

**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*

**CASE NO. S15-5040**

**UNIVEST-RANCHO VIEJO (LA ENTRADA PHASE I) PRELIMINARY AND FINAL  
PLAT AND DEVELOPMENT PLAN AMENDMENT  
UNIVEST-RANCHO VIEJO LLC, APPLICANTS  
JAMES W. SIEBERT AND ASSOCIATES, INC. (JAMES W. SIEBERT), AGENT**

**ORDER**

**THIS MATTER** came before the Board of County Commissioners (BCC) for hearing on June 9, 2015, on the Application of Univest-Rancho Viejo LLC, (Applicant) and James W. Siebert (Agent) for a Preliminary Plat, Final Plat, and Development Plan Amendment for the La Entrada Phase 1 residential subdivision for a reduction in the number of lots from 456 to 404, an increase of undeveloped open space from 139.78 acres to 146.36 acres, an increase of developed open space from 5.69 acres to 7.87 acres, and a reduction of private park area from 4.13 acres to 3.94 acres. Additionally, the Applicants request approval for the removal and re-alignment of several roads within the subdivision. The BCC, having reviewed the Application, supplemental materials, staff reports, and having conducted a public hearing, finds that the Application is well taken and should be granted subject to certain conditions, and makes the following findings of fact and conclusions of law:

1. The Applicants request an amendment to the Preliminary Plat, Final Plat, and Development Plan for La Entrada Phase 1 for a reduction in the number of lots from 456 to 404; an increase of developed open space from 139.78 acres to 146.326 acres; an increase of developed

open space from 5.69 acres to 7.87 acres; and a reduction of the private park area from 4.13 acres to 3.94 acres.

2. On March 9, 2006, the Extraterritorial Zoning Commission (EZC) recommended Master Plan approval for Rancho Viejo Village West, a mixed use development consisting of 1,250 residential units and 117,250 sq. ft. of commercial space on 668 acres to be developed in 3 phases within Ranch Viejo.

3. On April 6, 2006, the Community College Development Review Committee (CCDRC) recommended Master Plan Approval for Rancho Viejo Village West.

4. On September 12, 2006, the BCC approved a request for Preliminary Plat, Final Plat, and Development Plan for La Entrada Subdivision Phase 1, which was part of Rancho Viejo Village West, for 456 residential lots with a Commercial Community Center, on 249 acres in accordance with the approved Master Plan and Variance to allow a Cul-de-sac road exceeding 300 feet.

5. On June 10, 2014, the BCC approved the vacation of the platted Archaeological Easement located within La Entrada Phase 1 residential subdivision.

6. On April 16, 2015, the CDRC recommended approval to amend the Preliminary Plat, Final Plat, and Development Plan for La Entrada Phase 1.

7. In support of the Application, the Applicant's agent submitted a letter of request, a development plan report including proof of legal lot of record and proof of ownership, a development plan set of drawings, and survey plat. The Applicant authorized James W. Siebert and Associates, Inc. to act on behalf of Univest-Rancho Viejo LLC in making application for the La Entrada Phase 1 residential subdivision.

8. The project lies within the Village Zone/New Community Center Zone of the

Community College District. Residential Density of Village Zones including any new Community Center, Neighborhood Centers and Neighborhoods contained within the zone is 3.5 dwelling units per acre minimum. The Applicant's proposal is 3.62 dwelling units per acre.

9. Notice requirements were met as per Article II, Section 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 (21) days on the property, beginning on May 19, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on May 19, 2015, as evidenced by a copy of that legal notice contained in the record.

10. The applicable requirements under the Santa Fe County Land Development Code, Santa Fe County Ordinance No. 1996-10, (Code) which governs this amendment are:

a. Article V, Section 5.3.1c Preliminary Plat Procedure, Conformance with Master Plan and Preliminary Development Plan, of the Code states:

A preliminary plat may be submitted for only a phase or portion of the entire project so long as it conforms to the approved master plan and preliminary development plan submitted pursuant to Section 5.2 and 7 of this Section, respectively.

b. Article V, Section 5.3.5.a, Preliminary Plat Approval, states:

Approval or conditional approval of a preliminary plat shall constitute approval of the proposed subdivision design and layout submitted on the preliminary plat, and shall be used as a guide to the preparation of the final plat.

c. Article V, Section 5.4.1.a, Final Plat Procedure, states:

