

SUMMARY:

On October 15, 2015, the County Development Review Committee (CDRC) met and acted on this case. The decision of the CDRC was to recommend denial through a unanimous 5-0 vote. (October 15, 2015 CDRC Minutes Exhibit 10)

The Applicants are requesting a variance of Article III, § 3.2, Home Occupation Performance Standards of the Code to allow a dog rescue facility which exceeds 50% of the floor area of the existing dwelling unit as a home occupation on 6.52-acres.

The owners of the Property, Michael and Heidi Seizys, acquired the property by warranty deed recorded as instrument #1631482 in the Santa Fe County Clerk's records dated April 5, 2011, (Exhibit 7). The Property is a legal lot of record created prior to 1981 through a pre-code deed.

The Property is located within a residential area. The neighboring lots range in size from 3.3 acres to 9,331 acres. Rancho Viejo Partnership owns the property to the west of the subject Property, the north and northeast neighboring lots have existing residences and each contain about 5 acres. The property to the east has a residence and the lot is about 6.5 acres. South of the Property is a vacant 4.9 acre property along with two properties with residences each about 3.3 acres.

On December 9, 2014, the Applicants applied for a Home Occupation business registration through the Growth Management Department. The Home Occupation application was a requirement made by the County Sheriff's Office Animal Control Services Division. The Applicant initially went into Animal Control Services to obtain licenses for all of the dogs. Due to the number of animals the Applicant wanted to register, Animal Control staff informed her that Santa Fe County Ordinance No. 1991-6 (Exhibit 9) does not allow a property owner to have more than ten dogs. The Applicant informed Animal Control Services that she was running a dog rescue facility. Rescue facilities under Ordinance No. 1991-6 and the Land Development Code are considered kennels that must meet certain minimum standards as outlined in Ordinance No. 1991-6, Article 10-1. Staff and Article III, § 7 has determined that the proper mechanism for this request should be through master plan zoning, preliminary and final development plan as a community service facility. The Applicant has not made a submittal that can meet Code Requirements.

Growth Management staff granted the Applicants time to reduce the number of dogs on the property through adoptions however, the number was not reduced. The Applicants were sent a denial letter via certified mail on July 21, 2015, citing Article III, § 3.2.3: "There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation..." Having 25 dogs, not including your own personal animals, roaming the premises and creating noise will change the outside appearance of the premises and create visible evidence of the conduct of the home occupation," (Exhibit 2). The Applicant had five days from the date that she signed for the certified letter to appeal the Land Use Administrator's decision to deny the Home Occupation. An Application to appeal the decision was not received within the allotted time. The Applicants and their Agent decided they would prefer to request a variance to the Home Occupation Standards rather than appeal the Land Use Administrator's decision as they prefer not to reduce the amount of square footage initially proposed which virtually includes a majority of the residence.

The Agent states the Applicants rescues dogs from animal shelters that put the dogs to sleep if they are not timely adopted. She is trying to give these dogs a second chance. The Applicants keep all the dog's vaccinations up to date and ensure all of the dogs are spayed and neutered. There are currently 20 dogs under the care of the Applicants. The Applicants allow the dogs to go in and out of the 2,400 square foot residence. The dogs have a 12,700 square foot yard they access directly from the residence via two doggie doors. The dog yard is screened by a number of trees and the Agent indicates that it is not visible to neighboring properties. The Applicants state that clients do not come to the property but instead they take the dogs to various adoption clinics. Staff has received telephone call complaints from two neighbors regarding noise from the dogs prior to the CDRC hearing in October.

Article III, § 3.2.2, Home Occupation Performance Standards, of the Code states: "[t]he use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50% of the floor area of the dwelling unit including accessory buildings shall be used in the conduct of the home occupation."

Article II, § 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, the applicant may submit a written request for a variance."

Article II, § 3.1 concludes that "[i]n no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified."

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

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 September 24, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on September 24, 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. (Exhibit 8)

This Application was submitted on September 10, 2015.

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

APPROVAL SOUGHT: Approval of a variance of Article III, § 3.2.2 and 3.2.3, (Home Occupation Performance Standards), of the Land Development Code to allow a dog rescue as a home occupation which exceeds 50% of the floor area of the residence.

GROWTH

MANAGEMENT AREA: El Centro, SDA-2

HYDROLOGIC ZONE: Basin Hydrologic Zone, per Article III, § 10, the minimum lot size is 10 acres per dwelling, but with water restrictions may be decreased to 2.5 acres per dwelling.

FIRE PROTECTION: Turquoise Trail Fire District.

WATER SUPPLY: Domestic Well.

LIQUID WASTE: Conventional Septic System.

VARIANCES: Variance of Article III, § 3.2, Home Occupation Performance Standards

AGENCY REVIEW:	<u>Agency</u>	<u>Recommendation</u>
	N/A	

STAFF RECOMMENDATION: The CDRC and Staff recommend denial of a variance of Article III, § 3.2 Home Occupation Performance Standards of the Code and required the Applicants to go through master plan zoning, preliminary and final development plan as a community service facility.

If the decision of the BCC is to recommend approval of the Applicant's request, staff recommends the following conditions be imposed:

1. The Applicants shall be restricted to a kennel that only allows 20 dogs housed at any time in accordance with the Santa Fe County Animal Control Ordinance 1991-6, § 10.1, Appendix A (C)(2).
2. The home occupation area shall not exceed the 15,100 square feet as proposed in the Application for the business.
3. The Applicants shall comply with any standards and/or requirements for ownership and maintenance of a kennel in accordance with the Animal Control Ordinance 1991-6, Section 10.1 (A-F).
4. Per the Fire Marshal's memo the Applicants shall have annual inspections conducted by the Fire Prevention Division.
5. The Applicants shall obtain a Santa Fe County Business License.

EXHIBITS:

1. Letter of request
2. Article III, § 3.2 (Home Occupation Performance Standards)
3. Article II, § 3 (Variances)
4. Home Occupation Permit #14-4101
5. Land Use Administrator's Denial Letter
6. Aerial of site and surrounding area
7. Warranty Deed
8. Proof of Noticing
9. Animal Control Ordinance No. 1991-6
10. October 15, 2015 CDRC Minutes



**JAMES W. SIEBERT
AND ASSOCIATES, INC.**

**915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
jim@jwsiebert.com**

September 10, 2015

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

Re: Heidi Seizy's Variance Request

Dear Ms. Ellis-Green:

In a response to your letter dated July 20, 2015, to deny a home occupation business registration application based on the outside appearance and size of the fenced yard exceeding the 50% floor area requirement, a variance request is being submitted on behalf of Heidi Seizy's to allow her to operate a dog rescue.

Ms. Seizy's rescues dogs from high kill shelters, her voluntary rescue of the dogs saves them from being euthanized, all dogs including puppies and nursing mothers are euthanized within eight days. By rescuing these dogs, they get a second chance in life. Ms. Seizy's keeps the shots up to date and makes sure all the dogs under her care are spayed and neutered. There are now between 15-20 dogs under the care of Ms. Seizy's. The footprint of the home is 2,400 sq.ft while the outdoor animal area is 12,700 sq.ft. The dogs are not always outside, there are two doggie doors that allow the dogs to be either inside or outside of the home. The property consists of 6.52 acres and is not visible to any neighbors. There are a number of trees that screen the dogs outdoor area. There is no monetary compensation that the rescue receives or are there clients wishing to adopt dogs that go to the property, Ms. Seizy's takes the dogs to adoption clinics. Other than the floor area being exceeded, the application meets all other requirements of Article III, Section 3.2 of the Land Development Code.

Ms. Seizy's and her husband are the only people on the property and work opposite shifts to ensure that there is always someone home to watch over the dogs.

NBB-5



from off-site road improvements for the first lot, the person transferring the lot shall file an affidavit as described in Article II, Section 4.3.2b.v.

- (d) Water Conservation. All lots created in accordance with Sections 2.3.1a.ii(b), (d), (f), (g) and (h), which are less than ten (10) acres in size shall be subject to water conservation covenants as set forth in Article VII, Section 6.6.2.

History: Sections 2.3 and 2.4.1 of Section 2 were amended by County Ordinance 1996-3, providing for site planning standards, required submittals and a review procedure regarding terrain management. Section 2.4.2 was amended by Ordinance 1996-8 to include summary review subdivisions, update road and access requirements, clarify provisions for family transfers and add water conservation requirements for some land divisions.

SECTION 3 - HOME OCCUPATIONS

The requirements of this Section 3 of Article III apply to home occupations.

3.1 Location of District

Home occupations are allowed anywhere in the County, provided all of the requirements of the Code are met.

3.2 Performance Standards

A development permit involving a home occupation may be approved only if the following standards are met:

- 3.2.1 Not more than six (6) persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home occupation;
- 3.2.2 The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation;
- 3.2.3 There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one (1) non-illuminated name plate sign not more than nine square feet in area;
- 3.2.4 Parking for employees and for customers or clients of the home occupation as required by Section 9 of this Article III shall be provided off the street;
- 3.2.5 No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area.

3.3 Submittals

The application shall be submitted on a form provided by the Code Administrator which shall include a description of:

- 3.3.1 Activities involved;
- 3.3.2 Materials and equipment used;
- 3.3.3 Methods of operation;
- 3.3.4 Number of employees;
- 3.3.5 Type of product to be produced, serviced or repaired;

- 3.3.6 Mechanical and electrical equipment necessary to the conduct of the home occupation use;
- 3.3.7 Amount, location and method of storage of supplies and/or equipment;
- 3.3.8 Location of parking;
- 3.3.9 Type and amount of traffic generated.

SECTION 4 - COMMERCIAL AND INDUSTRIAL NON-RESIDENTIAL DISTRICTS

4.1 Purpose and Intent

Commercial, and industrial non-residential land uses are permitted only in zoned districts of various sizes and locations in the County of Santa Fe. Non-residential districts specifically for commercial or industrial land uses are established in order:

- 4.1.1 To permit intensive development of selected land uses at designated locations;
- 4.1.2 To avoid strip commercial and industrial patterns of development along highways, arterials, collectors, and local roads of the County;
- 4.1.3 To protect the function of the County's highways, arterials, collectors, and local roads by controlling the number of access locations to commercial and industrial use areas;
- 4.1.4 To prevent the preemption of prime areas for commercial or industrial development by residential development;
- 4.1.5 To protect existing and future residential development from encroachment of non-residential uses;
- 4.1.6 To provide the opportunity to master plan non-residential use areas, so that adequate fire and police protection may be provided and appropriate infrastructure constructed.

4.2 Types and Locations of Commercial or Industrial Districts

4.2.1 Types of Districts and Location Criteria

- a. There are four types of commercial or industrial non-residential districts which may be established at specific qualifying intersections of various types of roads in the County:
 - 1) Regional or major center districts, which are established or may be established, shall be located at intersections of major arterials and major highways. The purpose of major center or regional districts is to concentrate extensive regional non-residential activities. Section 4.3.1 infra, defines uses which may be established.
 - 2) Community center districts, which are or may be located at intersections of arterial and/or collector roads for the purpose of concentrating community oriented commercial uses, shopping, offices and service businesses, including travelers services, light industry, research and development complexes and other similar uses. Sub-section 4.3.1, defines uses which may be established.
 - 3) Local or village center districts, which are or may be located at intersections of collector and local roads and in traditional community areas for the purpose of concentrating activities which serve such neighborhood areas for shopping, travelers' and personal services. Section 4.3.2, lists suggested uses.
 - 4) Neighborhood or small scale center districts, which are or may be located at intersections of local roads or in traditional community areas. Uses similar to those which may be established in local or village center districts may be established.

2.5 Zoning

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

2.6 Subdivisions

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

2.7 Other Requirements

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

SECTION 3 - VARIANCES3.1 Proposed Development

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

3.2 Variation or Modification

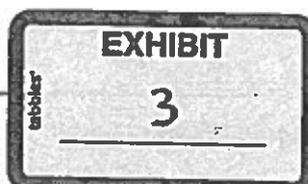
In no case shall any variation or modification be more than a minimum easing of the requirements.

3.3 Granting Variances and Modifications

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

3.4 Height Variance in Airport Zones

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



effect of the proposal in the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, and will do substantial justice. Additionally, no application for variance may be considered by the County Development Review Committee unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within 15 days after receipt, the County Development Review Committee may act on its own to grant or deny said application. Any permit or variance granted may be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary.

History: 1980 Comp. 1980-6. Section 3.4 is new material by County Ordinance 1984-3, adding an administrative procedure to height variation requests in airport overlay zones.

SECTION 4 - SPECIAL PROCEDURE FOR APPROVAL OF DEVELOPMENT ON LOTS WHICH DO NOT MEET LOT SIZE REQUIREMENTS OF CODE

4.1 Dwelling and Customary Accessory Structures

Dwelling and customary accessory structures may be erected on a lot which does not meet the lot size requirements of the Code, provided that:

- 4.1.1 The lot was in existence on the effective date of the Code (January 1, 1981) as demonstrated by the means listed in Section 4.4; or
- 4.1.2 The land is a lot which is part of a subdivision and the preliminary plat of the subdivision has been approved by the Board as of the effective date of the Code (January 1, 1981); or
- 4.1.3 The lot has been created by Small Lot Inheritance Transfer or Small Lot Family Transfer and the requirements of Section 4.3 of this Section are met.

4.2 Requirements of Code Not Involving Size of Lot

All other requirements of the Code including, but not limited to, building height, setback, use, design standards, environmental provisions, water restrictions, development, building and utility permits, and certificates of occupancy, as applicable, shall be met.

4.3 Small Lot Inheritance and Small Lot Family Transfer

Dwellings and customary accessory structures may be erected on a lot which does not meet size requirements of the Code and is being created by inheritance or family transfer, provided the definitions, restrictions and standards of this Section are met.

