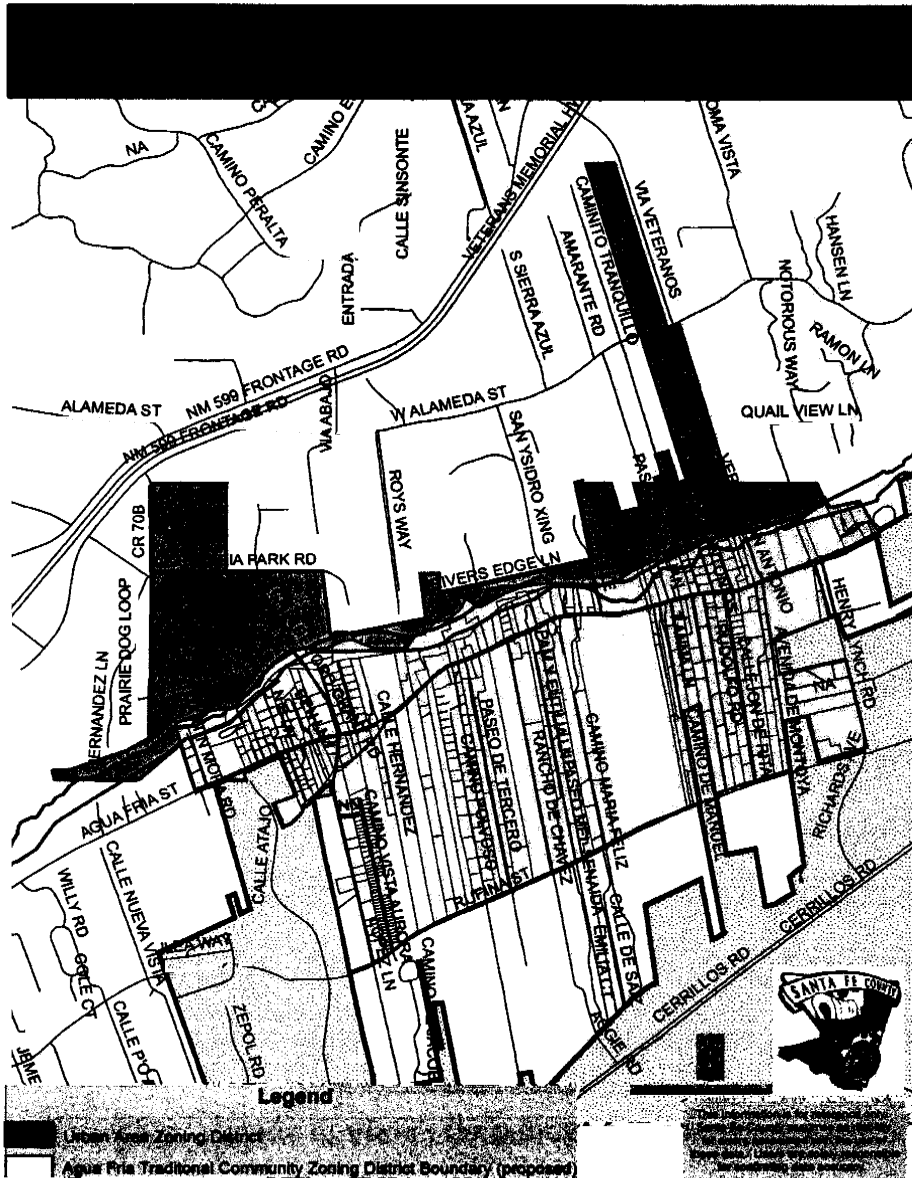


NEEDED TO BE ADDED SCALE



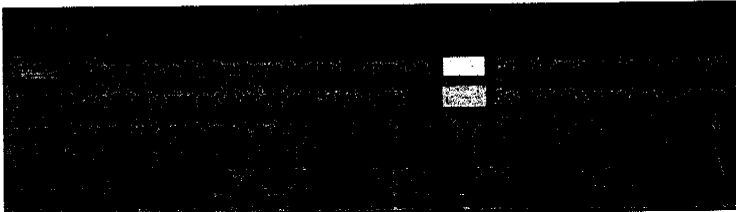
Village of Agua Fria Community Plan

Map 2: Village of Agua Fria Traditional Historic Community Proposed Zoning District Map