Final plats shall be submitted for Type-I, Type II, Type III, except Type III subdivisions that are subject to review under summary review procedure as set forth in Subsection 5.5 of this Section, and Type IV subdivisions. Following approval or conditional approval of a preliminary plat, and before the expiration of the plat, the subdivider may prepare a final plat in substantial conformity with the approved or conditionally approved preliminary plat. At the discretion of the Code Administrator, preliminary

and final plats may be reviewed for approval simultaneously. Final Plats for subdivisions proposed to be phased shall be submitted as indicated on the phasing schedule submitted with the master plan as specified in Section 5.2 above. The final plat shall comply with the New Mexico Subdivision Act and these regulations.

d. Article V, Section 5.4.4b of the Code states:

The Board shall not deny a final plat if it has previously approved a preliminary plat for the proposed subdivision if: 1) the preliminary plat was approved after July 1, 1996; 2) all preliminary plat conditions have been or are in the process of being met; and 3) it finds the final plat is in substantial compliance with the previously approved preliminary plat.

e. Article V, Section 7.2.1, Final Development Plan, states:

A final development plan conforming to the approved preliminary plan and approved preliminary plat, if required, and containing the same required information shall be submitted. In addition, the final development plan shall show, when applicable, and with appropriate dimensions, the locations and size of buildings, heated floor area of buildings, and minimum building setbacks from lot lines or adjoining streets. Documents to be submitted at this time are: proof of ownership including necessary title documents, articles of incorporation and by-laws of owners' association; required disclosure statements; final engineering plans and time schedule for grading, drainage, and all improvements including roads, water system, sewers, solid waste, utilities; engineering estimates for bonding requirements; development agreements; and final subdivision plats, if required.

11. The lot reduction from 456 lots to 404 lots will decrease the number by 52 lots, and will result in lot sizes ranging from 0.116 to .685 acres. This reduction of lots will increase the undeveloped open space from 139.78 acres to 146.36 acres, an addition of 6.58 acres; the developed open space from 5.69 acres to 7.87 acres, an addition of 2.18 acres. The re-configuration and reduction of lots also results in the reduction of private parks from 4.13 acres to 3.94 acres, a 1.19 decrease.

12. In addition to the lot size changes, the Applicant requests the removal and re-alignment of several roads within the subdivision.

13. The roads to be adjusted are as follows:

- Caminito de Las Rositas
- Via Orilla Dorado
- Avenida Correcaminos
- Via Punto Nuevo
- Calle Ancla
- Camino Ala Libre
- Camino Cerro Escondido

14. The roads to be removed are as follows:

- Rastro Conejo
- Calle Cuervo Negra
- Vuelta Tecolote
- Paseo Girosol
- Alley Circle

15. The Applicant's reasoning for the change to La Entrada Subdivision Phase 1 is, "[d]ue to the reconfiguration of lots and open space, the lots will be easier to sell than previously designed. The proposed reconfiguration meets Code requirements for road circulation and also meets open space Code requirements."

16. At the public hearing before the BCC on June 9, 2015, staff recommended approval of the amendment to the Preliminary Plat, Final Plat, and Development Plan of the La Entrada Phase 1 Subdivision, subject to the following conditions:

- a) The Applicant shall submit a new signage plan for review and approval prior to BCC approval.

- b) Compliance with all conditions of approval of the Master Plan and compliance with the unamended portions of the previous Preliminary Plat, Final Plat, and Development Plan.
- c) The Final Plat and Development Plan must be recorded with the County Clerk's office.
- d) The Applicant must submit proof that the necessary water rights have been transferred to the County.

17. The Applicant was in agreement with all conditions.

18. At the public hearing no one from the public spoke either in support or opposition to the Application.

**WHEREFORE, THE BCC HEREBY APPROVES** subject to the conditions set forth in paragraph 16 above, the Application for the Preliminary Plat, Final Plat, and Development Plan Amendment for La Entrada Phase 1 for the reduction of lots from 456 to 404, an increase of undeveloped open space from 139.78 acres to 146.36 acres, an increase of developed open space from 5.69 acres to 7.87 acres, a reduction of private park area from 4.13 acres to 3.94 acres, and the removal and re-alignment of several roads within the subdivision. The motion to approve passed by unanimous (4-0) voice vote. Commissioner Anaya was not present for this action.