4.3.1 Purposes

- 4.3.1a To maintain local cultural values by perpetuating and protecting a traditional method of land transfer within families, especially within the traditional communities; and
- 4.3.1b To permit transfers of lots which do not meet the lot size requirements of the Code from grandparents, parents or legal guardians as a one time gift to a child or grandchild in order to provide a more affordable home site for these adult children.

SANTA FE COUNTY BUSINESS REGISTRATION APPLICATION

NAME OF BUSINESS: Seizys Ranch Inc PHONE NO: (505) 577-5372

BUSINESS ADDRESS: 94 Turquoise Trail Ct.

MAILING ADDRESS: "

NAME OF PRINCIPAL BUSINESS OWNER: Heidi Seizys

HOME OCCUPATION: COMMERCIAL:

NEW MEXICO GROSS RECEIPTS TAX NUMBER: 03-3016041-00-8

DESCRIPTION OR NATURE OF BUSINESS: rescue unwanted dogs and find good homes. five dogs are personal pets + 25 are currently in need of new homes.

A business registration fee of \$35.00 will be assessed at time of approval, and thereafter, before March 15 of each calendar year. A late fee of \$10.00 will be assessed on ANY untimely payment. Business Registrations are effective from date of issuance through the end of the calendar year. Thereafter, registrations are effective from January 1 through December 31 of each year.

SIGNATURE OF APPLICANT: Dickie Dalton for James W. Siebert DATE OF APPLICATION: 11/14/14

FOR OFFICIAL USE ONLY

Location ID: 6800944 UPC: 1-048-087-009-155

DEVELOPMENT PERMIT NO: 14-4101 BUSINESS REGISTRATION NO: _____

TOWNSHIP 15 RANGE 8 SECTION 24 COMMISSION DISTRICT 5

FEE PAID \$35.00 RECEIPT NO. _____ PROCESSED BY John M. Salazar

FIRE HAZARD POTENTIAL: HIGH _____ MEDIUM _____ LOW _____

LAND USE DIRECTOR _____ DATE _____

COUNTY FIRE MARSHAL _____ DATE _____

TREASURER _____ DATE _____

FINANCE _____ DATE _____

COMMENTS: _____

EXHIBIT
4



**BUILDING AND DEVELOPMENT SERVICES AND
SANTA FE COUNTY FIRE PREVENTION DIVISION
DEVELOPMENT PERMIT APPLICATION**



Applicant Name: (Present &/or Former Names) Heidi Seizys **Development Permit Number** 14-4101 **Project Manager/Type/Date Received** JAN SALZAR / 12-9-14

Development Fees Paid Y N Amount: 350 **Fire Impact Fee Paid** Y N Amount: 50 **Total Fees Paid:** 400

Additional Fire Inspections will be charged a minimum \$25.00 fee.
For official use only

Type of Development Permit:
(Indicate all that apply)

Master Plan Prelim. Plan Final Plan Family Transfer Driveway Lot Line Adj. Land Div. Accessory Structure

Residential Bldg. Plan Commercial Bldg. Plan Res. Sub. Com. Sub. Sprinkler/Alarm Mobile Home Other Home Occ BUSINE

Wildland Hazard Rating: Moderate High Very High Extreme N/A **Fire District** Turquoise Trail

Fire Protection Water Source: Fire Hydrant Draft Hydrant Pond Other _____ **Driveway length:** 248' **Width:** 17'

PROPERTY OWNER INFORMATION: **First Name:** Heidi **Last Name:** Seizys

Mailing Address: 94 Turquoise Trail Ct **Zip:** 87508

Rural address of Project: _____ **Zip:** _____

Written Directions to Project Site: Head South on St Francis; Slight right onto I-25 S. Ramp to Albuquerque; Merge onto I-25 S.; Take exit 276 for NM 599 toward SE relief Route; Keep LEFT @ fork, follow signs for NM 14 S/ Madrid; Turn left onto 599 S.; Turn right onto NM 14; Turn left onto Turquoise Trail Ct.

Cell Phone: _____ **Home Phone:** _____ **Email address:** _____

Contractor / Company Name: James W. Siebert & Assoc **Address:** 915 Mercer St.

Cell Phone: () _____ **Work Phone:** (505) 983-5588 **Contractor's License #** N/A

PROJECT DESCRIPTION: Dog Rescue for Unwanted Dogs

Section: 24 **Township:** 15N **Range:** 8E **Commission District:** 5 **Parcel ID:** 108000944

UPC Number: 1-048-087-009-155 **Plat Book:** 286 **Page:** 21 **Date Recorded:** 9/20/94

Warranty Deed Instrument #: 11031482 **Date Recorded:** 2011 **Subdivision Name:** _____

Acreage: 6.520 **Estimated Completion Date:** _____ **Valuation:** _____

Proposed Number of Dwellings Onsite: N/A - 0 **Existing:** 1 **Total:** 1

Proposed Number of Lots Onsite: N/A **Existing:** 1 **Total:** 1

Proposed Roofed Area Sq. Ft.: N/A **Existing Roofed Area Sq. Ft.:** 2300 sq ft **Total Roofed Area Sq. Ft.:** 2300 sq ft

Lot Number: _____ **Phase:** _____ **Affordable Unit:** Yes No **All Weather Access:** Yes No* (*Access improvements required)

County Road: Yes* No (Access Permit DPW required) **Legal Access:** Yes No

FEMA 100-year Floodplain: Yes* No **Zone:** _____ **Panel Number:** _____ (*Floodplain Dev. Permit required)

NMED Septic Permit: Yes No **Community Sewer System:** Yes No **Water Restrictions:** Yes* No **Book:** _____ **Page:** _____

Shared Well: Yes* No ***Share Agreement Inst. #:** _____ **Well Meter Reading:** _____

Well Permit #: PG-21179 **Well Meter Serial Number:** _____ **Meter Type:** _____ **Unit of Measure:** _____

Community Water System: Yes* No (*Water Service Letter Required) **Cistern Required:** Yes No **Rain barrels Required:** Yes No

Proof of Taxes: Yes No **Hydrologic Zone:** Basin B. Fringe Homestead Mountain Traditional THC Urban Metro

Owner Acknowledgment or Authorized Representative: Signature: [Signature] **Date:** _____

By signing I acknowledge all information is true and accurate, and I authorize Santa Fe County staff, including County Assessors Office, to conduct necessary inspections on my property as related to this permit application. I agree and I understand that the issuance of any subsequent permits does not prevent the Santa Fe County Fire Prevention Division from requiring additional compliance with the provisions of the Santa Fe County Fire Code as adopted by the Board of County Commissioners.

Type of Permit Issued: _____ **Date:** _____

Approved By: _____ **Date:** _____

Redlines Yes No **Inspections Conducted:** Initial Pre-Final Final **Certificate of Completion** Yes No



**JAMES W. SIEBERT
AND ASSOCIATES, INC.**

915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
jim@jwsiebert.com

November 14, 2014

John Salazar
Building and Development Services
102 Grant Avenue
Santa Fe, NM 87504

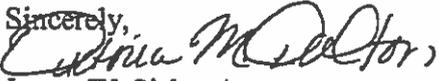
Re: Seizys Ranch Home Occupation Request

Dear Mr. Salazar,

Enclosed with this letter is a home occupation application packet. The operations of the home occupation includes, rescuing and rehabilitating unwanted dogs and rehoming them by means of adoption clinics and media support. There will not be any employees associated with the home occupation other than Heidi and Mike Seizys. There is access to a fenced area outside of the home by means of two doggie doors. The dogs are able to go in and out of the house at their leisure and are kept indoors in the evening hours. There are up to thirty dogs on the premises at a time with five of the dogs being personal pets to Heidi and Mike Seizys. Once the majority of the dogs have been rehomed, there will be no more than fifteen dogs on the premises.

There is no traffic or any type of manufacturing of goods on the premises. Dogs are transported from the home by Heidi and or Mike Seizys.

Sincerely,


James W. Siebert/

Vmd

NBB-12



**JAMES W. SIEBERT
AND ASSOCIATES, INC.**

915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
jim@jwsiebert.com

December 9, 2014

John Salazar
Building and Development Services
102 Grant Avenue
Santa Fe, NM 87504

Re: Seizys Ranch Home Occupation Request

Dear Mr. Salazar,

Enclosed with this letter is a home occupation application packet. The operations of the home occupation includes, rescuing and rehabilitating unwanted dogs and rehoming them by means of adoption clinics and media support. There will not be any employees associated with the home occupation other than Heidi and Mike Seizys. There is access to a fenced area outside of the home by means of two doggie doors. The dogs are able to go in and out of the house at their leisure and are kept indoors in the evening hours. There are up to thirty dogs on the premises at a time with five of the dogs being personal pets to Heidi and Mike Seizys.

There is no traffic or any type of manufacturing of goods on the premises. Dogs are transported from the home by Heidi and or Mike Seizys.

Sincerely,

James W. Siebert
/Vmd

NBB-13

HOME OCCUPATION APPLICATION PACKET

AS PER THE COUNTY LAND DEVELOPMENT CODE (ARTICLE III, SECTION 3) AND ORDINANCE No. 1992-3 (BUSINESS REGISTRATION & LICENSING) HOME OCCUPATIONS ARE PERMITTED ANYWHERE IN THE COUNTY, PROVIDED THE FOLLOWING STANDARDS HAVE BEEN MET:

- Not more than six (6) persons other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home occupation;
- There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one (1) non-illuminated name plat sign not more than nine square feet in area;
- The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes of its occupants, and not more than 50% of the floor area of the dwelling shall be used in the conduct of the home occupation. Accessory structures which are used as part of the home occupation shall not exceed 50% of the total square footage of the residence;
- The home occupation shall not involve operations or structures not in keeping with the residential character of the neighborhood;
- No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area;
- No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the residential neighborhood area;
- Parking for employees and for customers or clients of the home occupation shall be one (1) parking space per employee plus one (1) per 400 sq. ft. to be used for the home occupation, parking on streets and/or right of way is not allowed;
- The home occupation shall be located on the same lot as the residence;
- Primary sale of goods in connection with the home occupation shall be that which is prepared or produced upon the premises.

ACKNOWLEDGMENT

I hereby acknowledge that I have read the above standards and fully understand what is required of me to operate a home occupation business.

Erickson M. Dalton
Signature

12/9/14
Date



**JAMES W. SIEBERT
AND ASSOCIATES, INC.**

915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
jim@jwsiebert.com

MEMORANDUM

Date: December 9, 2014

To: John Michael Salazar

From: Victoria M. Dalton 

Re: Home Occupation Questionnaire

1. *What are the activities involved?*

Dogs are cared for on the property and are transported by Heidi Seizys to adoption clinics or other placement services for pets. No monies are transferred as this is a non-profit incorporation.

2. *What types of materials and equipment are to be used?*

Dog beds are kept inside and dogs come in through doggie doors, dog bowls and beds are also used. There are not any other types of material used for this purpose.

3. *What procedures are used in conduction your daily business operations?*

Procedures associated with the daily operations are making sure dogs have food and water and attend to them throughout the day. Make sure dogs are always healthy prior to going out to adoption clinics.

4. *Other than members of your family, how many employees will be engaged in the home occupation?*

None.

NBB-15

5. *What is the type of product to be produced, serviced or repaired?*

Not applicable

6. *Will there be any mechanical and/or electrical equipment necessary to the conduct of the Home Occupation? If so, please describe.*

Not Applicable

7. *Describe the amount, location and method of storage of supplies and/or equipment.*

There is not storage of equipment or materials.

8. *Describe the location of parking for the home occupation?*

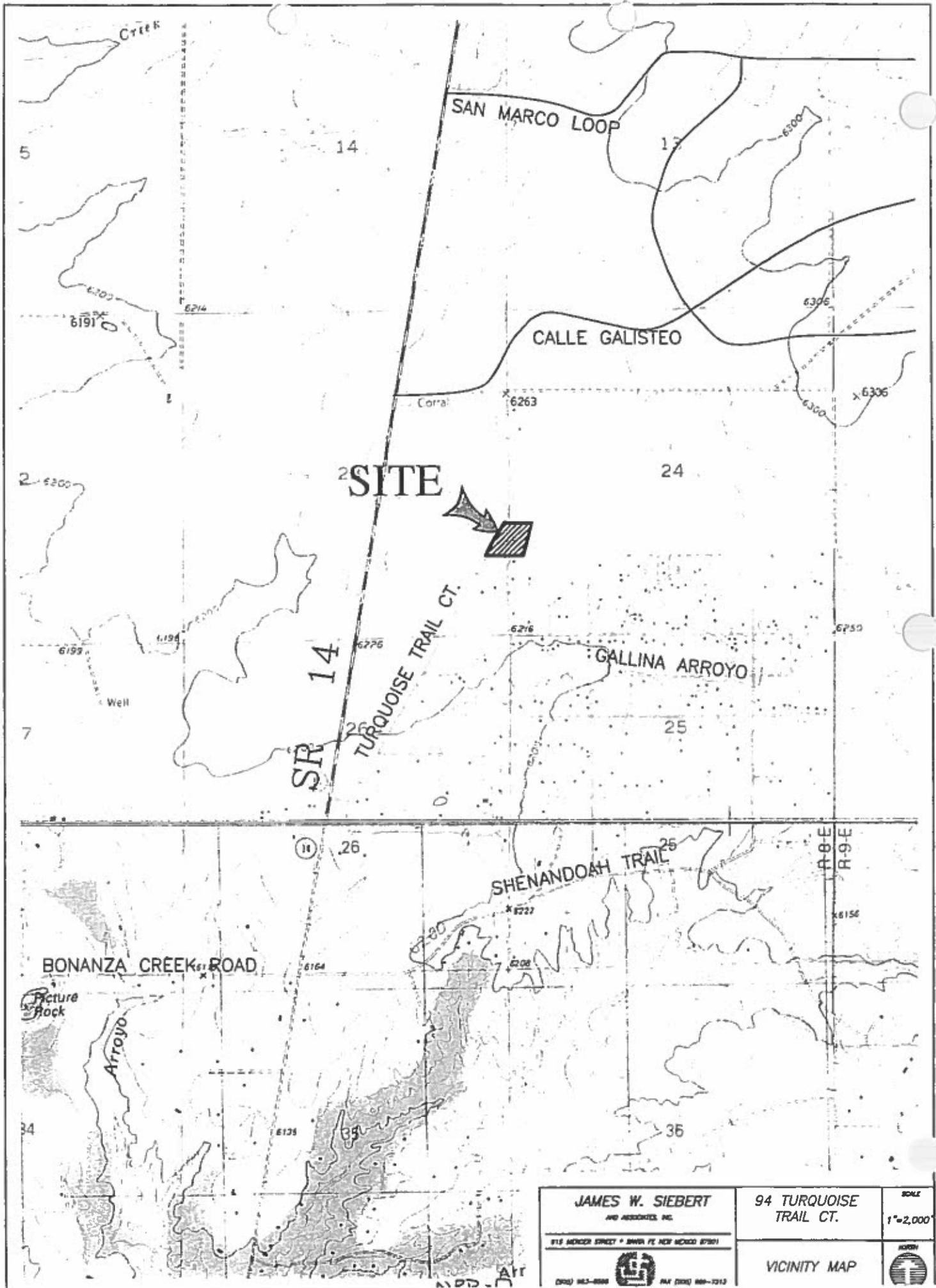
Parking is not needed. The only people on the premises are the occupants.

