

Henry P. Roybal  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanius  
Commissioner, District 5

Katherine Miller  
County Manager

**CDRC CASE # V/FDP 15-5170 JACONA TRANSFER STATION  
VARIANCE(S)/FINAL DEVELOPMENT PLAN  
SANTA FE COUNTY, APPLICANT**

**ORDER**

THIS MATTER came before the Board of County Commissioners (BCC) for hearing on September 8, 2015, on a request by Santa Fe County (Applicant) for a variance of Ordinance No. 2002-6, Article III, Section 4.4.4(c), Maximum Height, an amendment to the Santa Fe County Land Development Code, to allow the structure to exceed 24 feet in height; a variance of Ordinance No. 2000-01, Section 2.3.6.d.2, an amendment to the Santa Fe County Land Development Code, to allow retaining walls to exceed 10 feet in height; and a variance of the Santa Fe County Land Development Code, Ordinance No. 1996-10 (Code), Article VII, Section, 3.4.1.c.1.c, No Build Areas, to allow 5 isolated disturbances of 30% slope for access roads totaling 1,313 square feet of disturbance. The BCC, having reviewed the Application, supplemental materials, staff report, and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted, and makes the following findings of fact and conclusions of law:

1. The Applicant requested three variances, a variance of Ordinance No. 2002-6, Article III, Section 4.4.4(c), Maximum Height, to allow the structure to exceed 24 feet in height; a variance of Ordinance No. 2000-01, Section 2.3.6.d.2, to allow retaining walls to exceed 10 feet in height; and a variance of Article VII, Section, 3.4.1.c.1.c, No Build Areas, to allow 5 isolated disturbances of 30% slope for access roads totaling 1,313 square feet.

2. The property is located off of Highway 502, within the Jacona Land Grant, within Section 15, Township 19 North, Range 8 East.

3. The Jacona Land Grant property owners acquired the property by U.S. Patent on November 15, 1909. Santa Fe County holds a 25 year lease and an option to lease for an additional 25 years on 19.63 acres for a use under Community Service Uses.

4. On July 16, 2015, the County Development Review Committee (CDRC) approved the Final Development Plan to allow a facility to be utilized as a County Collection Center on 19.63 acres  $\pm$ . The CDRC also recommended approval, to the BCC, of the three requested variances.

5. The Center will consist of a main building which will be utilized for waste unloading and recycling, a sheltered area for re-use items for a combined roofed area of 9,623 square feet, a flat pad for green waste, and a flat pad for scrap metal and tires. The Jacona Collection Center will be a County owned and operated facility.

6. Notice requirements were met as per Article II, § 2.4.2 of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty-one days on the property, beginning on August 18, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on August 18, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners.

7. The applicable requirements under Ordinance No. 2010-13 and the Code which govern this request are:

a. Ordinance No. 2010-13, § 7, Community Service Facilities, states, “[c]ommunity service facilities are facilities which provide service to a local community organization.

These may include governmental services such as police and fire stations, elementary and secondary day care centers, schools and community centers, and churches.”

b. Ordinance No. 2010-13, § 7.1, Standards, states:

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

7.1.1 The proposed facilities are necessary in order that community services may be provided for in the County;

7.1.2 The use is compatible with existing development in the area and is compatible with development permitted under the Code; and

7.1.3 A master plan and preliminary final development plan for the proposed development are approved.

c. Ordinance No. 2002-6, Article III, Section 4.4.4(c), Maximum Height, states:

Structures shall be limited to a maximum of thirty-six (36') feet high in Major or Community Center Districts and to twenty-four (24) feet high in Neighborhood or Local Center Districts. Height is measured from any point on the upper surface of a building or structure to the natural grade or finished cut grade; whichever is lower, directly below that point. The vertical depth of fill material from the natural grade, with or without retaining walls, shall be considered as a component of the building or structure; this depth shall be included in determination of building height.

d. Ordinance No. 2000-01, Section 2.3.6.d.2 states, "... [e]ach retaining wall shall be set back a minimum of six horizontal feet (6') from face of wall to face of wall and shall be a maximum of ten feet in height..."

e. Article VII, Section, 3.4.1.c.1.c., No Build Areas, states:

Natural slopes of thirty percent (30%) or greater. Exceptions may be approved by the Code Administrator for: i. access corridors, utility corridors and landscape areas proposed on natural slopes in excess of thirty percent (30%) that disturb no more than three (3) separate areas of no more than one thousand (1,000) square feet each, provided the applicant demonstrates that no alternative development location is available...

f. Article II, Section 3, Variances, of the Code states:

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request

for a variance. A Development Review Committee may recommend to the [BCC] and the [BCC] may vary, modify or waive the requirements of the Code upon adequate proof that compliance with a Code provision at issue will result in an arbitrary and unreasonable taking of property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety.

g. Article II, Section 3.1 concludes that, “[i]n no event shall a variance...be recommended by [the] Development Review Committee nor granted by the [BCC] if by doing so the purpose of the Code would be nullified.”

h. Article II, Section 3.2 states, “[i]n no case shall any variation or modification be more than a minimum easing of the requirements.”

8. The review by the following State Agencies: New Mexico Department of Transportation (NMDOT), New Mexico Environmental Department (NMED), New Mexico Historic Preservation Department (SHPO), and the Office of the State Engineer (OSE), has established that that the Application is in compliance with all state requirements. The review by County staff has established that that the Application is in compliance with Ordinance No. 2010-13, § 7 and § 7.1, Community Service Facilities.

9. The Applicant asserted that the variances are needed because the height of the structure is required to provide safe and adequate service, as a Collection Center, for the general public and the employees. The height of the retaining walls is required for proper circulation of vehicles and for efficient use of the facility. The five occurrences of disturbance of slope over thirty percent (30%) totaling 1,313 square feet is well below the square footage allowed by the code for three (3) occurrences which is allowed to total 3,000 square feet. The requested variances will have little to no visual impact to the surrounding properties as well as the public traveling along Highway 502. These variances may be considered a minimum easing of the Code.

10. Mark Hogan, Property & Facilities Director for Santa Fe County and Robert Martinez, Public Works Deputy Director for Santa Fe County, spoke in favor of the Application and addressed all questions and concerns raised by the BCC.

11. At public hearing before the BCC on September 8, 2015, staff recommended approval of the requested variances because the variance of the height requirements may be considered a minimal easing because the height required for the structure is designed to provide safe and adequate service for the general public and the employees. The variance of the heights for the retaining walls will be a minimal easing of the Code because they are required for proper circulation of vehicles and efficient use of the facility. The variance to allow disturbance of 1,313 square feet of 30% slopes is well below what is allowed by the Code for three (3) occurrences, which will result in a minimal easing.

12. At the public hearing no one from the public spoke in favor or opposition to the Application.

13. Granting the variance requests will not result in conditions injurious to health or safety, will not nullify the purpose of the Code/Ordinance, and is a minimal easing of the Code/Ordinance. The variances will result in a safer Collection Center facility.

**WHEREFORE** the Board of County Commissioners of Santa Fe County hereby approves the request of three variances, a variance of Ordinance No. 2002-6, Article III, Section 4.4.4(c), Maximum Height, to allow the structure to exceed 24 feet in height; a variance of Ordinance No. 2000-01, Section 2.3.6.d.2, to allow retaining walls to exceed 10 feet in height; and a variance of Article VII, Section, 3.4.1.c.1.c, No Build Areas, to allow 5 isolated disturbances of 30% slope for access roads totaling 1,313 square feet. The motion to approve the

Application passed by a unanimous (4-0) voice vote, with Commissioners Chavez, Roybal, Holian and Stefanics, voting in favor of the motion, while Commissioner Anaya was not present for the action.

**IT IS SO ORDERED**

This Order was approved by the Board of County Commissioners of Santa Fe County on this \_\_\_\_ day of \_\_\_\_\_, 2015

The Board of County Commissioners of Santa Fe County

By: \_\_\_\_\_  
Robert A. Anaya, Chairperson

ATTEST:

\_\_\_\_\_  
Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

*Gregory S. Shaffer*  
\_\_\_\_\_  
Gregory S. Shaffer, County Attorney

- VIII. C. 3. **CDRC CASE # V/FDP 15-5170 Jacona Collection Center.**  
Santa Fe County, Applicant, Received Conditional Approval from the County Development Review Committee (CDRC) for Final Development Plan to Allow a Facility to be Utilized as a County Collection Center on +19.63 Acres. The Applicant Requests Approval by the Board of County Commissioners for a Variance of Ordinance No. 2002-6, Article III, Section 4.4.4(C) (Maximum Height) to Allow the Structure to Exceed 24 Feet in Height, A Variance of Ordinance No. 2000-01, Section 2.3.6.D.2, to Allow Retaining Walls to Exceed 10 Feet in Height, and a Variance of Article VII, Section, 3.4.1.C.1 (No Build Areas) to Allow 5 Isolated Disturbances of 30% Slope for Access Roads totaling 1,313 Square Feet. The Property is Located off Highway 502, within the Jacona Land Grant, within Section 15, Township 19 North, Range 8 East (Commission District 1)

JOSE LARRAÑAGA (Case Manager): Thank you, Mr. Chair. On July 16, 2015 the CDRC approved the final development plan to allow a facility to be utilized as a County Collection Center on 19.63 acres. The CDRC also recommended approval to the BCC of a variance of Ordinance No. 2002-6, Article III, Section 4.4.4.C, maximum height to allow the structure to exceed 24 feet in height. A variance of Ordinance 2000-1, Section 2.3.6.D.2, Walls and Fences, to allow retaining walls to exceed ten feet in height, and a variance of Article VII, Section 3.4.1.C.1.c, No-build areas of the code to allow five isolated disturbances of 30 percent slope for access roads totaling 1,313 square feet.

The applicant received final development plan approval from the CDRC for the Jacona Collection Center as a Community Service Facility in conformance with Ordinance No. 2010-13 § 7, Community Service Facilities, and the Code. The Center will consist of a main building which will be utilized for waste unloading and recycling and a sheltered area for re-use items for a combined roofed area of 9,623 square feet, in addition to a flat pad for green waste and a flat pad for scrap metal and tires. The Jacona Collection Center will be a County-owned and operated facility.

The applicant is requesting three variances: a variance of Ordinance No. 2002-6, Article III, Section 4.4.4.C, maximum height; a variance of Ordinance 2000-1, Section 2.3.6.D.2, Walls and Fences, and a variance of Article VII, Section 3.4.1.C.1.c, No-build areas of the code.

The applicant asserts a variance of Article III, Section 4.4.4.C, Maximum height, is necessary for the following reasons: In order for the facility to function, the tunnel where trash collects in trailers must be at least 16 feet below the collection/tip floor in the main facility, and the public areas need to be at least 2' 8" above the tip floor. The tunnel needs 14 feet of clear space above the tip floor as well. Because of these functional considerations, the height of the facility requires an exception. The overall height from lowest grade to highest point is 41 feet 9 inches. However, the ridge of the main facility

is only 23'1" above finish grade. The ridge of the tunnel is 38' above grade.

Other mitigating factors: The design incorporates several features to lessen the appearance of height. The tunnel floor is 10' below grade so that it is not seen from Highway 502. The slope of the roof is 2:12 so although the visible height above grade is 28' at the ridge it's only 22' 3" and 19' 3" at the eaves. The mass of the facility is broken up into four volumes; an open-air cover echoes the roof pitches and breaks up the mass of the tunnel.

Staff Response: The height of the structure is necessary in order for the facility to function in a safe and efficient manner. The height is required to allow the headroom required for the equipment to be used in the daily operation of the facility. The applicant has designed the facility, utilizing the natural topography, so that the height will be a minimal visual impact on the public traveling along Highway 502.

The applicant asserts a variance of Ordinance No. 2000-01, Section 2.3.6.D.2 is necessary for the following reasons: Given the function requirements of the facility, some retaining walls are required to be built over ten feet to allow waste to be pushed into trailers from the greenwaste area and the main facility, below the public level. Where possible the retaining walls will be designed with a series of walls set back from each other.

Staff Response, The facility is designed to handle a large amount of waste and large trucks and trailers will be utilized to haul off the waste. The facility is designed for these trucks/trailers to be positioned below the main facility and still be able to circulate through the facility and not impede the traffic created by the public. The design creates an efficient and safe facility and utilizes the bulk of the structure and the natural topography to shield the mass of the retaining walls from any possible visual impact to Highway 502.