**IT IS SO ORDERED:**

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

**BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

DRAFT

MS. LUCERO: Mr. Chair, Commissioner Chavez, it is actually one of staff's recommended condition. Condition #3.

COMMISSIONER CHAVEZ: Further division of either tract is prohibited. This shall be noted on the plat. Okay. It's there. I apologize for overlooking that. And is the applicant in agreement with those conditions? So there's a motion and a second.

The motion passed by majority [3-2] voice vote with Commissioners Anaya, Chavez and Roybal voting with the motion and Commissioners Holian and Stefanics voting against.

- VIII. B. 7. **CDRC CASE # S 15-5040 Univest-Rancho Viejo (La Entrada Phase I) Preliminary and Final Plat and Development Plan Amendment.** Univest-Rancho Viejo LLC, Applicant, James W. Siebert and Associates, Agent, Request an Amendment of Preliminary Plat, Final Plat, and Development Plan for La Entrada Phase 1. The Request Includes a Reduction in the Number of Lots from 456 to 404, an Increase of Undeveloped Open Space from 139.78 Acres to 146.36 Acres, an Increase of Developed Open Space from 5.69 Acres to 7.87 Acres, and Reduction of Private Park Area from 4.13 Acres to 3.94 Acres. Additionally, Applicant Request's the Removal and Realignment of Several Roads within the Subdivision. The Property is Located North of Rancho Viejo Blvd and West of Avenida del Sur, within the Community College District, within Sections 19 and 20, Township 16 North, Range 9 East (Commission District 5)

VICENTE ARCHULETA (Case Planner): Thank you, Mr. Chair. Univest-Rancho Viejo LLC, applicant, James Siebert and Associates, agent, request an amendment of preliminary plat, final plat, and development plan for La Entrada Phase 1. The request includes a reduction in the number of lots from 456 to 404, an increase of undeveloped open space from 139.78 acres to 146.36 acres, an increase of developed open space from 5.69 acres to 7.87 acres, and reduction of private park area from 4.13 acres to 3.94 acres. Additionally, applicant requests the removal and realignment of several roads within the subdivision. The property is located north of Rancho Viejo Boulevard and west of Avenida del Sur, within the Community College District, within Sections 19 and 20, Township 16 North, Range 9 East.

On April 16, 2015, the CDRC recommended approval to amend the preliminary plat, final plat, and development plan for La Entrada Phase 1, subject to staff conditions by a unanimous 6-0 vote.

The chronological history of the project is as follows: On March 9, 2006, the EZC, Extraterritorial Zoning Commission recommended master plan approval for Rancho Viejo Village West, a mixed-use development consisting of 1,250 residential

units and 117,250 square feet of commercial space on 668 acres to be developed in three phases within Ranch Viejo.

On April 6, 2006, the Community College Development Review Committee recommended Master Plan approval for Rancho Viejo Village West.

On April 11, 2006, the BCC granted master plan approval for Rancho Viejo Village West.

On September 12, 2006, the BCC approved the La Entrada Subdivision Phase 1, which was part of Rancho Viejo Village West, request for preliminary plat, final plat, and development plan of 456 residential lots with a commercial community center, on 249 acres with the approved master plan and variance to permit a cul-de-sac road exceeding 300 feet.

On June 10, 2014, the BCC approved the vacation of the platted archaeological easement located within La Entrada Phase 1 residential subdivision.

The applicant's current request is an amendment to the preliminary plat, final plat, and development plan for La Entrada Phase 1. This request includes a reduction in the number of lots from 456 lots to 404, an increase of undeveloped open space from 139.78 acres to 146.36 acres, an increase of developed open space from 5.69 acres to 7.87 acres, and a reduction of the private park area from 4.13 acres to 3.94 acres.

The lot reduction from 456 to 404 will decrease the number by 52 lots, resulting in lot sizes ranging from 0.116 to .685 acres. This reduction will increase the undeveloped open space from 139.78 acres to 146.36 acres, an addition of 6.58 acres; the developed open space from 5.69 acres to 7.87, an addition of 2.18 acres. This reconfiguration and reduction of lots also results in the reduction of private parks from 4.13 acres to 3.94 acres.

In addition to the lot size changes the applicant requests the removal and realignment of several roads within the subdivision are as follows: The roads that are to be adjusted are Caminito de las Rositas, Via Orilla Dorada, Avenida Correcaminos, Via Punto Nuevo, Calle Ancla, Camino Ala Libre, Camino Cerro Escondido. The roads to be removed are Rastro Conejo, Calle Cuervo Negro, Vuelta Tecolote, Paseo Girasol, Alley Circle.