9. *What type and amount of traffic do you anticipate to be generated per day? Will the business be conducted on an appointment basis?*

There will not be any traffic generated since the dogs are transported off the premises by Heidi Seizys for adoption clinics or trips to the veterinarian.

10. *Will there be a sign posted on the premises? If so, please state size and location.*

There will not be any signs posted on the premises.



JAMES W. SIEBERT
 AND ASSOCIATES, INC.
 815 BENDER STREET • BIRMINGHAM, AL 35201
 (205) 963-8888 FAX (205) 968-1212

94 TURQUOISE TRAIL CT.
 SCALE
 1" = 2,000'
 VICINITY MAP



Return to First American Title Insurance Company
File No. 1540625-SF01 RMT

WARRANTY DEED (Joint Tenants)

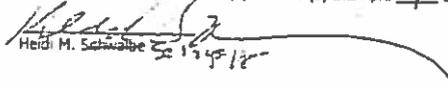
Heidi M. Seizys, fka Heidi M. Schwabe, a married woman, for consideration paid, grant(s) to Michael S. Seizys and Heidi M. Seizys, husband and wife as joint tenants with right of survivorship whose address is 94 Turquoise Trail CT, Santa Fe, NM 87505 as joint tenants the following described real estate in Santa Fe County New Mexico:

TRACT 3, AS SHOWN ON PLAT ENTITLED "PLAT OF SURVEY FOR PATRICK E. SWAN AND TONEY JEAN SWAN TRACTS 3 AND 4 WITHIN SECTIONS 23, T 15 N, R 8 E, N.M.P.M", FILED IN THE OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO ON SEPTEMBER 20, 1994, IN PLAT BOOK 286, PAGE 021, AS DOCUMENT NO. 878,321.

Subject to patent reservations, restrictions, and easements of record and taxes for the year 2011 and subsequent years.

with warranty covenants

WITNESS my/our hand(s) and seal(s) this April 4th 2011.

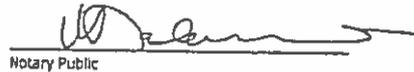

Heidi M. Schwabe *se 13 4 11*

Individual Capacity

State of New Mexico)
County of Santa Fe)

This instrument was acknowledged before me on the April 4th 2011, by Heidi M. Seizys.

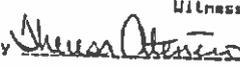
My commission expires 10/8/14


Notary Public



COUNTY OF SANTA FE) WARRANTY DEED
STATE OF NEW MEXICO) ss PAGES: 1

I Hereby Certify That This Instrument Was Filed for Record On The 5TH Day Of April, 2011 at 02:12:10 PM And Was Duly Recorded as Instrument # 1631482 Of The Records Of Santa Fe County

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

WARRANTY DEED

403603

Joe W. Green, a single person

for consideration paid to Patrick E. Swan and Tovey Jean Swan, husband & wife, as joint tenants

whose address is

the following described real estate in Santa Fe

County, New Mexico

A certain tract of land being situate within Sections 23 and 24, Township 15 North, Range 8 East, N.M.P.M. and being more particularly described as follows:

Beginning at the southwest corner of this tract herein described from whence the section corner common to Sections 23, 24, 25 and 26, Township 15 North, Range 8 East, N.M.P.M. bears:

S 89° 06' E 342.00 feet;
S 0° 21' W 1319.44 feet;

thence from said point and place of beginning along the following bearings and distances:

N 30° 17' E 611.00 feet;
S 89° 34' E 457.41 feet;
S 16° 20' W 552.32 feet;
N 89° 06' W 610.25 feet,

to the point and place of beginning. Being and intended to be Tract 3, as shown on plat of survey by Joe D. Trujillo, entitled Survey for Joe W. Green and Char Vasquez... Santa Fe County, New Mexico.

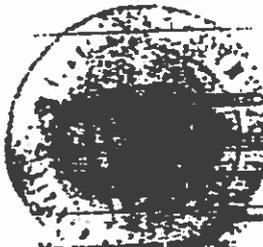
SUBJECT TO: Restrictions, reservations, easements of record and taxes for 1980 and subsequent years.

SUBJECT TO: Mortgage dated August 16, 1978 in favor of Santa Fe National Bank, recorded August 18, 1978 in Book 283, page 80. with warranty covenants.

WITNESS MY hand and seal this 31st day of July 1980

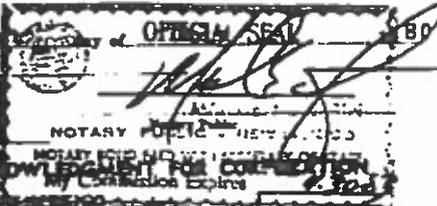
Joe W. Green

Handwritten signature of Joe W. Green



ACKNOWLEDGMENT FOR NATURAL PERSONS

Joe W. Green



CITY OF SANTA FE... OF NEW MEXICO 465,130... by certify that this instrument was... on the 31 day of July 1980... 10:20 o'clock... 403... of the records of Santa Fe County... Witness my Hand and Seal of Office CAROLINA R. GONZALES Clerk, Santa Fe County, N.M. Janet LeBow

STATE OF NEW MEXICO... COUNTY OF... The foregoing instrument was acknowledged before me this day of... by... (Name of Officer)... of... (Name of Corporation Administering... corporation, on behalf of said corporation... NOTARY PUBLIC... NOTARY SEAL... EXPIRES...

NBB-19

SFC CLERK RECORDED 01/17/2007

SPECIAL MASTER'S DEED

THIS SPECIAL MASTER'S DEED executed by Robert A. Doyle, hereinafter referred to as Grantor, in favor of Bank of New York as trustee for the certificateholders of CWABS 2004-BC1, 400 Countrywide Way, Simi Valley, California 93065-6298, hereinafter referred to as Grantee.

WITNESSETH:

1. The Grantor has been appointed Special Master by the FIRST JUDICIAL DISTRICT OF NEW MEXICO Judicial District Court of Santa Fe County, New Mexico, in an action entitled Bank of New York as trustee for the certificateholders of CWABS 2004-BC1, Plaintiff, v. Frank Pacheco, et al., Defendant(s), being Cause No. D0101CV200600623, on the docket of said Court. Pursuant to the Judgment and Decree of Foreclosure entered October 17, 2006, the Grantor has given notice of sale and has held a sale and made due report thereof to the Court. Sale was made on November 28, 2006, at 10:00 A.M., in accordance with the notice of sale, and the highest and best bidder at said sale, who bid the amount of \$225,000.00 was the Grantee herein named. In accordance with the directions of the Court, the Grantor has executed and delivered this present deed.

2. In consideration of the premises and for consideration paid, the Grantor grants to the Grantee all of the right, title, and interest of the parties foreclosed in said cause in and to the following described real property located in Santa Fe County, New Mexico, to wit:

Tract Three (3), as shown on plat entitled "Plat of Survey for Patrick E. Swan and Toney Jean Swan Tracts 3 and 4 within Sections 23 and 24, T 15 N, R 8 E, N.M.P.M...", filed in the office of the County Clerk, Santa Fe County, New Mexico on September 20, 1994, in Plat Book 286, page 021, as Document No. 878,321.

Known as 94 Turquoise Trail Court, Santa Fe, NM 87508, together with all improvements affixed thereto, and subject to rights of redemption and liens, reservations, restrictions, rights, assessments, and easements of record.

FNT 4006717 JH



COUNTY OF SANTA FE) SPECIAL MASTERS DEED
STATE OF NEW MEXICO) ss PAGES: 2

I Hereby Certify That This Instrument Was Filed for record On The 17TH Day Of January, A.D., 2007 at 08:33 and Was Duly Recorded as Instrument # 1467164 in The Records Of Santa Fe County

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

NBB-21

WARRANTY DEED

Eli A. Martinez, Jr. and Sheri L. Martinez, husband and wife as joint tenants, for consideration paid, grant to Frank Pacheco and Anna Marie Pacheco, husband and wife as joint tenants whose address is 94 Turquoise Trail, Santa Fe, NM 87507, the following described real estate in Santa Fe County, New Mexico:

Tract Three (3), as shown on plat entitled "Plat of Survey for Patrick E. Swan and Toney Jean Swan Tracts 3 and 4 within Sections 23 and 24, T 15 N, R 8 E, N.M.P.M...", filed in the office of the County Clerk, Santa Fe County, New Mexico on September 20, 1994, in Plat Book 286, page 021, as Document No. 878,321.

Subject to patent reservations, restrictions, and easements of record and taxes for the year 2003 and subsequent years.

with warranty covenants.

WITNESS our hands and seal this October 29, 2003.

Eli A. Martinez Jr.
Eli A. Martinez Jr.
Sheri L. Martinez
Sheri L. Martinez

Individual Capacity

State of New Mexico)
County of Santa Fe)

This instrument was acknowledged before me on the October 29, 2003, by Eli A. Martinez, Jr. and Sheri L. Martinez.

My commission expires: 2/17/2006

[Signature]
Notary Public



COUNTY OF SANTA FE 1298 } 830
STATE OF NEW MEXICO }
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD ON THE 31 DAY OF Oct A.D.
20 03 AT 11:00 O'CLOCK AM
AND WAS FULLY RECORDED IN BOOK 287
PAGE 177 OF THE RECORDS OF
SANTA FE COUNTY
WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.
Frank Bellas
DEPUTY

WARRANTY DEED

1775663

Ronald O. Moore and Jacqueline O. Moore, husband and wife
for consideration paid, grant to
Eli A. Martinez Jr. and Sheri L. Martinez, husband and wife, as Joint Tenants
whose address is 1524 Cochiti Street, Santa Fe, New Mexico 87505-3807
the following described real estate in Santa Fe County, New Mexico:

Tract Three (3), as shown on plat entitled "Plat of Survey for Patrick E. Swan and Tony Jean Swan Tracts 3 and 4
within Sections 23 and 24, T15N, R8E, N.M.P.M...", filed in the office of the County Clerk, Santa Fe County, New
Mexico on September 20, 1994, in Plat Book 286, page 021, as Document No. 878,321.

Subject to: Reservations, restrictions and easements of record and taxes for the year 2000 and thereafter.
with warranty covenants.

Witness my hand this 10th day of June, 2000.

Two horizontal lines for signature.

Handwritten signatures of Ronald O. Moore and Jacqueline O. Moore.

ACKNOWLEDGEMENT FOR NATURAL PERSONS:

State of New Mexico)
) SS.
County of Santa Fe)

This instrument was acknowledged before me on this 10th day of June, 2000, by Ronald O. Moore
and Jacqueline O. Moore.

OFFICIAL SEAL
JoAnn M. Ortega
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires 2-16-2001

Handwritten signature of JoAnn M. Ortega, Notary Public.

ACKNOWLEDGEMENT FOR CORPORATION

State of New Mexico)
) SS.
County of Santa Fe)

This instrument was acknowledged before me on this ___ day of June, 2000, by ___ of ___ a ___ corporation, on
behalf of said corporation.

My commission expires: _____

COUNTY OF SANTA FE 1119, SS 359
STATE OF NEW MEXICO

I hereby certify that this instrument was filed
for record on the 10th day of June, 2000
at 2:49 o'clock P.M.
and was duly recorded in book 1775
page 605 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.

Handwritten signature of Rebecca Bustamante, Deputy County Clerk.



WARRANTY DEED

1258681

Patrick E. Swan and Toney Jean Swan, husband and wife

, for consideration paid, grant to

Ronald O. Moore and Jacqueline O. Moore, husband and wife

whose address is 94 Turquoise Trail, Santa Fe, New Mexico 87505
the following described real estate in Santa Fe

County, New Mexico:

Tract J, as shown and delineated on "Plat of Survey for Patrick E. Swan and Toney Jean Swan Tracts 3 and 4 within sections 23 and 24, T15N, R8E, N.H.P.M., Santa Fe County, New Mexico," filed September 20, 1994 as Document No. 878,321 and recorded in Plat Book 286, page 021, in the Office of the County Clerk, Santa Fe County, New Mexico.

SUBJECT TO: Restrictions, reservations and easements of record.

with warranty covenants.