Village of Agua Fria Community Plan

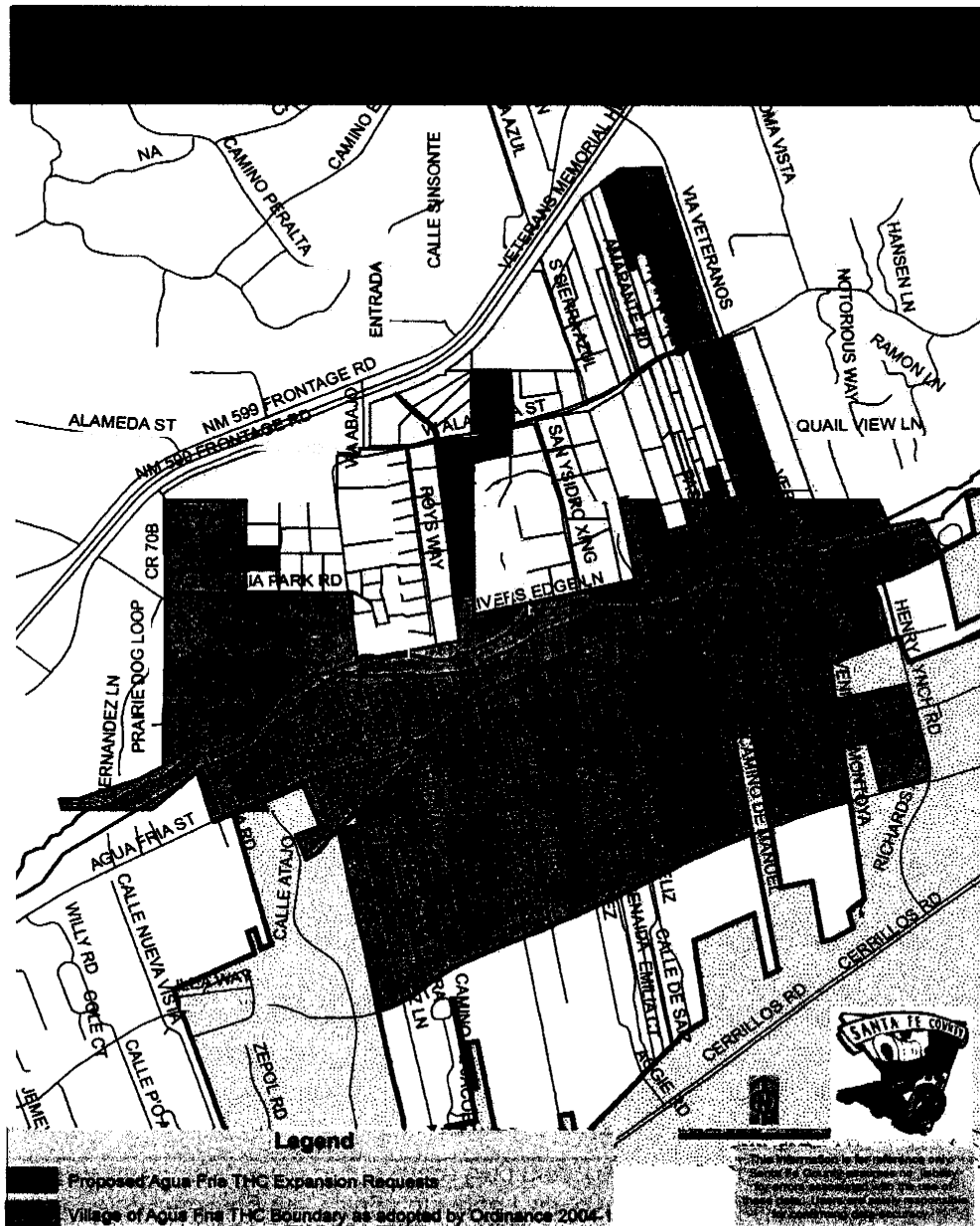
Map 3: Village of Agua Fria Water and Wastewater Map