The applicant's reasoning for the change to La Entrada Subdivision, Phase 1 is due to the configuration of lots and open space the lots will be easier to sell than previously designed. The proposed reconfiguration meets code requirements for road circulation and also meets open space code requirements.

Growth Management staff has reviewed the application for compliance with pertinent code requirements and find the project is in compliance with County code criteria for this type of request.

Staff recommendation: Both the Staff and CDRC recommend approval of the amendment to the preliminary plat, final plat, and development plan of the La Entrada Phase 1 Subdivision for the reduction in the number of lots from 456 to 404, an increase of undeveloped open space from 139.78 acres to 146.36 acres, an increase of developed open space from 5.69 acres to 7.87 acres, and a reduction of private park area from 4.13 acres to 3.94 acres, as well as, the request for the removal and realignment of several roads within the subdivision subject to the following conditions. May I enter those into the record?

DRAFT

COMMISSIONER CHAVEZ: Yes, you may.

[The conditions are as follows:]

- 4 Conclusions  
+ 3 in 5  
out
1. The Applicant shall submit a new signage plan for review and approval prior to BCC approval.
  2. Compliance with all conditions of approval of the Master Plan and compliance with the unamended portions of the previous Preliminary Plat, Final Plat, and Development Plan.
  3. The Final Plat and Development Plan must be recorded with the County Clerk's office.
  4. The Applicant must submit proof that necessary water rights have been transferred to the County.

MR. ARCHULETA: Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: Thank you, Mr. Archuleta. Are there any questions of staff? The applicant is here. Mr. Siebert, do you want to add to staff's presentation at this time?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name is Jim Siebert. My address is 915 Mercer in Santa Fe. What I'd like to do is just very briefly walk you through why we're asking for these particular changes to the plan. It's platted. All of this is what's referred to as La Entrada Phase 1. There is a 1-A; this area here has been improved. This is Rancho Viejo Boulevard and Avenida del Sur here. This area has full infrastructure. There's still building out a few of the lots within Phase 1-A. This is the original Phase 1-B that we're asking for modifications.

This, you may recall, around 2009, Suncorps was the original developer of this property, went bankrupt and it's basically been kind of sitting vacant during that time until this area is fully developed and now they're ready to begin development of this particular property here.

This is the new what's proposed. I've got a little more detail. What they discovered in this phase is that the design resulted in having substantially high retaining walls. They vary anywhere from eight to ten feet. And what this does is it eliminates the needs for those retaining walls that are substantially higher than actually required for a better site design program.

In terms of the actual change itself, the area in yellow is the infrastructure in terms of water and sewer had actually been constructed in the area in yellow. So this was something that was determined and we had to leave in place. The area here is the area that we're actually changing. There was an archeological site here that the County Commission had allowed us to remediate, document and remove and allowed us to do what's called a double-loaded roadway so that we had lots on either side of the roadway, which is a much more efficient layout. And so this area again is realigned and actually gets utilities because there is no underground utilities in this particular area here.

In terms of the changes, this is a description of the changes that are occurring between the approved plat and the one we're proposing today. The area in the dark green here and here is additional open space that we're providing. The reason for that is that these lots have actually gotten smaller. The other thing that has taken place is they have a better understanding of where the market is. These lots are more representative of the

current market place. This area here has been added. It is part of the parkway.

The purpose of this is to avoid some of those retaining walls, some of the slopes that are occurring in this area and take it up in the parkway. This was an existing park, so we're not really adding to it. The bottom line is that we're adding to the open space, we're adding to the park area. The dark area is the area that we're actually taking out of open space. This was the area where the archeological site existed before and has been removed.

This is a description of the trail system. And what – the other thing we've done with this open space is created better linkages to the trail system. This is – the line in orange is actually the trail system that's the County trail system. It's been fully engineered. They're just waiting for money in order to construct it. So we've been able to definitively tie into this particular trail system at four different locations. And with that I will – we're in agreement with all conditions as stated by staff and I'll answer any questions you have.