WITNESS our hand and seal this 1st day of April, 1996.
Patrick E. Swan (Seal) *Toney Jean Swan* (Seal)
Patrick E. Swan (Seal) Toney Jean Swan (Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF New Mexico
COUNTY OF Santa Fe }



acknowledged before me on this 1st day of April, 1996.
by Patrick E. Swan and Toney Jean Swan, husband and wife.
(Name or Names of Person or Persons Acknowledging)

Jan Anderson
Notary Public

FOR RECORDER'S USE ONLY
941-046
COUNTY OF SANTA FE .JSS
STATE OF NEW MEXICO
I hereby certify that this instrument was filed for record on the 3 day of April A.D. 1996 at 3:26 p.m. and was duly recorded in book 1258 page 681 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Jana G. Amador
County Clerk, Santa Fe County, NM
Cherick Martin

ACKNOWLEDGMENT FOR CORPORATION

STATE OF _____ }
COUNTY OF _____ }

This instrument was acknowledged before me on this _____ day of _____, 19____
by _____
of _____
of Corporation Acknowledging
on behalf of said corporation.



NBB-75

WARRANTY DEED

403603

Joe W. Green, a single person

for consideration paid.

to Patrick E. Swan and Tovey Jean Swan, husband & wife, as joint tenants

whose address is

the following described real estate in Santa Fe County, New Mexico.

A certain tract of land being situate within Sections 23 and 24, Township 15 North, Range 8 East, N.M.P.M. and being more particularly described as follows:

Beginning at the southwest corner of this tract herein described from whence the section corner common to Sections 23, 24, 25 and 26, Township 15 North, Range 8 East, N.M.P.M. bears:

S 89° 06' E 342.00 feet;
S 0° 21' W 1319.44 feet;

thence from said point and place of beginning along the following bearings and distances:

N 30° 17' E 611.00 feet;
S 89° 34' E 457.41 feet;
S 16° 20' W 552.32 feet;
N 89° 06' W 610.25 feet.

to the point and place of beginning. Being and intended to be Tract 3, as shown on plat of survey by Joe D. Trujillo, entitled Survey for Joe W. Green and Char Vasquez... Santa Fe County, New Mexico.

SUBJECT TO: Restrictions, reservations, easements of record and taxes for 1980 and subsequent years.

SUBJECT TO: Mortgage dated August 16, 1978 in favor of Santa Fe National Bank, recorded August 18, 1978 in Book 283, page 80. with warrants & covenants.

WITNESS MY hand and seal this 31st day of July 1980

Joe W. Green

(Seal)

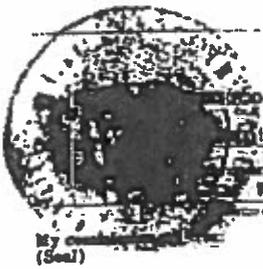
Joe W. Green (Signature)

(Seal)

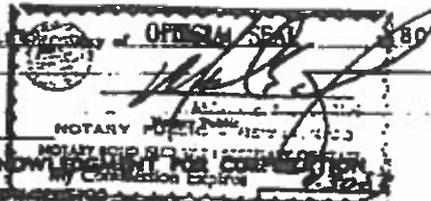
(Seal)

(Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

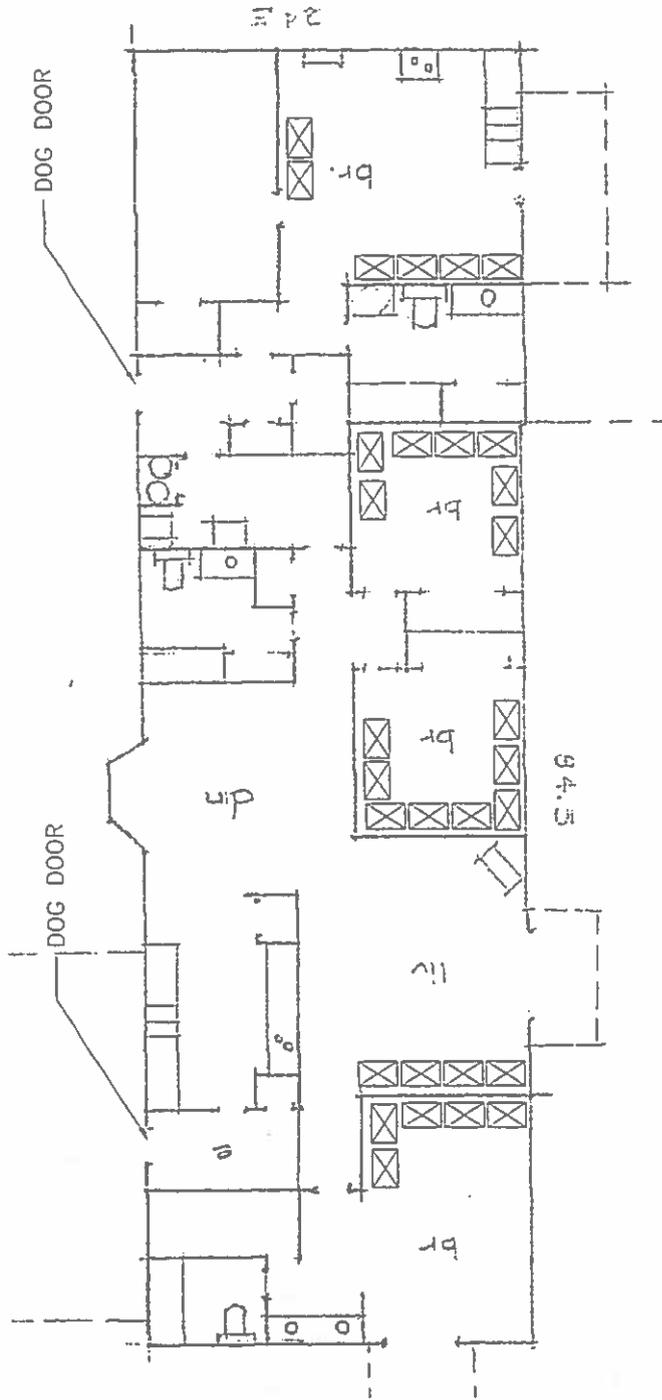


Santa Fe
I, Joe W. Green, was acknowledged before me this 31st day of July 1980.



CITY OF SANTA FE, NEW MEXICO 462130
I hereby certify that this instrument was filed and on the 1st day of Aug 1980 at 10:26 a.m. and was duly recorded in book 403 of the records of Santa Fe County.
Witness my Hand and Seal of Office CAROLINA B. GONZALES, Clerk, Santa Fe County, N.M.
Carolina B. Gonzales (Signature)

STATE OF NEW MEXICO
COUNTY OF
The foregoing instrument was acknowledged before me this day of 19 by (Name of filer) of (Name of Corporation Acknowledged) corporation, on behalf of said corporation.

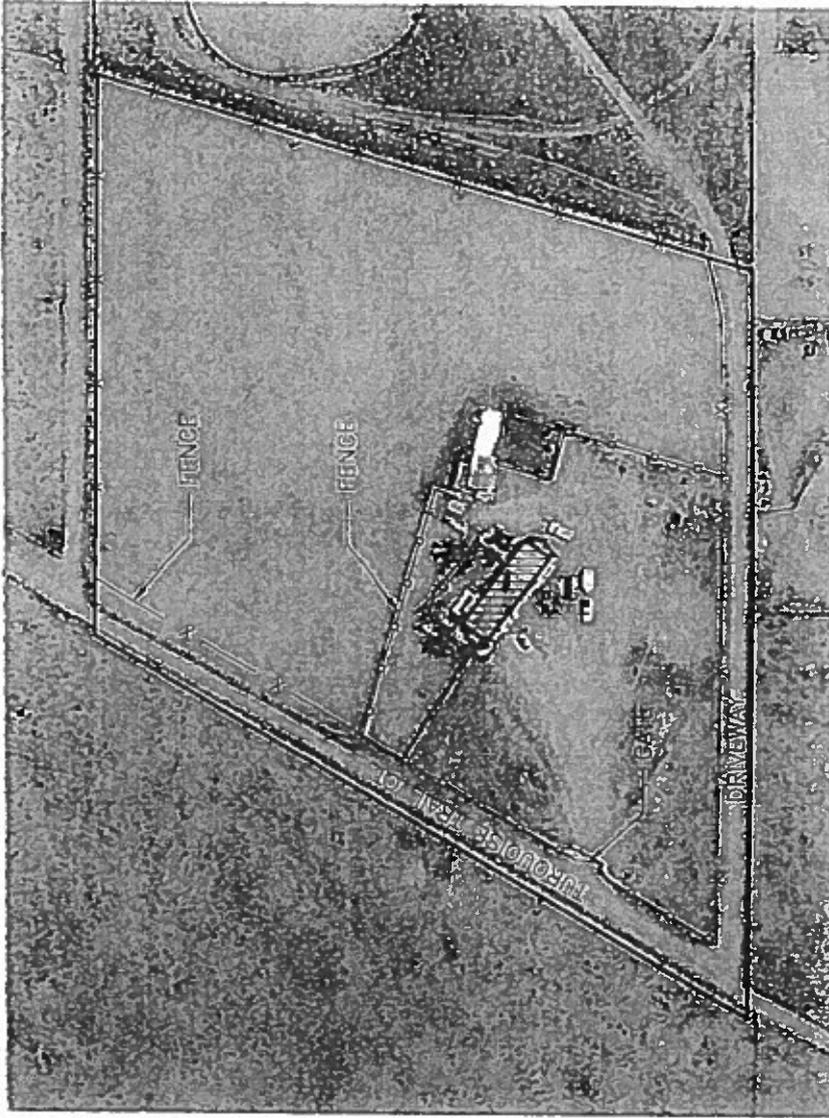


SITE DATA:
 BUILDING: 2,400 SQ. FT.
 ANIMAL AREA: 120 SQ. FT.
 BUSINESS OCCUPATION: 5% OF BUILDING AREA

LEGEND:
 [X] 20'x30" DOG BED

Scale 1" = 8'	SHEETS
FLOOR PLAN	

NBB-27



NBB-28

JAMES W. SHERBERT and Associates, Inc. 1000 W. 10th Street Lawrence, Kansas 66044 Tel: (785) 842-1111 Fax: (785) 842-1112	SKETCHES	Scale 1" = 100'
	SITE PLAN	

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Business Registration Review

Date	12-30-2014		
Project Name	Seizys Ranch Inc.		
Project Location	94 Turquoise Trail Ct. Santa Fe, New Mexico 87508		
Description	Dog Rescue	Case Manager	John Salazar
Applicant Name	Heidi Seizys	County Case #	14-4101
Applicant Address	94 Turquoise Trail Ct	Fire District	Turquoise Trail
	Santa Fe, New Mexico 87508		
Applicant Phone	505-577-5372		

Review Type: Commercial Registration Home Occupancy Business

Project Status: Approved Approved with Conditions Denial

The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated (*Note underlined items*):

Access and Addressing (1997 Uniform Fire Code 901.4.4 & 902.4):

Fire access roads shall not be obstructed in any manner, including customer or delivery parking. Signs may be required to maintain fire access.

Approved building numbers or addresses shall be placed on all buildings in such a position so that they are plainly visible and legible from the street or road fronting the property. These numbers shall contrast with their background and be at least 5 inches in height.

All gates on a public way shall be operable by means of a key or switch, which is located in a Knox Lock entry system, keyed to the Santa Fe County system. Details, information and forms are available from the Fire Prevention Division.

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

July 20, 2015

Heidi Seizys
c/o Jim Seibert
94 Turquoise Trail Ct.
Santa Fe, New Mexico, 87508

Re: Seizys Ranch, Inc. Home Occupation Business Registration

This letter is in response to your request for a Home Occupation Business Registration for Seizys Ranch, Inc. to allow a rescue for unwanted dogs. Staff has reviewed the material submitted on December 9, 2014, which included: letter of intent; acknowledgement of the home occupation criteria; Development Permit Application; Business Registration Application; vicinity map; site plan; and floor plan.

Staff has reviewed your submittal and has found that your request to allow a rescue for up to 25 unwanted dogs will not conform to the Home Occupation performance standard as stated in Article III, Section 3.2 of the Santa Fe County Land Development Code:

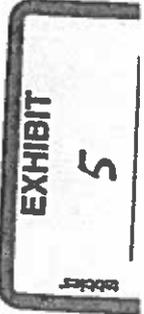
Article III, Section 3.2.2 states: "The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation;"

The dogs will be kept indoors in the evening hours and allowed in and out of the house at their leisure to a large fenced area on the property. This large area where the dogs can roam freely far exceeds 50% of the floor area of the dwelling.

Article III, Section 3.2.3 states: "There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation..." Having 25 dogs, not including your own personal animals, roaming the premises and creating noise will change the outside appearance of the premises and create visible evidence of the conduct of the home occupation.

This Application does not comply with the Home Occupation Performance Standards set forth by Article III, Section 3.2 of the Land Development Code, therefore this request is denied.