The applicant asserts a variance of Article VII, Section 3.4.1.C.1.c of the code is necessary for the following reasons: The project site is relatively flat, however, the topography of the areas surrounding the site is challenging with hills and arroyos, making access an issue. The main facility is located on slopes of less than 20 percent and is sited to preserve natural features such as trees and hills. Roads were designed to avoid arroyos and hills as much as possible, winding around the hill that screens the collection facility site from Highway 502. Some grading on 30 percent slopes is inevitable due to the topography of the site. The location of the entrance was dictated by the features of Highway 502, and it enters the site at a steep embankment. The road enters on a man-made area greater than 30 percent slopes. An exception is required because there are more than three occurrences of disturbance of greater than 30 percent natural slopes. There are five instances, however, these are all small and represent only 1,313 square feet, less than half of the 3000 square feet allowed. The disturbance is only on areas for access roads and not for any buildings.

Staff Response: The five separate occurrences of 30 percent slopes is minimal as the square footage of those combined disturbances totals 1,313 square feet. These disturbances are necessary to create a safe access for the general public utilizing the facility and the employees, and emergency vehicles. The disturbances of the 30 percent slopes will have a minimal visual impact from Highway 502.

Building and Development Services staff have reviewed the applicant's request for a variance of Ordinance No. 2002-6, Article III, Section 4.4.4.C, Maximum height, to

allow the structure to exceed 24 feet in height, a variance of Ordinance No. 2000-01, Section 2.3.6.D.2, Walls and Fences, to allow retaining walls to exceed ten feet in height, and a variance of Article VII, Section 3.4.1.C.1.c. No-build areas of the code to allow five isolated disturbances of 30 percent slopes for access roads totaling 1,313 square feet of disturbance for compliance with pertinent Code requirements and have found that the following information presented may support a variation of these sections of the code and ordinances. The height of the structure is required to provide a safe and adequate service as a collection center for the general public and the employees. The height of the retaining walls is required for proper circulation of vehicles and for efficient use of the facility. The disturbance of five occurrences of slope over 30 percent is well below the square footage allowed by the code for three occurrences which is 3,000 square feet. The requested variances will have little to no visual impact to the surrounding properties as well as the public traveling along Highway 502. These variances may be considered a minimum easing of the code.

Building and Development Services staff reviewed this project for compliance with pertinent code requirements and has found that the facts presented supported the request for Final Development Plan: the facility will provide a community service to the County; the use is compatible with development permitted under the code; the application, excluding the height of the structure and retaining walls and the disturbance of 30 percent slopes, satisfies the submittal requirements set forth in the code.

The review comments from state agencies and County staff have established findings that this application, for Final Development Plan is in compliance with state requirements, Ordinance No. 2010-13, Community Service Facilities, and Article V, Section 7.2, Final Development Plan of the code.

Staff recommendation: The request for a variance of the height requirements may be considered a minimal easing due to the height required for the structure is designed to provide safe and adequate service as a collection center for the general public and the employees. The height of the walls is required for proper circulation of vehicles and for efficient use of the facility. The disturbance of 1,313 square feet of 30 percent slope is well become what is allowed by the code for three occurrences.

The Board may vary, modify or waive the requirements set forth in Ordinance No. 2002-6, Article III, Section 4.4.4.C, Maximum height, to allow the structure to exceed 24 feet in height. A variance of Ordinance No. 2000-01, Section 2.3.6.D.2, to allow retaining walls to exceed 10 feet in height, and a variance of Article VII, Section, 3.4.1.1.c.1, No Build Areas to allow five isolated disturbances of 30 percent slope for access roads totaling 1,313 square feet of disturbance.

Mr. Chair, I stand for any questions.

COMMISSIONER CHAVEZ: Thank you, Mr. Larrañaga. Any questions of staff? So this is interesting because the County is the applicant.

MR. LARRAÑAGA: Mr. Chair, that's correct.

COMMISSIONER CHAVEZ: So I guess we would still have a public hearing. Was there a public hearing – because I know this went to the CDRC. Was there any public comment period? Or did you go out to the public on this?

MR. LARRAÑAGA: Mr. Chair, yes. We do have the architect here and staff that can answer any questions on the function of the facility and why some of these

variances are needed in detail.