COMMISSIONER CHAVEZ: Questions of the applicant? Going once, going twice. Thank you, Mr. Siebert. This is a public hearing so I will ask if there are any members of the public that would like to speak in support or speak in opposition to this request. Seeing none, I'll close the public hearing portion of the meeting.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER CHAVEZ: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move for approval with staff conditions.

COMMISSIONER HOLIAN: Second.

COMMISSIONER CHAVEZ: There's a motion with staff recommendations. There's a second. Any further discussion? Seeing none.

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



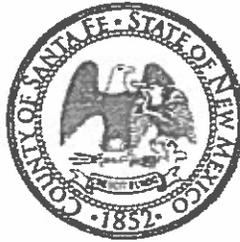




**Henry P. Roybal**  
*Commissioner, District 1*

**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*

**BCC CASE # MIS 13-5051**

**PATRICK CHRISTOPHER AND MARGA FRIBERG APPLICANTS**

**ORDER**

**THIS MATTER** came before the Board of County Commissioners (BCC) for hearing on June 9, 2015, on the Application of Patrick Christopher and Marga Friberg (Applicants) for reconsideration of a condition imposed by the BCC on May 14, 2013, requiring a 0.25 acre feet water restriction for an approved variance of Article III, § 2.4.1a.2.b (Access) of the Santa Fe County Land Development Code, Ordinance No. 1996-10 (Code) and a variance of Article 4, § 4.2 of Ordinance No. 2008-10, Flood Damage and Stormwater Management (Flood Ordinance), to allow the construction of a residence on 14.981 acres. The BCC, having reviewed the Application, supplemental materials, staff reports, and having conducted a public hearing on the request, finds that the Application is not well-taken and should not be granted, but asserts that Applicant shall be granted 0.30 acre feet per year, rather than the requested 0.50 acre feet per year, and makes the following findings of fact and conclusions of law:

The condition the Applicants request the BCC reconsider is:

**Water use shall be restricted to 0.25 acre feet per year. A water meter shall be installed for the proposed home. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office. (As per Article III, § 10.2.2 and Ordinance 2002-13)**

1. The property is located at 250-C Kalitaya Way off Old Buckman Road, within Section 29, Township 19 North, Range 8 East.

2. The notice requirements set forth in Article II § 2.4.2, of the Code were met.

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 April 19, 2015. Additionally, a notice of hearing was published in the legal notice section of the Santa Fe New Mexican on April 21, 2015, as evidenced by a copy of that legal notice contained in the record. All adjacent property owners were given notice of the Application by certified mail.

3. The property is located within the Basin Fringe Hydrologic Zone; minimum lot size per Code is 50 acres per dwelling unit. Lot size can be reduced to 12.5 acres per dwelling unit with 0.25 acre feet signed and recorded water restrictions. The Applicant's lot is 14.981 acres. Therefore, the Code would allow a 0.3 acre feet water restriction.

4. Staff recommended denial of the request for 0.50 acre feet water restrictions and recommended a restriction of 0.30 acre feet per year, instead of the current restriction of 0.25 acre feet per year.

5. The Applicants state the condition imposed by the BCC to limit water use to 0.25 acre feet per year is excessive due to them having consolidated five legal lots of record into one 14.981 acre lot. The Applicants further stated that each lot could potentially have had 0.25 acre feet each for a total of 1.25 acre feet per year, if the lots remained five separate lots. The Applicants requested a water allocation of 0.50 acre feet

per year for the 14.981 acre lot. The Applicant also stated he intended to ask for this water allocation at the time the variance was being requested but neglected to do so.

6. At the June 9, 2015, BCC Public Hearing no one spoke in opposition or in favor of the Application.

**IT IS THEREFORE ORDERED** that the lot is 14.981 acres, which is larger than the minimum lot size of 12.5 acres. Therefore, the lot shall be restricted to 0.30 acre feet per year, instead of 0.25 acre feet per year. The motion to deny the request but impose an new water restriction passed by a 4-1 vote, with Commissioners Stefanics, Holian, Chavez, and Anaya all voting in favor of the motion and Commissioner Roybal voting in opposition to the motion.

**IT IS SO ORDERED.**

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

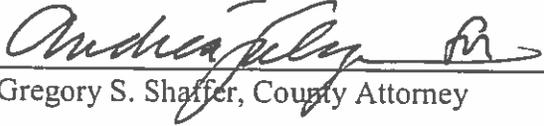
The Board of County Commissioners of Santa Fe County

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

Attest:

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

Approved as to form:

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

CHAIR ANAYA: The CDRC voted 6-0 on this particular case. We didn't have any people in favor or against it. We are on case #6.