Article II, Section 2.3.4b of the Code states: "Any person aggrieved by a decision of the Code Administrator under Section 2.3.1 may file an appeal to the County Development Review Committee within five (5) working days of the date of the Code Administrator's decision. The County Development Review Committee shall hear the appeal within sixty (60) calendar days of the date the appeal is filed. The County Development Review



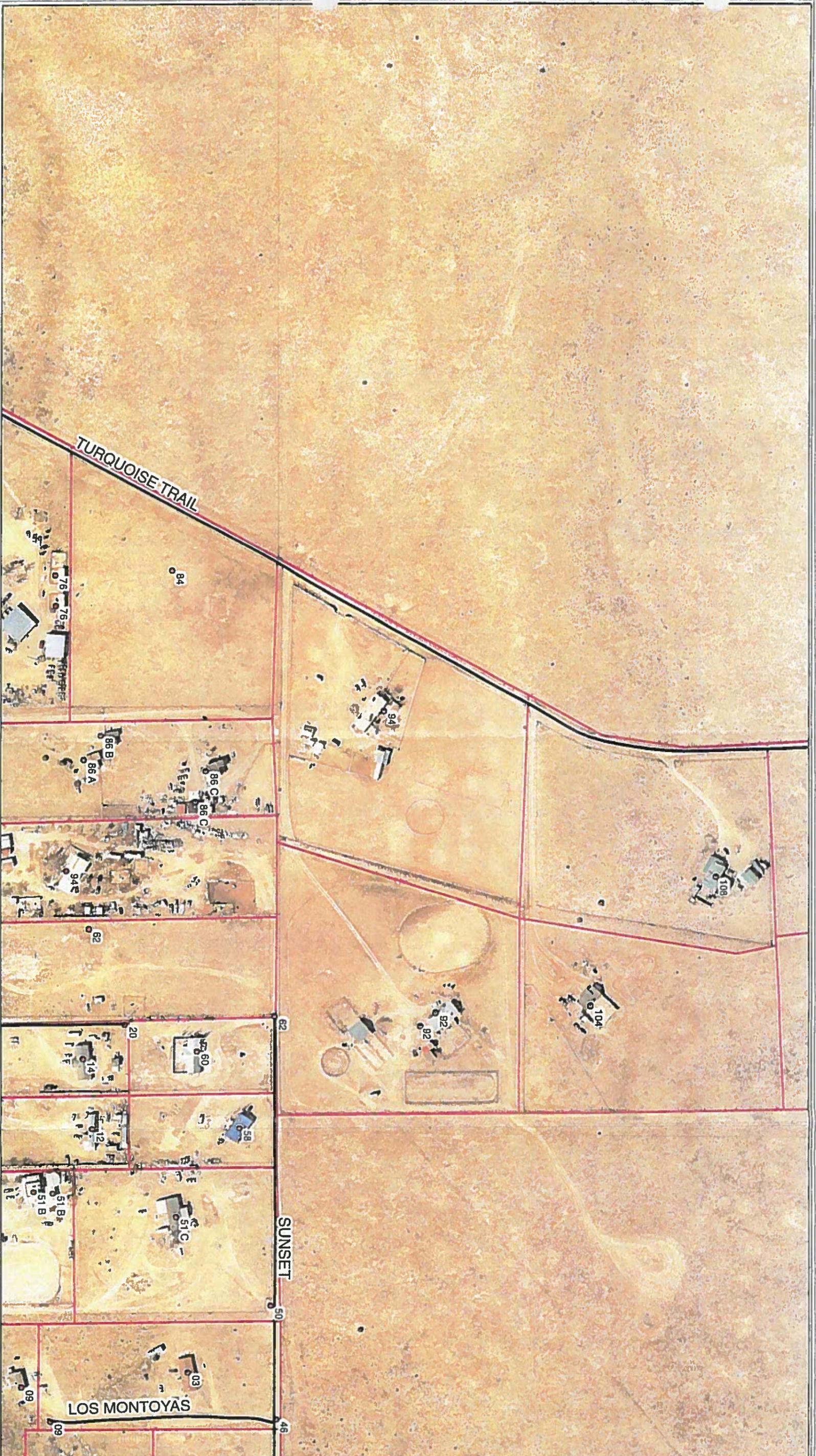
Committee shall make and file its decision approving or disapproving the application or approving the application with conditions or modifications”.

Staff will be happy to meet with you to discuss the appeal process or any concerns or questions you may have. Please do not hesitate to contact this office at 986-6225.

Sincerely,

Penny Ellis-Green
Land Use Administrator
CC:John M. Salazar, Development Review Specialist Senior

NBB-31



Legend

— Roads

▭ PARCELS



1:2,400
1 inch represents 200 feet



NBB-32



2014 Imagery
2 FOOT CONTOURS

This information is for reference only.
Santa Fe County assumes no liability for
errors associated with the use of these data.
User are solely responsible for
confirming data accuracy.



October 8, 2015

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

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 Restricted Delivery Fee (Enclosure Required)

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Amardo Castillo
 86 Cochise W
 Santa Fe, NM 87508

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 City, State, ZIP

Postmark Here

Dennie Esquibel
 76 Turquoise Trail Court
 Santa Fe, NM 87508

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Rancho Viejo Partnership
 5 Bisbee Ct # 101
 Santa Fe, NM 87508

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Dina Marie & Thomas Chavez
 1547 Corta de la Canada
 Santa Fe, NM 87501

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Karin Stevenson
 92 Turquoise Trail Court
 Santa Fe, NM 87508

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 Restricted Delivery Fee (Enclosure Required)

Total Post

Sent to
 Recipient's Apt. or PO Box No.
 City, State, ZIP

Postmark Here

Thomas & Patricia Lon
 104 Turquoise Trail Court
 Santa Fe, NM 87508

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

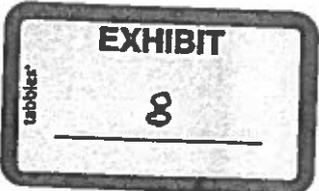
Postage \$
 Certified Fee
 Return Receipt Fee (Enclosure Required)
 Restricted Delivery Fee (Enclosure Required)

Total Post

Sent to
 Recipient's Apt. or PO Box No.
 City, State, ZIP

Postmark Here

Roseanne Gonzales
 PO Box 24437
 Santa Fe, NM 87502



238-34

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
K. STEVENSON

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type Express Mail
 Certified Mail Return Receipt for Merchandise
 Registered Insured Mail G.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7013 0600 0001 8705 6965

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 Print your name and address on the reverse so that we can return the card to you.
 Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Kurin Stevenson
92 Turquoise Trail Court
Santa Fe, NM 87508

2. Article Number
(Transfer from service label)
Seizys Variance

PS Form 3811, February 2004 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type Express Mail
 Certified Mail Return Receipt for Merchandise
 Registered Insured Mail G.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7013 0600 0001 8705 6972

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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1. Article Addressed to:
Dina Marie & Thomas Chavez
1547 Corta de la Canada
Santa Fe, NM 87501

2. Article Number
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Seizys Variance

PS Form 3811, February 2004 Domestic Return Receipt

NBB-35

SANTA FE COUNTY

ORDINANCE NO. 1991-6
ANIMAL CONTROL

ARTICLE 1: GENERAL PROVISIONS

1-1 TITLE AND LEGISLATIVE INTENT

A. This Ordinance shall be known and may be cited as the "Santa Fe County Animal Control Ordinance". The short title to this Ordinance shall be "Animal Control Ordinance." It is the intent of the Board of County Commissioners that enactment of this Ordinance will protect animals from neglect and abuse, protect residents from annoyance and injury, promote the health, safety, and welfare of the residents and animals, assist in providing control of animals, and finance the functions of licensing and recovery of said animals.

1-2 DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words, and derivations shall have the meaning given herein. "Shall" is always mandatory and not merely directory. The masculine includes the feminine. The singular includes the plural, where appropriate.

- A. "Abandonment" means to desert deliberately and/or to relinquish the supervision or care of an animal.
- B. "Alteration" means to render an animal permanently sterile and incapable of reproduction.
- C. "Animal" means any dog, cat or any vertebrate (excluding man).
- D. "Animal Control Division" means that division of the County, or the County's designated contract agent, or both, which is specifically charged with regulating and enforcing laws dealing with animal control within its jurisdiction.
- E. "Animal Control Officer" or "A.C.O." means that person duly appointed to the position by the County Manager or the Sheriff of the County of Santa Fe.
- F. "Animal control shelter" or "shelter" means any pound, lot, premises, kennel or building maintained or utilized by the County for the care and custody of animals.
- G. "Bite" means a puncture or tear of the skin inflicted by the teeth of any animal.
- H. "Domestic livestock" means any of the large or small livestock, including, but not limited to horses, cattle, mules, donkeys, burros, swine, goats, sheep, and fowl, including, but not limited to, chickens, guinea hens, ducks, turkeys, geese, quail, or pigeons.
- I. "Enclosed lot" means any parcel of land or portion thereof in private ownership around the perimeter of which a wall or fence has been erected of such a height and surety so as to retain the species of animal within the bounds for which the fence was erected.
- J. "Estray" means any animal which is off and away from its home unattended and running at large within the County of Santa Fe.
- K. "Exotic animal" means rare or different from ordinary domestic animals and not indigenous to the State of New Mexico, including skunks, llamas, birds of prey, wolf hybrids and the offspring or wild animals cross-bred with domestic dogs and cats but not including parrots, toucans, or other tame and domesticated bird.
- L. "Impound" means the act, by an A.C.O., or Sheriff's deputy, of taking up and confining an animal within a shelter or other facility used by the County for the confinement of said animal.
- M. "Kennel" means any establishment or premises where dogs, cats, or other animals are boarded, bred, kept, bought, sold, traded, let for hire, groomed or trained for a fee.
- N. "Leash" means any chain, leather strap, or cord sufficient to hold under control the animal attached thereto, and shall be no longer than eight (8) feet, or twelve (12) feet for training purposes.
- O. "Neuter" means to render a male animal permanently sterile and incapable of reproduction.
- P. "Owner" means a person who owns, has, keeps, harbors, or knowingly permits an animal to remain in, on, or about his premises.
- Q. "Premises" means a parcel of land owned, leased, rented, or controlled by any person, legal or natural. Such parcel of land may include a structure, and includes such items as kennels, houses, mobile homes, apartments, condominiums, and townhouses which are located on a parcel of land.
- R. "Run at large" means to be free of control beyond an enclosed lot or the premises or vehicle of the owner.
- S. "Spay" means to render a female animal permanently sterile and incapable of reproduction.
- T. "Vaccination" means the protection provided against rabies by inoculation with anti-rabies vaccine recognized and approved by the U.S. Department of Agriculture, Bureau of Animal Industry, and State of New Mexico Rabies Act of 1959, given in amounts sufficient for one year of immunization.
- U. "Vicious animal" means any animal which bites, has bitten, or in any manner attacks or attempts to attack or bite any person within the County, except that any animal that bites, attacks, or attempts to attack or bite when provoked by any person trespassing upon its owner's premises, shall not be deemed a vicious animal. "Vicious animal" also means any animal which, unprovoked, kills or maims any animal owned by a person.
- V. "Wild animal" means any animal or species that in its natural life is wild, dangerous or ferocious and though it may be trained and domesticated, is yet considered by this Ordinance to be dangerous to others and has the potential to injure other animals.

Those animals, however domesticated, shall include but are not limited to:

1. dog family (Canidae), all except domestic dogs, including wolves, foxes, and coyotes;
2. cat family (Felidae) all except the commonly accepted domesticated cats, including lions, pumas, panthers, mountain lions, bobcats and ocelots;
3. bears (Ursidae), including grizzly bears and brown bears;
4. weasels (Mustelidae) all except the commonly accepted domesticated ferrets, including the weasel, marten, mink, wolverine, badger, otter, ermine, and mongoose;
5. raccoon (Procyonidae), including eastern raccoon, desert raccoon and ring-tailed cat;
6. primates (Homidae);
7. porcupines (Erthizontidae);
8. venomous snakes;
9. venomous lizards, alligators and crocodiles;
10. venomous fish and piranha.

ARTICLE: ADMINISTRATION OF ORDINANCE

2-1. ANIMAL CONTROL OFFICERS

- A. The Sheriff of Santa Fe County is responsible for the administration of the provisions of this Ordinance. Powers delegated to the Sheriff may be delegated by the Sheriff to the duly appointed Animal Control Officers as he may deem expedient.
- B. The Sheriff of Santa Fe County shall appoint Animal Control Officers. The Animal Control Officers shall be concerned primarily with the health and safety of the citizens of the County as affected by animals and with the health and safety of animals within the County limits.

2-2 AUTHORITY OF ANIMAL CONTROL OFFICERS; ISSUANCE OF CITATIONS

- A. Santa Fe County Sheriff deputies and Animal Control Officers shall have the authority to issue citations for violations of this Ordinance and state statutes regarding the care and control of animals, whenever there is probable cause to believe there exists a violation of this Ordinance and/or animal care and control statutes, and to perform such other duties as prescribed by the Sheriff of Santa Fe County.
- B. Animal control Officers shall have the authority to investigate upon probable cause any alleged violation of this Ordinance or any law of the State of New Mexico which relates to the care, treatment, and control of animals and to the prevention of cruelty to animals.
- C. Animal Control Officers are authorized to enter onto and inspect premises and animals thereon within the County as necessary to perform their duties. If the

owner or occupant of the premises objects to inspection a warrant shall be obtained from a court of competent jurisdiction prior to inspection, unless there appears to the A.C.O. that probable cause exists of an emergency requiring such inspection. An A.C.O. shall not enter onto the premises of the known owner for the sole purpose of taking up an animal which has been alleged to be running at large by a person who is not an A.C.O. or Sheriff's deputy.

ARTICLE 3: CONTROL AND IMPOUNDING PROCEDURES

3-1 IMPOUNDING OF ANIMALS; NOTICE REQUIRED

- A. The A.C.O. or Sheriff's deputy may take up and impound or cause to be impounded any estray animal found in the County, and any other animal found in violation of this Ordinance or state statute.
- B. As soon as practicable after the date of impoundment the Animal Control Officer shall notify the owner of such impoundment, if the owner of such animal is not already so informed. If the owner is not known or if his address cannot be reasonably determined the A.C.O. has no duty to give notice to the owner.
- C. All violations and fine amounts shall be reported to the shelter custodian upon the animal's impoundment.
- D. No animal that has been impounded may be adopted out for purposes of breeding or sale.

3-2 IMPOUNDING ESTRAYS; NOTICE REQUIRED; REDEEMING ANIMALS

- A. Notice
 1. No person shall, without knowledge or consent of the owner, hold or retain possession of any animal of which he is not the owner, for more than twenty-four (24) hours, excluding Saturdays, Sundays, and holidays, when such person has knowledge of or could reasonably discover the owner of such animal, without first reporting the possession of such animal to the owner or, if this cannot be done, to an A.C.O. This provision shall not preempt N.M.S.A. Section 77-14-1, et. seq.
 2. Any person taking up an animal shall give notice of such animal retention to the owner if his identity can be reasonably determined and shall not refuse to immediately surrender such animal to the owner or to an Animal Control Officer upon demand thereof.
- B. If an impounded estray is wearing a license, or bears other identification tags, the animal shall be confined at an appropriate animal shelter pending notification of the owner or authorized agent, for a period of five (5) working days. The day the estray animal is impounded constitutes day one.
- C. Upon notification, an owner or his notarized agent



must. redeem his animal within twenty-four (24) hours. Any animal not claimed by an owner within twenty-four (24) hours following notification shall become the property of Santa Fe County and may be destroyed, impounded or adopted out at the discretion of the Animal Control Division.