Village of Agua Fria Community Plan

Map 4: Proposed Agua Fria Traditional Historic Community Boundary

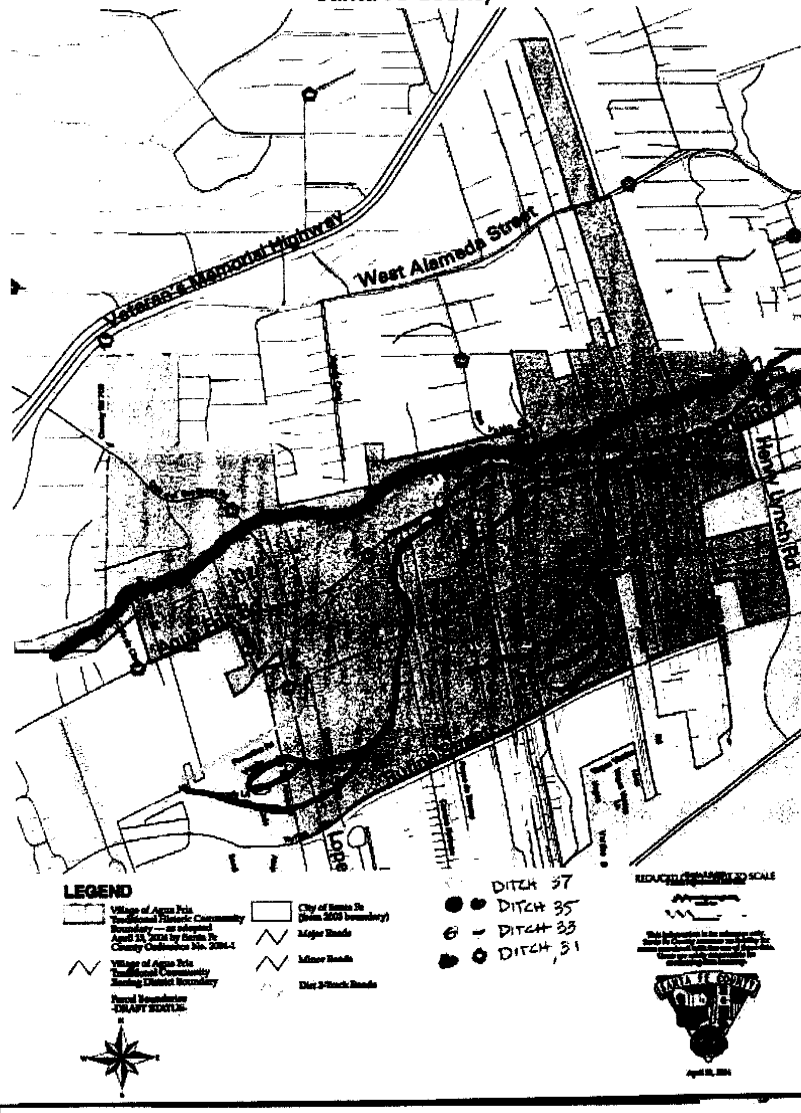


*Village of Agua Fria Community Plan*

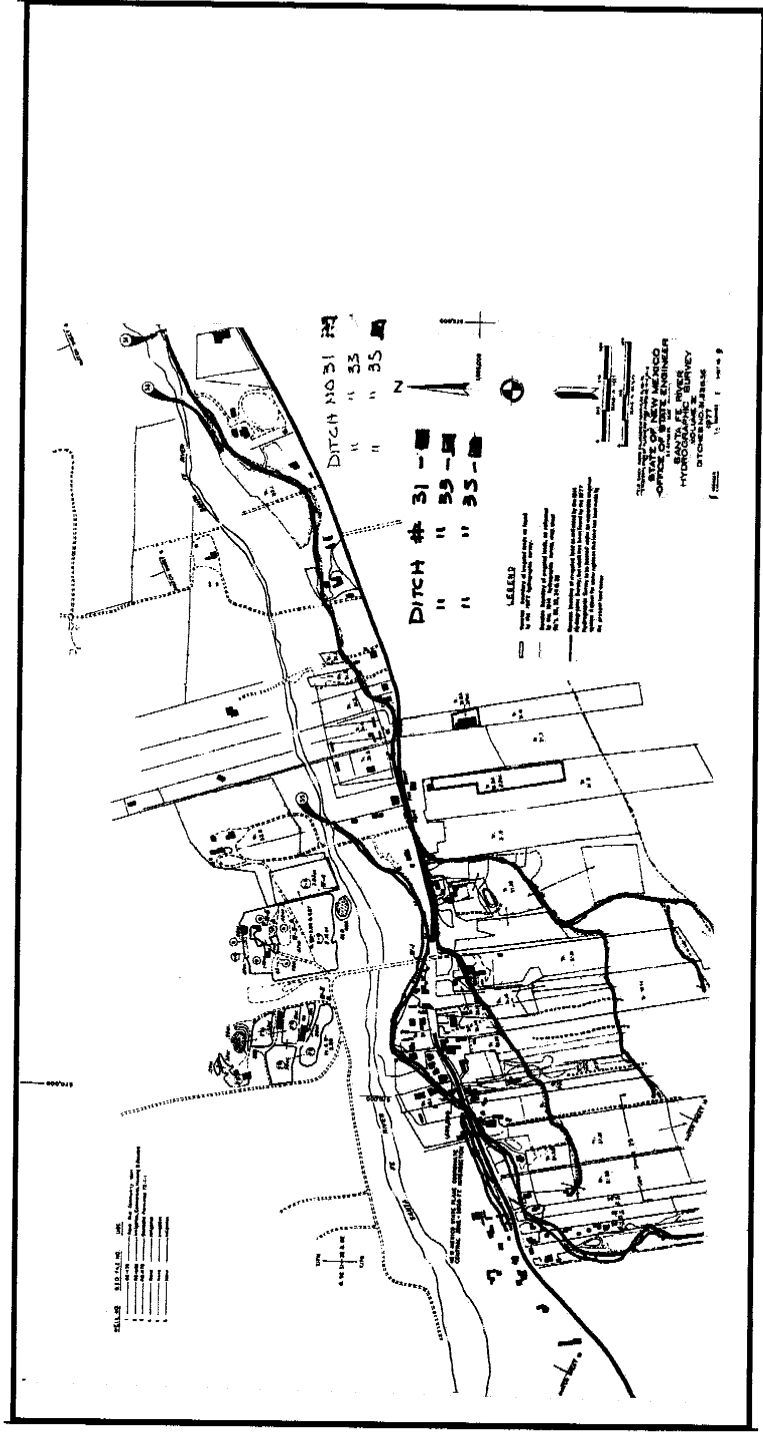
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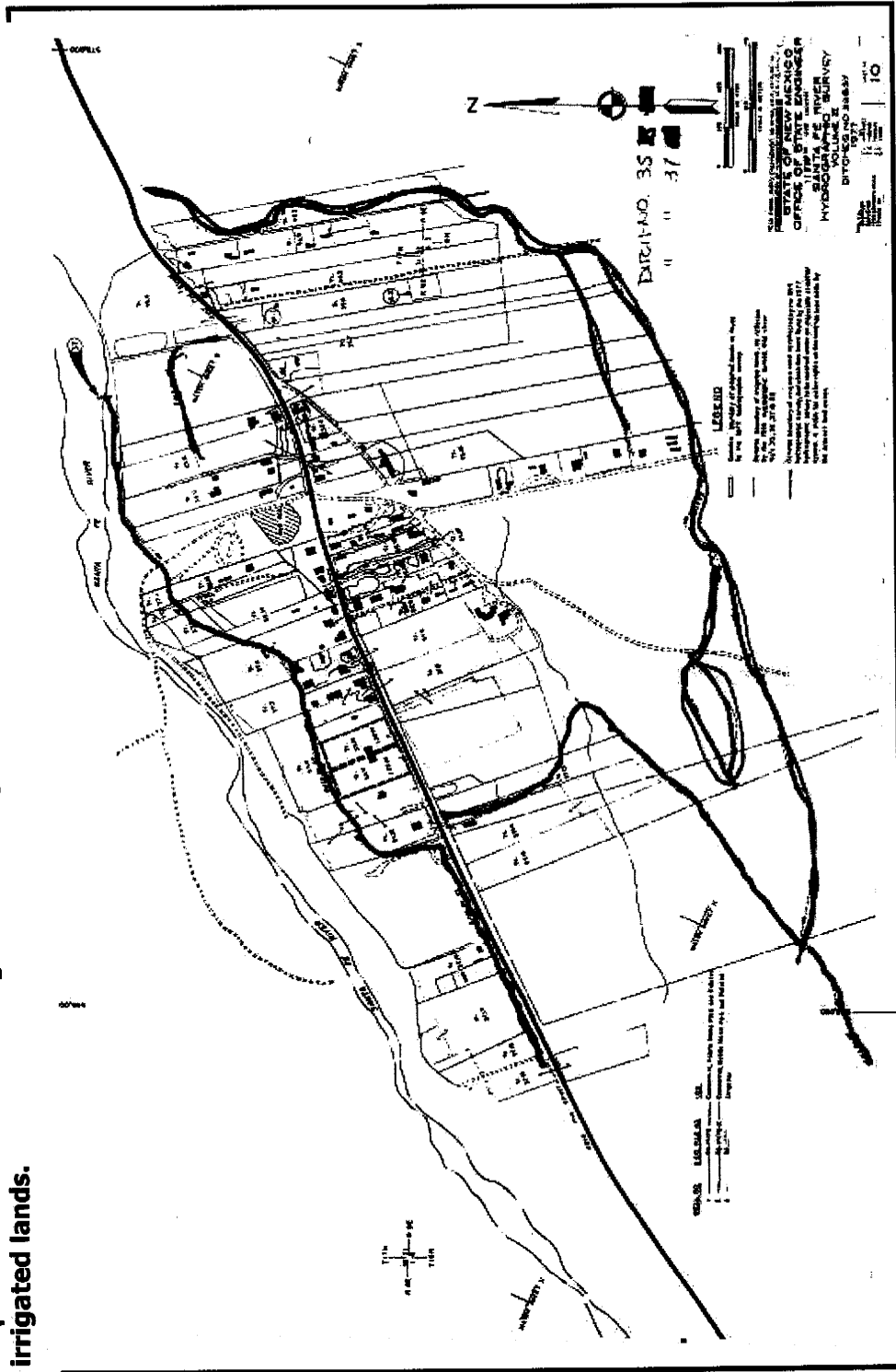
**Village of Agua Fria Traditional Historic Community**  
Santa Fe County



**Map 6: Office of the State Engineer 1978 Hydrographic Survey Map 9 showing the locations of 1914 irrigated lands.**



Map 7: Office of the State Engineer 1978 Hydrographic Survey Map 10 showing the locations of 1914 irrigated lands.







**JAMES W. SIEBERT  
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siebert.associates@comcast.net**

(2-1)

**MEMORANDUM**

**Date:** June 9, 2006

**To:** Joe Catanach

**From:** James W. Siebert *JWS*

**Re:** Mondo Sector, EZ Case V 04-4711

On behalf of my client, Insight Investments, Inc., I am requesting tabling of the current proposed development, due to a conflict in scheduling.

Xc: Mondo Sector