COMMISSIONER STEFANICS: I'm sorry. I will move to approve with the conditions.

CHAIR ANAYA: Motion to approve with conditions.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a second from Commissioner Holian. Any further discussion? Seeing none.

The motion passed by unanimous [5-0] voice vote.

- VIII. B. 2. **CDRC CASE # MIS 13-5051 Patrick Christopher and Marga Friberg. Patrick Christopher and Marga Friberg, Applicants, Request Reconsideration of a Condition Imposed by the BCC Requiring a 0.25 Acre Foot Water Restriction for an Approved Variance of Article III, § 2.4.1a.2.B (Access) of the Land Development Code and a Variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to Allow the Construction of a Residence on 14.981 Acres. The Property is Located 250-C Kalitaya Way, within the Vicinity of Buckman, within Section 29, Township 19 North Range 8 East (Commission District 1)**

JOHN LOVATO (Case Planner): Thank you, Mr. Chair and Commissioners. Patrick Christopher and Marga Friberg, applicants, request reconsideration of a condition imposed by the BCC requiring a 0.25 acre-foot water restrictions for an approved variance of Article III, Section 2.4.1a.2.b, Access, of the Land Development Code and a variance of Article 4, Section 4.2 of Ordinance No. 2008-10, Flood Damage and Stormwater Management, to allow the construction of a residence on 14.981 acres. The property is located at 250-C Kalitaya Way off Old Buckman Road, within Section 29, Township 19 North, Range 8 East, Commission District 1.

On May 14, 2013, the BCC approved a variance of Article III, Subsection 2.4.1a.2.b, Access, of the Land Development Code and a variance of Article 4, Section 4.2 of Ordinance No. 2008-10, Flood Damage and Stormwater Management to allow the construction of a residence on property consisting of five lots which total 14.981 acres with staff conditions. The applicants agreed to all conditions which also included a lot consolidation. The lots consisted of 3.84 acres, 3.87 acres and three 2.5-acre lots. The subject properties are part of a subdivision created in the 1940s with the US Government's Small Parcel Act which assisted veterans in acquiring their own property.

The applicants request reconsideration of condition number one imposed by the BCC which states: Water use shall be restricted to 0.25 acre-foot per year. A water meter shall be installed for the proposed home. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office.

The applicants state the condition to limit water use to 0.25 acre-feet per year is excessive due to him having to consolidate five legal lots of record into one 14.981-acre lot. The applicant further states that each lot could have potentially had 0.25 acre-feet each for a total of 1.25 acre-feet per year. The applicant requests a water allocation of 0.50 acre-feet per year for the 14.981-acre lot. The applicant also states he intended to ask for this water allocation at the time the variance was being requested but neglected to do so.

The property lies within the Basin Fringe Hydrologic Zone, and the minimum lot size per Code is 50 acres per dwelling unit. Lot size can be reduced to 12.5 acres per dwelling unit with signed and recorded water restrictions. The lot is 14.981 acres and larger than the minimum lot size of 12.5 acres. Therefore, the lot shall be restricted to 0.30 acre-feet per year.

Staff recommendation: The property is located within the Basin Fringe Hydrologic Zone; minimum lot size per Code is 50 acres per dwelling unit. Lot size can be reduced to 12.5 acres per dwelling unit with 0.25 acre-foot signed and recorded water restrictions. The applicant's lot is 14.981 acres. Therefore, the code would allow a 0.3 acre-foot water restriction. Staff recommends denial of the request for 0.50 acre-foot water restrictions and recommends a restriction of 0.30 acre-foot per year. Thank you, Mr. Chair, I stand for any questions.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian, questions of staff.

COMMISSIONER HOLIAN: Thank you. When was this subdivision created originally?

MR. LOVATO: In the 1940s.

COMMISSIONER HOLIAN: In the 1940s. So that was well before we had the quarter acre-foot restriction.

MR. LOVATO: Mr. Chair, Commissioner Holian, that is correct.

COMMISSIONER HOLIAN: And the way that I understand the quarter acre-foot restriction is it's not a water right tied to the land. It is rather how much water a residence is entitled to. Correct?

MR. LOVATO: Mr. Chair, Commissioner Holian, that is correct.