- D. Any owner who claims an unlicensed animal from the appropriate Animal Control Center must show proof of rabies shots and proof of neutering (when applicable) upon claiming said animal. Such owner may be cited by the A.C.O. and will be required to buy a license from the County before the impounded animal shall be released. If proof of current rabies vaccination cannot be produced, the owner or the impounded animal must purchase a license from the County, must vaccinate the animal within three (3) working days and furnish proof of to the A.C.O.
- E. It shall be the responsibility of an owner to reimburse the county for animal boarding, vaccination, emergency veterinary costs, or other expenses incurred by the County or a shelter a incurred by the under the provisions for any animal legally impounded the animal is of this ordinance, whether or not the animal is redeemed.
- F. The owner of an impounded animal may claim his animal by paying the scheduled fines and impounding fees to the custodian of the shelter, to an A.C.O. or Sheriff's deputy. An owner may elect to pay the fine under protest, request a hearing on the matter by accepting a citation from an A.C.O., appear at an arraignment at Magistrate Court, and participate in a trial on the matter.
- G. If an stray is not wearing a license and bears no other identification tags, the animal shall be impound at an appropriate animal control shelter for four (4) working days. Any animal not claimed or adopted out within four (4) working days, commencing from the first date of impoundment, shall become the property of Santa Fe County and may be destroyed, impounded for an additional period or adopted out, at the discretion of the Animal Control Division.
- H. If an inponded animal is certified by a licensed veterinarian as suffering because of sickness, injury or age, then it may be destroyed, pursuant to Section 3-4 of this Ordinance, after the A.C.O. gives notice or attempts to give notice to the owner.

3-3 IMPOUNDMENT FEES

Impoundment fees, fees required for adoption of an impounded animal, boarding costs and additional fees for the redemption of impounded animals are described in Appendix A.

- A. Impoundment fees are described and set forth in Appendix A.
- B. Fees required for adoption of an impounded animal are described in Appendix A.
- C. Additional fees for impounded animals are described in Appendix A.

3-4 DESTRUCTION OF ANIMALS

- A. If an animal which is impounded under this Section is not redeemed within the specified time period, adopted out, or if it is suffering because of sickness, injury or age as certified by a licensed veterinarian, then it shall be painlessly destroyed under the supervision of a licensed veterinarian by an intravenous or intercardial injection of a dose of barbiturates (sodium pentobarbital), or any other method deemed humane and painless by the Animal Control Division.
- B. Any animal which cannot be brought to an animal shelter because of the inability of an Animal Control Officer to extricate or capture an animal which is, in the opinion of the A.C.O., vicious or infected with any dangerous or incurable disease or in any painfully crippled condition, shall be destroyed by shooting by a Public Safety Officer at the direction of the Animal Control Officer.

3-5 IMPOUNDMENT OF HORSES

- A. If an A.C.O. finds that a horse has been abused by being untreated for serious medical or health problems, or by being seriously underfed to such an extent that its backbone is visible through its skin, then an A.C.O. shall cite the owner under Article 6 of this Ordinance and may, in his discretion, allow a responsible person who is knowledgeable in horse care and able to provide suitable food, water and veterinary care (hereinafter, "caretaker"), while in the presence of the A.C.O., to temporarily take custody of the horse, in order to provide care and maintenance for the horse, provided:
 1. The caretaker shall provide transportation for the horse from the site where the horse is found to the caretaker's premises; and
 2. The caretaker shall provide adequate food, shelter and veterinary care for the horse; and
 3. The caretaker agrees to abide by any court order regarding the custody and ownership of the horse.
- B. The owner of such an abused horse who has been temporarily deprived of the custody of his horse may, at the hearing on the issue of his citation for abuse, petition the Court for the return of his horse. Until such a judicial determination, the horse shall remain in the custody of the caretaker, and the owner be assessed a reasonable fee for the transportation of the horse to the caretaker's premises, plus \$10 per day boarding charge, for each day or part thereof that the horse remains on the caretaker's premises. Such amount can be awarded by a court to the caretaker.
- C. If the owner does not pay all fines and charges, including those imposed by a Court under this Section 3-5, within five (5) days of imposition, then the horse shall be deemed forfeited by the owner, and title and ownership shall vest in the caretaker.

ARTICLE 4: OWNER'S DUTIES**4-1 RABIES VACCINATION**

- A. It is the duty of all persons owning a cat or dog or any members of the canine or feline family which an employee of an animal control shelter or the animal control division is permitted to vaccinate over the age of three, (3) months to have such animal vaccinated against rabies. The rabies vaccination shall be given in amounts sufficient to provide immunity from rabies for one (1) year and be administered by a licensed veterinarian. A certificate or tag from a licensed veterinarian shall be evidence of vaccination. A graduate veterinarian may vaccinate his own dog or cat.
- B. A veterinarian administering any rabies vaccine to any animal shall issue to the owner of the animal a numbered vaccination certificate or tag which shall contain the name and address of the owner of the animal, a description of the animal vaccinated, the date of the vaccination and the expiration date of the period of immunity.
- C. It is unlawful for the owner of any dog, cat, or other members of the canine or feline family to fail to exhibit a certificate or tag of vaccination, upon demand, to any Sheriff's deputy or Animal Control Officer.

4-2 RABID ANIMAL

Any animal that has rabies or shows signs of having rabies, and any animal bitten by another animal afflicted by rabies, or that has been exposed to such a rabid animal, shall be confined at once in a secure place by the owner. A person who knows or has reason to know that any animal is infected with rabies or an unvaccinated animal has been exposed to rabies shall immediately notify an Animal Control Officer of the place where the animal is confined or can be found. The owner of said animal shall surrender said animal to the Animal Control Officer upon demand. The A.C.O. shall then deal with the rabid animal pursuant to state law. A vaccinated animal exposed to rabies may be required to be confined on the owner's premises for a minimum of fourteen (14) days, until it is determined by an A.C.O. that there are no symptoms of rabies.

4-3 ANIMAL BITING A PERSON

- A. The owner of an animal that bites a person and the person bitten by an animal shall both report that occurrence to an Animal Control Officer within twenty-four (24) hours of the occurrence. The owner of an animal that bites a person shall surrender said animal to an Animal Control Officer to impound said animal for a period of observation deemed reasonably necessary by the Animal Control Officer. A vaccinated animal may be confined on its owner's premises during this time of observation.
- B. The owner of the animal shall bear the cost of confinement. The A.C.O. may consent to confinement on the owner's premises, but only if the owner can produce

evidence of a current rabies vaccination at the time the bite was inflicted. The premises where the home confinement is to occur shall be inspected and approved for such purposes by the A.C.O. A person who has custody of an animal that has bitten a person shall immediately notify the Animal Control Officer, if the animal shows signs of sickness, or abnormal behavior.

- C. A physician who renders treatment to a person bitten by an animal shall report the fact that he has rendered such treatment to an Animal Control Officer within twenty-four (24) hours of his first professional attendance to the bite wound. The physician shall report the name, sex, and address of the person bitten as well as the type and location of the bite. The physician shall give the name and address of the owner or the animal that inflicted the bite, if known, and other facts that may assist the Animal Control Officer in ascertaining the immunization status of the animal.

4-4 RESTRAINT OF ANIMALS

- A. All persons owning or having charge, custody, or control of any animal shall keep such animal restrained to prevent damage or harm to people and property. Violation of this Section will subject said owner or keeper to a fine as set forth in Appendix A.
- B. When a dog is off its owner's premises, It must be under leash or under control of the owner. "Control" includes a dog, who responds to sound commands or its owner to come to its owner on command. The owner of a dog shall not allow it to run at large or create a nuisance on another's property, be it public or private, including entering onto lawns, driveways, walk-ways, places of recreation, or amusement parks. The term "nuisance" shall include defecation or urination. Violation of this Section will subject said owner or keeper to a fine as set forth in Appendix A.
- C. Any animal trespassing upon private or public property shall be deemed prima facie not to be under the immediate control of the owner or his designee and the owner shall be in violation of Sections 4-4A and 4-4B, and subject to penalties, pursuant to Appendix A.

4-5 LICENSE REQUIREMENTS

- A. Licensing Required: Any person keeping, harboring, or maintaining any dog over three (3) months of age within the County shall obtain a license from the Animal Control Division for each such dog. The A.C.O. shall keep a record of all licenses issued and shall issue a tag for each license granted. A current rabies vaccination certificate shall be presented at the time of the application for the license. Licenses shall be issued annually, and shall be renewable during the anniversary month of the originally issued license, and shall expire on the last day of the anniversary month.
- B. To encourage the alteration of dogs, the licensing fee for unaltered animals shall be higher than for altered animals.

- C. Affixing Tags: A current license tag or number shall be affixed to the licensed dog at all times and in a reasonable manner.
- D. License Fee Schedule: See Appendix A.
- E. Duplicate (replacement) tag fee: See Appendix A.
- F. Exemptions:
 - (1) Dogs belonging to non-residents, who keep dogs within the confines or the boundaries of the County for less than ninety (90) consecutive days shall be exempt from this Section, provided, however, that all other provisions of this Ordinance are complied with.
 - (2) Guide dogs will be licensed by the County at no charge to the legally blind and/or deaf, or to a handicapped or disabled person who has a current prescription from a licensed physician prescribing such animal use.
- G. Penalty: Any person violating any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished by incarceration and/or by a fine as set forth in Appendix A.

ARTICLE 5: PROHIBITED ACTIVITIES

5-1 DOGS RUNNING AT LARGE

It is unlawful for any owner to allow or permit any dog to run at large. Any dog permitted to run at large in violation of this Section is declared to be a nuisance, a menace to the public health and safety, and may be taken up and impounded as provided in Section 3-1, et seq. In addition, its owner shall be subject, to the penalties set forth in Appendix A.

5-2 ANIMALS ON UNENCLOSED PREMISES; CHAINED ANIMALS

- A. It is unlawful for any person to chain or stake any animal in a cruel or inhumane manner. Where circumstances warrant and no other alternative exists for confining an animal on its owner's property, a rope, cable, or chain may be used to restrain the animal, provided the following criteria are met:
 - 1. The rope, chain, or cable must be affixed to the animal by use of a non-abrasive, comfortably fitted collar or harness.
 - 2. The rope, chain or cable must be at least twelve (12) feet in length unless such length allows the animal to enter onto another's property, in which case the chain shall be no less than eight (8) feet in length. The chain must be unobstructed by objects which might cause the animal to become entangled.
 - 3. The animal must have easy and constant access to adequate shelter, food and potable water.
 - 4. The area where the animal is confined must be kept free of garbage, feces, or other debris which may endanger the animal's health and safety.
 - 5. The area where the animal is confined must be kept

free of insect infestation such as ant hills, wasp nests, flea, tick, and maggot infestations.

- 6. The animal must be tied reasonably near the owner's residence or workplace and must not be left unattended for longer than a twelve (12) hour period.
- B. Invisible fencing. Where an owner maintains an invisible fence, i.e., an electrical device designed to contain animals wearing an appropriate collar within a confined area, which is in operation at all times that a dog is outdoors on the owner's premises, and within the invisible fencing, and where each owner's dog on the premises wears the applicable collar, then the provisions of Section 5-2A shall not apply, provided that the invisible fence does, in fact, retain the dog on the owner's premises.
- C. Violations of these requirements will constitute an act of neglect/cruelty and will subject the animal to immediate impoundment and penalties to the owner as set forth in Appendix A.

5-3 ANIMALS TRANSPORTED OR LEFT IN VEHICLES

It is unlawful for any person to carry any animal in or upon any vehicle in a cruel, inhumane, or unsafe manner. No person shall keep or transport an animal in the bed of a pick-up truck unless the animal is properly restrained in a humane and safe manner to prevent the animal from leaving the confines of the bed of the truck. No person shall leave an animal in a closed vehicle for any length of time reasonably concluded to be dangerous to the health or safety the animal. During hot weather conditions, an A.C.O. or Sheriff's deputy may immediately remove an animal from a vehicle and take it into protective custody, at the cost assessed to the owner. Violations of this Section will constitute an act of cruelty/neglect and will subject the owner to the penalties set forth in Appendix A.

5-4 VICIOUS ANIMALS

It is unlawful for any person to keep or harbor a known vicious animal in the County. Any attack by a vicious animal or any animal displaying traits of a vicious animal may be repelled by the use of reasonable force. After a judicial determination that an animal is vicious, the court having jurisdiction over the enforcement of this Ordinance, upon hearing of such complaint, may, in addition to any fine or imprisonment which may be imposed for violation hereof, order the Animal Control Officer to have such animal destroyed as set forth in Section 3-4 or this Ordinance.

5-5 ANIMAL DISTURBING THE PEACE

- A. It is unlawful for any owner to allow any of his animals to persistently or continuously bark, howl or make noise common to their species or otherwise disturb the peace and quiet of the inhabitants of the County, or to keep or maintain on his premises any animal in such a manner as to disturb others by noxious or offensive odors, or

otherwise endanger the health, safety, and welfare of the inhabitants of the County.

- B. Violations of this Section shall constitute a nuisance and shall subject the owner to the penalties set forth in Appendix A.

5-6 ANIMAL NUISANCES ON SIDEWALKS, PUBLIC PARKS, ALLEYS, AND OTHER PLACES OPEN TO THE PUBLIC

- A. It is unlawful for the owner of any animal to permit, either willfully or through failure to exercise due care or control, any such animal to commit any nuisance upon a sidewalk, or in a public park; or upon the floor or wall or any common wall or any common hall in any multiple dwelling, entryway, stairway, or wall immediately abutting on a public sidewalk; or upon the floor or wall of any theater, shop, store, office building, or other building used in common by the public; or upon any private property other than that of the animal owner. When an animal defecates in a public place, the owner must remove the feces and dispose of it in a sanitary manner. The term nuisance shall include any defecation or urination, destruction of property or disturbing the property of another, including the rubbish or trash of a resident of Santa Fe county.