COMMISSIONER CHAVEZ: Well, I think I understand that part of it. It's just a little interesting that we're the applicants, so I think we're trying to lead by example and we want to do the right thing. We expect others to get permits for their projects and I think it's appropriate that we would do the same thing. So that just is a little different approach to things because usually the applicant is not us, the County. But I will ask, just for the comfort, is there anyone from the public that would like to speak on this issue? Seeing none then I'll close the public hearing portion.

Questions of staff? Commissioner Roybal.

COMMISSIONER ROYBAL: Yes, I did have one question. I was wondering, on the small County road that's just – I guess that would be north of the transfer station – has there been a study done for traffic that is exiting out of there headed eastbound on 502?

MR. LARRAÑAGA: Mr. Chair, Commissioner Roybal, I believe Mark can answer that. We were just talking about the study on the traffic.

MARK HOGAN (Projects and Facilities): Mr. Chair, Commissioners, that road is 84D. We have studied the traffic at that intersection as well as both directions associated with that site. And so right now there's the road conditions that exist are adequate for the service of the facility.

COMMISSIONER ROYBAL: Okay. So with that added structure that will be there is it going to be more difficult for the traffic or it will remain the same?

MR. HOGAN: There will be a de-acceleration lane for traffic that's approaching from the west to slow down and go into it. We did a study on an accel lane leaving the property, found out that it was not warranted from the traffic conditions and there was an additional provision that if it served the safety of the site that we could add an accel lane.

As it turned out the distance we had available merged over with the access to the high school and actually created an unsafe condition so we are not recommending an accel lane leaving the property.

COMMISSIONER ROYBAL: Okay. I know that that was off the subject but I do want to – with any other questions that anybody else has I'd like to move for approval after.

COMMISSIONER HOLIAN: Mr. Chair – well, I would like to second that but I have a question.

COMMISSIONER CHAVEZ: Go ahead, Commissioner Holian, and I have a comment to build on what Commissioner Roybal just stated.

COMMISSIONER HOLIAN: So, Mark, if everything goes according to plan, how long do you think it will take the new transfer station operational?

MR. HOGAN: Mr. Chair, Commissioner, we're hoping that this will go to bid in the first part of 2016, January, and we hope to have it operational by July or August 2016.

COMMISSIONER HOLIAN: Great. And I just wanted to make the comment that I think in this particular case the variances that are requested are actually going to make the facility safer in this case.

MR. HOGAN: That's correct.

COMMISSIONER HOLIAN: Thank you.

COMMISSIONER CHAVEZ: So, Commissioner Roybal, your comments about traffic study I think are spot on and in the memo – of course this is a development plan report. There is a section here on a traffic study and it reads that a TIA, that's a traffic impact analysis, a TIA was not required by the Department of Transportation, however, an STA – tell us what STA is. An STA was performed.

MR. MARTINEZ: Mr. Chair, it's a site threshold analysis.

COMMISSIONER CHAVEZ: A site threshold analysis was performed. There's no significant impact on Highway 502. Most traffic is on the weekend and there is just one large trailer per day exiting and entering the facility. So is that still an accurate statement?

MR. MARTINEZ: Mr. Chair, Commissioners, that is accurate. And that's what's existing. Well, actually, the amount of County traffic that we have currently at the station that's just about a mile or so down the road has more traffic than what we're proposing because earlier today you approved that waiver for the tractor-trailers for solid waste, we are going to be using walking floor trailers at this facility as opposed to roll-off containers which are smaller bins so we make more trips with the roll-off containers. With the walking floor containers it will be at the most one trip per day of the tractor-trailer.

COMMISSIONER CHAVEZ: Okay. So I had highlighted the traffic study and Commissioner Roybal had the same concerns about that, so that's been addressed. I think everything else is ready to go and as Commissioner Holian pointed out, the design of this facility is going to have to serve the residents for many years to come, so we have one chance to do it right and I think that's what we're doing. From what I see that's the approach that we're taking. So I want to thank staff and the public for working on this. So we have a motion and a second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

~~VIII. C. 4. CDRC CASE # Z/PDP/FDP 15-5130 Ashwin Stables. TABLED~~

~~VIII. C. 5. BCC CASE # MIS 10-5354 Rio Business Park. TABLED~~

IX. Concluding Business

A. Announcements

None were presented.

SFC CLERK RECORDED 10/22/2015