CHAIR ANAYA: Other questions of staff? Commissioner Chavez.

COMMISSIONER CHAVEZ: I don't have a question of staff but I would concur with staff's recommendation to deny this request and that the applicant would only be allowed the .3 acre-foot, and that that would have to be metered. So that would - my motion would include staff recommendations.

COMMISSIONER HOLIAN: And I will second that and as a comment I will say again, it's because the quarter acre-foot is not a water right that's tied to the land or a lot. Rather it's tied to a residence and so it does make sense to tie the amount of water use that's allowed to the size of the lot, which is what staff is recommending. That's consistent with our current code.

CHAIR ANAYA: Just a question, Commissioner Holian, if you can address it. When you're speaking of the residence, because I know we've had this discussion in recent years, the use of the water on the land is different than the residence itself? Or can you clarify that?

COMMISSIONER HOLIAN: Well, just generally speaking when there's a subdivision created the various residences on each lot are limited to a quarter acre-foot. I think that's very common in the county. There's certain areas in the county where they get a little bit more than that, but generally speaking when a development is created there is a limit of a quarter acre-foot per residence on those lots. And so in this case, even though there were five or six lots that were consolidated they were consolidated to one lot with one residence. And so it is consistent with our code to put that quarter acre-foot limit on that one residence, but in this particular case, the total acreage of the land is a little bit larger, actually than the 12.5 acres, I think. And so they would be just looking at our current code and the way that it's written now, because of that lot size they would be entitled to .3 acre-feet a year.

CHAIR ANAYA: Thank you, Commissioner Holian. So before we go to motions we still have to do a public hearing. So is the applicant here? Let's go to that first. Come forward, sir.

[Duly sworn, Patrick Christopher testified as follows:]

PATRICK CHRISTOPHER: Patrick Christopher, 518 Alto Street, Santa Fe.

CHAIR ANAYA: So, Mr. Christopher, is there anything that you would like to add?

MR. CHRISTOPHER: Yes. It's been a couple of years since I stood here, and I think that the main reason that I'm here for Marga Friberg and myself is more from the point of view that we understand, and we made a great effort to reduce the level of development out here because we had the five lots. We spent about \$1500 so far with the survey work and the lot consolidations, all of that, to really respect the open space and to prevent many multiple dwellings and lots out there.

And in so doing we now have one larger lot of that 14.9 acres. One of the things that unfortunately was never actually talked about with us as the applicants two years ago was what would become of our water rights that the five lots might have had. It wasn't until some time later that we realized, wow, what was approved with us was .25 acres and since we intend to have a small residence, a small guesthouse and a couple of art spaces for a writer's cabin, painter's space, we just want to make sure that in so doing - I'm an architect. My partner's an architect. We wanted to make sure that we weren't giving up so much that we couldn't develop in the way we'd like to creatively.

And so I thought it seemed fair, since we've gone to a lot of trouble to reduce the level of development to ask for .5 acre-feet, to make sure that we really will have the water we need for artists' workshops, our little residence and so forth, and that's why we were requesting that amount.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Christopher, have you considered putting in a water collection system? My husband and I actually live very far off-grid and you're proposing to do, and in fact our entire water supply comes from water collection from our roof. And there are certain advantages to that, actually, that I thought I would at least bring to your attention just in case you might consider that. One is that you don't need water rights. However much you can collect it's yours to use. And also it's clean

water. It's much cleaner than groundwater for sure. It was really nice.

We lived in a place before where we did have a well and we had pretty hard water, and now it's just wonderful to not have those spots on our glasses, and our water faucets never get clogged up and so on. And also, a lot less energy is really required, because pumping water actually does take a fair amount of energy. Now, I forgot whether you were going to be off-grid or whether you're going to –

MR. CHRISTOPHER: It's definitely off the grid, and you're right. We have – we fully intend to have water collection and cisterns on site.

COMMISSIONER HOLIAN: You probably won't even need more than a quarter acre-foot. My husband and I, we only have 2,500 square feet of roof and we have enough water for us and our two horse, and believe me, horses take a fair amount of water. So anyway, I just thought I would point that out.

MR. CHRISTOPHER: I appreciate that, and we're definitely thinking along those lines.

COMMISSIONER HOLIAN: I'm glad to hear that.