- B. Violations of this Section shall constitute a nuisance and shall subject the owner to the penalties set forth in Appendix A.

5-7 UNLAWFUL USE OF LICENSE TAG

It is unlawful for any person to remove any license tag from an animal and attach it to another animal. It shall be unlawful for any person to manufacture or cause to be manufactured or to have in his possession or under his control a stolen, counterfeit, or forged animal license tag, rabies vaccination certificate or other form of licensing as required under this Ordinance.

5-8 ANIMALS TRAINED TO ASSIST THE HANDICAPPED ALLOWED IN PUBLIC PLACES

Animals trained to assist the handicapped, including blind or deaf persons, shall be allowed in public places and it shall be unlawful for any person who owns, operates, or maintains any public place of business or conveyance into which the general public is invited to debar or exclude therefrom any animal which has been trained to assist the handicapped, provided such animal, accompanies the handicapped person it was trained to assist.

5-9 WRITTEN COMPLAINT REQUIREMENT

For any alleged violations of this Section 5, an A.C.O. may, require before further action or investigation, complaint to submit, on a form provided by the A.C.O., a written complaint of the alleged Ordinance violation, giving the name and address of the complainant and, if available, or the owner who is in such violation.

ARTICLE 6: CRUELTY TO ANIMALS PROHIBITED

6-1 PHYSICAL ABUSE

It is unlawful for any person to willfully or maliciously kill, beat, sexually abuse, maim, poison, disfigure, burn, or scald any animal, or to attempt to kill or poison any animal that is not a wild animal, except that reasonable force may be employed only to drive off vicious or trespassing animals.

6-2 MOLESTING ANIMALS

It is unlawful for any person to tease, annoy, disturb or molest any animal which is on the property of its owner, or under the control of its owner.

6-3 WORK CRUELTY

It is unlawful for any person to drive or work any animal cruelly.

6-4 CARE AND MAINTENANCE

- A. It is unlawful for any owner of an animal to fail, refuse, or neglect to provide said animal with proper and adequate food, drink, shade, shelter and ventilation. Any animal habitually kept outside shall be provided, by its owner, with a structurally sound, weather-proof enclosure large enough to accommodate the animal in a manner suitable for that species, or other shelters suitable to the species.
- B. An owner must keep the premises where an animal is kept free of garbage, hazardous materials, feces, insect infestation, and other debris which may endanger the animal's health and safety.
- C. An owner must provide an injured or sick animal with adequate veterinary care so as to reduce its suffering.
- D. Violations of this Section of the ordinance are punishable by fines and/or imprisonment as set forth in Appendix A.

6-5 Uncared-for Animals; Abandonment

- A. Whenever an Animal Control Officer finds that any animal is or will be without proper care because of injury, illness, and/or incarceration or as a result of the absence of the owner or person responsible for the care of such animal, the A.C.O. may enter onto the property or premises where said animal is located and (I may take up such animal for protective care; and in the event of sickness or injury of the animal, upon the instruction of a licensed veterinarian, the Animal Control Officer may take such action as called for to prevent undue pain and suffering, including immediate destruction of the animal.
- B. It is unlawful for any person to abandon any animal in the County of Santa Fe.

6-6 INJURY TO ANIMAL BY MOTORISTS

- A. Every operator of a motor vehicle or other self pro-

pelled vehicle upon the streets and ways of the County shall immediately upon hitting, striking, maiming, or running down any animal, give aid as is reasonable to render. In the absence of the owner, said operator shall immediately notify the A.C.O., furnishing sufficient facts relative to the incident to identify the location of the injury, type of animal injured, and name and address of the motorist striking the animal. It is the duty of such operator to remain at or near the scene for a reasonable length of time or until such time as the appropriate authorities arrive, unless permission is granted from those authorities to leave the scene after providing his name, address, and other relevant information as requested by the appropriate authorities. Alternatively, in the absence of the owner, a person may give aid by taking the animal to a licensed veterinarian or to an animal control shelter and notifying an A.C.O.

- B. Any animal struck by a motor vehicle as provided herein shall be deemed an uncared-for animal within the meaning of Section 6-5 above.
- C. Emergency vehicles in the course of emergency duty are excluded from this provision with the exception of reporting the incident.

6-7 KEEPING OF DISEASED OR PAINFULLY CRIPPLED ANIMALS

It is unlawful for any person to have, keep, or harbor any animal which is afflicted with any incurable, or infectious disease or is in any painfully crippling condition, except as hereinafter provided. The Animal Control Officer may impound such diseased or painfully crippled animal in accordance with the provisions of this Ordinance. All such animals impounded may be destroyed humanely as soon thereafter as is practicable. In the case of destruction of such animal, the Animal Control Officer shall be required to give any of the aforesaid notices provided in this Ordinance. This Section shall not be construed to include animals receiving veterinary care.

6-8 ANIMAL FIGHTS

It is unlawful for any person to promote, stage, hold, manage, conduct, carry on, or attend any game, exhibition or contest in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or any other animal.

6-9 BIRDS

It is unlawful for any person to confine any bird unless provisions are made for the proper feeding and the furnishing of water to such bird at intervals not longer than forty-eight (48) hours. No person shall confine any bird in a crate, box, or other enclosure which does not permit each bird confined therein to stand in a naturally erect position.

6-10 FALSE REPORTS PROHIBITED

It is unlawful for any person to make a false report to a Sheriff's deputy or an A.C.O. regarding any animal in dan-

ger or estray or regarding any supposed violation of this Ordinance.

6-11 SCOPE OF SECTION; VIOLATIONS

- A. It is expressly provided that Section 6-1 through 6-8 shall apply equally to domestic livestock, exotic animals, and wild animals in addition to dogs and cats.
- B. Violations of Section 6-1 through 6-11 of this Ordinance are punishable by fines and/or imprisonments as set forth in Appendix A.

6-12 REPEAT OFFENSES

- A. Three or more violations of any one or any combination of Section 6 offenses shall constitute an act of cruelty. A repeat offender shall be deemed guilty of a misdemeanor, punishable by a fine not exceeding \$500.00 and/or imprisonment for period not exceeding six (6) months.
- B. In cases of repeat offenses under this Section 6, an A.C.O. shall have the authority to impound any animal subjected to cruelty, neglect or abandonment. The animal may, not be returned to its owner before a hearing in Magistrate Court if, in the opinion on of the A.C.O., the harm to the animal is severe and likely to recur.
- C. In cases of repeat offenses for animals subjected to cruelty, neglect or abandonment, the A.C.O. may have such animal adopted to another owner, thereby extinguishing all property rights of the existing owner, provided the A.C.O. serves written notice upon the existing owner, informing him of the A.C.O.'s intent to have said animal adopted by another owner, and giving the existing owner three (3) business days to 1) declare his intent to maintain ownership of the animal and to object to the adoption, and 2) pay all impoundment, boarding, and veterinary costs, up to the date of the owner's declaration of intent to maintain his ownership of his animal. This intent must be stated in writing, signed by the animal's owner, and delivered to the Animal shelter keeping the animal. The statement of intent and payment of fees and costs will serve to stop any animal adoption proceedings.

ARTICLE 7: WILD OR EXOTIC ANIMALS; GUARD DOGS

7-1 KEEPING OF WILD OR EXOTIC ANIMALS

- A. No person shall keep an animal of a species prohibited or protected by Title 50, Code of Federal Regulations, or by the State of New Mexico, 17-3-22 NMSA 1978, as amended.
- B. No person shall keep an animal which is wild, vicious dangerous, noxious, or naturally inclined to do harm, except in a zoological park, veterinary hospital, animal shelter, public laboratory, circus, amusement show, educational facility, for which adequate protection devices shall be provided to prevent any animals from escaping

or injuring the public.

- C. Any provisions of this Ordinance to the contrary notwithstanding, no person shall keep a wild or exotic animal in such a manner as to constitute a likelihood of harm to the animal or other animals, to human beings, to the property of human beings, or which constitutes a public or private nuisance.

7-2 LICENSING WILD OR EXOTIC ANIMALS

Any provision of this Ordinance to the contrary notwithstanding, no person shall receive, own, or keep a wild or exotic animal within the limits of the County, without first applying for and receiving from the A.C.O. an annual permit to do so. The applicant must provide evidence of knowledge and facilities for the care and feeding of the animal involved. The Animal Control Officer is permitted to enter the premises of the permittee hereunder at any reasonable time for the purpose of inspection or reinspection to determine compliance with this ordinance. The A.C.O. may deny, revoke, or suspend a permit [or failure to comply with this Section. This permit shall be renewed annually, at a cost set forth in Appendix A.

7-3 ANIMALS USED FOR ENTERTAINMENT

Owners of animals used in exhibits, circuses, rodeos, and animals otherwise used for entertainment purposes must comply with all provisions of this Ordinance.

7-4 GUARD DOGS

Anyone using or keeping a dog for the sole purpose of guarding a property, and neither as a pet nor for hunting uses, must follow the restrictions set forth in Section 7-4, in addition to all other applicable provisions of this Ordinance:

- A. The enclosure surrounding the property protected by a guard dog must be secure at all times so as to prevent the dog from running at large, unless the owner complies with Section 5-2A.
- B. If chained, the animal must be located within 10 feet of the entrance of the building to be guarded and chained in such manner as set forth in Sections 5-2A 1 through 6. (Chained Animals).
- C. The owner of the guard dog shall post warning signs prominently on all sides of the premises and on the entryway to the premises, stating that a guard dog is on the premises.

ARTICLE 8: DEAD ANIMALS

8-1 DISPOSAL

- A. Within twenty-four (24) hours of death of an animal, the owner shall dispose of the carcass by burial at least three (3) feet underground in a suitable location, or by other means approved by an A.C.O.
- B. At his discretion, the A.C.O. is authorized to pick up and dispose of all dead animals immediately upon dis-

covery or notification.

- C. The A.C.O. is not responsible for pick up or disposal of domestic livestock or wild animals, or animals killed on interstate highways, state, or county roads.
- D. At the request of the owner, an A.C.O. may, at his own discretion, given the constraints of County resources, pick up the carcass of dogs and cats weighing less than twenty (20) pounds from the homes of the owners who are residents of the County. The fee for this service is set forth in Appendix A.
- E. An animal carcass picked up under this Section of the Ordinance shall be disposed of by the County in whatever way is determined to be the most feasible to protect the health, safety, and welfare of the residents of the County and in such a manner as to minimize expense to the Animal Control Division and the County.

ARTICLE 9: TAMPERING

9-1 BREAKING INTO ENCLOSURE

Any person who shall in any manner break into or aid, directly or indirectly, in breaking into the enclosure in which any animal is impounded or kept under authority of an A.C.O. or Sheriff's deputy shall be guilty of a petty misdemeanor.

9-2 HINDERING AN A.C.O.

Any person who shall willfully or intentionally hinder or obstruct any Animal Control Officer in the discharge of his official duty under the provisions of this Ordinance shall be guilty of a petty misdemeanor.

ARTICLE 10: REGULATIONS FOR KENNELS, GROOMING PARLORS, PET SHOPS, PET SHELTERS AND HOBBY BREEDERS

10-1 PERMITS; STANDARDS; REVOCATION OF PERMITS

- A. It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one household or upon the premises of any one business property more than ten (10) dogs of licensing age or ten (10) cats unless the owner or person in charge thereof has obtained a permit to operate a kennel from the Animal Control Division.
- B. The cost of obtaining a kennel permit is set forth in Appendix A. Each kennel license must be renewed annually and a new permit fee paid.
- C. No kennel permit shall be issued until an inspection of the kennel by an A.C.O. finds compliance with this Ordinance has been completed.
- D. The A.C.O. is authorized to inspect, at any reasonable hour, any kennel holding a permit to operate. By accepting a kennel permit, the permittee is agreeing to surrender the kennel for inspection at a reasonable time upon

the request of an A.C.O.

- E. All kennels, as defined herein, shall, in addition to the other provisions of this Ordinance, comply with the minimum standards of this Section. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. The following standards must be met:
 - 1. animal enclosures must be provided which allow adequate protection against all weather extremes. Floors of buildings, runs and walls must be constructed with an impervious material to permit proper cleaning and disinfecting.
 - 2. building temperatures shall be maintained at a comfortable level. Adequate ventilation and adequate lighting shall be maintained at all times.
 - 3. each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or tops of cages.
 - 4. cages are to be of material construction that permit adequate cleaning and sanitizing.
 - 5. cages are to be of an impervious, washable material, radiantly heated, and shall have a resting board or some kind of bedding.
 - 6. rooms shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.
 - 7. all animal quarters and rooms are to be kept clean, dry and in a sanitary condition.
 - 8. animal food shall be free from contamination, shall be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition, age, and size of the animal.
 - 9. all animals shall have fresh, potable, water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of a removable type.
- F. Any permit issued pursuant to this Section may be revoked if an A.C.O. has reasonable cause to believe that the standards set forth in this Section are not being met, or if the permittee or the person caring for or having control of the kenneled animals has violated any Section of this Ordinance or is in violation or any zoning, health and safety, or building ordinance relating to the keeping, care or use of any animal.

ARTICLE 11: PENALTY; GRACE PERIOD; RESTITUTION; SAVINGS CLAUSE

11-1 PENALTY CLAUSE

Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and, upon conviction of violating the Ordinance, shall be punished by a fine not exceeding \$500.00 and/or imprisonment for a period not exceeding six (6) months. A person may, in addition to any other penalty, be required to attend an animal

training or care school/classes in the discretion of the Court. Each day this Ordinance is violated shall be considered a separate offense.

11-2 GRACE PERIOD

Any violations existing upon the effective date of this Ordinance have a grace period of thirty (30) days to permit the persons to comply with all provisions herein.

11-3 RESTITUTION

Notwithstanding any of the foregoing, in the event any animal damages property, whether public or private, or causes injury to any person or animal, and such damage or injury is found to have been an element of the violation of any provision of this Ordinance, the Magistrate Court may, at its discretion, require the defendant to make restitution within a reasonable time, to the victim of said damage or injury.

11-4 SAVINGS CLAUSE AND REPEAL PROVISION

If any of these Sections, subsections, sentences, clauses, or phrases of this Ordinance are for any reason found to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not thereby be affected since it is the express intent of the Board of County Commissioners to pass each section, phrase, paragraph, and word separately. Santa Fe County Resolution 1990-8 is hereby unaffected by this Ordinance. Santa Fe County Ordinances 1981-7, 1982-7, 1990-8 and Santa Fe County Resolution 1982-28 are hereby repealed.

11-5 EFFECTIVE DATE

This Ordinance will take effect on April 12, 1991.

APPENDIX A

SCHEDULE OF FEES, FINES AND CHARGES

A. LICENSING

- 1. Unaltered Male\$10.00
- 2. Unaltered Female10.00
- 3. Altered Male3.00
- 4. Altered Female3.00
- 5. Late Penalty/No License and/or Registration10.00
- 6. Duplicate Tags5.00

B. IMPOUNDMENT FEES

- 1. DOGS
 - a. Per offense\$15.00
 - b. Boarding cost (per day) as set by Animal Shelter
- 2. CATS
 - a. Per offense\$10.00
 - b. Boarding cost (per day) as set by Animal Shelter
- 3. OTHER ANIMALS: reasonable impoundment and boarding fees as determined by the A.C.O., depending on the type of animal and care required.

C. PERMIT FEES

- 1. To operate a cat Kennel (per year) \$50.00
- 2. To operate a Kennel able to house 20

- dogs or less50.00
- 3. To operate all other Kennels200.00
- 4. To keep an exotic animal
(per year, up to)200.00
- D. CARCASS REMOVAL
 - 1. Removal of the carcass of a dog or cat, at the
request of the animal's owner.50.00
- E. FINES for VIOLATIONS
 - 1. Running at Large, Trespassing, Nuisance,
Non-Restraint, Disturbing the Peace
 - a. First offense (in a calendar year) .\$.25.00
 - b. Second offense (in a calendar year) .60.00
 - c. Third offense or more
(in a calendar year)100.00
 - 2. Neglect, Care and Maintenance
 - a. First offense50.00
 - b. Second offense (up to)200.00
 - c. Third offense or more (up to)500.00
 - 3. Cruelty
 - a. First offense50.00
 - b. Second offense200.00
 - c. Third offense or more (up to)500.00
 - 4. No Rabies Vaccine15.00
 - 5. All Other Fines (up to)200.00

V. APPROVAL OF MINUTES: September 17, 2015

Member Anaya moved approval and Member Gray seconded. The motion to approve the minutes passed by unanimous voice vote.

VI. NEW BUSINESS

A. CDRC CASE #ACCS 15-5280 Carlos Valles Accessory Structure [TABLED]

B. CDRC CASE # V 15-5220 Heidi Seizys Variance: Michael and Heidi Seizys, Applicant, James Siebert, Agent, request a variance of Article III, § 3.2 (Home Occupation Performance Standards), of the Santa Fe County Land Development Code, Ordinance No. 1996-10 (Code) to allow a dog rescue which exceeds 50 percent of the floor area of the dwelling on 6.52 acres. The property is located at 94 Turquoise Trail Court, within Section 24, Township 15 North, Range 8 East, Commission District 5 [Exhibit 1: Petition to deny the request]

John Salazar, case manager, read the case caption and reviewed the staff report as follows:

“The Applicants are requesting a variance of Article III, § 3.2, Home Occupation Performance Standards of the Code to allow a dog rescue facility which exceeds 50 percent of the floor area of the existing dwelling unit as a home occupation on 6.52-acres.

“The Property is located within a residential area. The neighboring lots range in size from 3.3 acres to 9,331 acres. Rancho Viejo Partnership owns the property to the west of the subject Property, the north and northeast neighboring lots have existing residences and each contain about 5 acres. The property to the east has a residence and the lot is about 6.5 acres. South of the Property is a vacant 4.9 acre property along with two properties with residences each about 3 acres.

“On December 9, 2014, the Applicants applied for a Home Occupation business registration through the Growth Management Department. The Home Occupation application was a requirement made by the County Sheriff's Office Animal Control Services Division. The Applicant initially went into Animal Control Services to obtain licenses for all of the dogs. Due to the number of animals the Applicant wanted to register, Animal Control staff informed her that Santa Fe County Ordinance No. 1991-6 does not allow a property owner to have more than ten dogs. The Applicant informed Animal Control Services that she was running a dog rescue facility. Rescue facilities under Ordinance No. 1991-6 and the Land Development Code are considered kennels that must meet certain minimum standards as outlined in Ordinance No. 1991-6, Article 10-1.



2015/10/15 11:00:00 AM

“Staff has determined that the proper mechanism for this request should be through master plan zoning, preliminary and final development plan as a community service facility.

“Growth Management staff granted the Applicants time to reduce the number of dogs on the property through adoptions however, the number was not reduced. The Applicants were sent a denial letter via certified mail on July 21, 2015 citing Article III, § 3.2.3: “There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation...;” Having 25 dogs, not including your own personal animals, roaming the premises and creating noise will change the outside appearance of the premises and create visible evidence of the conduct of the home occupation.” The Applicant had five days from the date that she signed for the certified letter to appeal the Land Use Administrator’s decision to deny the Home Occupation. An Application to appeal the decision was not received within the allotted time. The Applicants and their Agent decided they would prefer to request a variance to the Home Occupation Standards rather than appeal the Land Use Administrator’s decision as they prefer not to reduce the amount of square footage initially proposed which virtually includes a majority of the residence.

“The Agent states the Applicants rescue dogs from animal shelters that put the dogs to sleep if they are not timely adopted. She is trying to give these dogs a second chance. The Applicants keep all the dog’s vaccinations up to date and ensure all of the dogs are spayed and neutered. There are currently 20 dogs under the care of the Applicants. The Applicants allow the dogs to go in and out of the 2,400 square foot residence. The dogs have a 12,700 square foot yard they access directly from the residence via two doggie doors. The dog yard is screened by a number of trees and the Agent indicates that it is not visible to neighboring properties. The Applicants state that clients do not come to the property but instead they take the dogs to various adoption clinics. Staff very recently received a complaint from a few neighbor regarding noise from the dogs.”

Mr. Salazar indicated that the application was submitted on September 10, 2015. Staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request. Staff recommends denial of a variance of Article III, § 3.2 Home Occupation Performance Standards of the Code and require Applicant to go through master plan zoning, preliminary and final development plan as a community service facility. If the decision of the CDRC is to recommend approval of the Applicants’ request, staff recommends the following conditions:

1. The Applicants shall be restricted to a kennel that only allows 20 dogs housed at any time in accordance with the Santa Fe County Animal Control Ordinance 1991-6, § 10.1, Appendix A (C)(2).
2. The home occupation area shall not exceed the 15,100 square feet as proposed in the Application for the business.

3. The Applicants shall comply with any standards and/or requirements for ownership and maintenance of a kennel in accordance with the Animal Control Ordinance 1991-6, Section 10.1 (A-F).
4. Per the Fire Marshal's memo the Applicants shall have annual inspections conducted by the Fire Prevention Division.
5. The Applicants shall obtain a Santa Fe County Business License.

Member Gray asked whether the dogs would require County licensing if the applicant's facility was approved. Assistant County Attorney Salazar said the County requires the licensing of all dogs and on her cursory review of the animal ordinance she did not see an exemption.

Chair Katz said the home occupation regulations restrict the business to 50 percent of the residence and in this case the applicant is using a portion of the home and the entire yard which is many, many times of the residence. Mr. Salazar confirmed that was accurate.

If the variance were approved, Chair Katz asked whether the applicant would still require the status of kennel. Mr. Salazar said the applicant would be required to meet Santa Fe County's Animal Control Ordinance kennel standards.

If the applicant proceeded with master plan zoning for a community service, preliminary and final development plan the variance would not be necessary for home occupation standards. Mr. Salazar said the variance serves to subvert the development plan process.

Ms. Lucero said the applicant has stated that they do not want to go through the zoning process and instead are requesting a variance to the home occupation standards.

Chair Katz questioned whether this procedure was futile because the applicant would still have to follow through on the process to become a kennel. Ms. Lucero said the applicant will be required to go through both processes.

Upon review of an aerial photo which did not appear to show any trees shielding the yard area, staff confirmed there were trees although it is not a heavily wooded property.

Mr. Salazar said staff determined that community service facility was the appropriate zoning because in the past there was a dog rescue facility that fell under this zoning.

Duly sworn, Jim Siebert, agent for the applicant, said Ms. Seizys has a serious commitment and passion to take care of these dogs that otherwise would be euthanized. She rescues the dogs and keeps them until they are adopted. There are 20 to 25 dogs on the property. The applicant is willing to abide by all staff conditions which includes housing a maximum of 20 dogs. Mr. Siebert said Ms. Seizys is merely trying to accomplish a good deed.

In response to the Chair's question, Mr. Siebert said some neighbors support the request and some don't.

Heidi Seizys, applicant, was placed under oath, and said she has been working for over a year to comply with Animal Control. She said she has 501(c)(3) status, is a dog rescuer and basically tries to help dogs who would otherwise be euthanized. She works with a number of adoption organizations and participates in adoption events.

Ms. Seizys said she currently works in the evenings and will change her schedule so she is home at night to care for the dogs and reduce the noise. She stated spaying and neutering is an issue and she hopes to make an impact in educating people. All of the dogs are vaccinated and roam half of her property. Her dogs come from high-kill shelters throughout New Mexico. Most of Santa Fe's rescue dogs are gathered from around the state.

Member Anaya asked about what appeared to be a densely populated property southeast of the applicant. Ms. Seizys identified it as a residence where a few years ago there were three starved horses and some 75 dogs. At this point there are nine cows on the property.

Chair Katz thanked the applicant and recognized the service she was providing. He pointed out that her neighbors may not appreciate the dogs barking.

Duly sworn, Walter Borton, an adjacent neighbor of the applicant said he has had the great opportunity to observe "one of the kindest acts" he has seen. He said he serves on the board of the Assistance Dogs of the West Board and also chairs a homeless agency in Santa Fe. Mr. Borton said he was well acquainted with the needs of our canine and human friends in the state – needs that cannot be met by the funds available through taxes.

Mr. Borton said he has been awakened happily to the sound of donkeys, chickens, geese, turkeys and the dogs and knows those animals are well fed and cared for. He commended the applicant that in the five years he has lived there none of her dogs have escaped. The Seizys are not only good neighbors, stated Mr. Borton, all of their animals are vaccinated and licensed and "they do a wonderful service for us."

Mr. Borton recognized the law and offered that sometimes the application of the law in the face of needs should be considered. He said it should be our public obligation to make it possible for the applicant to continue her service. "I'm proud to be her neighbor," stated Mr. Borton.

Member Anaya asked whether the dogs bark in reaction to the area coyotes and Mr. Borton said the coyote rile up all the dogs in the area. He said it is country living.

Duly sworn, Karin Stevenson, 92 Turquoise Trail Court, distributed a petition with neighbors who disagree that this is a good idea. She said she is a 12-year resident of Turquoise Trail and when she moved in it was a quiet and clean neighborhood. With the arrival of the applicant and the 20+ dogs the neighborhood has changed. She cited land erosion and constant barking of dogs throughout the night. The dogs howl and scream throughout the night. She said she has contacted Ms. Seizys and asked her to help with the erosion caused by over grazing (of the dogs) and to stop the nighttime barking. While the applicant says she will address these issues, she does not.

Ms. Stevenson said she would fight the variance that would grant the applicant the “right to victimize the neighborhood.” She mentioned that she has to wear goggles and a facemask when tending her horses because of sandstorms that she attributed to the applicant’s dogs.

That concluded the public hearing and Chair Katz invited the applicant for final comments. There were none.

Chair Katz acknowledged that sometimes laws are difficult but the laws are there in this situation to protect the neighbors. As wonderful as her service is, it is being inflicted unwillingly on the neighbors.

Member Anaya moved to deny the variance request of CDRC Case V#15-5220. Member Grey seconded and the motion passed by unanimous [5-0] voice vote.

Mr. Salazar noted that the CDRC recommendation will be forwarded to the BCC for action at its December meeting.

- C. **CDRC CASE #Z/P&FDP/V 15-5210 28 Main Street Master Plan/Preliminary/Final Development Plan/Variance.** Patrick and Kelly Torres, Applicants, request Master Plan Zoning, and Preliminary and Final Development Plan approval to allow a 1,211 square foot restaurant within a 3,257 square foot structure with the remaining 2,046 square feet to remain as residential use on a 0.656-acre tract. This request also includes a variance of Ordinance No. 2008-4 (Rainwater Catchment Systems), so the Applicants will not have to construct a rainwater harvesting system. The property is located at 28 Main Street within the Los Cerrillos Traditional Community, within Section 17, Township 14 North, Range 8 East, Commission District 3

Mr. Salazar read the case caption and reviewed the staff report as follows:

“The subject property falls within the Los Cerrillos Commercial District of the Los Cerrillos Traditional Community Zoning District, Ordinance No. 2006-11. Restaurants are a permitted use within this commercial district as Ordinance No. 2006-11 refers to Article III, § 4.3.2 of the Code as to which kind of uses are allowed in a local or small scale district.

“The structure was built around 1890 and there have been multiple commercial uses on the property including a saloon and bar. The Applicant is not proposing any new construction as the saloon area of the existing residence is already in place and they are simply requesting to resume a commercial use which has been utilized off and on over the last 100+ years.