MR. CHRISTOPHER: We were just – something about it – it just seemed fairer, in terms of the level of how far we were reaching to reduce the development out there and spending a lot of extra money to do so, and somehow it just seemed fair that we should be left with a little extra in terms of water opportunity. But, I don't know.

COMMISSIONER HOLIAN: Mr. Christopher, would you be willing to settle for the .3 acre-feet a year? That's a little bit more.

MR. CHRISTOPHER: I was happy to hear that they were considering that amount. It's part ways there.

CHAIR ANAYA: If we could, Commissioner Holian, I think Commissioner Stefanics made a good point on the last case. Sorry for the confusion but this is in District 1. What does the Commissioner from District 1, what's your take?

COMMISSIONER ROYBAL: Well, I know that water is tied to – it isn't tied to the land like Commissioner Holian had expressed but I do feel that people, whether – it doesn't really depend on the size of the lot. I don't feel that we should constrict to a point where it's not adequate for every residence. So I personally feel that .5 is actually an amount that I think is okay.

CHAIR ANAYA: Thank you, sir. Do you have anything else you'd like to add?

MR. CHRISTOPHER: No. Thank you for your time, all of you, and your comments.

CHAIR ANAYA: I was going to go to public hearing if I could. Any questions of the applicant? Did you have a question of the applicant, Commissioner? Okay. This is a public hearing. Is there anyone here that would like to speak in favor or against this application? Is there anyone here that would like to speak in favor or against this application? Seeing none, this public hearing is closed. What's the pleasure of the Board?

COMMISSIONER HOLIAN: Mr. Chair. Oh, yes, we already have a motion.

COMMISSIONER CHAVEZ: Yes. And that was for the .25 acre-feet.  
COMMISSIONER HOLIAN: Mr. Chair, I will withdraw my second.

COMMISSIONER CHAVEZ: And I'll defer to Commissioner Roybal,  
Mr. Chair.  
CHAIR ANAYA: Commissioner Roybal.  
COMMISSIONER ROYBAL: I'd like a motion to approve the .5 request  
for water.  
CHAIR ANAYA: I'll second. Any further discussion?

The motion failed by a 2-3 voice vote with Commissioners Anaya and Roybal  
voting in favor and Commissioners Chavez, Holian and Stefanics voting against.

CHAIR ANAYA: Motion fails. What's the pleasure of the Board.  
COMMISSIONER HOLLAN: Mr. Chair.  
CHAIR ANAYA: Commissioner Holian.  
COMMISSIONER HOLLAN: I will move to allow the lot to be restricted to  
.3 acre-feet per year.  
CHAIR ANAYA: There's a motion for .3 acre-feet.  
COMMISSIONER CHAVEZ: Second.  
CHAIR ANAYA: There's a second from Commissioner Chavez. Any  
further discussion? Seeing none.

The motion passed by unanimous [5-0] voice vote.

- VIII. B. 3. **CDRC CASE # V 15-5080 Thomas Ketcheson Variance.**  
**Thomas Ketcheson, Applicant, Requests a Variance of**  
**Ordinance No. 2007-2 Village of Agua Fria Zoning District,**  
**Section 10.6 (Density and Dimension Standards) to Allow Two**  
**Dwelling Units on 2.998 Acres. The Property is Located within**  
**the Agua Fria Low-Density Urban Zone at 1719 Roys Way,**  
**within Section 31, Township 17 North, Range 9 East,**  
**(Commission District 2) [Exhibit 5: Lot Layout]**

MATHEW MARTINEZ (Case Planner): Thank you, Mr. Chair,  
Commissioners. Thomas Ketcheson, applicant, requests a variance of Ordinance No.  
2007-2, Village of Agua Fria Zoning District, Section 10.6, Density and Dimensional  
Standards, to allow two dwelling units on 2.99 acres. The property is located within the  
Agua Fria Low-Density Urban Zone, at 1719 Roys Way within Section 31, Township 17  
North, Range 9 East, Commission District 2.

There are currently two dwelling units and a garage on the property. The applicant  
resides in one dwelling unit, 3,816 square feet – main residence, and the other is occupied  
by tenants, 825 square feet – guesthouse. Staff has found no evidence of development  
permits being issued for this property.

The applicant requests a to allow two dwelling units on 2.99 acres. The applicant  
claims when he purchased the property in 2004 it contained both the single-family home  
and guesthouse. The applicant states he purchased the property with the intent to use the  
guesthouse occasionally, however, current financial circumstances have led him to



